Oregon Rule
OAR 437-001-0744
Addressing COVID-19 Workplace Risks
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Introduction

The Oregon Occupational Safety and Health Administration (Oregon OSHA) put in place an emergency temporary standard (ETS) detailing coronavirus-related safety mandates that all companies under the jurisdiction of Oregon OSHA must meet. The standard is designed to establish requirements for employers to control, prevent, and mitigate the spread of COVID-19 to and among employees and employers.

The regulation is effective **November 16, 2020** and expires on **May 4, 2021** unless extended or made permanent. The requirements in the rule are based on the guidance and recommendations issued by Oregon Department of Health, the Center for Disease Control and Prevention, and federal OSHA and will be enforced by Oregon OSHA.

The COVID-19 Temporary Standard applies to all workplaces in Oregon. There are additional requirements in the rule that apply to exceptional risk workplaces and employees, such as healthcare facilities and first responders. The requirements for all workplaces in Oregon include mandates for posting signs, physical distancing, face covering, sanitation, meeting ventilation requirements and providing employee training. In addition, all employers are required to conduct an exposure risk assessment and an infection control plan that must be written if there are 10 or more employees. The following Frequently Asked Questions (FAQ) helps clarify employer responsibilities. PRINTING United Alliance has developed a comprehensive COVID-19 Preparedness and Response Plan to help companies develop policies and procedures addressing workplace exposures to COVID-19. This can be used as the basis for most of the requirements in the new temporary standard.

**What is An Exposure Risk Assessment?**

By **December 7, 2020**, all employers must conduct a COVID-19 exposure risk assessment, not considering the use of any personal protective equipment including face coverings. Each employer with more than 10 employees must develop a formal, documented written risk assessment that includes the name, title and contact information of the person or persons who conducted the assessment, the date the exposure assessment was completed, the employee job classifications that were evaluated, and a summary of the following questions:

1. Can employees telework or otherwise work remotely? How are employees encouraged or empowered to use those distance work options to reduce COVID-19 transmission at the workplace?
2. What are the anticipated working distances between employees? How might those physical working distances change during non-routine work activities?
3. What is the anticipated working distance between employees and other individuals? How might those working distances change during non-routine work activities?
4. How has the workplace or employee job duties or both been modified to provide for at least 6-foot physical distancing between all individuals?
5. What is the mask, face shield, or face covering policy for COVID-19 at the workplace? How is this policy communicated to employees and other individuals at the workplace?
6. How have employees been informed about the workplace policy and procedures related to reporting COVID-19 signs and symptoms? How will employees who are identified for quarantining or isolation as a result of medical removal under (3)(l) of this rule be provided with an opportunity to work at home?

7. How have engineering controls such as ventilation (whether local exhaust ventilation systems, airborne infection isolation room, or general building HVAC systems) and physical barriers been used to minimize employee exposure to COVID-19?

8. How have administrative controls (such as foot-traffic control) been used to minimize employee exposure to COVID-19?

9. What is the procedure or policy for employees to report workplace hazards related to COVID-19? How are these reporting procedures or policies communicated to employees?

10. How are sanitation methods related to COVID-19 implemented in the workplace? How have these sanitation practices been explained to employees and other individuals that enter the workplace?

11. How has industry-specific public health guidance from the Oregon Health Authority been implemented in addition to this rule? How are periodic updates to such guidance documents incorporated into the workplace on an on-going basis?

12. For multiemployer worksites, how are the physical distancing; masks, face shield, or face covering requirements; and sanitation provisions required under (3)(a), (3)(b), and (3)(c) of this rule respectively, communicated to and coordinated between all employers and their affected employees?

13. How can the employer implement appropriate controls that provide layered protection from COVID-19 hazards that minimize reliance on individual employee training and behavior for effectiveness.

The exposure risk assessment must involve feedback and participation from employees. This feedback may be achieved via a safety meeting, safety committee, distancing officer, supervisor, process negotiated with the exclusive bargaining agent (if any), or any other similarly interactive process. The elements requiring feedback include:

- Physical distancing requirements as they apply to the employee’s workplace and job function.
- Masks, face shield, or face covering requirements as they apply to the employee’s workplace and job function.
- Sanitation requirements as they apply to the employee’s workplace and job function.
- COVID-19 signs and symptom reporting that applies to the employee’s workplace
- Medical removal as required by the rule

**What Are the Physical Distancing Requirements?**

All workplaces are required to design work activities to eliminate the need for any worker to be within 6 feet of another individual while fulfilling job duties. When not possible, the employer must ensure that all affected workers wear face masks, face shields or face coverings.
What Are the Employer’s Responsibilities Regarding Face Masks, Face Shields, or Face Coverings?

The employer is responsible for ensuring that all individuals, including customers and vendors, on premise subject to the employer’s control must wear a face mask, covering or shield in accordance with the requirements of the Oregon Health Authority’s Statewide Mask, Face Covering, Face Shield Guidance. Employers must provide, at no cost, all face coverings required to be worn by employees, vendors, or customers. Face coverings with valves, vents, or holes designed to facilitate easy exhalation, mesh masks or other covers with openings, holes, visible gaps in the design or material are not allowed because they allow droplets to be released from the mask. Use of personal face coverings that meet the requirements are allowed.

If employees choose to wear a respirator, the employer will allow use under Appendix D, Information for Employees using Respirators When Not Required Under the Standard, of the Respiratory Protection Standard, 29 CFR 1910.34.

If employees are working in an indoor work setting with less than 35 square feet per worker, then face coverings are required. Also, employees working indoors in spaces smaller than 200 square feet must wear face coverings.

What are the Sanitation Requirements?

