

# COMPLIANCE BULLETIN

## Washington's Infectious and Contagious Disease Reporting and Notification Requirements

On Dec. 7, 2021, Washington state's Labor and Industries Division of Occupational Safety and Health (DOSH) adopted [requirements](#) for notifying employees of potential exposures to infectious or contagious diseases during public health emergencies. These requirements are effective until April 6, 2022.

These requirements apply to employers in Washington state during a public health emergency. Covered employees under the requirements are those that employers are responsible for recording their injuries and illnesses for on the OSHA 300 log. This includes employees from temporary help services, employee-leasing services and personal supply services (if employers supervise these employees on a day-to-day basis).

However, these reporting and notification requirements do not require employees to disclose any medical condition or diagnosis to their employer or eliminate any other reporting obligations an employer has under state and federal laws.

This Compliance Bulletin covers the requirements employers must follow for public health emergency reporting and notification for infectious and contagious diseases.

### Action Steps

Employers subject to the reporting and notification requirements should review the new rules. Employers should add the requirements to their infectious disease policies and procedures.

Provided to you by **Leavitt Group Northwest**

### Potential Exposure:

Potential exposure means any of the following:

- Notification to the employer from a public health official or licensed medical provider that an employee was exposed to a qualifying individual at the worksite;
- Notification to the employer from an employee or their emergency contact that the employee is a qualifying individual; or
- Notification through a testing protocol of the employer that the employee is a qualifying individual.

### Important Dates

#### Dec. 7, 2021

Effective date for the contagious and infectious disease notification and reporting requirements.

#### April 6, 2022

Expiration date for the contagious and infectious disease notification and reporting requirements.



## Outbreak Reporting Requirements

Employers must report outbreaks during a public health emergency. Employers with more than 50 covered employees at a worksite must report to DOSH within 24 hours of being notified of:

- Ten or more test-confirmed covered employees at the workplace or worksite where the test was collected during any period of time the Washington state department of health or a local health jurisdiction communicates to the employer that there is a COVID-19 outbreak at their workplace or worksite; or
- Ten or more test-confirmed employees where the test was collected during any period of time between the following start and endpoints:
  - Start: When any two or more test-confirmed covered employee cases at the workplace or worksite occur within 14 consecutive calendar days of each other.
  - End: 28 consecutive calendar days have passed since the last positive test result for any covered employee at the workplace or worksite. Report by calling DOSH 1-800-4BE-SAFE (1-800-423-7233) and using the option to report fatalities, hospitalizations, amputations or loss of an eye.

Employers must not include any employee names or personal identifying information when reporting to DOSH.

For purposes of reporting outbreaks, a “worksite” or “workplace” means any plant, yard premises, room or other places where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control. “Test-confirmed” means testing positive for the infectious or contagious disease.

## Reporting Exemptions

Employers currently in an outbreak do not need to continue reporting to DOSH until the outbreak has ended. Employers that later learn intervening cases were false positives are not required to retroactively reevaluate their outbreak status and report to DOSH. They may continue to act as if they were under the same unbroken outbreak.

## Notification Requirements

If employers receive notice of potential exposure, employers must, **within one business day** of potential exposures:

- Provide **written notice** to all covered employees who were on the premises at the same worksite on the same day(s) as the qualifying individual when the qualifying individual may have been infectious or contagious. The written notice must state that the covered employee may have been exposed to the infectious or contagious disease.
- Provide written notice to union representatives, if any, of any covered employees, any temporary help service, employee leasing services or personnel supply service employers of a covered employee.

For COVID-19, a qualifying individual is potentially infectious or contagious two days before the qualifying individual felt sick or had symptoms (or, for asymptomatic people, two days before the test specimen collection) until the time the qualifying individual left or was isolated from the worksite.

The written notice must be made in a manner employers normally use to communicate employment-related information. This can be done using personal service, email or text message if it can reasonably be anticipated to be received by the employee within one business day of sending. The written notice must be in both English and the language understood by the majority of the employees. Written notice must not include employee names or personal identifying information.

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Employers must provide union representatives with written notice, if any, of any covered employees notified. Any temporary help service, employee leasing service or personnel supply service employers of a covered employee must also be notified.

“Worksite,” for purposes of notification of potential exposures, means buildings, stores, facilities, agricultural fields or other locations where qualifying individuals worked. It does not include any buildings, floors or other locations of employers that qualifying individuals did not enter.

## **Qualifying Individuals**

A qualifying individual is any person who has:

- Received a positive laboratory test for the infectious or contagious disease that is the subject of a public health emergency;
- Received a positive diagnosis of the infectious or contagious disease that is the subject of a public health emergency by a licensed health care provider;
- Received an order to isolate by a public health official related to the infectious or contagious disease that is the subject of a public health emergency; or
- Died due to the infectious or contagious disease that is the subject of a public health emergency, in the determination of a local health department.

Source: [Washington L&I DOSH](#)