

LEGAL UPDATES

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Masks Are Mandatory in Office Environments, Including Cubicles

On July 16, 2020, Colorado Governor Jared Polis issued an Executive Order requiring masks to be worn in all public indoor spaces, with limited exceptions. Executive Order D 2020 138 went into effect at midnight on July 16 and remains in effect for 30 days unless extended. It mandates that individuals wear masks “when entering or moving within any Public Indoor Space.” Many employers had questions about the scope and reach of this requirement and in particular how it applies in office environments with conference rooms and cubicles.

In a letter to Colorado’s business leaders dated July 22, 2020, Governor Polis appeared to address these questions. He first confirmed that one of the reasons he issued the statewide mask order was to mitigate the spread of COVID-19 in office settings where the risk of transmission may be heightened because you cannot open the windows or there may be older air circulation systems.

In his letter, Governor Polis referred specifically to a FAQ document published on the Colorado Department of Public Health and Environment (CDPHE) website for further clarification on when masks should be worn in the office. According to the FAQ:

1. You must wear a mask in common areas like hallways, elevators, or breakrooms.
2. You must wear your mask when sitting in a cubicle, even if the cubicles are physically distanced.
3. Plexiglass barriers may not be used as a substitute for masks.

4. If there is only one person in a room with the door closed, you may remove your mask. If someone enters the room, you must put your mask on.

CDPHE justifies the application of the statewide mask order in office environments because Colorado has recently experienced outbreaks in indoor, office-based settings. Colorado employers are continuing to be encouraged to prioritize work from home.

Contact us

If you have further questions or require more information regarding this update, please contact, Barb Grandjean, Chris Ottele, Ashley Jordaan, Sonia Anderson, Stacey Bowman or your Husch Blackwell attorney.

Comprehensive CARES Act and COVID-19 guidance

Husch Blackwell's CARES Act resource team helps clients identify available assistance using industry-specific updates on changing agency rulemakings. Our COVID-19 response team provides clients with an online legal Toolkit to address challenges presented by the coronavirus outbreak, including rapidly changing orders on a state-by-state basis. Contact these legal teams or your Husch Blackwell attorney to plan a way through and beyond the pandemic.