

OREGON OSHA'S NEW COVID-19 RULE: EMPLOYEE INFORMATION & TRAINING REQUIREMENTS

Kristin Bremer Moore
Tonkon Torp LLP
503.802.2154

Oregon Business Industry
Thursday, December 3, 2020

TODAY'S SPEAKERS



Kristin Bremer Moore

Partner

kristin.bremer@tonkon.com

TIMELINE FOR TEMPORARY COVID-19 RULE

- Rule adopted **November 6**
- Took effect on **November 16**
- Risk Exposure Assessment and Infection Control Plan due by **December 7**
- Employee training to be completed by **December 21**
- Rule in effect until **May 4, 2021**, unless revised or repealed
- Keep watching!:
<https://osha.oregon.gov/rules/advisory/infectiousdisease/Pages/default.aspx>

EMPLOYEE INFORMATION AND TRAINING REQUIREMENT

- Must provide all workers with information and training on 10 mandatory topics related to COVID-19
- Remotely, using computer-based models, pre-recorded video, written, or in person
- In manner and language employees can understand
- Provide opportunity for feedback from employees
- Oregon OSHA's COVID-19 Temporary Rule Fact Sheet:
<https://osha.oregon.gov/OSHAPubs/factsheets/5513-fs86.pdf>

THE LOGISTICS

- Who is responsible for preparing, conducting and tracking the training?
- How will training be given?
- What technology will you need to provide training?
- How will you solicit employee feedback?
- What will you do with employee feedback?
- How will you track that all employees have received training?
- How will you update training if/when needed?

... by December 21

MANDATORY TRAINING TOPICS

1. Physical distancing
2. Face masks and coverings
3. Sanitation
4. COVID-19 signs and symptoms reporting procedures
5. COVID-19 infection notification process
6. Quarantine requirements
7. Characteristics and methods of transmission of virus
8. COVID-19 symptoms
9. Transmission of virus by pre-symptom/asymptomatic person
10. Safe and healthy work practices and control measures

WHAT IS COVID-19 AND HOW IS IT TRANSMITTED?

- SARS-CoV-2 is the virus that causes coronavirus disease 2019
- COVID-19 spreads:
 - Easily person-to-person, particularly when within 6 feet distance
 - Through respiratory droplets produced when infected person coughs, sneezes, breathes or talks
 - By individuals with or without COVID-19 symptoms
- Little if any immunity in humans (as of now)

COVID-19 SYMPTOMS

- CDC's list of symptoms include, but are not limited to:
 - Fever of 100 or chills
 - Cough
 - Shortness of breath or difficulty breathing
 - Fatigue
 - New loss of smell or taste
 - Muscle or body aches
 - Headache
 - Congestion or runny nose
 - Sore throat
 - Nausea or vomiting
 - Diarrhea
- Symptoms may appear 2 -14 days after exposure to the virus, but some people who become infected do not develop symptoms at all

PHYSICAL DISTANCING

- General Rule: All employees must maintain at least 6 feet between all individuals in the workplace. This includes physical distancing with customers, vendors and public.
- Your Specific Safety Measures: Explain to employees what safety measures have been developed to maintain physical distancing requirements at your workplace (ex. postings, arrows, limit number of individuals in elevator/breakroom, plexiglass, floor markings, etc.)
- Exceptions: Identify specific job functions when physical distancing is not feasible, and explain precautions and additional safety measures employees must take (ex. wear masks, limit close encounter time).

FACE MASKS & COVERINGS

- General Rule: All employees must wear face masks or coverings while at the workplace, including indoors, outdoors where 6 feet distance cannot be maintained, and in vehicles.
- Exceptions:
 - Employees may remove their masks while inside their individual office if nobody else is present and their door remains closed. This means, a fully enclosed space with four floor-to-ceiling walls.
 - Identify the exceptions unique to your workplace, then explain protocols and additional safety precautions.
- ADA and religious reasonable accommodations will be given.

FACE MASKS & COVERINGS CON'T

- Provided by employer; employees may wear their own
- Preference of masks over shields
- Dos & Don'ts of mask use
- Big Picture: masks do not protect wearer from others; intention is to prevent an asymptomatic person from unknowingly transmitting virus to others. Thus, employees must wear masks in conjunction with other safety measures, such as social distancing, hand washing, etc.

SANITATION

- Sanitizing – All common areas, shared equipment and high touch areas will be cleaned or sanitized regularly and at a minimum:
 - Every 24 hours for areas occupied for less than 12 hours
 - Every 8 hours for areas occupied for 12 hours or more
 - Any area/shared equipment that an individual known to be infected with COVID-19 used or had direct physical contact with, after at least 24-hour waiting period (7-day exception)
- Employees will be provided with supplies and time to sanitize their work areas.
- Hand hygiene – Employees will be provided supplies and time for washing hands before using shared equipment (more frequently if desired)
- Respiratory hygiene – Employees should cover mouth and nose when coughing or sneezing and discard any facial tissue

COVID-19 SYMPTOMS REPORTING PROCEDURES

- Employees who have symptoms of COVID-19 must notify the employer
 - Who? Human Resources, supervisor, etc.
 - When? Immediately!
- Employer must remove employee from workplace immediately and allow employee to work remotely if possible
- Employees will be: (1) encouraged (not required) to seek advice from their healthcare provider and (2) stay in touch with employer about returning

COVID-19 INFECTION NOTIFICATION REQUIREMENTS

- Who? Employees “exposed” to or “affected” by an infectious individual in the workspace or during work-related activities must be notified
 - Exposed: Within 6 feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period starting from 2 days before illness onset (or, for asymptomatic patients, 2 days prior to test specimen collection) until the time the patient is isolated
 - Affected: In workplace, but not in close contact
- When? Within 24 hours of when the employer learns the information
- How? Telephone, email, etc.
- OSHA’s Sample Policy: <https://osha.oregon.gov/covid19/Pages/default.aspx>

QUARANTINE REQUIREMENTS

Whenever OHA, local public health agencies, or a medical provider **recommends** an employee be restricted from work due to quarantine or isolation for COVID-19, such as through identification during contact tracing activities, the affected worker(s) **must** be directed to isolate at home and away from other non-quarantined individuals.

SAFE AND HEALTHY WORK PRACTICES

- In addition to physical distancing, masks and sanitizing, notify employees of other practices adopted to keep employees safe, for example:
 - Mandatory temperature checks
 - Symptoms/wellness checks
 - Upgrade to touchless equipment
 - Remote working, limit office use, limit customer contact
 - Upgrade technology
 - PPE
 - Limit flow of workplace, install physical barriers, one-way access
 - Offered additional benefits for employees who are ill

TRAINING BEST PRACTICES

- The best policies are written policies
- Establish clear expectations and consistent enforcement
- Communicate clearly and often
- Provide employees an opportunity for feedback and questions
- Keep an eye on changing guidelines
- Update policies and practices and retrain as needed
- Track employee participation/completion of training
- Document, Document, Document!

QUESTIONS?



Kristin Bremer Moore

Partner

kristin.bremer@tonkon.com