



What Employers Need To Know About Chicago's New Emergency COVID-19 Travel Order

Insights

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With the increased rates of COVID-19 transmission across the United States and with all but six states presently on Chicago's Emergency Travel Order quarantine list, the City of Chicago announced sweeping changes to the City's Emergency Travel Order that are slated to go into effect on Friday, November 13. The new Travel Order now categorizes states into three categories – yellow, orange, and red – based on the status of the outbreaks in the states and how the data compares to the situation in Chicago. What do employers need to know about this latest development?

Chicago's New Order, Summarized

Under Chicago's new Emergency Travel Order, anyone traveling from a state on the red list must quarantine for a 14-day period or the duration of their time in Chicago, whichever is shorter. Anyone traveling from a state on the orange list is directed to obtain a negative COVID-19 test within 72 hours prior to their arrival in Chicago or quarantine for a 14-day period.

Anyone traveling from a state on the yellow list is not subject to any mandatory quarantines or pre-arrival COVID-19 testing. However, such individuals are required to maintain strict masking and social distancing measures upon their return. There are currently six yellow states, 31 orange states, and 12 red states. The City will continue to update the state list on a weekly basis.

Are There Any Exceptions?

For employers' purposes, it is important to note that there is an exception permitting business travel to Chicago or to a listed state for essential workers (if traveling for work purposes). There are also exceptions to the order for personal travel for medical care and parental shared custody.

There are other exceptions to the order, as well. For example, it does not apply to any individual passing through designated states for a limited duration (less than 24 hours) through the course of travel, such as travelers changing planes at certain airports or driving through designated states. Additionally, exceptions are in place for daily commuters to and from neighboring states.

Additionally, if returning from an orange state and an individual is unable to obtain a pre-arrival negative test, the individual can stop quarantining upon receiving a post-arrival negative COVID-19 test.

What Employers Should Know

Employers should be aware that employees required to quarantine pursuant to the Chicago Emergency Travel Order may be eligible for paid emergency sick leave under the Families First Coronavirus Response Act (FFCRA). Additionally, Chicago employers are prohibited from taking any adverse employment actions against an employee for obeying the Chicago Emergency Travel Order pursuant to the Chicago Anti-Retaliation Ordinance, in an addition to any applicable anti-retaliation provisions contained in the FFCRA.

Lastly, according to the City, to be eligible for the essential worker exception, essential workers traveling for work purposes must limit their activities to work-related activities and functions that directly support their work-related activities and avoid public spaces as much as possible. Employers may also be required to provide written certification to employees returning to Chicago setting forth the purpose of the work-related travel.

We will continue to monitor any further developments and provide updates on this and other labor and employment issues, so make sure you are subscribed to [Fisher Phillips' alert system](#) to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney or any attorney in [our Chicago office](#). You can also review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

This Legal Alert provides an overview of a new City law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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