



**Location:** City Hall – Council Chambers  
**Date:** January 26, 2021  
**Time:** 6:30 PM

## City Council Meeting Agenda

Mayor Jason Beebe, Council Members Steve Uffelman, Janet Hutchison,

Patricia Jungmann, Gail Merritt, Jeff Papke, Raymond Law and City Manager Steve Forrester

**This meeting will be open to the public by telephonic communications due to commitment to eliminate the exposure and spread of COVID-19. This meeting can be attended by calling 346-248-7799 Meeting ID 947 5839 2608. Please visit our website for additional meeting information.**

### Call to Order

### Flag Salute

### Additions to Agenda

### Consent Agenda

- [1.](#) Regular Meeting Brief 1-12-2021
- [2.](#) Special Meeting Brief 1-15-2021

### Visitors, Appearances and Requests

### Council Business

[3.](#)

### Staff Reports and Requests

4. Manager's Report - Steve Forrester
5. Pavement Condition Index (PCI) - Scott Smith / Eric Klann

### Committee Reports

### Ordinances

### Resolutions

- [6.](#) Resolution No. 1471 - Authorizing the Oregon Public Works Emergency Response Cooperative Assistance Agreement - Eric Klann
- [7.](#) Resolution No. 1472 - Adopting Barnes Butte Concept Plan "Echo of the Butte" - Eric Klann / Casey Kaiser
- [8.](#) Resolution No. 1473 - Authorization to Efficiently Minimize or Mitigate the Effects of COVID-19 - Steve Forrester / Jered Reid



9. Resolution No. 1474 - A Resolution Declaring Reasonable Precautions to Minimize the Spread and Exposure of the Coronavirus- Jered Reid

### **Visitors, Appearances and Requests**

### **Adjourn**

10. Adjourn to Executive Session Pursuant to ORS 192.660 (2)(i) & 192.660 (8) - Evaluate the performance of an officer, employee or staff member & ORS 192.660 (2)(j) - Negotiations under ORS Chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

***Agenda items maybe added or removed as necessary after publication deadline***



**CITY OF PRINEVILLE**  
**Regular Meeting Brief**  
387 NE Third Street – Prineville, OR 97754  
541.447.5627 ph 541-447-5628 fax

Full Meeting Recordings Available at:  
<http://cityofprineville.com/meetings/>

**City Council Meeting Brief**  
**January 12<sup>th</sup>, 2021**

**Council Members Present:**

Steve Uffelman  
Janet Hutchison  
Patricia Jungmann  
Jason Beebe

Gail Merritt  
Ray Law  
Jeff Papke

**Council Members Absent**

None.

**1. State of the City Address – Mayor Beebe**

Mayor Beebe presented the State of the City Address for 2020.

**Additions to the Agenda**

There were no additions to the agenda, however would like to recognize that the written comments received in your packet are in connection with agenda Item No. 12 under Council Business.

**Consent Agenda**

Councilor Uffelman made a statement regarding the full name of the road users committee referred to in the minutes as the Rough Tough Committee is a nickname for the ODOT Road User Fee Task Force.

2. Regular Meeting Brief 12-08-2020
3. Special Meeting Brief 12-16-2020
4. Regular Meeting Brief 1-04-2021
5. Police Department Property Conversion
6. Terry's Jewelry Secondhand License Renewal
7. Corral Tap Room Liquor License

**Councilor Papke made a motion to approve consent agenda as amended. Motion seconded. Discussion on motion. Motion carried.**

**Visitors, Appearances and Requests:**

**8. Facebook Community Update – William Marks / Dr. Sara Johnson**

William Marks said 2020 was a year we would never forget but also a year where the community come together. Came together to help small businesses, wildfire relief, food and clothing for non-profits. They will announce another \$210k this year for the school robotics program

Dr. Sara Johnson, Crook County School District Superintendent – explained that it has been a great privilege to serve the community this past year and all that has backed up our school system. It has been and continues to be a model for the rest of the state on how to move forward and create something for our kids in our community. The School District could not have done it without Facebook. Facebook has given continued and on-going support. Facebook has donated over \$1.3M to our children in our community and added value in the system and the list goes on. The School District received support for WI-FI and helped to get our children connected for online school. Dr. Johnson explained they have focused on vocational and skill building tools to set students up for success with life skills. Dr. Johnson discussed some of the applications used of the students in the Paxten Patterson lab that she witnessed. This is the only Paxten Patterson lab in central Oregon. We are a model around the district for coding and robotics and every year Facebook comes in and replenishes the equipment with the newest technology. Facebook reaches out to them and asks what can they do to help the schools? Facebook has funded well known authors to come in and visit with students on complex issues that students face.

Dr. Johnson stated she embraces their support and couldn't do it to this level without them.

Mayor Beebe asked if there were comments.

Councilor Law added a thank you for your support.

Councilor Uffelman echoed what Councilor Law said and thanked them for all of their support.

Steve Forrester, City Manager said that there was a whole lot of collaboration 10 years ago and because of the city and county support we were able to bring Facebook here and highlighted how it has benefited the committee.

**Public Appearances**

**9. Written Comments Received**

Mayor Beebe announced that the written comments received are related to Item No. 12 and they have all been documented. They were received by Council and disbursed and are a matter of record posted on the website.



## Council Business

### 10. Committee Council Appointments – Mayor Beebe

Mayor Beebe explained there were a few last minute changes and asked if Council had a chance to review the existing committee appointments.

Councilor Papke asked if there were any volunteers for the primary seat for COIC, since there is a schedule conflict. Councilor Merritt volunteered for the primary seat with Councilor Papke as the alternate.

Councilor Merritt explained that she has been on the Crook County Foundation for 10 plus years and asked if anyone else is ready to step into that roll. Councilor Law volunteered to.

Councilor Uffelman explained that there are several committees that he would like to be removed from.

Mayor Beebe will take on the role for COCO.

Council went through the remainder of the list and the following were decided:

Air Quality – Councilor Hutchison; Crook County Foundation – Councilor Law; COCO – Mayor Beebe; COACT – Councilor Uffelman will stay with Councilor Law as alternate; Crook County School District Facility – Councilor Papke will stay; DWA – Councilor Uffelman will step aside and leave Eric Klann on there; EDCO – Councilor Uffelman will step aside and Mayor Beebe will attend as permitted since Steve Forrester is on the board; HCP – Mayor Beebe and Eric Klann to wrap anything up; Crook County Human Services – Councilor Hutchison will remain; Finance Committee – Councilor Hutchison and Councilor Merritt will stay on, Mayor Beebe will take on, Councilor Uffelman steps aside; Public Works Committee – Councilor Hutchison will stay on as well as Mayor Beebe; Public Safety Committee – remains the same; Transportation Committee – remains the same; Railroad Advisory Committee – Councilor Uffelman stays on; Local Intergovernmental Committee – Mayor Beebe will take; Solid Waste Advisory Committee – stays the same; Downtown Revitalization Committee – remains the same; Chamber of Commerce – Councilor Law will take Councilor Jungmann’s spot; Barnes Butte Focus Committee – remains the same; Franchise Fee Committee – Councilor Law will take Teresa Rumble’s position; NeighImpact – remains the same; CC Natural Resource Committee – Councilor Law will step in; Ochoco Forest Collaborative – remains the same.

**Councilor Jungmann made a motion to approve appointments as amended. Motion seconded. No discussion on motion. All in favor, motion carried.**

**11. Railroad Advisory Committee Appointments – Matt Wiederholt**

Matt Wiederholt, Railroad Manager presented the staff report explaining that all members would like to continue their service on the Committee and that Dustin Wilson would like to be the newest potential member.

There were discussions regarding county vs. city boundaries and that the railroad covers a lot of ground beyond city boundaries.

Mayor Beebe accepted the recommendation of the Railroad Advisory Committee.

**12. COVID-19 Impact Mitigation Options – Steve Forrester**

Jered Reid, City Attorney talked about resolution passed by Yamhill and Josephine Counties

Steve Forrester, City Manager introduced the guest panel attending to help answer any questions Council may have after an update from each.

Muriel DeLa Vergne-Brown thanked Councilor Jungmann who helped with with clinic.

Ms. DeLa Vergne-Brown explained that there were 19 new cases today and that staff has worked hard.

There were discussions regarding active, presumptive, social distancing, testing for flu and COVID at the same time; organized community wide event and volunteers; bringing in more staff due to being overwhelmed; wrap around services funding by staff; people on isolation pays for utilities, food, etc.; providing PPE; getting 100 doses a week and as of today and has given 300; first responders were taken care of first; CDC had a big announcement that vaccines didn't roll out the way they expected; and hoping pharmacies will also sign up as well as clinics to be able to administer vaccines.

Kim Daniels – Chamber of Commerce Executive Director, stated the main thing on her end is they work mainly with businesses and the businesses want to do what they can do and follow the rules. Right now it is about getting support from the community. The businesses need resources, PPE, and protection program to get them as quickly as possible, The Chamber has been very active in getting grants and funds wherever they can. We have to give them what we can give them and locally support them. People are exhausted right now and they are just tired and are trying to do things the right way. Help them in the best way you can.

Kelsey Lucas – EDCO Prineville Director, explained that the traded sector hasn't been hit as hard as service. Service industry is struggling with inventory planning and other planning delays. PPE's, air filtrations, plexi glass and other items, paid time off and tech costs that go along with working at home EDCO has had a record projects quarter at 18. Traded sector is doing well, it is mostly service hit so hard.

Ms. Lucas provided background on grant applications and went over a one page summary in the Council packet. Ms. Lucas explained that business registrations were checked with the state and tax status before issuing grants. It was pretty amazing how everyone rallied in April to get money out to businesses.

Ms. Daniels said they had all but two checks out with the last round, and compared to other communities, it has been amazing and proud to have been a part of it. Ms. Daniels said that if there are any businesses out there please hit Kelsey or myself because we are still seeking a variety of funding sources.

Discussions continued regarding: vaccines and clinical vs. retail application of them; once that top is popped on vial, you have to administer those within 6 hours and it comes down to logistics of being able to keep temperature long enough to administer; computerized scheduling; COVID vaccines require that you monitor patients for 15 minutes after the vaccine is administered; concerns about getting vaccines and red flags as it begins to roll out; and the huge resources thrown out to develop these vaccines as opposed to ones that have taken years to develop.

There were further discussions regarding number of days between the first and second shot; if the businesses engage in the requirements of OSHA are the risks minimized; that it is not the businesses it is the people refusing to wear a mask though that has tapered off; and the comments seen so far about the virus not being as bad as what it is made out to be.

Ms. DeLa Vergne-Brown talked about the sick people that they are talking to. You have to look across the country and what is happening and people that can't breathe and how scary it is and it is real. It is a cause of pain for a lot of people.

Discussions continued about how the hospitals are doing; some people do not know where they got it from which could affect matrix; not having any cases tied to face to face contact at school and we are the largest school district in the state to be open.

Mr. Forrester shared Bryan Iverson comments received.

Mayor Beebe thanked everyone for participating in the meeting and for everything they have done for the community this past year.

Councilor Papke said he feels a letter would be more impactful. He believes that the progress made so far, has been made by pressure from all of the school districts and administrators and how they can meet the guidelines, etc.

Councilor Hutchison, saw a letter Redmond is considering on KTVZ letter news. Councilor Hutchison explained the option in the letter urging the Governor to open businesses based on the same way that has been done for schools. Would like to move forward with letter rather than a resolution.

Mr. Reid explained that the state is due to come out with another assessment for risk this week so a resolution would be mute possibly.

Councilor Merritt explained that most of the comments she read on the Yamhill resolution were not in favor and she would support a city letter vs. a resolution. Councilor Merritt said she doesn't want to give a false hope of opening.

Councilor Law said there will be misgivings, misinterpretations, etc. however if it is another tool he would completely support it. Councilor Law pulled up a fact regarding applicants for business owners hiring and the number of people who applied for the job, the number that actually showed up for an interview, and only one was actually serious about getting a job.

Councilor Jungmann, explained she has reservations about a resolution and is in favor of sending a letter. It could take three to six months to get that through the process and feels it would be quicker to talk to the Governor. She has friends that are business owners and people who have suffered from COVID and wants it to be behind us.

Councilor Uffelman is in favor of writing a letter to the Governor. Feels it would be more impactful and not in favor of resolution.

Mayor Beebe is in favor of a letter and resolution. He talked with Annette Liebe who said the Governor is listening and knows that everyone is struggling.

Mayor Beebe wanted to make it clear that he has not encouraged businesses to defy the mandates.

Mr. Reid provided a summary of options moving forward.

**Councilor Law made a motion to move forward with drafting a letter and prepare a resolution. Motion seconded. Discussion on motion regarding once a resolution and letter is drafted and each would have to be approved. Motion carried.**

**Councilor Jungmann made a motion for a special Council meeting on Friday January 15th at noon. Motion seconded. Motion carried.**

**Staff Reports and Requests:**

**13. Manager's Report – Steve Forrester**

Mr. Forrester reported: the ASR project is still ahead of schedule and no one was hurt.

**Committee Reports**

Mayor Beebe attended a COCO meeting and Doug Riggs said there were 3200 bills presented. Oregon could possibly have another seat in Oregon; Oregon wants to adjust SDC's; and Mayor Endicott for the City of Redmond is following suit with the Prineville wetland project.

**Ordinances:**

**14. Ordinance No. 1263 – Adopting Changes to Prineville Code Section 150.01 (SECOND PRESENTATION) – Josh Smith**

Josh Smith, Planning Director provided the background and stated that nothing has changed since the first presentation.

**Councilor Hutchison made motion to approve Ordinance No. 1263 for its second presentation. Motion seconded. No discussion on motion. All in favor, motion carried.**

**Resolutions:**

**15. Resolution No. 1470 – Authorizing to Enter Into an IGA with Crook County for Radio System Repair & Maintenance– James Wilson**

James Wilson, Public Safety IT Manager provided staff report.

There were no questions.

**Councilor Merritt made motion to approve Resolution No. 1470. Motion seconded. All in favor, motion carried.**

**Visitors Appearances and Requests:**

**Adjourn**

**Councilor Uffelman made a motion to adjourn the meeting. Motion seconded. No discussion on motion. All in favor, motion carried.**

Meeting adjourned at 8:57 P.M.

**Motions and Outcomes:**

Motion:	Outcome	Beebe	Hutchison	Jungmann	Law	Merritt	Papke	Uffelman
Consent Agenda as amended.	PASSED	Y	-	Y	Y	Y	Y	Y
Committee Council Appointments as amended.	PASSED	Y	Y	Y	Y	Y	Y	Y
Railroad Advisory Committee Appointments	PASSED	Y	Y	Y	Y	Y	Y	Y
Motion to move forward with drafting a letter to the Governor and prepare a resolution.	PASSED	Y	-	Y	Y	Y	Y	Y
Motion for a special Council meeting on Friday January 15th at noon.	PASSED	Y	-	Y	Y	Y	Y	Y
Ordinance No. 1263 – Adopting Changes to Prineville Code Section 150.01 ( <b>SECOND PRESENTATION</b> )	PASSED	Y	Y	Y	Y	Y	Y	Y
Resolution No. 1470 – Authorizing to Enter Into an IGA with Crook County for Radio System Repair & Maintenance	PASSED	Y	Y	Y	Y	Y	Y	Y
Adjourn Meeting	PASSED	Y	Y	Y	Y	Y	Y	Y

Public Records Disclosure

Under the Oregon public records law, all documents referred to in this session are available at the City’s website. [www.cityofprineville.com](http://www.cityofprineville.com). An electronic copy of the meeting packet is available for download at [www.cityofprineville.com/packets](http://www.cityofprineville.com/packets). A full recording of this meeting is available at [www.cityofprineville.com/meetings](http://www.cityofprineville.com/meetings)



**CITY OF PRINEVILLE**  
**Special Meeting Brief**  
387 NE Third Street – Prineville, OR 97754  
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City Council Special Meeting Brief  
January 15, 2021

**Council Members Present:**

Steve Uffelman  
Patricia Jungmann  
Jason Beebe  
Gail Merritt

Raymond Law  
Jeff Papke

**Council Members Absent**

Janet Hutchison

**Additions to the Agenda**

None.

**Consent Agenda**

None.

**Visitors, Appearances and Requests:**

None.

**Public Appearances**

There were no written comments to be included in the record.

**Council Business**

1. **Council President Election** – Mayor Beebe

Mayor Beebe explained that Council needed to elect a Council President which sits in and covers for the Mayor when he is absent.

**Councilor Merritt made motion to appoint Councilor Uffelman as the Council President. Motion seconded. No other nominations were made. No discussions on motion. All in favor, motion carried.**

**2. Consideration of Letter to Governor Brown – Steve Forrester / Jered Reid**

Jered Reid, City Attorney explained we were directed to draft a letter at the prior meeting.

Steve Forrester, City Manager added that the County Court approved a letter today with a few minor changes such as to name County where City is and they are hoping for a joint letter.

Mayor Beebe asked if everyone has read the letter.

Councilor Jungmann asked what big box stores means, mitigation infractions and Prineville not having any big box stores.

Mr. Forrester said that was his understanding from speaking with other people, big box means such as Walmart, Fred Myer, etc. and asked Mr. Reid about possible liability for stating that.

Councilor Jungmann said they have been deemed essential so there is a difference there.

Mayor Beebe said he feels that to make a comparison to the bigger stores being open and, are not in our community.

Councilor Jungmann feels like stating obvious infractions is like pointing a finger when they have been working hard.

Mr. Reid explained there has never been a determination made for essential vs. non-essential. In regards to legal liability in regards to the statement is slim to none. Mr. Reid said it is a statement and can personally testify that there are infractions and that it is up to OSHA or OHA to do what they want.

Councilor Papke asked if Councilor Jungmann is concerned about language or if concerned about interpretation from other businesses or both. Councilor Jungmann said both.

Councilor Papke said he personally does not object to the strong language because he wants it to be noticed. He understands the concerns, but doesn't mind it being there.

Councilor Jungmann recommended changing to big box stores in our state.

Mr. Forrester said we could add stores in our area. Councilor Jungmann said that would make her feel better.

Councilor Uffelman recommended use the word region. Councilor Jungmann agreed.



Councilor Uffelman made motion to approve letter to the Governor as revised per our discussion. Jungmann seconded. No discussion on motion. All in favor, motion carried.

**Staff Reports and Requests:**

**1. Manager's Report**

None.

**Committee Reports**

None.

**Ordinances:**

None.

**Resolutions:**

None.

**Visitors Appearances and Requests:**

**Adjourn**

**Councilor Uffelman made a motion to adjourn the meeting. Motion seconded. No discussion on motion. All in favor, motion carried.**

Meeting adjourned at 12:18 P.M.

**Motions and Outcomes:**

Motion:	Outcome	Beebe	Hutchison	Jungmann	Law	Merritt	Papke	Uffelman
Motion to appoint Councilor Uffelman as the Council President	PASSED	Y	-	Y	Y	Y	Y	Y
Motion to approve letter to the Governor as revised per our discussion.	PASSED	Y	-	Y	Y	Y	Y	Y
Adjourn Meeting	PASSED	Y	-	Y	Y	Y	Y	Y

Public Records Disclosure

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# STAFF REPORT

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**MEETING DATE:** 1/26/2021

**PREPARED BY:** Lisa Morgan

**SECTION:** Council Business

**DEPARTMENT:** Administration

**CITY GOAL:** Fiscal Responsibility, Provide Quality Municipal Service & Programs, Transparency & Effective Communications and Position City for the Future

**SUBJECT:** Budget Committee Appointments and Reappointments

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## REASON FOR CONSIDERATION:

To reappoint Budget Committee members whose term expired December 31, 2020 and to appoint a new member.

## BACKGROUND:

The Budget Committee consists of seven citizens of the City of Prineville and all seven Council members. Since we have transitioned to a biennial budget, Budget Committee member terms have changed from three year terms to four year terms as each position comes up for renewal or to fill a vacancy.

We had five terms expire on December 31, 2020. Four of those members have asked to be reappointed: Caroline Ervin, Marty Bailey, Casey Daly and Greg Munn. We received one new application for the remaining position from John Charles. All five positions mentioned would expire on December 31, 2024. Two other applications were received, however they were from outside city limits.

A notice of these vacancies appeared in the Central Oregonian beginning October 26<sup>th</sup> and twice in November and December, as well as on our webpage.

## FISCAL IMPACT:

None.

## RECOMMENDATION:

Motion to reappoint Caroline Ervin, Marty Bailey, Casey Daley, Greg Munn and appoint John Charles to four year terms on the Budget Committee which will expire December 31, 2024.

**RESOLUTION NO. 1471  
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION AUTHORIZING THE OREGON PUBLIC WORKS EMERGENCY RESPONSE  
COOPERATIVE ASSISTANCE AGREEMENT**

**Whereas**, the City of Prineville (“City”) is responsible for the construction and maintenance of public facilities such as street, road, highway, sewer, water, and related systems during routine and emergency conditions; and

**Whereas**, City owns and maintains equipment, and employs personal who are trained to provide service in the construction and maintenance of street, road, highway, sewer, water, and related systems and other support; and

**Whereas**, in the event of a major emergency or disaster as defined in ORS 401.025(5), City may need assistance to provide supplemental personal, equipment, or other support; and

**Whereas**, in the event of a major emergency or disaster as defined in ORS 401.025(5), City has the personnel and equipment to provide such services to assist other agencies (local, county, or state); and

**Whereas**, ORS 402.010 provides for Cooperative Assistance Agreement among public and private agencies for reciprocal emergency aid and resources; and

**Whereas**, ORS Chapter 190 provides for intergovernmental agreements and the apportionment among the parties of the responsibility for providing funds to pay for expenses incurred in the performance of the agreed upon functions or activities; and

**Whereas**, an Agreement would help provide documentation needed to seek the maximum reimbursement possible from appropriate federal agencies during emergencies; and

**Whereas**, the Oregon Department of Transportation has prepared the Oregon Public Works Emergency Response Cooperative Assistance Agreement (“Agreement”), attached hereto and incorporated herein; and

**Whereas**, City staff believes it is in the best interest of the City to approve and execute the Agreement;

**Now, Therefore**, the City of Prineville resolves that the Oregon Public Works Emergency Response Cooperative Assistance Agreement attached to this Resolution is hereby approved and that the Mayor is authorized and instructed to sign such Agreement on behalf of the City.

