Guidance FAQs
General Guidance for Employers and Organizations
(Updated 03-19-2021)

Below are answers to frequently asked questions (FAQ) about the Oregon Health Authority’s (OHA) General Guidance for Employers and Organizations (General Employer Guidance). OHA provides these FAQs to help the public understand the guidance, to respond to questions and to clarify how the guidance may apply in specific scenarios. These FAQs may be intermittently updated. The FAQ document is not intended to take the place of the guidance, but to interpret, supplement and help fill in the details of the guidance.

Employers may be subject to other more restrictive laws and rules, including Oregon Occupational Safety and Health Division (OR-OSHA) requirements. This FAQ provides information only regarding an employer’s obligations under OHA’s General Employer Guidance. Employers should review other applicable requirements including OR-OSHA’s website and rules regarding COVID-19.

General sector questions

Q1: What guidance should recovery centers, mental health organizations, counseling services or other therapy organizations that do not perform medical procedures follow?
A1: Recovery centers, mental health organizations, counseling services or other therapy organizations that do not perform medical procedures must follow the General Employer Guidance.

Q2: Which guidance should residential treatment facilities or behavioral health providers follow?
A2: Residential treatment facilities must follow the Behavioral Health Treatment Facility Guidance for All Treatment Facilities and for Psychiatric Inpatient Care Programs and General Employer Guidance, as applicable.

Q3: Can I hold an event, training or meeting at a location that is open in my county under the designated risk level? For example, could I convene an AA meeting at a faith institution?
A3: Yes. An AA meeting would be considered a community meeting and if a building or facility is open a community meeting can be held there. Employers and organizations that host a community meeting are required to 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 the example in the question, the AA meeting would have to follow the maximum capacity limits that are recommended for the faith institution. For capacity limits and risk levels for counties, please refer to Sector Risk Level Guidance Chart.

Q4: **What is the guidance for an office share situation?**

   **A4:** Individuals sharing an office space must maintain six (6) feet of physical distance at all times and are required to wear a mask, face covering or face shield in accordance with the [Statewide Mask, Face Covering, Face Shield Guidance](#).

Q5: **Is there guidance for volunteers who enter homes to deliver goods?**

   **A5:** Volunteers are subject to guidance for the business/industry in which they operate and must comply with the [Statewide Mask, Face Covering, Face Shield Guidance](#). An employer may also wish to provide all volunteers with general information about how they can best protect themselves and others, and the risks that may be involved in providing volunteer services.

Q6: **What guidance do farms follow for operations?**

   **A6:** Farming and ranching operations must follow the General Guidance for Employers as well as applicable guidance from the Oregon Safety and Health Administration (OR-OSHA). Operations that are open to the public for U-Pick, U-Cut or agritourism business must follow [OHA Sector Guidance for Retail](#) and may refer to [additional information from ODA](#) to assist U-Pick/Agritourism.

Q7: **Are companies and organizations allowed to hold in-person business meetings in offices?**

   **A7:** Yes, however, companies and organizations are required to follow the guidance for offices for the designated risk level of the county and close the office to the public or require remote work, if possible. In-person meetings must follow the [General Guidance for Employers and Organizations](#) and the [Statewide Mask, Face Covering, Face Shield Guidance](#).

Q8: **Are healthcare offices exempt from the county risk level categories? What guidance do healthcare offices have to follow?**

   **A8:** Yes. Health care offices are exempt from the risk level requirements under [Executive Order No. 20-66](#). However, health care facilities and residential facilities licensed by OHA and DHS must continue to comply with licensing requirements and applicable DHS and OHA guidance. Health care providers should review [OHA’s website for healthcare partners](#) for applicable guidance and information.
Q9: If my county moves from extreme risk to high risk, for example, as a business owner, how much time will I have to prepare for that change?

A9: Counties will have about one week to prepare for changes based on a new risk level. OHA uses school metrics data to determine each county’s risk category. These data are pulled every Monday and posted on the [OHA COVID-19 website](https://oha.state.or.us/covid-19). The “first week” acts as a notification week for counties. There is no movement of counties and no changes on the risk level map on the OHA and Governor’s office websites during this week.

