

Solutions at Work®

Today's webinar will
begin shortly. We are
waiting for attendees
to log on.

Presented by:

Howard A. Mavity

(404) 240-4204

hmavity@fisherphillips.com

Todd B. Logsdon

(502) 561-3971

tlogsdon@fisherphillips.com

www.fisherphillips.com

Solutions at Work®

OSHA's New Recordkeeping Requirements: Are You In Compliance?



October 2016

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ADMINISTRATION'S VIEW OF RECORDKEEPING

- Cornerstone of Administration's approach to safety regulation.
- Administration doesn't believe improvements in workplace injury and illness rates over the last 10 years.
- Belief that employers chronically underreport injuries;
- Convinced employees regularly do not report injuries for fear of retaliation;
- Thinks that artificially low injury rates conceal areas needing more enforcement or new standards.
- Administration and some of its backers want to use Workplace Injury Records to shame employers.

ADMINISTRATION'S BIG PICTURE STRATEGIES

- Broaden definition of recordable workplace injuries and illnesses;
- Better tracking occupational illness and accompanying emphasis on Industrial Hygiene regulation;
- Expand concept of “*work related.*”
- Strictly limit definition of “First Aid,” and expand definition of “*Medical Treatment.*”
- Use new 2015 Reporting obligations to visit new or seldom visited work sites.

CHALLENGES TO EMPLOYERS

- Focuses on Lagging Indicators instead of Leading Indicators;
- Many customers consider injury rates in selecting contractors, partners and suppliers.
- Disproportionately focus on injury data and neglect other aspects of safety process and culture;
- Makes it difficult for Safety Professionals to get CFOs and others to look beyond “numbers;”
- Rating Services such as ISNetworld, Browz and PICs;
- Problems with basing safety programs on Rating Service modules;

OSHA's New Electronic Filing and Whistleblower/ Retaliation Requirements

- Published – May 11, 2016
- Effective dates
 - August 10, 2016 – Whistleblower provision (1904.36) and Injury and Illness reporting procedure (1904.35)
 - January 1, 2017 – Phase in of electronic filing requirements (1904.41) – will post date on OSHA public website
- OSHA moved August 1, 2016 date for Whistleblower Provisions to November 1 in response to two lawsuits seeking to block provisions of the Rule and to do more *“Outreach and Education.”*
 - *Texas Court has asked OSHA to move back to December 1.*

OSHA'S RULE ON PROCEDURES DISCOURAGING INJURY REPORTING

- *What must I do to make sure that employees report work-related injuries and illnesses to me?*
- *(i) You must establish a reasonable procedure for employees to report work-related injuries and illnesses promptly and accurately. A procedure is not reasonable if it would deter or discourage a reasonable employee from accurately reporting a workplace injury or illness;*

OSHA'S STATEMENTS IN FINAL RULE ABOUT PROCEDURES UNACCEPTABLE

- maintain incentive programs which reward employees for experiencing no recordable workplace injuries and illnesses;
- maintain rules requiring disciplining employees who do not immediately report workplace injuries; and
- automatically conduct post-accident drug testing of injured employees.

OSHA'S PROPOSED APPROACH TO POST ACCIDENT DRUG TESTING

- *To strike the appropriate balance here, drug testing policies should limit post-incident testing to situations in which employee drug use is likely to have contributed to the incident, and for which the drug test can accurately identify impairment caused by drug use.*
- *Employers need not specifically suspect drug use before testing, but there should be a reasonable possibility that drug use by the reporting employee was a contributing factor to the reported injury or illness in order for an employer to require drug testing. In addition, drug testing that is designed in a way that may be perceived as punitive or embarrassing to the employee is likely to deter injury reporting.*

OSHA's interpretation appears to exempt post injury testing conducted pursuant to these DFWRPs, but since most of these programs are voluntary, we'd like OSHA to confirm its position that:

if an employer conducts drug testing to comply with the requirements of a state or federal regulation, the employer's motive would not be retaliatory and the final rule would not prohibit such testing. This is doubly true because Section 4(b)(4) of the Act prohibits OSHA from superseding or affecting workers' compensation laws.

