

AMENDED EMERGENCY POLICY REGARDING MANDATORY USE OF CLOTH FACE COVERINGS

Section 1 - Purpose

A significant number of people infected by COVID-19 lack symptoms and can transmit the virus to people in close proximity. The Centers for Disease Control and Prevention (CDC) has confirmed that speaking, coughing and sneezing in close proximity to other people can spread the virus. Therefore, the CDC recommends that those not fully vaccinated wear cloth face coverings in public settings where they may be near people, and further recommends that those not fully vaccinated maintain at least six feet of distance (social distancing) when in public settings. A cloth face covering used in conjunction with social distancing is one more layer of protection against the spread of COVID-19 for employees and the public. Fully vaccinated people do not need to wear a cloth face covering or social distance in most instances because those fully vaccinated are less likely to have asymptomatic infection or transmit COVID-19 to others. This policy establishes rules for Santa Fe County employees regarding the mandatory use of cloth face coverings while in the workplace.

Cloth face coverings are not personal protective equipment. Their primary purpose is to prevent the wearer from spreading virus to others, although the use of a cloth face covering offers the secondary benefit of reducing the risk of the wearer being exposed to the virus. The requirement of cloth face coverings assumes the wearer may be asymptomatic but infected with COVID-19. Using cloth face coverings may help reduce the spread of COVID-19 by such asymptomatic carriers. The basic idea behind widespread use of cloth face coverings is that the wearer is protecting others by reducing asymptomatic spread of the virus. For those fully vaccinated, the risk of spreading the virus is sufficiently reduced to obviate the need to wear cloth face coverings in most instances, and the risk of contracting the virus is sufficiently reduced that wearing a cloth face covering offers no meaningful additional protection.

Section 2 - Authority

On March 24, 2020, the Board of County Commissioners of Santa Fe County adopted Resolution 2020-24, A Resolution Declaring Santa Fe County To Be An Emergency Area as a Result of COVID-19; Authorizing, Subject to any Required Notification to and/or Negotiations with Unions, the County Manager to Modify the County Human Resources Handbook and Provisions of Collective Bargaining Agreements and Establish Emergency Policies in Response to COVID-19 Emergency; Ratifying Actions Previously Taken; and Authorizing Other Appropriate Measures.

On May 13, 2021, the CDC issued recommendations for fully vaccinated people, which provided that, except in healthcare settings, correctional facilities, and homeless shelters, fully vaccinated people do not need to wear masks or social distance, unless required to do so by other laws and rules, including those of employers or businesses. The New Mexico Department of Health issued a public health order on May 14, 2021, advising that those who are fully vaccinated are no longer required to wear a face mask unless guidance from the CDC changes to require the use of face masks. The federal Occupational Safety and Health Administration (OSHA) recently posted a notice that refers readers to the CDC guidance for information on measures appropriate to protect fully vaccinated workers.

CDC guidelines regarding cloth face coverings are available at:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html> and <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>

Surgeon General Dr. Jerome Adams's video tutorial on how to create your own face covering is available at:

<https://www.bing.com/videos/search?q=Surgeon+General+video+tutorial+on+how+to+create+your+own+face+covering&qpv=Surgeon+General+video+tutorial+on+how+to+create+your+own+face+covering&FORM=VDRE>

Section 3 - Definitions

A. "Cloth face covering" means a fluid resistant and loose-fitting face covering made of cloth that create a physical barrier between the mouth and the nose of the wearer and the environment. Cloth face coverings do not seal tightly over the wearer's face. For purposes of this policy, acceptable cloth face coverings must meet the recommendations of the CDC set forth below.

B. "Covered employees" or "employees" means all County employees except non-administrative employees of the Public Safety Department, RECC, and County Sheriff's Office. Non-covered employees must follow the cloth face covering policies developed by their Office, Department, or Division.

