



# OSHA Temporary COVID-19 Rules Matrix

November 18, 2020 Update



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## Another Personal Cheat Sheet



The Coronavirus pandemic has affected people and business across the country and around the world. Governments at every level have adopted new laws and new regulations in response. It has been our privilege to help Oregon business people comply with these ever-changing laws.

When new statutes and new rules are adopted, I often develop simple tools I can use to answer client questions, my personal cheat sheets. After Congress passed the Families First Coronavirus Response Act on March 18, 2020, we freely shared my cheat sheet, the *Federal Paid Leave Matrix* (download [here](#)), as an educational courtesy. We are doing it again.

Oregon OSHA adopted new, temporary COVID-19 rules on November 6, 2020. This matrix is the cheat sheet I prepared for these new regulations. Oregon employers must comply beginning November 16, 2020. Time is short.

I hope this matrix, this “cheat sheet” simplifies the regulations for you, allows you to focus on your specific issues and helps you comply with these new requirements. Of course, ***your questions and comments are always welcome***. You can contact me at any time.

Be safe, be healthy and “if you can’t be good, be careful!”

*Alan Thayer*

Cover photo by [Jacob Boavista](#) on [Unsplash](#)

# Oregon OSHA Temporary COVID-19 Rules

Updated November 18, 2020

Employees		Summary	
Effective Date			
<b>Administrative Rules</b> OAR 437-001-0744			<i>Addressing COVID-19 Workplace Risks</i> administrative rules. Adopted November 6, 2020. Download temporary OSHA rules <a href="#">here</a> .
<b>Physical Distancing</b> OAR 437-001-0744 3(a)	11/16	1+	<ul style="list-style-type: none"> <li>• Must design work activities &amp; workflow to eliminate need for employees to be within 6 feet of another person.</li> <li>• Exception - Employer demonstrates not feasible for certain activities. DOCUMENT!</li> </ul>
<b>Face Covering</b> OAR 437-001-0744 3(b)	11/16	1+	<ul style="list-style-type: none"> <li>• Employees must wear a mask, face covering or face shield (Face Covering) consistent with <a href="#">Oregon Health Authority requirements</a>.</li> <li>• All vehicle occupants (work purpose) must wear a Face Covering. Exception when all occupants are members of the same household.</li> </ul>
<b>Cleaning &amp; Sanitation</b> OAR 437-001-0744 3(c)	11/16	1+	<ul style="list-style-type: none"> <li>• Clean or sanitize all common areas, shared equipment &amp; high touched surfaces used by employees or public at least every 24 hours for workplaces occupied less than 12 hours a day.</li> <li>• Must be cleaned every 8 hours while in use if workplace is occupied more than 12 hours a day.</li> <li>• See <a href="#">EPA's Coronavirus Disinfectant List</a>.</li> <li>• Employers must provide supplies for hand hygiene &amp; to clean or sanitize the workplace.</li> <li>• Employees must be allowed to clean or sanitize more frequently if desired.</li> <li>• Additional requirements when a person known to have COVID-19 has had direct physical contact with surfaces or equipment.</li> </ul>
<b>Poster</b> OAR 437-001-0744 3(d)	11/16	1+	<ul style="list-style-type: none"> <li>• Must post OSHA's new <i>COVID-19 Hazards Poster</i> (there is always a new poster). <a href="#">English</a> and <a href="#">Spanish</a> versions attached for your convenience.</li> </ul>
<b>Building Operators</b> OAR 437-001-0744 3(e)	11/23	1+	<ul style="list-style-type: none"> <li>• Employers operating or controlling buildings where employees of other employers work must be sure that sanitation requirements are met.</li> <li>• Must post the <a href="#">Oregon Health Authority's Masks Required sign</a>. Attached for your convenience.</li> </ul>
<b>Ventilation Requirements</b> OAR 437-001-0744 3(f)	1/6	1+	<ul style="list-style-type: none"> <li>• Must optimize outside air circulation through existing HVAC systems. Does not require new equipment.</li> <li>• Must maintain &amp; replace all air filters and clean and maintain all outside air intake ports pursuant to manufacturer's instructions.</li> </ul>

