

AMENDMENTS TO LB241

Introduced by Vargas, 7.

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

3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Meatpacking Employees COVID-19 Protection Act.

5 Sec. 2. For purposes of the Meatpacking Employees COVID-19
6 Protection Act:

7 (1) Commissioner means the Commissioner of Labor;

8 (2) COVID-19 means the novel COVID-19 identified as SARS-CoV-2, the
9 disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating
10 therefrom, and the health conditions or threats associated with the
11 disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating
12 therefrom;

13 (3) COVID-19 test means a test capable of determining whether an
14 individual has COVID-19;

15 (4) Department means the Department of Labor;

16 (5) Employer or meatpacking operation means a business with more
17 than one hundred workers which engages in slaughtering, butchering, meat
18 canning, meatpacking, meat manufacturing, poultry canning, poultry
19 packing, poultry manufacturing, pet food manufacturing, processing of
20 meatpacking products, or rendering. Employer or meatpacking operation
21 does not include grocery stores, delis, restaurants, butchers, or other
22 retail entities preparing meat products for immediate consumption;

23 (6) Face mask means an item of double-layered cloth or various other
24 materials with elastic bands or cloth ties to secure such mask over the
25 wearer's nose and mouth in an effort to contain or reduce the spread of
26 potentially infectious respiratory secretions at the source, that is, the
27 wearer's nose and mouth. A face mask is intended to reduce the spread of

1 COVID-19 from the wearer to others, whether or not the face mask protects
2 the wearer;

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

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

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

12 (10) Negative test result means a COVID-19 test result which
13 indicates that a worker was not infected with COVID-19 at the time of
14 testing;

15 (11) Positive case count means the total number of positive COVID-19
16 test results; and

17 (12) Positive test result means a COVID-19 test result which
18 indicates that a worker was infected with COVID-19 at the time of
19 testing.

20 Sec. 3. Meatpacking operations shall comply with the protections
21 and requirements of section 4 of this act beginning on the effective date
22 of this act and shall maintain such compliance until June 30, 2022.

23 Sec. 4. (1) An employer shall reconfigure common or congregate
24 spaces to allow for a six-foot social distancing radius, including, but
25 not limited to, lunch rooms, break rooms, and locker rooms. Where
26 feasible, an employer shall reinforce such social distancing with the use
27 of plastic barriers.

28 (2) An employer shall provide all workers with face masks and shall
29 make face shields available free of charge. An employer shall replace
30 face masks daily and more often as necessary, such as when face masks are
31 damaged or soiled. Any individual present at a meatpacking operation

1 facility shall wear a face mask properly secured over the individual's
2 nose and mouth while in the facility.

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

7 (4) An employer shall comply with standards for ventilation set
8 forth in the rules and regulations of the federal Occupational Safety and
9 Health Administration.

10 (5) Each time before an individual enters a meatpacking operation
11 facility, the employer shall screen such individual for COVID-19. Such
12 screening procedure shall include a temperature check with the result
13 disclosed to the individual and shall require completion of an oral or
14 written questionnaire including questions about possible COVID-19
15 symptoms and disclosure of known exposure to COVID-19.

16 (6)(a) An employer shall permit any worker who suspects that such
17 worker may have been exposed to COVID-19 to leave the meatpacking
18 operation premises in order to receive a COVID-19 test on paid work time.

19 (b) A worker displaying or experiencing symptoms of COVID-19 who has
20 received a COVID-19 test shall be allowed to await test results while
21 quarantined away from the meatpacking operation. An asymptomatic worker
22 may return to work unless such worker develops symptoms.

23 (c) An employer shall allow a worker who receives a positive test
24 result to quarantine away from the meatpacking operation with paid sick
25 leave and without penalty. Such paid sick leave shall not count against
26 other paid sick leave to which a worker is otherwise entitled under state
27 law or employer policy. An employer shall not require a worker to return
28 to work while the worker is still showing symptoms of COVID-19 or within
29 two weeks after a positive test result.

