

DISCLAIMER: This document should not be considered legal advice. Each state has different laws, regulations and orders for COVID-19 issues — and local laws may also apply. Therefore, you should not rely upon the information in this Q&R in lieu of and without consulting and obtaining legal advice from your legal advisors in your state and jurisdiction. It would also be wise to consult with your insurer on COVID-19 issues.

Questions and Responses on Deciding About Gathering in Person

Question 1: I heard that the Centers for Disease Control and Prevention (CDC) issued new guidance about masks and social distancing. Can you summarize the guidance, and does it address issues such as gathering for worship?

Response: The CDC issued new guidance on May 13, 2021, on activities in which those who are vaccinated can engage, which the CDC summarized as follows:

Fully vaccinated people no longer need to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.

Fully vaccinated people can refrain from testing following a known exposure unless they are residents or employees of a correctional or detention facility or a homeless shelter. (emphasis added)

You can find more information at this link:

[cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html)

The guidance concerns those who are vaccinated and continues to stress that those who are not vaccinated should wear a mask, continue to social distance at least 6 feet, and regularly wash their hands. As for activities for the vaccinated and unvaccinated, the CDC has a list of activities and recommendations that you can find at this link:

[cdc.gov/coronavirus/2019-ncov/daily-life-coping/participate-in-activities.html](https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/participate-in-activities.html)

The list does address worship. On the topic of “Attend a full-capacity worship service,” that setting is one of the least safe for unvaccinated people.

Question 2: Now that vaccines are available and the CDC guidance was updated, our session is discussing a return to in-person worship services as well as in-person educational programs, fellowship events, and meetings of the session and committees. What issues should the session consider in discerning whether and when to return to in-person worship and meetings?

Response: We suggest you think about the following:

- a. You should of course consult with your state website on COVID-19 and comply with any orders issued by your governor and the state related to masks, social distancing, the number of people who can gather in one space, and so forth. Remember what the CDC guidance states:

Fully vaccinated people no longer need to wear a mask or physically distance in any setting, **except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.** (emphasis added)

Some states continue to have mask mandates regardless of whether citizens are vaccinated; other states do not. If you do not mandate masks or do not enforce everyone attending being masked and someone complains, you could be cited under state rules. Other sources of information include covidactnow.org and cdc.gov/coronavirus/2019-ncov/index.html.

- b. It would be wise to have a plan approved by your session concerning how it will address COVID-19 issues, including worship, education, fellowship, session and committee meetings, and meetings of other groups that gather in your buildings. That will be of benefit, especially:
 - 1. If shared with your insurer to get its feedback so that if anyone gets sick and a claim is filed, you can say you consulted with the insurer and got its feedback and opinion. If you do not know where to start, your insurer may have draft plans available or suggestions on what to include in such a plan.
 - 2. To give members and non-member worshipers and visitors to your building(s) a level of comfort that you are thinking in advance of issues (masking, social distancing, hand sanitizer, etc.) and addressing them.
 - 3. That plan can include a decision by your session or council that you will continue to ask everyone to mask up and stay 6 feet apart. That is included in the CDC guidance (“except where required by ... local business and workplace guidance.”)
- c. The plan should include the latest guidance from the CDC and your state.
- d. Think about the impact of going mask-free, including the safety risks and the potential stigma for folks who, for example, wear a mask to comply with CDC guidance or because they have health issues or are children not yet eligible for the vaccine or otherwise feel unsafe around others. You can eliminate the stigma of vaccinated versus unvaccinated by considering a requirement that everyone continue to wear masks for worship and meetings.
- e. It would be wise to post signs at sanctuary doors and in meeting rooms, including:
 - 1. If you have had any of the following symptoms in the past 14 days, please do not attend this worship service or meeting (and list common symptoms of COVID-19 set out by the CDC).
 - 2. If you have been exposed to anyone with COVID-19 in the past 14 days, please do not attend this worship service or meeting.
 - 3. Please wear a mask at all times.
 - 4. Please respect social distancing of 6 feet apart from anyone not in your household at all times.

