

AMENDMENTS TO HOUSE BILL NO. 2388

Sponsor: SENATOR FONTANA

Printer's No. 3719

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

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

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

9 ARTICLE XXI-C

10 COVID-19 RETURN TO WORK PROTOCOLS

11 Section 2101-C. Scope of article.

12 This article relates to responsible return to action
13 protocols.

14 Section 2102-C. Definitions.

15 The following words and phrases when used in this article
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

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

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

24 "Department." The Department of Health of the Commonwealth.
25 Section 2103-C. Department functions.

26 (a) Authority.--The department may do all of the following
27 for the implementation, administration and enforcement of this
28 article:

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

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

33 (3) In consultation with the Department of Community and
34 Economic Development, submit a monthly report regarding the
35 administration and enforcement under this article that

1 includes:

2 (i) Businesses that have opened or resumed
3 operations under this article.

4 (ii) The number of investigations initiated under
5 this article.

6 (iii) The number of enforcement actions taken under
7 this article and penalties imposed.

8 (iv) The number of reports, plans and applications
9 filed by businesses for resumption of business
10 activities.

11 (v) The number of plans approved and applications
12 processed.

13 (4) File the report with all of the following:

14 (i) The Health and Human Services Committee of the
15 Senate.

16 (ii) The Health Committee of the House of
17 Representatives.

18 (iii) The Labor and Industry Committee of the
19 Senate.

20 (iv) The Labor and Industry Committee of the House
21 of Representatives.

22 Section 2104-C. Filing of business plans and applications.

23 A business shall file with the Department of Community and
24 Economic Development on or before May 15, 2020, a business plan
25 that details how the business will comply with all of the
26 following:

27 (1) Regulations, guidance and orders of the department.

28 (2) Regulations, guidance and orders of the Centers for
29 Disease Control and Prevention.

30 (3) Regulations, guidance and orders of the Occupational
31 Safety and Health Administration.

32 (4) Implementation and continuation of a paid sick-leave
33 policy for employees that meets the following minimum
34 standards:

35 (i) If an employee has the symptoms of COVID-19.
36 Under this policy, the employee:

37 (A) shall be put on leave immediately upon the
38 exhibition of symptoms; and

39 (B) must remain on leave until a physician
40 indicates that return to employment is safe.

41 (ii) If a member of an employee's household is ill,
42 the employee may be put on leave to care for the ill
43 individual.

44 (iii) A COVID-19 positive test result is not
45 required to take sick leave.

46 (5) Providing personal protective equipment to employees
47 and other sanitary devices, equipment and supplies for all
48 employees returning to work at the business site.

49 (6) Ensuring that there is a minimum of six feet between
50 employees and any other individual on the site of the
51 business.

1 (7) Implementation of sanitary policies and a regular
2 cleaning schedule to reduce exposure to COVID-19. This
3 paragraph includes:

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

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

9 (8) Encouraging as many employees as possible to work
10 from home.

11 (9) Conducting meetings online as much as possible.

12 (10) Suspending nonessential operations.

13 (11) Implementation of minimal staffing.

14 (12) Limiting interaction with individuals who are not
15 employees.

16 (13) Not permitting an employee to work in an area open
17 to the public if any of the following is in the employee's
18 household:

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

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

25 (14) Not permitting an employee who is at high risk of
26 suffering severe consequences from contracting COVID-19.

27 (15) No permitting employees to share tools, equipment,
28 desks or chairs.

29 (16) Closing break rooms and dining areas.

30 Section 2105-C. Sanctions and penalties.

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

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

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

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

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

49 (c) Administrative agency law.--Subsection (b) is subject to
50 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of
51 Commonwealth agencies) and 7 Subch. A (relating to judicial

1 review of Commonwealth agency action).

2 Section 2106-C. Expiration.

3 This article shall expire on the earlier of:

4 (1) publication of the notice of the expiration of the

5 declaration of disaster; or

6 (2) January 15, 2021.