
From: County Administrative Officer
Sent: Wednesday, December 01, 2021 9:55 AM
To: County Staff
Subject: New Face Covering Requirements
Attachments: PHO Order Requiring Face Coverings Indoors 11-18-2021.pdf

Dear County Employees,

In response to a local surge in COVID-19 cases, on November 18 the County Health Officer issued the attached Order requiring the use of face coverings in indoor settings regardless of vaccination status. The only exceptions to this requirement are as follows:

- In one's own residence, or working in a closed room or office alone or with members of their household;
- When actively performing an activity that cannot be done while wearing a face covering (e.g., actively eating or drinking, swimming or showering in a fitness facility, or obtaining a medical or cosmetic service requiring removal of a face covering); or
- As specifically exempted from use of face coverings under the guidance of the California Department of Public Health (CDPH) at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx> (e.g., to communicate with someone who is hearing impaired or where a face covering poses a safety risk).

While the order does not define a "closed room or office," we interpret this exemption to recognize the protection provided by physical separation and barriers. We recognize that there are many different kinds of work areas throughout the County, many of which have been altered since the advent of COVID with partitions, plexiglass barriers and other safety modifications. Fully vaccinated employees whose work areas provide physical distancing and barriers separating them from their neighbors similar to the separation provided by an office or room may choose to remove their face coverings while alone within their own cubicles, but must wear a face covering if others enter their cubicle, and whenever they leave their cubicle and enter the common areas. This is consistent with the guidance provided in our April 21, 2020 and November 19, 2020 staff messages, which predated the availability of the COVID-19 vaccine. Please note that unvaccinated employees remain subject to the stricter Cal/OSHA requirements and must keep their face coverings on even within their own cubicles except when actively eating or drinking.

An acceptable face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric or any mask that has an unfiltered one-way exhaust valve.

Thank you for your continued cooperation as we strive to protect the health and safety of our community.

In health,



County of Santa Cruz

HEALTH SERVICES AGENCY

POST OFFICE BOX 962, 1080 Emeline Ave., SANTA CRUZ, CA 95061-0962

TELEPHONE: (831) 454-4000 FAX: (831) 454-4488 TDD: Call 711

Public Health Division

ORDER OF THE HEALTH OFFICER REQUIRING USE OF FACE COVERINGS INDOORS BY ALL PERSONS

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1).)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF SANTA CRUZ (“HEALTH OFFICER”) ORDERS:

This Order is made in light of recent significant changes in COVID-19 metrics in Santa Cruz County (“County”). Current COVID-19 metrics indicate that the County is in a COVID-19 surge as currently defined by the California Department of Public Health (CDPH). The three COVID-19 metrics that support this determination consist of the County’s 29% increase in case rates in the past fourteen (14) days, the County’s rising testing positivity rate, and the County’s Effective Reproductive Number (R_t) rising above 1.00.

1. This Order shall become effective at 11:59 p.m. on November 21, 2021 and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer. The Health Officer intends to continually review the need for the Order by monitoring daily COVID-19 metrics including without limitation case rates, percent positivity, hospitalizations, Effective Reproductive Number, variants of concern circulating in the County, and vaccination rates.
2. All individuals, businesses and government agencies in the County are required to follow the provisions of this Order. This Order applies to the unincorporated areas of the County as well as the cities of Capitola, Santa Cruz, Scotts Valley and Watsonville.

3. Requirement to Wear Face Coverings Indoors.

- a. Regardless of vaccination status, all persons must wear face coverings at all times when indoors except:
 - i. in their own residence or another private setting alone or with members of their household; or
 - ii. working in a closed room or office alone or with members of their household; or
 - iii. when they are actively performing an activity that cannot be done while wearing a face covering (e.g., actively eating or drinking, swimming or showering in a fitness facility, or obtaining a medical or cosmetic service requiring removal of a face covering); or
 - iv. as specifically exempted from use of face coverings under the guidance of CDPH at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx> (e.g., to communicate with someone who is hearing impaired or where a face covering poses a safety risk).

For clarity, this Order does not prohibit any otherwise lawful activity but instead requires the use of face coverings indoors to the maximum extent possible.

- b. All businesses and governmental entities must enforce this face covering requirement for all personnel and for all customers or members of the public entering their facilities, regardless of vaccination status. All businesses and governmental entities must post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the face covering requirements to all persons entering the facility. In addition, those responsible for indoor public settings are strongly encouraged to provide face coverings at no cost to individuals who do not have one upon entry.
4. **Getting Vaccinated Is the Best Way to Reduce Risk.** Getting vaccinated against COVID-19 is the best way to protect the vaccinated person from infection, hospitalization, or death from COVID-19, as well as to prevent harm to others by reducing the risk of transmission of COVID-19. Therefore, all eligible persons are strongly urged to get vaccinated against COVID-19 as soon as possible.

5. Definitions. For purposes of this Order, the following definitions apply:

- a. “Business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership, or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure. For clarity, “business” also includes a for-profit, non-profit, or educational entity performing services or functions under contract with a governmental agency.

- b. “Face covering” means a face covering that is well-fitted to an individual and covers the nose and mouth especially while talking, consistent with the guidance of the CDPH at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric or any mask that has an unfiltered one-way exhaust valve.
- c. “Personnel” means the following individuals who provide goods or services or perform operations associated with a business or governmental entity in the County: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); independent contractors (such as “gig workers” who perform work via the business’s application or other online interface); vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the business.
6. **Applicability.** All individuals, businesses, and other entities in the County are ordered to comply with the applicable provisions of this Order. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of the Order when they are in the County. Governmental entities must follow the requirements of this Order applicable to businesses, unless otherwise specifically directed by the Health Officer.
7. **Obligation to Follow Stricter Order.** Where a conflict exists between this Order and any order issued by the State Public Health Officer, the Governor, or a State agency (such as the California Division of Occupational Safety and Health (Cal/OSHA)) related to the COVID-19 pandemic, the most restrictive provision controls. For clarity, all individuals and entities must comply with the State Order, any mandatory guidance issued by the California Department of Public Health, any mandatory orders of the Governor or a State agency, or any other mandatory provision of State law to the extent it is stricter than any provision of this Order. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except if the State Health Officer issues an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County. In addition, to the extent any federal guidelines are inconsistent with this Order, this Order is controlling.
8. **Enforcement.** Pursuant to Government Code sections 26602 and 41601, and Health and Safety Code section 101029, the Health Officer requests that the Sheriff, all chiefs of police in the County, and all enforcement officers ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
9. **Copies.** Copies of this Order shall promptly be: (1) made available at the County offices at 701 Ocean St, Santa Cruz, CA 95060; (2) posted on the County Public Health Department website (www.santacruzhealth.org); and (3) provided to any member of the public requesting a copy of this Order.

10. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:



Gail Newel, MD
Health Officer of the County of Santa Cruz

Dated: November 18, 2021

Approved as to Form:



Office of the County Counsel