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

1 (e) An employer shall permit any worker to leave the meatpacking
2 operation premises in order to receive a COVID-19 vaccine on paid work
3 time unless such test is provided at the premises.

4 (7) An employer shall track, for each meatpacking operation facility
5 it operates, the total number of COVID-19-related deaths and the positive
6 case count known to the employer. Such tracking shall be done on a daily
7 basis and shall be disaggregated by race and ethnicity. The employer
8 shall provide such data in a monthly report to the Department of Health
9 and Human Services, the Department of Labor, the Business and Labor
10 Committee of the Legislature, and the Health and Human Services Committee
11 of the Legislature. Such data and report shall be submitted in the form
12 and manner prescribed by the commissioner.

13 (8) If a worker is confirmed to have contracted COVID-19, the
14 employer shall identify all workers who worked in the same work area and
15 on the same shift and notify all such workers of their possible exposure.
16 Such notification shall be given in writing, in person, or by telephone.
17 Such notification shall maintain the confidentiality of the infected
18 worker's identity as required by the federal Americans with Disabilities
19 Act of 1990, as amended, as such act existed on January 1, 2021.

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

24 Sec. 5. (1) The department shall have the authority to administer
25 and enforce the Meatpacking Employees COVID-19 Protection Act under the
26 auspices of the meatpacking industry worker rights coordinator.

27 (2)(a) The department, including the coordinator, may conduct
28 unannounced workplace inspections of employers. The coordinator or the
29 coordinator's delegate has the authority to inspect employer records and
30 make remedial recommendations during such inspection.

31 (b) No later than thirty days following a workplace inspection, the

1 coordinator or delegate shall file a final report of findings, including
2 any findings of violations of the Meatpacking Employees COVID-19
3 Protection Act, with the department and provide a copy to the employer
4 and its workers' collective-bargaining representative, if any. The report
5 shall be considered a public record.

6 Sec. 6. (1) The commissioner shall issue a citation to an employer
7 when an inspection reveals that the employer is in violation of the
8 Meatpacking Employees COVID-19 Protection Act. Such citation shall
9 additionally list with particularity the nature of each violation and
10 prescribe required hazard abatement measures and a reasonable timeline
11 for such compliance.

12 (2) When a citation is issued, the commissioner shall notify the
13 employer of the proposed administrative penalty, if any, by certified
14 mail or any other manner of delivery by which the United States Postal
15 Service can verify delivery or by any method of service recognized under
16 Chapter 25, article 5. The citation shall specify a deadline by which the
17 employer must abate the violation. The deadline shall be set at the
18 discretion of the commissioner but shall not be later than forty-five
19 days after the date of issuance of the citation. The administrative
20 penalty shall be not less than five thousand dollars in the case of a
21 first violation and not less than fifty thousand dollars in the case of a
22 second or subsequent violation.

23 (3) An employer shall provide proof of abatement of the violation to
24 the commissioner within seven days after any abatement deadline named in
25 the citation. The commissioner shall assess an additional administrative
26 penalty of five thousand dollars for failure to comply with this
27 subsection for each unabated hazard.

28 (4) The employer shall have fifteen business days after the date of
29 the citation or penalty to contest such citation or penalty. Notice of
30 contest shall be filed with the commissioner who shall set a hearing in
31 accordance with the Administrative Procedure Act.

1 Sec. 7. The department may adopt and promulgate rules and
2 regulations as necessary to carry out the Meatpacking Employees COVID-19
3 Protection Act.

4 Sec. 8. The department may suspend the requirements of subsection
5 (1), (2), or (5) of section 4 of this act if strict compliance with such
6 provisions would conflict with or be more stringent than official
7 guidance from the Centers for Disease Control and Prevention of the
8 United States Department of Health and Human Services regarding COVID-19
9 in employment settings that specifically relates to social distancing,
10 the use of face masks, or COVID-19 health screenings.

11 Sec. 9. Since an emergency exists, this act takes effect when
12 passed and approved according to law.