Last updated: August 18, 2020

Statewide Reopening Guidance – General Guidance for Employers

Authority: Executive Order No. 20-27, ORS 443.441, ORS 433.443, ORS 431A.010

Applicability: All employers, except for state government.

Enforcement: To the extent this guidance requires compliance with certain provisions, it is enforceable as specified in Executive Order 20-27, paragraph 26.

General considerations for your workplace:

- Comply with any of the Governor's Executive Orders that are in effect.

- Know the signs and symptoms of COVID-19 and what to do if employees develop symptoms at the workplace.

- Understand how COVID-19 is transmitted from one person to another—namely, through coughing, sneezing, talking, touching, or via objects touched by someone with the virus.

- Determine the maximum occupancy of the establishment or location based on applicable OHA guidance and post the maximum occupancy sign in a visible location.

- Consider modifying employee schedules and travel to reduce unnecessary close physical contact – physical distance of at least six (6) feet between people is recommended.

- Be aware of protected leave requirements and plan ahead for any anticipated workforce adjustments.

- An employer should tell sick employees to stay home or to go home if they become sick while at work.

    - Employees should not come to work if they have:
        - Fever.
        - Other symptoms like cough, vomiting, or diarrhea.
    - If an employee shows up to work showing symptoms, or if they develop symptoms while at work, employers should separate the sick employee from other

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employees. A sick employee should be sent home immediately or should get appropriate medical care if necessary.

- Employers should regularly communicate to employees to stay home when sick, and make sure workplace policies allow sick leave so that people can do the right thing by protecting their co-workers; cover their coughs and sneezes; and wash their hands frequently.

- If an employee develops a COVID-19 infection, employers:

  - Must work with public health to determine which co-workers had close, prolonged contact with the sick employee that might put them at risk of exposure to COVID-19.

  - Should notify other employees who have been in close contact with the sick employee that possible exposure has occurred. It is required by law that employers protect the identity of the employee with COVID-19 when notifying other employees.

- Make health and safety a priority by putting safeguards in place to protect employees and the public. Federal and state guidelines, including sector-specific guidance, will help you determine which safeguards are recommended or are required.

  - The Oregon Health Authority recommends testing of all people with symptoms of COVID-19. ***Testing of people without symptoms is not generally recommended and should not be used as a condition for employment***. Such testing represents an unnecessary burden for the employee. We encourage all employers to screen all employees daily for symptoms of COVID-19.

  - Important steps employers should take to keep workplaces safe include:

    - Excluding ill employees from work, maintaining physical distancing, wearing a mask, face shield, or face covering and frequent handwashing.

  - Under Oregon law [ORS 659A.306], it is unlawful for an employer to require an employee, as a condition of continuation of employment, to pay the cost of a medical examination, like a COVID-19 test.

  - The Equal Employment Opportunity Commission (EEOC) guidance 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. 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.

  - CDC has detailed general guidance to help small businesses and employees prepare for the effects of COVID-19.

  - Statewide Mask, Face Shield, Face Covering Guidance.

  - Oregon's specific guidelines for specific sectors can be found here.

Modification of employee schedules and travel

Considerations for modifying employee schedules and travel as feasible:

- Identify positions appropriate for telework or partial telework, including consideration of telework for employees who are at higher risk for severe COVID-19 complications due to underlying medical conditions identified by the CDC.

- Stagger or rotate work schedules or shifts at worksites to ensure employees are able to maintain physical distancing.

- Limit non-essential work travel.

Workplace safety

Implement workplace safeguards as feasible or when required. See also sector-specific guidance here.

- Employers should review and follow the Statewide Mask, Face Shield, Face Covering Guidance to ensure compliance with the requirements and recommendations.

- Implement physical distancing measures consistent with the Governor's Executive Orders and state guidance.

- Increase physical space between workers. This may include modifications such as markings on the floor demonstrating appropriate spacing or installing plexiglass shields, tables or other barriers to block airborne particles and maintain distances. Review and follow any sector-specific guidance issued by the state that recommends or requires specific physical distancing measures.

