



AGENDA: REGULAR SESSION

WEDNESDAY, DECEMBER 2, 2020

WASCO COUNTY BOARD OF COMMISSIONERS

<https://wascocounty-org.zoom.us/j/3957734524> OR Dial [1-253-215-8782](tel:1-253-215-8782) Meeting ID: 3957734524#

PUBLIC COMMENT: Individuals wishing to address the Commission on items not already listed on the Agenda may do so during the first half-hour and at other times throughout the meeting; please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments from three to five minutes, unless extended by the Chair.

DEPARTMENTS: Are encouraged to have their issue added to the Agenda in advance. When that is not possible the Commission will attempt to make time to fit you in during the first half-hour or between listed Agenda items.

NOTE: With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. Meetings are ADA accessible. For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900. If you require and interpreter, please contact the Commission Office at least 7 days in advance.

Las reuniones son ADA accesibles. Por tipo de alojamiento especiales, por favor póngase en contacto con la Oficina de la Comisión de antemano, (541) 506-2520. TDD 1-800-735-2900. Si necesita un intérprete por favor, póngase en contacto con la Oficina de la Comisión por lo menos siete días de antelación.

In light of the current COVID-19 crisis, the Board will be meeting electronically. You can join the meeting at <https://wascocounty-org.zoom.us/j/3957734524> or call in to [1-253-215-8782](tel:1-253-215-8782) Meeting ID: 3957734524#

We appreciate your patience as we continue to try to serve the public during this time. Please use the chat function to submit real-time questions or comments. You can also submit comments/questions to the Board anytime on our webpage: [Your County, Your Voice](#)

9:00 a.m.	<p>CALL TO ORDER</p> <p>Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board.</p> <p>Corrections or Additions to the Agenda</p> <p>Discussion Items: Letter of Appreciation (Items of general Commission discussion, not otherwise listed on the Agenda)</p> <p>Consent Agenda: 11.4.2020 Regular Session Minutes (Items of a routine nature: minutes, documents, items previously discussed.)</p>
9:00 a.m.	Youth Think Agreements – NORC/NCPHD/Bridges to Change – Debby Jones/Molly Rogers
9:15 a.m.	Stimulus Programs – Carrie Pipinich
9:30 a.m.	Regional Housing Update – Joel Madsen
9:45 a.m.	GIS Fee Waiver Request – Tycho Granville
9:55 a.m.	Election Proclamation – Lisa Gambee
10:00 a.m.	Grant Amendment – Community Corrections – Fritz Bachman
10:10 a.m.	Sherman County Community Corrections Proposal – Lane Magill/Fritz Bachman
10:30 a.m.	Wasco County Infection Control Plan – Nichole Biechler
10:45 a.m.	NCPHD Executive Director Search – Shellie Campbell
11:00 a.m.	COVID Update – Dr. Mimi McDonell
11:30 am.	Letter to Secretary of Agriculture – Kristen Campbell
11:45 a.m.	Executive Session – Pursuant to ORS 192.660(2)(h) Conferring with Legal Counsel
	COMMISSION CALL
	NEW/OLD BUSINESS
	ADJOURN

If necessary, an Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) - Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(m) –Security Programs, ORS 192.660(2)(n) – Labor Negotiations



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION

DECEMBER 2, 2020

This meeting was held on Zoom

<https://wascocounty-org.zoom.us/j/3957734524>

or call in to [1-253-215-8782](tel:1-253-215-8782) Meeting ID: 3957734524#

PRESENT: Scott Hege, Chair
Kathy Schwartz, Vice-Chair
Steve Kramer, County Commissioner

STAFF: Kathy Clark, Executive Assistant
Tyler Stone, Administrative Officer

Chair Hege opened the session at 9:00 a.m.

Agenda Item – Youth Think Agreements

Prevention Coordinator Debby Jones explained that these agreements are the result of some grant funding through state and federal opioid prevention grants. NORC is an institution affiliated with the University of Chicago. They will be doing extensive training for us and help us create a plan for our county. The focus is prevention and early intervention; this agreement covers the first year. The attorneys are still working out some of the language.

Vice-Chair Schwartz asked who the target audience is for the training. Ms. Jones replied that they would cast a wide net but initially they want to include Mid-Columbia Medical Center, One Community Health, and Mid-Columbia Center for Living, Youth Services and law enforcement. The first project will be to conduct an assessment for interest; that will help to customize training for the audience. This will train adults to conduct SBIRTs (screening, brief intervention and referral to treatment). The program will address both youth and adults.

Ms. Jones went on to say that there was an opioid prevention grant available through the state to Public Health Districts. However, North Central Public Health District did not have the capacity to apply and manage the grant. She worked with NCPHD's Interim Executive Director Shellie Campbell to have the County write for the grant on their behalf and manage the program with NCPHD acting as the fiscal

agent. The grant was awarded and \$60,000 will come to Wasco County; some funds will be retained by NCPHD for administrative costs, reporting and a liaison and some will go to agencies to encourage participation and offset their costs. Funding will also be used to engage Bridges to Change to provide peer mentoring.

Vice-Chair Schwartz asked why money will be coming from NCPHD to Wasco County and then sent to Bridges to Change. Ms. Jones replied that she will be the project director. Community Corrections Manager Fritz Bachman played an important role in determining a special project; this will be a partnership between Youth Think, Bridges to Change and Community Corrections. She added that the grant covers Sherman, Gilliam and Wasco Counties.

Ms. Jones went on to say that Mr. Bachman has been a great partner; the peer mentor program meets the need. Mr. Bachman stated that he has long and good relationship with Bridges to Change; we use them extensively. Through the grant, they wanted to be able to use that program to reach into NORCOR to establish relationships prior to release. He explained that the first few days after release are vulnerable.

Ms. Jones stated that she will be following up with County Counsel for final approval of the legal documents. She expressed her appreciation for the responsiveness of County Counsel and our staff; over the last several months she has heard the frustrations of her counterparts around the state in trying to accomplish goals in the midst of COVID. She said it is a privilege to work at Wasco County where we keep getting the work done.

{{{Commissioner Kramer moved to approve the letter of agreement with NORC for assistance in the design and implementation of a customized training plan pending legal review. Vice-Chair Schwartz seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve the Memorandum of Understanding between North Central Public Health District and Wasco County for the administration of the Overdose Protection Program in Wasco, Sherman and Gilliam Counties and the Memorandum of Agreement between Wasco County and Bridges to Change for the provision of peer mentor services to adults being released from the Northern Oregon Regional Correctional Facility. Vice-Chair Schwartz seconded the motion which passed unanimously.}}}

Agenda Item – Stimulus Programs

Mid-Columbia Economic Development District Senior Project Manager Carrie Pipinich reviewed the memo included in the Board Packet along with a summary document (attached) from a recent meeting with community leaders, state colleagues, Mr. Stone, and local Chambers.

Chair Hege asked what is needed from the Board to move this along. Ms. Pipinich replied that the funds have already been awarded and there may be a contract with MCEDD for implementation. Mr. Stone stated that the funds have to be out by the end of the month and he will need authority to move it forward as well as input on moving it to MCEDD for analysis and distribution. He pointed out that MCEDD has done the first four rounds of distribution so they have gotten good at it and it will relieve the County of that work. He said they are rushing to determine criteria for distribution. We want it to be simple and easy and welcome input from the Board. He said right now, just about anyone can apply with a low bar to qualify. If the Board wants to prioritize segments, we need to know that. He acknowledged that this is last minute saying that time is short. He added that there were about 15 at the meeting working on prioritization.

Chair Hege said he hopes that we can get businesses to provide feedback. Ms. Pipinich stated that there were no businesses at the meeting as it would not be appropriate to have them mold a distribution program from which they would directly benefit. She said that MCEDD Project Manager Jacque Schei has done a lot of outreach to get that feedback so that we can include in the decision-making process.

Mr. Stone added that it is not lost on them that the last round of funding was difficult to get into and see benefits. Ms. Pipinich said that the intent is for this round to be a lot simpler and require less paperwork for the businesses. It must be a business in good standing with COVID-related expenses. Eligibility standards are fairly loose; those who had to shut down or significantly modify their business to meet executive orders. There is a standard included related to businesses that could not get into the first rounds of funding. The cap has been set at \$25,000 but the Board can weigh in on that. 501 C3s are eligible – those providing basic needs. They are hoping to have an online form for application as it has been challenging for some of the smaller businesses that cannot print, complete and scan application documents. If needed, the applications can also be printed for those who do not have online access.

Ms. Schei said that they tried to prioritize those who have not received Business Oregon Funding. We may be missing that mid-size business of over 25 employees. Ms. Pipinich went on to say that they will be having the final application and instructions translated into Spanish.

Vice-Chair Schwartz thanked MCEDD for taking this on. She noted that the funding seems to correlate to the freeze. She asked if businesses that have been shut down will be prioritized. Ms. Pipinich responded that they would be – both those in the recent freeze and those in the spring shut-down.

Vice-Chair Schwartz asked when they expect to be ready to go. Ms. Pipinich replied that they have another meeting with stakeholders tomorrow morning. She said they want to open the program next week and have it open for 10 days to accept applications.

Vice-Chair Schwartz asked how they are reaching out to businesses to inform them of the program, saying that she wants to make sure they are looking through a lens of equity, diversity and inclusion. Ms. Pipinich answered that they are working with the Chambers of Commerce, Small Business Development Center, and using their own extensive loan client portfolio. Community partners are also being asked to help along with Economic Development Commissioners. She noted that they also have a robust list of businesses built up over the last few months.

Chair Hege asked if they are using social media. Ms. Pipinich replied affirmatively saying that they will put it on the MCEDD page and ask others to link to it.

Vice-Chair Schwartz said that she thought she had read that seasonal businesses would not be eligible. Ms. Pipinich responded that the baseline requirements from the state did not have that in this funding. The timing made it challenging for the seasonal businesses in previous programs. In this program, they will be able to compare years rather than recent months.

Mr. Stone said he will need authorization to sign and IGA with MCEDD so this work can move forward. He said any other feedback in regard to the program will need to be submitted in the next 12 hours so it can be incorporated into tomorrow's meeting. He said it sounds like the Board is fine with MCEDD implementing the funding distribution.

County Counsel Kristen Campbell stated that she will be on standby to review the

IGA.

{{{Commissioner Kramer moved to authorize the Administrative Officer to work with our long-standing partner, MCEDD, to keep the Coronavirus Relief Funding project moving forward to reach as many businesses as possible. Vice-Chair Schwartz seconded the motion which passed unanimously.}}}

Agenda Item – Housing Update

Mid-Columbia Housing Authority Executive Director Joel Madsen reviewed the presentation (attached). He said that what they have seen since the onset of the pandemic is that participants' incomes have fallen which increases the program's contribution to rents for their clients. He reported that they have received supplemental funding which has allowed them to maintain service levels. Other programs assist low-income families in saving funds to make a down payment on a home of their own. Over the last couple of years, they have increased finance management education (Your Money, Your Goals) and have partnered with businesses to offer the program to employees.

Mr. Madsen went on to describe their portfolio of housing – cost to the client is 30% of their income. They are working to develop more homeowner opportunities through future development models. Most recently they were able to help five families but there are more on the waitlist. He reviewed the numbers of those in Wasco County – 369 waiting for rent assistance; 32 waiting for repairs assistance. He noted that the City of The Dalles has committed to sponsoring a CDBG Grant.

Mr. Madsen concluded by outlining some of the things the County could do to support more low-income housing in our area such as targeted construction taxes, sponsoring CDBG Grants and transferring appropriate properties from tax foreclosures to be developed.

Vice-Chair Schwartz thanked Mr. Madsen saying that we hear a lot about housing at the state and national levels; it is good to have a report on what is happening locally. We need to understand the need. She said that it is disconcerting to hear that $\frac{3}{4}$ are paying more than 50% of their income for rent; that strains the food banks. We need more affordable housing. She said she is interested in pursuing some of the recommendations that Mr. Madsen has put forward and has already talked to staff about the possibility of property transfers. If a foreclosed property does become available, we should have a policy in place to do that.

Agenda Item – GIS Fee Waiver

GIS Coordinator Tycho Granville reviewed the memo included in the Board Packet. He said it is not completely clear what data is being requested but it would usually be tax lots which would cost about \$570. It may be of value to our citizens. The City of The Dalles wants to make sure it doesn't impact staff time; Mid-Columbia Fire and Rescue recommended a 50% reduction; PUD had no comment. The last time we had a similar request, it was denied as the BOC felt the contractor should have considered these costs in their bid.

Commissioner Kramer commented that we should send it back to the City of Maupin for details.

Chair Hege asked if Mr. Granville is correct, is that something we would agree to? Commissioner Kramer replied that we can discuss it but he would still like a more specific request. He said without more information, he would follow the path of our past decisions; granting this request would change our established policy.

Vice-Chair Schwartz said she is not sure what our past policy has been but she does agree that we do not know what we are granting. We need the information. However, Maupin is also struggling with housing needs and she would like to support that effort.

The Board directed Mr. Granville to reach out to Maupin for further details and bring it back to the Board in 2 weeks.

Agenda Item – Election Proclamation

County Clerk Lisa Gambee stated that there have been two elections this year with 5 local candidates. This proclamation is the formal notice of the election results for local positions.

{{Vice-Chair Schwartz moved to approve the proclamation declaring the winners of the local Wasco County elections held May 19th and November 3rd 2020. Commissioner Kramer seconded the motion which passed unanimously.}}

Agenda Item – Grant Amendment

Community Corrections Manager Fritz Bachman stated that this is one of our smaller dedicated grants. At the end of each biennium, if there are excess funds, they are

distributed to the counties. In Wasco County, we use the funding for transitional housing; that is reflected in the budget report.

Commissioner Kramer thanked Mr. Bachman for the excellent work he and his staff are doing.

{{{Commissioner Kramer moved to approve Amendment 1 to Agreement \$5900 for a Measure 57 funding increase. Vice-Chair Schwartz seconded the motion which passed unanimously.}}}

Agenda Item – Sherman County Community Corrections Proposal
--

Sheriff Magill said this is an update in the process that was brought to the Board a few months ago. They have worked with staff and Sherman County to put together a budget and personnel plan.

Mr. Bachman reviewed the presentation included in the Board Packet. He said we received a formal request from Sherman County on October 14th. They have worked with Finance Director Mike Middleton, Human Resource Director Nichole Biechler and Mr. Stone to develop a plan. He noted that the increase to our work load would be about 14%. Sherman County is currently served by Tri-County Community Corrections and makes up about ½ of their cases.

Vice-Chair Schwartz asked what counties are part of Tri-County Community Corrections. Mr. Bachman replied that it is Sherman, Gilliam and Wheeler Counties.

Mr. Bachman went on to say that state funding will decrease in the next biennium and our slice of the pie has narrowed because of the drop in our case load. All counties are seeing decreases but not as significant as Wasco's decline. Sherman County supervises some misdemeanors which are unfunded by the State. We would be absorbing some of that but will be able to determine the number we take. We already do that in Wasco County but have existing criteria; we would have to establish that with Sherman County as well.

Mr. Bachman reported that the Governor's recommended budget came out yesterday with a \$4 million reduction for Community Corrections. The Community Corrections association will lobby the legislature for an increase. With the change in laws for drug crimes, there will be a decrease in the numbers sentenced and assigned to supervision. The biggest budget cuts are to prisons; as they close, those released will be on supervision. We will learn more through the legislative process.

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
DECEMBER 2, 2020
PAGE 8

Mr. Bachman said that they have made budget projections based on Sherman County's historical data – they do not run their NORCOR contributions through their Community Corrections program.

Mr. Bachman said that although they will gain a Probation Officer in this arrangement, we have a Probation Officer retiring at the end of this fiscal year. The biggest costs for taking on Sherman County's Community Corrections is for transitional housing and NORCOR. We currently have 5 Probation Officers and will have 6 for a few months, but will go back to 5. Chair Hege commented that we will have the same number of Probation Officers but more cases. Mr. Bachman agreed but pointed out that our case load continues to decline.

Mr. Bachman stated that his work load will also increase. He explained that Sherman County has their own Local Public Safety Coordinating Council and Board of Commissioner's meetings that will require staff time. We will follow our standards and practices but will want to meet the needs of Sherman County. He said he is asking for a stipend to his salary; the cost would be Sherman County's. If we disconnect from Sherman County in the future, we can just remove the stipend.

Mr. Bachman reviewed the Sherman County Community Correction budget, pointing out that they have accumulated unspent funds over time and have a beginning balance of \$648,381.

Chair Hege asked what Mr. Bachman is looking for from the Board today. Mr. Bachman replied he is seeking endorsement of the proposed plan; an agreement will follow at a future Board session. Sheriff Magill added that legal will take some time to develop a contract so it is important to keep it moving forward.

Mr. Stone stated that on the surface, the arrangement looks fine. He said that he shies away from these kinds of arrangements but as long as we do not see significant cuts in State funding, it is budget neutral or could be positive based on the information provided today.

*****The Board was in consensus for staff to move forward with the development of a contract for Wasco County to assume management of Sherman County's Community Corrections program.*****

Agenda Item – Infection Control Plan

Human Resources Director Nichole Biechler explained that we have met all of the

various deadlines to comply with the most recent guidance from the Governor and OSHA. All of the rest of the requirements are met by the Infection Control Plan including the exposure risk assessment; the Plan is due by December 7th. She went on to say that all-staff training has been put together and she is working on making it a Zoom presentation that will be ready before the deadline. All the modifications to the physical spaces have already been accomplished.

Ms. Biechler explained that the Plan is a working document and will need to be updated as guidance changes. She asked that the Board approve the Plan and authorize Human Resources to maintain it as needed. She added that changes will not be extensive, just responses to updated State guidance.

Vice-Chair Schwartz pointed out that our departments will need to be updated as changes are made. Ms. Biechler said that updates will be included in the training plan. She pointed out that guidance for law enforcement is different than for other departments and there will be differences in their training.

{{Vice-Chair Schwartz moved to approve the 2020 Wasco County Infection Control Plan and to authorize the Human Resources Director to make revisions to the Plan as necessary to maintain compliance with updated guidance. Commissioner Kramer seconded the motion which passed unanimously.}}

Agenda Item – NCPHD Executive Director Search
--

North Central Public Health District Interim Executive Director Shellie Campbell reviewed the letter, included in the packet, requesting financial support for the search to fill the vacancy for an Executive Director. The funds, \$2,500 from each member County along with \$2,500 from NCPHD, would secure the assistance of a professional service to conduct the search.

Commissioner Kramer said that each community is unique and deserving of the best care and services available. He said this may be an opportunity to discuss the governance of NCPHD in our county; what does unique and best care look like for Wasco County? He said this is not about the current levels and quality of care being provided; just a look at the most effective and efficient delivery of that care.

Vice-Chair Schwartz commented that it is standard practice to look to outside resources to help support this kind of job search. It is difficult for a 9-member board to accomplish this effectively. NCPHD does not know what their budget will be next

year, but they do know they will be very busy. Public Health will pay a portion of the cost; the NCPHD Board really wants to move forward. NCPHD staff is stressed and we need to get an administrator on board; we can't stretch it out any longer. The firm they are looking at has a good process that is expeditious.

Agenda Item – COVID Update

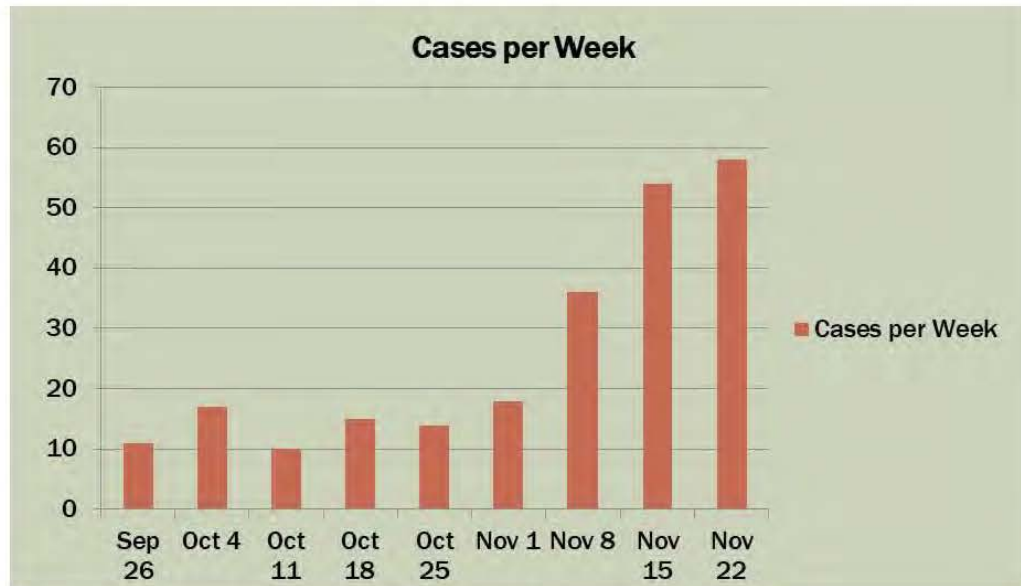
NCPHD Medical Officer Dr. Mimi McDonnell reviewed the following presentation:

**COUNTY DATA TOTAL CASES TO DATE
DEATHS AND RECOVERED CASES**

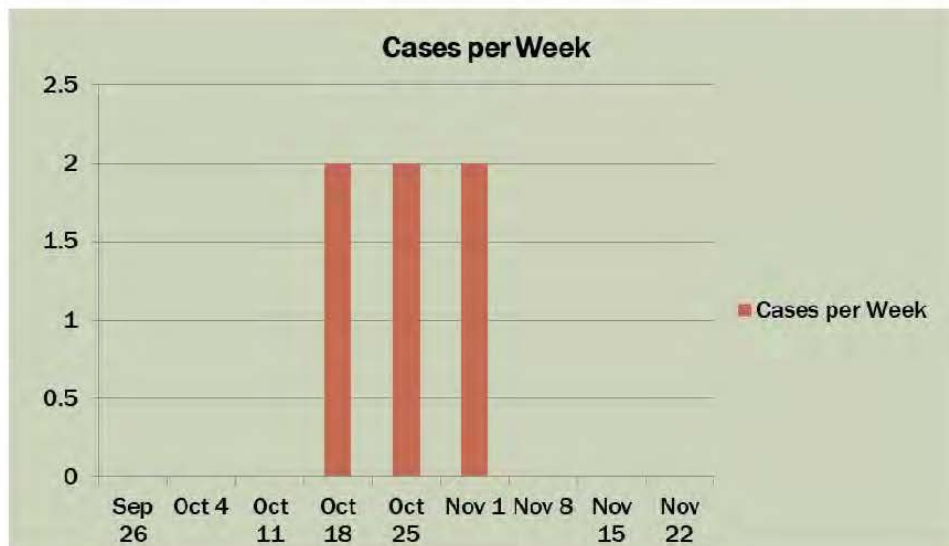
■ Wasco		
▪ Total	538	
▪ Recovered	330	
▪ Deaths	19	
■ Sherman		
▪ Total	23	
▪ Recovered	20	
■ Gilliam		
▪ Total	23	
▪ Recovered	11	

The first several slides list totals and outline the progress and current state of the pandemic locally, statewide and nationally. She noted that Wasco County has seen a significant rise in cases over the past few weeks which is similar to what is happening across the state, country and world.

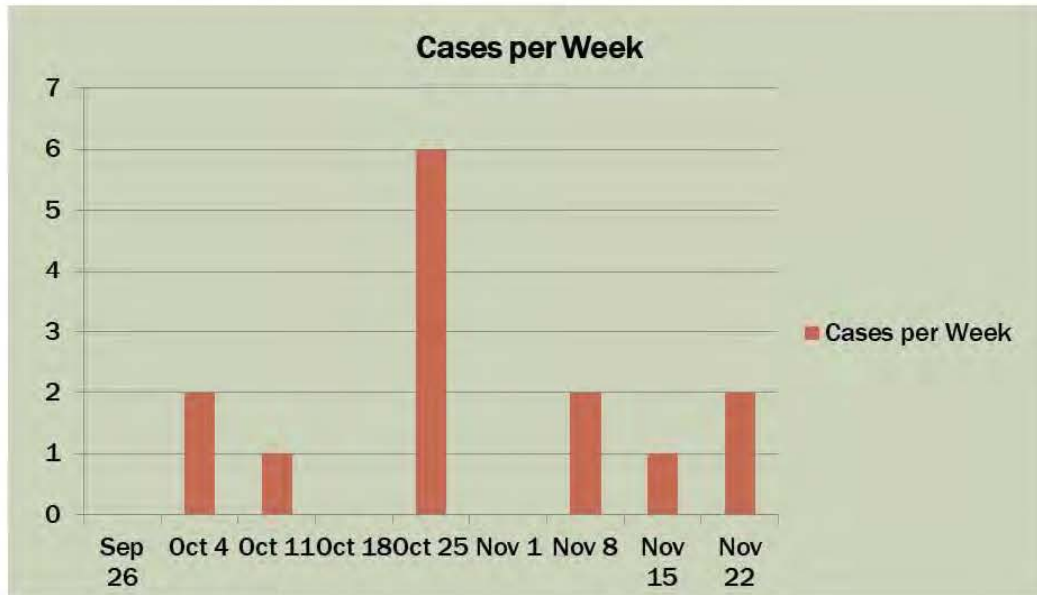
WASCO CASES OCTOBER/NOVEMBER



SHERMAN CASES OCTOBER/NOVEMBER

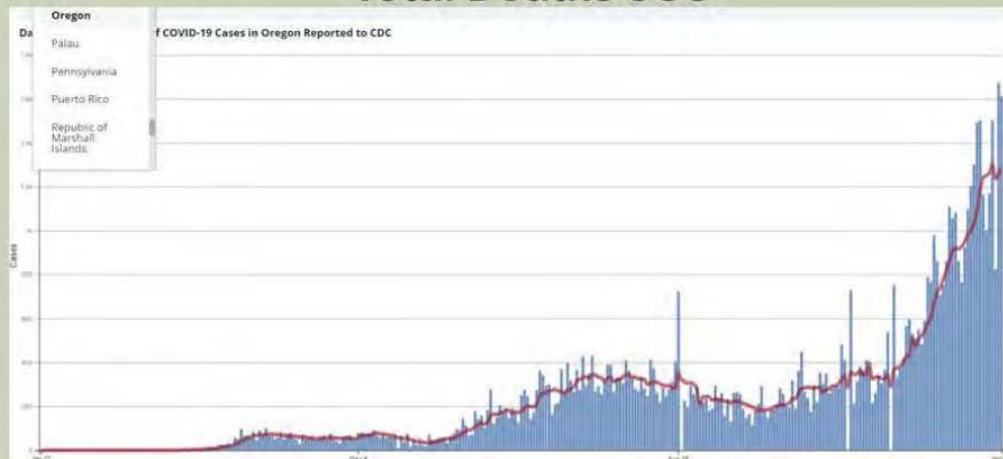


GILLIAM CASES OCTOBER/NOVEMBER



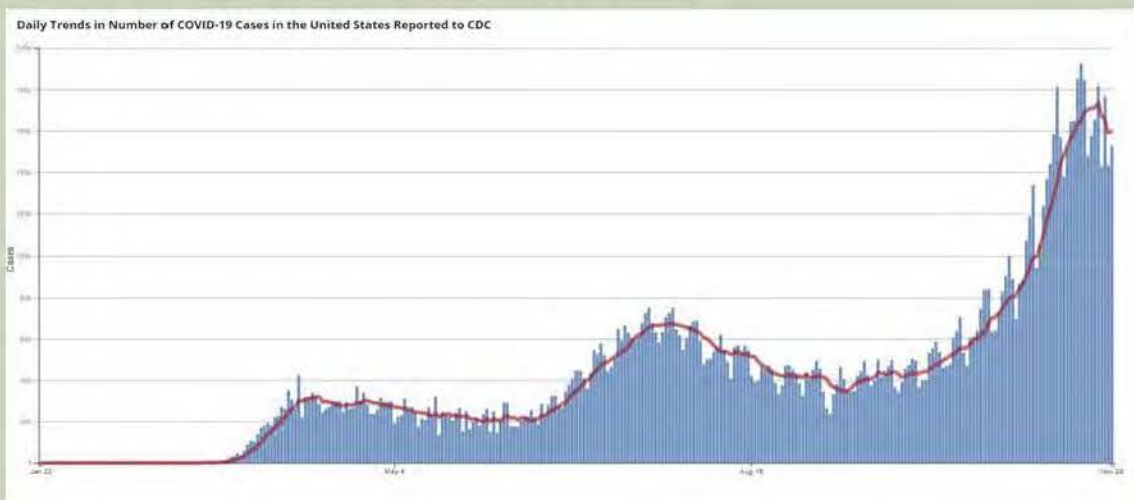
OREGON

Oregon Total Cases 76,654
Total Deaths 936



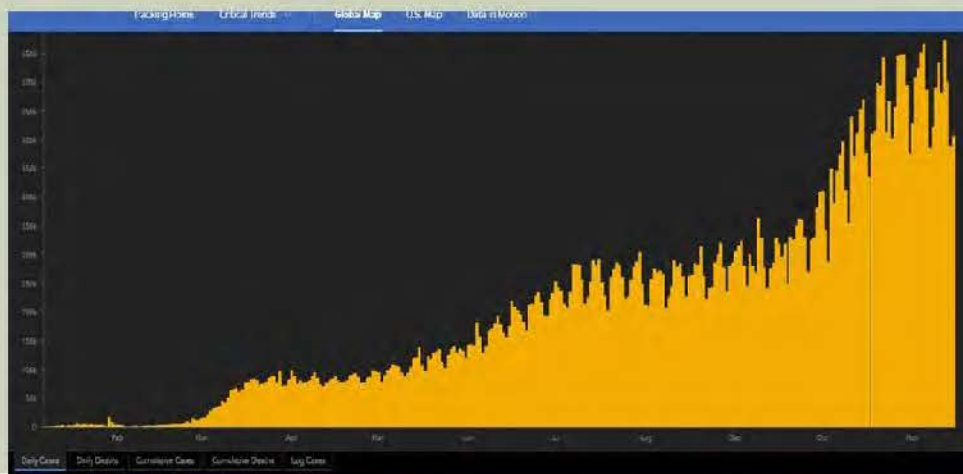
US

US Total Cases 13,447,627
Total Deaths 267,302



WORLD

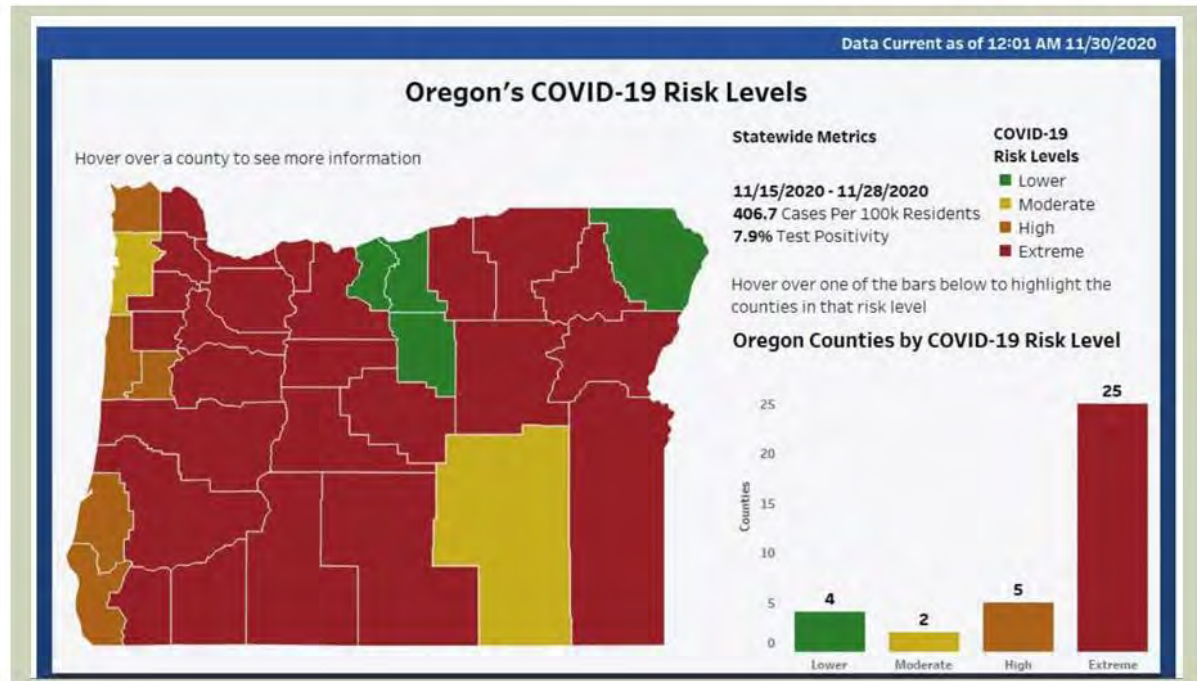
Worldwide Total Cases 63,751,931
Global Deaths 1,477,976



NEW COUNTY METRICS				
Oregon COVID-19 Disease Metrics				
Disease Activity	Lower Risk	Moderate Risk	High Risk	Extreme Risk
Rate of COVID-19 cases per 100,000 over 14 days (counties with 30,000 or more people)	<50.0	50.0 to <100.0	100.0 to <200.0	≥200.0
-or-				
Number of COVID-19 cases over 14 days (counties with less than 30,000 people)	<30	30 to <45	45 to <60	≥60
-and-				
Percentage test positivity over previous 14 days	<5.0%	5.0% to <8.0%	8.0% to <10.0%	≥10.0%

Dr. McDonnell explained that today is the last day of the two-week statewide freeze. The slide above outlines the new metrics being applied by county, dependent upon the state of the virus in each county. Wasco is in the extreme risk category. Counties will be assessed every two weeks to determine where they fall in the risk categories. Counties with populations above 30,000 will be evaluated based on their rate of infections and percent positivity. Wasco County is under 30,000 and will be evaluated based on the number of cases in a 2-week period and the test positivity rate. For counties with less than 15,000, they will not use the test positivity rate. In Wasco County if we have more than 60 cases in a 2-week period, we will be in the extreme risk category. The following slide shows the current county risk levels throughout the state; the vast majority fall in the extreme risk category.

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
DECEMBER 2, 2020
PAGE 15



The following slide outlines the restrictions associated with each risk level.

OF THE DIRECTOR

11. Governor

Oregon Health Division

Activities	Lower Risk	Moderate Risk	High Risk	Extreme Risk
Large Gathering Size — Indoor	Max 10, recommended limit 4 households	Max 8, recommended limit 2 households	Max 6, recommended limit 2 households	Max 6, recommended limit 2 households
Large Gathering Size — Outdoor	Max 12	Max 10	Max 8	Max 6, recommended limit 2 households
Food and Beverage Establishments	Indoor Dining available at 50% capacity, 12:00a Close, Outdoor Dining 300 cap, max 8 per table.	Indoor Dining available at 50% capacity or a max 100 (whichever is smaller), max 6 per table. 11:00p Close, Outdoor Dining 150 cap, max 8 per table	Indoor dining available, not to exceed 25% capacity, max 50 capacity, 11:00p Close. Outdoor Dining Available, max capacity 75, max 6 per table, limit 2 households	Takeout highly recommended. Indoor dining, max 50 capacity, 11:00p Close, max 6 per table, limit 2 households
Gym and Fitness Establishments (includes gyms, fitness studios, indoor recreational sports, indoor pools, indoor K-12 sports, indoor personal training, indoor dance)	Max 50% capacity	Max 50% capacity or 100 total (whichever is smaller)	Max 25% capacity or 50 total (whichever is smaller)	Prohibited
Entertainment Establishments (includes aquariums, indoor arenas, indoor concert halls, indoor gardens, indoor entertainment activities of any kind, indoor event)	Max 50% capacity	Max 50% capacity or 100 total (whichever is smaller)	Max 25% capacity or 50 total (whichever is smaller)	Prohibited
Food and Beverage Establishments (includes Farmers' Markets, Grocery Stores, Convenience Stores)	Max 75% of capacity, encourage curbside pick-up	Max 75% of capacity, encourage curbside pick-up	Max 50% of capacity, encourage curbside pick-up	Max 50% of capacity, encourage curbside pick-up
Retail Shopping Centers/Malls	Max 75% of capacity, encourage curbside pick-up	Max 75% of capacity, encourage curbside pick-up	Max 50% of capacity, encourage curbside pick-up	Max 50% of capacity, encourage curbside pick-up
Funeral Homes, Mortuaries, Cemeteries	Indoor max 75% capacity 300 outdoor	Indoor max 50% capacity or 150 total (whichever is smaller), 250 outdoor	Indoor max 25% capacity or 150 total (whichever is smaller), 200 outdoor	Indoor max 25% capacity or 100 total (whichever is smaller), 150 outdoor
Government Offices	Limited office work available	Recommend remote work if able	Recommend remote work if able	Require remote work if able, closed to the public
Gym and Fitness Establishments (includes outdoor gyms, outdoor recreational sports, outdoor pools, hiking trails, outdoor campsites, outdoor K-12 sports, outdoor personal training, outdoor dance)	Max 300	Max 150	Max 75	Max 50
Entertainment Establishments (includes Zoos, outdoor gardens, outdoor theaters, outdoor stadiums, outdoor event venues, outdoor concert halls, outdoor entertainment and events)	Max 300	Max 150	Max 75	Max 50
Religious Services	Allowed	Allowed	Allowed	Allowed
Visitation	Visitation allowed	Visitation allowed	Visitation allowed	Outside visitation only

subject to more detailed, sector-specific guidance.

detailed sector-specific guidance, all activities assume mask usage, minimum physical distancing, provisions for hand hygiene and enhanced cleaning protocols.

without sheltering, Youth Programs, Childcare, K12 Schools, Higher Education, Drive In Operations and current Division 1 and Professional Athletics exemptions operate under sector specific guidance for all risk levels.

utilize for individuals with disabilities or individuals who speak a language other than English. Call 800-458-5231 for more information.

The following slides focus on the guidelines for counties at the extreme risk level. The capacity for retail stores has been reduced further from where they were during the freeze. The restrictions for faith based institutions have been eased a bit. While general offices should be closed to the public, the guidance is not yet clear for public offices such as city, county and state offices. Personal services are still allowed as the precautions taken for those businesses have been very successful as they are generally one on one services

GUIDELINES FOR EXTREME RISK

Activity	Extreme Risk
Social Gathering- Indoor	Max 6, rec. limit 2 households
Social Gathering- Outdoor	Max 6, rec. limit 2 households
Eating and Drinking Establishments	Takeout highly rec. Outdoor dining with limits, 11:00 PM close. No indoor dining
Indoor Rec & Fitness	Prohibited
Indoor Entertainment	Prohibited
Retail Stores	Max 50% capacity
Indoor/Outdoor Shopping Centers	Max 50% capacity

GUIDELINES FOR EXTREME RISK

Activity	Extreme Risk
Faith Institutions, Funeral Homes	Indoor max 25% capacity or 100 total (whichever smaller), 150 outdoors
Offices	Require remote work if able, close offices* to the public
Outdoor Rec & Fitness	Max 50
Outdoor Entertainment	Max 50
Personal Services	Allowed
Long-Term Care	Outside visitation only

The following slides outline the metrics and current operations for schools in the North Central Public Health District. The smaller schools in Wasco County that have already started in-person education will be allowed to continue. In the beginning of January, our numbers will need to improve significantly in order for them to continue.

SCHOOL METRICS/COUNTY METRICS 2 WEEK TIME FRAME

Wasco	Case Count	Rate/100,000	%+
11/1 - 14	54	198	2.3
11/8 - 21	92	337	5.0
11/15 - 28	114	418	7.3
Sherman	Case Count	Rate/100,000	%+
11/1 - 14	2	112	0
11/8 - 21	0	0	0
11/15 - 28	0	0	0
Gilliam	Case Count	Rate/100,000	%+
11/1 - 14	2	100	0
11/8 - 21	4	200	0
11/15 - 28	4	200	3.1

SCHOOL UPDATE

- Condon School in-person
- Arlington School hybrid
- Sherman County School in-person
- Dufur School hybrid
- South Wasco Schools DL/in-person
- St. Mary's Academy in-person
- D-21 DL

Dr. McDonell reported that we have two ongoing outbreaks at our long-term care facilities. Two residents at the Oregon Veterans Home have passed away since the beginning of the outbreak there. They have done a tremendous job of keeping the spread in check. The other facility has only one case; the more spread we have in the community, the harder it is to keep it out of the long-term care facilities. There have been a couple of workplace outbreaks but they have not been significant. The large numbers are related to individuals. The percentage of our cases that are sporadic (we don't know the source) is well over 30% - probably closer to 40%. That means there is a lot more community spread than we have been seeing.

LOCAL UPDATES

- LTCF Outbreaks
- Workplace Outbreaks
- Epi Links

TESTING UPDATE

- Point of care rapid testing HERE!!!
- BinaxNOW Ag Card in use at some local clinics and at NCPHD
- MCMC has antigen testing now
- Testing for COVID-19 and flu available

The slide above outlines what is available for testing in Wasco County. The following slide offers guidance about when to be tested. Dr. McDonell emphasized

the importance of getting tested even when symptoms are slight. Primary Care Providers (PCP) should be contacted for testing so as not to overwhelm Public Health. If you cannot reach your PCP or do not have one, contact NCPHD. Testing is important to reduce the spread.

NEW TESTING RECOMMENDATIONS

- If you are a close contact of a person who has COVID-19, please seek out testing through your PCP or NCPHD
- Even if your symptoms are mild, like a runny nose or mild cough, please seek out testing through your PCP or NCPHD

Dr. McDonell encouraged everyone to get their flu vaccine and reported that the federal and state governments as well as local Public Health Authorities, emergency managers, community-based organizations, clinics and long-term health facilities are working on vaccine distribution plans for COVID-19 vaccines.

VACCINES

- Flu Vax available- please get yours!
- Federal, State & LPHAs working on COVID-19 Vax plans
 - Includes EMS, CBOs, clinics, LTCFs

Dr. McDonnell explained that the ultra-cold storage will require doses to be shipped to distribution hubs where they can maintain the necessary temperature. Once removed from storage, the vaccine can be used within 5-days and still be effective as long as they are properly maintained. Logistics will be a challenge but authorities are planning for that. The vaccine requires two doses, a month apart; she cautioned that it will be individuals' responsibility to make sure they come back for the second dose in a timely fashion.

COVID VAX

- COVID-19 vax will arrive in OR in mid-December!!!
- First shipment will require ultra-cold storage, shipped to hubs
- Will require 2 doses, 1 month apart
- mRNA technology

COVID VAX PRIORITIZATION

- Frontline health care workers
- Other health care workers and essential workers
- Residents of long-term care facilities, the elderly
- "Critical populations"
 - Underlying medical conditions
 - Racial and ethnic minority groups
 - Congregate or unsheltered living conditions

The previous slide outlines the likely prioritization of vaccine distribution – the state is still gathering feedback to make a final determination. Some of the prioritization protocols will come from the federal government. While “essential workers” is not well-defined, it will include those in the food industry, education, transportation, water, waste water, law enforcement, etc. The estimate for the first batch coming to Oregon is 30,000 doses.

WHAT CAN I DO?

- Care for yourself
 - Safety measures
 - Physical, mental, emotional, spiritual
- Care for others
 - Safety measures
 - Consider ways to give

Dr. McDonell talked about what individuals can do to protect themselves and others. We all need to continue to be diligent about wearing masks and practicing hygiene protocols. Observe the safety guidelines. She recognized that the holiday season is already challenging for some and it is important to practice self-care. There is a lot of data about how helping others can help our own mental and emotional health. Consider taking funds that are not being spent for holiday travel and entertainment to contribute to local food banks, shelters and homelessness efforts.

Dr. McDonell commented that in terms of COVID, it is going to be a difficult period over the next two months. She encourage everyone to hang in; it will get better.

Sheriff Magill asked how accurate the quick tests and antigen tests are, saying that they get a lot of questions about that. Dr. McDonell replied that when used for those who are symptomatic or are a close contact of a confirmed case, they are very accurate with a low incidence of false-positives; they are not perfect and not used in

every instance.

Ms. Campbell stated that NCPHD is continuing to hire and train staff; they have seen a 40% increase in staffing since the start of the pandemic. Staff is stretched thin as training is time-consuming and they are challenged to keep up with ever-changing guidance. It is difficult to plan ahead when funding is unstable.

Vice-Chair Schwartz reported that AOC had invited Dr. Jeanne to speak to them about contract tracing protocols; he spoke about how overwhelmed we are and therefore they have dialed back the protocols for tracing. They are limiting it to household contacts and vulnerable populations. Dr. McDonell commented that in our area we have not had to dial back quite that much. We contact workplace contacts and others whenever possible. If we leave a message, we do not call back a second time. They will send a follow-up letter if possible. She said they put a lot of emphasis on workplace and long-term care outbreaks. Counties with larger populations cannot keep up.

Vice-Chair Schwartz said that as things become more dire in Wasco County, she still sees unmasked people in grocery stores; she does not see stores limiting the numbers of people entering. She said she has spoken to store managers and learned that they are not looking to the state for guidance but taking their cues from their corporate headquarters. She said that is concerning; you can go to OSHA and make a complaint. She reported that she has done so and did get a response that included a letter to the store and the store's response.

Vice-Chair Schwartz said that you cannot just walk into the ER and get a test; she asked how that works, noting that it can be expensive to go into the ER especially for those who are uninsured or underinsured. She asked if you can call your PCP and get a same-day test. Dr. McDonell responded that if people are symptomatic and have a PCP they should call there. If it is the weekend, the provider can order the test. Going to the ER should be reserved for those having more serious symptoms. In terms of getting tests – PCP should be the first call, then a local clinic. MCMC also has point of care testing and One Community Health does it Monday, Wednesday and Friday in Wasco County. NCPHD has not advertised and generally meets the testing needs for those they encounter through contact tracing.

