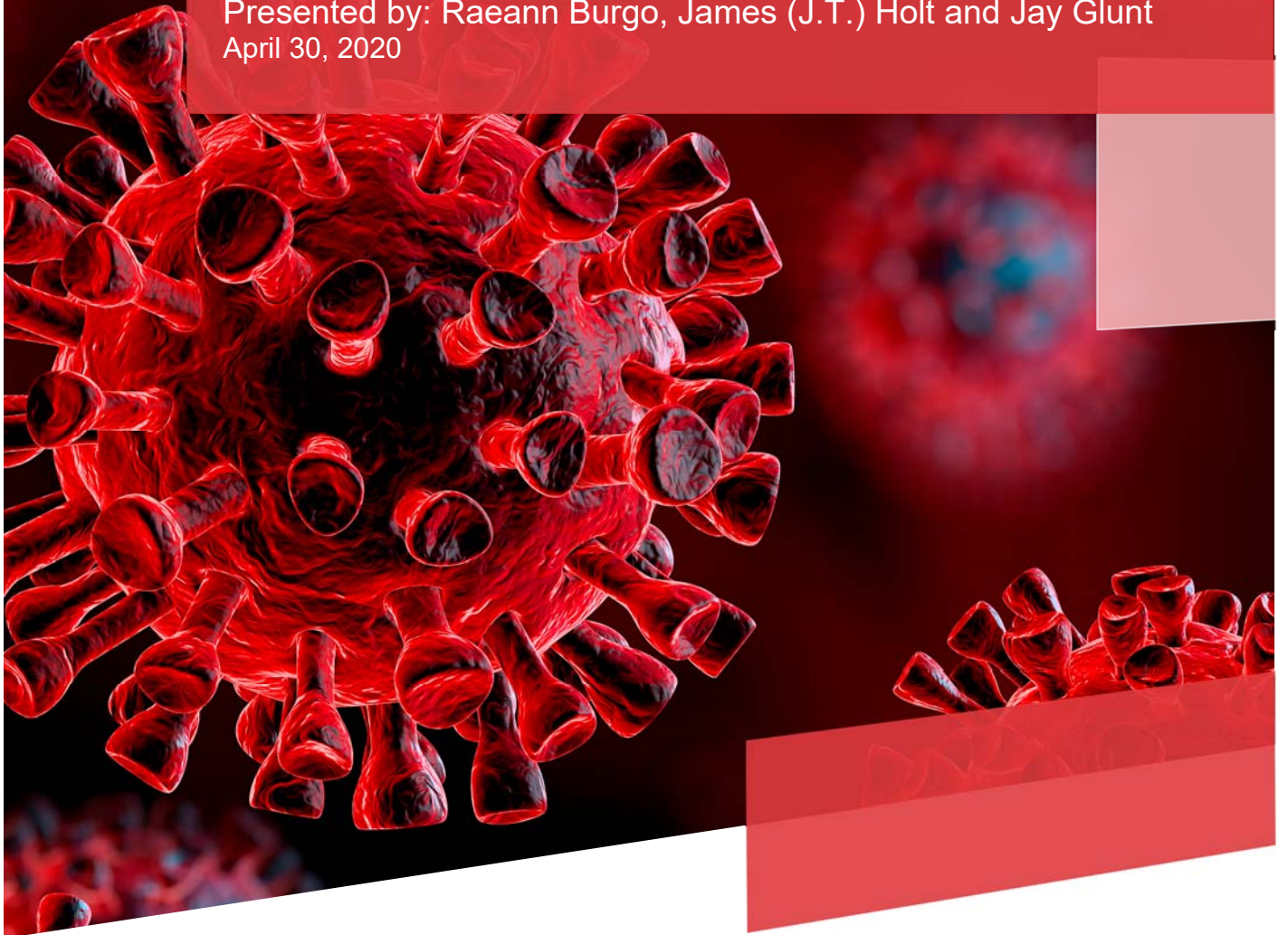


Creating a COVID-19 Playbook: Pennsylvania

Presented by: Raeann Burgo, James (J.T.) Holt and Jay Glunt
April 30, 2020



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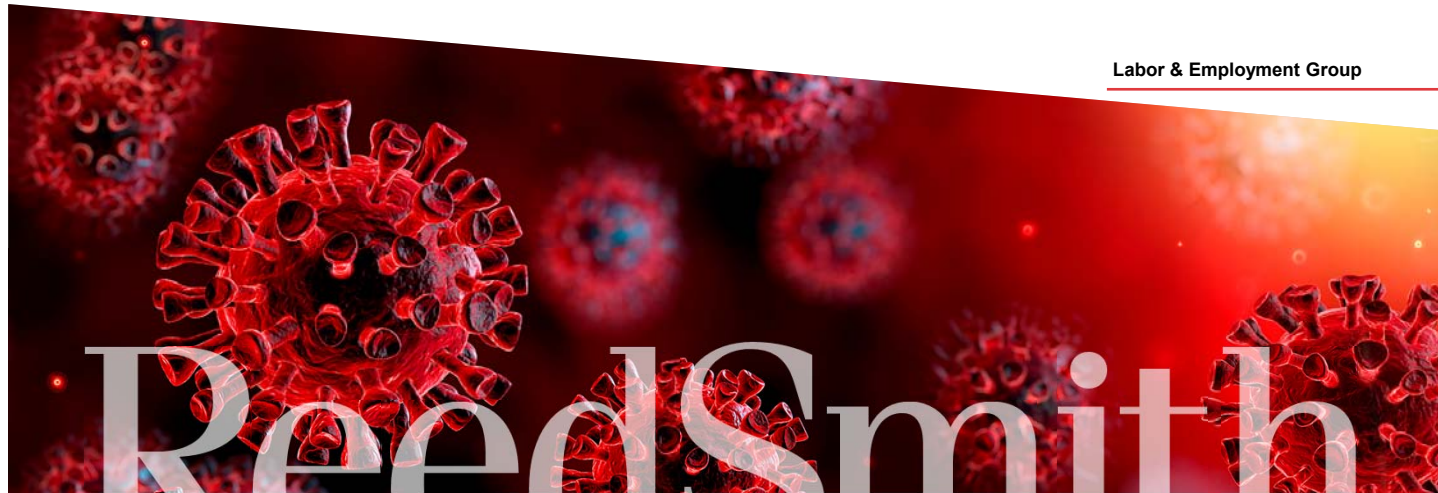
“Creating a COVID-19 Playbook: Focus on Pennsylvania”

Raeann Burgo, James (J.T.) Holt and Jay Glunt

Thursday, April 30, 2020

Course Materials -- Click titles to open documents

1. [“Creating a COVID-19 Playbook: Focus on Pennsylvania” Presentation Slides](#)
2. [“Families First Coronavirus Response Act: Questions and Answers,” U.S. Dept. of Labor, Wage and Hour Division](#)
3. [“COVID-19 and the Fair Labor Standards Act Questions and Answers,” U.S. Dept. of Labor, Wage and Hour Division](#)
4. [“What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws,” U.S. Equal Employment Opportunity Commission](#)
5. [“COVID-19 Guidance for Essential Businesses,” Pennsylvania Dept. of Health \(April 15, 2020\)](#)
6. [“Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-Person Operation,” Pennsylvania Dept. of Health \(April 19, 2020\)](#)
7. [“Frequently Asked Questions: Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-Person Operation,” Pennsylvania Dept. of Health](#)
8. [“Guidance on Homemade Masks During COVID-19,” Pennsylvania Dept. of Health](#)
9. [“Guidance for Businesses in the Construction Industry Permitted to Operate During the COVID-19 Disaster Emergency,” Pennsylvania Dept. of Health \(April 23, 2020\)](#)
10. [“COVID-19 Complaint Form,” Pennsylvania Dept. of Health](#)
11. [Presenter Profiles](#)



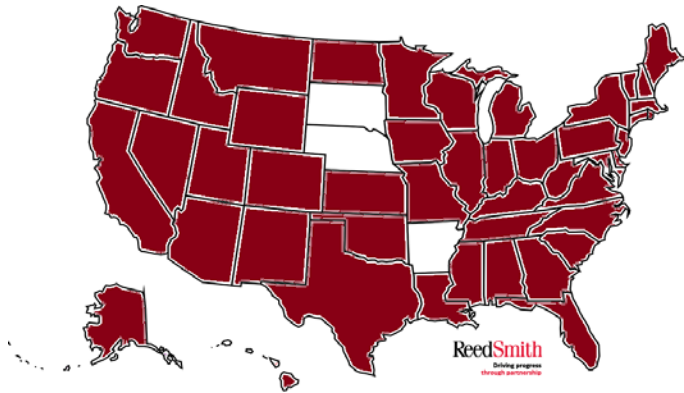
Creating a **COVID-19** Playbook: Focus on **Pennsylvania**

Prepared for **Association of Corporate Counsel**

Presented by Raeann Burgo, Jay Glunt and James (J.T.) Holt
Introduced by Nathan Platt

April 30, 2020

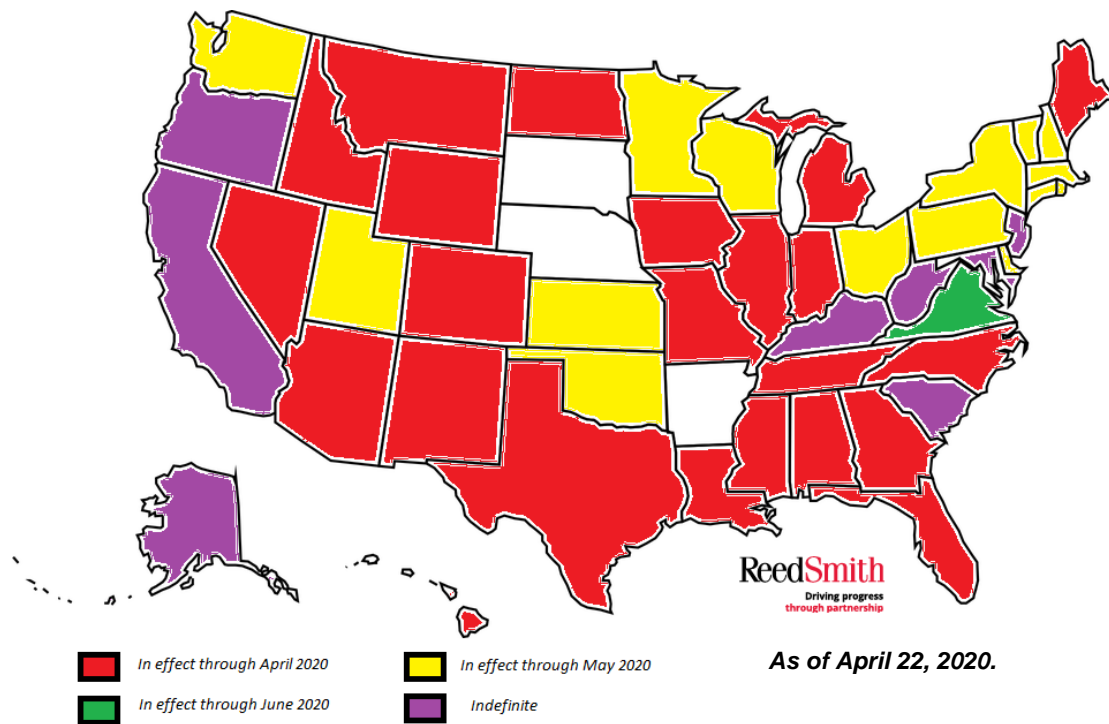
Statewide Business Closures and Restrictions



