

# COMPLIANCE OVERVIEW

Provided by Huckaby & Associates

## OSHA Reporting and Recordkeeping

The Occupational Safety and Health Act (OSH Act) requires covered employers to report and record occupational injuries and illnesses. The Occupational Safety and Health Administration (OSHA), part of the U.S. Department of Labor, issues reporting and recordkeeping requirements and monitors compliance with the OSH Act.

OSHA updated reporting and recordkeeping requirements through a [final rule](#) that became effective on Jan. 1, 2015. Under updated standards, employers must report any work-related employee fatality within **eight hours** and inpatient hospitalization, amputation or loss of an eye within **24 hours**.

While all employers must follow reporting requirements, recordkeeping obligations apply only to non-exempt employers. The final rule also updated the list of exempt industries.

OSHA uses the information collected from reporting and recordkeeping requirements to:

### LINKS AND RESOURCES

- OSHA Injury and Illness Recordkeeping and Reporting Requirements [website](#)
- OSHA online reporting [form](#)

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.

© 2016 Zywave, Inc. All rights reserved.

### HIGHLIGHTS

#### REPORTING

Report work-related fatalities within eight hours.

Report in-patient hospitalizations, amputations or losses of an eye within 24 hours.

#### RECORDING

Applies to employers if they:

- Have more than 10 employees; and
- Are not classified as a partially exempt.

Use OSHA Forms [300](#), [300A](#) and [301](#).

Form 300A must be posted every year from Feb. 1 to April 30.



- Set inspection targeting;
- Develop safety standards;
- Allocate agency resources;
- Update "low-hazard" industry exemptions.
- Conduct performance measurement under the Government Performance and Results Act (GPRA); and
- Evaluate eligibility for the Voluntary Protection Program (VPP).

This data also aids employers, employees and compliance officers to analyze the safety and health environment at the employer's establishment and is the source of information for the OSHA Data Initiative (ODI) and the Bureau of Labor Statistics' (BLS) Annual Survey.

## EMPLOYERS SUBJECT TO OSHA

The OSH Act covers private sector employers and employees in all 50 states, the District of Columbia, and other U.S. jurisdictions, either directly through federal OSHA or through an OSHA-approved state program. However, the OSH Act does not apply to:

- Self-employed individuals; and
- Immediate family members of farm employers that do not employ outside employees.

Employees who work for state and local governments are not covered by federal OSHA, but may have OSH Act protections through an OSHA-approved state program. Federal agencies must have a safety and health program that meets the same standards as those applicable to private employers. Although OSHA does not fine federal agencies, it does monitor federal agencies and responds to worker complaints. The United States Postal Service (USPS) is covered by OSHA.

In addition, OSHA does not regulate workplace hazards that are regulated by another federal agency, such as the Mine Safety and Health Administration or the Federal Aviation Administration.

## REPORTING REQUIREMENTS

As of Jan. 1, 2015, the Occupational Safety and Health Administration (OSHA) requires employers to report any work-related employee fatality within **eight hours** and inpatient hospitalization, amputation or loss of an eye within **24 hours**. Employers must submit these reports to OSHA:

- By telephone at 1-800-321-OSHA (6742);
- By calling or visiting the nearest area office during normal business hours; or
- Through an [online form](#).

The reporting clock does not begin until the employer or its agents learn about the reportable event. OSHA offers the following illustration:

OSHA defines an inpatient hospitalization as "a formal admission to the inpatient service of a hospital or clinic for care or treatment." Hospitalizations for observation or diagnostic testing are not reportable events. An amputation is the traumatic loss of a limb or other external body part. Amputations can be full or partial, and they can happen with or without bone. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears or broken (or chipped) teeth.

If an employee suffers a work-related injury at 9 a.m. and dies from that injury at 10 a.m., and the employer or the employer's agent(s) learn of the fatality (the reportable event) at 10 a.m., then the employer would be required to report the fatality (the reportable event) to OSHA within eight hours of the fatality (the reportable event) – that is, 6 p.m.

OSHA Illustration

Employers are **not** required to notify OSHA of a reportable event if the event is the result of a motor vehicle accident on a public street or highway, unless the accident took place in a construction work zone. However, unless an exemption applies, employers will need to keep a record of the incident. The same is true for incidents that occur on commercial or public transportation systems.

