

New Set of COVID-19 Restrictions Hit Even Harder

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A [new set of restrictions](#) designed to mitigate the spread of COVID-19 in Pennsylvania announced November 23 will affect businesses, schools and individuals.

Businesses

The state has made teleworking mandatory "unless impossible," and is encouraging online sales and curbside pickup for all shopping.

If a business is staying open for on-site work, it is now required to take the temperatures of all employees entering its physical location, regardless of whether there has been an instance of exposure. In addition, the business must undertake contact tracing in the event of an exposure incident and has associated notification and reporting requirements.

Gathering limitations also have been updated, with different levels of gathering size limits for indoor and outdoor venues. For the largest indoor facilities - over 10,000 capacity - no more than 500 people are allowed to gather. Outdoor venues may have no more than 2,500 people.

The state also is granting civil liability immunity to businesses that stay open and follow the state's masking mandate. Previously, Wolf had granted civil liability immunity to health care workers, but extended the immunity to all businesses that are complying with mask-wearing protocols. This civil immunity applies only to claims by members of the public, not to claims by employees.

There also was a pointed warning aimed specifically at businesses in [Monday's news release about the new restrictions](#). The release said the Pennsylvania Department of Health "is bolstering its ability to receive and respond to complaints from customers and employees," about the state's restrictions. That heightened effort comes in the form of assistance from other state agencies to help process and investigate complaints from the public about individual businesses.

"Following a complaint about a business, the Department of Health will send a warning letter informing the business of the potential consequences, including fines and closure if the business is not compliant with the mitigation orders," according to the news release. "If a business continues to receive complaints, it risks referral to the Pennsylvania State Police or regulatory agencies, further fines and possible closure."

Businesses required to hold a state license of any kind are particularly vulnerable to enforcement action.

Restaurants/bars

The latest restriction on Pennsylvania bars and restaurants takes aim at one of their most profitable nights of the year - the night before Thanksgiving. Bars and restaurants are now required to stop selling alcohol at 5 p.m. Wednesday, November 25. The ban on alcohol sales is for Wednesday only, and alcohol sales for

on-site consumption can resume Thursday. The ban does not include take-out alcohol purchases.

Schools

The state assigned homework to schools during the Thanksgiving break. By 5 p.m. Monday, all schools must sign a document verifying that they have either transitioned to fully remote learning or are complying with the orders if they are conducting any in-person instruction while in the "substantial" range of transmission. As of Monday, only four rural Pennsylvania counties - Cameron, Pike, Sullivan and Wayne - were not in the substantial range.

If a school does not sign the document or is not complying fully with the state's orders, it must go to a fully remote learning environment while its county is in the substantial range.

[You can find the form here](#). It must be signed by the school's governing body president or chair of the board and by the school's chief administrator.

It is recommended that schools wishing to continue in-person learning return the form as soon as possible.

Individuals

The Thanksgiving holiday has been on the radar of health officials for months as a possible COVID "superspreader" event. Pennsylvania state government is strongly encouraging individuals to pare down their normal celebrations, to wear masks when meeting with others who don't live in their home and to require 14 days of quarantine for those that travel out of state. On Monday, health officials reiterated those requirements but went a step further and said the state will be "ramping up enforcement" of all of its regulations with the help of local law enforcement.

The updates go into effect Friday, November 27, at 12:01 a.m.

As the number of COVID-19 cases, hospitalizations, and deaths continue to rise in the state, we expect these restrictions will continue to evolve, and may become stricter. Business owners and employers need to continue to monitor developments to avoid potential enforcement actions by the state and civil liability. We expect such restrictions to continue in various forms until COVID-19 vaccines become readily available to the general public, probably in mid-to-late spring 2021.

If you have any questions about the latest set of restrictions, or any of the state's orders, please contact anyone in the [Barley Snyder COVID-19 Response Service Team](#).

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WRITTEN BY:



Joshua L. Schwartz

Partner

Tel: (717) 399-1535

Email: jschwartz@barley.com



Martin R. Siegel

Counsel

Tel: (717) 718-7581

Email: msiegel@barley.com