

## **Additional Q&A's for the Phase 1 FAQ document**

### **1. What does a reduction in capacity mean? (Answer below from DPHHS)**

- A reduction in capacity (in order to safely operate) must be able to provide adequate physical distancing. This would be different for different types of businesses, but generally entails limiting the number of customers in store/shop at same time, or other measures a business would take to ensure distancing is being maintained.

### **2. What does the health assessment for employees require? (Answer below from DPHHS)**

- A health assessment is a series of questions about an employee's health each day as they report for work. Questions generally will cover if an individual is experiencing a fever, cough, flu like symptoms, sore throat, or general fatigue.
- We recommend using something similar to what is in the employee health agreement for COVID19 found here:  
<https://dphhs.mt.gov/Portals/85/publichealth/documents/FCS/EmployeeHealthAgreement04242020.pdf>
- 1. A new dry cough
- 2. A newly identified shortness of breath or difficulty breathing

OR

- Two or more of the following symptoms:
  1. Fever (above 100.0 °F)
  2. Headache
  3. Chills
  4. Sore throat
  5. Repeated shaking with chills
  6. New loss of taste or smell
  7. Muscle pain

### **3. Do my establishment's servers have to put on a new set of gloves each time they serve food or can they bypass the gloves and just follow strict sanitizing guidelines? (Answer below from DPHHS)**

- The Governor's Directive does not require food service handlers to wear gloves. All employees should follow strict sanitizing and social distancing guidelines including frequent handwashing. Servers and kitchen staff must continue to follow all required food safety precautions including no bare hand contact with ready-to-eat foods.
- The Department of Public Health and Human Services refers to further COVID-specific FDA guidance at <https://dphhs.mt.gov/publichealth/cdepi/diseases/coronavirusmt#9247810539-food-safety-and-covid-19>. Select "Food Safety and COVID-19" drop-down, then select "FDA: Food safety and COVID-19".

**4. Do my establishment's servers and customers have to wear masks? (Answer below from DPHHS)**

- Although not required, use of a cloth face covering is recommended for staff where other social distancing measures are difficult to maintain. Recommendations of face coverings for customers are not required by the directive, but may be required by local directives or individual business.

**5. How long can a customer remain in a business if they are within the capacity limits? Do I have to tell them to leave so other waiting customers can come in? (Answer below from DPHHS)**

- This is up to the individual business owner.
- Systems to encourage minimizing contact time between patrons are encouraged.

**6. Are dental offices allowed to reopen in phase one since we cannot accommodate the 6 foot rule? (Answer below from DPHHS)**

- Dental and medical offices were not closed by directive. Healthcare services, including dental offices, are included in the list of essential services and were never required to close as part of the March 26 directive providing measures to stay at home and designating certain essential functions.

**7. How do I verify that my employee is a member of an at-risk population? Can I ask for a doctor's note or other medical verification? (Answer below from DLI)**

- An employer may ask for a self-certification from the employee, where in general terms the basis of the at-risk status is explained. The employer can document that the employee was told that the employer was relying on the truth of the certification, and that falsification is grounds for immediate termination of employment.

If an employer chooses to ask for verification that an employee is a member of an at-risk population with regard to COVID-19, the employer needs to consider the following;

Inquiries relating to an employee's medical status likely implicate various federal and state nondiscrimination laws, including without limitation the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), the Family and Medical Leave Act (FMLA), and the Montana Human Rights Act (MHRA). The Equal Employment Opportunity Commission has provided some guidance for employers as to medical inquiries related to the current pandemic. The most up-to-date EEOC guidance is [here](#). See Responses C.5 and D.1. Other laws may also be implicated,

depending on an employers' approach is an employee chooses to decline to provide medical certification.

Further, employers should be cognizant that medical providers may be too overwhelmed with the present health crisis to provide medical certification at this time. Further, any medical information received must be kept confidential, separate from other employee personnel files, and generally subject to the same parameters as required by the ADA, FMLA, and MHRA. Employers should be aware of the need to treat all employees equally, with regard to requests for medical certification. Employers should also recognize that the Governor's current directives emphasize that any employees able to work remotely should be permitted to do so. If telework is available for an employee, allowing that option may provide a route to avoid asking for medical information.

**8. I am a member of an at-risk population, but my employer wants me to return to work anyway. What are my options? (Answer below from DLI)**

- You have the right to ask for accommodations for your condition. You may be asked by your employer for proof of your condition from your medical provider. If your employer does not provide reasonable accommodations, you do not have to return to work.

