

WHAT EMPLOYERS NEED TO KNOW ABOUT PENNSYLVANIA'S BROAD-SWEEPING FACE COVERING MANDATE

Insights
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Pennsylvania's Department of Health just issued an order mandating the use of face coverings in the Commonwealth. The July 1 order — which was likely prompted by a sharp rise in new reported COVID-19 cases following Pennsylvania's efforts to re-open the region — is a departure from previous orders regarding face coverings in that it requires the use of face coverings outdoors and in public places rather than just businesses. What do employers need to know about this development?

FACE COVERINGS REQUIRED

Effective immediately, all individuals within Pennsylvania must wear a face covering if they are:

- outside and cannot maintain six feet of distance between themselves and individuals that are not members of the same household;
- in an indoor area where members of the public are generally permitted;
- waiting for, riding in, driving, or operating public transportation, taxis, private car services or ride-sharing vehicles;
- obtaining healthcare services;
- working, on- or off-site, and (1) interacting in-person with members of the public, (2) utilizing spaces visited by

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members of the public, (3) utilizing spaces where food is prepared or packaged for sale or distribution to others; or

- working or walking in common areas where other people (aside from those in the same household) are present and social distancing cannot be practiced.

Notably, “face covering” is broadly defined to include any item that covers the nose and mouth that is secured to an individual’s head with ties, straps, or loops, or may be wrapped around the lower face. The Department of Health has indicated that procedural and surgical masks should be reserved for individuals in healthcare settings, and other occupations where such materials are required.

EXCEPTIONS TO THE ORDER

Individuals are exempt from the face covering mandate if they:

- cannot wear a face covering due to an underlying medical condition;
- cannot wear a face covering while working because it would create an unsafe condition;
- cannot remove a face covering without assistance;
- are under two years of age; or
- are communicating with someone who’s ability to see the mouth is essential for communication.

Individuals are not required to show documentation that an exception applies.

TAKEAWAYS FOR EMPLOYERS

Employers should consider whether current workplace rules comply with the new order’s requirements. Among other things, employers should post notices regarding the use of face coverings at workplace entrances and conspicuously throughout the premises. Employers should also ensure employees keep their face covering on at all times, unless an exception applies.

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 [Philadelphia](#) or [Pittsburgh](#) offices, or any member of [our Post-Pandemic Strategy Group Roster](#). You can also review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

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.