



June 25, 2020

The New York Covid-19 Travel Advisory

On June 24, 2020, New York Governor Cuomo, in conjunction with New Jersey Governor Murphy and Connecticut Governor Lamont, issued [Executive Order No. 205](#) mandating quarantine restrictions on certain travelers arriving in New York State (the “Travel Advisory”). The Travel Advisory became effective on June 25, 2020.

The Mandatory Quarantine Requirement for Certain Travelers

The Travel Advisory requires any person entering New York from a state with either

- a positive test rate for COVID-19 higher than 10 per 100,000 residents over a 7-day rolling average, or
- a state with a 10% or higher positivity rate over a 7-day rolling average

to quarantine for a period of 14 days according to the New York Department of Health’s quarantine regulations.

Travelers from the following states are currently subject to the Travel Advisory: Alabama, Arkansas, Arizona, Florida, North Carolina, South Carolina, Texas, and Utah.

Exemption for Essential Workers

Essential workers are exempt from the quarantine requirements of the Travel Advisory. However, they are subject to other the terms and conditions based on:

- the duration of time the individual spent in a designated state, and
- the duration of time the individual intends to spend in New York.

An essential worker is:

- any individual employed by any entity identified on the Empire State Development Essential Business List;
- any individual who is employed as a health care worker, first responder, or in any position within a nursing home, long-term care facility, or other congregate care setting;
- any individual who is employed as an essential employee and directly interacts with the public while working, pursuant to the New York Department of Health's ("DOH") May 31, 2020 Protocol for COVID-19 Testing; or
- any other worker deemed essential by the New York Commissioner of Health.

Importantly, in addition to following the requirements of the Travel Advisory, employers and their essential workers are expected to comply with previously issued DOH guidance regarding an employee's return to work after a suspected or confirmed case of COVID-19 or after an employee had close or proximate contact with a person with COVID-19.

Short Duration Travel to New York

This category applies to essential workers traveling to New York for a period of less than 12 hours and includes, but is not limited to, individuals passing through New York, delivering goods, and awaiting flight layovers. Essential workers in this category are required to:

- stay in their vehicle and/or limit personal exposure by avoiding public spaces;
- avoid extended periods of time in public, contact with strangers, and large congregate settings to the extent possible;
- monitor their temperature and for symptoms of COVID-19;
- wear a face covering when in public;
- maintain social distance of at least six feet; and
- clean and disinfect workspaces.

Medium Duration Travel To New York

This category applies to essential workers traveling to New York for a period of less than 36 hours, but requiring an overnight stay in New York, and includes, but is not limited to, individuals who are delivering multiple goods in New York and awaiting longer flight layover. Essential workers in this category are required to:

- avoid extended periods in public, contact with strangers, and large congregate settings, to the extent possible;
- monitor their temperature and for symptoms of COVID-19;
- wear a face covering when in public;
- maintain social distance of at least six feet; and
- clean and disinfect workspaces.

Long Duration Travel to New York

This category applies to essential workers traveling to New York for a period of greater than 36 hours and includes, but is not limited to, individuals working on longer projects and fulfilling extended employment obligations. Essential workers in this category must:

- avoid extended periods in public, contact with strangers, and large congregate settings, to the extent possible, for at least 7 days;
- monitor their temperature and for symptoms of COVID-19, wear a face covering when in public, maintain social distancing, and clean and disinfect workspaces for at least 14 days; and
- seek diagnostic testing for COVID-19 as soon as possible upon arrival (within 24 hours).

Exemption for Pass-Through Travelers

According to the DOH, the quarantine requirements of the Travel Advisory “do not apply to any individual passing through designated states for a limited duration (i.e., less than 24 hours) through the course of travel.” This includes individuals who briefly use rest stops or experience layovers in designated states when traveling by vehicle, bus, train, or airplane.

Exemption for Other Travelers

In addition to the exemptions listed above, the New York Commissioner of Health may grant an exemption to the Travel Advisory for other individuals based upon extraordinary circumstances. This exemption will not require the individual to quarantine, but may impose other terms and conditions on the individual to protect public health.

Takeaway For Employers

The Travel Advisory imposes additional restrictions on individuals who travel to New York from designated states. Employers should remain informed of which states the DOH designates as subject to the Travel Advisory. Employers also should require employees who travel from designated states to abide by the Travel Advisory quarantine requirements or other conditions as well as any other COVID-19 related return-to-work mandates.

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If you have any questions regarding this alert, please do not hesitate to contact us.

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