

June 25, 2020

**CLIENT ALERT - CORONAVIRUS (COVID 19):**  
**How Is Covid 19 Leave Affected by State Travel Restrictions?**

Dear Clients and Friends:

The Governors of New York, New Jersey and Connecticut announced that individuals coming from states with Covid infection thresholds that exceed certain standards will be required to self-quarantine for fourteen (14) days upon arrival. Individuals who do not self-quarantine will be subject to monetary fines and additional orders of quarantine. At this time, the states subject to the order are: Alabama, Arkansas, Arizona, Florida, North Carolina, South Carolina, Utah and Texas.

As we are entering the summer travel season, this has raised several questions about employees who voluntarily travel to restricted states.

**Federal Leave**

Many employers are subject to the Families First Act (FFCRA). At this time, the Department of Labor has not issued any specific guidance relative to travel bans. Therefore, it appears that under the FFCRA, eligible employees who travel to an affected area, return to New York, New Jersey or Connecticut and must then quarantine for 14 days are entitled to the Emergency Paid Sick Leave benefits under the statute (typically 10 days of paid leave) during their quarantine to the extent they have not previously taken such leave. If they previously exhausted all ten days of paid leave, no further Emergency Paid Sick Leave is available.

For more information on the coverage of the FFCRA, the eligibility of employees (which varies by size of the business), and the tax credits available to employers, please see our prior client alerts.

**New York Sick/Quarantine Leave**

While New York's Quarantine Leave Law does exclude employees who voluntarily travel to a country on the CDC's travel ban list, it does not exclude employees who travel within the United States. Employees would potentially be available for leave under this statute as well.

**Prohibiting Travel**

Employers should immediately cancel all business travel to the affected states or make plans for employees who must travel on business to those states to complete required quarantines.

Employers should discourage voluntary travel to these areas, and may wish to offer incentives to employees to refrain from such travel. Employers considering prohibiting personal travel should consult with counsel as several legal issues may arise.

Remember that employees returning from affected states who can perform work remotely (telecommute), are not eligible for either FFCRA or New York sick leave.

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As always, we remain available to answer your questions and assist you during this process.



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