



Andrew M. Cuomo
Governor

MEMORANDUM
EXECUTIVE CHAMBER
STATE OPERATIONS
Room 207

TO: All State Agencies and Public Authorities

FROM: Director of State Operations and Infrastructure, Kelly Cummings KC

SUBJECT: State Employee Travel Advisory Policy

DATE: July 1, 2020

On June 24, 2020, Governor Cuomo issued Executive Order 205, which requires individuals to quarantine for 14 days after traveling for 24 hours or longer to states that have a positive test rate for COVID-19 of higher than 10 per 100,000 residents or higher than a 10% positivity rate over a seven-day rolling average. For an overview of the Executive Order, please refer to Interim Guidance for Quarantine Restrictions on Travelers Arriving in New York State Following Out of State Travel, which was issued by DOH on June 24, 2020. On June 26, 2020, Governor Cuomo issued Executive Order 202.45, which modifies New York's COVID-19 sick leave law (Chapter 25 of the Laws of 2020) to make employees ineligible for paid sick leave benefits if the employee travels to a state identified in Executive Order 205 after June 25, 2020 and the travel was not directed by the employee's employer. DOH maintains a list of the specific states for which quarantine is required following travel for 24 hours or longer: <https://coronavirus.health.ny.gov/covid-19-travel-advisory>.

Effective immediately, the following rules apply to all state employees who travel to a state designated by DOH that meets the criteria contained in Executive Order 205:

1. If an employee commenced travel on or before June 25, 2020, agencies should determine if the employee returning to work can telecommute for the duration of the quarantine pursuant to the Executive Order. If the employee cannot telecommute, the employee shall be covered by any quarantine leave applicable to the employee under any law, rule, regulation, or policy. If no quarantine leave is available, the employee shall charge appropriate leave accruals.
2. If an employee commenced travel after June 25, 2020, regardless of return date, agencies should determine if the employee returning to work can telecommute for the duration of the quarantine pursuant to the Executive Order. If the employee cannot telecommute, the employee shall be eligible to charge appropriate leave accruals but shall not be permitted access to quarantine leave under any law, rule, regulation, or policy.

3. These rules apply to employee travel to states that are added to the DOH list and posted on the DOH website after June 25, 2020. If a state is added to the list after an employee commences travel, the provisions of paragraph 1 above shall apply. If a state is added to the list on or before the date the employee commences travel, the provisions of paragraph 2 above shall apply.
4. Paragraphs 1-3 do not apply if an employee travels to a designated state as part of the employee's employment or at the direction of the employee's agency. If an agency orders an employee to travel to a designated state for work, the agency should first determine whether the employee can telecommute for the duration of the quarantine pursuant to the Executive Order. If the employee cannot telecommute, the employee shall be placed on quarantine leave at full pay without charge to accruals.
5. Employees returning from a designated state who cannot telecommute and are deemed essential to an agency's operations are eligible to return to work pursuant to the Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure issued by DOH on May 31.

Before traveling out of state, all employees should consult the DOH website address listed above to confirm whether they are traveling to a state that requires quarantine upon return to New York.

Please contact the Governor's Office of Employee Relations for questions about these rules.