The second week is the “action week.” The data are pulled again on Monday of the second week. At that time, the Governor’s office will notify a county if the county is likely to move from one risk category to another based on the new data. The Governor’s office also will issue a press release about any changes. The county formally will move into the new risk category at the end of the second week.

Q10: What is a sector?

A10: “Sector” is a term that describes broadly the category or type of business operation. For example, restaurants and bars are considered to be in the eating and drinking establishments sector. Indoor movie theaters are considered to be in the indoor entertainment sector. Businesses or entities that are included under the broad category for each sector and the general public who visits a business or place within a sector, must follow the sector guidance for the risk level designated for the county where the business is located. All organizations and businesses that are not exempt from Executive Order No. 20-66 are required to comply with sector guidance.

Q11: How does a business or organization determine the maximum capacity for their space?

A11: If you do not know the current maximum occupancy for your business or organization’s space, or if you need additional assistance on how to determine what your business’s general occupant load is, prior to incorporating and determining what the COVID-19 “maximum capacity limit” is, you can reach out to the [local fire agency](https://localfireagency.org) with jurisdiction in your area. Your general occupant load includes both staff members and business customers. To determine the required percentage maximum capacity limit based on the designated risk level for the county in which the business is located, please refer to the [Sector Risk Level Guidance Chart](https://oha.state.or.us/covid-19/sector-guidance).

Q12: What square footage number should offices use to calculate how many employees can be in a room at the same time and maintain at least six (6) feet of distance from each other?

A12: Employers and organizations should use 35 square feet net area per person as a guide to determine maximum capacity. In addition, employers and organizations must post maximum capacity information in a location visible to all employees, contractors, volunteers, visitors and customers using the [maximum](https://oha.state.or.us/covid-19/maximum)
occupancy sign. To the extent possible employers should require employees to work remotely.

Q13: The local fire Authority Having Jurisdiction (AHJ) told me that my outdoor structure meets the requirements of the Oregon Fire Code and the associated guidance Joint Policy Bulletin #0006 Tent Use During Declared Emergencies provided by the Office of State Fire Marshal (OSFM). Does this mean that the structure meets the definition of “outdoor” under OHA’s guidance?

A13: No. Structures must be in compliance with both the Oregon Fire Code and OHA Guidance. Under OHA guidance the definition of “outdoor” is 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. Employers and organizations must ensure that any one space that is intended for outdoor use meets the definition for “outdoor”. Any space that is intended as an outdoor space that does not meet the definition of outdoor must comply with the requirements and guidance for indoor operations or individual dining pods operations.

Q14: Do the visitation requirements for long term care facilities apply to adult foster homes?

A14: Yes. Refer to the Sector Risk Level Guidance Chart to determine what type of visitation is allowable for the county’s designated risk level.

Q15: Are locations and businesses that are required to close under their county risk level allowed to open for services that are allowed, such as a blood drive?

A15: Yes, however, the location can only be used for the allowed service and must follow the applicable guidance for that service. For example, in a county where museums are required to be closed, a museum may host a blood drive as long as the museum is closed for its regular operations and only operates the blood drive following the General Employer Guidance.

Q16: If a business wants to know whether its space falls within the definition of an outdoor space, who can it contact?

A16: Businesses may send requests for site-specific consultations to OR-OSHA.

Q17: In extreme risk counties, can professional symphony orchestras record performances to stream online to attendees?

A17: Yes, as long as professional orchestra members are not performing live in front of an audience. Professional orchestra members are considered employees that are performing work duties (playing instruments) and therefore must comply with the General Guidance for Employers and Organizations.
Employee workplace safety

Q1: What does the employer need to do if an employee shows signs of COVID-19?

A1: An employer must comply with the General Guidance for Employers. An employer is required to 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

In addition, employers must 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.

Employers should regularly communicate to employees to cover their coughs and sneezes, wash their hands frequently, and stay home when sick.

- 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.

Q2: Are employers allowed to take employees’ temperatures? If so, can the employer record a person’s temperature in a log?

A2: Employers may take employees’ temperatures, but should keep in mind that some individuals with COVID-19 will not have a fever, and a fever does not necessarily mean that a person has COVID-19. The temperature reading and any log must be kept confidential, as required by law. Employee temperatures should be taken as privately as possible so that the identity of any employees with fevers can be kept confidential. For a list of symptoms of COVID-19, review CDC Guidance.
**Q3:** Is a business required to provide employee safety training?

