AMENDMENTS TO LB667

Introduced by Vargas, 7.

1. Strike the original sections and insert the following new sections:

Section 1. For purposes of sections 1 to 4 of this act:

(1) Coronavirus means an airborne respiratory virus capable of person-to-person transmission via respiratory droplets, contact with contaminated objects, or other similar methods. Coronavirus includes the virus that causes COVID-19, severe acute respiratory syndrome coronavirus 2, also known as SARS-CoV-2;

(2) Coronavirus test means a test capable of determining whether an individual has the coronavirus;

(3) Face mask means an item of double-layered cloth or various other materials with elastic bands or cloth ties to secure such mask over the wearer's nose and mouth in an effort to contain or reduce the spread of potentially infectious respiratory secretions at the source, that is, the wearer's nose and mouth. A face mask is intended to reduce the spread of the virus from the wearer to others, whether or not the face mask protects the wearer;

(4) Hand sanitizer means alcohol-based hand sanitizer that is at least sixty percent alcohol;

(5) Meatpacking operation or employer means a business, with more than one hundred workers, which engages in slaughtering, butchering, meat canning, meatpacking, meat manufacturing, poultry canning, poultry packing, poultry manufacturing, pet food manufacturing, egg production, processing of meatpacking products, or rendering. Meatpacking operation does not include grocery stores, delis, restaurants, butchers, or other commercial entities preparing meat products for immediate consumption;

(6) Meatpacking products includes livestock products and poultry
products as such terms are defined in section 54-1902;

(7) Meat processing worker or worker means any individual whom an employer suffers or permits to work in a meatpacking operation, and also includes independent contractors and individuals performing work for an employer through a temporary service or staffing agency. An individual need not be directly in contact with meatpacking products to be considered a worker;

(8) Negative test result means a coronavirus test result which indicates that a worker was not infected with coronavirus at the time of testing;

(9) Positive case count means the total number of positive coronavirus test results; and

(10) Positive test result means a coronavirus test result which indicates that a worker was infected with coronavirus at the time of testing.

Sec. 2. Meatpacking operations shall comply with the protections and requirements of section 3 of this act beginning on the effective date of this section and shall maintain such compliance until December 31, 2021.

Sec. 3. (1) An employer shall maintain a six-foot radius of space around and between each worker in all areas of the employer's facility. An employer may accomplish such distancing by increasing physical space between workstations, slowing production speeds, staggering shifts and breaks, adjusting shift size, or any combination thereof. Where feasible, an employer shall reinforce social distancing with the use of plastic barriers in work spaces and common areas. An employer shall also reconfigure common or congregate spaces to allow for such six-foot social distancing radius, including, but not limited to, lunch rooms, break rooms, and locker rooms.

(2) An employer shall provide all workers with face masks and shall make face shields available free of charge. An employer shall replace
face masks at least daily and more often as necessary, such as when face
masks are damaged or soiled. Any individual present at a meatpacking
operation facility shall wear a face mask while in the facility.

(3) An employer shall provide all workers with the ability to
frequently and routinely sanitize their hands with either hand washing or
hand sanitizing stations. An employer shall provide gloves to any worker
upon request.

(4) An employer shall clean and regularly disinfect all frequently
touched surfaces in the workplace, such as workstations, training rooms,
machinery controls, tools, protective garments, eating surfaces,
bathrooms, showers, and other similar areas. An employer shall install
and maintain ventilation systems that ensure unidirectional air flow,
ventilation with outdoor air, and filtration in both production areas and
common areas such as cafeterias and locker rooms.

(5) Each time before an individual enters a meatpacking operation
facility, the employer shall screen such individual for coronavirus. Such
screening procedure shall include a temperature check with the result
disclosed to the individual and shall require completion of an oral or
written questionnaire including possible coronavirus symptoms and
disclosure of known exposure to coronavirus.

(6)(a) An employer shall permit any worker who suspects that such
worker may have been exposed to the coronavirus to leave the meatpacking
operation premises in order to receive a coronavirus test on paid work
time.

(b) A worker displaying or experiencing symptoms of coronavirus who
has received a coronavirus test shall be allowed to await test results
while quarantined away from the meatpacking operation. An asymptomatic
worker may return to work unless such worker develops symptoms.

(c) An employer shall allow a worker who receives a positive test
result to quarantine away from the meatpacking operation with paid sick
leave and without penalty. An employer shall not require a worker to
return to work while the worker is still showing symptoms of coronavirus or within two weeks after a positive test result.

(d) An employer shall allow a worker who receives a negative test result to return to work upon receipt of such result.

(7) An employer shall track, for each meatpacking operation facility it operates, the total number of coronavirus-related deaths and the positive case count known to the employer. This shall be done on a daily basis and shall be disaggregated by race and ethnicity. The employer shall provide such data in a weekly report to the Department of Health and Human Services, the Department of Labor, the Business and Labor Committee of the Legislature, and the Health and Human Services Committee of the Legislature. Such data and report shall be submitted in the form and manner prescribed by the Commissioner of Labor.

(8) If a worker is confirmed to have contracted coronavirus, the employer shall identify all workers who worked in the same work area and on the same shift and notify in writing all such workers of their possible exposure. Such notification shall maintain the confidentiality of the infected worker's identity as required by the federal Americans with Disabilities Act of 1990, as amended, as such act existed on January 1, 2020.

(9) An employer shall disseminate all communications, notices, and any published materials required by or regarding this section in English, Spanish, and such other languages as required by subdivision (2)(e) of section 48-2213.

Sec. 4. (1) The Department of Labor shall have the authority to administer and enforce section 3 of this act under the auspices of the meatpacking industry worker rights coordinator.

(2)(a) The department, including the coordinator, may conduct unannounced workplace inspections of employers. The coordinator or the coordinator's delegate has the authority to inspect employer records and make remedial recommendations during such inspection.
(b) No later than thirty days following a workplace inspection, the coordinator or delegate shall file a final report of findings, including any findings of violations of section 3 of this act, with the department and provide a copy to the employer and its workers' collective-bargaining representative, if any. The report shall be considered a public record.

(3) The department may adopt and promulgate rules and regulations as necessary to carry out sections 1 to 4 of this act.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.