

NEWS & INSIGHTS

Department of Health issues FAQs about employee and customer safety order for funeral homes and cemeteries

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The below information is current as of the publication date listed. Because COVID-19 response measures on all fronts are continually evolving, clients should stay alert to new developments and consult with counsel on any critical questions.

The Pennsylvania Secretary of Health has issued [answers to frequently asked questions](#) about the [April 15, 2020](#)

[order](#) requiring employee and customer safety measures – including masks – at businesses continuing in-person operations.

These FAQs provide important updates, including some specific to death care operations:

- Funeral homes should continue to adhere to the 10-person limit on services, as provided in [State Registrar Notice 2020-09](#), even if they could accommodate more people under the 50% occupancy limit found in the April 15 order.
- Employees who work outdoors, such as cemetery workers and landscapers, must wear masks.
- Employees must wear masks even if they can maintain social distancing while working.
- Employees are exempt from wearing a mask if it impedes their vision, if they have a medical condition, or if it would create an unsafe condition in which to operate equipment or execute a task. Further, employees isolated in their personal office space, when unshared with any other colleagues, do not need to wear a mask, but must do so when they leave their office.
- Employees and customers must use masks that meet the [Department of Health's guidance](#). This may include homemade masks, masks owned by employees, and scarves, bandanas, or disposable face shields in lieu of a mask.
- The Department of Health has created a [Business-2-Business](#) directory to help find masks and other personal protective equipment (PPE).
- Temperatures screening is **required** only after a business has been exposed to a person who is a probable or confirmed case of COVID-19. However, the Department of Health **recommends** that routine temperature screening be conducted, particularly in areas with high positive COVID-19 case numbers.
- Required temperature screening **must** continue for at least 14 days after the exposure, but the Department of Health **recommends** temperature checks be conducted as a matter of routine.
- A “probable” case of COVID-19 occurs if a person has appropriate symptoms (i.e., fever, cough, shortness of breath) and exposure to a high-risk situation, or if the person has a positive antibody test and either symptoms or high-risk exposure.
- If a business is exposed to a probable or confirmed case of COVID-19, the business must implement temperature screening for **all** employees, not just those who interacted with a sick coworker or customer.
- Non-employees, such as truck drivers, contractors, or delivery persons, are not subject to the temperature screening requirement.
- Temperature screening **must** be done by the employer. It cannot be done through employee self-screening (e.g., employees are told to take their temperature at home or self-report their temperature).
- Temperature screening is not required to be administered by a medical professional, and the Department of Health has not issued specific guidance on thermometers.
- After exposure to a person who is a probable or confirmed case of COVID-19, a business should wait 24 hours,

or as long as practical, before beginning required cleaning and disinfecting.

- Guidance on what cleaning is required is available from the [Centers for Disease Control](#) and in the [Secretary of Health's April 6](#) order on building safety measures.
- The Department of Health will establish an online form for employees to report violations of the April 15 order.
- The Governor will not be reimbursing employers or employees for the costs of complying with the April 15 order.

Saxton & Stump attorney [Jason Benion](#) is available to assist death care professionals with these and other questions as you navigate the various legal implications of the orders related to the COVID-19 pandemic.

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