

*This post is for general informational purposes only and should not be considered to constitute legal advice.*

### **CORRECTION Employment Update: To Mask or Not To Mask. . .**

Please note that the highlighted sentence below should read that there is no there is no legal requirement to ensure that your fully vaccinated employees wear masks indoors.

The sentence originally said that employers were required to ensure that non-vaccinated employees wear masks indoors and when we changed it to what was not legally required we inadvertently forgot to change it to “fully” vaccinated. We apologize for the confusion.

### **Employment Update: To Mask or Not To Mask. . .**

We have received questions about whether employers should start requiring vaccinated employees to wear masks indoors again. The short answer is that currently there is no legal requirement to do so, but you may want to consider implementing a policy requiring them.

The question has been asked because as of this week, the CDC has changed its recommendations for individuals who are fully vaccinated to recommend wearing a mask indoors when in public settings in areas with “substantial or high transmission” rates for COVID-19. (You can check the CDC’s website to determine if your county is a high transmission rate county here: <https://covid.cdc.gov/covid-data-tracker/#county-view>. Both Napa and Sonoma counties are in the high zone.) The California Department of Public Health (“CDPH”) has also followed suit and is now recommending mask wearing in indoor public settings regardless of vaccination status. And many local counties, including Napa and Sonoma, have issued similar guidance as well.

All current guidance (other than for Los Angeles County) is a recommendation, not a mandate. Employers are still required to follow Cal/OSHA’s revised emergency temporary standards, which currently do not require employees to wear masks indoors if they are fully vaccinated. We have not seen any indication that Cal/OSHA is going to revise their standards again, however, under the current standards employers are required to provide employees with face coverings and ensure they are worn if required by an order from the CDPH. **Since CDPH is not requiring face coverings indoors for vaccinated individuals, there is no legal requirement to ensure that your non-vaccinated employees wear masks indoors.**

While not currently required, there is a possibility that masks indoors may become required again in the near future. Employers should consider whether to implement a mandatory mask policy for all employees now, particularly in workplaces where not all employees are fully vaccinated. If you have questions about your current workplace mask policies, or implementing a new policy, please contact us to discuss.