

City of Omaha Mask Mandate

08.13.2020

Over the past several months, COVID-19 has been top of the list for issues facing employers across the country and around the world. In an effort to stem the spread of the virus, there have been quarantine orders, stay-in-place orders, travel restrictions and other limitations on federal, state and local levels. Most recently, we have seen numerous cities, counties and some states with mandatory requirements that people wear face masks in public. Employers should continue to monitor the jurisdictions where they have employees to ensure compliance with all such orders. As of August 11, 2020, the city of Omaha, Nebraska joined those cities requiring the wearing of face masks in public. Here is a [link to the ordinance](#) as passed.

Every employer with employees in Omaha should carefully read the ordinance. As a very brief summary, this ordinance applies to all persons and property within the city limits of Omaha. The ordinance requires that all individuals older than 5 must wear a face mask covering the mouth and nose while indoors in a premises open to the public (including schools) unless the individual maintains a minimum 6-foot separation from anyone who is not a member of the individual's household. The ordinance continues until Midnight, September 15, 2020, and there is a \$25 fine for any violation. Notably, the ordinance applies to all businesses open to the public, including private businesses. In other words, unless your employees can maintain a safe (6 foot) distance from each other, they need to wear a mask while at work. Notable exceptions to this ordinance for Omaha employers are:

- Having employees maintain a 6 foot separation from others
(Note: even in this situation, face masks would be required when employees are moving through the office when a 6-

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foot separation may not be able to be maintained)

- Having employees work with Plexiglas or plastic barriers between them and others, if less than 6 feet of separation (*Note: even in this situation, face masks would be required when employees are moving through the office or having periodic person-to-person interactions and a when 6-foot separation may not be able to be maintained)*
- Employees engaged in occupations that prevent the wearing of face masks (*Note: even in this situation, face masks would be required when employees are moving through the facility and not engaged in the activity that prevents the wearing of a face mask when 6-foot separation may not be able to be maintained)*
- Employees who cannot wear a face mask due to health condition or disability that makes wearing a face mask unreasonable
- Employees, if the wearing of a face mask would create a job hazard (*Note: even in this situation, face masks would be required when employees are moving through the facility and not engaged in the activity that creates the safety hazard when 6-foot separation may not be able to be maintained)*

If you have questions regarding the Omaha ordinance on face masks, please contact a member of Koley Jessen's Employment Group.