AMENDMENTS TO HOUSE BILL NO. 2388

Sponsor: SENATOR FONTANA

Amend Bill, page 1, line 21, by striking out the period after "provisions" and inserting relating to extension of waiver provisions, and for responsible return to action protocols.

Amend Bill, page 2, lines 1 and 2, by striking out "an article" and inserting articles

Amend Bill, page 6, by inserting between lines 20 and 21

ARTICLE XXI-C
COVID-19 RETURN TO WORK PROTOCOLS

Section 2101-C. Scope of article. This article relates to responsible return to action protocols.

Section 2102-C. Definitions. The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Business." A for profit, not-for-profit and non-profit entity that offers or produces goods or services for consideration.

"COVID-19." The novel coronavirus as identified in the declaration of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

"Department." The Department of Health of the Commonwealth.

Section 2103-C. Department functions. (a) Authority.--The department may do all of the following for the implementation, administration and enforcement of this article:

(1) Promulgate regulations, publish guidelines and issue orders as necessary.

(2) Investigate violations and impose sanctions as authorized under this article.

(3) In consultation with the Department of Community and Economic Development, submit a monthly report regarding the administration and enforcement under this article that...
includes:
(i) Businesses that have opened or resumed operations under this article.
(ii) The number of investigations initiated under this article.
(iii) The number of enforcement actions taken under this article and penalties imposed.
(iv) The number of reports, plans and applications filed by businesses for resumption of business activities.
(v) The number of plans approved and applications processed.
(4) File the report with all of the following:
(i) The Health and Human Services Committee of the Senate.
(ii) The Health Committee of the House of Representatives.
(iii) The Labor and Industry Committee of the Senate.
(iv) The Labor and Industry Committee of the House of Representatives.

Section 2104-C. Filing of business plans and applications.
A business shall file with the Department of Community and Economic Development on or before May 15, 2020, a business plan that details how the business will comply with all of the following:
(1) Regulations, guidance and orders of the department.
(2) Regulations, guidance and orders of the Centers for Disease Control and Prevention.
(3) Regulations, guidance and orders of the Occupational Safety and Health Administration.
(4) Implementation and continuation of a paid sick-leave policy for employees that meets the following minimum standards:
(i) If an employee has the symptoms of COVID-19, Under this policy, the employee:
(A) shall be put on leave immediately upon the exhibition of symptoms; and
(B) must remain on leave until a physician indicates that return to employment is safe.
(ii) If a member of an employee's household is ill, the employee may be put on leave to care for the ill individual.
(iii) A COVID-19 positive test result is not required to take sick leave.
(5) Providing personal protective equipment to employees and other sanitary devices, equipment and supplies for all employees returning to work at the business site.
(6) Ensuring that there is a minimum of six feet between employees and any other individual on the site of the business.
Implementation of sanitary policies and a regular cleaning schedule to reduce exposure to COVID-19. This paragraph includes:

(i) Disinfecting restrooms, work spaces and areas with access to the public.

(ii) Maintaining adequate cleaning supplies, tissues, hand sanitizers, gloves, medical masks and other necessary sanitary products.

Encouraging as many employees as possible to work from home.

Conducting meetings online as much as possible.

Suspending nonessential operations.

Implementation of minimal staffing.

Limiting interaction with individuals who are not employees.

Not permitting an employee to work in an area open to the public if any of the following is in the employee's household:

(i) An individual who is ill. The prohibition under this subparagraph continues until a physician indicates that return of the employee to work in the area is safe for the public.

(ii) An individual who is at high risk for suffering severe consequences from contracting COVID-19.

Not permitting an employee who is at high risk of suffering severe consequences from contracting COVID-19.

No permitting employees to share tools, equipment, desks or chairs.

Closing break rooms and dining areas.

Section 2105-C. Sanctions and penalties.

(a) Warning.--If the department determines that a business is in violation of this article, the department shall order the business to correct the violation within 24 hours.

(b) Penalty.--A business that does not comply with an order under subsection (a) is subject to a civil penalty as follows:

(1) For a first offense, a fine of $5,000.

(2) For a second offense, revocation of any permit to open issued by the Department of Community and Economic Development and closure for a period of 15 days. The business shall be required to pay all wages, salaries, benefits and commissions due all employees for the period of closure for payment to the employees.

(3) For a third or subsequent offense, revocation of any permit to open issued by the Department of Community and Economic Development and closure for a period of 30 days. The business shall be required to pay all wages, salaries, benefits and commissions due all employees for the period of closure for payment to the employees.

(c) Administrative agency law.--Subsection (b) is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial
review of Commonwealth agency action).
Section 2106-C. Expiration.
This article shall expire on the earlier of:
(1) publication of the notice of the expiration of the declaration of disaster; or
(2) January 15, 2021.