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**Procedure 2-302**  
**Masks and Physical Distancing in Walworth County Facilities During the Pandemic**

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**2-302.01 Purpose**

The purpose for this administrative procedure is to provide for the continuity of Walworth County governmental services and the public health and safety of Walworth County employees and patrons of and visitors to Walworth County facilities. It is issued to incorporate updates to CDC guidance as of July 27, 2021. In summary, the new CDC guidelines update the mask and testing recommendations for fully vaccinated individuals but did not alter requirements for individuals who are not fully vaccinated. As such, much of the prior language needed to remain in this administrative procedure.

**2-302.02 Definitions**

- A. “Mask” or “face covering” means a piece of cloth or other material that is worn to cover the nose and mouth completely. A “mask” or “face covering” includes but is not limited to a bandana, cloth face mask, disposable or paper mask, neck gaiter, or religious face covering. A “mask” or “face covering” does not include face shields, mesh masks, masks with holes or openings, or masks with vents.
- B. “Physical distancing” means maintaining at least six feet of distance from other individuals who are not members of your household or living unit.
- C. “Fully vaccinated” means an individual who is two weeks past receiving the final dose of the vaccine brand as required for that brand.

**2-302.03 Fully vaccinated individuals**

- A. Per the CDC’s guidelines, which are supported by WDHS and Walworth County Public Health, during a period when the County is determined by the CDC to be an area of substantial or high transmission, fully vaccinated employees and visitors are expected to wear a mask indoors in public.

If the County is determined not to be in an area of substantial or high transmission, fully vaccinated individuals, “no longer need to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.”

NOTE: As of August 5, 2021, the CDC listed Walworth County as an area of substantial or high transmission. Department heads will be notified if and when that status changes.

- B. Interpretation and application of “in public.” “In public” is defined by Oxford Languages as “when others are present.” Merriam-Webster further provides that it is when one is in “a place accessible or visible to the public.” Incorporating into the interpretation the pandemic’s now universal concept of physical distancing, defined above, there are two clear expectations for wearing of masks by fully vaccinated individuals while in a Walworth County facility.
1. Fully vaccinated employees and individuals in public spaces of a Walworth County facility where a member of the public may be present or may become present are expected to wear a mask while in that public space.
  2. Fully vaccinated employees and individuals who are not physically distancing and are not separated by an acceptable physical barrier (for example, an adequately sized and located acrylic barrier) are expected to wear a mask whether it is within a public space or office space.
  3. Examples:
    - a. When you are at your desk or work space and adequate acrylic barriers or 6 feet or more of physical spacing is available, you do not need to wear a mask.
    - b. When you are in a conference room or public meeting space and adequate acrylic barriers or 6 feet or more of physical spacing is not available, wear a mask.
    - c. When you are in the hallways, public spaces, or public restrooms, wear a mask.
    - d. When you leave your work space and your movement will or can be expected to bring you within 6 feet or less to other employees or visitors, wear a mask.
    - e. When you are providing face-to-face customer service indoors and are not separated by an acceptable physical barrier (for example, an acrylic barrier or 6 feet or more of physical space), wear a mask.
    - f. If you work at an office entrance that does not regularly have in-person visitors but in-person visitors periodically arrive (and you are otherwise socially distanced from other employees), have a mask readily available and put it on promptly when a visitor or other employee enters.
    - g. Employees should anticipate the potential needs for a mask and keep a mask available.
    - h. The exceptions in 2-302.04 C apply where 2-302.03 would otherwise expect the fully vaccinated employee to where a mask.

- C. If a fully vaccinated employee has had close contact with someone who has COVID-19, that employee is required to wear a mask in Walworth County facilities for 14 days following exposure or until a test, taken at least 3-5 days after the exposure, provides a negative result.
- D. Special CDC notice: Fully vaccinated employees “might choose to wear a mask regardless of the level of transmission if you have a weakened immune system or if, because of your age or an underlying medical condition, you are at increased risk for severe disease, or if a member of your household has a weakened immune system, is at increased risk for severe disease, or is unvaccinated.”

**2-302.04 Non-fully vaccinated individuals, including unvaccinated individuals and Indeterminately vaccinated individuals**

A. Masks:

Every individual ages five and older who is not fully vaccinated and is working, visiting, or conducting business in a County facility or county-owned vehicle shall wear a mask within such facility or vehicle if another person or persons are present in the same vehicle or room of the facility.

B. Physical Distancing:

1. Employees who are not fully vaccinated should make every reasonable effort to maintain physical distancing from other employees, patrons, and visitors when in the public spaces of county facilities.
2. Physical barriers, such as acrylic dividers, may be taken into consideration when addressing appropriate physical distancing needs.
3. Within office spaces, department heads shall be responsible for reasonable and appropriate physical distancing standards for non-vaccinated employees, using the definition herein as a guideline and taking into account such factors as furniture and office layout, customer-service requirements, remote working strategies, and employee groups or pods.

