

HR/LR Policy #1442

Effective Date: 07/25/2020

Face Coverings Policy For Agency Staff

Authority: Enterprise Human Resources

OVERVIEW

Objective

To mitigate, to the extent reasonably possible, the transmission of COVID-19 by agency staff who may be asymptomatic or pre-symptomatic carriers of the virus through use of face coverings while in agency workplaces or while otherwise providing agency services outside of the staff member's home.

Policy Statement

The COVID-19 pandemic presents an unprecedented challenge to our State. The virus is highly contagious and potentially deadly. COVID-19 can be spread by people who do not have symptoms and do not know that they are infected.

According to the Centers for Disease Control and Prevention (CDC), face coverings may help prevent people who have COVID-19 from spreading the virus to others. Face coverings are a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the face covering coughs, sneezes, talks, or raises their voice. This is called source control. COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet), so the use of face coverings is particularly important in settings where people are close to each other or where social distancing is difficult to maintain. Face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.

To mitigate, to the extent reasonably possible, the transmission of respiratory droplets by agency staff who may be asymptomatic or pre-symptomatic carriers of COVID-19, all agency employees, officers, contractors, vendors, volunteers and interns are required to wear face coverings as provided below when in the workplace or public service environment.

Employees who fail to wear a face covering in the workplace or public service environment as required may be subject to disciplinary action, up to and including discharge. Non-employee staff may be subject to action up to and including termination of their relationship with the agency. Staff who fail to wear a face covering when required also may be sent home and placed in no-pay status.

Wearing face coverings is not a substitute for staying home when ill. Staff should stay home if they are sick or experiencing symptoms of COVID-19.

This policy is subject to change at MMB's discretion, including based on public health guidance.

Scope

This policy applies to all employees, officers, contractors, vendors, volunteers and interns of executive branch agencies (as defined in M.S. 43A.02, subds. 2 & 22), Minnesota State Retirement System, Public Staff Retirement Association, and Teachers Retirement Association.

Definitions and Key Terms

Terms	Definitions
<i>Face Covering</i>	<p>A paper or disposable mask, a cloth face mask, a scarf, a bandanna, a neck gaiter, or a religious face covering that:</p> <ul style="list-style-type: none">• Fits snugly against the sides of the face;• Covers the nose and mouth completely;• Is secured over the nose and mouth; and• Allows for breathing without restriction. <p>Medical-grade masks and respirators are sufficient face coverings, but to preserve adequate supplies, their purchase and use is discouraged for staff who do not work in a health care setting or other occupations that require medical-grade protective equipment (e.g., certain construction occupations).</p> <p>Masks that incorporate a valve designed for easy exhaling, mesh masks, or face coverings with openings, holes, visible gaps in the design material, or vents are not sufficient face coverings because they allow droplets to be released.</p> <p>Face coverings are not considered personal protective equipment (PPE), are not appropriate substitutes for PPE, and are not intended to be used when staff need PPE for protection against exposure to occupational hazards.</p>
<i>Public Service Environment</i>	<p>A location outside of the agency workplace where the staff member is providing public service on behalf of the agency, other than in the staff member's home. The public service environment may be indoors or outdoors.</p>
<i>Social Distance/Social Distancing</i>	<p>Keeping at least 6 feet of distance from other individuals who are not members of the staff's household.</p>
<i>Staff</i>	<p>Employees, officers (e.g., board members), contractors, vendors, volunteers, and interns.</p>

Exclusions

This policy does not apply to staff when they are in health care settings or other settings where they are required to wear medical-grade or other personal protective equipment (PPE) masks or respirators, rather than face coverings.

This policy does not apply to staff of K-12 or higher education institutions when they must instead comply with face covering and face shield guidance in Executive Order 20-81 or Minnesota Department of Health guidance for schools and higher education institutions.

This policy does not apply to staff while they are working from home.

GENERAL STANDARDS AND EXPECTATIONS

I. Face Covering Requirement

Except as provided in sections II and III below, staff must wear a face covering:

- indoors in the agency workplace or public service environment, including waiting outdoors to enter an indoor space
- outdoors while working when it is not possible to maintain social distancing
- in vehicles being used for agency business

When face coverings are required, they must be worn to cover the nose and mouth completely.

Unless otherwise instructed by their agency, staff may use agency-provided face coverings or face coverings they bring from home, so long as the covering meets the standards set forth in the definition of “face covering” above. Staff members are responsible for washing any reusable face covering they use.

In addition to wearing face coverings, staff should continue social distancing and proper handwashing practices while in the agency workplace or public service environment. Wearing face coverings is not a substitute for these public health measures.

