

New Rules for Life-Sustaining Businesses in Pennsylvania

Articles, COVID 19: Answers to Business Challenges April 16, 2020

Yesterday, Governor Wolf issued an order that governs life-sustaining businesses that remain open. The wide-ranging order, which can be viewed in its entirety by following link below, requires such businesses to:

- Implement certain protocols when the business has been exposed to a “probably or confirmed case of COVID-19”;
- Stagger work start and stop times for employees when practicable to prevent gatherings of large groups entering or leaving the premises at the same time;
- Provide sufficient amount of space for employees to have breaks and meals while maintaining social distancing, while arranging seating to have employees facing forward and not across from each other in eating and break settings;
- Stagger employee break times to reduce the number of employees on break at any given time so that appropriate social distancing practices may be followed;
- Limit persons in employee common areas (such as locker or break rooms, dining facilities, training or conference rooms) at any one time to the number of employees that can maintain proper social distancing;
- Conduct meetings and training virtually and, 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 proper social distancing;
- Provide employees access to regular hand washing with soap, hand sanitizer, and disinfectant wipes;
- 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 Department of Health and the CDC, with the caveat that a business may approve masks obtained or made by employees in accordance with Department of Health guidance;
- Prohibit non-essential visitors from entering the premises;
- Provide employees with masks/ facial coverings or approve those that employees bring to work;
- Install shields or other barriers at check-out areas and/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 every week if there is a continuing in-person customer-facing component;
- Require all customers to wear masks while on premises, and deny entry to individuals not wearing masks (except those who cannot wear a mask due to a medical condition (including children under the age of 2 years per CDC guidance)) unless the business is providing medication, medical supplies, or food, in which case alternative methods of pick-up or delivery of such goods must be provided;
- Schedule hand washing breaks for employees at least every hour;
- Where carts and hand baskets are available for customers’ use, assign an employee to wipe down carts and hand baskets before they become available to each customer entering the premises; and
- Ensure that all employees are made aware of these required procedures by communicating them, either orally or in writing, in their native or preferred language, as well as in English or by a methodology that allows them to understand.

The order can be found at: <https://www.governor.pa.gov/wp-content/uploads/2020/04/20200415-SOH-worker-safety-order.pdf>

This order takes effect at 8 p.m. on Sunday, April 19, 2020.

If you have any questions, please do not hesitate to contact Albert Lee.