Q&A related to Maui County Public Health Emergency Rules, September 15, 2021

Proof of vaccination/testing for employees:

Q: Does the testing requirements begin on September15 or is it 7 days after?
A: *It begins on September 15*

Q: Does the vaccine/testing include a hotels purchasing department? They order and move the food around however they do not handle, cook or serve food and drinks.
A: *Not with our rules but may with upcoming federal rules*

Q: A few questions in regard to all F&B employees now needing to be fully vaccinated or test 1x week:

- Q: Does this include all employees in the food service (handlers) side including pool servers and our club concierge servers?
- A: *Yes*
- Q: Does it include our purchasing and stewarding teams who are handling food but not in the service front of house side of it?
- A: *No*

Q: Do musicians who play in restaurant/bar/lounge areas have to be vaccinated or submit to weekly testing?"
A: *Yes, if classified as an <u>indoor</u> space*

Q: Do lua'u performers have to prove vaccination/testing status?
A: *No, those performing <u>outside</u> do not have to prove vaccination/testing status*

Q: According to one of the reporter questions in the Governor's press conference today, state law says if an employer is mandating that an employee needs to get testing then the employer needs to pay for it. However, if that is the case, and the employer needs to also compensate the employee for the time they took to get tested, what incentive is there for workers to get vaccinated? Will the county ask the state to change state law via another emergency proclamation so that testing is the employees' responsibility?
A: *We'll ask the Governor*

Q: What happens if we cannot get all of our food and beverage employees vaccinations by September 15th? What about employees who have gotten one shot but are not scheduled to get the second shot until after Sept. 15?
A: *They can test to comply*

Q: Some medical organizations such as HMSA have said to their members that they will not provide COVID tests to employees who need it for work, and that COVID tests were being saved for those that were exposed to others who were COVID positive. Does the mayor's announcement change this policy?
A: *We have no authority over HMSA's policies*

Q: COVID tests were already scarce before this. Will there be more testing clinics provided by the county/DOH? If so how soon can we find out some details so that we may pass them along to our staff?
A: *The County and State are working with testing vendors to expand capabilities. Affected businesses may purchase FDA EUA self-administered test kits that could be used by employees.*

Q: When it comes to travel, the restrictions say that if you want to fly via a vaccine exemption your departure date needs to be two weeks after you get your final vaccine shot. Does that also apply to employees who are getting vaccinated? Do they have to wait two weeks afterwards before coming back to work?
A: *Yes, People are considered fully vaccinated for COVID-19 when more than two weeks have passed since receiving the last dose References 4.b.1 in the Rules*

Q: Maui County specifically lists restaurant, bars and gymnasiums as having to have all of our employees either vaccinated or tested weekly. But what about staff members who work in those areas who aren't anywhere near food and beverage? Such as HR or other office administration?
A: *This is not required under County rules*

Q: If an employee has previously tested positive for COVID-19, is that employee still required to be vaccinated or test weekly? The DOH has said before that once a person tests positive they have the antibodies need that would prevent transmission of the virus. I imagine that means those employees would be exempt.
A: *An employee that has tested positive for COVID-19 is exempt from the testing or vaccination requirement for 90 days from the date of the infection*

Q: Are there any best practices listed somewhere by the county or state to help us with verifying the vaccination status or test results?
A: *Smart HEALTH Card: https://hawaiicovid19.com/smart-health-card/*

Q: Are spas being counted as a type of gymnasium and if so will those employees have to also be vaccinated/tested?
A: *Yes, gyms, spas, fitness centers, have this requirement.*

Q: Considering that some hotel operations hand out refreshments in the lobby during check-in, do we need those employees in the lobby to also be vaccinated and should we be checking guest vaccinations/testing as well in those areas?
A: *No*

Q: Does this employee vaccination/testing rule apply to those who work in banquets and luaus?"
A: *Yes*

Q: Do contract cleaners who clean our restaurants and bars (and hotel gyms) have to all be vaccinated as well? What if an engineer goes into the kitchen to fix an oven? I'm just wondering how far to take this mandate.
A: *No*

Q: Can we get a written explanation about the mandatory testing/vaccination for employees and the indoor/outdoor requirements for those dining in our restaurants/bars? In other words, do our employees who serve food and beverage in open air environments still have to get vaccinated/weekly testing?
A: *Yes, all food establishment employees are required to be vaccinated or test weekly. Please refer to page 13 in the September 15 rules:* https://www.mauicounty.gov/DocumentCenter/View/125111/COM_Public-Health-Emergency-Rules

Q: Do golf snack shops, golf snack carts and food trucks need to adhere to the vaccination/testing rule for employees?
A: *Yes, the rules apply to any employee working in a food establishment*

