

## **OSHA and Missouri Guidance on COVID-19**

On April 10, 2020, the Occupational Safety and Health Administration (OSHA) issued interim guidance regarding when contraction of COVID-19 will be considered work-related, and therefore recordable and reportable. This guidance is in lock-step with, but slightly broader than, Missouri emergency regulation 8 CSR 50-5.005 which established presumptions for when incidents of COVID-19 will be covered by Missouri's Workers Compensation Law. Both rules establish that incidents of COVID-19 are presumed to have occurred from community contact except when contracted by first responders (law enforcement officer, EMT or firefighter); the OSHA rule adds health care providers and correctional officers as groups of employees who are presumed to contract COVID-19 at work. OSHA explains that the presumption for other employees is overcome if multiple employees at the same facility contract COVID-19 and there is no reasonable alternative explanation, or there is objective evidence that the employer had knowledge of an employee's health condition. OSHA explained the aim of the rule is to encourage employers to focus on proper work hygiene and other safety measures, rather than on culpability. It also makes it more difficult to hold an employer liable for imposing on workers unsafe working conditions related to COVID-19.

Missouri specifically covers employees who are quarantined by the employer for suspicion of infection or the display of symptoms, receives a positive test result, or diagnosis from a physician. The presumption is overturned if a subsequent medical determination shows the employee did not have COVID-19 or was infected or quarantined due to community exposure. The Missouri rule is retroactive to the start of COVID-19 and expires February 1, 2021. This rule means that first responders who contract COVID-19 will usually have their time off work and medical treatment paid through the Workers' Compensation system rather than having to exhaust sick leave and tap private health insurance.