Approved by the City Council this \_\_\_\_ day of January, 2021.

\_\_\_\_\_  
Rodney J. Beebe, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Morgan, City Recorder

OREGON PUBLIC WORKS EMERGENCY RESPONSE  
COOPERATIVE ASSISTANCE AGREEMENT

THIS AGREEMENT is between the government agencies (local, county, or state) that have executed the Agreement, as indicated by the signatures at the end of this document.

WITNESSETH:

WHEREAS, parties to this agreement are responsible for the construction and maintenance of public facilities such as street, road, highway, sewer, water, and related systems during routine and emergency conditions; and

WHEREAS, each of the parties owns and maintains equipment, and employs personnel who are trained to provide service in the construction and maintenance of street, road, highway, sewer, water, and related systems and other support;

WHEREAS, in the event of a major emergency or disaster as defined in ORS 40 1.025 (5), the parties who have executed this Agreement may need assistance to provide supplemental personnel, equipment, or other support; and

WHEREAS, the parties have the necessary personnel and equipment to provide such services in the event of an emergency; and

WHEREAS, it is necessary and desirable that this Agreement be executed for the exchange of mutual assistance, with the intent to supplement not supplant agency personnel;

WHEREAS, an Agreement would help provide documentation needed to seek the maximum reimbursement possible from appropriate federal agencies during emergencies;

WHEREAS, ORS Chapter 402.010 provides for Cooperative Assistance Agreement among public and private agencies for reciprocal emergency aid and resources; and

WHEREAS, ORS Chapter 190 provides for intergovernmental agreements and the apportionment among the parties of the responsibility for providing funds to pay for expenses incurred in the performance of the agreed upon functions or activities;

NOW THEREFORE, the parties agree as follows:

## 1. Request

If confronted with an emergency situation requiring personnel, equipment or material not available to it, the requesting party (Requestor) may request assistance from any of the other parties who have executed this Agreement.

## 2. Response

Upon receipt of such request, the party receiving the request (Responder) shall immediately take the following action:

- A. Determine whether it has the personnel, equipment, or material available to respond to the request.
- B. Determine what available personnel and equipment should be dispatched and/or what material should be supplied.
- C. Dispatch available and appropriate personnel and equipment to the location designated by the Requestor.
- D. Provide appropriate access to the available material.
- E. Advise the Requestor immediately in the event all or some of the requested personnel, equipment, or material is not available.

NOTE: It is understood that the integrity of dedicated funds needs to be protected. Therefore, agencies funded with road funds are limited to providing services for road activities, sewer funds are limited to providing services for sewer activities and so on.

## 3. Incident Commander

The Incident Commander of the emergency shall be designated by the Requestor, and shall be in overall command of the operations under whom the personnel and equipment of the Responder shall serve. The personnel and equipment of the Responder shall be under the immediate control of a supervisor of the Responder. If the Incident Commander specifically requests a supervisor of the Responder to assume command, the Incident Commander shall not, by relinquishing command, relieve the Requestor of responsibility for the incident.

#### 4. Documentation

Documentation of hours worked, and equipment or materials used or provided will be maintained on a shift by shift basis by the Responder, and provided to the Requestor as needed.

#### 5. Release of Personnel and Equipment

All personnel, equipment, and unused material provided under this Agreement shall be returned to the Responder upon release by the Requestor, or on demand by the Responder.

#### 6. Compensation

It is hereby understood that the Responder will be reimbursed (e.g. labor, equipment, materials and other related expenses as applicable, including loss or damage to equipment) at its adopted usual and customary rates.

Compensation may include:

- A. Compensation for workers at the Responder's current pay structure, including call back, overtime, and benefits.
- B. Compensation for equipment at Responder's established rental rate.
- C. Compensation for materials, at Responder's cost. Materials may be replaced at Requestor's discretion in lieu of cash payment upon approval by the Responder for such replacement.
- D. Without prejudice to a Responder's right to indemnification under Section 7.A. herein, compensation for damages to equipment occurring during the emergency incident shall be paid by the Requestor, subject to the following limitations:
  - 1) Maximum liability shall not **exceed** the cost of repair or cost of replacement, whichever is less.
  - 2) No compensation will be paid for equipment damage or loss attributable to natural disasters or acts of God not related to the emergency incident.
  - 3) To the extent of any payment under this section, Requestor will have the right of subrogation for all claims against parties other than parties to this agreement who may be responsible in whole or in part for damage to the equipment.

- 4) Requestor shall not be liable for damage caused by the neglect of the Responder's operators.

Within 30 days after presentation of bills by Responder entitled to compensation under this section, Requestor will either pay or make mutually acceptable arrangements for payment.

#### 7. Indemnification

This provision applies to all parties only when a Requestor requests and a Responder provides personnel, equipment, or material under the terms of this Agreement. A Responder's act of withdrawing personnel, equipment, or material provided is not considered a party's activity under this Agreement for purposes of this provision.

To the extent permitted by Article XI of the Oregon Constitution and by the Oregon Tort Claims Act, each party shall indemnify, within the limits of the Tort Claims Act, the other parties against liability for damage to life or property arising from the indemnifying party's own activities under this Agreement, provided that a party will not be required to indemnify another party for any such liability arising out of the wrongful acts of employees or agents of that other party.

#### 8. Workers Compensation Withholdings and Employer Liability

Each party shall remain fully responsible as employer for all taxes, assessments, fees, premiums, wages, withholdings, workers compensation and other direct and indirect compensation, benefits, and related obligations with respect to its own employees. Likewise, each party shall insure, self-insure, or both, its own employees as required by Oregon Revised Statutes.

#### 9. Pre-Incident Plans

The parties may develop pre-incident plans for the type and locations of problem areas where emergency assistance may be needed, the types of personnel and equipment to be dispatched, and the training to be conducted to ensure efficient operations. Such plans shall take into consideration the proper protection by the Responder of its own geographical area.

#### 10. The Agreement

- A. It is understood that all parties may not execute this Agreement at the same time. It is the intention of the parties that any governmental entity in the State of Oregon may enter into this Agreement and that all parties who execute this Agreement will be



considered to be equal parties to the Agreement. The individual parties to this Agreement may be "Requestor" or "Responder's" as referred to in Section 1. and 2. above, to all others who have entered this Agreement.

- B. The Oregon Department of Transportation (ODOT) Maintenance and Operations Branch shall maintain the master copy of this Agreement, including a list of all those governmental entities that have executed this Cooperative Assistance Agreement. ODOT will make the list of participants available to any entity that has signed the Agreement. Whenever an entity executes the agreement, ODOT shall notify all others who have executed the Agreement of the new participant. Except as specifically provided in this paragraph, ODOT has no obligations to give notice nor does it have any other or additional obligations than any other party.
- C. This Agreement shall be effective upon approval by two or more parties and shall remain in effect as to a specific party for five years after the date that party executes this Agreement unless sooner terminated as provided in this paragraph. Any party may terminate its participation in this Agreement prior to expiration as follows:
  - 1) Written notice of intent to terminate this Agreement must be given to all other parties on the master list of parties at least 30 days prior to termination date. This notice shall automatically terminate the Agreement as to the terminating party on the date set out in the notice unless rescinded by that party in writing prior to that date.
  - 2) Termination will not affect a party's obligations for payment arising prior to the termination of this Agreement.

#### 11. Non-exclusive

This Agreement is not intended to be exclusive among the parties. Any party may enter into separate cooperative assistance or mutual aid agreements with any other entity. No such separate Agreement shall terminate any responsibility under this Agreement.

#### 12. Parties to This Agreement

Participants in this Agreement are indicated on the following pages, one party per page.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

STATE OF OREGON  
DEPARTMENT OF TRANSPORTATION



09/03/2020

---

Luci Moore  
Statewide Maintenance Engineer

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

\_\_\_\_\_  
Agency

\_\_\_\_\_  
County, Oregon

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date

**Designated Primary Contact:**

Office:

Contact:

Phone Number:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Emergency 24 Hour Phone Number:**

Fax Number:

\_\_\_\_\_

\_\_\_\_\_

**E-mail address (if available):**

\_\_\_\_\_



# Oregon

Kate Brown, Governor

Prineville

Department of Transportation  
Maintenance & Operations Branch  
455 Airport Rd. SE, Bldg K  
Salem, OR 97301  
Phone: (503) 986-7915  
Fax: (503) 986-3055

December 30, 2020

Eric Klann  
City Hall  
387 NE Third St.  
Prineville, OR97754

Dear Public Works Director:

Your jurisdiction's participation in the Oregon Public Works Emergency Response Cooperative Assistance Agreement is up for renewal. The agreement is valid for five years from the date you sign it. Your agency's commitment to the agreement has either expired or will expire shortly.

The mutual aid agreement:

- Enables public works agencies to support each other during an emergency.
- Provides the mechanism for immediate response for requests and offers of mutual aid.
- Sets up the documentation needed to seek maximum reimbursement possible.

Public works agencies in Oregon may sign the agreement or cancel their participation as they wish. The Oregon Department of Transportation (ODOT) maintains the list of all parties to the agreement. Any agency may cancel its participation by giving written notice and submitting it to the addresses listed below.

To renew or cancel your agency's participation in the agreement, email the completed signature page to:  
[Emergency.Operations@odot.state.or.us](mailto:Emergency.Operations@odot.state.or.us)

If you would prefer to mail the signature page, please send it to:

Emergency Operations, PWA  
ODOT Maintenance and Operations Branch  
455 Airport Road, SE Bldg. K  
Salem, OR 97301

If you have any questions about the agreement, please call Christina LeClerc, ODOT Statewide Emergency Operations Manager, at (503) 986-4488.

Sincerely,

Luci Moore  
State Maintenance Engineer

**RESOLUTION NO. 1472  
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION ADOPTING THE CONCEPT PLAN FOR BARNES BUTTE  
RECREATION AREA – “ECHO OF THE BUTTE”**

**Whereas**, a concept plan for the Barnes Butte Recreation Area was developed by a subcommittee of the Barnes Butte Focus Committee in combination with input from the advisory committee, City of Prineville (“City”) staff, and National Park Service staff; and

**Whereas**, the Concept Plan was created to provide a framework for the concept planning phases of the project to include: (1) Connections; (2) Recreation and Trails; (3) Interpretations and Education; (4) Safety; and (5) Preservation and Protection of Natural Resources; and

**Whereas**, the Concept Plan is attached; and

**Whereas**, City staff believes it is in the best interest of the City to approve the Concept Plan;

**Now, Therefore**, the City of Prineville resolves that the attached Concept Plan for Barnes Butte Recreation Area title “Echo of the Butte” is hereby approved and adopted.

Approved by the City Council this \_\_\_\_ day of January, 2021.

---

Rodney J. Beebe, Mayor

ATTEST:

---

Lisa Morgan, City Recorder



# ECHO OF THE BUTTE

*A Concept Plan for*  
**Barnes Butte Recreation Area**



*Prepared by the City of Prineville and the National Park Service  
Rivers, Trails, and Conservation Assistance Program*



The vision statement for Barnes Butte Recreation Area was developed by a subcommittee of the Barnes Butte Focus Committee in combination with input from the advisory committee, City of Prineville staff, and National Park Service staff. The vision is well thought out, informed by broad input, and encapsulates the community’s vision for the project.

City of Prineville staff, supported by the Prineville City Council, determined to develop a master plan for the Barnes Butte Recreation Area (BBRA). Through feedback from the Barnes Butte Focus Committee, city staff, and members of the community a set of goals for the recreation area was developed that would provide a framework for the concept planning phase of the project:

1. Connections
  - Refine the preliminary location and character of the Combs Flat Road and Peters Road connection
  - Connect Barnes Butte trails to existing and/or planned community trails at established points
2. Recreation and Trails
  - Provide vehicle access and parking at key entry points
  - Provide a trail system for non-motorized recreation
  - Provide alternative transportation routes through the recreation area and connecting neighborhoods and schools to the park.
  - Ensure ADA accessibility where feasible
3. Interpretation and Education
  - Provide learning opportunities for school classes, park programs and lifelong learners
  - Develop interpretive themes and framework for sharing the history, geology, wildlife and unique features of the Barnes Butte Recreation Area
  - Identify locations and concepts for interpretive panels and signage, maps and way-finding that directs visitors to routes and points of interest throughout the park
4. Safety
  - Identify safe routes to and from surrounding neighborhoods, schools, and parks
5. Preservation and protection of natural resources
  - Identify unique or special natural areas for preservation or restoration
  - Design elements that minimize adverse impacts to natural areas or resources identified for preservation

## Barnes Butte Recreation Area Vision

*The Barnes Butte Recreation Area provides opportunities for our community to connect with the natural environment and our cultural history, and to enjoy our treasured resource. The area preserves unique geologic features, native vegetation and wildlife, and provides for public appreciation, education and recreation.*





### **About the City Of Prineville**

Located east of the Cascade Mountains in Oregon's high desert, the City of Prineville is a resurgent rural community that has preserved its small-town, ranching roots and western lifestyle while embracing smart growth in a business-friendly environment. With a population of approximately 10,000 residents, and serving as the county seat for Crook County, Prineville attracts a diversity of business and lifestyle interests, including tech giants Facebook and Apple, recreational enthusiasts, and a thriving agricultural industry. Incorporated in 1880, the city operates the oldest continuously running municipal short line railway in the U.S., as well as a public golf course, and airport. Crook County boasts numerous recreational assets, including the Ochoco National Forest and Crooked River, and remains a popular destination for anglers and hunters.

### **About the Focus Committee**

The Barnes Butte Focus Committee was formed from a broad group of stakeholders and played a key role in providing community input in the planning process. The committee is open to the public and anyone who has an interest in the Barnes Butte property is invited to attend and participate. The monthly committee meetings have been attended by an average of 30 people. The committee has been involved with creating the vision for the park, developing a logo, compiling the community survey, formulating the priorities for the concept design process, planning public events at the site, and planning and assisting with the charrette event.

### **About the National Park Service RTCA Program**

Rivers, Trails, and Conservation Assistance (RTCA) is a partnership program of the National Park Service with offices throughout the country. The City of Prineville applied for and received a technical assistance grant with support from the Seattle office. RTCA staff work with community groups and local, state and other federal programs to conserve rivers, preserve open space, and develop trails and greenways. The program helps develop concept plans, build partnerships to achieve community-set goals, engage the public's imagination, and identify potential sources of funding. All RTCA projects are result-oriented, with an emphasis on community initiative, cost-sharing, and cooperation.

### **About ASLA Oregon**

The mission of the American Society of Landscape Architects (ASLA) is to lead, to educate and to participate in the careful stewardship, wise planning and artful design of our cultural and natural environments. Landscape architects strive to realize a balance among preservation, use and management of the country's resources. Members of ASLA have volunteered their skills, individually and as a part of the organization's community stewardship programs, to many projects throughout the nation, such as neighborhood playgrounds and gardens, Habitat for Humanity, and environmental education. Barnes Butte Recreation Area is ASLA Oregon's fourth community project in collaboration with the NPS RTCA program.

In October 2000, the National Park Services' Rivers, Trails, and Community Assistance Program (RTCA) and the American Society of Landscape Architects (ASLA) formalized a partnership to help communities across the nation "plan, design, and manage their natural, cultural, and recreational resources." The NPS/ASLA partnership provides landscape architects with opportunities to work with communities and raise public awareness about their profession through pro bono technical assistance on selected RTCA conservation and recreation projects. In turn, RTCA is able to sponsor professional design expertise otherwise unavailable or unaffordable in these community-based efforts.

### About the NPS/ASLA Partnership

Community experts and ASLA Oregon design professionals participated in a design workshop, or "charrette", to conceptualize a master plan for the Barnes Butte Recreation Area (BBRA). They took a guided walking tour of the recreation area, met with community members during a hosted barbecue dinner, identified opportunities for improvements throughout the site, and developed conceptual designs. The design workshop concluded with a community presentation and overview of the findings and vision. The design teams included eight landscape architects from around the state, two members of the Confederated Tribes of Warm Springs, and local experts in wetland ecology, geology, education, recreation and parks and facilities. The design process was facilitated by city staff and RTCA staff.

### About the BBRA Design Teams

## ACKNOWLEDGMENTS

---

### **Planning Team**

Eric Klann, City Engineer, City of Prineville  
Casey Kaiser, Associate Planner, City of Prineville  
Josh Smith, Planning Director, City of Prineville  
Jason Wood, Public Works, City of Prineville  
Lori Ontko, Project Coordinator, City of Prineville

Alex Stone, Community Planner, National Park Service RTCA  
Lucia Portman, Fellow, National Park Service RTCA  
Erika Wudtke, Fellow, National Park Service RTCA

### **ASLA Oregon Volunteers**

Marcia Vallier, Perry Brooks, Steven Tuttle, Ethan Gefroh,  
Jean Senechal Biggs, Casey Howard, Clement Walsh,  
Chelsea Scheider

### **Community Volunteers**

Anna Smith, Scott Smith, Darlene Henderson, Jeremy Logan,  
Donna Barnes, Duane Garner, Stanley Flynn, Aaron Lazelle,  
Greg Currie, Sarah Klann, Carie Gordon, Kimberly Daniels

### **Confederated Tribes of the Warm Springs Reservation Staff and Volunteers**

CarlaDean Caldera, Lepha Marie Smith, Christian Nauer, Robert  
Brunoe, Brad Houslet, Cultural Committee

### **Focus Committee**

Carol Kracht, Patty Holmes, Cathryn Hardman, Leonard Hardman,  
Israel Sarabia, Bill Zelenka, Jennifer Kent, Aaron Lazelle, Barb  
Kwiatkowski, Ted Nott, Angie Mason-Smith, Sara E. Johnson, Phil  
Burgess, Jeremy Logan, Paula Minette-Maboll, Duane Garner,  
Stanley Flynn, Darlene Henderson, Stephen Henderson, Janet  
Hutchison, ShanRae Hawkins, Sarah Klann, Jim Bates, Debbie  
Wood, John Rounds, Betty Roppe, Gail Merritt, Tina Wendel, Steve  
Holliday, Stacy Hart, Ruthie McKenzie, Jason Wood

# Thank You!



American Society of Landscape Architects,  
Oregon Chapter  
Barnes Butte Elementary School  
Central Oregon Health Council  
The City of Prineville  
Confederated Tribes of Warm Springs  
Crook County  
Crook County Parks and Recreation District  
Crook County Health Department  
Crook County School District  
National Park Service  
Oregon State Parks  
Prineville City Council  
Prineville Public Works Department  
Prineville Crook County Chamber of Commerce  
&

All of the Citizens of Prineville who provided their support,  
time, and suggestions in order to help inform the project and  
make it a true product of our community





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## BACKGROUND

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*Prineville, Oregon*



*The rocky cliffs of Barnes Butte*

The City of Prineville, the county seat of Crook County, is located on the Crooked River at the mouth of Ochoco Creek in the Crooked River caldera. It is encircled by prominent remnant gravel terraces formed by lava flows from the nearby Newberry volcano. Prineville is the only incorporated community in Crook County and continues as an important economic center for the Ochoco and Crooked River country.

Agriculture and forestry are Prineville's dominant industries, with more recent developments in tourism, recreation, and high-tech computer data centers strengthening its economy. Both Facebook and Apple have installed data centers in the city. The diverse geology of the Prineville area has made it a popular rock-hunting site.

Barnes Butte juts up from the valley on the north side of Prineville and is a rhyolite dome of volcanic rock, part of the Crooked River caldera. The butte is named after Elisha Barnes who was one of the first settlers in central Oregon. The City sits on ceded land once belonging to members of the Confederated Tribes of Warm Springs, displaced by the Treaty of 1855. Much of the land making up Barnes Butte Recreation Area was a part of the landholdings of the Hudspeth family. John Hudspeth built a logging empire that was responsible for building many of the homes in Prineville in the 1940s and 50s. At one time, he was one of the largest landowners in the United States.

The project site of Barnes Butte Recreation Area is located within the City of Prineville city limits and the urban growth boundary (UGB). The site is a 460 acre parcel acquired by the City of Prineville in 2017, and an additional 160 acres of land owned by the federal government and managed by the Bureau of Land Management. The natural area is located adjacent to several residential subdivisions (5-6 single family residences per acre) and the recently constructed Barnes Butte Elementary School which serves 700 students. This project is an opportunity to establish a nature preserve and develop active recreation opportunities for the local community and the entire region.



The Crook County Parks and Recreation District Comprehensive Plan identifies expansion and interconnection of the community trail system as one of its highest priorities; the multi-use paths in the Barnes Butte trail network can connect the residential neighborhoods to the Barnes Butte Elementary School and the property managed by the Bureau of Land Management.

Prineville serves as a gateway to eastern Oregon, the Ochoco National Forest, and several major outdoor recreation areas. While the local economy is healthy, the cost of living in Prineville is unaffordable to some and there is a percentage of families living in poverty. The Barnes Butte Recreation Area's proximity to higher density neighborhoods within Prineville, as well as its adjacency to Barnes Butte Elementary School, gives it high potential for providing close to home, low-cost, active recreation and safe routes to school for Prineville residents (*Appendix A: Community Health Profile*).

Prineville has the largest share of the county population. Of the total county population (22,516 people in 2018), 53% live within the city's urban growth boundary. The City of Prineville has grown 8.1 percent from 2010, with a 2018 population of 10,010. Recent estimates forecast an additional 7,000 residents by 2040. Prineville has a higher percentage of residents age 65+ than the state and county average. The median income in Prineville is below the county and state median and there is a greater share of households paying more than 30 percent in rent.