300,000,000 at home
26,000,000 unemployed
1,000,000 sick
59,000 dead

Statewide Business Closures and/or Restrictions as of April 28, 2020

Statewide Business Closures and Restrictions



Weekly initial unemployment claims in 2020

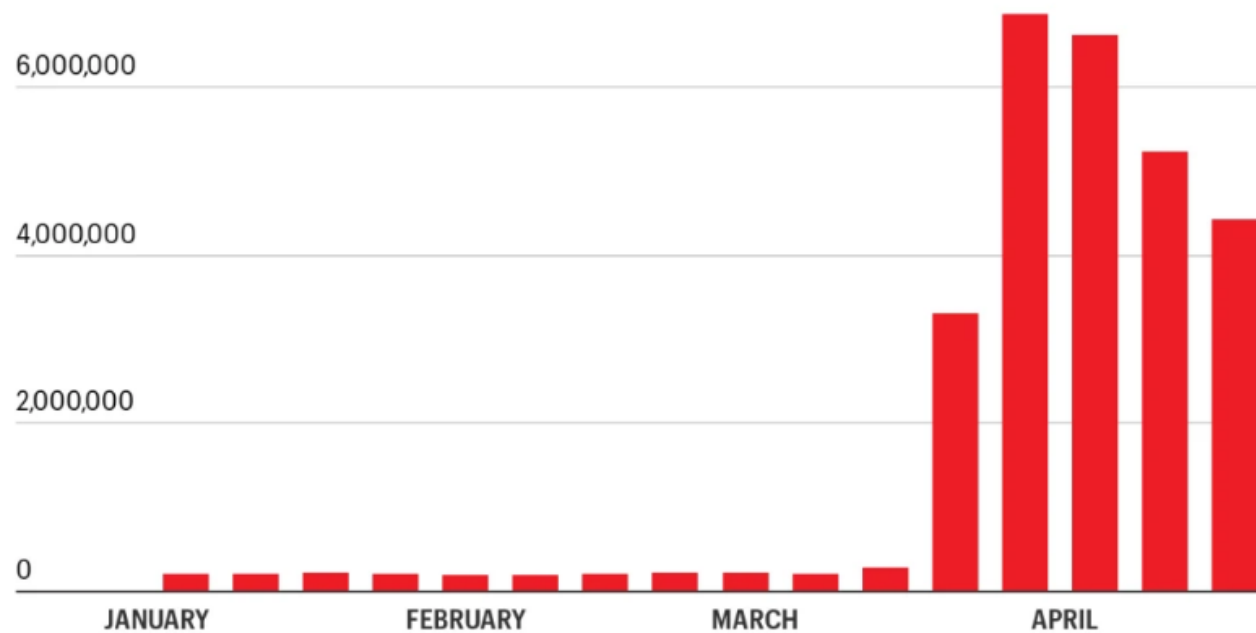


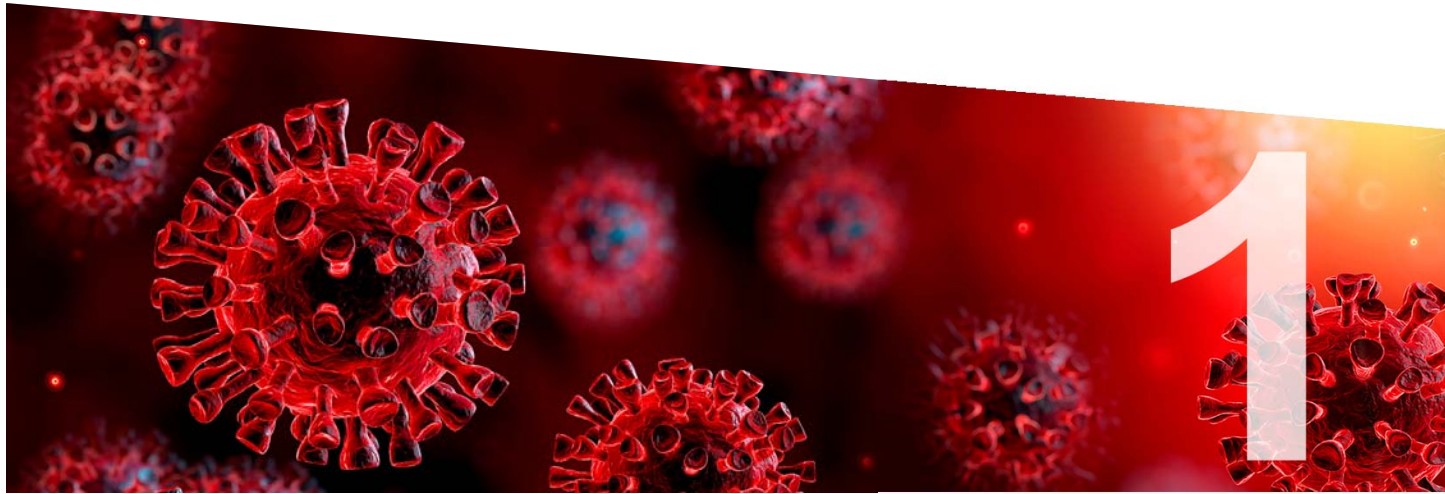
CHART: LANCE LAMBERT • SOURCE: U.S. DEPARTMENT OF LABOR

FORTUNE

Workplace Considerations: Three Areas of Advice

1. Families First Coronavirus Response Act (FFCRA) and related issues
2. Responding to coronavirus through workforce changes
3. Access to the workplace and return to work





Families First Coronavirus Response Act (FFCRA) in a Nutshell

FFCRA at a Glance

- **April 1, 2020** effective date
- **Applies to employers with fewer than 500 employees**
 - Full- and part-time employees in U.S.
 - Caution: temps and employees with potential joint employer relationship
 - Not independent contractors
- **Expanded FMLA Leave**
2/3 pay for 10 weeks (cap)
- **Emergency paid sick leave**
full pay for 80 hours (cap)



Exclusions to FFCRA (assuming < 500 employees)

Fewer than 50 employees:
jeopardize viability
of business



Employer of
healthcare provider
or emergency
responder

Permissible uses of emergency paid sick leave

If the employee is unable to work (and unable to telework) because the employee:



1. is subject to a federal, state, or local **quarantine or isolation order** related to COVID-19;
2. has been **advised by a health care provider** to self-quarantine for reasons related to COVID-19;
3. is experiencing COVID-19 **symptoms** and is seeking a medical diagnosis;
4. is **caring for an individual** subject to an order described in (1) or is self-quarantining as described in (2);
5. is caring for a child (younger than 18 years or older than 18 years with a mental or physical disability that requires dependent care) **whose school or place of care is closed** (or whose child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other **substantially similar condition** specified by the Secretary of Health and Human Services

Permissible uses of 10 weeks leave under FFCRA (FMLA)

If the employee is unable to work (or unable to telework) because the employee is caring for a child:

- who is younger than 18 years or older than 18 years with a qualifying disability that requires dependent care; and
- whose school or place of care is closed for reasons related to COVID-19.



Tax credits offset the cost of FFCRA leave

- The FFCRA provides **fully refundable tax credits** for all amounts of FFCRA leave provided to employees up to the statutory caps
- The CARES Act amended FFCRA to accelerate the tax credits
- The IRS requires basic documentation about the FFCRA leave

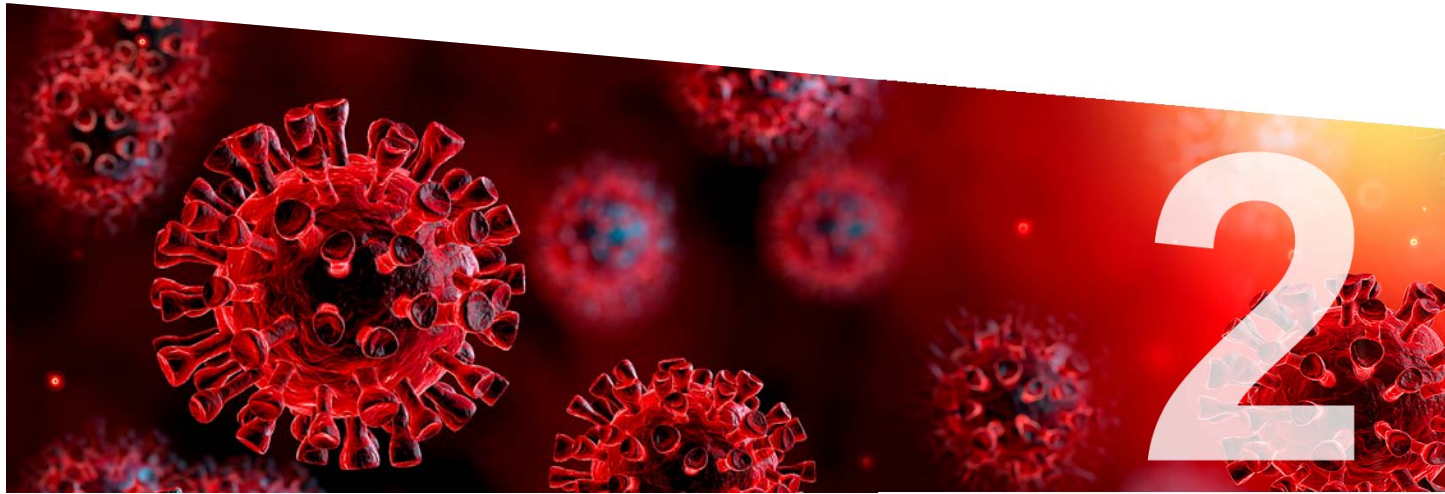


State and local considerations: Pennsylvania

- Some of the most challenging questions involve application and overlap of other types of leave, paid and unpaid
- FFCRA Emergency Paid Sick Leave is **in addition to** any form of leave provided by an employer, law, or applicable collective bargaining agreement
 - Pittsburgh Paid Sick Days Act
 - Philadelphia's "Promoting Healthy Families and Workplaces" law

Questions for consideration:

- Are you comfortable with how you did your headcount calcs?
- Are you seeing situations where you think the employee might be exaggerating symptoms to a healthcare provider to get the two weeks of paid leave?
- Have you thought through how your existing paid and unpaid leave policies might supplement FFCRA leave?
- Do you have a procedure in place for employees to certify their reason for requesting FFCRA leave?



Workforce Changes

How are employers reshaping their workforce?

Essential or non-essential business

Resources available to the company

- CARES Act loans and forgiveness
- EIDL loans and forgiveness

Resources available to the employee

- Expanded unemployment benefits
- Accrued PTO

Employer obligations to the employee

- Paid FFCRA Leave
- State paid sick leave
- WARN laws



CARES Act: Resources for employers

Coronavirus Aid, Relief and Economic Security Act



- Authorized more than \$2 trillion of aid
- Two loan programs for small businesses
 - Paycheck Protection Program (all new)
 - Expansion of EIDL Program (new feature)
- Loan forgiveness
- Expanded unemployment benefits

PPP: Employer eligibility

- Fewer than 500 employees; **or**
- a standard number of employees for the employer's sector as determined by the SBA; **or**
- fewer than 500 employees per site and under one of the statutory affiliation waivers:
 - Accommodations and food service
 - Franchisees
 - SBIC-funded entities
 - **Shake Shack; Ruth's Chris; Harvard**



PPP at a Glance

Loan amount is 2.5 times average monthly payroll, up to \$10 million

- Payroll costs
- State and local employer taxes
- Mortgage interest
- Rent
- Utilities
- Interest on debt accrued prior to issuance of the loan

Interest rate = 1 percent

Amortization = 2 years

First wave = \$349 billion (gone)

Second wave = additional \$310 billion



To Forgive or Not to Forgive?



