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# OSHA Issues Second Set of Coronavirus-Related Citations

## Background

As businesses and other organizations across the country start to reopen their doors, many are struggling with the challenge of balancing the health and safety of their employees and customers with the operational needs of the business. One government agency overseeing employers' efforts to protect the health and safety of their employees is the Department of Labor's Occupational Safety and Health Administration (OSHA).

In the past months, OSHA has issued citations against two organizations for coronavirus-related violations and will continue to investigate similar violations that have been reported throughout the US.

## Summary

On July 21, 2020, OSHA [announced citations](#) against an Ohio-based health care company, OHNH EMP, LLC, for coronavirus-related health and safety violations. Between April and June of this year, OSHA inspected three of the company's nursing facilities due to the hospitalization of

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seven employees with coronavirus. OSHA cited each location for a “serious” violation of two respiratory protection standards: failing to create a comprehensive written respiratory protection program and failing to provide medical evaluations to determine their employees’ ability to use a respirator in the workplace. Additionally, they issued a Hazard Alert Letter regarding the company’s practice of instructing employees to use the same N95 respirator for up to seven days and not conducting initial fit testing of respirators. The proposed fine is \$13,494 per facility equaling a total fine of \$40,482.

OSHA’s [first coronavirus-related citation](#) was issued in May against a Georgia-based nursing home. That citation was classified as “other than serious” and was issued due to the nursing home’s failure to report the coronavirus-related hospitalization of six employees in a timely manner. Due to the less serious nature of the violation, the nursing home was initially fined \$6,506, but OSHA agreed to reduce the penalty to \$3,903.60, based on good faith efforts to correct the problem going forward.

OSHA is actively investigating numerous other potential violations across the country, so additional waves of citations and fines are expected to come in the following months.

## Employer Next Steps

- All US employers, including those in the health care industry, should review their COVID-19-related policies to ensure they are compliant with OSHA health and safety regulations.
- Review the summary above as well as the full OSHA citations to ensure that your business is not committing similar or related violations in the workplace.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policies, please [email us](#).

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