

# FREQUENTLY ASKED QUESTIONS

## DPHSS Guidance Memoranda 2021-29, 2022-04, 2022-07, and 2022-08

*Note: While the Department of Public Health and Social Services will attempt to keep the information presented below as up-to-date as possible, due to the rapidly evolving situation of the public health emergency, and the subsequent guidance memoranda that are frequently issued by this department, the information presented below may become quickly outdated, and is subject to change without advance notice. To ensure the access of the most current guidance, go to [www.dphss.guam.gov/covid-19-jic-releases-executive-orders/](http://www.dphss.guam.gov/covid-19-jic-releases-executive-orders/)*

### 1. How would I know if my establishment meets the definition of a Covered Establishment?

The list of Covered Establishments provided on DPHSS Guidance Memorandum 2022-08 is as follows:

- a. Bingo halls;
- b. Boat cruises;
- c. Bowling alleys;
- d. Concerts and similar events;
- e. Food courts at shopping Centers or malls, except the food courts located in the terminal building of the international airport for travelers screened by security, including passengers who are transiting, delayed, or departing Guam;
- f. Gymnasiums, fitness centers, and dance studios;
- g. Movie theaters;
- h. Organized contact sports for training and competition, except school-sanctioned events;
- i. Swimming pools;
- j. Theaters and museums; and
- k. Eating and Drinking Establishments with in-person, indoor/outdoor dining, except the following:
  - i. Eating and drinking establishments in schools (grades pre-K to 12);
  - ii. Mobile food service establishments and Temporary Food Service Establishment, provided, such is not part of an organized event and seating for dining purposes is not provided; and
  - iii. Catering establishments that provide off-site services at a private or public venue.
- l. Other Covered Establishments determined by DPHSS.

### 2. Are all establishments required to maintain a contact log of employees and patrons?

No. Only the following establishments are required to maintain contact logs of employees, including third-party vendors (i.e., suppliers/delivery staff that enter the premises), and patrons:

- a. All Covered Establishments;
- b. Childcare Facilities;
- c. Cosmetology Establishments (barbershop, beauty salons, therapeutic massage); and
- d. Schools (Kindergarten – 12 grade).

**3. What information should be included on the establishment's contact log sheet?**

- a. Date and time of visit;
- b. First and last name of each individual; and
- c. Contact information (phone number or email address).

Contact logs must be maintained and kept on file for a period of 30 days from the date of service, and must be readily available to DPHSS upon request.

**4. Are individuals allowed to enter the premises to get food from a buffet and/or to use the bathroom or a locker room to change clothes without showing proof of vaccination at a Covered Establishment?**

No. Covered Establishments must verify vaccination status of each individual who intends to use their premises, such as to use the bathroom or locker room, or to get food from a buffet.

**5. Does a Covered Establishment need to check proof of vaccination for suppliers or vendors?**

No. Covered Establishments do NOT need to check proof of vaccination for individuals making deliveries or pickups, or for individuals picking up items such as food for takeout or delivery. However, these individuals must wear a face mask at all times.

**6. Could a Covered Establishment adopt a stricter policy than what is required in the Executive Order or DPHSS Guidance Memo?**

Yes. The Executive Order and DPHSS Guidance Memo provide minimum requirements that Covered Establishments must comply with in order to operate. Establishments may choose to implement stricter policies, subject to existing legal restrictions. This information is not intended to serve as legal advice and should not be construed as legal advice. Covered Establishments should seek the advice of an attorney with regard to adoption of vaccination policies.

**7. If the establishment is not listed as a Covered Establishment, are the employees required to provide or show proof of vaccination?**

No. Only those that are listed as a Covered Establishment are required to implement and enforce the proof of vaccination requirement for employees.

**8. Are business meetings limited to the social gathering restrictions provided in DPHSS Guidance Memorandum 2022-08?**

No. Businesses and other organizations are authorized to conduct meetings, conferences, and other similar activities, either in their place of business or off-site, for the purpose of carrying out official business, provided such activities do not exceed 75 total number of vaccinated individuals and complies with DPHSS Guidance Memorandum 2022-04.

**9. Can business meetings, conferences, and other similar activities be held at a venue's full capacity?**

No. The total number of individuals attending business meetings, conferences, and other similar activities of businesses and organizations should not exceed 75 vaccinated individuals.

**10. Can a business or organization conduct a fundraising event or business dinner at a public or private venue?**

Special events of businesses, organizations, or government agencies that is not a part of their regular operations must adhere to the congregation limitation of 25 individuals indoors and 100 individuals outdoors.

**11. Do employees/patrons need to be fully vaccinated?**

No. DPHSS Guidance Memo 2022-08 requires employees or patrons occupying a Covered Establishment to be vaccinated with at least the first shot of a recommended series of vaccination with a vaccine authorized to prevent COVID-19 by the U.S. Food and Drug Administration (FDA), including by way of an emergency use authorization, or by the World Health Organization (WHO). Alternatively, employees may submit to weekly testing as provided in Executive Order 2021-21 and DPHSS Guidance Memo 2022-08.

**12. If an employee of a Covered Establishment has not received any COVID-19 vaccine and has received an exemption from DPHSS, or is awaiting approval of an exemption request, is he/she required to get weekly testing?**

Yes, such employee will be required to undergo and submit proof of a negative COVID-19 test once weekly. The Covered Establishment must maintain records of test results for a period of not less than 60 days.

