

Standard Operating Procedure (SOP): Reporting, Recordkeeping, and Access

Purpose

This standard operating procedure provides updated interim guidance to the COVID-19 Safety Officer (CSO), for the recording of occupational illnesses, specifically cases of COVID-19. This guidance is intended to be time-limited to the current COVID-19 public health crisis. Because of the difficulty with determining work-relatedness, OSHA is exercising enforcement discretion to assess SMCCCD's efforts in making work-related determinations.

Under OSHA's recordkeeping requirements, COVID-19 is a recordable illness, and thus SMCCCD is 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
3. The case involves one or more of the general recording criteria

Definitions

- 29 CFR Part 1904: Recording and Reporting Occupational Injuries and Illness
- **Note to § 1904.0:** Recording or reporting a work-related injury, illness, or fatality does not mean that the SMCCCD or employee was at fault, that an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits.
- 29 CFR § 1904.5: Determination of work-relatedness
- 29 CFR § 1904.7: General Recording Data

Background

COVID-19 vaccines are effective in preventing infection, disease, and spread. Unvaccinated persons are more likely to get infected and spread the virus which is transmitted through the air and concentrates indoors. About 15% of our population remains without the option for vaccination (children under 12 years old are not yet eligible) and risk for COVID-19 exposure and infection will remain until full community immunity is reached. Incidence, adaptation, and the return of the workforce—indicate that SMCCCDs take action to determine whether employee COVID-19 illnesses are work-related and thus recordable. Given the nature of the disease and ubiquity of community spread, however, in many instances it remains difficult to determine whether a COVID-19 illness is work-related, especially when an employee has experienced potential exposure both in and out of the workplace.

OSHA continues to require enforcement in order to provide certainty to SMCCCDs and workers. Accordingly, until further notice, OSHA will enforce the recordkeeping requirements of 29 CFR 1904 for employee COVID-19 illnesses for all SMCCCDs according to the guidelines below. Recording a COVID-19 illness does not, of itself, mean that the SMCCCD has violated any OSHA standard.

Procedure

[Determination of Work-Related COVID Exposures](#)

In determining whether SMCCCD has complied with this obligation and made a reasonable determination of work-relatedness, COVID-19 Safety Officer (CSO) should apply the following considerations:

- **The reasonableness of the SMCCCD's investigation into work-relatedness.** SMCCCD should not be expected to undertake extensive medical inquiries, given employee privacy concerns and SMCCCD's lack of expertise in this area. It is sufficient for SMCCCD, when it learns of an employee's COVID-19 illness, (1) to ask the employee how he believes he contracted the COVID-19 illness; (2) while respecting employee privacy, discuss with the employee his work and out-of-work

activities that may have led to the COVID-19 illness; and (3) review the employee's work environment for potential SARS-CoV-2 exposure. The review in (3) should be informed by any other instances of workers in that environment contracting COVID-19 illness.

▪ **The evidence available to the SMCCCD.** The evidence that a COVID-19 illness was work-related should be considered based on the information reasonably available to SMCCCD at the time it made its work-relatedness determination. If SMCCCD later learns more information related to an employee's COVID-19 illness, then that information should be considered as well in determining whether SMCCCD made a reasonable work-relatedness determination.

▪ **The evidence that a COVID-19 illness was contracted at work.** The CSO should consider all reasonably available evidence, in the manner described above, to determine whether SMCCCD has complied with its recording obligation. This cannot be reduced to a ready formula, but certain types of evidence may weigh in favor of or against work-relatedness. For instance:

- COVID-19 illnesses are likely work-related when several cases develop among workers who work closely together and there is no alternative explanation.
- An employee's COVID-19 illness is likely work-related if 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.
- An employee's COVID-19 illness is likely work-related if his/her job duties include having frequent, close exposure to the general public in a locality with ongoing community transmission and there is no alternative explanation.
- An employee's COVID-19 illness is likely not work-related if she is the only worker to contract COVID-19 in her vicinity and her job duties do not include having frequent contact with the general public, regardless of the rate of community spread.
- An employee's COVID-19 illness is likely not work-related if he, 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.
- The CSO should give due weight to any evidence of causation, pertaining to the employee illness, at issue provided by medical providers, public health authorities, or the employee herself.

If, after the reasonable and good faith inquiry described above, SMCCCD cannot determine whether it is more likely than not that exposure in the workplace played a causal role with respect to a particular case of COVID-19, SMCCCD does not need to record that COVID-19 illness. In all events, it is important as a matter of worker health and safety, as well as public health, for SMCCCD to examine COVID-19 cases among workers and respond appropriately to protect workers, regardless of whether a case is ultimately determined to be work-related.

Reporting Procedure

The San Mateo County Community College District (SMCCCD) shall report information about COVID-19 cases at the workplace to the local health department whenever required by law and shall provide any related information requested by the local health department. All reporting procedures shall align with Federal, State, and County guidelines.

Employees and students are directed to immediately report through their supervisor to the COVID-19 Safety Officer (CSO) any serious illnesses, suspected campus exposures, death occurring on SMCCCD grounds or in connection with its direct operations.

The COVID-19 Safety Officer (CSO) will perform a preliminary investigation to assess conditions of the potential exposure. The following will apply based on the variables of the suspected campus exposure:

- Notify appropriate operational personnel, including contractual notification of union bargaining units
- Perform contact tracing following Center for Disease Control (CDC) and San Mateo County Public Health (SMCPH) guidelines, and HIPPA regulations for maintaining confidentiality during process
- Contact San Mateo County Public Health to report any COVID-19 cases and obtain consultation as appropriate as required by law and regulation
- Notify COVID-19 positive individuals with SMCPH directives for isolation
- Notify individuals who have been determined to have risk exposure with SMCPH directives for quarantine or symptom monitoring
- Isolation and quarantine directed individuals will provide self-attestation to COVID-19 Safety Officer (CSO). The following must be assessed:
 - Acknowledgement of directive for isolation (COVID+ test) or quarantine (symptomatic or confirmed exposure)
 - Completion of isolation or quarantine (beginning and ending date) consistent with CDC recommendations
 - Confirmation of no symptoms; or improved symptoms, and no fever for 24 hours without fever reducing medication***A follow up negative COVID test is NOT required for release***
- The CSO shall notify appropriate supervisors or reporting staff when the individual is cleared to return to campus grounds

Record Keeping

The SMCCCD shall maintain records of the steps taken to implement the written COVID-19 Prevention Program. The written COVID-19 Prevention Program shall be made available at the workplace to employees, authorized employee representatives, and to representatives of the District immediately upon request. The COVID-19 Safety Officer is responsible for maintaining records and keeping track of all COVID-19 cases in alignment with HIPPA regulations.

- Confidentiality is maintained and information is discussed and shared consistent with HIPPA regulations
- Documentation of COVID-19 cases is maintained applying HIPPA compliant processes and includes the following information
 - Employee's name
 - Contact information
 - Occupation
 - Location where the employee worked
 - Date of the last day at the workplace
 - Date of a positive COVID-19 test
 - Notes specific to case conditions
- The district maintains a webpage that reports confirmed positive cases of COVID-19 in individuals who were on SMCCCD property and where an individual was on campus within the last work week and was required to isolate or quarantine due to possible COVID-19 exposure. Cases are updated on a weekly basis: <https://covid-19.smccd.edu/exposures-report/>

Record Access

Medical record access is available following HIPPA regulations. Information shall be made available to employees, authorized employee representatives, or as otherwise required by law, with personal identifying information removed.