C. "Fully vaccinated" means that it has been at least 2 weeks since an individual's second dose in a 2-dose COVID-19 vaccination series, such as the Pfizer or Moderna vaccines, or first dose of a 1-dose COVID-19 vaccine, such as Johnson & Johnson's Janssen vaccine.

Section 4 — Updated Cloth Face Covering Requirements

A. General Policy. In an effort to keep our colleagues and customers safe from COVID-19 infection, covered employees who are not fully vaccinated shall wear either a County issued cloth face covering or their own, personal cloth face covering while on duty or while on County premises, both inside and outside. In step with the New Mexico Department of Health and CDC, those who are fully vaccinated and in compliance with Sections 5(G) and (I) below are no longer required to wear a cloth face covering unless guidance from the CDC changes to require the use of cloth face coverings. Fully vaccinated employees have the option of choosing each day, and throughout the day, whether to wear a cloth face covering.

B. Prohibited conduct.

- i. Supervisors shall not ask employees why they are not vaccinated.
- ii. In accordance with Santa Fe County Human Resources Handbook (Handbook), Section 6.23, the harassment of others due to vaccination status is prohibited. Employees are required to report harassment in accordance with Section 6.23.2 of the Handbook.

C. Cloth Face Covering Availability and Care.

- i. Donning, doffing, and touching cloth face coverings. In accordance with guidance from the CDC, individuals should:

- be careful not to touch their eyes, nose, and mouth when putting on or taking off their cloth face covering;
- should wash or otherwise sanitize their hands immediately after removing the cloth face covering; and
- make every effort not to touch their cloth face covering except when putting it on or removing it.

ii. The CDC issued a training poster regarding how to safely wear and take off a cloth face covering. That poster is attached hereto as Exhibit A. The poster will be posted at various County buildings and placed on SharePoint for the convenience of County employees. If the CDC updates the poster, the postings and SharePoint will be updated with the new poster.

iii. Cloth face covering standards and care. Santa Fe County will make at least one cloth face covering available to each and every employee subject to this policy. Employees have the option of wearing either (a) the Santa Fe County issued cloth face covering(s) or (b) a cloth face covering of their own.

All cloth face coverings must:

1. Only cover the nose and mouth and fit snugly but comfortably against the side of the face;
2. Be secured with ties or ear loops;
3. Include two or more layers of fabric;
4. Allow for breathing without restriction;
5. Must be clean when worn and must be laundered after a day's use by hand or machine, utilizing a laundry detergent of the employee's choosing, and line dried; and
6. Must be suitable for the workplace (no images or graphics that may be viewed as offensive).

iv. Point of contact for County-issued cloth face coverings. County employees requiring a new, replacement, or different size reusable cloth face covering should contact John Sanchez, Safety Coordinator Supervisor, Risk Management. At its option, the County may provide an adequate supply of disposable face coverings until the County can obtain an appropriate reusable cloth face covering for the employee.

v. Personal cloth face covering use and approval. Use of a personal cloth face covering (instead of a Santa Fe County issued cloth face covering) is voluntary. Employees who elect to use their own cloth face covering in lieu of the one provided to them by Santa Fe County will not be reimbursed for the personal face cloth covering.

If an employee opts to provide their own cloth face covering, a supervisor may ask the employee to obtain approval from Risk Management for the particular face covering. Similarly, an employee may obtain approval from Risk

Management to utilize a particular cloth face covering. If Risk Management does not approve a personal face covering, the employee will be required to utilize a County provided face covering until the employee secures Risk Management approval of a personal face covering.