- Potential for 100% forgiveness of the loan if employer can document spending for the first 8 weeks after first disbursement of loan:
 - 75% spent on payroll costs
 - No reduction in FTEs
 - No reduction in salary > 25%
- Lenders will set forgiveness application requirements
- 60-day deadline to respond to forgiveness application

CARES Act: Resources for employees

Unemployment insurance expanded

- **Pandemic Unemployment Assistance**
 - Temporary expansion of eligibility
 - Seeking part time work, business owner, self-employed (gig workers and independent contractors), limited work history
 - Up to 39 weeks (13 weeks longer)
- **Pandemic Unemployment Emergency Assistance**
 - Additional \$600/week taxable income (no withholdings) for all weeks of eligibility from April 5, 2020 through July 31, 2020
 - Ordinary first week waiting period waived
 - Additional 13 weeks of eligibility (to 39 weeks)
- **Lower wage and part-time workers are making more while laid off and collecting unemployment**
- **Expanded unemployment compensation benefits present a potential strategy for short-term layoffs**



Reducing hours or wages

- **Reductions in hours and/or wages typically permitted**
 - Be aware of contract restrictions
- **For non-exempt employees:**
 - Give advance notice
 - Reductions cannot reduce compensation below federal minimum wage of \$7.25
- **For exempt employees:**
 - Give advance notice and no end date
 - If reduction below \$35,568, formerly exempt employee is now entitled to overtime pay
 - Salary reductions should not be short-term or seasonal



Analyzing workforce reduction options under **FFCRA** and the **CARES Act**

Interplay between FFCRA and CARES Act impacts RIF and furlough decisions.



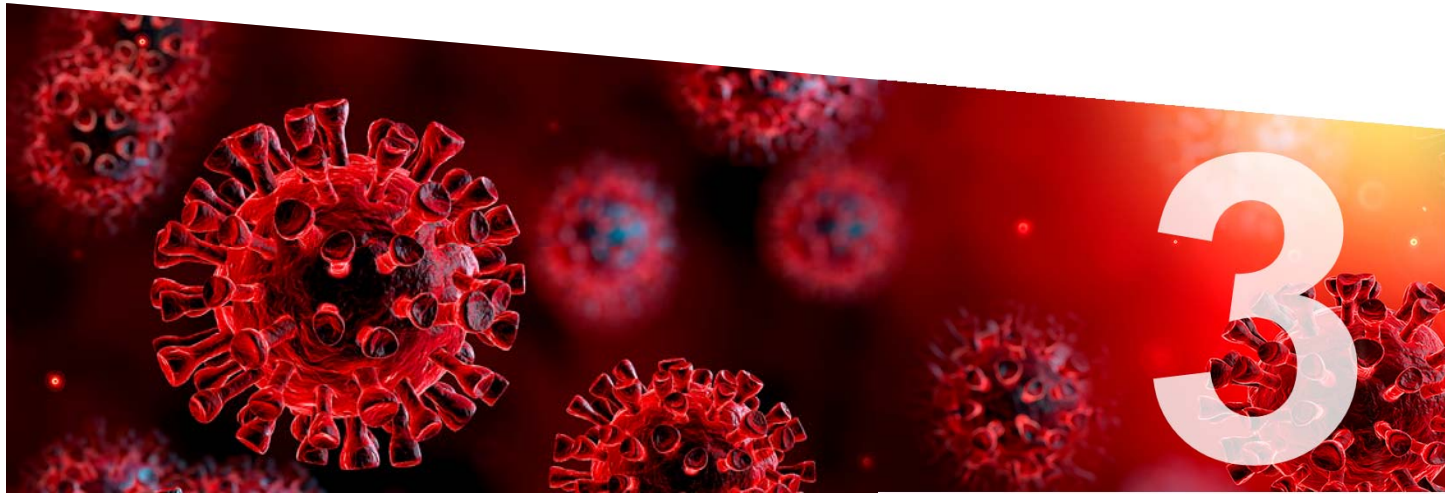
Workforce reductions and the **WARN** Act



- **Certain layoffs or furloughs require 60 days advance notice (or severance in lieu of notice)**
 - Be aware of state mini-WARNs, which may have different requirements
- **For employers with 100 or more employees:**
 - A plant closing requiring notice involves 50 or more fulltime employees at a single site of employment
 - A mass layoff requiring notice involves 50 or more fulltime employees at a single site of employment, where those 50 or more employees involved constitute one third of the workforce
 - A layoff of 500 or more fulltime employees also requires notice

Questions for consideration:

- Are you taking into account the enhanced unemployment eligibility when making your decisions about workforce changes?
- If you intend to furlough employees, have you prepared notice?
- Are you reducing wages and salaries as part of your strategy?



Access to the Workplace

Practical employer guidance: Managing a remote workforce

Clear guidance on what is expected of them

- Company policies still apply
 - Time keeping, meal and rest breaks, overtime
 - Confidentiality and privacy
 - Address off the clock time: new issues arise every day - cleaning or prepping face masks
- Productivity standards



Home is work area

- Updated employer reimbursement policy during pandemic
- Activities within the course and scope of employment
 - Expenses that are reasonable and necessary
 - Expenses with mixed use
- Work-related injuries and third party access

Practical employer guidance: Managing employees who provide essential services

OSHA guidelines: employer's responsibility to keep employee safe at vendor/client sites.

CDC guidelines

- Social distancing – six feet apart
- Cloth face covering – reserve surgical masks or N95 respirators for health care
- Wash hands
- Clean surfaces (especially high touch surfaces) with soap and water
- EPA registered disinfectants thereafter (found on CDC website)

Public orders:

- Pennsylvania Department of Health



Practical employer guidance: Responding to reports of employee illness

OSHA guidelines

- Obligated to take steps to mitigate risk to employees. This obligation means removing individuals at increased risk of spreading COVID-19 by virtue of contact with another sick employee.

CDC guidelines

- Remove individuals for 14 days who had direct, continuous contact with a sick employee.
- Clean the workplace.

Notifications

- Deciding whether to notify employees other than those individuals who had direct, continuous contact.
- What about exposures that are more than 14 days old?
- What if an employee passes away?



Pennsylvania's Worker Safety Order

- **April 15, 2020 Order directing protections for workers employed at businesses authorized to maintain in-person operations during COVID-19 pandemic**
- **Guidance and FAQ's issued shortly thereafter**
- **Failure to comply will result in enforcement action that could include citations, fines, or license suspensions**



Pennsylvania's Worker Safety Order: **Masks**

Order: Employers **must provide** masks to employees to be worn during their time at the business, and make it a mandatory requirement to wear on the work site, **except** while using break time to eat and drink.

But compare to FAQ's....

- If employer ordered masks but they will not arrive for some time, they **may approve** masks made or obtained by the employee.
- Employee does **not** need to wear a mask if it impedes their vision, they have a medical condition, or wearing a mask would create an unsafe condition to operate equipment or execute tasks.
- Employees isolated in their personal office space do **not** need to wear a mask.
- Even if social distancing can be maintained, masks must still be worn **at all times**.



Pennsylvania's Worker Safety Order: Temperature Checks

Order: Required if the business has been exposed to a person who is a “probable” or confirmed case of COVID-19

FAQ's:

- **“Exposed” = ??**
 - Directly on the premises?
 - Employee family members/outside contacts?
- **“Probable case” =**
 - “Appropriate symptoms”
 - Exposure to a high risk situation
 - Positive antibody test **and** symptoms or exposure to a high risk situation
- **End date of requirement after exposure?**
 - **Should be** conducted for at least 14 days after exposure.
 - However, **recommended** as a matter of routine, despite exposure, especially in areas with high positive case numbers



Pennsylvania Worker Safety Order: **Cleaning Protocols**

Order:

- Clean and disinfect high-touch areas in accordance with CDC guidelines in spaces accessible to customers, tenants and others.
- **Establish protocols** upon discovery business has been **exposed** to a **probable** or confirmed case.
 - **Written protocols required?**
 - **Exposed = ?**
 - **Probable = ?**
- Wait 24 hours, **or as long as practical**, before cleaning and disinfection.
 - **When is it acceptable to clean prior to 24 hours? No help in FAQ's.**
- Make available sufficient and proper personnel to provide for internal enforcement.
 - **Affirmative obligation on employers to monitor and ensure compliance?**



Reopening/Restoring Operations/Returning the Workforce

April 16, 2020 – federal government announced three phase plan

State and local governments are recommended to monitor symptoms, active COVID-19 cases and hospital resources in determining when to implement each phase

Requirements for reopening will vary by jurisdiction/industry

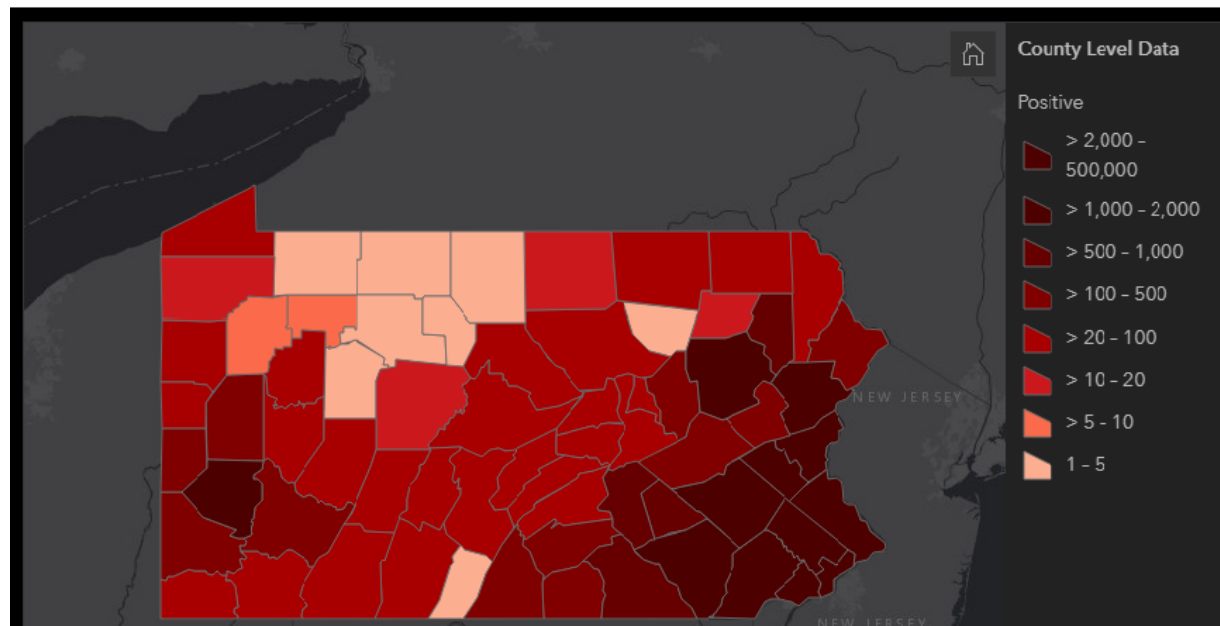
The Centers for Disease Control and Prevention (CDC) has issued guidance:

- Are you in a community no longer requiring significant mitigation?
- Will you be able to limit non-essential employees to those from the local geographic area?
- Do you have protective measures for employees at higher risk (e.g., teleworking, tasks that minimize contact)?

