



OSHA Record Keeping Requirements for COVID-19 Cases

The Occupational Health and Safety Administration (OSHA) requires employers to record work-related injuries and illnesses, including confirmed cases of COVID-19. However, because employees experience potential exposure both inside and outside the workplace, OSHA recognizes the difficulty of determining whether a COVID-19 illness is work related. To that end, OSHA has issued [guidance](#) with factors for determining when an employee's confirmed case of COVID-19 is recordable.

Based on OSHA's [guidance](#), this alert recommends a three-step approach to determining if a confirmed case of COVID-19 is work related and/or recordable.

Step 1: Conduct an Investigation Into Work Relatedness

When an employee informs you that s/he has a confirmed case of COVID-19, a basic investigation should consist of the following:

1. Ask the employee how s/he believes s/he contracted the COVID-19 illness
2. While respecting employee privacy, discuss with the employee his/her work and outside-of-work activities that may have led to the positive diagnosis (including whether s/he frequently associates with someone with a confirmed case of COVID-19)
3. Review the employee's work environment for potential SARS-CoV-2 exposure (including whether other workers in the vicinity have contracted COVID-19)

Step 2: Determine Work-Relatedness

While there is no set "formula" for determining if a positive case of COVID-19 is work related, OSHA will generally apply the following factors, among other information, to determine whether a case is work related.

The Case IS Likely Work Related (Probably Recordable) If:

- Several cases develop among workers who work closely together and there is *no alternative explanation*; **OR**
- The employee contracts COVID-19 shortly after lengthy, close exposure to a particular customer or coworker who has a confirmed case of COVID-19 and there is *no alternative explanation*; **OR**
- If his/her job duties include having frequent, close exposure to the general public in a locality with ongoing community transmission and there is *no alternative explanation*

The Case is Likely NOT Work Related (Not Recordable) If:

- There is an alternative, non-work related explanation for the positive case(s); **OR**
- The employee is the only worker to contract COVID-19 in his/her vicinity and his/her job duties do not include having frequent contact with the general public, regardless of the rate of community spread; **OR**
- Outside the workplace, the employee closely and frequently associates with someone (e.g., a family member, significant other or close friend) who (1) has COVID-19; (2) is not a coworker, and (3) exposes the employee during the period in which the individual is likely infectious.





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Step 3: When to Record a Work-Related Illness

If you determine that a positive case of COVID-19 *is* work related, the case is recordable if the employee experiences the following:

- days away from work
- medical treatment beyond first aid
- restricted work or job transfer
- death
- loss of consciousness

Recordable illnesses must be recorded on OSHA Form 300. Employers must save the OSHA 300 Log, Form 300-A (annual summary), privacy case lists and Form 301 (Incident Report) for five years. These forms and information on how to fill them out are available [here](#).

This alert is based on currently available information. OSHA may change or revise its guidance at any time.

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