Prineville has a higher percentage of residents living with a disability than Crook County and the State of Oregon. In addition, over half of all adults over 65 live with a disability. Barnes Butte Recreation Area provides an opportunity to develop accessible active recreation opportunities for the local community and the entire region.



*Barnes Butte Elementary School students walking to Barnes Butte Recreation Area*



*Educational signage from Barnes Butte Recreation Area's Park Rx Program*





*View of Barnes Butte Recreation Area facing west, towards the City of Prineville*

In 2017, the City of Prineville purchased the 460 acres now known as the Barnes Butte Recreation Area. The City purchased the property to acquire much needed water rights associated with the property, to secure the land needed for a vital road connection and to preserve the wetlands and butte as open space. Barnes Butte Recreation Area is made up of 460 acres of land purchased by the City, along with an adjacent 160 acres of land managed by the Bureau of Land Management.



*The Focus Committee giving design feedback*



**BARNES  
BUTTE  
RECREATION AREA**

*"Barnes Butte Recreation Area" logo, selected by the public with input from the Focus Committee*



# UNIFIED PARKS AND RECREATION SYSTEM PLAN

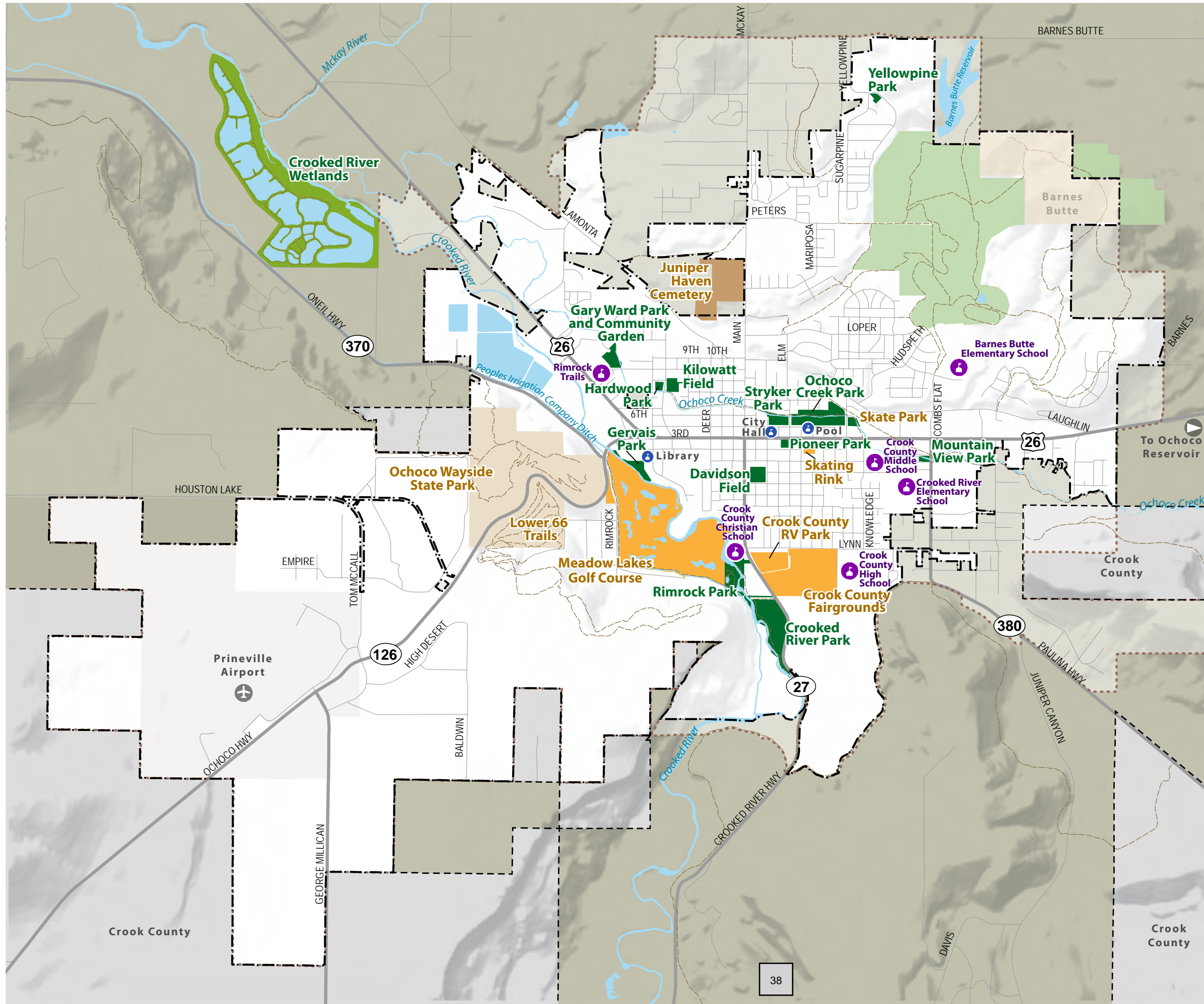
## Map 2 Existing Parks: City Area

### Existing Park and Recreation Facilities (2019)

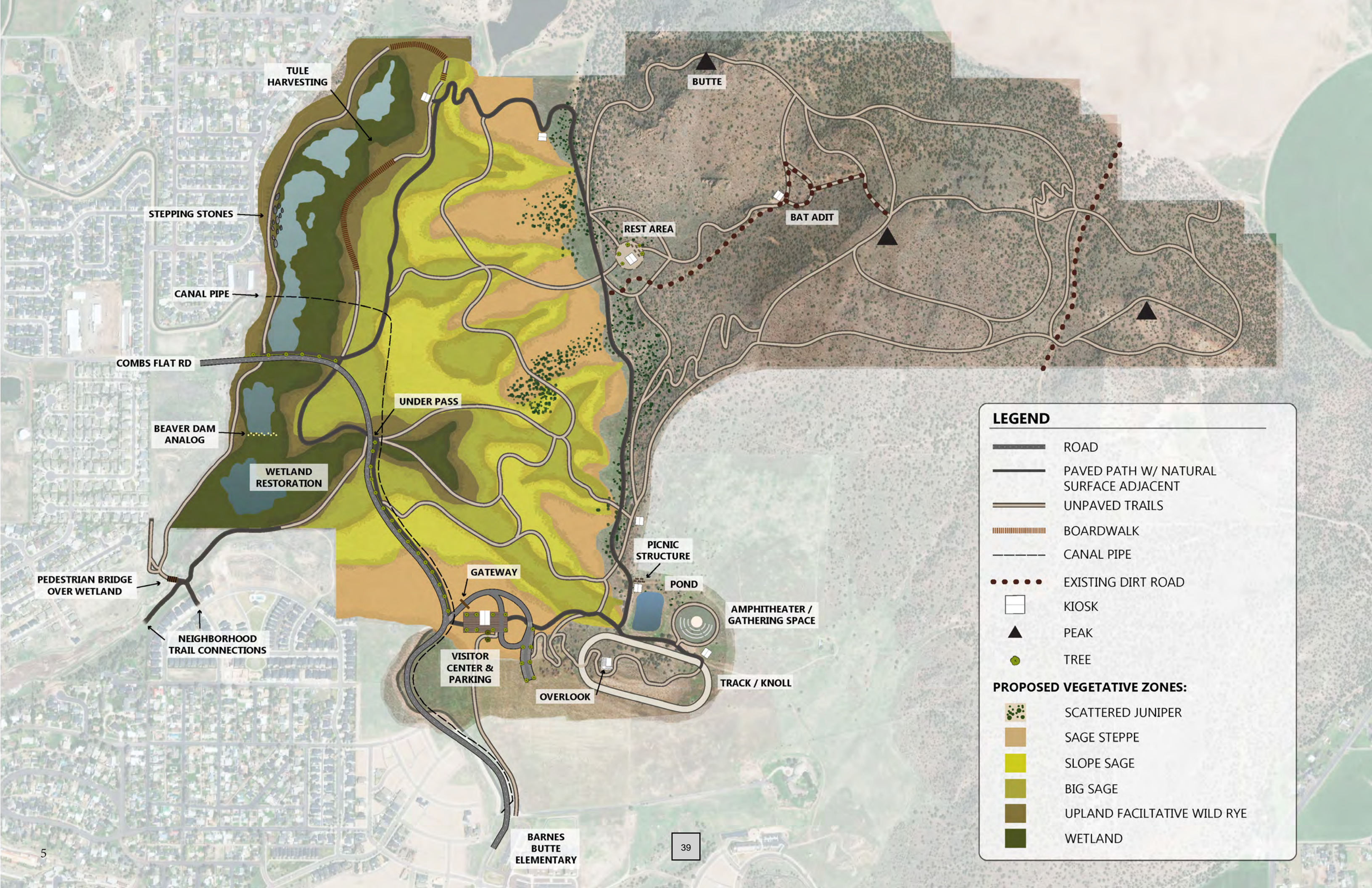
- Developed Parks
- Natural Areas
- Undeveloped Parks
- Special Use Sites
- Other
- State Parks/USFS/BLM

### Base Features

- City of Prineville
- Parks District Boundary
- Urban Growth Boundary
- Crook County
- Streets and Roads
- Trails
- Waterbodies







TULE HARVESTING

STEPPING STONES

CANAL PIPE

COMBS FLAT RD

BEAVER DAM ANALOG

WETLAND RESTORATION

UNDER PASS

PEDESTRIAN BRIDGE OVER WETLAND

NEIGHBORHOOD TRAIL CONNECTIONS

GATEWAY

VISITOR CENTER & PARKING

OVERLOOK

BARNES BUTTE ELEMENTARY

REST AREA

PICNIC STRUCTURE

POND

AMPHITHEATER / GATHERING SPACE

TRACK / KNOLL

BUTTE

BAT ADIT

**LEGEND**

- ROAD
- PAVED PATH W/ NATURAL SURFACE ADJACENT
- UNPAVED TRAILS
- BOARDWALK
- CANAL PIPE
- EXISTING DIRT ROAD
- KIOSK
- PEAK
- TREE

**PROPOSED VEGETATIVE ZONES:**

- SCATTERED JUNIPER
- SAGE STEPPE
- SLOPE SAGE
- BIG SAGE
- UPLAND FACILTATIVE WILD RYE
- WETLAND



Compiled Site Map  
& Master Plan

The master plan map, shown on page 5, was derived from the hand drawn designs generated by the four teams at the charrette and was digitalized to provide more detail and clarity. The concepts illustrated here are explained in the following pages.

The conceptual design includes the following **key elements**:

**Central Recreation Area**

- The Gateway
- Accessibility
- The Track and Loop Trail
- The Fish Pond
- The Corral and Visitor Center
- Wildlife Underpass

**Wetlands and Lowlands**

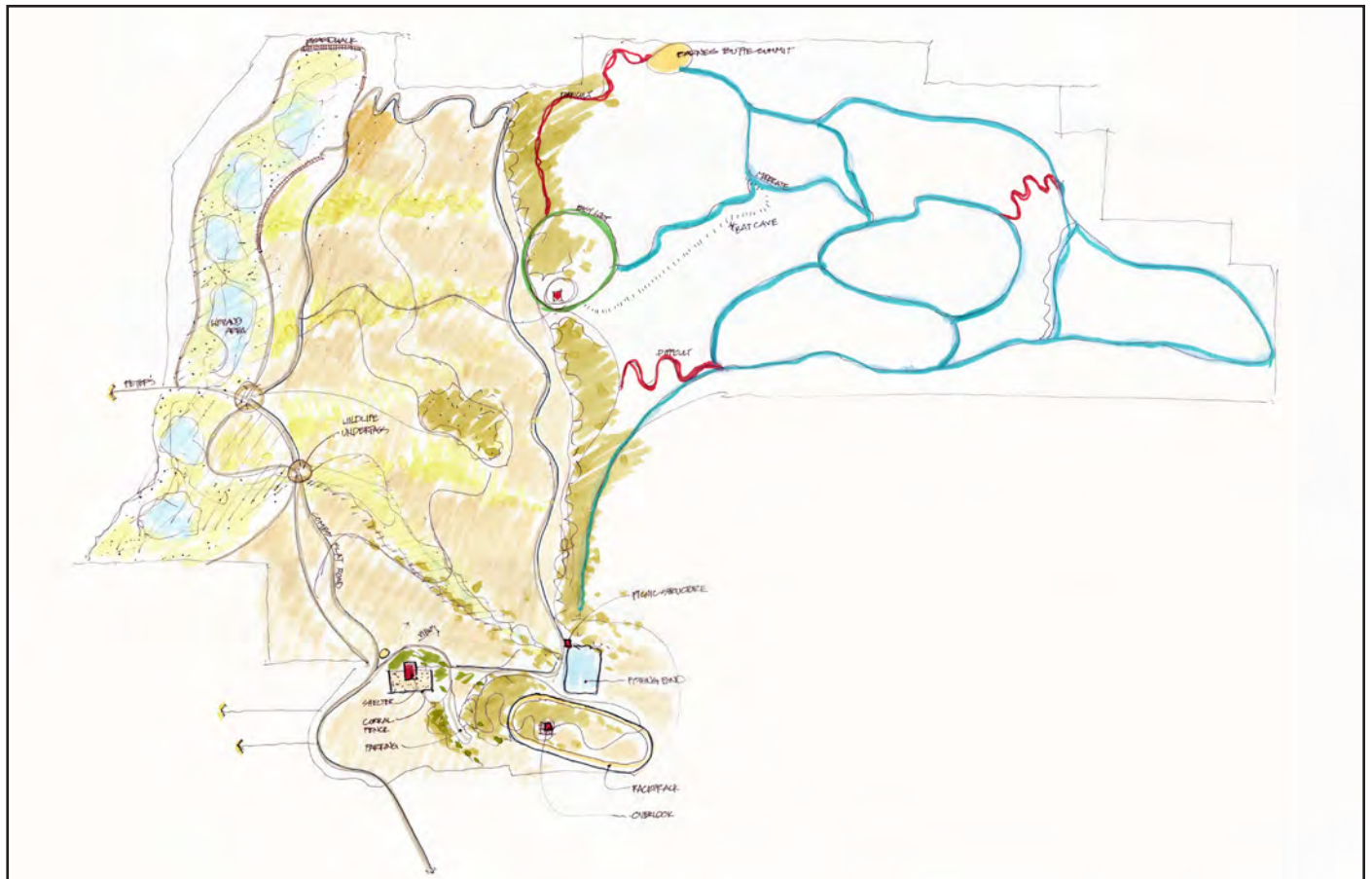
- Vegetative Zones
- Open Water Habitat
- Combs Flat to Peters Road Connection
- Active Transportation and Nature Trails

**Trail Network**

- Existing Conditions in the Highlands
- Trail System
- Rest Area and Gathering Node
- Stacked Loop System

**Education & Interpretation**

- Educational Kiosks
- The Breadcrumb Trail of Discovery
- Restoration Sites
- View Points
- Visitor Center as the Interpretation Hub
- Tule and Camas in the Wetlands



A hand drawn draft of the compiled site map

# CONCEPT

## Design Process

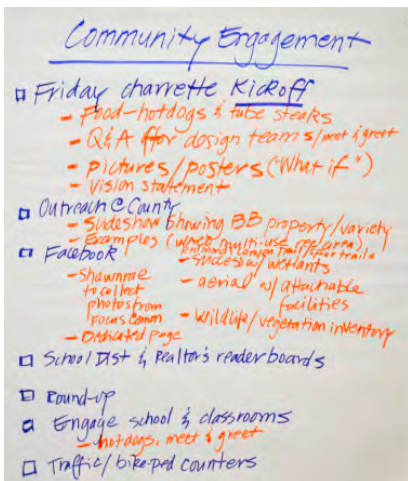
### Community Engagement



Community members give feedback at a community barbecue



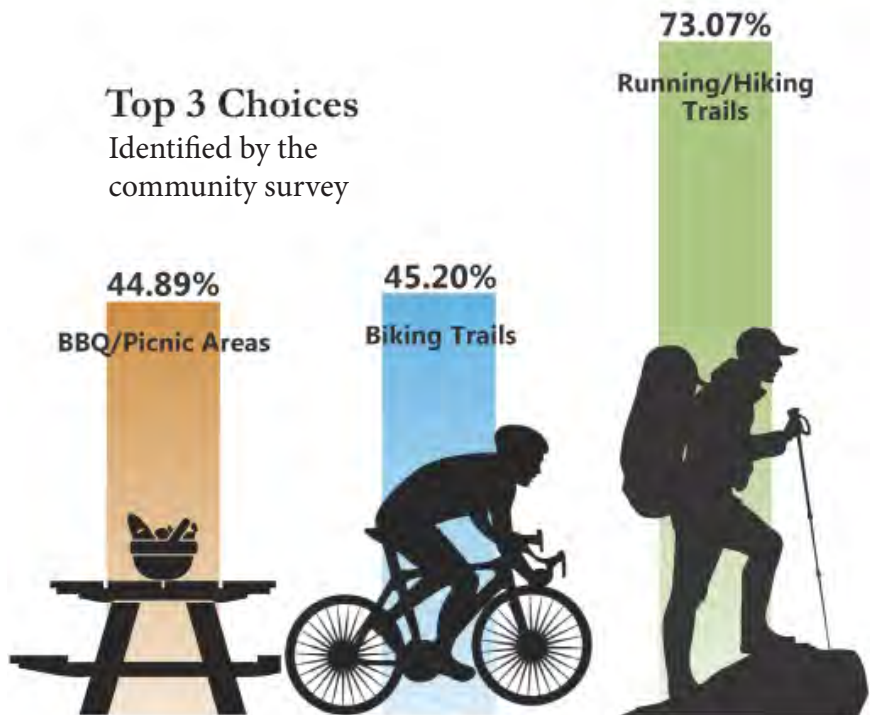
Engaging Barnes Butte Elementary "junior planners"



The foundation of the conceptual design process was the feedback gathered from the community through the Barnes Butte Focus Committee and the community survey. Armed with this, the next phase was to begin design work in earnest with the technical assistance offered by the National Park Service RTCA program.

The online survey was distributed to the community in November, 2018. The 323 responses helped identify what type of activities and facilities the community wanted to see in the Barnes Butte Recreation Area (*Appendix B: Community Survey*). With feedback from the Focus Committee, the community's needs and desires were then translated into design requirements for the master plan.

Staff from the City of Prineville and the National Park Service also worked with students from Barnes Butte Elementary in the design process. First grade "junior planners" helped compile design considerations and worked with professional designers to develop interpretive panels for the site.



**Design Process**  
*Charrette*

The City of Prineville hosted a design charrette with the National Park Service and the American Society of Landscape Architects (ASLA) Oregon Chapter on September 25-27th, 2019. There were four design teams, each consisting of two landscape architect volunteers from ASLA Oregon and two to three local experts. Two members of the Confederated Tribes of Warm Springs Reservation's Cultural Committee volunteered on design teams as a part of the local expertise. Each team was given a concentration: the central recreation area, the wetlands and lowlands, the trail system, and education and interpretation throughout the site.

The designers were challenged to create a cohesive conceptual master plan that includes a trail system, designated higher-use recreation areas, educational opportunities and road connections while prioritizing safety, the protection of natural resources, cultural history, and accessibility.

Design teams were asked to determine where and how best to place necessary infrastructure projects, design the transition from residential developments to recreation area, and develop connections to the adjacent neighborhoods.

Utilizing existing features, creating educational and interpretive resources for students and visitors, and considering a "central recreational area" as a gateway to the rest of the property were identified as design priorities. In the higher elevation section of the property, there was a greater emphasis placed on designing lower impact recreation opportunities to preserve natural areas and the unique geology of the site. Designers were also tasked with developing interpretive themes and identifying areas and features that educate and showcase the history, geology, and wildlife of the site.



*Design teams touring the property by wagon*



*Compiling the master plan*



*Community barbecue at Barnes Butte to kick-off the charrette*



*Designers hard at work during the short and intensive charrette process*



## Central Recreation Area



Aerial of the central recreation area at Barnes Butte



Gateways similar to this, from Gold Creek Ranch in Woodland, Utah, welcome visitors to the property and frame the entryway



A similar, open-air picnic structure would provide a gathering place at the top of the knoll

### *The Gateway*

One of the special things about this property, in addition to its magnitude and unique natural features, is the Butte itself. When entering the property from the south, the Butte is immediately a striking and powerful feature in the landscape; the road hugs the western property boundary, directing vehicles to the northeast and aligning views of the Butte and with the entrance to the park. Moving the road to the west also preserves the open space of the field to the east. A gateway will frame Barnes Butte and celebrate the visitor's arrival.

### *Accessibility and ADA Facilities*

The recreation area's large and diverse landscape has the potential for many different types of visitors. It's proximity to the school and residential development makes it an ideal opportunity to increase accessible recreation amenities in Prineville. The Central Recreation Area, or hub, offers the experience of the larger Barnes Butte area in a more compact and accessible setting. The visitor center, fishing pond, and racetrack offer a variety of activities for every type of user to enjoy. Where feasible, the Central Recreation Area will offer ADA accessibility in trails and facilities.

### *The Track and Loop Trail*

The Central Recreation Area encourages physical activity and social experiences through a series of trails and gathering places. A loop trail connects the parking lot to the track, overlook, and fish pond, providing a shorter trail for those who aren't interested in navigating the longer trails in the area or who have limited time. The historic race track will be utilized as an accessible running and walking track. Innovative materials will be used to create a harder surface on the track that blends in to the natural area and creates a durable surface for multi-use recreation.