5. If you have not been vaccinated, as a member or visitor to this covenant community of faith in which we all attempt to keep each other safe, we expect you to wear a mask. Those who are vaccinated may choose to wear a mask as an act of hospitality.
6. The CDC has posters that it prepared for the pandemic, which you can find here:

[cdc.gov/coronavirus/2019-ncov/communication/toolkits/general-public.html](https://www.cdc.gov/coronavirus/2019-ncov/communication/toolkits/general-public.html)

- f. Don't forget to include in your planning a discussion of the option of a hybrid presentation of worship and meetings. If you start in-person worship and meetings, consider offering the option of online platforms, such as Zoom, so that folks who are uncomfortable with in-person gatherings or who have not been vaccinated can participate. You can find more information at this link:
[presbyterianmission.org/resource/hybrid-ministry-discerning-next-steps/](https://www.presbyterianmission.org/resource/hybrid-ministry-discerning-next-steps/)
- g. Documenting your plan will be important if anyone claims to have become ill at your meeting or worship service, so that you can show that all reasonable steps have been taken to protect attendees.
- h. If someone does become ill or exposed during a meeting or worship service, you should contact the local Board of Health immediately and follow their instructions.

Question 3: Our congregation is considering moving to in-person worship, which will include congregational singing and musical offerings from our church choir. What is a safe way to provide for congregational signing and choral music?

Response: First, consider existing CDC guidance concerning singing at this link:

[cdc.gov/coronavirus/2019-ncov/daily-life-coping/participate-in-activities.html](https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/participate-in-activities.html)

You will find CDC guidance on choosing activities, which includes “Sing in an indoor chorus” under “Examples of Indoor Activities.” For unvaccinated people, this activity is deemed least safe. Strategies to reduce (but not eliminate) risks associated with singing include providing a time for singing outdoors, before or after worship; having a soloist or small ensemble sing standing more than 6 feet away from congregants while worshipers follow along in prayer; inviting worshipers to hum or sing on certain stanzas of a hymn; or limiting the duration of the service or the number of musical selections.

You can find additional information on good and safe practices in a YouTube video here:

[youtube.com/watch?v=aesWEkmHYYc](https://www.youtube.com/watch?v=aesWEkmHYYc)

Question 4: Now that vaccines are available and the new CDC guidance was issued, our presbytery/synod leadership group is discussing a return to in-person meetings of the leadership group and its committees. What issues should be considered in discerning whether and when to return to in-person meetings?

Response: See the suggestions in the Response to Question #1.

Question 5: If we return to in-person meetings and/or worship, our session (or mid council) is discerning whether it should ask worshippers/attendees/members to sign a release form and waiver of liability.

Response: You should discuss this issue with your legal advisor and your insurer. Asking for such a waiver will obviously be off-putting for members and guests. But you must decide this issue as part of your risk management planning and COVID-19 plan.

Question 6: If someone shows up for worship or a meeting and has symptoms of COVID-19 or says they have recently been exposed to someone with COVID-19, can we turn them away?

Response: You should discuss this issue with your legal advisor, your insurer, and your session or mid council (and comply with local and state orders and follow CDC guidance). You should consider including the decision whether to admit such visitors to worship or meetings, or not, in your plan for reopening. It would be advisable to require everyone to be masked and those who are not from the same household to be socially distanced in any gathering. Your church building and offices are private property, you can control who visits them, and you have a responsibility to keep guests and visitors safe. While turning away folks may not feel welcoming, it may be the safe thing to do to protect others.

Question 7: If we return to in-person worship and meetings, can we require that those who attend provide proof that they have been vaccinated?