Vice-Chair Schwartz noted that NCPHD staff is working overtime. Ms. Campbell confirmed, saying some are doing a significant amount of overtime and vacations have been cancelled. Some are on call 24/7 but they are trying to rotate staff

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
DECEMBER 2, 2020
PAGE 23

through that – it is not always possible due to skill sets. She said they need to get an Executive Director in place and will need to have the support of their partners to get that done. It will take upwards of a year to get vaccines widely available. NCPHD continues to hire more staff but are still short-staffed for nurses and are looking for volunteers who can help. They have spent a good deal of time and energy creating necessary new systems in response to the pandemic.

Chair Hege asked where the outbreaks that we know about are coming from. Dr. McDonell replied that across the country and in Oregon, they are happening when people are gathering indoors in groups. It is not happening outdoors or at salons or through hard surface transfers; it is from being in the same room, breathing the same air.

Chair Hege asked if the two week evaluations are rolling. Dr. McDonell replied that data is gathered every week but the determination is not made on rolling statistics. It will be based on two week chunks of time. To achieve a lower level, people need to get tested even for mild symptoms and follow the guidelines. Testing is not a cure but that is how we keep it from spreading unknowingly.

Chair Hege observed that we have to get below 60 cases in a two week period and asked if we have to meet the positivity rate as well – noting that 10% is extreme and we are at 7%. Dr. McDonell replied that it is unclear.

Chair Hege asked how much strain is on health care and public services. Dr. McDonell responded that the strain is people power – MCMC and long-term care facilities are experiencing shortages for direct care which strains and exhausts staff. She said she does not see that getting a lot better any time soon.

Chair Hege asked about the status of PPE in the county. Dr. McDonell said that we are in good shape as far as masks are concerned but gloves are a pinch point. She said she will be talking to Wasco County's Emergency Manager about what resources are available.

Chair Hege asked if waste water testing is still in place. Dr. McDonell said that it is still occurring but is not immediately useful data. It will become useful in the future.

Chair Hege asked about costs for the vaccine. Dr. McDonell stated that from what she understands, individuals will not bear the costs for vaccination; it is a collective cost borne by all. We do not expect a co-pay but that is yet to be confirmed.

Chair Hege expressed his gratitude for all the work that is being done and the time

NCPHD takes to provide these updates.

Forest Service Regional Manager Lynn Burditt reported that they are still monitoring recreation with updates posted to Ready, Set, Gorge. She said they do not anticipate many changes over the winter months. The regional group will be meeting on December 10th.

Departments – Staff Introduction

County Assessor Jill Amery introduced newly hired Chief Appraiser Paul Chalmers, saying he comes to us from Umatilla County. Chair Hege commented that he has heard many good things about Mr. Chalmers. Mr. Chalmers said that he is honored to have the opportunity and is looking forward to the time when we can engage in person again.

Agenda Item – NCPHD Executive Director Search Continued

Chair Hege asked Finance Director Mike Middleton where the funds would come from. Mr. Middleton replied that there are a number of funds from which it could be drawn. He said that it is not that much and will not have a significant impact.

Ms. Campbell commented that she agrees with Vice-Chair Schwartz on the importance of moving this forward and NCPHD appreciates the support.

Commissioner Kramer said he wants to make it clear that he has no issues with NCPHD staff or the work they are doing – they are doing an excellent job. He said that with BOC work sessions on hiatus, it has restricted the Board's ability to have these more in-depth discussions. He explained that he is not a big supporter of IGA 190s and sees this as an opportunity to talk about structure and governance. He said he is just asking the question to have the conversation.

Chair Hege said he would agree that the lack of work sessions has not been good for the Board and he thinks this is a good topic to discuss.

Vice-Chair Schwartz commented that she believes Sherman County has already approved the expense. Ms. Campbell confirmed adding that their approval is contingent on that of Wasco and Gilliam Counties' approval.

{{Vice-Chair Schwartz moved to approve a \$2,500 contribution from Wasco County to North Central Public Health District to engage an outside firm to conduct a search and recruitment of an Executive Director for NCPHD.

Commissioner Kramer seconded the motion.

DISCUSSION:

Chair Hege commented that he prefers that our contribution be contingent on the approval of a similar contribution from Gilliam and Sherman Counties but is not really concerned.

The motion passed unanimously.}}}

Agenda Item – Letter to Secretary of Agriculture

County Counsel Kristen Campbell noted that the Board is aware that the Gorge Commission has published final revisions to their Management Plan. It requires concurrence from the US Secretary of Agriculture. This letter asks the Secretary to carefully review and unwind restrictions to urban growth boundaries (UGB) and suggests convening local authorities to develop an alternative. She said she is looking for feedback and permission to transmit the letter.

Chair Hege commented that this is essentially asking for them to go back to what was in the previous Plan as far as UGB's are concerned. This asks the Secretary to carefully review and unwind the restrictions consistent with what we have asked for throughout the process. There was a work group which was disbanded and we are asking to have that reconvened. As complicated as the existing language is, it at least provides an opportunity.

Mr. Stone said that the hope is we can get back to something that offers opportunities if needs arise. Just listening to Mr. Madsen about housing costs being driven up; the UGB has an impact on that and the new language is even more restrictive. He said that his hope is that we can get to a point where all the stakeholders can sit down and work out a good process. That is not available today. He said he supports the letter.

Commissioner Kramer concurred saying that he is ready to send the letter.

Vice-Chair Schwartz stated that she thinks the Act outlines a process for us to petition the Secretary of Agriculture. She said that the UGB is obviously a bone of contention and it is a reasonable to use the provided process to address that. She asked that our senate delegation be copied on the letter. She added that it is a well-written and respectful letter.

Sheila Dooley of Mosier said that the letter talks about the revisions having long-lasting implications for future generations. She commented that the revisions will be reviewed at the next Management Plan update and therefore are not forever. She noted that when it talks about implications, there are also positive implications to the revisions – it increases property values and tourism and provides a better quality of life. She said we need to preserve and protect the national areas in the Gorge, not eliminate them. Once you expand the UGB, you cannot reverse it later. She noted that the letter states that to expand a UGB, you have to have a demonstrable need. She commented that there has been no demonstrable need shown at this time. The 2018 Buildable Lands Inventory done in The Dalles showed a surplus of acres over what has been projected to be needed in the next 20 years – only 232 acres are projected to be needed in that time with 480 available. She said she thinks higher density is a better solution than sprawl into the Scenic Area. Ms. Dooley went on to say that the letter states that there has been very little if any consideration of the County's input. She said that the size of the UGB is a compromise reached after many years of public comment. It was doubled in size from 20 acres and 1% of the UGB to 50 acres cumulative and 2%.

Kate Wilson of The Dalles asked if the letter is objecting to the permanence of the plan or to the actual population growth issues. Chair Hege responded that the current Plan lays out a process for expansion of UGBs; the new proposed Plan takes that out and restricts growth.

Ms. Wilson asked about the other impacted counties, saying that our position would be stronger with consensus. Chair Hege agreed but said we have focused on Wasco County. Other counties are also interested in pursuing this.

Ms. Wilson asked if this is the first recourse. Chair Hege replied that we have been working on this for years and making comments to the Gorge Commission; we feel that we have not been heard.

Ms. Wilson said that she disagrees with Ms. Dooley's comments as far as having more opportunity to expand the UGB.

Chair Hege commented that Ms. Dooley is saying that the plan is to be reconsidered every 10 years but they have not been able to do that – this is the first update in 30 years.

Vice-Chair Schwartz thanked everyone for their comments. She said that in further

review she would like to strike the sentence regarding long reaching impacts. We have acknowledged that it is supposed to be reviewed every 10 years and we can ask for amendments at any time.

Chair Hege asked Planning Director Angie Brewer to comment. Ms. Brewer stated that it is her understanding that you can make requests for amendments to the Plan but you cannot do that at any time. You have to do it every two years and one has just been done. Some of the language they have added specifically says they are not obligated to consider our requests when we make them.

Vice-Chair Schwartz stated that she thinks the letter needs to be factual; impacts are not necessarily long-lasting.

Chair Hege suggested modifying the language, changing “will have” to could have. Ms. Wilson suggested they might also consider removing the word “long-lasting.” Chair Hege and Commissioner Kramer said they were comfortable with those changes.

{{{Commissioner Kramer moved to approve the letter to the Secretary of Agriculture with the following revisions:

Change the following sentence: “As you know, these Revisions will have long lasting implications for more than 75,000 regional residents, future generations, the members of the four tribal governments with sovereign treaty rights, and millions of tourists each year,” to: “As you know, these Revisions may have implications for more than 75,000 regional residents, future generations, the members of the four tribal governments with sovereign treaty rights, and millions of tourists each year.”

And to include our senate delegation on the cc list.

Vice-Chair Schwartz seconded the motion which passed unanimously.}}}

Discussion List – Letter for Maupin Retirement

*****The Board was in consensus to sign and send a letter to Maupin regarding the retirement of long-time City Recorder DeOra Patton.*****

Consent Agenda – 11.4.2020 Regular Session Minutes

{{{Commissioner Kramer moved to approve the Consent Agenda. Vice-Chair Schwartz seconded the motion which passed unanimously.}}}

**Agenda Item – Executive Session Pursuant to ORS 192.660(2)(h)
Conferring with Legal Counsel**

At 12:27 p.m. Chair Hege opened an Executive Session explaining the process to be followed.

The Board returned to the Regular Session at 1:09 p.m.

Commission Call

Vice-Chair Schwartz reported that there are six pallet homes functioning and occupied in The Dalles. They are located across the City shops on Bargeway. The homeless program is supported by the City of The Dalles which is supplying electricity and porta potties. The maximum capacity is 6 people. Mid-Columbia Community Action Council has received a pot of money to support housing and hotel/motel space. They are working with St. Vincent DePaul on a referral system. She said she would not support a congregate housing model during COVID.

Chair Hege adjourned the meeting at 1:13 p.m.

Summary of Actions

MOTIONS

- **To approve the letter of agreement with NORC for assistance in the design and implementation of a customized training plan pending legal review.**
- **To approve the Memorandum of Understanding between North Central Public Health District and Wasco County for the administration of the Overdose Protection Program in Wasco, Sherman and Gilliam Counties and the Memorandum of Agreement between Wasco County and Bridges to Change for the provision of peer mentor services to adults being released from the Northern Oregon Regional Correctional Facility.**
- **To authorize the Administrative Officer to work with our long-standing partner, MCEDD, to keep the Coronavirus Relief Funding project moving forward to reach as many businesses as possible.**
- **To approve the proclamation declaring the winners of the local Wasco County elections held May 19th and November 3rd 2020.**
- **To approve Amendment 1 to Agreement \$5900 for a Measure 57 funding increase.**

- **To approve the 2020 Wasco County Infection Control Plan and to authorize the Human Resources Director to make revisions to the Plan as necessary to maintain compliance with updated guidance.**
- **To approve a \$2,500 contribution from Wasco County to North Central Public Health District to engage an outside firm to conduct a search and recruitment of an Executive Director for NCPHD.**
- **To approve the letter to the Secretary of Agriculture with the following revisions: Change the following sentence: "As you know, these Revisions will have long lasting implications for more than 75,000 regional residents, future generations, the members of the four tribal governments with sovereign treaty rights, and millions of tourists each year," to: "As you know, these Revisions may have implications for more than 75,000 regional residents, future generations, the members of the four tribal governments with sovereign treaty rights, and millions of tourists each year." And to include our senate delegation on the cc list.**
- **To approve the Consent Agenda: 11.4.2020 Regular Session Minutes.**

CONSENSUS

- **For staff to move forward with the development of a contract for Wasco County to assume management of Sherman County's Community Corrections program..**
- **To sign and send a letter to Maupin regarding the retirement of long-time City Recorder DeOra Patton.**

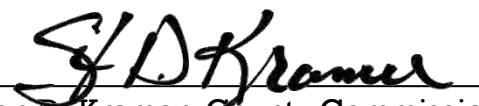
Wasco County
Board of Commissioners



Scott C. Hege, Commission Chair



Kathleen B. Schwartz, Vice-Chair



Steven D. Kramer, County Commissioner



DISCUSSION LIST

[LETTER OF APPRECIATION](#)



BOARD OF COUNTY COMMISSIONERS

511 Washington St, Ste. 101 • The Dalles, OR 97058
p: [541] 506-2520 • f: [541] 506-2551 • www.co.wasco.or.us

Pioneering pathways to prosperity.

To: City of Maupin
c/o Retirement
507 Grant Street
PO Box 308
Maupin, OR 97037

December 2, 2020

In small growing communities our public servants are asked to be versatile and adept at many things. Since stepping in to the role of Maupin City Recorder in 1986, DeOra Patton has worn many hats, often simultaneously. From helping to start the Maupin Chamber of Commerce to keeping utilities running to supporting the development of a fiber network, DeOra has always stepped up to move her community forward. Her tireless efforts have resulted in outcomes that will benefit not only the citizens of Maupin for years to come but the entirety of Wasco County. The health and well-being of our communities and our citizens is what makes Wasco County a great place to live and work.

As President George H.W. Bush said: *"Public Service is a noble calling and we need men and women of character to believe that they can make a difference in their communities, in their states and in their country."* DeOra Patton answered that call! We would like to join the citizens of Maupin in thanking Ms. Patton for over thirty years of devotion to serving her community.

Sincerely,
Wasco County Board of Commissioners

Scott C. Hege, Chair

Kathleen B. Schwartz, Vice-Chair

Steven D. Kramer, County Commissioner



CONSENT AGENDA

[MINUTES: 11.4.2020 REGULAR SESSION](#)



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION

NOVEMBER 4, 2020

This meeting was held on Zoom

<https://wascocounty-org.zoom.us/j/3957734524>

or call in to [1-253-215-8782](tel:1-253-215-8782) Meeting ID: 3957734524#

PRESENT: Scott Hege, Chair
Kathy Schwartz, Vice-Chair
Steve Kramer, County Commissioner

STAFF: Kathy Clark, Executive Assistant
Tyler Stone, Administrative Officer

Chair Hege opened the session at 9:00 a.m.

General Election

Chair Hege commended the Clerk's office for the work they did throughout the election. Wasco County Clerk Lisa Gambie reported that they wrapped up and were able to go home almost as early as they had for the primary election. Many of the ballots were counted prior to Election Day. There is a 14 day period for them to follow up on signatures that have been challenged or are missing. In addition, ballots from other counties that arrived in time but not at the correct office will be routed to the appropriate Clerk's Office for counting. Most of the races with any volume are unlikely to change. Antelope may change as there were as many write-in votes as there were votes for the candidate; if all the write-ins are for the same person, there will be a recount and eventually a coin toss. The election will be certified in 20 days.

Chair Hege asked if we have ever had a coin toss to decide an election. Ms. Gambie responded affirmatively, saying that it was for a fire district position in southern Wasco County.

Chair Hege thanked all those who ran; it is not easy to put your name on a ballot. He thanked them all for their willingness to serve.

Discussion List – COVID Update

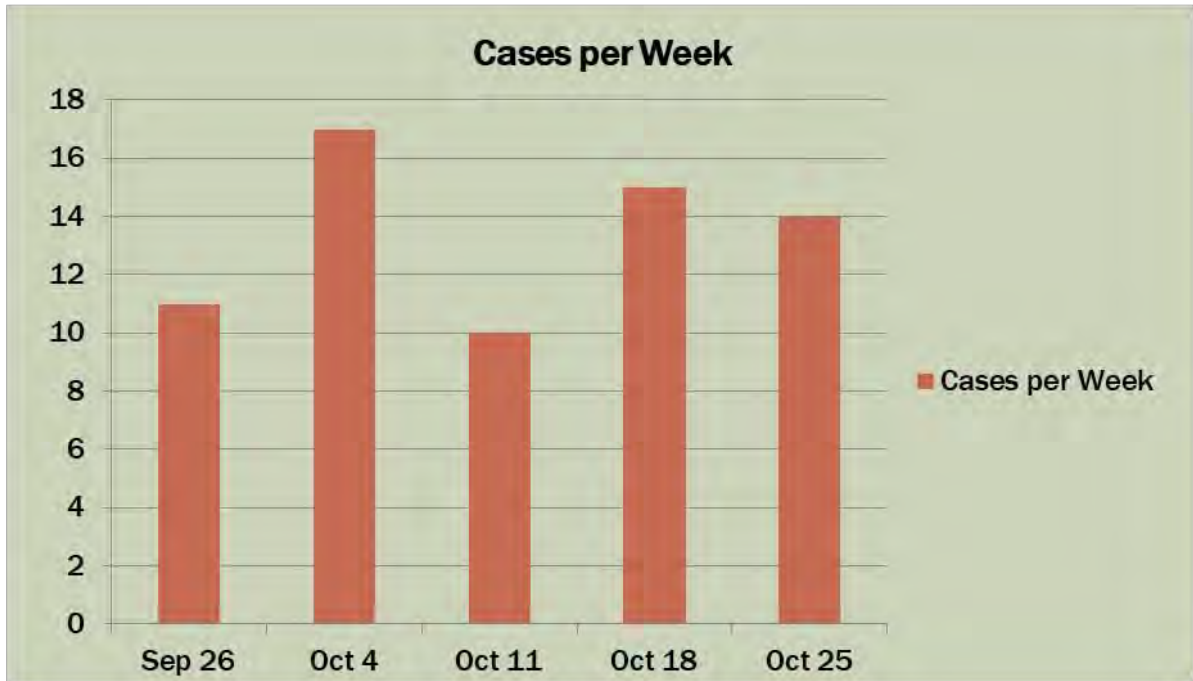
North Central Public Health District's Medical Officer Dr. McDonell reviewed the case counts for Wasco, Gilliam and Sherman Counties; these counts are a total numbers since the beginning of the pandemic.

COUNTY DATA TOTAL CASES TO DATE DEATHS AND RECOVERED CASES

■ Wasco		
■ Total	368	
■ Recovered	287	
■ Deaths	16	
■ Sherman		
■ Total	23	
■ Recovered	18	
■ Gilliam		
■ Total	17	
■ Recovered	9	

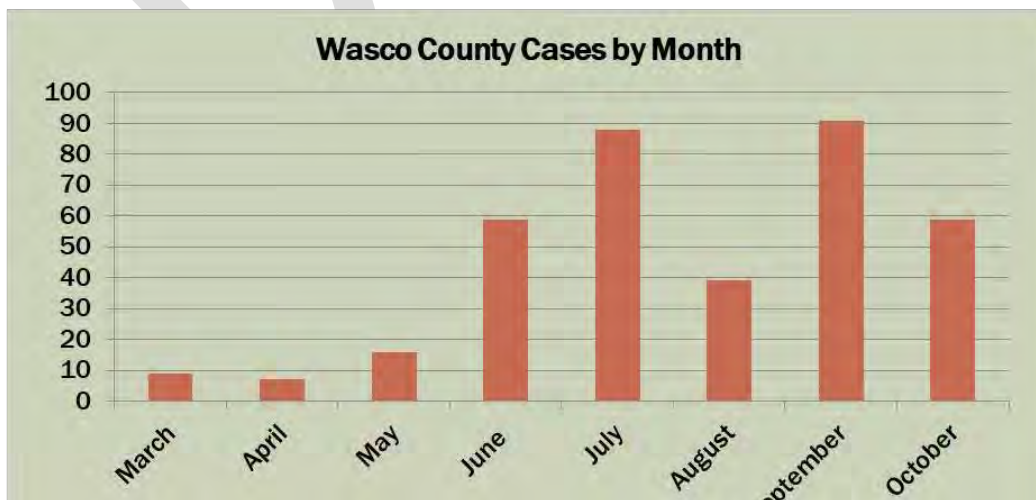
Dr. McDonell said that the slide below illustrates the cases per week for the month of October. She said that the counts for October in Wasco County are essentially steady. While we are not where we would like to be, but we have been pretty steady. All the hard work that citizens have been doing makes a difference. Now is not the time to give up.

WASCO CASES OCTOBER

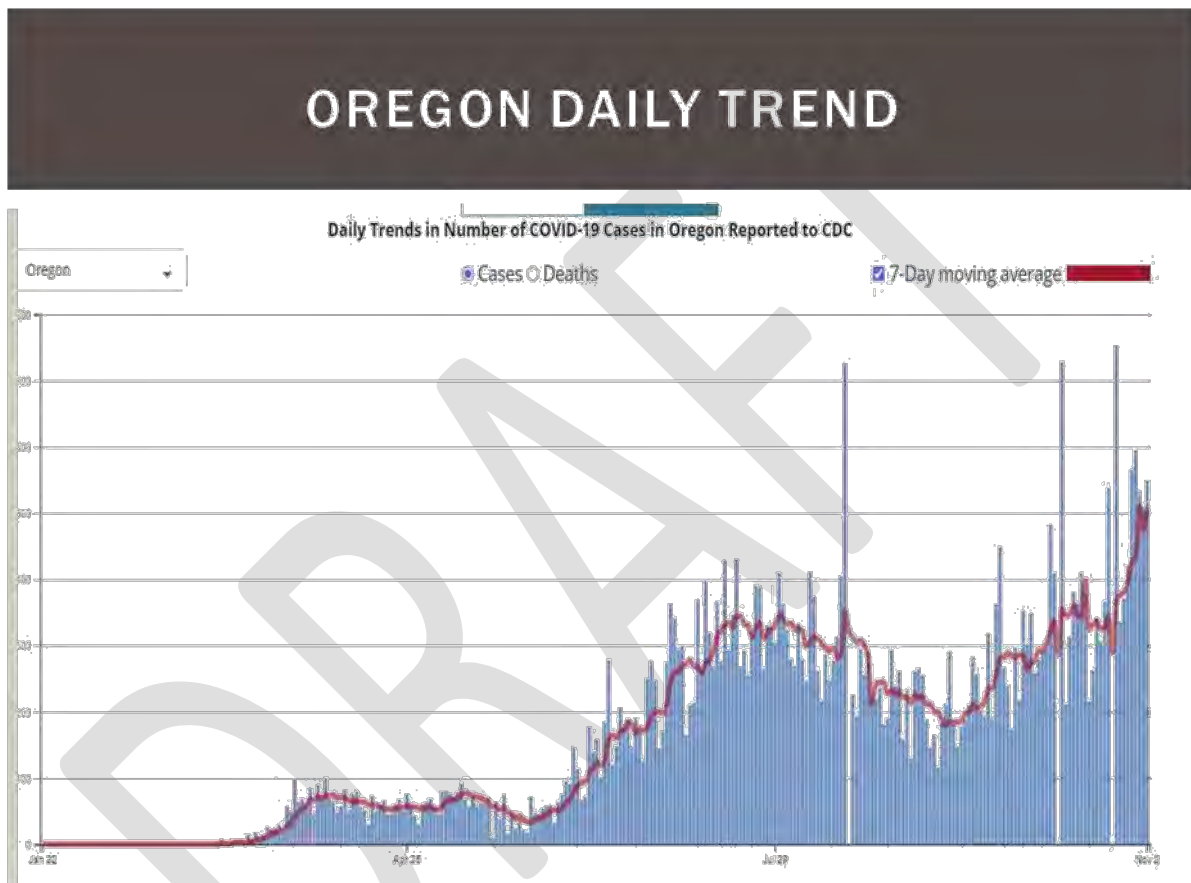


The following slide looks at the cases in Wasco County by the month. Dr. McDonell pointed out the spikes in July and September. She reminded everyone that over 50 of the September cases are related to the outbreak at Flagstone Senior Living. For the month of October there were just under 60 cases in Wasco County.

WASCO CASES BY MONTH



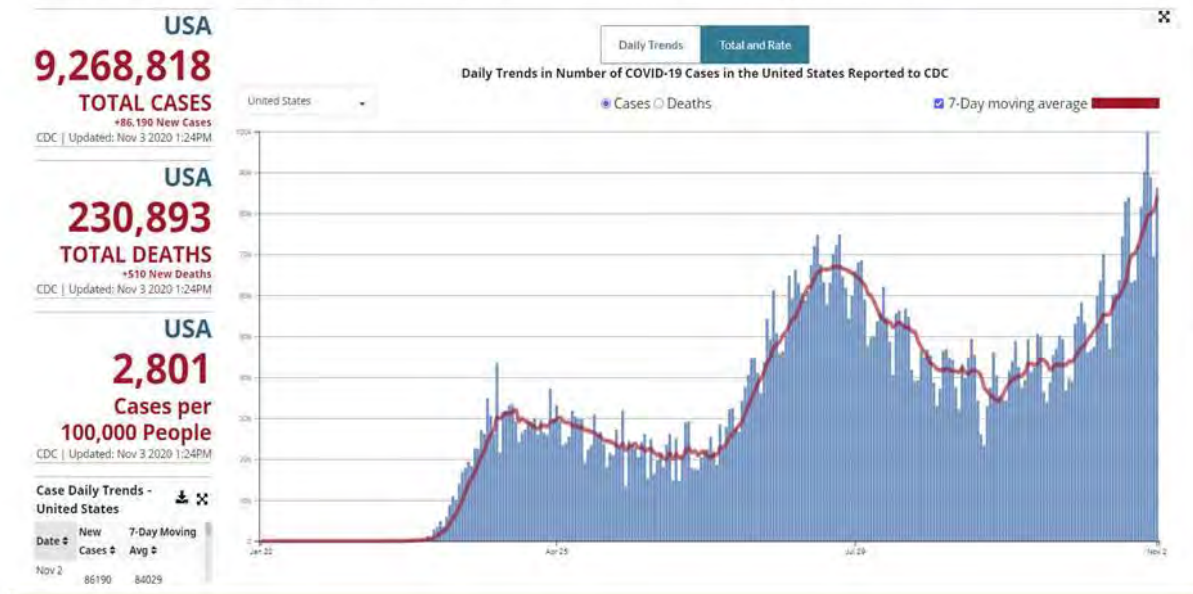
The following slide illustrates the daily trend in Oregon since the beginning of the pandemic. She suggested that the 7 day rolling average (the red line) makes it easier to follow the trending. People have probably heard about the predicted third wave – across Oregon, we are at the highest 7 day average that we have ever had. The pandemic continues to be present in our communities. In Wasco County for the month of October, we are doing a really good job – it is not gone, but people have been working hard and keeping the rate steady.



The next slide demonstrates the trend across the nation since the beginning of the pandemic. Dr. McDonnell she pointed out that it is basically the same trend you see in the State of Oregon, though the numbers are much larger. The last 5 days have been the highest average in the United States. It is heartbreaking that it continues to wreak havoc in our communities.

UNITED STATES CASE COUNTS

Trends in Number of COVID-19 Cases in the US Reported to CDC, by State/Territory



The slide below reviews the adjusted metrics for public schools. The state is trying to prioritize getting kids back to some kind of in-person education. Oregon Health Authority and the Oregon Department of Education have released new metrics for how we measure how counties are doing in terms of what is permitted for schools in providing education to children. The new metrics focus on a 2-week rolling average. Percent of positivity is still important, but the case count is a two-week look back. She noted that we will not be looking at the case rate because we are a small county; we will be looking at the case count. She noted that a school district may become eligible for on-site learning and still choose to continue distance learning or a hybrid of distance and in-person learning. The standards are not as stringent as they were previously because, as they look at elementary schools across the nation, it is not increasing the rates in those communities. There is science behind this – not just a desire to get kids back to in-person learning. One of the questions that has come up is what if you have less than 30 cases but more than 5%. To make a big move, you would have to meet both metrics. She said that it is likely that Wasco County will remain in the yellow zone for a while.

WHAT'S NEW

Metrics & Models	On-Site	On-Site and Distance Learning	Transition	Distance Learning
County Case Rate per 100,000 People Over 14 days	<50.0	50.0 to <100.0	100.0 to ≤200.0	>200.0
County Case Count Over 14 days (for small counties ¹)	<30	30 to <45	45 to ≤60	>60
County Test Positivity²	<5.0%	5.0% to <8.0%	8.0% to ≤10.0%	>10.0%
Instructional Model	Prioritize <i>On-Site</i> or <i>Hybrid</i> (as needed to maintain small cohorts) instructional models.	Prioritize careful phasing in of <i>On-Site</i> or <i>Hybrid</i> for elementary schools (starting with K-3 and adding additional grades up to grade 6). Middle school and high school primarily <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> . Over time, if elementary schools can demonstrate the ability to limit transmission in the school environment ³ , transition to <i>On-Site</i> or <i>Hybrid</i> .	Consider transition to <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> . → For counties with an upward case/positivity trend (entering from a lower risk category), school officials should discuss with their local public health authority (LPHA) and consider the spread of COVID-19 within schools and the local community in deciding whether to return to <i>Comprehensive Distance Learning</i> (CDL). ⁴ ← Schools in counties with downward case/positivity trend must remain in CDL until they drop into the "On-Site and Distance Learning" category or lower.	Implement <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> only.

Dr. McDonnell reminded everyone that there is a lot of information available on the OHA/ODE website:

OHA/ODE WEBSITE

- School status updates weekly
- Latest metrics
- School Metrics Dashboard
- Metrics Explainer

The following slide shows Wasco County's rolling 2-week numbers of the last 3 sets of 2-week time frames. Out test positivity rate is higher than we would like – that can be an increase in cases; however, a decrease in the clinics doing testing can also impact that rate. She said they are working with the local clinics to have them test anyone even with mild symptoms.

WASCO				
County	Time	Case Count	Case/100,000	% Positivity
WASCO	10/4-10/17	28	102	6.0%
	10/11-10/24	25	91	5.5%
	10/18-10/31	30	110	8.1%

The slide below shows what each of the Districts in our region is doing regarding public education.

SCHOOL UPDATE	
■ Condon School	in-person
■ Arlington School	hybrid
■ Sherman County School	in-person
■ Dufur School	hybrid
■ South Wasco Schools	in-person/DL
■ St. Mary's Academy	in-person
■ D-21	DL

Dr. McDonell said that the point of care rapid tests have been distributed and are being used. Because One Community Health and Mid-Columbia Medical Center are such large organizations, it has been a little harder for them to integrate this into their work flow. She is continuing to encourage them to use the tests. It is very useful for people who are symptomatic or those who are close contacts of someone who has tested positive. They are not meant to be used just for screening purposes. There have only been a handful of flu cases in Oregon, but any COVID-10 test is also automatically being tested for influenza A and B.

TESTING UPDATE

- Point of care rapid testing HERE!!!
- BinaxNOW Ag Card in use at some local clinics and at NCPHD
- Testing for COVID-19 and flu available

Dr. McDonell encouraged everyone to get a flu vaccine. A lot of the Wasco County employees have gotten theirs. Call NCPHD; go to the pharmacy or your primary care provider to get yours. The COVID-19 vaccine is still a work in progress. Washington, Oregon and California are working together to prepare for it. EMS providers and community based organizations are involved in that work.

Chair Hege noted that there is a question in the chat for Dr. McDonell: On the OHA website under the Testing and Outcomes by County when highlighting Wasco County the numbers are 368 COVID-19 cases and also 332 people with positive COVID-19 tests, why the difference in the numbers? Dr. McDonell replied that she would look into that.

NCPHD Interim Executive Director Shellie Campbell said that when the pandemic started Unified Command was implemented and a lot of work has come out of that. In the last month, now that we have our arms around the situation, the UC is stepping back and work is moving to NCPHD Incident Command. They will

continue to work with community partners and County liaisons; we want to be able to ramp UC back up if needed. Lines of communication will remain open. She thanked everyone who participated in the Unified Command; their work was very much appreciated. NCPHD continues to look at needs and resources with a focus on the right balance in hiring staff.

Vice-Chair Schwartz asked what Public Health's role is if a school wants to go back to in-person learning. Do they submit a plan? Does Public Health approve the plan? Dr. McDonell replied that all schools submitted a blueprint which is posted on each school's website. They are lengthy, detailed plans. NCPHD provided feedback as those plans were being developed. It is up to each district as to whether or not they go in-person once they meet the metrics.

Vice-Chair Schwartz asked if the outbreak at the Oregon Veterans Home has grown or if it is contained. Dr. McDonell responded that 2 residents and 4 staff have tested positive at OVH. She said she is very happy to report that it has been incredibly well-contained by the practices they had in place and the swift action they have taken. They isolated positive residents and quarantined staff. All recommendations have been followed to a "T." Residents were all tested Monday and staff was all done by Tuesday. That is the second round of testing; the first round revealed only 1 additional resident.

Chair Hege commented that he thought there were 9 cases at OVH. Dr. McDonell replied that the additional 3 cases are family members of staff. That is second tier exposure.

Chair Hege said that looking at Wasco County, we have had a fair number each day not related to OVH. He asked how many are community spread as opposed to known contacts. Dr. McDonell said that we do not have an exceptionally high sporadic number; most are workplace or social gatherings. Being able to do point-of-care testing is very helpful. We do still have some sporadic cases and she expressed trepidation about the upcoming holiday season gatherings; a lot of people indoors is a recipe for spread.

Chair Hege asked if she has any recommendations for the holidays. Dr. McDonell stated that people should celebrate with those who live in their household. If you are getting together with others, please do it outside – it makes a huge difference in terms of spread.

Chair Hege asked if the school metrics are applied to colleges. Dr. McDonell replied that colleges have their own set of metrics. Chair Hege asked what would allow Columbia Gorge Community College to open for in-person education. Dr. McDonell replied that she has not looked at that closely and will do so.

Chair Hege asked how many quick tests we have received and if we are getting more. Ms. Campbell replied that we have received 5,000 test kits which have been distributed and we will have the opportunity for more. Dr. McDonell added that MCMC received an additional 1,000 from the state. She said she believes that is true for other facilities as well.

Commissioner Kramer asked if we know how many of those tests we have used. Dr. McDonell said she would find out. NCPHS is doing 5-10 tests per day but they are not really set up for that. In Gilliam County they are using a lot. MCMC and One Community Health have not really gotten it into their workflow; she is encouraging them to do so.

Commissioner Kramer commented that unless we can get them as needed, we need to plan ahead to order now.

Chair Hege asked the status of our hospital capacity, noting that Idaho is facing challenges there. Dr. McDonell replied that we are doing well but have been able to transfer patients as needed – Providence in particular. In the rising case numbers, we have seen more young people getting it and they are less likely to need hospitalization. OHA is no longer offering staffing support.

Chair Hege asked if we have any COVID-19 patients in the hospital now. Dr. McDonell responded that she does not believe so.

Chair Hege said he read about how states are reporting deaths differently – some reports say patients died from COVID while others say patients died with COVID. A lot of the deaths reported are died with COVID but not as the direct cause of death. He asked how we are reporting in Oregon. Dr. McDonell replied that it is pretty nuanced in terms of how deaths are conveyed. Anyone who has been diagnosed within 60 days of death is reported as a COVID death. As a medical examiner determining cause of death when it is natural causes - we will never know exactly as we just don't often do autopsies for natural causes. Providers are trying to delineate this on death certificates.

Forest Service Area Manager Lynn Burditt reported that they are starting to see more visitors especially on the west end of the Gorge; with that comes some of the typical behaviors. There have been more search and rescues. They are continuing group conversations and statewide conversations. Those will transition to snow recreation conversations. Post Labor Day fire reports indicate that the Oregon Emergency structure that was created has really been tested. There are 7 basic recovery functions and all have been activated. One piece is around recreation and they will try to anticipate where people will go who used to go to the burned out areas. She advised that they will be doing another prescribed fire today in the same area around Mosier as they did two weeks ago. She said that based on the lack of sites available, most people who come to Wasco County will be those who formerly visited Mt. Hood National Forest and the Willamette National Forest. They will continue to assess over the next few months.

Vice-Chair Schwartz asked if the ski resorts will be open. Chair Hege replied that they will be open with new rules. These resorts are on Forest Service properties and there are rules that need to be observed. We have learned a lot from the southern hemisphere about operating under these conditions. Visitors will have to plan ahead.

Discussion List – Letters of Appreciation

Commissioner Kramer explained that he was notified of Ray Johnson's illness and wanted to thank him for all his years of service to the citizens of Wasco County.

*****The Board was in consensus to send a letter of appreciation to Ray Johnson for all his years of service to the citizens of Wasco County.*****

Mr. Stone explained that the Farm Bureau has committed \$20,000 to improvement projects at the fairgrounds and he would like to get a letter of thanks out to them.

Chair Hege asked if these are to be physical improvements. Mr. Stone replied that they would be and are to be determined in conjunction with the Farm Bureau. We are currently working on the water and electrical infrastructure and will work with them to see if that is a project we can apply this funding to.

*****The Board was in consensus to send a letter of thanks to the Farm Bureau for their contribution toward improvements at the Wasco County Fairgrounds.*****

Agenda Item – Planning Ordinances Public Hearings

At 10:00 a.m. Chair Hege opened a public hearing as follows:

We will now commence the November 4, 2020 public hearing for 921-18-000221 and 921-19-000126, a review of a recommendation made by the Wasco County Planning Commission for:

A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, Comprehensive Plan Zoning Map and Land Use and Development Ordinance primarily relating to policies and implementation strategies for Natural Resources, Scenic and Historic Areas and Open Spaces, Forest Lands and Recreation. Amendments also include the adoption of a new format for the plan. These amendments relate to work tasks 18 of Wasco County's Periodic Review to update the Comprehensive Plan and the Post Acknowledgment Plan Amendment to update Goals 4 and 8 of the Comprehensive Plan.

The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice procedures** required by Chapter 2 of the LUDO, this hearing was advertised for today, November 4, 2020, 10:00 a.m. via electronic video conferencing, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This hearing is the second of two Board of County Commission hearings scheduled for this text amendment. The first hearing was held on October 7, 2020 and continued to October 21, 2020. Oral and written public testimony were accepted at the first hearing. The purpose of the second hearing is for the Board to hear from staff, ask questions, deliberate and vote on the proposed Ordinance.

The criteria for approval of this request include: Wasco County Comprehensive Plan Chapter 11 and Oregon Administrative Rules 660-025

The hearings process, notice and appeal period are governed by ORS 197.612 and by ORS 197.763 and qualify as a land use decision under ORS 197.015(11).

The proposed amendments must comply with the Wasco County Comprehensive

Plan.

The procedure I would like to follow is:

- (a) The Planning Department will provide synopsis of previous presentations related to this Ordinance.
- (b) The Board of Commissioners will ask questions of staff.
- (c) The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

Chair Hege asked the following questions:

Does any Commission member wish to disqualify themselves for any personal or financial interest in this matter? There were none.

Does any member of the audience wish to challenge the right of any Commission member to hear this matter? There were none.

Is there any member of the audience who wishes to question the jurisdiction of this body to act on behalf of Wasco County in this matter? There were none.

Chair Hege asked staff to present a brief overview.

Long Range Planner Dr. Kelly Howsley-Glover said that this ordinance is for Work Task 18 which is updates to the sensitive wildlife maps for elk and deer winter range and sensitive birds – EPD 8 and EPD 12. In conjunction with the map updates we have some new policies for the Comprehensive Plan and they are also planning to propose to revise the ordinance language in the Land Use and Development Ordinance in conjunction with EPD 8. In addition, this ordinance covers post-acknowledgement plan amendments to Chapters 4, the forest lands chapter, and Chapter 8, which is recreation. In conjunction with Chapter 8, they are also proposing the adoption of what would be called EPD 15 – a destination resorts eligibility map. She said she is happy to answer any questions.

Commissioner Kramer said this Comprehensive Plan is a tool; it is road map – it is not etched in stone. He asked that if we find that we need to make some modifications/changes/amendments, can we do that at a future date. Dr. Howsley-Glover replied that it is correct for everything outside of things that are mandatory

according to state law.

Chair Hege said we have received input related to property rights issues that people believe will be taken away from them or that they won't be able to do things with their property. Based on his reading and questions he has asked, he said that essentially the things that are allowed today under our current Comprehensive Plan – really not much is changing; not really anything. If they tried to do something today, the process they will have to do is essentially the same that they will have to do if this Plan is implemented. The whole point is to try to make the Plan updated from 40 years ago and easier for people to understand and read and simpler. But it is not going to change the uses, there are no zoning changes or anything like that. He asked if that is an accurate portrayal.

Dr. Howsley-Glover replied that with the sensitive wildlife maps – it is a difficult question because it is based on people's philosophy about what constitutes property rights and whether they are absolute or conditional – that is where things come into play. She said her understanding of the Oregon State law is that property rights are conditional. In this sense the conditions that are placed on property usage, rights and activities really boil down to siting standards. What we are talking about with the amendments to the overlay zones is the property owner would have to do some consultations with Oregon Department of Fish and Wildlife (ODFW) to potentially modify their site plan. The worst case scenario is that if they are coming into one of these zones – EPD 8 or EPD 12 – that say if they wanted to put their new house somewhere on the property that conflicts with one of these zones and they have a consultation with ODFW, the end result may be that ODFW request they move the house placement. She stated that from her perspective, that is not a prohibition on property rights. She said that she can appreciate that there are people who philosophically disagree with that, but she said she thinks it is important to emphasize that these overlay zones don't prohibit uses or activities. Really, where the limitations come in is where development or activity is sited if – and that is a big if – it presents a conflict to the resource. So, the way this works in practice – because we already have these overlay zones in Wasco County and it is a familiar process – it is pretty easy to mitigate with ODFW after they have done a site visit. They may suggest moving the house site, but the overlay zones do not outright prohibit uses and activities.

Chair Hege asked if it is true today, even with the current Comprehensive Plan, that those consultations are required. Dr. Howsley-Glover replied that it is true. He said that they are just not included in the current Plan but it doesn't mean that the maps

don't exist and it doesn't mean that ODFW won't be consulting on developments on these properties even though the map is not in our plan. Dr. Howsley-Glover said that is true for conditional use permits. Conditional Use Permits all over Wasco County, regardless of a properties presence in one of these overlay zones, already there is a trigger in the conditional use criteria for them to meet with ODFW and for staff to make findings to determine there is no conflict, adverse impact, to sensitive wildlife. That is not changing, that is the same. That map is ODFW's map and was adopted in 2012 in the case of EPD 8. She said that the only properties where this may be a new phenomenon, where there is not a trigger somewhere else in the LUDO, are for things that are subject to standards. If you are coming into one of these overlay zones for subject to standard use – these are for things like utility facilities, land partitions, wineries, etc. – those will now have to go through the review process with ODFW. For the most part, most of the things we are seeing in Wasco County are already subject.

Chair Hege asked if farm uses – using the ground to farm, run cattle, fence, etc. – will be affected at all. Dr. Howsley-Glover said that they will not be affected. EPD 12 for sensitive birds already has specific language in it, which is why they did not update that chapter, which excludes/exempts farm and forest practices from the restrictions placed on development within that nesting buffer. One of the critical things that they did with EPD 8, recognizing that it was going to bring in a significant amount of A-160 farm land, was to have the EC analysis. They invited the public to participate and provide feedback with an eye to agriculture because they knew it would impact the agricultural producers. They used that input in combination with peer reviewed literature and consultations with ODFW to establish a finding that is in the ECEE analysis in the appendix for Chapter 5 that agricultural uses don't conflict with protection of deer and elk winter range. That is how they are able to propose this exemption. Agricultural uses and activities, with only a few exceptions – that is CUP such as wineries and agri-tourism where it is much more commercial activity – but, standard agricultural uses such as farming, crop production, agricultural buildings such as pole barns, pump houses and sheds, and farm dwellings are all going to be exempt under EPD 8. That means they do not have to have the review or pay the fee and are not subject to any of the site modifications.

Chair Hege said that he has been back and forth regarding the destination resorts. In the beginning there were some other eligible areas located in the north part of the county and those were removed based on public comment. Right now there are 2 areas – one down in the very south eastern part of the county and one centrally located in the Maupin/Pine Grove area. He has heard from some people that they

don't like these zones and want them taken away. Right now we have that opportunity to make one or both disappear or keep both. He said he likes the idea of them because he thinks it is an opportunity for those areas. It doesn't at all mean that anything is going to happen there. He said he thinks the reality and likelihood of something happening is pretty slim. It just says that here is an area where it could be done. There will be additional work as we go forward in the LUDO that is basically going to put the rules in place to how those could potentially happen. He said he thinks the concerns that he has heard related to that kind of development in those areas are water and fire response. He said that as we develop the LUDO, those are exactly the things that will be addressed – is there sufficient water, what are the public concerns, how are we going to deal with fire protection, etc. He said he feels like he does not want to take away that opportunity from that area, the communities there and the land owners. At the same time, it doesn't force anything on them and we could probably remove that area at some point if in the future, if for some reason, it isn't something we want. He said he is curious to know what the other Commissioner's thoughts are at this point.

Vice-Chair Schwartz said she is totally in favor of keeping the resorts and eligibility map in the Plan. She said she has attended a lot of meetings in south Wasco County and has heard a lot about the desire for economic development and the need for jobs. She said she thinks it is the Board's job to smooth the way rather than put up more barriers. She said she really has not heard any real objective reasons to take it out at this point in time. She said our staff has done a great job of choosing those sites and the Planning Commission passed it almost unanimously. Staff has gone out of their way to adjust the map based on feedback they received already. She said she just doesn't think that we should remove that. She said she thinks the most important thing for her is really about not putting up more barriers to economic development in south Wasco County. There are some good examples already of destination resorts. We have the Washington Ranch and in the past we had Kah-Nee-Tah Resort which was a family favorite of hers. She said she does not know why it is closed now, but it existed for a long time and was a very popular place for folks. It seemed to work well. She said the map does not allow destination resorts; it is important to recognize that. As Chair Hege said, it merely allows for someone to further explore the area. If there is serious interest, it would trigger a robust review of development standards that would include concerns about fire safety and water. It would also trigger public comments from neighbors, etc. It just simply streamlines the process for the developer if one should inquire seriously about a potential site in Wasco County. She said she is absolutely in favor of it. She said this has been a 2-year process for her attending meetings, listening to feedback,

attending the Road Shows, watching people put the dots on the flip chart of what concerns them. It has not been just the last month or so of comments that are influencing her decisions here. She restated that she is absolutely in favor of the destination resorts map and has heard no good reasons not to do it today.

Commissioner Kramer stated that he echoes the comments of both of the other Commissioners. We need more economic drivers in the county. This is just an opportunity and doesn't guarantee anyone the right. As we go forward with the LUDO, that will be the time for the details. He said he is okay with leaving it in.

