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Employment Update: Sonoma County Partially Lifts Indoor Mask Rules

Effective today, Sonoma County joins San Francisco and Marin counties in lifting indoor masks mandates for certain stable cohorts of fully vaccinated individuals. A copy of the order can be found here:

<https://socoemergency.org/amendment-no-1-to-the-order-of-the-health-officer-of-the-county-of-sonoma-c19-25/>. Napa County has not yet lifted its mandate, but we will keep you updated.

What does this mean for employers?

Employers are required to continue enforcing mask wearing indoors, except in these limited situations: In indoor workplaces, gyms, fitness centers, employee commuter vehicles, religious gatherings, college classes, and other organized gatherings of individuals who meet regularly, as long as all of the following circumstances are met:

1. The employer has verified that all individuals present are Fully Vaccinated (two weeks after Pfizer or Moderna's second shot or two weeks after J&J's single shot);
2. There are no more than 100 individuals present, and the group of persons present gathers on a regular basis;
3. The employer can control access to the setting, and the setting is not open to the general public;
4. The employer maintains a list of individuals present;
5. The employer posts signage prohibiting entry by persons who have a cough, fever or other symptoms that could be consistent with COVID-19; and
6. The employer posts signage prohibiting entry by persons who have symptoms consistent with COVID-19, is awaiting results of a COVID-19 test, or had a known exposure to a person infected with the COVID-19 virus within the last 14 days

Employers shall verify the vaccine status of individuals with one of the following:

- The original U.S. Department of Health and Human Services CDC vaccination card issued to the individual following administration of the COVID-19 Vaccine (CDC Card);
- The original WHO International Certificate of Vaccination or Prophylaxis issued to the individual following administration of the COVID-19 Vaccine in a foreign country (WHO Yellow Card);
- A paper photograph or photocopy of the CDC Card or WHO Yellow Card;
- An electronic image of the CDC Card or WHO Yellow Card;
- A digital copy of the individual's COVID-19 Vaccine record, obtained through <https://myvaccinerecord.cdph.ca.gov/>; or
- Medical record from a licensed healthcare provider that the individual is Fully Vaccinated with COVID-19 Vaccine.

So, as long as the employer can verify that all the individuals in a work setting are fully vaccinated and there are no more than 100 people present at any given time, the employees can discontinue wearing masks indoors. Any business such as a restaurant, tasting room, bank or hotel that is open to the public will not be able to lift the mandate. Separate areas of such work establishments that are not open to the public should be able to lift the mandate as long as the other requirements are met. This mask exemption does not apply to establishments that are required to wear face coverings under a state or federal order, such as health care providers.

Note, employers are required to know the vaccination status of their employees and it does not appear that self-attestations are acceptable. We suggest having a point person in the organization that is tracking the vaccination status and keeping the information confidential. This order requires employers to keep paperwork of the vaccination status on file for 30 days. This requirement assumes there was an event. For ongoing situations we recommend keeping the documentation on a continuous basis until otherwise notified by the County.

If you have any questions about how this Order relates to your particular business, please contact us to discuss.