

Electronic Alert

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Masks Mandated Again Beginning August 13 in All Public Indoor Settings in Oregon

By Amy Angel & Julie Preciado

As you have likely heard, effective Friday, August 13, 2021, everyone five years of age or older will be required to wear a mask in all indoor public settings in Oregon, regardless of vaccination status. The requirement excludes people actively eating and drinking in food establishments.

The mask requirement, according to the governor, is an effort to keep schools and businesses open. Governor Brown did not rule out further restrictions such as capacity limits or business closures if the virus continues to spread. Enforcement of the mask mandate will lie with Oregon OSHA. Further details of the Governor's Order are being finalized and are expected to be released by Friday, August 13, 2021.

The Governor is also requiring executive branch employees to be vaccinated by October 18, 2021, or six weeks after full FDA approval of a COVID-19 vaccine, whichever is later. In announcing the vaccine mandate, the Governor strongly encouraged all public and private employers to require vaccination for their employees.

Before Governor Brown's announcement, Multnomah County Chair Deborah Kafoury announced on Monday, August 9, 2021, that Multnomah County would require face coverings for all people five and older (and two years and older if tolerated) in all public settings.

The Executive Order directed the Multnomah County Health Department to issue guidance requiring the use of face coverings that closely mirrors the October 2020 guidance from the Oregon Health Authority (OHA). The Health Department has issued guidance and frequently asked questions that provide additional detail for implementation of the mask mandate.

Specifically, persons responsible for indoor spaces or enclosed areas should, but are not required, to provide face coverings for customers and visitors who do not have one. Additionally, such responsible persons are required to:

- Have all employees, contractors, volunteers, students, customers, and other visitors wear a face covering (unless an exception applies);
- Provide face coverings for employees;
- Post public-facing signs about the face covering mandate; and
- Educate employees on how to safely work and communicate with people who cannot wear face coverings and how to provide appropriate accommodations, if needed.

Accommodations include those required under state and federal civil rights laws providing protection for those with a disability or a sincerely held religious belief preventing them from wearing a face covering.

Exceptions when a face covering is not required include:

- While engaged in an activity that makes wearing a face covering impracticable, such as swimming, eating, or drinking;
- When engaged in an activity that only involves members of the same household;
- While receiving personal services where a face covering is impractical, such as dental, beard, and facial services;
- When at a private individual workspace, used by one individual at a time that is enclosed on all sides with floor-to-ceiling walls and a closed door; and
- When at or in a job location that does not require interacting with the public or with other employees (such as a large warehouse) and at least six feet of distance can be maintained between other people.

Enforcement of the County mandate will be complaint-driven and will focus on compliance by businesses. Failure to comply with the law may result in a fine of up to \$1,000 per violation. “Our goal is not to fine people,” Chair Kafoury said, but rather to prompt communitywide behavior change. Businesses may take “any additional steps” they choose to reduce the spread of COVID-19. The public can file complaints online or over the phone as outlined on the County’s website about the Indoor Face Covering Order. While the County encourages the public to submit complaints about businesses that are not enforcing the mask mandate, it does not encourage individuals to police other individuals.

Nothing in the new orders changes more restrictive or sector-specific rules currently in place or the existing requirement for everyone two years of age or older to wear a mask while on public transportation and in healthcare settings. The County Executive Order could be rescinded if there is a comparable, equally, or more restrictive state mandate.

Businesses and employers should update their policies, practices, and signage to comply with the new requirements and continue to watch for additional details as they become available.

Updated 08/18/21: To avoid confusion and ensure statewide consistency and approach, Multnomah County rescinded its mask requirement and instead will follow the statewide mandate in effect until Feb. 8, 2022.

For questions about the new mask mandate or assistance drafting mask or vaccine policies, contact Julie Preciado or Amy Angel at 503-228-0500, or at jpreciado@barran.com or aangel@barran.com.

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