

FACE COVERINGS UPDATE



POOL/PACT has received many inquiries from our members asking whether they *can* or *should* require their employees to wear face coverings. The answer is yes to both questions.

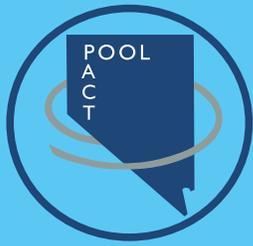
We know that the number of State of Nevada Directives, CDC Guidelines, and other information can be overwhelming and confusing.

The State of Nevada has mandated several Emergency Directives which require employers to comply with guidelines promulgated by the Nevada Occupational Safety and Health Administration (NV OSHA) to minimize the spread of COVID-19, including physical distancing, sanitation measures, and face coverings. Specifically, on November 25, 2020, the Chief Administrative Officer for NV OSHA, ordered the **following**:

- **All employers must provide face coverings for employees and shall require these employees to wear the face coverings in all instances where required by emergency directives and associated guidance issued on the NV Health Response website or by Nevada OSHA.** (Required/Ref. Declaration of Emergency Directive #021, section 12, Declaration of Emergency Directive #024, section 5)
- **All employers shall require employees to wear a face covering in any space visited by the general public, even if no one else is present.** (Required/Ref. NVHealthResponse Guidance on Directive 024: Face Coverings)
- **Close or limit access to common areas where employees are likely to congregate and interact. When in common areas, face coverings are required for employees.** (Required/ Ref. NV Health Response Guidance on Directive 024: Face Coverings; Declaration of Emergency Directive #021, section 15, and CDC – Interim Guidance for Businesses and employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020.
- **Conduct daily surveys of changes to staff/labor health conditions.** NV OSHA is emphasizing the need for business leadership to be working with and aware of the health and well-being of its staff. (Required/Ref. - Guidance on Preparing Workplaces for COVID-19, OSHA 3990-03 2020)
- **Unless demonstrated as infeasible, face coverings are always required when employees work within 6 feet of each other or the general public.**

In summary, Nevada OSHA mandates all employers to provide, and require all employees to wear, face coverings regardless of whether the workspace is accessible to the public.

Please note a link to an OSHA Notice is on page two of this update which lists the tasks, policies, and procedures that may be reviewed by NV OSHA during the investigation process.



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Compliance Enforcement

The Nevada OSHA Compliance Section is taking this matter very seriously. More than one of our members have been contacted by OSHA regarding face coverings. Recently, a member received a letter from NV OSHA informing the member that it was under investigation because the employer was not complying with the Governor's COVID-19 mandate in regard to employees wearing face coverings. **This notice was dated January 6, 2021.** Please note on page two of the notice the list of tasks, policies, and procedures that may be reviewed by NV OSHA during the investigation process.

On a related issue, we have had a number of members inquire about an entity's civil liability relating to COVID-19. We therefore put together a summary for our members. We have linked it [here](#) for your review and reference.

We at POOL/PACT know that your highest concern is protecting the health and safety of the public you serve, your employees, and volunteers. Therefore, it is essential that appropriate policies, training, and documentation of that training are in place. We are standing by ready to assist you in any way we can.

Please do not hesitate to contact POOL/PACT (775) 885-7475) or your agent for any additional questions you may have.