

# GUIDANCE FOR BUSINESSES PERMITTED TO OPERATE DURING THE COVID-19 DISASTER EMERGENCY TO ENSURE THE SAFETY AND HEALTH OF EMPLOYEES AND THE PUBLIC

## PURPOSE

The virus that causes the Coronavirus 2019 Disease ("COVID-19") is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to safeguard public health and safety.

COVID-19 can be transmitted from infected individuals even if they are asymptomatic or their symptoms are mild, such as a cough. It can also be spread by touching a surface or object that has the virus on it and then touching your mouth, nose or eyes. This guidance document addresses the procedures businesses must follow to limit the spread of COVID-19 to the extent they are permitted to conduct in-person operations.

As discussed more fully below, businesses operating in counties designed as in the Red Phase or Yellow Phase, are subject to this guidance. In counties designated as in the Green Phase, the orders underlying this guidance will be lifted, and businesses will no longer be required to follow this guidance.

First and foremost, businesses that have been operating remotely through individual telework of their employees must continue to telework to prevent the spreading of COVID-19 until the stay at home and business closure orders are fully lifted. However, certain life-sustaining businesses that cannot conduct either all or part of their operations via telework have been permitted to conduct in-person operations, and certain non-life sustaining businesses are being permitted to restart their in-person operations through the loosening of some restrictions under the stay at home and business closure orders.

Businesses in the Commonwealth that are permitted to conduct in-person operations during the disaster emergency must take precautions to protect their employees, their employees' families, and their communities as a whole. Businesses that are permitted to maintain in-person operations are those that are permitted to operate under the Governor's and Secretary's Non-Life Sustaining Business Closure Orders (as amended), an exemption from those Orders, or any subsequent applicable Order or amendment to those Orders from the Governor and Secretary. All businesses (including those businesses whose in-person operations were originally closed and later permitted to reopen) conducting in-person operations must review this guidance and commit to ensuring the health and safety of their employees and the public.

The precautions that businesses must implement are more fully outlined in the following documents:

- 1) Order of the Secretary of Health providing for building safety measures, issued April 5, 2020;
- 2) Order of the Secretary of Health providing for business safety measures (to keep employees and customers safe), issued April 15, 2020;
- 3) Guidance issued by the Department of Health to the Construction Industry, issued April 19, 2020;
- 4) Guidance issued by the Department of State to the Real Estate Industry, reissued April 28, 2020;
- 5) Guidance issued by the Governor regarding Vehicle Transactions, issued April 20, 2020;
- 6) Other future applicable Department of Health (DOH) and Centers for Disease Control and Prevention (CDC) guidance.

## BUSINESSES SUBJECT TO THIS GUIDANCE

All businesses in all industries and sectors of the economy (including non-profit entities), in the Commonwealth, that are permitted to conduct in-person operations, are subject to this guidance unless they

are otherwise more stringently regulated under separate industry-specific guidance. For instance, health care providers are governed by DOH's guidance provided to health care providers and its HANs (Health Alert Network guidance).

## **SIGNIFICANCE OF RED-YELLOW-GREEN PHASES FOR BUSINESSES**

The Commonwealth is employing a regional and industry-specific approach to reopening non-life-sustaining businesses. In counties that have been designated as in the Red Phase, businesses permitted to conduct in-person operations are 1) those listed as life sustaining according to the Governor's and Secretary's Non-Life Sustaining Business Closure Orders (as amended), 2) those that received an exemption from those Orders from the Department of Community and Economic Development, or 3) those permitted to conduct in-person operations pursuant to a subsequent applicable Order or amendment to those Orders from the Governor and Secretary including:

- a. Construction Industry;
- b. Vehicle Dealerships; and
- c. Real Estate Industry.

In counties that have been designated as in the Yellow Phase, all businesses, except those categories specifically excluded in the Governor's Plan to Reopen Pennsylvania Plan and the Governor's and Secretary of Health's orders, are permitted to conduct in-person operations, so long as they strictly adhere to the requirements of this guidance.

In counties that have been designated as in the Green Phase, all businesses (including those restricted or prohibited in the Yellow Phase) are authorized to conduct unrestricted in-person operations as long as the businesses follow CDC and Department of Health guidelines.

## **POLICY**

It is the policy of the Administration to ensure that all businesses subject to this guidance conduct their operations in the manner best designed to prevent or mitigate the spread of COVID-19 and ensure the safety of their employees and the communities in which the businesses reside or serve. All businesses, even those that are authorized to maintain in-person operations, must strive to minimize opportunities for personal interaction because such interactions provide greater opportunities for the transmission of COVID-19. Businesses must employ remote or virtual methods of doing business whenever and wherever possible.

Businesses that must conduct in-person operations and activities, because their employees cannot telework, must adhere strictly to this guidance. In addition, businesses that maintain in-person operations must make their employees and customers aware of the efforts and commitment to protecting their health and safety.

## **PROTECTING EMPLOYEES WORKING IN THE COMMONWEALTH**

All businesses that have been conducting their operations in whole or in part remotely through individual teleworking of its employees must continue telework operations for each of those employees.