II. Temporary Removal of Face Covering

Unless otherwise instructed by their agency, staff may temporarily remove face coverings in indoor spaces in the workplace or public service environment in the following situations:

- When testifying or speaking in situations or settings such as news conferences, legal proceedings, governmental meetings subject to the Open Meeting Law (MS 13D), presentations, or lectures, provided that social distancing is always maintained. Face shields should be considered as an alternative in these situations.
- When eating or drinking, provided social distance is maintained.
- During activities where the face covering will get wet.
- When asked to remove a face covering to verify an identity for lawful purposes.
- When a public safety worker is actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency personnel, in situations where wearing a face covering would seriously interfere with the performance of their public safety responsibilities.
- While communicating with an individual who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with that individual while wearing a face covering difficult, provided that social distancing is maintained to the extent possible.

- When the staff member is alone, including when alone in an office, a room, a cubicle with walls that are higher than face level when social distancing is maintained, a vehicle, the cab of heavy equipment or machinery, or an enclosed work area.

Staff must carry a face covering with them at all times in these situations, to be prepared for person-to-person interactions and to be used when no longer alone.

III. Exemptions from Face Covering Requirement

The following situations are exempt from the face covering requirement:

- The staff member has a medical condition, mental health condition, or disability that makes it unreasonable for the staff member to maintain a face covering. This includes, but is not limited to, staff who have a medical condition that compromises their ability to breathe, and staff who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.
 - Employees unable to wear a face covering due to a medical condition, mental health condition, or disability must request a reasonable accommodation as provided in [HR/LR Policy #1433 ADA Reasonable Accommodation](#).
 - Non-employee staff unable to wear a face covering due to a medical condition, mental health condition, or disability must request a reasonable modification.
- Wearing a face covering would create a job hazard for the staff member or others, as determined by local, state or federal regulators or workplace safety and health standards and guidelines, for example:
 - The staff member's ability to safely perform their job duties is negatively affected because the use of a face covering obstructs their vision or causes safety gear or safety glasses to fog up.
 - The staff member works in a setting where the face covering may increase the risk of heat-related illness or cause safety concerns due to introduction of a hazard (for instance, straps getting caught in machinery).
- Unless otherwise instructed by their agency, staff are not required to wear a face covering when they are working outdoors and are able to consistently maintain social distancing.
 - These staff must wear a face covering if they cannot maintain social distancing
 - These staff must wear a face covering if they are waiting outdoors to enter an indoor workplace or public service environment, or if they enter an indoor workplace or public service environment
 - Staff must carry a face covering with them at all times while working outdoors

IV. Consequences of Failing to Wear a Face Covering When Required

Employees who fail to wear a face covering as required may be subject to disciplinary action, up to and including discharge. Staff who are not employees (officers, contractors, vendors, volunteers, interns) may be subject to action up to and including termination of their relationship with the agency.

Staff who fail to wear a face covering as required also may be sent home.

If the staff member sent home is an employee who is unable to telework, they may be placed in no-pay status (ETL-Scheduled Hours Not Worked) until they comply with the face covering requirement. Prior to being placed in no-pay status, the employee will be offered a meeting with their supervisor to hear the reasons for being placed in no-pay

status and to tell their side of the story. Employees who are covered by a collective bargaining agreement may have union representation at the meeting.

In addition, under Executive Order 20-81, individuals who fail to comply with the face covering requirement may receive a petty misdemeanor citation and a fine of up to \$100.

RESPONSIBILITIES

Agencies are responsible for:

- Adopting this policy.
- Communicating this policy to all employees, officers, contractors, vendors, volunteers and interns.
- Requiring all staff to comply with this policy, including by sending staff home and/or taking other action for non-compliance when appropriate.
- Training staff on proper practices for putting on and taking off face coverings.
- Providing face coverings to staff who are unable to obtain their own face coverings.
- Providing reasonable accommodation under the ADA to employees who cannot wear face coverings due to their disability.
- Providing reasonable modifications to non-employee staff who cannot wear face coverings due to their disability.
- Conspicuously posting one or more signs in places visible to all staff providing notice of the face covering requirement.
- Including the face covering requirement in the agency's COVID-19 Preparedness Plan, informing their staff how the Plan has been updated, and making the revised Plan available to their staff.

MMB is responsible for:

- Making any needed modifications to this policy based on public health guidance.

REFERENCES

[Executive Order 20-81](#)

[HR/LR Policy #1433 ADA Reasonable Accommodation](#)

CONTACTS

MMB Enterprise Human Resources