CDC Guidance



Reopening Pennsylvania: **A gradual process**



From health.pa.gov as of April 29, 2020.

Potential **FTC compliance** issues when reopening

- **Information-sharing between companies alone does not raise antitrust risks**
 - However, direct information exchange among employers or agreements between employers that have an adverse affect on workers may be subject to antitrust rules against collaboration among competitors
 - **Example:** developing agreements with other employers that lead to uniform employee rules on hours of work, compensation reduction, or return to work incentives
- **The FTC and Justice Department are on the lookout for employers whose conduct violates antitrust laws**
 - <https://www.ftc.gov/news-events/press-releases/2020/04/federal-trade-commission-justice-department-issue-joint-statement>
- **Collusion or other anticompetitive conduct in labor markets may subject companies to civil and criminal penalties**
- **Special rules may apply when a union is involved**



EEOC Guidance: **What employers can do**

- **Conduct screenings of employees physically entering the workplace, which may include:**
 - Temperature screenings
 - Asking about COVID-19 symptoms, exposure, testing, and diagnosis
 - Asking about close contact with anyone diagnosed with COVID-19
- **Employers may require screenings for all employees or on a case-by-case basis**
 - If only some employees are screened, the employer must have a reasonable belief based on objective evidence, such as a persistent hacking cough, that the individual may have COVID-19
- **Exclude those with COVID-19 or symptoms associated with COVID-19 from the workplace**
 - This is permissible because their presence would pose a direct threat to the health and safety of other employees



EEOC Guidance: **Employer obligations**



- **Medical information, including information involving COVID-19, must be kept confidential**
 - Store employee medical information separately from regular personnel files
- **Notify public health officials**
 - The ADA does not preempt state, county, or local laws designed to protect the public health from a direct threat such as that posed by COVID-19
- **Continue to engage in the interactive process for ADA reasonable accommodations**
 - May need to be more lenient with regard to documentation of disabilities due to doctors being unable to respond quickly
 - Accommodations may be provided on a temporary basis while awaiting documentation
- **Remind employees of company EEO policies prohibiting discrimination and harassment**

The Returning Workforce

- Workplace considerations
- Under what circumstance will my employees be returning? (Is the returning employee continuing employment or was there a severing such that this is a rehire?)
- Returning workforce documents: which documents will be needed will depend on the employee's status (furlough, lay-off, etc.)



The Returning Workforce

Returning workforce documents

- Return to work considerations
- Recall letter
- Form I-9
- Form W-4
- Criminal background checks
- Drug testing considerations
- Other licensing/certifications
- Benefits issues
- Wage and hour issues
- Labor considerations
- Policy/handbook
- IT considerations
- What to do when the employee refuses to return to work due to COVID-19 related concerns



Questions for consideration:

- Do you have a temporary remote work policy?
- Do you have procedure in place to screen employees entering the workplace?
- Are you aware of the mandates of the Pennsylvania Worker Safety Order and have you taken steps to implement them?

Questions?



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BACKGROUND

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. As certain life-sustaining businesses in the commonwealth remain open, there are several precautions that employers and employees must take to protect themselves, their families and residents across the state.

PROTECTING EMPLOYEES AT ESSENTIAL BUSINESSES

All businesses authorized to continue in-person operations, other than health care providers, should do the following:

- Clean and disinfect high-touch areas frequently and continue to regularly clean all other areas of the building;
- Establish a plan in case an employee is exposed to a probable or confirmed case of COVID-19;
- Take each employee's temperature before they enter the building and send those who have a temperature of 100.4 degrees Fahrenheit, or higher, home;
- 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 getting 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 masks for employees to wear at all times and make it mandatory to wear while on the work site. Employers may approve masks obtained or made by employees according to department policies;
- Make sure the facility has enough employees to conduct business effectively and safely; and
- Do not allow non-essential visitors from entering the business.

PROTECTING EMPLOYEES AT ESSENTIAL BUSINESSES THAT SERVE THE PUBLIC

Businesses that serve the public inside a building or other defined area should 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, businesses must limit the amount of people inside the building to no more than 50% of the total occupancy;
- Change the hours of business so 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 high-risk and elderly people to use the business at least once a week;
- Require all customers to wear masks to enter the store. If the customer cannot wear a mask, they should not be allowed in. For supermarkets and pharmacies, if a customer cannot wear a mask, these stores must provide an alternate means of delivering goods;

- In businesses with multiple check-out lanes, use 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.

IF AN EMPLOYEE WAS EXPOSED TO COVID-19:

- Close off areas where the probable or confirmed case of COVID-19 was;
- Open outside doors and windows and use ventilation fans to circulate air in the area;
- Wait at least 24 hours, or as long as practical, before cleaning and disinfecting;
- Clean and disinfect 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;
- Identify employees that were in close contact with the probable or confirmed COVID-19 case; and
- Take every employee's temperature before they enter the building or before each shift, and send home anyone with a fever of 100.4 degrees Fahrenheit, or higher;

Employees who have symptoms should notify their supervisor and stay home. Sick employees should follow CDC-recommended steps and not return to work until the certain criteria for returning back to work are met.

RESOURCES FOR MORE INFORMATION

The full guidance for essential businesses can be found [here](#).

For more information, visit <https://www.health.pa.gov/topics/disease/Pages/Coronavirus.aspx>

The latest information on the coronavirus in the U.S. and worldwide can be found on the [CDC website](#).

Interim guidance for critical workers can be found [here](#).

Help is available, contact the **Crisis Text Line by texting PA to 741-741**.



Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations

The 2019 novel coronavirus (COVID-19) is a contagious disease that is rapidly spreading from person to person in the Commonwealth of Pennsylvania. COVID-19 can be transmitted from people who are infected with the virus even if they are asymptomatic or their symptoms are mild, such as a cough. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes.

COVID-19 is a threat to the public's health, for which the Secretary of Health may order general control measures, including, but not limited to, closure, isolation, and quarantine. This authority is granted to the Secretary of Health pursuant to Pennsylvania law. *See* Section 5 of the Disease Prevention and Control Law, 35 P.S. §§ 521.1, 521.5; sections 2102 and 2106 of the Administrative Code of 1929, 71 P.S. §§ 532, 536; and the Department of Health's (Department's) regulations at 28 Pa. Code §§ 27.60-27.68 (relating to disease control measures; isolation; quarantine; movement of persons subject to isolation or quarantine; and release from isolation and quarantine). Particularly, the Secretary has the authority to take any disease control measure appropriate to protect the public from the spread of infectious disease. *See* 35 P.S. § 521.5; 71 P.S. §§ 532(a), 1402(a); 28 Pa. Code § 28.60.

Recognizing that certain life-sustaining businesses in the Commonwealth must remain open despite the need for strong mitigation to slow the spread of the virus, I am ordering certain actions to be taken by employers and their employees to protect their health and lives, the health and lives of their families, and the health and lives of the residents of the Commonwealth who depend upon their services. Special consideration is required to protect not only customers, but the workers needed to run and operate these establishments.

As cleaning, disinfecting, and other maintenance and security services performed by building service employees are critical to protecting the public health by reducing COVID-19 infection in the Commonwealth, I previously directed building safety measures in an Order that went into effect at 12:01 a.m. on April 6, 2020. Similarly, based upon the manner of COVID-19's continued and extensive spread in the Commonwealth and in the world, and its danger to Pennsylvanians, I have determined that an additional appropriate disease control measure is the further direction of safety measures for all employees and visitors at life-sustaining businesses that have remained open during the COVID-19 disaster emergency.

Accordingly, on this date, April 15, 2020, to protect the public from the spread of COVID-19, I hereby order:

- A. A business that is authorized to maintain in-person operations, other than health care providers, pursuant to the Orders that the Governor and I issued on March 19, 2020, as subsequently amended, shall implement, as applicable, the following social distancing, mitigation, and cleaning protocols:
- (1) in addition to maintaining pre-existing cleaning protocols established in the business, as specified in paragraph (2) below, clean and disinfect high-touch areas routinely in accordance with guidelines issued by the Centers for Disease Control and Prevention (CDC), in spaces that are accessible to customers, tenants, or other individuals;
 - (2) maintain pre-existing cleaning protocols established by the business for all other areas of the building;
 - (3) 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, including:
 - a. 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, remote controls, and ATM machines used by the ill person, focusing especially on frequently touched areas;
 - b. 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 isolated;
 - i. 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 Implementing Safety Practice for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19;
 - ii. 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;

- iii. Promptly notify employees who were close contacts of any known exposure to COVID-19 at the business premises, consistent with applicable confidentiality laws;
 - iv. ensure that the business has a sufficient number of employees to perform the above protocols effectively and timely;
- c. implement temperature screening before an employee enters the business, prior to the start of each shift or, for employees who do not work shifts, before the employee starts work, and send employees home that have an elevated temperature or fever of 100.4 degrees Fahrenheit or higher. Ensure employees practice social distancing while waiting to have temperatures screened;
 - d. employees who have symptoms (*i.e.*, fever, cough, or shortness of breath) should notify their supervisor and stay home;
 - e. 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. Employers are encouraged to implement liberal paid time off for employees who do not return to work as set forth above.
- (4) 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;
 - (5) 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;
 - (6) stagger employee break times to reduce the number of employees on break at any given time so that appropriate social distancing of at least 6 feet may be followed;
 - (7) 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 a social distance of 6 feet;

- (8) conduct meetings and trainings virtually (*i.e.*, by phone or through the internet). 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;
- (9) provide employees access to regular handwashing with soap, hand sanitizer, and disinfectant wipes and ensure that common areas (including but not limited to break rooms, locker rooms, dining facilities, rest rooms, conference or training rooms) are cleaned on a regular basis, including between any shifts;
- (10) 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. Employers may approve masks obtained or made by employees in accordance with Department of Health guidance;
- (11) 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;
- (12) ensure that the facility has a sufficient number of personnel to control access, maintain order, and enforce social distancing of at least 6 feet;
- (13) prohibit non-essential visitors from entering the premises of the business; and
- (14) 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.

B. In addition to the above, the following measures apply to businesses, other than health care providers, that serve the public within a building or a defined area:

- (1) where feasible, businesses should conduct business with the public by appointment only and to the extent that this is not feasible, businesses must limit occupancy to no greater than 50% of the number stated on the applicable certificate of occupancy at any given time, as necessary to reduce crowding in the business, and must maintain a social distance of 6 feet at check-out and counter lines, and must place signage throughout each site to mandate social distancing for both customers and employees;

- (2) based on the building size and number of employees, alter hours of business so that the business has sufficient time to clean or to restock or both;
- (3) install shields or other barriers at registers and check-out areas to physically separate cashiers and customers or take other measures to ensure social distancing of customers from check-out personnel, or close lines to maintain a social distance between of 6 feet between lines;
- (4) encourage use of online ordering by providing delivery or pick-up options;
- (5) 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;
- (6) require all customers to wear masks while on premises, and deny entry to individuals not wearing masks, unless the business is providing medication, medical supplies, or food, in which case the business must provide alternative methods of pick-up or delivery of such goods; 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;
- (7) in businesses with multiple check-out lines, only use every other register, or fewer. After every hour, rotate customers and employees to the previously closed registers. Clean the previously open registers and the surrounding area, including credit card machines, following each rotation;
- (8) schedule handwashing breaks for employees at least every hour; and
- (9) where carts and handbaskets are available for customers' use, assign an employee to wipe down carts and handbaskets before they become available to each customer entering the premises.

This Order shall take effect immediately and be enforceable as of 8:00 p.m. on April 19, 2020.



