

April 8, 2020

SCCA joined in a request made with other industry members asking Cal/OSHA to provide guidance regarding the “reporting” and “recording” obligations for COVID-19 injuries and illnesses. Earlier today, Cal/OSHA issued guidance to the construction industry in response to the request. Cal/OSHA is following the earlier guidance issued by Fed/OSHA in this area. Employers are only responsible for recording cases of COVID-19 if all of the following are met:

1. The case is a confirmed case of COVID-19 (see CDC information on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19);
2. The case is work-related, as defined by Title 8 CCR section 14300.5; and
3. The case involves one or more of the general recording criteria set forth in Title 8 CCR section 14300.7 (e.g. medical treatment beyond first-aid, days away from work).

In response to the request to clarify where and when COVID-19 related illnesses become reportable, Chief Parker responded that the regulations require the reporting of a serious injury, illnesses or death “occurring in a place of employment or in connection with any employment.” Under this regulation and precedents of the Occupational Safety and Health Appeals Board (OSHAB), if a worker becomes ill while at work, and is admitted as in-patient at a hospital (regardless of the duration of the hospitalization), the illness “occur[ed] in a place of employment.” Chief Parker answers further questions in his April 8, 2020 letter posted on the website.