Section 5 — Exemptions

Covered employees are exempt from the requirement of wearing cloth face coverings in the following circumstances:

A. When eating and drinking, including while on break, but the employee must maintain appropriate social distancing of at least 6 feet from any other employee while eating and drinking;

B. When wearing a cloth face covering presents a safety risk, such as by reducing the effectiveness of or preventing the use of personal protective equipment, or would violate another applicable safety policy;

C. When wearing a cloth face covering is not advisable for health reasons;

D. When an employee is alone in the employee's own, fully-enclosed, private workspace, a vehicle, or road or other heavy equipment;

E. When an employee is wearing a disposable face covering that meets the requirements of Section 4(B)(ii), except the requirements that it contain two or more layers of fabric and be laundered daily; and

F. When use of the cloth face covering prevents the employee from effectively communicating on the phone or during a WebEx or other virtual meeting.

G. When an employee is fully vaccinated; provided, however, that this exemption does not apply in the following circumstances:

1. If the State of New Mexico or CDC change their recommendations to recommend that fully vaccinated individuals wear cloth face coverings;

2. When employees are on planes, buses, trains, and other forms of public transportation; and

3. When employees are transporting members of the public in a vehicle, in which case both the employee and the passenger must have cloth face coverings on at all times.

H. Exemption B requires supervisor approval. Exemption C requires Human Resources approval.

I. Exemption G requires Human Resources approval and requires fully vaccinated employees to show Human Resources, or provide Human Resources with a copy of, their vaccine card, the relevant portion of their vaccine record from Vaxview.nm.org, the New Mexico Department of Health website that allows patients to view immunization information entered into the Statewide Immunization Information System, or other reliable documentation of their vaccination status as determined by the Human Resources Director. While vaccine information will be maintained by Human Resources, supervisors will have access for purposes of determining compliance with this policy.

Section 6 — Social Distancing Required

Whenever doing so is consistent with the course and scope of an employee's employment, employees shall maintain six feet of distance between themselves and others, even when wearing a cloth face covering. In other words, a cloth face covering is complementary to and not a substitute for social distancing. Fully vaccinated employees who have submitted documentation of their fully vaccinated status to Human Resources in accordance with Section 5(I) above are exempt from the social distancing requirement.

Section 7 - Consequence of Violation

Violations of this policy after the employee has received at least one reminder of it may result in disciplinary action, up to and including termination; provided, however, that in disciplining employees, the County shall follow concepts of progressive discipline. In addition, employees who lack a cloth face covering may be sent home on leave without pay to obtain one.

Section 8 - Accommodations

Employees who believe they need a reasonable accommodation pertaining to requirements of this policy, or who have questions or concerns regarding implementation of this policy, should contact the Human Resources Director at (505) 995-6507.

Section 9 - Duration

This emergency policy is effective May , 2021, and shall be effective until rescinded.

Katherine Miller

Katherine Miller, County Manager

5/28/2021

Date

How to Safely Wear and Take Off a Cloth Face Covering

WEAR YOUR FACE COVERING CORRECTLY

- Wash your hands before putting on your face covering
- Put it over your nose and mouth and secure it under your chin
- Try to fit it snugly against the sides of your face
- Make sure you can breathe easily
- Do not place a mask on a child younger than 2



USE THE FACE COVERING TO PROTECT OTHERS

- Wear a face covering to protect others in case you're infected but don't have symptoms
 - Keep the covering on your face the entire time you're in public
 - Don't put the covering around your neck or up on your forehead
- Don't touch the face covering, and, if you do, clean your hands

FOLLOW EVERYDAY HEALTH HABITS



- Stay at least 6 feet away from others
- Avoid contact with people who are sick
- Wash your hands often, with soap and water, for at least 20 seconds each time
- Use hand sanitizer if soap and water are not available



TAKE OFF YOUR CLOTH FACE COVERING CAREFULLY, WHEN YOU'RE HOME

- Untie the strings behind your head or stretch the ear loops
 - Handle only by the ear loops or ties
 - Fold outside corners together
- Place covering in the washing machine
- Wash your hands with soap and water



Cloth face coverings are not surgical masks or N-95 respirators, both of which should be saved for health care workers and other medical first responders.

For instructions on making a cloth face covering, see:

CS316439A u,'30/2020