Problems with OSHA's position ... Remember this Landmark Study ...



Marijuana carry-over effects on aircraft pilot performance.

- Study finds evidence for 24 and 48 -hour carry-over effects of a moderate social dose of marijuana on a piloting task.
- **While seven of the nine pilots showed some degree of impairment at 24 h after smoking, only one reported any awareness of the drug's effects.**

RECOMMENDATIONS

- Ensure OSHA Poster with employee reporting rights is posted and consider separate injury-related and non-injury-related incident reporting.
 - ✓ Eliminate word “immediately” from injury reporting policies.
- Monitor OSHA and Court actions and do not change drug test provisions until at least November 1.
 - ✓ Are State DFWRPs a viable option?
 - ✓ Other occasions to trigger automatically testing?
- Move away from incentivizing Lagging indicators.
 - ✓ Does it look as if you discipline for safety when no injury occurs?

On May 27, 2016 - OSHA Pilot Whistleblowers Severe Violators Enforcement Program:

“similar to its Severe Violator Enforcement Program - includes employers that routinely ignore federal workplace safety and health regulations.”

The program is modelled after OSHA Safety SVEP, which places employers in a program triggering increased monitoring and visits to other divisions, subsidiaries and locations. The criteria for inclusion on the W-SVEP log will include:

- All significant whistleblower cases.
- Cases deemed worthy of either litigation or the issuance of merit Secretary's Findings in connection with egregious citations, a fatality, or a rate-based incentive program for work-related injuries.
- A merit whistleblower case where the employer is already on the enforcement SVEP log.
- A company with three or more merit whistleblower cases within the past three years.

Purpose Of The Recordkeeping Rule

- To require employers to record and report work-related fatalities, injuries and illnesses

Note: Recording or reporting a work-related injury, illness, or fatality does not mean the employer or employee was at fault, an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits.

- OSHA injury and illness recordkeeping and Workers' Compensation are independent of each other

Subpart B - Scope

1904.1 Partial Exemption

- Employers that are **partially** exempt from the recordkeeping requirements because of their size or industry must continue to comply with:
 - 1904.39, Reporting fatalities, in-patient hospitalization, amputations and loss of eye incidents
 - 1904.41, Annual OSHA injury and illness survey (if specifically requested to do so by OSHA)
 - 1904.42, BLS Annual Survey (if specifically requested to do so by BLS)
- Appendix A currently lists 80 industries that are exempt from OSHA recordkeeping under 1904.

Subpart B - Scope

1904.1 Size Exemption

- If your company had 10 or fewer employees at all times during the last calendar year, you do not need to keep the injury and illness records unless surveyed by OSHA or BLS
- The size exemption is based on the number of employees in the entire company
- Include temporary employees who you supervised on a day to day basis in the count

Subpart C – Forms & Recording Criteria

- 1904.4 Recording criteria
- 1904.5 Work-relatedness
- 1904.6 New case
- 1904.7 General recording criteria
- 1904.8 Needlesticks and sharps
- 1904.9 Medical removal
- 1904.10 Hearing loss
- 1904.11 Tuberculosis
- 1904.29 Forms

Subpart C – Forms & Recording Criteria

1904.4 Recording Criteria

- Who is responsible to record the injury or illness?
 - The employer actually supervising the employee is typically required to record the injury, so most temporary providers do not.
 - Many individual “Independent Contractors” are actually misclassified and are “employees.”

Subpart C – Forms & Recording Criteria

1904.4 Recording Criteria

- Covered employers must record each injury, illness or fatality that:
 - is work-related, and
 - is a new case, and
 - meets one or more of the criteria contained in sections 1904.7 through 104.11,
 - follow the recordkeeping 5-Step Process.

Did the employee experience an injury or illness?

YES

Is the injury or illness work-related?

YES

Is the injury or illness a new case?

YES

Does the injury or illness meet the general criteria or the application to specific cases?