### **“Hub” Concept**

The “central hub” provides a gateway to the park as a whole, providing a diversity of accessible recreation opportunities

*The Fish Pond*

The fish pond is cited in the historic accounts of the property and, though currently dry, provides opportunities for recreation, education and relaxation. At the top of the knoll at the center of the track, a water feature will demonstrate the hydrological cycle that involves canal water piped to the knoll, flowing downwards to the fishing pond and continuing down to the wetlands. This feature forms a water story, demonstrates watershed science, and creates different environments throughout the central hub. At the top of the knoll, there will be areas for reflection, solace, gathering and educational kiosks, as well as an accessible picnic shelter with open sides to capture the expansive views.

*The Corral and Visitor Center*

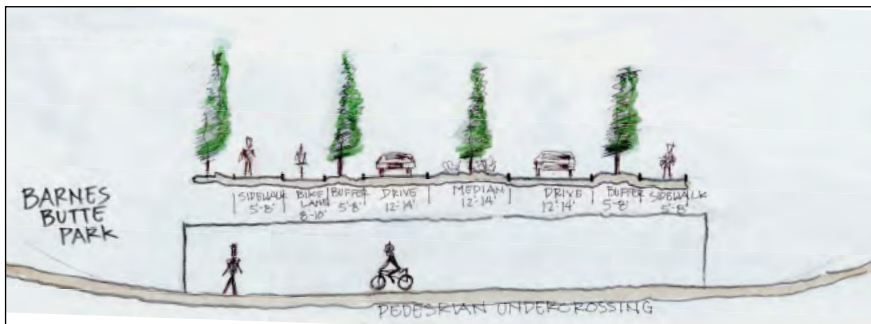
The existing corrals will be re-purposed, serving as a legacy piece and creating a contained area for educational sessions, picnics and events. The visitor center structure is a simple, versatile space and has the ability to open into the corral area to host larger events and make amenities, such as bathrooms, more accessible to a larger group. The visitor center will be facing Barnes Butte and parking will be located to the east. The visitor center will offer the opportunity for rotating educational kiosks, displays, or art installations and will preserve the pair of ancient junipers.



*An inspiration for the corral structure and visitor center from the Cottonwood Canyon Experience Center in Moro, Oregon*



*Similar to this planned underpass in Grand County, CO, an underpass could provide safe crossing for both pedestrians and wildlife at Barnes Butte*

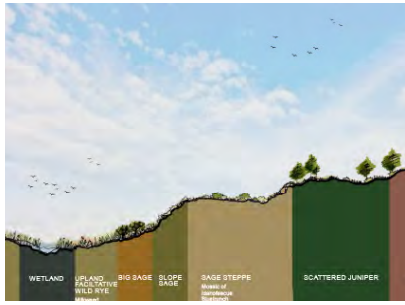


*Wildlife Underpass*

In designing trails for multiple uses, wildlife movement throughout the area was considered. Barnes Butte is home to deer and other animals that may find themselves at risk with the introduction of a new road near their food and water source. A potential solution for this is the creation of a wildlife underpass, which acts like a bridge to elevate road traffic, and opens passages underneath for animals to cross under. This protective measure works to keep both animal and vehicle users safe. Visitors could also use this underpass, to avoid crossing the street above and increase pedestrian safety.



## Wetlands and Lowlands



*Designated vegetative zones on the Barnes Butte Property (for enlarged image, see Appendix D, pg 36)*



*Designers define vegetative zones*



*In Oregon's Bridge Creek Watershed, researchers built a number of beaver dam analogs to encourage increased beaver activity and restore river habitat. Credit, Utah State University*

The Wetlands and Lowlands team describes opportunities for recreation, restoration, and preservation around the wetlands area, and makes useful connections throughout the site in terms of foot, bike, car, and wildlife traffic.

### *Vegetative Zone Creation*

The designers began by taking a look at all of the different ecosystems and plant types the Barnes Butte Recreation Area offers. They considered how these existing qualities could be preserved, and also enhanced, given their current condition. The vegetation was mapped in zones based on elevation and the plant and animal habitats within them. The seven zones are, from lowest to highest elevation: Wetland, Upland and Facultative Wild Rye, Big Sage, Slope Sage, Sage Steppe, Scattered Juniper, and Rocky Butte. Interventions to enhance and preserve these identified zones, such as remediation and invasive species removal, will create more and diverse habitat for plants and wildlife to thrive, and offer educational experiences for visitors.

### *Open Water Habitat*

Currently, the wetland area of the recreation area is characterized as being very flat and containing low plant diversity. In order to enhance this area for both habitat and visitor enjoyment, creating open water ponds through the use of beaver dam analogs is recommended. Beaver dam analogs are man-made structures made out of wooden posts placed across an area of flowing water that mimic the form and function of beaver dams. Creating ponds and restoring the native habitat will support new recreational activities such as bird watching and new nature trails along the shore. Also proposed is a stepping stone bridge for visitors to walk across the wetland, and areas for tule harvesting inspired by traditions practiced by the Warm Springs Tribe.

### *Combs Flat Road to Peters Road Connection*

When designing the path/route and character of the Combs Flat - Peters road connection, consideration was taken to prioritize the preservation of natural resources and views, and safety for neighboring residential developments and the Barnes Butte Elementary School. The proposal is to create a road with multiple curves, as this will slow traffic and prevent vehicles from speeding (compared to straight-line roads). The road is also aligned to hug the west side of the site near the wetland; by locating the road farther from the Butte, it will reduce the amount of traffic noise and visibility from the rest of the recreation area.

*Trails and Active Recreation*

In designing trails, the Combs Flat road alignment was considered as an opportunity to not only provide motorized transportation, but also active transportation and to introduce footpaths and bike lanes. Creating separate walking, biking, and road lanes is an ideal solution to promote visitor safety. Between each lane, a vegetative buffer of trees and/or bushes will not only separate motorized from non-motorized traffic from, but will also create a sound and visual buffer for the whole site, reducing the amount of noise and the visible appearance of the road.

For a walking and biking trail system through the recreation area, a hard surface loop trail around the perimeter of the site is recommended. A hard surface will benefit visitor safety as it will allow emergency vehicles access, and it will also create ADA accessibility for visitors. For those who prefer softer walking surfaces, a natural surface trail is proposed to run next to the hard surface trail, so those who prefer the harder surface can travel alongside those who prefer the softer trail.

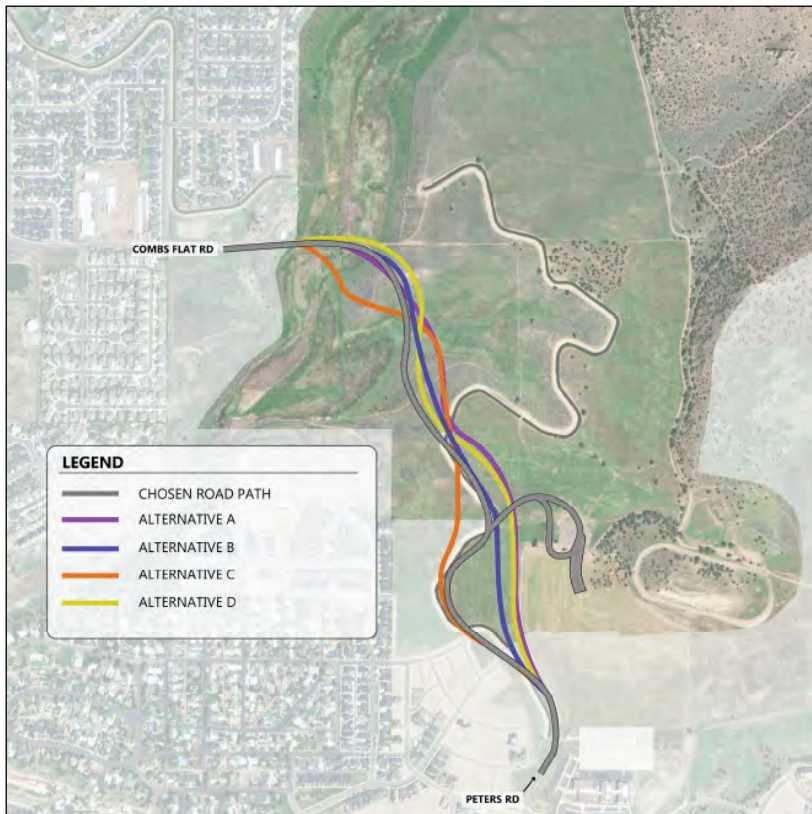
Connected to these dual hard and natural surface trail loops, are additional dirt, boardwalk, and nature trails that create a variety of smaller loops and gives visitors multiple trail options to explore. This allows users to choose their own experience, so they can have as long or as short of a walk as they like, with many different views and trails to enjoy.



*A similar boardwalk could provide visitors with an up close experience of the wetlands. Berkshire Wetlands, MA*



*A dual surface trail could provide opportunity for a variety of user types. Bexley, OH*



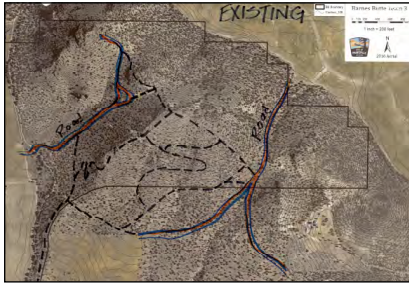
*Combs Flat - Peters Road Realignment Alternatives (For enlarged map, see Appendix D, pg 38)*



*Proposed Combs Flat - Peters road realignment*



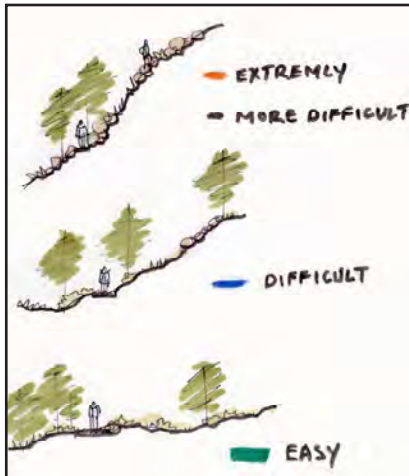
## Trail Network



Existing trails in the Barnes Butte highlands (For enlarged map, see Appendix D, pg 39)



Crags at the Barnes Butte summit



A key, illustrating difficulty levels of trails

### Existing Conditions in the Highlands

The Barnes Butte highlands has three high points with scenic views over the Prineville area. The main peak is known as the “butte” or summit. In addition to its peaks, the highlands have beautiful natural rock features and the vegetation primarily consists of low shrub and juniper trees. The junipers are more numerous on the northern shaded slopes. A dirt road currently runs from the base of the butte to the base of the summit which creates a visual scar along the side of the highlands. This road passes a Bat adit, known as the "bat caves," a favorite destination for visitors. The highland slopes are steep, creating difficult to extremely difficult hiking. Trails currently being used by hikers and mountain bikers are officially undeveloped. A concentration of these trails lead to the summit with limited access to the other two peaks. There is an abandoned irrigation ditch located in the woods at the base of the highlands and an existing road that passes through the eastern area of the highlands.

### Trail System

A primary objective is to protect the natural beauty of the area while providing safe access for different types of visitors in the form of a variety of designated trails. The trails are designed to avoid creating scarring on the natural landscape and to minimize conflict between the different user groups, for example, hikers and mountain bikers. A variety of trails are proposed with different levels of difficulty and trail options to encourage users to come back and explore more of the highlands. The trails allow users to explore the peaks within the highlands in addition to the summit. There will be an easy trail with some shade suitable for younger, and less athletic users. Trails will pass the natural rock features and have rest areas. The trails are designed to offer variation in difficulty, with steeper, challenging options for the more experienced hiker and milder grade options for families, younger hikers, or those looking for a more leisurely route to the summits.

### Rest Area and Gathering Node

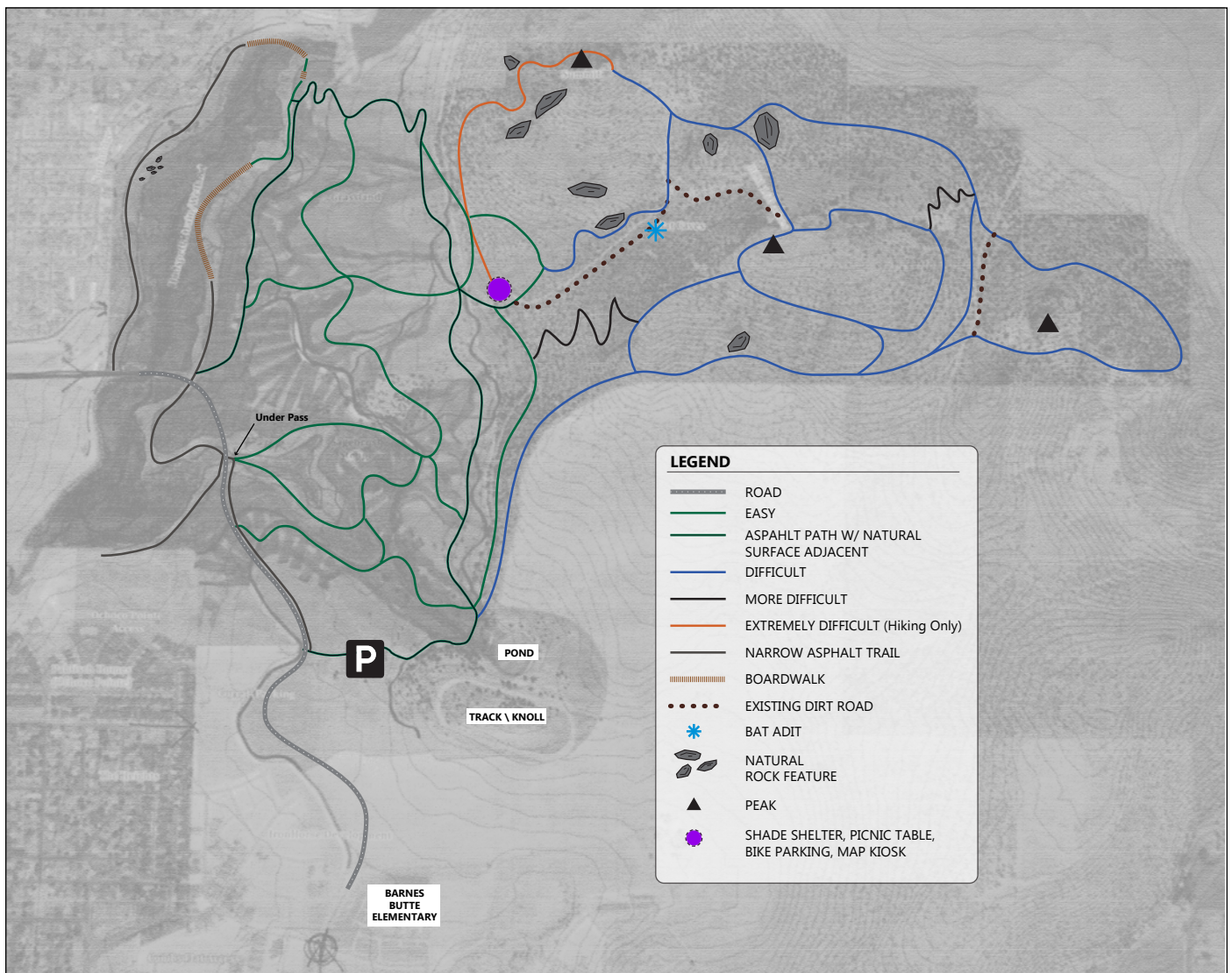
A shelter will be centrally located on the property to provide a direct link between the highlands and the proposed central recreation area and parking facilities. A “gathering node” is positioned at the base of the butte where people can transition from easy to more difficult trails and gather, take photos, and read information about the trails. The node facilities include a shade shelter, picnic table, bike parking and map kiosk. The node is large enough to accommodate education groups and school visitors. The location of the node is positioned to provide some natural shade protection as well as direct access to an easy ADA accessible loop at the base of the butte before getting into the difficult exposed trails which dominate the highlands.

*Stacked Loop System*

The plan provides for a variety of trails in a stacked loop system described as easy, difficult, more difficult, and extremely difficult. This trail system allows users to have different route options; whether it is short or long hikes or difficult or extremely difficult trails, giving users the choice of destination and length for their hike. The existing irrigation ditch will be leveled and turned into a trail allowing users to access the woods at the base of the highlands. The existing dirt roads will remain, but alternative hiking trails are proposed along these roads. To minimize conflicts between users and to stop mountain bikes speeding down the trails, a separate hike-only trail and mountain bike trail are provided around the backside of Barnes Butte.



*The design team drawing the trail plan*





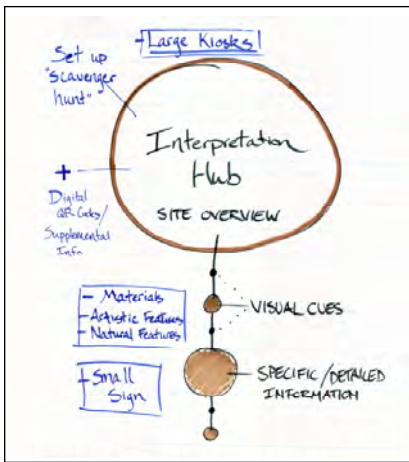
Education and Interpretation



Like this interactive trailside exhibit at Newport State Park in Wisconsin, educational resources could be incorporated into and the trail system at Barnes Butte



Kiosks similar to those at the Crooked River Wetland Park in Prineville could provide immersive educational experiences throughout the recreation area



An illustration of key educational and interpretive concepts of the park

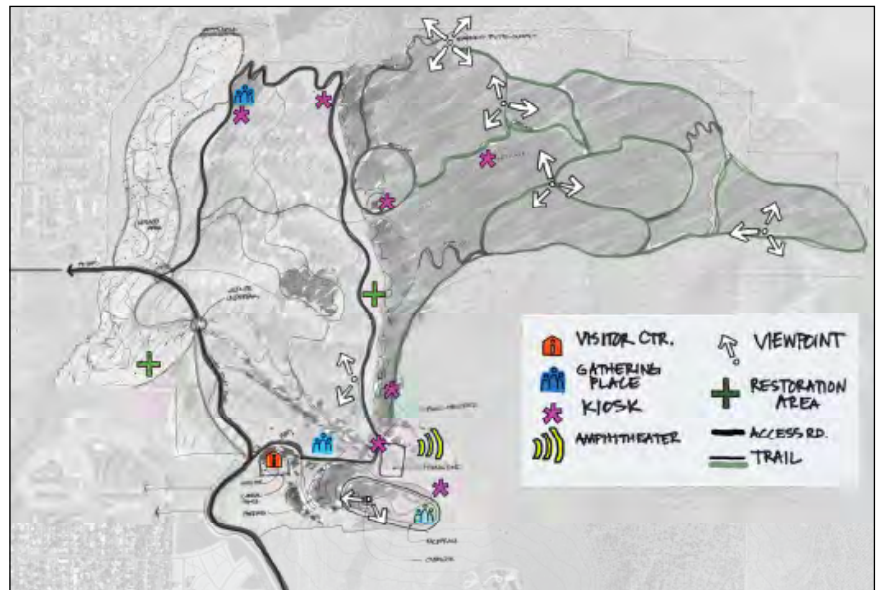
Education and Interpretation tells the story of the site, establishes interpretive themes, and identifies areas and features that showcase the history, geology, ethnobotany and wildlife of the Barnes Butte Recreation Area. The interpretive materials on site will include multi-lingual resources (potentially linked by QR codes) to enhance accessibility and tell the story of the land and community. The design team utilized research, observations, and talks with the community, local experts, and tribal members to identify interpretive themes for the site. It is a planning priority to ensure that Barnes Butte Elementary School and other schools have access to the site and the educational opportunities it holds.

Educational Kiosks

Kiosks can include physiographic provinces ("zones") and set the stage for the rich geologic history of the area. Interpretive materials will define ecosystems within the park (wetlands, grasslands and juniper forests) and explain current issues with invasive species, natural vegetation, wildlife, plants, soils, and hydrology in each ecosystem. Panels about ethnobotany will tell the story of valued natural resources such as tule and camas and explain current harvest methods and uses.

The Breadcrumb Trail of Discovery

To create an immersive experience, there will be a greater number of kiosks and educational panels at the visitor center, with more experiential learning scattered through the rest of the park. There will be panels that users may stumble upon accidentally or along trails that give them a deeper understanding of the landscape, ecology, geology and cultural history of the place they're exploring. This would help cultivate a "quest" or "scavenger hunt" learning experience. Interpretation will utilize visual cues, natural materials, and natural features throughout the property.



(For enlarged map, see Appendix D, pg 39)

*Restoration Sites*

Oregon State University Extension office, the Crooked River National Grassland (Ochoco NF) and the Bureau of Land Management (BLM) are potential resources for helping Prineville's work to eliminate invasive plants and restore native plants across the park. Experimental plots may be needed as the vegetation is phased from invasive plants to native plants. The restoration projects could serve as an experiential learning science opportunity for students.

*View Points*

Educational materials that celebrate the views and peaks of Barnes Butte will be incorporated into resting and gathering areas within the trail system. To preserve the viewshed and sense of wilderness in the landscape, the signage may be subtle or lower to the ground.

*Visitor Center as the Interpretation Hub*

As a major entrance and central host of facilities on the property, the visitor center is where the journey begins and will provide a natural opportunity for interpretation and education. Kiosks at the visitor center will be themed, and may align with the local elementary school's curriculum, and rotate regularly. Panels will have Quick Response (QR) codes that link to additional information and resources. The visitor center will also provide a potential space for rotating art exhibits. Younger classes or groups that may not be able to travel further into the site and trail system can utilize the visitor center and central recreation area for field trips and classroom space.

*Tule and Camas in the Wetlands*

The proposed boardwalks in the wetlands provide a learning opportunity for cultural and natural resources. Tule, a native plant used for weaving baskets, mats and even housing materials by some tribes, is currently growing in the wetlands, and camas, a plant used for medicinal and nutritional purposes by some tribes, could be restored to the area. A healthy population of these plants would provide an educational opportunity for ethnobotanical tribal practices and supply tribal members with an accessible place to harvest tule and camas.

