

NEW YORK'S NEW APPROACH TO TRAVEL RESTRICTIONS – WHAT EMPLOYERS NEED TO KNOW NOW

Hodgson Russ Labor & Employment Alert
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As we previously reported [here](#), New York State has, for the last several months, imposed a quarantine requirement on individuals entering New York State after travel to certain designated “high risk” states. On Saturday, October 31, Governor Andrew Cuomo announced a significant shift in New York’s quarantine approach. The new approach, embodied in new Executive Order 205.2, takes effect at **12:01 a.m. on Wednesday, November 4, 2020**, just in time for the holiday season. Under this new approach, travelers may be able to shorten their mandatory quarantine periods by taking one or more COVID-19 diagnostic tests.

New York’s New Test-Based Approach

Travelers entering New York State after being in another state for 24 hours or longer must take a COVID-19 diagnostic test within three (3) days prior to departure from that state. The traveler may then enter New York State (even, it appears, if he or she has not yet received the results from the first test) and must quarantine for three days. On the fourth day in New York State, the traveler must take a second COVID-19 diagnostic test. The traveler must then continue to quarantine until **both** test results come back negative; once that occurs, the traveler is no longer required to quarantine.

Travelers entering New York State after being in another state for less than 24 hours need not take the first “pre-departure” test, nor are they required to quarantine upon arriving in New York State. However, he or she must take a COVID-19 diagnostic test on the fourth day after arriving in New York State.

Individuals who do not take the COVID-19 diagnostic test(s) as outlined above must serve the full 14-day quarantine period. Further, all travelers subject to these requirements must fill out New York’s Traveler Health Form.

Notably, these rules apply to travel from **any state** other than those contiguous with New York (Connecticut, Massachusetts, New Jersey, Pennsylvania, and Vermont). Accordingly, it appears that New York will no longer continue to add and remove states from the “restricted list.”

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Exemptions for Travel to Contiguous States and Essential Workers

As noted above, travelers from states contiguous with New York are exempt from these requirements.

In addition, the New York State Department of Health (NYSDOH) continues to allow an exemption for essential workers, subject to a number of restrictions based on the duration of the essential worker's presence in New York.

Interaction with New York State COVID-19 Paid Sick Leave

The NYSDOH continues to indicate that individuals who engage in non-essential, non-work related travel that results in a quarantine period under these new rules will be ineligible for benefits under the New York State COVID-19 Paid Sick Leave Law. Employers should, of course, evaluate whether such an employee has leave rights under any other law and/or whether the employee can telework during the quarantine period.

Employers with questions regarding these travel restrictions and their impact on the employer's workforce should contact Lura Bechtel (416.595.2693), Kinsey O'Brien (716.848.1287), Melissa Kathan (716.848.1405), or any other member of our Labor & Employment Team.

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