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OSHA COVID-19 Frequently Asked Questions- 7/30/2021

1. Which types of employers does the OSHA guidance apply to? Does it apply to both public and private entities? Nevada OSHA's COVID-19 mitigation guidance and requirements apply to all public sector employers at the state and local levels, and all private sector employers in the state, with the exception of private employers on tribal lands.
2. Now that counties have authority over COVID-19 mitigation efforts, do businesses still need to follow OSHA's guidance? Are businesses in some counties exempt?
Declaration of Emergency Directive #044, section 6 requires all employers to abide by all guidance promulgated by Nevada OSHA. Directive #044 section 7 requires Nevada OSHA to enforce both requirements of county plans, and of remaining statewide directives, guidance, protocols and regulations.
3. For gaming properties, do businesses only need to follow Gaming Control Board guidance?
No. All gaming employers not located on tribal lands are required to comply with all provisions of state and county directives, plans, guidance, protocols, and regulations applicable to their business operations, including but not limited to requirements established by the Gaming Control Board. Nevada OSHA has jurisdiction over workplace safety issues at gaming properties.
4. Can a business have different rules for face coverings for employees who are vaccinated vs. unvaccinated?
Pursuant to Emergency Directive #047 published on July 27, 2021, the state of Nevada has adopted CDC recommendations as the statewide standard for the use of face coverings as a mitigation method to reduce community transmission of COVID-19. As a result of this decision, in counties recognized as having substantial or high rates of transmission, face coverings are required to be worn indoors by all persons regardless of their vaccination status, unless a person is exempted under the scope of the directive. Employers in affected counties may not deviate from this requirement, which is enforceable by state and local public health and business regulatory agencies.
5. Do employees need to wear face coverings if they are working outside with members of the public?
Employers must conduct a job hazard analysis to determine if face coverings need to be worn outside by employees to prevent the spread of COVID-19. Refer to Nevada OSHA guidance published July 30, 2021.
6. Do employees need to wear face coverings if they are working outside alone?
Generally, no. However, all employers shall require unvaccinated employees to wear a face covering in any space visited by the general public, even if no one else is present. Refer to Nevada OSHA guidance published July 30, 2021.
7. Do employees need to wear face coverings inside in common indoor areas such as conference rooms, break rooms, hallways, restrooms, etc.?
Yes. In counties with substantial or high rates of transmission, all employers shall require employees and members of the general public to wear face coverings indoors at all times unless

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alone in a private workspace, such as an office or cubicle that permits at least six feet of social distancing and incorporates non-permeable barriers. If the employee leaves the private workspace, or other people enter the private workspace, all people in that space must wear a face covering.

8. Is it OK to remove plexiglass barriers that were installed during the pandemic?
Employers must evaluate their workplace to determine the appropriate methods to continue mitigation of the spread of COVID-19. Non-permeable barriers may continue to serve as a useful method to limit the spread of COVID-19.
9. Is the COVID-19 prevention plan mentioned in the OSHA guidance a new requirement?
The COVID-19 prevention plan is an extension of Nevada's longstanding requirements for employers to implement workplace safety programs to identify, analyze and control hazards in the workplace. The requirement for a COVID-19 specific plan builds on the same principles and was implemented to articulate the specific requirements for COVID-19 to be addressed as part of the employer's broader safety program.
10. What type of cleaning is required? Do the EPA List N products need to always be used?
As indicated in the OSHA guidance dated July 30, 2021, businesses need to evaluate if disinfection using EPA List N products is needed in the following conditions:
 - High traffic area;
 - High transmission of COVID-19 in the community;
 - Low vaccination rates in the community;
 - Infrequent use of other prevention measures, such as mask-wearing (among unvaccinated people) and hand hygiene; and/or
 - The space is occupied by people at increased risk for severe illness from COVID-19.
11. Are employers required to perform temperature checks of employees or customers?
Prompt identification and isolation of potentially infectious individuals is a critical step in protecting employees, customers, visitors, and others in a business establishment. While temperature checks are not specifically required, Nevada OSHA expects employers to monitor employee health conditions by conducting daily surveys of changes to employee health conditions. Temperature checks are a useful method of identifying potentially infectious people in the workplace and can serve as a method of screening for health issues.

New

12. Does the face covering requirement for counties with substantial or high levels of transmission apply to private offices that are not open to the public? **Yes, the requirement applies to both public and private areas.**
13. Are face coverings in counties with substantial or high levels of transmission required for indoor events that are not open to the public? **Yes, the requirement applies to both public and private events.**
14. Who is covered by the face covering exemption for athletes in indoor areas? **Athletes exempted from the indoor face covering requirements only include those defined under Directive 034 Sections 2 and 4: (1) sporting events and activities regulated by professional sports leagues or associations; and (2) sporting events regulated by the National Collegiate Athletic Association. The exemption only applies while playing or practicing.**
15. Who is covered by the face covering exemption for musicians and performers? **Vocal performers are exempt from wearing a face covering during performances when a face covering cannot be worn due to the nature of the performance. Face shields should be considered as an alternative**

in these situations. Vocal performers include singers, comedians, magicians, open-mic and karaoke performers, etc. Musicians playing a musical instrument, such as a woodwind or brass instrument, may remove their face covering during an indoor practice or performance if the face covering cannot be used while playing the musical instrument.

16. Is a face covering required for Karaoke or open microphone events? Karaoke and open mic participants are considered vocal performers. These performers are exempt from wearing a face covering during performances when a face covering cannot be worn due to the nature of the performance. Face shields should be considered as an alternative in these situations.
17. Can exceptions be made to the indoor face covering requirement with additional mitigation measures for activities such as filming? If an entity would like to have an event without face coverings, it should be done outside.
18. Are retail businesses required to have an employee at the entrance ensuring that customers have face coverings? There is not a specific requirement to have staff at the entrance ensuring customers have face coverings. However, each business is responsible for developing a way to ensure compliance with the requirements in their facility.