

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

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New York State Updates COVID-19 Quarantine Periods

On Dec. 24, 2021, the New York State Department of Health (NYSDOH) issued updated isolation and quarantine guidance for fully vaccinated healthcare and other essential workers infected with COVID-19, allowing them to return to work after five days of isolation, so long as each worker is asymptomatic, or their symptoms have mostly resolved.

On Dec. 27, 2021, the Centers for Disease Control and Prevention (CDC) issued [updated guidance](#) for isolation and quarantine for the general population, which [New York State also adopted on Jan. 4, 2022](#), replacing its December 24 guidance, with the exception of New York State maintaining a [separate standard for healthcare workers](#). Following is a description of the current quarantine standards for the general population and healthcare workers in New York State.

General Population:

Infected:

- If infected with COVID-19, a person must isolate for five days, where day zero is the day of symptom onset, or (if asymptomatic) the day of collection of a positive test result.
- If an infected individual is asymptomatic at the end of five days, or if symptoms are resolving, they can end isolation and the individual should wear a well-fitting mask around others for an additional five days. Individuals who cannot wear a well-fitting mask around others should continue to follow the standard isolation guidance (10 days).
- Individuals who are moderately or severely immunocompromised should continue to follow the standard isolation guidance (10 days).

Exposed:

- For individuals who are fully vaccinated and boosted (with the booster being at least two weeks before the first date of exposure) or not yet eligible for a booster, no quarantine is required, but these individuals should wear a well-fitting mask while around others for 10 days after the last date of exposure.
- For individuals who are not fully vaccinated, or who are fully vaccinated and eligible for a booster, but have not received the booster, quarantine for five days and wear a well-fitting mask while around others for an additional five days.
- For both sets of individuals, test at day five (if possible) with either a nucleic acid amplification test or an antigen test.
- If symptoms appear for either set of individuals, the individual should immediately quarantine and seek testing. In this scenario, quarantine ends upon a negative test, or upon following the guidance described in the “Infected” section above.

Healthcare Workers:

Work restrictions for healthcare personnel vary based upon the level/severity of staffing shortage that the healthcare entity is facing, designated as “conventional,” “contingency,” or “crisis” levels. Before moving to a “crisis” strategy, the healthcare entity must notify the NYSDOH of its need to do so, with an exception for private medical and dental practices. Protocol for healthcare workers, categorized by designation is as follows.

Conventional Designation:

- Infected:
 - All infected employees, regardless of vaccination status, are to follow the CDC Conventional Guidelines for quarantine, which is either 10 days, or seven days with a negative test, and if the employee is asymptomatic or is mildly asymptomatic with improving symptoms.
- Exposed:
 - Employees who are fully vaccinated and fully boosted do not have any work restrictions, but should test on the second day after exposure, and again between the fifth and the seventh day of exposure.
 - Employees who are either fully vaccinated and not boosted, or not fully vaccinated, are to follow the CDC Conventional Guidelines for Quarantine (10 days, or seven days with a negative test).

Contingency Designation:

- Infected:
 - All employees who are fully vaccinated, regardless of booster status, may follow the NYSDOH Shortened Isolation protocol described in the “General Population” section (five days of isolation, may return after day five if asymptomatic/mildly symptomatic, and wear a well-fitting mask for another five days when around others).
 - All employees who are not fully vaccinated must follow the CDC Conventional Guidelines for Quarantine (10 days, or seven days with a negative test).
- Exposed:
 - Employees who are fully vaccinated and fully boosted have no work restrictions after an exposure.
 - Employees who are fully vaccinated but not boosted, or are not fully vaccinated, also have no work restrictions after an exposure, but must test on days one, two, three and between days five and seven.

Crisis Designation:

- Infected:
 - Facilities which designate a crisis strategy plan must contact the NYSDOH and follow the CDC Crisis Strategies, which allow infected healthcare workers to still return to work during their quarantine period dependent on a variety of factors, as a last resort.

- Exposed:
 - Employees who are fully vaccinated and fully boosted have no work restrictions after an exposure.
 - Employees who are fully vaccinated but not fully boosted, or employees who are not fully vaccinated also do not have any work restrictions, but are expected to test whenever possible, and follow all other standard protocols such as mask wearing, and reporting any symptoms prior to starting work. If a healthcare entity who is in crisis designation is unable to test this group of employees, it must report such to the NYSDOH.

Please note that both the NYSDOH and CDC have indicated that this guidance is interim guidance, and likely will be revised and updated as conditions continue to evolve, and more is learned about the Omicron variant. New York State has also indicated that it will release additional, tailored guidance for certain other special settings, such as schools, higher education and congregate living settings. We will provide additional updates on these areas as they become available.

For any specific questions on this updated guidance, or how the updated guidance impacts the applicability of COVID-19 sick leave, please contact [Travis Talerico](#), any attorney in Bond's [Labor and Employment practice](#) or the Bond attorney with whom you are regularly in contact.