**A3:** Employers and employees are required to comply with OR-OSHA’s rule addressing COVID-19 workplace risks, which includes rules on training.

**Transportation**

**Q1:** Is it three (3) or six (6) feet physical distancing when riding in an employer-provided vehicle with driver and passenger wearing masks?

**A1:** Unless there is a more restrictive requirement in other OHA sector guidance, such as the youth program guidance, when more than one person is traveling in a vehicle, employers and organizations should, but are not required to, ensure at least three (3) feet of physical distance between occupants. In addition, as reasonably possible, when more than one occupant is in a vehicle, crack or roll down windows to increase airflow and do not use the “recirculate” option for air because this will prevent more fresh air from coming into the vehicle. Employees are required to wear face coverings in compliance with the Statewide Mask, Face Covering and Face Shield Guidance.

**Q2:** Are airports allowed to provide seating areas for travelers and employees to eat and drink on-site?

**A2:** Yes, airports may provide seating for travelers. However, the airport should arrange the seating areas to comply with physical distancing requirements. In addition, the airport should not assign seating areas to specific eating and drinking establishments and eating and drinking establishments should not claim any seating areas specifically for their customers only.

**Q3:** Is eating and drinking allowed in airports in common seating areas?

**A3:** Yes. OHA requires and recommends the following for eating and drinking while in the airport to minimize risk of spreading COVID-19 and increase safety for all individuals:

- When eating or drinking, individuals should sit in an area away from other individuals. Individuals must maintain at least six (6) feet from others in different households in all sitting areas.

- If eating in boarding areas, individuals should leave three or more empty seats between them and the nearest person from different households, even if they are travelling together. This includes seats to the side, in front, and behind the individual.

- Individuals should take their mask or face covering off only to eat and drink. When not actively eating and drinking, individuals must put their mask or face covering back on.

- During eating or drinking, individuals should cover the nose and mouth for any coughs, sneezes, and throat clearing.
Lodging, rentals and residential living

Q1: Are hotels, bed and breakfasts, and other overnight lodging allowed to operate? What precautions must be taken to operate?

A1: Yes, lodging facilities are allowed to operate. Lodging facilities are required to follow Statewide Mask, Face Covering, Face Shield Guidance and General Guidance for Employers. Bed and Breakfasts are licensed restaurants and must comply with Guidance for Eating and Drinking Establishments. Lodging facilities should follow the recommendations in the OHA’s Cleaning Guidance for Hotels and Motels to reduce the risk of spreading COVID-19.

Q2: Is there guidance for short-term rental homeowners, particularly if they have a guest that is diagnosed with COVID-19? Should a sick person stay in the rental during the isolation duration or go home to isolate?

A2: Rental owners should disinfect following CDC guidance. If an individual is diagnosed with COVID-19 while in a short-term rental, he/she should return to their home to isolate but only if this can be done without exposure to other persons. Otherwise the individual should remain in the short-term rental for the duration of their isolation.

Q3: Can you confirm whether residential cleaning businesses are allowed to enter homes to clean and if so, what precautions are required?

A3: Yes, cleaning services may enter homes. Homeowners and tenants are responsible for deciding whether to allow cleaning services into their homes. Residential cleaning businesses are recommended to follow the CDC Cleaning and Disinfecting guidance for employers.

Q4: Is my landlord allowed to bring people inside my residence to show it for the purposes of renting the space?

A4: Tenants should consult with their legal counsel regarding the extent to which their landlord can access their residence.

Masks, face coverings and face shields

Q1: Are businesses required to have staff wear masks?

A1: Yes. Businesses are required to have employees wear masks, face coverings or face shields following the Statewide Mask, Face Covering, Face Shield Guidance.

Q2: What is the guidance on masks, face coverings or face shields indoors where there is no exposure to the public, like a manufacturing plant or employees that work in the “back of house”?

