

Updated COVID-19 Facial Covering Guidance for Employers and Businesses

Summary of update: This document aims to clarify requirements and expectations for employers and businesses/organizations as the state relaxes its social distancing and facial covering guidelines based on vaccination.

Responsibilities and Expectations for Employers involving Employees:

- COVID continues to be a dangerous and deadly virus. As a result, employers must continue to protect their employees. Accordingly, L&I maintains jurisdiction over workplace safety and may engage in COVID-related investigations and enforcement actions to protect employees. Businesses are required to follow face covering requirements as provided in Proclamation 20-25, et seq., including L&I guidelines and requirements [found here](#).
- Employers maintain a safe COVID-related work environment by:
 - Verifying employee vaccination status. Employees who verify full vaccination status may work without facial covering or physical distancing restrictions; or,
 - Maintaining existing facial covering/physical distancing requirements (status quo). Employers may continue facial covering and physical distancing requirements regardless of employee vaccination status.
- For employers who choose to verify employee vaccination status in order to modify facial covering and physical distancing requirements in the workplace, the employer may accept the following evidence of full vaccination status from employees:
 - Vaccination Record – Employers may ask employees to provide physical proof of vaccination (e.g., vaccination card). The employer must have a demonstrable process to verify vaccination status, but is not required to keep a copy of employee vaccination records, which may require secure and confidential handling as a medical record.
 - If an employer requires evidence of vaccination status, and an employee claims to be vaccinated but refuses to show acceptable proof of vaccination, the employer may treat the employee as a non-vaccinated employee and mandate that the employee wear a facial covering.
 - Attestation - Employers may ask employees to sign a document attesting to their full vaccination status. The employer must retain this attestation document and give L&I access to this record if requested during an investigation.
 - Log System Without Underlying Documentation – Employers may devise a system whereby they record their employees' vaccination status in a logbook (including employee name and method of confirming their vaccination status). Employers are not required to maintain records demonstrating the underlying proof of the employees' vaccination status, but the employer must provide L&I access to the logbook if requested during an investigation.
- Employers may require vaccination as a condition of employment, unless doing so would be otherwise prohibited or exempted by state or federal law (EEOC, ADA, medical exemptions, etc).
- Employers must specifically ensure operations follow the main L&I COVID requirements to protect workers. COVID workplace and safety requirements can be found [here](#).

Responsibilities and Expectations for Businesses/Organizations involving Customers/Patrons:

- Customers are required to wear face coverings unless fully vaccinated or otherwise exempt, as provided in the Secretary of Health’s face covering order [found here](#).
- Businesses **must post signage** in a prominent location visible to patrons at each entry informing customers of the face covering requirement.
- No Inquiry Option: A business may choose to assume that any customer who enters a business without a face covering is fully vaccinated and refrain from inquiring about the customer’s vaccination status.
- Inquiry Option: A business may choose to engage with a customer who enters a business without wearing a face covering. In these circumstances, if a customer enters without wearing a face covering, the business may engage with the customer to ensure the customer is aware of the face covering requirement and to ask if the customer is either fully vaccinated or otherwise exempt from wearing a face covering as provided in the Secretary of Health’s face covering order and Proclamation 20-25.13.
 - If the customer responds stating s/he is fully vaccinated and therefore exempt under the Proclamation, the business may allow the customer to enter without further inquiry. A business is not prohibited and shall not be prohibited by any state or local government official or agency or landlord from requesting proof of vaccination or requiring a customer to sign an attestation stating that s/he is fully vaccinated.
 - If the customer responds stating s/he is not fully vaccinated but is otherwise **exempt** under the Proclamation, the business **may**:
 - Offer a reasonable accommodation (alternative way to receive service, if feasible). If the reasonable accommodation is refused, deny the person entry; or
 - Allow the customer to enter.
 - If the customer declines to provide information or states that s/he refuses to wear a face covering (**not exempt under the face covering order and proclamation but unwilling to wear a face covering**), the business **must** deny the customer entry/service (unless there are worker safety concerns). The business may choose to offer an alternative way to receive service, when feasible; however, if the alternative is refused, the business must deny entry as provided above.
- Businesses are not required to directly engage with a customer if there is reason to believe that engaging with the customer would pose a threat to worker safety.
- Exceptions:
 - One’s vaccination status is irrelevant in the following settings, where facial covering requirements for all individuals (unless otherwise exempted) continue to apply: health care settings (including long-term care, doctor’s offices, hospitals), correctional facilities, homeless shelters, K-12 Schools, childcare facilities, and day camps in locations where children and/or adolescents are present, and public transportation (aircraft, train, buses, road vehicles).
 - For the below non-exhaustive list of industries/activities where additional capacity/flexibility is contingent on vaccination status and/or a negative COVID test, businesses/organizations must receive and document proof of employee/customer vaccination/test status as follows and consistent with the relevant industry-specific guidelines:

- Overnight camps – require proof of vaccination and/or a negative COVID test for employees and campers.
- Sporting events – school and non-school, youth and adult, wrestling and water polo activities require proof of vaccination and/or a negative COVID testing protocol for employees and competitors.
- Cruises – require proof of vaccination and/or negative COVID tests for crew and passengers.
- Large Spectator Events – require proof of vaccination those 12 and older or a negative COVID test for those ages 5-12 for admission to vaccinated sections.
- Additionally:
 - A person is fully vaccinated against COVID-19 two weeks after they have received the second dose in a two-dose series (Pfizer-BioNTech or Moderna) or two weeks after they have received a single-dose vaccine (Johnson and Johnson (J&J)/Janssen).
 - Businesses include for-profit, nonprofit and governmental entities that serve customers on-site.
 - Information regarding face covering signage and printable posters may be found [here](#).
 - Information on proper face covering usage may be found [here](#).