



E-ALERT

Related Lawyers

Jennifer Platzkere Snyder

Related Practices

Labor & Employment

Media Contact

Peter Dunn
Director of Client
Relations and
Communications
Philadelphia, PA
pdunn@dilworthlaw.com

COVID-19 BREAKING NEWS: TELEWORKING MANDATED FOR ALL PENNSYLVANIANS – UNLESS NOT POSSIBLE

July 17, 2020

Over the past few months, Pennsylvania had been successful in “flattening the curve” of novel coronavirus cases since the high of 2,000 new positive COVID-19 cases reported on a single day in April 2020. However, this progress is appearing to be short-lived, with a new spike of cases in various counties across Pennsylvania, which the Wolf Administration attributes to Pennsylvanians ignoring mask-wearing requirements and social distancing, engaging in travel to and from out-of-state locations that are hotspots for the virus, and a general lack of national coordination of unified standards.

Seeking to avoid the cycle of spread that Pennsylvania experienced in the spring, on July 15, 2020, [Governor Tom Wolf](#) and [Secretary of Health Rachel Levine](#) issued executive orders directing new targeted mitigation efforts designed to be a “surgical” and “precise” strike against the spread of COVID-19. While most of the new restrictions apply to bars, restaurants, gyms and other indoor gatherings, Section 4 of each of the orders applies generally to **all Pennsylvania businesses** and became effective immediately as of 12:01 am on July 16, 2020.

Specifically, businesses are **required** to conduct their operations – in whole or in part – remotely through individual teleworking of their employees in the jurisdiction or jurisdictions in which they do business – unless doing so is “not possible.” In such situations, employees **may** conduct in-person business operations, provided that the businesses **fully comply** with all substantive aspects of the [April 5 building safety order](#), the [April 15 public health safety order](#), the July 1 [universal face coverings order](#) and all other guidance issued by the Wolf Administration, the Department of Health, and the Centers for Disease Control and Prevention (CDC).

This new teleworking “unless not possible” mandate applies to all businesses – regardless of size or industry sector, and irrespective of whether the business had been classified as providing life-sustaining operations consistent with the [Governor’s March 19 order](#).

In light of these orders, employers should evaluate all employee job functions to determine whether each function can be performed remotely. Where a job function can be performed entirely remotely, it should be – even if an employee has been performing that function in person at an employer’s worksite during the pandemic. Conversely, where it is “not possible” for one or more job functions to be performed remotely, those functions may be performed in person at an employer’s worksite with strict adherence to safety requirements. This may mean that certain employees will be working remotely 100% of the time, certain employees will be working remotely for part of the workweek and at the employer’s worksite for part of the workweek.



E-ALERT

In all cases, Pennsylvania businesses should create and implement a COVID-19 health and safety plan detailing steps they are taking to keep employees and other third parties safe during the pandemic, including health screening, access limitations, quarantine and isolation requirements, and contact tracing measures in the event of a positive or suspected COVID-19 case in their workplace. Employers should also appoint a Pandemic Safety Officer and print, sign and post the [safety signs](#) detailing COVID-19 Safety Procedures for Businesses near all public entrances and in worker common areas

If you have questions regarding the recent executive orders, developing a COVID-19 health and safety plan, or other labor and employment issues prompted by the pandemic, please contact [Jennifer Platzkere Snyder](#) or another member of Dilworth's [labor & employment department](#).