



Oregon OSHA COVID-19 Workplace Advisory Memo (6.27)

Business/Employer Enforcement of the Oregon Health Authority “County Specific Mask, Face Shield, Face Covering Guidance”

<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2351j.pdf>

The State of Oregon recognizes the challenges created by the guidance language that directs businesses in the affected counties to require customers and visitors to wear a mask, face shield, or face covering, unless one of several exemptions applies or an accommodation or exemption is required by law. In implementing the requirement as it relates to customers or visitors who are not wearing a facial covering, Oregon OSHA expects a business to take the following measures:

- If an employee or other representative of the business encounters a customer or visitor without a facial covering, the business representative should politely draw the customer or visitor’s attention to the public health requirement to wear a mask, face shield, or face covering.

Best Practice: Arrange to greet customers upon entry so that the issue can be addressed as they enter the store.

Best Practice: Keep a supply of inexpensive disposable face coverings to offer customers or guests who do not have one.

- If an individual declines to wear a mask, the business representative should politely inquire as to whether the person has a medical condition or disability that prevents them from wearing a mask.
 - If the individual indicates that they do have a relevant medical condition or disability, no further inquiry about their condition should be made. However, the business may offer them alternative methods of service that would still protect others in the business (such as curbside pickup if practical, shopping from a catalog, etc.), ask them if a face shield would be a suitable option, or instruct them to maintain a larger social distance from others while in the business.

Best Practice: Keep a supply of face shields that can be loaned and then sanitized between uses.

- If the individual indicates that they do *not* have a relevant medical condition or disability (or refuses to answer) but refuses to wear a mask, they should be politely told that the business cannot serve them and that they need to leave the premises. Under no circumstances should the business representative attempt to physically block an individual from entering or physically remove them from the premises. If the individual refuses to leave, the business representative should follow whatever procedures would normally be employed if an individual refuses to leave the establishment when asked to do so (including contacting local law enforcement to indicate that the individual is trespassing).

Best Practice: Offer the same options to shop outside the business to individuals who choose not to wear a face covering as you would to someone with a disability or medical condition.

Best Practice: Make sure employees know that, if an individual indicates they have difficulty hearing or understanding them with the mask, it is appropriate to step farther away, then to lift or remove the mask.