

MEMORANDUM

DATE: July 1, 2020

RE: COVID-19 Updates for Employers: Mask Requirement

Effective July 1, 2020, all persons visiting or working at any business listed below and all members of the public when visiting indoor spaces that are open to the public will need to wear a mask, face shield or face covering. This rule is in addition to other mask, face shield and face covering requirements from the Governor's prior orders, so if your business is not listed below, be sure to check for any specific requirements for your business in those orders. Here is a link to the prior orders: [Oregon Health Authority - COVID-19 Updates](#).

Employers are required to provide masks, face shields or face coverings for employees. In addition, businesses and indoor spaces open to the public are: (a) encouraged (but not required) to provide at least disposable face coverings to those visiting these locations; (b) post the required signs in languages commonly spoken by customers and visitors; and (c) educate employees on how to safely work and communicate with individuals who cannot wear masks, face shields or face coverings.

All businesses and indoor spaces open to the public are required to post clear signs about these requirements. [Signs for businesses to download](#).

Individuals are not required to wear masks, face shields or face covering under the following circumstances:

- Employees, contractors and volunteers so long as they are not interacting with the public and there is at least 6 feet of distance between other people.
- If the individual is under 12-years-old (although it is strongly recommended that children between the ages of 2 and 12 wear a mask, face shield or face covering).
- While eating or drinking.
- Customers and visitors if engaging in an activity that makes wearing a mask, face shield or face covering not feasible, such as strenuous physical exercise, or performers singing or playing an instrument if at least 6 feet of distance is maintained from others.

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- If an accommodation is required under the state or federal disability laws (e.g., ADA); state or federal labor laws; state and federal public accommodation laws; and OHA guidance, if applicable. Here is a link for more guidance on this category: [Reopening Guidance FAQs](#).

For purposes of this order, the following definitions apply:

- “Business” means: Grocery stores; Fitness-related organizations; Pharmacies; Public transit agencies and providers; Personal services providers; Restaurants, bars, breweries, brewpubs, wineries, tasting room and distilleries; Retail stores, shopping centers and malls; Ride sharing services. For Phase Two counties only, it also includes: Indoor licensed swimming pool, licensed spa pool and sports court operators; Indoor entertainment facility operators; Indoor recreational sports operators for specified sports; and indoor venue operators.
- “Face coverings” include a cloth, paper or disposable face covering that covers the nose and mouth.
- “Face shield” is a clear plastic shield that covers the forehead, goes below the chin and wraps around the sides of the person’s face.
- “Mask” is a medical grade mask.
- “Indoor spaces open to the public” are indoor spaces where the public has access whether by right or invitation, regardless of whether the space is publicly or privately owned, and regardless of whether the person must pay money to access the location. This can include building lobbies, common spaces, elevators, bathrooms and meeting spaces outside of a private home where people gather for social, civic, cultural or religious purposes.
- “Personal services providers” are barber shops, hair salons, esthetician practices, medical spas, facial spas and day spas, non-medical massage therapy services, nail salons, tanning salons and tattoo/piercing parlors.

Here is a link to the Governor’s Guidance, dated June 30, 2020: [Statewide Mask, Face Shield, Face Covering Guidance](#).

Here is a link to the Governor’s Order, dated June 20, 2020: [Governor Extends Face Coverings Requirement Statewide](#).

For more information, please contact our Labor and Employment attorneys, Amanda Walkup, Andy Lewis and Mario Conte.

This summary provides general information and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. If you have specific legal questions, you are urged to consult with your attorney concerning your own situation.