



Coronavirus:
Update and Discussion on Continuing Legal
and Practical Issues Related to COVID-19

 **BOND** SCHOENECK
& KING ATTORNEYS A Bond Webinar Series

November 3, 2020

 **BOND** SCHOENECK
& KING ATTORNEYS

1

Introduction



Peter A. Jones
Deputy Chair, Labor & Employment
pjones@bsk.com
Syracuse, NY

 **BOND** SCHOENECK
& KING ATTORNEYS

2

Travel Guidance – New Guidance and Rules



Christa R. Cook

Member
ccook@bsk.com
Syracuse, NY



3

Holiday Travel & COVID-19 Travel Advisory

Cuomo Encourages New Yorkers to Stay Home for the Holidays

"I think my personal advice is you don't have family gatherings even for Thanksgiving," Cuomo said in a conference call. "My personal advice is the best way to say I love you, the best way to say I'm thankful for you, that I don't want to endanger you and I don't want to endanger our family and our friends and I don't want to endanger you."



De Blasio to New Yorkers: Avoid out-of-state travel this holiday season

"We have a real threat of a second wave here in New York City, and we've been fighting it back, but we can't take it lightly," the Democratic mayor said at a briefing.

"So, most importantly, I want to recommend to all New Yorkers, it's not business as usual. I hate to say it, but I have to urge all New Yorkers, do not travel out of state for the holidays."



4

Holiday Travel & COVID-19 Travel Advisory



SUNY NEWS / PRESS RELEASES / OCTOBER 2020
/ 10-27-20 STUDENT TESTING POLICY THANKSGIVING BREAK

SUNY Adopts System-Wide Policy Requiring All On-Campus Students to Test Negative for COVID-19 Prior to Thanksgiving Break

October 27, 2020

Most Campuses Transitioning to Fully Remote to End the Semester After Thanksgiving. Policy Aimed to Prevent Potential COVID-19 Community Spread

"As in-person classes and instruction come to a close next month, tens of thousands of students will travel across the state and country to be with their families and complete their fall courses remotely," said **Chancellor Malatras**. "By requiring all students to test negative before leaving, we are implementing a smart, sensible policy that protects students' families and hometown communities and drastically reduces the chances of COVID-19 community spread. While we understand there is a lot of focus on plans for the spring semester, we must first finish this semester safely. I want to thank our students for the phenomenal effort during these difficult times as well as SUNY health policy experts for helping us create this guidance that ensures a safe wind down of the fall semester."



5

Change in NYS Travel Advisory

- Governor's Executive Order 205 required individuals entering New York State from designated states with significant rates of transmission of COVID-19 to quarantine at their own expense for 14 days
 - Effective June 25, 2020
 - Traveler must have spent at least 24 hours in designated state
 - Certain exemptions for first responders and essential workers
 - Quarantine continued for 14 days even if negative COVID-19 test
- As of October 27, 2020, 39 states and 2 territories were on the travel advisory list and the list of designated states needed to be updated regularly
- **Effective November 4, 2020, new travel guidelines will allow out-of-state travelers to "test out" of the mandatory 14-day quarantine**



6

New Travel Advisory Guidelines

- New travel advisory applicable to all out-of-state travel; eliminates list of restricted states in favor of uniform national rule
 - Travelers from states that are contiguous with New York will continue to be exempt from the travel advisory
- Individuals traveling outside of NY must obtain a test within 72 hours of departure from that state prior to arrival in NY.
- The traveler must, upon arrival in New York, quarantine for 3 days
- On day 4 of their quarantine, the traveler may obtain another COVID test. If the test is positive, they must remain in quarantine. If both tests come back negative, the traveler may exit quarantine early upon receipt of the second negative diagnostic test.

Executive Order 205.2



7

New Travel Advisory Guidelines

- What if individual travels outside of NY for less than 24 hours?
 - The traveler does not need a test prior to their departure from the other state, and does not need to quarantine upon arrival in New York State.
 - However, they must fill out a traveler form upon entry into NY, and must take a COVID diagnostic test 4 days after their arrival in New York.



8

New Travel Advisory Guidelines

- Local health departments will validate tests, if necessary, and if a test comes back positive, will issue isolation orders and initiate contact tracing.
- Governor announced that people coming to NY from out of state must have proof they've tested negative prior to getting on a plane to NY.
- Essential workers will continue to be exempt
- Individuals who fail to comply with quarantine order subject to a penalty of up to \$10,000



9

What if Employee Voluntarily Travels Out of NY for the Holiday?

- What if individual chooses not to get tested?
- Does an employer have to approve the vacation request?
- Will the employee be entitled to COVID-19 paid sick leave during quarantine?
 - Continued application of the 'old' rule? Pursuant to Executive Order 202.45, NY employees will forgo their paid sick leave benefits from New York's COVID-19 paid sick leave law if they engage in voluntary, non-essential travel to high risk states.
 - This provision does not apply if the employee travels for work or at the employer's request.
- Will federal FFCRA emergency paid sick leave apply?



10

Travel Guidance II – Open Questions



Thomas G. Eron

Chair, Labor & Employment
teron@bsk.com
Syracuse, NY



11

Travel Advisory -- Open Questions

- Can an employer require that an employee supply proof of a negative test or tests?
- Can an employer impose more stringent limitations on return to the workplace after travel (e.g., require a negative test from the NY employee who travels to Pennsylvania)?
- What should an employer do if a non-essential employee who has traveled out of state over the holiday weekend reports for work on Monday morning?



12

Travel Advisory – Even More Open Questions

- Does the “test-out” procedure apply to limit the duration of quarantine in other circumstances?
- What is an appropriate daily screening question for the new travel advisory?
- Can an employer require a non-essential employee, who plans to travel out of state, to comply with the testing procedure to opt out of 14-day quarantine?
- Is the “test out” option available for an employee who travels internationally?



13

Disability Related FAQs



Katherine R. Schafer

Member
kschafer@bsk.com
Syracuse, NY



14

Reopening/Operating Plans



Adam P. Mastroleo

Member
amastroleo@bsk.com
Syracuse, NY



15

School Update – Where Do We Stand?



Kate I. Reid

Member
kreid@bsk.com
Syracuse, NY



16

Travel Guidance I – New Guidance and Rules

Christa Cook, ccook@bsk.com

Travel Guidance II – Open Questions

Tom Eron, teron@bsk.com

Disability Related FAQs

Katie Schafer, kschafer@bsk.com

Reopening/Operating Plans

Adam Mastroleo, amastroleo@bsk.com

School Update – Where Do We Stand?

Kate Reid, kreid@bsk.com



17

The information in this presentation is intended as general background. It is not to be considered as legal advice. Laws change often and information becomes rapidly outdated.

All rights reserved. This presentation may not be reprinted or duplicated in any form, without the written authorization of Bond, Schoeneck & King PLLC.



18