YES

RECORD THE INJURY OR ILLNESS

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 1: Did the employee experience an illness or injury?

Definition [1904.46]

An injury or illness is an **abnormal condition or disorder**. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning.

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 2: Is the injury or illness work-related?

Determination of Work-Relatedness [1904.5]

Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the **work environment** unless an exception specifically applies.

A case is presumed work-related if, and only if, an event or exposure in the work environment is a discernable cause of the injury or illness or of a significant aggravation to a pre-existing condition.

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 2: Is the injury or illness work-related?

Work Environment [1904.5]

- The **work environment** is defined as the establishment and other locations where one or more employees are working or present as a condition of employment.
- The work environment includes not only physical locations, but also the equipment or materials used by employees during the course of their work.
- Every employee is assigned to an establishment.
- If an employee is injured at another facility of the company, it is recorded on that facility's 300 log.

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 2: Is the injury or illness work-related?

Exceptions [1904.5]

- Present as a member of the general public
- Symptoms arising in work environment that are solely due to non-work-related events or exposure (regardless of where signs or symptoms surface, a case is work-related only if a work event or exposure is a discernable cause of the injury or illness or of a significant aggravation to a pre-existing condition.
- Voluntary participation in wellness program, medical, fitness or recreational activity.

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 2: Is the injury or illness work-related?

Exceptions [1904.5]

- Eating, drinking or preparing food or drink for personal consumption
- Personal tasks outside assigned working hours
- Personal grooming, self-medication for non-work-related condition, or intentionally self-inflicted
- Motor vehicle accident in parking lot/access road during commute

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 2: Is the injury or illness work-related?

Exceptions [1904.5]

- Common cold or flu (pandemics may be different!)
- Mental illness, unless employee voluntarily provides a medical opinion from a physician or licensed health care professional (PLHCP) having appropriate qualifications and experience that affirms work-relatedness

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 2: Is the injury or illness work-related?

Travel Status [1904.5]

- An injury or illness that occurs while an employee is on travel status is work-related if it occurred while the employee was engaged in work activities in the interest of the employer
- Home away from home
- Detour for personal reasons is not work-related
- Not recordable if employee is outside of United States and injury or illness occurs



OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 2: Is the injury or illness work-related?

Work At Home [1904.5]

- Injury and illnesses that occur while an employee is working at home are work-related if they:
 - Occur while the employee is performing work for pay or compensation in the home, and
 - Are directly related to the performance of work rather than the general home environment.

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 3: Is the injury or illness a new case?

New Case [1904.6]

- If there is a medical opinion regarding resolution of a case, the employer must follow that opinion
- If an exposure triggers the recurrence, it is a new case (e.g., asthma, rashes)
- If signs and symptoms recur even in the absence of exposure, it is not a new case (e.g., silicosis, tuberculosis, asbestosis)

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

General Recording Criteria [1904.7]

- An injury or illness is recordable if it results in one or more of the following:
 - Death
 - Days away from work
 - Restricted work activity (by doctor or employer regarding “routine job functions”)
 - Transfer to another job

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

General Recording Criteria [1904.7]

- An injury or illness is recordable if it results in one or more of the following:
 - Medical treatment beyond first aid
 - Loss of consciousness
 - Significant injury or illness diagnosed by a PLHCP

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Days Away Cases [1904.7(b)(3)]

- Record if the case involves one or more days away from work
- Check the box for days away cases and count the number of days
- Do not include the day of injury/illness



OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Days Away Cases [1904.7(b)(3)]

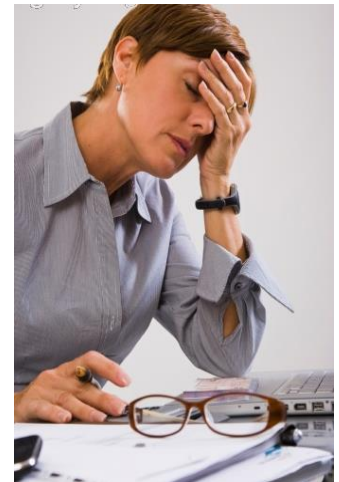
- Day counts (days away or days restricted)
 - Count the number of calendar days the employee was unable to work (include weekend days, holidays, vacation days, etc.)
 - Cap day count at 180 days away and/or days restricted
 - May stop day count if employee leaves company for a reason unrelated to the injury or illness
 - If a medical opinion exists, employer must follow that opinion

