



FORT BEND COUNTY
ORDER REQUIRING USE OF FACE COVERINGS IN COUNTY
FACILITIES

WHEREAS, on March 12, 2020, a Declaration of Local Disaster for Public Health Emergency was issued to allow Fort Bend County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Fort Bend County residents;

WHEREAS, on March 13, 2020, a Declaration of State of Disaster was issued by Governor Greg Abbott to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans;

WHEREAS, after expiration on June 10, 2020 of the Declaration of Local Disaster for Public Health Emergency issued on March 12, 2020 and extended by Fort Bend County Commissioners Court (the "Court"), the County Judge subsequently issued an additional Declaration of Local Disaster for Public Health Emergency on June 23, 2020, also extended by the Court on June 30, 2020, to implement recommendations to slow the continued rapid spread of COVID-19;

WHEREAS, the Declaration of a State Disaster declared on March 13, 2020 has remained in place continuously since such date;

WHEREAS, Governor Greg Abbott, on April 17, 2020, suspended Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that were inconsistent with the Governor's executive orders;

WHEREAS, Governor Greg Abbott, on July 2, 2020, issued Executive Order GA-29 which requires individuals to wear face coverings over the nose and mouth in certain circumstances to help slow the spread of COVID 19; and

WHEREAS, there currently still exists a declaration of public health disaster in and for the State of Texas as declared by Governor Greg Abbott and the Texas Department of State Health Services (DSHS);

WHEREAS, on January 21, 2021 President Joseph R. Biden issued Executive Order 13998 effective February 1, 2021, which requires face coverings to be worn by all travelers while on public transportation (which includes all passengers and all personnel operating conveyances);

WHEREAS, on March 2, 2021 Governor Greg Abbott issued Executive Order No. GA-34 relating to the opening of Texas in response to the COVID-19 disaster; substantially modifying restrictions on businesses and other establishments located throughout the state and limiting the regulatory authority of local jurisdictions;

WHEREAS, Fort Bend County is currently not in an area with high hospitalizations as defined in GA-34;

WHEREAS, Section 414.11 entitled Preventive Measures of the Fort Bend County Employee Information Manual provides:

“In the event of a Communicable Disease Emergency, the County Judge or his/her designee may implement policies, procedures and mandates as deemed necessary by the local health authority, to prevent the spread of disease, protect the health and safety of employees and the public, and ensure the essential services of the County can continue. Necessary policies may include, but are not limited to, the following:

- Screening employees for signs of illness
- Providing immunization and treatment
- Implementing quarantine measures
- Mandating social distancing measures such as avoiding meetings and face-to-face contact, telecommuting where practical, staggering shifts, suspending services and/or closing offices.”;

WHEREAS, there continues to exist a Communicable Disease Emergency and continued procedures and mandates have been deemed necessary by the local health authority;

WHEREAS, it is in the best interest of the residents of Fort Bend County to take all lawful means to halt the spread of coronavirus disease 2019 (COVID-19) by relying on the best available data and science-based public health measures. Such measures include wearing face coverings when around others, physical distancing, and other related precautions recommended by the Centers for Disease Control and Prevention (CDC) and the local health authority;

**NOW THEREFORE, I, COUNTY JUDGE OF FORT BEND COUNTY, TEXAS,
PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE
CHAPTER 418, HEREBY FIND AND ORDER:**

SECTION 1.

FINDINGS AND RECITATIONS

That the findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes. This Order shall incorporate and adopt the most recent Executive Order GA-34 issued by Governor Greg Abbott on March 2, 2021, and any subsequent orders by the Governor relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas.

SECTION 2.

A. FACE COVERINGS IN COUNTY BUILDINGS OR FACILITIES

To protect County employees and individuals interacting with the county employees and to ensure the continuity of Fort Bend County government services and activities, on-duty or on-site County employees, on-site County contractors and all visitors in County buildings and/or facilities shall be required to wear face coverings, maintain physical distance, and adhere to other public health measures, as provided in CDC guidelines, directives by the local health authority and the attached Health and Safety Policy for Fort Bend County Buildings and Facilities.

“County Buildings and/or Facilities” means buildings, or office space within buildings, owned, rented, or leased by Fort Bend County of which a substantial portion of occupants are County employees or County contractors and/or other facilities where the primary purpose of the activity/business being conducted whether temporary or permanent is the furtherance of County business or the furtherance of service(s) to the public. COVID-19 testing facilities and vaccination sites are expressly included in the definition of “County Buildings and/or Facilities.” This order shall also be applicable to vehicles carrying anyone other than the operator while conducting County business.

B. SCREENINGS

Individual entering into County Buildings or Facilities may be required to be screened for symptoms of COVID-19 including but not limited to a temperature check. Individuals exhibiting symptoms of COVID-19 including but not limited to a cough, shortness of breath, or difficulty breathing; or who whose temperature equals or exceeds 100.0°F will be refused admittance to the building or facility.

All individuals entering County buildings and/or facilities will be encouraged to bring face coverings with them, but if they do not have a face covering, a disposable face mask will be provided.

