

WHY THIS LEGISLATION IS IMPORTANT

COVID-19 has created circumstances in which the most routine parts of daily life – going to work, shopping, enjoying a meal out – can be deadly. After months on pause, many District businesses have begun reopening with new health and safety guidelines in place. To support a successful reopening and ensure that customers and employees have peace of mind that it is safe to shop, dine out, and return to workplaces, the Protecting Businesses and Workers From Covid-19 Emergency Amendment Act of 2020 will set standards and basic protocols to keep everyone healthy. It will establish social distancing and face covering policies that apply to customers and workers alike, provide personal protective equipment to employees, prohibit retaliation against workers who attempt to exercise their rights, and permit employers to require that employees report a positive COVID-19 infection to their employer.

WHAT THIS LEGISLATION DOES

Personal protective equipment (PPE) and workplace safety

- Employer may require that employees inform their employer of a positive test for COVID-19 infection
- Employers must follow the Mayor's Order 2020-80 as follows:
 - All businesses must post a sign on their doors stating that a person may not enter unless the person is wearing a mask;
 - Businesses must exclude or attempt to eject persons not wearing masks or remove their masks
 - Employers must provide masks to their employees
 - Persons outside must wear masks within 6 feet of other persons
 - Persons must wear masks while in a transportation vehicle
- Establishes a PPE Grant program for small businesses to buy or be reimbursed for PPE purchases, up to \$1000 per business

Prohibition on retaliation

- Prohibits retaliation against employees because they test positive for COVID-19; an employer may prohibit employees from returning before they receive medical clearance or quarantine.
- Prohibits retaliation against employees who refuse to serve or work with an individual who refuses to wear a mask
- Prohibits retaliation against an employee exercising their rights under the Act

Enforcement

- Permits the Mayor to conduct investigations and enforce the Act administratively and to assess discretionary penalties
- Permits the Attorney General to conduct investigations and bring a civil action in District courts and recover attorneys' fees, discretionary penalties, lost wages, and equitable relief for employees
- Establishes discretionary financial penalties:
 - Up to \$50 per violation for PPE and safety requirements if repeated or willful violation
 - Up to \$500 per violation for retaliation against employees exercising their rights under the act