



## **Frequently Asked Questions (“FAQ”) for Executive Order No. 224**

**July 29, 2021**

This FAQ provides guidance for the implementation of Executive Order No. 224 (“Order”). North Carolina has made great strides since the start of the pandemic to save lives. Nevertheless, the state is presently experiencing an increase in COVID-19 spread, principally among those who are unvaccinated. The state’s key COVID-19 metrics suggest some measures must remain active to address and mitigate the spread of COVID-19. As COVID-19 has continued to spread from person to person across the United States, variants (genetically distinct strains) of COVID-19 have developed. The Delta variant of COVID-19 is significantly more transmissible and more likely to lead to severe disease and hospitalization. Vaccination against COVID-19 is the most effective tool to combat the COVID-19 pandemic. Accordingly, effective September 1, 2021, workers at agencies that are part of the Governor’s Office or are headed by members of the Governor’s Cabinet (collectively, “Cabinet Agency Workers”) who are not fully vaccinated must submit to regular testing for COVID-19. In addition, effective August 2, 2021, face coverings will be required for all Cabinet Agency Workers who are not fully vaccinated.

Other agencies of state government, local governments, private businesses, and organizations are strongly encouraged to undertake mitigation measures similar to those imposed in Executive Order 224. These entities should follow guidance issued by the North Carolina Department of Health and Human Services (“NCDHHS”). These measures include requiring workers who are not fully vaccinated to submit to regular COVID-19 testing and requiring face coverings for workers and guests in indoor spaces where other people are present. Schools and school systems are strongly urged to follow guidance recently promulgated by the Centers for Disease Control & Prevention (“CDC”), which recommends that all students, staff, and visitors in K-12 schools wear face coverings.

The Order becomes effective on July 29, 2021, at 5:00 p.m. and will remain in effect through August 31, 2021, at 5:00 p.m. Office of State Human Resources (“OSHR”) policies directed by

this Order shall continue past the duration of this Order. Below are frequently asked questions (“FAQs”) and their answers. In addition, individuals should check with local governments to determine whether additional restrictions have been imposed in their local jurisdictions to limit the spread of COVID-19.

**This information is subject to change in light of new CDC guidance and additional Executive Orders, further agency guidance, or local government declarations.**

### **FAQs related to the Order**

#### **When does this Order take effect?**

This Order takes effect on July 29, 2021 at 5:00 p.m.

#### **What are the requirements on Cabinet Agency Workers under this Order?**

- Effective Wednesday September 1, 2021, Cabinet Agency Workers who are not vaccinated will have to undergo weekly COVID-19 testing.
- Effective Monday, August 2, 2021, unvaccinated Cabinet Agency Workers must wear face coverings in any indoor area of a state government office, building, and facility that is controlled by an agency that is part of the Governor’s Office or is headed by a member of the Governor’s Cabinet.

#### **Facilities and Buildings Controlled by an Agency that is Part of the Governor’s Office and Cabinet Agency Workers**

##### **Vaccine Verification Requirement**

#### **Why is the vaccine verification requirement being imposed now?**

The emergence of the Delta variant amongst the non-vaccinated population in North Carolina has generated increased concern from medical professionals. The Delta variant’s growing dominance, coupled with its increased transmissibility, has led to a significant increase in the number of COVID-19 cases and hospitalizations, principally amongst the unvaccinated. Additionally, in recent weeks there has been a slowing in the administration of COVID-19 vaccinations, which are our best tool in combatting the COVID-19 pandemic.

#### **What does it mean to be “fully vaccinated”?**

A person is fully vaccinated if it has been two weeks after that person has received the second dose in a two-dose COVID-19 vaccine series (Pfizer or Moderna), or that it has been two weeks after that person has received a single-dose COVID-19 vaccine (Johnson & Johnson).

#### **Which workers are subject to the vaccine verification requirement under the Order?**

Anyone who is a Cabinet Agency Worker, meaning anyone who works at agencies that are part of the Governor’s Office or are headed by members of the Governor’s Cabinet.

#### **What are the requirements for unvaccinated Cabinet Agency Workers?**

Starting August 2, 2021, all unvaccinated Cabinet Agency workers will have to wear a face covering when working indoors. Additionally, starting on September 1, 2021, all Cabinet Agency Workers who are not fully vaccinated must be tested once a week for COVID-19.

**Are there exceptions to the vaccination requirement for Cabinet Agency Workers?**

Yes. Cabinet Agency Workers may choose to undergo weekly COVID-19 testing and wear a face covering.