Employees		Summary	
Effective Date			
<b>Risk Assessment</b> OAR 437-001-0744 3(g)	12/7	1+	<ul style="list-style-type: none"> <li>• Must conduct a COVID-19 exposure <i>Risk Assessment</i>, without regard to use of PPE or Face Coverings. Must involve employee participation &amp; feedback. See the <a href="#">OSHA Risk Assessment Template</a>.</li> <li>• <b>Warning: Liability trap for the unwary. Consult a knowledgeable attorney.</b></li> </ul>
<b>Written Risk Assessment</b> OAR 437-001-0744 3(g)(B)	12/7	10+	<ul style="list-style-type: none"> <li>• The <i>Risk Assessment</i> described above must be documented in writing.</li> </ul>
<b>Infection Control Plan</b> OAR 437-001-0744 3(h)	12/7	1+	<ul style="list-style-type: none"> <li>• Must establish and implement an <i>Infection Control Plan</i> based on the risks identified in the <i>Risk Assessment</i> described above.</li> <li>• OSHA is to make sample <i>Infection Control Plans</i> available to assist employers. We will notify employers through our free <a href="#">LegalBriefs</a> email newsletter when available.</li> </ul>
<b>Written Infection Control Plan</b> OAR 437-001-0744 3(h)(A)	12/7	10+	<ul style="list-style-type: none"> <li>• <i>Infection Control Plan</i> described above must be documented in writing and a copy made accessible to employees at the workplace.</li> </ul>
<b>Employee Info &amp; Training</b> OAR 437-001-0744 3(i)	12/21	1+	<ul style="list-style-type: none"> <li>• Must provide employees with information &amp; training before this date.</li> <li>• OSHA is to provide training materials. We will notify employers through our free <a href="#">LegalBriefs</a> email newsletter when available.</li> <li>• <b>Warning: Assumes employer conducts regular safety meetings. If not currently doing so, contact a knowledgeable attorney.</b></li> </ul>
<b>COVID-19 Infection Notification</b> OAR 437-001-0744 3(j)	11/16	1+	<ul style="list-style-type: none"> <li>• Establish a process to notify employees of work-related contact with any individual testing positive for COVID-19 &amp; others working in the same facility. OSHA's <a href="#">Model Policy for Notification of Employees When COVID-19 Exposure Occurs</a> is attached for your convenience.</li> </ul>
<b>COVID-19 Testing</b> OAR 437-001-0744 3(k)	11/16	1+	<ul style="list-style-type: none"> <li>• Must make employees &amp; space available at no cost when the local public health agency or the Oregon Health Authority indicate COVID-19 workplace diagnostic testing is necessary.</li> <li>• If the employer requests testing, the employer is responsible for the test cost, employee time &amp; employee travel.</li> <li>• Otherwise, employer not responsible for test cost or employee travel.</li> </ul>
<b>Medical Removal</b> OAR 437-001-0744 3(l)	11/16	1+	<ul style="list-style-type: none"> <li>• Employees directed to isolate or quarantine by public health officials must be removed from the workplace.</li> <li>• Must be returned to their previous position after the isolation or quarantine ends.</li> <li>• You may be required to provide paid federal leave. See our <a href="#">Federal Paid Leave Matrix</a>.</li> </ul>

Employees		Effective Date	Summary
<b>Industry Specific Requirements</b> OAR 437-001-0744 3(m)	11/16		
<b>Exceptional Risk Workplaces</b> OAR 437-001-0744 (1)(c) & (4)			<ul style="list-style-type: none"> <li>There are additional requirements for the workplaces where an employee performs one or more of the job duties set out in the attached <i>Exceptional Risk Workplace List</i>.</li> </ul>
<p><i>This summary is published for you as an educational courtesy by Oregon business lawyer Alan Thayer. Your questions and comment are always welcome.</i></p> <p>541-345-2325   <a href="mailto:alan@thinkilg.com">alan@thinkilg.com</a></p>			
<p>This information is offered for general information and educational purposes only. It is not offered as legal advice and does not constitute legal advice or opinion. We do not promise or guarantee that the information is correct, complete or up-to-date. You should not act or rely upon the information in this or any other publication without seeking the advice of a knowledgeable lawyer.</p>			
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### Table of Links

Links set out above (and a few more) can also be found below.

