



Unified Court System

OFFICE OF COURT ADMINISTRATION

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MEMORANDUM

To: All Judicial and Nonjudicial Personnel

From: Carolyn Grimaldi, Esq., Director of Human Resources 

Date: May 10, 2021

Subject: Updated Guidance Regarding International Travel Restrictions

This Memorandum provides updated information concerning international travel restrictions and replaces our March 17, 2021 Memorandum.

Unless otherwise specified, the below policy/procedures shall be effective as of the date of this Memorandum and the March 17th Memorandum shall be of no further force or effect.

THIS MEMORANDUM PROVIDES GUIDANCE FOR OUR JUDICIAL AND NONJUDICIAL PERSONNEL ONLY. UPDATED "CORONAVIRUS – SAFETY AND OPERATIONAL PROTOCOLS" ON HOW THE CHANGES SET FORTH HEREIN ARE TO BE APPLIED TO OUR COURT USERS AND MEMBERS OF THE PUBLIC WILL BE ISSUED SEPARATELY.

TOPICS COVERED:

- I. NYS Travel Advisory
- II. Court System Policy for Entering Courts & Facilities Following International Travel
- III. Returning to Work Following International Travel
- IV. Paid Leave & Telecommuting Following International Travel
- V. Notice of International Travel
- VI. Instructions for Completing the UCS COVID-19 Daily Self-Assessment
- VII. Safety Precautions Regardless of Quarantine Status

I. **NYS Travel Advisory**¹

The New York State Department of Health (NYS DOH) has lifted the mandatory quarantine for all domestic travelers and those international travelers that are fully vaccinated or that have recovered from COVID-19 within the last 3 months. However, *the NYS DOH continues to recommend quarantine*, consistent with guidance from the Centers for Disease Control (CDC) for all travelers (regardless of destination) that are not fully vaccinated or have not recovered from COVID-19 within the last 3 months.

II. **Court System Policy for Entering Courts & Facilities Following International Travel**

In furtherance of the Court System's ongoing efforts to ensure the health and safety of all judicial and nonjudicial personnel, court users and members of the public, it has been determined that it is best to adhere to the recommendations of the NYS DOH and CDC with regard to international travelers that are not fully vaccinated or have not recovered from COVID-19 within the last 3 months entering our courts or facilities.

¹ https://coronavirus.health.ny.gov/system/files/documents/2021/04/updated_travel_advisory_april_10_2021a.pdf

Accordingly, judicial or nonjudicial personnel returning from travel in another country are prohibited from returning to the workplace unless they fall under one of the four categories explained below.²

UNLESS YOU MEET THE CRITERIA FOR (A), (B), (C) or (D) BELOW, YOU SHOULD NOT RETURN TO THE WORKPLACE FOLLOWING INTERNATIONAL TRAVEL

III. Returning to Work Following International Travel

Under no circumstances should you return to the workplace following international travel if you are experiencing any COVID-19 symptoms. In order to ensure your safe return to work following travel in another country, you must notify your supervisor and/or local HR Administrator immediately should you develop any symptoms of COVID-19 following travel.

If you are not experiencing any COVID-19 symptoms, you may be authorized to return to the workplace following international travel as set forth below. *Authorized to return* means that you have submitted the necessary documentation to your local HR Administrator and have been notified that you are cleared to return to the workplace.

- A. **Fully Vaccinated**³: If you are fully vaccinated, you may be authorized to return to the workplace immediately following international travel provided you submit proof of your fully vaccinated status, i.e. copy of vaccination card showing the requisite number of doses for the vaccine you received along with the dates of same, to your local HR Administrator in advance of such return.

To ensure that your return to work is not unduly delayed following return from such travel, it is recommended that you provide proof of fully vaccinated status in advance of your travel.

- B. **Recent Recovery from COVID-19**⁴: If you have recovered from a prior COVID-19 diagnosis within the last 3 months, you may be authorized to return to the workplace immediately following international travel provided you submit documentation from a health care provider substantiating same to your local HR Administrator in advance of such return.

To ensure that your return to work is not unduly delayed following return from such travel, it is recommended that you provide proof of your recovery within the last 3 months in advance of your travel.

- C. **7 Days Since Return & Negative COVID-19 Test**: If you are not fully vaccinated or have not recovered from COVID-19 within the last 3 months, you may be authorized to return to the workplace on the 8th day from your return to the U.S. provided you submit proof of your travel dates, along with proof of a negative COVID-19 test administered between the 3rd and 5th day you were back in the U.S. to your Local HR Administrator. PCR and Antigen tests (including those administered on a “rapid” basis) are sufficient for this purpose. Antibody tests are not acceptable.

² See CDC guidance, “International Travel During COVID-19”:

<https://www.cdc.gov/coronavirus/2019-ncov/travelers/international-travel-during-covid19.html>

³ The date on which you are considered fully vaccinated is 2 weeks from receipt of your second dose for 2-dose vaccines, or 2 weeks from receipt of one dose for single-dose vaccines.