*Activities for Early Implementation*

In addition to the proposed developed resources throughout the site, early implementation programs that promote the vision and encourage public use by the full community before the more intensive road and park facilities are constructed. Birdwatching, stargazing, walking groups, and field trips can guide city's immediate priorities and ready partnerships.

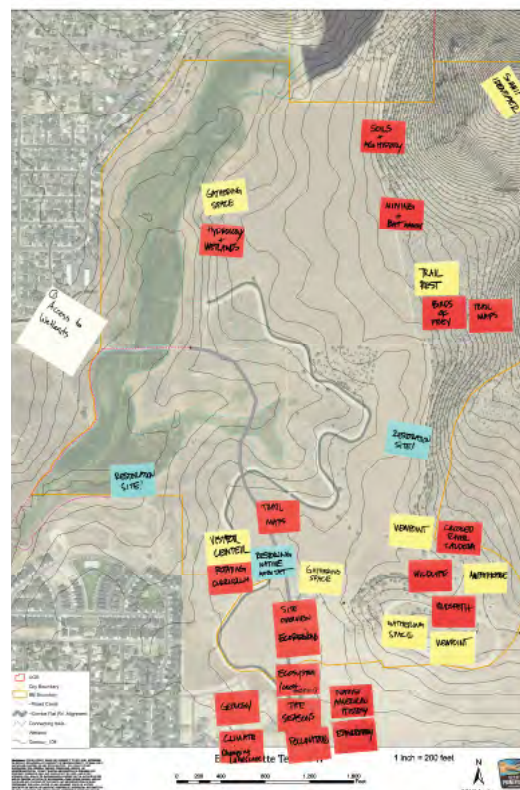


*Tule (Schenoplectus actutus) at Humboldt Bay National Wildlife Refuge Complex, CA*



*Signage at the summit could help visitors identify peaks in the Cascade range and better understand the surrounding geological story. Example from Olympic National Park, WA*

- Kiosks
- Restoration areas
- Viewpoints and gathering areas



*(For enlarged map, see Appendix D, pg 41)*



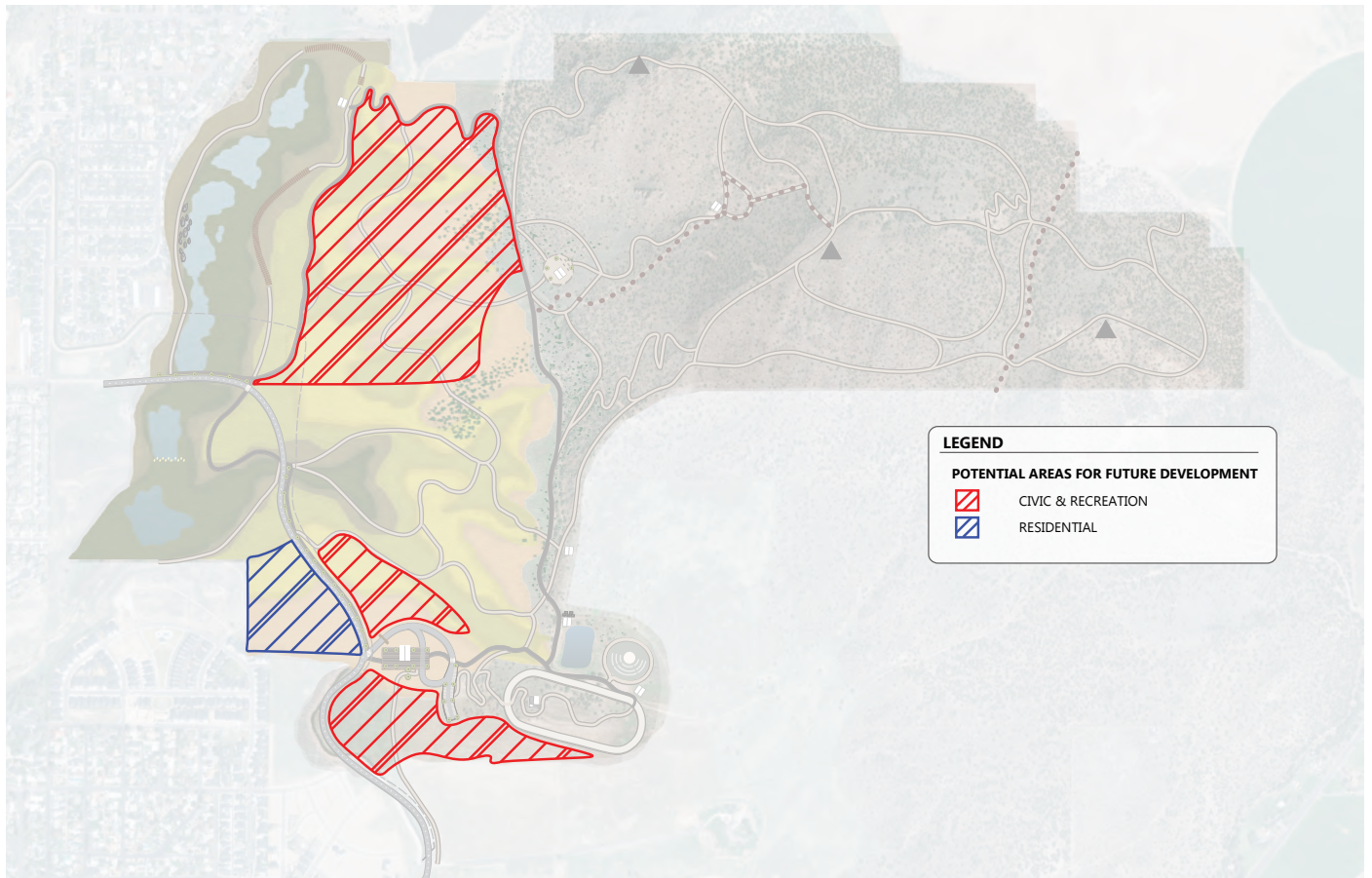
### Potential Areas for Future Development

During the information gathering and initial conceptual design phases of the Barnes Butte master planning process, preservation was identified as a priority for several areas of the property. The interest in these areas is to provide the public an opportunity to experience the natural environment relatively undisturbed by major developments. Other areas of the property are identified where the natural environment had already been significantly altered over the years and/or in which preservation is of limited or less value.

The map below illustrates the areas that are identified as having lower priority for preserving the natural environment and which are well suited for future developed recreation facilities, civic uses, or residential development:

Areas indicated by **red striping** are well suited for more developed civic or recreational facilities.

The area indicated by the **blue striping** is identified as having very little value for recreation or civic uses, and has high value to the community as additional residential development in the future.



Potential areas for future development (for enlarged map, see Appendix D, pg 42)

The management of the Barnes Butte Recreation Area (BBRA) will take advantage of strong partnerships between the City of Prineville, Crook County Parks & Recreation District (CCPRD), and community volunteers. The City and CCPRD have a long history of working together and sharing resources to manage parks, open spaces, and other recreation areas within the City. Currently, there are many park facilities that are owned by the City and managed by CCPRD. The City of Prineville and CCPRD maintain an intergovernmental agreement that provides the parameters for working together. This relationship will continue with the long term maintenance and management of the Barnes Butte Recreation Area. The City anticipates continued discussion with CCPRD to determine how best to partner to manage and maintain the park efficiently.



*View of Barnes Butte Recreation Area, facing east*

The Barnes Butte Recreation Area was opened for public use as soon as the City of Prineville completed the purchase of the property. Since acquisition, the public has enjoyed exploring and recreating on the site and continued use of the existing facilities will be encouraged while additional trails and facilities are being developed.



*Current parking lot and facilities at Barnes Butte (2019)*

Community volunteers will play an important role in the long term management and maintenance of the BBRA. The Barnes Butte Focus Committee will evolve into a volunteer group focused on stewardship of the park. While initially the Barnes Butte Focus Committee was focused on developing the priorities for uses and facilities to be developed at BBRA, many in the group are interested in being a part of the longer term management of the area. After the completion of their initial role in the conceptual design process, interested volunteers will focus on the maintenance and management of the park. The volunteer group will organize and participate in recreation programs and cleanup projects, installing and updating signage, trail maintenance, and other minor construction and maintenance projects.

*For up-to-date information about the project, please visit the **City of Prineville's Website** at **[www.cityofprineville.com](http://www.cityofprineville.com)***

The Bureau of Land Management (BLM) is an essential partner and stakeholder in the BBRA project. The BLM managed land included in the plan is an integral part of the park. BLM appreciates its partnership with the City of Prineville and Crook County Parks and Recreation District and, per CCPRD's application for a Recreation and Public Purposes Act Lease, seeks to establish an agreement for integration of the public lands into the BBRA project.

Leveraging partnerships and combining resources with other agencies and organizations will also continue as a priority of the City for the project. The city has engaged the Confederated Tribes of Warm Springs, Bureau of Land Management, Central Oregon Trail Alliance, Crook County Health Department and other local agencies in the planning and conceptual design of the project. The City will continue to foster those partnerships through the implementation and long term management of the park.



## APPENDIX A: Community Health Profile

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Developed in partnership with the Crook County Health Department, National Park Service, and the City of Prineville. Data sourced from the 2019 Central Oregon Regional Health Assessment, the 2015 Oregon Healthy Teens Survey, The Robert Wood Johnson Foundation County Health Rankings and Road-maps, and the American Community Survey 5-year estimates.

### Community Description



This community health profile examines current health indicators and needs of residents living in Prineville and the surrounding region. It considers both community health and the built environment. Though explicit recognition of public health connections and goals in relation to planning efforts is not always obvious, integrating public health concepts in planning processes can best ensure the full realization of park and trail benefits.

### Prineville



The City of Prineville, the county seat of Crook County, sits on ceded land once belonging to members of the Confederated Tribes of Warm Springs, displaced by the Treaty of 1855. The town is located on the Crooked River at the mouth of Ochoco Creek in the Crooked River caldera. It is encircled by prominent remnant gravel terraces, formed by lava flows from the nearby Newberry volcano. Prineville is the only incorporated community in Crook County and continues as an important economic center for the Ochoco and Crooked River country.

Agriculture and forestry are Prineville's dominant industries, with more recent developments in tourism, recreation, and high-tech computer server farms strengthening its economy. Both Facebook and Apple have installed server farms in the city. The diverse geology of the Prineville area has made it a popular rock-hunting site.

### Barnes Butte Project Area



The project site of Barnes Butte Recreation Area is located within the City of Prineville city limits and the Urban Growth Boundary (UGB). The site is a 460 acre parcel acquired by the City of Prineville in 2017, and an additional 160 acres of land managed by the Bureau of Land Management. The natural area is located adjacent to several high-density residential subdivisions and the recently constructed Barnes Butte Elementary School which serves 700 students. This project is an opportunity to develop active recreation opportunities for the local community and the entire region.

The Crook County Parks and Recreation District Comprehensive Plan identifies expansion and interconnection of the community trail system as one of its highest priorities; the multi-use paths in the Barnes Butte trail network can connect the residential neighborhoods to the Barnes Butte Elementary School and the Bureau of Land Management property.

Demographics

Population

From 2010 to 2018, Crook County grew by 13.8%, faster than Oregon overall (8.1%). The City of Prineville’s population has experienced significant change from 2010 to 2018, with an increase of 11.5%.

Age

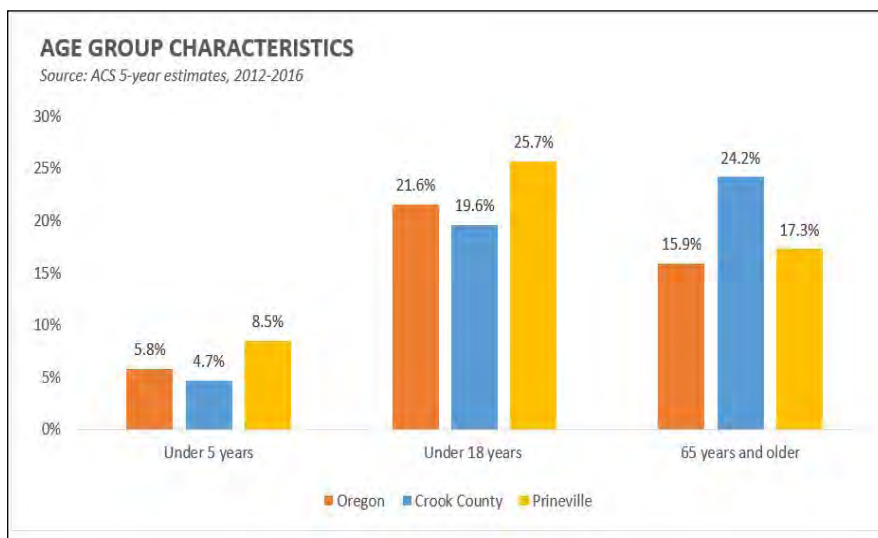
Central Oregon and Crook County have a higher proportion of older adults aged 65 or over compared to Oregon as a whole. Nearly a quarter of Crook County’s population is over 65 years old, compared to approximately 16% of Oregonians as a whole. Within Central Oregon, Prineville has the highest proportion of individuals over 65 years old (17.3%). Additionally, Prineville has more young adults under the ages of 18 (25.7%), and 5 (8.5%) compared to Oregon as a whole.

	Population
<b>Oregon</b>	4,190,713
<b>Crook County</b>	23,867
<b>Prineville</b>	10,329

Source: ACS 5-year estimates, 2018

“Parks and trails support community and individual well-being. Access to these resources can help increase residents’ physical activity, support mental health, and foster community and social interactions”

*(Physical Activity Guidelines for Americans Mid-course Report: Strategies to Increase Physical Activity Among Youth. Washington, DC: U.S. Department of Health and Human Services, 2012)*



Socioeconomics

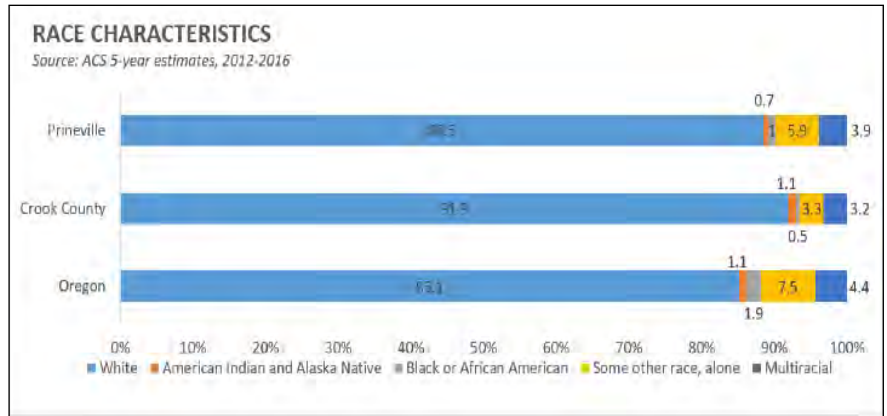
Crook County had the lowest median household income in Central Oregon in 2017 (\$41,777), and the percentage of individuals living below the Federal Poverty Level (FPL) (25.7%) was greater than Oregon as a whole (14.0%). Prineville has a particularly high rate of individuals under the age of 18 living below the federal poverty level at 34.6%. Income level is strongly linked to chronic condition prevalence and risk factors. For example, a higher proportion of those who live below the FPL have asthma and cancer compared to those living above the FPL. Populations living below the FPL may also have limited resources to access healthy food, transportation, and recreation.

“5 minutes walking in nature improves mood, self-esteem, and relaxation. Frequent exposure to nature reduces anxiety and depression, while promoting a sense of wellbeing and fulfillment. Physical activity in a green space can reduce stress and lowers cortisol levels by 15%.”

(Healthy Parks, Healthy People Resources, National Park Service)

**Race**

Crook County and Prineville have a higher proportion of residents who identify as White compared to Oregon as a whole. Crook County (7.4%) and Prineville (11.1%) have a lower proportion of residents who identify as Hispanic or Latino compared to Oregon as a whole (12.4%).



**Health Impacts**



[www.cityofprineville.com/wetlands](http://www.cityofprineville.com/wetlands)

**Youth**

Regular physical activity can help children and adolescents improve cardiorespiratory fitness, build strong bones and muscles, control weight, reduce symptoms of anxiety and depression, and reduce the risk of developing health conditions such as heart disease, cancer, type 2 diabetes, high blood pressure, and obesity. In addition, students who are physically active tend to have better grades, school attendance, and cognitive performance (Centers for Disease Control and Prevention. The Association Between School-Based Physical Activity, Including Physical Education, and Academic Performance, 2010).

In relation to physical activity, Central Oregon students were most likely to use some form of motorized transportation between school and home. Notably, many Central Oregon students had no physical education class at school.

Focusing on youth, including the prevention of Adverse Childhood Experiences (ACEs), reducing school dropout rates, alcohol, tobacco, and other drug use was identified as a need by the 2019 Regional Health Assessment during community focus groups.

### *Mental Health*

2017 saw the highest number of suicides in Central Oregon over the last decade. The percent of students reporting feeling sad or hopeless every day for two weeks or more has increased steadily since 2011.

### *Healthy Environments*

Most Central Oregonians commute to work alone in a car. A lower proportion of Central Oregonians commute to work using active transportation (i.e., walking or biking) and/or public transportation compared to Oregon as a whole. About 77% of Crook County residents travel to work alone in a car.

The Regional Health Assessment suggests that the region should work with county commissioners, city planners, policy makers, and collaborative groups to advocate for community spaces, green space, and health considerations when planning (Health in All Policies). This region should include creation of age and culturally appropriate opportunities and consider ways to subsidize alternative energy sources that make sense for the region.

Creating better public transportation systems, safe alternate commute options, and community spaces were identified as community needs during focus groups hosted throughout Central Oregon. In addition, preparing for and developing community resilience around forest fires and drought was mentioned as a growing concern and a community need.

The Barnes Butte Recreation Area's proximity to both Barnes Butte Elementary School and growing residential neighborhoods provides opportunity for the development of Safe Routes to School programs.

### *Health Equity & Social Determinants of Health*

Where we live, go to school, and work affects our overall health, as does the safety and livability of our communities, whether we are economically stable or struggling to get by, have strong social connections, and how we are treated in society. These are determinants of health and help explain why certain segments of the population experience better health outcomes than others.

During the creation of the Central Oregon Regional Health Assessment, promoting equity and decreasing stigmas was recognized as a need during community focus groups. This includes decreasing barriers to care, creating culturally relevant information, educating staff, and promoting a workforce that represents the demographics of those served.



[bendtrails.org/trail/prineville-bike-park](http://bendtrails.org/trail/prineville-bike-park)

“Access to parks is a social equalizer, addressing health disparities and benefiting people’s health and wellbeing”

*(Healthy Parks, Healthy People Resources, National Park Service)*



[saferoutestoschool.org](http://saferoutestoschool.org)

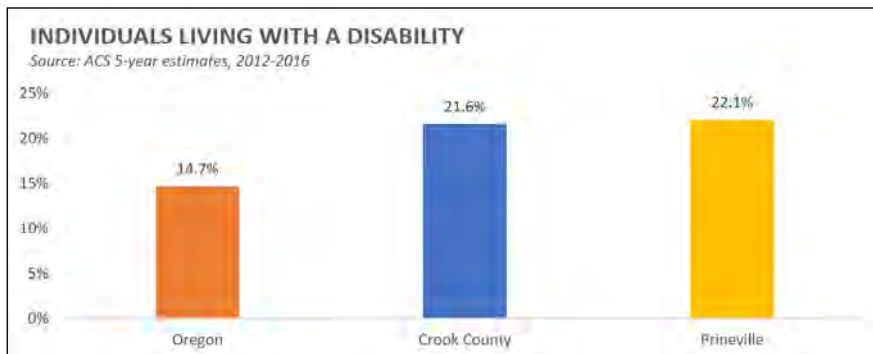


“A 30-minute visit to a park can improve heart health, circulation and lower cholesterol, blood glucose, and blood pressure. Walking in nature reduces inflammation and boosts your immune system, which decreases the risk of certain diseases and cancers. Interacting with a green space increases social interactions which can prevent diseases like dementia.”

*(Urban green space, public health, and environmental justice: The challenge of making cities ‘just green enough.’ Landscape and Urban Planning, 2014)*

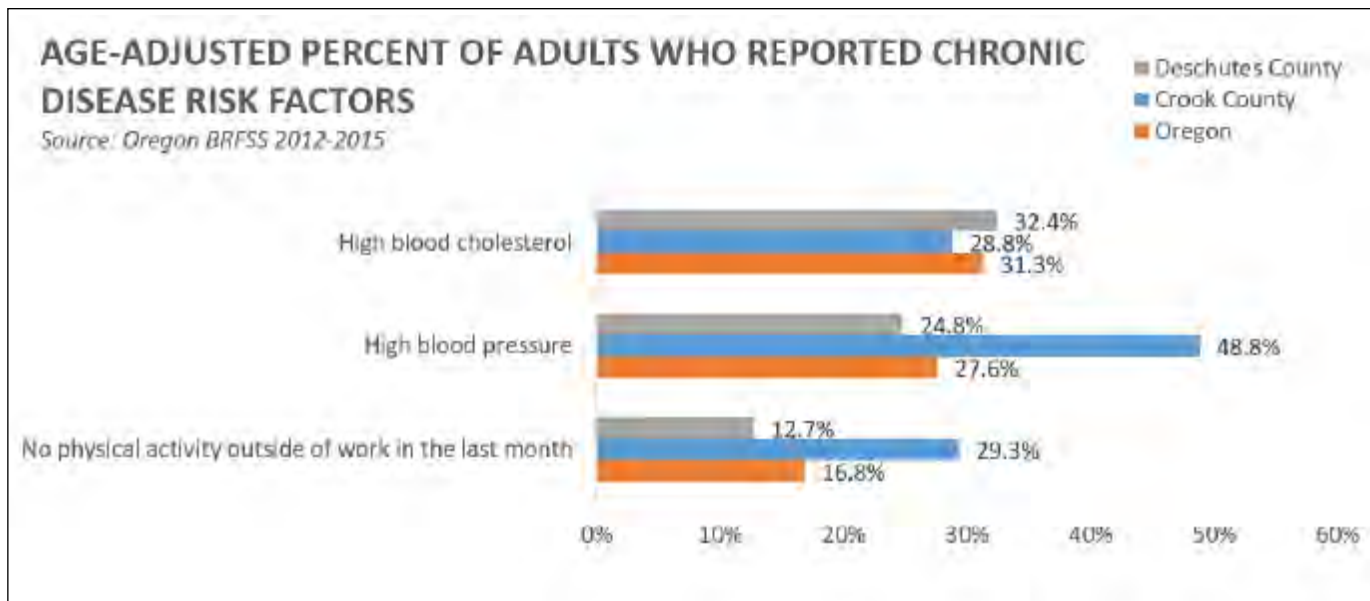
**Individuals Living with a Disability**

Disability refers to anyone with a visual, hearing, cognitive, ambulatory, self-care, or independent living difficulty. Having different abilities may limit a person’s capacity to work and provide for themselves. In Central Oregon, Crook County has the highest proportion of the population (21.6%) living with a disability. Of the Central Oregon communities, Prineville has the highest proportion of the population (22.1%) living with a disability. Over half of all adults over 65 years of age in Prineville live with a disability.