Dr. Howsley-Glover clarified that the eligibility map wasn't something that staff chose, it is actually based on pretty specific criteria developed in Goal 8.

Chair Hege asked if there is anything other information that the Board needs to make a decision or any other amendments they would like to see. There were none.

Chair Hege closed the hearing at 10:21 a.m.

{{Vice-Chair Schwartz moved to approve Ordinance 20-001 in the matter of the Wasco County Planning Commission's request to approve proposed Periodic Review Legislative Amendments to update the Comprehensive Plan related To Land Use Planning Goals 4, 5, and 8 in Chapters 4, 5, and 8 of Wasco County 2040, The Comprehensive Plan (File Numbers 921-18-000221, 921-19-000126) and revisions to The Comprehensive Plan Zoning Map Epd-8 And Epd-12. Commissioner Kramer seconded the motion which passed unanimously.}}

Commissioner Kramer thanked staff and the Planning Commission for the outstanding work they have done. This has been a long process. This is a road map – if it doesn't work for Wasco County, we can revise it. Vice-Chair Schwartz said she echoes Commissioner Kramer and also would like to thank citizens for their participation in the process. There have been a lot of community meetings where participation has been wonderful; engagement in the work groups has been amazing. That has been really helpful in this process to go forward with a decision. She thanked the citizens as well as our staff.

Chair Hege said he agrees with everything said by the other two Commissioners. He added that there are some people in our county who are very concerned about this. We have recently received a lot of comments from them. He said he is not sure we can do anything to alleviate their concerns; but, from his perspective, he fully

and completely supports property rights. At the same time, there is a context in which we have to deal with this information. There are state laws that we have to follow; many of them think we should push back and not follow the laws but that is really not an option that would be successful. We do have a Comprehensive Plan now. The whole goal behind this, the reason staff brought this forward is because it is an almost 40-year-old plan; a lot has changed in 40 years. We want to make a better plan that is actually easier for our citizens to understand and easier for them to use. He said he thinks this plan is going to do that. He said that some of the folks who say that we are totally taking away property rights and we are not supporting agriculture – he thinks that will prove out to not be true. He said that he thinks things will be better and staff has told us in response to our questions that it will not do many of the things people think it will do. He said we have reasonable and excellent staff. It does depend a little bit on the people that sit in the seats and people have concern about that; but from a Commission stand point . . . when he came to the Commission, we were very clear with staff to not be regulators. We want them to be helping our citizens be able to do those things that they can do on their property. He said he thinks that our staff is doing that. We reinforce that over and over. Our Planning Director Angie Brewer has that perspective. He said it is not their goal to make things hard on our citizens or to try to put barriers up. Our staff try to help citizens do the things they want to do on their property. That doesn't mean that you can do anything you want. That is not the world in which we live today. You can't put nuclear plants on small parcels; you can't have junk yards all around. There are all these things – people say that they don't want Planning but the reality is that they want it when they want it and don't want it when they don't. He said he thinks we have a good plan before us. There are some people who don't like it; but he thinks it will prove out well and our staff has done a great job. It has been a long time coming.

At 10:27 a.m. Chair Hege opened a public hearing as follows:

We will now commence the November 4, 2020 public hearing for 921-20-000072, a review of a recommendation made by the Wasco County Planning Commission for:

A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, primarily relating to process and criteria including the Introduction, Plan Revisions Process and Goal Exception chapters. Amendments also include the adoption of a new format for the plan. These amendments relate to the Post Acknowledgment Plan Amendment to update remaining chapters from the Comprehensive Plan.

The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice procedures** required by Chapter 2 of the LUDO, this hearing was advertised for today, November 4, 2020, 10:00 a.m. via electronic video conferencing, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This hearing is the second of two Board of County Commission hearings scheduled for this text amendment. The first hearing was held on October 7, 2020 and continued to October 21, 2020. Oral and written public testimony were accepted at the first hearing. The purpose of the second hearing is for the Board to hear from staff, ask questions, deliberate and vote on the proposed Ordinance.

The criteria for approval of this request include:

- Wasco County Comprehensive Plan Chapter 11 and Oregon Administrative Rules 660-025
- The hearings process, notice and appeal period are governed by ORS 197.612 and by ORS 197.763 and qualify as a land use decision under ORS 197.015(11).
- The proposed amendments must comply with the Wasco County Comprehensive Plan.

The procedure I would like to follow is:

- The Planning Department will provide synopsis of previous presentations related to this Ordinance.
- The Board of Commissioners will ask questions of staff.
- The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

Chair Hege asked the following questions:

Does any Commission member wish to disqualify themselves for any personal or financial interest in this matter? There were none

Does any member of the audience wish to challenge the right of any Commission member to hear this matter? There were none.

Is there any member of the audience who wishes to question the jurisdiction of this body to act on behalf of Wasco County in this matter? There were none.

Dr. Howsley-Glover said this ordinance pertains to procedural process and informational chapters of Wasco County 2040. That includes a rather lengthy introduction chapter, the plan revisions process information – that’s the criteria we use to make updates to the Comprehensive Plan - and then finally, the chapter related to the goal exceptions – those are rezones from resource lands to non-resource lands and that serves as an inventory. She said she is happy to answer any questions.

Chair Hege commented that we have received a number of comments on this as well. The sheer volume – the number of pages – is overwhelming; he said he would agree that it is a bit of a challenge for citizens to be able to follow and read through all this. It is a lot and it is complicated; unfortunately, it is a process dictated in large part by the State. He said that what we are approving here is part of the Comprehensive Plan. We have approved several other parts of the Comprehensive Plan prior to this. These are the last two that we will be approving. Ultimately, what he hopes to be able to see in the near future is “the” Comprehensive Plan – the document that will be a bound book. He asked if there is a sense of how many pages that document will be and when that final document will be available.

Dr. Howsley-Glover replied that we do have all the things that have been adopted by the Board of Commissioners available now on the Wasco County website. If the Board approves both of today’s ordinances, staff will send them to the Department of Land Use and Development for their acknowledgement – which means they approve it. At that time, we are able to go live. That process can take anywhere from a month to a couple of months. In the meantime, we will be working with a graphic designer to clean up the document and make it look consistent with our brand standards. She said they anticipate that the final bound version will be available within the first couple of months of the New Year. As far as the total document, it will be 310 pages. She said it is important to clarify that 151 of those pages – about half – are actually appendix material. A lot of that is in Goal 5 which is the inventories such as aggregate pits, potential wildlife in the county, park sites, etc. – all that information. When we actually talk about the policies and the

implementation strategies that directly tie to the Land Use and Development Ordinance and regulations, we are talking about around 125 pages.

Chair Hege said that some people think it is an 800 or 900 page document. It is really not. A lot of work was done to get to those pages that will actually be in the document but it is going to be a fairly readable document. It is still pretty exhaustive but that is because it needs to be.

Chair Hege asked if there is any information not provided by staff that would assist the Board in making a decision or any additional amendments the Board would like to see. There were none.

Chair Hege closed the public hearing at 10:34 a.m.

{{{Commissioner Kramer moved to approve Ordinance 20-004 In The Matter of the Wasco County Planning Commission's request to approve proposed Periodic Review Legislative Amendments to update The Comprehensive Plan related to Land Use Planning of Wasco County 2040 with revisions to the Plan Revisions Process Chapter, The Goal Exception Chapter and the addition of an Introduction Chapter, The Comprehensive Plan (File Number 921-20-000072). Vice-Chair Schwartz seconded the motion which passed unanimously.}}}

Chair Hege thanked the staff for a job well-done. Ms. Brewer thanked the Board for their support saying that this is a big milestone.

Agenda Item – Landfill/Waste Connections Rate Increases
--

Ms. Clark stated that NCPHD Environmental Health Specialist Supervisor Nicole Bailey is unable to be here today. Waste Connections Regional Manager Jim Winterbottom and Wasco County Landfill Site Manager Nancy Mitchell are here to answer questions. Commissioner Kramer noted that although he is not a member of the Solid Waste Advisory Committee (SWAC), he understands that our partners have a need to increase their fees based on the Consumer Price Index (CPI).

Mr. Winterbottom reported that they went before the SWAC – the landfill is guaranteed 85% of the CPI which for this year is a 1.45% increase that will be enacted in 2021. Waste Connections has mirrored that request. He said they are sensitive to how that will affect rate payers; he explained that for a 32 gallon can the increase will be 7¢ per pick-up; dumpsters will an increase of 33 ¢ per pick-up.

Vice-Chair Schwartz asked if these increases are in our franchise agreement. Ms. Mitchell replied that they have a license agreement with the County and this is allowed in that document. The request is not greater than what is outlined in the agreement. Vice-Chair Schwartz commented that she hates to raise anything right now.

Commissioner Kramer explained that 85% of the CPI is a guaranteed increase. We could refuse but we would have to have further discussion later. This is pretty straightforward and what we have already agreed to. We would need to negotiate to change that for the future. Anything above and beyond the guarantee would be at the Board's discretion.

Chair Hege observed that the good thing about adjusting every year as that you don't have a huge increase - 32 ¢ a month is not unreasonable.

{{{Commissioner Kramer moved to approve Resolutions 20-010 and 20-011 in the matters of 2021 rate increases as proposed by the Wasco County Landfill and Waste Connections and approved by the Solid Waste Advisory Committee. Vice-Chair Schwartz seconded the motion which passed unanimously.}}}

Agenda Item – Disaster Assistance Programs

Emergency Manager Sheridan McClellan introduced Lissa Biehn – County Executive Director for the Wasco/Hood River County Farm Service Agency. Ms. Biehn reviewed flyers (included in the Board Packet and attached) explaining the various programs available for recovery from the recent fires. She explained that 56 farms were affected although not all are officially established as farms. There is funding available to restore fencing – signup for these programs began on Monday. Landowners have until December 31, 2020 to sign up. They can call the office to work with them for a cost share program. The program will pay up to 75% of the cost up to \$3 per foot. The program will not pay to restore fencing that was in poor repair prior to the fire. Program technicians are available to assist landowners.

Ms. Biehn went on to say that the Emergency Forest Restoration Program is for non-industrial, private land – primarily those affected by the White River fire – at a 75% cost share. Sign-up ends December 31, 2020. The focus is on replanting trees. They are still working on restoration from the 2018 fires as the South Valley fire restoration is not yet completed.

Chair Hege asked if they have reached out to Dodge Logging. Ms. Biehn replied

that Dodge Logging contacted them and they have talked to them a number of times.

Ms. Biehn continued by saying that the Livestock Indemnity Program (LIP) is always in place for producers and is usually accessed during calving season winter storms. Right now, if anyone had cattle burned in the fire, those losses can be evaluated. There is a 30-day reporting requirement. The Emergency Livestock Assistance Program works for those who have had to haul water due to the drought. The Livestock Forage Assistance Program has been implemented as well.

Vice-Chair Schwartz asked if Dodge Logging is eligible when it is considered a company. Ms. Biehn replied that they will work with Dodge Logging to determine if they are eligible. They may not qualify if it is determined that they are industrial. For instance, Weyerhaeuser would not be eligible as it is on industrial forest land. There is a process in place to determine whether or not the business is industrial. Baker County has done a lot more work in this area and they are learning – it is a learn-as-you-go process. A lot of folks in the south valley are just property owners.

Chair Hege thanked Ms. Biehn for the information saying that the Board would help get the word out.

Discussion Item – Live Streaming Board Sessions

Vice-Chair Schwartz said that the Board had previously had a discussion around live-streaming and video hosting and tasked the Information Services Department with researching the process and costs associated with that. We have already met one of the objectives which is to record and post videos of the meetings – it has been of value to our citizens. The next iteration is the ability to live-stream. Programmer/Analyst Andrew Burke has a well-done proposal for virtual and in-person meetings. The value that it brings is to give citizens access to meetings without having to sign-in. She noted that she goes into meetings on live stream and enjoys the anonymity of that and thinks others will as well. It provides more access and supports our mission, vision and values.

Mr. Burke reviewed the memo included in the Board Packet. He reported that the recent election process allowed him to test the streaming feature. We have platforms for the short-term at \$330 per year. If we move to physical streaming there will be an initial cost of \$8,185. All of the video will need to be stored – we have the capacity to store up to 48 videos. They are not official records and must be kept for only 1 year. In monitoring the election streaming, he found that we used

less than 1.5% of the bandwidth capacity; we currently use only about 10%-15% so that is not a problem. He said that staff time is a concern – it will take approximately 2 hours of staff time per video. As far as integrating Zoom with YouTube, that will be about 5 hours to set up something that is reusable. It will take about 25 hours to set up the Board Room for in-person meetings to be live-streamed. He reported that looking at the City of The Dalles metrics for live-streaming, they average 47 views per video.

Vice-Chair Schwartz asked what would the 2 hours of staff time per video entail. Mr. Burke replied that it would be time spent ensuring the quality of the video. She asked if that would mean 4 hours per month recurring for the Board Session videos. Mr. Burke confirmed.

Commissioner Kramer said that his thoughts are that we are live-streaming now. You can see how many are on the call – there were 28 earlier. Three-quarters of those attending are staff members and he thanks them all for taking an interest. He said he would like us to continue this at minimal costs and table the long-term solutions for when COVID is resolved.

Chair Hege asked how this differs from what we are doing now. What is not happening that is not live streamed in real time? Instead of just being on our web page, it would be on YouTube? Mr. Burke responded that people have to sign in now. Live streaming means we push the video to YouTube where you do not have to be admitted.

Chair Hege said that the cost for the year is not an issue. If it is 2 hours of staff time; that is a fair amount of time. The only thing we are getting is the live stream. Anyone can join us now and watch it live. Ms. Clark is posting the videos as a time-shifted element. The only thing we are getting is that they can watch it on YouTube rather than signing into the meeting.

Mr. Burke added that staff time is for agenda items if we choose to flag the agenda item to the video. That would likely be Ms. Clark's time.

Chair Hege asked Vice-Chair Schwartz for her thoughts saying that more people have been participating and we have the video on our website. He asked if that is enough.

Vice-Chair Schwartz said this is a piece that broadens our communications to

citizens. School District 21 and the City Councils of The Dalles and Maupin are already doing this – one might question why we are not. The short-term objectives are being met. More of the long-term objectives is to have some forum where we could push the information out to get more participation. That is what the Social Media Team is working on. It may not make a lot of difference right now but it will in the future. There will be more to come. We talk a lot about being transparent – there are a lot of information platforms that we are not using that are very helpful to citizens.

Chair Hege observed that we are live now – it is just not on YouTube. It is better to have people sign in and we do provide the time shift to watch it later. He said that he understands that it is different. It won't get us a lot today but when we get back to in-person sessions, it would be useful. He said that today, he doesn't see it adding as much. Pushing the information out is not addressed in the report but we can do that today. We can post the videos on social media. The additional work to push it out – he said he is not seeing a difference in what we are doing today but we could try it.

Commissioner Kramer said he agrees – we are live-streaming now. He said he has a different view about anonymity. If we are going to be transparent in our communications, we should know who we are interacting with. Hiding behind a computer screen is a bigger issue in our society. We need to have conversations – let's not hide behind a computer screen.

Chair Hege asked how YouTube will be different from what we are doing now. Vice-Chair Schwartz said it is just another venue and one we are not using - just another way to be open and transparent. We may underestimate how many people are using YouTube. This is one piece of a bigger picture. We don't have a way to push it out yet – we don't have a social media presence for the BOC. She said she wants to thank her fellow commissioners for having the discussion which meets her objective now – to talk about it and get their thoughts. She said she will look forward to future discussions.

Commissioner Kramer thanked Vice-Chair Schwartz for bringing this forward. He said there are really two separate issues and future conversations will be good. He said he thinks we do need more opportunities to interact with the public.

Chair Hege said that the equipment to stream in-person meetings seems very pricey. He asked why. Mr. Burke replied that when we stream, we want to stream

quality video. When we use speakers, we want to be able to hear. The audio devices are designed for spaces of the size of our Board Room. We cannot put cameras on a floor stand as we do not have room; so we will have to mount them out of the way and they will have to be able to zoom in. That will meet the needs of the physical space. When you think about it, these costs are actually on the lower end compared to what is available.

Chair Hege commented that we do have the ability to push our videos out individually although it is not coordinated. He said that perhaps staff can do the integration now as they have time. He said at some point we are going to be sitting together and it could help to have it ready. Mr. Burke said that some of the work has already been done due to the work they had to do for elections. Chair Hege said if it isn't going to cost anything outside of staff time, it will be good to have it ready. It is great to have people attending virtually.

Vice-Chair Schwartz thanked Mr. Burke for his research and work and thanked Ms. Clark for the posted full meeting videos and clips of the COVID updates that she provides.

Consent Agenda – 10.21.2020 Minutes

{{Commissioner Kramer moved to approve the Consent Agenda. Vice-Chair Schwartz seconded the motion which passed unanimously.}}

Chair Hege recessed the meeting at 11:36 a.m.

The session resumed at 11:41 a.m.

Executive Session Pursuant to ORS 192.660(2)(h) Legal Counsel

Chair Hege recessed the Regular Session and opened an Executive Session with the following instructions:

The Wasco County Board of Commissioners will now meet in executive session pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. This executive session will be held in a separate virtual meeting room. Representatives of the news media and designated staff shall be allowed to attend the executive session in a separate virtual room. All other members of the audience may remain in the main meeting room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive

session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session in the regular session virtual meeting room.

The Regular Session resumed at 1:32 p.m.

Commission Call

Vice-Chair Schwartz reported that the Veterans Services Advisory Committee (VSAC) has not been meeting. She said she talked to Elijah Preston about seeing if they would be willing to meet virtually. A lot has been happening around outreach and updating social media. Ms. Clark added that she has corresponded with VSAC Chair Mark Fortin and offered to set up virtual meetings for the Committee.

Vice-Chair Schwartz announced that the warming shelter has a site on the corner of Bargeway and Terminal Road. They are looking for more pallet homes – they have 6 but need 12. She is working with Administrative Services Director Matthew Klebes to identify possible funding streams.

Vice-Chair Schwartz announced that there is a new Executive Director at the Community Action Program. Jim Slusher retired after 43 years of service. Kenny LaPoint who lives in Mosier and worked for Oregon Housing and Community Services will be a good addition to the organization.

Commissioner Kramer said all his committees are moving forward. He is working on fire recovery – MCEDD is doing a wonderful job. Household Hazardous Waste will be meeting when he returns from vacation.

Chair Hege stated that he continues his regional meetings with the Governor's office.

Ms. Clark reminded everyone that there is no second Board Session in November due to the AOC Fall Conference.

Chair Hege adjourned the meeting at 1:39 p.m.

Summary of Actions

MOTIONS

- **To approve Ordinance 20-001 in the matter of the Wasco County**

Planning Commission's request to approve proposed Periodic Review Legislative Amendments to update the Comprehensive Plan related To Land Use Planning Goals 4, 5, and 8 in Chapters 4, 5, and 8 of Wasco County 2040, The Comprehensive Plan (File Numbers 921-18-000221, 921-19-000126) and revisions to The Comprehensive Plan Zoning Map Epd-8 And Epd-12.

- **To approve Ordinance 20-004 In The Matter of the Wasco County Planning Commission's request to approve proposed Periodic Review Legislative Amendments to update The Comprehensive Plan related to Land Use Planning of Wasco County 2040 with revisions to the Plan Revisions Process Chapter, The Goal Exception Chapter and the addition of an Introduction Chapter, The Comprehensive Plan (File Number 921-20-000072).**
- **To approve Resolutions 20-010 and 20-011 in the matters of 2021 rate increases as proposed by the Wasco County Landfill and Waste Connections and approved by the Solid Waste Advisory Committee**
- **To approve the Consent Agenda: 10.21.2020 Regular Session Minutes.**

CONSENSUS

- **To send a letter of appreciation to Ray Johnson for all his years of service to the citizens of Wasco County.**
- **To send a letter of thanks to the Farm Bureau for their contribution toward improvements as the Wasco County Fairgrounds.**

Wasco County
Board of Commissioners

Scott C. Hege, Commission Chair

Kathleen B. Schwartz, Vice-Chair

Steven D. Kramer, County Commissioner



AGENDA ITEM

Youth Think Agreements

[NORC LETTER OF AGREEMENT/STATEMENT OF WORK](#)

[NORTH CENTRAL PUBLIC HEALTH DISTRICT MOU](#)

[BRIDGES TO CHANGE MOU](#)

[MOTION LANGUAGE](#)

December 2, 2020

Debby Jones, CPS
Wasco County Prevention Specialist
YouthThink
200 E 4th St.
The Dalles, OR 97058
debbyj@co.wasco.or.us

Dear Ms. Jones,

We thank you for reaching out regarding the statement of work attached hereto as Exhibit A.

The price for this effort is \$15,332, to be paid in two installments of \$7,666 by May 15, 2021 and September 15, 2021. The period of performance will run from January 1, 2021 until September 30, 2021.

It is hereby agreed that the services agreed pursuant to this letter do not create an employment relationship of any kind between you and NORC. Both parties agree to indemnify the other against any and all losses and liabilities for injury to person and/or property, including reasonable attorney's fees for the defense thereof, arising from such indemnifying party's actions or omissions under this agreement, from any breach or default on the part of such indemnifying party in the performance of any covenant or agreement hereunder, and from any act of negligence of such party and that of its agents, servants, employees, and/or contractors. In case of any action or proceeding brought against the indemnified party by reason of any such claim, the indemnifying party covenants to defend such action or proceeding, including appeals therefrom, with counsel reasonably acceptable to the indemnified party. This letter contains the only terms and conditions of the agreement between the parties, and it replaces all prior proposals, contracts and understanding, whether verbal or in writing, and all other communications that you may have had with NORC in relation to the purpose of this letter. In no event will NORC's aggregate liability exceed the fees paid to NORC under this agreement.

If we can count on your participation and you are fully satisfied with the terms and conditions of this letter-agreement and accompanying addendum, please sign below, and return it via email to Tracy McPherson at mcpherson-tracy@norc.org and Hildie Cohen at cohen-hildie@norc.org.

Sincerely,

Accepted by:

Scott C. Hege, Chair
Wasco County Board of Commissioners
This 2nd Day of December, 2020

Exhibit A: NORC Proposed Statement of Work

Training Consultant

NORC will assist YouthThink in designing and implementing a customized training plan that includes technical assistance, training materials, and training manuals for adolescent SBIRT.

- NORC will work with YouthThink to help design a customized training plan for health care delivery sites. In-person and virtual direct delivery and Training of Trainers (TOT) training will be customized to align with implementation site needs, service delivery model, and workflows.
 - Training content will come from training materials and courses developed by NORC's Adolescent SBIRT and Health Professional SBIRT training curriculum and, if needed, supplemented with resources developed by authoritative sources such as SAMHSA, CDC, NIH, and nationally recognized training materials from the National SBIRT ATTC Training of Trainer (TOT) curriculum. NORC will work with YouthThink's Teen Intervene experts to inform the development of the training content. NORC will participate in six, bi-monthly meetings with SBIRT champions identified by YouthThink. The purpose of the meetings will be to identify the needs, capacities, facilitators and barriers to the sustained implementation of SBIRT in practice sites. NORC will provide meeting summaries following each session. Based on these meetings and discussions with the YouthThink team, NORC will submit a training plan by the end of year 1 that outlines the plan for implementing training including the training materials, manuals, and agenda for a TOT and other technical assistance.
- NORC will work with YouthThink to offer CE credits. NORC is not a CE provider but can assist YouthThink with completing CE applications. NORC can produce certificates of completion with pertinent CE credit information provided by YouthThink for training participants.
- NORC will conduct webinar training using GoToWebinar. Webinars will be offered live, rebroadcasted, and made available for 24/7 on-demand access. NORC will produce up to two 60-minute webinars in year 1 to address the need for training on SBIRT appropriate for the stage of grant implementation.
- Through teleconferences and collaborative meetings, NORC will provide ongoing training consultation on training design and implementation including the use of competency-based simulation training.

Training Evaluation Technical Assistance

NORC will assist YouthThink in designing a training evaluation as part of YouthThink's broader evaluation, including providing consultation to trainers and evaluators on assessing SBIRT fidelity and competency.

- Provide guidance on evaluation of competency-based simulation training.
- Provide ongoing technical assistance to the project personnel on the collection and reporting of training evaluation data.
- Prepare and submit NORC IRB training evaluation application, amendments, and annual renewals (if needed).

“What’s Strong With You”					
Estimated Budget	<i>Rate</i>	<i>Persons</i>	<i>Hours</i>		<i>Total</i>
Training Consultant					
Host 6 meetings with SBIRT Champions or other project personnel to assess the training needs, provide meeting summaries and any resources/materials	\$150.00	2	24		\$3,600.00
Coordinate at least one meeting per month with YouthThink leadership to discuss project progress and training design	150.00	2	12		\$1,800.00
Design the training and implementation plan based on needs of YouthThink and needs assessment with SBIRT Champions	\$150.00	2	24		\$3,600.00
Provide copies of the Learner’s Guide to Adolescent SBIRT for a maximum of 8 SBIRT Champions	\$40.00	n/a	n/a		\$320.00
1-2 Webinar Trainings (preparation, logistics, hosting, production, follow-up)	\$100.00	2	40		\$4,000.00
Administrative Costs (e.g., teleconference costs/supplies)	\$200.00	n/a	n/a		\$200.00
Administrative Labor (e.g., Financial Analyst, Contracting)	\$26.00	1	12		\$312.00
Training Consultant Subtotal					\$13,832.00



at the UNIVERSITY of CHICAGO

55 East Monroe Street
30th Floor
Chicago IL 60603
office (312) 759-4000
fax (312) 759-4004
www.norc.org

“What’s Strong With You”					
Estimated Budget	<i>Rate</i>	<i>Persons</i>	<i>Hours</i>		<i>Total</i>
Training Evaluation					
Training Evaluation Consultation Services (e.g., review measures, conduct training on utilization of evaluation measures, provide guidance on best practices for data collection)	\$150	n/a	10		\$1,500.00
Training Evaluation Subtotal					\$1,500.00
Estimated Budget Total					\$15,332.00

ADDENDUM “A” – GENERAL PROVISIONS
to
WASCO COUNTY PERSONAL SERVICES AGREEMENT

THIS ADDENDUM “A” is made a part of that certain agreement between Wasco County, an Oregon political subdivision (“County”), and NORC (“Contractor”) dated December 2, 2020 (the “Agreement”). The following terms are hereby incorporated into the Agreement:

1. Qualifications. Contractor represents that Contractor has the training, ability, knowledge, and experience to provide the Services described in the Agreement.
2. Public Contracting Rules. County selected Contractor to provide the Services described in the Agreement pursuant to a solicitation process consistent with its public contracting rules. Specifically, Contractor is the sole source for these specialized, custom services.
3. Non-Assignability. Neither party shall assign or transfer any interest in or duty under the Agreement without the written consent of the other.
4. Independent Contractor. Contractor certifies that:
 - a. Contractor acknowledges that Contractor is an independent contractor as defined by ORS 670.600 and not an employee of County, shall not be entitled to benefits of any kind to which an employee of County is entitled and shall be solely responsible for all payments and taxes required by law. Furthermore, in the event that Contractor is found by a court of law or any administrative agency to be an employee of County for any purpose, County shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Contractor under the terms of the Agreement, to the full extent of any benefits or other remuneration Contractor receives (from County or third party) as a result of the finding and to the full extent of any payments that County is required to make (to Contractor or to a third party) as a result of the finding.
 - b. Contractor represents that no employee of the County, or any partnership or corporation in which a County employee has an interest, has or will receive any remuneration of any description from Contractor, either directly or indirectly, in connection with the Agreement, except as specifically declared in writing.
 - c. Contractor is not an officer, employee, or agent of the County as those terms are used in ORS 30.265.
5. Notices. All notices, bills and payments shall be made in writing and may be given by personal delivery or mail. Payments may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices and other information:

County:

Wasco County
Attention: Administrative Officer
511 Washington Street, Suite 101
The Dalles, OR 97058
Business Phone: 541-506-2550

Contractor (*See address on Agreement if blank*):

NORC at the University of Chicago
55 East Monroe Street, 30th Floor
Chicago, IL 60603

Notices mailed to the address provided for notice in this section shall be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery.

ADDENDUM “A” – GENERAL PROVISIONS
to
WASCO COUNTY PERSONAL SERVICES AGREEMENT

6. Modifications in Writing. The Agreement is intended both as a final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the agreement. No modification of the Agreement shall be effective unless and until it is made in writing and signed by both parties.

7. Ownership of Work Documents. All work performed by Contractor and compensated by County pursuant to the Agreement shall be the property of County upon full compensation for that work performed or document produced to Contractor, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers and grants to County all rights of reproduction and the copyright to all such documents.

8. Labor and Material. Contractor shall provide and pay for all labor, materials, equipment, tools, transportation, and other facilities and Services necessary for the proper execution and completion of all contract work, all at no cost to County other than the compensation provided in the Agreement.

9. Termination for Convenience. The Agreement may be terminated by County for convenience by giving seven (7) days’ prior written notice of intent to terminate, without waiving any claims or remedies it may have against the Contractor. Upon termination under this paragraph, Contractor shall be entitled to payment in accordance with the terms of the Agreement for contract work completed and accepted before termination less previous amounts paid and any claim(s) County has against Contractor. Pursuant to this paragraph, Contractor shall submit an itemized invoice for all unreimbursed contract work completed before termination and all contract closeout costs actually incurred by Contractor. County shall not be liable for any costs invoiced later than thirty (30) days after termination unless Contractor can show good cause beyond its control for the delay.

10. Termination for Cause. County may terminate the Agreement effective upon delivery of written notice to Contractor, or at such later date as may be established by County, under any of the following conditions:

- a. If County funding is not obtained and continued at levels sufficient to allow for purchases of the indicated quantity of Services. The Agreement may be modified to accommodate a reduction in funds.
- b. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the Services are no longer allowable or appropriate for purchase under the Agreement or are no longer eligible for the funding proposed for payments authorized by the Agreement.
- c. If any license or certificate required by law or regulation to be held by Contractor to provide the Services required by the Agreement is for any reason denied, revoked, or not renewed.

11. Termination for Default. If Contractor fails to perform in the manner called for in the Agreement or if Contractor fails to comply with any other provisions of the Agreement, County may terminate the Agreement for default. Termination shall be effected by serving a notice of termination on Contractor setting forth the manner in which Contractor is in default. Contractor shall be paid the contract price only for Services performed in accordance with the manner of performance as set forth in the Agreement.

12. Remedies. In the event of breach of the Agreement the parties shall have the following remedies:

- a. If terminated under paragraph 11 by County due to a breach by Contractor, County may complete the work either itself, by agreement with another contractor, or by a combination thereof.
- b. In addition to the above remedies for a breach by Contractor, County also shall be entitled to any other equitable and legal remedies that are available.

ADDENDUM “A” – GENERAL PROVISIONS
to
WASCO COUNTY PERSONAL SERVICES AGREEMENT

- c. If County breaches the Agreement, Contractor’s remedy shall be limited to termination of the Agreement and receipt of contract payments to which Contractor is entitled.
- d. County shall not be liable for any indirect, incidental, consequential, or special damages under the Agreement or any damages arising solely from terminating the Agreement in accordance with its terms.
- e. Upon receiving a notice of termination, and except as otherwise directed in writing by County, Contractor shall immediately cease all activities related to the Services and work under the Agreement. As directed by County, Contractor shall, upon termination, deliver to County all then existing work product that, if the Agreement had been completed, would be required to be delivered to County.

13. Nondiscrimination. During the term of the Agreement, Contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, or national origin.

14. Governing Law; Jurisdiction; Venue. The Agreement shall be governed by and construed in accordance with the laws of the state of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively “Claim”) between County and Contractor that arises from or relates to the Agreement which results in litigation shall be brought and conducted solely and exclusively within the Circuit Court of Wasco County for the state of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States Court for the State of Oregon.

15. Compliance with Laws and Regulations. Contractor shall comply with all state and local laws, regulations, executive orders and ordinances applicable to the Agreement or to the delivery of Services hereunder.

16. Experience, Capabilities and Resources. By execution of the Agreement, the Contractor agrees that Contractor has the skill, legal capacity, and professional ability necessary to perform all the Services required under the Agreement, and Contractor has the capabilities and resources necessary to perform the obligations of the Agreement.

17. Access to Records. For not less than three (3) years after the expiration of the Agreement and for the purpose of making audit, examination, excerpts, and transcripts, County, and its duly authorized representatives shall have access to Contractor’s books, documents, papers, and records that are pertinent to the Agreement. If, for any reason, any part of the Agreement is involved in litigation, Contractor shall retain all pertinent records for not less than three years or until all litigation is resolved, whichever is longer. Contractor shall provide full access to these records to County, and its duly authorized representatives in preparation for and during litigation.

18. Representations and Warranties. Contractor represents and warrants to County that (1) Contractor has the power and authority to enter into and perform the Agreement, (2) when executed and delivered, the Agreement shall be a valid and binding obligation of Contractor enforceable in accordance with its terms, (3) Contractor shall, at all times during the term of the Agreement, be duly licensed to perform the Services, and if there is no licensing requirement for the profession or Services, be duly qualified and competent, (4) the Services under the Agreement shall be performed in accordance with the professional skill, care and standards of other professionals performing similar services under similar conditions, and (5) the Contractor is not in violation of any Oregon tax laws. The warranties set forth in this section are in addition to, and not in lieu of, any other warranties provided.

19. Confidentiality. Contractor shall maintain the confidentiality of any of County’s information that has been so marked as confidential, unless withholding such information would violate the law, create the risk of significant harm to the public or prevent Contractor from establishing a claim or defense in an

ADDENDUM “A” – GENERAL PROVISIONS
to
WASCO COUNTY PERSONAL SERVICES AGREEMENT

adjudicatory proceeding. Contractor shall require similar agreements from County’s and/or Contractor’s subcontractors to maintain the confidentiality of information of County.

20. Force Majeure. Contractor shall not be deemed in default hereof nor liable for damages arising from its failure to perform its duties or obligations hereunder if such is due to causes beyond its reasonable control, including, but not limited to, acts of God, acts of civil or military authorities, fires, floods, windstorms, earthquakes, strikes or other labor disturbances, civil commotion or war.

21. Waivers. No waiver by County of any provision of the Agreement shall be deemed to be a waiver of any other provision hereof or of any subsequent breach by Contractor of the same or any other provision. County’s consent to or approval of any act by Contractor requiring County’s consent or approval shall not be deemed to render unnecessary the obtaining of County’s consent to or approval of any subsequent act by Contractor, whether or not similar to the act so consented to or approved.

22. Severability. Any provisions of the Agreement which shall prove to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision hereof, and such remaining provisions shall remain in full force and effect.

23. Headings. The captions contained in the Agreement are for convenience only and shall not be considered in the construction or interpretation of any provision hereof.

24. Integration. The Agreement, including the attached exhibits contains the entire agreement between the parties regarding the matters referenced herein and supersedes all prior written or oral discussions or agreements regarding the matters addressed by the Agreement.

25. Amendments. The Agreement shall not be waived, altered, modified, supplemented, or amended in any manner without a duly executed Amendment. Any amendments to the Agreement shall be effective only when reducing to writing and signed by both parties as below.

26. Authority. The representatives signing on behalf of the parties certify that they are duly authorized by the party for which they sign to make the Agreement.



Public Health
Prevent. Promote. Protect.

NORTH CENTRAL PUBLIC HEALTH DISTRICT

"Caring For Our Communities"

419 East Seventh Street
The Dalles, OR 97058-2676
541-506-2600
www.ncphd.org

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by and between: North Central Public Health District (NCPHD), the Local Public Health Authority serving Wasco, Sherman and Gilliam Counties in Oregon **AND** Wasco County, a political subdivision of the State of Oregon (County).

Purpose. NCPHD has received funding from the Oregon Health Authority for overdose prevention efforts in Wasco, Sherman, and Gilliam Counties. The purpose of this MOU is to outline the roles and responsibilities of NCPHD and County in support of those efforts.

A. Roles and Responsibilities:

County agrees to:

- Administer the Overdose Prevention Program in Wasco, Sherman and Gilliam Counties.
- Work with the Oregon Health Authority (OHA) on the specific requirements of the Overdose Prevention Program.
- Invoice NCPHD \$6300 monthly plus travel expenses, not to exceed \$63,996. A detailed budget is attached in Exhibit A.

NCPHD agrees to:

- Pay all invoices within 30 days.
- Report expenditures quarterly to OHA.

B. Funding

The budget period for these funds are October 1, 2020 to August 31, 2021. The funds will be split between FY21 and FY22 in the amounts designated below:

FY 21 October 1, 2020 – June 30, 2021	\$ 50,400
FY 22 July 1, 2021 – August 31, 2021	\$ 12,600
TOTAL	\$ 63,000

C. Terms of Understanding

- The terms of this MOU is from October 1, 2020 until August 31, 2021 when the grant funding ends.
- Either organization may terminate this MOU upon thirty (30) days written notice without penalties or liabilities

IN WITNESS WHEREOF, the parties hereto execute this Agreement as of the dates written below.

Wasco County:

NCPHD:

Scott C Hege, Chair

Shellie Campbell, Interim
Director

Kathleen B. Schwartz, Vice-Chair

Steven D. Kramer, County Commissioner

December 2, 2020

Date

Date

EXHIBIT A

- The majority of the funding will be subcontracted to Wasco County. This entity will employ the Project Director and facilitate the process with other sub-contractors.

○ Project Director and Prevention Lead – Debby Jones	.25 FTE	
		\$19,130
▪ Responsible for overall project		
▪ Responsible for prevention (awareness & education campaign)		
▪ Develop print / radio ads in addition to coordinating with OHA “Heal Safely” Project		
▪ Cost for Pain Conference		
▪ Travel from Wasco County to and from Gillam and Sherman Counties		
▪ Project supplies		
○ .50 FTE Peer Mentor – Bridges to Health		\$31,320
○ Community Corrections Liaison – Wasco County		\$ 2,000
▪ Time and expertise to assist with peer mentor and First Responder efforts		
○ Mid-Columbia Center for Living Treatment Liaison –		\$ 2,000
○ Mid-Columbia Fire and Rescue Liaison -		\$ 2,000
○ MCMC Emergency Dept. Liaison -		\$ 2,000
○ Wasco County Sherriff Liaison -		\$ 2,000
○ City of The Dalles Liaison -		\$ 2,000
○ Supplies – Wasco County		<u>\$ 550</u>
		\$63,000

• Travel		
○ Quarterly meetings to Gilliam and Sherman Counties		
○ Conference Registration		
○ Lodging for conference		
○ Per Diem		
Total – Wasco County		\$ 996

Total		\$63,996
--------------	--	-----------------

MEMORANDUM OF AGREEMENT

BETWEEN

WASCO COUNTY

AND

BRIDGES TO CHANGE

for Opioid Abuse Prevention Services

- 1.) The purpose of this Memorandum of Agreement (MOA) is to outline the working relationship and expectations of that relationship between Wasco County (COUNTY) and Bridges To Change (BTC) in the providing of special services for COUNTY. BTC is a non-profit providing peer mentor services.
- 2.) COUNTY is determined to prevent the abuse of opioids and opioid relapse by adults in custody who are being released from jail. BTC has local expertise and abilities to provide such services through the use of experienced peer mentors.
- 3.) The scope of this agreement covers the provision of peer mentor services to adults releasing from the Northern Oregon Regional Correctional Facility (NORCOR) in The Dalles. These services include the following:
 - a) Coordinate with jail staff to identify adults in custody with opioid addiction.
 - i. The number of qualifying jail releases is expected but not guaranteed to be one or two per week.
 - ii. These individuals shall be residents of one of the following counties:
Wasco, Hood River, or Sherman.
 - iii. These individuals may or may not be on community supervision.
 - b) Upon release from jail, provide transportation for these individuals from the jail to their residence and any scheduled appointment during that day.
 - c) Confirm with these individuals their scheduled follow-up appointments and determine any challenges to their attendance.
 - d) Assist the individual with keeping their follow-up appointment(s) through a plan agreed upon by the individual and transportation assistance if necessary.
 - e) Attend one multidisciplinary opioid prevention team meeting per month, to be done remotely by video when necessary due to COVID concerns.
 - f) Keep track of the number of these individuals served and the number of these mentoring encounters performed. Provide these statistics to COUNTY monthly at the multidisciplinary opiate prevention team meeting.
- 4.) COUNTY agrees to assist with delivering information regarding identified individuals to BTC for the purposes of completing release of information paperwork and for coordinating the handoff from jail at the time of release.

- 5.) This agreement includes Addendum A, attached hereto and incorporated by reference.
- 6.) The term of this agreement shall be December 1st, 2020 through August 31st, 2021. The terms may be altered or extended by mutual consent of both parties, in writing. If for any reason BTC or COUNTY desires to suspend activities or terminate this agreement, it is mutually agreed that either party will provide a 30-day written notice describing those intentions; otherwise this MOA shall continue in operation as agreed upon.
- 7.) COUNTY agrees to pay BTC \$3,480 per each month in which this agreement is in effect.
- 8.) COUNTY agrees to pay BTC \$1,000 up front in one lump sum for attending the monthly multidisciplinary opiate prevention team meetings. COUNTY agrees to pay BTC an additional \$1,000 on May 1st for their continued participation in these team meetings.
- 9.) All concerns of COUNTY regarding BTC's compliance, quality and timeliness of service shall be brought to the attention of BTC. All reasonable efforts shall be made by both parties to satisfy such concerns in a timely matter.
- 10.) It is understood and acknowledged by both parties that this document accurately reflects the expectations and scope of work necessary for the delivery of services as required by COUNTY.

Agreed upon this date: _____

Wasco County Board of Commissioners

By: _____
Scott C. Hege, Chair

BTC

BRIDGES TO CHANGE

By: _____

ADDENDUM “A” – GENERAL PROVISIONS
to
WASCO COUNTY PERSONAL SERVICES AGREEMENT

THIS ADDENDUM “A” is made a part of that certain agreement between Wasco County, an Oregon political subdivision (“County”), and Bridges to Change (“Contractor”) dated December 2, 2020 (the “Agreement”). The following terms are hereby incorporated into the Agreement:

1. Qualifications. Contractor represents that Contractor has the training, ability, knowledge, and experience to provide the Services described in the Agreement.
2. Public Contracting Rules. County selected Contractor to provide the Services described in the Agreement pursuant to a solicitation process consistent with its public contracting rules.
3. Non-Assignability. Neither party shall assign or transfer any interest in or duty under the Agreement without the written consent of the other.
4. Independent Contractor. Contractor certifies that:
 - a. Contractor acknowledges that Contractor is an independent contractor as defined by ORS 670.600 and not an employee of County, shall not be entitled to benefits of any kind to which an employee of County is entitled and shall be solely responsible for all payments and taxes required by law. Furthermore, in the event that Contractor is found by a court of law or any administrative agency to be an employee of County for any purpose, County shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Contractor under the terms of the Agreement, to the full extent of any benefits or other remuneration Contractor receives (from County or third party) as a result of the finding and to the full extent of any payments that County is required to make (to Contractor or to a third party) as a result of the finding.
 - b. Contractor represents that no employee of the County, or any partnership or corporation in which a County employee has an interest, has or will receive any remuneration of any description from Contractor, either directly or indirectly, in connection with the Agreement, except as specifically declared in writing.
 - c. Contractor is not an officer, employee, or agent of the County as those terms are used in ORS 30.265.
5. Notices. All notices, bills and payments shall be made in writing and may be given by personal delivery or mail. Payments may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices and other information:

County:

Wasco County
Attention: Administrative Officer
511 Washington Street, Suite 101
The Dalles, OR 97058
Business Phone: 541-506-2550

Contractor (*See address on Agreement if blank*):

Bridges to Change
10570 South East Washington
Portland, OR - 97216
(504) 465-2749

Notices mailed to the address provided for notice in this section shall be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery.

ADDENDUM “A” – GENERAL PROVISIONS
to
WASCO COUNTY PERSONAL SERVICES AGREEMENT

6. Modifications in Writing. The Agreement is intended both as a final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the agreement. No modification of the Agreement shall be effective unless and until it is made in writing and signed by both parties.

7. Ownership of Work Documents. All work performed by Contractor and compensated by County pursuant to the Agreement shall be the property of County upon full compensation for that work performed or document produced to Contractor, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers and grants to County all rights of reproduction and the copyright to all such documents.

8. Labor and Material. Contractor shall provide and pay for all labor, materials, equipment, tools, transportation, and other facilities and Services necessary for the proper execution and completion of all contract work, all at no cost to County other than the compensation provided in the Agreement.

9. Termination for Convenience. The Agreement may be terminated by County for convenience by giving seven (7) days’ prior written notice of intent to terminate, without waiving any claims or remedies it may have against the Contractor. Upon termination under this paragraph, Contractor shall be entitled to payment in accordance with the terms of the Agreement for contract work completed and accepted before termination less previous amounts paid and any claim(s) County has against Contractor. Pursuant to this paragraph, Contractor shall submit an itemized invoice for all unreimbursed contract work completed before termination and all contract closeout costs actually incurred by Contractor. County shall not be liable for any costs invoiced later than thirty (30) days after termination unless Contractor can show good cause beyond its control for the delay.

10. Termination for Cause. County may terminate the Agreement effective upon delivery of written notice to Contractor, or at such later date as may be established by County, under any of the following conditions:

- a. If County funding is not obtained and continued at levels sufficient to allow for purchases of the indicated quantity of Services. The Agreement may be modified to accommodate a reduction in funds.
- b. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the Services are no longer allowable or appropriate for purchase under the Agreement or are no longer eligible for the funding proposed for payments authorized by the Agreement.
- c. If any license or certificate required by law or regulation to be held by Contractor to provide the Services required by the Agreement is for any reason denied, revoked, or not renewed.

11. Termination for Default. If Contractor fails to perform in the manner called for in the Agreement or if Contractor fails to comply with any other provisions of the Agreement, County may terminate the Agreement for default. Termination shall be effected by serving a notice of termination on Contractor setting forth the manner in which Contractor is in default. Contractor shall be paid the contract price only for Services performed in accordance with the manner of performance as set forth in the Agreement.