**9. If I am unable to return to work because I am a member of an at-risk population, am I still eligible for unemployment? (Answer below from DLI)**

- Yes, you are still eligible

**10. I own a dance studio. If we can follow correct social distancing with the correct spacing, ventilation and hand washing guidelines, can I open in Phase 1?**

- No. Adult dance studios, as with gymnastics, pilates, yoga studios, zumba classes, cheerleading, indoor rock climbing, martial arts, indoor basketball and other such facilities are not permitted to be open in Phase 1. These facilities have the same challenges with social distancing requirements, frequency of contacts and sanitation facing health clubs and gyms. Exceptions may be appropriate for businesses offering limited physical rehabilitation, physical therapy or other services in response to direction from a primary care physician. Businesses should confer with their county health officials if they believe those exceptions may be appropriate and should operate under guidelines of personal care services if they are permitted to open during Phase 1.
- However, based on Phase 1 youth sports guidance, dance schools can re-open for practices if the students are children and if physical distancing guidelines can be implemented. This includes limiting group size to 10 people or less and maintaining appropriate physical distancing between groups. Recitals would not be allowed in Phase 1 as they require assembly of a larger group, including instructors, parents, friends, and

likely exceeding the limit of 10 people or less. These four criteria also apply for facilities like gymnastics, pilates, yoga studios, zumba classes, cheerleading, indoor rock climbing, martial arts, indoor basketball and other such facilities

**11. Can casinos still have back-to-back machines if they comply with the 6-foot center to center and 6 foot side-to-side rule since the back-to-backs are high enough that the customers have no face-to-face interaction or contact?**

- Yes, back-to-back machines are allowed as long as they can comply with the center/side distancing rules and machines are adequately cleaned in between customers.

**12. Can my bar place plastic restaurant grade sneeze shields up between the bar and behind the bar, much like grocery and convenient stores, so people can sit at the bar (and six feet between each other?) Can I contact my local health department and work with them to see if this is an option?**

- No, sitting or standing at bars or counters is not allowed per the directive.

**13. Montanan out-of-state day trips clarification:**

- All travelers should carefully review state and local guidance related to travel restrictions for their destination and along the planned route before taking any trips.

**a: I'm a Montana resident and I need to make a day trip to another state for essential business. Do I need to quarantine upon my return.**

- Montana residents are allowed to make day trips to other states for the purpose of conducting essential business without having to quarantine upon return. Travelers should limit human interaction and follow social distancing guidelines.

**14. Out-of-Staters' day trips into Montana:**

**a: I'm an out-of-state resident and need to make an essential day trip to Montana. Do I need to quarantine before I can take care of the essential business?**

- Day trips into Montana by non-residents for the purpose of essential activities such as medical appointments and purchasing food is allowed. Travelers should limit human interaction, use social distancing guidelines, and are not allowed to spend the night without triggering the start of their quarantine period, where these activities are prohibited.

**b: I'm an out-of-state resident and I want to make a day trip to Montana for non-essential business or leisure/outdoor activity. Do I need to quarantine before participating in that non-essential business/outdoor activity?**

- Non-essential travel for non-residents into the state of Montana is not advised. All non-work travelers coming into Montana are required to quarantine for 14 days in Montana prior to participating in any non-essential activity in Montana.

### **15. Phase 1 Guidance for Pools at Licensed Public Accommodations (Hotels, Motels, Bed and Breakfasts, Tourist Homes, etcetera)**

Public Accommodation Pools are allowed to operate with reduced capacity of 50% of normal bather load and basic compliance with social distancing requirements.

The CDC has indicated that properly maintained pool water inactivates the virus. It is critical that pools that have shut down during this time or reduced maintenance follow proper re-opening procedures and sampling of chemical parameters to ensure water is safe for use, prior to opening to the public. Operators should work with their Certified Pool Operator and/or local/state sanitarian if questions arise regarding re-opening.

If a facility has had a confirmed COVID-19 case they should follow the CDCs facility environmental cleaning procedures for deck areas, seating, locker rooms, and other areas of the establishment frequented by swimmers.

**Public Accommodation Pools** (Pools at Hotels, Motels, Bed and Breakfasts, Tourist Homes, etcetera):

- Only registered guests can use the facility;
- Front desk/gate attendant tracks occupancy, incoming and outgoing to ensure maximum occupancy does not exceed 50% capacity of normal bather load;
- Signage must be posted with the following or substantially similar wording. Signs shall be positioned for effective visual observation by hotel guests, such as on the entry way door:
  - “Hotel guests with fever, shortness of breath, a cough, or other COVID-19 symptoms must refrain from using the pool.”;
- No congregating in waiting areas, patrons should wait in an appropriately spaced line or way that observes social distancing;
- Locker rooms should remain closed, except for showering before and after swimming. Since only registered hotel guests are allowed to use the pool, individuals should change in their rooms;
- Social distancing should be applied in all common areas;
- 6 foot spacing between unassociated swimmers (i.e. not family members);
- 6 foot spacing between groups of no more than 10 (i.e. family groups and unrelated individuals must maintain 6 foot separation);
- Space deck tables and chairs to facilitate 6 foot spacing;
- Recommend, where possible, use buoys and floating pool ropes to mark off lanes or areas of pool for separation of large swimming areas;
- Recommend, where possible, marking stairs and walkways with directional arrows to keep in/out traffic separated.