A complete report under the final rule must include:

- The employer's name;
- The location of the reportable event;
- The time of the reportable event;
- The type of reportable event (fatality, hospitalization, amputation, loss of an eye);
- The number of employees affected by a reportable event;
- The names of all employees affected by a reportable event;
- The employer's contact person and his or her phone number; and
- A brief description of the work-related incident.

## RECORDKEEPING REQUIREMENTS

Employers with **more than 10 employees** and whose establishments are not classified as a partially exempt industry must prepare and maintain records of serious occupational injuries and illnesses, using OSHA [Forms 300, 300A and 301](#).

- **Form 300 (Log of Work-Related Injuries and Illnesses):** Use to classify work-related injuries and illnesses and to note the extent and severity of each case. When an incident occurs, employers must use Form 300 to record specific details about what happened and how it happened.
- **Form 300A (Summary of Work-Related Injuries and Illnesses):** Shows the total number of work-related injuries and illnesses for the year in each category. At the end of the year, employers must post the Form 300A in a visible location so that employees are aware of the injuries and illnesses occurring in their workplace. Employers must keep a log for each establishment or site. When an employer has more than one establishment, a separate log and summary must be kept at each physical location that is expected to be in operation for one year or longer.
- **Form 301 (Injury and Illness Incident Report):** Must be filled out within seven calendar days after an employer receives information that a recordable work-related injury or illness occurred. This report includes information about the employee and the treating physician, and detailed information about the case. Employers must keep this report on file for five years following the year it pertains to.

The information collected in these records enables OSHA to determine DART rates for employers and industries. DART stands for "days away, restricted and transferred" and is a safety metric that helps determine how many workplace injuries and illnesses caused employees to miss work, perform restricted work or be transferred to another job within a calendar year. OSHA uses data from a three-year sampling period to update the list of partially exempt industries. Industries with a DART rate lower than 75 percent of the average DART for the sampling period are allowed a partial exemption from recording requirements.

An updated list of [partially exempt](#) employers became effective on Jan. 1, 2015. The previous list used DART rates from the 1996-1998 sampling period. The codes used to classify these industries were from the Standard Industrial Classification (SIC) system. The new list uses data from the 2007-2009 sampling period. The codes used for the new list match the codes used by the North American Industry Classification System (NAICS). The new list of partially exempt industries allows OSHA to account for changes in the labor market and provides a refreshed perspective on low-hazard industries.

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.

## General Recording Criteria

Employers subject to the recordkeeping requirements must record all **work-related** injuries or illnesses that meet the general recording criteria. Injuries and illnesses are recordable if they result in:

- Death;
- Days away from work;
- Restricted work or transfer to another job;
- Medical treatment beyond first aid; or
- Loss of consciousness.

An injury or illness is work-related if it either caused or contributed to the condition. Events or exposures in the work environment that significantly aggravate a pre-existing injury or illness are also considered work-related.

For recordkeeping purposes, first aid includes:

- Using a non-prescription medication at non-prescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);
- Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);
- Cleaning, flushing or soaking wounds on the surface of the skin;
- Using wound coverings such as bandages, adhesive bandages, gauze pads, etc.; or using butterfly bandages (other wound closing devices such as sutures, staples, etc., are considered medical treatment);
- Using hot or cold therapy;
- Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);
- Using temporary immobilization devices while transporting an accident victim (such as splints, slings, neck collars, back boards, etc.);
- Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
- Using eye patches;
- Removing foreign bodies from the eye using only irrigation or a cotton swab;
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;
- Using finger guards;
- Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); and
- Drinking fluids for relief of heat stress.

## Posting Requirements

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.

Employers that are required to keep Form 300, the Injury and Illness log, must post Form 300A, the Summary of Work-Related Injuries and Illnesses, in the workplace every year **from Feb. 1 to April 30**. Current and former employees, or their representatives, have the right to access injury and illness records. Employers must give the requester a copy of the relevant record(s) by the end of the next business day.

## MORE INFORMATION

Please contact Huckaby & Associates for additional information on OSHA reporting and recordkeeping requirements.