Rachel Levine, MD
Secretary of Health

Frequently Asked Questions:

Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operation

Recognizing that certain life-sustaining businesses in the Commonwealth must remain open despite the need for strong mitigation to slow the spread of the 2019 Corona virus (COVID-19), the Secretary of Health has ordered certain actions to be taken by employers and the employees of life-sustaining businesses (employees) to protect their health and lives, the health and lives of their families, and the health and lives of the residents of the Commonwealth who depend upon their services.

Q. What sort of situations would mandate a 24-hour wait time, and what sort of situations would allow for a lesser wait time to disinfect surfaces?

A. All businesses are ordered to wait a minimum of 24 hours, or as long as practical, before beginning cleaning and disinfection.

Q. What type of cleaning is required?

A. Facilities must clean and disinfect all spaces, especially commonly used rooms and shared electronic equipment. The Centers for Disease Control and Prevention (CDC) has [established guidance](#) on appropriate cleaning. Businesses should also refer to the Secretary's April 6, 2020 order Directing Building Safety Measures.

Q. Can a life-sustaining business use a third-party vendor or third-party service for cleaning?

A. Yes, businesses can use an established or new vendor to comply with cleaning requirements.

Q. Is the Commonwealth dictating a particular mask?

A. No. Employers may approve masks obtained or made by employees in accordance with Department of Health [guidance](#). Customers may utilize masks obtained or made in accordance with Department of Health [guidance](#). Scarves, bandanas, or other face covering will suffice in place of a mask.

Q. Are there recommendations on where employers can purchase masks for employees?

A. Employers do not need to purchase masks from any specific vendor, but are required to provide masks to employees to wear during business hours. Homemade masks and masks owned by employees are allowable. The Department of Health (Department) has published

[guidance](#) on how to make cloth masks. Additionally, the Department of Community and Economic Development has created a 'Business-2-Business' Directory, which identifies potential vendors of masks and other Personal Protective Equipment (PPE).

Q. Would a disposable face shield suffice in lieu of a mask?

A. A disposable face shield would suffice in lieu of a mask. Employers may approve masks obtained or made by employees in accordance with guidance on homemade masks found on the Department's and the CDC's websites.

Q. Does this order apply to essential workers who are outdoors, and heavy physical activity is part of their job description, such as employee of solid waste companies and landscaping?

A. Yes. However, an employee does not need to wear a mask if it impedes their vision, if they have a medical condition, or would create an unsafe condition in which to operate equipment or execute a task.

Q. Do banks and financial institutions need to comply with the masking requirement if there are associated security concerns with face coverings?

A. Yes. Bank employees should wear masks at all times. Customers can be asked to remove their masks to reveal their face and then recover their face after the bank employee has identified the customer. This should take place within a minimum distance of six feet.

Q. Is it acceptable for workers to remove facial coverings for operations where it would be unsafe to keep in place or to be in compliance with safety requirements?

A. Yes. An employee does not need to wear a mask if it impedes their vision, if they have a medical condition, or would create an unsafe condition in which to operate equipment or execute a task.

Q. If the customer refuses to wear a mask will they be turned away or will the customer be refused service?

A. Yes, with the exception for businesses that provide medication, medical supplies, or food, which must offer another means for the customer to purchase goods if they the customer is unable to wear a mask. Those means could include home delivery or contactless curbside pick-up. 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. If that occurs, and if the business

is not able to provide a mask, the business should consider providing information on mask making , distributing "how to" flyers, or sharing locations to purchase masks.

Q. What if someone does not come in with a mask and the business cannot offer an alternative means of serving the customer?

A. Businesses should consider providing masks to their customers or offering resources to customers information on how to make masks. Consider sharing mask making on social media, distributing" how to" flyers, or sharing locations to purchase masks. Customers can also be reminded to wear a scarf or bandana as 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.

Q. How do businesses avoid confrontation with customers who do not wear a mask?

A. Businesses should consider how they would deal with a customer who came into their business without a shirt or shoes. Businesses should consider giving customers resources on how to make their own mask, provide a mask, or ask the customer to wear a scarf or bandana in addition to reminding them of the Secretary's Order.

Q. As a manager, how do I handle an employee that refuses to wear a mask? Does this order mean I can refuse them entry?

A. All employees of life-sustaining businesses, with the exception of those with a medical condition or in the case of safety issues or while sequestered alone in a room, must wear a mask in the workplace. The Department does not dictate to employers how they should manage their workforce if employees refuse to comply with the Order.

Q. Are masks required while driving for work?

A. If the person is driving alone throughout the trip, no mask is needed in the vehicle, however, should they need to travel through a toll-booth or other drive thru they should be wearing a mask.

Q. Does someone working in a personal office need a mask at all times?

A. Employees isolated in their personal office space, when unshared with any other colleagues, do not need to wear a mask. However, when the employee leaves their individual office or has invited a colleague into their office, they must wear a mask. Additionally, one cannot wear a mask while eating or drinking. At those times, social distancing techniques should be applied.

Q. What about orders that were placed by an employer for masks but will not arrive for some time. How should businesses comply until then?

A. Employers may approve masks obtained or made by employees in accordance with guidance on homemade masks found on the Department's website.

Q. Are masks required by freight train crews, transit operators, bus drivers or others who operate a vehicle?

A. Yes. However, an employee does not need to wear a mask if it impedes their vision, if they have a medical condition, or would create an unsafe condition in which to operate equipment or execute a task.

Q. The Order references CDC guidance on masking, which requires masking only when employees cannot maintain social distancing?

A. The Governor and Secretary of Health have chosen to employ safety measures beyond the CDC. Employees must wear masks at all times except when isolated from others in a private space or when it adversely affects their health.

Q. If an employer discovers an employee with a confirmed case of COVID-19 has come into the business, does the order require the employer to institute a temperature check for that person to return to work following their leave period OR does it require temperature screenings of all employees following the first confirmed case?

A. Business should implement temperature screening for all employees upon discovery that the business has been exposed to a person who is a probable or confirmed case of COVID-19, which would include a temperature screening for the employee with a confirmed case when that employee returns to work after the quarantine period.

Q. The order provides guidelines for a person with a probable or confirmed case of COVID19. What is considered "probable"?

A. A person is considered to have a probable case of COVID-19 if a person has appropriate symptoms (i.e., fever, cough, shortness of breath) and exposure to a high-risk situation, or if the person has a positive antibody test and either symptoms or high-risk exposure.

Q. Can temperature checks be done through self-screening? (i.e., employees told to take temp at home?)

A. No.

Q. Is it required that a medical professional administer the temperature screenings?

A. No.

Q. In the event there is a positive test, is there an end date for temperature screening? How long must temperature checks be conducted?

A. Temperature checks should be conducted for at least 14 days after an exposure. However, the Department recommends employers, particularly those in areas in the Commonwealth with high positive case numbers, conduct temperature checks as a matter of routine.

Q. Following an exposure the Order says that “employees” must be screened. Does this mean that essential non-employees, such as truck drivers, contractors, delivery persons do not need to be screened?

A. Non-employees are not subject to temperature checks.

Q. Is the order retroactive? If there was a positive case in the building 2 weeks ago, do we now need to do temperature screening?

A. The Secretary’s Order does not require an employer to conduct retroactive temperature screenings; however, the Department recommends such temperature screening particularly in those areas of the Commonwealth with high positive case numbers.

Q. If someone arrives at work in one location and is temperature screened, then drives to another work facility, does the person have to temperature screen again?

A. The Secretary’s Order does not require an employer to conduct temperature screenings in more than one location under the circumstances described; however, the Department recommends such temperature screenings be conducted, particularly in those areas of the Commonwealth with high positive case numbers.

Q. If someone begins their workday in another state and drives into Pennsylvania, do they have to temperature check once they get to their work destination in Pennsylvania?

A. If the person was temperature checked at their starting workplace they do not need to be rescreened; however, it is recommended, particularly in areas with high numbers of confirmed positive cases.

Q. Does the temperature-taking provision only apply after an employer is aware of a potential or actual exposure?

A. Yes; however, the Department recommends such temperature screening be conducted, particularly in those areas with high positive case numbers.

Q. Are there acceptable alternative procedures for monitoring temperatures other than on-site at the beginning of each workday?

A. No.

Q. Is the temperature provision applicable to an entire facility/campus or can it be limited to specific at-risk buildings or sections of a buildings?

A. Temperature screenings should be conducted in an entire facility/campus, and not just at specific buildings. Community spread is occurring throughout the Commonwealth, and determining whether a particular place is “at-risk,” is difficult, and may lead to additional spread of infection.

Q. Is there any specific guidance regarding the sourcing/procurement of thermometers?

A. No. Employers should use regular supply opportunities or visit DCED [Business-2-Business](#) portal.

Q. Which employees need to have their temperatures checked? Is it just employees who were exposed to the probable and/or confirmed employee or do all employees who work in that building need to have their temperatures checked moving forward, even if they weren’t exposed to the individual?

A. All employees of a life-sustaining business should have their temperature checked.

Q. The order provides for an employee being sent home immediately if they get sick during the work day if exposed to the person who was a probable or confirmed case, and also provides for the cleaning and disinfecting of the surfaces in that employee’s workspace, but why does it not mandate a 24 hour waiting period in that case?

A. All life-sustaining businesses are ordered to wait a minimum of 24 hours, or as long as practical, before beginning cleaning and disinfection.

Q. If social distancing can be maintained, can there be an exemption to the mandatory mask requirement?

A. No. Employees of life-sustaining businesses that work in group settings are at risk. Masks should be worn at all times. An employee does not need to wear a mask if it impedes their

vision, if they have a medical condition, or would create an unsafe condition in which to operate equipment or execute a task.

Q. The order notes that essential businesses must limit occupancy to no greater than 50% of their certified occupancy. Can you please clarify whether this applies to Funeral Homes? Previous guidance issued in SRN-2020-09 says Funeral Homes are strongly encouraged to limit any services to 10 or fewer people. Does the new order supersede the State Registrar Notice (SRN) and permit Funeral Homes to allow 50% of their occupancy for viewings?

A. Funeral Homes should follow the guidance from the SRN.

Q. If a company is staggering breaks, but not staggering shift start/stop times, would they then be required to implement those as well?

A. Employers should take all possible steps to encourage social distancing, including staggering shift start/stop times, as well as staggering breaks.

Q. What restrictions are applied to health care workers?

A. The Order does not apply to health care workers. The Department has issued guidance for health care workers and health care settings through its Health Alert Network.

Q. Where can employees report violations?

A. The Department will create a webform for employees to report violations that will be available at www.health.pa.gov.

Q. Will there be a waiver process or exceptions?

A. This order applies to life-sustaining businesses that remain open and already includes limited exceptions related to medical conditions and to occupational safety.

Q. Is there a code enforcement hotline for employees to call?

A. No. Complaints will only be taken online.

Q. Are there any considerations being given to allow compliance as long as businesses are showing they are working aggressively toward achieving compliance?

A. The Governor and the Secretary believe strongly that these provisions will protect employees and save lives. Life-sustaining businesses should take all necessary steps to comply by 8 p.m. Sunday April 19, 2020.

Q. Which body is responsible for ensuring these actions have been taken at a specific workplace?

A. The Department does not dictate the employer's business structure. The employer is responsible for taking the necessary steps to implement the Order.

Q. Is there any plan to get this information into the hands of workers so they can ask their employer to take the necessary steps to protect them?

A. The Secretary's Order and the Department's FAQs will be available to the public on the Department's website. Employers are encouraged to share this information with their employees.

