



What Colorado Employers Need To Know About New Face Covering Requirement (UPDATED)

Insights

4.24.20

Colorado Governor Jared Polis just issued a [new executive order](#): “Ordering Workers in Critical Businesses and Critical Government Functions to Wear Non-Medical Face Coverings.” The order requires the Colorado Department of Public Health and Environment to issue an order requiring workers in Critical Business and Critical Government Functions to:

- Wear medical or non-medical cloth face coverings that cover the nose and mouth while working, except where doing so would inhibit that individual’s health; and
- To the extent possible, wear gloves when in contact with customers or goods if gloves are provided to workers by their employer.

The order does not prevent workers from wearing more protective face coverings. This Order follows orders from governors in states including New York, Pennsylvania, and Vermont requiring face coverings for workers or anyone in public.

[Ed. Note: The Department of Public Health issued PHO 20-26 requiring face coverings for critical businesses. PHO 20-26 is in effect from April 23, 2020 through May 17, 2020 if not rescinded earlier. The PHO provides some guidance on the use of face coverings by critical workers:

- **Workers who may routinely or consistently come within six feet of other workers or the public should wear a face covering unless it would inhibit their health.**
- **Workers who prepare or handle food for the public must wear a face covering while performing tasks involving food preparation and handling.]**

What Does This Mean For Employers?

The Colorado order, however, does not require employers to provide face coverings for its employees, and Governor Polis has stated he is not requiring employers to provide them. However, providing face coverings to employees is recommended if you want to mandate the type of face covering an employee is wearing in the workplace. See [our prior discussion of this issue](#).

[Ed. Note: Further, the PHO provides that employers should make every effort to provide their workforce with medical or non-medical face coverings. Further, unless in healthcare, employers

should make every effort to assign employees who cannot wear face coverings for health or safety reasons to work that keeps them six feet from other employees or the public.]

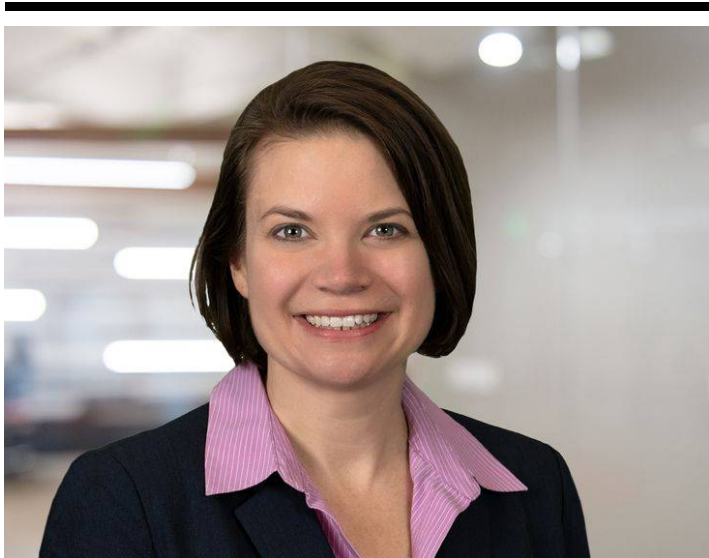
Currently, facemasks or surgical masks are difficult to purchase. Without expertise in making face coverings, you should recommend that your employees follow CDC guidance to create a face covering. Training employees to follow CDC guidelines for donning, doffing, wearing, and cleaning face masks is also recommended.

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 [Denver](#) office, 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.

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