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Pennsylvania Employer Update: Guidance on the Continuing COVID-19 Pandemic

On Thursday, March 20, 2020, Governor Tom Wolf announced a statewide mandate closing all “non-life sustaining” businesses, regardless of whether the business is open to members of the public. The Governor’s prohibition does not apply to virtual or telework operations, so long as social distancing practices are followed. After his announcement, the Governor provided a list identifying all businesses considered “life sustaining.” Those businesses included: grocery stores, car rental companies, doctors’ offices (exclusive of elective procedures), restaurants (for take-out only), automotive parts and tire stores, gas stations, waste collection, and beer distributors. All “life sustaining” businesses were directed to follow social distancing practices and other guidelines provided by the Centers for Disease Control.

The Governor received much criticism on the scope of those businesses considered “non-life sustaining” and in response he revised the list late Friday evening, permitting the following businesses to remain open at this time: (1) all sectors of the nature resource and mining industry; (2) dry cleaning and laundromats; (3) specialty food stores; (4) insurance carriers, agencies and brokers; and (5) accounting and tax preparation services. Restricted access to law offices by attorneys, staff and clients is also permitted to the degree necessary to allow attorneys to participate in court functions deemed essential by the courts, so long as social distancing measures are taken. The Governor’s office also clarified that the shutdown of all “non-life sustaining” business does not include the operations of residential rental communities for the purposes of maintaining safe operations and facilitating the rental of units. Enforcement of the Governor’s Order is now in effect as of Monday, March 23 at 8:00 a.m. EST and until further notice.

Employers should carefully review the Governor’s list of “non-life sustaining” businesses to determine if they are required to close their physical operations. We anticipate further information from the Governor’s office as enforcement begins and KD will continue these updates as the legal landscape continues to evolve. If you have questions about these developments, complying with the above Order or are in need of assistance in navigating these changes, please contact one of the experienced Pennsylvania Labor & Employment Law attorneys at Kaufman Dolowich & Voluck at (215) 501-7002.

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