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CDC Updates Guidance Regarding Fully Vaccinated Individuals

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***UPDATE: OSHA announced that it is carefully reviewing the CDC's guidance and is in the process of updating its guidance to employers. Until those updates are released, OSHA instructs employers to refer to the CDC's guidance for information on how to protect fully vaccinated employees.

Additionally, Governor Cuomo announced that New York will adopt the CDC's mask and social distancing guidance for fully vaccinated individuals, effective May 19, 2021. Private businesses will retain the right to require masks. Masks will still be required in certain settings, including on public transit. We will continue to monitor and report on further updates.***

On May 13, 2021, the CDC issued important updates to its guidance regarding fully vaccinated individuals. The updated guidance now states that individuals who are "**fully vaccinated**" against COVID-19 (*i.e.*, two weeks have passed from receipt of the second dose in a 2-dose series, or from receipt of a single-dose vaccine) no longer need to wear a mask or practice social distancing in any setting, *except where required by federal, state, or local laws, rules, or regulations*. The CDC's guidance further states that fully vaccinated people can generally refrain from testing and quarantining following exposure to COVID-19, as long as they are asymptomatic. Fully vaccinated individuals with no COVID-19-like symptoms and no known exposure can also be exempted from routine testing, if feasible. By contrast, the CDC guidance states that individuals who are not "fully vaccinated" should continue to take prevention measures.

While the CDC's updated guidance is a welcome development for employers who are reopening offices, employers should continue to carefully consult health and safety standards issued by OSHA and state and local health departments. For example, New York's reopening guidance for office-based employers does not presently distinguish between vaccinated and unvaccinated employees. Earlier today, Governor Cuomo announced that the state is carefully reviewing the CDC's revised guidance and may update its reopening requirements.

We will continue to monitor and report on any important changes to office reopening requirements.

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