

Part II. Face Covering Requirements FAQs for Employees

Definitions of terms used in FAQs

The term “worker” includes any state employee (full or part-time, permanent, temporary, probationary, or time-limited), Intern, Volunteer, or Contractor.

The term “employee” includes: Any state employee (full or part-time, permanent, temporary, probationary, or time-limited).

The term “guest” includes: Any attendee, customer, guest, member, patron, spectator, vendor, or other person lawfully on the property of an Agency, other than a worker.

The term “contractor” includes: Any person performing services for an Agency pursuant to a contract for services that is not an employee, intern, or volunteer.

The term “Fully Vaccinated” means it has been at least two weeks after someone has received the second dose in a two-dose COVID-19 vaccine series (Pfizer or Moderna), or that it has been two weeks after someone has received a single-dose COVID-19 vaccine (Johnson & Johnson); or participants in the Novavax trial who are two weeks after having received both doses in the series; or people who have received all recommended doses of a COVID-19 vaccine that is listed for emergency use by the World Health Organization.

Special Note Regarding Contractors

Contractors must follow the requirements in the policy to:

- Be Fully Vaccinated or tested weekly, and
- Wear Face Coverings where required at Participating Agency facilities.

If a contractor’s employer can ensure that these requirements of the policy are being met, the Agency can have verification of these requirements take place through the contractor’s employer. In addition, participating agencies may limit the measures in this Policy to not cover contractors that they do not logistically control (for example, HVAC or electric technicians), contractors for whom the contract cannot be changed, or contractors for whom the contract is in the process of being changed.

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How do I acknowledge that I have read and agree to comply with my Agency's Face Covering policy?

Complete a form indicating you have read and agree to the Agency's policy. You may be asked to complete this form online via a secure web portal starting September 1, 2021.

What if I refuse to sign a form acknowledging my Agency's Face Covering policy?

Failure to comply with the policy may lead to disciplinary action, regardless of whether you sign the policy acknowledgement form.

What Face Covering policy may my Agency adopt?

Agencies may elect to adopt a policy either:

- 1) Requiring all workers to wear Face Coverings indoors if they are not Fully Vaccinated; or
- 2) Requiring all workers to wear Face Coverings indoors – vaccinated and unvaccinated.

Agencies may elect to adopt a Face Covering policy for guests (any attendee, customer, guest, member, patron, spectator, or other person lawfully on the property of the Agency, other than a worker).

Agencies must communicate their selected Face Covering policy to all workers and guests via email, prominently posted signage at entrances, exits or elsewhere, or by any other reasonably effective means.

Based on CDC and DHHS guidance, use of a face shield does not meet an Agency's Face Covering requirement.

May I get an exemption from my Agency's Face Covering policy?

Employees may seek a reasonable accommodation from an Agency's Face Covering requirement on the basis of disability, because they are not recommended by a physician licensed in North Carolina to wear a Face Covering, because they have a sincerely held religious belief, practice, or observance, or for any other lawful reason.

Employees may request an exemption by contacting their Agency's Human Resources office. These requests shall be considered under the Agency's standard reasonable accommodation process. Employees may be asked to submit documentation to substantiate their request for accommodation.

Contractors should contact their employer regarding requesting exemption from Agency face covering requirements.

Will my exemption request from my Agency's Face Covering policy be confidential?

Yes. All Agency staff will adhere to medical privacy requirements. Agencies will keep this information in a confidential health information file separate from your general personnel file.

When are Face Coverings not required to be worn at my worksite?

Agency Worker or Guest Face Covering requirements DO NOT apply if:

- Worker or Guest is alone in a room,
- Worker only has household members in a room,
- Worker is in his or her home, or
- One of the other Face Covering exception(s) apply, including when a Worker:
 1. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the Face Covering without assistance);
 2. Is actively eating or drinking;
 3. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
 4. Is giving a speech for a broadcast or to an audience;
 5. Is working at home or is in a personal vehicle;
 6. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
 7. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines; or
 8. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle.

In addition, people need not wear a Face Covering while exercising if:

9. They have symptoms while strenuously exercising, such as trouble breathing, dizziness, or lightheadedness;
10. They are wearing equipment like a mouthguard or helmet and are having trouble breathing;
11. They are doing any activity in which the Face Covering could become entangled and a choking hazard or impair vision in high-risk activities; or
12. They are doing activities that may cause the Face Covering to become wet, like swimming or other activities in a pool, lake, water attraction, or similar body of water.

To the extent that an Agency may require Face Coverings for Guests and have children in the workplace, the following additional exceptions apply:

13. Children under five (5) years of age need not wear a Face Covering, and children under two (2) years of age should not wear a Face Covering.
14. Face Coverings need not be worn by a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.

What if the city or county government where my worksite is located has a Face Covering requirement?

This Policy does not serve as an exception from any Face Covering requirements issued by other governmental entities that apply to people.

For example, if a county or city has issued an emergency order that requires Face Coverings indoors for everyone, then Agency facilities in that county or city must have all workers and guests wear Face Coverings indoors.

if a local emergency order contains exceptions for governmental operations, then the Face Covering requirements of this Policy, rather than the local emergency order, will apply.

May an Agency communicate my exemption from the Face Covering requirement?

Yes. Agency Human Resources staff may tell managers and supervisors whether you are exempt from the Face Covering requirement because you are Fully Vaccinated or some other reason.

If asked, managers and supervisors may tell other employees that a particular employee is exempt from the Face Covering requirement; however, managers and supervisors should not say what the reason is for the employee being exempt.

What if I refuse to comply with an Agency Face Covering requirement?

You may be subject to disciplinary action up to and including dismissal.

If your manager/supervisor observes you at the workplace not wearing a Face Covering as required, your manager/supervisor may remind you of your Agency's policy.

If you willfully refuse to comply with your Agency's Face Covering policy, you may be removed from the work site and placed on investigatory leave with pay so that you do not endanger other people on the site. On additional days, if you again willfully refuse to comply, that is a new, additional violation of the Policy.

What if a contractor refuses to participate or violates their Agency's Face Covering requirement?

Contracts are subject to termination for willful violations of the policy.

May an employee file a grievance related to disciplinary action resulting from an Agency's Face Covering requirement?

Yes. An employee may file a grievance per the state Grievance Policy. Employees may not file grievances regarding other person's violation of this policy.