

LEGAL SERVICES ADVISORY

Travel FAQ – Spring 2021

New Jersey’s travel advisory advises individuals returning to New Jersey from any U.S. state or territory beyond the immediate region (New York, Connecticut, Pennsylvania, and Delaware) to self-quarantine at their home or hotel. The state says that “self-quarantine is voluntary, but compliance is expected.”

Non-essential travel is discouraged, but if travel is unavoidable, the state recommends getting tested 1-3 days prior to your departure and again within 3-5 days of returning from your trip. If your test results are positive, you should of course postpone any travel plans and quarantine. You can read the state’s travel advisory [here](#) and the Department of Health’s travel advisory FAQs [here](#).

Q: What are the state’s quarantine guidelines for individuals returning from travel from any U.S. state or territory beyond the immediate region (New York, Connecticut, Pennsylvania, and Delaware)?

After returning to NJ, the state recommends getting tested within 3-5 days of your return, and the following quarantine times based on the results of your test:

- If travelers test negative, they should still quarantine for a full 7 days after travel.
- If testing is not available (or if the results are delayed), travelers should quarantine for 10 days after travel.
- If travelers have tested positive in the past 3 months, they do not need to quarantine or get tested again during that three-month period as long as they do not develop new symptoms.
- If travelers test positive, they should follow [the DOH guidelines for quarantining](#).

Q: What are the federal government’s requirements for travel outside the country?

Effective January 26, 2021, [the CDC is requiring](#) all air passengers entering the United States from a foreign country to test negative for COVID-19. Travelers are required to get tested within the 3 days before their

flight to the U.S. departs, and provide written documentation of their test results to the airline or provide documentation of having recovered from COVID-19.

Additionally, noncitizen travelers who were in [one of these countries](#) within 14 days prior to their attempted entry into the U.S. are not permitted to enter. Further, the CDC categorizes many countries as [Level 4 high risk](#), and recommends avoiding travel to those places.

Q: Do I have to quarantine after travelling if I have been fully vaccinated?

Yes. The state’s travel advisory reads: “At this time, individuals who have been vaccinated against COVID-19 should continue to follow the State’s travel advisory.” Those guidelines are summarized above. While fully vaccinated individuals may be able to [bypass quarantine in certain situations, the NJ DOH recommends](#) that “vaccinated persons should continue to follow travel recommendations or requirements.”

Q: Do I have to report to my employer where I will be travelling in advance of my trip?

No. You are not on duty when school is not in session (of course, unless you work in a position that works through school recesses), and your employer is

not entitled to know in advance or approve in advance how you are spending your own free time. However, when you return from travel, you will need to notify your employer of your need to quarantine. Your options when you return and need to quarantine are outlined in the next several questions.

Q: As spring break approaches, will I be eligible for paid leave upon returning from travel from outside the immediate region?

In the interest of safety, unnecessary travel is discouraged. If, however, travel is necessary, you should notify the administration in writing that you are willing and able to return to work when you return from travel. First, you should ask to work remotely, if you work in a position where remote work is possible. If not, or if the district denies the remote work request, you should reiterate that you are ready and willing to return to work. If the district's medical authorities require you to quarantine, our position is that this has triggered your eligibility to use your sick leave. Whether your administrator permits use of sick leave may vary, and if you are denied sick leave you should discuss the possibility of filing a grievance with your local leadership and your NJEA UniServ field rep.

Important note: at the time this was written, the Senate has voted to pass the most recent stimulus bill, but it does not become law unless and until the House votes on changes the Senate made and the president signs it into law. If signed, the bill would extend tax credits through September 30, 2021 for those employers who voluntarily extend FFCRA leave. It does not provide for automatic, mandatory FFCRA leave. Some locals have been successful in negotiating sidebar agreements where districts agree to extend FFCRA leave, see response to the question below.

Q: Are there other paid leave options other than remote work or sick leave?

Your local may have negotiated a sidebar agreement voluntarily extending FFCRA leave. If this is the case, you may be able to use that voluntary FFCRA leave

- 1- if you are subject to a local order to quarantine and/or

- 2- you are advised by a health care provider to quarantine.

However, you should check with your local leadership about the specifics of that sidebar agreement, if one exists, and be sure to check its expiration date. Many are set to expire at the end of March when the voluntary FFCRA tax credits expire. At the time of this writing, there is a bill to extend those tax credits to September 30, 2021 that is not yet signed into law. Even if it becomes law, it will not automatically extend those sidebar agreements.

Additionally, there may be provisions in the collective bargaining agreement, such as negotiated paid administrative leave. Contact your union representative to discuss this further.

Q: Are there any unpaid leave options available to me?

The state's website suggests that if you are caring for a family member who needs to quarantine, by recommendation of either a health care provider or a public health authority, then you may be eligible for unpaid New Jersey family leave.

Additionally, your employer has the ability to agree to provide you with administrative leave.

Q: Can my employer deduct the cost of a substitute from my paycheck while I am out of work because I am quarantining due to my travel?

Under most circumstances, no. Districts have very limited ability to deduct the cost of a substitute. There is a law (N.J.S.A. 18A:30-6) which gives the district the authority to deduct the cost of a substitute, but only when the employee has exhausted their annual and accrued sick leave and the board has granted them additional sick leave. The deduction is based upon a day's salary, which is defined as 1/200 of annual salary. Otherwise, the district does not have the authority to deduct substitute costs unilaterally. Of course, a local association and the district may negotiate leave or remote work provisions which include a mutual agreement to the deduction of substitute costs. What those costs would be are also negotiable.