

AMENDMENTS TO SENATE BILL NO. 613

Sponsor: REPRESENTATIVE HARRIS

Printer's No. 1629

1 Amend Bill, page 1, line 27, by inserting after "BUSINESSES"
2 and for COVID-19 hazardous duty work

3 Amend Bill, page 10, line 13, by striking out "AN ARTICLE"
4 and inserting
5 articles

6 Amend Bill, page 11, by inserting between lines 13 and 14

7 ARTICLE XXI-D

8 COVID-19 HAZARDOUS DUTY WORK

9 Section 2102-D. Work-related hazardous duty.

10 (a) Presumption of work-related hazardous duty.--

11 Notwithstanding any other provision of this act or any other law
12 or regulation to the contrary, an individual employed by a life-
13 sustaining business or occupation who contracts, has symptoms of
14 or is otherwise exposed to an infectious disease, including
15 COVID-19 (coronavirus) or any other novel virus or infectious
16 disease during the declaration of a disaster emergency under 35
17 Pa.C.S. § 7301 (relating to general authority of Governor), the
18 declaration of an epidemic or a public health emergency in this
19 Commonwealth by the Governor or a pandemic, which results in a
20 period of hospitalization, quarantine, isolation or other
21 control measures due to such infection or exposure, shall
22 establish a presumption that the individual's medical condition
23 or inability to work is work-related hazardous duty.

24 (b) Hazardous duty deemed on-duty time.--An individual with
25 an established presumption of work-related hazardous duty under
26 subsection (a) may not be required to use sick time, vacation
27 time, personal time or any other accrued paid time off or
28 contractual time off to cover the period of incapacitation or
29 inability to work.

30 (c) Eligibility and qualification; unemployment and workers'
31 compensation.--

32 (1) Notwithstanding any provision of the act of December
33 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
34 Unemployment Compensation Law, an individual with an
35 established presumption of work-related hazardous duty under

1 subsection (a) shall be eligible and qualified for
2 unemployment compensation for the duration of the period of
3 incapacitation or inability to work.

4 (2) Notwithstanding any provision of the act of June 2,
5 1915 (P.L.736, No.338), known as the Workers' Compensation
6 Act, an individual with an established presumption of work-
7 related hazardous duty under subsection (a) shall be eligible
8 and qualified for workers' compensation for all medical costs
9 related to such infection or exposure.

10 (d) Applicability.--Notwithstanding subsection (a), this
11 section shall apply to individuals who work for a non-life-
12 sustaining business or occupation that receives a waiver from
13 the Department of Community and Economic Development authorizing
14 the non-life-sustaining business or occupation to continue
15 business operations during the period of time that a declaration
16 of a disaster or public health emergency is effective.

17 Section 2102-D. Definitions.

18 For the purpose of this section, the following words and
19 phrases when used in this section shall have the meanings given
20 to them in this subsection, unless the context clearly indicates
21 otherwise:

22 "COVID-19." The term shall have the meaning given to it in
23 section 2101-C(d).

24 "Infectious disease." A disease which is caused by a
25 microorganism, such as a bacterium, virus, or protozoan, which
26 is not normally found in the human body, and which is capable of
27 causing infection. Some, but not all, infectious diseases are
28 contagious, meaning they can spread from person to person,
29 including COVID-19 or the coronavirus. Other infectious diseases
30 can spread from animals or insects to humans, but not from
31 person to person.

32 "Life-sustaining business or occupation." A list of
33 businesses or occupations, as designated by the Governor, which
34 performs or conducts a range of vital operations, functions and
35 services that are essential to assisting the Commonwealth and
36 its political subdivisions in protecting people and their
37 communities while ensuring continuity of functions critical and
38 essential to public health and safety, as well as economic and
39 homeland security, and which should continue normal operations,
40 appropriately modified to account for the Centers for Disease
41 Control and Prevention and the Department of Health workforce
42 and customer protection guidance, during the declaration of a
43 disaster or public health emergency.

44 "Public health emergency." An emergency declaration by the
45 Governor of an occurrence or imminent threat of a disease or
46 condition of critical public health importance with the
47 following characteristics:

48 (1) Is believed to be caused by any of the following:

49 (i) the emergence and spread of a novel or
50 previously controlled or eradicated infectious disease;
51 or

1 (ii) an infectious disease epidemic in this
2 Commonwealth or a pandemic.

3 (2) Poses a high probability of any of the following in
4 the affected population:

5 (i) Death.

6 (ii) Serious or long-term disabilities.

7 (iii) Widespread exposure to an infectious disease,
8 which poses a significant risk of substantial present or
9 future harm to the public health and safety.

10 "Individual employed by a life-sustaining business or
11 occupation." Front-line employees and other individuals
12 employed by or under contract with a life-sustaining business or
13 entity who work during the declaration of a disaster emergency
14 or a public health emergency. The term shall include, but not
15 limited to:

16 (1) First responders, including law enforcement
17 officers, firefighters, emergency medical technicians and
18 other individuals who are considered to be first responders.

19 (2) Corrections officers.

20 (3) Emergency services dispatchers.

21 (4) Ambulance drivers.

22 (5) Retail workers, including restaurant, food services
23 and grocery store workers, cashiers and other support staff.

24 (6) Food and agriculture workers.

25 (7) Medical, health care and public health workers,
26 including doctors, nursing professionals, physician
27 assistants and paramedics, and other support staff.

28 (8) Pharmacists and any cashiers and other pharmacy
29 support staff.

30 (9) Home healthcare workers.

31 (10) Public utility workers, including workers engaged
32 in providing telecommunications, energy, water and wastewater
33 services and public works.

34 (11) Any employee of State or local government.

35 (12) Trash collectors.

36 (13) Warehouse workers.

37 (14) Any other individual employed by a life-sustaining
38 business or occupation who is required to work during the
39 declaration of a disaster emergency or public health
40 emergency.

41 Amend Bill, page 11, line 15, by striking out "ARTICLE XXI-C"
42 and inserting

43 Articles XXI-C and XXI-D