C. Exceptions:

Individuals who are otherwise required to wear a mask may remove the mask in the following situations:

1. While eating or drinking.
2. When communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.
3. While obtaining a service that requires the temporary removal of the face covering.
4. While a single individual is giving a presentation for an audience, the single speaker may remove the face covering when actively speaking, provided the speaker remain at least 6 feet away from all other individuals at all times.
5. When engaging in work where wearing a mask would create a risk to the individual, as determined by the department head.

6. When necessary to confirm the individual's identity.
7. Within office spaces large enough where physical distancing is easily and consistently maintained, department heads may approve and allow exemptions from the strict application of the shared-room mask requirement provided reasonable and appropriate physical distancing standards are consistently maintained, taking into account such factors as furniture and office layout, physical barriers (such as tall cubicle walls), customer service requirements, remote working strategies, and employee groups or pods. The exception would not apply to an individual moving through or about an occupied work space. The amount of time and proximity should also be considered since individuals sitting near each other for extended periods but technically physically distanced are at higher risk and should wear masks. NOTE: Given the CDC's enhanced warnings for the increased transmission of the Delta variant and potential for breakthrough infections, department heads should reevaluate exemptions or flexibility previously allowed (per this subsection 7) to more closely adhere to the definition of physical distancing and to reduce the likelihood of breakthrough transmissions.
8. Generally in accordance with CDC guidance, the following non-fully vaccinated individuals are also exempt from the mask requirement:
  - a. Children between the ages of 2 and 5 are encouraged to wear a mask when physical distancing is not possible. The CDC does not recommend masks for children under the age of 2.
  - b. Individuals who have trouble breathing.
  - c. Individuals who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
  - d. Individuals with medical conditions, intellectual or developmental disabilities, mental health conditions, or other sensory sensitivities that prevent the individual from wearing a face covering.

### **2-302.05 Exceptions and special circumstances**

- A. Maintaining physical distancing at public meetings or large groups:
  1. As it is not practical to determine or confirm the vaccination status of all non-employees and employees, meetings occurring under the requirements of the open meetings law should make reasonable efforts to establish seating that accomplishes physical distancing, while considering attendance demand and room layout, and secondary spaces and remote participation should be considered to allow participants to spread out and provide for physical distancing.
  2. In order to reduce restrictions on participation in public meetings, non-employee participants or observers of public meetings subject to the open meetings law are not required to wear a mask during the open public meeting, although they are strongly encouraged to do so, and should be allowed to remain at the meeting unless another statutory provision (closed session or disorderly conduct) or capacity limits dictate otherwise. Overflow space, such as room 214 in the Government Center, should be made available to help participants achieve their

desired physical spacing given the individual mask decisions of the other members of the viewing public. Remote participation by employees or patrons and visitors can be encouraged. Reduced room capacity limits can be enforced.

3. Large group meetings (approximately 10 individuals) that are not open, public meetings should attempt to provide adequate space to anticipate that not all participants are fully vaccinated. Physical distancing requirements (6 feet) are difficult to maintain in such circumstances, and individuals should not be tightly packed (leaving less than the width of a chair between each individual). As such, all individuals should wear masks.
- B. Statutorily elected officers, including the judiciary, are encouraged to adopt and follow the requirements of this policy; however, within the confines of the office space dedicated to each such elected official, the elected official has the authority to establish their work rules with regard to masks and physical distancing for employees. For example, the Sheriff has and will determine mask requirements for application within the Sheriff's Office and vehicles. Similarly, the Clerk of Courts will determine the same within their office space and the Judges will determine the same within the courtrooms, while the hallways and other offices and public spaces within the Judicial Center shall comply with this administrative procedure.
  - C. The Lakeland Health Care Center and Lakeland School shall follow rules prescribed by their department/division head, oversight board or committee, and state oversight department or agency.

### **2-302.06 Enforcement**

- A. Department heads are responsible for enforcement with employees of the expectations established herein and shall address such issues as they determine necessary applying the standard human resource strategies of reminders, coaching, counseling, and, in significant instances, the progressive steps of discipline.
- B. Patrons and visitors shall be encouraged to follow mask and physical distancing requirements. Individuals failing to comply or cooperate may be offered alternative methods of completing their business, such as online, over the phone, lobby service, etc. Individuals failing to comply or cooperate should not be physically detained or forcibly obstructed from access to public spaces in the facilities. Employees should engage a supervisor if an interaction with the public on this topic becomes concerning or contentious. As in any regular circumstance, employees should contact the Sheriff's Office should there be a threat of physical violence.
- C. Although an employer may legally ask an employee if they are fully vaccinated, more in-depth questioning may create ADA violations and should be avoided. Supervisors, therefore, may accept an employee's self-declaration that they are fully vaccinated.

**2-302.07 Effective Date**

This administrative procedure shall enter into effect immediately.