
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1078 Session of
2021

INTRODUCED BY KINKEAD, BURGOS, A. DAVIS, DEASY, DELLOSO,
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SCHLOSSBERG, SCHWEYER, WARREN, WHEATLEY, D. WILLIAMS AND
ZABEL, APRIL 1, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 1, 2021

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, an individual employed by a life-sustaining
12 business or occupation who is required to work and who
13 contracts, has symptoms of or is otherwise exposed to an
14 infectious disease during the declaration of a disaster
15 emergency under section 7301 (relating to general authority of
16 Governor), the declaration of an epidemic or a public health
17 emergency in this Commonwealth by the Governor or a pandemic,

1 which results in a period of hospitalization, quarantine,
2 isolation or other control measures due to infection or
3 exposure, shall establish a presumption that the individual's
4 medical condition or inability to work is work-related hazardous
5 duty.

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

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

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

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

29 "COVID-19." The novel coronavirus as identified in the
30 Governor's proclamation of disaster emergency issued March 6,

1 2020, published at 50 Pa.B 1644 (March 21, 2020).

2 "Individual employed by a life-sustaining business or
3 occupation." A front-line employee or other individual who is
4 employed by or under contract with a life-sustaining business or
5 entity and who is required to work during a public health
6 emergency. The term includes:

7 (1) A first responder, including a law enforcement
8 officer, firefighter, emergency medical technician and any
9 other individual who is considered to be a first responder.

10 (2) A corrections officer or other support staff.

11 (3) An emergency services dispatcher.

12 (4) An ambulance driver.

13 (5) A retail worker, including a restaurant, food
14 services or grocery store worker, cashier or other support
15 staff.

16 (6) A food or agriculture worker.

17 (7) A medical, health care or public health worker,
18 including a doctor, nursing professional, physician
19 assistant, paramedic or other support staff.

20 (8) A pharmacist or any cashier or other support staff.

21 (9) A home health care worker.

22 (10) A public utility worker, including a worker engaged
23 in providing telecommunications, energy, water or wastewater
24 services or public works.

25 (11) An employee of State or local government.

26 (12) A trash collector.

27 (13) A warehouse worker.

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

1 "Infectious disease." As follows:

2 (1) A disease that is:

3 (i) caused by a microorganism, such as a bacterium,
4 virus or protozoan;

5 (ii) not normally found in the human body; and

6 (iii) capable of causing infection.

7 (2) The term includes COVID-19 or any other novel virus
8 or infectious disease.

9 (3) Some, but not all, infectious diseases are
10 contagious, meaning that they can spread from person to
11 person, including COVID-19 or the coronavirus. Other
12 infectious diseases can spread from animals or insects to
13 humans, but not from person to person.

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

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

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

1 (i) The emergence and spread of a novel or
2 previously controlled or eradicated infectious disease.

3 (ii) An infectious disease epidemic in this
4 Commonwealth or a pandemic.

5 (2) Poses a high probability of any of the following in
6 the affected population:

7 (i) Death.

8 (ii) Serious or long-term disabilities.

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

12 Section 2. This act shall take effect immediately.