

Pennsylvania April 15 COVID-19 Health Measures Order for Certain Businesses, Including Utilities

On April 15, 2020, Pennsylvania Health Secretary Dr. Rachel Levine issued an order requiring the implementation of additional protective measures for critical workers of businesses that are authorized to maintain in-person operations during the COVID-19 disaster emergency, including the work of Pennsylvania public utilities. The order took effect immediately and becomes enforceable as of 8:00 p.m. on April 19, 2020. In a press release issued by the Office of Governor Tom Wolf, the purpose of the order was described as establishing protocols to help employees maintain social distancing during work. Key components of the order were summarized as follows:

- Provide masks for employees to wear during their time at the business, and make it mandatory while at the worksite, except to the extent an employee is using break time to eat or drink, in accordance with the guidance from the Department of Health and the CDC. Employers may approve masks obtained or made by employees in accordance with this guidance;
- Stagger work start and stop times for employees when practical to prevent gatherings of large groups entering or leaving the premises at the same time;
- 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 common areas and setting up seating to have employees facing forward and not across from each other;
- Conduct meetings and training virtually. 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 six feet.
- Ensure that the facility has a sufficient number of employees to perform all measures listed effectively and in a manner that ensures the safety of the public and employees;
- Ensure that the facility has a sufficient number of personnel to control access, maintain order, and enforce social distancing of at least six feet;
- Prohibit non-essential visitors from entering the premises of the business; and
- 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.

Upon discovery of an exposure to a person who is a probable or confirmed case of COVID-19, businesses are also ordered to implement temperature screenings before employees enter the business prior to the start of work and send any employee home who has a temperature of 100.4 degrees Fahrenheit or higher. Sick employees should follow CDC-recommended steps. Employees should not return to work until the CDC criteria to discontinue home isolation are met, in consultation with the health care providers and state and local health departments. Employers are encouraged to implement liberal paid time off for employees who are on home isolation.

The order directs that upon an exposure incident, businesses must do the following:

- 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;
- Identify and notify (consistent with applicable confidentiality laws) employees who were in close contact with that individual (within about six feet for about 10 minutes); and
- Ensure that the business has a sufficient number of employees to perform these protocols effectively and immediately.

The order contains additional requirements for businesses that serve the public within a building or



Michael D. Klein

Senior Counsel

mklein@cozen.com
Phone: (717) 703-5903
Fax: (202) 640-5521

Related Practice Areas

- Utility & Energy

defined area. Those and other requirements can be reviewed by reading Dr. Levine's order [here](#).

PA GOVERNOR EXPECTED TO VETO BUSINESS REOPENING LEGISLATION

The fate of Senate Bill 613, which was passed in both the PA House and Senate, is now up to Governor Tom Wolf. If enacted, the legislation would enable certain businesses to reopen over a specified time period. Governor Wolf has resisted the reopening of businesses due to COVID-19 health concerns. On the same day that the legislation was sent to him, Governor Wolf indicated that he would veto it.
