

**MEMORANDUM**

DATE: November 10, 2020

RE: COVID-19 Updates for Employers

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OR-OSHA has now finalized its temporary COVID-19 [rule](#), which goes into effect on November 16, 2020 ([OAR 437-001-0744](#)). The regulation is pretty lengthy but easy to read, so all employers should review it in its entirety. OR-OSHA also put together an [overview table](#) that shows the rule's various requirements. That table can help you identify which requirements apply to your business and prioritize the actions you must take.

In addition to the highlights from our prior email, the final rule contains some important revisions:

- Exposure Risk Assessment The new deadline for this assessment is December 7, 2020. OR-OSHA has provided a fillable assessment form to help with the process, available [here](#).
- Face coverings (including masks and face shields) The final rule eliminates the various square foot requirements that were outlined in the prior version. Instead, the final rule adopts the [Oregon Health Authority's Statewide Mask, Face Covering, Face Shield Guidance](#), which states that employers must require employees to wear a mask, face covering or face shield unless the employee's job does not require interacting with the public or with other employees and at least six (6) feet of distance can be maintained between other people. When six (6) feet of distance cannot be maintained, such as in a restroom or break room, masks, face coverings or face shields are required. Also, everyone riding in the same car is required to wear a mask for the entire car ride. The only individuals exempt from these requirements are those who require an accommodation under the ADA.
- OR-OSHA Poster The new COVID-19 required poster (also available in Spanish) can be found [here](#).
- Mandatory Training Employers are required to provide COVID-19 information and training to all employees by December 21, 2020. The rule lists the detailed requirements and must include at least the following: physical distancing; mask requirements; sanitation requirements; signs and symptoms of the virus; infection notification process; medical removal (quarantine); and certain information about the transmission of COVID-19. The training can be accomplished remotely or using computer-based models, but the content must be comprehensible to all employees.

In addition, there are numerous industry-specific appendices that might apply to your business, so review [those](#) carefully.

Because this regulation will be new for both employers and employees, keep in mind that employees' concerns could constitute "whistleblowing" activity so be mindful of how you respond in order to avoid a possible retaliation claim.

For more information, please contact our Labor and Employment attorneys, Amanda Walkup, Andy Lewis and Mario Conte.

*This summary provides general information and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. If you have specific legal questions, you are urged to consult with your attorney concerning your own situation.*