[OSHA Temporary Rule Addressing COVID-19](#)

[Workplace Risks](#)

[Oregon Health Authority Face Covering Guidance](#)

[EPA's Coronavirus Disinfectant List](#)

[OSHA's New COVID-19 Hazards Poster](#)

(Spanish Version)

[OHA Masks Required Sign](#)

[OSHA Risk Assessment Template](#)

[Sample OSHA Infection Control Plan - Not yet available](#)

[OSHA Employee Training Materials - Not yet available](#)

[OSHA Model COVID-19 Infection Notification Policy](#)

[Federal Paid Leave Matrix](#)

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### Other Links

[CDC Coronavirus](#)

[Oregon Coronavirus Resources](#)

[Governor's 2 Week Freeze Press Release](#)

[Governor's 2 Week Freeze Order](#)

[Oregon Health Authority COVID-19 Updates](#)

[Oregon OSHA](#)

## **Appendix A List**

### **Mandatory Workplace Guidance for Industry-Specific & Activity-Specific Activities**

- A-1 Restaurants, Bars, Brewpubs & Public Tasting Rooms at Breweries, Wineries & Distilleries
- A-2 Retail Stores
- A-3 Outdoor & Indoor Markets
- A-4 Personal Services Providers
- A-5 Construction Operations
- A-6 Indoor & Outdoor Entertainment Facilities
- A-7 Outdoor Recreation Organizations
- A-8 Transit Agencies
- A-9 Collegiate, Semi-Professional & Minor League Sports
- A-10 Professional, Division 1, Pac-12, West Coast Conference & Big Sky Conference Sports
- A-11 Licensed Swimming Pools, Licensed Spa Pools & Sports Courts
- A-12 Fitness-Related Organizations
- A-13 Public & Private K-12 Educational Institutions
- A-14 Child Care & Early Education Programs
- A-15 Public or Private Colleges
- A-16 Veterinary Care
- A-17 Emergency Medical Services: First Responders, Firefighters & Non-Emergency Medical Transport
- A-18 Law Enforcement Activities
- A-19 Jails, Prisons & Other Custodial Institutions

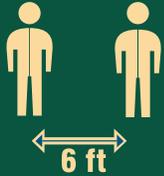
## Exceptional Risk Workplace List

### 437-001-0744(1)(c) Addressing COVID-19 Workplace Risks

“Workplaces at exceptional risk,” include any setting (whether a healthcare setting or not) where an employee (including temporary and part-time employees) performs one or more of the job duties listed below.

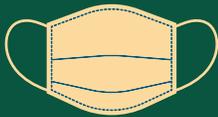
- (A) Direct patient care.
- (B) Environmental decontamination services in a healthcare setting.
- (C) Aerosol-generating healthcare or postmortem procedures.
- (D) Direct client service in residential care or assisted living facilities.
- (E) Emergency first responder activities.
- (F) Personal care activities that involve very close contact with an individual, such as toileting or bathing.
- (G) Handling, packaging, cleaning, processing or transporting human remains or human tissue specimens or laboratory cultures collected from an individual known or suspected to be infected with COVID-19.

# Oregon OSHA's COVID-19 Temporary Standard for all workplaces



## Physical distancing

Workers must be separated from one another and other individuals by at least 6 feet.



## Facial covering

In most indoor environments, as well as outdoor situations where 6 feet of physical distance from others cannot be maintained, a proper face covering that covers the nose and mouth is required.



## Workplace risk assessment

Talk to your employer about COVID-19 risks in the workplace and how to address them.



## Notify your employer when you feel sick

Cough, shortness of breath, fever, etc.



## Wash your hands often

**Workers:** If you have been quarantined due to COVID-19, contact your employer about available leave options.

You have the right to notify your employer or Oregon OSHA about workplace hazards. Oregon OSHA will keep your name confidential if you ask.

You have the right to report a work-related injury or illness, without being retaliated or discriminated against.

You can file a complaint with the Oregon Bureau of Labor and Industries within 90 days, or with federal OSHA within 30 days, of discrimination by your employer for making safety and health complaints or for exercising your rights under the Oregon Safe Employment Act.

English 1-800-922-2689

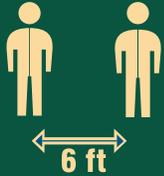
[osha.oregon.gov](https://osha.oregon.gov)

Español 1-800-843-8086



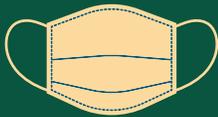
The rule  
and other  
resources

# Norma temporal de Oregon OSHA sobre el COVID-19 para todos los lugares de trabajo



## Distanciamiento físico

Los trabajadores deben estar separados unos de otros por al menos 6 pies de distancia.



## Cubiertas faciales

En la mayoría de los ambientes interiores, así como en situaciones al aire libre donde no se puede mantener una distancia física de 6 pies con los demás, se requiere una cubierta facial adecuada que cubra la nariz y la boca.



## Evaluación de riesgos laborales

Hable con su empleador sobre los riesgos del COVID-19 en el lugar de trabajo y cómo abordarlos.



## Notifique a su empleador cuando se sienta enfermo

Tos, dificultad para respirar, fiebre, etc.