Q: If a restaurant is entirely "outdoor" dining, do the employees still need to show proof of vaccination/testing?
A: *Yes*

Q: Do all employees in the hotel spa need to be fully vaccinated or opt for testing?
A: *Yes, even those providing outdoor massages.*

Vaccination proof for residents/tourists:

Q: Do we need to ask for vaccine cards in our club concierge level dining area? It's on the 8th floor and is more of a lounge area with two tables outside.
A: *Yes*

Q: Does management need to ask for proof of vaccination or testing at club concierge areas (which usually provide food and beverage)? Does it make any difference if the club areas are inside or outside?
A: *Yes, for indoors, if outside then no vax requirement*

Q: Do we need to ask for vaccine cards in our weight room? It currently only has a max occupancy of four people
A: *Yes*

Q: Who will be charged with the enforcement of employee vaccination and/or weekly COVID test?
A: *The business is responsible*

Q: How does the Governor's SMART Health pass that he just announced fit in to Maui County's new restrictions?
A: *It can be used to verify vaccination status*

Q: For vaccinated patrons dining with children under the age of 12 who can't be vaccinated at this time, should a separate outdoor seating area be set up for minors or can they sit with their parents/guardians?
A: *No, only those 12 or over sitting inside must be vaccinated.*

Q: If we put an identifying vaccination wrist band on a guest at check-in, do we have to recheck their vaccination status at our restaurant or bar or other F and B establishment?
A: *No, the business must attest to the verification so if they are comfortable with a wrist band then that's okay.*

Q: To clarify, if a guest is not vaccinated but has tested negative can I allow them into my indoor dining area and use the gym?
A*: No*

Q: Pool areas are all outside for the most part, I'm assuming the unvaccinated can order food and drinks out there or is that restricted as well?
A: *Yes, unvaccinated guests may be served outdoors, including poolside*

Q: If we have a gym on property and if gym patrons all have to be vaccinated, then is it safe to assume that we need to staff the gym area with someone to

check vaccinations and that employee needs to be vaccinated/tested weekly as well?
A: *Yes, restaurant and gym/spa staff must be vaccinated or tested weekly. Unstaffed gyms must have staff to verify vaccination status or be closed.*

Q: Do all guests entering our spa need to be fully vaccinated?
A: *Yes*

Q: Do guests getting a massage outdoors have to be vaccinated?
A: *No*

Gathering limits/Commercial exemptions:

Q: Can staff meetings be held in a meeting room/space as a professional event if there are 10 people or less in attendance?
A: *Yes*

Q: Are indoor commercial events less than 50 required to complete a commercial exemption form?
A: *Yes, indoor Commercial events are not allowed without an exemption*

Indoor/outdoor classifications for restaurants/employee dining:

Q: I have submitted specific pictures of our restaurant at our resort. The patio of this restaurant has a roof but no walls and we can see the area is outdoors but the Liquor Department has had a different stance about that. Can we make sure that the definition given to us by the county is consistent with the enforcement guidelines they are following?
A: *Please submit your photos and comments to:*
mayors.office@mauicounty.gov

Q: On Oahu there is an interpretation that employee cafeterias are not part of the vaccination program. What is Maui County's interpretation for those cafeteria areas at our properties given these new guidelines and restrictions?
A: *Cafeterias are food service areas and are subject to these rules*

Q: My restaurants all have indoor/outdoor areas and some areas are in-between. Will the county be defining which is which?
A: *Please see paragraph 4.b.ii in the Public Health Emergency Rules*

Other:

Q: Does 'safer outside' replace the 'safer at home' guideline from last week?
A: *No, everyone is safer at home but if you leave your home, stay outside as much as possible.*

Q: Can we get two weeks to prepare like Oahu did? Why do we have one week to get our employees vaccinated?
A: *Testing is allowed to assure compliance. For incredibly compelling reasons, they may contact the Mayor's office for a very short extension.*

Q: I have a question regarding the 'safer at home' policy announced. When the county says that all individuals are 'ordered to stay at their residence' are we including our workers/staff as well? Also, if the county is asking (or mandating, I'm not sure which) that guests stay on property, then why would we restrict their ability to find something to eat with the restaurants only operating at 50 percent for customers over the age of 12 to show proof of being fully vaccinated?
A: *The county recommends staying at a place of residence except for activities allowed under the rules. Individuals may leave a place of residence to dine in a food and beverage establishment located on or off-property.*

Q: How long will these rules be in force?
A: *The County of Maui will review the rules on Oct. 15 to determine if they should be amended or rescinded. If public health conditions significantly improve before then, the rules may be reviewed earlier.*

Last updated: 9/14/21