Cal/OSHA

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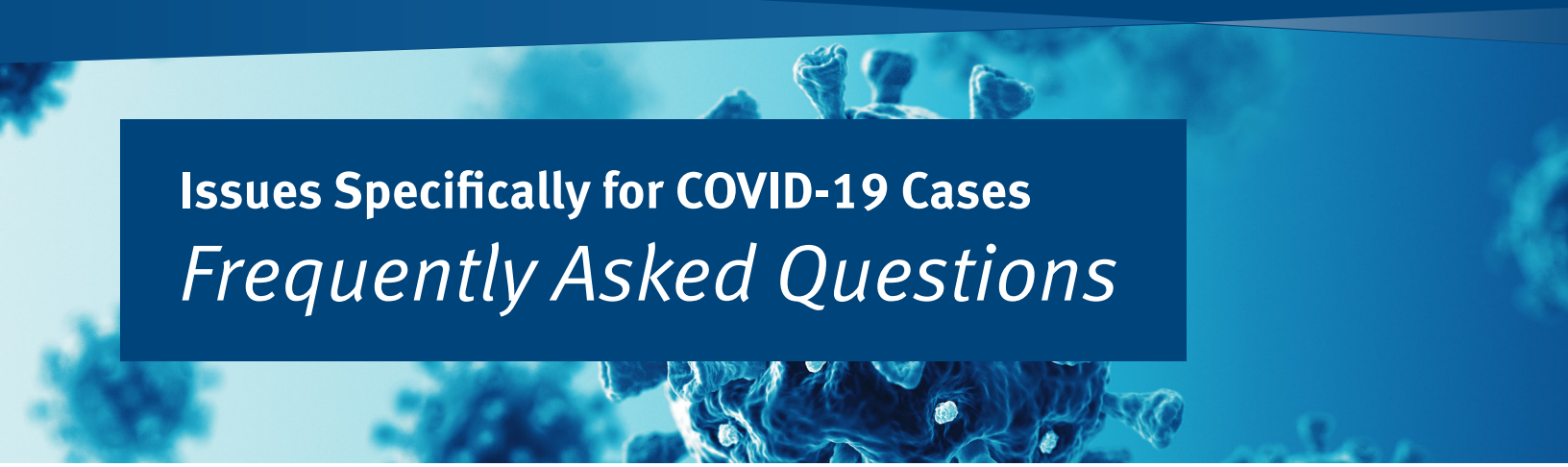
300 Log Recording and Immediate Reporting to Local Cal/OSHA Office Requirements

This information can be found here



Issues Specifically for COVID-19 Cases

Frequently Asked Questions

1. What is the difference between "Recording" and "Reporting" of any injury or illness?

The difference between "Recording" an injury or illness and "Reporting" an injury or illness is simply the process in which the injury or illness is tracked, and by whom. "Recording" an injury or illness is when you "record" the incident in the OSHA 300 log. The log "records" the incident that is beyond first aid, or is also called a "recordable" incident.

"Reporting" an incident means that the injury or illness meets certain severity standards (such as death or being admitted to a hospital) which necessitates a phone call or email directly and immediately to Cal/OSHA. Immediately, in this case, means within 8 hours of the company becoming aware of the incident, or within 24 hours with exigent circumstances.

2. Do employers have to record COVID-19 illnesses on their Log 300?

Yes. California employers that are required to record work-related fatalities, injuries, and illnesses must record a work-related COVID-19 fatality or illness the same as any other occupational illness. To be recordable, an illness must be work-related and result in one of the following:

- Death
- Days away from work
- Restricted work or transfer to another job
- Medical treatment beyond first aid
- Loss of consciousness
- A significant injury or illness diagnosed by a physician or other licensed health care professional

If a work-related COVID-19 case meets one of these criteria, then covered employers in California must record the case on their 300, 300A, and 301 (or equivalent forms). See California Code of Regulations, Title 8, Chapter 7, Subchapter 1, Article 2, Employer Records of Occupational Injury or Illness for details on which employers are obligated to report and for other requirements.

3. Does a COVID-19 case have to be confirmed to be recordable?

Pursuant to recent federal OSHA guidance, a COVID-19 case should generally be confirmed through testing to be recordable. However, due to testing shortages and a variety of other reasons, not all persons determined to have COVID-19 have been tested.

Thus, while Cal/OSHA considers a positive test for COVID-19 determinative of recordability, a positive test result is not necessary to trigger recording requirements. There may be other situations in which an employer must make a recordability determination, even though testing did not occur or the results are not available to the employer. In these instances, the case would be still be recordable if it meets any one of the other general recording criteria from Section 14300.7 described above, such as resulting in days away from work. Cal/OSHA recommends erring on the side of **recordability**.

