

October 2020

Client Advisory

**The CDC Expands the Definition of “Close Contact”
with Substantial Ramifications for the Workplace**

On Wednesday, October 22, 2020, the federal Centers for Disease Control and Prevention (“CDC”) expanded the definition of “close contact” for purposes of determining an exposure to COVID-19. This new definition will have an immediate and important impact for all employers. Specifically, this new definition changes how workplaces (and beyond) should evaluate COVID-19 risks and react when a confirmed case of COVID-19 has been identified.

Whether someone has been in “close contact” with a person infected with the COVID-19 virus has significant ramifications, especially to employers. In the workplace, if an employee who has been present in the workplace tests positive for COVID-19, employers are obligated to notify anyone in “close contact” with that infected employee about the positive test result, and depending on the circumstances, also take steps to ensure that such “close contacts” quarantine and not come into work for an appropriate period of time. Employers also need to notify any customers, visitors or vendors who were in the workplace and were in “close contact” with the infected employee.

Many employers have worked to limit the period of “close contact” so as to protect their workers and guests, and also to avoid a major disruption of operations. The new CDC rule significantly increases the scope of who will be determined to have been in “close contact,” which may mean that employers’ prior steps to limit close contact situations are now insufficient.

Here are the old and new definitions of “close contact”:

- **Old CDC Rule:** “Close contact” is anyone who has been within six feet of a confirmed COVID-19 case for a period of fifteen (15) consecutive minutes.
- **New CDC Rule:** “Close contact” is anyone who has been within six feet of a confirmed COVID-19 case for a total accumulated period of fifteen (15) minutes over the course of any twenty-four (24) hour period.

Employers must now determine if there has been sufficient interaction over the course of a day or shift, where the aggregate time spent (over 24 hours) within six feet adds up to 15 minutes or more. This may not only be difficult to estimate, it also means that a series of brief interactions during a workday can now add up to someone being considered in “close contact.”

This change is critical for employers who have arranged the workplace and performance of duties to limit the duration of time employees spend together to less than 15 consecutive minutes -- now the question is how much time any two employees spend together over the course of an entire twenty-four hour period. Given the difficulty in gauging whether an aggregate of 15 minutes of less-than-six-feet of contact has occurred, the end result of the new CDC rule will be more workers and guests will be considered to have been in “close contact” with a COVID-19 infected person, and greater employer responsibility to notify such individuals of their possible exposure.

If you have questions about how to address the expanded definition of “close contact” and COVID-19 in your workplace, please contact any member of Archer’s [Labor & Employment Group](#) in: Haddonfield, NJ at 856-795-2121, Princeton, NJ at 609-580-3700, Hackensack, NJ at 201-342-6000, Philadelphia, PA at 215-963-3300, or Wilmington, DE at 302-777-4350.

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