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Restricted Work Cases [1904.7(b)(4)]

- Record if the case involves one or more days of restricted work or job transfer
- Check the box for restricted/transfer cases and count the number of days
- Do not include the day of injury/illness



OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Restricted Work Cases [1904.7(b)(4)]

- Restricted work activity exists if the employee is:
 - Unable to work the full work day he or she would otherwise have been scheduled to work; or
 - Unable to perform one or more routine job functions
- An employee's routine job functions are those activities the employee regularly performs at least once per week

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Restricted Work Cases [1904.7(b)(4)]

- Not recordable under 1904.7(b)(4) as a restricted work case if:
 - Employee experiences minor musculoskeletal discomfort,
 - Healthcare professional determines employee is fully able to perform all of his or her routine job functions, and
 - Employer assigns work restriction to employee for the purpose of preventing a more serious condition from developing.

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Job Transfer [1904.7(b)(4)]

- Job transfer
 - An injured or ill employee is assigned to a job other than his or her regular job for part of the day
 - A case is recordable if the injured or ill employee performs his or her routine job duties for part of a day and is assigned to another job for the rest of the day

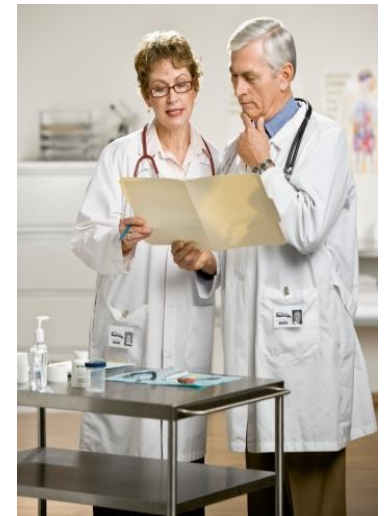


OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Medical Treatment [1904.7(b)(5)]

- Medical treatment is the management and care of a patient to combat disease or disorder. It does not include:
 - Visits to a PLHCP solely for observation or counseling
 - Diagnostic procedures
 - First aid



OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

First Aid [1904.7(b)(5)]

- Using non-prescription medication at non-prescription strength
- Tetanus immunizations
- Cleaning, flushing, or soaking surface wounds



OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

First Aid [1904.7(b)(5)]

- Wound coverings, butterfly bandages, Steri-Strips
- Hot or cold therapy
- Non-rigid means of support
- Temporary immobilization device used to transport accident victims



OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

First Aid [1904.7(b)(5)]

- Drilling of fingernail or toenail, draining fluid from blister
- Eye patches
- Removing foreign bodies from eye using irrigation or cotton swab



OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

First Aid [1904.7(b)(5)]

- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means
- Finger guards
- Massages
- Drinking fluids for relief of heat stress

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Loss of Consciousness [1904.7(b)(6)]

- All work-related cases involving loss of consciousness must be recorded



SIGNIFICANT DIAGNOSIS OF INJURIES AND ILLNESSES CASES

- If work-related, always record
 - Cancer
 - Chronic irreversible disease
 - Fractured bone
 - Punctured eardrum

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Bloodborne Pathogens [1904.8]

- Record all work-related needlesticks and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious materials (includes human bodily fluids, tissues and organs; other materials infected with HIV or HBV such as laboratory cultures)

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Bloodborne Pathogens [1904.8]

- Record splashes or other exposures to blood or other potentially infectious material if it results in diagnosis of a bloodborne disease or meets the general recording criteria

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Medical Removal [1904.9]

- If an employee is medically removed under the medical surveillance requirements of an OSHA standard, you must record the case
- The case is recorded as either one involving days away from work or days of restricted work activity
- If the case involves voluntary removal below the removal levels required by the standard, the case need not be recorded

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Hearing Loss [1904.10]

- Must record all work-related hearing loss cases where:
- Employee has experienced a Standard Threshold Shift (STS)¹, and

¹ An STS is defined in OSHA's noise standard at 29 CFR 1910.95(g)(10)(i) as a change in hearing threshold, relative to the baseline audiogram, of an average of 10 dB or more at 2000, 3000, and 4000 Hz in one or both ears.

