



COVID-19 Update

As the COVID-19 pandemic shifts into a new phase, the rules and regulations surrounding the virus and the workplace continue to evolve. This Employment Alert provides a brief overview of the recent changes to the rules and regulations applicable to New York employers.

Update to New York's COVID-19 Isolation and Quarantine Rules

New York has updated its quarantine and isolation rules for individuals diagnosed with or exposed to COVID-19. New York's amended guidance now follows the most recently updated guidance from the Centers for Disease Control and Prevention ("CDC").

Positive Diagnosis

Under the most recent guidance, an individual who tests positive for COVID-19 must isolate at home for at least 5 days. The timing for the conclusion of isolation depends on the severity of an individual's COVID-19 symptoms:

Severity of Symptoms	Isolation End Date
No symptoms	An individual may end isolation after day 5.
If symptoms are improving	An individual may end isolation after day 5 if they have been fever-free for 24 hours (without the use of fever-reducing medication).
If symptoms are not improving	An individual must continue to isolate until they are fever-free for 24 hours (without the use of fever-reducing medication) and an individual's symptoms are beginning to improve.

Additionally, if an individual had moderate illness (i.e., experienced shortness of breath or difficulty breathing), severe illness (i.e., required hospitalization) or has a weakened immune system, then the individual must continue to isolate through day 10.

After ending isolation, the individual must continue to wear a high quality mask through day 10. The CDC also provides additional guidance for individuals who seek to shorten their masking period: <https://www.cdc.gov/coronavirus/2019-ncov/your-health/isolation.html>.

Exposure

In determining the obligations of someone who is exposed to COVID-19, CDC guidance no longer differentiates between vaccinated and unvaccinated individuals. After being exposed to COVID-19, an individual must wear a mask for a period of 10 days, with day 0 being the day of last exposure. If the exposed individual develops symptoms (i.e., fever, cough, shortness of breath, etc.) they must isolate immediately, get tested, and stay home until they know the results of the positive test.

If symptoms do not develop, the exposed individual must get tested on day 6 (i.e., at least 5 full days after last exposure). Individuals who test negative should continue to wear a high quality mask through day 10. Individuals who test positive must immediately begin to follow the isolation guidance outlined above.

This new guidance represents a significant departure from New York State's previous stance on COVID-19, and substantially impacts companies' payment obligations to employees who are exposed to COVID-19. Employers should immediately review their policies and procedures to ensure their isolation and quarantine procedures are up-to-date.

Updated EEOC COVID-19 Guidance

On July 12, 2022, the Equal Employment Opportunity Commission ("EEOC") updated its guidance relating to COVID-19 and the workplace. Employers should review this new guidance to ensure their policies and procedures related to COVID-19 are still compliant with the guidance.

The most notable update relates to medical examinations in Question A.6. Under previous EEOC guidance, the standard for conducting medical examinations under the Americans with Disabilities Act was met for onsite COVID-19 viral testing. The updated guidance clarifies that moving forward, employers will need to assess whether current pandemic and worksite circumstances justify the viral testing of employees to prevent the workplace transmission of COVID-19.

Please feel free to contact us with questions regarding any of these matters, or if we can assist with any other employment-related issues.

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