Face Covering Exemptions – Support and Best Practices for Businesses and Community Based Organizations

# Face Covering Order

On June 24, 2020, Washington governor Jay Inslee and State Secretary of Health John Wiesman issued an order requiring everyone in Washington state to wear a face covering over their nose and mouth in any indoor public setting and outdoors when unable to stay 6 feet away from anyone outside their household. On July 2nd, an additional statewide requirement was added ordering businesses to require all employees and customers to wear face coverings.

These orders provide for exemptions for some individuals who cannot safely wear face coverings. Individuals who are exempt from the face covering order include anyone who:

* Has a disability that makes it hard for them to wear or remove a face covering
* Is deaf and moves their face or mouth to communicate
* Has been advised not to wear one by a medical, legal or behavioral health professional
* Has trouble breathing, is unconscious, or unable to remove the face covering without help.

Children who are under age 2 are also exempt from the face covering order, and children ages 2-12 should be supervised by a parent or caregiver when wearing a face covering.

Employees and customers may also remove or lower their face coverings when needed to communicate with individuals who are hard of hearing or deaf in order to effectively communicate.

# Customers Not Wearing Face Coverings

Business owners are directed by the order to refuse service to customers who are not wearing a mask. The business owner may also decline service to someone with an exemption based on the direct threat of COVID-19 infection. However, business owners are encouraged to provide a reasonable accommodation for customers with an exemption. Some examples of possible accommodations are listed below but business owners are not limited to these suggestions.

# Approaching Customers Who are Not Wearing Face Coverings

* Inform the customer about the face covering requirement. Posters and other infographics are available for download on the public health website and can be posted throughout your business to inform customers about the public health requirement and the importance of wearing face coverings. Some businesses may choose to have a supply of disposable masks on hand to offer to customers who do not have a face covering.
* If the customer refuses to wear a face covering, businesses should ask if the customer has a condition that exempts them from wearing a face covering. Businesses *cannot* ask for details or proof of disability or medical condition.
* If the customer is exempt from the face covering order due to disability or medical condition, businesses should determine what reasonable accommodations can be offered to the customer. These accommodations are determined by the business owner based on their ability and discretion. The customer can choose to take accommodation offered or not.
* A business may also choose to allow the customer entry without a face covering and may implement additional safety protocol.
* Businesses must be particularly thoughtful about how to provide accommodations for customers who indicate they have a disability covered under the Americans with Disabilities Act or the Washington Law Against Discrimination.
* If the client does not have a medical exemption or disability, they should politely be told to leave. Do not try to block them from entering or physically remove them.
* If the individual does not leave, follow your usual protocols for someone refusing to leave the business.

# Reasonable Accommodations

If a customer is unable to wear a face covering due to a medical condition or disability, businesses are encouraged to offer accommodations to the customer. These accommodations should not pose a burden to the business and are at the discretion of the business owner based on capacity and ability. Some possible accommodations include:

* Use of an alternative option, such as a clear face shield
* Online shopping and curbside pick-up
* Adjusting policies concerning face covering requirements to allow older children with disabilities to enter without a face covering.
* Establishing distinct hours for people unable to wear face coverings to shop, for example for an hour at the close of the day or during the first hour open.
  + Limit the number of people who can access the time and use a reservation system
  + Consider offering both early and late times to accommodate those who cannot arrive very early in the morning.
* Delivery services
* Offering seating in a distant or unique area
* Providing personal shopping services while individuals wait in a car or outside the store
* Allowing for mobile/curbside payment
* Posting menus or other service lists on windows
* Having a variety of both disposable and cloth face coverings available for use or purchase.
* For personal services, consider offering a select number of appointments for those unable to use face coverings.

Customers with exemptions from the face covering order can choose to utilize these accommodations or not. Businesses are not required to offer accommodations beyond their ability.

# Best Practice Recommendations

* Do not assume that customers who aren’t wearing face coverings are doing so in defiance of the face covering order. Medical exemptions and disabilities are not always visible.
* A variety of face coverings meet the standards of the governor’s order – including scarves, bandanas, and a variety of commercially produced and home-made coverings. Not all options will be accessible or appropriate for all people. Businesses should not require a specific kind of covering.
* Keep clear face shields on hand for use by employees who may need them to be able to communicate with deaf and hard of hearing customers.
* Determine what accommodations your business can provide in advance and post these in a visible location.
* Post a phone number or other contact information in an easy to read place so customers with exemptions can call from outside the business to request accommodations.
* Support your customers with exemptions who may be experiencing judgement from other people. Provide education about allowable exemptions to the face covering order and inform them of the accommodations you are providing.
* Provide additional information on COVID-19 prevention and ways people can stay safe and protect others by posting infographics and posters in visible locations.

# Employees Who are Unable to Wear Face Coverings

Governor Inslee’s order provides some additional allowances to ensure the safety of employees. More details of these protections can be found here. Employees with a medical condition or disability that prevents them from safely using a face covering at work should provide their employer with an accommodation statement from a medical professional. Employers are not required to ask for this accommodation statement, but they can legally request this information.

Employers should work with their employees to determine reasonable accommodations for employees who are unable to wear masks, including: working in a separate space alone, telecommuting, additional barriers, or other accommodations.

## Additional Resources to Include:

-Face covering exemptions poster: <https://kingcounty.gov/elected/executive/constantine/covid-response/safe-start/~/media/depts/health/communicable-diseases/documents/C19/face-coverings-exemption.ashx>

-“Information for Worker’s” site on Washington COVID page: <https://coronavirus.wa.gov/information-for/workers>

-ADA FAQs: <https://www.gpadacenter.org/faqs-ada-small-business-and-face-mask-policies>