12. Remedies. In the event of breach of the Agreement the parties shall have the following remedies:

- a. If terminated under paragraph 11 by County due to a breach by Contractor, County may complete the work either itself, by agreement with another contractor, or by a combination thereof.
- b. In addition to the above remedies for a breach by Contractor, County also shall be entitled to any other equitable and legal remedies that are available.

ADDENDUM “A” – GENERAL PROVISIONS
to
WASCO COUNTY PERSONAL SERVICES AGREEMENT

- c. If County breaches the Agreement, Contractor’s remedy shall be limited to termination of the Agreement and receipt of contract payments to which Contractor is entitled.
- d. County shall not be liable for any indirect, incidental, consequential, or special damages under the Agreement or any damages arising solely from terminating the Agreement in accordance with its terms.
- e. Upon receiving a notice of termination, and except as otherwise directed in writing by County, Contractor shall immediately cease all activities related to the Services and work under the Agreement. As directed by County, Contractor shall, upon termination, deliver to County all then existing work product that, if the Agreement had been completed, would be required to be delivered to County.

13. Nondiscrimination. During the term of the Agreement, Contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, or national origin.

14. Governing Law; Jurisdiction; Venue. The Agreement shall be governed by and construed in accordance with the laws of the state of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively “Claim”) between County and Contractor that arises from or relates to the Agreement which results in litigation shall be brought and conducted solely and exclusively within the Circuit Court of Wasco County for the state of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States Court for the State of Oregon.

15. Compliance with Laws and Regulations. Contractor shall comply with all state and local laws, regulations, executive orders and ordinances applicable to the Agreement or to the delivery of Services hereunder.

16. Experience, Capabilities and Resources. By execution of the Agreement, the Contractor agrees that Contractor has the skill, legal capacity, and professional ability necessary to perform all the Services required under the Agreement, and Contractor has the capabilities and resources necessary to perform the obligations of the Agreement.

17. Access to Records. For not less than three (3) years after the expiration of the Agreement and for the purpose of making audit, examination, excerpts, and transcripts, County, and its duly authorized representatives shall have access to Contractor’s books, documents, papers, and records that are pertinent to the Agreement. If, for any reason, any part of the Agreement is involved in litigation, Contractor shall retain all pertinent records for not less than three years or until all litigation is resolved, whichever is longer. Contractor shall provide full access to these records to County, and its duly authorized representatives in preparation for and during litigation.

18. Representations and Warranties. Contractor represents and warrants to County that (1) Contractor has the power and authority to enter into and perform the Agreement, (2) when executed and delivered, the Agreement shall be a valid and binding obligation of Contractor enforceable in accordance with its terms, (3) Contractor shall, at all times during the term of the Agreement, be duly licensed to perform the Services, and if there is no licensing requirement for the profession or Services, be duly qualified and competent, (4) the Services under the Agreement shall be performed in accordance with the professional skill, care and standards of other professionals performing similar services under similar conditions, and (5) the Contractor is not in violation of any Oregon tax laws. The warranties set forth in this section are in addition to, and not in lieu of, any other warranties provided.

19. Attorney Fees. In case a suit or action is instituted to enforce the provisions of the Agreement, the parties agree that the losing party shall pay such sums as the court may adjudge reasonable for attorney fees and court costs, including attorney fees and costs on appeal.

ADDENDUM “A” – GENERAL PROVISIONS
to
WASCO COUNTY PERSONAL SERVICES AGREEMENT

20. Confidentiality. Contractor shall maintain the confidentiality of any of County’s information that has been so marked as confidential, unless withholding such information would violate the law, create the risk of significant harm to the public or prevent Contractor from establishing a claim or defense in an adjudicatory proceeding. Contractor shall require similar agreements from County’s and/or Contractor’s subcontractors to maintain the confidentiality of information of County.

21. Force Majeure. Contractor shall not be deemed in default hereof nor liable for damages arising from its failure to perform its duties or obligations hereunder if such is due to causes beyond its reasonable control, including, but not limited to, acts of God, acts of civil or military authorities, fires, floods, windstorms, earthquakes, strikes or other labor disturbances, civil commotion or war.

22. Waivers. No waiver by County of any provision of the Agreement shall be deemed to be a waiver of any other provision hereof or of any subsequent breach by Contractor of the same or any other provision. County’s consent to or approval of any act by Contractor requiring County’s consent or approval shall not be deemed to render unnecessary the obtaining of County’s consent to or approval of any subsequent act by Contractor, whether or not similar to the act so consented to or approved.

23. Severability. Any provisions of the Agreement which shall prove to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision hereof, and such remaining provisions shall remain in full force and effect.

24. Headings. The captions contained in the Agreement are for convenience only and shall not be considered in the construction or interpretation of any provision hereof.

25. Integration. The Agreement, including the attached exhibits contains the entire agreement between the parties regarding the matters referenced herein and supersedes all prior written or oral discussions or agreements regarding the matters addressed by the Agreement.

26. Amendments. The Agreement shall not be waived, altered, modified, supplemented, or amended in any manner without a duly executed Amendment. Any amendments to the Agreement shall be effective only when reducing to writing and signed by both parties as below.

27. Authority. The representatives signing on behalf of the parties certify that they are duly authorized by the party for which they sign to make the Agreement.



MOTION

SUBJECT: Youth Think Agreements

NORC: I move to approve the letter of agreement with NORC for assistance in the design and implementation of a customized training plan.

NCPHD: I move to approve the Memorandum of Understanding between North Central Public Health District and Wasco County for the administration of the Overdose Protection Program in Wasco, Sherman and Gilliam Counties.

Bridges to Change: I move to approve the Memorandum of Agreement between Wasco County and Bridges to Change for the provision of peer mentor services to adults being released from the Northern Oregon Regional Correctional Facility.



AGENDA ITEM

Stimulus Programs

[OVERVIEW](#)

Memorandum

Date: November 24, 2020
To: Wasco County Board of County Commissioners
From: Carrie Pipinich, Economic Development Commission Staff
Re: COVID-19 Small Business Grants

With the State allocating additional funding to Wasco County for Small Business Grants, staff would like to share some information on resources that have been provided to date to support small businesses in the County as they are impacted by restrictions on operations related to COVID-19. This information is provided as background for the conversation and is not exhaustive.

- To date, MCEDD has administered two pools of funding from Business Oregon and provided application review and outreach support for the pool of funds the City of The Dalles and Wasco County provided match for. Collectively with these funds, grants were given to 90 businesses and non-profits in Wasco County totaling \$506,866. A summary sheet is attached for reference and the most recent and least restrictive applications are still available on [MCEDD's website](#) as we process final applications.
- Business Oregon also directly administered a fifth round of funding for businesses between 25 and 100 employees that was significantly over subscribed after the application was opened for half an hour. They also supported a pool of resources for arts and culture organizations partnering with the cultural trust. Staff does not have figures for investment from these funds in Wasco County.
- The Dalles Area Chamber of Commerce was able to provide \$52,000 in \$1,000 grants to 52 businesses with \$50,000 in support from Google as well as \$2000 from the Chamber. These grants leveraged an online survey tool as an intake form.
- The Northern Wasco PUD partnered with the EDC to develop a grant program that provided up to \$600 in utility relief over a three-month period after reopening. This support currently totals approximately \$14,000 in utility bill relief for businesses participating to date. The PUD is exploring opportunities for additional support. This support also leveraged an online survey tool as an intake form.

A small group is meeting on November 30 to discuss strategy for developing business grants leveraging the resources the State provided as well as other local resources. Staff will bring additional information from this discussion to the BOCC for consideration on December 2nd.

Business Oregon COVID-19 Small Business Relief Grant Program Awards in Wasco County

Total # of awards	90
Total \$ of awards	\$506,866

Business Type	Sole Props	Partnership	LLC	Corporation	501(c)(3)	Total
# of awards made	36	2	32	10	10	90
Total \$ of awards made	\$170,000	\$10,000	\$169,736	\$113,643	\$43,487	\$506,866
% of allocation (#)	40%	2%	36%	11%	11%	100%
% of allocation (\$)	0.335394345	2%	33%	22%	9%	100%

# of employees as of Feb 2020	0 to 5	6 to 10	11 to 15	16 to 20	21 to 25	Total
# of awards made	86	3	0	0	1	90
Total \$ of awards made	\$423,379	\$33,487	\$0	\$0	\$50,000	\$506,866
% of allocation (#)	96%	3%	0%	0%	1%	100%
% of allocation (\$)	84%	7%	0%	0%	10%	100%

Location	The Dalles	Mosier	Maupiin	Dufur	Total
# of awards made	79	4	4	3	90
\$ of awards made	\$463,223	\$18,643	\$15,000	\$10,000	\$506,866
% of allocation (#)	88%	4%	4%	3%	100%
% of allocation (\$)	91%	4%	3%	2%	100%

Category	# of awards made	\$ of awards made	% of allocation (#)	% of allocation (\$)
Agriculture	1	\$5,779	1%	1%
Arts, Entertainment, and Recreation	11	\$42,500	12%	8%
Construction	1	\$10,000	1%	2%
Food & Drink	9	\$108,982	10%	22%
Health Care and Social Assistance	20	\$95,987	22%	19%
Manufacturing	5	\$26,041	6%	5%
Personal Care Services	14	\$67,500	16%	13%
Other Services	13	\$66,000	14%	13%
Retail	16	\$84,076	18%	17%
Total	90	\$506,866	100%	100%

Owner Demographics (of 97 owners)		
Race	#	%
Black	2	2%
Sub-continent Asian	4	4%
White	79	81%
Other	5	5%
Prefer not to answer	7	7%

Ethnicity	#	%
Hispanic/Latino	11	11%
Non-Hispanic/Latino	71	73%
Prefer not to answer	13	13%

Gender	#	%
Female	62	64%
Male	33	34%
Prefer not to answer	2	2%



AGENDA ITEM

Regional Housing Update

[NO DOCUMENTS HAVE BEEN SUBMITTED FOR THIS ITEM – RETURN TO AGENDA](#)



AGENDA ITEM

GIS Fee Waiver Request

[CITY OF MAUPIN FEE WAIVER REQUEST](#)

[PARTNERS' RESPONSES/STAFF MEMO](#)



City of Maupin
PO Box 308
Maupin, OR 97037

Tel: 541-395-2698
Fax: 541-395-2499

RE: GIS Fee waiver request

To whom it may concern,

The City of Maupin is beginning the process of our Housing Needs Analysis via a grant from the DLCD. During this process, our partner, ECO Northwest, was told there are fees associated with requesting GIS data, which was not part of our original estimate. We are requesting a waiver of fees through the County on the basis that our grant funding was just cut by 20%. Our HNA partner agreed to limit travel and scope of project to fit within budget but this is another expense they didn't expect. Any help to waive the GIS data fees would be greatly appreciated by the City of Maupin so we can complete this much needed analysis within budget and on time.

Thank you for your consideration,

Kevin A. Lewis
City Manager
1-330-281-8336



MEMORANDUM

SUBJECT: City of Maupin Fee Waiver Request

TO: BOARD OF COUNTY COMMISSIONERS

FROM: TYCHO GRANVILLE

DATE: 11/3/2020

This is in response to the fee waiver request received October 2020 from the City of Maupin and their contractor. The request is included your packet. I forwarded a copy to our GIS partners for their comments and feedback to the Board. Below are their responses.

This request, without the specifics of the layers requested, and based on face value only. The request is from a city in Wasco County, meaning local taxpayers may benefit from the requested data, not a corporation looking to increase their profit margin on a project.

Intent and purpose of the use of the data is important. Knowing the intent or purpose may better define the decision on whether or not to grant the fee waiver. Some follow up questions to the City may assist

Ross Turney
Sherman County Assessor

I am the Interim Community Development Director in The Dalles, replacing Steve Harris who retired. I'm new to these requests. I support staff's recommendation. An unexpected cost for a reduced budget grant project to address housing needs seems like it may be a good reason. That said, I want to be sure staff can support the request.

Alice Cannon
Interim Community Development Director in The Dalles

What about considering a 50% reduction of the overall cost?

Bob Palmer
Fire Chief, MCFR

No comment was received from NWCPUD

My comments are:

1. Not knowing what data they are asking for, I don't know how much the fee waiver is worth (if they just need taxlots, it would be ~ \$570). Time-wise, it does not take too long to bundle up existing data, generally not more than an hour or so.
2. The contractor on this project is a for-profit corporation. The Board denied the last fee waiver request from a local government agency (Northern Wasco County Parks and Rec) working with a private firm who did not account for data acquisition costs in their contract.
3. This is a policy decision so I have no opinion one way or the other on the request.

Thank you for your time.

Tycho Granville, GISP
GIS Coordinator



AGENDA ITEM

Election Certification

[CLERK'S CANVAS REQUEST](#)

[PROCLAMATION](#)

[MOTION LANGUAGE](#)



CLERK'S OFFICE

511 Washington St, Ste 201 The Dalles, OR 97058
p: [541] 506-2530 • f: [541] 506-2531 • www.co.wasco.or.us

Pioneering pathways to prosperity.

November 18, 2020

Kathy Clark, Executive Assistant
Wasco County Board of County Commissioners
County Courthouse
The Dalles, OR 97058

Dear Kathy,

Please find certified copies of the official abstract from our office for the election held on **November 3, 2020**. Not later than the 30th day after receiving this copy the **County** is required to canvass the abstracts and to determine the results of the election and declare the results (ORS 255.295). I have also included the abstract of votes from the May 19, 2020, Primary at which Steve Kramer and Jill Filla Amery were elected.

Thanks,

Lisa Gambee, Wasco County Clerk

ABSTRACT AND RESULTS APPROVED BY:

DATE:

Statement of Votes Cast - Wasco County Certified Results
Wasco County November 03, 2020 General Election
All Precincts, All Districts, All Counter Groups, All ScanStations, County Clerk, Sheriff, County
Treasurer, All Boxes
Total Ballots Cast: 14233, Registered Voters: 18202, Overall Turnout: 78.19%
14 precincts reported out of 14 total

Page: 1 of 1
2020-11-18
11:37:21

Choice	Votes	Vote %	AB	ED	EV
--------	-------	--------	----	----	----

All Precincts

County Clerk (Vote for 1)

14233 ballots (0 over voted ballots, 0 overvotes, 4963 undervotes), 18202 registered voters, turnout 78.19%

Lisa Gambia	9140	98.60%	9140	0	0
Write-in	130	1.40%	130	0	0
Total	9270	100.00%	9270	0	0
Overvotes	0				
Undervotes	4963				

Sheriff (Vote for 1)

14233 ballots (0 over voted ballots, 0 overvotes, 3891 undervotes), 18202 registered voters, turnout 78.19%

Lane Magill	10135	98.00%	10135	0	0
Write-in	207	2.00%	207	0	0
Total	10342	100.00%	10342	0	0
Overvotes	0				
Undervotes	3891				

County Treasurer (Vote for 1)

14233 ballots (0 over voted ballots, 0 overvotes, 5383 undervotes), 18202 registered voters, turnout 78.19%

Elijah Preston	8718	98.51%	8718	0	0
Write-in	132	1.49%	132	0	0
Total	8850	100.00%	8850	0	0
Overvotes	0				
Undervotes	5383				



I, Lisa Gambia, Wasco County Clerk, do hereby certify that the votes recorded on this report correctly summarize the tally of votes cast at the November 3, 2020 General Election.

Dated this 18th day of November 2020.

Lisa Gambia

Lisa Gambia
Wasco County Clerk

Statement of Votes Cast - Final Certified Results with Precinct Detail
Wasco County Primary, May 19, 2020
All Precincts, All Districts, All ScanStations, All Contests, All Boxes
Total Ballots Cast: 8450, Registered Voters: 17570, Overall Turnout: 48.09%
14 precincts reported out of 14 total

Page: 73 of 73
2020-06-03
10:11:44

Choice	Votes	Vote %
Total	5275	100.00%
Overvotes	0	
Undervotes	3175	

Judge of the Circuit Court, 7th District, Position 3 (Vote for 1)

8450 ballots (0 over voted ballots, 0 overvotes, 3117 undervotes), 17570 registered voters, turnout 48.09%

Karen Ostrye	5252	98.48%
Write-in	81	1.52%
Total	5333	100.00%
Overvotes	0	
Undervotes	3117	

District Attorney, Wasco County (Vote for 1)

8450 ballots (0 over voted ballots, 0 overvotes, 531 undervotes), 17570 registered voters, turnout 48.09%

Matthew Ellis	5748	72.58%
Eric Jon Nisley	2137	26.99%
Write-in	34	0.43%
Total	7919	100.00%
Overvotes	0	
Undervotes	531	

Commissioner, Position 2 (Vote for 1)

8450 ballots (2 over voted ballots, 2 overvotes, 617 undervotes), 17570 registered voters, turnout 48.09%

Marcus Swift	3725	47.57%
Steve Kramer	4078	52.08%
Write-in	28	0.36%
Total	7831	100.00%
Overvotes	2	
Undervotes	617	

Assessor (Vote for 1)

8450 ballots (0 over voted ballots, 0 overvotes, 2950 undervotes), 17570 registered voters, turnout 48.09%

Jill Filla Amery	5421	98.56%
Write-in	79	1.44%
Total	5500	100.00%
Overvotes	0	
Undervotes	2950	

Question 33-101 (Vote for 1)

4673 ballots (0 over voted ballots, 0 overvotes, 586 undervotes), 9943 registered voters, turnout 47.00%

Yes	2665	65.21%
No	1422	34.79%
Total	4087	100.00%
Overvotes	0	
Undervotes	586	



PROCLAMATION

WHEREAS, at a General Election held in the State of Oregon on November 3, 2020, in Wasco County, Oregon there was submitted to the voters the candidates for office of Wasco County Clerk, Wasco County Sheriff and Wasco County Treasurer; and

WHEREAS at a Primary Election held in the State of Oregon on May 19, 2020 in Wasco County Oregon there was submitted to the voters the candidates Wasco County Commissioner, Position 2 and Wasco County Assessor; and

WHEREAS The Board of Commissioners of Wasco County has canvassed the results of said elections and found as follows:

Wasco County Clerk		Total Votes Cast	9,270
	Lisa Gambee	9,140	
	Write-in	130	
Wasco County Sheriff		Total Votes Cast	10,342
	Lane Magill	10,135	
	Write-in	207	
Wasco County Treasurer		Total Votes Cast	8,850
	Elijah Preston	8,718	
	Write-in	132	
Wasco County Commissioner, Position 2		Total Votes Cast	7,831
	Marcus Swift	3,725	
	Steve Kramer	4,078	
	Write-in	28	
Wasco County Assessor		Total Votes Cast	5,550
	Jill Filla Amery	5,421	
	Write-in	79	

NOW, THEREFORE, the Wasco County Board of Commissioners do hereby proclaim at the General Election held November 3, 2020 and the Primary Election held May 19, 2020, the following:

1. Lisa Gambee was elected Wasco County Clerk
2. Lane Magill was elected Wasco County Sheriff
3. Elijah Preston was elected Wasco County Treasurer

- 4. Steve Kramer was elected Wasco County Commissioner, Position 2
- 5. Jill Filla Amery was elected Wasco County Assessor

Wasco County Board of Commissioners

Scott C. Hege, Chair

Kathleen B. Schwartz , Vice Chair

Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

ATTEST:

Kristen Campbell, County Counsel

Kathy Clark, Executive Assistant



MOTION

SUBJECT: Elections Proclamation

I move to approve the proclamation declaring the winners of the local Wasco County elections held May 19th and November 3rd, 2020.



AGENDA ITEM

Community Corrections Grant Amendment

[STAFF MEMO](#)

[AMENDMENT 1 TO IGA 5900](#)

[MOTION LANGUAGE](#)



MEMORANDUM

SUBJECT: Amendment 1 to IGA 5900

TO: BOARD OF COUNTY COMMISSIONERS

FROM: FRITZ BACHMAN

DATE: NOVEMBER 18, 2020

BACKGROUND INFORMATION:

Due to some underspent funds, the State has increased the amount of our Treatment grant by \$7,000. The changes are reflected in the Amendment included in the Board Packet.

(You can review the original agreement in the [9.4.2020 BOC Minutes Packet](#) – K.C.)

**AMENDMENT No.1 to
INTERGOVERNMENTAL AGREEMENT #5900**

1. This is Amendment No. 1 to Agreement No. 5900 (as amended from time to time the "Agreement") dated July 1, 2019, between the State of Oregon acting by and through its Department of Corrections, hereafter called ODOC, and Wasco County, hereafter called COUNTY. Each party, without distinction, shall be referred to individually as "Party" or collectively as "Parties."

"New language is indicated in bold and underlined and deleted language is indicated by [brackets]"

2. Specific Amendments to the Contract. The Contract is hereby amended as follows. New language is indicated by being in **bold and underlined** and deleted language is indicated by [brackets]:

2.1 Section VIII(F) is hereby amended as follows:

"F. Maximum Grant Amount. Grant funds are based upon COUNTY's Application for Supplemental Funds. Unless amended, the maximum, not-to-exceed County Corrections Intervention Grant payable to COUNTY under this Agreement is [\$115,888] **\$122,888**. The maximum Grant amount may be increased only by written amendment of this Agreement which is signed by all parties and with all required State approvals."

2.2 Exhibit A is deleted in its entirety and replaced with the attached Exhibit A.

3. Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

STATE OF OREGON
DEPT. OF CORRECTIONS

WASCO COUNTY
BOARD OF COMMISSIONERS

Eric McDowell, Contracts Officer

Scott C. Hege, Chair

Date

December 2, 2020

Date

DEPARTMENT OF JUSTICE
As to Legal Sufficiency:

/s/: N/A

EXHIBIT A

2019-2021 M57 Supplemental Funds Intervention Program Budget Summary

Program Expenses (please be detailed)	19-21 M57 Supplemental Funds	Reallocated M57 Supplemental Funds	Other State Funds	County/Local Funds	Total
<i>A. Supervision Related Personnel Costs</i> Salaries and wages (include position FTE and type) Payroll taxes and benefits	\$34,916.55				\$34,916.55
<i>B. Materials and Services</i>	\$80,971.45	\$7,000			\$87,971.45
<i>C. Treatment Provider and/or Contracted Professional Services</i>					
<i>D. Sanction Costs (by type)</i>					
<i>E. Capital Outlay and Start- Up Costs</i>					
<i>Total</i>	\$115,888	\$7,000			\$122,888



MOTION

SUBJECT: Community Corrections Grant Amendment

I move to approve Amendment 1 to Agreement #5900 for a Measure 57 funding increase.



AGENDA ITEM

Sherman County Community Corrections Proposal

[PRESENTATION](#)



WASCO COUNTY
COMMUNITY CORRECTIONS

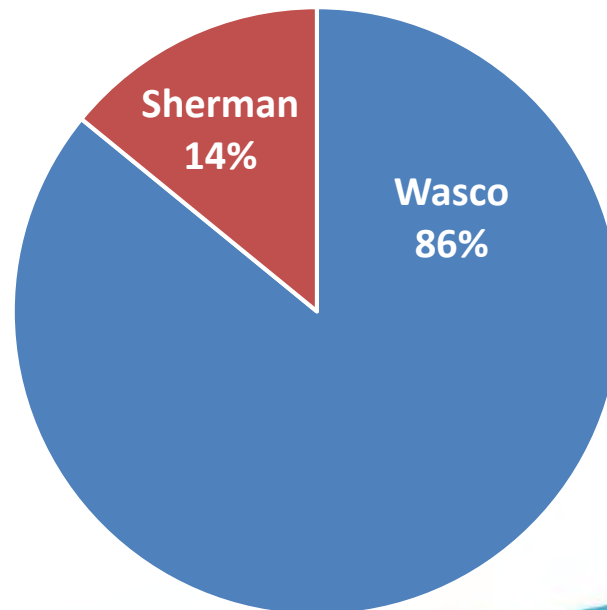


Evaluating Sherman County P&P Supervision Requirements

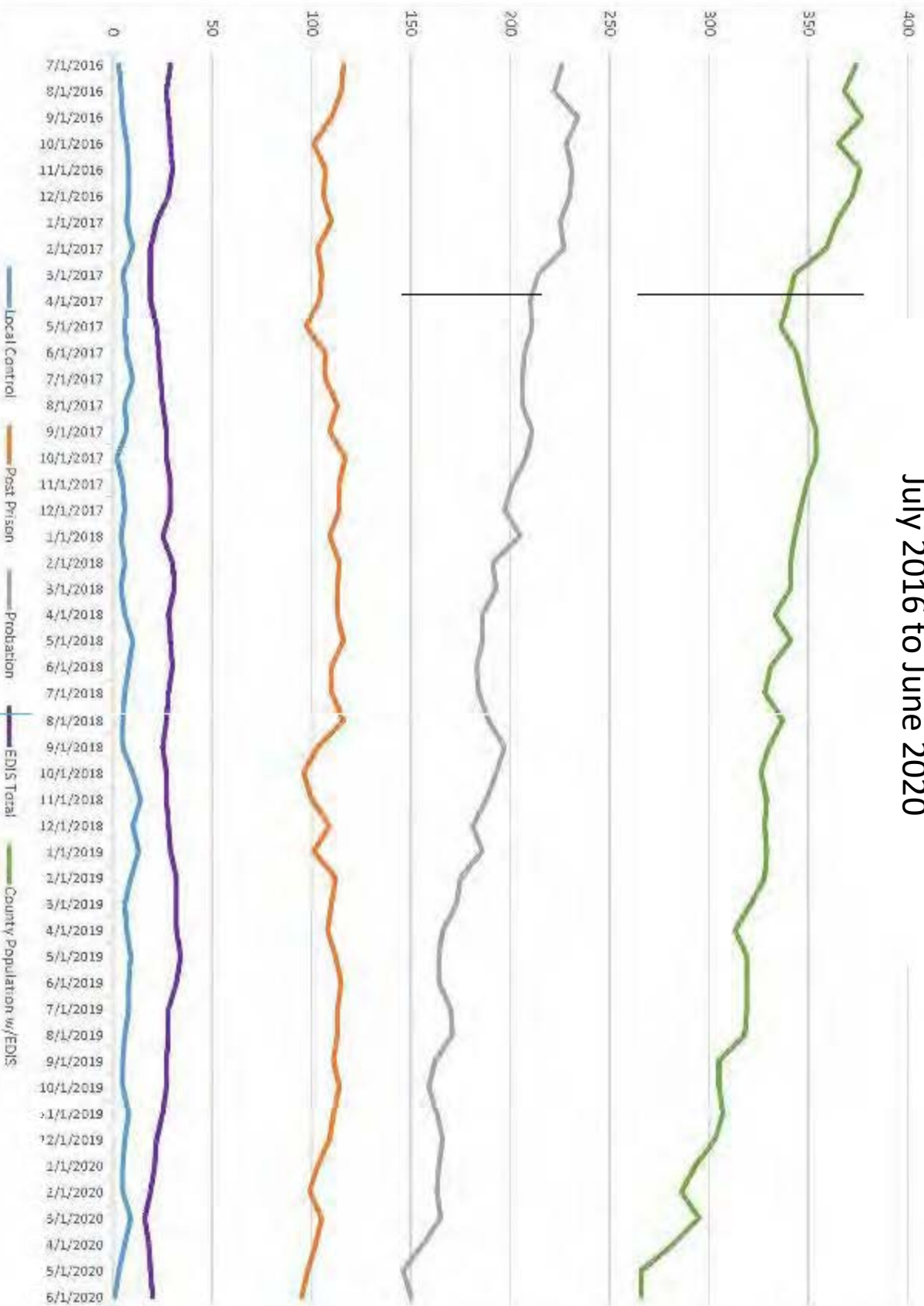
December 2nd, 2020

October 2020 Supervised Population (Actively Supervised)

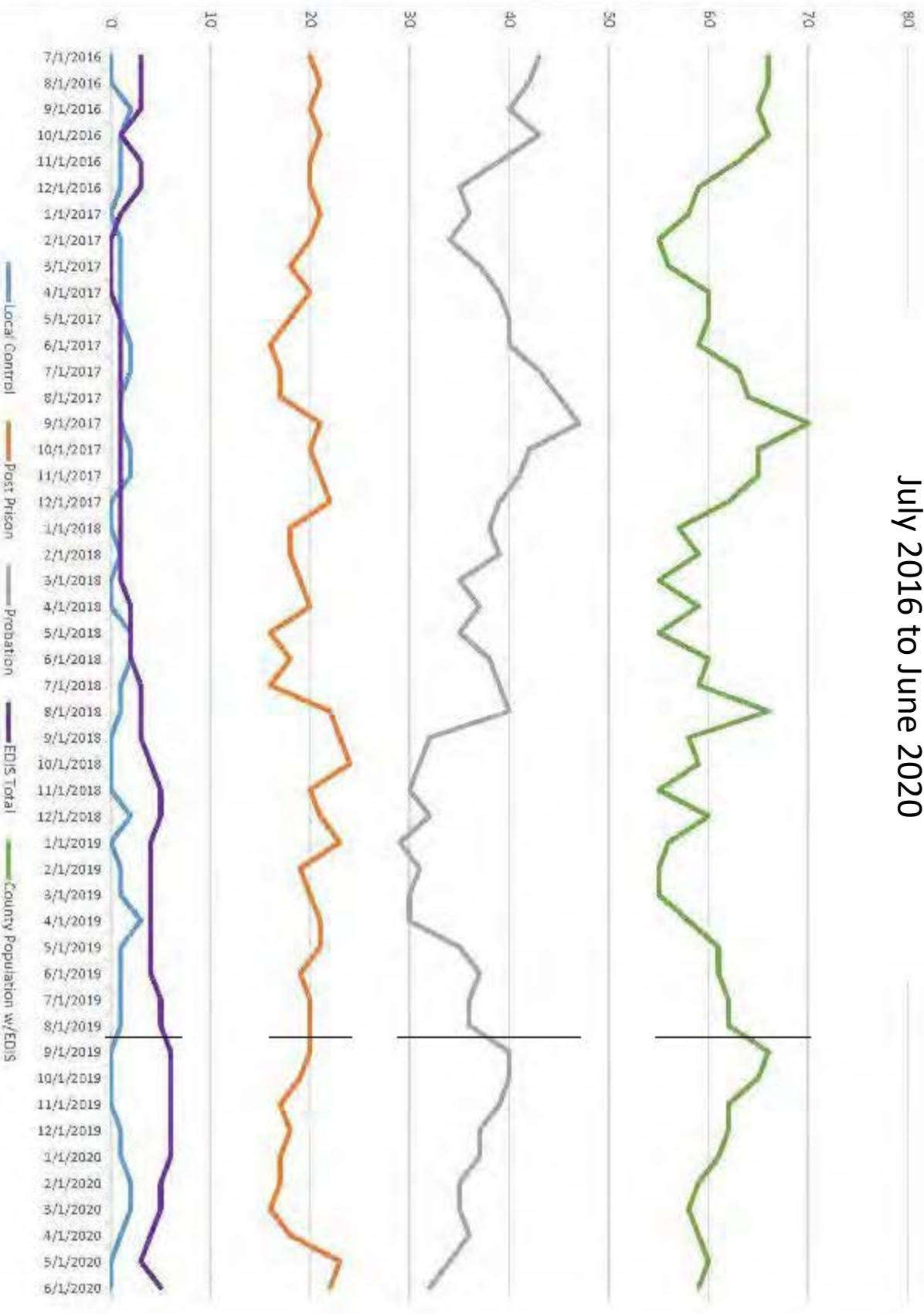
	# Supervised (Funded)	# Supervised (Unfunded)	TOTAL
Wasco	219	43	262
Sherman	27	16	43
TOTAL	246	59	305



Wasco County Supervised Population July 2016 to June 2020



Tri-County County Supervised Population July 2016 to June 2020

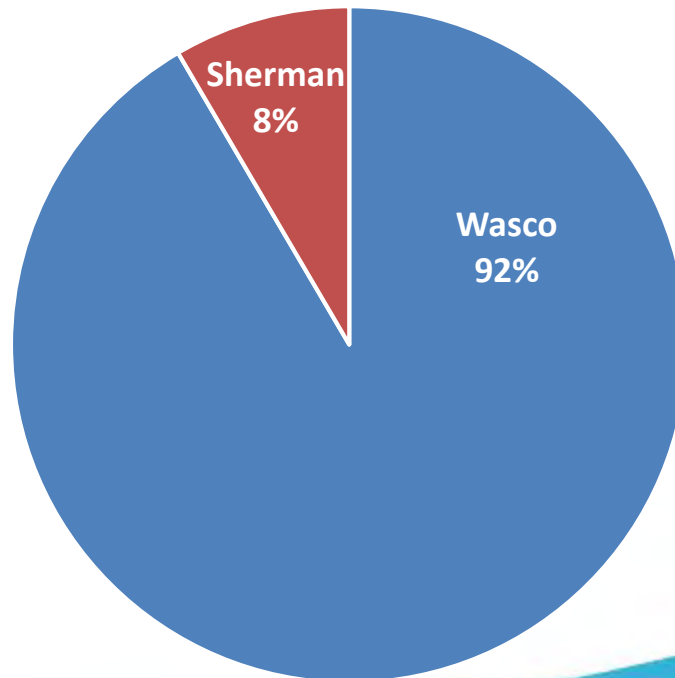


State Funding

Annual Figures for Base Grants

	% State Allocation	Grant-In-Aid	Measure 57	TOTAL
Wasco	1.04%	\$1,405,000	\$58,000	\$1,463,000
Sherman	0.08%	\$105,000	\$25,000	\$130,000

Budget
Proportions:



(a higher proportion
of Sherman County
offenders are
unfunded)

WASCO COUNTY

Pioneering pathways to prosperity.

Additional Revenue Sources

Annually

	Justice Reinvestment	Collected Fees
Wasco P&P	\$224,800	\$100,000
Sherman P&P	\$0	\$8,000

Wasco P&P Justice Reinvestment goes to transitional housing and peer mentors.

State Budget Projections

- Statewide Community Corrections Grant-In-Aid for 2019-2021 biennium: \$268 million
- Current projected Grant-In-Aid request to Legislature for 2021-2023 biennium: \$278 million
- Expected to have legislative support for this budget request
- County proportion of this money is based on caseload
 - Wasco County's caseload has gone steadily downward...
 - But so have all the big counties, so negative impacts to our portion may be minimal
- Ballot Measure 110 passed, decriminalizing Schedule I-IV controlled substances. This will impact all counties, potentially pulling down caseload sizes generally. May or may not be any budgetary impact. Many unknowns here.
- We will learn more in 2021

Sherman + Wasco P&P Budget Concept

Revenue	Wasco	Sherman	TOTAL
All Revenue Sources	\$1,787,800	\$138,000	\$1,925,800

Expenses	Wasco	Sherman	TOTAL
Personnel	\$715,000	\$103,000	\$818,000
NORCOR	\$629,000	\$0*	\$629,000
Housing	\$160,000	\$10,000	\$170,000
Treatment & Classes	\$67,000	\$6,000	\$73,000
Administration	\$116,000	\$13,000	\$129,000
Total Expenses	\$1,687,000	\$132,000	\$1,819,000

* Other Sherman County funds
cover NORCOR P&P beds

WASCO COUNTY

Pioneering pathways to prosperity.

Sherman County Personnel Costs

- Currently 1 PO dedicated to the Sherman County caseload
- Estimated annual salary + benefits costs: \$93,000
- This employee brings with them a Sherman County duty vehicle and law enforcement equipment – Wasco County will take ownership of these assets.
- Wasco County would be absorbing this PO staff
 - Wasco County employee
 - Joining the FOPPO union
 - Supervised by Wasco P&P under Wasco Sheriff's Office

Wasco P&P Succession Planning

- Wasco County expects to have a PO retirement July 1st, 2021
- The timing of Sherman County PO staff transition is convenient
- It is expected that long-term Wasco + Sherman P&P staffing levels could remain at 5 total POs given case load trends

Director Responsibilities

- Community Corrections Director will be taking on additional work for Sherman County:
 - LPSCC & BOCC meetings
 - Case work with Sheriff, DA, and Courts
 - Budgeting, biennial planning, grant writing and reports
- Sherman County to cover stipend for additional work:
 - 5 hours per week @ \$38.53/hour (July 2021 rate)
= \$10,018 annually
 - Calculated in Sherman budget under Personnel costs
 - Easy to remove the stipend in the event of a future separation, to not affect pay equity

Sherman County Beginning Balance

- Tri-County P&P currently has a beginning balance of \$648,381
- This is due to regularly underspent program areas
- State funding rolls over at the end of each biennium; beginning balance accumulates
- Estimated that 1/3 to 1/2 of the beginning balance would come to Wasco County, to be used toward Sherman-related expenses as they occur
- This also provides a solid cushion against any unexpected or transitional costs

Thank You





AGENDA ITEM

Wasco County Infection Control Plan

[PLAN](#)

[STATEWIDE MASK, FACE COVERING, FACE SHIELD GUIDANCE](#)

[OSHA TEMPORARY RULE](#)

[MOTION LANGUAGE](#)



Infection Control Plan

November 16, 2020

Wasco County will take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of Wasco County during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

Wasco County is committed to providing a safe and healthy workplace for all of our employees. To ensure this, we have developed the following Infection Control Plan (ICP) in response to the COVID-19 pandemic. This ICP is specific to the type of work performed at Wasco County. Managers and employees are all responsible for providing feedback regarding COVID-19 hazards, implementing hazard controls and this infection control plan. Our goal is to mitigate the potential for transmission of SARS CoV-2, which causes COVID-19, in our workplace(s). A copy of this ICP is available at each worksite. Training for this ICP is provided by Human Resources as the Administrator of this plan.

We ask all employees to cooperate in taking steps to reduce the transmission of infectious disease in the workplace. The best strategies remain the most obvious—wear your face mask, face covering or face shield in all indoor and/or outdoor work spaces where at least 6 feet of distance cannot be maintained between other people, especially when visiting common areas such as the restroom or break room. Remember to wash your hands frequently with warm, soapy water. Alcohol-based hand sanitizers have also been installed throughout the workplace and in common areas.

Positions Requiring PPE

Specific jobs/tasks requiring PPE, including respirators and hazard control measures to minimize exposure to SARS CoV-2.

The majority of positions at Wasco County do not require this amount of PPE to be used/worn in the current course of business. Additionally, per Appendix A in OSHA Administrative Rules guidance, exceptions apply to law enforcement in the use of PPE.

In the rare case that law enforcement may come into contact with an individual who may have had an undiagnosed infectious illness at the time of death, or had been



exposed to COVID-19, the following precautions will be taken on scene (see table below).

Job/Tasks: Law Enforcement	
PPE/respirators required	Hazard control measures (list all engineering and administrative controls)
<ul style="list-style-type: none"><input type="checkbox"/> N95 or P100 facemasks<input type="checkbox"/> Tyvek body suit or fluid-resistant gown<input type="checkbox"/> Eye protection in the form of glasses, goggles or face shields<input type="checkbox"/> Double layered latex or nitrile gloves with the inner layer being clean<input type="checkbox"/> Shoe covers	<p>A biohazard disposal bag should be placed on scene in an easily accessible location. Used PPE or any other disposable that may be considered infections can be placed in it. When the scene is cleared, the bag can be placed inside another bag and disposed of appropriately.</p> <p>Keep a log of the names of all participants on scene in case future follow-up is needed. This would include MDIs, law enforcement, any other first responder and witnesses.</p>

Adequate Supply of PPE

All supplies are kept in stock by the Facilities department. Employees are responsible for notifying the appropriate person when supplies are getting low. An inventory of supplies is conducted every week but supplies may become low before that time. Please notify the appropriate personnel immediately if this occurs.

All face coverings, face masks and face shields can be obtained from Facilities. Offices that interact with the public on a frequent basis will have a supply available to staff, citizens and all visitors.

Personal protective equipment, including respiratory protection, for specific job tasks, when necessary, are located in Facilities and the Sheriff's Office. At this time, Wasco County has not identified specific jobs or tasks that require the use of this equipment for COVID-19 related purposes.

Please make sure to notify one of the following individuals if supplies are needed:

Matthew Klebes, Administrative Services Director
matthewk@co.wasco.or.us or 541-506-2553 or cell 541-993-7952



Tyler Stone, Administrative Services Officer
tylers@co.wasco.or.us or 541-506-2552

Sheridan McClellan, Emergency Manager
sheridanm@co.wasco.or.us or 541-506-2790

Hazard Control Measures

Based on the exposure risk assessment efforts, the following controls, in general, have been implemented in our building(s). Controls for specific tasks and activities are listed in the job task tables in the pages that follow. Controls may include ventilation, staggered shifts, redesign of the task or work environment, limiting occupancy and reduction of shared tools and/or equipment.

Department	Control Measures
911/Emergency Management	<ul style="list-style-type: none">• Physical distancing in place.• Plexiglass partitions between desks• Private office for Manager• Ventilation/HVAC• Cleaning/Sanitation checklist• All doors closed to public/no visitors• Signage/Posters about COVID-19 and face mask guidance.
Administration	<ul style="list-style-type: none">• Telecommuting• Physical Distancing• Director has private office• Door locked to office• Face mask/face coverings worn to answer door. Interactions with other staff/public.• Sanitizer available.• Cleaning and sanitization products available.
Assessment & Tax	<ul style="list-style-type: none">• Staggered Shifts• Telecommuting options• Physical Distancing• Door locked, closed to public. By appointment only.• Correspondence limited to phone, email and video with public.• Wearing masks if 6 ft. can't be maintained or when in a shared space or leaving the office through common areas.



HUMAN RESOURCES

511 Washington St, Ste 206 • The Dalles, OR 97058
 p: [541] 506-2774 • f: [541] 506-2771 • www.co.wasco.or.us

Pioneering pathways to prosperity.

	<ul style="list-style-type: none"> • Air flow by opening windows. • Air purifiers with HEPA filtration • Sanitization protocols/cleaning desk space before and after shift. • Face masks required for all visitors. • Signage/Posters about COVID-19 and face mask guidance.
Building Codes	<ul style="list-style-type: none"> • One private office • Workspace is 6ft. apart from each other • Telecommuting • Inspectors in field/separate vehicles • Cleaning/sanitization protocols in place • HVAC filters • Signage/Posters about COVID-19 and face mask guidance.
Clerk	<ul style="list-style-type: none"> • Staggered shifts • Physical Distancing/Plexiglass panels • Wearing masks if 6 ft. can't be maintained or when in a shared space or leaving the office through common areas. • Office door remains locked. Only one citizen allowed in office at one time. • Face masks required for all visitors. • Sanitization protocols in place after each visit to the office from citizens. • Cleaning at lunch and end of day for all desks/shared space. • Portable air filtration unit. • Open windows for ventilation. • Signage/Posters about COVID-19 and face mask guidance.
Community Corrections	<ul style="list-style-type: none"> • Telecommuting • Staggered schedules • Private office space • Physical distancing • Masks worn during field work with clients and community members. • Air filtration through HVAC, 10/2020 • Offices have windows for air flow. • Cleaning and sanitization done at the end of every day. • Temperature checks for outside visitors. • Signage/Posters about COVID-19 and face mask guidance.
District Attorney	<ul style="list-style-type: none"> • Telecommuting



HUMAN RESOURCES

511 Washington St, Ste 206 • The Dalles, OR 97058
 p: [541] 506-2774 • f: [541] 506-2771 • www.co.wasco.or.us

Pioneering pathways to prosperity.

	<ul style="list-style-type: none"> • Staggered in-office shifts • Face coverings worn in office • Gloves used with mail • Door closed and locked • Visitors in office by appointment and only when necessary • HVAC air flow and portable air filters • Physical distancing • Private offices for attorneys • Cleaning and sanitation products available • Daily cleaning and sanitation of high touch/common areas • Signage/Posters about Covid-19 and masks
Facilities	<ul style="list-style-type: none"> • Telecommuting for Director/Private Office. • Staff have own vehicles. • Physical distancing. • Face masks/Face covering worn when not maintaining 6 ft. • Staff meetings held outdoors, physical distance and face coverings. • HVAC and UV filtration systems installed. • Portable air filtration units. • Water fountains disconnected. • Hand sanitizer stations in main entranceways. • Signage/Posters about COVID-19 and face mask guidance.
Finance	<ul style="list-style-type: none"> • Telecommuting • Physical Distancing/6 ft. • Director has private office. • Door locked to office. • Face mask/Face coverings worn to answer door. Interactions with other staff/public. • Sanitizer available. • Cleaning and sanitization products available. • Signage/Posters about COVID-19 and face mask guidance.
Human Resources	<ul style="list-style-type: none"> • Telecommuting • Limiting time in office. • Private office.



HUMAN RESOURCES

511 Washington St, Ste 206 • The Dalles, OR 97058
 p: [541] 506-2774 • f: [541] 506-2771 • www.co.wasco.or.us

Pioneering pathways to prosperity.

	<ul style="list-style-type: none"> • Physical Distancing • Face mask/Face covering required with face-to-face meetings. • Sanitization products available and used after leaving office for the day. • Face mask worn in common areas, shared space, etc. • Signage/Posters about COVID-19 and face mask guidance.
Information Services	<ul style="list-style-type: none"> • Telecommuting • Private office space • Physical distancing • Utilization of face mask/face coverings when working in other spaces, shared spaces, etc. • HVAC air flow • HEPA filtration • Windows for additional air flow. • Signage/Posters about COVID-19 and face mask guidance.
Museum	<ul style="list-style-type: none"> • Currently closed.
Planning	<ul style="list-style-type: none"> • Telecommuting • Staggered shifts/schedules • Separate vehicles for travel • Physical distancing • Sanitization practices for daily /weekly cleaning protocols. • Private office for Director • Face mask/Face covering required for all communication with colleagues, citizens, events, etc. • Office closed to public. Customer service by phone, email or video. • HVAC ventilation • Signage/Posters about COVID-19 and face mask guidance.
Public Works	<ul style="list-style-type: none"> • All employees have own vehicles and equipment they work on. • Physical Distancing • Face masks/Face coverings when working in shared space, close proximity to one another. • Office closed to public. Public request handled by phone or online. • Private office for Director and Road Superintendent



HUMAN RESOURCES

511 Washington St, Ste 206 • The Dalles, OR 97058
 p: [541] 506-2774 • f: [541] 506-2771 • www.co.wasco.or.us

Pioneering pathways to prosperity.