All businesses conducting in-person operations must do the following:

- ✓ Clean and disinfect high-touch areas frequently and continue to regularly clean all other areas of the building(s);
- ✓ Establish and implement a plan **in case the business is exposed to a probable or confirmed case of COVID-19, that includes:**

- Securing and decontaminating the affected areas by:
    - Closing off areas visited by the person who is a probable or confirmed case of COVID-19;
    - Opening outside doors and windows and using ventilation fans to circulate air in the area;
    - Waiting at least 24 hours, or as long as practical, before cleaning and disinfecting the affected area;
    - Cleaning and disinfecting all shared areas such as offices, bathrooms, break rooms, shared electronic equipment (tablets, touch screens, keyboards, remote controls) and ATM machines used by the sick person;
  - Identifying employees who were in close contact (within about 6 feet for 10 minutes or more) 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 isolated.
    - If any employee who was in close contact remain) asymptomatic, the employees should adhere to the practices set out by the CDC in its [April 8, 2020 Interim Guidance for Implementing Safety Practice for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#);
    - If the affected employee becomes sick during the workday, 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 are considered exposed;
    - Promptly notify employees who were close contacts of any known exposure to COVID-19 at the business premises, consistent with applicable confidentiality laws.
  - Taking each employee's temperature before they enter the business and sending home those who have a temperature of 100.4 degrees Fahrenheit, or higher. Ensure employees practice social distancing while waiting to have temperatures screened;
  - Informing employees that if they have symptoms (i.e., fever, cough, or shortness of breath), they should notify their supervisor and stay home;
  - Advising sick employees to follow CDC-recommended steps, including not returning to work until the CDC criteria to discontinue home isolation are met, in consultation with health care providers and state and local health departments;
  - Employers are encouraged to implement liberal paid time off for employees who do not return to work for the reasons set forth above.
- ✓ Prevent large groups from entering or leaving the building by staggering work start and stop times;
  - ✓ Limit the number of people in employee common areas, like locker rooms or break rooms, and ensure these areas are cleaned frequently;
  - ✓ Conduct meetings and trainings virtually. If a meeting needs to be held in person, limit the number of employees to 10 and maintain a social distance of six feet;
  - ✓ Make sure employees have access to soap and water to wash their hands, hand sanitizer and disinfectant wipes;
  - ✓ Provide non-medical masks for employees to wear at all times and make it mandatory to wear masks while on the work site. Employers may approve masks obtained or made by employees according to [Department of Health policies](#);
  - ✓ Make sure the facility has enough employees as applicable to follow these protocols and conduct business effectively and safely;
  - ✓ Discourage non-essential visitors from entering the business premises;
  - ✓ Communicate these procedures to all employees to ensure that everyone knows how to be safe.

## **PROTECTING EMPLOYEES IN THE COMMONWEALTH THAT SERVE THE PUBLIC**

Any business that serves the public inside a building or other defined area must follow the above guidance **and** take the additional precautions listed below:

- ✓ Conduct business with the public by appointment only, whenever possible;
- ✓ If appointment-only service is not feasible, limit the number of people inside the building to no more than 50% of the total maximum occupancy;
- ✓ Modify the hours of business so that there is enough time to clean and restock;
- ✓ Install shields or other barriers at registers and check-out areas to physically separate cashiers and customers, or take other measures to maintain social distancing between customers and employees;
- ✓ Encourage customers to use online ordering by providing delivery or pick-up options;
- ✓ Designate a specific time for people at high risk, including those over the age of 65 to use the business at least once a week;
- ✓ Require all customers to wear masks while on the premises. Businesses that provide medication, medical supplies or groceries must provide an alternate, no contact, means of delivering goods for customers who cannot wear a mask.
  - However, individuals who cannot wear a mask due to a medical condition (including children under the age of 2 years per CDC guidance) may enter the premises and are not required to provide documentation of such medical condition
- ✓ In businesses with multiple check-out lanes, limit use to every other register. After every hour, rotate customers and employees to the previously closed registers and clean the previously open registers and the surrounding areas;
- ✓ Schedule handwashing breaks for employees at least every hour; and
- ✓ Assign an employee to wipe down carts and handbaskets before the customer uses it.

No business is required to conduct in-person operations, and should not do so if the business is unable to do so in accordance with this guidance. Businesses permitted to conduct in-person operations that are unable or unwilling to comply with these requirements may engage in curbside delivery to customers so long as strict social distancing and other mitigation measures are followed.

Businesses serving the public that inherently involve close contact with customers, and therefore cannot attain social distancing, are not permitted to conduct in-person operations until the county in which the business is located transitions to the Green Phase, when the building safety and business safety orders are lifted.

## **STATE AND LOCAL GOVERNMENTS**

Local political units were not explicitly required to suspend in-person operations under the business closure orders issued by the Governor and the Secretary on March 19, 2020. However, they were advised to curtail in-person operations to the extent practicable and to follow COVID-19 mitigation guidance provided by the Department and the CDC. Similarly, local political units are not required to follow the Secretary's building and business safety orders; however, they are advised to implement the protocols that it outlines to the extent practicable.

