

## Labor & Employment Alert

### COVID-19 UPDATE: Pennsylvania Public Safety Order Requires Pennsylvania Businesses With In-Person Operations to Implement Additional Policies to Combat COVID-19

On April 15, 2020, the Pennsylvania Secretary of Health, Dr. Rachel Levine, issued an order directing public safety measures for Pennsylvania non-healthcare providing businesses permitted to maintain in-person operations (the “April 15 Public Safety Order”) in light of the public health emergency posed by COVID-19. The April 15 Public Safety Order enhances the requirements of Dr. Levine’s earlier order directing building safety measures that went into effect on April 6, 2020.

#### **New Requirements for Pennsylvania Businesses Authorized to Conduct In-Person Operations:**

The April 15 Public Safety Order requires businesses, other than those providing healthcare services, that are authorized to conduct in-person operations to implement various social distancing, risk-mitigating, and cleaning protocols. In addition to complying with guidance promulgated by the Centers for Disease Control and Prevention (“CDC”) regarding cleaning and disinfecting high-touch areas routinely and maintaining pre-existing cleaning procedures in accordance with Dr. Levine’s earlier order, Pennsylvania businesses conducting in-person operations must establish additional policies to reduce the spread of COVID-19. These businesses must:

- Create and maintain a response plan in the event the business is exposed to an individual who has a confirmed or probable case of COVID-19 including closing off and ventilating areas visited by such person for a period of 24 hours prior to cleaning and disinfecting the area;
- Establish a protocol to identify employees that were in close contact (defined as within 6 feet for 10 or more minutes) with an individual with a probable or confirmed case of COVID-19 from 48 hours prior to the onset of that individual’s first symptoms until he or she was isolated;
- Notify employees who were close contacts of a known exposure to COVID-19 at the business premises;
- Screen employees who enter the business before each employee starts work, sending employees with a fever of 100.4 degrees Fahrenheit or higher home;
- Require employees who have COVID-19 symptoms (fever, cough, or shortness of breath) to notify their supervisors and stay home;
- Provide employees access to regular handwashing with soap, hand sanitizer, and disinfectant wipes and ensure that common areas (including but not limited to break rooms, locker rooms, dining facilities, rest rooms, conference or training rooms) are cleaned on a regular basis, including between any shifts;
- Provide masks for employees to wear during work and require employees to wear them except during breaks for eating and drinking;
- Stagger shifts and employee break times;

- Provide sufficient space for employees to maintain social distancing including arranging seating to have employees facing forward as opposed to across from each other during breaks;
- Limit the number of employees in common areas in connection with social distancing practices;
- Prohibit non-essential visitors from entering the business premises; and
- Conduct meetings and trainings virtually (i.e., by phone or through the internet). If a meeting must be held in person, limit the meeting to the fewest number of employees possible, not to exceed 10 employees at one time, and maintain a social distance of 6 feet.

Businesses subject to the April 15 Public Safety Order must communicate the procedures required by the April 15 Public Safety Order to their employees in English or the employee's preferred language or by a method that allows the employee to understand.

### **Additional Requirements for Pennsylvania Businesses that Serve the Public In-Person:**

In addition to taking the measures set forth above, the April 15 Public Safety Order also requires non-healthcare providing businesses that serve the public to take the following additional measures to prevent the spread of COVID-19:

- Where feasible, conduct business by appointment only;
- Based on building size and number of employees, alter business hours to facilitate proper cleaning;
- Limit occupancy to 50% of the number stated on the certificate of occupancy;
- Maintain 6-feet of distance at check-out and counter lines and place signage throughout the site to mandate social distancing for customers and employees;
- Erect shields or barriers at registers to separate employees and customers;
- Designate specific times at least weekly for high-risk and elderly individuals to use the business;
- Require all customers to wear masks while on the premises except for customers who are under 2 years old or who cannot wear a mask for medical reasons;
- Deny entry of customers without masks unless the business provides medication, medical supplies, or food;
- Schedule employee handwashing breaks at least hourly;
- Rotate check-out lines on an hourly basis, using only every other check-out line and disinfecting lines not in use, provided the business has multiple check-out lines;
- Provide delivery or pick-up options;
- Assign an employee to clean carts and handbaskets before customer use, if the carts or handbaskets are available for customer use.

The April 15 Public Safety Order is now being enforced. These and similar requirements will likely remain in effect as the applicable stay at home orders are gradually reduced. The full text of the April 15 Public Safety Order is available here: <https://www.governor.pa.gov/wp-content/uploads/2020/04/20200415-SOH-worker-safety-order.pdf>