

PA Department of Health Issues COVID-19 Safety Measures for Employers and Employees

By: Julie A. Aquino, Esq. & Michael A. Palombo, Esq.

On April 15, 2020, the Pennsylvania Department of Health ordered that a number of safety measures be taken by employers and their employees to protect against the spread of COVID-19, including wearing masks. While this Order does not apply to local governments, the Pennsylvania Department of Health (“DOH”) is advising local governments to implement the protocols outlined in the Order to the extent practicable, and to appropriately balance public safety while ensuring continued delivery of critical services and functions.

The following is a summary of the social distancing, mitigation and cleaning protocols that local governments should strongly consider implementing, to the extent possible, and which are now mandatory for businesses that are authorized to maintain in-person operations. For the full text of the April 15, 2020 Order, [click here](#).

1. Clean and disinfect high touch areas routinely in accordance with guidelines issued by the CDC, which are [available here](#), and maintain pre-existing cleaning protocols established by the business for all other areas of the building.
2. Establish protocols to execute upon discovery that the business has been exposed to a person who is a probable or confirmed case of COVID-19, including:
 - a. Implement temperature screening before an employee enters the business (before the employee starts work), and send employees home that have a temperature of 100.4 degrees Fahrenheit or higher. Ensure employees practice social distancing while waiting to have temperatures screened. The DOL [guidance](#) advises that temperature checks should be conducted for at least 14 days after an exposure, and DOH recommends employers, particularly those in areas with high positive case numbers, conduct temperature checks as a matter of routine;
 - b. Close off areas visited by the person who is a probable or confirmed case of COVID-19. Open outside doors and windows and use ventilation fans to increase air circulation in the area. Wait a minimum of 24 hours, or as long as practical, before beginning cleaning and disinfection. Cleaning staff should clean and disinfect all areas such as offices, bathrooms, common areas including but not limited to employee break rooms, conference or training rooms and dining facilities, shared electronic equipment like tablets, touch screens, keyboards, and remote controls, focusing especially on frequently touched areas;
 - c. Identify employees that were in close contact (within about 6 feet for about 10 minutes) with a person with a probable or confirmed case of

COVID-19 from the period 48 hours before symptom onset to the time at which the patient is isolated.

- d. If the employee remains asymptomatic, the person should adhere to the practices set out by the CDC in its April 8, 2020 Interim Guidance for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19, which is [available here](#).
 - i. If the employee becomes sick during the work day, the person should be sent home immediately. Surfaces in the employee's workspace should be cleaned and disinfected. Information on other employees who had contact with the ill employee during the time the employee had symptoms and 48 hours prior to symptoms should be compiled. Others at the workplace with close contact, within 6 feet of the employee during this time would be considered exposed;
 - ii. Promptly notify employees who were close contacts of any known exposure to COVID-19 at the business premises, consistent with applicable confidentiality laws;
 - iii. Ensure that the business has a sufficient number of employees to perform the above protocols effectively and timely.
 - e. Employees who have symptoms (i.e., fever, cough, or shortness of breath) should notify their supervisor and stay home;
 - f. 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 healthcare providers and state and local health departments.
3. Stagger work start and stop times (including breaks) for employees when practicable to prevent gatherings of large groups entering or leaving the premises at the same time.
 4. Provide sufficient amount of space for employees to have breaks and meals while maintaining a social distance of 6 feet, while arranging seating to have employees facing forward and not across from each other in eating and break settings, and limit persons in common areas such as locker, conference, break or dining rooms.
 5. Conduct meetings and trainings 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 6 feet.
 6. Provide employees access to regular handwashing with soap, hand sanitizer, and disinfectant wipes and ensure that common areas are cleaned on a regular basis, including between any shifts.
 7. Provide masks for employees to wear during their time at the business, and make it a mandatory requirement to wear masks while on the work site, except to the extent an employee is using break time to eat or drink, in accordance with the guidance from the DOH and the CDC.

8. Ensure that the facility has a sufficient number of employees to perform all measures listed effectively, including controlling access and enforcing social distancing, and communicate these requirements to employees verbally or in writing.
9. Prohibit non-essential visitors from entering the premises of the business, and where feasible, conduct business with the public by appointment only. To the extent that this is not feasible, limit occupancy to no greater than 50% of the number stated on the certificate of occupancy at any given time.

The DOH has also clarified through a FAQ document that the mask requirement applies not only to employees who interact with the public, but also to employees who come in contact with co-workers indoors or who perform heavy physical activity outdoors. Employees need not wear a mask if it impedes their vision, if they have a medical condition, or if it would create an unsafe condition in which to operate equipment or execute a task. Employees need not wear a mask when working alone in a personal office space, but must wear a mask when they encounter co-workers. Drivers need not wear masks when alone in the vehicle. The mask requirement is in addition to the CDC social distancing guidelines. The Commonwealth is not dictating a particular type of mask, and a link with guidance regarding homemade masks is [available here](#). A copy of the full text of the DOL's April 17, 2020 nine page FAQ document is also [available here](#).

Lastly, employers that have not already implemented staggered shifts should keep in mind that altering work schedules or reducing hours for union employees will require review of applicable collective bargaining agreements and discussion with the union. Campbell Durrant attorneys are prepared to help employers with such matters, and to date labor unions generally have been receptive to efforts aimed at compliance with the guidelines to prevent the spread of COVID-19.