

Oregon Coronavirus Guidance

In response to the Coronavirus (COVID-19) global pandemic, state governments have issued guidance to help employers comply with labor and employment laws during the outbreak. Employer resources on the actions Oregon has taken during this time are provided below.

Because states are continually monitoring and responding to developments related to COVID-19, employers are strongly advised to visit the [Oregon Health Authority COVID-19 Updates webpage](#) for the latest updates and business-related resources.

Oregon OSHA COVID-19 Workplace Safety Standard

Oregon Occupational Safety and Health (Oregon OSHA) has adopted a permanent COVID-19 [standard](#) (the Standard). The original Standard went into effect on May 4, 2021, when the [emergency temporary standard](#) (ETS) expired. On June 30, 2021, Oregon OSHA amended the Standard to remove the facial covering and physical distancing requirements for all workplaces, except for health care and public transit. However, on Aug. 13, 2021, Oregon OSHA [reinstated](#) the facial covering requirement for all indoor spaces based on the Oregon Health Authority's (OAH) [recommendations](#).

The Standard requires employers to implement and enforce COVID-19 prevention and mitigation measures. Most requirements apply to all workplaces, but some are reserved for workplaces that pose an exceptional risk. Exceptional risk services include:

- Direct patient care
- Environmental decontamination services in a health care setting
- Aerosol-generating health care or postmortem procedures
- Direct client service in residential care or assisted living facilities
- Emergency first responder activities
- Personal care activities that involve very close contact with an individual
- The handling, packaging, cleaning, processing or transporting of human remains (tissue specimens or laboratory cultures) collected from an individual known or suspected to be infected with COVID-19

Employer Resources

- Oregon OSHA [summary](#) of Key Issues Revisions and Extension of COVID-19 Workplace Rules
- Oregon OSHA COVID-19 [Resources](#)
- [Model policy](#) for notification of employees when COVID-19 exposure occurs
- Exposure risk assessment [form](#)
- Oregon OSHA [statement](#) on vaccines and face coverings
- [Changes](#) in COVID-19 Rules
- OHA mask [recommendations](#)

Employee Leave

- The Oregon Bureau of Labor and Industries issued a [temporary rule](#) clarifying that Oregon family leave covers an employee's absence to care for his or her child whose school or place of care has been closed in conjunction with a statewide public health emergency declared by a public health official. The rule was made [permanent](#), effective September 14, 2020. Additional [temporary amendments](#) to the family leave regulations take effect on the same date and provide clarifications to the terms "child care provider" (includes unpaid and unlicensed providers such as grandparents and neighbors), "place of care" (expansive definition includes homes and other locations not solely dedicated to child care) and "closure" of schools and child care. The new

temporary rules also permit intermittent leave for intermittent school and child care closures, and explain what kind of verification for leave may be required. The temporary rules expire March 12, 2021.

- Oregon has also issued [guidance](#) on the use of sick time (which may also be used for public health school closures) in the context of COVID-19.
- In addition, a [temporary rule](#) effective Aug. 2 – Dec. 26, 2020, allows approved, accrued leave to count as hours worked during the week, for purposes of determining an employee’s eligibility for workshare benefits. This does not apply to leave taken for vacation purposes. It does apply to leave taken for other reasons, including because the employee is sick, is caring for someone else who is sick, is on jury duty, or because of COVID-19 related reasons.

Temporary Exclusion of Hiring and Retention Bonuses for Pay Equity Compliance

On **March 7, 2022**, Oregon adopted a [temporary amendment](#) that excludes hiring and retention bonuses from the state’s definition of wages for the purpose of complying with the state’s pay equity law. The amendment became effective on the date it was adopted.

State law prohibits employers from paying different wages to employees solely because they belong to a protected class. This means that employers must pay the same wages to employees who perform work of comparable character.

However, the law allows wage differentials when they are based on a merit system, a seniority system, a system that measures earnings by quantity or quality of production (including piece-rate work), workplace locations, travel (if travel is necessary and regular for the employee), education, training, experience or any combination of these factors if the combination accounts for the entire compensation differential.

The exclusion applies to pay equity claims filed with the Oregon Bureau of Labor and Industries **on or after March 1, 2022**, and remains in effect for claims filed up to 180 days after the expiration of the state of emergency declared on March 8, 2020, due to the COVID-19 pandemic.

The temporary exclusion of hiring and retention bonuses from the definition of wages allows Oregon employers to maintain adequate staffing levels during the COVID-19 state of emergency without violating the pay equity law.