

# PUBLICATION

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## REMINDER: Your OSHA Form 300A is Due by March 2, 2022

February 16, 2022

**With all of the turmoil surrounding COVID-19 and what rules regulatory agencies can and cannot enforce, don't forget that your Form 300A must be submitted electronically by March 2, 2022. OSHA has highly publicized this March 2 deadline, and we expect the Administration to closely monitor compliance with the submission requirements.**

Employers with 250 or more employees who are subject to OSHA's recordkeeping rules must electronically submit their Form 300A, which is a summary of work-related injuries and illnesses. Employers with less than 250 employees, but more than 20, must submit the form if the company is in certain industries designated by OSHA. Employers with 19 or fewer employees need not submit a Form 300A, regardless of the employer's industry. More information about how to submit your Form 300A can be found [here](#).

Although OSHA withdrew the COVID-19 Vaccination and Testing Emergency Temporary Standard, OSHA still requires employers to report in-patient hospitalizations for work-related confirmed cases of COVID-19, if the hospitalization occurred within 24 hours of an exposure to COVID-19 at work. Additionally, employers must report fatalities for work-related confirmed cases of COVID-19 if the fatality occurred within 30 days of an exposure to COVID-19 at work. OSHA also expects employers, who are subject to recordkeeping requirements, to record cases of COVID-19 if:

- (1) the case is a confirmed case of COVID-19;
- (2) the case is work-related as defined by 29 CFR 1904.5; and
- (3) the case involves one or more of the general recording criteria set forth in 29 CFR 1904.7 (e.g., medical treatment beyond first aid, days away from work).

Under 29 CFR 1904.5 *Determination of work-relatedness*, an employer must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition. Because an employee can contract COVID-19 from an exposure at work or outside of the workplace, OSHA has specified certain criteria for employers to consider when making a work-relatedness determination:

- The type, extent, and duration of contact the employee had at the work environment with other people, particularly the general public;
- Physical distancing and other controls that impact the likelihood of work-related exposure;
- The extent and duration of time spent in a shared indoor space with limited ventilation; and
- Whether the employee had work-related contact with anyone who exhibited signs and symptoms of COVID-19.

Should you have questions, please feel free to contact Ashley Strittmatter or any member of Baker Donelson's [Labor & Employment Team](#) for assistance.