

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2388 Session of 2020

INTRODUCED BY MIHALEK, HEFFLEY, DUNBAR, TURZAI, KNOWLES, O'NEAL, SIMMONS, WARNER, SCHMITT, ORTITAY, MACKENZIE, GREGORY, RYAN, JAMES, KEEFER, ROWE, BURGOS, BERNSTINE, BARRAR, ECKER, STAATS, SCHLEGEL CULVER, HAHN, KAUFFMAN, KAIL, MARSHALL, MIZGORSKI, OWLETT, MENTZER, JONES, STRUZZI, ZIMMERMAN, NELSON, GLEIM, SAYLOR, MUSTELLO, TOBASH, MASSER, FEE, METCALFE, BOROWICZ, COOK, HERSHEY, CAUSER AND LEWIS, APRIL 7, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 20, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," providing for emergency COVID-19 provisions.

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

24 Section 1. The act of April 9, 1929 (P.L.177, No.175), known

1 as The Administrative Code of 1929, is amended by adding an
2 article to read:

3 ARTICLE I-A

4 EMERGENCY COVID-19 PROVISIONS

5 Section 101-A. Extension of waiver provisions.

6 (A) GENERAL RULE.--The Secretary of Community and Economic <--
7 Development shall immediately issue a waiver to the Governor's
8 20200319 TWW COVID 19 Business Closure Order to all vehicle
9 dealer activities that can adhere to the social distancing
10 practices and other mitigation measures defined by the Centers
11 for Disease Control to protect workers and to mitigate the
12 spread of the COVID-19 virus.

13 (B) REQUIRED PROTECTION FOR EMPLOYEES.--ALL BUSINESSES THAT <--
14 RECEIVE A WAIVER AND OPERATE UNDER SUBSECTION (A) SHALL ALSO
15 PROVIDE, AT MINIMUM, THE FOLLOWING PROTECTIONS FOR AN ESSENTIAL
16 EMPLOYEE:

17 (1) ADDITIONAL HAZARD PAY, RELATIVE TO THE EMPLOYEE'S
18 RISK OF EXPOSURE.

19 (2) APPROPRIATE NEW PERSONAL PROTECTIVE EQUIPMENT AT THE
20 START OF EVERY SHIFT. PERSONAL PROTECTIVE EQUIPMENT SHALL
21 INCLUDE, BUT NOT BE LIMITED TO, GLOVES AND A MASK.

22 (3) A WORK ENVIRONMENT THAT MAXIMIZES THE SAFETY OF THE
23 EMPLOYEE AND THE PUBLIC, INCLUDING, BUT NOT LIMITED TO,
24 SOCIAL DISTANCING AND BARRIERS.

25 (4) CLEANING AREAS WITH ADEQUATE SOAP AND WATER AND
26 BREAKS TO FREQUENTLY ENGAGE IN HAND WASHING.

27 (5) LEAVE FOR SICKNESS, WHICH SHALL BE COMPENSATED AT
28 THE EMPLOYEE'S NORMAL WAGE.

29 (6) INFORMATION BY THE BUSINESS IF A COWORKER HAS BEEN
30 TESTED FOR COVID-19 AND THE RESULTS OF THOSE TESTS WHEN

1 AVAILABLE.

2 (C) VIOLATION.--A BUSINESS OPERATING IN THIS COMMONWEALTH
3 UNDER A WAIVER UNDER SUBSECTION (A) THAT VIOLATES ANY
4 REQUIREMENT UNDER SUBSECTION (B) SHALL BE IMMEDIATELY CLOSED AND
5 MAY NOT BE PERMITTED TO REOPEN UNTIL THE BUSINESS IS IN
6 COMPLIANCE.

7 (D) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
8 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
9 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

10 "ESSENTIAL EMPLOYEE." AN EMPLOYEE OF A BUSINESS WHO IS
11 REQUIRED BY THE EMPLOYEE'S EMPLOYER TO REPORT TO WORK AT A
12 PHYSICAL LOCATION.

13 Section 2. This act shall take effect immediately.