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Hearing Loss [1904.10]

- Employee's hearing level is 25 decibels (dB) or more above audiometric zero [averaged at 2000, 3000, and 4000 hertz (Hz)] in the same ears as the STS
- Must compute the STS in accordance with OSHA's noise standard, 1910.95

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Hearing Loss [1904.10]

- Compare employee's current audiogram to the original baseline audiogram or the revised baseline audiogram allowed by 1910.95(g)(9)
- May adjust for aging to determine whether an STS has occurred using tables in Appendix F of 1910.95
- May not adjust for aging to determine whether or not hearing level is 25 dB or more above audiometric zero

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Tuberculosis [1904.11]

- Record a case where an employee is exposed at work to someone with a known case of active tuberculosis and subsequently develops a TB infection

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Tuberculosis [1904.11]

- A case is not recordable when:
 - The worker is living in a household with a person who is diagnosed with active TB
 - The Public Health Department has identified the worker as a contact of an individual with active TB
 - A medical investigation shows the employee's infection was caused by exposure away from work

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Forms [1904.29]

- OSHA Form 300, *Log of Work-Related Injuries and Illnesses*
- OSHA Form 300A, *Summary of Work-Related Injuries and Illnesses*
- OSHA Form 301, *Injury and Illness Incident Report*

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Forms [1904.29]

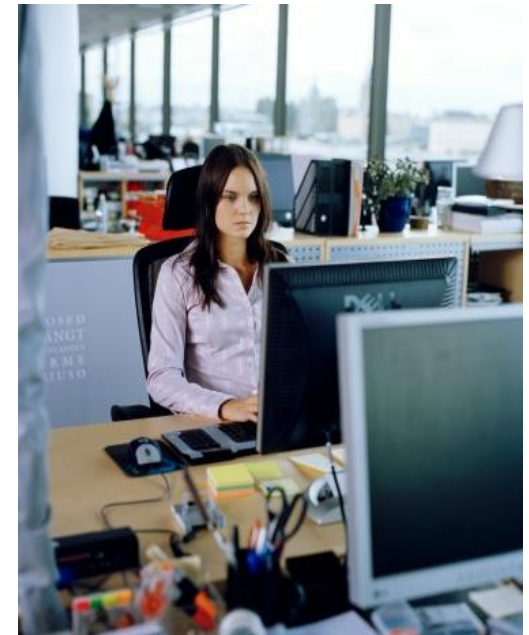
- Employers must enter each recordable case on the forms within 7 calendar days of receiving information that a recordable case occurred.
- An equivalent form has the same information, is as readable and understandable, and uses the same instructions as the OSHA form it replaces.

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Forms [1904.29]

- Forms can be kept on a computer as long as they can be produced when they are needed (i.e., meet the access provisions of 1904.35 and 1904.40)



OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Privacy Protections [1904.29]

- Do not enter the name of an employee on the OSHA Form 300 for “privacy concern cases”
- Enter “privacy case” in the name column
- Keep a separate confidential list of the case numbers and employee names



OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Privacy Protections [1904.29]

- Privacy concern cases are:
 - An injury or illness to an intimate body part or reproductive system
 - An injury or illness resulting from sexual assault
 - Mental illness
 - HIV infection, hepatitis, tuberculosis

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Privacy Protections [1904.29]

- Privacy concern cases are:
 - Needlestick and sharps injuries that are contaminated with another person's blood or other potentially infectious material
 - Employee voluntarily requests to keep name off for other illness cases

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 4: Does the injury or illness meet the general criteria or the application to specific cases?

