

AMENDMENTS TO LB241

Introduced by Brandt, 32.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new 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 fifty workers which engages in slaughtering, butchering,
18 meat 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 provide all workers with face masks
24 and shall make face shields available free of charge. An employer shall
25 replace face masks daily and more often as necessary, such as when face
26 masks are damaged or soiled. Any individual present at a meatpacking
27 operation facility shall wear a face mask properly secured over the
28 individual's nose and mouth while in the facility.

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

1 upon request.

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

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

11 (5)(a) For any worker who suspects that he or she may have been
12 exposed to COVID-19, an employer shall:

13 (i) Permit such worker to leave the meatpacking operation premises
14 in order to receive a COVID-19 test on paid work time and without
15 penalty; or

16 (ii) Provide a COVID-19 test on the premises on paid work time and
17 without penalty.

18 (b) A worker displaying or experiencing symptoms of COVID-19 who has
19 received a COVID-19 test shall be allowed to await test results while
20 quarantined away from the meatpacking operation on paid work time and
21 without penalty. An asymptomatic worker may return to work unless such
22 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 if such worker provides the employer with proof
26 of such positive test result within twenty-four hours after the worker
27 received such test result. Such paid sick leave shall not count against
28 other paid sick leave to which a worker is otherwise entitled under state
29 law or employer policy. An employer shall not require a worker to return
30 to work:

31 (i) While the worker is still showing symptoms of COVID-19; or

1 (ii) Within the quarantine period recommended by the Centers for
2 Disease Control and Prevention of the United States Department of Health
3 and Human Services.

4 (d) An employer shall allow a worker who receives a negative test
5 result to return to work upon receipt of such result if the worker
6 provides the employer with such proof of such negative test result within
7 twenty-four hours after the worker received such test result.

8 (e) An employer shall permit any worker to leave the meatpacking
9 operation premises in order to receive a COVID-19 vaccine on paid work
10 time and without penalty unless such vaccine is provided at the premises.

11 (6) An employer shall track, for each meatpacking operation facility
12 it operates, the total number of COVID-19-related deaths and the positive
13 case count known to the employer. Such tracking shall be done on a daily
14 basis and shall be disaggregated by race and ethnicity according to the
15 records held by the employer. The employer shall provide such data in a
16 monthly report to the department. Such data and report shall be submitted
17 in the form and manner prescribed by the commissioner.

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

25 (8) An employer shall disseminate all communications, notices, and
26 any published materials required by or regarding this section in English,
27 Spanish, and any identified language for which a filing is required by
28 subsection (1) of section 48-2210.

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

1 (2)(a) The department, including the coordinator, may conduct
2 unannounced workplace inspections of employers. The coordinator or the
3 coordinator's delegate has the authority to inspect employer records
4 related to compliance with the act and make remedial recommendations
5 during such inspection.

6 (b) No later than thirty days following a workplace inspection, the
7 coordinator or delegate shall file a final report of findings, including
8 any findings of violations of the Meatpacking Employees COVID-19
9 Protection Act, with the department and provide a copy to the employer
10 and its workers' collective-bargaining representative, if any. The report
11 shall be considered a public record.

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

18 (2) When a citation is issued, the commissioner shall notify the
19 employer of the proposed administrative penalty, if any, by certified
20 mail or any other manner of delivery by which the United States Postal
21 Service can verify delivery or by any method of service recognized under
22 Chapter 25, article 5. The citation shall specify a deadline by which the
23 employer must abate the violation. The deadline shall be set at the
24 discretion of the commissioner but shall not be later than forty-five
25 days after the date of issuance of the citation. The administrative
26 penalty shall be not less than five thousand dollars in the case of a
27 first violation and not less than fifty thousand dollars in the case of a
28 second or subsequent violation. No employer shall be fined more than a
29 total of one hundred fifty thousand dollars.

30 (3) An employer shall provide proof of abatement of the violation to
31 the commissioner within seven days after any abatement deadline named in

1 the citation. The commissioner shall assess an additional administrative
2 penalty of five thousand dollars for failure to comply with this
3 subsection for each unabated hazard.

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

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

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

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