

Council of the District of Columbia
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
Memorandum

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

TO: Chairman Phil Mendelson

FROM: Elissa Silverman, Chairperson



RE: Request to Place Measures on the Agenda for the July 28, 2020 Additional Legislative Meeting

DATE: July 23, 2020

I request that the following measures be agendized for the July 28, 2020, Additional Legislative Meeting:

- “Protecting Business and Workers from COVID-19 Emergency Declaration Resolution of 2020”
- “Protecting Business and Workers from COVID-19 Emergency Amendment Act of 2020”
- “Protecting Business and Workers from COVID-19 Temporary Amendment Act of 2020”

This legislation would require employers in the District to adopt social distancing and worker protection policies in the workplace during the coronavirus public health emergency. As businesses slowly reopen, it is imperative that the District establish standards to ensure the safety of workers and customers, as well as to support economic recovery by protecting the public health and reducing the spread of COVID-19.

Public and private sector workers across the District have expressed concern for their health and safety at work. The District’s current guidelines are insufficient to protect workers and ensure the public’s safety because of a lack of uniformity and definitiveness in safety processes and legal protections for employees. The District has long had law on the books that requires all employers to provide a safe workplace but has traditionally relied on a federal agency, the Occupational Safety and Health Administration (OSHA), to create and enforce specific workplace safety processes and standards. Unfortunately, OSHA has abdicated this responsibility in the coronavirus context.

This bill reduces the uncertainty around workplace safety practices that put our workers and economic recovery at risk. The bill implements a face covering mandate for employees, customers, and all other guests who are present in the workplace. It requires employers to provide personal protective equipment (PPE) to employees that report physically to work and who are unable to social distance, allowing for employees to voluntarily wear their own masks unless an employer policy requires otherwise. It creates a grant program authorizing the Mayor to provide grants up to \$500 to eligible small businesses to purchase PPE. The bill also requires

employees to report to employers within 24 hours of receiving a positive result on a COVID-19 test.

The bill prohibits employers from retaliating against employees with an adverse employment actions because they have received a positive COVID-19 test or attempted to secure a protection or right assured under the bill. It also prohibits employers from retaliating against employees who refuse to serve or work with a person who is not following safety protocols. Finally, the bill would permit the Mayor and the Attorney General to enforce the bill through discretionary administrative penalties and civil actions.

Drafts of the measures are attached. If you have any questions regarding these measures, please contact Legislative Analyst Richard Grant at 727-8113 or rgrant@dccouncil.us.

Thank you for your consideration of this request.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel
Office of the Budget Director