AN ACT

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, providing for work-related hazardous duty.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 7309. Work-related hazardous duty.

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

Notwithstanding any other provision of this title or any other law or regulation to the contrary, an individual employed by a life-sustaining business or occupation who is required to work who contracts, has symptoms of or is otherwise exposed to an infectious disease, including COVID-19 (Coronavirus) or any other novel virus or infectious disease during the declaration of a disaster emergency under section 7301 (relating to general
authority of Governor), the declaration of an epidemic or a public health emergency in this Commonwealth by the Governor or a pandemic, which results in a period of hospitalization, quarantine, isolation or other control measures due to infection or exposure, shall establish a presumption that the individual's medical condition or inability to work is work-related hazardous duty.

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

(c) Eligibility for unemployment compensation.--Notwithstanding any provision of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, an individual with an established presumption of work-related hazardous duty under subsection (a) shall be eligible and qualified for unemployment compensation for the duration of the period of incapacitation or inability to work.

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

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:
"Individual employed by a life-sustaining business or occupation." Front-line employees and other individuals employed by or under contract with a life-sustaining business or entity who are required to work during a public health emergency. The term shall include, but may not be limited to:

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

(2) Correction officers.

(3) Emergency services dispatchers.

(4) Ambulance drivers.

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

(6) Food and agriculture workers.

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

(8) Pharmacists and any cashiers and other support staff.

(9) Home health care workers.

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

(11) Employees of State or local government.

(12) Trash collectors.

(13) Warehouse workers.

(14) Any other individual employed by a life-sustaining business or occupation who is required to work during a public health emergency.

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

"Life-sustaining business or occupation." A list of
businesses or occupations, as designated by the Governor, that
perform or conduct a range of vital operations, functions and
services that are essential to assisting the Commonwealth and
its political subdivisions in protecting people and their
communities while ensuring continuity of functions critical and
essential to public health and safety, as well as economic and
homeland security, and that should continue normal operations,
appropriately modified to account for the Centers for Disease
Control and Prevention's and the Department of Health's
workforce and customer protection guidance, during the
declaration of a disaster or public health emergency.

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

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

   (i) The emergence and spread of a novel or
   previously controlled or eradicated infectious disease.
   (ii) An infectious disease epidemic in this
   Commonwealth or a pandemic.

(2) Poses a high probability of any of the following in
the affected population:
(i) Death.

(ii) Serious or long-term disabilities.

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

Section 2. This act shall take effect immediately.