

Pennsylvania Requires New Employer Safety Measures to Combat COVID-19

Pennsylvania's Department of Health has issued an order requiring those employers who are authorized to maintain in-person operations (other than health care providers) to implement a variety of safety measures to protect their employees. The order includes protocols employers must implement to help employees maintain a social distance during work, additional protocols for employers who serve the public within a building, and measures employers must take upon discovery that the business has been exposed to a person who has a probable or confirmed case of COVID-19. This order also gives "non-life sustaining" businesses a preview of protocols that may be applicable when they are eventually permitted to reopen their worksites.

SOCIAL DISTANCING

Social distancing requirements include, but are not limited to the following:

- Prohibit non-essential visitors from entering the premises;
- Provide masks for employees to wear on the worksite, and make it a mandatory requirement for them to do so, in accordance with the guidance from the PA Department of Health and the CDC. Employers may approve masks obtained or made by employees in accordance with this guidance;
- Stagger work start, break, and stop times;
- Provide sufficient space for employees to have breaks and meals while maintaining a social distance of six feet, including limiting the number of employees in break rooms and other common areas, and setting up seating so employees are facing forward and not across from each other;
- Conduct meetings and training virtually, or if a meeting must be held in person, limit attendance to no more than 10 employees and maintain a social distance of six feet;
- Ensure that the facility is sufficiently staffed to effectively perform all protective measures (including enforcing social distancing of at least six feet) and otherwise ensure the safety of the public and employees;
- Ensure that all employees who do not speak English as their first language are aware of procedures by communicating the procedures, either orally or in writing, in their native or preferred language.

ADDITIONAL PROTOCOLS FOR EMPLOYERS WHO SERVE THE PUBLIC

Protocols for employers who serve the public within a building include, but are not limited to the following:

- Alter hours of business so there is sufficient time to clean or to restock or both;
- Schedule hand-washing breaks for employees at least every hour;
- Require all customers to wear masks while on the premises, and deny entry to individuals not wearing masks with certain exceptions, such as children under the age of two and individuals who indicated they cannot wear a mask due to a medical condition;
- Conduct business with the public by appointment only and, to the extent not feasible, limit occupancy to no greater than 50 percent of the number stated on the certificate of occupancy, arrange check-out and counter lines to maintain a social distance of six feet, and place signs throughout each site to mandate social distancing;
- Install shields or other barriers at registers and check-out areas to physically separate cashiers and customers or take other measures to ensure social distancing of customers from check-out personnel;
- Designate a specific time for high-risk and elderly persons to use the business at least once



Alan M. Pittler

Member

apittler@cozen.com
Phone: (412) 620-6540
Fax: (412) 275-2390

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every week;

- For businesses with multiple check-out lines, use at least every other register, rotate to the previously closed registers every hour, and clean the previously open registers and the surrounding area, and
- Assign an employee to wipe down carts and handbaskets before they become available to a new customer.

CLEANING AND EXPOSURE PROTOCOLS

The order also includes cleaning and exposure protocols, including the following:

- Clean and disinfect high touch areas routinely in accordance with guidelines issued by the CDC, while also maintaining pre-existing cleaning protocols;
- Require employees who have any symptoms of COVID-19 (fever, cough, shortness of breath, etc.) to notify their supervisor and to stay home consistent with [CDC recommended steps](#), such as not returning to work until CDC criteria to discontinue home isolation are met, in consultation with health care providers and state and local health departments;
- Upon discovery of exposure to a person who is a probable or confirmed case of COVID-19, implement temperature screenings (with a 100.4 degree threshold) at a safe social distance before employees may enter the business, and tell sick employees to follow CDC-recommended steps;
- Upon an exposure incident (probable or confirmed), employers are also required to:
 - Close off and ventilate areas visited by that individual;
 - Wait a minimum of 24 hours, or as long as practical, before beginning cleaning and disinfection;
 - Clean and disinfect all spaces, especially commonly used rooms and shared electronic equipment, and
 - Identify and notify employees who were in close contact with that individual (within about six feet for about 10 minutes).

CONCLUSION

Employers who are authorized to remain open should review the complete details set forth in the order posted [here](#). The order is effective immediately, and enforcement by state and local officials will begin on Sunday, April 19, 2020, at 8:00 p.m. Potential penalties for non-compliance include citations, fines or license suspensions.
