



Reopening Oregon: Guidelines for Financial Institutions

On May 7, 2020, Governor Brown issued Reopening Oregon, her first detailed plan on restarting public life and business. The plan calls for minor statewide changes which began on May 15th and sets out a plan for reopening by county, discussed in more detail below.

When evaluating reopening in Oregon, it is useful to start with the Governor's current "Stay Home, Save Lives" Executive Order 20-12, which remains in place. The Order addresses retail businesses and other workplaces separately. Retail business must remain closed unless they can "establish, implement and enforce social distancing policies consistent with guidance from the Oregon Health Authority." Notably, financial institutions are not singled out in Oregon's Order and thus are "retail businesses." All other businesses are required to "facilitate telework and work-at-home by employees, to the maximum extent possible." Office work is prohibited if telework is available, in light of position duties, availability of equipment and network adequacy. If telework is not available, the business must establish, implement and enforce social distancing policies consistent with guidance from the Oregon Health Authority, and appoint an employee or officer to do so.

The Governor's order provides that "stand-alone retail" that can follow OSHA and Oregon Healthy Authority (OHA) guidelines can open on May 15th statewide. On May 14th, the Governor's office unveiled a website that provides detailed guidance for various business sectors by phase. Helpfully, it expressly states that "banks and credit unions" may open on May 15th. That website can be found [here](#).

Under the Governor's plan, retail businesses, including bank and credit union branches, must implement specific safety measures. They must limit the number of customers in the premises and focus on maintaining at least six feet of distance between customers and employees, post clear signs listing COVID-19 symptoms (available on the state's website) and asking people to stay home if they are sick, use signs to encourage physical distancing, and frequently clean commonly touched surfaces and high traffic areas. **Importantly, retail locations must require all employees to wear cloth, paper or disposable face coverings, which must be provided by the employers.** Employees can be permitted to wear their own masks, but employers must provide them with masks if they don't have their own. The specific retail requirements can be found [here](#) and all financial institutions should review and implement them before reopening. The OHA has also issued specific mask guidance to retail businesses, including guidance on encouraging customers to wear masks and providing exceptions on account of disabilities. That guidance is [here](#).

While bank and credit union branches may open on May 15th, other facilities such as administration buildings and headquarters that do not provide "retail" service to customers are still governed by the telework requirements that apply to all other offices.

Beyond the statewide reopening of retail (referred to as the "Baseline"), the Governor has identified a three-phase plan that will be operated on a county-by-county basis. 31 counties were approved to enter Phase I on May 15th, which only the Salem area and Portland area counties



excluded. Portland area counties are not expected to enter Phase I until early June. Counties must have declining COVID-19 prevalence, a minimum testing regimen and contact tracing in order to be permitted to enter Phase I, among other factors. The seven requirements for a county to enter Phase I can be found in the Governor's plan, which is linked above:

- In Phase I, restaurants and bars with six-foot distancing may open, along with personal care services (salons, etc.) and gyms. Employees must wear cloth face coverings in all such businesses, along with other requirements, and those coverings must be provided by employers. If COVID-19 prevalence increases, tracing is not met or hospital admissions increase, restrictions will be re-imposed.
- After 21 days in Phase I, counties may be able to enter Phase II, which includes some expanded office work. Details on Phase II will be released at a later date. Employers should expect that these restrictions will not include unrestricted staffing and will include significant social distancing and sanitation requirements.
- Phase III includes concerts, conventions and other large gatherings. These events are cancelled or significantly modified through at least September.

In sum, all retail branches can open statewide on May 15th, regardless of whether their county is in Phase I or still at Baseline, but must follow the retail [Reopening Guidance for Retail Stores](#) issued by the OHA. The mandatory telework provisions for office work, and non-essential travel restrictions, of the Order remain unchanged for the entire state.

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