

To: NECA Contractors
From: Safety Resources
Date: 7/23/20
Subject: Indiana Mask Requirement - Executive order

All,

On Wednesday July 22, 2020, Indiana Governor Eric Holcomb issued an order which mandates face coverings in public spaces. The order is set to commence on Monday July 27, 2020 at 8:00 AM. This order was issued in an effort to continue to curb the spread of COVID-19.

Potential of OSHA Citations

No workplace safety standard specifically addresses the protection of workers from COVID-19. However, employers have a responsibility to provide workplaces “free from recognized hazards likely to cause death or serious physical harm” under the Occupational Safety and Health Act’s General Duty Clause (GDC). OSHA’s COVID-19 guidance, including that for cloth masks, can be utilized as a basis for OSHA’s issuance of a GDC citation. To avoid such a citation and protect employees, employers should undertake a hazard or exposure assessment of their workplace(s) to determine appropriate controls measures for COVID-19. The assessment may include a combination of engineering and administrative controls, safe work practices like PPE, social distancing, and cloth face masks.

Please review the following best practices to NECA Contractors.

- Provide employees information related to the Indiana executive order requiring masks, and document proof that employees are aware of the order.
- Provide employees with a cloth face covering that meets CDC recommendations.
 - Where masks are required, employers generally must provide them under the state laws.
 - Employees should be allowed to bring their own cloth face coverings if so desired.
 - <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>
- Under the OSHA PPE Standard, which applies to all PPE (including surgical masks), if an employer *requires* employees to wear PPE, the employer must perform a hazard assessment, consider other alternative options to protect employees, identify and provide appropriate PPE for employees, train employees in the use and care of PPE, clean and replace PPE as needed, and create a plan that is periodically reviewed.
 - OSHA has divided job tasks into four risk exposure levels: very high, high, medium, and lower risk.
 - Most American workers will likely fall in the lower exposure risk (caution) or medium exposure risk levels

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- For some workers, employers may determine that wearing cloth face coverings presents or exacerbates a hazard, and, as a result, masks should not be worn. OSHA notes that where cloth face coverings are not appropriate in the work environment or during certain job tasks (*e.g.*, because they could become contaminated or exacerbate a heat-related illness), employers can provide employees with PPE such as face shields, surgical masks, or respirators.

Title VII and ADA Considerations

OSHA notes that employers should evaluate their “accessible communication policies and procedures,” such as considering providing masks with clear windows to facilitate communication between workers and members of the public who rely on lip-reading.

In its [COVID-19 Guidance](#), the Equal Employment Opportunity Commission states when an employee with a disability needs an accommodation related to PPE (such as modified face masks for interpreters) or an employee needs a religious accommodation under Title VII of the Civil Rights Act (such as modified equipment or PPE due to religious beliefs), the employer “should discuss the request and provide the modification or an alternative if feasible and not an undue hardship on the operation of the employer’s business.”