Q. Do these restrictions apply to local governments and courthouses?

Local political units were not 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 Employee Safety Order; however, they are advised to implement the protocols that it outlines to the extent practicable. All decisions should appropriately balance public safety while ensuring the continued delivery of critical infrastructure services and functions.

Q. Do the provisions of the Order apply to state employees?

A. No, the Commonwealth is not a business that is directly covered by the Order; however, Governor Wolf has chosen to implement the practices outlined in the Order where possible as an example for the other employers and employees in the Commonwealth.

Q. Does the new Order apply to a manufacturing operation that is closed to the public, and in compliance with all CDC Guidelines?

A. Yes. The wearing of masks is intended to benefit employees as well as the public.

Q. Certain areas of our facility should never be unmanned even for cleaning. In that situation, if the client is in compliance with CDC Guidelines, would they be allowed to continue to man this critical equipment?

A. Yes. An employer should consider the safety of its facility and employees when making the best decision possible.

Q. If a facility is regulated by the FDA and can't comply because it cannot open up doors and windows in a clean room environment, what should it do?

A. The business should follow FDA regulations and should consider the safety of its facility and employees while complying while making the best decision possible.

Q. With veterinarian workers not being characterized as health care workers how can they continue to function with social distancing?

A. Veterinary offices should comply with all aspects of the Order while attempting to utilize social distancing. It is understood that some veterinary procedures require close contact. Veterinarians should take proper precautions when interacting with customers and colleagues. Veterinarians should also consider limiting their in-person practice to urgent or emergency visits, and forgo elective procedures, as have their colleagues treating human patients.

Q. Out of which funds available to the Governor will he be reimbursing employees or employers for the costs associated with complying this the Secretary's new Order?

A. Employees and employers will not be reimbursed. The Governor expects everyone to comply with the Secretary's Order to the best of their ability.

Q. Does the order require transit riders to wear masks? What about riders participating in the Medical Assistance Transportation Program?

A. Transit riders should wear masks unless there is a medical reason that prevents them from wearing a mask, or unless they are unable to provide themselves with a mask or a suitable option (bandanna, scarf, etc.) because of economic reasons. A transit company that is able to provide masks for its customers should make every attempt to do so.

Q: Does the order apply to airports?

A. Airports are regulated by the FAA and should follow guidance from that federal regulator

Q: What should employers do when an employee says they have anxiety and any mouth, nose covering can lead to panic attacks or other medical conditions?

A An employee does not need to wear a mask if it impedes their vision, if they have a medical condition, or would create an unsafe condition in which to operate equipment or execute a task.



GUIDANCE ON HOMEMADE MASKS DURING COVID-19

The Department of Health has received inquiries requesting additional guidance and clarification regarding making and wearing masks in public spaces during the (COVID-19) outbreak. The Department is issuing the below guidance in response.

Use of Personal Protective Equipment

Personal Protective Equipment (PPE) is a type of specialized clothing, barrier product, or breathing device used to protect workers from serious injuries or illnesses while doing their jobs. These include gloves (vinyl, latex or nitrile); gowns; shoe and head covers; mask or respirators (N95 respirator); and other face and eye protection (goggles or a face shield). Health care providers need to use PPE. Healthcare facilities and providers that need additional PPE should refer to [this guide](#).

Use of Fabric or Cloth Masks

Homemade masks made out of fabric and cloth are not considered PPE. However, homemade masks can be an effective complement to handwashing, social-distancing and other mitigation measures.

Homemade masks limit the spread of infectious droplets in the air by containing coughs and sneezes. When a homemade mask can't be acquired a scarf or bandana can be utilized. By implementing community use of these homemade fabric or cloth masks, everyone will have a higher degree of protection from this virus.

My Mask Protects You, Your Mask Protects Me

Those who are staying home and have no close contacts who are infected with COVID-19 don't need a mask most of the time. However, wearing a nonmedical or homemade mask may be helpful in certain situations or for certain populations*.

- Shopping at essential businesses, like grocery stores or pharmacies;
- While visiting your health care provider;
- Traveling on public transportation;
- Interacting with customers/clients at essential businesses;
- When feeling sick, coughing, or sneezing;

Because homemade masks protect everyone else from the droplets created by the wearer, it is important that as many people as possible wear these masks when leaving their homes. This helps prevent those who may be infectious but are only mildly symptomatic or not symptomatic from spreading the virus to others in the community. Everyone should remember the phrase "my mask protects you, your mask protects me." By increasing the overall number of people who are



containing their coughs, sneezes, and other droplets, it will help us control the overall spread of the virus.

Help Support Health Care Workers

Do not purchase masks designed for health care professionals. N95 and surgical masks are designed to protect those who are working in high risk situations with a likelihood of exposure. Instead, make your own mask or purchase one from an online small business.

Businesses should consider purchasing homemade or cloth masks for their employees as part of their uniform or in recognition of good public health practices. Businesses should also consider non-punitive policies that encourage employees to wear masks while at work.

Best Practices for Homemade Masks:

The best practices for making and wearing fabric or cloth masks include:

- Consider buying materials online to avoid exposure in public places;
- Purchase masks made by small businesses, saving medical masks for health care workers;
- Before putting on a mask, clean hands with alcohol-based hand rub or soap and water;
- The mask should fit snugly around the mouth and nose;
- If the mask has a metal wire it should be fitted snugly to the bridge of the nose.
- Avoid touching the mask while using it, if you do wash your hands with soap and water or alcohol-based hand rub;
- Made out of two layers of tightly woven 100% cotton fabric;
- Be discarded or washed after every use;
- Should not be worn damp or when wet from spit or mucus;
- To remove the mask: remove it from behind, do not touch the front of mask;
- The wearer should immediately wash their hands with soap and water for 20 seconds after removing the mask.

How to Maximize Prevention Efforts:

Wearing a mask alone is not effective in reducing transmission of COVID-19. The below recommendations should be followed by everyone to help slow the spread of and minimize exposure to COVID-19.

- Practice social distancing, meaning staying at least 6 feet apart from others when in public or outdoors;
- Wash your hands for at least 20 seconds with soap and water, or using hand sanitizer when soap and water is not immediately available;
- Cover coughs and sneezes with your elbow;



- Avoid touching your face;
- Regularly clean and disinfect surfaces;
- Stay home and limit public outings to only essential, life-sustaining activities.

Populations at Highest Risk:

Defined by CDC as:

- Persons 65 or older
- Persons living in a nursing home facility
- Chronic lung disease or moderate to severe asthma
- Serious heart conditions
- Conditions that can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications.
- Severe obesity (body mass index [BMI] of 40 or higher)
- Diabetes
- Chronic kidney disease and who are undergoing dialysis
- Liver disease

How to Make a Homemade Mask out of Fabric or Cloth:

Below are instructions on how to make a mask at home.

Materials needed:

- Fabric (100% cotton is most effective)
- Fabric Ties
- Scissors
- Sewing machine or a needle and thread

Instructions:

- Measure and cut two pieces of fabric in a rectangle pattern to fit snugly around the face (size 12 inches by 6 inches is standard for adults)
- Tightly sew both layers together on all edges
- Cut fabric ties to fit around the ears
- Sew the ties to the insides of the mask on the smaller edge, repeat on both sides
- Resew the sides to ensure a tight seal between both pieces of fabric and the earpiece

Tutorials/Resources:

- <https://www.nytimes.com/article/how-to-make-face-mask-coronavirus.html>

GUIDANCE FOR BUSINESSES IN THE CONSTRUCTION INDUSTRY PERMITTED TO OPERATE DURING THE COVID-19 DISASTER EMERGENCY

INTENT

The virus that causes 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. Previously, the Governor and Secretary of Health ordered most construction projects to cease unless they were supporting life-sustaining businesses or activities. Recognizing that the construction industry is vital to Pennsylvania’s economy, construction activities may resume in accordance with this guidance.

Businesses in the Commonwealth that have been permitted to maintain in-person operations during the disaster emergency, other than health care providers, must take several precautions to protect their employees, their employees’ families, and members of their communities. Businesses that are permitted to maintain in-person operations are those authorized under the [Governor’s and Secretary’s Non-Life Sustaining Business Closure Orders](#), an exemption from those orders, or subsequent applicable order from the Governor and Secretary. All businesses (especially those that were originally closed and later permitted to re-open a portion of their operations) must review these guidelines and commit to ensuring the health and safety of their employees and the public, including construction businesses currently conducting in-person operations and those now able to resume activities.

BUSINESSES SUBJECT TO THIS GUIDANCE

Beginning May 1, 2020, all businesses in the construction industry in the Commonwealth, including those in new construction, renovation, and repair, as well as land subdivision and design-related field activities, are [permitted to maintain in-person operations](#) pursuant to the Governor’s and Secretary of Health’s April 20, 2020 amendments to the Business Closure Orders so long as their activities strictly adhere to this guidance. Construction projects previously granted an exemption to continue in-person operations may continue operations but must adhere to this guidance.

Prior to May 1, all businesses in the construction industry should continue to follow existing Administration orders and guidance, and may continue to maintain in-person operations to the extent authorized by any existing exemptions.

POLICY

It is the policy of the Administration to ensure that all businesses in the construction industry subject to this guidance conduct operations in the manner best designed to prevent or mitigate the spread of COVID-19 and ensure the safety of the employers, employees and the public as a whole.

All construction businesses authorized to conduct in-person operations in the Commonwealth must adhere to requirements of this guidance, as well as all applicable business and building safety orders issued by the Secretary of Health.

Local political units may elect to impose more stringent requirements than those contained in this guidance. In such instances, businesses must adhere to the more stringent requirements.

ALL CONSTRUCTION ACTIVITIES

All businesses and employees in the construction industry must do the following:

- Follow all applicable provisions of the [Order](#) of the Secretary of Health providing for business safety measures, issued April 15, 2020, including but not limited to provisions requiring that every person present at a work site wear masks/face coverings, and provisions requiring the establishment of protocols for execution upon discovery that the business has been exposed to a person who is a probable or confirmed case of COVID-19.
- Follow all applicable provisions of the [Order](#) of the Secretary of Health providing for building safety measures, issued April 5, 2020.
- Follow other applicable [Department of Health](#) (DOH) and Centers for Disease Control and Prevention (CDC) [guidance](#).
- Require social distancing (6-foot minimum distance between workers) unless the safety of the public or workers require deviation (e.g. drywalling, team lifting).
- Provide hand wash stations at appropriate locations on the site such as building entrances, break areas, food truck areas, offices, trailers, and job site egress areas.
- Implement cleaning or sanitizing protocols at all construction sites and projects. Identify and regularly clean and disinfect areas that are at high risk for transmission (requirements to clean common areas and regularly trafficked spaces periodically).
- Ensure all gatherings are limited to no more than 10 people, maintaining 6-foot social distancing, when required to meet, even when conducted outside.
- Use virtual meetings, and disseminate information electronically to the extent feasible.
- Stagger shifts, breaks, work areas and/or stacking of trades where feasible to minimize workers on site.
- Limit tool sharing and sanitize tools if they must be shared.
- Employ jobsite screening based on CDC guidance to determine if employees should work. Prohibit from working any employees with any symptoms of COVID-19. Encourage sick employees to stay home.
- Prohibit unnecessary visitors to any project or work site, and limit supplier deliveries.
- Limit access to enclosed spaces to the extent feasible.
- Ensure workers are traveling to and from the job site separately. Wherever possible employees should not share a vehicle.
- Identify a “Pandemic Safety Officer” for each project or work site, or, if a large-scale construction project, then for each contractor at the site. The primary responsibility of the Pandemic Safety Officer will be to convey, implement, and enforce the social distancing and other requirements of this guidance for the protection of employees, suppliers, and other personnel at the site.