Nothing in this Order shall require the use of a face covering by anyone for whom doing so would be contrary to his or her health or safety because of a medical condition, a child under the age of 2 years, or an older child if the parent, guardian or person responsible for the child is unable to place and maintain the mask position safely on the child's face.

Nothing in this Order shall require the use of a face covering inconsistent with the guidance provided in the Secretary of State's Election Advisory No. 2020-19 issued to assist election officials to prepare for and facilitate in-person voting during the public health crisis caused by COVID-19.

If a person declines to wear a mask or face covering because of a medical condition as described above, such person shall not be required to produce medical documentation verifying the stated condition.

SECTION 3.

REASONABLE ACCOMODATION

Fort Bend County will, upon request, provide a reasonable accommodation to employees who are unable to wear a face covering due to a physical or mental disability or other condition. Examples of these types of conditions include individuals with asthma, chronic pulmonary disease, post-traumatic stress disorder, autism and cerebral palsy.

Fort Bend County Employees and Department Heads are hereby directed to provide upon request a reasonable accommodation to those persons seeking essential County services but who are unable to wear a face covering due to a physical or mental disability or other condition. Examples of these types of conditions include but are not limited to individuals with asthma, chronic pulmonary disease, post-traumatic stress disorder, autism and cerebral palsy.

SECTION 4.

RESIDENTS STRONGLY ENCOURAGED TO WEAR FACE COVERINGS

Nothing in this Executive Order precludes businesses or other establishments from requiring employees or customers to follow additional hygiene measures, including the wearing of a face covering; and the use of face coverings. Residents of Fort Bend County are strongly encouraged to wear face coverings whenever it is not feasible to maintain six feet of social distancing from another person not in the same household.

SECTION 5.

FEDERAL PRECLUSION

Under the authority granted through Executive Order 13998 “Promoting COVID-19 Safety in Domestic and International Travel” issued by President Joseph R. Biden on January 21, 2021, requiring face coverings to be worn by all travelers while on public transportation (which includes all passengers and all personnel operating conveyances), all riders of public transportation and visitors to the Fort Bend Transit Facility are hereby required to wear a face covering. Visitors and passengers will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided. Nothing in the Order shall require the use of a mask or cloth face covering by anyone who does so would be contrary to his or her health or safety because of a medical condition, a child in a child care setting, anyone under the age of 2 years, or an older child if the parent, guardian or person responsible for the child is unable to place and maintain the mask position safely on the child’s face.

Individuals should follow recommendations given by the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, and any emergency temporary standards on COVID-19 which are due to be released on March 15, 2021, pursuant to Executive Order 13999 “Executive Order on Protecting Health and Safety” issued by President Joseph R. Biden on January 21, 2021.

SECTION 6.

COURT PROCEEDINGS

Court Proceedings will be governed by the Orders of the Texas Supreme Court the latest of which is the THIRTY-SIXTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER dated March 5, 2021 as well as guidance from the Office of Court Administration in addition to applicable Orders from the Texas Court of Criminal Appeals.

SECTION 7.

NOTICE AND DETERMINATION OF INVALIDITY

Fort Bend County will post this Order on its website. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remainder of this Order.

SECTION 8.

SCOPE AND EFFECTIVE DATE

This Order applies to all unincorporated and incorporated areas within the boundaries of Fort Bend County and shall be effective as of 12:01 a.m. March 10, 2021 until 11:59 p.m. on June 1, 2021, unless a declaration of the local disaster for public health emergency is no longer in effect.

SECTION 9.

IN CONFORMITY WITH THE ORDERS OF THE TEXAS GOVERNOR

To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Order, enforceable as if set forth herein without necessity for the issuance of any further orders.

ORDERED this the 9th day of March 2021.



KP George, County Judge

Health and Safety Policy for Fort Bend County Buildings and Facilities

The virus that causes COVID-19 can be spread to others, by infected persons who have few or no symptoms. Because of the hidden nature of this threat, it is the policy of Fort Bend County to require the following:

1. FACE COVERING REQUIRED IN ORDER TO ENTER AND REMAIN ON COUNTY PREMISES.

All persons over the age of two (2) including employees, customers, visitors, invitees and contractors, who enter to work or conduct business in a County building must wear a face covering over their nose and mouth pursuant to the following guidelines:

- Individuals, including employees, must wear a face covering in all public areas. This includes entering and exiting the building, and while in an elevator.
- Face coverings must be worn by all persons who have a conversation within six (6) feet of each other.
- Face coverings must be worn when going from point A to point B. In other words, if you leave your primary work area, you must wear a face covering.
- Face coverings may be removed by employees once the employee reaches their primary work area so long as the employee is not within six (6) feet of another individual.
- The requirement of a face covering does not apply if covering the nose and mouth poses a significant mental or physical health risk to the individual. Employees who are unable to wear a face covering due to a medical condition, are directed to privately discuss these concerns with your supervisor or Human Resources.

2. SOCIAL DISTANCING PROTOCOLS. Even with the use of appropriate face coverings, individuals should maintain six feet of social distancing whenever possible

3. NOTICE AND SIGNAGE. Notice of this Health and Safety Policy will be posted in a conspicuous location in County buildings.