

# **COVID-19 TRUTH OR MYTH**

**Truth or Myth:** Employers with fewer than 50 employees are exempt from the Families First Coronavirus Relief Act's (FFCRA) Emergency Paid Sick Leave Act (EPSLA) and Emergency Family Medical Leave Act (EFMLA).

**MYTH:** Employers with fewer than 50 employees are not exempt from paid sick leave for any of the following reasons:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19
2. The employee has been advised by a health care provider to self-quarantine related to COVID-19
3. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis
4. The employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2)

Covered employers with fewer than 50 employees may be exempt from EPSLA and EFMLA associated with a need to provide childcare due to a school or care provider closing due to COVID-19. They are only exempt if it would jeopardize the viability of the business as a going concern. **Read more [here](#).**

**Truth or Myth:** Non-Healthcare employers are not required to report COVID-19 cases on their OSHA 300 Log.

**MYTH:** Originally, OSHA did focus recordability of COVID-19 cases on high-hazard industries with potentially known exposures to COVID-19. However, on May 19th, 2020, they issued revised enforcement guidance on recordability for those in medium to low risk industries. Basically, the employer must make an effort to assess whether the exposure took place in the work environment. Specifically, if it is "more likely than not" that the exposure occurred in the workplace, it should be considered work-related. Employers covered under the recordkeeping rule are required to record work-related COVID-19 cases on their 300 log(s). This can be a privacy case if the employee requests their name be excluded from the log. Here is the link to OSHA's website:

**<https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19>**

## **Do I need to report to OSHA if an employee with work-related COVID-19 illness is hospitalized or dies?**

On September 30th, OSHA published updated Frequently Asked Questions (FAQ's) to address these reporting requirements:

OSHA's new FAQs clarify that for cases of COVID-19, "the term 'incident'" means "an exposure to SARS-CoV-2 in the workplace." Therefore, employers must report an employee hospitalization due to COVID-19 only if the employee is admitted to the hospital for in-patient treatment within 24 hours of an exposure to COVID-19 at work. For a work-related fatality resulting from COVID-19, employers must report the fatality to OSHA only if the employee dies within 30 days of an exposure to COVID-19 at work. These time frames determine whether the fatality or in-patient hospitalization is reportable to OSHA, or in other words, constitutes a "reportable event." **Read more [here](#).**