Response: You should discuss this issue with your legal advisor, your insurer, and your session or council. You should consider including your decision whether to admit such visitors to worship or meetings, or not, in your plan for reopening. Some folks may have reasons why they cannot get vaccinated, such as a health condition that prevents it. So, you may want to consider exceptions. This is also a reason to include a hybrid plan for worship and meetings in your reopening plan so you can invite folks who cannot be vaccinated to participate remotely. From a health and safety perspective, of course it would be beneficial if all who attend are vaccinated, but keep in mind that the vaccines are not 100% effective. Someone who is vaccinated may suffer the symptoms of COVID-19 if infected, and it is possible they can be a carrier and infect others. So continued vigilance in requiring things like masks and social distancing is still advisable, per current CDC guidance.

Also, depending upon whom you require to wear a mask, or not, you may create a stigma. If you only require the unvaccinated to mask up, that may stigmatize them even if their reason for refusal is a health issue that prevents them from being vaccinated.

This question also brings up thorny ethical and theological questions as you navigate in-person worship, sacraments, mission and ministry, such as:

- a. How will you enforce any required limits?
- b. If a stranger/friend/member/elder comes to worship without a mask, will you ask if they are vaccinated?

- c. What if you give someone who is maskless a mask, but they refuse to wear it?
- d. What if they do wear a mask and they are the only person wearing a mask because everyone else has been vaccinated?

Question 8: What about ministry with children who are not yet eligible to receive a vaccine?

Response: Children are vital members of the body of Christ. Until vaccines are available for all minors, additional safety measures may be prudent. For instance, it may be wise to continue hand washing, distancing and mask-wearing, particularly for indoor activities. Many children will likely be accustomed to these protocols from school. Holding Sunday school classes, Vacation Bible School and other events outdoors may help to reduce the risks of spreading the virus. At intergenerational events, such as public worship, it may be valuable for vaccinated youth and adults to continue to wear masks until it is safe for all.

Question 9: Can we require employees of our church/presbytery/synod to be vaccinated in order for them to return to work in our office?

Response: The literature indicates you can require employees to be vaccinated but recommends that employers strongly urge employees to get vaccinated rather than mandate it. If employers ask for employees to be vaccinated, there are two exceptions if the employer is subject to state or federal employment laws:

- a. If you are subject to state or federal disability laws, you may be required to accommodate employees who have a health condition that prevents them from being vaccinated. You must at least discuss an accommodation and provide one if it does not require undue hardship for you as the employer. But you should discuss all of this with your legal advisor.
- b. If you are subject to state or federal employment laws (for example, Title VII) you may be required to accommodate employees who decline to take the vaccine due to a sincerely held religious belief. You must at least discuss an accommodation and provide one if it does not require undue hardship for you as the employer. But you should discuss all of this with your legal advisor.

Resource: [eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act#q13](https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act#q13) (see question 13 in the EEOC's guidance.)

Keep in mind that an accommodation can include working from home, if that is appropriate and reasonable in view of an employee's job duties.

Question 10: Can we ask employees to stay home if they report that they have COVID-19 or have recently been exposed to someone who has COVID-19?

Response: The CDC has stated that employees with symptoms of influenza-like illness at work during a pandemic should leave the workplace. The Equal Employment Opportunity Commission stated that directing workers to go home is permissible and not considered disability-related if they report COVID-19 symptoms.

Resource: [cdc.gov/flu/business/stay-home-when-sick.htm](https://www.cdc.gov/flu/business/stay-home-when-sick.htm)
<https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act> (Section III(B)(5))

Question 11: What about groups that use our church buildings, such as scout troops or Alcoholics Anonymous? Can we require them to mask up and meet socially distanced?

Response: Presumably, you are the landlord for such groups and have a lease or some sort of written agreement for those groups to use your buildings. If so, your lease or agreement should require such groups to comply with church policies and protocols, such as a child protection policy (which is required by the Book of Order) or your COVID-19 plan and protocols. If they want to use your buildings, such groups should be required to comply with your COVID-19 policies and protocols, even if you do not have a lease or written agreement.