Oregon Governor Issues Sweeping Stay-at-Home Order to Combat Coronavirus Pandemic

On March 23, 2020, Oregon Governor Kate Brown issued Executive Order (EO) No. 20-12 (Oregon’s stay-at-home order), directing all Oregon residents to stay home to the maximum extent possible, closing certain businesses, and requiring social distancing measures for both public and private facilities. EO 20-12 will remain in effect indefinitely, until terminated by the governor.

Employers Impacted

All employers are impacted to some extent by EO 20-12 and will benefit from carefully reading and applying the order to their individualized circumstances. Certain businesses are required to close, while others must facilitate telework/work-from-home measures to the extent possible, with those businesses unable to have all employees work from home required to designate an employee or officer to establish, implement, and enforce social distancing protocols. For retail businesses,
those protocols must be in place by 12:01 a.m. on March 24, 2020, while offices have until March 25, 2020. The order prohibits employees from working in offices whenever telework options are available. Government buildings, campgrounds, pools, skate parks, outdoor sports courts, and playground equipment areas will be closed, and special rules apply to childcare facilities. Below are some specific points that employers will want to know.

Required Closures

Businesses that are required to close by 12:01 a.m. on March 24, 2020 include the following: amusement parks; aquariums; arcades; art galleries (to the extent that they are open without appointment); barber shops and hair salons; bowling alleys; cosmetic stores; dance studios; esthetician practices; fraternal organization facilities; furniture stores; gyms and fitness studios (including climbing gyms); hookah bars; indoor and outdoor malls (i.e., all portions of a retail complex containing stores and restaurants in a single area); indoor party places (including jumping gyms and laser tag); jewelry shops and boutiques (unless they provide goods exclusively through pick-up or delivery service); medical spas, facial spas, day spas, and non-medical massage therapy services; museums; nail and tanning salons; non-tribal card rooms; skating rinks; senior activity centers; ski resorts; social and private clubs; tattoo/piercing parlors; tennis clubs; theaters; yoga studios; and youth clubs.

Indoor/outdoor malls and other businesses otherwise subject to closure are not prohibited from operating to provide food, grocery, health care, medical, pharmacy, or pet store services.

Food and Beverage Service

The closure order does not apply to restaurants, bars, taverns, brew pubs, wine bars, cafes, food courts, coffee shops, or other similar establishments offering food and drink, so long as those establishments comply with Executive Order 20-07, issued on March 17, 2020, which prohibits on-premises consumption of food or drink, but allows takeout or delivery service.

Required Social Distancing for Retail Businesses Not Subject to Closure

Retail businesses not specifically identified for closure may remain open, so long as the business designates an employee or officer to establish, implement, and enforce social distancing policies, consistent with guidance from the Oregon Health Authority. These businesses must put into place policies and processes to effectuate social distancing (as of 12:01 a.m. on March 24, 2020), or they will be subject to closure until they have demonstrated compliance with the order.

Notably, retail businesses offering grocery, health care, medical, or pharmacy services are not subject to closure for failure to comply with the governor’s directives, though they are nonetheless encouraged to comply with all social distancing guidelines.
Workspace Restrictions for Non-Retail Businesses Not Subject to Closure

Beginning March 25, 2020, Oregon businesses and nonprofits must require employees to work remotely, to the maximum extent possible. Only work that cannot be conducted remotely may be allowed in office. For work that must be conducted in an office, an employee or officer must be designated to establish, implement, and enforce social distancing policies. Businesses that fail to comply will be closed until they have demonstrated compliance.

Additional Local Orders for Businesses Providing Lodging

While the list of businesses subject to EO 20-12’s closure requirements does not include hotels, some coastal counties and municipalities (Clatsop and Tillamook counties, and the cities of Astoria, Cannon Beach, and Seaside) have issued their own directives that, with limited exceptions, restrict lodging operations, such as hotels and motels, short-term rentals, homestay lodging, and campgrounds, as well as place restrictions on parks and beaches.

Employer Takeaways

Navigating the continually changing waters that have become our reality can be a daunting task. The governor’s order is just one of many federal, state, and local directives that have issued in the last few weeks affecting Oregon employers and impacting almost every aspect of the employment relationship.


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