



Labor & Employment and Health Care ADVISORY ■

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Coronavirus, Employers, and Domestic Travel: A Complicated Business Decision

"Coronavirus is here, and viruses don't stop at state borders." – [Connecticut Gov. Ned Lamont](#)

As of 4 p.m. on March 10, 2020, coronavirus (COVID-19) cases in the U.S. had exceeded 870 and affected at least 36 states, with 28 U.S. deaths reported thus far. Eight states have declared a state of emergency related to the coronavirus. As some employers choose to cancel or postpone some business trips, other employers are continuing business travel, especially domestic travel within the U.S., to minimize business disruption. What should employers consider when making decisions about business travel within the U.S.?

Have You Checked the CDC Website for Recent Guidance?

On Sunday, March 8, 2020, the Centers for Disease Control and Prevention (CDC) posted [Interim Guidance for Businesses and Employers](#).¹ The Interim Guidance (which seeks to help prevent coronavirus exposure in non-health-care settings) recommends strategies for many different issues faced by employers, including sick employees, environmental cleaning, planning for a possible outbreak, and employee travel. Generally, the CDC encourages employers to review their human resources policies and "make sure that policies and practices are consistent with public health recommendations and are consistent with existing state and federal workplace laws." In particular, the CDC encourages employers to advise employees to take certain steps before traveling:

- Check the CDC [travel health notices](#) for the latest guidance and recommendations on the country being visited.
- For state and local locations within the U.S., check to see if local health officials have issued guidance specific to their communities.
- Advise employees to check themselves for symptoms of acute respiratory illness (fever, cough, shortness of breath) before they begin travel; if they are sick, notify a supervisor and stay home.
- Advise employees that if they become sick while traveling, they should notify a supervisor and promptly call a health care provider for advice if needed.

¹ The CDC has also issued guidance for specific industry areas, such as for [airlines and airline crew](#) and for [health care facilities](#).

Have You Checked U.S. State Department Guidance?

On Sunday March 8, 2020, the U.S. State Department also [issued guidance](#) that warned citizens about traveling on cruises. In particular, the department (in conjunction with the CDC) noted an “increased risk of infection of COVID-19 in a cruise ship environment.” The department notice also stated that “U.S. citizens, particularly travelers with underlying health conditions, should not travel by cruise ship.” While the department’s guidance brings to mind recent news reports of cruise ships in quarantine, keep in mind that it is possible some business travel or conferences could be scheduled on cruise ships with U.S. ports and locations. Interestingly, the department’s notice also mentions that “this is a fluid situation” and that the CDC has noted “older adults and travelers with underlying health issues should avoid situations that put them at increased risk for more severe disease. *This entails avoiding crowded places, avoiding non-essential travel such as long plane trips, and especially avoiding embarking on cruise ships.*”

Is the Trip Essential for Business?

Each employer must consider the needs of its business and its customers when determining its employee travel policy. Some employers are making case-by-case decisions on employee travel. Some employers are limiting employee travel to “essential” business travel. Some employers are moving past “essential” and now considering whether the trip is truly critical for business. Since each industry and each company has unique needs and obligations, there is not a single approach for employee business travel that is workable for all companies.

Many employers are evaluating the purpose for business travel and considering whether the business reason for the trip can be accomplished by other means, such as videoconference or telephone. See OSHA’s [Guidance on Preparing Workplaces for COVID-19](#) for examples of administrative controls to reduce or minimize exposure, including “[d]iscontinuing nonessential travel to locations with ongoing COVID-19 outbreaks.” OSHA advises companies to regularly check [CDC travel warning levels](#).

Where Is the Destination?

Is the business trip in a rising area of community spread of the coronavirus? Information about the coronavirus is rapidly evolving, and eight states have already declared a state of emergency. State governments and state and local public health authorities can quickly institute new restrictions or screening requirements at your destination. Check the CDC website as well as the destination’s state and local government sites. As the coronavirus situation in the U.S. continues to develop, keep in mind that information, travel restrictions, and screening requirements for both the destination and the return trip will likely change quickly. It is also possible that other people in the intended business meeting or event are not able to attend due to specific restrictions at the location, business closings, school closings, self-quarantine, or caring for others in their household. We have also seen entities impose their own travel or “health declaration” forms as part of providing permission for visitors to enter company premises. Check your destination in advance.

Could the Conference, Event, or Meeting Be Canceled?

Numerous cancellations have reportedly been occurring in the U.S., particularly for large conferences or events. Many airlines are waiving change fees, especially for flights purchased during certain periods. If the trip begins, though, and the event is suddenly canceled, travel insurance (if there is any in place) could offer little-to-no assistance for travel costs. If you are planning a substantial business trip, consider “cancel for any reason” travel insurance.

