



Kentucky Governor Mandates Masks – What Do Employers Need To Know?

Insights

7.10.20

Because COVID-19 continues to spread at a rapid rate throughout the country, with Kentucky being no exception, Governor Andy Beshear announced that masks or face coverings would be required starting Friday, July 10, 2020 at 5:00 p.m. What do employers need to know about this new requirement?

The Basics

The governor's Executive Order – which will remain in effect for 30 days and is subject to renewal – mandates that masks must be worn both inside and outside in all situations where appropriate social distancing cannot be maintained. The Order allows for a number of specific exemptions:

- Children age five or under;
- Any person with a disability, or physical or mental impairment, that prevents them from safely wearing a face covering;
- Any person who is hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential to communicate;
- Any person engaged in work that a state or federal regulator has concluded would make wearing a face covering a risk to their health or safety;
- Any person who is seated and actively consuming food or beverage at a restaurant, bar, or other establishment that offers food or beverage service;
- Any person who is obtaining a service that requires temporary removal of the face covering in order to perform the service;
- Any person who is required to temporarily remove their face covering to confirm their identity or for security screening purposes;
- Any person who is giving a speech or broadcast to an audience and is able to maintain a safe distance of six feet from all individuals who are not members of the person's household;
- Any person who is in a swimming pool, lake, or other body of water;
- Any person who is actively engaged in exercise in a gym or indoor facility so long as six or more feet of separation between individuals exists, and where the gym or indoor facility engages in required cleaning;

- Any person who is actively participating in athletic practice, scrimmage, or competition that is otherwise permitted; or
- Any person who is engaged in a lawful activity where federal or state law prohibits wearing a face covering.

What Should Employers Do?

Importantly for employers, the Order specifies that existing industry-specific guidance for businesses still applies, as the Order is geared toward “members of the public.” Employers, however, should be mindful to follow the requirements of the Order with regard to visitors.

You must ensure that all employees and guests are wearing appropriate facial coverings when required. You should post notices regarding the use of face coverings at workplace entrances and conspicuously throughout the premises. You should also ensure employees keep their face covering on at all times, unless an exception applies.

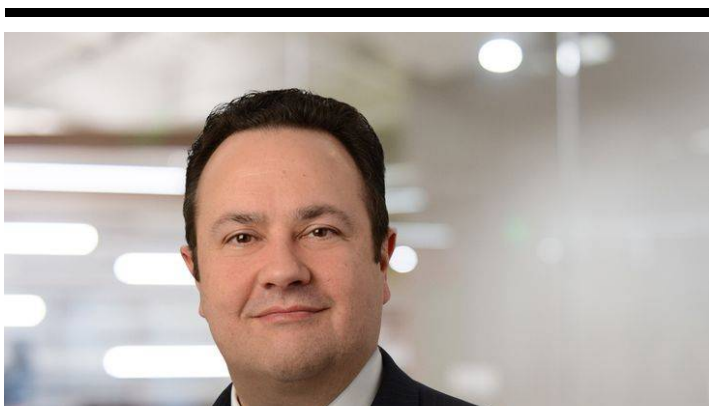
Per the Governor’s Healthy at Work Order, employers must train employees on the company’s Healthy at Work protocols. As a supplement to this training, draft a written face mask policy and distribute it to your employees. It should include information about the Governor’s new mask requirements so employees know what the business is requiring of its guests or customers. While we do not know yet the penalties for noncompliance, Governor Beshear announced that the Order will be enforced by local public health departments.

Conclusion

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 Louisville 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.

Related People





George D. Adams

Partner

502.561.3975

Email



Todd B. Logsdon

Partner

502.561.3971

Email

Service Focus

Workplace Safety and Catastrophe Management

Trending

COVID-19/Vaccine Resource Center

Related Offices

Louisville