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Subpart U—COVID-19

Authority: [29 U.S.C. 653](#), [655](#), and [657](#); Secretary of Labor's Order No. 8-2020 ([85 FR 58393](#)); [29 CFR part 1911](#); and [5 U.S.C. 553](#).

Source: [86 FR 32620](#), June 21, 2021, unless otherwise noted.

§ 1910.502 Healthcare.

(q) *Recordkeeping*

(1) *Small employer exclusion.* Employers with 10 or fewer employees on the effective date of this section are not required to comply with [paragraph \(q\)\(2\)](#) or [\(q\)\(3\)](#) of this section.

(2) *Required records.* Employers with more than 10 employees on the effective date of this section must:

(i) Retain all versions of the COVID-19 plan implemented to comply with this section while this section remains in effect.

(ii) Establish and maintain a COVID-19 log to record each instance identified by the employer in which an employee is COVID-19 positive, regardless of whether the instance is connected to exposure to COVID-19 at work.

(A) The COVID-19 log must contain, for each instance, the employee's name, one form of contact information, occupation, location where the employee worked, the date of the employee's last day at the workplace, the date of the positive test for, or diagnosis of, COVID-19, and the date the employee first had one or more COVID-19 symptoms, if any were experienced.

(B) The information in the COVID-19 log must be recorded within 24 hours of the employer learning that the employee is COVID-19 positive and must be maintained as though it is a confidential medical record and must not be disclosed except as required by this ETS or other federal law.

(C) The COVID-19 log must be maintained and preserved while this section remains in effect.

Note to paragraph (q)(2)(ii):

The COVID-19 log is intended to assist employers with tracking and evaluating instances of employees who are COVID-19 positive without regard to whether those employees were infected at work. The tracking will help evaluate potential workplace exposure to other employees.

(3) *Availability of records.* By the end of the next business day after a request, the employer must provide, for examination and copying:

(i) All versions of the written COVID-19 plan to all of the following: Any employees, their personal representatives, and their authorized representatives.

(ii) The individual COVID-19 log entry for a particular employee to that employee and to anyone having written authorized consent of that employee.

(iii) A version of the COVID-19 log that removes the names of employees, contact information, and occupation, and only includes, for each employee in the COVID-19 log, the location where the employee worked, the last day that the employee was at the workplace before removal, the date of that employee's positive test for, or diagnosis of, COVID-19, and the date the employee first had one or more COVID-19 symptoms, if any were experienced, to all of the following: Any employees, their personal representatives, and their authorized representatives.

(iv) All records required to be maintained by this section to the Assistant Secretary.

Note to paragraph (q):

Employers must continue to record all work-related confirmed cases of COVID-19 on their OSHA Forms 300, 300A, and 301, or the equivalent forms, if required to do so under [29 CFR part 1904](#).

(r) *Reporting COVID-19 fatalities and hospitalizations to OSHA.*

(1) The employer must report to OSHA:

(i) Each work-related COVID-19 fatality within 8 hours of the employer learning about the fatality.

(ii) Each work-related COVID-19 in-patient hospitalization within 24 hours of the employer learning about the in-patient hospitalization.

(2) When reporting COVID-19 fatalities and in-patient hospitalizations to OSHA in accordance with [paragraph \(r\)\(1\)](#) of this section, the employer must follow the requirements in [29 CFR 1904.39](#), except for [29 CFR 1904.39\(a\)\(1\)](#) and [\(2\)](#) and [\(b\)\(6\)](#).

(s) *Dates* —

(1) *Effective date.* This section is effective as of June 21, 2021.

(2) *Compliance dates.*

(i) Employers must comply with all requirements of this section, except for requirements in [paragraphs \(i\)](#), [\(k\)](#), and [\(n\)](#) of this section by July 6, 2021.

(ii) Employers must comply with the requirements of this section in [paragraphs \(i\), \(k\), and \(n\)](#) of this section by July 21, 2021.