



OSHA Enforcement Guidance for Recording Cases of COVID-19

The Occupational Safety and Health Administration (“OSHA”) requires many employers to keep record of serious work-related injuries and illnesses. COVID-19 is a recordable illness which would require employers to record cases of employees that were infected at work. To ease the difficulty of making that determination OSHA released an interim guidance, on April 10, 2020, that temporarily alters OSHA’s recordkeeping requirements regarding COVID-19. Employers of workers in the healthcare industry, emergency response organizations, and correctional institutions are still required to record and report cases of COVID-19, but OSHA will *not* require other employers to report cases unless:

1. There is objective evidence that a COVID-19 case may be work-related, and
2. The evidence was reasonably available to the employer.

This change is meant to assist employers that may have a difficult time determining if the illness was caused by exposures at work — especially in areas where there is ongoing community transmission. OSHA states that this modification will allow employers to focus on mitigating the effects of COVID-19 by implementing good hygiene practices, instead of focusing on making work-relatedness determinations.

Should you need to report a case of COVID-19 in the work place, The COVID-19 Case Report Form can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/pui-form.pdf>. Additionally, the CDC provides tips for filling out the form here: <https://www.cdc.gov/coronavirus/2019-ncov/php/reporting-pui.html>.

If you would like to discuss OSHA’s recordkeeping requirements for COVID-19 cases, our attorneys at Loomis, Ewert, Parsley, Davis & Gotting are happy to discuss the interim guidance and reporting process with you. Please contact Kevin Roragen at kjroragen@loomislaw.com or call us at 517-482-2400.