



# New Mexico Environment Department

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## Reporting workplace COVID-19 cases to NMED: What you need to know

Updated Aug. 7, 2020

On Aug. 5, 2020, the New Mexico Environment Department (NMED) filed an emergency amendment to require employers to report positive COVID-19 cases in the workplace to the NMED Occupational Health and Safety Bureau within four hours of being notified of the case. The emergency amendment is available [here](#). The emergency rule is in place for 120 days (Dec. 3, 2020), unless NMED proposes and the Environmental Improvement Board adopts a permanent rule prior to the end of the 120-day period.

### ***Why was this rule put into place?***

When the state learns of a positive case in the workplace, state agencies deploy a “rapid response,” offering guidance and support to employers around testing, disinfection and other actions that need to be taken to prevent the spread of COVID-19 beyond the infected employee. Most of these rapid responses are led by NMED.

Frequently, NMED does not learn of positive cases until after the employer is notified by the positive employee, causing a delay in rapid response deployment. The emergency rule, which requires employers to report positive COVID-19 cases among employees within four hours of being notified, will ultimately allow NMED to more quickly respond and prevent spread among employees as a result.

### ***How should I notify NMED?***

Report positive cases via email at [NMENV-OSHA@state.nm.us](mailto:NMENV-OSHA@state.nm.us).

If you are unable to email us, you may report via phone or fax at:

- Phone: 505-476-8700
- Fax: 505-476-8734

### ***What information does NMED need?***

The initial notification must include:

- Establishment name
- Establishment address
- Employer representative name and contact information (phone and email)
- Number of people employed at the location
- Number of employees who tested positive
- Date each positive employee was tested
- Date and time employer was notified of the positive test(s)
- Last date each positive employee was in the establishment
- Date each positive employee began self-quarantine

Please **do not** provide employee names or other personally identifiable information.

Additional information may be collected during follow-up from an NMED representative.

***Does the four-hour window apply on weekends? After business hours?***

Yes.

***Which employers does this emergency rule apply to?***

The emergency rule applies to all New Mexico employers with a few narrow exemptions. The exemptions include employers on tribal lands, mining operations, federal military installations, most U.S. Department of Energy installations and the U.S. Postal Service.

***Healthcare facilities already report employee cases to the Department of Health; do hospitals and other healthcare facilities need to follow the emergency rule?***

Yes. NMED will work with the Department of Health to determine which agency will work with the employer to conduct a rapid response.

***Do I need to report all COVID-19 cases among employees, or just the ones that are workplace related?***

It is typically very difficult to determine the origin of infections, so all COVID-19 cases among employees must be reported. In addition, COVID-positive employees may be infectious to others regardless of where the infection originated, making a rapid response critical.

***Many employees are working from home these days. Does the emergency rule require employers to report positive cases among them, too?***

Yes.

***If an employee who lives in another state but is working in New Mexico and tests positive, do I need to report those positive cases?***

Yes. If an employee worked on a jobsite in New Mexico within 14 days of the employer learning the employee tested positive for COVID-19, then the employer must report the case.

***What happens if I don't report within four hours?***

Failure to report to NMED within four hours may result in enforcement action by the Department, including fines and/or court action.

Additional resources:

- [NMED COVID-19 resources](#)
- [New Mexico Department of Health COVID-19 information](#)