⁴ “Recently recovered” means: recovered from laboratory-confirmed COVID-19 within the 3-month period between date of arrival in the U.S. and either the initial onset of symptoms related to the COVID-19 infection or, if asymptomatic during the illness, the date of the laboratory confirmed test. Accordingly, whether you fall into this category will depend on the individual facts and circumstances of your prior COVID-19 diagnosis. *See* Note 1.

To ensure that your return to work is not unduly delayed following return from such travel, it is recommended that you provide proof of your travel dates in advance of your travel and proof of your test results as soon as possible upon your receipt of same, i.e. do not wait until the 7th day to submit proof of your negative test if you have your results sooner.

- D. **10 Days Since Return & No COVID-19 Test:** If you are not fully vaccinated or have not recovered from a prior COVID-19 diagnosis within the last 3 months, you may be authorized to return to the workplace on the 11th day from your return to the U.S. provided you submit proof of your date of return to the U.S. to your local HR Administrator.

To ensure that your return to work is not unduly delayed following return from such travel, it is recommended that you provide proof of your travel dates in advance of your travel.

IV. **Paid Leave & Telecommuting for Nonjudicial Employees Returning from International Travel**

For your own health and safety, we continue to discourage all non-essential travel. However, any nonjudicial employee that proceeds with such travel and is thereafter restricted from returning to the workplace, as explained in Section III above, may be authorized to telecommute or eligible to apply for (paid) Leave for Quarantine to cover their absences.⁵

- **Authorization to telecommute is handled locally** (and typically in the discretion of the employee's supervisor unless otherwise directed by local court management) in consideration of the employee's job duties and their ability to perform same from home.

NOTE: Employees authorized to work from home following international travel shall have their timecards coded with the comment **"REG PAY-CV19-OFF-SITE ASSIGNMENT"** for the duration in which they are restricted from returning to the workplace.

- **Employees that are not authorized and/or unable to telecommute should be referred to the "Leave for Quarantine" form⁶**, which must be submitted to the Division of Human Resources at HR-FFCRA@nycourts.gov, along with such supporting documentation as may be necessary/appropriate to determine the period of absence eligible for coverage.
 - Examples of supporting documentation:
 - An employee in category (D) that is not authorized or not able to telecommute will be required to submit the Leave for Quarantine form along with proof of location and dates of travel in order to confirm the requisite period that the employee is restricted from returning to the workplace, i.e. the number of days absence eligible to be covered by Leave for Quarantine.

⁵ Authorization to telecommute or Leave for Quarantine following international travel should generally not be required for nonjudicial personnel falling under categories (A) or (B). Rather, it is expected that such individuals provide the necessary documentation confirming their fully vaccinated status or recent recovery from COVID-19 in advance of travel so they may be authorized to return to the workplace immediately upon their return.

⁶ A copy of this form is attached as Exhibit "1" and is also accessible to local HR Administrators on "HR Notes" or to any employee upon request by emailing: HR-FFCRA@nycourts.gov. Please note that the FFCRA Leave Form is no longer accepted effective April 1, 2021. Requests for leave made on the (expired) FFCRA Leave Form will be required to be resubmitted on the proper - Leave for Quarantine - form.

- An employee in category (C), proof of their negative test results will also be required to ensure that the appropriate number of days absence is covered by Leave for Quarantine.

NOTE: Employees that are approved for Leave for Quarantine will have their timecards coded to reflect same by the Division of Human Resources, Time Management Unit, i.e. "Leave for Quarantine" is not authorized absent approval by the Division of Human Resources.

- **Employees that are experiencing COVID-19 symptoms following travel (or at any other time) should not be authorized to telecommute.** Rather, these employees should be directed to consult with a healthcare provider to determine what safety precautions are necessary based on their specific facts/circumstances and referred to the Leave for Quarantine form to cover eligible absences attributable to same.⁷

V. Notice of International Travel

Given the risks to the health and safety of your colleagues and court users, as well as the operational implications resulting from an unanticipated (and extended) absence from work, you are required to notify your supervisor and/or local HR Administrator of any travel to/from another country. Wherever possible, such notice should be made before commencing travel to the restricted location (e.g. when requesting Annual Leave) so that operational needs can be considered and addressed as early as possible.

However, in no event should you return to the workplace following travel to another country without providing notice to your supervisor and/or local HR Administrator that you've returned from such a location and confirming that you've submitted the necessary documentation and/or taken the necessary safety precautions to permit your return without jeopardizing the health and safety of others.

The failure to provide notice of travel requiring that you remain out of the workplace, or reporting to the workplace when otherwise subject to the restrictions set forth in this Memorandum will be considered insubordination and/or misconduct for which appropriate action may be taken pursuant to the collective bargaining agreements, Rules of the Chief Judge or as may otherwise be applicable.

