



Robert Ayers

Partner
307.734.4514
Jackson Hole
RDayers@hollandhart.com

COVID-19: OSHA Guidance Relaxes Recordkeeping for Some Employers

Insight — April 14, 2020

OSHA Guidance Relaxes Recordkeeping for Some Employers

Last updated 4.14.2020

On April 10th, OSHA released updated guidance regarding compliance **with recordkeeping standards and related requirements during the current COVID-19 pandemic.**

Unlike influenza, contraction of COVID-19 may be recordable and reportable under OSHA's recordkeeping requirements set forth in 29 CFR § 1904. However, OSHA's April 10 guidance, *Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, states that OSHA will not enforce 29 CFR § 1904 for recording or reporting alleged work-related cases of COVID-19, effective immediately and until further notice, except when:

- There is objective evidence that a COVID-19 case is work related, such as a cluster of cases developing among workers in close proximity and no other alternative explanation to the outbreak exists; and
- The employer has readily available evidence confirming a COVID-19 case, such as information provided by an employee or information obtained by the employer during daily operations.

These exemptions do not apply to employers in health industries, emergency response organizations, or correctional institutions. These employers are required to continue making work-relatedness determinations pursuant to OSHA's standards.

OSHA intends for this enforcement guidance to allow employers to focus response efforts on implementing good hygiene in the workplace.

Employers operating in state plans must confirm with their respective administrator whether the jurisdiction is enforcing federal guidance or more restrictive requirements.

This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes

only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.