

UPDATE: New Travel Restrictions Place Employers in a Bind

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(Note: This document will be updated periodically as Pennsylvania's travel restrictions evolve during the holiday season.)

UPDATE, November 30: Pennsylvania has updated its earlier [COVID-19-related travel restrictions for those entering the state](#).

Some items included in the update:

- A clarification that you can take a COVID-19 test after you get back from outside the state and can stop the mandatory 14-day quarantine as soon as you have a negative test result. The previous requirement was to have a negative test before entering the state or quarantine for 14 days.
- An exemption from quarantine for those that travel out of the state for less than 24 hours.
- Exemption for travelers 11 and under.
- An exemption from testing and quarantining for those who travel out of the state for business, including commuting to work out-of-state. However, those who take overnight trips outside of the state "should consider" quarantining or testing when they return.

November 18: Following the recent surge in COVID-19 cases nationwide and across the state, the Pennsylvania Department of Health has [updated its order](#) on quarantine requirements after travel out of state, and employers could be hard hit by the new mandate.

Effective this Friday, November 20, at 12:01 a.m., all travelers entering Pennsylvania from other countries and states - as well as Pennsylvania residents returning from travel to other states - must have a negative COVID-19 test within 72 hours prior to entering or quarantine for 14 days upon entry. The order does not apply to work-related travel, travel for medical reasons, travel through the state or travel by military personnel.

Previously, the governor's office had maintained a list of states with higher COVID-19 numbers and recommended quarantine after travel to those states. The new order, which applies to travel from anywhere outside Pennsylvania, is a "requirement" and not a "recommendation."

In light of the travel order, employees who travel out of state for personal reasons may not be able to come to work without quarantine first. If they are unable to telework, [they may be entitled to emergency sick leave benefits](#) under the Families First Coronavirus Response Act. This places employers at risk of a significant

employee shortage, especially after the Thanksgiving holidays.

According to the state's information website for pandemic traveling, the order is enforceable against individuals as a disease control measure under the Disease Prevention and Control Law. Individual non-compliance can be met with a fine between \$25 and \$300 dollars.

Officials have not yet disclosed how this will be enforced for individuals.

On two different occasions, the order specifically says it is not telling businesses how to comply. "The commonwealth does not dictate how businesses should implement the testing or quarantine requirement," the order states. However, given the financial penalties imposed upon individuals for violations, employers who force their employees to come to work when they should be quarantined would potentially expose those employees to financial penalty.

Employers may wish to restrict an employee's out-of-state travel to prevent a shortage of available employees. Any such restrictions should be communicated in advance, and employers may wish to consider exceptions under specific circumstances - such as cases involving pre-paid travel arrangements. Alternatively, an employer may consider conditioning approval of employee travel on the employee's agreement to obtain a COVID-19 test. Unionized employers would also need to obtain agreement with the union before imposing a no-travel restriction on its workforce.

The state also issued updated orders on education settings and face coverings more generally (which are still required in all businesses).

Based on prior actions from the state since the beginning of the pandemic, we expect further guidance and clarification in the days to come.

If you have any questions on the updated order, please contact [Joshua Schwartz](#), [Martin Siegel](#) or any member of the [Barley Snyder COVID-19 Service Response Team](#).

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