



**Effective Date:** January 29, 2021

## Sector Guidance — General Guidance for Employers and Organizations

**Authority:** Executive Order No. 20-66, ORS 433.441, ORS 433.443, ORS 431A.010

**Applicability:** All employers subject to Executive Order 20-66.

**Enforcement:** To the extent this guidance requires compliance with certain provisions, it is enforceable as specified in Executive Order No. 20-66, paragraph 10.

**Definitions:** For purposes of this guidance, the following definition applies:

- “Net Area” means the actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets. The net area is intended to include only the area of the room used for a specific purpose and does not include the areas mentioned above and therefore is not included in the net area.
- “Outdoor” means any open-air space including any space which may have a temporary or fixed cover (e.g. awning or roof) and at least fifty percent of the square footage of its sides open for airflow such that open sides are not adjacent to each other.

### General workplace safety

#### Employers and organizations 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.
  - Ensure all staff, contractors, volunteers and visitors comply with the [Statewide Mask, Face Covering, Face Shield Guidance](#).
- Comply with the remote work requirements/recommendations and closures for offices based on the designated risk level for the county in which the employer or organization is located.

- Comply with OHA [Statewide 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. Additionally, understand that any services or operations moved from indoor to outdoor spaces to decrease the risk of transmission must follow the requirements for an outdoor space:
  - “Outdoor” means any open-air space including any space which may have a temporary or fixed cover (e.g. awning or roof) and at least fifty percent of the square footage of its sides open for airflow such that open sides are not adjacent to each other.”
- 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.
  - 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.
  - 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 Guidance, using 35 square feet net area per person 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.

## **Employers and organizations should, but are not required to:**

- Ensure at least three (3) feet of physical distance between occupants when traveling in a vehicle, unless there is a more restrictive requirement in other OHA sector guidance.
  - As reasonably possible, when more than one occupant is in a vehicle, crack or roll down windows to increase airflow. Also, do not use the “recirculate” option for air because this will prevent more fresh air from coming into the vehicle.
- 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 and organizations 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.
  - 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
- Ensure employees are complying with [OHA's Isolation and Quarantine Guidance](#).
- 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 and organizations 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 currently recommend testing people without symptoms of COVID-19 unless the person has been exposed to a presumptive or confirmed case of COVID-19. In the case of exposure, testing is generally recommended but not required. Testing may represent a 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.
  - 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 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.
  - If an employer does require testing of an employee, under Oregon law [[ORS 659A.306](#)], 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 and organizations 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 and organizations 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 and organizations 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.

## Community meetings

### Employers and organizations are required to:

- If hosting a community meeting, follow and comply with the maximum capacity limits for the specific sector based on the designated risk level for the county in which the community meeting is held. For capacity limits and risk levels for counties, please refer to [Sector Risk Level Guidance Chart](#).

## 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](http://www.healthoregon.org/coronavirus)
- CDC COVID-19 website: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- [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)
- 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>
- 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](http://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](http://www.osha.gov/Publications/OSHA3990.pdf), and Spanish: [www.osha.gov/Publications/OSHA3992.pdf](http://www.osha.gov/Publications/OSHA3992.pdf)
- 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](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 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)