Privacy Protections [1904.29]

- Employer may use discretion in describing the case if employee can be identified
- If you give the forms to people not authorized by the rule, you must remove the names first. Exceptions for:
 - Auditor/consultant
 - Workers' compensation or other insurance
 - Public health authority or law enforcement agency

OSHA INJURY & ILLNESS RECORDKEEPING: 5-STEP PROCESS

Step 5: If “yes” to each of steps 1-4, then injury or illness is recordable.

OSHA's Form 300A (Rev. 01/2004)

Summary of Work-Related Injuries and Illnesses

Year 20__

U.S. Department of Labor
Occupational Safety and Health Administration
Form approved OMB no. 1218-010

All establishments covered by Part 1904 must complete the Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases			
Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
(G) _____	(H) _____	(I) _____	(J) _____

Number of Days	
Total number of days away from work	Total number of days of job transfer or restriction
(K) _____	(L) _____

Injury and Illness Types			
Total number of . . .			
(M)			
(1) Injuries	_____	(4) Poisonings	_____
(2) Skin disorders	_____	(5) Hearing loss	_____
(3) Respiratory conditions	_____	(6) All other illnesses	_____

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 18 minutes per response, including time to review the instructions, search existing data sources, gather the data needed, and complete and review the collection of information. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. If you have any comments about this estimate or any other aspect of this data collection, contact US Department of Labor, OSHA Office of Statistical Analysis, Room N-3144, 100 Constitution Avenue, NW, Washington, DC 20030. Do not send the completed form to this office.

Establishment information

Your establishment name _____

Street _____

City _____ State _____ ZIP _____

Industry description (e.g., Manufacturer of motor truck trailers) _____

Standard Industrial Classification (SIC), if known (e.g., 3715) _____

OR

North American Industrial Classification (NAICS), if known (e.g., 336212) _____

Employment information (If you don't have these figures, see the *How to Report* on the back of this page to estimate.)

Annual average number of employees _____

Total hours worked by all employees last year _____

Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Company executive _____ Title _____

Name _____ Title _____

Subpart D – Other Requirements

- 1904.30 Multiple business establishments
- 1904.31 Covered employees
- 1904.32 Annual summary
- 1904.33 Retention and updating
- 1904.34 Change of ownership
- 1904.35 Employee involvement
- 1904.36 Discrimination
- 1904.37 State plans
- 1904.38 Variances

Subpart D – Other Requirements

1904.30 Multiple Establishments

- Keep a separate OSHA Form 300 for each establishment that is expected to be in operation for more than a year
- May keep one OSHA Form 300 for all short-term establishments (less than 1 year)
- Each employee must be linked to one establishment

Subpart D – Other Requirements

1904.30 Covered Employees

- Employees on payroll
- Employees not on payroll who are supervised on a day-to-day basis
- Exclude self-employed and partners
- Temporary help agencies should not record the cases experienced by temp workers who are supervised by the using firm



Subpart D – Other Requirements

1904.32 Annual Summary

- Review OSHA Form 300 for completeness and accuracy, correct deficiencies
- Complete OSHA Form 300A
- Certify summary
- Post summary

OSHA's Form 300A (Rev. 01/2004)

Summary of Work-Related Injuries and Illnesses

Year 20 _____
 U.S. Department of Labor
 Occupational Safety and Health Administration
 Form approved OMB no. 1218-0151

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.
 Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0".
 Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.33, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases			
Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
_____	_____	_____	_____
(a)	(b)	(c)	(d)

Number of Days	
Total number of days away from work	Total number of days of job transfer or restriction
_____	_____
(e)	(f)

Injury and Illness Types			
Total number of . . .			
(1) Injuries	_____	(4) Poisonings	_____
(2) Skin disorders	_____	(5) Hearing loss	_____
(3) Respiratory conditions	_____	(6) All other illnesses	_____

