

Vacation Hot Spots: Managing Employee Travel During a Pandemic

By Patrick O. Peters and James P. Verdi

August 28, 2020

As states reopen and travel restrictions are lifted, how can manufacturers manage the risk of employees returning from vacation travel and potentially putting other employees or customers at higher risk of catching COVID-19?

The Centers for Disease Control and Prevention has [provided resources](#) to help individuals consider the risks and benefits of various forms of travel during the COVID-19 pandemic. The Department of State maintains COVID-19 [advisories for those traveling abroad](#). These can help individuals and employers evaluate the risks inherent in vacation and off-duty travel.

Manufacturers have adopted new safety protocols in the workplace in response to the COVID-19 public health emergency crisis. Since work-from-home arrangements generally are infeasible at production sites, new engineering protocols, production methods, health screening protocols, and other measures have been implemented to protect employees while maintaining essential operations.

Outside the workplace, though, is a separate issue. Interstate travel is increasing, even as parts of the country are experiencing significant community spread of COVID-19. Employees may engage in off-duty travel to visit reopened regions or request time off to vacation in reopened regions.

In response, 28 states (and many counties) have issued travel recommendations or orders that require individuals to quarantine after traveling to states with significant community spread of COVID-19. (For example, see our article, [Illinois, Chicago, Cook County Issue New COVID-19 Guidance, Restrictions](#).) The terms of these state orders vary widely and can change often. Even without a state order, manufacturers must assess what precautionary steps to take to limit the spread of COVID-19 from individuals who travel to states with significant community spread.

Manufacturers should review their current safety and leave policies and expect that more employees may travel to COVID-19 “hot spots.” Employers should consider whether to:

- Require greater disclosures about employee travel plans;
- Provide temporary reassignments;
- Require another period of leave upon their return to comply with quarantine orders;
- Issue additional personal protective equipment;
- Change schedules to increase social distancing; or
- Prohibit travel to certain parts of the country.

In accordance with business necessity and employers' general duty under Section 5(a)(1) of the Occupational Safety and Health Act to ensure the workplace is free from recognizable hazards likely to cause death or serious physical harm, employers may ask, in a nondiscriminatory manner, employees requesting vacation time to disclose their travel plans or where they traveled once they return. Manufacturers have the business justification of keeping the workplace and employees free of COVID-19 cases for the need to ask where employees are going during their time off.

An individual assessment of each operation and relevant employee relations will determine what steps an employer can take to limit the spread of COVID-19 when employees return from travel.

When deciding what steps to take, employers must analyze available state orders and collective bargaining agreements. Union contracts that maintain broad management rights clauses likely provide employers leeway to implement necessary safety rules to prevent the spread of COVID-19, and employers should review any provisions related to leave, attendance, safety, and bidding rights.

Manufacturers must balance safety, production demands, state orders, collective bargaining

Meet the Authors



Patrick O. Peters

Principal
Cleveland 216-750-4338
Email



James P. Verdi

Associate
Cleveland 216-750-0404
Email

agreements, and positive employee relations to find solutions that work for their individual worksites. A well-defined travel policy shared before the upcoming holiday season could help employees plan their vacations and travel while limiting the potential spread of COVID-19 at the workplace.

Jackson Lewis has a dedicated team tracking and responding to the developing issues facing employers as a result of COVID-19. Please contact a team member or the Jackson Lewis attorney with whom you regularly work if you have questions or need assistance.

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 950+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.

©2020 Jackson Lewis P.C. All rights reserved. Attorney Advertising. Prior results do not guarantee a similar outcome. No client-lawyer relationship has been established by the posting or viewing of information on this website.

*The National Operations Center serves as the firm's central administration hub and houses the firm's Facilities, Finance, Human Resources and Technology departments.