

New Orders from 6 Bay Area Counties Require Face Coverings to be Worn During Work in Most Circumstances

Key Points:

- Face coverings are now mandatory for most workers in six Bay Area counties.
- These orders apply to those working in proximity to others and in areas frequented by the public, and to all essential infrastructure workers.
- There are immediate implications for public agencies, contractors, and construction project owners.

Six Bay Area counties, not including Santa Clara County, have issued new health orders (the “Orders”) requiring that a face covering, defined as any fabric mask over the nose and mouth, be worn by members of the public when leaving their homes, as well as employees and workers for Essential Businesses, Essential Infrastructure, and Essential Government Functions in most circumstances. Enforcement of the Orders commenced at 8:00 a.m. on April 22, 2020 (except for Sonoma County, which began enforcement April 17, 2020). The Orders have particular relevance for transportation operators and other public agencies, as well as for contractors and construction project owners.

Counties Subject to Orders

- [Alameda](#)
- [Contra Costa](#)
- [Marin](#)
- [San Francisco](#)
- [San Mateo](#)
- [Sonoma](#)

Requirements of the Orders

Under Section 5 of the Orders, all Essential Businesses and entities with individuals engaged in “Essential Infrastructure work” and “Essential Government Functions,” which includes virtually all public agencies, must require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace and when performing work off-site any time the employee, contractor, owner, or volunteer is:

- interacting in person with any member of the public;



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- working in any space visited by members of the public, such as by way of example and without limitation, reception areas ... service counters, public restrooms ... waiting rooms, service areas, and other spaces used to interact with the public, regardless of whether anyone from the public is present at the time;
- working in any space where food is prepared or packaged for sale or distribution to others;
- working in or walking through common areas such as hallways, stairways, elevators, and parking facilities; or
- in any room or enclosed area when other people (except for members of the person's own household or residence) are present.

Further, under Section 3 of the Orders, all members of the public must wear a Face Covering outside their home “[w]hen they are engaged in Essential Infrastructure work.” Essential Infrastructure includes airports, utilities, oil refining, roads and highways, public transportation, water and wastewater, and telecommunications systems – but **not** public works or housing.

Implications for Public Agencies

The Orders specify that employees working alone in a personal, enclosed office, do not need to wear face coverings. Field workers that work alone and not in spaces regularly visited by the public also do not need to wear face coverings. However, employees who work in shared or open workspaces such as cubicles are required to wear a mask at all times. Public transportation operators must wear a mask any time they are operating their respective vehicles, regardless of whether a member of the public is in the vehicle.

Public agencies should take steps to comply with these orders while mitigating their impact on operations. For instance, use of face coverings can be reduced if agencies minimize the number of in-person meetings, and conduct in-person discussions in conference rooms only, while moving employees into their private office spaces for other work where face coverings are not required.

Implications for Contractors and Construction Project Owners

Most ongoing construction projects are Essential Businesses, and those employees must wear face coverings when working in “any room or enclosed area when other people ... are present.” Thus, these construction workers must wear face coverings except when working alone in a space that is not “regularly visited by the public.”

However, employees on “Essential Infrastructure” projects must wear masks at all times while working. The Orders require all members of the public to wear a face covering “[w]hen they are engaged in Essential Infrastructure work,” including when working alone. Thus, to the extent that construction activity is necessary for the operation and maintenance of Essential Infrastructure, masks are **always** required.

The orders provide that failure to comply “is punishable by fine, imprisonment, or both.”

For more information about these and other restrictions and how they apply to you, review the specific order issued by your local county health officer.

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