

Application of New York's Travel-Related Executive Orders and Guidance

Most building service workers (essential workers) are likely exempt from the mandatory 14-day quarantine requirement of Governor Cuomo's Executive Order governing travel to certain states with elevated positive COVID testing rates. Non-essential employees who voluntarily travel to these states, after the Department of Health has designated them as mandatory quarantine states, are not eligible for paid state leave benefits (though they may be eligible for federal and other leave benefits, if still required to quarantine). Those employees who are non-essential who are returning from vacation or other travel in designated states should be provided with paid leave, under state and federal requirements, if such travel commenced prior to the date the Department of Health Designated the state. More detailed discussion of the applicable Executive Orders and Guidance issued by the State of New York follows.

On June 24, 2020, Governor Cuomo signed Executive Order 205, requiring mandatory quarantine of 14 days for persons entering New York State from any state with a positive COVID test rate greater than 10 per 100,000 residents or 10% of subjects tested, on a rolling seven-day basis. This presently includes the following states: Alabama, Arkansas, Arizona, California, Florida, Georgia Iowa, Idaho, Louisiana, Mississippi, Nevada, North Carolina, South Carolina, Tennessee, Texas, and Utah. The Department of Health will update this list periodically, at: <https://coronavirus.health.ny.gov/covid-19-travel-advisory>.

On June 24, 2020, the Department of Health issued interim guidance on the travel-related quarantine restrictions, available at: https://coronavirus.health.ny.gov/system/files/documents/2020/06/interimguidance_traveladvisory.pdf. The Interim guidance exempts essential employees, such as building service workers, who are returning to long-term employment under the following conditions:

- Essential workers should seek diagnostic testing for COVID-19 as soon as possible upon arrival (within 24 hours) to ensure they are not positive.
- Essential workers should monitor temperature and signs of symptoms, wear a face covering when in public, maintain social distancing, clean, and disinfect workspaces for a minimum of 14 days.
- Essential workers, to the extent possible, are required to avoid extended periods in public, contact with strangers, and large congregate settings for a period of, at least, 7 days.

This guidance may require temporary changes to the duties of essential employees, to avoid extended contact with the public, etc.

On June 26, 2020, Governor Cuomo signed Executive Order 202.45 that, among other things, exempts from NY State paid sick leave benefits any employee who voluntarily travels to a state that is subject to the mandatory quarantine (such employees may remain eligible for federal paid leave, however).

If you have any questions about New York State's travel-related executive orders and guidance, please contact the RAB to discuss.