	<ul style="list-style-type: none"> • Physical Distancing for Office and Mechanic staff. • HVAC filtration • Hand sanitizer and PPE provided. • Office Manager and Road Superintendent clean and sanitize shared space throughout day. • Signage/Posters about COVID-19 and face mask guidance.
Sheriff	<ul style="list-style-type: none"> • Telecommuting for office staff • Private office space for office staff • Common areas require mask/face coverings be worn. • Office closed to public by appointment only. Face mask/Face coverings required for appointments. • Patrol has own vehicles. • Signage/Posters about COVID-19 and face mask guidance.
Surveyor	<ul style="list-style-type: none"> • Telecommuting • Staggered schedules for in-office work. • Individual vehicles for field work. • Most work conducted virtually or by phone. • Field work is limited – safety protocols are in place for interactions with public. • Physical distancing in office allows for well over 6 ft. • Signage/Posters about COVID-19 and face mask guidance.
Youth Services	<ul style="list-style-type: none"> • Telecommuting • Private offices for all staff, except Office Manager. • Office locked, by appointment only. • Physical distancing in place, face mask/face coverings in shared space. • Cleaning and sanitization protocols in place. • Signage/Posters about COVID-19 and face mask guidance.
Veterans Services	<ul style="list-style-type: none"> •

Face Mask, Face Covering and Face Shield Requirements



In accordance with Executive Order No. 20-27, paragraphs 9 and 21, ORS 431A.010, ORS 433.441, ORS 433.443. Wasco County observes the following guidance on the use of Face Masks, Face Coverings and Face Shields. This guidance extends to all employees, contractors, volunteers, students, customers and visitors of Wasco County.

In general, it is recommended that all people wear a mask or face covering, with or without a face shield, whenever they are within six (6) feet of people who do not live in the same household.

It is not recommended that individuals wear a face shield instead of a mask or face covering. Face shields can be very good at blocking droplets that individuals release, but they are not as effective at limiting the release of aerosols that can go around the shield.

Use of a face shield alone should only be done on very limited basis. Wearing a face shield alone without a mask or face covering increases the potential for transmission of viruses to those in the same room as the individual without the mask or face covering.

It is recommended that wearing a face shield alone be limited to situations when wearing a mask or face covering is not feasible, such as:

- When a person has a medical condition that prevents them from wearing a mask or face covering.
- When people need to see mouth and tongue motions in order to communicate (e.g., for communicating with children in certain developmental stages or people with hearing impairments).
- When an individual is speaking to an audience for a short period of time and clear communication is otherwise not possible. In this situation it is important to consider:
 - Ways to lower risk to the audience including all audience members wearing masks or face coverings.
 - Having enhanced building ventilation.

When possible, use technology that can help maintain a low risk of virus transmission:

- Using a microphone while wearing a mask or face covering will amplify your voice while speaking to an audience, allowing more distance between the speaker and the audience, and



- Videoconferencing allows a person to speak to a remote audience and minimizes the need for people to be in the same room with a speaker.

Children visiting Wasco County

It is **not** recommended that children under the age of two (2) wear a mask, face covering or face shield. Therefore, children under the age of two (2) are not required to wear a mask, face covering or face shield.

It is **strongly** recommended that children between two (2) and five (5) years of age, wear a mask, face covering or face shield at all times in all indoor and outdoor spaces open to the public.

Because children between the ages of two (2) and 12 years of age can have challenges wearing a mask, face covering or face shield properly (e.g., excessively touching the face covering, not changing the face covering if visibly soiled, risk of strangulation or suffocation, etc.) we urge that when masks, face coverings or face shields are worn by this age group, that they be worn with the assistance and close supervision of an adult.

Individuals five (5) years of age and older **must wear** a mask, face covering or face shield when visiting an outdoor space open to the public if at least six (6) feet of physical distance cannot be maintained between individuals in different households.

Wasco County will provide masks and/or face coverings for all employees and visitors. Requests for additional personal protective equipment and hand sanitizer can be made to the Wasco County Facilities department by submitting a MOJO.

Accommodations for employees, contractors, students, customers and visitors if accommodations are required under applicable state and federal laws or OHA public health guidance.

Individuals who have a medical condition that makes it hard to breathe or a disability that prevents the individual from wearing a facemask, face covering or face shield can request an accommodation from Human Resources.

Masks, face coverings or face shields are required at all times for employees, contractors and volunteers in public and private workplaces, including hallways, bathrooms, classrooms, elevators, lobbies, break rooms, meeting rooms and other common and shared spaces, unless employees, contractors or volunteers are at a private, individual workspace not shared with other people.



HUMAN RESOURCES

511 Washington St, Ste 206 • The Dalles, OR 97058
p: [541] 506-2774 • f: [541] 506-2771 • www.co.wasco.or.us

Pioneering pathways to prosperity.

Signage about Wasco County's mask, face covering or face shield requirements have been clearly posted on all outside doors, at all facilities, as well as within each department. If additional signage is needed, please contact Human Resources.

At our organization, the following face covering types are required for general source control in our workplace. For specific job tasks and protective measures, please see the Job/Task table(s).

Face Covering Type(s)	Location(s) where required
Face Mask Defined as: a U.S. Food and Drug Administration (FDA) cleared surgical, medical procedure, dental, or isolation mask (commonly referred to as a "surgical mask"). Masks are medical grade masks that function as a physical barrier to protect workers from hazards such as splashes of large droplets of blood or bodily fluids; they do not provide reliable protection to the wearer against aerosols or airborne pathogens.	All buildings. All jobs. This guidance extends to all employees, contractors, volunteers, citizens and visitors to Wasco County.
Face Covering Defined as: a cloth, polypropylene, paper or other covering that covers the nose and the mouth and that rests snugly above the nose, below the mouth, and on the sides of the face. Coverings that incorporate a valve that is designed to facilitate easy exhalation or mesh masks or other covers with openings, holes, visible gaps in the design or material, or vents are not appropriate face coverings (even if otherwise appropriate for respiratory protection) because they allow droplets to be released from the covering.	All buildings. All jobs. In lieu of a face mask. This guidance extends to all employees, contractors, volunteers, citizens and visitors to Wasco County.
Face Shield Defined as: a transparent plastic shield that covers the wearer's forehead,	Limited to only those who have a medical condition that makes it hard to breath or a disability that prevents the



extends below the chin, and wraps around the sides of the face. Devices that place a shield in front of only the user's nose and mouth do not meet the definition of a mask, face covering, or face shield. Face shields are normally used as protection for the face and eyes but are a compliant (although not preferred) means of "source control" in relation to COVID-19.	individual from wearing a facemask or face shield. Requests should be made through Human Resources for staff.
--	---

Notification to Staff about COVID Exposure

In the event an employee or employees are exposed to a known or suspected case of COVID-19 through contact tracing, notification will occur.

- The employee must notify Human Resources and/or their direct Supervisor.
- Human Resources will work with the Supervisor to obtain information regarding the last day worked and the employee's schedule.
- Human Resources and the Supervisor will compile a list of employees who had close contact with the affected individual during the period of transmissibility (48 hours prior to onset of symptoms or a positive test if asymptomatic).
- Employees who had close contact with the ill employee from 48 hours prior to onset of symptoms or a positive test if asymptomatic are required to quarantine for 14 days from last exposure. Close contact is defined as being within 6 feet for a period of 15 minutes or longer, whether or not a facial covering was worn.
- Human Resources shall maintain the confidentiality of affected employee while ensuring the safety and providing guidance to all other employees.
- Public Health will reach out to Human Resources for contact information of employees who are required to be in quarantine.
- Public Health will notify those employees directly and advise and facilitate obtaining COVID-19 testing as indicated.
- Public Health will advise Human Resources regarding the need for any additional cleaning or disinfecting. In general, if an employee leaves work while they are ill, their work station or office should be vacated for 24 hours prior to cleaning and disinfecting.
- Human Resources will coordinate with the Facilities department to arrange for a specific COVID-19 cleaning and disinfection to be completed.



Human Resources will ensure general communication is provided to the workplace at large via email. This notification will occur within 24 hours of Wasco County being notified. The email will read as follows;

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 your direct Supervisor and/or Human Resources and contact your health care provider. Wasco County, as always will protect all employee medical information and will 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 Human Resources.

COVID-19 Testing

In the event that either North Central Public Health or the Oregon Health Authority indicates that COVID-19 diagnostic testing is necessary within our workplace, Wasco County must cooperate by making its employees and appropriate space available at no cost to our employees. If such testing is conducted at Wasco County's own direction, Wasco County is responsible for covering the cost(s) of testing including but not limited to the COVID-19 test itself, employee time and employee travel. However, if Wasco County is not requesting the test, Wasco County is not expected to cover the direct cost of such testing or of any involved employee travel.

Medical Removal

Whenever the Oregon Health Authority, North Central Public Health 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.

Whenever an employee participates in quarantine or isolation for COVID-19, Wasco County must allow the affected employee(s) to work at home if suitable work is available and the employee's condition does not prevent it.

Whenever an employee participates in quarantine or isolation, whether as a result of the requirements of this rule or because Wasco County chooses to take additional



precautions, the affected worker(s) must be entitled to return to their previous job duties if still available and without any adverse action as a result of participation in COVID-19 quarantine or isolation activities.

Decisions regarding testing and return to work after an employee participates in COVID-19 quarantine or isolation activities must be made in accordance with applicable public health guidance and must be otherwise consistent with guidance from the employee's medical provider.

Mandatory Appendices

Wasco County is covered by one or more of the mandatory industry-specific and activity-specific appendices that make up Appendix A of the OR-OSHA guidance. We are required to comply with those appendices. To the degree an appendix provides specific guidance regarding an issue addressed by this rule, it supersedes the general requirements of this rule. To the degree a situation is not addressed by the specific language of an appendix, the requirements of this rule apply as written.

Wasco County has identified the following appendices that apply;
A-18: Law Enforcement

COVID-19 Training

Wasco County has conducted COVID-19 training for all staff. All staff are required to watch this training and sign a waiver confirming receipt and completion of this training. Those waivers are on file in the Human Resources office. New employees are required to watch this training within a week of being hired with Wasco County.

A PowerPoint presentation, on file with the Human Resources department and displayed on the Human Resources webpage outlines the following;

- Physical Distancing
- Face mask/face covering/face shield Requirements
- Sanitation Requirements
- Signs and Symptoms Reporting Procedures
- COVID-19 Infection Notification Process
- Medical Removal Process
- Transmission of COVID-19
- Protected Leave Rights and Responsibilities



COVID-19 Infection Notification Process

Positive Test Confirmed for COVID-19

In the unfortunate event that an employee of Wasco County has tested positive for COVID-19, the following notification process will occur.

- Employee is required to immediately notify the department Director/Manager or the Human Resources Director.
- If employee is at home, instruct to stay home. If employee is at work, send home immediately.
- Allow employee to telecommute if employee is well enough and is able to perform work duties from home.
- Provide employee with Family Medical Leave (FMLA) request form.
- Instruct employee to work with Public Health on Contact Tracing.
- Public Health will determine whether the employee has had prolonged direct contact (within six feet for more than 10 minutes within the last two weeks) with other employees.
- Public Health will instruct and notify other individuals who have had prolonged direct contact to self-quarantine for 14 days and monitor for symptoms. This information will be relayed to Human Resources once it has been completed.
- Contact Facilities and request thorough disinfection of areas where the employee was active.

Returning to Work

- Employees who have been diagnosed with COVID-19 must not return to work until they have been free of symptoms and have been fever free (they must have had a temperature of less than 100° without the use of fever reducing medications) for at least 72 hours.
- The employee should not return sooner than at least 7 days after the first symptoms.
- Employee must be cleared by doctor to return to work and/or show that a negative COVID test result has been confirmed.
- Employee must continue to maintain hygiene practices recommended by the CDC.
- Employee should self-monitor for the return of any symptoms.



If an employee's family member, household member or intimate contact tests positive for COVID-19

- Immediately contact Human Resources.
- Determine if the employee has had prolonged direct contact (within six feet for more than ten minutes within the last two weeks) with the infected individual.

If "NO"

- Instruct employee to self-monitor for symptoms and contact Human Resources if there is a change in their condition.

If "YES"

- Instruct the employee to remain at home in quarantine for 14 days and self-monitor for symptoms.
- Determine whether the employee is able to telecommute during their self-quarantine.

If the employee develops symptoms

- Instruct employee to contact their health care provider.
- If employee is diagnosed with COVID-19, employee must contact HR so that the protocols described previously may be followed.

If an Employee displays symptoms of COVID-19 (fever, cough + headache)

- Immediately contact Human Resources.
- Human Resources to contact the employee and determine if employee should be directed to stay home and self-quarantine.

If directed to self-quarantine

- Employee to stay home and/or go home immediately and telecommute if feasible.
- Employee should not return to work until they have been free of fever for at least 72 hours.
- The employee should not return sooner than at least 7 days after the first symptom.



If NOT directed to self-quarantine

- Employee may continue to work as usual, but instruct the employee to self-monitor for symptoms and contact Human Resources if there is a change in their condition.

If an Employee tests NEGATIVE but displays symptoms of COVID-19 (fever, cough + headache)

- Immediately contact Human Resources.
- Human Resources to contact the employee and determine if employee should be directed to stay home and self-quarantine.

If directed to self-quarantine

- If employee confirms symptoms, employee should be sent home to self-quarantine.
- Employee to stay home and telecommute if feasible.
- Employee should not return to work until they have been free of fever for at least 72 hours.
- The employee should not return sooner than at least 7 days after the first symptom.

If NOT directed to self-quarantine

- Employee may continue to work as usual, but instruct the employee to self-monitor for symptoms and contact Human Resources if there is a change in their condition.

If Employee is exposed to an individual who has tested POSITIVE but the employee tests NEGATIVE and displays no symptoms of COVID-19

- Immediately contact Human Resources.
- Employee may continue to work as usual, but instruct the employee to self-monitor for symptoms and contact Human Resources if there is a change in their condition.



Effective Date: October 19, 2020

Statewide Mask, Face Covering, Face Shield Guidance

This guidance is specific to requirements for wearing masks, face coverings or face shields.

Authority: Executive Order No. 20-27, paragraphs 9 and 21, ORS 431A.010, ORS 433.441, ORS 433.443.

Applicability: This guidance applies statewide to:

- All businesses, as defined below.
- All persons responsible for indoor spaces open to the public
- All persons responsible for outdoor spaces open to the public
- All public and private workplaces
- The general public when:
 - Visiting businesses as defined below
 - Visiting indoor spaces open to the public
 - Visiting outdoor spaces open to the public
 - Visiting all public and private workplaces

Enforcement: To the extent this guidance requires compliance with certain provisions, it is enforceable as specified in Executive Order 20-27, paragraph 26.

Oregon Health Authority Public Health Recommendations on Masks, Face Coverings and Face Shields:

- In general, it is recommended that people wear a mask or face covering, with or without a face shield, whenever they are within six (6) feet of people who do not live in the same household.
- ***It is not*** recommended that individuals wear a face shield instead of a mask or face covering. Face shields can be very good at blocking droplets that individuals release, but they are not as effective at limiting the release of aerosols that can go around the shield.

- When possible, use technology that can help maintain a low risk of virus transmission:
 - Using a microphone while wearing a mask or face covering will amplify your voice while speaking to an audience, allowing more distance between the speaker and the audience, and
 - Videoconferencing allows a person to speak to a remote audience and minimizes the need for people to be in the same room with a speaker.
- Use of a face shield alone should only be done on very limited basis. Wearing a face shield alone without a mask or face covering increases the potential for transmission of viruses to those in the same room as the individual without the mask or face covering. It is recommended that wearing a face shield alone be limited to situations when wearing a mask or face covering is not feasible, such as:
 - When a person has a medical condition that prevents them from wearing a mask or face covering.
 - When people need to see mouth and tongue motions in order to communicate (e.g., for communicating with children in certain developmental stages or people with hearing impairments).
 - When an individual is speaking to an audience for a short period of time and clear communication is otherwise not possible. In this situation it is important to consider:
 - » Ways to lower risk to the audience including all audience members wearing masks or face coverings.
 - » Having enhanced building ventilation (see CDC's guidance on ventilation and filtration, Ready Schools, Safe Learners – section 2j, and American Society of Heating, Refrigerating, and Air-Conditioning Engineers' guidance).

Requirements for other businesses and sectors: There may be mask, face covering and face shield requirements and recommendations that apply to other businesses or sectors not specifically identified in this guidance. Businesses and sectors should review and comply with any mask, face covering, face shield requirements in the other applicable [sector guidance](#) that may apply.

For purposes of this guidance the following definitions apply:

- “Business” means:
 - Grocery stores
 - Fitness-related organizations
 - Indoor and outdoor entertainment facility operators (zoos, museums, drive-in movie theaters, raceways, outdoor gardens and aquariums)
 - Indoor and outdoor licensed swimming pools, licensed spa pools, and sports court operators in Phase One and Two counties
 - Indoor and Outdoor Markets and Street Fairs
 - Indoor and outdoor recreational sports operators for specified sports
 - Outdoor recreation organizations
 - Pharmacies

- Private career schools, except where other sector guidance applies
- Public transit agencies and providers
- Public and private colleges and universities, except where other sector guidance applies
- Personal services providers
- Restaurants, bars, breweries, brewpubs, wineries, tasting rooms and distilleries
- Retail stores, shopping centers and malls
- Ride sharing services
- Youth programs
- Phase Two counties only:
 - » Indoor and outdoor entertainment facility operators
 - » Indoor and outdoor venue operators
- “Face covering” means a cloth, polypropylene, paper or other face covering that covers the nose and the mouth and that rests snugly above the nose, below the mouth, and on the sides of the face.
 - The following **are not** face coverings because they allow droplets to be released: a covering that incorporates a valve that is designed to facilitate easy exhalation, mesh masks, lace masks or other coverings with openings, holes, visible gaps in the design or material, or vents.
- “Face shield” means a clear plastic shield that covers the forehead, extends below the chin, and wraps around the sides of the face.
- “Fitness-related organizations” include but are not limited to gyms, fitness centers, personal training, dance studios and martial arts centers.
- “Indoor spaces open to the public” include but are not limited to indoor spaces, whether publicly owned or privately owned, where the public has access by right or invitation, express or implied, whether by payment of money or not. In addition to the public areas of the businesses defined above, such spaces may include, but are not limited to, building lobbies or common spaces, classrooms, elevators, bathrooms and buildings or meeting rooms outside of private homes where people gather for social, civic, cultural or religious purposes.
- “Mask” means a medical grade mask.
- “Outdoor spaces open to the public” means outdoor spaces where at least six (6) feet of distance cannot be maintained between individuals in different households, whether publicly owned or privately owned, where the public has access by right or invitation, express or implied, whether by payment of money or not.
- “Personal services providers” means barber shops, hair salons, estheticians, medical spas, facial spas, day spas, non-medical massage therapy services, nail salons, tanning salons and tattoo/piercing parlors.
- “Public and private workplaces” means indoor or outdoor places where people work, including but not limited to banks, food processing plants, manufacturing facilities, construction sites, warehouses and farms.

Businesses, Indoor/Outdoor Spaces Open to the Public, Public and Private Workplaces:

Businesses and persons responsible for an indoor or outdoor space open to the public and persons responsible for public and private workplaces are required to:

- Require employees, contractors, volunteers, students, customers and visitors to wear a mask, face covering or face shield, except as follows:
 - Employees, contractors and volunteers: Masks, face coverings or face shields are **strongly recommended** in all indoor work spaces, but not required when at or in a location where the employee, contractor or volunteer does not have a job that requires interacting with the public or with other employees, such as a large warehouse **and** at least six (6) feet of distance can be maintained between other people. When six (6) feet of distance cannot be maintained, such as in a restroom or break room, masks, face coverings or face shields are required.
 - Masks, face coverings or face shields are not required while eating or drinking.
 - Masks, face coverings or face shields are not required when engaged in an activity that makes wearing a mask, face covering or face shield not feasible, such as when swimming.
- Provide masks, face coverings or face shields for employees.
- Provide for accommodations for employees, contractors, students, customers and visitors if such accommodations are required by:
 - State and federal disabilities laws, if applicable, including the Americans with Disabilities Act (ADA) which protects people with disabilities from discrimination in employment and requires employers to engage in the interactive process for accommodations.
 - State or federal labor laws.
 - State and federal public accommodations laws that provide all persons with full and equal access to services, transportation and facilities open to the public.
 - OHA public health guidance if applicable.
- Post clear [signs](#) about the mask, face covering or face shield requirements.

Businesses and persons responsible for an indoor or outdoor space open to the public and persons responsible for public and private workplaces should, but are not required to:

- Provide, at no cost, face coverings for customers and visitors who do not have one.
- [Post signs](#) about the mask, face covering or face shield requirement in languages that are commonly spoken by customers, visitors and students.
- Educate employees:
 - On how to safely work and communicate with people who cannot wear masks, face coverings or face shields.
 - That they may need to replace a mask or face covering with a transparent cover such as a face shield while communicating with an individual who needs to read lips or see facial expressions to communicate.

Public and Private Workplaces:

- Masks, face coverings or face shields are required at all times for employees, contractors and volunteers in public and private workplaces, including hallways, bathrooms, classrooms, elevators, lobbies, break rooms, meeting rooms and other common and shared spaces, unless employees, contractors or volunteers are at a private, individual workspace not shared with other people.

The Public:

All persons when visiting a business, an indoor or outdoor space open to the public or a public or private workplace are required to:

- Wear a mask, face covering or face shield unless the individual is under five (5) years of age, except as follows:
 - Masks, face coverings or face shields are not required while eating or drinking.
 - Masks, face coverings or face shields are not required when engaged in an activity that makes wearing a mask, face covering or face shield not feasible, such as swimming.
 - Masks, face coverings or face shields can briefly be removed in situations where identity needs to be confirmed by visual comparison, such as at a bank or if interacting with law enforcement. If possible, limit speaking while the cover is off as speaking generates aerosols and droplets that can contain viruses.

Individuals who have a medical condition that makes it hard to breathe or a disability that prevents the individual from wearing a mask, face covering or face shield can request an accommodation from the business or indoor/outdoor space operator to enable full and equal access to services, transportation and facilities open to the public.

For children younger than 12 years:

- It is not recommended that children under the age of two (2) wear a mask, face covering or face shield. Therefore, children under the age of two (2) are not required to wear a mask, face covering or face shield.
- It is strongly recommended that children between two (2) and five (5) years of age, wear a mask, face covering or face shield at all times in all indoor and outdoor spaces open to the public, particularly in places where it is likely that physical distancing of at least six (6) feet from other individuals outside their household unit cannot be maintained, and where vulnerable people may go.
- Because children between the ages of two (2) and 12 years of age can have challenges wearing a mask, face covering or face shield properly (e.g., excessively touching the face covering, not changing the face covering if visibly soiled, risk of strangulation or suffocation, etc.) we urge that when masks, face coverings or face shields are worn by this age group, that they be worn with the assistance and close supervision of an adult. Masks, face coverings or face shields should never be worn by children when sleeping.
- Individuals five (5) years of age and older must wear a mask, face covering or face shield when visiting an outdoor space open to the public if at least six (6) feet of physical distance cannot be maintained between individuals in different households.

- There may be mask, face covering and face shield requirements and recommendations that apply to other sectors applicable to children. Refer to other [sector guidance](#), including child care, schools and summer camp locations.

Additional Resources

- [OHA Mask and Face Covering Accommodations Sign](#)
- [OHA General Guidance for Employers](#)
- [OHA Sector-specific Guidance](#)
- [OHA Frequently Asked Questions for Statewide Mask, Face Covering, Face Shield Guidance](#)
- [Oregon OSHA COVID-19 Workplace Advisory Memo](#)
- [ADA and Face Mask Policies – Disability Issues Brief](#)
- [Early Learning Division COVID-19 Resources](#)
- [Higher Education Coordinating Commission COVID-19 Resources](#)
- [Oregon Department of Education Resources](#)
- [OHA Mask and Face Covering webpage](#)

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.

Table of Contents

437-001-0744	Addressing COVID-19 Workplace Risks.....	1
Appendix A	Mandatory Workplace Guidance for Industry-Specific And Activity-Specific Activities	23
Appendix A-1	Mandatory Workplace Guidance for Restaurants, Bars, Brewpubs, And Public Tasting Rooms At Breweries, Wineries, And Distilleries.....	24
Appendix A-2	Mandatory Workplace Guidance for Retail Stores	27
Appendix A-3	Mandatory Workplace Guidance for Outdoor And Indoor Markets.....	29
Appendix A-4	Mandatory Workplace Guidance for Personal Services Providers.....	33
Appendix A-5	Mandatory Workplace Guidance for Construction Operations	40
Appendix A-6	Mandatory Workplace Guidance for Indoor And Outdoor Entertainment Facilities	42
Appendix A-7	Mandatory Workplace Guidance for Outdoor Recreation Organizations	46
Appendix A-8	Mandatory Workplace Guidance for Transit Agencies	49
Appendix A-9	Mandatory Workplace Guidance for Collegiate, Semi- Professional And Minor League Sports	51
Appendix A-10	Mandatory Workplace Guidance for Professional, Division 1, Pac-12, West Coast Conference And Big Sky Conference Sports	57
Appendix A-11	Mandatory Workplace Guidance for Employers Operating Licensed Swimming Pools, Licensed Spa Pools, And Sports Courts.....	58
Appendix A-12	Mandatory Workplace Guidance for Employers Operating Fitness-Related Organizations	62
Appendix A-13	Mandatory Workplace Guidance for K-12 Educational Institutions (Whether Public Or Private)	67
Appendix A-14	Mandatory Workplace Guidance for Employers Operating Child Care And Early Education Programs.....	72
Appendix A-15	Mandatory Workplace Guidance for Institutions Of Higher Education (Whether Public Or Private).....	84

Appendix A-16	Mandatory Workplace Guidance for Veterinary Care	91
Appendix A-17	Mandatory Workplace Guidance for Emergency Medical Services: First Responders, Firefighters, And Non-Emergency Medical Transport.....	94
Appendix A-18	Mandatory Workplace Guidance for Law Enforcement Activities.....	100
Appendix A-19	Mandatory Workplace Guidance for Jails, Prisons, And Other Custodial Institutions.....	102

437-001-0744 Addressing COVID-19 Workplace Risks

Unless otherwise indicated, the rule's provisions take effect November 16, 2020. The rule will remain in effect until May 4, 2021, unless revised or repealed before that date.

(1) Scope and Application

- (a) This rule applies to all employees working in places of employment subject to Oregon OSHA's jurisdiction. For clarity and ease of reference, this rule refers to "COVID-19" when describing exposures or potential exposures to SARS-CoV-2, the virus that causes Coronavirus Disease 2019.
- (b) The requirements of section (3) of this rule are applicable to all workplaces.
- (c) In addition to the requirements of section (3), the requirements of section (4) of this rule are applicable to all exceptional risk workplaces. For purposes of this rule, "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 any combination of the following job duties:
 - (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; or
 - (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.

Note: "Exceptional risk" does not include workers of other departments or job duties outside the scope and underlying definitions of (1)(c) of this rule. For example, employees in the accounting department at a hospital would be covered by the requirements applicable to all workplaces, while other workers at the same hospital who actually perform any of those job operations listed under (1)(c), such as direct patient care, would be subject to the supplementary requirements for workplaces at exceptional risk in addition to the requirements for all workplaces.

(2) Definitions

- (a) **Aerosol-generating healthcare or postmortem procedure** – means a medical, dental, or postmortem procedure on human patients or remains that is likely to result in exposure to small droplet nuclei in high concentration, presenting a risk for airborne transmission of COVID-19.
- (b) **Common areas** – means building lobbies, reception areas, waiting rooms, restrooms, break rooms, eating areas, smoking areas, locker rooms, bathing areas, transit lounges, conference rooms, or other locations indoors or outdoors that multiple individuals may use or congregate that employers operate or control.
- (c) **Decontamination of filtering facepiece respirators (FFR)** – means a process approved by the U.S. Food and Drug Administration (FDA) that reduces the number of pathogens, does not harm the fit or filtration performance of the FFR, and presents no residual chemical hazard.
- (d) **Direct patient care** – means any employee job duties that include direct physical contact with a patient during the delivery of healthcare services. A worker performs direct patient care under the authority granted by a license or certification issued by federal, state, or local entities to provide healthcare services within the scope of practice. The worker may be providing direct patient care under their own licensure or certification, or may be providing care under the supervision of a licensed or certified worker. Workers involved in direct patient care include, but are not limited to, physicians, physician assistants, nurses, nurse practitioners, certified nursing aide, medical technologists, phlebotomists, respiratory therapists, dentists, dental hygienists, physical or occupational therapists, chiropractors, and other workers who otherwise provide in-person healthcare services. Direct patient care does not include customer service activities provided in retail settings that have embedded healthcare offices, such as retail pharmacies.
- (e) **Emergency first responder activities** – means those job duties that require an employee to be able to arrive first and provide assistance at the scene of an emergency, such as an accident, fire, natural disaster, including but not limited to law enforcement officers, firefighters, emergency medical technicians, and paramedics. Emergency first responder activities under this rule do not include tasks where only first aid is provided in accordance with OAR 437-002-0161.

- (f) **Employee** – means any individual, including a minor whether lawfully or unlawfully employed, who engages to furnish services for a remuneration, financial or otherwise, subject to the direction and control of an employer; any salaried, elected and appointed official of the state, state agencies, counties, cities, school districts and other public corporations; and any individual who is provided with workers’ compensation coverage as a subject worker pursuant to ORS chapter 656, whether by operation of law or election.
- (g) **Employer** – means any person who has one or more employees, any sole proprietor or member of a partnership who elects workers’ compensation coverage, or any corporation in relation to the exposure of its corporate officers except for corporations without workers’ compensation coverage under ORS 656.128 and whose only employee is the sole owner of the corporation, or any successor or assignee of an employer as described in OAR 437-0015.
- (h) **Employment, Place of** – has the meaning provided in OAR 431-0015 and excludes any place where the only employment involves workers not covered by workers’ compensation and employed in or around a private home, as well as any corporate farm where the only employment involves the farm’s family members.
- Note:** The employment of home care and home health care workers by a resident of the home in which they work is not subject to workers’ compensation (even though the employees receive such coverage through the Home Care Commission) and therefore their employment is not covered by Oregon OSHA. Such workers who are employed by private home health or in-home care agencies are subject to workers’ compensation and therefore their employment is covered by Oregon OSHA. Private homes, such as adult foster care homes, where the only employment is for the care and comfort of the residents are also not required to obtain workers’ compensation and are therefore not subject to Oregon OSHA unless the employer has opted to provide workers’ compensation coverage under ORS 656.039.
- (i) **Environmental decontamination services** – means the work performed by janitorial, custodial, maintenance, or similar employees who are responsible for cleaning equipment, surfaces, or other items in direct patient care healthcare settings. This includes routine and non-routine cleaning or disinfecting of high-touch surfaces as defined by this rule, equipment, or procedural tools that are used in patient care areas in healthcare settings, including those settings in which aerosol-generating procedures are performed.

- (j) **Face covering** – means a cloth, polypropylene, paper or other covering that covers the nose and the mouth and that rests snugly above the nose, below the mouth, and on the sides of the face. Coverings that incorporate a valve that is designed to facilitate easy exhalation or mesh masks or other covers with openings, holes, visible gaps in the design or material, or vents are not appropriate face coverings (even if otherwise appropriate for respiratory protection) because they allow droplets to be released from the covering.
- (k) **Face shield** – means a transparent plastic shield that covers the wearer’s forehead, extends below the chin, and wraps around the sides of the face. Devices that place a shield in front of only the user’s nose and mouth do not meet the definition of a mask, face covering, or face shield. Face shields are normally used as protection for the face and eyes but are a compliant (although not preferred) means of “source control” in relation to COVID-19.
- (l) **Feasibility** – refers to the ability of an employer to implement any requirement in a rule. Oregon OSHA rules never prohibit work. Whether feasibility is mentioned in a provision of the rule or not, if the employer can demonstrate that it is functionally impossible to comply or if doing so would prevent completion of the work, the employer need not comply, but must take any available reasonable alternative steps to protect the employees involved.
- (m) **Filtering facepiece respirator** -- means a tight-fitting, negative pressure, particulate respirator, where the particular filter is the facepiece itself. Such respirators are often referred to as “dust masks,” but dust masks that are not certified by the National Institute for Occupational Safety and Health are not respirators. The most common filtering facepiece respirators for general use are known as N-95 respirators.
- (n) **Hand hygiene** – means the cleaning, sanitizing, or disinfecting of one’s hands by using standard handwashing methods with soap and running water, antiseptic hand wash, antiseptic hand rub (alcohol-based hand sanitizer including foam or gel), or surgical hand antisepsis.
- (o) **Healthcare setting** – means any space at the workplace a worker routinely provides direct patient care as defined by this rule or performs aerosol-generating healthcare or postmortem procedures. A healthcare setting does not include any establishment where only personal support services are provided or places where direct patient care is provided to a patient outside the healthcare setting itself.

- (p) **High-touch surface** – means equipment or surfaces that are handled frequently throughout the day by multiple individuals. High-touch surfaces can include, but are not limited to, countertops, credit card terminals, doorknobs, digital kiosks, touch-screen enabled devices, light switches, handrails, elevator control panels, and steering wheels.
- (q) **Individual** – means any person who is present in the place of employment, whether an employee or not.
- (r) **Mask** – means a U.S. Food and Drug Administration (FDA) cleared surgical, medical procedure, dental, or isolation mask (commonly referred to as a “surgical mask”). Masks are medical grade masks that function as a physical barrier to protect workers from hazards such as splashes of large droplets of blood or bodily fluids; they do not provide reliable protection to the wearer against aerosols or airborne pathogens.
- (s) **Personal protective equipment (PPE)** – means specialized clothing or equipment worn by a worker for protection against a hazard. General work clothing (for example, uniforms, pants, shirts or blouses) not intended to function as protection against a hazard for the user is not considered to be PPE.
- (t) **Personal support services** – means the work performed by a caretaker or similar employee who is responsible for assisting individuals with day-to-day living issues that are not direct patient care activities. Personal support services include, but are not limited to housekeeping, assisting with medication, personal transportation (such as taking a client to an appointment), and other day-to-day living activities that may occur in an individual’s private residence are not otherwise considered to be direct patient care under this rule.
- (u) **Respirator** – means a type of personal protective equipment that protects against respiratory hazards by removing specific air contaminants from the ambient (surrounding) air or by supplying breathable air from a safe source. Respirators that remove contaminants from the ambient air are called air-purifying respirators. Respirators that supply air from a safe source other than the ambient air are called atmosphere-supplying respirators. Masks, face coverings and face shields are not respirators.
- (v) **SARS-CoV-2** – refers to a specific betacoronavirus (MERS-CoV and SARS-CoV are other betacoronaviruses) that causes what has been designated as Coronavirus Disease 2019 (COVID-19).

- (w) **Shared equipment** – means devices or tools that are used by multiple employees or other individuals including, but not limited to, elevators, escalators, computer keyboards, and work vehicles.
- (x) **Source control** – means the use of protective equipment or other measures such as face coverings to prevent the spread of illness from a potentially infectious person to others. A typical example of source control for COVID-19 is to use a mask or face covering to limit the spread of respiratory droplets and aerosols from the wearer to others. Respirators can be used as source control in addition to providing protection for the wearer, but only if the respirator does not have an exhalation valve (respirators with an exhalation valve can also be worn in combination with appropriate source control).
- (y) **Suspected to be infected with COVID-19** – means a person who has signs or symptoms of COVID-19 disease but has not tested positive for SARS-CoV-2 infection and no alternative diagnosis has been made consistent with Oregon Health Authority definitions.

(3) COVID-19 Requirements for All Workplaces

Except as otherwise provided by this rule, the following requirements apply to all workplaces.

- (a) **Physical distancing.** All employers must ensure that both work activities and workflow are designed to eliminate the need for any employee to be within 6 feet of another individual in order to fulfill their job duties unless the employer determines and can demonstrate that such physical distancing is not feasible for certain activities.
- (b) **Mask, face covering, or face shield requirements.** Each employer must ensure that all individuals (including employees, part-time workers, temporary laborers, customers, vendors, patrons, contractors, etc.) at the workplace or other premises subject to the employer's control wear a mask, face covering, or face shield as source control in accordance with [the requirements of the Oregon Health Authority's Statewide Mask, Face Covering, Face Shield Guidance](#). Consistent with that guidance, it is strongly recommended, but not required, that individuals wear a mask or face covering as source control rather than relying upon a face shield alone.

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided under applicable state and federal laws, such an accommodation does not include simply exempting individuals from the requirement to wear masks, face coverings, or face shields in public spaces.

(A) The employer must provide masks, face coverings, or face shields for employees at no cost to the worker. If an employee chooses to wear their own mask, face shield, or face covering instead of those provided by the employer, the employer may allow it but is not required to do so unless the employee chooses to wear a respirator under the “voluntary use” provisions of the [Respiratory Protection standard](#) (29 CFR 1910.134) (the employer must require that appropriate source control be used in conjunction with an employee’s voluntary use of a respirator with an exhalation valve). If an employee chooses to wear a mask, face shield, or face covering even when it is not required, the employer must allow them to do so.

(B) When employees are transported in a vehicle for work purposes, regardless of the travel distance or duration involved, all occupants in the vehicle must wear a mask, face covering, or face shield unless employees are wearing respirators in accordance with the Respiratory Protection Standard (29 CFR 1910.134).

Note: This requirement does not apply when all occupants within the vehicle are members of the same household.

(c) Cleaning and sanitation. The employer must regularly clean or sanitize all common areas, shared equipment, and high-touch surfaces as defined by this rule that are under its control and that are used by employees or the public.

(A) Such regular cleaning or sanitization must be implemented based on the following frequencies:

- (i) At least once every 24 hours if the workplace is occupied less than 12 hours a day; or
- (ii) At least every 8 hours while in use, if the workplace is occupied more than 12 hours a day.

Exception: In locations with only “drop-in” availability or minimal staffing, the employer is permitted to rely upon a regular schedule of cleaning and sanitation and directing employees to sanitize their own work surfaces before use.

(B) Employers must provide employees with the supplies (soap and water) and the reasonable time necessary to clean or sanitize more frequently than would otherwise be required if the worker chooses to do so.

(C) Employers must provide employees with the supplies (such as soap and water) and reasonable time necessary to perform hand hygiene before using shared equipment.

- (D) Except in healthcare settings where patients known or suspected to be infected with COVID-19 are being treated for the disease, employers must clean and disinfect any common areas, high-touch-surfaces, and any shared equipment under the employer's control that an individual known to be infected with COVID-19 used or had direct physical contact with. This requirement does not apply to areas, surfaces, or equipment that has been unoccupied or otherwise unused for seven days or more. As a recommended, but not required, practice, employers should close off the area and observe a waiting period of at least 24 hours (or for as long as is feasible) prior to cleaning and disinfecting.

Note: Additional sanitation requirements for exceptional risk workplaces are included in subsection (4)(d) of this rule.

- (d) Posting requirements. The "[COVID-19 Hazards Poster](#)," provided by Oregon OSHA must be posted in a conspicuous manner in a central location where workers can be expected to see it (for example, a location where employees report each day or at a location from which employees operate to carry out their activities). Employees working remotely must be provided with a copy of the COVID-19 Hazards Poster through electronic or equally effective means.
- (e) Building operators. No later than November 23, 2020, those employers who operate or otherwise control buildings where the employees of other employers work must take the following steps in common areas to the extent that they have control over such areas:
- (A) Ensure that the sanitation requirements under (3)(c)(A) are met; and
 - (B) Post signs in areas where masks, face coverings, or face shields are required. To meet this provision, the building operator may post a copy of the "[Masks Required](#)," sign developed by the Oregon Health Authority.

- (f) Ventilation requirements. No later than January 6, 2021, the employer must optimize the amount of outside air circulated through its existing heating, ventilation, and air conditioning (HVAC) system(s), to the extent the system can do so when operating as designed, whenever there are employees in the workplace and the outdoor air quality index remains at either “good” or “moderate” levels. This does not require installation of new ventilation equipment. The employer is not required to meet the provisions of the American National Standards (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards 62.1 and 62.2 (SHRAE 2019a, 2019b), but to the degree the employer does so it is in compliance with this paragraph. In accordance with the HVAC manufacturer’s instructions and the design specifics of the HVAC system and as frequently as is necessary, the employer must ensure the following:
- (A) All air filters are maintained and replaced as necessary to ensure the proper function of the ventilation system; and
 - (B) All intake ports that provide outside air to the HVAC system are cleaned, maintained, and cleared of any debris that may affect the function and performance of the ventilation system.
- (g) Exposure risk assessment. No later than December 7, 2020, all employers must conduct a COVID-19 exposure risk assessment, without regard to the use of personal protective equipment, masks, face coverings, or face shields. If an employer has multiple facilities that are substantially similar, its assessment may be developed by facility type rather than site-by-site so long as any site-specific information that affects employee exposure risk to COVID-19 is included in the assessment.
- (A) The exposure risk assessment must involve participation and feedback from employees. This feedback may be achieved via a safety meeting, safety committee, supervisor, process negotiated with the exclusive bargaining agent (if any), or any other similarly interactive process.
 - (B) Each employer with more than ten employees statewide (including temporary and part-time workers) or that is covered by (1)(c) of this rule (workplaces at exceptional risk) must record their COVID-19 exposure risk assessment in writing by documenting the following information:
 - (i) The name(s), job title(s), and contact information of the person(s) who performed the exposure risk assessment;
 - (ii) The date the exposure risk assessment was completed;
 - (iii) The employee job classifications that were evaluated; and

- (iv) A summary of the employer's answers to each of the applicable exposure risk assessment questions in this subsection.
- (C) The risk assessment must address the following questions related to potential employee exposure to COVID-19 in the workplace:
 - (i) Can employees telework or otherwise work remotely? How are employees encouraged or empowered to use those distance work options to reduce COVID-19 transmission at the workplace?
 - (ii) What are the anticipated working distances between employees? How might those physical working distances change during non-routine work activities?
 - (iii) What is the anticipated working distance between employees and other individuals? How might those working distances change during non-routine work activities?
 - (iv) How have the workplace or employee job duties, or both, been modified to provide at least 6-feet of physical distancing between all individuals?
 - (v) How are employees and other individuals at the workplace notified where and when masks, face coverings, or face shields are required? How is this policy enforced and clearly communicated to employees and other individuals?
 - (vi) How have employees been informed about the workplace policy and procedures related to reporting COVID-19 symptoms? How might employees who are identified for quarantine or isolation as a result of medical removal under this rule be provided with an opportunity to work at home, if such work is available and they are well enough to do so?
 - (vii) How have engineering controls such as ventilation (whether portable air filtration units equipped with HEPA filters, airborne infection isolation rooms, local exhaust ventilation, or general building HVAC systems) and physical barriers been used to minimize employee exposure to COVID-19?
 - (viii) How have administrative controls (such as foot-traffic control) been used to minimize employee exposure to COVID-19?
 - (ix) What is the procedure or policy for employees to report workplace hazards related to COVID-19? How are these hazard reporting procedures or policies communicated to employees?

- (x) How are sanitation measures related to COVID-19 implemented in the workplace? How have these sanitation practices been explained to employees and other individuals at the workplace?
- (xi) How have the industry-specific or activity-specific COVID-19 requirements in Appendix A of this rule and applicable guidance from the Oregon Health Authority been implemented for workers? How will periodic updates to such Oregon Health Authority guidance documents incorporated into the workplace on an on-going basis?
- (xii) In settings where the workers of multiple employers work in the same space or share equipment or common areas, how are the physical distancing; mask, face covering, or face shield requirements; and sanitation measures required under this rule communicated to and coordinated between all employers and their affected employees?
- (xiii) How can the employer implement appropriate controls that provide layered protection from COVID-19 hazards and that minimize, to the degree possible, reliance on individual employee training and behavior for their efficacy?

Note: Oregon OSHA will make a [Risk Assessment template](#) and sample Risk Assessments available to assist employers in completing this task.

- (h) Infection control plan. No later than December 7, 2020, all employers must establish and implement an infection control plan based on the risks identified in subsection (3)(g) that implements the controls identified in (3)(g)(C)(xiii) including, but not limited to, ventilation, staggered shifts, redesigning the workplace to accommodate physical distancing, reducing use of shared surfaces and tools, limiting the number of employees and other individuals in work areas, personal protective equipment, etc. If an employer has multiple facilities that are substantially similar, its infection control plan may be developed by facility type rather than site-by-site so long as any site-specific information that affects employee exposure risk to COVID-19 is included in the plan. Employers may also rely upon materials developed by associations, licensing agencies, and franchisors to assist with compliance and provided that mechanisms for appropriate employee feedback and involvement are provided.
- (A) Each employer with more than ten employees statewide (including temporary and part-time workers) or that is covered by (1)(c) of this rule (workplaces at exceptional risk) must document their infection control plan in writing and must ensure that a copy is accessible to employees at their workplace.

Note: Additional requirements related to the infection control plan, which are applicable only to those employers covered by (1)(c) of this rule (workplaces at exceptional risk), are contained in section (4)(c) of this rule.

(B) The infection control plan must contain, at a minimum, the following elements:

- (i) A list of all job assignments or worker tasks requiring the use of personal protective equipment (including respirators) necessary to minimize employee exposure to COVID-19;
- (ii) The procedures the employer will use to ensure that there is an adequate supply of masks, face coverings, or face shields and personal protective equipment (including respirators) necessary to minimize employee exposure to COVID-19;
- (iii) A list and description of the specific hazard control measures that the employer installed, implemented, or developed to minimize employee exposure to COVID-19;
- (iv) A description of the employer's COVID-19 mask, face covering, and face shield requirements at the workplace, and the method of informing individuals entering the workplace where such source control is required;
- (v) The procedures the employer will use to communicate with its employees and other employers in multi-employer worksites regarding an employee's exposure to an individual known or suspected to be infected with COVID-19 to whom other workers may have been exposed. This includes the communication to individuals identified through COVID-19 contact tracing and general communication to the workplace at large; and
- (vi) The procedures the employer will use to provide its workers with the initial employee information and training required by this rule.

