

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.