Additionally, workers with disabilities that impair or prevent vaccination, workers who are not recommended by a physician to be vaccinated, and workers with a sincerely held religious belief, practice, or observance that is inconsistent with vaccination may request a reasonable accommodation from the proof of vaccination requirement. The option to receive weekly COVID-19 testing and wear a face covering may serve as a reasonable accommodation for workers seeking an accommodation from the proof of vaccination requirement. Guidance will be issued regarding the process for requesting an exception from the vaccination requirement.

**I'm a fully vaccinated Cabinet Agency Worker, do I have to take any steps to be exempted from the weekly testing requirement?**

Yes. Workers are exempted from the weekly testing requirement if they provide proof that they are fully vaccinated, in accordance with a policy to be promulgated by the Office of State Human Resources ("OSHR").

Face Covering Requirement

**Which workers are required to wear face coverings under the Order?**

All Cabinet Agency Workers who are not fully vaccinated are required to wear face coverings in any indoor area of a state government office, building, and facility that is controlled by an agency that is part of the Governor's Office or is headed by a member of the Governor's Cabinet, unless an exception applies.

**I'm a fully vaccinated Cabinet Agency Worker, do I have to take any steps to be exempted from wearing face coverings at work?**

Yes. Workers are exempted from the face covering requirements if they provide proof that they are fully vaccinated, in accordance with a policy to be promulgated by OSHR. However, masks are encouraged even for vaccinated workers in public places indoors.

**Do Cabinet Agency Workers or other state employees have to wear a face covering outdoors?**

No. Face coverings are not required when outdoors.

**Do unvaccinated Cabinet Agency Workers have to wear face coverings when others are not around?**

No. Face coverings are not required when a worker is alone in a space where there are no other people within six (6) feet, or when a face covering exception applies.

**Are there other exceptions to the face covering requirement for Cabinet Agency Workers?**

Yes. Workers who are vaccinated do not need to wear a face covering, however a face covering for unvaccinated employees indoors is encouraged.

Additionally, a face covering does not need to be worn by an individual who qualifies for an exception from wearing Face Coverings listed in Section 2.3 of Executive Order No. 209 and any of the exceptions from wearing Face Coverings during exercise listed in the bullet points within Section 2.4 of [Executive Order No. 209](#). Those portions of Executive Order No. 209 are incorporated into this Executive Order, but only for the purpose of serving as exceptions to the Face Covering requirements listed in this Executive Order.

**I'm not a government worker. Do I still have to wear a face covering in these facilities?**

No. However, it is recommended that all visitors to government facilities wear a face covering in any indoor areas of government offices, building, and facilities.

*Non-cabinet Agency Facilities and All Other Facilities Not Controlled by the Governor's Office (including Local Government Buildings and Private Businesses)*

**I don't work for a Cabinet Agency or agency controlled by the Governor's Office. Am I still required to be vaccinated or wear a face covering if I'm unvaccinated?**

While this Executive Order only impacts Cabinet Agencies, the Order encourages all state and local government agencies and private businesses to adopt this policy and strongly encourages them to have workers and guests wear face coverings and to require unvaccinated workers to take weekly COVID-19 tests.

**My workplace does not require vaccinations or face coverings. Can I still wear a face covering to be safe?**

Yes. Everyone, including fully vaccinated people, is welcome to voluntarily wear a face covering. NCDHHS has additional recommendations to improve mask wearing based on guidance from the CDC. To ensure masks are as protective as possible, NCDHHS recommends that you:

- Make sure your mask fits snugly against your face and covers your nose and mouth. To help with a snug fit, you can use a mask with a metal strip along the top of the mask.
- Use two or more layers for your face covering. You can do this by wearing a cloth face covering with two or more layers or by wearing one disposable mask (sometimes referred to as a surgical mask or a medical procedure mask) underneath a cloth mask.
- Do not wear two disposable masks.
- Make sure you can see and breathe easily.

For additional information on how to improve mask wearing, please see updated guidelines from the [CDC](#).

**Can businesses still require guests to wear face coverings?**

Yes. Businesses are strongly encouraged to require guests to wear a face covering in indoor areas of offices, building, and facilities.

*Miscellaneous Questions*

**Does this order require K-12 students to wear face coverings indoors?**

As recommended in the [StrongSchoolsNC Public Health Tool Kit](#), leaders at all public and non-public schools are strongly urged to require all K-12 students, visitors and all school staff to wear face coverings at school, regardless of vaccination status (unless a face covering exception applies or medical or developmental conditions prohibit use).

**What are the capacity limits and social distancing requirements on businesses operating in North Carolina?**

There are no capacity or social distancing requirements put in place under this Order.

**My city implemented stricter face covering requirements. Do I have to follow my city's requirements?**

Yes. The Governor recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North Carolina. This Order does not prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions