Week of December 6th - Interim Update:

Interim Committee Days
E-Board
Special Session
OSHA COVID-19 Training Materials

Interim Committee Days Start Monday

A reminder the Oregon Legislature has convened virtually for two-weeks of interim Committee days starting Monday, Dec. 7th and wrapping up Friday, Dec. 18th. Policy Committees will convene for 3-hours and discuss committee priorities as well as introduce some pre-session filed bills for the 2021 Session. Our team's response time may be reduced this week as we engage with Legislators and monitor these hearings. An update on the hearings of interest will be provided before we close for the holidays.

E-Board Update

The Emergency Board (E-Board) will also convene virtually on Friday Dec. 11th largely receiving end-of-year reports, approving grants and allocating some new funds for agency rebalancing individual funding requests. Materials for the 48-items being considered have not yet posted but you can view the agenda here. We anticipate another E-Board Committee meeting in January in advance of the start of the 2021 Session.

Special Session Update

Over the weekend, Speaker Kotek released 6 proposals that could be considered if the Legislature is called back for a 3rd Special Session. The emergency special session could be called under Article X of the Oregon constitution which allows for virtual voting – something that hasn't been allowed in previous Special Sessions and required Legislators to return to Salem. It is still unclear when – and if – the Special Session will be called. We have heard it is possible it would take place the week of Dec. 14th.

Concepts shared from the Speakers Office:

- **LC 2: Federal Tax Law Connection – Rep. Nathanson**
  - Proposes several disconnects from the federal tax code, including deductions and limitations on deductions and carryforward loss. Concept has been discussed in previous Special Sessions and not advanced.
- **LC 3: Critical Disaster Supply and Preparedness – Rep. Evans & Nathanson**

    - Directs OR Business Development Department to establish a program to create the OR Critical Disaster Preparedness Stockpile to ensure a full stock of emergency supplies and equipment.
- **LC 10: Cocktails to Go and Third Party Fees – Rep. Nosse**
    - Allows restaurants to sell and deliver mixed drinks in sealed containers. Limits at two mixed drinks per substantial food item. Limits fees that 3rd party food platform may charge restaurant. Established PRA against 3rd party food platform for violations. Sunsets 60-days after COVID state of emergency as declared by Governor Brown.
- **LC 17: Residential and Small Landlord Foreclosure Protections – Rep. Holvey**
    - Extends homeowner protections for those behind or defaulting on their mortgage payments.
- **LC 18: Landlord Compensation Fund and Eviction Protections – Rep. Fahey**
    - Extends eviction moratorium on landlords through June 30, 2021. Establishes a grant program for landlords with past-due rent since the moratorium has been in place (April 2020). Allows landlord to receive up to 80% of past due rent with an agreement to forgive 100% of past due rent owed tenant.
- **LC 19: Public Health Data Sharing for Frontline Providers – Rep. Salinas**
    - Authorizes the OR Health Authority to disclose individual's information related to COVID-19 to certain health care providers.
- **LC 2330: Limited Liability Protections for Schools – Rep. Sollman and Rep. Power**
    - Modeled off previously negotiated limited liability proposals (health care providers and general business) LC 2330 provides limited liability protection for school districts and community colleges. The bill would ban claims related to COVID-19 for acts or omissions by a school district if the district is operating in compliance with COVID-19 emergency rules in effect at the time of the act/omission. The immunity provided under the act does not apply to reckless, wanton or intentional misconduct.

Executive branch statutory changes requested:

- **ODOT has requested three policy changes**. They are:
    a. Extend the moratorium on law enforcement actions concerning expired government-issued (DMV) documents.
    b. Two changes to free up in-person capacity at ODOT locations for customers who need in-person service or for services not yet available online:
        i. Create an out-of-state knowledge test exemption for applicants who have moved to Oregon from out-of-state and have unexpired credentials.
        ii. The Teen Safe Driving Practices test has been replaced by the graduated teen license system. ODOT's proposal would eliminate the TSDP.
- **LC 24: Fund Flexibility for Oregon Employment Department**
    - Context: The Lost Wages Assistance program created an obligation for the state to repay FEMA for benefit overpayments the agency does not recoup, and they

cannot use federal funds for that purpose. Using Fraud Control Funds for this obligation would avoid OED having to use their limited other funds that go to support regular ongoing operations needed to support pandemic response (like helping unemployed people throughout the state find jobs, etc.)

OR-OSHA COVID-19 Training Materials Released

OR-OSHA has released an online interactive education course designed to help employers meet four of the 10 training requirements found in their COVID-19 rules. The 1-hour course begins with an explanation of the dangers of COVID-19 and why the temporary rules were adopted. The course is then divided into four modules: Introduction; Signs, Symptoms and Transmission; Control Measures; and Conclusion. The course is available in both English and Spanish and should be incorporated with your other training planned under the rules. Find English Course and Spanish Course.

You can also download the presentation as a PowerPoint (scroll to bottom of page). While not required, OR-OSHA also included a model 'training verification form' for employees.

OR-OSHA also released completed Exposure Risk Assessment and Infection Control Plans over the weekend:

- Example Risk Assessment for Restaurant
- Example Risk Assessment for Manufacturer
- Example Infection Control Plan for Restaurant
- Example Infection Control Plan for Manufacturer

Waiver & Delayed Enforcement

We have received a few inquiries from employers asking what they can do if they haven't been able to complete their ERA or ICP or are closed due to the 'freeze.' OR-OSHA is expected to released additional information tomorrow addressing this question. It could be considered as a 'request for temporary variance.' See more here. OR-OSHA has also shared that if employers reach out and let them know they are close to completing their plans they will rely on that and not take action as they review/resolve complaints. They will release a memo Monday further explaining this and address their enforcement delay for those business sectors directly affected by the freeze/risk category county shutdowns. Check back here.

Important timelines to remember:

- Base Rule: Effective November 16, 2020
    - Physical Distancing
    - Masks
    - Cleaning & Sanitation
    - Poster posted: Posters are available in English here and Spanish here.
- Building Operator Rules: November 23, 2020
- Exposure Risk Assessment: December 7, 2020*

- Infection Control Plan: December 7, 2020*
- Employee Training: December 21, 2020
- Ventilation Requirements (all workplaces): January 6, 2021

*Reminder you do not need to submit your Exposure Risk Assessment or Infection Control Plan to OR-OSHA for review. Your Infection Control Plan (if you have more than 10 employees or are an "Exceptional Risk Workplace") needs to be available in writing to your employees at the workplace.

Helpful tools to-date:

- OSHA Poster and in Spanish
- Fillable Exposure Risk Assessment (fillable version on landing page)
- Infection Control Plan here and in pdf form here
- Model Policy for Notification of Employees when COVID-19 Exposure and in Spanish
- Training Materials:
    - COVID-19 Fact Sheet has been released. Find that here.
    - Online training modules:
        - English Course
        - Spanish Course