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Coronavirus and Cal/OSHA: Reportable or Recordable?

Workplace safety and health regulations in California require employers to protect workers exposed to airborne infectious diseases such as the coronavirus (COVID-19). Below are some questions and answers that hopefully address employer concerns about recordkeeping and reporting to Cal/OSHA regarding employees who contract coronavirus.

Is an employee confirmed with coronavirus recordable on the OSHA 300 Log?

Work-related injuries or illness are recordable under certain circumstances. If an employer has an employee with a confirmed coronavirus case, and the work environment was likely the cause or a contributing factor to the illness, then the coronavirus case might be recordable if the one of the following occur:

- Medical treatment (beyond first aid) is provided, such as a course of prescription medication
- Restricted duty is imposed by the treating physician or the employer
- Days away from work (lost time) is imposed by the treating physician (employee is kept from work and cannot work at home due to the virus)

Given what we know about the virus currently, it is mo likely that medical treatment or days away (lost time) will occur with coronavirus.

Is an employee confirmed with coronavirus reportable to Cal/OSHA?

The only way a coronavirus case would be reportable to OSHA would be if the employee passes away or requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation as a result of coronavirus contracted from performing work-related duties. The normal criteria for reporting serious injuries applies even to coronavirus cases. Employers must report any worker fatality within 8 hours and any hospitalization of a worker within 24 hours.

What This Means for Employers:

Practically speaking it may be difficult to determine whether an employee's illness is related to the workplace. However, as we see cases starting to rise, employers need to be aware that outbreaks can spread among employee populations quickly. When this happens, illnesses can become both reportable and recordable. Contact Barsamian & Moody if you have questions regarding coronavirus in your workplace.

During this trying time, Barsamian & Moody is committed to being available to answer your questions and concerns. We plan to continue normal operations in the office unless we are instructed by proper authorities to work remotely. If that happens, you may not even notice a changed in our operations, other than perhaps having to reach us via cell phone instead of the office line. All of the attorney's cell numbers are listed in the cover email, for your convenience. We will be there for you.

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The goal of this article is to provide employers with current labor and employment law information. The contents should neither be interpreted as, nor construed as legal advice or opinion. The reader should consult with Barsamian & Moody at (559) 248-2360 for individual responses to questions or concerns regarding any given situation.