



INTEROFFICE MEMORANDUM

TO: All Employees
City of Oakland

FROM: Ed Reiskin
City Administrator

SUBJECT: Updated Face Covering Guidance

DATE: June 28, 2021

City Administrator Approval

Date: Jun 29, 2021

Direction

This Memorandum rescinds and replaces the Face Covering Memorandum I issued on July 17, 2020. Under this memorandum City **employees must wear face coverings when indoors or in vehicles** subject to the following exceptions: (1) when an employee is alone in a room or a vehicle; (2) while eating or drinking at the workplace; (3) when wearing a respirator used in compliance with State regulations; (4) employees who cannot wear face coverings due to a medical or mental health condition or disability; (5) while performing a specific task which cannot feasibly be performed with a face covering.

Additionally, **all patrons/visitors/guests inside City facilities must wear face coverings.**

Face covering means a surgical mask, or a medical procedure mask, or a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers. A face covering has no visible holes or openings and must cover the nose and mouth. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.

The public health situation is very dynamic at the moment as both vaccinations and variants are increasing. The guidance reflected in this memo may well change in the coming months. It is my hope we will be able to move to a less restrictive policy with regard to face coverings before too long, but in any case, will continue to follow relevant guidance and safe practice. Thanks for your cooperation and patience during this time.

Discussion

On June 17, 2021, the Occupational Safety and Health Standards Board (commonly called Cal/OSHA) adopted revised COVID-19 Prevention Emergency Temporary Standards. Those standards became effective statewide the same day. The standards provide some relief from face covering requirements stating “[f]or all employees who are not fully vaccinated, employers shall provide face coverings and ensure they are worn when indoors or in vehicles.”

“Fully vaccinated” means the employer has documented that the person received, at least 14 days prior, either the second dose in a two-dose COVID-19 vaccine series or a single-dose COVID-19 vaccine. Cal/OSHA explains that “[e]mployers may allow fully vaccinated employees not to wear face coverings indoors, but must document their vaccination status,” and that

“[n]othing in the revised ETS prevents an employer from requiring all employees to wear a face covering instead of having a documentation process.” Vaccination documentation collected by the City must be confidential and would require unique management, processing, and handling.

I decided to broadly mandate mask requirements for City employees because maintaining a confidential record of employee vaccination status is overly burdensome, wearing a mask is a low burden, and I expect the Cal/OSHA rules to change again soon. The City will not document employee vaccination status, but Risk Management/ Department Infection Control Officers (DICOs) will investigate vaccination status during contract tracing in the event of a workplace exposure.

The State of California provided the following three options regarding patron masking while masking is still required for unvaccinated individuals:

- Provide information to all patrons regarding vaccination requirements and allow vaccinated individuals to self-attest that they comply prior to mask-less entry
- Implement vaccine verification to determine whether individuals must mask
- Require all patrons to wear masks

Following consultation with staff, professional experts, employees, and other stakeholders, I determined that requiring all patrons to wear mask is the best option. This option is clear, it results in a low burden to both employees and patrons, and it promotes workplace safety.

Implementation and Consequences

Supervisors must wear face coverings and must enforce this face covering requirement.

An employee who fails to comply with face covering requirements will receive one direct notice of the requirement (either verbal or in writing) and will be given an immediate opportunity to comply with the requirement. If the employee does not immediately comply, the employee will be sent home and will be required to use vacation or accrued paid leave, other than sick leave or SB-95 leave. If the employee does not comply with the requirement a second time, the City may proceed with termination of employment, without further progressive discipline.

There is zero tolerance for employees who will not adhere to these reasonable and necessary requirements. If an employee is unable to comply with this face covering requirement based on a qualifying disability or medical restriction, they may request an accommodation by contacting their departmental Human Resources representative or Risk Management. Employees may use accrued paid sick leave during the interactive reasonable accommodation process unless the department determines telecommuting is available and appropriate instead of sick leave.

References

Information from Cal/OSHA regarding the Emergency Temporary Standards
<https://www.dir.ca.gov/dosh/coronavirus/ETS.html>

Information from Alameda County Health
<https://covid-19.acgov.org/beyond-the-blueprint>

State Mask Guidance
<https://covid19.ca.gov/masks-and-ppe/>