**Chronic Illness**

Crook County has a higher rate of male heart disease (130.2) per 100,000 population than Oregon as a whole (100.3). Rates of high blood pressure are higher in Crook County (48.8%) than other parts of Central Oregon. 29.3% of Crook County residents reported that they had not participated in physical activity outside of work in the last month, greater than Oregon as a whole (16.8%). Though lower than Jefferson County (16.0%), Crook County also has a higher percentage of individuals with diabetes (13.3%) than Oregon as a whole (8.6%).



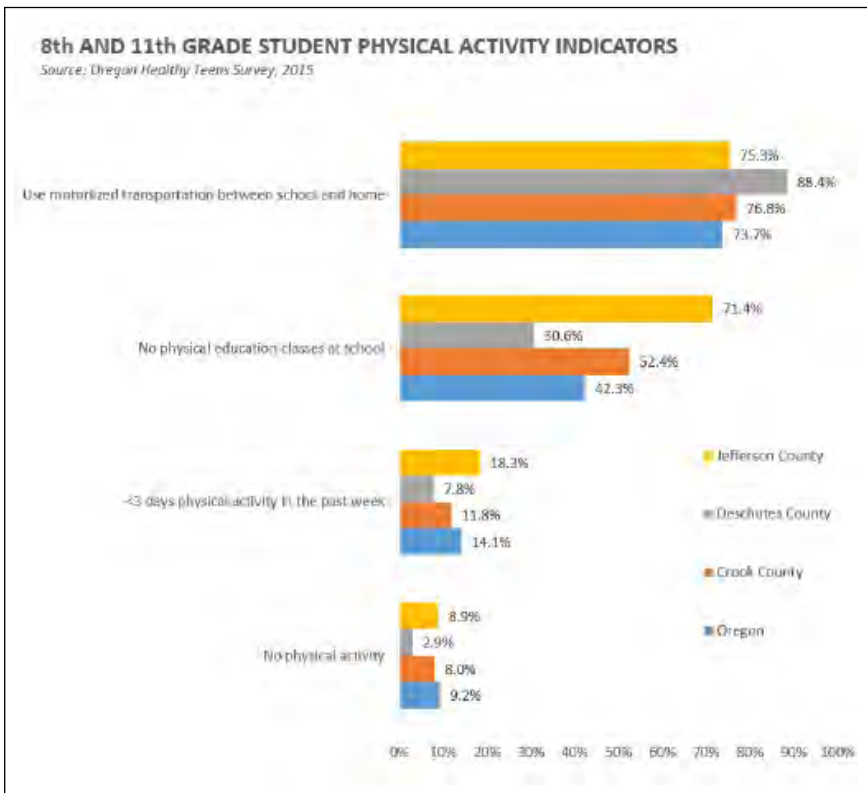
**Obesity Rates**

Obesity rates in Crook County (31.2%) are slightly higher than Oregon as a whole (27.1%). Body Mass Index (BMI) is a number calculated from an individual’s weight and height and can be used as a screening tool to distinguish if an individual’s weight might be putting them at risk for chronic health conditions such as heart disease, high blood pressure, type 2 diabetes, breathing problems, and certain cancers.

In 2015, 52.4% of 8th and 11th graders in Crook County had no physical education classes at school. In addition, 76.8% of them used motorized transportation between school and home.



www.kidsinparks.com



**Park Rx Program**

Barnes Butte Recreation Area is a part of the Kids in Parks TRACK Trails program. Kids in Parks started in 2008 with a vision to improve the health of children and the health of parks by making existing trails more attractive and fun for novice users. At that time, the Blue Ridge Parkway Foundation, National Park Service and Blue Cross and Blue Shield of North Carolina Foundation joined together to formally link the health of children to the health of parks by creating a strong network of trails and partners in communities across the country. Barnes Butte is currently a participating TRACK Trail. As a part of this program, there are self-guided activities available at a kiosk at the corral parking lot. The brochures lead kids and families on guided walks on the property and provide educational materials. The brochures topics include: "Tracks and Traces," "Birds of Oregon's High Desert," and "Nature's Hide and Seek," and are available on-site in both English and Spanish. Participants have the opportunity to track their adventures online to win prizes and track their progress for their healthcare providers. This program was made possible through a collaboration with Children’s Forest of Central Oregon and Central Oregon Health Council.

## APPENDIX B: Community Survey Results

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*An online survey was distributed to the community in November, 2018 using survey monkey. There were a total of 323 respondents. Among the top priorities identified by the survey were: Running/hiking trails, biking trails, BBQ/picnic area, fishing pond, sports complexes and bird watching.*

Write-in comments from respondents emphasized the following:

### **Non-motorized transportation**

"I feel this would be a great place to provide a non-motorized recreational opportunity to people close to town. A view point at the top would be nice. If it was to be multi use trails please separate equestrian from other users. For a small parcel of land user conflict would be high. Equestrians need to have their own trails"

"Please nothing with motorized vehicles, please!"

### **Housing**

"Future residential development expansion, within reason. Possibly only taking up a portion of the land, leaving the rest for recreation etc., Think Pine Nursery Park in Bend"

### **Accessibility**

"I believe Prineville needs an area to make a safe place seniors can enjoy"

"ADA accessible trail with occasional benches at selected places that offer good birding and photography/art opportunities. No horses on the ADA/birding trail please. Also would like to see weeds controlled and native bunch-grass and forb communities reseeded and shrub habitat patches retained"

### **Youth**

"Playground area with track/trails around perimeter with good shade but also good visibility. Track or wide trail to allow for children to ride bikes side by side and allow for visibility (unlike bike path through town)"

### **Natural spaces**

"Keep the land as natural as possible, but have dirt and gravel trails. Community garden near the entrance with picnic and grassy area for family activities"

"Leave the North side as natural as possible please"

"Leave as is. No need to develop everything!!"

**Other write-in suggestions:** Swimming pool, motocross, mountain bike trails, pickle ball, Boys and Girls club, Snow Park, outdoor science lab, rodeo/race grounds, disc golf, and tennis.

ANSWER CHOICES	RESPONSES	
Running/hiking trails	73.1%	236
Biking Trails	45.2%	146
BBQ/ picnic area	44.9%	146
Fishing pond	34.4%	111
Indoor sports complex	33.4%	108
Outdoor sports complex	26.3%	85
Bird watching	22.9%	74
Cross country skiing trails	22.0%	71
Outdoor amphitheater	20.7%	67
Archery range	20.4%	67
Community garden	20.4%	66
Horse Riding Trails	20.1%	66
Sport fields	20.1%	65
Dog park	20.1%	65
FFA/ agricultural areas/ land lab	15.2%	49
Orchard	14.6%	47
Camping Areas	11.2%	36
Bike safety course	7.4%	24
Top roping	5.9%	19

**Focus Committee Voting Results**

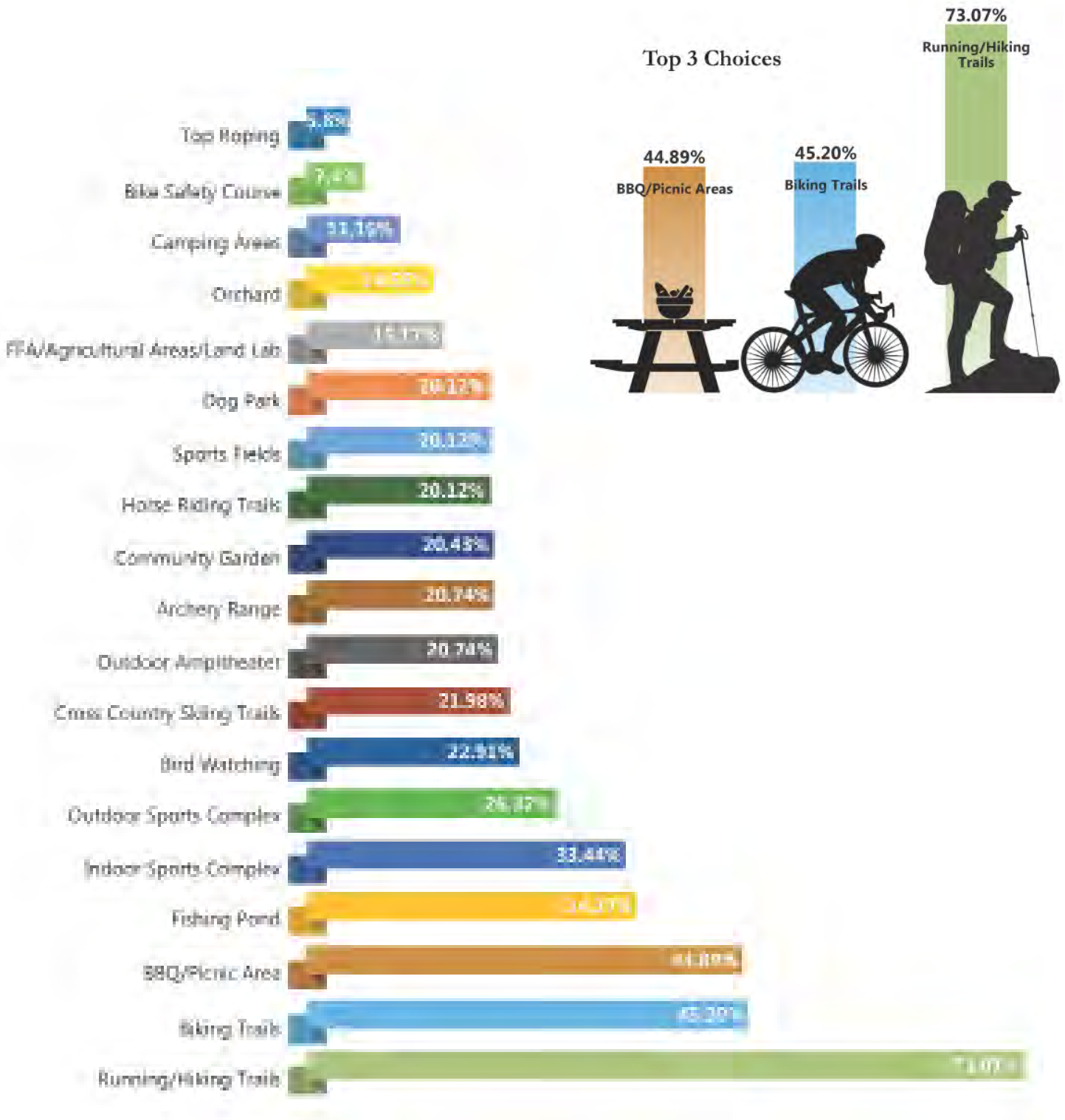
The Barnes Butte Planning Focus Committee voted on a compilation of activities, facilities and management considerations from the community survey and city priorities. The resulting list of top priorities is below:

- Multi-use walking/running/biking trails (11)
- Preservation of Natural Beauty (8)
- Non-motorized use (7)
- Hiking (5)
- Native vegetation restoration and noxious weed control (4)
- ADA capacity (4)
- Trails with varying levels of difficulty (3)
- Perimeter Trail (3)
- Running trails (2)
- Access from main street (2)
- Outdoor learning for students (2)
- Biking (2)
- North/South Connectivity (1)
- Maps available (1)
- Fishing ponds
- Horseback riding (1)
- Historic information (2)
- Benches strategically placed and distanced (1)
- Natural/undeveloped areas (1)
- Sledding hill (1)
- Dog bags (1)



## APPENDIX B: Community Survey Results

"Land around Barnes Butte has recently been purchased by the City of Prineville. City Council wants to know what you want the land to be used for. The options below are examples of what people might want to see"



*The Barnes Butte project area sits on ceded lands historically occupied by the Confederated Tribes of Warm Springs. The Confederated Tribes continue to hold treaty rights on federal lands including the Bureau of Land Management managed property included in the Barnes Butte recreation area. Information about sovereign authority and history is included below. The following information is from the Confederated Tribes of the Warm Springs Reservation's Declaration of Sovereignty. For a full version of the text see: <https://warmsprings-nsn.gov/treaty-documents/>*

### Declaration of Sovereignty

Our people have exercised inherent sovereignty, as nations, on the Columbia Plateau for thousands of years, since time immemorial. Our Sovereignty is permeated by the spiritual and the sacred, which are, and always have been, inseparable parts of our lives, for the Creator leads us in all aspects of our existence.

The Wasco Tribe, a Chinookan linguistic group of people, occupied the lower Columbia River. A hereditary Tyee Stumchk, or Principal Chieftain, acting either personally or by delegation to village chiefs of the bloodline of the tyee stumchk, exercised full authority over all aspects of life – political, spiritual, family, subsistence and military. The Sovereign position of the tyee stumchk carried with it not only the power to regulate and punish but also the duty to take actions to assure that the people would have food, shelter, cultural and social well-being, and protection from outside forces.

The Warm Springs Tribes, an Iciskin (Sahaptin) -speaking people, lived further up the Columbia, and on the Deschutes and John Day Rivers and their tributaries, during aboriginal times. They possessed the sovereign prerogative of ne-shy-chut, which meant that Native Warm Springs people were rooted in the soil of their ancestral domain and were free of any outside forces, free to follow their own culture and religion. For millenia, Warm Springs people followed an elaborate structure of sovereign tribal responsibilities embodied in the Sahaptin phrase, tee-cha-meengsh-mee sin-wit na-me- ah-wa-ta-man-wit, which means “at the time of creation the Creator placed us in this land and He gave us the voice of this land and that is our law.”

In 1855, the Warm Springs and Wasco Tribes entered into a treaty with the United States of America. We were not a vanquished people and this was not a truce agreement; rather, all parties entered into the treaty making with full recognition of the sovereign authority of the other parties. In the treaty, the two tribes ceded certain aspects of their aboriginal title to more than 10 million acres of land but retained a reservation of more than 600,000 acres including full control over all lands and waters, as well as extensive off-reservation rights. Both tribes also reserved their national sovereignty. The United States assumed trust duties that included a high obligation to protect the reservation and all off-reservation rights from outside forces.

## Confederated Tribes of the Warm Springs Reservation



*The Columbia River Plateau and Basin provided a rich life for the first people of the region. A dynamic culture flourished along this artery of life. The people shared similar languages, cultures, diets, religions, a history of interaction, and a sharing of common resources and trade.*



*In Warm Springs Country the people have successfully kept alive many traditions that are wrapped in spiritual and cultural significance.*



*In Warm Springs Country, we are finding the paths to revitalize the three languages of the Warm Springs Tribes.*

In 1879 and 1884, the United States moved groups of northern Paiutes to the southern part of the reservation. Before being located on the reservation, the Northern Paiutes had traditionally roamed a vast territory, which included parts of the Deschutes and John Day river valleys and high desert lands to the east and south; sovereign Paiute law ways and religious mores were established by custom and administered by a principal chief and headmen. After being located on the reservation, the Paiutes received allotments of reservation land and became residents of the reservation.

The two treaty tribes, the Warm Springs and the Wasco, eventually invited the Paiutes to join their government. In 1938, the Warm Springs, Wasco, and Northern Paiute Tribes officially formed a confederacy, established a common government, and adopted a written constitution. The constitution created a tribal council for administrative purposes and reserved all other sovereign powers to the people. In the years since, the Confederated Tribes have amended the 1938 constitution, enacted a great many tribal laws, established judicial and enforcement authorities, engaged in extensive and sophisticated economic development, and entered into many agreements with the United States of America, other Indian tribes, the state of Oregon, local governments, private business organizations, and other entities and individuals. These and other progressive actions have been taken to preserve, protect and strengthen our national sovereignty that has existed, along with our songs, dances, prayers, and longhouses, on the Columbia Plateau for countless generations.

Today, the people of the Confederated Tribes continue to assert and exercise sovereign authority over the tribal reservation, over other territory within tribal jurisdiction, over territory that may come under tribal jurisdiction in the future, and over the protection of our rights and our people and their welfare in all places. This complete sovereign power encompasses legislative authority, such as the power to define individual conduct, to regulate business enterprises, to zone land, to tax, to regulate the use of natural resources, to protect the environment, to make provisions for education, health, and social welfare, to protect our right to worship according to our own religions and to follow our traditional ways, and to make other laws appropriate to the exercise of the full range of lawmaking authority possessed by any nation. The Confederated Tribes' sovereign powers also include executive authority to implement tribal legislation and judicial authority to enforce valid legislative and executive orders. Our sovereign authority includes the right to choose not to adopt formal, written laws, procedures, or policies governing particular subjects; formal laws can be intrusive and inflexible, and we have learned that some issues are best addressed by informal, traditional ways.

The ancient spirit of the Creator still dwells in all the places of our homeland, as it always has and always will. Our national sovereignty protects that spirit, our land and waters, our people, and our vibrant culture, religion and language.

### *The Arrival of Settlers*

During the 1800's, the old way of life for the Indian bands in Oregon was upset by the new waves of immigrants from the east. In 1843, 1,000 immigrants passed through The Dalles. In 1847 there were 4,000. By 1852, up to 12,000 settlers were crossing Wasco and Warm Springs territories each year. In 1855, Joel Palmer, superintendent for the Oregon Territory, received his orders to clear the Indians from their lands. He did so by negotiating a series of Indian treaties including the one establishing the Warm Springs Reservation. Under the treaty, the Warm Springs and Wasco tribes relinquished approximately ten million acres of land, but reserved the Warm Springs Reservation for their exclusive use. The tribes also kept their rights to harvest fish, game and other foods off the reservation in their usual and accustomed places.

### *Early Reservation Years*

Traditional ways of life changed greatly after the Wasco and Warm Springs tribes relocated onto the Warm Springs Reservation. Salmon wasn't as plentiful as it had been on the Columbia, and the harsher climate and poor soil conditions made farming more difficult. They quickly found that their former economic system was no longer workable. In addition, federal policies to assimilate the Indian people forced them to abandon many of their customary ways in favor of modern schools, sawmills, and other infrastructure foreign to the tribes.

The settlement of the Paiutes on the Warm Springs Reservation began in 1879 when 38 Paiutes moved to Warm Springs from the Yakama Reservation. These 38 people, along with many other Paiutes, had been forced to move to the Yakama Reservation and Fort Vancouver after joining the Bannocks in a war against the U.S. Army. Eventually more of them came, and they became a permanent part of the Warm Springs Reservation.

### *Tribal Government and Indian Self-Determination*

In 1934, Congress passed the Indian Reorganization Act (Wheeler-Howard Act) to revitalize Indian communities and to bolster Indian tribes as governments. The Indian Reorganization Act (IRA) recognized the necessity for tribal governments to manage their own affairs, and offered Federal assistance to tribes organizing under its provisions. The Warm Springs, Wasco, and Paiute tribes studied the IRA carefully before deciding to accept its terms.

In 1937, the three tribes organized as the Confederated Tribes of the Warm Springs Reservation of Oregon by adopting a constitution and by-laws for tribal government. In 1938, they formally accepted a corporate charter from the United States for their business endeavors. These organizational documents declared a new period of tribal self-government on the Warm Springs Reservation.





### Barnes Butte History

*Compiled by the City of Prineville*



The Hudspeth family established a mill east of Mitchell, Oregon, in 1937 and later expanded operations to include a planing mill in Prineville in 1940. Their operation was so successful that they established a major mill in Prineville in 1945. Buck (left), John (center), and Claude Hudspeth were photographed on the opening day of operation for the Hudspeth Pine Mill. The brothers were partners in mill operations, and John later purchased the mill outright.

This rocky geographic feature juts up from the valley north of Prineville. Barnes Butte is a rhyolite dome of volcanic rock and is a part of the Crooked River caldera.

The butte is named after Elisha Barnes who was one of the first settlers in Central Oregon. Elisha was born in Kentucky in 1826 and settled in what is now Crook County in 1867. Elisha originally claimed land and established a homestead with his family in the area of Mill Creek and Ochoco Creek. A few years later Elisha and his family relocated to Prineville. Elisha Barnes became the first Mayor of Prineville and his son George Barnes became the first lawyer in Crook County.

Much of the land making up Barnes Butte Recreation Area was a part of the landholdings of the Hudspeth family. John Hudspeth built a logging empire that was responsible for building many homes in the 1940s and 50s. At one time, he was one of the largest landowners in the United States.

