

Bodman PLC

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CDC and MDHHS Align on Mask Usage

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The Michigan Department of Health and Human Services (MDHHS) recently endorsed mask leniency with its “post-surge” classification, primarily advising masking in high-risk congregate settings (e.g., long-term care and health care facilities, correctional facilities, shelters). On February 25, 2022, the Centers for Disease Control and Prevention (“CDC”) updated its guidance, bringing it into alignment with the MDHHS.

The CDC’s new guidance on mask usage recommends continued masking only in areas with high rates of new infections and hospitalizations. The guidance implements a three tier system, classifying each county in the United States as either low, medium, or high risk.

In low and medium risk areas (currently about 70% of the U.S.), the CDC advises that most individuals can go without masks. As of March 4, 2022, the vast majority of Michigan counties are classified as low or medium risk. In areas classified as high risk, masks should continue to be worn in indoor public areas. Individuals who are immunocompromised or otherwise at high risk for severe illness may decide to mask regardless of the level of community transmission.

Employers must take this guidance into account when complying with OSHA’s requirement to provide “a safe and healthful workplace.” In high risk counties, employers should continue to require mask usage for unvaccinated workers. In all other counties, while employers may relax their mask requirements, they should continue to implement the following COVID-19 precautions:

- Maintain and enforce a preparedness plan;
- Make masks available for those employees who wish to wear them;
- Ensure that any confirmed cases of COVID-19 do not return to work until they have satisfied the symptom-based strategy to discontinue home isolation; and
- Quarantine, in accordance with CDC guidance, close contacts of confirmed cases of COVID-19.

Employers should monitor the level of risk in their county at regular intervals and implement masking and other pandemic-related policies accordingly.

Contact any member of **Bodman's Workplace Law Group** for more information. Bodman cannot respond to your questions or receive information from you without first clearing potential conflicts with other clients. Thank you for your patience and understanding.

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