Effective Date: November 18, 2020

Statewide Freeze Guidance – General Guidance for Employers

Authority: Executive Order No. 20-65, ORS 433.441, ORS 433.443, ORS 431A.010

Applicability: All employers, except for local government and state government. State government is required to follow Department of Administrative Services guidance.

Enforcement: To the extent this guidance requires compliance with certain provisions, it is enforceable as specified in Executive Order No. 20-65, paragraph 11.

General Workplace Safety

Employers are required to:

- Comply with any Governor’s Executive Orders related to COVID-19.
- Comply with OR-OSHA’s Temporary Rule Addressing COVID-19 Workplace Risks.
- Review and implement the Statewide Mask, Face Covering, Face Shield Guidance, as applicable.
- Comply with Statewide Freeze specific guidance, as applicable.
- Know the signs and symptoms of COVID-19 and what to do if employees become ill in the workplace.
- Understand how COVID-19 is transmitted from person to person — namely, through coughing, sneezing, talking, or contact with objects touched by someone with COVID-19.
- If an employee develops symptoms of COVID-19 infection at the workplace, or an employee who tests positive for COVID-19 has been physically present at the workplace:
  - Cooperate with their Local Public Health Authority and/or the Oregon Health Authority on contact tracing.
o Notify other employees who have been in close contact with the sick employee that possible exposure has occurred, in a manner that protects the identity of the COVID-19 positive employee, as required by law.

o Ensure that an employee who is required to be in quarantine or isolation in accordance with state and local public health authority guidance, does not return to work during the quarantine or isolation period, regardless of whether the employee has COVID-19 symptoms.

- Determine the maximum capacity of the place of employment, based on OHA Statewide Freeze Guidance. Use 35 square feet per person of usable space as a guide to determine maximum occupancy.

- Post maximum capacity information in a location visible to all employees, contractors, volunteers, visitors and customers using the maximum capacity sign.

- Configure workspaces in a way to ensure employees maintain a physical distance of at least six (6) feet from each other.

- Provide masks or face coverings, at no cost, to employees who do not have one.

- Frequently clean and sanitize commonly touched surfaces (workstations, keyboards, telephones, handrails, doorknobs, etc.), shared items, shared equipment as well as high traffic areas.

- Require remote work if possible, for all employees, including prioritization of remote work for employees who are at higher risk for severe COVID-19 complications due to underlying medical conditions.

- Close offices to the public, if possible.

**Employers should, but are not required to:**

- Consider providing hand sanitizer for employees if hand washing facilities are not easily accessible at the workplace.

- Consider providing hand washing stations for employees if for employees if restroom sinks are not easily accessible at the workplace.

- Consider designating a large area where employees can physically distance during breaks or when they take lunch.

- Consider modifying employee work schedules to reduce opportunity for employees to be closer than six (6) feet from each other.

- Consider modifying employee travel schedules to only essential work travel. Individuals traveling for non-work-related purposes should self-quarantine for 14 days upon return to Oregon.
• Consider upgrades to facilities that may reduce exposure to the coronavirus, such as no-touch faucets and hand dryers, increasing fresh-air ventilation and filtration or disinfection of recirculated air, etc. Consider touchless payment method when possible and if needed.

• Consider conducting meetings virtually, when possible and limit non-essential staff at in-person meetings to ensure that physical distancing requirements are met.

• Consider regular health checks (e.g., temperature and respiratory symptom screening) or symptom self-report of employees.

• Consider staggering use of conference rooms and break areas to ensure physical distancing requirements are met at all times.

**Sick Leave and Testing**

**Employers are required to:**

• Comply with any applicable federal and state protected leave law requirements for employees with COVID-19 or those that are required to quarantine because of exposure to someone with COVID-19.

• Communicate with employees about organizational sick leave policies.

