



KAHN, SOARES & CONWAY, LLP



Department of Labor Issues COVID-19 Recordkeeping Guidance

Recently, the US Department of Labor issued interim guidance for enforcing OSHA's recordkeeping requirements, as it relates to recording cases of COVID-19.

COVID-19 is a recordable illness and employers are responsible for recording cases of COVID-19 if the case:

1. Is confirmed as a COVID-19 illness;
2. Is "work related" as defined by [29 CFR 1904.5](#); and
3. Involves one or more of the general recording criteria in [29 CFR 1904.7](#), such as medical treatment beyond first aid or days away from work.

In areas where there is ongoing community transmission, employers may have difficulty making determinations about whether workers who contracted COVID-19 did so due to exposures at work. Accordingly, until further notice, OSHA will not enforce its recordkeeping requirements to require these employers to make work-relatedness determinations for COVID-19 cases, except where: (1) There is objective evidence that a COVID-19 case may be work-related; and (2) The evidence was reasonably available to the employer.

For more information contact Kahn, Soares & Conway, LLP or visit: <http://www.osha.gov/>

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