


Boss Asking About Pandemic Travel Plans? Here's What You Need to Know

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After being in self-isolation for several weeks, many people are starting to think about taking time off for vacations.

But some employees are finding that when they do request that time off, they're facing new policies and procedures put in place because of the COVID-19 pandemic.

Nurse Kim Funke is one of those employees. Funke recently received emails from her hospital's CEO outlining updated policies regarding employee travel. That policy required them to reveal where they were going and how they were getting there.

The emails also indicated employees who travel by plane or to certain locations will be tested for COVID-19 upon return and would not be allowed to work until the hospital received a negative test result. Even then each employee would still need to monitor themselves for COVID-19 symptoms, like fever, cough or a headache, for 14 days.

"How can they tell us not to travel?" she said. "It just seems like policing and taking that right away from us."

The Legality of Asking Questions About Time Off

Employees may not like policies and questions like these, but they are, in fact, legal.

Gail Farb, an employment and labor attorney at Williams Parker Harrison Dietz & Getzen in Sarasota, Florida, said the pandemic has caused employers — as well as the rest of the world — to look at once-mundane situations through a new lens.

"Types of questions are absolutely being asked that never would have been asked before," she said. "There are valid reasons to ask questions about travel."

Airplanes or other types of commercial transportation may mean being in close proximity to large groups of people, all sharing the same circulated air. These are two factors that increase the risk for transmission of COVID-19, according to the Centers for Disease Control, as well as several health and employment agencies.

That, in turn, increases the risk that the employee could bring the virus into the workplace.

Farb says it's legal for employers to ask general questions about where employees are traveling and how they get there. However, asking questions that could potentially reveal a protected characteristic, like religion, pregnancy, or marital status, may not be, particularly if that information is used to make a decision about the employee's status or any future decisions about promotions.

Health agencies are guiding employers to find out about how employees are spending their time off.

"It's to help protect the safety and health of all of the coworkers, clients, and anyone with whom they may come in contact," Farb said.

Your employer may be trying to protect themselves as well, Farb said, pointing out that employers who don't ask these questions may put themselves at legal risk and could be accused of creating an unsafe workplace.

"It's a balancing act," she said. "Employers need to keep employees and clients healthy and do whatever they can as the world learns about what are the best procedures."

Your Coworkers May Be Asked the Same Questions

Having your boss ask you where you're traveling on your personal time might seem strange, but chances are they're asking everyone the same questions.

Amber Clayton, director of the Knowledge Center for the Society for Human Resource Management, said uniform application of workplace policies is very important.

"Employers should be sure to apply their practice consistently in an effort to avoid perceptions of discrimination," she said. "An employer could run into issues if they're just selecting certain people to ask versus everybody."

Your employer may not ask you questions before taking time off, but you may need to fill out a form when you return to make sure it's safe for you to work.

The questions on the form might be broad and include things like:

- Were you in a coronavirus hotspot?
- Were you exposed to anyone who has COVID-19?
- Have you tested positive for COVID-19?
- How are you feeling today?

That's in addition to monitoring for symptoms for 14 days after returning.

What Are Your Rights as an Employee?

Even though an employer can legally ask for this kind of information, Farb said employees can also ask their bosses to explain why they want the information.

In addition, employers should only use the details in the context of the request — in this case, approving a time-off request — and should not share them with others.

Plus, an employer may be legally allowed to ask, but that doesn't mean you have to answer, Clayton said.

“It’s private information as far as what they do on their off-duty time,” she said. “And there are states that have off-duty conduct laws, so an employer couldn’t take negative action against an employee for their lawful off-duty activities.”

However, Clayton said that if you choose not to answer these questions, your employer could deny a request for time off if the request for details was part of a policy you were already aware of. Remember, your employer could also deny a time-off request for staffing concerns or other issues

Clayton says communication in writing between employer and employee is important, because it’ll help ensure everyone knows and understands new policies and requirements.

Balancing Your Rights With Those of Your Coworkers

While these questions may seem invasive, others may view them as protecting your colleagues.

“I think it’s a very slippery slope, but I do think by not taking care of your employees, [employers] are eroding professional loyalty,” executive search consultant Julie Marcus says. “By taking care of your employees and being flexible and understanding this is a tough situation, you are maintaining and increasing loyalty and trust.”

Everyone has the goal of staying healthy, and both employers and employees are struggling to figure out the best ways to do so.

“If the employers are taking great pains to watch out for the health of their employees, then employees should appreciate all of the steps that employers are doing,” Farb said.

Tiffani Sherman is a contributor to The Penny Hoarder.