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Wisconsin COVID-19 Ordinances Impact Employers

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Key points

Wisconsin municipalities of Milwaukee, Dane County, Madison and other smaller counties such as Ashland, Bayfield, Glendale and Shorewood enacted ordinances or orders mandating that residents and employees wear masks.

While each ordinance or order differs in the specific requirements, the requirement to wear a mask applies to all indoor public spaces, including workplaces and outdoor spaces when the ability to maintain a social distance of 6 feet is difficult or impossible.

As the number of coronavirus cases climb significantly in Wisconsin, municipalities are enacting their own requirements related to masks and social distancing. As we described in an earlier post, the Wisconsin Supreme Court limited the authority of the Governor to declare statewide restrictions. As a result, some of Wisconsin's largest municipalities such as Milwaukee, Dane County and Madison, as well as other smaller communities, have crafted local ordinances or orders imposing mask requirements, and other related restrictions.

Ordinances mandate masks

In response to a serious spike of coronavirus cases affecting younger people, Dane County imposed a mask mandate that went into effect on Monday, July 13. The ordinance requires face coverings in all indoor public spaces, except restaurants, for those age five and older. The ordinance applies to employees at the workplace; although a clarification indicates that individuals working in their own office space may choose not to wear the mask, so long as signs are

posted indicating that those who enter that personal office space should then wear masks as offered.

Milwaukee has an enacted a mask mandate for those age three and older. The Milwaukee Health Commissioner, Jeannette Kowalik, said the face-covering requirements apply to "everything outside of where you live." Again, businesses will have a responsibility to enforce this ordinance.

Other counties have adopted similar requirements, such as Ashland County and the City of Bayfield, both of which issued an emergency order. Bayfield's order was framed as an emergency advisory and one Bayfield official described it as a "serious recommendation" but not a mandate. Other cities in the greater Milwaukee area, including Glendale and Shorewood, have also adopted face-covering ordinances, as well.

Note that generally these municipal laws require not only wearing face coverings while indoors, but also require face coverings outdoors, when maintaining a distance of six feet or more between two people is difficult or impossible.

What this means to you

Employers in these communities should craft policies that are consistent with the law or orders, make those policies available to the employees, including posting them in conspicuous places in the workplace. It is recommended that employers provide access to masks and create individual signage reminding individuals that if they enter a closed office that may be occupied, they should identify themselves and both parties be prepared to resume wearing a mask. Further, these ordinances apply to hall and entry ways to offices, so that generally individuals should be donning face coverings as they leave their car in the parking lot to enter their office or place of work.

If you have questions regarding the impact of these ordinances or orders on your workplace, contact Tom Godar or your Husch Blackwell attorney.

Comprehensive CARES Act and COVID-19 guidance

Husch Blackwell's CARES Act resource team helps clients identify available assistance using industry-specific updates on changing agency rulemakings. Our COVID-19 response team provides clients with an online legal Toolkit to address challenges presented by the coronavirus outbreak, including rapidly changing orders on a state-by-state basis. Contact these legal teams or your Husch Blackwell attorney to plan a way through and beyond the pandemic.