

Dispelling Some Myths in Responding to COVID-19 Incidents: Close Contacts, Quarantines, and Tests (and Ignoring the Noise).

Working Together

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As an attorney representing Connecticut employers, I have received numerous calls from clients concerning how to properly respond to COVID-19 incidents. Even now, seven months since the start of the pandemic and four months since Connecticut began to “reopen,” employers are unsure of what is necessary to minimize risk to employees and others. In light of these lingering issues, and some frankly non-compliant behaviors from many of our political leaders, it may be worthwhile to look again at what are considered

“best practices,” specifically in the context of responding to situations where someone has been in “close contact” with a person or persons with COVID-19.

First of all, what are the basic sources of rules? The Centers for Disease Control and Prevention (“CDC”) has developed a raft of guidelines to address responding to possible exposure to COVID-19.

Why does it matter what the CDC says? The State of Connecticut has relied upon the CDC guidelines in developing, *inter alia*, sector guidance and safe workplace rules that must be followed as conditions for employers remaining open. Connecticut’s State Department of Education (“SDE”) has issued guidance for reopening Connecticut schools based upon the CDC guidelines (“Interim Guidance for Responding to COVID-19 Scenarios”; Addendum 5 to SDE “Adapt, Advance, Achieve” reopening guidance); in light of Executive Order 9, the SDE guidance is deemed to be “binding” upon the schools.

What is “close contact” with COVID-19? The CDC and SDE have issued guidance regarding the proper response to situations where an individual has been in “close contact” with a person with COVID-19. For purposes of this guidance, “close contact” is defined by both the CDC and SDE as spending at least 15 minutes within six feet of a person with a **confirmed case of COVID-19**, or a direct exposure to possibly infected droplets of saliva or nasal mucus (e.g., being sneezed or coughed on in the face). The CDC further includes the following circumstances as constituting such “close contact.”

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- providing care at home to someone who is sick with COVID-19;
- having direct physical contact with the person (e.g., hugging or kissing them);
- Sharing eating or drinking utensils.

What is the guidance? If a person does **not** have COVID-19 symptoms, but has had “close contact”, the person should remain in self-quarantine at home for 14 days from the last exposure **if** the person has tested negative (or has not been tested); however, if the person has a positive test but no symptoms, he or she should stay home in quarantine for 10 days after the test. If a person has had both close contact and COVID-19 symptoms, the person (regardless of COVID-19 test results) should stay in self-isolation for at least 10 days since the onset of symptoms **and** until at least 24 hours have passed with no fever (without medications) and with improvement of the other symptoms.

Can persons skip quarantining if they were wearing a mask while they were in close contact with a person with COVID-19? No. Wearing masks may be essential in the fight to control COVID-19, and masks are required to be worn in Connecticut. However, the CDC (and SDE) guidance does not give one a “get out of jail free card” from the quarantine requirements due to the fact that one was wearing a mask when in close contact with a person with COVID-19. The same quarantine requirements still apply.

If persons who have close contact with someone with COVID-19 subsequently have a negative test, can they avoid quarantining? Again, **NO**. This was perhaps the biggest mistake that I heard repeatedly while listening to the news coverage concerning President Trump’s COVID-19 diagnosis. Way too many people treated a negative test as excusing them from quarantining (and in some cases, wearing a mask). Simply put, even if persons test negative for COVID-19 or feel healthy, they should quarantine if they have been in close contact with someone with COVID-19; as noted by the CDC, symptoms may not appear until as many as fourteen days after exposure to the virus. Today’s negative test can become tomorrow’s positive test.

When does a negative test matter? It appears that folks have been conflating “close contact” with a COVID-19 case, and visiting a COVID-19 “hotspot”. But these are two different kettles of fish. As has my colleague, Zachary Zeid has written: <https://workingtogether.pullcomblog.com/archives/putting-employers-back-in-the-drivers-seat-how-the-governors-latest-executive-order-may-restore-connecticut-employers-ability-to-manage-out-of-state-employee-travel/>; Connecticut offers a testing alternative to the usual state 14 day quarantine requirement that is in effect when someone returns from travel from a state that is deemed to be a “hot spot” due a high rate of spread of the virus. Under such circumstances, a traveler is exempt from the self-quarantine requirement if he or she has had a negative (nucleic acid) COVID-19 test in the seventy-two (72) hours prior to arrival in Connecticut, or at any time following arrival in Connecticut. However, if while visiting a hot spot a person was in close contact with someone with COVID-19, then the CDC guidelines for quarantining still control.

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A final word. Unfortunately, in our deeply polarized nation, many of the issues regarding COVID-19 have descended into the abyss that is hyper-partisan politics. Regardless of one's political leanings, it is important to follow the science and the guidelines from those who are believed to be most knowledgeable concerning the COVID-19 pandemic (namely, the CDC). Equally as important, regardless of one's politics, the guidance may have the force of law in Connecticut. Only by following the CDC guidance can our schools and businesses continue to operate.

Pullman & Comley has policy templates and other useful resources available to assist Connecticut schools and employers in considering and implementing their options and navigating the web of executive orders, laws, regulations, and other state and federal guidance related to COVID-19. Please contact our attorneys for assistance.

Posted in Centers for Disease Control (CDC), COVID-19

Tags: CT State Department of Education (CSDE), Masks