



“No Shirt. No Shoes. No Mask. No Service” – Nevada Governor Mandates Use Of Face Coverings

Insights

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Nevada Governor Steven Sisolak announced that, effective 11:59 p.m. on Thursday, June 25, 2020, face coverings will now be required in public. In announcing this new requirement, Governor Sisolak lamented that Nevada is experiencing an increasing trend in its cumulative test positivity rate and hospitalizations since May 31. To combat these increases, the governor’s COVID-19 Medical Advisory Team advised that “a mouth-and-nose lockdown is far more sustainable than a full-body lockdown.” What do employers need to know in order to ensure compliance with Governor Sisolak’s Declaration of Emergency Directive 024?

Face Covering Requirement

Generally, all persons residing in or visiting Nevada must now wear face coverings when they are in a public space, whether publicly owned or privately owned where the public has access by right or invitation. All businesses operating shall ensure that all patrons, customers, patients, or clients utilize face coverings, and shall prohibit persons without face coverings from entering the premises.

The governor has directed NV OSHA, as well as state licensing boards, to enforce all provisions of this Directive against any licensees and establishments who violate the directive. Likewise, individuals who violate the directive may be subject to criminal penalties.

Exceptions

Nevada expressly exempts certain activities and persons from the face-covering requirement, including:

- Children who are nine years of age, or younger (though children aged two to nine years of age are strongly encouraged to wear face coverings in public areas);
- Individuals experiencing homelessness;
- Individuals who cannot wear a face covering due to a medical condition or disability, or who are unable to remove a mask without assistance;
- Individuals for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
- Individuals who are obtaining a service involving the nose or face for which the temporary removal of the face covering is necessary to perform that service.

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- Individuals who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence;
- Individuals who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they can maintain a distance of at least six feet from others; and
- Individuals who are incarcerated.

Some of these exempted individuals may be, alternatively, required to wear a non-restrictive alternative like a face shield.

What Does This Mean For Employers?

Nevada employers would be well-advised to ensure their workforce understands the different types of masks and the right way to wear them. The [CDC has provided guidance on cloth face coverings](#).

You must ensure your workers covered by this requirement are wearing face coverings while at work. Of course, if employees are required to wear face coverings, employers must either provide face coverings or reimburse employees who purchase face coverings for use at work.

You should also take reasonable steps to prohibit any member of the public who is not wearing a face covering from entering. This could include posting a sign to remind customers and the public of the requirement to wear a face covering while waiting inside or waiting in line to enter.

Practically speaking, you may also consider mandating and enforcing a requirement that all individuals wear a face covering whenever they are not alone in a closed room on company property. This could make it easier to spot those who are not complying and need to be addressed or removed. However, you must be mindful of situations requiring accommodations for disabilities, religious reasons, or one of the express exemptions under Nevada's directive. You must also keep in mind that cloth face coverings do not replace the need for social distancing, handwashing, and compliance with other CDC and local guidance.

Conclusion

As you begin the process of reopening, you should familiarize yourself with our alert: [5 Steps To Reopen Your Workplace, According To CDC's Latest Guidance](#). You should also keep handy our [4-Step Plan For Handling Confirmed COVID-19 Cases When Your Business Reopens](#) in the event you learn of a positive case at your workplace. For a more thorough analysis of the many issues you may encounter from a labor and employment perspective, we recommend you review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the

most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in [our Las Vegas office](#), or any member of [our Post-Pandemic Strategy Group Roster](#).

This Legal Alert provides an overview of a specific developing situation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

Service Focus

Workplace Safety and Catastrophe Management