

Too Close for Comfort: CDC's Latest Guidance Significantly Expands the Definition of "Close Contact"

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Who Needs to Know

Employers attempting to maintain a safe workplace environment and comply with local and state laws, regulations, and guidance on COVID-19 contact tracing and isolation efforts.

Why It Matters

Due to the constantly evolving CDC guidance related to COVID-19, employers need to stay up to date with the latest guidance and consider limiting its effect by changing workplace policies and operations.

The Centers for Disease Control and Prevention (CDC) recently issued guidance that significantly expands the definition of "close contact" for purposes of COVID-19 contact tracing and quarantining requirements. Previously, the CDC defined "close contact" to include only certain individuals who spent at least **15 consecutive minutes** within six feet of someone with COVID-19. Because this previous definition was in place before the CDC issued its mask guidance, many, including employers, inferred that "close contact" meant contact without any face coverings.

New Definition of "Close Contact"

The CDC's latest guidance defines "close contact" as follows:

*Someone who was within 6 feet of an infected person for a **cumulative total of 15 minutes** or more **over a 24-hour period** starting from 2 days before illness onset (or, for asymptomatic patients, two days prior to test specimen collection) until the time the patient is isolated. (Emphasis added.)*

The CDC also explained that other important factors should be considered for determining "close contact." These include:

- proximity (e.g., closer distance increases exposure risk);
- the duration of exposure (e.g., longer exposure time increases exposure risk);
- whether the infected individual has symptoms or was likely to generate respiratory aerosols (e.g., coughing, singing, shouting); and
- other environmental factors (e.g., crowding, adequacy of ventilation, indoor vs. outdoor exposure).

Notably, the CDC's factor analysis excluded whether the contact wore a face covering. It reasoned that because the "general public has not received training on proper selection and use of respiratory PPE, such as an N95, the determination of close contact should generally be made irrespective of whether the contact was wearing respiratory PPE." Thus, it appears, at least for the time being, that wearing a face covering does not affect whether a close contact has occurred.

Impact on Employers

This new definition of "close contact" has immediate ramifications for employers attempting to maintain a safe workplace environment and comply with local and state laws, regulations, and guidance — all of which will likely adopt this new definition. For example, under the CDC and many state and local guidelines, individuals should quarantine for 14 days after having had a close contact exposure or otherwise having been exposed to COVID-19. With the new definition in place, employers will likely find more "exposures," and, consequently, require more workers to quarantine. Indeed, in a common workplace scenario, where an infected worker interacts with others in the workplace, an employer has the arduous task of taking into account a co-worker who — even when wearing a mask — stopped by the infected worker's office and talked for five minutes on three different occasions during the day. Previously, this loquacious co-worker was not considered a "close contact," and his/her interactions with the infected person did not require a response from the employer under CDC guidelines. Now, many employers may need to inform the co-worker of his/her COVID-19 exposure and ask the employee to quarantine for 14 days.

What Can Employers Do?

In light of the new CDC guidance, employers should consider taking the following steps:

1. Create a COVID-19 response plan, if one does not already exist. (For more information on creating and implementing a COVID-19 response plan, click [here](#));
2. Review existing COVID-19 response plans and policies, incorporate the new definition of "close contact" into contact tracing protocols, and make decisions on who should quarantine after an exposure consistent with the new definition;
3. Review and update social distancing policies to prevent workers from having repeated contact with others in the workplace, even if such contact is brief (e.g., limit frequency of in-person meetings and gatherings);
4. Communicate these changes and the updated definition to all workers and monitor for compliance (e.g., consider using time records showing when workers clocked in and out, surveillance videos, and other technology, such as GPS monitoring apps); and
5. Continue to monitor federal, state, and local laws, regulations, and guidance for any updates following the CDC's expanded definition of "close contact."

Conclusion

We are continuing to monitor and evaluate the potential impact of the latest CDC guidance and will provide further updates, as appropriate. Please contact a [Troutman Pepper Labor and Employment attorney](#) for more guidance specific to your workplace and workforce, and visit the [Troutman Pepper COVID-19 Resource Center](#) and [Navigating Adapted Operations Advisory Series](#) for additional COVID-19-related news and developments.

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