AMENDMENTS TO LB241

Introduced by Vargas, 7.

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

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

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

(1) Commissioner means the Commissioner of Labor;

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

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

(4) Department means the Department of Labor;

(5) Employer or meatpacking operation 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, processing of meatpacking products, or rendering. Employer or meatpacking operation does not include grocery stores, delis, restaurants, butchers, or other retail entities preparing meat products for immediate consumption;

(6) 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
COVID-19 from the wearer to others, whether or not the face mask protects
the wearer;

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

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

(9) Meat processing worker or worker means any individual whom an
employer 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;

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

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

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

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

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

(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 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 properly secured over the individual's nose and mouth 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 comply with standards for ventilation set forth in the rules and regulations of the federal Occupational Safety and Health Administration.

(5) Each time before an individual enters a meatpacking operation facility, the employer shall screen such individual for COVID-19. 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 questions about possible COVID-19 symptoms and disclosure of known exposure to COVID-19.

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

(b) A worker displaying or experiencing symptoms of COVID-19 who has received a COVID-19 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. Such paid sick leave shall not count against other paid sick leave to which a worker is otherwise entitled under state law or employer policy. An employer shall not require a worker to return to work while the worker is still showing symptoms of COVID-19 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.
(e) An employer shall permit any worker to leave the meatpacking operation premises in order to receive a COVID-19 vaccine on paid work time unless such test is provided at the premises.

(7) An employer shall track, for each meatpacking operation facility it operates, the total number of COVID-19-related deaths and the positive case count known to the employer. Such tracking shall be done on a daily basis and shall be disaggregated by race and ethnicity. The employer shall provide such data in a monthly 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.

(8) If a worker is confirmed to have contracted COVID-19, the employer shall identify all workers who worked in the same work area and on the same shift and notify all such workers of their possible exposure. Such notification shall be given in writing, in person, or by telephone. 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, 2021.

(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. 5. (1) The department shall have the authority to administer and enforce the Meatpacking Employees COVID-19 Protection 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 the Meatpacking Employees COVID-19 Protection 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.

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

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

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

(4) The employer shall have fifteen business days after the date of the citation or penalty to contest such citation or penalty. Notice of contest shall be filed with the commissioner who shall set a hearing in accordance with the Administrative Procedure Act.
Sec. 7. The department may adopt and promulgate rules and regulations as necessary to carry out the Meatpacking Employees COVID-19 Protection Act.

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

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