

## Recording Workplace Exposures to COVID-19

### Recordability of a COVID-19 Illness

While the common cold or flu is generally not recordable, OSHA has stated that COVID-19 can be a recordable illness when a worker is infected as a result of performing their work-related duties. This alone is hard to verify because the coronavirus is so widespread. In order for a case to be work-related, the employee has to actually be infected while performing their assigned duties for their employer (at work) — it is not enough that he/she contracts the disease outside of work and displays symptoms at work.

Employers are only responsible for recording cases of COVID-19 if all of the following are met:

- The case is a confirmed case of COVID-19;
- The case is work-related, as defined by 29 CFR 1904.5 (e.g., exposure in work environment caused or contributed to the illness); and
- The case involves one or more of the general recording criteria set forth in 29 CFR 1904.7 (e.g. medical treatment beyond first-aid, days away from work, etc.).

If an employee is symptomatic, but not yet a confirmed case, it is not recordable, and there is no need to evaluate work-relatedness. It goes without saying, that employee should not come to work, should quarantine at home, and you would want to disinfect all areas that person worked in or may have touched. Here are [CDC guidelines](#) for disinfectants.

Healthcare workers are generally viewed to be at a higher risk of work-related exposure than non-healthcare workers. If an employee becomes infected while working from home or telecommuting, work-relatedness will depend on whether the exposure was directly related to the performance of work. A good example would be a home health nurse exposed while caring for an infected individual while conducting an in-person treatment or procedure, as opposed to the general home environment or setting (e.g., the employee lives with an infected individual).

### Reportability of a COVID-19 Illness

If the above criteria for recordability are met, employers may have to report the confirmed case of COVID-19 to OSHA if it results in a fatality or a formal in-patient hospitalization of at least one employee who receives any treatments while in the hospital. To be reportable, a fatality must occur within 30 days of the work-related event or exposure that resulted in the COVID-19 infection and must be reported to OSHA within 8-hours. Similarly, a hospitalization must occur within 24 hours of the work-related event or exposure to be reportable and must be reported to OSHA within 24-hours.

### Sick Leave Requirements

Employers should be aware of newly enacted legislation—the Families First Coronavirus Response Act (“FFCRA”)—that imposes obligations on many employers to provide temporary paid family and sick leave to employees directly impacted by the COVID-19 pandemic. The new law took effect on April 2, 2020 and will remain effective until December 31, 2020. [Click Here](#) for more details.