

MEMORANDUM

DATE: July 1, 2021

RE: OSHA COVID Rule Change

Effective June 30, 2021, Oregon OSHA repealed the COVID-19 workplace rules that required most employers to mandate face coverings and physical distancing for employees and visitors. The rule change followed Governor Brown's [Executive Order](#) that lifted most of the state's remaining COVID-19 restrictions. Note that the majority of the COVID-19 workplace requirements remain the same and employers are still required to have an exposure risk assessment, infection control plan and to provide employees with certain information and training. But the lifting of the mandatory face coverings and physical distancing should help all of us breathe a sigh of relief.

The [revised rule](#) is detailed and should be reviewed carefully (click the "Text of Changes" link on Page 1 of the revised rule to see what has changed), but here are some of the highlights:

- For most employers, the rule eliminates physical distancing and face covering requirements. However, the rule makes clear that an employee who chooses to wear a face covering, even when it is not required, must be allowed to do so.
- Most of the industry-specific appendices have been repealed, except for transit agencies, veterinary care, and emergency medical services.
- Employers must continue to regularly clean or sanitize all common areas, shared equipment, and high-touch surfaces.
- Employers must continue to notify employees of a potential workplace COVID-19 exposure within 24 hours.
- Whenever an employee participates in quarantine or isolation for COVID-19, the employer must allow the affected worker to work at home if suitable work is available and the employee's condition does not prevent it. In addition, the affected worker must be notified in writing that they are entitled to return to their previous job duties if they are still available.
- Healthcare employers must ensure that all individuals in the workplace wear a mask, face covering, or face shield: (a) when working inside where six feet of distance cannot be consistently maintained, or (b) when an employee shares a room with one or more other people and the total enclosed area of the room does not provide at least 100 square feet per person. Exceptions to the face-covering requirement include time spent eating, drinking, showering, or sleeping. Moreover, healthcare employers must ensure that work activities

and workflow are designed to eliminate the need for any employee to be within six feet of another individual, unless the employer can demonstrate that physical distancing is not feasible.

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.