Insights: Alerts

OSHA Updates COVID-19 Guidance for Fully Vaccinated Workers

AUGUST 18, 2021

Please note: The below information may require updating, including additional clarification, as the COVID-19 pandemic continues to develop. Please monitor our main COVID-19 Resource Center and/or your email for updates.

On Friday, August 13, 2021, OSHA updated its COVID-19 Guidance to complement the CDC's mask and testing recommendations for fully vaccinated people. Echoing the CDC's July 27, 2021 guidance, OSHA urges employers to consider requiring face coverings in indoor work settings, even for fully vaccinated people. The updated guidance from OSHA was issued in the wake of rising levels of COVID-19 infections across the United States attributable to the Delta variant. According to the CDC, preliminary evidence suggests that fully vaccinated people who become infected with the Delta variant can be infectious and spread the virus to others. In an effort to combat the spread of the Delta variant, the CDC has recommended that even fully vaccinated individuals should wear masks in public indoor settings in areas of "substantial or high transmission." (The CDC's chart of area-specific transmission rates is available here.) Currently, the CDC has designated approximately 94% of the country as having either substantial or high transmission rates with almost 84% of U.S. Counties falling under the high transmission rate.

Overall, employers in areas of substantial or high transmission rates are strongly encouraged to require their employees to wear face coverings in indoor work settings, regardless of vaccination status. OSHA has also directed employers to provide face coverings to employees who request them at no cost. Employers should also be aware of any jurisdictional requirements related to providing masks and/or respirators for certain positions. In limited circumstances, employers may also need to provide reasonable accommodations (or at least engage in the interactive process to determine if a reasonable accommodation exists) for any workers who are unable to wear or have difficulty wearing certain types of face coverings due to a disability and/or who may request a religious accommodation.

With respect to vaccinations, OSHA also encourages employers to facilitate vaccinations for their employees. This may take the form of policies that require workers to get vaccinated or undergo COVID-19 testing—in addition to mask wearing and physical distancing if employees remain unvaccinated. If a known exposure to COVID-19 should occur, OSHA recommends that fully-vaccinated workers who have a known exposure to someone with suspected or confirmed COVID-19 should get tested 3-5 days after the exposure and wear a mask in public indoor setting for 14 days or until they receive a negative result. Workers who are not fully vaccinated should be tested immediately after being identified, and if negative, tested again in 5-7 days after the last exposure or immediately if they develop symptoms during quarantine.

In addition to reviewing local guidance and ordinances, employers should consider updating their COVID-19 practices and policies to conform with OSHA's updated guidance and seek the advice of counsel. As with all things COVID-related, we will continue to monitor and update as needed.