Note: Oregon OSHA will make sample Infection Control Plans available to assist employers in completing this task.

- (i) Employee information and training. No later than December 21, 2020, employers must provide workers with information and training regarding COVID-19. This information and training can be provided remotely or using computer-based models but must be provided in a manner and language understood by the affected workers. Employers must ensure that the training provides an opportunity for feedback from employees about the topics covered in the training, which must include at least the following elements:

- (A) Physical distancing requirements as they apply to the employee's workplace and job function(s);
- (B) Mask, face covering, or face shield requirements as they apply to the employee's workplace and job function(s);
- (C) COVID-19 sanitation requirements as they apply to the employee's workplace and job function(s);
- (D) COVID-19 signs and symptom reporting procedures that apply to the employee's workplace;
- (E) COVID-19 infection notification process as required by this rule;
- (F) Medical removal as required by this rule;
- (G) The characteristics and methods of transmission of the SARS-CoV-2 virus;
Note: Oregon OSHA will provide training materials that can be used to complete this portion of the training.
- (H) The symptoms of the COVID-19 disease;
Note: Oregon OSHA will provide training materials that can be used to complete this portion of the training.
- (I) The ability of pre-symptomatic and asymptomatic COVID-19 persons to transmit the SARS-CoV-2 virus; and
Note: Oregon OSHA will provide training materials that can be used to complete this portion of the training.
- (J) Safe and healthy work practices and control measures, including but not limited to, physical distancing, sanitation and disinfection practices.

Note: Oregon OSHA will provide training materials that can be used to complete this portion of the training.

Note: To the degree training provided before the adoption of this rule complies with all or any portion of the required training, the employer does not need to repeat the training but may need to take steps to ensure that additional information is covered and that appropriate employee feedback can be provided.

(j) COVID-19 infection notification process. Excluding settings where patients are hospitalized on the basis that they are known or suspected to be infected with COVID-19, the employer must establish a process to notify exposed employees (those who were within 6 feet of a confirmed COVID-19 individual for a cumulative total of 15 minutes or more, regardless of whether one or both of them were wearing source control) that they had a work-related contact with an individual who has tested positive for COVID-19, as well as to notify affected employees (those who worked in the same facility or in the same well-defined portion of the facility such as a particular floor) that an individual who was present in the facility has confirmed COVID-19). This notification process must include the following elements:

- (A) A mechanism for notifying both exposed and affected employees within 24 hours of the employer being made aware that an individual with COVID-19 was present in the workplace while infectious or otherwise may have had work-related contact with its employee(s) while infectious; and
- (B) This notification process must be established and implemented in accordance with all applicable federal and Oregon laws and regulations.

Note: Employers can satisfy this requirement by adopting the [model procedure](#) to be published by Oregon OSHA before the effective date of the rule.

Note: The reporting of COVID-19 cases is required under existing Oregon Health Authority rules regarding reporting of disease cases. OAR 333-018-0016 requires such cases to be reported by healthcare providers and laboratories within 24 hours of identification.

- (k) COVID-19 testing for workers. The employer must cooperate by making its employees and appropriate space available at no cost to the workers whenever a local public health agency or Oregon Health Authority indicate that COVID-19 diagnostic testing within the workplace is necessary. If such testing is conducted at the employer's own direction, the employer is responsible for covering the costs of testing including but not limited to the COVID-19 test itself, employee time, and employee travel. However, if the employer is not requesting the test, the employer is not expected to cover the direct cost of such testing or of any involved employee travel.
- (l) Medical removal. Whenever the Oregon Health Authority, local public health agency, or 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.

Note: Other than the obligation to provide such direction and to remove such employees from the workplace, the employer has no obligation to enforce the employee's quarantine or isolation.

- (A) Whenever an employee participates in quarantine or isolation for COVID-19, the employer must allow the affected employee(s) to work at home if suitable work is available and the employee's condition does not prevent it.
- (B) Whenever an employee participates in quarantine or isolation, whether as a result of the requirements of this rule or because the employer chooses to take additional precautions, the affected worker(s) must be entitled to return to their previous job duties if still available and without any adverse action as a result of participation in COVID-19 quarantine or isolation activities.

Note: The prohibition on "adverse action" does not require the employer to keep a job available that would not otherwise have been available even had the employee not been quarantined or isolated, but it does mean that the employer cannot fill the job with another employee and thereby make it unavailable.

- (C) Decisions regarding testing and return to work after an employee participates in COVID-19 quarantine or isolation activities must be made in accordance with applicable public health guidance and must be otherwise consistent with guidance from the employee's medical provider.

Note: This provision does not require a negative COVID-19 test or a separate contact with the medical provider.

Note: Employees are protected from discrimination or retaliation under ORS 654.062(5). This includes protections for actions against employees for opposing any practice forbidden under the Oregon Safe Employment Act and related statutes and rules (including this temporary rule for COVID-19), making a complaint or causing any proceeding to be instituted under the Oregon Safe Employment Act, or exercising any rights under the law, including those conferred by this temporary COVID-19 rule.

Note: Notwithstanding the language of OAR 437-001-0700(10), employers do not need to record such "medical removal" cases on their OSHA 300 log(s) simply because the medical removal required by this rule occurred. Cases must be recorded only if the infection of a worker is determined to be "work-related" in accordance with [OAR 437-001-0700](#).

- (m) Mandatory appendices. Employers covered by one or more of the mandatory industry-specific and activity-specific appendices that make up Appendix A of this rule must comply with those appendices. To the degree an appendix provides specific guidance regarding an issue addressed by this rule, it supersedes the general requirements of this rule. To the degree a situation is not addressed by the specific language of an appendix, the requirements of this rule apply as written.

Appendix A contains the following:

A-1: Restaurants, Bars, Brewpubs and Public Tasting Rooms at Breweries, Wineries and Distilleries

A-2: Retail Stores

A-3: Outdoor/Indoor Markets

A-4: Personal Services Providers

A-5: Construction Operations

A-6: Indoor and Outdoor Entertainment Facilities

A-7: Outdoor Recreation Organizations

A-8: Transit Agencies

A-9: Collegiate, Semi-Professional and Minor League Sports

A-10: Professional and PAC-12 Sports

A-11: Licensed Swimming Pools, Licensed Spa Pools and Sports Courts
Mandatory Workplace Guidance

A-12: Fitness-Related Organizations

A-13: K-12 Educational Institutions (Public or Private)

A-14: Early Education Providers

A-15: Institutions of Higher Education (Public or Private)

A-16: Veterinary Clinics

A-17: Fire Service and EMS

A-18: Law Enforcement

A-19: Jails and Custodial Institutions

(4) COVID-19 Requirements for Workplaces at Exceptional Risk

Workplaces identified by subsection (1)(c) of this rule must adhere to the following specific provisions and additional requirements.

(a) Infection control training. In addition to the employee information and training requirements for all workplaces under subsection (3)(i) of this rule, employers of workplaces at exceptional risk must provide infection control training by December 21, 2020, that includes the following provisions:

(A) The training is overseen or conducted by a person knowledgeable in the covered subject matter as it relates to the employee's job duties;

- (B) The training material is appropriate in content and vocabulary to the education, literacy, and language of the affected workers; and
 - (C) The training provides an opportunity for interactive questions and answers (must be “live” in order to allow immediate response and further clarification but need not be in person) with a person knowledgeable in the training program’s subject matter and basic epidemiology as it relates to the workplace and employee job duties.
- (b) Infection control training for employees required under this rule must include the following elements:
- (A) An explanation of this rule and its applicable appendices and provisions;
 - (B) An explanation of contact, droplet, and airborne modes of transmission of COVID-19, including how workers can recognize hazardous work activities that may involve exposure to COVID-19 and how employees can take precautionary measures to minimize their exposure.
 - (C) An explanation of the basic risk factors associated with COVID-19 transmission including, but not limited to, behavioral risk factors (this may include non-work activities that are higher-risk activities such as attending large social gatherings); physiological risk factors; demographic risk factors; and environmental risk factors;
 - (D) An explanation of the employer’s COVID-19 exposure risk assessment required by this rule and which employee job classifications, tasks, or job duties were considered as part of that risk assessment;
 - (E) An explanation of the employer’s physical distancing; mask, face covering, and face shield requirements; and COVID-19 sanitation requirements at the workplace. Where applicable, this information must include any multi-employer worksite agreements related to the use of common areas and shared equipment that affect employees at the workplace;
 - (F) Information on the types, use, storage, removal, handling, and maintenance of masks, face coverings, face shields and personal protective equipment (including respirators) provided to employees by the employer; and
 - (G) An explanation of the use and limitation of COVID-19 hazard control measures implemented or installed by the employer. Hazard control measures include engineering, administrative, or work practice controls that eliminate or otherwise minimize employee exposure to COVID-19.

- (c) Additional infection control plan requirements. In addition to the infection control plan requirements for all workplaces, each employer covered by section (4) of this rule must provide the following in its infection control plan required by December 7, 2020:
- (A) The name(s) of the person responsible for administering the plan. This person must be knowledgeable in infection control principles and practices as they apply to the workplace and employee job operations; and
 - (B) As frequently as necessary, a reevaluation of the plan to reflect changes in the facility, employee job duties, new technologies, or workplace policies established by the employer that affect worker exposure to COVID-19 or in response to updated guidance published by the Oregon Health Authority that is applicable to the employer's workplace. This reevaluation and update of the infection plan must include feedback from non-managerial, front-line employees who perform activities that reflect the employer's exceptional risk under this rule. This feedback is not required from all employees and may be achieved via a safety meeting, safety committee, supervisor, process negotiated with the exclusive bargaining agent (if any), or any other similarly interactive process.
- (d) Additional sanitation requirements. Use appropriate sanitation measures in addition to the requirements of (3)(c) of this rule to reduce the risk of COVID-19 transmission. Each employer must:
- (A) Develop procedures for routine cleaning and disinfection that are appropriate for SARS-CoV-2 in healthcare settings, including those patient-care areas in which aerosol-generating procedures are performed (for example, using cleaners and EPA-registered, hospital-grade disinfectants for frequently touched surfaces or objects in accordance with manufacturer instructions and contact time specifications). Refer to [List N](#) on the EPA website for EPA-registered disinfectants that have qualified under EPA's emerging viral pathogens program for use against SARS-CoV-2; and
 - (B) Follow standard practices for disinfection and sterilization of medical devices contaminated with COVID-19, as described in the [CDC Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008](#).

(e) Healthcare personal protective equipment. Depending on the requirements of the procedure (for example, aerosol generating procedures) in question and the disease status of the involved patient(s), employers must use a combination of standard precautions, contact precautions, droplet precautions, airborne precautions, and eye protection (for examples, goggles, face shields) to protect healthcare workers with exposure or potential exposure to COVID-19.

(A) When an employee performs an aerosol-generating healthcare or post-mortem procedure for a patient without evidence of COVID-19 infection, the employer must provide PPE in accordance with CDC's [Interim Infection Prevention and Control Recommendations for Healthcare Personnel During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#). Oregon OSHA recognizes that risk of infection in asymptomatic patients can vary based on clinical presentation, level of COVID-19 transmission in the community, recent COVID-19 testing results, and other factors. These factors must be considered in clinical judgment by healthcare personnel involved in direct patient care and medical examiners in making decisions about use of transmission-based precautions.

(B) Whenever an employee provides direct patient care for a patient known or suspected to be infected with COVID-19, the employer must provide the affected worker with gloves, a gown, eye protection (goggles or face shield), and a medical-grade mask or a NIOSH-approved respirator.

Note: If PPE availability is genuinely limited, a procedure cannot be deferred, and appropriate, good-faith efforts are made by the employer to ensure the safety and protection of the healthcare workers, Oregon OSHA will evaluate the situation based on PPE availability and the employer's adherence to guidance outlined in the [Oregon Health Authority and Oregon OSHA Interim Guidance: Use of Personal Protective Equipment by Healthcare Personnel in Resource Constrained Settings](#).

(C) In lieu of (A) and (B) above, hospitals and ambulatory surgical centers may follow [Guidance for Non-Emergency and Elective Procedures Recommendations to the Oregon Health Authority July 20, 2020](#). If PPE availability is limited, such employers may follow [OHA- Oregon OSHA Interim Guidance: Use of Personal Protective Equipment by Healthcare Personnel in Resource Constrained Settings](#).

Note: The CDC does not have a comprehensive list of AGPs in a healthcare setting. Employers should refer to [CDC infection control guidance](#).

(f) Heightened risk ventilation requirements. In addition to the provisions of 3(f) above, certain heightened risk facilities must meeting the following requirements to the degree that they are under the employer's control.

- (A) Existing ventilation systems in hospitals, ambulatory surgical centers, and long-term care facilities providing skilled and/or intermediate level nursing care must be operated, if possible, in accordance with the provisions of the American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards 62.1 and 62.2 (ASHRAE 2019a, 2019b), which include requirements for outdoor air ventilation in most residential and nonresidential spaces, and ANSI/ASHRAE/ASHE Standard 170 (ASHRAE 2017a) covers both outdoor and total air ventilation in healthcare facilities. This does not require installation of new ventilation equipment.
- (B) Existing ventilation systems in other health care facilities must be upgraded to a minimum MERV 13 rating, provided that such an upgrade will result in no significant performance reduction of the system.
- (g) Barriers, partitions, and airborne infection isolation rooms in healthcare settings. The employer must employ the following measures to protect healthcare employees, support workers, patients, and visitors from individuals known or suspected to be infected with COVID-19:
 - (A) When available, use airborne infection isolation rooms (AIIRs) with proper ventilation to house patients known or suspected to be infected with COVID-19;
 - (B) Patients known or suspected of being infected with COVID-19 must don a face covering and be isolated in an examination room with the door closed. If an examination room is not immediately available, such patients must not be allowed to wait within 6 feet of other patients seeking care and should be encouraged to wait in a personal vehicle or outside the healthcare setting where they can be contacted by mobile device when it is their turn to be evaluated. During a medical emergency, all measures may not be feasible, but must be implemented in whole or in part as the patient's condition and necessary medical care allow. If a patient cannot tolerate any form of face covering due to a medical condition, strict physical distancing and appropriate PPE must be used to protect patients and workers, respectively;
 - (C) Use physical barriers or partitions in triage areas to guide patients when appropriate; and
 - (D) Use curtains to separate patients in semi-private areas.

- (h) Screening in healthcare settings. The employer must screen and triage all individuals entering its healthcare setting for symptoms of COVID-19. Although screening for symptoms may not identify asymptomatic or pre-symptomatic individuals with SARS-CoV-2 infection, symptom screening remains an important strategy to identify those who may have COVID-19 so appropriate precautions can be implemented. At a minimum, each employer must:
- (A) Limit and monitor points of entry to the healthcare setting where direct patient care, or aerosol-generating healthcare or postmortem procedures are performed by workers. Consideration must be given to establishing stations at the healthcare setting entrance to screen individuals before they enter; and
 - (B) Screen all individuals and employees (other than emergency responders entering with a patient) entering the healthcare setting for symptoms consistent with COVID-19. This can be achieved by asking the affected individual about symptoms of COVID-19 and asking if they have been advised to self-quarantine because of exposure to someone with COVID-19 or if they have been told to isolate after testing positive for COVID-19.
- (i) Medical removal provisions in healthcare settings. The only exception to the quarantine and isolation provisions of 3(l) exists when a healthcare provider, emergency responder, or other worker who would otherwise be quarantined or isolated remains on the job under Oregon Health Authority guidelines.

Stat. Auth.: ORS 654-025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 to 654.295.

Hist: OR OSHA Admin. Order 31-2020, f. 11/6/20, ef. 11/16/20.

Appendix A Mandatory Workplace Guidance for Industry-Specific And Activity-Specific Activities

[A-1: Restaurants, Bars, Brewpubs and Public Tasting Rooms at Breweries, Wineries and Distilleries](#)

[A-2: Retail Stores](#)

[A-3: Outdoor/Indoor Markets](#)

[A-4: Personal Services Providers](#)

[A-5: Construction Operations](#)

[A-6: Indoor and Outdoor Entertainment Facilities](#)

[A-7: Outdoor Recreation Organizations](#)

[A-8: Transit Agencies](#)

[A-9: Collegiate, Semi-Professional and Minor League Sports](#)

[A-10: Professional and PAC-12 Sports](#)

[A-11: Licensed Swimming Pools, Licensed Spa Pools and Sports Courts Mandatory Workplace Guidance](#)

[A-12: Fitness-Related Organizations](#)

[A-13: K-12 Educational Institutions \(Public or Private\)](#)

[A-14: Early Education Providers](#)

[A-15: Institutions of Higher Education \(Public or Private\)](#)

[A-16: Veterinary Care](#)

[A-17: Fire Service and EMS](#)

[A-18: Law Enforcement](#)

[A-19: Jails and Custodial Institutions](#)

Appendix A-1 Mandatory Workplace Guidance for Restaurants, Bars, Brewpubs, And Public Tasting Rooms At Breweries, Wineries, And Distilleries

Application: This appendix applies to restaurants, bars, breweries, brewpubs, wineries, tasting rooms and distilleries. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing and use of masks, face coverings, or face shields of the COVID-19 Temporary Rule (OAR 437-001- 0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended, but not required, that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: The Oregon Health Authority guidance on which this appendix is based applies to counties that have reached Phase Two Reopening. Such operations in Phase One counties are covered by separate Oregon Health Authority provisions not necessarily reflected by this appendix.

A. Physical Distancing Measures. To ensure appropriate physical distancing, employers operating such facilities must do the following:

1. Ensure tables are spaced at least 6 feet apart so that at least 6 feet between parties is maintained, including when customers approach or leave tables;
2. Businesses must determine the appropriate seating configuration to comply with these physical distancing requirements. If available, businesses may allow for footprint expansion to outside space for service, while maintaining the physical distancing requirements of at least 6 feet;
3. Remove or restrict seating to facilitate the requirement of at least 6 feet of physical distance between people not in the same party; and
4. If booth seating is back-to-back, business must use no more than every other booth, unless a barrier is installed in accordance with the following: Install acrylic (Plexiglas, Lexan, etc.) or other impermeable physical barrier that is easily cleaned, if the barrier is at least 1 foot higher than head level for customers seated and at least 3 feet wide or at least the width of the seat if the seat is wider than 3 feet.
5. Abide by any applicable gathering size or capacity limitations imposed by the Oregon Health Authority.

- B. Masks, face coverings, and face shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask, face covering or face shield must be provided under applicable state and federal laws, such an accommodation does not include exempting individuals from the requirement to wear such masks, face coverings, or face shields.

- C. Signage.** To reinforce the need to minimize COVID-19 risks, employers operating such facilities must do the following:
1. Post [clear signs](#) listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance;
 2. Use [clear signs](#) to encourage physical distancing;
 3. Post [clear signs](#) about the mask, face covering, or face shield requirements; and
 4. For drive-through operations, post signs at the drive-through entrance advising customers to wear masks, face shields, or face coverings when interacting with employees during any transactions and delivery of product (beyond such required posting, employers need not take additional steps to enforce requirements that customers wear masks, face coverings, or face shields while using the drive-through).
- D. Special provisions for Video Lottery Terminals (VLTs).** To minimize risks associated with the use of VLTs, employers with such terminals must do the following:
1. Place VLTs at least 6 feet apart. If VLTs cannot be spaced at least 6 feet apart, businesses may install an acrylic (Plexiglas, Lexan, etc.) or other non-permeable physical barrier that is easily cleaned, between VLTs in lieu of having 6 feet of distance, if the barrier is at least 1 foot higher than head level for customers seated and at least 3 feet wide or at least the width of the VLT if wider than 3 feet;

2. Require individuals to request VLT access from an employee before playing; an employee must then clean and disinfect the machine to allow play. A business must not allow access to VLTs or change VLTs without requesting access from an employee;
3. Consider a player at a VLT machine the same as a customer seated for table service; and
4. Limit one player at or around a VLT.

Note: Oregon Lottery will not turn on VLTs until the agency is satisfied that all necessary conditions have been met.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Guidance for the General Public](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

Appendix A-2 Mandatory Workplace Guidance for Retail Stores

Application: This appendix applies to retail stores. To the degree this appendix provides specific guidance, it supplements, but does not replace, the requirements of the Temporary COVID-19 Rule (OAR 437-001-0744).

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

A. Physical Distancing Measures. To ensure appropriate physical distancing, employers operating retail stores must limit the number of customers in the retail store and focus on maintaining at least 6 feet of distance between people and employees in the store. Store management must determine maximum occupancy to maintain at least 6 feet of physical distancing, considering areas of the store prone to crowding (such as aisles and certain sections or display areas) and limit admittance accordingly.

Note: Employers operating retail stores are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

- Consider offering alternatives, such as “order ahead” or “curbside pickup,” as appropriate and applicable.
- Consider placing clear plastic or glass barriers in front of cashiers or customer service counters, or in other places where maintaining 6 feet of physical distance between employees and customers is more difficult.
- Encourage one-way flow with marked entrances and exits, but do not block fire exits. Use signs to direct one-way flow of traffic.
- Use signs and tape on the floor to maintain physical distancing while waiting for cashiers.

B. Masks, Face Shields and Face Coverings. To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask must be provided, such an accommodation does not include exempting individuals from the requirement to wear masks, face coverings, or face shields in the store.

- C. **Sanitation and Cleaning.** To reduce the risks from surface contact, employers operating such facilities must comply with the sanitation provisions of the rule and must frequently clean and sanitize work areas, high- traffic areas, and commonly touched surfaces in both customer/public and employee areas of store.

Note: Employers operating retail stores are encouraged, but not required, to take the following sanitation measures:

- Prohibit customers from trying on items that are worn on the face (masks, scarves, headwear, and eyewear).
- When processing returns, employees should wash hands or use hand sanitizer before and after handling items. Retailer may set items aside for a day or longer if concerned about perceived risks of exposure.
- Decide whether to re-open fitting rooms. If fitting rooms are re-opened, customers should wash hands or use hand sanitizer before and after trying on clothes. Retailers should provide hand sanitizer or hand washing stations near fitting rooms.

Note: Applicable Oregon Health Authority guidance in place at the time this rule was adopted requires the wiping down of changing room doorknobs, walls, and seating between each customer use.

- D. **Signage.** To reinforce the need to minimize COVID-19 risks, employers operating retail stores must do the following:

1. Post [clear signs](#) listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance;
2. Use [clear signs](#) to encourage physical distancing; and
3. Post [clear signs](#) about the mask, face covering, or face shield requirements.

Additional resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

[Oregon Health Authority Guidance for the General Public](#)

Appendix A-3 Mandatory Workplace Guidance for Outdoor And Indoor Markets

Application: This appendix applies to employers who operate or who provide goods and services in indoor and outdoor markets and street fairs. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. To the degree the market or street fair engages in activities covered by other appendices, such as food and beverage service or personal services, those appendices must also be followed.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For purposes of this appendix, the following definitions apply:

Indoor and outdoor markets means indoor or outdoor spaces where agriculture products, food, merchandise, or services are sold by vendors, generally from booths or tables, and vendors may pay a fee to participate. Indoor and outdoor markets may include but are not limited to farmers markets, flea markets, craft fairs, and other markets that do not include interactive rides or exhibits. Indoor and outdoor markets do not include retail stores, shopping centers, or malls.

Operator means a person responsible for management and operation of an indoor or outdoor market space or street fair.

Street fair means an outdoor public event requiring a street closure where food, merchandise or services may be sold, and vendors may pay a fee to participate. A street fair does not include interactive rides or exhibits.

Vendor means a business that sells food, merchandise or services at an indoor market, outdoor market or street fair and may or may not pay a fee to participate.

A. **General Operations.** Employers operating indoor and outdoor markets and street fairs are required to implement the following measures:

1. Ensure that ventilation systems operate properly. Increase air circulation and ventilation as much as possible by opening windows and doors. Fans should be used indoors only when windows or doors are open to the outdoors in order to circulate indoor and outdoor air. Do not open windows and doors if doing so poses a safety risk to employees or customers; and
2. Provide separate facilities, including restrooms, if there is more than one indoor or outdoor market or street fair operating at the same time at the same location. Customers, vendors and market/fair staff must use only the facilities for their designated market or fair.

B. Physical Distancing Measures. To ensure appropriate physical distancing, employers operating indoor and outdoor markets and street fairs are required to implement the following measures:

1. Abide by any applicable gathering size or capacity limitations imposed by the Oregon Health Authority ;
2. Ensure customers, staff and vendors maintain physical distance of at least 6 feet from other individuals who are not part of the same party. A distance of at least 6 feet must be maintained between parties;
3. Implement one-way flow with marked entrances and exits, but do not block egress for fire exits. Use signs to direct one-way flow of traffic;
4. Use signs or markings on the ground to maintain physical distancing while waiting for cashiers;
5. Assign 1 physical distancing monitor per 50 people to ensure physical distancing requirements and gathering capacity limits are maintained at all times for both indoor and outdoor spaces, including at entrances, exits, restrooms and any other area where people may congregate;
6. Determine seating and configuration to comply with all physical distancing requirements;
7. Do not combine parties or allow shared seating for individuals not in the same party;
8. Remove or restrict seating and standing areas to facilitate the requirement of at least 6 feet of physical distance between parties; and
9. Prohibit people in different parties from congregating in any area of the facility, both indoor and outdoor, including in parking lots.

Note: Employers operating indoor and outdoor markets and street fairs are encouraged, but not required, to take the following additional steps to encourage physical distancing and minimize contact.

- Consider placing clear plastic or glass barriers in front of cashiers or customer service counters, or in other places where maintaining 6 feet of physical distance between employees and customers is more difficult.
- Provide separate entrances/exits for employees and/or vendors, if possible.
- Consider offering alternative order ahead and pick up options, such as curbside pickup, as appropriate and applicable.
- Use touchless or cashless payment options, without contact with customers.

C. **Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask must be provided, such an accommodation does not include exempting individuals from the requirement to wear masks, face coverings, or face shields.

D. **Sanitation and Cleaning.** To reduce the risks from surface contact, employers operating indoor and outdoor markets and street fairs must implement the following:

1. Must comply with the sanitation provisions of the rule and regularly clean and sanitize work areas, high-traffic areas, and commonly touched surfaces in both customer/public and employee areas of the market or fair. For example, wipe down seating areas between each customer use. Use disinfectants that are included on the Environmental Protection Agency (EPA) approved list for the SARSCoV-2 virus that causes COVID-19 (No product will be labeled for COVID-19 virus yet, but many products will have a label or information available on their websites about their effectiveness for human coronavirus);
2. Ensure that vendors frequently clean and sanitize work areas, high-traffic areas, and commonly touched surfaces in the vendor areas. For example, wipe down seating areas between each customer use. Use disinfectants that are included on the Environmental Protection Agency (EPA) approved list for the SARS-CoV-2 virus that causes COVID-19. (No product will be labeled for COVID-19 virus yet, but many products will have a label or information available on their websites about their effectiveness for human coronavirus);

3. Assign at least 1 sanitation attendant whose sole duties are to clean restrooms hourly and ensure adequate sanitary supplies (for example, soap, toilet paper, 60-95% alcohol content hand sanitizer) are available during all events; and
4. Assign at least 1 sanitation attendant whose sole duties are to frequently clean and disinfect work areas, high-traffic areas, and commonly touched surfaces in areas accessed by employees and customers.

Note: Employers who operate indoor/outdoor markets and street fairs are encouraged but not required to take the following additional sanitation measures:

- Strongly encourage vendors/attendees/participants to wash hands with soap and water for at least 20 seconds or to use hand sanitizer (60-95% alcohol content) regularly.
- Provide hand sanitizer (60-95% alcohol content) at entrances.

E. **Signage.** To reinforce the need to minimize COVID-19 risks, employers operating indoor and outdoor markets must do the following:

1. Post [clear signs](#) listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and listing whom to contact if they need assistance;
2. Use [clear signs](#) to require physical distancing throughout market or fair including, but not limited to, eating areas and near restrooms; and
3. Post [clear signs](#) about the mask, face covering, or face shield requirements.

Additional resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

[Oregon Health Authority Guidance for the General Public](#)

Appendix A-4 Mandatory Workplace Guidance for Personal Services Providers

Application: This appendix applies to employers of personal services providers. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, and face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: Applicable Oregon Health Authority guidance, which also applies to personal services providers who are not employees subject to Oregon OSHA jurisdiction, is not affected by the adoption of this rule.

Definitions: For purposes of this appendix, the following definitions apply:

Personal services providers is defined as barber shops, hair salons, esthetician practices, medical spas, facial spas and day spas, non-medical massage therapy services, nail salons, tanning salons, and tattoo/piercing parlors.

A. **General Operations – Advance Screening.** Employers of personal services providers must ensure that the following screening measures are taken:

1. The provider or another representative of the employer must contact the client prior to an appointment and ask the following questions:
 - ✓ Have you had a new or worsening cough?
 - ✓ Have you had a fever?
 - ✓ Have you had shortness of breath?
 - ✓ Have you been in close contact with anyone with these symptoms or anyone who has been diagnosed with COVID-19 in the past 14 days?
2. Reschedule an appointment if the client answers “yes” to any of the questions above until the client’s symptoms (cough, fever and shortness of breath) have been resolved, and fever has been resolved without medication for at least 24 hours, or (in the case of the final question) at least 14 symptom-free days after contact with a person sick with cough, fever, or diagnosed COVID-19.

3. During the conversation with the client, [review information about how COVID-19 is spread](#) from one person to another: namely, through coughing, sneezing, touching, or via objects touched by someone with the virus.
4. Record client contact information, date and time of appointment and provider for each client. If there is a positive COVID-19 case associated with the business, public health may need the business to provide this information for a contact tracing investigation. Unless otherwise directed, this information may be destroyed after 60 days from the appointment.

Note: To the extent possible, employers of such providers are encouraged, but are not required, to use touchless infrared thermometers to check the temperature of each client who enters the business and then explain to any client who has a temperature above 100.0°F that services cannot be provided, and the appointment will be rescheduled until at least 24 hours after fever and other symptoms have resolved without medication. If the client must wait for a ride home, provide a space where the client may self-isolate away from employees and other clients.

- B. General Operations – Other Practices.** Employers of personal services providers must immediately send home any employee with COVID-19 like symptoms (cough, fever, shortness of breath, etc.) and not allow the employee to return to work until at least 24 hours after fever and other symptoms have resolved without medication.

Note: To the extent possible, employers of such providers are encouraged but not required to use touchless infrared thermometers to check temperature of each employee before their shift begins, immediately send home any employee who has a temperature above 100.0°F, and not allow the employee to return to work until at least 24 hours after fever and other symptoms have resolved without medication.

- C. Physical Distancing Measures.** To ensure appropriate physical distancing, employers operating such facilities must adopt the following measures:

1. Determine the maximum occupancy of the business to maintain at least 6 feet of physical distancing between clients and limit admittance accordingly;
2. Limit the overall number of providers and clients in the business (including waiting areas) at any one time and focus on maintaining at least 6 feet of physical distance between people in the facility, except when required to provide services such as massage, haircuts, etc.;
3. Have clients wait in their car or outside to be contacted when the provider is ready for the appointment;
4. Limit visits to scheduled appointments. Provide curbside pick-up arranged ahead of time for product purchases outside of scheduled service appointments;

5. Assign one provider per client throughout the encounter;
 6. Ensure at least 6 feet of physical distance between pairs of provider/clients. If necessary, use limited number of stations and stagger shifts to adhere to physical distance requirements. Maintain at least 6 feet of distance between provider and client unless providing service that requires provider to be within 6 feet of client; and
 7. Ensure that providers minimize face-to-face contact within 6 feet of clients.
- D. Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers of personal services providers must take the following steps:
1. Review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#), except as otherwise provided by this appendix; if at any point such guidance is no longer available, employers must require all employees and visitors five years of age and older to wear masks, face coverings, or face shields except as otherwise provided by this appendix;
Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.
 2. Allow clients wearing face coverings to remove the covering when appropriate to or necessary for certain services; for example, a client does not need to wear a face covering when face-down on a massage table. And some services, such as mustache or beard trims, may require the cloth, paper or disposable face covering to be temporarily removed; and
 3. Allow employees to wear medical grade masks if they choose to do so when providing services.
Note: To the extent possible, providers are encouraged but not required to take the following additional measures to minimize the risks of face-to-face contact:
 - Provide at no cost to the employee and require the use of medical grade masks by employees when providing services that require close contact (within 6 feet), such as in the case of a haircut, massage or pedicure.
 - Provide at no cost to the employee and require the use of both face shields and a face covering for face-to-face services, such as mustache trims and brow waxing.
- E. Client Service Sanitation.** To reduce the risks from physical contact between clients and personal services providers, such employers must employ the following sanitation measures in relation to each client service:
1. Drape each client in a clean cape, if applicable, for the service. Businesses may consider using disposable capes for one-time use;

2. Wear a clean smock with each client. Businesses may consider using disposable smocks/gowns for one-time use;
 3. Wash hands with soapy, warm water, for a minimum of 20 seconds between each client service;
 4. Wear disposable gloves when providing client services and change gloves between each client;
 5. Request that clients wash hands with soapy, warm water, for a minimum of 20 seconds prior to receiving service;
 6. Ask clients to wash their own hair prior to arriving for their appointment; and
 7. Change into clean clothes between clients if providing services that require extended close client contact such as massage therapy and tattoo artistry.
- F. **Sanitation and Cleaning.** To reduce the risks from surface contamination, such employers must employ the following sanitation and cleaning measures:
1. Remove all unnecessary items such as magazines, newspapers, service menus, and any other unnecessary items such as paper products, snacks, and beverages;
 2. Provide training, educational materials (available at healthoregon.org/coronavirus), and reinforcement on proper sanitation, handwashing, cough and sneeze etiquette, and using other protective equipment and measures to all employees;
 3. Wash hands after using the telephone, computer, cash register and/or credit card machine, and wipe these surfaces between each use;
 4. Ensure all sinks in the workplace have soap and paper towels available;
 5. Change into clean clothes before leaving the business each day;
 6. Ensure breakrooms are thoroughly cleaned and disinfected and that employees do not congregate in them;
 7. Thoroughly clean restroom facilities at least once daily and ensure adequate sanitary supplies (soap, toilet paper, hand sanitizer) throughout the day;
 8. Thoroughly clean and disinfect all areas of business prior to reopening after extended closure due to COVID-19. Disinfect all surfaces, tools, and linens, even if they were cleaned before the business was closed;

9. Use disinfectants that are Environmental Protection Agency (EPA)-registered and labeled as bactericidal, viricidal or fungicidal. Products are unlikely to be labeled for COVID-19 yet, but many will have human coronavirus efficacy either on the label or available on their website. The EPA has a list of disinfectant products that meet EPA criteria for use against the virus that causes COVID-19. If in doubt of the product's effectiveness, check the EPA website;
10. Mix and change disinfectant for immersion of tools daily and replace sooner if it becomes contaminated throughout the workday. Disinfectant only works on a clean surface, so clean all surfaces and tools with hot soapy water, other appropriate cleaner or cleaning wipes (if using wipes, be sure to cover surface thoroughly) before disinfecting;
11. Observe contact time on the label so disinfectant will work. Contact time refers to how long the disinfectant is visibly wet on the surface, allowing it to thoroughly destroy pathogens. Typical contact time for immersion/sprays is ten (10) minutes, for disinfectant wipes, time is 2-4 minutes;
12. Clean and disinfect all workstation and treatment room surfaces, including countertops, cabinets and doorknobs, chairs, head rests and arm rests. Clean and disinfect all reusable tools and store in airtight container. Clean and disinfect all appliances (including cords), shears, clippers, clipper guards, clippies, rollers, combs, brushes, rolling carts and any other items used to provide client services;
13. Check to make sure all products at workstations, such as lotions, creams, waxes, scrubs, and any other similar supplies have always been in a closed container. If not, discard and replace. Remove and discard any products that could have been contaminated by unsanitary use and replace with new product;
14. Clean and disinfect hard non-porous surfaces, glass, metal and plastic, including work areas, high-traffic areas, and commonly touched surfaces in both public and employee-only areas of the business;
15. Use porous/soft surfaces (such as cardboard files, buffers, drill bits, etc.) only once and then discard because they cannot be disinfected;
16. Launder all linens, blankets, towels, drapes, and smocks in hot soapy water and dry completely at the warmest temperature allowed. Store in an airtight cabinet after each client use. Store all used/dirty linens in an airtight container;

17. Clean and disinfect all linen hampers and trash containers and only use a container that can be closed and use with liners that can be removed and discarded;
18. Clean and disinfect all retail areas at least daily, including products. Try to keep clients from touching products that they do not plan to purchase;
19. Provide hand sanitizer and tissues for employees and clients, if available;
20. Clean and disinfect all restroom surfaces including floors, sinks, and toilet bowls. Store paper products in a closed cabinet and provide hand soap. Place trashcan by the door. Remove anything that does not have to be in the restrooms;
21. Clean and disinfect all bowls, hoses, spray nozzles, hoist handles, shampoo chairs and arm rests between each use. Wipe down all back-bar products and shelves. Discard and replace any products that have not been stored in a closed container prior to reopening after extended closure; and
22. Empty all wax pots and disinfect before refilling them with new wax prior to reopening after extended closure. Purchase new single-use applicators that can be disposed of in an airtight trash can. The airtight trash can must have a lid and be lined with a disposable plastic bag.

Note: To the extent possible, employers of such providers are encouraged but not required to take the following additional measures to reduce risks of surface contamination:

- Use plastic covers for cloth-covered seating because they cannot be properly cleaned and disinfected.
- Discontinue use of paper appointment books or cards and replace with electronic options.
- Limit the exchange of cash, and wash hands thoroughly after each transaction. Credit/debit transactions or other electronic means of payment are preferred, using touch/swipe/no signature technology.

G. Signage. To reinforce the need to minimize COVID-19 risks, employers of personal services providers must do the following:

1. Post [clear signs](#), listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance;
2. Use [clear signs](#) to encourage physical distancing;
3. Post [clear signs](#) about the mask, face coverings, and face shields requirements; and
4. Post handwashing signs in restrooms.

Additional resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

Appendix A-5 Mandatory Workplace Guidance for Construction Operations

Application: This appendix applies to employers engaged in construction activities. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing and use of masks, face coverings, or face shields of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

- A. **General Operations – Advance Screening.** Each construction employer who controls access to a site must develop and implement a system to screen employees and visitors accessing the site using a pre-screening checklist consistent with recommendations from the Centers for Disease Control and Prevention.
- B. **Physical Distancing Measures.** To ensure appropriate physical distancing, construction employers must do the following:
 - 1. Ensure that workers maintain at least 6-feet of physical distance between themselves and their co-workers on all construction sites, except as otherwise provided;
 - 2. Limit work in occupied areas of a home or other structure to only those tasks that are strictly necessary; and
 - 3. When it is not practical to maintain a physical distance of at least 6 feet, ensure that workers remain separated to the largest degree practical and that the duration of such activity is kept as short as possible.

Construction employers are encouraged, but not required, to redesign workflow, including access to stairwells, floor levels, etc., to maximize distance between workers; one-way routes, if used, should include signage.

- C. **Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask, face coverings, or face shields must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

Additional resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

Appendix A-6 Mandatory Workplace Guidance for Indoor And Outdoor Entertainment Facilities

Application: This appendix applies to indoor and outdoor entertainment facilities, including zoos, museums, drive-in movie theaters, raceways, outdoor gardens, and aquariums. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For the purposes of this appendix, the following definition applies:

Raceways refers to a special racing track used for the sport of high-speed racing of specialized vehicles or motorcycles. It does not include go-kart tracks or other recreational go-karting facilities.

- A. **General Operating Conditions.** Employers operating such facilities must ensure they are ready to operate and that all equipment is in good condition, in accordance with any applicable maintenance and operations manuals and standard operating procedures
- B. **Physical Distancing Measures.** To ensure appropriate physical distancing, employers operating such facilities must do the following:

Note: Notwithstanding the practicality and feasibility provisions of this rule, applicable Oregon Health Authority guidance in place at the time of the adoption of this rule requires covered facilities to cease operations and close the facility if they are unable to maintain the physical distancing requirements in this appendix or if unable to comply with all other requirements in this appendix. The requirement to close the facility applies to both indoor and outdoor operations for entities that have both.

1. Abide by any applicable gathering size or capacity limitations imposed by the Oregon Health Authority;
2. Limit activities to parties consisting of 10 people or fewer. Do not combine parties/guests at shared seating situations who have not chosen to attend together;
3. Ensure physical distancing of at least 6 feet between people of different parties (members of the same party can participate in activities together, stand in line together, and do not have to stay 6 feet apart);

4. Set-up seating and/or game configuration to comply with all physical distancing requirements;
5. Remove or prohibit (using barriers or other effective means) seating/consoles/lanes etc. to make sure people not in the same party remain at least 6 feet apart;
6. Prohibit people in different parties from gathering in any area of the facility, both indoor and outdoor, including in parking lots;
7. Keep common areas with chairs benches and tables (for example. picnic tables, day-use shelters, and buildings open to the public) arranged so that parties can keep at least 6 feet of physical distance. Post clear signs to reinforce physical distancing requirements between visitors of different parties;
8. Prohibit operation and use of all play areas/ball pits/indoor play structures/playgrounds; and
9. Do not operate drop-in child care within the facility.

Note: Employers operating such facilities are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

- Encourage reservations or advise people to call in advance to confirm facility capacity. Consider a phone reservation system that allows people to wait in cars and enter facility only when a phone call or text indicates space is available.
- Assign a designated greeter or host to manage visitor flow and monitor physical distancing while waiting in line, ordering, and during entering and exiting. Do not block access to fire exits.
- Assign staff to monitor physical distancing requirements, so that parties are no larger than 10 people, and to help visitors follow these requirements.
- Assign staff to monitor visitor access to common areas such as restrooms so that visitors do not gather.
- Route foot traffic in a one-way direction to minimize close contact between visitors. Post signs for one-way walking routes to attractions, if feasible.
- Limit the number of staff who serve or interact with each party.
- Encourage visitors to recreate with their own household members rather than with those in their extended social circles.
- Encourage visitors to recreate safely and avoid traveling to or recreating in areas where it is difficult to keep at least 6 feet from others not in their household.
- Place clear plastic or glass barriers in front of cashiers or visitor center counters, or in other places where keeping 6 feet between employees, volunteers and visitors is more difficult.

- Consider closing every other parking spot to facilitate at least 6 feet of physical distance between parties. This is especially useful in the case of drive-in theaters or other activities where the visitors are likely to remain in or near, or frequently return to, their vehicles.

C. **Masks, face coverings, and face shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.:

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

Note: Employers operating such facilities are encouraged, but not required, to provide appropriate masks, face coverings, or face shields for customers and other visitors.

D. **Sanitation and Cleaning.** To reduce the risks from surface contact, employers operating such facilities must do the following:

1. Clean and sanitize work areas, high-traffic areas, and commonly touched surfaces in both customer and employee areas in indoor and outdoor facilities, using disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19 (products are unlikely to be labeled specifically for COVID-19, but many products will have a label or information available on their websites about their effectiveness for human coronavirus);
2. Thoroughly clean restroom facilities at least twice daily and, to the extent possible, ensure adequate sanitary supplies (soap, toilet paper, hand sanitizer) are available in such areas throughout the day. Restroom facilities that cannot be cleaned twice daily should be kept closed or a sign should be posted stating that the restroom is unable to be cleaned twice daily; and
3. Train all employees on cleaning operations and best hygiene practices including washing their hands often with soap and water for at least 20 seconds.

Note: Employers operating such facilities are encouraged, but not required, to consider providing hand-washing facilities for customer use in and around the facility. Hand sanitizer is effective on clean hands; businesses may make hand sanitizer (60-95% alcohol content) available to customers. Hand sanitizer must not replace hand washing by employees.

Note: Employers operating outdoor facilities are encouraged, but not required, to encourage visitors to bring their own food, water bottles and hygiene supplies (including hand sanitizer) and/or to encourage visitors to take their trash with them when they leave.

E. **Signage.** To reinforce the need to minimize COVID-19 risks, employers operating such facilities must do the following:

1. Post [clear signs](#) listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance;
2. Use [clear signs](#) to encourage physical distancing; and
3. Post [clear signs](#) about the mask, face covering, or face shield requirements.

Note: Retail facilities and other activities operated within Indoor and Outdoor Entertainment Facilities but not addressed by this Appendix must comply with the requirements applicable to those activities.

Note: Applicable Oregon Health Authority guidance in place at the time of the adoption of this rule requires covered facilities to cease operations no later than 10 p.m.

Additional Resources:

[Oregon Health Authority Guidance for the General Public](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

[Centers for Disease Control and Prevention Guidance for Administrators in Parks and Recreational Facilities](#)

Appendix A-7 Mandatory Workplace Guidance for Outdoor Recreation Organizations

Application: This appendix applies to outdoor recreation organizations, including (but not limited to) outdoor sports. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For purposes of this appendix, the following definitions apply:

Full-contact sports means sports that involve a requirement or substantial likelihood of routine, sustained close proximity or physical contact between participants, and include but are not limited to football, rugby, wrestling, cheerleading, basketball, hockey, dance, water polo, and men's lacrosse.

Minimal- and medium-contact sports include but are not limited to softball, baseball, soccer, volleyball, women's lacrosse, and flag football.

Non-contact sports include but are not limited to tennis, swimming, golf, cross country, track and field, sideline/no contact cheer and dance.

Note: Applicable Oregon Health Authority guidance in place at the time of the adoption of this rule prohibits full- contact sports.