## Lávese las manos con frecuencia

### Trabajadores:

Si ha sido puesto en cuarentena debido al COVID-19, comuníquese con su empleador para saber sobre las opciones de permisos disponibles.

Usted tiene derecho a notificar a su empleador o a Oregon OSHA sobre los peligros en el lugar de trabajo. Oregon OSHA mantendrá su nombre confidencial si usted así lo pide.

Usted tiene derecho a denunciar una lesión o enfermedad relacionada con el trabajo, sin ser discriminado o que se tomen represalias en su contra.

Usted puede presentar una queja ante el Departamento de Labor e Industrias de Oregon antes de 90 días, o con OSHA federal antes de 30 días, de la discriminación por parte de su empleador por presentar una queja de seguridad y salud o por ejercer sus derechos bajo la Ley de Empleo Seguro de Oregon.

English 1-800-922-2689

[osha.oregon.gov](https://www.osha.oregon.gov)

Español 1-800-843-8086



La regla  
y otros  
recursos

# Masks, Face Coverings, Face Shields are required.

Everyone five (5) years of age and older is required to wear a mask, face covering or face shield at this location. There are no exemptions but individuals can request an accommodation to enable full and equal access to services, transportation, and facilities open to the public. Children between two (2) and five (5) years of age are strongly encouraged to wear a mask, face covering or face shield.



To request an accommodation, you can contact this business or location at the following phone number:

[Business or location is required to fill in the blank with their contact information.]

More information at [www.healthoregon.org/coronavirus](http://www.healthoregon.org/coronavirus)

**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@dhsosha.state.or.us](mailto:COVID19.LanguageAccess@dhsosha.state.or.us).

OHA 2728 (10/27/2020)

Oregon  
Health  
Authority



Department of Consumer & Business Services

Issued November 12, 2020

## Oregon OSHA COVID-19 Workplace Advisory Memo (11.12)

### ***“Model Policy for Notification of Employees when COVID-19 Exposure Occurs”***

Subsection 3(j) of the recently adopted [Oregon OSHA Temporary COVID-19 rule](#) includes a provision requiring almost all employers to develop a COVID-19 infection notification process. The process must provide for the notification of exposed employees – those who were within 6 feet of a confirmed COVID-19 individual for a cumulative total of 15 minutes or more – and of affected employees – those who work in the same facility or in the same well-defined portion of the facility (such as on the same floor or in the same building within larger complex).

This policy and procedure need not be extensive. Implementation of a simple, straightforward policy such as the following model would satisfy the requirements of the rule:

#### **COVID-19 Notifications by ABC Company**

All employees and managers are expected to notify [the owner, the safety director, human resources, etc.] in the event that they test positivize for COVID-19 or they become aware that another individual who has been present in the worksite (employee, customer, contractor, guest, etc.) has been confirmed as having COVID-19. When such a notification occurs or ABC Company becomes aware that a person with confirmed COVID-19 has been in the workplace by any other means, the following measures will be taken:

- A. Based on a reasonable assessment of the activity of the individual with confirmed COVID-19, ABC Company will seek to identify each employee who was likely to have been within 6 feet of the infected individual for a cumulative total of 15 minutes or more. Those employees will be notified individually of the exposure (by telephone, text message, or e-mail) and will be advised that they should seek guidance from their individual physician or from local public health officials about testing options. The individual who was the source of the exposure will *not* be identified.
- B. In addition, the following notification will be sent to everyone working in the facility where the exposure occurred, even if they did not appear to have close contact with the individual in question:

*We have been notified an individual who has been present at [location] has been diagnosed with COVID-19. We are notifying those individuals who appear to have had close contact with the individual, but we want to alert everyone to the possibility of exposure.*

*If you experience symptoms of COVID-19 illness, please inform [contact person] and contact your health care provider. ABC Company, as always will protect all employee medical information confidential and will only disclose it only to the degree such disclosure is strictly necessary.*

*For more information on COVID-19, including symptoms of which you may want to be aware, please visit the [Oregon Health Authority COVID-19 website](#) or the [US Centers for Disease Control & Prevention COVID-19 website](#).*

*If you have any questions or concerns, please contact [contact person].*

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Families First Coronavirus Response Act



The Families First Coronavirus Response Act (Act) was enacted by Congress and signed by the President on March 18, 2020. An initial guidance was published by the U.S. Department of Labor one week later on March 25, 2020. The Act goes into effect April 1, 2020. Employers have little time to adjust to this new law is short.

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