

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2429 Session of 2020

INTRODUCED BY DIAMOND, KLUNK, ECKER, CAUSER, GLEIM, FEE, B. MILLER, GREINER, TURZAI, GILLEN, RIGBY, NELSON, THOMAS, SIMMONS, HICKERNELL, JONES, MARSHALL, ROWE, RYAN, STRUZZI AND METCALFE, APRIL 23, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 29, 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
25 as The Administrative Code of 1929, is amended by adding an
26 article to read:

1 ARTICLE I-A

2 EMERGENCY COVID-19 PROVISIONS

3 Section 101-A. Extension of waiver provisions.

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

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

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

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

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

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

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

28 (6) INFORMATION BY THE LAWN AND GARDEN EQUIPMENT AND
29 SUPPLIES STORE IF A COWORKER HAS BEEN TESTED FOR COVID-19 AND
30 THE RESULTS OF THOSE TESTS WHEN AVAILABLE.

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

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

10 "ESSENTIAL EMPLOYEE." AN EMPLOYEE OF A LAWN AND GARDEN
11 EQUIPMENT AND SUPPLIES STORE WHO IS REQUIRED BY THE LAWN AND
12 GARDEN EQUIPMENT AND SUPPLIES STORE TO REPORT TO WORK AT THE
13 LAWN AND GARDEN EQUIPMENT AND SUPPLIES STORE'S PHYSICAL
14 LOCATION.

15 Section 2. This act shall take effect immediately.