

Office of the Director

1515 S Street, North Building, Suite 500
Sacramento, CA 95811
(916) 322-5193 Fax (916) 322-8376

Governor Gavin Newsom
Secretary, Government Operations Agency Yolanda Richardson
Director Eraina Ortega

State Employee Face Covering Requirements
June 18, 2021

The California Occupational Safety and Health Board on June 17, 2021, approved amendments to its Emergency Temporary Standards (ETS) that include, among other things, changes to the use of face coverings in the workplace. The rules are effective immediately.

Face coverings **are not required** for fully vaccinated individuals, **except**, consistent with recent [guidance](#) from the California Department of Public Health, face coverings **are required** for all individuals, regardless of vaccine status in the following settings:

- Public transit (airplanes, ships, ferries, trains, subways, buses, taxis, and ride-shares) and in transportation hubs (airport, bus terminal, marina, train station, seaport or other port, subway station, or other area that provides transportation.)
- Indoors in K-12 schools, childcare and other youth settings.
- Healthcare settings, including long term care facilities.
- State and local correctional facilities and detention centers.
- Homeless shelters, emergency shelters and cooling centers.

Face coverings **are required** for unvaccinated individuals in indoor public settings and businesses, including state and local government offices serving the public with the following exceptions: employees who cannot wear face coverings due to a medical or mental health condition or disability, employees who are hearing impaired or who are communicating with a person who is hearing impaired, where the ability to see the mouth is essential to communication, or where wearing a face covering would create a risk to the employee as determined by applicable workplace safety guidelines.

Upon request, departments **must provide unvaccinated employees** with approved respirators, such as N95, for [voluntary](#) use. Departments should establish a procedure for providing any unvaccinated employee who wants an N95 the opportunity to receive one from the department. Information on procuring respirators is provided below.

Face covering rules may be different for departments subject to California's Aerosol Transmissible Diseases standard ([CCR section 5199](#)) and the new temporary standards do not apply to employees identified in your Aerosol Transmissible Diseases Exposure Control Plan.

Face covering is limited to surgical mask, medical procedure mask, a respirator, or tightly woven or non-woven material of at least two layers. It may not have holes or openings. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar or single layer of fabric.

“Fully vaccinated” means the employer has documented that the person received, at least 14 days prior, either the second dose in a two-dose COVID-19 vaccine series or a single-dose COVID-19 vaccine. Vaccines must be FDA approved; have an emergency use authorization from the FDA; or, for persons fully vaccinated outside the United States, be listed for emergency use by the World Health Organization (WHO).

Documenting Vaccination Status

To comply with the ETS, departments are required to implement a procedure to document state employee vaccination status consistent with the following guidelines:

- Departments shall allow employees to self-attest to their vaccination status.
- Departments shall not require verification of vaccination.
- Departments shall maintain a record, somewhere apart from an employee’s personnel file, of each employee’s attested response about their vaccination status.
- Employees who choose not to attest to their vaccination status shall observe face covering rules for those who are unvaccinated.
- Departments shall not prevent any employee from wearing a face covering when not required unless it would create a safety hazard.

Departments will need to develop policies and procedures to implement these revised face covering rules. In making changes, departments should coordinate with their labor relations offices.

Treating Employees with Respect

Documenting vaccination status as described above has the potential to raise concerns about employee privacy, protecting the rights of disabled employees, and ensuring respect and dignity in the workplace. Departments should consider the following in implementing the ETS:

- Limit information provided
 - Employees should only attest to vaccination status and not reveal any other medical information.
 - Departments should not ask questions that require employees to divulge unnecessary information.
 - Departments should not ask questions of employees who choose not to provide vaccination status information unless the employee’s response is unclear. For example, departments should not ask why an employee is

not vaccinated. Someone could have a religious objection or a medical condition that makes the vaccine dangerous for them. Questions should not require the employee to reveal that type of information.

- Update policies and address potential workplace bullying/violence, for example:
 - Walking into someone's space without a mask, the person asks for social distance, but the individual does not comply and continues to encroach upon the space to taunt the other individual
 - Making comments about mask/non-mask wearers
 - Avoidant behavior (vaccinated employees excluding or avoiding an unvaccinated employee)

Procuring Face Coverings

The California Office of Emergency Services (Cal OES) can assist departments in accessing face coverings and other Personal Protective Equipment (PPE) from the state's stockpile. To initiate the process of obtaining access to Salesforce for electronic PPE resource requests, you must request a Salesforce account from Cal OES by visiting the [Salesforce Login](#) portal and self-registering. This account is at no cost to the agency. Once registered, the account request will be sent for approval to Cal OES. Please ensure that you use Google Chrome or Firefox for all Salesforce activities.

Once a department receives approval from Cal OES, they will have the ability to create requests and will be provided a tracking number to view the status of their request.