

# Electronic Alert

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## **Not So Fast: Office Workers in Newly-Announced “Extreme Risk” Counties Must Continue Teleworking**

By Amy Angel & Natalie Pattison

Today, Governor Brown announced 15 counties will move to the “Extreme Risk” category on Friday, April 30, including counties in Portland, Salem, and Eugene.

The 15 counties that will move to Extreme Risk are: Baker, Clackamas, Columbia, Crook, Deschutes, Grant, Jackson, Josephine, Klamath, Lane, Linn, Marion, Multnomah, Polk, and Wasco. The Governor is canceling the “warning” week, meaning those counties that qualify will move to Extreme Risk on Friday, April 30.

Importantly, businesses and non-profits with offices in an Extreme Risk county are required to utilize telework and work-at-home “to the maximum extent possible.” Work in offices is specifically prohibited if telework or work-at-home measures are available, in light of position duties, availability of teleworking equipment, and network adequacy. Additionally, businesses including gyms and restaurants in Extreme Risk counties must drastically reduce capacity, and indoor dining is prohibited.

As a reminder, in early December 2020, the Governor issued a new Executive Order that replaced the “Stay Home, Save Lives” Executive Order and introduced the county risk level concept. The EO stated that, “although utilizing telework options to the extent possible is recommended at all Risk Levels during the pandemic, requirements around telework will vary based on the Risk Level where the county is located.” The EO goes on to provide that all businesses with offices in Oregon must comply with the following:

- When a county is at **Extreme Risk**: Businesses with offices in that county **shall** facilitate telework and work-at-home by employees, to the maximum extent possible. Work in offices is prohibited whenever telework and work-at-home options are available, in light of position duties, availability of teleworking equipment, and network adequacy.
- When a county is at **High or Moderate Risk**: All businesses with offices in that county are **strongly recommended** to facilitate telework and work-at-home by employees, to the maximum extent possible. It is strongly recommended that work in offices be avoided whenever telework and work-at-home options are available in light of position duties, availability of teleworking equipment, and network adequacy.
- When a county is at **Lower Risk**: Businesses with offices in that county **may make limited return to work available**. Businesses are encouraged to consider continuing to make telework and work-at-home options available.
- For **all Risk Levels**: Businesses with offices in Oregon must **comply with any applicable OHA guidance**, including but not limited to applicable sector-specific guidance, the guidance for employers, and the face coverings guidance.

Employers looking to bring employees back to the office, when permissible, should ensure compliance and enforcement of all applicable OR-OSHA requirements and COVID-19 protocols.

*For any questions about navigating COVID-19 in the workplace, contact Amy Angel or Natalie Pattison at 503-228-0500, or at [aangel@barran.com](mailto:aangel@barran.com) or [npattison@barran.com](mailto:npattison@barran.com).*

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