



**Summary of Key Provisions
of
Oregon OSHA's DRAFT Temporary Rule Addressing COVID-19**

Note: Oregon OSHA is accepting comments on the draft temporary standard; such comments should be submitted as soon as possible to ensure appropriate consideration but will be accepted through ~~August 31~~ September 7. Comments can be sent via email to Oregon OSHA's rulemaking team at tech.web@oregon.gov. Upcoming public forums, which will be held virtually, are currently being scheduled to discuss the rule. An entire copy of this draft temporary standard, up-to-date information on stakeholder forums, and other related documents describing the background of this temporary rulemaking, can be found on [Oregon OSHA's infectious disease rulemaking advisory page at: https://osha.oregon.gov/rules/advisory/infectiousdisease/Pages/default.aspx](https://osha.oregon.gov/rules/advisory/infectiousdisease/Pages/default.aspx)

The present document summarizes the draft rule as it would apply to all workplaces. This rule includes additional requirements for jobs requiring an employee to be within 6-feet of another individual for 15 minutes or longer if it includes direct contact, as well as further requirements for healthcare activities involving direct patient care. Those draft provisions are addressed in a separate summary. This rule provides a limited exemption for schools that are able to implement the guidance from the Oregon Education Department.

The following is a summary of the requirements that generally apply to all workplaces, under this rule:

- The employer must ensure 6-foot distancing between all individuals in the workplace with the following specific guidance:
 - ✓ Both the work activities and the workplace must be designed to eliminate the need for any worker to be within 6-feet of another individual in order to fulfill their duties.
 - ✓ To the extent that the employer can demonstrate that such separation is not practical, the employer must ensure that face coverings are worn and that as much distance as practical is maintained.
 - ✓ The 6-foot distancing requirement can also be met with an impermeable barrier that creates a “droplet buffer” of at least 6-feet in distance as measured between the mouths of the affected individuals (the droplet buffer is effectively the distance a string would travel if it were held in the mouths of the two individuals – the rule draft provides several examples of such calculations).
- Whenever employees are transported in a motor vehicle for work purposes, the center points of the seats of any passengers not part of the same household must be separated by at least 3-feet.
- The employer must ensure that everyone in the workplace or other premises subject to the employer's control wears face coverings (masks, cloth coverings, or face shields) whenever the 6-foot distancing requirement cannot be *consistently* assured.
 - ✓ Face coverings must be worn by employees and other individuals whenever customers, contractors, or other visitors are present and a strict separation cannot be maintained through barriers that physically prevent individuals from approaching within 6 feet of one another.
 - ✓ Face coverings must be worn by employees when the work requires them to be within 6 feet of one or more individuals for more than 5 minutes either in a singular instance or in all cases when work requires such contact more than 30 minutes total in the course of a single working day.
 - ✓ Face coverings must be worn by employees working in office settings when not at their desk or seated in a conference room in addition to whenever 6-foot distancing cannot be reliably maintained between individuals (for example, face coverings must be worn in corridors, restrooms, elevators, and stairwells).
 - ✓ Whenever employees are transported in a motor vehicle for work purposes all individuals in the vehicle must wear face coverings, regardless of the distance involved, unless all individuals in the vehicle are members of the same household.

- ✓ Face coverings must be worn when individuals are engaged in forceful exertion, singing, or shouting and they are not separated from other individuals to their front by at least 12-feet.
- All employers must ensure that all high-contact surfaces used by multiple employees (door handles, telephones, cash registers, computers, drinking fountains, seatbelts, etc.) are thoroughly cleaned at the beginning of each shift.
 - ✓ All shared equipment and high-touch surfaces must be cleaned before use by another employee.
 - ✓ The employer must ensure that employees have the supplies necessary and are able to use proper hand hygiene before and after using shared equipment or tools and before eating, drinking, applying cosmetics, or smoking.
- Employers with at least 25 employees at any time must designate one or more employees who will be responsible to assist the employer in identifying appropriate social distancing, proper face covering use, and sanitation measures and ensure such policies and procedures are implemented.
- Building operators must ensure that the building layout allows appropriate social distancing and must ensure that the basic requirements of this rule are posted (and enforced to the degree reasonably possible) in any common areas, including shared entrances, waiting rooms, corridors, restrooms, and elevators.
- Employers must provide information and training to their employees:
 - ✓ Employers must post the “COVID-19 Hazards Poster,” which will be provided by Oregon OSHA.
 - ✓ Employers must notify their employees about the social distancing requirements and how they will be implemented in the workplace, and employers must provide an opportunity for employee feedback about those practices (through the Social Distancing Officer and through either the Safety Committee, an interactive safety meeting, or both). Such notification must be conducted in a manner and language understood by the affected workers.
 - ✓ Employers must provide an explanation of the employer’s policies and procedures for employees to report signs or symptoms of COVID-19. Such explanations must be conducted in a manner and language understood by the affected workers.
- Employers will also be required to address the medical removal of employees with symptoms, undergoing testing, or otherwise requiring isolation:
 - ✓ Employers must provide information about any paid leave to which employees would be entitled by company policy as well as under the federal [Families First Coronavirus Relief Act](#) (FFCRA).
 - ✓ Whenever a medical provider or public health official recommends isolation or quarantine, the worker(s) must be reassigned to duties that do not involve in-person contact. Such reassignment must continue until the need no longer exists, based on guidance from the medical provider or involved public health officials.
 - ✓ To the degree reassignment is not possible, the employer must allow workers to use leave to which they are entitled under the FFCRA. If the employer is not covered by the FFCRA or has previously opted out of the paid sick leave provisions of the FFCRA, then the employer must provide up to two weeks of paid reassignment leave in addition to whatever benefits to which the worker would otherwise be entitled.

[Exception 1: Employers otherwise required to provide paid reassignment leave may count any benefits currently available that were not available prior to March 1, 2020.](#)

[Exception 2: Employers otherwise required to provide paid reassignment leave who experienced a reduction of more than 20 percent in gross revenue between the 2nd calendar quarter of 2019 and the 2nd calendar quarter of 2020 are not required to provide additional paid leave.](#)

 - ✓ Employees who are reassigned for medical removal reasons are entitled to return to their previous job duties without any adverse action as a result of the medical removal.