

Maryland Expands Face Covering Requirement, Unemployment Benefits, Issues Travel Advisory

By Emmett F. McGee, Larry R. Seegull, Kathleen A. McGinley &

August 6, 2020

Meet the Authors



Emmett F. McGee

Principal
410-415-2003
Emmett.McGee@jacksonlewis.com



Larry R. Seegull

Principal
(410) 415-2004
Larry.Seegull@jacksonlewis.com



Kathleen A. McGinley

(She/Her)

Maryland Governor Larry Hogan has issued a new [Executive Order](#) (EO) requiring all people older than five to wear face coverings in indoor public spaces and outdoors where social distancing is not possible. Additionally, the Maryland Department of Health (MDH) has issued a [travel advisory](#) cautioning residents not to travel to states with high rates of COVID-19 and recommending testing and quarantining if residents travel to those locations.

The EO and travel advisory come as Maryland experiences increased COVID-19 cases and represent a pause in the Governor's [Maryland Strong: Roadmap to Recovery](#). Maryland is in phase two. (See our article, [Maryland Phase Two Reopenings: Indoor Dining, Malls, Gyms.](#))

Expanded Face Mask Requirement

Pursuant to the EO, people older than five must wear masks when they are:

- In or on any public transportation;
- Indoor at any location where members of the public are generally permitted, including, but not limited to, religious facilities, retail establishments, foodservice establishments, fitness centers, gaming facilities, recreation establishments, and personal services establishments;
- Outdoor and unable to consistently maintain at least six feet of distance from individuals who are not members of their household;
- Obtaining healthcare services, including, but not limited to, in offices of physicians and dentists, hospitals, pharmacies, and laboratories; and
- Engaging in any work where interaction with others is likely, including, but not limited to, in shared areas of commercial offices or where food is being prepared or packaged.

The EO provides exceptions to the expanded face mask requirement. People *do not* need to wear face coverings in the following circumstances:

- If it would be unsafe for the person to do so because of a bona fide disability or medical condition;
- To the extent wearing a face covering would impede communication by or with persons who have a hearing impairment or other disability where the ability to see the mouth is essential for communication;
- If wearing a face covering would subject the person to an unsafe working condition, as determined by applicable law;
- To the extent wearing a face covering would make it impossible to receive services requiring access to the face, mouth, or head, including, but not limited to, dental care, shaving, and facial treatments;
- While consuming food or beverages;

Related Services

COVID-19
Disability, Leave and Health
Management
Workplace Safety and Health

- While swimming or engaging in other physical activities where the use of a face covering is likely to pose a bona fide safety risk; or
- While operating any public transportation conveyance, provided that the person is the sole operator of the conveyance and is located in a separate compartment that is off-limits to riders.

MDH Travel Advisory

Pursuant to the travel advisory, the MDH “strongly recommends” that residents refrain from non-essential travel outside of Maryland. Additionally, the MDH recommends the following:

- Any resident returning from out-of-state should get tested for COVID-19 promptly upon arrival in Maryland or within 72 hours before travel to Maryland. The MDH encourages out-of-state visitors to Maryland to be tested within 72 hours prior to arrival and to cancel travel in the event of a positive result. It further recommends that visitors waiting for their test results stay at home between the time of their test and their arrival in Maryland or to self-quarantine at their hotel in Maryland, if applicable.
- Any resident who travels to a state with a [COVID-19 test positivity rate above 10%](#) should get tested *and* self-quarantine at home until the test result is received. Currently, states with a COVID-19 test positivity rate above 10% include Alabama, Arizona, Florida, Georgia, Idaho, Louisiana, Nebraska, South Carolina, and Texas. The District of Columbia and Virginia are exempt from the MDH recommendation, although Virginia has a test positivity rate above 10%.

Essential workers, as referenced in the Governor’s Office of Legal Counsel’s [Interpretive Guidance](#), are exempt from the quarantine recommendation if they are returning or traveling to Maryland to perform essential work. Employee commuters who leave or enter the state daily and have work-based COVID-19 screening procedures also are exempt.

Counties With Heightened Face Covering Requirements

[Baltimore City](#), [Baltimore County](#), and [Anne Arundel County](#) have imposed their own, more restrictive face covering orders that require residents to wear face masks in all indoor public spaces and outdoors when social distancing is not possible.

The Baltimore City face mask requirement applies to those age three and older. The Anne Arundel County and Baltimore County requirements apply to those age two and older.

Expanded Unemployment Benefits

The [Maryland Department of Labor](#) (MDL) is offering an additional 13 weeks of unemployment insurance to claimants who have exhausted the maximum period for collecting the benefits.

Under federal and state law, the Extended Benefits program is available to claimants who have exhausted both their 26 weeks of regular unemployment benefits and 13 weeks of the Pandemic Emergency Unemployment Compensation (PEUC) assistance. The extended benefit period began on May 31, 2020, but was not payable until recently, because claimants must exhaust PEUC before receiving extended benefits.

Upon exhausting regular and PEUC benefits, the MDL will issue written notification to all potentially eligible claimants informing them they can apply for the Extended Benefits program. If a claimant is determined to be eligible, the weekly benefit amount will be the same as the claimant received under the regular and PEUC programs.

Reopening orders contain extensive requirements creating compliance issues that can vary significantly depending on the specific state or local jurisdiction. Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers work through the complexities involved with [state-specific or multistate-compliant plans](#).

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work or any member of our [COVID-19 team](#).

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.