- A. **General Operating Conditions.** Employers operating such facilities and reopening after extended closure must ensure all parks and facilities are ready to operate and that all equipment is in good condition, according to any applicable maintenance and operations manuals and standard operating procedures
- B. **Physical Distancing Measures.** To ensure appropriate physical distancing, employers operating such facilities must do the following:
1. Prohibit parties (a group of 10 or fewer people that arrived at the site together) from congregating in parking lots for periods longer than reasonable to retrieve/return gear and enter/exit vehicles;
 2. Reinforce the importance of maintaining at least 6 feet of physical distance between parties (a group of 10 or fewer people that arrived at the site together) on hiking trails, beaches and boat ramps through signs and education;

3. Ensure compliance with the [OHA Guidance for Gatherings](#), while that guidance remains in effect;
4. Ensure that physical distancing of at least 6 feet between people of different parties is maintained at outdoor playgrounds, including splash pads; and
5. Keep any common areas such as picnic tables not in shelters/structures, day-use shelters, and buildings open to the public arranged so there is at least 6 feet of physical distance between parties (chairs, benches, tables).

Note: Employers operating such organizations are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

- Consider closing alternating parking spots to facilitate at least 6 feet of physical distance between parties.
- Consider opening loop trails in a one-way direction to minimize close contact between hikers. Designate one-way walking routes to attractions if feasible.
- Encourage the public to visit parks and recreation areas during off-peak use times as defined and publicized by park or recreation area management.
- Encourage the public to visit parks and recreation areas close to home, avoid overnight trips and minimize travel outside their immediate area for recreation. Caution the public to not travel outside of their home area if they live in an area with a high number of reported COVID-19 cases.
- Encourage visitors to bring their own food, water bottles and hygiene supplies (including hand sanitizer), as well as to take their trash with them when they leave.
- Encourage the public to recreate with their own household members rather than with those in their extended social circles.
- Encourage the public to recreate safely and avoid traveling to or recreating in areas where it is difficult to maintain at least 6 feet from others not in their party.
- Position staff to monitor physical distancing requirements, ensure groups are no larger than 10 people, and provide education and encouragement to visitors to support adherence.
- Consider placing clear plastic or glass barriers in front of cashiers or visitor center counters, or in other places where maintaining 6 feet of physical distance between employees, volunteers and visitors is more difficult.

- C. Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields indoors and outdoors whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask, face coverings, or face shields must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

D. Sanitation and Cleaning. To reduce the risks from surface contact, employers operating such facilities must do the following:

1. Encourage hand washing in and around the outdoor playground or play field, including splash pads. Hand sanitizer is effective on clean hands. Outdoor recreation organizations may make hand sanitizer (60-95% alcohol content) available to people using the outdoor playgrounds or play fields;
2. Thoroughly clean restroom facilities at least twice daily and, to the extent possible, ensure adequate sanitary supplies (soap, toilet paper, hand sanitizer) throughout the day. Restroom facilities that cannot be cleaned twice daily should be kept closed or a sign should be posted stating that the restroom is unable to be cleaned twice daily;
3. Comply with the sanitation provisions of the rule and frequently clean and disinfect work areas, high-traffic areas, and commonly touched surfaces in both public and non-public areas of parks and facilities; and
4. Close sandboxes as they are not allowed at this time.

Note: Employers operating such organizations are encouraged, but not required, to provide handwashing stations or hand sanitizer in common areas such as picnic areas, day-use shelters, and buildings open to the public.

E. Signage. To reinforce the need to minimized COVID-19 risks, employers operating such organizations must do the following:

1. Post [clear signs](#) listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance; and
2. Post clear signs in or around common areas to reinforce physical distancing requirements between visitors of different parties.
3. Post clear signs in or around common areas about the mask, face covering, and face shield requirements.

Additional resources:

[Signs you can post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

[CDC's Guidance for Administrators in Parks and Recreational Facilities](#)

Appendix A-8 Mandatory Workplace Guidance for Transit Agencies

Application: This appendix applies to public transit agencies and providers statewide. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

A. Physical Distancing Measures. To ensure appropriate physical distancing, transit agencies must do the following:

1. Require at least 3 feet of physical distance between passengers;
2. Require at least 6 feet of physical distance between the driver and passengers (except during boarding and when assisting those with mobility devices); cordon off seats as necessary to reinforce this requirement;
3. Use physical partitions or visual cues (for example, floor decals, colored tape, or signs) to discourage passengers from standing or sitting within 3 feet of other passengers, and within 6 feet of drivers and other transit employees on the bus or train;
4. Determine and post maximum occupancy for each bus; and
5. For rail systems, make verbal announcements about maximum occupancy before and after each stop.

Note: Transit agencies are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

- Implement one-way flow of traffic with front door boarding and rear exiting.
- Consider installing clear plastic barriers between driver and passengers when 6 feet of physical distance cannot be maintained.
- Establish a policy and practice for providing alternate transportation for riders who are ill and need transportation to obtain medical care that limits possible exposure to transit employees and other members of the public.

- B. Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings or face shields indoors, and outdoors whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

- C. Sanitation and Cleaning.** To reduce the risks from surface contact, transit agencies must do the following:

1. Provide transit employees access to soap, clean running water, and drying materials, or at least 60-95% alcohol-based hand sanitizer at their worksite; and
2. Clean buses/trains and transit stations frequently. Conduct targeted cleanings every 4 hours, with a focus on disinfecting frequently touched surfaces of the bus/train and at transit stations.

Note: Transit agencies are encouraged, but not required, to install hand sanitizer stations with 60-95% alcohol-based hand sanitizer solution in each bus/train to the extent possible.

- D. Signage.** To reinforce the need to minimize COVID-19 risks, transit agencies must do the following:

1. Post [clear signs](#), in more than one language, listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance;
2. Use [clear signs](#) to encourage physical distancing;
3. Post [clear signs](#) about the mask, face covering, and face shield requirements; and
4. For rail systems, post maximum occupancy for each train car using clear, prominently placed signs.

Note: Transit agencies are encouraged, but not required, to use signs at high-traffic stops to encourage physical distancing while riders are waiting for a bus or train.

Additional Resources:

[Oregon Health Authority Guidance for the General Public](#)

[Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#)

Appendix A-9 Mandatory Workplace Guidance for Collegiate, Semi-Professional And Minor League Sports

Application: This appendix applies to collegiate (other than Division 1, Pac-12, Big Sky, and West Coast Conference), semi-professional, and minor league sports practice, training and play for specified sports statewide (including athletes and teams based outside of Oregon that travel to Oregon to play). To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. In addition, certain activities (for example, those involving education) may be addressed by other appendices. When such sports involve the use of pools, such employers must also follow Appendix A-10, “Licensed Swimming, Licensed Spa Pools and Sports Courts.”

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: Applicable Oregon Health Authority guidance in place at the time of the adoption of this rule prohibits full- contact sport play; training and conditioning for full contact sports are allowed. Training and conditioning, such as weightlifting, running drills and intra-squad scrimmaging, cannot include full contact of any kind.

Definitions: For purposes of this guidance, the following definitions apply:

Full-contact sports means sports that involve a requirement or substantial likelihood of routine, sustained close proximity or physical contact between participants, and includes but is not limited to football, rugby, wrestling, cheerleading, basketball, hockey, dance, water polo, men’s lacrosse.

Minimal- and medium-contact sports include but are not limited to softball, baseball, soccer, volleyball, women’s lacrosse, flag football.

Non-contact sports include but are not limited to tennis, swimming, golf, cross country, track and field, sideline/no contact cheer and dance.

A. General Operations. Employers engaged in such sports must do the following:

1. Ensure facility ventilation systems operate properly. Increase air circulation as much as possible by opening windows and doors, using fans, or other methods. Do not open windows and doors if doing so poses a safety risk to staff, spectators or athletes;

2. Communicate all policies and facilities information to athletes/participants, parents, guardians and caregivers prior to resuming or beginning the season;
3. Prohibit staff and athletes who have any [symptoms of COVID-19](#) from entering the premises or sporting location; and
4. Discourage any person, including athletes, at increased risk for complications from COVID-19 (for example, people with chronic health conditions) from attending any sporting activities (If an athlete, volunteer or spectator displays symptoms of COVID-19, a staff member should ask them to leave the premises, provide the individual with a mask, face covering, or face shield, and help the individual minimize their contact with others before leaving the facility).

B. Physical Distancing Measures. To ensure appropriate physical distancing, employers engaged in such sports must do the following:

1. Abide by any applicable gathering size or capacity limitations imposed by the Oregon Health Authority.
2. Maintain physical distancing of at least 6 feet per person. A mask, face covering, or face shield, must be used in addition to physical distancing;
3. Develop and implement a written plan to limit the number of spectators admitted into the premises so that all staff, volunteers, contractors and spectators can keep 6 feet of physical distance;
4. Assign a designated monitor to make sure that spectators keep 6 feet of physical distance, including at entrances, exits, restrooms and any other area where people may gather;
5. Encourage everyone at the sports facility, including all athletes, coaches, referees, volunteers and independent contractors, to keep a physical distance of at least 6 feet from individuals not residing in the same household, especially in common areas;
6. Assign designated areas for managers and coaches, when not practicing/playing, to ensure they can maintain physical distance; and
7. When multiple sporting events occur at the same sports complex or venue at the same time, leagues, coaches and trainers are required to ensure athletes and spectators for sporting events do not share space, including but not limited to restrooms, hallways, concession stands.

Note: Employers engaged in such sports are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

- Stagger arrival and departure times for staff, athletes and spectators to minimize congregating at entrances, exits and restrooms to follow required physical distancing requirements.
- Schedule enough time between practices and games so all people from a previous practice can leave the premises before the next group enters. This minimizes gathering at entrances, exits and restrooms while providing sufficient time to sanitize the facilities/equipment.
- Require or encourage attendees, athletes, and their families to stay outside of the premises (for example, in vehicles) until scheduled practice or play time (allowing people to leave the premises before others enter and minimizing gathering).
- Require people to enter the premises through a designated entrance and exit through a designated exit. Do not block fire exits. Use signs to direct one-way flow of traffic. Consider scheduling and staggering arrival times to the premises to minimize large numbers of individuals arriving and exiting at the same time.
- Provide separate entrances/exits for staff, athletes and spectators.
- Take steps to ensure that there is only contact among participants/athletes needed to play the game (refraining from handshakes, high fives, fist/elbow bumps, chest bumps, and group celebrations).
- Space out athletic equipment to prevent athletes coming into direct contact with one another.
- Allow only trainers, coaches and athletes to attend practices to ensure physical distancing and prevent people from gathering.
- Train or play outside if it can be done safely, when it does not violate any local ordinances.

C. Masks, Face Shields and Face Coverings. To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings or face shields indoors, and outdoors whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

D. Sanitation and Cleaning. To reduce the risks from surface contact, such employers must do the following:

1. Close water fountains, except for those designed to refill water bottles without contact between the bottle and fountain. Encourage athletes to bring prefilled water bottles;
2. Frequently clean and disinfect shared equipment, including but not limited to bats and rackets. All surfaces of each piece of shared equipment must be cleaned and disinfected frequently, as appropriate for the sport (for example, between athletes, sets, periods, or games). This includes, but is not limited to, equipment such as bats and rackets. Clean all equipment that directly contacts the head, face and hands with extra attention and detail;
3. Use disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19;
4. Require employees to practice good hygiene including washing their hands frequently and covering their sneezes and coughs. Wash hands often with soap and water for at least 20 seconds, especially after touching shared objects or blowing your nose, coughing or sneezing. Avoid touching your eyes, nose and mouth;
5. If soap and water are not readily available, use a hand sanitizer that contains 60-95% alcohol content. (Users need to cover all surfaces of their hands and rub them together until they are dry);
6. Encourage athletes to bring their own hand sanitizer for personal use. Comply with the sanitation provisions of the rule and frequently clean and disinfect high-traffic areas, and commonly touched surfaces in areas accessed by staff, athletes and spectators;
7. Ensure restrooms are cleaned and disinfected prior to and after any league activity and/or at least twice daily;
8. If an athlete, volunteer or spectator displays symptoms of COVID-19, immediately disinfect all areas used by the sick person;
9. If teams and spectators at the same sporting event share a restroom, leave entrance/exit doors open, if possible, and regularly clean and sanitize commonly touched surfaces such as stall door handles and faucets; and
10. When multiple sporting events occur at the same sports complex or venue at the same time, leagues, coaches and trainers are required to clean and sanitize commonly touched surfaces, such as door handles, between subsequent games and events and to clean and sanitize high-traffic areas such as entrances, exits, check-in tables, restrooms and concession areas between subsequent games or events.

Note: Such employers are encouraged, but not required, to take the following measures to further minimize the risks from surface contact:

- Provide handwashing stations and/or hand sanitizer (beyond the existing handwashing requirements for all workplaces in Oregon OSHA's permanent rules).
- Encourage athletes to use only their own equipment when feasible. Avoid or minimize equipment sharing, when feasible
- Encourage athletes and/or their family members to clean and disinfect equipment after each use, where feasible.

E. Special Requirements related to Travel. To reduce the risks from out of state travel, such employers must do the following:

1. Limit exposure to those outside the travel unit during transit by ensuring that all members of a travel unit including staff, athletes, coaches and drivers, if on a bus or in a car, wear a mask, face covering, or face shield;
2. Allow drivers to transport multiple travel units if wearing a mask and sanitizing hands before and after each driving each group. Vehicles must be cleaned between transport of each travel unit following [transportation guidelines](#); and.
3. Limit travel to those who have been in regular contact and are considered essential personnel (specifically athletes, coaches, and medical staff);
4. When engaged in air travel, such employers must employ the following additional measures:
 - a. When able, consider charter flights instead of commercial air travel. Commercial air travel should be on a carrier with robust infection control methods and enforcement of universal masking requirements. Avoid traveling on the same private plane with a different team.
 - b. Require travelers to carry hand sanitizer that contains 60-95% alcohol content at all times and to use it frequently.
 - c. Require travelers to wear masks or face coverings at all times and minimize removal for eating or drinking.
 - d. Document the names of all passengers including the driver, pilot and flight staff, along with the date and time of the trip and the vehicle number/license, if applicable; and

5. After returning from travel to other states, such employers must encourage good hand hygiene, physical distancing, and wearing face masks or face coverings, and must ensure that all staff and students have a robust process for self-monitoring/reporting COVID-19 symptoms. If those who return from other states experience [COVID-19 symptoms](#), either they or their employer must contact health care provider to ensure appropriate testing.

Note: Such employers whose staff and players travel out of state are encouraged, but not required, to take the following measures to further minimize the risks from such travel:

- Aim to travel and play the same day to avoid overnight stays, when feasible.
- For overnight stays or same-day travel, prepackaged meals or room service should be considered. If restaurant dining is the only option, consider take-out food or outdoor eating as preferable alternatives.
- Encourage those who have traveled to limit their exposure to others for 10 days after travel.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

Appendix A-10 Mandatory Workplace Guidance for Professional, Division 1, Pac-12, West Coast Conference And Big Sky Conference Sports

Application: This appendix applies to professional and Division 1, Pac-12, West Coast Conference and Big Sky Conference sports practice, training and play for specified sports statewide. Professional and Pac-12 conference athletes and teams based outside of Oregon that travel to Oregon for play must follow the guidance laid out in this document. To the degree this appendix, or the documents protocols developed in response to it, provides specific guidance, it supersedes the requirements of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix or the protocols, the requirements of the rule apply.

General Operations. Professional and Pac-12 sports teams wishing to play in the State of Oregon must submit protocols to Oregon Health Authority (OHA), Oregon OSHA, and the Governor's office to ensure training, competition and play is in alignment with all public and workplace health guidance and county phase requirements. Training, competition and play cannot resume until protocols are reviewed and approved by OHA, Oregon OSHA, and the Governor's office.

To the degree such protocols have been approved and address the issues covered by this temporary COVID-19 rule, those protocols will represent compliance with the provisions of this rule.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

Appendix A-11 Mandatory Workplace Guidance for Employers Operating Licensed Swimming Pools, Licensed Spa Pools, And Sports Courts

Application: This appendix applies to employers who operate or otherwise use general- and limited-use pools and sports courts. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. In addition, certain activities (for example, those involving education) may be addressed by other appendices.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For purposes of this appendix, the following definitions apply:

Full-contact sports means sports that require or are likely to have routine or sustained close proximity or physical contact between participants, and includes but is not limited to football, rugby, wrestling, cheerleading, basketball, hockey, dance, water polo, men's lacrosse.

General-use pools are licensed swimming pools, typically involving larger facilities such as municipal swimming pools or community center pools.

Limited-use pools are licensed swimming pools operated in connection with a companion facility, such as an apartment complex, hotel/motel, private club, association or organizational camp where the pool is limited to residents, patrons or members.

Minimal- and medium-contact sports include but are not limited to softball, baseball, soccer, volleyball, women's lacrosse, flag football.

Non-contact sports include but are not limited to tennis, swimming, golf, cross country, track and field, sideline/no contact cheer and dance.

Sports court means any public or privately-owned facilities for the use of sports.

Note: Applicable Oregon Health Authority guidance in place at the time of the adoption of this rule prohibits full-contact sport play; training and conditioning for full contact sports are allowed. Training and conditioning, such as weightlifting, running drills and intra-squad scrimmaging, cannot include full contact of any kind.

A. General Operations. Employers operating pools and sport courts must take the following steps:

1. Prohibit workers with any of the COVID-19 symptoms (fever, cough, shortness of breath, etc.) from working or entering premises;
 2. Prohibit visitors with any of the symptoms associated with the COVID-19 virus from entering the premises. If a visitor has symptoms of COVID-19, staff must ask them to leave the pool, provide the visitor with a face covering or mask, and help the visitor minimize their contact with staff and other visitors before exiting the facility. Immediately disinfect all areas used by the sick visitor; and
 3. Ensure equipment is in good condition, according to any applicable maintenance and operations manuals and standard operating procedures.
- B. Physical Distancing Measures.** To ensure appropriate physical distancing, employers operating such facilities must do the following:
1. Maintain physical distancing of at least 6 feet between people;
 2. Inform visitors that members of the same party can participate in activities together and do not have to stay 6 feet apart;
 3. Assign a physical distancing monitor to ensure compliance with all distancing requirements, including at entrances, exits, restrooms and any other area where people may gather;
 4. Develop a plan to limit the number of visitors admitted into the pool and/or sport court area so that 6 feet of physical distancing can be maintained. Operators may consider requiring reservations to limit the number of individuals in the pool area;
 5. Alter pool deck layouts to ensure visitors and staff can keep 6 feet of physical distance;
 6. If using the pool for lap swim, design and implement a plan so that swimmers enter and exit the pool on opposite ends and maintain 6 feet of physical distance between one another. Prohibit the gathering of people within the facility, including at the ends of lanes;
 7. Designate a waiting area for swimmers that allows for 6 feet physical distancing;
 8. If locker room use is allowed, develop and implement a plan to limit the number of individuals using showers and changing rooms at the same time;
 9. If locker room use is allowed, develop and implement a plan to keep at least 6 feet of physical distance between people within the locker room(s);

10. Ensure that the any locker room use does not exceed maximum occupancy. Use the total square footage of the locker room to determine the maximum occupancy of the locker room based on a minimum of 35 square feet per person; and

11. For spa pools, limit the use of the pool to one household unit at a time. Operators may consider scheduling reservations in 15-minute increments.

C. **Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

D. **Sanitation and Cleaning.** To reduce the risks from surface contact, such employers must do the following:

1. Require employees to practice healthy hygiene to reduce the spread of COVID-19 including washing their hands frequently and covering their sneezes and coughs;
2. Close water fountains, except for those designed to refill water bottles in a contact-free manner. Water bottles may not come into contact with the water fountain;
3. For sports courts, frequently clean and disinfect shared equipment. This includes, but is not limited to, equipment such as bats, balls and rackets. Use disinfectants that are included on the Environmental Protection Agency (EPA) approved list for the SARSCoV-2 virus that causes COVID-19;
4. Use disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19. No product will be labeled for COVID-19 yet, but many products will have a label or information available on their websites about their effectiveness for human coronavirus;

5. Comply with the sanitation provisions of the rule and frequently clean and disinfect work areas, high-traffic areas, and commonly touched surfaces in areas accessed by staff and visitors, including counters, tables, lounge chairs handrails, door handles, water fountains, showers, pool toys and other commonly touched surfaces;
 6. Regularly clean restrooms and ensure they are supplied with soap, paper towels and hand sanitizer for planned use;
 7. Ensure hand sanitizer is available at locations around the facility for both staff members and visitors;
 8. Have maintenance staff or a pool maintenance company regularly check the pool recirculation equipment for proper operation and disinfectant levels prior to the opening of the pool;
 9. Prohibit lifeguards from cleaning and sanitizing while on duty;
 10. Thoroughly clean all areas of pool and sport courts prior to reopening after extended closure. Specifically, for pools, flush your water system, both hot and cold water, until the hot water reaches its maximum temperature (take care minimize splashing and aerosol generation during flushing); and
 11. After extended closure, clean other water-using devices, such as ice machines, may require additional cleaning steps in addition to flushing, such as discarding old ice. Follow water-using following device manufacturers' instructions.
- E. **Signage.** To reinforce the need to minimize COVID-19 risks, such employers must do the following:
1. Post clear signs listing COVID-19 symptoms, asking staff and visitors with symptoms to stay home, and listing whom to contact if they need assistance. Operators may post warning signs in visible locations of how to stop the spread of COVID-19 virus (including the sharing of items such as goggles, and other hard to clean items);
 2. [Use signs](#) to require physical distancing throughout facility, including but not limited to reception areas, eating areas and near restrooms; and
 3. Post [clear signs](#) about the mask, face covering, and face shield requirements.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)
[OHA Statewide Mask, Face Covering, and Face Shield Guidance](#)
[OAR 333, Division 60 \(Public Swimming Pools\)](#)

Appendix A-12 Mandatory Workplace Guidance for Employers Operating Fitness-Related Organizations

Application: This appendix applies to fitness-related organizations including but not limited to gyms, fitness centers, personal training, dance studios, and martial arts centers. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. In addition, certain activities, such as the operation of swimming pools, spa pools or sport courts may be addressed by other appendices.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended, but not required, that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For purposes of this appendix, the following definitions apply:

Full-contact sports means sports that involve a requirement or substantial likelihood of routine, sustained close proximity or physical contact between participants, and includes but is not limited to football, rugby, wrestling, cheerleading, basketball, hockey, dance, water polo, men's lacrosse.

Minimal- and medium-contact sports include but are not limited to softball, baseball, soccer, volleyball, women's lacrosse, flag football.

Non-contact sports include but are not limited to tennis, swimming, golf, cross-country, track and field, sideline/no-contact cheer and dance.

A. **General Operations.** Employers of personal services providers must ensure that the following screening measures are taken:

1. Ensure all facilities and equipment are safe to operate and are in good condition after the extended closure. Maintenance and operations manuals and standard operating procedures should guide this work;
2. Close water fountains, except for those designed to refill water bottles in a contact-free manner. Strongly encourage clients to bring their own water bottles to the facility;

3. Ensure that ventilation systems operate properly. Increase air circulation and ventilation as much as possible by opening windows and doors. In indoor spaces, fans should be used only when windows or doors are open to the outdoors in order to circulate indoor and outdoor air. Do not open windows and doors if doing so poses a safety risk to employees, children or customers; and
4. Flush water pipes weekly while the building is vacant and prior to resuming normal building use (stagnant water in pipes can create conditions that favor the growth and spread of Legionella and other harmful bacteria (see [Guidance for Reopening Building Water Systems after Prolonged Shutdown](#)).

Note: Applicable Oregon Health Authority guidance in place at the time this rule was adopted prohibits full- contact sports. Gymnasiums must be used only for non-contact sports or individual skills development not requiring contact with other people.

Note: Applicable Oregon Health Authority guidance in place at the time this rule was adopted requires saunas and steam rooms to remain closed. It also requires that drop-in child care remain closed.

- B. General Operations – Client Screening.** Employers operating such facilities must record client contact information, date and time for client facility use. If there is a positive COVID-19 case associated with the facility, public health officials may need the business to provide this information for a contact tracing investigation. Unless otherwise required, this information may be destroyed after 60 days from the session date.

Note: Employers operating such facilities are encouraged, but not required, to take the following additional steps:

- Screen clients prior to start of their session in the facility such as asking:
 - ✓ Have you had a new or worsening cough?
 - ✓ Have you had a fever?
 - ✓ Have you had shortness of breath?
 - ✓ Have you been in close contact with anyone with these symptoms or anyone who has been diagnosed with COVID-19 in the past 14 days?

Appropriate Response: If the client responds “yes” to any of the screening questions, ask them to return home and wait to return to the facility until all symptoms, including fever have been resolved for at least 24 hours without medication, or at least 14 days after contact with a person with a cough, fever, or diagnosed with COVID-19.

- Strongly encourage a client exhibiting symptoms of illness to immediately leave the facility and not return until at least 24 hours after symptoms have resolved without medication.
- Strongly encourage clients at higher risk for severe COVID-19 complications (persons over age 60 or with underlying medical conditions) to continue to stay home to reduce their risk of exposure.

C. Physical Distancing Measures. To ensure appropriate physical distancing, employers operating such facilities must do the following:

1. Abide by any applicable gathering size or capacity limitations imposed by the Oregon Health Authority;
2. Limit fitness class size to maximum occupancy of the room (as long as it ensures 6 feet of separation);
3. Position staff to monitor physical distancing and disinfecting requirements;
4. Consider holding fitness activities or classes outdoors if it can be done safely, when it does not violate any local ordinances, and when participants and instructors can maintain 6 feet of physical distance;
5. Limit exercise equipment stations to those located at least 6 feet apart;
6. Establish one-way traffic flow, where possible, for equipment circuits, tracks, etc. Use signs to direct one-way flow of traffic; and
7. For one-to-one personal training, maintain 6 feet of physical distance between trainer and client.

Note: Applicable Oregon Health Authority guidance in place at the time this rule was adopted requires equipment to be blocked from being used if it cannot be moved to facilitate physical distancing.

D. Masks, Face Coverings, and Face Shields. To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.:

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

Note: Employers operating fitness-related organizations are encouraged, but are not required, to implement the following additional measures to further minimize the risk of infection due to interpersonal contact:

- Place clear plastic or glass barriers in front of reception counters, or in other places where maintaining 6 feet of physical distance between employees and clients is more difficult.
- Schedule gym time by appointment to limit number of people in the facility.
- Encourage use during non-peak times as determined and publicized by facility management.

- Offer virtual fitness classes, especially for persons at higher risk for severe COVID-19 complications such as people over 60 years of age or individuals with underlying medical conditions.
- Encourage one-way flow with marked entrances and exits, but do not block egress for fire exits. Use signs to direct one-way flow of traffic.

E. Sanitation and Cleaning. To reduce the risks from surface contact, such employers must do the following:

1. Thoroughly clean all areas of fitness-related organization prior to reopening after extended closure;
2. Use disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19. No product will be labeled for COVID-19 yet, but many will have human coronavirus efficacy either on the label or available on their website;
3. Require employees or facility guests to wipe down all equipment (for example, balls, weights, machines, etc.) immediately before and after each use with a disinfectant provided by the gym that is included on the EPA-approved products for the SARS-CoV-2 virus that causes COVID-19. A solution of 60%-95% alcohol content also works;
4. Comply with the sanitation provisions of the rule and frequently clean and disinfect work areas, high-traffic areas, and commonly touched surfaces in areas accessed by workers and public;
5. Thoroughly clean restrooms at least twice daily and ensure adequate sanitary supplies (e.g., soap, toilet paper, 60-95% alcohol content hand sanitizer) throughout the day; and
6. Provide handwashing stations or hand sanitizer (60-95% alcohol content) throughout the facility for use by employees and clients.

Note: Employers who operate fitness-related organizations are encouraged, but not required to take the following steps to further increase sanitation:

- Strongly encourage clients to wash hands with soap and water for 20 seconds and/or use hand sanitizer (60- 95% alcohol content) immediately before and after gym session as well as several times during the session.
- Further minimize the risks of one-to-one personal training by having the trainer and client thoroughly wash hands with soap and warm water or use hand sanitizer (60-95% alcohol content) immediately before and after appointment.

F. Signage. To reinforce the need to minimize COVID-19 risks, such employers must do the following:

1. Post clear signs listing COVID-19 symptoms, asking staff and visitors/clients with symptoms to stay home, and listing whom to contact if they need assistance. Operators may post warning signs in visible locations of how to stop the spread of COVID-19 virus (including the sharing of items such as goggles, and other hard to clean items);
 2. [Use signs](#) to require physical distancing throughout facility, including but not limited to reception areas, eating areas, locker rooms, and near popular equipment; and
 3. Post [clear signs](#) about the mask, face covering, and face shield requirements.
- G. **Special Requirements for Locker Rooms.** If the fitness-related organization allows locker room use, fitness-related organizations are required to take the following additional steps:
1. Develop and implement a plan to limit the number of individuals using showers and changing rooms at the same time;
 2. Develop and implement a plan to keep at least 6 feet of physical distance between people;
 3. Ensure that the locker room does not exceed maximum occupancy. Use the total square footage of the locker room to determine the maximum occupancy of the locker room based on a minimum of 35 square feet per person; and
 4. Assign a physical distancing monitor to ensure individuals follow all physical distancing requirements, including at entrances, exits, restrooms and any other area where people may gather.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

Appendix A-13 Mandatory Workplace Guidance for K-12 Educational Institutions (Whether Public Or Private)

Application: This appendix applies to employers who operate schools or other educational institutions for children from kindergarten through the 12th grade (or any portion thereof). To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. In addition, certain activities (for example, those involving recreation and sports) may be addressed by other appendices.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended, but not required, that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: Although this appendix is based upon the workplace health portions of [Ready Schools, Safe Learners](#), published by the Oregon Department of Education and the Oregon Health Authority, it does not address many other issues included in that document, including those related specifically to student health and to decisions about whether to open on-site educational activities. Employers operating schools therefore must be familiar with that guidance as well. Additional guidance can be found in the U.S. Centers for Disease Control and Prevention's "[Strategies for Protecting K-12 School Staff from COVID-19](#)"

A. General Operations. As districts plan and implement the requirements and recommendations included in this guidance, will necessarily need to consider a continuum of levels of risk when some requirements (or recommendations) cannot be fully accommodated. When it is necessary to adjust implementation of this appendix because it is not possible to fully comply, school operators must take other steps to mitigate the risks.

For example, maintaining physical distance (6 feet apart from others) is best. There will be times when this is not possible based on a necessary activity or the available space is limited. Steps to minimize the risks of such close proximity activities could include ensuring it is for a short duration, ensuring handwashing immediately before and after, avoiding touching your face, teaching safe etiquette for coughing and sneezing, and/or using the required mask, face covering, or face shield (unless the nature of the interaction also makes their use impossible).

- B. General Operations – Screening and Advanced Quarantine.** In order to reduce the risks of outbreaks within the school, such employers must do the following whenever they are aware of a person required to isolate or quarantine for COVID-19:
1. Screen all students and staff for symptoms on entry to bus/school every day. This can be done visually and/or with confirmation from a parent/caregiver/guardian. Staff members can self-screen and attest to their own health;
 2. Direct students and staff to stay home if they, or anyone in their home or community living spaces, have primary COVID-19 symptoms (cough, fever greater than 100.0°F, chills, shortness of breath, or difficulty breathing) or if anyone in their home or community living spaces has COVID-19. Staff or students with a chronic or baseline cough that has worsened or that is not well-controlled with medication should be excluded from school, but do not exclude staff or students who have other symptoms that are chronic or baseline symptoms (for example, asthma, allergies, etc.);
 3. Direct any person (student, staff member, or volunteer) who has tested positive or who is a presumptive case for COVID-19 to remain at home to isolate until their medical provider indicates it is safe for them to return or at least 10 days have passed and they have experienced at least 24 hours with no fever without the use of fever-reducing medication;
 4. Direct any person who has been in close contact (less than 6 feet away for more than 15 minutes) with a person with a confirmed COVID-19 to remain home to isolate until their medical provider indicates it is safe for them to return or 14 symptom-free days have passed since they were last exposed (those who have been exposed only to another person who was themselves exposed to a person with COVID-19 are not required to isolate); and
 5. Whenever a COVID-19 positive case occurs, implement the detailed Ready Schools, Safe Learners guidance related to communication, isolation, and quarantine, in consultation with the local public health agency.
- C. Physical Distancing Measures.** To ensure appropriate physical distancing, employers operating such facilities must do the following:
1. Establish a minimum of 35 square feet per person when determining room capacity. Calculate only with usable classroom space, understanding that desks and room set-up will require use of all space in the calculation. This also applies to employee training and staff gatherings or meetings;

2. Support physical distancing in all daily activities and instruction, maintaining 6 feet between individuals to the maximum extent possible;
3. Minimize time individuals stand in lines and take steps to ensure that 6 feet of distance between students is maintained, including marking spacing on floor, one-way traffic flow in constrained spaces, etc.;
4. Schedule modifications to limit the number of students in the building (for example, rotating groups by days or location, staggered schedules to avoid hallway crowding and large gathering);
5. Plan for students who will need additional support in learning how to maintain physical distancing requirements. Provide instruction; punitive discipline should not be used;
6. Maintain physical distancing during all staff meetings and conferences or consider remote web-based meetings;
7. Cancel, modify, or postpone field trips, assemblies, athletic events, practices, special performances, school- wide parent meetings and other large gatherings to ensure requirements for physical distancing can be met;
8. Minimize the movement of individuals in hallways and other common areas to the extent possible; create hallway procedures to promote physical distancing and minimize gatherings.

Note: Employers engaged in such sports are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

- Consider utilizing outdoor spaces, common areas, and other buildings in planning.
- In high schools or settings where students require individualized schedules or elective classes, ways to reduce mixing among cohorts should be considered.
- Reinforce health and safety protocols. Daily activities and curriculum should support physical distancing.

D. Use of Cohorts to Supplement Physical Distancing Measures. Schools must take the following steps to establish stable cohort groups, a key strategy in reducing the spread of disease:

1. Identify and establish cohort groups in each school. Students can be part of more than one stable cohort during the school day, but with each new cohort there is increased risk;
2. Minimize interaction between students in different stable cohorts (for example, access to restrooms (including all-gender or gender-neutral restrooms), activities, and common areas);

3. Establish a system to ensure that contact tracing can be completed each cohort; daily individual student or cohort logs are required;
4. Where feasible, establish stable cohort groups that are no larger than can be accommodated by the space available to allow at least 35 square feet per person, including staff; and
5. Ensure that no student is part of any single cohort, or part of multiple cohorts, that exceed a total of 100 people within the educational week.

Note: To increase the effectiveness of cohorts in reducing risks of disease, schools are encouraged, but not required, to take the following additional steps:

- A smaller cohort size of 24-36 individuals is recommended for public health and safety, and schools are encouraged to create and maintain even smaller sized cohorts when feasible.
- When feasible, stable cohorts should remain in one classroom environment for the duration of the learning day, including lunch, with teachers of specific academic content areas rotating (instead of students) to the maximum extent possible.

Note: As indicated by the detailed guidance in [Ready Schools, Safe Learners](#), students should not be placed into full-time cohort groups based on any demographic or disability criteria (for example, students with complex medical needs, students with IEPs, students receiving language services, etc.).

E. Special Precautions Related to Volunteers and Visitors. Schools must take the following steps when allowing volunteers or other visitors into the workplace:

1. Restrict the presence of non-essential visitors or volunteers (examples of essential visitors include DHS Child Protective Services, Law Enforcement, etc.; examples of non-essential visitors include Parent Teacher Association, classroom volunteers, etc.); and
2. Screen all visitors/volunteers for symptoms upon every entry. Restrict from school property any visitor known to have been exposed to COVID-19.

Note: Volunteers and other visitors must maintain 6-foot physical distancing, wear masks, face coverings, or face shields and adhere to all other provisions of this guidance.

F. Masks, Face Coverings, and Face Shields. To reduce the risk of transmission from potentially infected individuals, schools must take the following actions:

1. Provide and require the use of masks, face coverings, or face shields by all staff, contractors, other service providers, or visitors or volunteers. Individuals may remove their face coverings while working alone in private offices;

2. Require masks, face coverings, or face shields for all students in Kindergarten and up (Ready Schools, Safe Learners provides more detailed guidance addressing the use of masks, face coverings, or face shields by students); and
 3. Provide and require the use of face masks by school nurse or other personnel when providing direct patient care or in-person monitoring of staff/students displaying symptoms for COVID-19. Personnel also must wear appropriate personal protective equipment (PPE) suitable to their activities.
- G. **Sanitation and Cleaning.** To reduce the risks from surface contact, schools must do the following:
1. Encourage all persons to engage in appropriate hand hygiene (wash with soap and water for 20 seconds or use an alcohol-based hand sanitizer with 60-95% alcohol) on entry to school every day and frequently throughout the day;
 2. Develop and use sanitizing protocols for all equipment used by more than one individual or purchase equipment for individual use;
 3. Establish policies for personal property being brought to school (for example, refillable water bottles, school supplies, headphones/earbuds, cell phones, books, instruments, etc.). If personal items are brought to school, they must be labeled prior to entering school and use should be limited to the item owner;
 4. Provide time and supplies for the cleaning and disinfecting of high-touch surfaces between multiple student uses, even in the same cohort;
 5. Ensure that staff who interact with multiple stable cohorts wash/sanitize their hands between interactions with different stable cohorts; and
 6. Ensure appropriate cleaning whenever a COVID-19 positive case is reported. The size of the cleaning area depends on the number of people infected and where they and their close contacts spent time. For example, it may only be necessary to clean (beyond normal procedures) one part of the building if those who tested positive spent time only in that area of the school.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

Oregon Department of Education and OHA, [Ready Schools, Safe Learners](#)

U.S. Centers for Disease Control and Prevention "[Strategies for Protecting K-12 School Staff from COVID-19](#)"

Appendix A-14 Mandatory Workplace Guidance for Employers Operating Child Care And Early Education Programs

Application: This appendix applies to employers who operate any of the following types of child care and early education programs:

- ✓ All licensed programs, including Certified Center (CC), Certified Family (CF), and Registered Family (RF).
- ✓ All child care and preschool provided in public school settings.
- ✓ All Recorded Programs, including school-age.
- ✓ Oregon Pre-Kindergarten (Prenatal to Kindergarten), Preschool Promise, and Baby Promise.
- ✓ Oregon Relief Nurseries.
- ✓ Early Intervention and Early Childhood Special Education (EI/ECSE) provided in a child care or early education setting.

To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001- 0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. In addition, certain activities (for example, those involving recreation and sports) may be addressed by other appendices.

Note: Although this appendix is based upon the workplace health portions of [Health & Safety Guidelines for Child Care and Early Education Operating During COVID-19](#), published by the Oregon Department of Education Early Learning Division and the Oregon Health Authority, it does not address many other issues included in that document, including those related specifically to child health and to decisions about whether to open on-site activities. Employers operating child care and early education must therefore be familiar with that guidance as well.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

- A. **General operations.** Operate ventilation systems properly and/or increase circulation of outdoor air as much as possible by opening windows and doors, using fans (but only when windows and doors are open), and other methods.
- B. **Special requirements during drop-off and pick-up.** Employers operating such programs must implement the following procedures when parents or caregivers are dropping off or picking up children:

1. Require parents or caregivers to drop-off or pick-up children from program staff outside of the facility. Registered Family (RF) or Certified Family (CF) providers may allow parents or caregivers to enter when only one staff member is on site, but they must wait for the previous family to exit the home before entering;
2. Require parents or caregivers to wear a mask, face covering, or face shield during drop-off or pick-up;
3. Require parents or caregivers during drop-off or pick-up to maintain physical distancing when not engaged in hand-off of children to staff;
4. Provide hand hygiene stations at the entrance of the facility – outside or immediately inside – so that children and staff can clean their hands as they enter. If a sink with soap and water is not available, provide hand sanitizer between 60%-95% alcohol at the entrance. Keep hand sanitizer out of children's reach and supervise use; and
5. Sanitize or switch out writing utensils used for drop-off and pick-up between uses by different people.

Note: Employers operating such programs are encouraged, but not required, to implement the following additional measures to provide further protection during drop-off and pick-up.

- Schedule staggered drop-off and pick-up times for families.
- Encourage families to have the same person drop children off and pick them up every day.
- Suggest to families that those at higher-risk of contracting COVID-19 not serve as the designated person for drop-off or pick-up.
- Consider low or no contact sign-in and -out methods such as a different sheet, pen, or clipboard for each child, or have staff complete the sign-in and -out process.

C. Daily health check and isolation/quarantine requirements. Employers operating such programs must conduct a daily health check for any children, staff, or other individuals (parents, maintenance staff, etc.) coming into the facility:

1. Require designated staff to take temperature of all entering children and other individuals coming into contact with a stable group. If they have a temperature of 100.0°F or over, they must be excluded. Staff may self-screen and attest to their temperature on a daily basis.
2. Ask all entering adults and children (or, if the child is not able to reliably answer, ask the adults who are dropping off the child):
 - ✓ Has the adult or child been exposed to a person with a positive case of COVID-19 in the past 14 days?

Required response: If the answer is “yes,” they must quarantine for 14 days from the date of last contact with the COVID-19 case (the required quarantine cannot be shortened by either a negative COVID-19 test or a note from a medical professional).

- ✓ Has the adult or child been exposed in the past 14 days to a person with a presumptive case of COVID-19 as defined by Oregon Health Authority?

Required response: If the answer is “yes,” they must quarantine for 14 days from the date of last contact with the COVID-19 case (the required quarantine cannot be shortened by either a negative COVID-19 test or a note from a medical professional).

- ✓ Is the adult or child experiencing a fever of 100.0°F or greater?

Required response: If the answer is “yes,” they must be excluded from the program for at least 10 days, and they must be free of fever (without fever-reducing medication) for at least 24 hours before their return.

- ✓ Is the adult or child experiencing an unusual cough (not normal for this person due to issues such as allergies or asthma) or shortness of breath?

Required response: If the answer is “yes,” they must be excluded from the program until they have been checked by a medical professional is cleared or they have been symptom-free for at least 24 hours, they can remain in or return to the program following the documented direction of the medical professional.

- ✓ Is the adult or child experiencing diarrhea, vomiting, headache, sore throat, or rash?

Required response: If the answer is “yes,” they must be excluded from the program until they have been checked by a medical professional is cleared or they have been symptom-free for at least 24 hours, they can remain in or return to the program following the documented direction of the medical professional.

3. Require staff members to self-screen and attest to their own health on a daily basis.
4. Document that a daily health check was completed on every person entering; write down “pass” or “fail” only. Do not record symptoms or temperature, in order to maintain privacy.

5. If a person develops these symptoms while at the facility or learns while at the facility that they have been exposed to a positive case, separate them until they can leave the facility and send them home as soon as possible.
- D. Group Size and Stable Groups.** Employers operating such programs are required to reduce the risk of COVID-19 transmission by managing group size and the use of stable groups:
1. Assign and keep children in stable groups with the same assigned adults. A new child may be added or moved to a different stable group if it is a permanent change.
 2. Require staff to practice physical distancing of at least 6 feet at all times within the facility with parents or other adult visitors, as well as other staff who are not usually with the same stable group.
 3. Require staff assigned to a stable group to practice physical distancing with children from other stable groups and take precautions to ensure children do the same. Staff and children are not required to physically distance from adults or children within their stable group.
 4. Only staff assigned to a stable group may be inside of classrooms, except that additional adults outside of the stable group may be allowed into the classroom in order to provide any of the following services:
 - ✓ Specialized services to children such as those associated with Early Intervention or Early Childhood Special Education.
 - ✓ Meet monitoring requirements of publicly funded or regulated programming.
 - ✓ Maintain ratios during staff breaks, including through the use of “floaters.”
 - ✓ Service to the facility that cannot take place outside of program hours.
 5. When providing outdoor activities, there cannot be more than one stable group of children in one outside area at a time. Programs may have separate areas as long as stable groups are kept apart and there is at least 75 square feet per child in that area. Recorded programs may use a visual barrier to define the outside space.
 6. No facility may serve more than 250 children.
 7. Staff-to-child ratios and maximum group sizes must adhere to those specified in licensing rules by provider type and by the provider’s license (which may be for fewer children).

Note: Early learning and child care employers are encouraged, but not required, to take the following additional steps to reduce the risk of COVID-19 transmission:

- Reduce time spent in whole or large group activities.
- Limit the number of children in each program space, such as learning centers.
- Depending on the size of the group and the age of the children, separate learning environments into individual spaces for each child.
- Minimize time standing in lines and take steps to ensure that distance between the children is maintained.
- Incorporate additional daily outside time (complying with the outside space requirements).
- Sanitize outdoor play equipment between groups of children.
- Increase the distance between children during table work.
- Plan activities that do not require close physical contact between multiple children.
- Provide children with their own materials and equipment if possible (for example, writing utensils, scissors, high chairs).
- Incorporate assigned mats at circle time.
- For sensory activities, staff can arrange the room for individually planned sensory activities that utilize totes or trays so each child can have their own.

