

AMENDMENTS TO LB667

Introduced by Vargas, 7.

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

3           Section 1. For purposes of sections 1 to 4 of this act:

4           (1) Coronavirus means an airborne respiratory virus capable of  
5 person-to-person transmission via respiratory droplets, contact with  
6 contaminated objects, or other similar methods. Coronavirus includes the  
7 virus that causes COVID-19, severe acute respiratory syndrome coronavirus  
8 2, also known as SARS-CoV-2;

9           (2) Coronavirus test means a test capable of determining whether an  
10 individual has the coronavirus;

11           (3) Face mask means an item of double-layered cloth or various other  
12 materials with elastic bands or cloth ties to secure such mask over the  
13 wearer's nose and mouth in an effort to contain or reduce the spread of  
14 potentially infectious respiratory secretions at the source, that is, the  
15 wearer's nose and mouth. A face mask is intended to reduce the spread of  
16 the virus from the wearer to others, whether or not the face mask  
17 protects the wearer;

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

20           (5) Meatpacking operation or employer means a business, with more  
21 than one hundred workers, which engages in slaughtering, butchering, meat  
22 canning, meatpacking, meat manufacturing, poultry canning, poultry  
23 packing, poultry manufacturing, pet food manufacturing, egg production,  
24 processing of meatpacking products, or rendering. Meatpacking operation  
25 does not include grocery stores, delis, restaurants, butchers, or other  
26 commercial entities preparing meat products for immediate consumption;

27           (6) Meatpacking products includes livestock products and poultry

1 products as such terms are defined in section 54-1902;

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

8 (8) Negative test result means a coronavirus test result which  
9 indicates that a worker was not infected with coronavirus at the time of  
10 testing;

11 (9) Positive case count means the total number of positive  
12 coronavirus test results; and

13 (10) Positive test result means a coronavirus test result which  
14 indicates that a worker was infected with coronavirus at the time of  
15 testing.

16 Sec. 2. Meatpacking operations shall comply with the protections  
17 and requirements of section 3 of this act beginning on the effective date  
18 of this section and shall maintain such compliance until December 31,  
19 2021.

20 Sec. 3. (1) An employer shall maintain a six-foot radius of space  
21 around and between each worker in all areas of the employer's facility.  
22 An employer may accomplish such distancing by increasing physical space  
23 between workstations, slowing production speeds, staggering shifts and  
24 breaks, adjusting shift size, or any combination thereof. Where feasible,  
25 an employer shall reinforce social distancing with the use of plastic  
26 barriers in work spaces and common areas. An employer shall also  
27 reconfigure common or congregate spaces to allow for such six-foot social  
28 distancing radius, including, but not limited to, lunch rooms, break  
29 rooms, and locker rooms.

30 (2) An employer shall provide all workers with face masks and shall  
31 make face shields available free of charge. An employer shall replace

1 face masks at least daily and more often as necessary, such as when face  
2 masks are damaged or soiled. Any individual present at a meatpacking  
3 operation facility shall wear a face mask while in the facility.

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

8 (4) An employer shall clean and regularly disinfect all frequently  
9 touched surfaces in the workplace, such as workstations, training rooms,  
10 machinery controls, tools, protective garments, eating surfaces,  
11 bathrooms, showers, and other similar areas. An employer shall install  
12 and maintain ventilation systems that ensure unidirectional air flow,  
13 ventilation with outdoor air, and filtration in both production areas and  
14 common areas such as cafeterias and locker rooms.

15 (5) Each time before an individual enters a meatpacking operation  
16 facility, the employer shall screen such individual for coronavirus. Such  
17 screening procedure shall include a temperature check with the result  
18 disclosed to the individual and shall require completion of an oral or  
19 written questionnaire including possible coronavirus symptoms and  
20 disclosure of known exposure to coronavirus.

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

25 (b) A worker displaying or experiencing symptoms of coronavirus who  
26 has received a coronavirus test shall be allowed to await test results  
27 while quarantined away from the meatpacking operation. An asymptomatic  
28 worker may return to work unless such worker develops symptoms.

29 (c) An employer shall allow a worker who receives a positive test  
30 result to quarantine away from the meatpacking operation with paid sick  
31 leave and without penalty. An employer shall not require a worker to

1 return to work while the worker is still showing symptoms of coronavirus  
2 or within two weeks after a positive test result.

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

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

14 (8) If a worker is confirmed to have contracted coronavirus, the  
15 employer shall identify all workers who worked in the same work area and  
16 on the same shift and notify in writing all such workers of their  
17 possible exposure. Such notification shall maintain the confidentiality  
18 of the infected worker's identity as required by the federal Americans  
19 with Disabilities Act of 1990, as amended, as such act existed on January  
20 1, 2020.

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

25 Sec. 4. (1) The Department of Labor shall have the authority to  
26 administer and enforce section 3 of this act under the auspices of the  
27 meatpacking industry worker rights coordinator.

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

1           (b) No later than thirty days following a workplace inspection, the  
2           coordinator or delegate shall file a final report of findings, including  
3           any findings of violations of section 3 of this act, with the department  
4           and provide a copy to the employer and its workers' collective-bargaining  
5           representative, if any. The report shall be considered a public record.

6           (3) The department may adopt and promulgate rules and regulations as  
7           necessary to carry out sections 1 to 4 of this act.

8           Sec. 5.   Since an emergency exists, this act takes effect when  
9           passed and approved according to law.