The family also had a love for horses. Roger Hudspeth built the 1/2 mile bull ring racetrack in 1961 that is still a part of the property today, to train the horses. Twenty to thirty race horses were trained annually, and time and patience led to several successes over the decade. One prized quarter-horse won several races including the Longacres Mile in 1969. Hudspeth Ranch covered over 70 acres

In 1941 mining activity began on Barnes Butte. The cinnabar (an ore containing mercury) was discovered and the mine was established by John McKenzie, Ralph Cunningham, and Homer Chapin. The mine only operated for a few years and was reported to have produced 29 flasks of mercury often referred to as “quicksilver”. The mine and operations were abandoned in 1942.

In 2017 the City of Prineville purchased the 460 acres now known as the Barnes Butte Recreation Area.

Prineville was founded in 1870 by Monroe Hodges, on a section of his land claim. It was named for Frances Barney Prine, the town's first merchant, who built a home, store, blacksmith shop, hotel, and saloon in 1868 at what later would become the town site. In 1877 Monroe Hodges filed the original plat for the city. The post office for the community had been established with the name of Prine in 1871, but changed to Prineville in 1872.

Prineville continued to grow during the 1870s and 1880s as cattle ranching was established in the region. Ranchers drove their stock over the Cascade Mountains and into Central Oregon to take advantage of the abundance of grass on the high desert. Prineville quickly became the major town in central Oregon.

In October 1882, when the southern part of Wasco County broke off to form Crook County, the Oregon legislature chose Prineville as the county seat, a decision confirmed by voters in the 1884 election. The first courthouse in town was built in 1885; but the wooden structure was deemed too unsafe to hold the county's records, and the large stone and brick structure was built in 1909 that still stands today.

The Sheep and Cattle Wars dominated central Oregon during the 1890s, and Prineville was caught in the center of the action. While cattle ranchers had grazed over the High Desert since the 1870s, the arrival of sheepherders by the 1890s led to significant conflict as the range grew overcrowded. The ensuing war reached its climax in the Prineville region in 1904. The conflict ended in 1907 when stockmen were granted grazing allotments by the federal government that defined specific areas of land where they were permitted to exclusively graze their stock.

In 1911 railroad tycoons James Hill and Edward Harriman bypassed the city as they laid track south from The Dalles, Oregon. It was a time when the presence of a railroad meant the difference between a city prospering, or becoming an eventual ghost town. In a 1917 election, Prineville residents voted to build their own railway, and raised the money to make the rail connection between their town and the main line 19 miles away.

Helped by timber harvests from the nearby Ochoco National Forest, the City of Prineville Railroad prospered for decades. The profits from the railroad were so abundant that between 1964 and 1968, the city levied no property taxes.

### Prineville History *Compiled by the City of Prineville*



*Looking North on Main Street in Prineville, circa 1911 (Bowman Museum in Prineville).*



*The City of Prineville's railroad, circa 1918 (Bowman Museum in Prineville).*

### **Prineville History**

*Continued*

Irrigating the High Desert land for farming was a major concern of early Prineville settlers, and the first successful irrigation with waters from Ochoco Creek occurred in 1921 with the construction of a dam. The reservoir was rarely filled to capacity, however, and landowners began serious lobbying efforts for a dam on the much larger Crooked River. In 1956, the Crooked River Project was authorized by Congress, resulting in the construction of the Bowman Dam and the creation of Prineville Reservoir. Prineville Reservoir created a reliable water supply and was successful in bolstering agricultural production in the region.

In 1952, former newspaperman Les Schwab purchased his first tire store in Prineville and soon opened tire shops in nearby Bend and Redmond. Currently there are over 400 Les Schwab Tire Center locations throughout the western states. Les Schwab, who died in 2007, lived with his family on an 80,000-acre ranch southeast of Prineville.

While agriculture and forestry are still significant industries in and around Prineville, more recent developments in tourism, recreation, and high-tech are strengthening its economy. Both Facebook and Apple have server facilities in the city.

### **Barnes Butte Wildlife**

*Compiled by the City of Prineville*

Barnes Butte hosts a variety of wildlife typical of the Central Oregon high desert ecosystem. Wildlife observed on the property includes mule deer, mountain lion, bobcat, coyote, jack rabbit, cottontail rabbit, ground squirrel, mice, skunk, raccoon, porcupine, and badger.

Birds of prey have intermittently nested in isolated locations on the property and routinely can be seen hunting the lowland and wetland areas. Common birds to the site include California Quail, Mourning Dove, Red-tailed Hawk, Barn Swallow, American Robin, House Sparrow and the Western Meadowlark.

The Hudspeth Drain area of the property is a rich and unique environment that plays host to the typical array of wetland birds and wildlife. A few of the most abundant birds that can be seen in the wetland area include the Brewer's Blackbird, Redwing Blackbird, Dark-eyed Junco, Killdeer, and Spotted Sandpiper. Raccoons, several varieties of snakes, and frogs also thrive in and adjacent to the wetland area.

### **Barnes Butte Plant Life**

*Compiled by the City of Prineville*

Much of the Barnes Butte property shares a mix of native and non-native vegetation. However the property can be separated into 4 distinctly different plant zones, each with a different display of dominant plant communities.

*Wetland-* The wetland area is dominated by reeds, sedges, rushes, cattails, and other plant life that thrives in the saturated soils and shallow waters.

*Sagebrush Steppe-* The sage brush steppe area is unique in that it was an area relatively untouched by the grazing and agricultural uses of the grassland area. Sage brush is the most prominent plant sharing the area with a mix of native bunch grass, non-native grasses, and non-native weeds. The non-native weeds exist in much lower concentrations here than in the grasslands area.

*Grasslands-* The grasslands area was radically changed from its natural state by agricultural use. Much of this land was in some form of crop production for a period of years. In recent time the land has lain fallow and been used for grazing allowing the non-native grasses and non-native weeds to become the dominant plants. Weed abatement and restoring a natural vegetation mix will likely be a priority and a challenge in this area.

*Juniper Upland-* Juniper trees cover much of this area of the property with a mix of younger trees and a few old growth trees in isolated areas. In the lower elevations there is a high concentration of the non-native cheat grass. In higher elevations of the butte the native bunch grasses become the more common ground cover. Mosses and lichen can be observed growing on many of the rock outcroppings.

This part of central Oregon has a rich volcanic history. The Barnes Butte geology story comes in two parts. The 29.5 million year story revolves around the Crooked River Caldera, which stretches from east of Barnes Butte to Smith Rock State Park. The Yellowstone hot spot is thought to have been the heat source for the caldera. The much younger geology story focuses on the arrival of numerous basalt flows from vent sources just west and south of Prineville. These lava flows filled the older valley floor, pushing the Crooked River around, creating lakes. They now form the plateaus above town. Most of Prineville is below the 3-15 million year old valley floor. Central Oregon is considered the “Rockhound Capitol” because of all the agates and thundereggs found here. Silica-rich hydrothermal waters deposited agate in the gas bubbles left in the rhyolite and basalt. These agates are now weathering out. Agate wasn’t the only mineral deposited in the volcanic rocks. Barnes Butte was the site of a mercury mine, which has since been cleaned up under a CERCLA action.

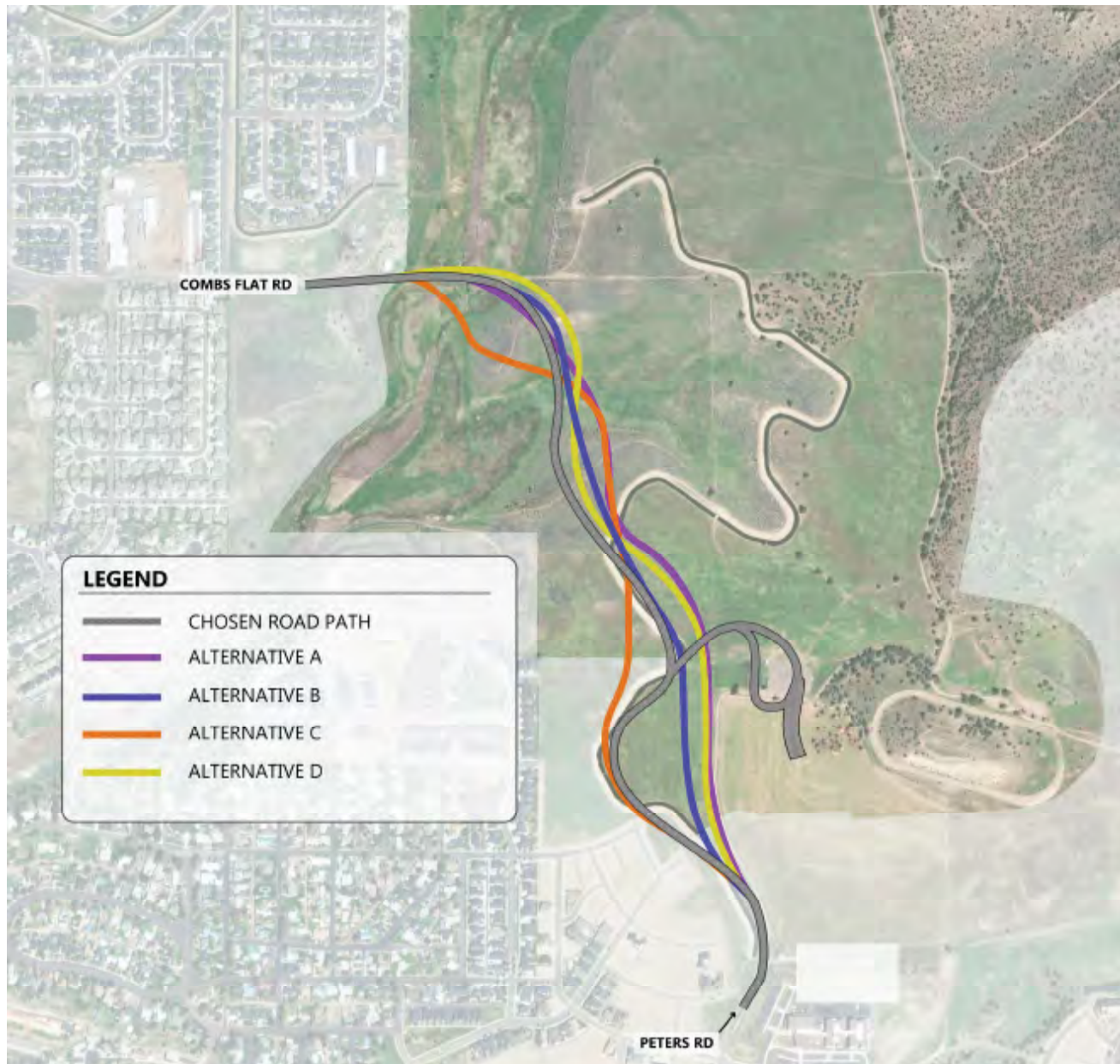
### **Prineville Geology**

*By Carrie Gordon*





*Designated vegetative zones on the Barnes Butte property*



*Considerations for Combs Flat to Peters Road alignment*





Sketch of existing trails in the Barnes Butte highlands

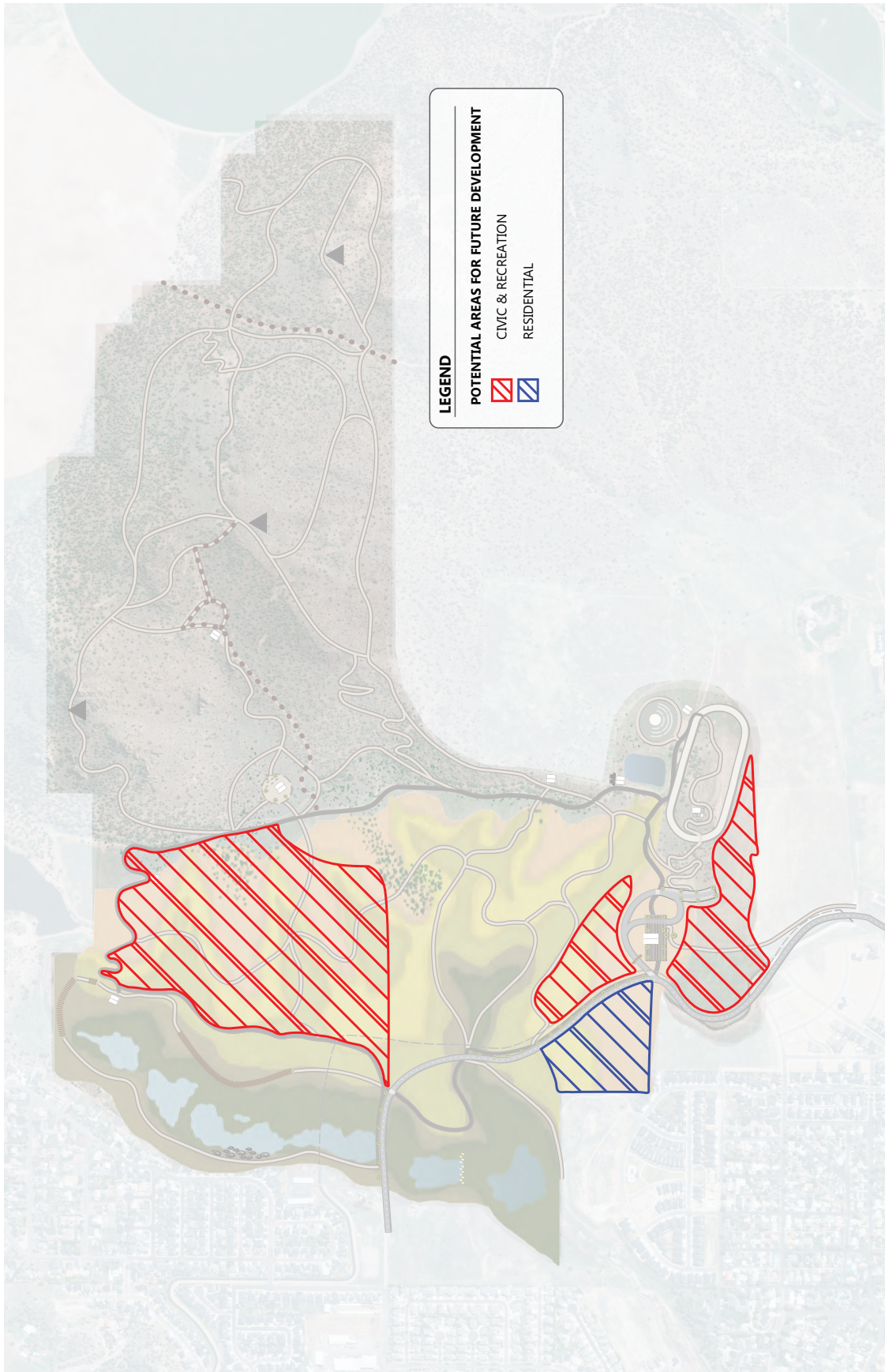












Potential areas for future development

**RESOLUTION NO. 1473  
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION PROVIDING THE CITY OF PRINEVILLE AUTHORIZATION TO  
EFFICIENTLY MINIMIZE OR MITIGATE THE EFFECTS OF THE COVID-19  
PANDEMIC**

**Whereas**, COVID-19 was declared a pandemic by the World Health Organization on March 11, 2020; and

**Whereas**, COVID-19 are a group of viruses that can cause respiratory disease, with the potential to cause serious illness or loss of life for individuals with underlying health conditions; and

**Whereas**, COVID-19 requires a significant amount of resources at the local level to keep the public and community informed and as safe as possible; and

**Whereas**, on March 8, 2020, Oregon Governor Kate Brown declared a state of emergency due to the COVID-19 outbreak in Oregon (Executive Order 20-03), finding that COVID-19 has created a threat to public health and safety, and constitutes a statewide emergency under ORS 401.025(1); and

**Whereas**, on March 13, 2020, the President of the United States, Donald J. Trump, declared the COVID-19 outbreak a national emergency; and

**Whereas**, on March 13, 2020, the Crook County Court declared a state of emergency relating to COVID-19 in Crook County, Oregon; and

**Whereas**, on March 13, 2020, the City Council of Prineville declared a state of emergency as a result of the COVID-19 pandemic per Resolution 1429; and

**Whereas**, on April 7, 2020, the City Council of Prineville continued the State of Emergency as a result of the COVID-19 pandemic per Resolution 1433, which expired on April 30, 2020 at 11:59 p.m.;

**Whereas**, on April 28, 2020, the City Council of Prineville continued the State of Emergency as a result of the COVID-19 pandemic per Resolution 1434, which expired on May 31, 2020 at 11:59 p.m.; and

**Whereas**, on May 26, 2020, the City Council of Prineville continued the State of Emergency as a result of the COVID-19 pandemic per Resolution 1440, which expired on June 30, 2020 at 11:59 p.m.

**Whereas**, on June 23, 2020, the City Council of Prineville continued the State of Emergency as a result of the COVID-19 pandemic per Resolution 1449, which expired on July 31, 2020 at 11:59 p.m.

**Whereas**, on July 28, 2020, the City Council of Prineville continued the State of Emergency as a result of the COVID-19 pandemic per Resolution 1454, which expired on August 31, 2020 at 11:59 p.m.

**Whereas**, on August 25, 2020, the City Council of Prineville continued the State of Emergency as a result of the COVID-19 pandemic per Resolution 1455, which expires on September 30, 2020 at 11:59 p.m.

**Whereas**, On September 22, 2020, the City Council of Prineville continued the State of Emergency as a result of the COVID-19 pandemic per Resolution 1458, which expires on October 31, 2020 at 11:59 p.m.

**Whereas**, On October 27, 2020, the City Council of Prineville continued the State of Emergency as a result of the COVID-19 pandemic per Resolution 1462, which expires on November 30, 2020 at 11:59 p.m.

**Whereas**, On November 10, 2020, the City Council of Prineville continued the State of Emergency as a result of the COVID-19 pandemic per Resolution 1463, which expires on December 31, 2020 at 11:59 p.m.

**Whereas**, On December 8, 2020, the City Council of Prineville continued the State of Emergency as a result of the COVID-19 pandemic per Resolution 1466, which expires on January 30, 2021 at 11:59 p.m.

**Whereas**, the unknown duration of the COVID-19 pandemic will have significant financial impact to the community; and

**Whereas**, pursuant to ORS 401.309(1), the governing body of a city may declare, by ordinance or resolution, that a state of emergency exists within the city; and

**Whereas**, pursuant to Prineville City Code 31.05, the City of Prineville City Council may declare a state of emergency and may redirect city funds for emergency use or order such other measures as are found to be immediately necessary for the protection of life and/or property.

**NOW, THEREFORE**, the City of Prineville resolves and declares the following:

1. A State of Emergency continues to exist in the City of Prineville (City) encompassing all of the areas within city limits.
2. That the City and its officials shall continue to be authorized to take such actions and issue such orders as are determined to be necessary to protect the public and property and to efficiently conduct activities that minimize or mitigate the effect of the emergency as described in Prineville City Code 31.05.

3. The City shall continue to take all necessary steps authorized by law to coordinate response and recovery from this emergency, including, but not limited to, requesting assistance and potential reimbursements from the State of Oregon and the appropriate federal agencies.

4. That emergency procurements of goods and services are authorized pursuant to ORS 279B.080, ORS 279C.335(6), Prineville City Code 31.05, and all other applicable rules.

5. This Resolution and Declaration is effective February 1, 2021 at 12:00 a.m. and shall remain in effect until February 28, 2021 at 11:59 p.m. unless sooner superseded.

Approved by the City Council this \_\_\_\_ day of January, 2021.

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Rodney J. Beebe, Mayor

ATTEST:

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Lisa Morgan, City Recorder



**RESOLUTION NO. 1474  
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION DECLARING REASONABLE PRECAUTIONS TO MINIMIZE THE  
SPREAD AND EXPOSURE OF THE CORONAVIRUS**

**Whereas**, to date, an estimated 585 people in Crook County have unfortunately contracted the Coronavirus, and an estimated 22,856 people have not contracted the virus; and

**Whereas**, Crook County presently contains 0.004% of Oregon’s total Coronavirus cases; and

**Whereas**, the Oregon Occupational Safety and Health Administration (“OSHA”) promulgated the Temporary Oregon OSHA COVID-19 Rule, effective November 16, 2020, and codified as OAR 437-001-0744 (“OSHA Rule”), which combats the spread of Coronavirus in all workplaces by requiring employers to carry out a comprehensive set of risk-reducing measures, including physical distancing, use of face coverings, and sanitation.

**Now, therefore, the City of Prineville hereby resolves:**

1. That all persons and entities within Prineville that are adhering to the OSHA Rule constitute reasonable precautions to minimize Coronavirus’s spread, and that when adequately communicated and effectively enforced, serve to adequately prevent or minimize employee exposure, including accidental exposure, to the Coronavirus.
2. That all persons and entities within Prineville may present this RESOLUTION to any court or tribunal, including proceedings before administrative bodies, as prima facie evidence of good faith compliance with relevant state and local laws and rules, including administrative rules, while engaging in activities that are inconsistent with executive orders related to the Coronavirus.
3. That this RESOLUTION constitutes prima facie evidence that in Prineville the hazard posed by the Coronavirus is one of low probability and risk, and that reasonable precautions, as defined above, taken by persons and entities to minimize Coronavirus’s spread constitute good faith efforts regardless of whether such precautions are consistent with executive orders related to the Coronavirus.
4. That reasonable precautions, as defined above, when adequately communicated and effectively enforced, serve to adequately prevent or minimize employee exposure, including accidental exposure, to the Coronavirus regardless of whether such precautions are consistent with executive orders related to the Coronavirus.

5. That this RESOLUTION has no legal effect unless and until it is validated by a Circuit Court.

Approved by the City Council this \_\_\_\_ day of January, 2021.

