



COVID-19 Travel Advisory and School Employees

On Wednesday night, June 24, 2020, Governor Cuomo issued [Executive Order 205](#) (Quarantine Restrictions on Travelers Arriving in New York). He directed the New York State Commissioner of Health to issue a travel advisory, effective Thursday, June 25, 2020 at 12:01 A.M. All travelers entering New York from certain states will be required to quarantine for a period of 14 days consistent with Department of Health (“DOH”) regulations for quarantine. This was followed by [DOH guidance](#) dated June 24 and posted on June 25.

While you may be aware of the travel advisory, we want to give you our thoughts about how it affects school districts and BOCES. As always, this is based on what we know now, and is subject to modification based on future direction or guidance from the state and/or federal governments.

States Included in the Travel Advisory

A state that is covered by the travel advisory is one with a positive test rate higher than 10 per 100,000 residents, or higher than a 10% test positivity rate, over a seven day rolling average.

The list of the states currently covered by the travel advisory is posted on the [DOH website](#). We recommend reviewing this site regularly, as it will be updated periodically as circumstances in states change.

Quarantine Requirements

The general rule is that persons who have traveled from one of the designated states must quarantine when they enter New York, for 14 days from the last travel within a designated state. This applies to New Yorkers and persons visiting from out of state.

The requirements of the travel advisory do not apply to persons passing through designated states for less than 24 hours through the course of travel.

The travel advisory outlines the quarantine requirements, which are consistent with existing DOH regulations and guidance on quarantine.

Exception for Essential Workers (Including Employees of School Districts and BOCES)

Essential workers are exempt from the 14-day quarantine requirement, subject to certain conditions set forth below.

The travel advisory defines an “essential worker” as (1) any individual employed by an entity included on the Empire State Development (ESD) [Essential Business list](#); or (2) any individual who meets the COVID-19 testing criteria, pursuant to their status as either an 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, or an individual who is employed as an essential employee who directly interacts with the public while working, pursuant to [DOH Protocol for COVID-19 Testing, issued May 31, 2020](#), or (3) any other worker deemed such by the Commissioner of Health.

ESD’s Essential Business list includes the following statement:

State and local governments, including municipalities, authorities, and school districts, are exempt from these essential business reductions, but are subject to other provisions that restrict non-essential, in-person workforce and other operations under Executive Order 202.

Also, the DOH Protocol includes teachers, professors and educators, as well as other employees such as food service workers, maintenance and janitorial/cleaning workers, and bus drivers.

Therefore, the DOH legal counsel’s office has advised us that, for the purpose of the travel advisory, the term “essential worker” includes employees of public school districts and BOCES.

Conditions on Essential Workers

Essential workers who enter New York State after having been in a designated state are not required to quarantine. However, they are subject to certain conditions. The conditions depend on the duration of time in designated states and the intended duration of time in New York State.

For essential workers traveling to New York State for a period of greater than 36 hours:

- 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, and 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.

Essential workers and their employers are expected to comply with previously issued [DOH guidance regarding return to work](#) after a suspected or confirmed case of COVID-19 or after close or proximate contact with a person with COVID-19. This guidance may be superseded by more specific guidance for a particular industry.

Conditions that Apply to School Districts and BOCES

The Governor’s office and the State Education Department are developing standards for the return to school. In the meantime, existing guidance from the state and federal governments is instructive.

For example, the [DOH guidance for in-person special education services and instruction](#) includes the following (on page 4):

Implement mandatory health screening assessment (e.g. questionnaire, temperature check) before employees begin work each day, asking about (1) COVID-19 symptoms in past 14 days, (2) positive diagnostic COVID-19 test in past 14 days, and/or (3) close contact with confirmed or suspected

COVID-19 case in past 14 days. Screening is strongly recommended, but not required of students through their parent or guardian.

We recommend adding to the screening questionnaire for employees working in person at school facilities, programs or vehicles about (4) being in a state covered by the COVID-19 travel advisory in the past 14 days. (If the answer to this question is “yes”, the form should tell employees to contact a designated person to discuss this further.)

Since the DOH strongly recommends screening of students who receive in-person instruction or services, we recommend that this question also be asked of such students.

Vacations and Other Trips

It may be helpful to inform employees about the travel advisory, both directly and through their unions, if any. They should be encouraged to schedule any out-of-state trips so as not to make them subject to restrictions that will affect their ability to work in person. (This should not be mandated unless permitted by a contract, such as a provision requiring prior approval of scheduling of vacations.)

You may also want to consider making parents aware of the travel advisory, and the possibility of restrictions if students take trips to certain states shortly before in-person attendance at school or school activities.

Effect on Paid Family Leave

On Friday night, June 26, 2020, the Governor’s office released [Executive Order 202.45](#) . Among other things, it states that employees will not be eligible for paid benefits under the New York State paid sick leave law enacted earlier this year if, commencing after June 25, 2020, they voluntarily travel to any states covered by the travel advisory. There is an exception for travel taken as part of employment or at the direction of the employer.

However, depending on the circumstances, employees may be eligible to use other types of paid or unpaid leave that are available under other laws or contracts. Please contact us with any questions.

As with other issues concerning COVID-19, we recommend that you work with your county health department.