• Provide clear communication to employees that if they have COVID-19 symptoms they are required to stay home, and if they develop COVID-19 symptoms while at work they must go home and isolate and/or seek medical attention.

  o Employees should not be physically present at a workplace if they have any of the following new symptoms:
    ▪ Fever
    ▪ Cough
    ▪ Sudden loss of taste or smell
    ▪ Sore throat
    ▪ Vomiting or diarrhea

• Develop an action plan consistent with federal and state guidance for how to handle a situation where an employee develops COVID-19 symptoms while in the workplace, tests positive for COVID-19 or is determined to be presumptively positive by a public health authority.

**Employers should, but are not required to:**
• Refrain from requiring testing as a condition of employment or as a condition to return to work, unless testing is being recommended by state or local public health authorities. **OHA does not recommend testing of people without symptoms of COVID-19 even if the person has been in close contact with a presumptive or confirmed case of COVID-19.** Such testing represents an unnecessary burden for the employee. Employers instead are encouraged to screen all employees daily for symptoms of COVID-19. OHA does recommend testing of all people with symptoms of COVID-19.

  o The [Equal Employment Opportunity Commission (EEOC) guidance](https://www.eeoc.gov) generally concludes that employers can require testing because individuals in the workplace with the virus will pose a direct threat to the health of others. Each employer will need to make an individualized determination based on the particular workplace at issue and any sector-specific guidance. Employers should consult with their legal counsel to uniformly apply and enforce their workforce testing requirements and if the employees are unionized, address any bargaining obligations.

  o If an employer does require testing of an employee, under Oregon law [ORS 659A.306](https://www.leg.state.or.us/billsearch/), it is unlawful for an employer to require an employee, as a condition of continued employment, to pay the cost for a COVID-19 test or a medical examination.

### Employee leave and health insurance

**Employers are required to:**

• Be aware of federal and state protected leave and paid leave laws (if applicable) and requirements for health insurance coverage.

• Review and comply with any applicable requirements for maintaining employee health insurance coverage.

• Determine whether your business can extend paid or unpaid leave and if feasible adopt a temporary flexible time off policy to accommodate circumstances where federal or state law does not provide for protected or paid leave.

### Downsizing and layoffs

**Employers are required to:**

If downsizing or making other workforce adjustments, or recalling employees back to work, adhere to applicable state and federal requirements regarding notice of layoffs and recalls for affected workers.

**Employers should, but are not required to:**
• Determine whether alternatives to layoff may be feasible such as furloughs or reduced schedules.
• Refer employees to resources including filing for unemployment benefits and community services.

Links to additional information

For the most up to date information from the Oregon Health Authority and the CDC:

• Oregon Health Authority – Know the Facts about coronavirus
• Oregon Health Authority COVID-19 website: www.healthoregon.org/coronavirus
• CDC small business guidance on COVID-19.

Additional COVID-19 Information/Guidance

• CDC resources for businesses and employers to plan, prepare, and respond to COVID-19 (available in English, Spanish, Chinese, Vietnamese and Korean)
• Workplace cleaning and disinfecting recommendations, including everyday steps, steps when someone is sick, and considerations for employers: www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html

Safety practices for exposures in the workplace:

• Safety practices for workers who may have had exposure to a person with COVID-19: https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html
OSHA guidance on preparing workplaces for COVID-19:


- COVID-19 insurance and financial services information: [https://dfr.oregon.gov/insure/health/understand/Pages/coronavirus.aspx](https://dfr.oregon.gov/insure/health/understand/Pages/coronavirus.aspx)

SAIF Corporation – Oregon Workers’ Compensation Insurance and Benefits Resources:


**Additional resources**

- [Signs you can post](#)
- [Statewide Mask, Face Covering, Face Shield Guidance](#)
- [OHA Public Health Recommendations for the Public](#)

**Document accessibility:** For individuals with disabilities or individuals who speak a language other than English, OHA can provide information in alternate formats such as translations, large print, or braille. Contact the Health Information Center at 1-971-673-2411, 711 TTY or [COVID19.LanguageAccess@dhsoha.state.or.us](mailto:COVID19.LanguageAccess@dhsoha.state.or.us)