Policy Number:	**105.176**
Title:	**Face Coverings**
Effective Date:	**12/4/21**

PURPOSE: To mitigate, to the extent reasonably possible, the transmission of COVID-19 or other infectious disease by agency staff and others 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.

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

APPLICABILITY: This policy applies to all DOC employees, contractors, vendors, volunteers, interns, and members of the public visiting any DOC locations.

DEFINITIONS:

Face Covering – a paper or disposable mask, a cloth face mask, a neck gaiter, or a religious face covering that:

1. Fits snugly against the sides of the face;
2. Covers the nose and mouth completely;
3. Is secured over the nose and mouth; and
4. Allows for breathing without restriction.

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. 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.

Public Service Environment – 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.

Social Distance/Social Distancing – keeping at least six feet of distance from other individuals who are not members of the staff member's household.

PROCEDURES:

A. General Standards and Expectations

1. Face Covering Requirements

   Except as provided in sections B and C below, staff must wear a face covering:

   a) Indoors in the agency workplace or public service environment, including waiting outdoors to enter an indoor space;

   b) Outdoors while working when it is not possible to maintain social distancing; and

c) In vehicles being used for agency business, only if two or more people are in the vehicle.

2. When face coverings are required, they must be worn to cover the nose and mouth completely. Wearing appropriate face coverings as defined in this policy is strictly enforced.

   a) 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.

   b) Staff members are responsible for washing any reusable face covering they use.

   c) 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.

   d) 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. (See Policy 105.113, "Personal Protective Equipment.")

3. 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.

4. 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.

5. 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.

6. 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:

a) 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 may be considered as an alternative in these situations.

b) When eating or drinking, provided social distance is maintained.

c) During activities where the face covering will get wet.

d) When asked to remove a face covering to verify an identity for lawful purposes.

e) 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.

f) 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.

g) 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.

B. Exemptions from Face Covering Requirement

The following situations are exempt from the face covering requirement:

1. 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.

   a) 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.

b) Non-employee staff unable to wear a face covering due to a medical condition, mental health condition, or disability must request a reasonable modification.

2. 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:

3. 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.

4. 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).

5.) Unless otherwise instructed by their agency, staff are not required to wear a face covering when they are working outdoors <u>and are able to consistently maintain social distancing</u>.

a) These staff must wear a face covering if they cannot maintain social distancing.

b) 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.

c) Staff must carry a face covering with them at all times while working outdoors.

6. Staff do not need to wear regular face masks 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.

a) Such staff must wear face coverings after the removal of their PPE.

b) Staff who temporarily remove their face coverings to wear PPE, must carry a face mask with them at all times when they could be removing their PPE masks, respirators, or medical grade masks.

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

8.. Staff who are working in a non-congregate living facilities are expected to comply with MMB's HR/LR Policy #1442 Face Coverings Policy for Agency Staff

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

1. Employees who fail to wear a face covering as required may be subject to disciplinary action, up to and including discharge. (See Policy 103.225, "Fact-Finding Process and Discipline Administration.")

2. Staff who are not employees (contractors, vendors, volunteers, interns) may be subject to action up to and including termination of their relationship with the agency.

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

4. 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.
   a) Prior to being placed in no-pay status, the employee will be offered a meeting with their supervisor and a member of human resources to hear the reasons for being placed in no-pay status and to tell their side of the story.

   b) Employees who are covered by a collective bargaining agreement may have union representation at the meeting.

INTERNAL CONTROLS:

A. Any warnings and disciplinary notices are placed in employees' personnel files per Human Resources policies and retention schedules.

ACA STANDARDS: None

REFERENCES: HR/LR Policy #1442 Face Coverings policy for Agency Staff
HR/LR Policy #1433 ADA Reasonable Accommodation
Policy 105.113, "Personal Protective Equipment"
Policy 103.225, "Fact-Finding Process and Discipline Administration"

REPLACES: All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVALS:

Deputy Commissioner, Reintegration and Restorative Services
Deputy Commissioner, Facility Safety and Security
Assistant Commissioner, Organizational and Regulatory Services
Assistant Commissioner, Chief of Staff
Assistant Commissioner, Health, Recovery, and Programming