

**ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021**  
**COMMITTEE STATEMENT**  
**LB241**

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**Hearing Date:** Monday March 01, 2021  
**Committee On:** Business and Labor  
**Introducer:** Vargas  
**One Liner:** Adopt the Meatpacking Employees COVID-19 Protection Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

<b>Aye:</b>	4	Senators Blood, Hansen, M., Hunt, Lathrop
<b>Nay:</b>	3	Senators Gragert, Halloran, Hansen, B.
<b>Absent:</b>		
<b>Present Not Voting:</b>		

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**Oral Testimony:**

**Proponents:**

Senator Tony Vargas  
Tonya Ward  
Salvador Hernandez  
Romulo Vega Jr.  
Guillermo E. Pena  
Gladys Godinez  
Renee Sans Souci  
Denise Bowyer  
Alexis Steele  
John K. Hansen  
James Goddard  
Susan Martin  
Michelle Devitt  
Anna Hernandez  
Judy King  
Rose Godinez

**Representing:**

Introducer  
LULAC of Nebraska  
South Omaha  
Self  
Self  
Solidarity with Packing Plant Workers  
The Nebraska Turtle Heart Society  
Omaha Together one Community  
Immigrant Legal Center  
NE Farmers Union  
NE Appleseed  
NE State AFL-CIO  
Heartland Workers Center  
Self  
Self  
ACLU of Nebraska

**Opponents:**

Jessica Kolterman  
Jon Panipinto  
Gary L. Walters

**Representing:**

Lincoln Premium Poultry  
Lincoln Premium Poultry  
Smithfield Foods

**Neutral:**

**Representing:**

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**Submitted Written Testimony:**

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**Proponents:**

Maggie Ballard  
Tiffany Joekel  
Al Davis  
Justin Carter

**Representing:**

Heartland Family Service  
Women's Fund of Omaha  
NE Chapter, Sierra Club  
The NE Food Council

**Opponents:**

Justin Brady  
Ron Sedlacek  
Mick Mines  
Julia Plucker  
  
John Albin  
Loreen Reynante

**Representing:**

Tyson Foods. Inc.  
NE Chamber of Commerce  
Cargill  
Greater Omaha Packing for NE Coalition of Agricultural  
Manufacturers  
Nebraska Department of Labor  
Self

**Neutral:**

**Representing:**

**Summary of purpose and/or changes:**

LB241 would implement COVID-19 social distancing and preventative practices in meat packing plants and provide paid sick leave for such employees.

Section by Section

Sec 1: Shall be known as the Meatpacking Employees COVID-19 Protection Act.

Sec 2: Commissioner means the Commissioner of Labor.

COVID-19 means the novel COVID-19 identified as SARS-CoV-2.

COVID-19 test means a test capable of determining whether an individual has COVID-19.

Department means the Department of Labor.

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, egg production, 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.

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.

Hand sanitizer means alcohol-based hand sanitizer that is at least sixty percent alcohol.

Meatpacking products includes livestock products and poultry products.

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.

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.

Positive case count means the total number of positive COVID-19 test results.

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 this act beginning on the effective date of this section and shall maintain such compliance until December 31, 2021.

Sec 4. An employer shall maintain a six-foot radius of space around and between each worker in all areas of the employer's facility as well as any common spaces such as lunch rooms and locker rooms.

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.

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.

An employer shall clean and regularly disinfect all frequently touched surfaces in the workplace and 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.

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.

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

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.

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.

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

An employer shall permit any worker to leave the meatpacking operation premises in order to receive a COVID-19 vaccine on paid work time.

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 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.

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 in writing all such workers of their possible exposure.

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.

Sec 5. The department shall have the authority to administer the Act.

The department, including the coordinator, may conduct unannounced workplace inspections of employers.

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 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. The commissioner shall issue a citation to an employer when an inspection reveals that the employer is in violation of the Act.

When a citation is issued, the commissioner shall notify the employer of the proposed administrative penalty. 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 \$5,000 in the case of a first violation and not less than \$50,000.00 in the case of a second or subsequent violation.

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 \$5,000.00 for failure to comply with this subsection for each unabated hazard.

The employer shall have fifteen business days after the date of the citation or penalty to contest such citation or penalty.

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. Emergency Clause

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Ben Hansen, Chairperson