

### Checklist for Reporting Occupational Illnesses

**Related to Cases of COVID-19** 

### PART I: IS THE ILLNESS COVID-19?

| QUESTION 1:   | YES | NO |
|---|-----|----|
| Does your employee have a confirmed case of COVID-19?   |     |    |
| If the answer to this question is "No," then the company does not need to report the employee's |     |    |
| illness on its OSHA log. If the answer is "Yes," then proceed to Part II.                       |     |    |

### PART II: IS IT WORK-RELATED?

| QUESTION 2:   | YES | NO | UNCERTAIN |
|---|-----|----|-----------|
| 2(A): Does the employee believe that the COVID-19 illness was contracted at work?<br>If "Yes" or "Uncertain" have the employee identify any factors that support the employee's conclusion. List those factors here:                                    |     |    |           |
| 2(B): Without an alternative explanation, did several cases develop among employees who work closely together?  |     |    |           |
| 2(C): Without an alternative explanation, did the employee contract the COVID-19 illness shortly after having lengthy or close exposure to a customer or coworker who has a confirmed case of COVID-19?   |     |    |           |
| 2(D): Does the employee have frequent or close exposure to the general public?  |     |    |           |
| 2(E): Does the employee work in a locality with ongoing community transmission?   |     |    |           |
| 2(F): Did a medical provider or public health official suggest that the employee's illness arose from/in the workplace?   |     |    |           |
| QUESTION 3:   | YES | NO | UNCERTAIN |
| Did the employee engage in off-duty activities that may have led to the illness?<br>If the answer is "Yes" or "Uncertain," have the employee identify the off-duty activities that may<br>have led to the COVID-19 illness. List those activities here: |     |    |           |
| QUESTION 4:   | YES | NO | UNCERTAIN |
| Was the employee the only worker to contract COVID-19 in the work vicinity?   |     |    |           |
| QUESTION 5:   | YES | NO | UNCERTAIN |
| Does the employee frequently associate with someone ( <i>e.g.</i> , a family member, significant other, or close friend) who has COVID-19, and that person is not a coworker?   |     |    |           |

# Dinsmôre

## Checklist for Reporting Occupational Illnesses

### PART III: IS IT A RECORDABLE ILLNESS?

| QUESTION 6:  | YES | NO |
|--|-----|----|
| Does the employee's illness involve one or more of the general recording criteria set forth in 29 CFR § 1904.7 ( <i>i.e.</i> , death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness or significant injury or illness diagnosed by a physician or other licensed health care professional)? |     |    |
| If the answer to Question 6 is "No," then the company does not need to report the employee's illness on its OSHA log.  |     |    |

#### **PART IV: DETERMINATION**

| QUESTION 7:  | YES | NO |
|--|-----|----|
| While there is no set formula for determining work-relatedness, Questions 2(A) through 2(F) are factors that, if present, weigh in favor of a finding of work-relatedness. Questions 3, 4 and 5 are factors that, if present, can weigh against a finding of work-relatedness. If factors are present that suggest the workplace played a causal role in the case of COVID-19, and the company answered "Yes" to question 6, then it should report it on OSHA Form 300 as a respiratory illness (excluding the employee's name, if requested by the employee). |     |    |
| Did the company report this illness on its OSHA Form 300 log?  |     |    |

FORM COMPLETED BY

DATE

DINSMORE & SHOHL LLP • LEGAL COUNSEL • DINSMORE.COM • © 2020. All rights reserved. • REV 05/2020

ADVERTISING MATERIAL. These materials have been prepared to provide information about the services we offer our clients. Readers should not act or refrain from acting based upon this information without consulting an attorney. This information is not legal advice and transmission or receipt of this information does not create an attorney-client relationship.