Although the Commonwealth is not a business that is directly covered by this guidance, Governor Wolf has chosen to implement the practices outlined here where possible as an example for other employers and employees in the Commonwealth.

Local political units should use best judgment in exercising their authorities and issuing implementation directives and guidance. All such decisions should appropriately balance public health and safety while ensuring the continued delivery of critical services and functions. Government employees and contractors should continue to operate under the direction of their supervisors.

## FURTHER GUIDANCE AND SUPPORT

Businesses that have questions about whether this guidance applies to them may contact the Department of Health at 1-877-PA-HEALTH ([1-877-724-3258](tel:1-877-724-3258)).

Answers to frequently asked questions (FAQs) involving application of the business safety order are available [here](#).

In addition, answers to frequently asked questions (FAQs) involving the construction industry specific guidance are available [here](#).

Help is available for people who are struggling with their mental or emotional health or feeling anxious or overly stressed. Contact the Crisis Text Line by texting PA to 741-741.

The Administration recognizes the difficulty of procuring materials businesses need to safely resume operations. If assistance is needed to locate masks and other supplies to carry out these required safety procedures, please visit DCED's [Business2Business Interchange](#).

## ENFORCEMENT

Enforcement of the Secretary's Order Directing Building Safety Measures began at 12:00 AM on Monday, April 6, 2020.

Enforcement of the Secretary's Order Directing Public Health Safety Measures for Businesses Protection Order began at 8:00 PM on Sunday, April 19, 2020.

The governor has directed the following state agencies and local officials to enforce orders related to the COVID-19 pandemic to the full extent of the law:

- Department of Health
- Department of Agriculture
- Department of Labor and Industry
- Pennsylvania State Police
- Local officials, using their resources to enforce closure orders within their jurisdictions.
- Pennsylvania Liquor Control Board

Law enforcement officers should refer to Enforcement Guidance available online [here](#).

If employees or customers want to report possible health and safety violations in the workplace related to COVID-19:

1. File a complaint with a local health department or a law enforcement agency.
2. Submit this [webform](#) to the PA Department of Health at [www.health.pa.gov](http://www.health.pa.gov).
3. Review OSHA guidance and, if appropriate, [file a complaint](#) at [OSHA.gov](http://OSHA.gov).

## REMINDERS TO CONTAIN THE SPREAD OF COVID-19: SOCIAL DISTANCING AND OTHER REQUIREMENTS

When people need to leave their places of residence in connection with allowable individual activities, allowable essential travel, or by virtue of exemption from this policy, the Department of Health strongly encourages individuals to abide by the following social distancing requirements to:

- Maintain a distance of at least six feet from other individuals;
- Wash hands with soap and water for at least 20 seconds as frequently as possible, or use hand sanitizer if soap and water are not available;
- Cover coughs or sneezes with a sleeve or elbow, not hands; Do not shake hands;
- Regularly clean high-contact surface areas;
- When sick, stay at home;
- Do not gather in groups larger than 25 people, including for business meetings or events.

## REQUIREMENTS FOR COMMUNICATING WITH EMPLOYEES AND ANY ON-SITE CUSTOMERS ABOUT COVID-19 SAFETY

Businesses conducting in-person operations or serving the public are required to make employees and customers aware of the guidance provided by the Commonwealth to keep people at their establishment safe. In addition, businesses are required to publicly acknowledge their responsibility to conduct their operations to ensure the health and

Businesses must print, sign, and post the “COVID-19 Safety Procedures for Businesses” flyer on their premises. The flyer is located on the Department of Health’s [Resources for COVID-19 webpage](#). Businesses must post the signed flyer in employee common space and, if the business serves the public, the business must also post the flyer near the business’s public entrance(s) in prominent location(s).

Businesses must sign the flyer on the space provided. The signature is an acknowledgement that the owner or management is aware of the COVID-19 safety procedures and understands their responsibilities to carry out the guidance and procedures. The flyer must be signed by the business’s corporate officer, site manager, site foreperson, or equivalent. The flyer also contains a space for the business to indicate the employee who is the “Pandemic Safety Officer,” or the person in charge of the COVID-19 safety procedures for the business (specific workplace). The signed acknowledgement and Pandemic Safety Officer designation should not be returned to the Commonwealth – it must be simply posted and available if requested by local law enforcement.

The Commonwealth encourages businesses to share this guidance or the flyer electronically with employees as well.

There is no requirement to submit a safety response plan to the Commonwealth.

**NOTE:** The Commonwealth’s [Resources for COVID-19 webpage](#) offers two versions of the flyer. One is a document that can be printed on ONE 8.5x14-inch (legal) piece of paper. The other is a document that can be printed on TWO 8.5x11-inch (letter) pieces of paper. Additionally, Spanish translations are also available (both a 8.5x11-inch version and a 8.5x14-inch version) on the [Resources for COVID-19](#)

webpage. The business can choose which version to use and post at its location(s). The business does not have to use both versions.

## **ADDITIONAL INFORMATION**

For the most up-to-date, reliable information, please continue to refer to the Commonwealth of Pennsylvania's website for Responding to COVID-19 in Pennsylvania: <https://www.pa.gov/guides/responding-to-covid-19/>.