

Employee Monitoring and COVID-19 Travel Advisories

June 26, 2020

Source: Saiber Employment Law Alert

Travel advisories relating to COVID-19 continue to be issued to help reduce the transmission of the virus. For example, New York, New Jersey and Connecticut just issued a Tri-State advisory, effective June 25, 2020, stating that all individuals traveling from states with significant community spread of COVID-19 quarantine for a 14-day period from the time of last contact within the identified state.

Employers should consider modifying their vacation and/or travel policies to require employees to notify their employer if they have traveled or intend to travel to a place that is considered high risk. In addition, employers may require employees to quarantine for a period of 14 days upon their return, and if possible, to work from home.

As with other COVID-19 screening procedures, employers should be mindful of potential legal implications of any procedures implemented. Some employers may be tempted to limit employee's personal and summer travel plans; however, doing so can potentially implicate privacy and discrimination concerns. For example, New York prohibits discriminating against individuals for engaging in certain activities during non-working hours, including but not limited to, legal recreational activities.

As of June 26, 2020, there are eight (8) states that are subject to the Tri-State travel advisory, including: Alabama, Arkansas, Arizona, Florida, North Carolina, South Carolina, Texas, and Utah. As things continue to evolve, employers should check advisories regularly to ensure their policies are consistent with the most up-to-date requirements and guidelines. The following are links to New Jersey and CDC travel notices related to COVID-19:

<https://covid19.nj.gov/faqs/nj-information/general-public/can-i-travel-to-new-jersey-if-im-a-resident-can-i-travel-out-of-state-are-airports-bridges-and-tunnels-open>

<https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notice.html>

We are available to draft and revise vacation and travel policies to establish [procedures to maintain a safe workplace](#) in accordance with legal requirements.