

A RESOLUTION

23-502

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 28, 2020

To declare the existence of an emergency with respect to the need to require employers to adopt and implement social distancing policies in adherence to Mayor's Order 2020-080 or subsequent Mayor's Order, to prohibit retaliation against an employee who refuses to work with or serve an individual who refuses to comply with Mayor's Order 2020-080, to prohibit retaliation against an employee because the employee tests positive for or is quarantining because of COVID-19, or is caring for someone who has symptoms of or is quarantining because of COVID-19, and to prohibit retaliation against an employee who attempts to exercise any right or protection under title I or to stop or prevent a violation of the worker safety provisions of title I, to authorize the Mayor and Attorney General to administer and enforce workplace and employee protections in title I, to authorize the Attorney General to bring civil actions in a court of competent jurisdiction, to authorize the Chief Procurement Officer to enter into an indefinite duration/indefinite quantity contract to assist eligible businesses in the purchase of personal protective equipment and other supplies related to the containment of COVID-19, to permit federal laws, policies, and standards or a Mayor's Order that contains stricter personal protective equipment standards, to preempt the terms of title I; and to amend the Small and Certified Business Enterprise Act of 2005 to authorize the Mayor to issue grants for small businesses to purchase or receive reimbursements for the purchase of personal protective equipment for their employees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Protecting Businesses and Workers from Covid-19 Emergency Declaration Resolution of 2020".

Sec.2. (a) There exists an immediate need to establish workplace safety protections as the District reopens for business following the declaration of the public health emergency in the District by Mayor's Order 2020-045 on March 11, 2020.

(b) COVID-19 has created circumstances in which the most routine parts of daily life, such as going to work, shopping, enjoying a meal out can be deadly. COVID-19 is most often transmitted through the exchange of respiratory droplets through the mouth and nose orifices.

The use of a face covering to cover the nose and mouth while within 6 feet of another person greatly reduces rates of transmission and infection.

(c) After months on pause, many District businesses have begun reopening with new health and safety guidelines in place. To support a successful and sustainable reopening and ensure that customers and employees have peace of mind that it is safe to shop, dine out, and return to workplaces, to prevent transmission of COVID-19, and to ensure the public health, it is necessary to set standards and basic protocols for businesses and workplaces.

(d) Current District law requires employers to provide a safe place of employment for employees and relies on a federal agency, the Occupational Safety and Health Administration, to create mandatory standards and processes, enforce safety regulations, and otherwise respond to new workplace dangers that affect the safety of workers and workplaces. OSHA has abdicated this responsibility during the coronavirus pandemic.

(e) In the absence of OSHA, federal and local authorities have established piecemeal guidelines and recommendations that sometimes conflict or are otherwise ambiguous. Some other jurisdictions that reopened have been forced to shutter businesses for a second time, some permanently, when workplaces became sources of community infection, undoing any economic progress made and causing great strain on healthcare facility capacities.

(f) Workers in the District and elsewhere have perished after contracting COVID-19 at work, and many who have not been working during the public health emergency are afraid to report for work without adequate protections. Consumers are also resistant to engaging in the marketplace due to safety concerns, further delaying a full economic recovery.

(g) The District must establish policies to require employees to report a positive COVID-19 infection to their employers, establish social distancing and face covering policies that apply to customers and workers, provide personal protective equipment to employees, and prohibit retaliation against workers who attempt to exercise their rights.

Sec.3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Protecting Businesses and Workers from Covid-19 Emergency Amendment Act of 2020 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.