RESIDENTIAL CONSTRUCTION

The Uniform Construction Code (34 Pa. Code § 401.1) defines residential buildings as “detached one-family and two-family dwellings and townhouses which are not more than three stories above grade plane in height with a separate means of egress and their accessory structures.”

- All residential construction projects including new construction, renovation, and repair are authorized to conduct in-person operations; however, such projects may not permit more than four persons on the job site at any time inclusive of employees of both prime and sub contractors, but not inclusive of delivery persons, code inspectors, or similar persons who require temporary access to the site and are not directly engaged in the construction activity.

NON-RESIDENTIAL OR COMMERCIAL CONSTRUCTION

The Uniform Construction Code (34 Pa. Code § 401.1) defines “Commercial construction” as “a building, structure or facility that is not a residential building.” This definition includes multi-unit housing and student housing.

- All commercial construction projects including new construction, renovation, and repair are authorized to conduct in-person operations; however, enclosed projects or portions of enclosed projects, may not permit more than four persons on job sites of 2,000 square feet or less, and
- One additional person is allowed for each additional 500 square feet of enclosed area over 2,000 square feet. These numbers are inclusive of employees of both prime and sub contractors, but not inclusive of delivery persons, code inspectors, or similar persons who require temporary access to the site and are not directly engaged in the construction activity. Enclosed square footage shall include all areas under roof that are under active construction at the time.
- Commercial construction firms, including particularly those managing large-scale construction projects, should consider strongly establishing a written Safety Plan for each work location containing site specific details for the implementation of this guidance to be shared with all employees and implemented and enforced by the designated Pandemic Safety Officer.

PUBLIC CONSTRUCTION

Elected political subdivisions (or “local political units” as described in the Governor’s guidance), and other public entities should continue to use best judgment in exercising their authority to conduct critical construction projects. All construction decisions should appropriately balance public health and safety while ensuring the continued safety of critical infrastructure. When possible, local political units and public entities should postpone non-essential projects and only proceed with essential projects when they can implement appropriate social distancing and cleaning/disinfecting protocols, and should adhere to this guidance on all construction projects.

Local political units and public entities should officially communicate to contractors whether their specific project will be resumed. Notwithstanding any general authorization to resume construction activities, contractors should not resume work on public construction projects until directed to do so by the applicable governmental unit.

Certain commonwealth agencies and independent commissions have already issued guidance for critical or essential projects that are continuing. Those specific agency or commission directives should be followed unless there is a direct conflict with these guidelines, in which case these guidelines control. Contractors working on public construction projects must follow construction restart or resumption plans established by that agency or commission.

INSPECTIONS AND APPRAISALS

Beginning May 1, 2020, in-person inspection and appraisals related to construction financing loans, and UCC building code plan review and inspection services may be conducted as necessary for all construction projects authorized under this guidance.

QUESTIONS AND FURTHER GUIDANCE

Businesses that have questions about whether this guidance applies to them may email the Department of Labor and Industry at RA-LIBOIS-BUILDINGS@pa.gov.

Answers to frequently asked questions involving application of the Employee Safety Order is available [here](#).

Businesses in the construction industry may wish to refer to PennDOT's COVID-19 Guidance for Restarting Construction Projects which provided a process for restarting construction projects that were suspended in response to COVID-19 mitigation. The guidance is 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.

ENFORCEMENT

Enforcement actions against violators of the Governor's and Secretary of Health's Orders Closing Businesses That Are Not Life Sustaining commenced on March 23, 2020, and is ongoing.

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

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/>.



DOH

COVID-19 Complaint Form

Contact Information

First Name

Last Name

Phone

Email

Business Information

Name of Business *

Phone Number

Address of Business *

City *

State *

Please select an option 

Zip Code *

Complaint

Relationship To Business/Facility

- Currently Work There
- A Friend or Family Member Works There
- In My Community
- No Established Relationship

Public Health Complaint: *

- Employees Coming to Work Sick
- Social Distancing Not Being Practiced
- Equipment not Sanitized
- Employees Not Allowed Regular Sanitation Breaks
- Lack of Communication Regarding COVID-19 Cases
- Not Allowed to Stay Home When Sick
- Employers Not Providing or Allowing Cloth Masks

- Business Should Not Be Open per Closure Order**
- Business is Not Cleaning High-Touch Surfaces**
- Business Does Not Have Protocol for Positive or Probable Cases**
- Business Does Not Screen Employees for Symptoms**
- Business is Not Creating a Safe Environment for Customers**
- Other**

Other

What type of business is this regarding:

- Auto Dealership**
- Auto Repair**
- Barber Shop**
- Beauty Salon/Nail Salon**
- Construction-Commercial**
- Construction-Residential**
- Cosmetology/Barber Schools**
- Day Care**

- Dental Office**
- First Responder/Police/Fire**
- Food Manufacturer**
- Food Processor**
- Gas Station**
- Grocery Store**
- Health Care Facility**
- Hospital**
- Local Government**
- Lodging**
- Manufacturing**
- Nursing Home/Long Term Care**
- Pharmacy**
- Real Estate Office**
- Restaurant/Fast Food**
- Transportation**
- Veterinary Office**
- Warehouse**

Other

Other

Has the business owner been notified about these concerns?

Yes

No

Unsure

Have the local police been notified about this business?

Yes

No

Unsure

Other than law enforcement, have local officials been notified about this business?

Yes

No

Unsure

If yes, who have you notified

Captcha

Please Complete the Captcha

I'm not a robot reCAPTCHA
Privacy - Terms

SUBMIT



[ACCESSIBILITY](#)

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[SECURITY](#)

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Raeann Burgo

Associate



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Education

Duquesne University School of Law, 2000,
J.D.

John Carroll University, 1996, B.S.,
Psychology

Court Admissions

State Supreme Court - Pennsylvania

U.S. District Court - Western District of
Pennsylvania

U.S. District Court - Eastern District of
Michigan

Professional Admissions

Pennsylvania

Raeann is an associate in the Labor & Employment group in the Pittsburgh office. She is an accomplished labor and employment attorney with a wide range of experience in numerous employment subject matters, including Title VII, ADA, ADEA and FMLA. Raeann has years of experience defending single plaintiff discrimination and harassment cases and wage and hour claims. She provides legal advice and recommendations to employers to ensure their compliance with a multitude of government agencies and represents employers at all state and federal levels, including before the Equal Employment Opportunity Commission and equivalent state agencies. She also works with clients to develop and implement employee handbooks and effective work place policies and practices.

Her experience further includes labor relations, including administering collective bargaining agreements and representing employers at contract and wrongful discharge arbitrations. Raeann has prepared and delivered training and education seminars to management and supervisory personnel regarding ADA and FMLA compliance and preventing and managing sexual harassment claims as well as led employee sexual harassment training and education.

Raeann also advises clients on disability access matters arising under Title III of the Americans with Disabilities, and defends public accommodations in accessibility lawsuit.

Publications

- 20 April 2020 "Pennsylvania Health Department answers FAQs about worker safety order"
Employment Law Watch; Co-Authors: James F. Glunt, James A. Holt
- 17 April 2020 "Latest challenge for essential businesses in Pennsylvania: Immediate compliance with new workplace requirements mandated by the Department of Health"
Employment Law Watch; Co-Authors: James F. Glunt, James A. Holt
- 8 April 2020 "Updated COVID-19 FAQs for employers with U.S. employees"
Employment Law Watch; Co-Authors: Corrie J Buck, Gavin T. Carpenter, Michael A. Correll, Mark S. Goldstein, Amy I. Harwath, James A. Holt, Natalie Ochoa, Mark R. Phillips
- 27 March 2020 "DOL issues updated FFCRA notice poster"
Employment Law Watch; Co-Author: Hannah L. Sorcic
- 26 March 2020 "DOL issues FFCRA notice poster"
Employment Law Watch; Co-Author: Hannah L. Sorcic
- 14 February 2020 "Cupid's arrow strikes at work: Managing romantic and personal relationships in the workplace"
Employment Law Watch; Co-Author: James A. Holt
- 14 January 2020 "DOL makes historic, pro-business changes to FLSA joint employer test"
Employment Law Watch; Co-Author: James F. Glunt
- 11 November 2019 "Americans with Disabilities Act cases now targeting retail gift cards"
Reed Smith Client Alerts; Co-Authors: James L. Rockney, Ginevra F. Ventre, Gregory D. Vose

- 18 March 2016 "Objective Basis Needed for Psychological Fitness for Duty Exam"
Employment Law Watch
- 26 March 2015 "The Final Regulations for Section 342 of Dodd-Frank Are Almost Ready...Are You?"
Reed Smith Client Alerts; Co-Author: Stephanie Wilson

Speaking Engagements

- 23 October 2019 Bridging gaps without breaking rules: Improving your talent acquisition outcomes, Pittsburgh, Pennsylvania

James F. Glunt

Partner



Jay Glunt helps clients avoid employment litigation and minimize risk through regular and proactive counseling on subjects such as reductions in force, restructurings, wage/hour compliance, best practices for policies and procedures, hire/fire and disciplinary decisions, work/family balance issues, and maintaining compliance with federal, state, and local laws and regulations.

Despite best efforts, litigation cannot always be avoided. A significant aspect of Jay's practice involves management of employment litigation in state and federal trial and appellate courts, and before administrative agencies. Such litigation sometimes requires defense of a client's interests, and other times requires enforcement of a client's rights. Jay has substantial experience prosecuting restrictive covenant and trade secret injunction actions. With the rise in overtime collective actions and other employment class actions, Jay has developed specialized knowledge regarding avoidance and defense of such cases. Jay negotiates and drafts executive employment contracts and deals with issues relating to executive employment, compensation, termination, and severance. He enjoys assisting on business transactions through the review and drafting of employment forms and agreements (employment contracts, handbooks, executive compensation plans, severance plans, release agreements and restrictive covenants).

Stemming from his regular involvement with complex litigation, Jay has developed specialized knowledge and experience on matters relating to discovery of electronically stored information (ESI). The United States District Court for the Western District of Pennsylvania has recognized Jay's ESI capabilities by authorizing Jay to serve as an e-discovery special master when appointed by the Court.

Active in the community, Jay served for 10 years as a member of the Dormont (PA) Zoning Hearing Board, and for 3 years on the board of the civic organization Sustainable Pittsburgh. He was appointed by Pennsylvania Governor Tom Corbett to serve on the Early Learning Investment Commission, a public-private partnership of business leaders serving as advocates for quality early childhood education because of the connection between early childhood investment and a strong Pennsylvania economy. Jay is a member of the Pittsburgh Downtown Partnership's Office Recruitment and Retention Committee, which works to position downtown Pittsburgh as a safe and welcoming environment for all employers. Jay teaches a semester-long Negotiation Skills workshop as an adjunct professor at the Duquesne University Law School. In 2013, Jay was elected to the Council of the ACBA's Women in the Law Division.

Jay was recognized in Philadelphia Magazine as a member of the Pennsylvania Super Lawyers Rising Star list for five consecutive years (2005-2009). Since 2012, Jay has been selected annually for inclusion in *The Best Lawyers in America*® for the practice areas of Litigation - Labor and Employment and Employment Law - Management. Jay has also obtained a Green Belt from the Legal Lean Sigma Institute.

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Education

Duquesne University School of Law, 2000,
J.D.

