



# OSHA Releases Return-To-Work Guidance Addressing Assessments And Records

Insights

6.19.20

The Occupational Safety and Health Administration (OSHA) released a [Guidance on Returning to Work](#) document that describes strategies and recommends steps employers should take during all phases of reopening. Most of OSHA's recommendations involve steps employers have been implementing based on state and local reopening guidelines, including basic hygiene, social distancing, identification and isolation of sick employees, workplace controls and flexibilities, and training. However, the June 18 guidance addresses a few areas that have raised concerns due to some reopening guidance on the state and local levels.

## Hazard Assessment

OSHA recommends that your business conduct a hazard assessment of all job tasks performed or job categories held by employees to determine which tasks or categories involve occupational exposure to COVID-19. The assessment should include determining when, where, how and to what sources of COVID-19 workers are likely to be exposed to in the course of their job duties.

For example, this could include exposures from members of the public or close contact with coworkers based on their job duties. Once assessed, you can decide which administrative controls – such as cloth face coverings, glass barriers, etc. – will reduce employee exposure to COVID-19.

## Maintenance Of Symptom And Temperature Records

Many state and local reopening orders require employers to assess an employees' symptoms and temperatures before that employee is permitted to enter the workplace. OSHA cautions that if your business implements health screening or temperature checks and chooses to create records of this information, those records might qualify as medical records under the [Access to Employee Exposure and Medical Records standard](#).

Under this standard, your business would be required to retain health screening or temperature records for 30 years if made or maintained by a physician, nurse, or other health care personnel or technician. Therefore, if you do not record workers' temperatures or symptoms, or any recording is not made or maintained by a physician, nurse, or other health care personnel, or technician, the 30-year retention requirement does not apply.

## Applicable OSHA Standards And Requirements

The end of the guidance document provides a table with applicable OSHA standards and requirements for the various phases of reopening, including which standards may apply to your hazard assessment or housekeeping. While OSHA notes that this is a guidance document that creates no new legal obligations, it reminds all employers that the Act's General Duty Clause requires employers to provide employees with a workplace free from recognized hazards likely to cause death or serious physical harm. As a result, you should review the recommendations to determine if they are applicable to your worksites.

### **What Should Employers Do?**

As you begin the process of reopening, you should familiarize yourself with our alert: [5 Steps To Reopen Your Workplace, According To CDC's Latest Guidance](#). You should also keep handy our [4-Step Plan For Handling Confirmed COVID-19 Cases When Your Business Reopens](#) in the event you learn of a positive case at your workplace. For a more thorough analysis of the many issues you may encounter from a labor and employment perspective, we recommend you review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

### **Conclusion**

Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, or any member of [our Post-Pandemic Strategy Group Roster](#).

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*This Legal Alert provides an overview of a specific developing situation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.*

### ***Related People***



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