**13. Can an employee who is required to undergo weekly COVID-19 testing continue to work while waiting for the test result?**

Yes.

**14. Can businesses conduct the weekly test for employees by using an over-the-counter COVID-19 test kit?**

Not at this time.

**15. Are there exemptions from wearing a face mask?**

No. However, DPHSS Guidance Memo 2022-08 lists the following activities when individuals may remove their masks temporarily:

- a. When actively eating or drinking;
- b. When engaged in physical activity, such as exercise or sports; and
- c. When a mask would create a risk to an individual's health, safety, or job duty, such as during live singing performances, playing wind instruments, and similar activities.

**16. Are patrons allowed to remove their masks when singing karaoke or dancing in a club?**

No. Patrons may only remove their masks during activities listed in DPHSS Guidance Memo 2022-08, such as when engaged in physical activity (i.e., sports/exercise), when actively eating or drinking, or when a mask would create a risk to an individual's health, safety, or job duty, such as during live singing performances, playing wind instruments, and similar activities.

**17. Since self-attestation is an acceptable proof of vaccination:**

**a. Are establishments liable if patrons provide misleading information?**

No. The establishment's responsibility when accepting self-attestation as a proof of vaccination is to have the patrons sign the self-attestation form and keep it on file for a period of 30 days from the date it was signed. Such records must be made readily available to DPHSS, upon request.

**b. I self-attested that I have received at least one dose of the COVID-19 vaccine, but some establishments refuse to accept self-attestation or they require the presentation of a written document (i.e., shot record) as proof of vaccination. Aren't they in violation for not accepting my self-attestation as a proof of vaccination?**

No. The Governor's Executive Order 2021-20 and DPHSS Guidance Memorandum 2022-08 provide businesses and services the minimum requirements to operate during the COVID-19 public health emergency. They are allowed to implement more stringent protocols as they deem fit for their operations.

**18. If I want to have a party at my private residence, what are the restrictions?**

Parties where more than one (1) person from different households come together for an event are considered congregations or social gatherings. As such, the organizer or host must ensure that there are no more than 25 people indoors, or no more than 100 people outdoors in her/his private residence.

**19. Can Covered Establishments hold concerts and similar events on their premises at 100% occupancy, provided they separate groups or tables by a minimum of 6-feet physical distance?**

Concerts and similar events are considered congregations and social gatherings, and must be limited to no more than 25 individuals indoors or no more than 100 vaccinated individuals outdoors for the whole event, regardless of the occupancy rate of the premises.

**20. Are unvaccinated children under twelve (12) years and one (1) month of age counted in the congregation restrictions of 25 individuals for indoors or 100 individuals for outdoors?**

Yes.

**21. If I go to a public beach with family and friends, are we still required to wear masks even if its outdoors?**

Yes. Unless engaged in specified activities as indicated in DPHSS Guidance Memorandum 2022-08, such as exercise or sports, or while actively eating or drinking, individuals must wear face masks at all times.

**22. Are funerals affected by the congregation limit?**

No. DPHSS Guidance Memo 2022-08 provides an exemption for funerals and thus, not considered a social gathering or congregation, provided that food or drinks are not served onsite.

**23. Are places of worship affected by the congregation limit?**

No. Executive Order No. 2021-21 and DPHSS Guidance Memorandum 2022-08 exempts regular operations in places of worship from congregation restrictions, but must strictly

comply with the requirements in DPHSS Guidance Memo 2021-18 for mask wearing, cleaning and disinfection, hand washing/hand sanitizing, and respiratory etiquette.

**24. Must organizers of events, such as concerts, outreach activities, night markets, fiestas, food truck rallies, and other similar events limit the number individuals to no more than 25 indoors or no more than 100 outdoors?**

Yes. Organizers of events, such as the examples above, must ensure that there are no more than 25 individuals for indoor activities and no more than 100 individuals for outdoor activities.

**25. Are unorganized non-contact sports affected by the congregation limit?**

Yes. Unorganized, non-contact sport activities, such as “pick-up games” at a public park, are considered as congregation, and thus should be limited to no more than 25 vaccinated individuals indoors or no more than 100 vaccinated individuals outdoors.

**26. At what age do children need to be vaccinated to participate in sports?**

For scholastic sports events, all coaches and participants sixteen (16) years and one (1) month of age or older must show proof of vaccination. For non-scholastic contact and non-contact sports events, including trainings and competitions, all coaches and participants twelve (12) years and one (1) month of age or older must show proof of vaccination.

**27. Are group classes at gyms/dance studios limited to 25 individuals indoors, including the instructor?**

Yes. Indoor gym classes and dance studios must allow no more than 25 vaccinated individuals, including instructors, per room.

**28. Can I reserve two (2) rooms for the same function to increase capacity to 50 attendees?**

No. Covered Establishments are prohibited from accommodating more than 25 vaccinated individuals for a single event except for business meetings and similar activities for the purpose of carrying out official business of businesses and organizations.

**29. Can there be a special exemption from the congregation rules if I feel there is sufficient reason and a COVID-19 mitigation plan is submitted?**

No. Current guidance memoranda do not require the submission and approval of COVID-19 mitigation plans. In addition, DPHSS will not be granting any exemptions to the requirements to ensure uniform and consistent application of the Executive Orders and DPHSS Guidance Memoranda.