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COVID-19 Workplace Rule Changes: What Employers Should Know

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The lifting of COVID-19 health and safety rules has caused confusion for employers because while most COVID-19 workplace restrictions have been lifted, some remain in place.

COVID-19 Workplace Rule Changes

Last month, the Oregon Safety and Health Administration (OR-OSHA) announced that it was initiating the rulemaking process to rescind numerous COVID-19 workplace requirements that apply to most workplaces, including dropping requirements that employees must wear face coverings indoors, conduct contact tracing, and adhere to certain sanitation and ventilation procedures. While the rule is not expected to be finalized until June, OR-OSHA has said that it will not enforce any of these requirements.

COVID-19 Requirements That Remain in Place

Despite the loosening of workplace restrictions, under the rules, employers are still required to:

- (1) Allow workers to voluntarily wear face coverings (and the employers must provide facial coverings at no cost); and
- (2) Cover the cost associated with employee COVID-19 testing, including time and travel, if the employer facilitates the testing.

In addition, most of the COVID-19 restrictions, including mask and sanitation requirements, still apply to employers in “exceptional risk workplaces.” OR-OSHA defines exceptional risk workplaces as settings where an employee performs job duties such as direct patient care, environmental decontamination services in a healthcare setting, aerosol-generating healthcare or postmortem procedures, direct client service in residential care or assisted living facilities, emergency first responder activities, personal care activities (such as toileting or bathing), or handling or transporting human remains.

Other Considerations for Employers

Importantly, employers are permitted to implement workplace policies that are stricter than what OR-OSHA requires, such as policies that require employees wear face coverings or be vaccinated against COVID-19. Like all workplace policies, employers should implement and enforce COVID-19 policies consistently and uniformly.

While not required to, employers are encouraged to closely monitor and follow the Oregon Health Authority (OHA) guidance concerning isolation and quarantine for employees who contract COVID-19, and provide notice to workers who have had potential work-related exposure to COVID-19 within 24 hours.

As we have seen over the last two years, COVID-19 policies are dynamic and shift according to the evolving nature of the pandemic. Employers should continue to closely monitor public health guidance and consult with counsel to ensure that they are compliant with the latest developments in the law.

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