



## *New York State COVID-19 Travel Advisory Update for Essential Workers*

We previously reported that New York State Governor Andrew M. Cuomo announced on October 31, 2020, that as of November 4, 2020, New York State would modify its COVID-19 travel advisory guidelines to allow persons traveling to New York State to “test out” of the State’s mandatory 14-day quarantine period. Under the modified travel guidelines, persons traveling to New York State from non-contiguous states who are non-essential workers, including New York State residents, must quarantine for 14 days, unless they “test out” of having to quarantine as follows:

### **Travelers who were in another state for more than 24 hours**

- The traveler must obtain a COVID-19 test within 72 hours prior to arrival in New York State, which must be negative.
- The traveler must quarantine for a minimum of three days, measured from the time of arrival.
- On day four, the traveler must obtain a second COVID-19 test.

If the second COVID-19 test is negative, the traveler may exit quarantine.

### **Travelers who were in another state for less than 24 hours**

- The traveler does not need a test prior to departure from the other state and does not need to quarantine upon arrival in New York State.
- The traveler must take a COVID-19 diagnostic test four days after his or her arrival in New York State.

Travelers coming into New York State from travel to a contiguous state (Pennsylvania, New Jersey, Connecticut, Massachusetts and Vermont) are exempt from the travel guidelines’ quarantine and test requirements, regardless of their length of stay in the contiguous state.

When Governor Cuomo made his announcement on October 31, 2020, it was also stated that essential workers would continue to be exempt from the travel advisory, implying that all essential workers would be exempt from being tested for COVID-19 upon entering New York State. Indeed, with respect to the new guidelines, the [New York State Department of Health website](#) states that “[e]ssential workers will continue to be exempt as well.” However, its [Interim Guidance for Quarantine Restrictions on Travelers Arriving in New York State Following Out of State Travel](#) (“Interim Guidance”) issued on November 3, 2020, contradicts these statements by stating that essential workers traveling to New York State for a period greater than 36 hours “must seek diagnostic testing for COVID-19 on day 4 after arriving.” Given that the Interim Guidance issued on November 3 is the New York State Department of Health’s official public announcement on the testing requirements for essential workers, essential workers traveling to New York State for more than 36 hours should obtain a COVID-19 test on the fourth day after arriving. The Interim Guidance does not require that essential workers traveling to New York State be tested before traveling to the State, regardless of the duration of their stay.



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Although essential workers are otherwise exempt from the Interim Guidance, they must nonetheless comply with the following requirements depending on the length of their stay in New York State:

**Short Term** – for first responders and essential workers traveling to New York State for a period of less than 12 hours.

- This includes instances such as an essential worker passing through New York State, delivering goods, awaiting flight layovers and other short-duration activities.
- Essential workers must stay in their vehicle and/or limit personal exposure by avoiding public spaces as much as possible.
- Essential workers must monitor temperature and signs of symptoms, wear a face covering when in public, maintain social distance, and clean and disinfect workspaces.
- Essential workers are required, to the extent possible, to avoid extended periods in public, contact with strangers and large congregate settings.

**Medium Term** – for first responders and essential workers traveling to New York State for a period of less than 36 hours and requiring an overnight stay.

- This includes instances such as an essential worker delivering multiple goods in New York State, awaiting longer flight layovers and other medium-duration activities.
- Essential workers must monitor temperature and signs of symptoms, wear a face covering when in public, maintain social distance, and clean and disinfect workspaces.

- Essential workers are required, to the extent possible, to avoid extended periods in public, contact with strangers and large congregate settings.

**Long Term** – for first responders and essential workers traveling to New York State for a period of greater than 36 hours, requiring them to stay several days.

- This includes instances such as an essential worker working on longer projects, fulfilling extended employment obligations and other longer-duration activities.
- Essential workers must seek diagnostic testing for COVID-19 on day 4 after arriving.

Also, all travelers, regardless of how long they were in another state, must continue to fill out New York State's [Traveler Health Form](#) upon entering the State. Travelers arriving by air who leave the airport without completing the form are subject to a \$2,000 fine, and may be brought to a hearing and ordered to complete a mandatory quarantine. Travelers arriving in New York State by other means, including trains and cars, must fill out the form online.

Employers should also remember that all international travelers entering New York State from any country for which the Centers for Disease Control and Prevention has issued a Level 2 or 3 COVID-19 travel advisory are also subject to mandatory quarantine and must complete the Traveler Health Form.

#### **Additional Assistance**

*For further assistance, please contact a member of the [Labor & Employment Practice Team](#) or the [Phillips Lytle attorney](#) with whom you have a relationship. ■*



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