

SAFETY DIRECTOR BULLETIN

December 2020

Guidance for Reporting and Recording COVID-related Illnesses

New Jersey requires all public employers to record occupational injuries and illnesses. Also, certain serious injuries must be reported directly to New Jersey PEOSH within specified timeframes. The complete rules for recording and reporting injuries can be accessed here: [PEOSH Recording and Reporting Occupational Injuries and Illness Standard \(29 CFR 1904\)](#)

Guidance for Recording Cases of COVID-19

Under OSHA's recordkeeping requirements, COVID-19 is a recordable illness, and thus employers are responsible for recording cases of COVID-19, if:

1. The case is a confirmed case of COVID-19, as defined by the Centers for Disease Control and Prevention (CDC)
2. The case is work-related as defined by 29 CFR 1904.5
3. The case involves one or more of the general recording criteria outlined in 29 CFR 1904.7

'Work-related' is defined as any event or exposure in the work environment either causing or contributing to the resulting condition or significantly aggravating a pre-existing injury or illness. 'Work-related' is presumed for injuries and illnesses resulting from events occurring in the work environment unless an exception given in OSHA 1904.5(b)(2) applies. Recordable work-related injuries and illnesses are those that result in:

- Death or loss of consciousness
- Days away from work, placement on restricted work activity, or a job transfer
- Medical treatment beyond first aid

Because of the difficulty with determining work-relatedness, OSHA is exercising enforcement discretion to assess employers' efforts in making work-related determinations.

COVID-19 illnesses are likely work-related when:

- Several cases develop among workers who work closely together and there is no alternative explanation.
- It is contracted shortly after lengthy, close exposure to a particular customer or coworker who has a confirmed case of COVID-19 and there is no alternative explanation.
- Job duties include having frequent, close exposure to the general public in a locality with ongoing community transmission and there is no alternative explanation.

Additionally, Governor Murphy signed legislation in September that created a presumption that COVID-19 infections contracted by essential employees, including but not limited to, health care workers and public safety workers, are work-related for the purpose of employment benefits provided for work-related injuries and illnesses, including but not limited to, workers' compensation benefits.

An employee's COVID-19 illness is likely not work-related if:

- They are the only worker to contract COVID-19 in their vicinity and their job duties do not include having frequent contact with the general public, regardless of the rate of community spread.

- The employee, outside the workplace, closely and frequently associates with someone (e.g., a family member, significant other, or close friend) who (1) has COVID-19; (2) is not a coworker, and (3) exposes the employee during the period in which the individual is likely infectious.

In all events, as a matter of worker health and safety, an employer should examine COVID-19 cases among workers and respond appropriately to protect workers, regardless of whether a case is ultimately determined to be work-related.

COVID-19 is a respiratory illness and should be coded as such on the NJOSH 300 Form. Because this is an illness, if an employee voluntarily requests that his or her name not be entered on the log, the employer must comply.

Reporting of Serious Occupational Injuries to NJPEOSH

New Jersey Public Employers must report fatalities to NJPEOSH within eight (8) hours of the occurrence and report work-related hospitalizations, amputations, or loss of an eye within 24 hours by calling the 24-hour hotline (800)624-1644 or the 24-hour fax line (609)292-3749.