VI. Instructions for Completing the UCS COVID-19 Daily Self-Assessment

In completing the UCS COVID-19 Daily Self-Assessment relative to international travel, judicial and nonjudicial personnel shall respond as follows:

Q: Have you traveled outside of the U.S. (to any place other than a U.S. state or territory) in the last 10 days?

A: Answer "**NO**" if you have traveled outside the U.S. in the last 10 days but you are fully vaccinated or have recovered from COVID-19 within the last 3 months.

OR

⁷ Please refer to our March 30, 2021 Memorandum Re: *Updated Guidance Regarding Quarantine Requirements for Individuals Exposed to COVID-19, UCS COVID-19 Daily Self-Assessment and Leave for Quarantine Form* for more information about COVID-19 qualifying events under Leave for Quarantine and requirements for returning to work.

Answer “NO” if you have traveled outside the U.S. in the last 10 days but you returned at least 7 days ago and have since been approved by the Court System to return to the workplace pursuant to a negative test conducted between days 3 and 5.

VII. **Safety Precautions Regardless of Quarantine Status**

The NYS DOH recommends that regardless of quarantine or vaccination status, any individual that has been exposed to COVID-19 or that is returning from any travel (e.g. domestic or international):

- Continue to monitor for symptoms through the 14th day following return from travel or exposure to a COVID-19 positive person.
- Continue strict adherence to all recommended non-pharmaceutical interventions, including hand hygiene and the use of face coverings.
- Immediately self-isolate/quarantine should any COVID-19 symptoms develop.

These policies are necessary to ensure the health and safety of all Court System personnel and court users. Please think about the potential harm that might come to others by failing to take the necessary safety precautions, whether returning from travel or otherwise.

If you have traveled recently and have any questions about whether you are restricted from returning to the workplace, do not report to work -- consult with your supervisor or local HR Administrator to confirm that your return to work will not jeopardize the health or safety of others.

Considering the significant health and safety risks posed by the further spread of COVID-19, you are personally responsible for complying with the Travel Advisory and/or any other requirements that may be set forth by the NYS DOH or by Executive Order of the Governor pertaining to the COVID-19 public health emergency.

Questions regarding this Memorandum should be directed to your local HR Administrator.

HR Administrators that have questions or require any guidance with regard implementing the provisions of this Memorandum in their District, Court or Office should contact the Labor Relations Office at 212-428-2585 or the Division of Human Resources at 212-428-2515.

EXHIBIT 1

(Leave for Quarantine Form)

Instructions for Completion - International Travel

To request Leave for Quarantine to cover your absences following international travel, check the 3rd qualifying event on the form and indicate “TRAVEL”, as follows:

I have been directed by a health care provider or public health official to isolate and/or quarantine due to concerns that I may be infected with COVID-19. (Attach a copy of documentation from the health care provider or quarantine order) **TRAVEL**

NOTE: documentation substantiating that you are subject to a quarantine is not required for absences following international travel. Please refer to Sections III and IV of the Memorandum for information about the supporting documentation required for such absences.

Leave for Quarantine Form

To request Leave for Quarantine for one of the COVID-19 qualifying events listed below, please complete this Form and submit it to the Office of Court Administration, Division of Human Resources (OCA-HR), along with such supporting documentation, as indicated or otherwise appropriate, *via* email to:

HR-FFCRA@nycourts.gov

or *via* fax: 212-428-2513

(Please Print)

Name (Last, First): _____ Employee ID: _____

Title: _____ Work Location: _____

Primary Phone: (_____) _____ Primary Email: _____

I am unable to work (including telework) due to one of the conditions/events described below.

I am unable to physically report to work due to one of the conditions/events described below but physically capable of performing duties remotely (i.e. telework) and have requested authorization from my supervisor to do so.

**I AM REQUESTING LEAVE FOR QUARANTINE FROM _____ THROUGH _____
BECAUSE:**

I am experiencing COVID-19 symptoms and seeking a medical diagnosis. (**Attach a copy of documentation from a health care provider**)

I tested positive for COVID-19 and have been directed to isolate and/or quarantine to prevent infecting others. (**Attach a copy of the test result along with documentation from a health care provider explaining what safety precautions you are required to take**)

I have been directed by a health care provider or public health official to isolate and/or quarantine due to concerns that I may be infected with COVID-19. (**Attach a copy of documentation from the health care provider or quarantine order**)

I attest that the above information is accurate and complete to the best of my knowledge. I understand that the granting of leave does not extend my employment beyond a period where it would otherwise terminate by operation of law, rule or regulation. I also understand that it is my responsibility to stay in contact with and to be responsive to my local HR Administrator during my leave and regarding my return to work.

Employee Signature: _____ Date: _____

DIVISION OF HUMAN RESOURCES USE ONLY

This request is: Granted as requested Granted as modified below Denied

By Director of Human Resources or designee (print name/title): _____

Signature _____ Date: _____

cc: Employee OCA Payroll
Local HR Administrator OCA Time Management