4. How does an employer determine if a COVID-19 case is work-related for recordkeeping purposes?

For recordkeeping purposes, an injury or illness is considered work-related if an event or exposure in the work environment either caused or contributed to the resulting condition, or significantly aggravated a pre-existing injury or illness. An injury or illness is presumed to be work-related if it results from events or exposures occurring in the work environment, unless an exception in section 14300.5(b)(2) specifically applies.

A work-related exposure in the work environment would include interaction with people known to be infected with SARS-CoV-2 (the virus that causes COVID-19); working in the same area where people known to have been carrying SARS-CoV-2 have been; or sharing tools, materials, or vehicles with persons known to have been carrying SARS-CoV-2. Given the disease's incubation period of 3 to 14 days, exposures will usually be determined after the fact.

If there is not a known exposure that would trigger the presumption of work-relatedness, the employer must evaluate the employee's work duties and environment to determine the likelihood that the employee was exposed during the course of their employment. Employers should consider factors such as:

- The type, extent, and duration of contact the employee had at the work environment with other people, particularly the general public.
- Physical distancing and other controls that impact the likelihood of work-related exposure.
- Whether the employee had work-related contact with anyone who exhibited signs and symptoms of COVID-19.

See Title 8 section 14300.5 for details and exceptions.

5. Is time an employee spends in quarantine considered "days away from work" for recording purposes?

No. Unless the employee also has a work-related illness that would otherwise require days away from work, time spent in quarantine is not "days away from work" for recording purposes.

Reporting COVID-19 Cases to Cal/OSHA

1. When do employers have to report COVID-19 illnesses to Cal/OSHA immediately?

In addition to the recordkeeping requirements discussed above, California employers must also report to Cal/OSHA any serious illness, serious injury, or death of an employee that occurred at work or in connection with work within eight hours of when they knew or should have known of the illness. (See section 342(a).) This includes a COVID-19 illness if it meets the definition of serious illness.

A serious illness includes, among other things, any illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for anything other than medical observation or diagnostic testing. (See section 330(h).) This means that if a worker becomes ill while at work and is admitted as an in-patient at a hospital—regardless of the duration of the hospitalization—the illness occurred in a place of employment, so the employer must report this illness to the nearest Cal/OSHA office. *(**Authors note**: In other words, if an employee becomes ill at work, **and** is admitted to the hospital as an inpatient, regardless of the duration of the stay, **and** the illness occurred in a place of employment, that would require the employer to report this illness to the nearest Cal-OSHA office).* Reports must be made immediately, but not longer than eight hours after the employer knows, or with diligent inquiry would have known, of the serious illness.

2. What if the employee became sick at work but the illness is not work-related?

For reporting purposes, if the employee became sick at work, it does not matter if the illness is work-related. Employers must report all serious injuries, illnesses, or deaths occurring at work without making a determination about work-relatedness. For some diseases such as COVID-19, associated respiratory symptoms, such as difficulty breathing, can be caused by a variety of occupational exposures. It is important for employers to report these cases to Cal/OSHA so that the Division can make the preliminary determination of work-relatedness.

3. What if an employee started to show symptoms outside of work?

Reportable illnesses are not limited to instances when the employee becomes ill at work. Serious illnesses include illnesses contracted "in connection with any employment," which can include those contracted in connection with work but with symptoms that begin to appear outside of work. An employer should report a serious illness if there is cause to believe the illness may be work-related, regardless of whether the onset of symptoms occurred at work.

For COVID-19 cases, evidence suggesting transmission at or during work would make a serious illness reportable. An employer should consider factors similar to those described above in the answer to Question 3:

- Multiple cases in the workplace
- The type, extent, and duration of contact the employee had at the work environment with other people, particularly the general public
- Physical distancing and other controls that impact the likelihood of work-related exposure
- Whether the employee had work-related contact with anyone who exhibited signs and symptoms of COVID-19

Even if an employer cannot confirm that the employee contracted COVID-19 at work, the employer should report the illness to Cal/OSHA if it results in in-patient hospitalization for treatment and if there is substantial reason to believe that the employee was exposed in their work environment. Where there is uncertainty about whether an employee contracted COVID-19 at work, the employer should err on the side of reporting the illness to Cal/OSHA.

4. Do I report an illness even if COVID-19 has not yet been diagnosed?

Yes. Even if a suspected COVID-19 case has not been diagnosed by a licensed health professional, an employer should still report it to Cal/OSHA if the illness occurred in connection to any employment as described above, and if it resulted in death or in-patient hospitalization.

5. Am I admitting to liability when I report a serious illness?

No. Reporting a serious illness is not an admission that the illness is work-related, nor is it an admission of responsibility.

6. How does the Governor's Executive Order on COVID-19 and workers compensation eligibility affect Cal/OSHA reporting and recording requirements?

Governor Newsom's Executive Order N-62-20 addresses eligibility for workers compensation benefits. FAQs on the Order are available on our website. The Order does not alter employers' reporting and recording obligations under Cal/OSHA regulations.