---

Rodney J. Beebe, Mayor

ATTEST:

---

Lisa Morgan, City Recorder

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January 26, 2021

Prineville City Council

**Re: Resolution 1474  
January 26, 2021 City Council Meeting**

Dear Council:

Pursuant to Council's request on January 12, 2021, I have prepared Resolution 1474, A Resolution Declaring Reasonable Precautions to Minimize the Spread and Exposure of the Coronavirus for your consideration. In order to be legally effective, the Resolution must be judicially validated. If validated, the Resolution accomplishes the following:

1. It finds that the Temporary Oregon OSHA COVID-19 Rule, effective November 16, 2020, and codified as OAR 437-001-0744, constitutes reasonable precautions to minimize Coronavirus's spread, and that when adequately communicated and effectively enforced, serves to adequately prevent or minimize employee exposure, including accidental exposure, to the Coronavirus.

2. It provides persons and entities before court or administrative proceedings an evidentiary mechanism to utilize to either avoid prosecution or to minimize administrative fines.

It is important to note that the Resolution does not in any way advocate for any person to not follow State law. Additionally, nothing in this order provides that any business that is currently subject to closure pursuant to Executive Order may open. The Resolution buttresses current State law by interpreting the safety rules and regulations based on the risk posed by the Coronavirus within Prineville.

To assist Council, I have attached the following material:

1. Temporary Oregon OSHA COVID-19 Rule (OAR 437-001-0744)
2. OSHA's Compliance Officer's Guide
3. OSHA Press Release regarding Temporary Rule dated November 6, 2020

The remainder of this letter will be the Resolution itself with my explanation for each provision. The Resolution portion shall be italicized while my explanations shall be in regular text.

*Whereas, to date, an estimated 585 people in Crook County have unfortunately contracted the Coronavirus, and an estimated 22,856 people have not contracted the virus; and*

- These statistics were provided by the Oregon Health Authority as of January 15, 2021. Per these statistics, 2.5% of Crook County's population has contracted the Coronavirus. Unfortunately, data for the City of Prineville is unavailable. The purpose of this provision is to show that the hazard posed is of low probability and risk.

One legitimate concern is if the cases in Crook County surge during the validation process. If that were to occur, I would advise Council not to continue with the validation process because it would not be legally supported. Moreover, at any point during the process, the Council could certainly ask that I dismiss the petition. Regarding the length of the validation process, Josephine County has secured a hearing on February 1, 2021, which is 70 days after they filed. I anticipate that our process may take up to 90 days.

*Whereas, Crook County presently contains 0.004% of Oregon's total Coronavirus cases; and*

- These statistics were provided by the Oregon Health Authority as of January 15, 2021. Again, it is to show the hazard posed is of low probability and risk.

*Whereas, the Oregon Occupational Safety and Health Administration ("OSHA") promulgated the Temporary Oregon OSHA COVID-19 Rule, effective November 16, 2020, and codified as OAR 437-001-0744 ("OSHA Rule"), which combats the spread of coronavirus in all workplaces by requiring employers to carry out a comprehensive set of risk-reducing measures, including physical distancing, use of face coverings, and sanitation.*

- The language stated above is borrowed from the OSHA press release dated November 6, 2020, which is attached. As stated by that agency, the OSHA Rule was developed through a process that began in June, and included more than a dozen virtual forums dealing with specific issues and industries before the first of four stakeholder review drafts was even developed. Each subsequent draft incorporated changes resulting from Oregon OSHA's discussion with a large number of employer and worker representatives, as well as feedback from the public at large.

*Now, therefore, the City of Prineville hereby resolves:*

1. That all persons and entities within Prineville that are adhering to the Temporary Oregon OSHA COVID-19 Rule constitute reasonable precautions to minimize Coronavirus's spread and that when adequately communicated and effectively enforced, serve to adequately prevent or minimize employee exposure, including accidental exposure, to the Coronavirus.

- As stated above, the OSHA Rule was carefully developed after months of deliberation with a variety of stakeholders and through public participation. Moreover, evidence was



presented during the January 12, 2021 Council Meeting, that businesses that were following the OSHA Rule were minimizing the risk of the spread of the Coronavirus.

2. *That all persons and entities within Prineville may present this RESOLUTION to any court or tribunal, including proceedings before administrative bodies, as prima facie evidence of good faith compliance with relevant state and local laws and rules, including administrative rules, while engaging in activities that are inconsistent with executive orders related to the Coronavirus.*

- The purpose of this finding is to provide business owners with an evidentiary tool to present in the event they were prosecuted for purported violations. Please keep in mind that this would only be effective if the business owner was in fact following the OSHA Rule. As set forth in the attached OSHA Compliance Officer's Guide ("Guide"), it is critical that the business owner is attempting good faith compliance.

3. *That this RESOLUTION constitutes prima facie evidence that in Prineville the hazard posed by the Coronavirus is one of low probability and risk, and that reasonable precautions, as defined above, taken by person and entities to minimize Coronavirus's spread constitute good faith efforts regardless of whether such precautions are consistent with executive orders related to the Coronavirus.*

- Similarly, this Resolution further opines why a business owner should not face prosecution if he or she was following the OSHA Rule. This provision codifies that the risk of injury is low and that by following the OSHA Rule, business owners are taking the appropriate safety precautions to minimize that risk. As set forth in the Guide, if the risk to injury is low, and the precautions taken by an employee to minimize that risk is appropriate, then no complaint should be filed; or, in the alternative, no prosecution should result.

4. *That reasonable precautions, as defined above, when adequately communicated and effectively enforced, serve to adequately prevent or minimize employee exposure, including accidental exposure, to the Coronavirus regardless of whether such precautions are consistent with executive orders related to the Coronavirus.*

- This provision codifies the final mitigation element in any OSHA investigation or prosecution: Employee Knowledge. This provision states that if employers are following the OSHA Rule, then they are effectively and adequately educating their employees to prevent or minimize exposure to the Coronavirus. As the OSHA Rule requires employers to develop an Exposure Risk Assessment and Infection Control Plan, both of which requiring employee participation, the OSHA Rule effectively provides for the education and enforcement of the safety precautions within the OSHA Rule.

5. *That this RESOLUTION has no legal effect unless and until it is validated by a Circuit Court.*

- I have attached the proposed Petition to the Crook County Circuit Court. If this Resolution is approved, then an additional Motion should be made to authorize me to file

the Petition in the Circuit Court. The reason that this Resolution must be judicially validated is to give it the legal ability to act as an evidentiary tool for business owners. Without the judicial validation, the Resolution would not be effective and not provide business owners substantive relief.

It should be noted that any citizen could argue the above without the assistance of this Resolution. This Resolution simply states that the Council supports that argument. Moreover, if it is validated by the Court, it means that it is more than an opinion, and instead is a valid legal defense when citizens are appropriately following the OSHA Rule but still are prosecuted by administrative agencies. Ultimately, the judicial branch's analysis of the legal validity of the executive and legislative branches' laws, rules, and regulations is an appropriate exercise of the checks and balances within our Constitution to ensure balanced government for the protection of the freedoms and liberties provided within our Republic.

Sample Motions:

1. I move to pass Resolution No. 1474, a Resolution Declaring Reasonable Precautions to Minimize Spread and Exposure of the Coronavirus.

In the event of the passage of the above motion:

2. I move to authorize our City Attorney to file a petition in the Crook County Circuit Court for judicial validation of Resolution 1474.

Very Truly Yours,

Jered Reid  
Attorney at Law

Enclosure(s) (per text)

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*Temporary Rule Addressing COVID-19 Workplace Risks*

Division 1

AO 4-2020

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## 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 437-001-0015.
- (h) **Employment, Place of** – has the meaning provided in OAR 437-001-0015 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 particulate 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 (ASHRAE 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 be 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. No later than January 6, 2021, and 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](#)

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

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

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[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](http://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, clippers, 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 operating fitness-related organizations 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 12<sup>th</sup> 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	
<b>Child Care Areas</b>						
Toys	X		X		X	<ul style="list-style-type: none"> <li>Collect “mouthed” toys after each use by a child.</li> <li>Collect all other toys daily or as they become dirty.</li> </ul>
Objects intended for the mouth	X				X	<ul style="list-style-type: none"> <li>Thermometers, pacifiers, teething toys, and similar objects must be cleaned and reusable parts sanitized between uses.</li> <li>Pacifiers may not be shared.</li> </ul>
Soft surfaces (e.g., carpeted floor, rugs, and drapes)		X	X			<ul style="list-style-type: none"> <li>Vacuum carpeted floor and rugs daily.</li> <li>Disinfect if soft surfaces are contaminated, using products approved by EPA for use against SARS-CoV-2.</li> </ul>
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"> <li>Disinfect at the end of each day.</li> </ul>
<p><b>Specific additional requirements for Registered Family (RF) and Certified Family (CF) Providers</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>Items used for child care must be washed separately from items used by family or household members.</li> </ul>						



# Temporary Rule Addressing COVID-19 Workplace Risks

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	
<b>Sleeping Areas</b>						
Linens, clothing, and other items that go in the laundry				X		<ul style="list-style-type: none"> <li>Clean at least weekly and in between use by another child.</li> </ul>
Bed sheets, pillow cases, cribs, cots, mats, and blankets	X			X		<ul style="list-style-type: none"> <li>Clean and sanitize bed sheets, pillow cases, cribs, cots, mats, and blankets before use by another child and at least weekly.</li> </ul>
<b>Toilet and Diapering Areas</b>						
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"> <li>At the end of the day.</li> </ul>
Countertops			X			<ul style="list-style-type: none"> <li>At the end of the day.</li> </ul>
Toilets			X			

Temporary Rule Addressing COVID-19 Workplace Risks

Division 1

AO 4-2020

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	
<b>Food Areas</b>						
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					<ul style="list-style-type: none"> <li>• Before serving food.</li> </ul>
Refrigerator	X					<ul style="list-style-type: none"> <li>• Clean monthly.</li> </ul>
Food preparation sinks	X		X			
Kitchen floors	X		X			
<b>Electronics</b>						
Electronics		X				<ul style="list-style-type: none"> <li>• Follow manufacturer's instructions.</li> </ul>

**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)

<b>Animal History</b>	<b>Mask</b>	<b>Eye Protection (face shield or goggles)</b>	<b>Gloves</b>	<b>Gown or Coveralls</b>	<b>N95 respirator or suitable alternative</b>
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

## 2020 News

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### 🔔 Coronavirus updates

In response to COVID-19, our offices are closed to the public. We are available to serve Oregonians by phone and email (</Pages/contactus.aspx>).

**Oregon OSHA workplace guidance and resources (</covid19/Pages/default.aspx>) for COVID-19 (en español (</covid19/Pages/default-sp.aspx>)).**

Oregon OSHA's Infectious disease rule making updates (</rules/advisory/infectiousdisease/Pages/default.aspx>).

Visit the Oregon Health Authority

(<https://www.oregon.gov/oha/PH/DISEASESCONDITIONS/DISEASESAZ/Pages/emerging-respiratory-infections.aspx>) for up-to-date general information about COVID-19.

☰ Site Navigation

# Oregon OSHA adopts temporary rule addressing COVID-19 in all workplaces

For immediate release  
Nov. 6, 2020

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The rule will take effect Nov. 16, with certain parts phased in, and is expected to remain in effect until May 4, 2021. It is a continuation of the guidance produced by the Oregon Health Authority and enforced in the workplace by Oregon OSHA, including physical distancing, use of face coverings, and sanitation.

The rule is intended to further improve the current structure for reducing risks in the workplace by requiring several measures many employers have voluntarily implemented. For example, it requires employers to notify employees of a workplace infection and provide training to workers on how to reduce risks. Likewise, employers must formally assess the risk of exposure, develop infection control plans, and address indoor air quality within their current capability.

“We believe compliance with this rule will help reduce the serious threat to workers posed by the COVID-19 pandemic,” said Michael Wood, administrator for Oregon OSHA. “It does so by establishing a clear, practical, and consistent set of measures for employers.”

Those measures – along with more requirements for exceptionally high-risk jobs, such as direct patient care – are part of Oregon OSHA’s ongoing enforcement and educational efforts to help protect workers from the coronavirus disease.

Beginning in late June, the process to develop the temporary rule included more than a dozen virtual forums dealing with specific issues and industries before the first of four stakeholder review drafts was even developed. And each subsequent draft incorporated changes resulting from Oregon

OSHA’s discussion with a large number of employer and worker representatives, as well as feedback from the public at large.

Adoption of the temporary rule brings the requirements within the existing rulemaking authority of the Oregon Safe Employment Act. The law governs workplace safety and health in Oregon, including protections for a worker’s right to raise on-the-job health and safety concerns free from retaliation.

In the weeks ahead, Oregon OSHA will provide educational resources to help employers and workers understand and apply the requirements. Already, the division offers consultation services (</consult/Pages/index.aspx>) that provide no-cost assistance with safety and health programs and technical staff (</Pages/Contact-Technical.aspx>), who help employers understand requirements. The COVID-19 Hazards Poster – provided by the division and required by the temporary rule to be posted – is now available in both English (</OSHAPubs/5504.pdf>) and Spanish (</OSHAPubs/5504s.pdf>). And the division is providing a user-friendly overview table (</rules/advisory/infectiousdisease/Documents/Overview-Table-for-Oregon-OSHA-COVID-19-Temporary-Rule.pdf>) of the temporary rule, summarizing the requirements and how they apply, and showing the effective dates of the phased-in provisions.

Oregon OSHA encourages a careful reading of the temporary rule (</OSHARules/div1/437-001-0744.pdf>), which includes an appendix that contains provisions for specific industries and workplace activities. The temporary rule’s requirements include

- Employers must ensure six-foot distancing between all people in the workplace through design of work activities and workflow, unless it can be shown it is not feasible for some activities.

#### Masks, face covering, or face shields

- Employers must ensure that all individuals – including employees, part-time workers and customers – at the workplace, or other establishment under the employer’s control, wear a mask, face covering, or face shield in line with the Oregon Health Authority’s statewide guidance (<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2288K.pdf>).
- Employers must provide masks, face coverings, or face shields for employees free of cost.
- 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.
- When employees are transported in a vehicle for work-related purposes, regardless of the travel distance or duration, all people inside the vehicle must wear a mask, face covering, or face shield. This requirement does not apply when all people in the vehicle are members of the same household.

#### Ventilation

- Employers must maximize the effectiveness of existing ventilation systems, maintain and replace air filters, and clean intake ports providing fresh or outdoor air. The temporary rule does not require employers to purchase or install new ventilation systems.

#### Exposure risk assessment

- Employers must conduct a risk assessment – a process that must involve participation and feedback from employees – to gauge potential employee exposure to COVID-19, including addressing specific questions about how to minimize such exposure.

#### Infection control plan

- Employers must develop an infection control plan addressing several elements, including when workers must use personal protective equipment and a description of specific hazard controls.

#### Information and training

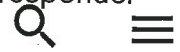
- Employers must provide information and training to workers about the relevant topics related to COVID-19. They must do so in a manner and language understood by workers.

#### Notification, testing, medical removal

- Employers must notify affected workers within 24 hours of a work-related COVID-19 infection.
- Employers must cooperate with public health officials if testing within the workplace is necessary.
- If an employee must quarantine or isolate, the employer must follow proper work reassignment and return-to-work steps.

The rule requires more measures for exceptionally 191 risk jobs. Such jobs include direct patient

(<http://www.oregon.gov>) on work; aerosol-generating or postmortem procedures; and first-responder activities. The additional measures include:



- Detailed infection control training and planning
- Sanitation procedures for routine cleaning and disinfection
- Robust use of personal protective equipment
- Operation of existing ventilation systems according to national standards
- Use of barriers, partitions, and airborne infection isolation rooms
- Screening and triaging for symptoms of COVID-19

Meanwhile, an executive order ([https://www.oregon.gov/gov/Documents/executive\\_orders/eo\\_20-58.pdf](https://www.oregon.gov/gov/Documents/executive_orders/eo_20-58.pdf)) issued Oct. 23 by Gov. Kate Brown extended COVID-19 protections for agricultural workers in employer-provided housing through the off season.

Following adoption of its temporary COVID-19 rule for all workplaces, Oregon OSHA continues to pursue permanent rulemaking that would provide a structure for responding to potential future disease outbreaks. More information is available on the division's infectious disease rulemaking page (</rules/advisory/infectiousdisease/Pages/default.aspx>) and on its COVID-19 resources page (</covid19/Pages/default.aspx>).

###

#### About Oregon OSHA:

Oregon OSHA, a division of the Department of Consumer and Business Services, enforces the state's workplace safety and health rules and works to improve workplace safety and health for all Oregon workers. For more information, go to [osha.oregon.gov \(/Pages/index.html\)](https://osha.oregon.gov/Pages/index.html).

The Department of Consumer and Business Services is Oregon's largest business regulatory and consumer protection agency. For more information, go to [www.oregon.gov/dcbs/](http://www.oregon.gov/dcbs/) (<https://www.oregon.gov/dcbs/>).

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## Agency

Oregon Occupational Safety and Health (Oregon OSHA) is a division of the Department of Consumer & Business Services (<http://www.oregon.gov/DCBS/>)



Find us on  (<https://www.facebook.com/oregonosha/>) and  **YouTube** (<https://www.youtube.com/c/oregonosha>)

## About Oregon

Oregon.gov (<https://www.oregon.gov>)

State Employee Search (<https://employeeesearch.dasapp.oregon.gov>)

Agencies Listing ([https://www.oregon.gov/pages/a\\_to\\_z\\_listing.aspx](https://www.oregon.gov/pages/a_to_z_listing.aspx))

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CROOK

In the Matter of the Petition of, )  
)  
**City of Prineville**, an Oregon Municipal ) Case. No.  
Corporation, )  
) Petition for Judicial Examination  
For a Judicial Examination and Judgment ) ORS 33.710(2)  
of the Court as to the Validity of )  
Resolution 1474: A Resolution Declaring ) Oral Argument Requested  
Reasonable Precautions to Minimize the )  
Spread and Exposure of the Coronavirus )

PETITION

1.

The Court has jurisdiction over this action pursuant to ORS 33.710 and ORS 33.720.

2.

Venue is proper under ORS 14.050 because the cause of this petition, or some part thereof, arose in Crook County.

3.

Petitioner is a home-rule City and municipal corporation of the State of Oregon, which is a local government entity organized and existing under the laws of the State of Oregon.

4.

This Petition is filed pursuant to the provisions of ORS 33.710 and 33.720 for a judicial determination as to the validity of the authority of the City of Prineville City Council (“Council”) to enact Resolution 1474: A Resolution Declaring Reasonable Precautions to Minimize the Spread and Exposure of the Coronavirus, the validity of the Resolution itself, and the regularity



1 and legality of the actions of the Council in so doing. A copy of Resolution 1474 is attached as  
2 Exhibit A and incorporated herein by this reference.

3  
4 5.

5 In response to the Coronavirus and in reliance upon statute, the governor of Oregon has  
6 passed a series of executive orders that severely limit the movements and activities of persons  
7 and entities within Prineville.

8  
9 6.

9 Petitioner intends for Resolution 1474 to be available for use by all persons and entities  
10 within Prineville as prima facie evidence of good faith compliance with relevant state and local  
11 laws and rules, including administrative rules, while engaging in activities that are inconsistent  
12 with executive orders related to the Coronavirus. Petitioner further intends for Resolution 1474  
13 to constitute prima facie evidence that in Prineville the hazard posed by the Coronavirus is one of  
14 low risk, and that reasonable precautions taken by persons and entities constitute good faith  
15 efforts to minimize Coronavirus's spread.  
16

17 WHEREFORE, Pursuant to ORS 33.710 and ORS 33.720, Petitioner now prays for the  
18 Order of this Court:  
19

- 20 1. Fixing a time and place for a hearing on this Petition.  
21 2. Directing the publication of a notice in Prineville, Oregon to all interested  
22 persons, such notice to be served on all parties in interest by publication of such notice at least  
23 once a week for three (3) successive weeks in a newspaper of general circulation published in  
24 Crook County where these proceedings are pending. The jurisdiction of this Court shall be  
25 complete within ten (10) days after the date of completing publication of such notice.  
26  
27  
28

1           3.       That any person interested may at any time before the expiration of the ten (10)  
2 days appear and contest the validity of these proceedings and the actions set forth herein.

3           4.       Requiring that this proceeding be tried forthwith and Judgment rendered as  
4 expeditiously as possible, declaring that the following actions of the Prineville City Council are  
5 proper and valid, and that such actions do not constitute any error and that the Prineville City  
6 Council acted within its authority in so doing:

7           A.       In Resolving that all persons and entities within Prineville that are adhering to the  
8 Temporary Oregon OSHA COVID-19 Rule constitute reasonable precautions to minimize  
9 Coronavirus's spread, and that when adequately communicated and effectively enforced, serve to  
10 adequately prevent or minimize employee exposure, including accidental exposure, to the  
11 Coronavirus.  
12

13           B.       In Resolving that, subject to the rules of evidence and any other rules the court  
14 deems relevant, certified true copies of Resolution 1474 may be tendered to any court or tribunal,  
15 including proceedings before administrative bodies, as prima facie evidence of good faith  
16 compliance with relevant state and local laws and rules, including administrative rules, while  
17 engaging in activities that are inconsistent with executive orders related to the Coronavirus.  
18

19           C.       In Resolving that in Prineville the hazard posed by the Coronavirus is one of low  
20 probability and risk, and that reasonable precautions, as defined above, taken by persons and  
21 entities to minimize Coronavirus's spread constitute good faith efforts regardless of whether such  
22 precautions are consistent with executive orders related to the Coronavirus.  
23

24           D.       In Resolving that reasonable precautions, as defined above, when adequately  
25 communicated and effectively enforced, serve to adequately prevent or minimize employee  
26

1 exposure, including accidental exposure, to the Coronavirus regardless of whether such  
2 precautions are consistent with executive orders related to the Coronavirus.

3  
4 Respectfully Submitted this \_\_\_\_ day of January, 2021.

5  
6  
7 \_\_\_\_\_  
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