- Thoroughly clean and disinfect all areas of business prior to reopening after extended closure. Use disinfectants that are included on the Environmental Protection Agency (EPA) approved list for the SARS-CoV-2 virus that causes COVID-19. No product will be labeled for COVID-19 virus yet, but many products will have a label or information available on their websites about their effectiveness for human coronavirus.

- Reinforce that meticulous hand hygiene (frequent and proper handwashing) is of utmost importance for all employees. Ensure that soap and water or alcohol-based (60-95%) hand sanitizer is provided in the workplace. Consider having additional hand washing facilities and hand sanitizer for employees (and customer use, if applicable) in and around the workplace.

- Regularly disinfect commonly touched surfaces (workstations, keyboards, telephones, handrails, doorknobs, etc.), shared items, shared equipment as well as high traffic areas and perform other environmental cleaning.

- 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.

- Limit the number of employees gathering in shared spaces. Restrict use of shared spaces such as conference rooms and break rooms by limiting occupancy or staggering use.

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- Restrict non-essential meetings and conduct meetings virtually as much as possible. If in-person meetings are necessary, follow physical distancing requirements.

- Consider regular health checks (e.g., temperature and respiratory symptom screening) or symptom self-report of employees, if job-related and consistent with business necessity.

- Train all employees in safety requirements and expectations while at worksites.

Employee leave and health insurance

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

- Advise employees to stay home and notify their employer when sick.

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

- Healthcare provider documentation is generally not required to qualify under federal and state leave laws due to COVID-19 related circumstances or to return to work.

- Review and comply with any applicable required federal and state leave law protections for employees who are unable to work due to COVID-19 related circumstances.

- 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.

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

Downsizing and layoffs

If downsizing or other workforce adjustment measures are necessary, adhere to applicable state and federal requirements regarding notice of layoffs and recalls for affected workers:

- 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.

- Create a plan for recalling employees back to work.

Union workplaces

If you have a unionized workforce, determine obligations to bargain with the union or unions which represent your employees.

Links to additional information:

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

- Know the Facts about coronavirus:
  https://sharedsystems.dhsoha.state.or.us/DHSForms/Served//LE2356.pdf

- Oregon Health Authority COVID-19 website:
  https://www.oregon.gov/oha/PH/DISEASESCONDITIONS/DISEASESAZ/Pages/emerging-respiratory-infections.aspx

- CDC COVID-19 website: https://www.cdc.gov/coronavirus/2019-ncov/index.html

For COVID-19 Guidance from the State and Federal Sources:

Resources for businesses and employers to plan, prepare, and respond to COVID-19, which is available in English, Spanish, Chinese, Vietnamese and Korean:
www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html

- Oregon Bureau of Labor and Industries: Coronavirus and Workplace Laws.
  https://www.oregon.gov/boli/Pages/Coronavirus-and-Workplace-Laws.aspx

- Department of Labor Guidance: Employer Paid Leave Requirements for Covid-19 related circumstances. https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave

- General guidance for businesses and employers to help them plan, prepare, and respond to COVID-19: www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html

- 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:

- Cleaning and disinfection practices post exposure:
  https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html

- 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:

- Oregon OSHA: https://osha.oregon.gov/Pages/re/covid-19.aspx (English and Spanish links)

- National OSHA: English: www.osha.gov/Publications/OSHA3990.pdf, and Spanish:
  www.osha.gov/Publications/OSHA3992.pdf

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- National OSHA Enforcement Memo: https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19

- Oregon Employment Department: COVID-19 Related Business Layoffs, Closures, and Unemployment Insurance Benefits: https://govstatus.egov.com/ORUnemployment_COVID19

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

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

- Tips and resources for helping workers stay safe from COVID-19: https://www.saif.com/employer-guide/coronavirus-and-workers-compensation/keeping-workplaces-safe-and-healthy-during-the-pandemic.html

- Coronavirus and workers' compensation – What employers need to know: https://www.saif.com/employer-guide/coronavirus-and-workers-compensation.html

Additional resources:

- Signs you can post
- Statewide Mask, Face Shield, Face Covering Guidance
- OHA Guidance for the General Public
- CDC's Guidance for Administrators in Parks and Recreational Facilities

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 Mavel Morales at 1-844-882-7889, 711 TTY or OHA.ADAModifications@dhsoha.state.or.us.