If you are the organizer of a conference or event, you are likely dealing with issues related to cancellation, postponement, and refunds. Many large-scale events have been altered or called off in recent days as organizers grapple with responding to the public health scare. The CDC has issued [specific guidance for event planning](#). The CDC's recommendations include:

- Meeting with emergency operations coordinators or planning teams at your venues.
- Providing coronavirus prevention supplies at events, including hand sanitizers, tissues, and disposable facemasks for persons with any symptoms.
- Setting up isolation space for anyone experiencing symptoms.
- Sending communications discouraging attendance by anyone experiencing symptoms or exposed to the coronavirus.
- Developing flexible refund policies for participants.

If your event is postponed or canceled, it is critical to review the terms of hospitality contracts to understand your rights regarding refunds, deposits, and possible penalties. [Force majeure clauses](#) may or may not be triggered.

Who Is the Intended Traveler?

Consistent with CDC guidance, generally an individual should not travel if he or she is ill, if he or she has been to a country with a CDC Level 3 warning within the past 14 days (such as China, South Korea, Italy, or Iran), or has a household member who has been to such a country within the past 14 days or is exhibiting coronavirus symptoms. Some companies are also proactively reviewing whether individuals should travel if they have been to a CDC Level 2 country (such as Japan) within the past 14 days. Per CDC guidance, certain individuals may be more susceptible to having a more serious illness if they contract the coronavirus, such as older adults and those with serious chronic medical conditions (such as heart disease, diabetes, or lung disease). Additional consideration should likely also be given for individuals who are immunocompromised (such as those undergoing chemotherapy, who are post-transplant, or who have certain chronic diseases that affect immunity). The employee should check with his or her health care provider if there is a specific question or concern about whether the employee is able to or should travel. Also, since the employee might be subject to a self-quarantine period when he or she returns from the trip (depending on the location or spike in coronavirus cases), can this employee continue to do his or her job during a self-quarantine period? Does this person serve in a key role at the company? Are there others who could step in and handle the employee's job duties and functions during post-travel absence due to a self-quarantine period or illness? Consider cross-training key personnel so that operations continue even if key members are absent or ill.

Conclusion

As the CDC Interim Guidance emphasizes, "there is much more to learn about the transmissibility, severity, and other features of COVID-19, and investigations are ongoing." Employee travel remains a complicated business decision involving rapidly changing data about coronavirus cases and their locations, public health guidance, and the specific risks and benefits of a particular trip involving an individual traveler.

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Angela T. Burnette
404.881.7665
angie.burnette@alston.com

Christina Hull Eikhoff
404.881.4496
christy.eikhoff@alston.com

Dawnmarie R. Matlock
404.881.4253
dawnmarie.matlock@alston.com

Charles H. Morgan
404.881.7187
charlie.morgan@alston.com

ALSTON & BIRD

WWW.ALSTON.COM

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ATLANTA: One Atlantic Center ■ 1201 West Peachtree Street ■ Atlanta, Georgia, USA, 30309-3424 ■ 404.881.7000 ■ Fax: 404.881.7777
BEIJING: Hanwei Plaza West Wing ■ Suite 21B2 ■ No. 7 Guanghua Road ■ Chaoyang District ■ Beijing, 100004 CN ■ +86 10 8592 7500
BRUSSELS: Level 20 Bastion Tower ■ Place du Champ de Mars ■ B-1050 Brussels, BE ■ +32 2 550 3700 ■ Fax: +32 2 550 3719
CHARLOTTE: Bank of America Plaza ■ 101 South Tryon Street ■ Suite 4000 ■ Charlotte, North Carolina, USA, 28280-4000 ■ 704.444.1000 ■ Fax: 704.444.1111
DALLAS: Chase Tower ■ 2200 Ross Ave. ■ Suite 2300 ■ Dallas, Texas, USA, 75201 ■ 214.922.3400 ■ Fax: 214.922.3899
LONDON: 5th Floor, Octagon Point, St. Paul's ■ 5 Cheapside ■ London, EC2V 6AA ■ +44.0.20.3823.2225
LOS ANGELES: 333 South Hope Street ■ 16th Floor ■ Los Angeles, California, USA, 90071-3004 ■ 213.576.1000 ■ Fax: 213.576.1100
NEW YORK: 90 Park Avenue ■ 15th Floor ■ New York, New York, USA, 10016-1387 ■ 212.210.9400 ■ Fax: 212.210.9444
RALEIGH: 555 Fayetteville Street ■ Suite 600 ■ Raleigh, North Carolina, USA, 27601-3034 ■ 919.862.2200 ■ Fax: 919.862.2260
SAN FRANCISCO: 560 Mission Street ■ Suite 2100 ■ San Francisco, California, USA, 94105-0912 ■ 415.243.1000 ■ Fax: 415.243.1001
SILICON VALLEY: 950 Page Mill Road ■ Palo Alto, California, USA, 94304-1012 ■ 650.838.2000 ■ Fax: 650.838.2001
WASHINGTON, DC: The Atlantic Building ■ 950 F Street, NW ■ Washington, DC, USA, 20004-1404 ■ 202.239.3300 ■ Fax: 202.239.3333