

ALERT

D.C. Mayor Muriel Bowser Issues a Mandatory “Wearing of Masks” Order

July 23, 2020

WHAT: On July 22, 2020, D.C. Mayor Muriel Bowser issued a mandatory “Wearing of Masks” Order to reduce the pervasive spread of the coronavirus (COVID-19) in the District of Columbia. Transmission of COVID-19 is widespread in the D.C. Metropolitan Area, and it is even more prevalent in several “hot spots” across the nation. In the District of Columbia alone, over 11,000 residents have contracted COVID-19, and 600 residents have died as a result of the virus. Current guidance from medical experts suggest that wearing masks, especially when social distancing is impossible to maintain, can dramatically reduce the spread of COVID-19. The Mayor’s Order implements the current guidance concerning masks in an effort to slow the spread of COVID-19 in the District. The Order sets a series of requirements related to the use of masks indoors, outdoors, and in public spaces, and provides penalties where individuals or entities violate its requirements.

WHAT DOES IT MEAN FOR INDUSTRY: The Order governs the actions of individuals and businesses. All individuals frequenting public or indoor spaces (other than private homes) are required to wear masks at all times. This includes employees working in cubicles within office spaces, according to the Mayor. Businesses, office buildings, and other establishments must notify employees and visitors of this requirement by posting signage on their exterior doors, and the Order requires them to “exclude or attempt to eject” individuals who are not wearing masks or who remove their required masks. Importantly, the Order also requires all D.C. employers to provide their employees with masks.

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The requirement to wear masks in public spaces is broad in scope. As Mayor Bowser indicated during her public comments introducing the Order: “If you leave home, you should wear a mask.” The Order provides only a few relevant exceptions to the requirement to wear a mask at all times. Circumstances in which persons or employees are excluded from wearing masks include, but are not limited to, circumstances where an individual works in a single, enclosed office that no one else is permitted to enter; where a deaf or hard of hearing person needs to read the lips of a speaker; if an individual is giving a speech, but is six feet away from the audience; where a person is unable to wear a mask or remove a mask due to health conditions or a physical disability; or if the equipment required for a job precludes the wearing of a mask and the person is wearing the required equipment. Unless an individual meets one of the Order’s specific exceptions, they must wear a mask in public spaces, including those in private businesses, at all times. Any individual or entity that violates the Order will be subject to a penalty of up to \$1,000 per violation, or they might have relevant licenses or permits revoked or suspended.

The Order became effective immediately upon its announcement and will remain in effect until October 2020.

ACTION STEPS FOR D.C. EMPLOYERS: The landscape for D.C. employers changed as soon as the Mayor announced the new Order, so employers must act quickly to ensure that their COVID-19 workplace safety policies are updated to reflect the mandatory mask wearing requirement. Employers in the District should post notices concerning the mask requirement as soon as possible (we recommend that such notices be posted no later than close of business on July 23, 2020). Employers should also immediately begin maintaining a stock of suitable masks (e.g., homemade cloth masks, store-bought fabric masks, bandanas or other cloth wrapped around the head that covers the mouth and nose, as well as medical or surgical masks) for employee use.

Tiffani Kennedy, a Law Clerk at Wiley Rein LLP, contributed to this alert.