
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2396 Session of
2020

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McNEILL, PASHINSKI, HILL-EVANS, KENYATTA AND BURGOS,
APRIL 13, 2020

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 13, 2020

AN ACT

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

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

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

8 § 7309. Work-related hazardous duty.

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

10 Notwithstanding any other provision of this title or any other
11 law or regulation to the contrary, an individual employed by a
12 life-sustaining business or occupation who is required to work
13 who contracts, has symptoms of or is otherwise exposed to an
14 infectious disease, including COVID-19 (Coronavirus) or any
15 other novel virus or infectious disease during the declaration
16 of a disaster emergency under section 7301 (relating to general

1 authority of Governor), the declaration of an epidemic or a
2 public health emergency in this Commonwealth by the Governor or
3 a pandemic, which results in a period of hospitalization,
4 quarantine, isolation or other control measures due to infection
5 or exposure, shall establish a presumption that the individual's
6 medical condition or inability to work is work-related hazardous
7 duty.

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

14 (c) Eligibility for unemployment compensation.--
15 Notwithstanding any provision of the act of December 5, 1936
16 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
17 Compensation Law, an individual with an established presumption
18 of work-related hazardous duty under subsection (a) shall be
19 eligible and qualified for unemployment compensation for the
20 duration of the period of incapacitation or inability to work.

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

28 (e) Definitions.--As used in this section, the following
29 words and phrases shall have the meanings given to them in this
30 subsection unless the context clearly indicates otherwise:

1 "Individual employed by a life-sustaining business or
2 occupation." Front-line employees and other individuals
3 employed by or under contract with a life-sustaining business or
4 entity who are required to work during a public health
5 emergency. The term shall include, but may not be limited to:

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

9 (2) Correction officers.

10 (3) Emergency services dispatchers.

11 (4) Ambulance drivers.

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

14 (6) Food and agriculture workers.

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

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

20 (9) Home health care workers.

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

24 (11) Employees of State or local government.

25 (12) Trash collectors.

26 (13) Warehouse workers.

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

30 "Infectious disease." A disease which is caused by a

1 microorganism, such as a bacterium, virus or protozoan, which is
2 not normally found in the human body and which is capable of
3 causing infection. Some, but not all, infectious diseases are
4 contagious, meaning they can spread from person to person,
5 including COVID-19 or the coronavirus. Other infectious diseases
6 can spread from animals or insects to humans, but not from
7 person to person.

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

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

24 (1) Is believed to be caused by any of the following:
25 (i) The emergence and spread of a novel or
26 previously controlled or eradicated infectious disease.
27 (ii) An infectious disease epidemic in this
28 Commonwealth or a pandemic.

29 (2) Poses a high probability of any of the following in
30 the affected population:

- 1 (i) Death.
- 2 (ii) Serious or long-term disabilities.
- 3 (iii) Widespread exposure to an infectious disease,
4 which poses a significant risk of substantial present or
5 future harm to the public health and safety.

6 Section 2. This act shall take effect immediately.