



Pennsylvania Orders Additional Public Health Safety Measures For Businesses In Operation

Insights

4.16.20

The Secretary of the Pennsylvania Department of Health (DOH) just signed an Order requiring hefty public health and safety measures for non-healthcare provider businesses permitted to maintain in-person operations. The April 15 Order took effect immediately and will be enforceable as of 8:00 p.m. on April 19, 2020.

While the Order currently only applies to businesses that are currently operational and previously deemed life-sustaining, the requirements will likely impact all Pennsylvania employers in the near future. It stands to reason that the ability to implement these requirements will surely be at least one of the conditions of reopening when Pennsylvania begins what is expected to be a phased reopening of businesses. All employers with Pennsylvania operations will want to take note of these expansive requirements as they gear up for the eventual reopening of business.

The Enhanced Requirements

In a previous Order that went into effect on April 6, 2020, the DOH issued a minimal Order for businesses to maintain pre-existing cleaning protocols established in the facility and to clean and disinfect high-touch areas routinely in spaces that are accessible to customers, tenants, or other individuals. The April 15 Order is a drastic ramp up of the original, the key provisions of which are highlighted below.

Cleaning And Exposure Requirements

The Order outlines numerous requirements related to preventive cleaning, including conducting regular cleaning and disinfecting of high-touch areas that are accessible to customers, tenants, or other individuals in accordance with CDC guidelines. According to the CDC, this includes workstations, keyboards, telephones, handrails, and doorknobs.

Businesses are further required to establish protocols for execution upon discovery that the business has been exposed to a person who is a probable or confirmed case of COVID-19. This provision is expansive and includes the requirement to close off all areas visited by the person, airing out the area for a minimum of 24 hours before beginning cleaning and disinfection, and requiring specific areas to be disinfected such as bathrooms, common areas, and breakrooms, and also electronic equipment. Most notably, it requires employers to implement temperature screening before an employee enters the business and prior to the start of work. Additionally, businesses are required to send home any employee with a temperature of 100.4 or higher.

Businesses must also identify those that were within six feet of the person for about 10 minutes or more in the 48 hours prior to symptom onset until the time of isolation and notify them. Additionally, businesses are required to follow the CDC's April 8, 2020 [Interim Guidance for Implementing Safety Practice for Critical Infrastructure Workers Who May Have Had Exposure to a Person Suspected or Confirmed COVID-19](#).

The Order also includes an expansive list of action to be taken related to any employees that were in close contact with a person with a probable or confirmed case of COVID-19, including monitoring for symptoms, sending home if sick, and cleaning their work station.

Preventive Requirements Related To Employees

Businesses are required to stagger work start times when practical, provide sufficient amount of space to have breaks and meals to maintain social distancing of six feet while arranging seating to have employees face forward and not across from each other, stagger breaks as necessary, and limit persons in common areas to allow for six feet of space between them.

Requirements For Businesses Serving The Public

The Order provides further enhanced requirements for businesses that serve the public, including conducting business by appointment only where practical, installing shields and barriers at registers and check-out areas, cleaning registers every hour, and scheduling handwashing breaks for employees at least every hour. The Order also limits occupancy and requires specific distancing and signage.

Masks must be required for all customers entering the premises and those without masks must be denied entry. Businesses providing medication, medical supplies or food are not required to deny entry to individuals without masks, but they must provide alternative methods of pick-up and delivery. Those with a medical condition preventing the use of a mask are exempt from the requirement.

Additionally, these businesses must alter hours as necessary to clean and restock, encourage online ordering, and designate a specific time for high-risk and elderly persons to use the business at least once a week.

Looking Ahead

A state Senate Bill (No. 613) would call for the opening of all businesses as long as the Order's parameters are followed. It has already passed the House and the Senate. However, the governor's office has indicated he will veto it, so we will track the status of this situation to determine how it will impact your business.

How businesses manage these requirements and whether they are effective will likely be a strong litmus test of what can be expected of businesses hoping to reopen in the near future. All employers with operations in Pennsylvania should be prepared to comply with these parameters, even if not currently operational.

This Alert is only a summary of requirements and we suggest you reach out to your Fisher Phillips attorney for help navigating these parameters in advance of the April 19 commencement of enforcement. Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information.

For further information, contact your Fisher Phillips attorney, any attorney in our [Philadelphia](#) or [Pittsburgh](#) offices, or [any member of our COVID-19 Taskforce](#). You can also review our nationwide [Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus](#) and our [FP Resource Center For Employers](#), maintained by our Taskforce.

This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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