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NEW EXECUTIVE ORDER REQUIRES TRAVELERS ENTERING CONNECTICUT TO QUARANTINE FOR 14 DAYS

August 3, 2020

Governor Ned Lamont issued a new Executive Order requiring travelers entering Connecticut from certain “Affected States” to self-quarantine for 14 days. The Order is in place for a period of six months starting on July 24, 2020. The Order applies to people visiting Connecticut, as well as to Connecticut residents returning to Connecticut after visiting an Affected State. The Order imposes a civil penalty of \$1,000 per violation.

The Order mandates that anyone who has spent 24 hours or longer in an “Affected State” within 14 days prior to arriving in Connecticut needs to self-quarantine for 14 days from the time of last contact with the Affected State. If such a traveler is in Connecticut for fewer than 14 days, they must quarantine for the length of their stay. The Order also applies to Connecticut residents who are returning from a visit to an Affected State.

An Affected State means a state with a positive test rate higher than 20 per 100,000 residents, or higher than a 10% test positivity rate over a 7-day rolling average. As of this writing, 36 states have been designated Affected States. The list of Affected States will be updated weekly and can be found here: <https://portal.ct.gov/Coronavirus/travel>.

The Order does not apply to a traveler remaining in Connecticut for less than 24 hours or to a traveler flying to Connecticut on a connecting flight with a layover in an Affected State. The Order also exempts travelers who partake in work-related travel from Affected States to Connecticut who work in critical infrastructure as designated by the Cybersecurity and Infrastructure Security Agency, including students in exempt health care professions. The exemption also covers any state, local or federal official or employee traveling in his or her official capacity on government business.

The Order allows a covered traveler who is “unable to self-quarantine” for the required period to avoid quarantine by providing written proof to the Commissioner of Public Health of a negative COVID-19 test obtained within 72 hours prior to arriving in Connecticut. Such proof may be provided via email to: DPH.COVID-Travel@ct.gov or via facsimile to: (860) 326-0529. A covered traveler who has obtained a test within the applicable 72-hour period but is awaiting the result must remain in self-quarantine in Connecticut pending receipt of a negative test result and its submission to the Commissioner.

Under the Order, a covered traveler entering Connecticut from an Affected State is required to complete a Travel Health Form prior to or upon arrival in Connecticut to confirm their compliance with the Order. Travelers can fill out and submit the form online at <http://ct.gov/travelform>. A covered traveler who willfully refuses or fails to self-quarantine or complete the Travel Health Form truthfully and accurately may be fined up to \$1,000 for each violation.

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Implications for Connecticut Employers

The Order has important implications for employers. Because the quarantine requirement is mandatory, an employee required to self-quarantine under the Order and who is otherwise unable to telework during the quarantine period may be eligible for emergency paid sick leave under the Families First Coronavirus Response Act (FFCRA). Absent guidance to the contrary from the Department of Labor, such eligibility seemingly applies even though an employee who is a covered traveler voluntarily traveled to an Affected State (i.e., for vacation). It is worth noting that although the Order does not state what it means for a covered traveler to be “unable to self-quarantine”, per the Connecticut Department of Public Health, the testing option alternative is intended for those travelers who, due to an extenuating circumstance, cannot quarantine for 14 days when arriving to Connecticut. It seems unlikely, therefore, that the testing option will be available to an employee who simply asserts that he/she cannot self-quarantine because he/she needs to go to the workplace. Employers should review their current COVID-19 workplace policies and protocols and revise them to the extent necessary to comply with the Order.

The Order can be found here: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7III.pdf>

The travel form can be found here: <http://ct.gov/travelform>

If you have any questions regarding the Order, please contact Jennifer Deakin at (203) 772-2600 or jdeakin@bswlaw.com.