Pennsylvania State University, 1993, B.S.,
Architecture

Court Admissions

U.S. Supreme Court

U.S. Court of Appeals - Third Circuit

U.S. Court of Appeals - Sixth Circuit

U.S. Court of Appeals - Federal Circuit

U.S. District Court - Middle District of
Pennsylvania

Professional Admissions

Pennsylvania

Representative Matters

- Successfully obtained cost-sharing relief in e-discovery dispute arising from FLSA overtime collective action; Western District of Pa., Dec. 15, 2010
- Obtained summary judgment victory as to application of FLSA exemption, thereby substantially reducing scope of civil action; Western District of Pa., Oct. 5, 2010
- Obtained partial dismissal of a wage and hour class action and substantially limited scope of remaining claims; 2009 WL 2992606
- Successfully limited temporal scope of wage and hour collective action; 2009 WL 1740646
- Tried wage payment action to verdict and complete defense victory on the merits; Pgh. Legal J. Vol. 158 No. 5 at 77-82 (Allegheny Co. Comm. Pleas Dec. 4, 2009)
- Obtained temporal limitation of actionable claims in age discrimination collective action, thereby substantially reducing scope of civil action; 2009 WL 501907
- Successfully prevented dismissal of employer's counterclaim in age discrimination collective action; 2009 WL 5118840
- Obtained summary judgment on all counts of age discrimination and retaliation claim; 2008 WL 3050403
- Successful dismissal of all class claims in overtime action; 2007 WL 141913
- Obtained dismissal of class action related to seat placement at sports stadium; 854 A.2d 425 (Pa. 2004)
- Obtained summary judgment on all counts of wrongful termination and drug testing action; affirmed on appeal; 2003 WL 25440768, 863 A.2d 1234 (table) (Pa. Super. Ct. Oct. 1, 2004)
- Defeated motion for preliminary injunctive relief in executive contract action; 2003 WL 23993835

Honors and Awards

- Selected through peer review for inclusion in *The Best Lawyers in America*© for Employment Law - Management and Litigation - Labor and Employment, 2012-2020
- Editor-in-chief, Volume 38 Duquesne Law Review (2000)
- Class Ambassador, Duquesne University Law School's Centennial (February 2011)
- Pennsylvania Super Lawyers Rising Star by Philadelphia Magazine (2005-2009)
- Yellow Belt certified in Legal Lean Sigma

Publications

- 20 April 2020 "Pennsylvania Health Department answers FAQs about worker safety order"
Employment Law Watch; Co-Authors: Raeann Burgo, James A. Holt
- 17 April 2020 "Latest challenge for essential businesses in Pennsylvania: Immediate compliance with new workplace requirements mandated by the Department of Health"
Employment Law Watch; Co-Authors: Raeann Burgo, James A. Holt
- 2 April 2020 "'Staying at home means you must stay home': Pennsylvania's governor issues state wide stay-at-home order"
Employment Law Watch; Co-Author: Marguerite Goglia
- 29 March 2020 "'Ask the EEOC' whether COVID-19 is a disability: Its answer may surprise you"
Employment Law Watch; Co-Author: Marguerite Goglia
- 14 January 2020 "DOL makes historic, pro-business changes to FLSA joint employer test"
Employment Law Watch; Co-Author: Raeann Burgo
- 3 December 2019 "Tech industry watchdog challenges AI-driven recruiting practices"
Employment Law Watch; Co-Author: Marguerite Goglia
- 22 November 2019 "Pennsylvania wage rules: Changes on the horizon"
Employment Law Watch; Co-Author: Erica G. Wilson
- 5 November 2019 "The future is now: Employer use of present-day medical information to predict future disabilities does not violate the ADA"
Employment Law Watch
- 11 September 2019 "Is extreme obesity a physical characteristic or a disability?"
Employment Law Watch; Co-Author: Christopher S. Bouriat
- 30 August 2019 "On the eve of Labor Day, a win for business from the NLRB"
Employment Law Watch; Co-Authors: Lori Armstrong Halber, Chalyn M. Kaufman
- 14 November 2017 "Three Concrete Steps for Bridging the Gender Pay Gap"
Legal Intelligencer

- 10 August 2013 "Business Forum: Quality Early Learning Fills Regional Talent Pool With Capable Workers" *Pittsburgh Post-Gazette*
- 29 May 2009 "Best Practices Article on Pre-Litigation Duty to Preserve" *Counsel to Counsel Magazine*
- 1 May 2009 "Buying and Selling a Business in Pennsylvania 6th Edition: Consulting and Employment Agreements" *Pennsylvania Bar Institute*

Speaking Engagements

- 22 January 2020 Allegheny County Bar Association, Pittsburgh, Pennsylvania
"The Realities of the Gig Economy from an Employer's Perspective"
- 23 October 2019 Bridging gaps without breaking rules: Improving your talent acquisition outcomes, Pittsburgh, Pennsylvania
- 16 October 2019 Supreme endeavor: an analysis of major business cases accepted by the U.S. Supreme Court with opinions expected to be issued in the 2019-2020 term, Pittsburgh, Pennsylvania
- 27 August 2019 Supreme endeavor: a look at the U.S. Supreme Court's fall 2018 and spring 2019 terms and decisions that impact Pittsburgh businesses, Pittsburgh, Pennsylvania
- 7 November 2018 Best practices for accommodating impaired workers, Pittsburgh, Pennsylvania
"Best practices for accommodating impaired workers"
- 10 October 2018 Artificial Intelligence in the Workplace: Legal and Statistical Implications
- 13 June 2018 Drafting restrictive covenants: encouraging compliance and avoiding pitfalls, Pittsburgh, Pennsylvania
- 31 January 2018 Reed Smith CLE, Pittsburgh, Pennsylvania
"Restrictive Covenants and Non-Compete Agreements: Avoiding and Litigating Disputes"

Notable Quotes

- 1 January 2018 "Management-Side Employment Attys' New Year's Wish List" *Law360*
- 28 November 2017 "4 Tips For Conducting Effective Workplace Investigations" *Law360*
- 10 August 2013 "Business Forum: Quality Early Learning Fills Regional Talent Pool With Capable Workers" *Pittsburgh Post-Gazette*
- 28 January 2011 "The Importance of E-Discovery" *Pittsburgh Business Times*

Professional and Community Affiliations

- American Bar Association (Labor & Employment Section and FLSA Committee)
- Pennsylvania Bar Association (Labor & Employment Section)
- Allegheny County Bar Association (Federal Court Section; Council Member and Secretary)
- Early Learning Investment Commission (2011)
- Carnegie Museums of Pittsburgh (Individual Gifts Committee member, 2008-2010)
- Pittsburgh Chapter of the American Inns of Court (2005-present)
- Sustainable Pittsburgh, board member (2006-2009)
- United Way of Allegheny County (Agency Assessment Review, 2003-2005)
- Borough of Dormont - Zoning Hearing Board (1997-2006)

James A. Holt

Counsel



J.T. is counsel in the firm's Labor & Employment Group. His practice focuses on labor and employment litigation in federal and state courts, and before administrative federal, state, and local agencies (such as the U.S. Equal Employment Opportunity Commission, the U.S. National Labor Relations Board, the Pennsylvania Human Relations Commission, and the Pennsylvania Bureau of Workers' Compensation). J.T. has defended both national and local employers against claims of unlawful discrimination, hostile work environment, retaliation, wrongful termination, violations of leave laws, and violations of wage and hours laws, among others, and has participated in related mediation, arbitration, and private settlement negotiations. In addition, J.T. has provided general counseling to clients on a variety of legal issues related to Title VII, ADA, ADEA, GINA, NLRA, FMLA, FLSA, the WARN Act, and equivalent state statutes. He has advised employers on their practices, policies, and procedures, and has prepared employment handbooks. J.T. also has prepared various employment agreements, client memoranda, case analyses, and has written articles published on labor and employment blogs.

Publications

- 20 April 2020 "Pennsylvania Health Department answers FAQs about worker safety order"
Employment Law Watch; Co-Authors: Raeann Burgo, James F. Glunt
- 17 April 2020 "Latest challenge for essential businesses in Pennsylvania: Immediate compliance with new workplace requirements mandated by the Department of Health"
Employment Law Watch; Co-Authors: Raeann Burgo, James F. Glunt
- 8 April 2020 "Updated COVID-19 FAQs for employers with U.S. employees"
Employment Law Watch; Co-Authors: Corrie J Buck, Raeann Burgo, Gavin T. Carpenter, Michael A. Correll, Mark S. Goldstein, Amy I. Harwath, Natalie Ochoa, Mark R. Phillips
- 6 April 2020 "Missouri issues statewide stay at home order to prevent spread of COVID-19"
Employment Law Watch; Co-Author: Chalyn M. Kaufman
- 23 March 2020 "Should you WARN employees before implementing layoffs due to COVID-19?"
Reed Smith Client Alerts; Co-Authors: Hannah L. Sorcic, Chalyn M. Kaufman
- 14 February 2020 "Cupid's arrow strikes at work: Managing romantic and personal relationships in the workplace"
Employment Law Watch; Co-Author: Raeann Burgo
- 19 December 2019 "The City of Pittsburgh publishes new information regarding the Paid Sick Days Act"
Employment Law Watch; Co-Author: Marguerite Goglia
- 19 July 2019 "Pittsburgh employers: Immediately review your policies concerning the new Paid Sick Days Act"
Employment Law Watch; Co-Authors: Rachel E. O'Neill, Jeffrey G. Wilhelm, Colin E. Wrabley
- 19 July 2019 "Pittsburgh employers: It's wise to review your policies concerning the new Paid Sick Days Act"
Real Estate Legal Update; Co-Authors: Rachel E. O'Neill, Jeffrey G. Wilhelm, Colin E. Wrabley
- 9 May 2019 "EEOC updates its guidance on employers' duty to report EEO-1 pay data by September 30, 2019"
Employment Law Watch; Co-Author: Claire Throckmorton

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Education

George Washington University Law School, 2009, J.D.

Youngstown State University, 2004, B.S.,
summa cum laude

Court Admissions

U.S. District Court - Eastern District of Wisconsin

U.S. District Court - Western District of Pennsylvania

U.S. District Court - District of Colorado

Professional Admissions

District of Columbia
Pennsylvania

- 16 March 2017 "Lawsuit Highlights Antitrust Exposure Related to Hiring and Compensation"
Reed Smith Client Alerts; Co-Authors: Courtney Bedell Averbach, Michelle A. Mantine
- 13 August 2015 "Pittsburgh City Council Passes Mandatory Paid Sick Time Law"
Employment Law Watch; Co-Authors: Ginevra F. Ventre, Mariah H. McGrogan
- 19 April 2013 "Hatchet Job or Scalpel Stroke: Should Employers Block Employee Access to Personal Email Accounts to Protect Company Network?"
Forbes' The Employment Beat
- 24 January 2013 "U.S. Department of Labor (DOL) Affirms Parents' Right to FMLA Leave to Care for Adult Children"
Employment Law Watch

Speaking Engagements

- 23 October 2019 Bridging gaps without breaking rules: Improving your talent acquisition outcomes, Pittsburgh, Pennsylvania
- 30 April 2013 Employment Law Boot Camp, Pittsburgh, Pennsylvania
"FMLA, Worker's Compensation and ADA: Navigating Overlapping Rules"
- 29 August 2012 Pennsylvania Bar Institute, Pittsburgh, Pennsylvania
"Contending with Social Media in the Workplace: A Guide for Employers in an Age of Rapidly Evolving Technology"