E. Masks, Face Coverings, and Face Shields, and Personal Protective Equipment for Children and Adults. To reduce the likelihood that potentially infected individuals will transmit disease, early education and child care employers are required to take the following steps:

1. Require all staff, contractors, other service providers, or visitors or volunteers who are in the facility or in the designated child care section of the child care provider's home, to wear a mask, face covering or face shield as defined by the rule;
2. Require all children who are in grades Kindergarten and up who are in the child care facility or the designated child care section of Registered Family (RF) or Certified Family (CF) program to wear a mask, face covering or face shield as defined in the rule;
3. Require all adults and children who are kindergarten age and up to wear a mask, face covering or face shield when outside, if 6 feet of physical distance cannot be maintained;
4. Allow a child between two years and Kindergarten to wear a mask, face covering or face shield, if: requested by the parent/guardian, the mask, face covering or face shield fits the child's face measurements, and the child is able to remove the mask, face covering or face shield themselves without assistance;

5. If a child removes a mask, face covering or face shield, or demonstrates a need to remove the mask, face covering or face shield for a short-period of time, staff must supervise the child to maintain 6 feet or more of physical distancing from all adults and children while the mask, face covering or face shield is removed. If needed, show the child how to effectively wear a mask, face covering or face shield. Guide the child to re-engage in safely wearing a mask, face covering, or face shield. Children should not be disciplined for their inability to safely wear a mask, face covering, or face shield;
6. Allow children in grades Kindergarten and up to not wear a mask, face covering, or face shield:
 - ✓ If they have a medical condition that makes it difficult for them to breathe with a mask, face covering, or face shield as documented by their doctor's order.
 - ✓ If they experience a disability that prevents them from wearing a mask, face covering, or face shield, as documented by their doctor's order.
 - ✓ If they are unable to remove the mask, face covering, or face shield independently.
 - ✓ While sleeping.
7. Ensure children under two never wear a mask, face covering, or face shield;
8. Require staff or child to wash hands before putting on a mask, face covering, or face shield, after taking masks, face coverings, or face shields off, and anytime the mask, face covering, or face shield is touched. Hand-sanitizing products with 60-95% alcohol content may be used as an alternative to washing hands. Children must be supervised when using hand sanitizer, and it must be stored out of reach of children when not in use;
9. Require masks or face coverings to be washed daily or a new mask or face covering to be worn daily. After removal of a soiled mask or face covering, it should be put away into a secure place that is not accessible to others. For example, it could be placed into a plastic bag or plastic container that is inaccessible to children prior to being cleaned;
10. A face shield must be wiped down with disinfectant at the end of the day after use;
11. Require disposable masks, face coverings, or face shields to be worn only once;

12. Masks or face coverings must be changed after a daily health check if the adult interacted with a sick child;
13. Face shields must be sanitized after the daily health check if the adult interacted with a sick child. For Certified Centers and Recorded Programs, face shields must be sanitized after the daily health checks are completed;
14. For Certified Centers and Recorded Programs only, require adults who engage in health and safety checks to wear a clean, outer layer of clothing (for example, a larger size, long sleeve button down shirt, a smock, or an apron) during the daily health checks; and
15. For Certified Centers and Recorded Programs only, require adults, such as floaters or early interventionists, who interact with multiple, stable groups to wear a clean, outer layer of clothing when moving to a new group.

F. Cleaning and Sanitation – Hand Hygiene.

1. Require staff and children to wash hands for at least 20 seconds (hand sanitize with alcohol content between 60-95% is allowed when an asterisk* appears):
 - ✓ Before and after eating, preparing food, and or bottle preparation.
 - ✓ Before and after administering medication.
 - ✓ After toileting or assisting with toileting.
 - ✓ Before and after diapering.
 - ✓ After wiping a nose, coughing, or sneezing.*
 - ✓ After coming in from outside.*
 - ✓ Upon entering and leaving the child care facility.*
 - ✓ If staff are moving between stable groups.*
 - ✓ After sharing toys, learning materials, etc.*
2. Make handwashing materials easily accessible to each stable group.
3. Store hand sanitizer out of reach of children when not in use.

G. Cleaning and Sanitation – Building and Surfaces. Child care and early education employers must implement the following cleaning and disinfectant measures to reduce the risks from surface contamination:

1. Require those engaged in cleaning and disinfecting surfaces to employ the following practices:

- ✓ Wear disposable gloves when cleaning and disinfecting surfaces (instead of disposables, you can wear reusable rubber gloves except when cleaning and disinfecting areas around a sick person or when in contact with diapers, stool, blood, and other bodily fluids).
 - ✓ Wash hands with soap and water as soon as you remove the gloves.
 - ✓ Clean dirty surfaces using a detergent or soap and water prior to disinfection.
 - ✓ Use products approved by the EPA for use against SARS-CoV-2 for household disinfectant: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-coronavirus-covid-19>. Follow instructions on the label (such as concentration, application method, and contact time).
 - ✓ Diluted household bleach solutions are also allowable when appropriate for the surface. If using bleach, mix water (not hot water) with bleach using instructions on the bleach bottle. Leave diluted bleach mixture on the surface for at least one minute.
 - ✓ Do not mix bleach or other cleaning and disinfection products together. This can cause fumes that may be very dangerous to breathe.
 - ✓ If using bleach, make a fresh bleach dilution daily; label the bottle with contents and the date mixed.
 - ✓ Use bleach products sparingly and, when possible, when children are not in the facility or room; if possible, use wipes or apply product directly to a dampened towel, rather than using spray when there are children or adults with asthma.
2. Keep all disinfectants locked up. Keep hand sanitizers out of the reach of children.

3. Clean in accordance with the “Required Cleaning Schedule” table below and on the following pages:

Item	Sanitize or Disinfect?		Frequency Note: At times, it may be necessary to clean, rinse, sanitize, and/or disinfect more frequently			Notes
	Sanitize	Disinfect	Daily	Weekly	Before/After Each Use	
Child Care Areas						
Toys	X		X		X	<ul style="list-style-type: none">• Collect “mouthed” toys after each use by a child.• Collect all other toys daily or as they become dirty.
Objects intended for the mouth	X				X	<ul style="list-style-type: none">• Thermometers, pacifiers, teething toys, and similar objects must be cleaned and reusable parts sanitized between uses.• Pacifiers may not be shared.
Soft surfaces (e.g., carpeted floor, rugs, and drapes)		X	X			<ul style="list-style-type: none">• Vacuum carpeted floor and rugs daily.• Disinfect if soft surfaces are contaminated, using products approved by EPA for use against SARS-CoV-2.
High touch surfaces (e.g., doorknobs, light switches, non-food countertops, handles, desks, phones, keyboards, and toilets)		X	X			<ul style="list-style-type: none">• Disinfect at the end of each day.
Specific additional requirements for Registered Family (RF) and Certified Family (CF) Providers						
<ul style="list-style-type: none">• Spaces must be cleaned between the times when household members utilize the space and the times when a group of children utilize the designated child care space.• Items used for child care must be washed separately from items used by family or household members.						

Temporary Rule Addressing COVID-19 Workplace Risks

Oregon Occupational Safety and Health Division

Oregon Administrative Rules

AO 3-2020

Division 1

Item	Sanitize or Disinfect?		Frequency Note: At times, it may be necessary to clean, rinse, sanitize, and/or disinfect more frequently			Notes
	Sanitize	Disinfect	Daily	Weekly	Before/After Each Use	
Sleeping Areas						
Linens, clothing, and other items that go in the laundry				X		<ul style="list-style-type: none">• Clean at least weekly and in between use by another child.
Bed sheets, pillow cases, cribs, cots, mats, and blankets	X			X		<ul style="list-style-type: none">• Clean and sanitize bed sheets, pillow cases, cribs, cots, mats, and blankets before use by another child and at least weekly.
Toilet and Diapering Areas						
Handwashing sinks and faucets		X			After each use	
Changing tables		X			After each use	
Potty chairs		X			After each use	
Diaper trash cans		X	X			
Bathroom floors		X	X			<ul style="list-style-type: none">• At the end of the day.
Countertops			X			<ul style="list-style-type: none">• At the end of the day.
Toilets			X			

Temporary Rule Addressing COVID-19 Workplace Risks

Division 1

AO 3-2020

Oregon Administrative Rules

Oregon Occupational Safety and Health Division

Item	Sanitize or Disinfect?		Frequency Note: At times, it may be necessary to clean, rinse, sanitize, and/or disinfect more frequently			Notes
	Sanitize	Disinfect	Daily	Weekly	Before/After Each Use	
Food Areas						
Food preparation surfaces	X				X	
Eating utensils and dishes	X				After each use	
Tables and high chair trays	X				X	
Countertops	X		at end of day		After each use clean	
Food Preparation Appliances	X		X		After each use	
Mixed use tables	X					• Before serving food.
Refrigerator	X					• Clean monthly.
Food preparation sinks	X		X			
Kitchen floors	X		X			
Electronics						
Electronics		X				• Follow manufacturer's instructions.

Note: Child care and early education employers are encouraged, but not required, to put a cleanable cover on electronics, such as tablets, touch screens, keyboards, and remote controls.

H. **Recordkeeping.** Child care and early education employers must maintain the following records specific to COVID-19 issues:

1. Keep daily logs separated by or indicating each stable group (people in that group or people who came in contact with that group). In addition to the reasons for recordkeeping under child care rules, additional requirements support potential contact tracing. Registered Family (RF) and Certified Family (CF) providers only: all visitors during program hours must be recorded and a log of residents kept. Residents of the home over the age of 12 do not need to be included in the daily child care attendance records – they are assumed to be present;
2. Indicate in each daily log: Child name. Adult name(s) completing drop-off and pick-up (no signature is required). Arrival and departure date and times. Name of any staff or person coming in contact with a stable group, arrival and departure date and times. Document daily health checks on all children, staff, and any person coming into the program (see Daily Health Check requirements for detailed guidance). Record only that the check was a pass or fail – not specific information. If transportation is provided by the program, document names of all other riders, and their contact information (if not recorded elsewhere);
3. Daily logs must be retained for 2 years for all children (the usual amount of time per child care rules); and
4. If a program is part of a K-12 school, this information can be recorded and incorporated into the school's records for contact tracing.

Note: Child care and early education employers are encourage, but not required, to minimize potential spread of disease from sharing writing utensils by having staff complete all required documentation, rather than parents or caregivers.

Appendix A-15 Mandatory Workplace Guidance for Institutions Of Higher Education (Whether Public Or Private)

Application: This appendix applies to on-campus activities at public universities listed in Oregon Revised Statute (ORS) 352.002, community colleges operated under ORS chapter 341, and degree-granting private colleges and universities that operate in Oregon (referred to collectively in this document as “colleges and universities”). To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, sanitation, and use of masks, face coverings, or face shields of the COVID-19 Temporary Rule; to the degree a situation is not addressed by the specific language of this appendix, the general requirements of the COVID-19 Temporary Rule (OAR 437-001-0744) apply. In addition, certain activities (for example, those involving food and beverage service and sports) are addressed by other appendices.

Note: Although this appendix is based upon the workplace health portions of [Guidance for the Conduct of In- Person Instructional, Residential, and Research Activities at Oregon Colleges and Universities](#) published by the Oregon Higher Education Coordination Commission and the Oregon Health Authority, it does not address many other issues included in that document, including those related specifically to student health, student congregate, and decisions about whether and how to open on-site educational activities. Colleges and Universities therefore must be familiar with that guidance as well.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

A. General Operations: Colleges and universities must:

1. Allow campus spaces and buildings to be open only for official college or university business. Campus spaces and buildings should not be open to the general public. Colleges and universities may allow campus use for authorized community programs that lack alternative venues, if such programs adhere to the requirements in this and other applicable appendices or guidance;
2. Ensure facility ventilation systems operate properly. Increase air circulation as much as possible by opening windows and doors, using fans, or other methods. Do not open windows and doors if doing so poses a safety risk to staff, spectators or athletes; and
3. Consider modification or enhancement of building ventilation to increase air circulation and filtration where feasible.

Note: Guidance on ventilation and filtration is provided by CDC

(<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>) and American Society of Heating, Refrigerating, and Air- Conditioning Engineers (ASHRAE) (<https://www.ashrae.org/news/ashraejournal/guidance-for-building-operations-during-the-covid-19-pandemic>).

- B. General Operations -- Entry and Self-Screening.** Require students, staff, and faculty to conduct a self-check for COVID-19 symptoms before coming to a campus.
1. Instruct students, faculty, and staff to stay at their residence if they have one or more of the following: cough, fever or chills, shortness of breath, or difficulty breathing. Note that muscle pain, headache, sore throat, new loss of taste or smell, diarrhea, nausea, vomiting, nasal congestion, and runny nose are also symptoms often associated with COVID-19, but are non-specific. More information about COVID-19 symptoms is available from CDC [here](#).
 2. Emergency signs and symptoms that require immediate medical attention: trouble breathing, persistent pain or pressure in the chest, new confusion or inability to awaken, bluish lips or face, other severe symptoms.
 3. Faculty, staff, or students who have a chronic or baseline cough that has worsened or is not well-controlled with medication to stay at their place of residence. Those who have other symptoms that are chronic or baseline symptoms should not be restricted.
- C. Instructional Activities.** For all general instruction offered for courses that lead to a lead certificate or degree, colleges and universities must:
1. Establish a minimum of 35 square feet per person when determining room capacity, calculated based only on usable classroom space. In-person classroom instruction must not exceed 50 persons, or greater than 25 persons in counties that are at Baseline or in Phase 1;
 2. Modify the physical layout of classrooms to permit students to maintain at least 6 feet of distance between one another and the instructor(s). This may include changes to traffic flow, desk or chair arrangements, or maximum capacity. Where instruction requires instructors and students to work less than 6 feet from each other require physical barriers or face masks, face coverings, or face shields, and follow all applicable CDC/OHA guidelines and industry safety standards;
 3. Utilize markings and/or signage to indicate physical distancing requirements within instructional settings;

4. For settings with higher risk of spread, such as laboratories, computer labs, music/performance classes, studios, and locker rooms, implement enhanced measures such as greater physical distancing, physical barriers (for example, clear plastic), increased fresh air ventilation, moving instructional activities outdoors, and enhanced cleaning measures as feasible;
5. Physical barriers are acceptable instead of, or in addition to 6 feet or more of spacing between people; and
6. Permit remote instruction/telework or make other reasonable accommodations for students and employees who are at higher risk for severe illness from COVID-19 including those with any of the following characteristics:
 - ✓ People 65 years and older
 - ✓ People with chronic lung disease (other than mild asthma)
 - ✓ People who have serious heart conditions
 - ✓ People who are immunocompromised
 - ✓ People with obesity (body mass index [BMI] of 30 or higher);
 - ✓ People with diabetes;
 - ✓ People with chronic kidney disease undergoing dialysis;
 - ✓ People with liver disease; and
 - ✓ Any other medical conditions identified by OHA, CDC or a licensed health care provider.

D. Special Requirements for Instruction in the Health Professions. For all instruction and assessment in fields leading to certificates and degrees in the healthcare professions, colleges and universities must:

1. For laboratory instruction or demonstration of clinical skills without physical contact:
 - ✓ Modify the physical layout of classrooms to permit students to maintain at least 6 feet of distance between each other and the instructor(s);
 - ✓ Ensure monitoring and enforcement of physical distancing requirements at all times; and
 - ✓ Perform enhanced cleaning before and after each session.

2. For standardized patient simulations or laboratory instruction in close quarters or practicing clinical skills with physical contact:
 - ✓ Provide mandatory instruction on infection control practices and the appropriate use of personal protective equipment (PPE);
 - ✓ Require use of appropriate PPE for all personnel that come within 6 feet of each other; and
 - ✓ Perform enhanced cleaning before and after each session.
 3. For preceptorships, observerships, and direct patient care:
 - ✓ Provide mandatory instruction on infection control practices and the appropriate use of personal protective equipment (PPE);
 - ✓ Strictly adhere to the clinical facility's infection control protocols;
 - ✓ Confirm that the clinical facilities have the appropriate personal protective equipment (PPE) for their students who are involved in direct patient care within those facilities;
 - ✓ Conduct regular symptom monitoring of students;
 - ✓ Follow the facility's occupational health protocols if exposed and/or symptoms develop, including immediate exclusion from all patient care, testing for SARS-CoV-2, and mandatory reporting to university or college student health unit; and
 - ✓ Perform cleaning and disinfecting per the facility's protocols.
- E. **Special Requirements for Research Activities.** Colleges and university must ensure the following measures are implemented for research activities:
1. Research offices, labs, core facilities, and field locations must be modified to ensure appropriate physical distancing, consistent with state and local public health guidelines, and with reduced capacity as necessary; and
 2. Human subjects research must be permitted only if 6-foot physical distancing can be maintained or can be completed with minimal physical contact while using appropriate PPE or physical barriers, or both. Ensure that additional restrictions are used to further to protect vulnerable populations.

- F. **Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, colleges and universities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently:
- G. **General facilities.** Colleges and universities must do the following:
1. Clean and disinfect facilities frequently, generally at least daily when there is activity, to prevent transmission of the virus from surfaces. CDC provides guidance on disinfecting public spaces. See CDC's "[Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes](#);"
 2. Encourage students, staff, and faculty to perform appropriate hand hygiene upon their arrival to campus every day: washing with soap and water for 20 seconds or using an alcohol-based hand sanitizer with 60- 95% alcohol; and
 3. Provide hand hygiene stations with alcohol-based hand sanitizer in high use areas such as entrances to buildings and classrooms and other areas, as feasible. Strongly encourage students to use hand sanitizer on entry and exit to each room.
- H. **Signage.** To reinforce the need to minimize COVID-19 risks, such employers must do the following:
1. Post clear signs listing COVID-19 symptoms, asking students, staff, and faculty with symptoms to stay home, and listing whom to contact if they need assistance;
 2. Use signage and other communications to remind students, faculty, and staff about the utmost importance of hand hygiene and respiratory etiquette;
 3. [Use signs](#) to require physical distancing as necessary, including but not limited to reception areas, eating areas, locker rooms, and near popular equipment; and
 4. Post [clear signs](#) about the mask, face covering, and face shield requirements.
- I. **Special provisions related to isolation or quarantine.** Colleges and universities must take steps to ensure that if a student, staff, or faculty member develops or reports primary COVID-19 symptoms while on campus:

1. The person should immediately return to their place of residence or isolate in a designated isolation area until they can safely return to their residence or be transported to a health care facility. Students whose place of residence is within a campus residence hall must be isolated in a designated isolation area, with staff support and any in-person symptom monitoring conducted by an individual wearing appropriate personal protective equipment (PPE);
2. The person should seek medical care and COVID-19 testing from their regular health care provider or through the local public health agency. They should follow instructions from their local public health agency regarding isolation;
3. If the person has a positive COVID-19 diagnostic test, they should remain at their place of residence for at least 10 days after illness onset and 72 hours after fever is gone, without use of fever reducing medicine, and other symptoms are improving;
4. If the person has a negative COVID-19 diagnostic test and if they have multiple tests, all tests are negative all tests are negative, they should remain at their place of residence until 72 hours after the fever is gone, without use of fever reducing medicine and other symptoms are improving;
5. If the person does not undergo COVID-19 testing, the person should remain at their place of residence until 72 hours after the fever is gone, without use of fever reducing medicine, and other symptoms are improving; and
6. Any faculty, staff, or student known to have been exposed (for example, by a household member) to COVID- 19 within the preceding 14 days should stay in their place of residence and follow instructions from local public health agency.

J. Faculty and staff. Colleges and universities must:

1. Ensure that campus health care providers have the personal protective equipment that they need to see students safely. As appropriate, provide face masks, face coverings, face shields, filtering facepiece respirators (e.g. N95, P95, or R95), gloves, and protective clothing for healthcare professionals and other personnel who might interact with ill staff or students. Local public health can help if colleges and universities are unable to obtain PPE through usual channels; and
2. If feasible, arrange for fit testing for N95 respirators and PPE for healthcare and other personnel who might interact with ill faculty, staff, or students.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)
[Oregon Higher Education Coordinating Commission and Oregon Health Authority](#)
[COVID-19 Guidance](#)

Appendix A-16 Mandatory Workplace Guidance for Veterinary Care

Application: This appendix applies to veterinarians licensed under ORS 686, and to their assistants and other employees. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing and for the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: These workplace health and safety requirements are distinct from Oregon Health Authority guidance about reopening status and the resumption of non-emergency care, which may be restricted separate and apart from this appendix or the rule to which it applies.

A. Physical Distancing Measures. To ensure appropriate physical distancing, veterinary facilities are required to take the following steps:

1. Adopt a curbside model, bringing the animal patient into the facility while the owner remains in the vehicle, strictly enforce 6-foot physical distancing in the waiting area, or employ a combination of the two;
2. Allowing owners and animal caretakers into veterinary facilities:
 - a. Owners and caretakers may come into the facility exam room for the purpose of euthanasia;
 - b. Owners and caretakers may come into the facility exam room for the purpose of receiving instruction as to providing home care for pets including but not limited to giving medication, fluids, managing feeding tubes or catheters, etc.;
 - c. In the case of examining or treating animals that may pose a threat to the veterinary worker, the animal owner or caretaker may be allowed into the veterinary facility as long as source control is observed;
3. Further minimize human-to-human contact by not allowing clients in the examination rooms other than under the circumstances listed above; and
4. Limit situations where any veterinarian workers or other individuals are in within 6 feet to those necessary to safely handle and treat the animal patient.

B. Masks, Face Coverings, and Face Shields and Personal Protective Equipment.

To minimize the risk of airborne spread of the disease, veterinary facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

[Oregon Health Authority Veterinary Facility Guidance](#)

[Centers for Disease Control and Prevention Companion Animal Veterinary Guidance](#)

Reproduced from

[“Interim Infection Prevention and Control Guidance for Veterinary Clinics Treating Companion Animals During the COVID-19 Response,”](#) published by the United States Centers for Disease Control and Prevention (last updated August 12, 2020)

Animal History	Mask	Eye Protection (face shield or goggles)	Gloves	Gown or Coveralls	N95 respirator or suitable alternative
Healthy companion animal without exposure to a person with COVID-19 compatible symptoms	No	No	No	No	No
Companion animal with an illness that is not suspicious of SARS-CoV-2 infection AND without exposure to a person with COVID-19 compatible symptoms	No	No	No	No	No
Companion animal that is not suspicious for SARS-CoV-2 infection BUT has exposure to a person with COVID-19 compatible symptoms	Yes	No	Yes	No	No
Companion animal with an illness that is suspicious for SARS-CoV-2 infection	Yes	Yes	Yes	Yes	No
Aerosol-generating procedure for any animal without an exposure to a person with COVID-19 compatible symptoms	Yes	Yes	Yes	Yes	No
Aerosol-generating procedure for any animal with an exposure to a person with COVID-19 compatible symptoms	No	Yes	Yes	Yes	Yes
Any procedure on an animal that is known to be currently infected with SARS-CoV-2 through detection by a validated RT-PCR assay	No	Yes	Yes	Yes	Yes
Any procedure where a person with known or suspected of being infected with COVID-19 will be present	No	Yes	Yes	Yes	Yes

Appendix A-17 Mandatory Workplace Guidance for Emergency Medical Services: First Responders, Firefighters, And Non-Emergency Medical Transport

Application: This appendix applies to first responders, firefighters, emergency medical services, and non-emergency medical transport employers. It also provides direction specific to Emergency Communication Centers. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing and for the use of masks, face coverings, or face shields of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: Although this appendix is based upon the workplace health portions of [Quarantine Guidance for Fire and EMS Responders](#) and [Information Bulletin 2020-02 on Personal Protective Equipment Advisory](#), published by the Office of the Oregon State Fire Marshal, it does not address many other issues included in that document. Employers of first responders, firefighters, EMS, and non-emergency medical transport must therefore be familiar with that guidance as well.

Definitions.

Emergency Communication Centers means 911 Public Safety Answering Points/Emergency Communication Centers (PSAP/ECCs)

Emergency Medical Services Provider (EMS Provider) means a person who has received formal training in prehospital and emergency care, and is licensed to attend to any person who is ill or injured or who has a disability. Police officers, fire fighters, funeral home employees and other persons serving in a dual capacity, one of which meets the definition of "emergency medical services provider" are "emergency medical services providers" within the meaning of ORS chapter 682.

Fire Department means public and private employers who engage in structural fire service activities, including emergency first response, who are covered under OAR 437-002-0182.

A. **General Operations Screening, Isolation and Quarantine.** In order to reduce the risks of outbreaks within the workplace and the broader community, EMS employers must take the following steps:

1. Instruct employees to self-monitor for symptoms consistent with COVID-19.

2. Screen employees for fever and symptoms prior to each shift, excluding them from the workplace if they have a subjective fever or a measured temperature above 100.0°F or have COVID-19-compatible symptoms as described by Oregon Health Authority.
3. Direct employees who experience such symptoms to withdraw from patient or other public contact and don a face mask.
4. Exclude any employees from the workplace if they test positive via a COVID-19 diagnostic test.

Note: [Quarantine Guidance for Fire and EMS Responders](#) provides detailed information on monitoring, quarantine, isolation, and subsequent return to work.

B. General Operations – Emergency Communication Centers. Emergency Communication Centers (ECC) must comply with the provisions of the rule, with the following specific provisions and exceptions:

1. To the degree work stations cannot be separated by at least 6 feet, supplemental measures such as shields or barriers must be considered and installed, if feasible, no later than December 21, 2020;
2. Whether shields or barriers have been installed, ECC communications personnel are not required to wear face coverings while handling emergency calls, but must be allowed to do so at their discretion;
3. PSAPs should implement an EIDS or screen for fever, cough, difficulty breathing, and diarrhea for ALL calls, when feasible, if local triggers determined by the PSAP director have been met. Additionally, PSAPs should ask:
 - ✓ Is anyone in the call location a known or suspected COVID-positive individual undergoing either quarantine or isolation?
 - ✓ Is the call location a long-term care facility known to have COVID-19 cases?
4. The query process should never supersede the provision of pre-arrival instructions to the caller when immediate lifesaving interventions (e.g., CPR) are indicated
5. If the patient meets the above criteria, then PSAPs should:
 - a. Provide medical care per protocol.
 - b. Alert responding agencies of the possibility of a respiratory pathogen as soon as possible.

- c. Follow LPHA policies for reporting and follow up of healthcare workers with contact to suspected cases.
- d. For ill travelers at US international airports or other ports of entry to the United States (maritime ports or border crossings) should be in contact with the CDC quarantine station of jurisdiction for the port of entry CDC Quarantine Station Contact List for planning guidance.

- 6. If the patient does not meet criteria, discontinue questioning and follow appropriate case entry.
- 7. If call volumes increase to the point that screening is interfering with the timely processing of calls, consider suspending EIDS screening.

C. General Operations – Fire Departments and Ambulance Agencies. Fire Departments and Ambulance Agencies must comply with the provisions of the rule, with the following specific provisions and exceptions:

- 1. Spacing requirements do not need to be followed on any Agency apparatus when responding to or returning from a call, although respiratory protection must be worn as necessary.
- 2. To the degree 6-foot distancing cannot be reliably maintained in common living areas in a fire station or ambulance agency facility, the personnel residing there are not required to wear masks, face coverings or face shields (this exception applies only to shared living areas; it does not apply to break rooms, shared toilet facilities, or other common areas used by other employees or individuals other than those residing in the living areas).
- 3. The driver of an emergency response vehicle may adjust or remove a mask or face covering that impedes their vision or distracts from the safe operation of the vehicle.

D. Personal Protective Equipment, Masks, Face Coverings, Face Shields. EMS providers must apply the following procedures when engaged in emergency medical services or other patient care on all calls.

- 1. All patients are initially assessed from a distance of 6 feet to reduce potential for exposure of workers to COVID-19 or other infectious illness. There will be situations in which this option will be automatically excluded by the acuity of the call;

2. Patients and family members must be asked to wear their own mask, face covering, or face shield (if tolerated) prior to the arrival of EMS personnel and throughout the duration of the encounter, including during transport. If they do not have a mask or face covering, they should be offered a mask or face covering, as supplies allow. Bystanders and family will be asked to maintain the minimum of 6-foot physical separation from EMS workers;
3. Masks or face coverings should not be placed on: children under the age of 2 years old, anyone who has trouble breathing, or anyone who is unconscious, incapacitated or otherwise unable to remove the mask or face covering without assistance;
4. When circumstances permit, only one provider will directly assess the patient;
5. If circumstances allow, interview the patient outside the residence in open air;
6. The minimal expected amount of equipment will be brought to the patient's side, however, SP02 is required;
7. The interview should be done from the maximal distance that still allows for clear communication;
8. Avoid standing directly in front of the patient;
9. If a nasal cannula is used, a mask should (ideally) be worn over the cannula. Alternatively, an oxygen mask can be used if clinically indicated. If the patient requires intubation, see below for additional precautions for aerosol-generating procedures;
10. Masks or respirators must be worn by EMS providers while they are engaged in emergency medical services or other patient care. Face coverings must not be used as a substitute for a mask or respirator when respiratory protection (droplet precautions for a mask, airborne precautions for a respirator) is required;
11. During direct patient care in the EMS setting, use of respirators without exhalation valves is preferred but not required. Respirators with exhalation valves must not be used except in combination with appropriate source control, as they allow unfiltered exhaled breath to escape; and
12. When dealing with an individual known or suspected of being infected with COVID-19, EMS providers must wear a NIOSH-approved N95 or equivalent or a higher-level respirator, a gown, gloves, and eye protection (face shield or goggles).

E. Special Provisions for the Transport of Patients (Emergency and Non-Emergency) with Suspected or Confirmed COVID-19. For any patient meeting any of following criteria:

- Symptoms of lower respiratory infection, such as fever, cough, or shortness of breath,
- Recent contact with someone with known COVID-19; or
- Call location is a long-term care facility known to have COVID-19 cases.

EMS providers must apply the following procedures when engaging in transporting, whether emergency or non-emergency:

1. Involve the fewest EMS personnel required to minimize possible exposures; others riding in the ambulance must be limited to those essential for the patient's physical or emotional well-being or care (for example, care partner or parent.).
2. Ensure that the patient is masked. The patient mask must not have an exhalation valve, as it would allow unfiltered, exhaled breath to escape.
3. Provide medical care per protocol.
4. Ensure that personnel use contact, droplet, and airborne precautions, as follows:
 - a. Wear a single pair of disposable patient examination gloves
 - b. Wear disposable isolation gown. If there are shortages of gowns, they should be prioritized for aerosol-generating procedures, and care activities where splashes and sprays are anticipated.
 - c. Use respiratory protection (an N-95 or higher-level respirator). If respirator supplies have been depleted, facemasks are an acceptable alternative. Respirators should be prioritized for procedures that are likely to generate respiratory aerosols.
 - d. Wear eye protection (goggles or a disposable face shield that fully covers the front and sides of the face).
5. Use caution with aerosol-generating procedures and ventilate ambulance if possible.
6. Notify the receiving hospital (according to local protocols) of potential infection as soon as possible.
7. Disinfect using EPA registered Disinfectants for Use Against SARS-CoV-2.

8. Drivers, if they provide direct patient care (for example, moving patients onto stretchers), must wear the PPE listed above.
 - a. After completing patient care and before entering an isolated driver's compartment, the driver must
remove and dispose of PPE and perform hand hygiene to avoid soiling the compartment.
 - b. If the transport vehicle does not have an isolated driver's compartment, the driver must remove the face shield or goggles, gown, and gloves and perform hand hygiene, but continue to wear a respirator, mask, or face covering during transport.

Patients who do not meet the criteria listed above can be cared for using standard precautions, with use of transmission-based precautions determined by clinical presentation.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

[United States Centers for Disease Control and Prevention Flyer on Quarantine and Isolation](#)

[COVID-19 Strategies for Emergency Medical Services Surge](#)

[Fire Marshal Information Bulletin 2020-02 Personal Protective Equipment Advisory](#)

[Oregon Health Authority Oregon EMS Directors and Medical Directors, EMS Healthcare Exposure, Work Exclusion Guidance](#)

[Oregon Fire Marshall Quarantine Guidance for Fire and EMS Responders](#)

Appendix A-18 Mandatory Workplace Guidance for Law Enforcement Activities

Application: This appendix applies to the activities of law enforcement officers in the performance of their duties. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing and the use of masks, face coverings, or face shields of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For purposes of this appendix, the following definitions apply:

Law enforcement agency means the Oregon State Police, a county sheriff's office, a municipal police department, a police department established by a university under ORS 352.121 or 353.125, or an agency that employs one or more parole and probation officers as defined in ORS 181A.355.

Law enforcement officer means a member of the Oregon State Police, a sheriff or deputy sheriff, a municipal police officer, an authorized police officer of a police department established by a university under ORS 352.121 or 353.125, or a parole or probation officer as defined in ORS 181A.355.

- A. **Physical Distancing Measures.** To ensure appropriate physical distancing, law enforcement agencies must implement appropriate physical distancing as required by the rule in locations under their control and must do so to the extent their duties allow in other locations. However, based on the nature of the law enforcement officer's duties, the physical distancing requirements of the rule do not apply to emergency situations or other situations where the safety of law enforcement officers or others involved make contact within 6 feet necessary.
- B. **Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, law enforcement agencies must require masks, face coverings, or face shields in spaces under their control and when employees interact with other individuals. However, the following specific modifications apply to certain law enforcement activities:

1. Law enforcement agencies must ensure that all employees, visitors, and persons in custody wear a mask, face covering, or face shield as required in this rule unless enforcing this requirement would require the use of physical force or place an employee or member of the public at greater risk of COVID-19 exposure;
2. Law enforcement agencies must provide masks and face shield to law enforcement officers to wear in combination in situations when a person in custody refuses to wear a face covering;
3. Law enforcement officers are permitted adjust or remove the face mask, face covering, or face shield while interviewing a member of the public when necessary to establish sufficient rapport with the interviewee;
4. Law enforcement officers driving during an emergency response or pursuit may adjust or remove a mask, face covering, or face shield that impedes their vision or distracts from the safe operation of the vehicle;
5. Law enforcement officers are permitted to remove their mask, face covering, or face shield when the officer's ability to clearly communicate is impaired by the mask, face covering, or face shield; and
6. Law enforcement employees transporting a person in custody or a member of the public must ensure that that person wears a mask, face covering, or face shield unless compliance would require the use of force or place law enforcement employees or a member of the public at greater risk for COVID-19 exposure or physical jeopardy.

Appendix A-19 Mandatory Workplace Guidance for Jails, Prisons, And Other Custodial Institutions

Application: This appendix applies to jails, prisons, and other custodial institutions. To the degree this appendix provides specific guidance, it supersedes the requirements for use of masks, face coverings, or face shields, of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

- A. Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, jails, prisons, and other custodial institutions must require masks, face coverings or face shields within the premises. However, the following specific modifications apply within the secure perimeter of the jail, prison, or other custodial institution:
1. Jails, prisons, and other custodial institutions must require all person entering the secure perimeter of the jail to wear a mask, face shield, or face covering when within 6 feet of other individuals, if there are no physical barriers between them, with the following exceptions:
 - ✓ During scheduled mealtimes when eating or drinking;
 - ✓ If a physical or mental condition or disability limits the ability to wear a mask, face covering, or face shield;
 - ✓ When an order from the Oregon Judicial Department, presiding judge, or local health authority provides an exception to the wearing of masks, face coverings or face shields;
 - ✓ In a housing unit where all adults in custody have been in quarantine for a minimum period of time established by the local health authority after considering CDC and OHA guidelines, provided that all staff members wear a mask or face covering at all times while in the unit;
 - ✓ In youth correctional facility common areas when all youth in custody have been in quarantine for a minimum period of time established by the Oregon Health Authority, provided that all non-youth-in-custody individuals wear a face covering and the Oregon Health Authority has authorized such practice; or

- ✓ During an emergency, such as when responding to a spontaneous use of force event, a medical emergency, or a suicide attempt in a housing unit.
- 2. The jail, prison, or other custodial institution must not charge individuals in custody for masks, face coverings or face shields, except in the case of knowing damage or destruction to the mask, face covering, or face shield in violation of institution rules.
- 3. The jail, prison, or other custodial institution must not charge employees for masks, face coverings or face shields.
- 4. Custodial institution employees transporting a person in custody or a member of the public must ensure that that person wears a mask, face covering, or face shield unless compliance would require the use of force or place law enforcement employees or a member of the public at greater risk for COVID-19 exposure or physical jeopardy.
- B. **Meal Times.** During any period of time when masks, face coverings or face shields are required under this standard, provide adults in custody meals in their cell if possible. If in-cell meals are not possible, use appropriate physical distancing for mealtimes within the constraints of the facility.
- C. **Physical Distancing Measures.** To ensure appropriate physical distancing, correctional facilities must implement appropriate physical distancing as required by the rule in locations under their control and must do so to the extent their duties allow in other locations. However, based on the nature of correctional duties, the physical distancing requirements of the rule do not apply to emergency situations or other situations where the safety of involved individuals make closer contact necessary



MOTION

SUBJECT: Infection Control Plan

Plan: I move to approve the 2020 Wasco County Infection Control Plan

Authorization: I move to authorize the Human Resources Director to make revisions to the 2020 Wasco County Infection Control Plan as necessary to maintain compliance with updated guidance.



AGENDA ITEM

NORTH CENTRAL PUBLIC HEALTH DISTRICT EXECUTIVE DIRECTOR
SERACH

[NCPHD REQUEST LETTER](#)



Public Health
Prevent. Promote. Protect.

NORTH CENTRAL PUBLIC HEALTH DISTRICT

"Caring For Our Communities"

419 East Seventh Street
The Dalles, OR 97058-2676
541-506-2600

November 23, 2020

Wasco County Commissioners
511 Washington Street,
The Dalles, OR 97058

Dear Wasco County Commissioners,

Thank you for the opportunity to be considered for funding support by the Wasco County Commissioners.

In July of 2020 North Central Public Health Districts (NCPHD) Director retired following many years of service. Since that time, North Central Public Health has been working to recruit, and hire, a new NCPHD Director. The current NCPHD Board of Health has decided to look at contracting with an outside recruitment firm which would oversee and complete the process to recruit and hire a new NCPHD Director.

NCPHD is seeking financial support from each of the three counties it oversees: Wasco, Sherman, and Gilliam Counties. Currently, NCPHD also has some funds available that could be used to support a share in the cost of hiring the recruitment firm.

The plan for shared financing would go as follows:

- North Central Public Health District: \$2,500
- Wasco County: \$2,500
- Sherman County: \$2,500
- Gilliam County: \$2,500

***Total Cost for services not to exceed: \$10,000

The firm the Board of Health is hoping to hire for the recruitment process is a local firm called One Tree Hill and run by Lynda Webber. Lynda has outlined the services the Board of Health would receive.

The provided services, covered in the cost, would be as follows:

- Director recruitment process (80 hours of work, Not to exceed \$10,000)
 - Meet with commission chair and interim director to create a job description for the position in order to outline responsibilities and qualifications as well as gain an understanding of a "good fit" for the team
 - Establish a compensation package for position

- Establish advertising budget and channels:
 - Local
 - State
 - National Recruitment
- Create a posting and post the position
- Screen applicant resumes and virtually screen qualified applicants
- Send summary of qualified and recommended applicants along with their résumés for approval for a formal interview with staff
- Develop questions and interview process.
- Schedule virtual interviews with qualified applicants

North Central Public Health District, and the NCPHD Board of Health, believes that finding the best Director possible to oversee the care of our three counties is paramount. Each of our communities is unique and deserving of the best care and services obtainable. It is hoped that you will find it possible to assist us with our search for the next North Central Public Health District Director.

Most Sincerely,

A handwritten signature in black ink that reads "Shellie Campbell". The script is cursive and fluid, with the first name "Shellie" and last name "Campbell" clearly distinguishable.

Shellie Campbell
Interim Director
North Central Public Health District
(541) 506-2617



AGENDA ITEM

WASCO COUNTY COVID-19 UPDATES

[NO DOCUMENTS HAVE BEEN SUBMITTED FOR THIS ITEM – RETURN TO AGENDA](#)



AGENDA ITEM

Letter to U.S. Secretary of Agriculture

[LETTER TO SECRETARY PURDUE](#)



CAMPBELL PHILLIPS PC
Attorneys at Law

November 16, 2020

Sonny Perdue, Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Re: Columbia River Gorge National Scenic Area
Management Plan revisions to Urban Area

Dear Secretary Perdue:

I am legal counsel for Wasco County, Oregon. At 2,387 square miles, Wasco County contains six incorporated and five rural communities. As one of three Oregon counties in the Columbia River Gorge National Scenic Area (the "NSA"), Wasco County comprises the eastern boundary and contains the largest urban area and a multitude of agriculture uses. Wasco County has a storied history of resilience and innovation. Compared to our Oregon NSA counterparts, we are decidedly blue collar. In other words, as much as other areas rely on tourism, we depend on agriculture, industry, manufacturing and power production. While we are proud of our role in maintaining the NSA and treasure this resource, we are equally protective of our Urban Areas. It is a balancing act that recently became out of balance. This is why I write you.

The Columbia River Gorge Commission has just completed a rulemaking process to update the comprehensive plan that implements the Columbia Gorge National Scenic Area Act (the "Act"), known as the Management Plan for the Columbia River Gorge National Scenic Area (the "Management Plan"). The strikes-and-underline version of the relevant chapter is attached. We believe that the resulting Urban Area boundary revisions (the "Revisions") are so out of balance that they are not only contrary to the intent of the Act but are in direct conflict with the express terms of the Act.

I urge you to seriously consider Wasco County's concerns. As you know, these Revisions will have long lasting implications for more than 75,000 regional residents, future generations, the members of the four tribal governments with sovereign treaty rights, and millions of tourists each year. As such, your scrutiny and careful deliberation is greatly appreciated.

The Act is attached to this document for ease of reference. It is important to note that at the time of its enactment the Act was considered by Congress a "grand experiment". Language used in the Act intentionally allows for a fluid approach to the Urban Areas because so much of the outcome was unknown at the time of its passage. The Management Plan provides for refinement as necessary for the ongoing implementation of the Act, but may not conflict with the Act. It is our



opinion that the Revisions conflict with this Act. Specifically, Section 4(f) of the Act sets for a procedure for revising the Urban Area as follows:

(f) Revision of urban area boundaries

(1) Upon application of a county and in consultation with the Secretary, the Commission may make minor revisions to the boundaries of urban areas identified in subsection (e) of this section. A majority vote of two-thirds of the members of the Commission, including a majority of the members appointed from each State, shall be required to approve any revision of urban area boundaries.

(2) The Commission may revise the boundaries of any urban area only if it finds that –

(A) a demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the management plan;

(B) revision of urban area boundaries would be consistent with the standards established in section 544d of this title and the purposes of sections 544 to 544p of this title;

(C) revision of urban area boundaries would result in maximum efficiency of land uses within and on the fringe of existing urban areas; and

(D) revision of urban area boundaries would not result in the significant reduction of agricultural lands, forest lands, or open spaces.

By contrast, the following outlines the concerning Revisions to the Management Plan:

- Policy 8: Minor is defined as “no net change” or “cumulatively 20 acres or 1% of the total area of the urban area, whichever is less” (the largest urban area is the only urban area that will qualify for 20 acres). A maximum cumulative expansion cap has been set at 50 acres.
- Policy 10(A): “Compliance with state programs with undetermined revisions to add ‘specific National Scenic Area factors.’”
- Policy 10(B): Urban Areas adjoined or near a Columbia River bridge must complete a bi-state regional analysis to consider the land supply needs of nearby Urban Areas.
- Policy 11: Requires a development agreement between the Commission, county and city that provides the Commission with enforcement authorities in newly expanded urban area. This conflicts with the Act¹ and state laws² that implement the bi-state compact.

¹ 16 USC 544d(c)(5)(B) states: “Scenic Area Management Plan... shall not apply to urban areas.”

² ORS 196.109 states: “Effect of revision of urban area boundaries within scenic area on management plan: If the urban area boundaries of the Columbia River Gorge National Scenic Area are revised to include land that was once within the general management area or the special management area, the management plan no longer applies to that land and the applicable provisions of ORS chapters 92, 195, 197, 215 and 227 and the rules, plans and ordinances adopted thereunder apply.”



- Policy 13: Authorizes the Commission to require local governments to adopt enforceable conditions of approval to ensure lands are being used efficiently. This is the same conflicts as Policy 11.

Wasco County respectfully submits that these revisions conflict with the Act. More particularly, the Act omits any reference to Oregon or Washington State regulations for Urban Area boundary expansion or requirements. If it was the intent of Congress to incorporate these regulations, such reference would have been express. Moreover, the Act does not impose temporal obligations or in any way support a cap on the amount of land. To the contrary, the Act intentionally provides a process by which an Urban Area can pursue expansion if a demonstrable need to accommodate their community's "long-range urban population growth requirements or economic needs" exists. Congress recognized that with 13 Urban Areas ranging dramatically in size, demographics and evolving need, this process must be fluid. Congress specifically drafted the Act to accommodate the same. This is evidenced in Congress' reference to "minor" revisions absent any attempt to quantify those revisions. It is appropriate for courts to apply rules of construction to interpret terms in the application of law. If Congress had intended to quantify the revisions, it would have. It intentionally did not. However, that is exactly what the Gorge Commission just did. The result is dire, effectively marginalizing the needs of the communities with arbitrary restrictions and an unduly burdensome procedure.

Wasco County believes in the balanced effort to preserve the scenic, natural, cultural and recreation resources of the Gorge, and diligently implements a local ordinance ensuring that all new development is consistent with these goals. Throughout the Management Plan update process, Wasco County participated at every public meeting and provided feedback and assistance wherever possible. The County routinely articulated that preserving the process contemplated by the Act is critical to ensure our ability to address the long-term needs of our communities. Wasco County sees very little, if any, consideration of this input in the outcome.

In summary, the Revisions not only conflict with the Act, but do more harm than good and should be rejected. A collaborative process that includes state land use agencies and local implementing authorities should be convened to revisit this topic before any rules are formally acknowledged.

Thank you in advance for your attention to and intervention in this matter. Please do not hesitate to contact me to discuss this further.

Sincerely,

CAMPBELL PHILLIPS PC

Kristen A. Campbell

Attachments:



- (1) NSA Act
- (2) Existing Urban Area language in the Management Plan
- (3) Strikes-and-underline version of adopted Urban Area language in the Management Plan
- (4) Board Resolutions
- (5) DLCD Letter

Cc: Columbia River Gorge Commission
USDA Forest Service National Scenic Area Office
Hood River, Multnomah, Klickitat, Skamania, and Clark County Commissioners
Port of The Dalles, Port of Hood River, Port of Klickitat, Port of Skamania
Washington State Department of Commerce
Oregon Department of Land Conservation and Development
Mid-Columbia Economic Development District
Governor Kate Brown
Oregon Regional Solutions Office
Governor Jay Insee
Greg Walden



AGENDA ITEM

Executive Session

[PURSUANT TO ORS 192.660\(2\)\(H\) CONFERRING WITH LEGAL COUNSEL](#)

[NO DOCUMENTS HAVE BEEN SUBMITTED FOR THIS ITEM – RETURN TO AGENDA](#)