A2: The requirement to wear a mask, face covering or face shield is not just about protecting the public, it is about protecting other employees as well. Persons responsible for businesses, indoor or outdoor spaces open to the public, public and private workplaces, private career schools, and public and private colleges and
universities must require masks, face coverings or face shields at all times for employees, contractors, volunteers, students, customers and visitors, except for private, individual workspaces occupied by only one person.

Q3: Are there any grant funds available for businesses to purchase masks, face coverings or face shields for employees?
A3: Business Oregon, alongside the Oregon Employment Department, the Oregon Secretary of State and the Oregon Department of Consumer and Business Services have compiled information to assist Oregon small business owners, employees and others dealing with the impacts of COVID-19.

Q4: What is a private, individual workspace where I would be allowed to remove my face covering?
A4: A private individual workspace is a space used for work by one individual at a time that is enclosed on all sides with walls from floor to ceiling and with a closed door.

Q5: Are face coverings required in an office setting that's not open to the public?
A5: Yes.

Q6: Can employees wear a plastic face shield instead of a mask?
A6: Yes, however, OHA does not recommend that individuals wear a face shield instead of a mask or face covering. Face shields that cover the forehead, extend below the chin, and wrap around the sides of the face can be very good at blocking droplets that individuals release, but they are not as effective at limiting the release of aerosols that can go around the shield.

Use of a face shield alone should only be done on very limited basis. Wearing a face shield alone without a mask or face covering increases the potential for transmission of viruses to those in the same room as the individual without the mask or face covering. It is recommended that wearing a face shield alone be limited to situations when wearing a mask or face covering is not feasible.

Q7: Does the Statewide Mask, Face Covering, Face Shield guidance apply to outdoor construction work?
A7: Yes.

Q8: If six (6) feet distance is available at a counter from our employee to the customer, and we have plexiglass separating them, is my employee still required to wear a mask while helping the customer?
A8: Yes. Employees, contractors and volunteers must wear a mask, face shield or face covering at all times unless they are in a private, individual workspace.
Employers and testing

Q1: If an employee gets COVID-19, can an employer require them to get tested again before allowing them to return to work? If so, who should we contact to receive the results — County Health Services, or does the employee need to forward the results from their health care provider?

A1: Employers should 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 unless the person has been exposed to a presumptive or confirmed case of COVID-19. In the case of exposure, testing is 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.

Q2: Should an employer inform their employees of a worker testing positive for COVID-19?

A2: An employer is required to 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. In addition, employers are required to 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.

Q3: Should a business inform the public that one or more of their employees have tested positive for COVID-19?

A3: There is no legal requirement for a business to inform the public that an employee has tested positive for COVID-19.

Q4: Should a business report to OHA or OR-OSHA that one or more of their employees has tested positive for COVID-19?

A4: At this time, health care providers and laboratories are required to report cases of COVID-19 to the Oregon Health Authority and the Local Public Health Authority.
There may be certain licensed settings, like long term care facilities, that are required to report COVID-19 cases to their licensing authority. A business should consult with an attorney to understand their legal obligations.

Q5: If an employer requires an employee to get a COVID-19 test, does the employer have to pay for it?

A5: Yes, 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.

**Enforcement**

Q1: How is the statewide mask, face covering and face shield guidance enforced?

A1: The state will first seek to work with businesses and persons responsible for indoor or outdoor spaces open to the public to educate them about the requirements, prior to taking any enforcement action.

Businesses and persons responsible for indoor or outdoor spaces open to the public are expected to ensure that their employees, contractors, volunteers, customers and visitors comply with the mask, face covering, face shield requirement. If persons responsible for businesses, indoor or outdoor spaces open to the public, public and private workplaces, private career schools, and public and private colleges and universities are making every effort to comply with the guidance, that will be taken into consideration in any potential enforcement action.

It is a Class C misdemeanor to violate the mask, face covering, face shield requirement. The Oregon Health Authority and Local Public Health Authorities can issue civil penalties and take other enforcement actions for violations of the mask, face covering, face shield requirement. An individual or business that has a state-issued license may be subject to a licensing action for violating the mask, face covering, face shield guidance.

Q2: What is the process to report a business that is not following guidelines for masks or physical distancing?

A2: All complaints related to the statewide and sector guidance should be directed to the Oregon Occupational Safety and Health Administration (OR-OSHA).

**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.