

OREGON
BUSINESS
& INDUSTRY



Paloma Sparks, Vice President
Oregon OSHA COVID Rules
October 15, 2020

Background

- Legislation
- OR-OSHA Administrative Rules
 - Temporary
 - Permanent
- Partnership Committee
- Rulemaking Advisory Committee

Timeline

- Draft Rules – Aug. 17
- 2nd Draft – Sept. 25
- 3rd Draft – Oct. 13
- Adoption – Oct. 21
- Effective – Nov. 1

Distancing

- Employers must ensure six feet of distance between individuals
- If distancing cannot be maintained at all times, face coverings must be used
- Vehicles – half capacity or no more than two, whichever is greater; respirator exception
- If two or more people will be in a space that is less than 200 sq ft, all must wear face coverings

Face Coverings

- Any time six feet distance can't be maintained
- Always in vehicles
- Employer must provide to employees
- Employer expected to enforce for employees as well as all individuals in the workplace
- OBI pushing for ADA exemption language

Sanitization

- Sanitize high-touch surfaces, common areas, shared equipment
- At least every 24 hours for spaces occupied fewer than 12 hours, every 8 hours for spaces occupied more than 8 hours
- Improved from initial draft
- Building Operators – common areas

Ventilation

- Air must be circulated when employees are present in the workplace
- Maintain and replace HVAC filters as needed
- Clean vents, Optimize air flow
- Healthcare – air changes 12x/hour
- Delayed implementation – Dec. 21

Distancing Officer

- Previous draft required all employers to have a distancing officer to ensure compliance
- Oct. 13 removed this requirement
- For business operations purposes, may still want to at least have staff that makes sure all requirements of rule have been complied with

Exposure Risk Assessment

- All employers must conduct an exposure risk assessment
- Questions provided by OSHA in rule, will also have a template
- Employers with 10+ employees must have written assessment
- Must get feedback from employees – safety meeting
- Delayed implementation – Nov. 21

Infection Control Plan

- All employers must establish an infection control plan
- Elements provided by OSHA in rule, template
- Employers with 10+ employees must have written plan
- Must get feedback from employees
- Delayed implementation – Nov. 21

Infection Notification

- Adopt Policy about how employees will be notified if they may have been exposed to infected individual in the workplace
- Employees must be notified within 24 hours
- Make sure you are protecting privacy of the infected individual

Medical Removal

- If employee needs to quarantine due to exposure or isolate due to infection:
 - Employer must provide work from home option, if available
 - If WFH is not an option, the employee will use existing paid or unpaid leave
- Employee entitled to return to previous job duties, if available
- Note: retaliation protection is quite broad here

Posting Requirements

- Employers must post “COVID-19 Hazards” poster, to be produced by OSHA
- Must be posted employees can be expected to see it – such as where employees report each day
- Can distribute electronically
- Building operators must also post

Employee Training and Information

- Employers must provide training to employees on all aspects of the rules and additional procedures adopted by employers
- Process for reporting possible infection
- Employees must be given opportunity to provide feedback
- Safety meeting is a good option – by Dec. 5

Industry-Specific Guidance

- OSHA has drafted industry appendices
- Largely modeled after OHA guidance
- Will be mandatory and in addition to rules

Healthcare Rules

- Healthcare is labeled as “exceptional risk”
- Much stricter infection control requirements
- Must have infection control plan
- HVAC requirements much more demanding
- Got clarification on different levels of risk for employees who may be employed in healthcare but have less risk of exposure

Next Steps

- Stakeholder meetings Oct. 15 and Oct. 16
- Adoption Oct. 21
- Effective Nov. 1

Questions?

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