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

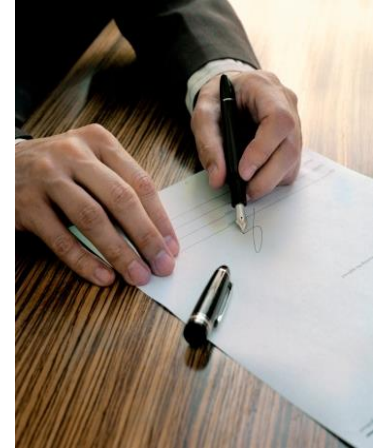
Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time to review the instructions, search existing data sources, gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about this estimate or any other aspect of this data collection, contact the Office of Management and Budget, Paperwork Project Director, (202) 391-2642, 1215 Constitution Avenue, NW, Washington, DC 20503. Do not send the completed forms to this office.

Establishment information
Your establishment name _____
Street _____
City _____ State _____ ZIP _____
Industry description (e.g., <i>Manufacture of motor truck trailers</i>) _____
Standard Industrial Classification on (SIC), if known (e.g., 3713) _____
OR
North American Industrial Classification (NAICS), if known (e.g., 336212) _____
Employment information (If you don't have these figures, see the <i>Worklog</i> on the back of this page to estimate.)
Annual average number of employees _____
Total hours worked by all employees last year _____
Sign here
Knowingly falsifying this document may result in a fine.
I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.
_____ <small>Company executive Title</small>
_____ <small>Date</small>

Subpart D – Other Requirements

1904.32 Annual Summary

- A company executive must certify the 300A summary:
 - An owner of the company
 - An officer of the corporation
 - The highest ranking company official working at the establishment
 - His or her supervisor
- Must post for 3-month period from February 1 to April 30 of the year following the year covered by the summary



Subpart D – Other Requirements

1904.34 Retention and Updating

- Retain forms for 5 years following the year that they cover
- Update the OSHA Form 300 during that period
- Need not update the OSHA Form 300A or OSHA Form 301



Subpart D – Other Requirements

1904.35 Employee Involvement

- You must inform each employee of how to report an injury or illness
- Must set up a way for employees to report work-related injuries and illnesses promptly; and
- Must tell each employee how to report work-related injuries and illnesses to you



Subpart D – Other Requirements

1904.35 Employee Involvement

- Must provide limited access to injury and illness records to employees, former employees and their personal and authorized representatives
 - Provide copy of OSHA Form 300 by end of next business day
 - Provide copy of OSHA Form 301 to employee, former employee or *personal* representative by end of next business day
 - Provide copies of OSHA form 301 to *authorized* representative within 7 calendar days. Provide only “Information about the case” section of form.

Subpart D – Other Requirements

1904.37 State Plans

- State Plan States must have the same requirements as Federal OSHA for determining which injuries and illnesses are recordable and how they are recorded
- For other Part 1904 requirements, State Plan requirements may be more stringent
- 1952.4 has been modified to reflect these concepts

Subpart E – Reporting Information To The Government

- 1904.39 Fatality and catastrophe reporting
- 1904.40 Access for Government representatives
- 1904.41 OSHA Survey
- 1904.42 BLS Survey



Subpart E – Reporting To The Government

1904.39 Fatality/Catastrophe Reporting

- Currently report orally any work-related fatality or incident involving in-patient hospitalizations, amputations or loss of eye injuries
 - Fatalities within 8 hours
 - Hospitalization, amputation or loss of eye within 24 hours
- Do not need to report highway or public street motor vehicle accidents (outside of a construction zone)
- Do not need to report commercial airplane, train, subway or bus accidents

Subpart E – Reporting To The Government

1904.40 Providing Records

- Must provide copies to government representatives within 4 business hours
- Use the business hours of the establishment where the records are located



Final Questions

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**THESE MATERIALS AND THE INFORMATION PROVIDED DURING THE PROGRAM
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CURRENT OR PAST ADMINISTRATIONS.**

Thank You

Presented by:

Howard A. Mavity

(404) 240-4204

hmavity@fisherphillips.com

Todd B. Logsdon

(502) 561-3971

tlogsdon@fisherphillips.com

FISHER & PHILLIPS LLP

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