

## AMENDMENTS TO HOUSE BILL NO. 2412

Sponsor: SENATOR FONTANA

Printer's No. 3720

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 2 and 3, by striking out "an  
6 article" and inserting  
7 articles

8 Amend Bill, page 6, by inserting between lines 22 and 23

9 ARTICLE XXI-C

10 COVID-19 RETURN TO WORK PROTOCOLS

11 Section 2101-C. Scope.

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) The report shall be filed 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) Provides 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) Ensure that there is a minimum of six feet between  
50 employees and any other individual on the site of the  
51 business.

1 (7) Implement sanitary policies and a regular cleaning  
2 schedule to reduce exposure to COVID-19. This paragraph  
3 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) Encourages as many employees as possible to work  
10 from home.

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

12 (10) Suspend nonessential operations.

13 (11) Implement minimal staffing.

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

16 (13) Not permit an employee to work in an area open to  
17 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 permit an employee who is at high risk of  
26 suffering severe consequences from contracting COVID-19.

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

29 (16) Close 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 an  
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.