Employers need to identify common areas accessible to employees for regular cleaning or sanitation. Common areas have been defined as building lobbies, reception areas, waiting rooms, bathrooms, break rooms, eating areas, smoking areas, locker rooms, bathing areas, transit lounges, conference rooms, or other locations indoors or outdoors that multiple individuals may use or congregate.

Areas used by employees must be cleaned every 24 hours if the workplace is occupied less than 12 hours a day. If occupied more than 12 hours a day, then cleaning must be implemented every 8 hours. This also includes shared equipment and all high touch surfaces such as countertops, credit card terminals, doorknobs, digital kiosks, touchscreen enabled devices, light switches, handrails, elevator control panels, steering wheels.

Necessary supplies to sanitize more often must be supplied by the employer to the employee to ensure proper hand hygiene protocols are used when shared equipment, applying cosmetics, eating, or smoking are involved.

What Notices Must I Post?

All employers are required to post Oregon OSHA’s “COVID-19 Hazards Poster” in the following areas:

- Any points of entry into an indoor portion of the workplace
- Any points of entry into any bathroom used by employees or other individuals
- Any points of entry within lunchrooms, break rooms, or other areas designating for eating or smoking
- Any common areas where the use of face coverings is required
• Remote workers must be provided with a copy of the poster through electronic or any other effective means.

By **November 23, 2020**, all employers who operate or control buildings must ensure that all sanitation requirements are met and that signs are posted in areas where face masks, shields, or face coverings are required. To meet this requirement, a copy of the “**Masks Required**” sign can be used.

**What are the Specific Ventilation Requirements?**

By **January 6, 2021**, employers must ensure that they have maximized the amount of outside air circulated through existing HVAC systems when employees are in the workplace. Additionally, employers need to ensure that filters are properly maintained and that all intake ports that provide fresh air to the system are cleaned and free of debris.

**What Employee Training Requirements are Required?**

By **December 21, 2020**, a training program for all employees must be developed that educates them on:

• The characteristics and methods of transmission, ability of pre-symptomatic and asymptomatic COVID-19 persons to transmit the virus, how to prevent exposure to COVID-19, safe and healthy work practices and control measures, including but not limited to, physical distancing, sanitation and disinfection practices, and the anti-discrimination provisions of the regulation.
• Procedures for employees to report to the employer when they are experiencing symptoms consistent with COVID-19 and no alternative diagnosis has been made (e.g., tested positive for influenza), or that they have been confirmed positive with COVID-19.
• Procedures for employees to report to the employer when they are living with or have close contact with a COVID-19 case.
• How to safely use cleaning and disinfecting materials and hand sanitizers and to comply with the manufacturers recommendations for use are.

**Do Employers Need to Implement an Infection Control Plan?**

By **December 7, 2020**, all employers are required to develop an Infection Control Plan that specifically addresses the type of work performed by the employees. Employers with 10 or more employees, including temporary and part time workers, must develop a written plan and ensure that it is available to all employees. The plan must contain, at a minimum:

• List of all job assignments or worker tasks that require the use of personal protective equipment, including respirators;
• List and description of the specific hazard control measures that the employer instituted to minimize employee exposures to COVID-19;
• Description of the mask, face shield or face covering requirements, including how the employer is informing workers and others entering the workplace where masks, shields, etc., are required;
• Procedures to be used in multi-employer worksites to communicate possible exposures to COVID-19 from other workers;
• Procedures to be used to ensure that there is an adequate supply of face masks, shields, face coverings and other personal protective equipment, including respirators; and
• Procedures the employer will use to provide the required initial employee training.

What do Facilities Need to do when an Employee Becomes Infected?
The employer must establish a process to notify exposed employees (those who were within 6 feet of a confirmed COVID-19 individual for a cumulative total of 15 minutes or more, regardless of whether one or both of them were wearing source control) that they had a work-related contact with an individual who has tested positive for COVID-19. Employers will also need to notify affected employees (those who worked in the same facility or in the same well-defined portion of the facility such as a particular floor) that an individual who was present in the facility has confirmed COVID-19). This notification process must include:

• A mechanism for notifying both exposed and affected employees within 24 hours of the employer being made aware that an individual with COVID-19 was present in the workplace while infectious or otherwise may have had work-related contact with its employee(s) while infectious; and
• This notification process must be established and implemented in accordance with all applicable federal and Oregon laws and regulations.

The infected co-worker’s identity and name must be kept confidential in accordance with federal and Oregon laws and regulations.

Do Employers Need to Provide COVID-19 Testing?
If the Oregon Health Authority or a Local Public Health Authority indicates that testing in the workplace is necessary, then the employer will make available, at no cost to the employee, testing and available space. If the employer is not required to provide testing, then the employer does not need to cover costs for testing, time, and travel.

What Are the Medical Removal Provisions?
Whenever the Oregon Health Authority or local public health agency or medical provider recommends employee quarantine or isolation due to COVID-19, such as through contract tracing activities, the affected worker(s) must be reassigned to duties that do not involve in-person contact with other workers or the public. Such reassignment must continue until the need for medical removal no longer exists based on guidance from the employee’s medical provider or an appointed public health authority.

Whenever an employee participates in such reassignment of duties, whether as a result of the requirements of this rule or because the employer chooses to take additional precautions, the affected worker(s) must be entitled to return to their previous job duties without any adverse action as a result of participation in COVID-19 quarantining or isolation activities.
Decisions regarding testing and return to work must be made in accordance with the direction of the involved public health authorities and must be otherwise consistent with guidance from the employee’s medical provider.

**Are there any Anti-Discrimination Requirements?**

The regulation contains an anti-discrimination provision that prohibits employers from discharging or discriminating against employees who exercise their rights under the safety and health provisions of this standard, or who voluntarily provide and wear their own personal protective equipment, or who raise a reasonable concern about infection control related to COVID-19.

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