



Ohio Changes Guidance On Face Coverings Again, Adding To Employer Confusion

Insights

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[Ed. Note: This is a constantly evolving area. In just the past 72 hours, the Ohio guidance on this point has changed multiple times, with the written guidance being published in four different versions. Always consult the official Ohio guidance, as linked below.]

Ohio Governor Mike DeWine just announced a second change to the state's guidance for employers regarding the use of face coverings in the workplace, which affects both employees and customers. As of the time of this alert, the latest guidance issued on Wednesday, April 29 states face coverings are **required** for employees, subject to the exceptions noted below, but only **recommended** for customers. Lt. Governor Husted stated during a press briefing that customers "should, but are not required," to wear face coverings.

What Do Employers Need To Know?

Employees are required to wear face coverings unless covered by one of the exceptions, which are:

- An employee in a particular position is prohibited by a law or regulation from wearing a face covering while on the job;
- A face covering is not advisable for health purposes;
- Wearing a face covering on the job is against documented industry best practice;
- Wearing a face covering violates a company's safety policies;
- There is a practical reason a face covering cannot be worn; or
- An employee is sitting alone in an enclosed workspace.

The Ohio guidance also states that "If any of these exceptions apply to your business, or one of your employees, written justification must be provided upon request."

Many employers are asking whether face coverings must be provided to employees. Although the current state guidance is silent on this point, we believe that Ohio employers are not currently required to provide face coverings.

That said, given the many unanswered questions on this issue, a cautious employer that has access to face coverings may want to provide face coverings when available. Note the Ohio guidance states

“Do not use medical masks, which must be reserved for healthcare workers and first responders.”

Official Ohio Guidance

- [Sector Specific Operating Requirements](#) are available for (1) Manufacturing, Distribution and Construction; (2) Consumer, Retail, and Services; and (3) General Office Environments
- A list of [Frequently Asked Questions](#) on this topic is also available

Additional Resources

As you begin the process of reopening, you should also 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](#).

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 [Cleveland](#) or [Columbus](#) offices, or any member of [our Post-Pandemic Strategy Group Roster](#).

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

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