# OSHA RECORDKEEPING COMPLIANCE

GREATER CINCINNATI SAFETY COUNCIL



#### **OBJECTIVES/OUTCOMES**

- Discuss why injury & illness records are important.
- Determine if standard applies to your place of employment.
- Review standard revisions on severe injury reporting requirements.
- Explain the rule for online reporting.
- Differentiate between recordable and non-recordable cases.
- Review OSHA Recordkeeping requirements and forms: 300, 301, and 300A.
- Introduce administrative & compliance solutions.



# BEFORE WE BEGIN



### WORKERS' COMP vs OSHA

- A common misconception is that if it is a workers' comp injury then it is also an OSHA recordable injury.
- OSHA Recordkeeping and the BWC processes are independent of each other.
- A rule of thumb is:
  - Not all workers' comp injuries are OSHA recordable.



#### **KEY ELEMENTS**

- Employers with 9 or fewer employees (includes temporary employees) are PARTIALLY exempt from recordkeeping requirements.
- Industries that have been recognized as "low" hazard are PARTIALLY exempt from recordkeeping requirements.
  - REGARDLESS OF SIZE OR INDUSTRY...ALL EMPLOYERS MUST REPORT FATALITIES AND SEVERE INJURIES!

NAICS	Industry Description	NAICS	Industry Description
4412	Other Motor Vehicle Dealers	5411	Legal Services
4431	Electronics and Appliance Stores	5412	Accounting, Tax Preparation, Bookkeeping, and Payroll
4461	Health and Personal Care Stores	5413	Architectural, Engineering, and Related Services
4471	Gasoline Stations	5414	Specialized Design Services
4481	Clothing Stores	5415	Computer Systems Design and Related Services
4482	Shoe Stores	5416	Management, Scientific, and Technical Consulting
4483	Jewelry, Luggage, and Leather Goods Stores	5417	Scientific Research and Development Services
4511	Sporting Goods, Hobby, and Musical Instrument Stores	5418	Advertising and Related Services
4512	Book, Periodical, and Music Stores	5511	Management of Companies and Enterprises
4531	Florists	5611	Office Administrative Services
4532	Office Supplies, Stationery, and Gift Stores	5614	Business Support Services
4812	Nonscheduled Air Transportation	5615	Travel Arrangement and Reservation Services
4861	Pipeline Transportation of Crude Oil	5616	Investigation and Security Services
4862	Pipeline Transportation of Natural Gas	6111	Elementary and Secondary Schools
4869	Other Pipeline Transportation	6112	Junior Colleges
4879	Scenic and Sightseeing Transportation, Other	6113	Colleges, Universities, and Professional Schools
4885	Freight Transportation Arrangement	6114	Business Schools, Computer anad Management Training
5111	Newspaper, Periodical, Book, and Directory Publishers	6115	Technical and Trade Schools
5112	Software Publishers	6116	Other Schools and Instruction
5121	Motion Picture and Video Industries	6117	Educational Support Services
5122	Sound Recording Industries	6211	Offices of Physicians

5151	Radio and Television Broadcasting	6212	Offices of Dentists
5172	Wireless Telecommunications Carriers (except Satellite)	6213	Offices of Other Health Practitioners
5173	Telecommunications Resellers	6214	Outpatient Care Centers
5179	Other Telecommunications	6215	Medical and Diagnostic Laboratories
5181	Internet Service Providers and Web Search Portals	6244	Child Day Care Services
5182	Data Processing, Hosting, and Related Services	7114	Agent, Artist Manager, Athlete, Entertainer, Public Figures
5191	Other Information Services	7115	Independent Artists, Writers, and Performers
5211	Monetary Authorities - Central Bank	7213	Rooming and Boarding Houses
5221	Depository Credit Intermediation	7221	Full-Service Restaurants
5222	Nondepository Credit Intermediation	7222	Limited-Service Eating Places
5223	Activities Related to Credit Intermediation	7224	Drinking Places (Alcoholic Beverages)
5231	Securities, Commodity Contracts and Brokerage	8112	Electronic, Precision Equipment Repair and Maintenance
5232	Securities and Commodity Exchanges	8114	Personal and Household Goods Repair and Maintenance
5239	Other Financial Investment Activities	8121	Personal Care Services
5241	Insurance Carriers	8122	Death Care Services
5242	Agencies, Brokerages, Other Insurance Related Activities	8131	Religious Organizations
5251	Insurance and Employee Benefit Funds	8132	Grantmaking and Giving Services
5259	Other Investment Pools and Funds	8133	Social Advocacy Organizations
5312	Offices of Real Estate Agents and Brokers	8134	Civic and Social Organizations
5331	Lessors of Nonfinancial Intangible Assets	8139	Business, Professional, Labor, Political, Related Organization





### WHEN MUST I CONTACT OSHA?

- Prior to January 2015, employers reported fatalities in 8 hours to OSHA. In addition to notifying OSHA of fatalities, *effective 1/1/2015*, you now must also call them within *24 hours* of the below occurrences:
- All work-related amputations
  - Loss of a limb or other external body part
  - Includes: A part, such as a limb or appendage, that has been severed, cut off, amputated (completely or partially); fingertip amputations with or without bone loss; medical amputations from irreparable damage
- All work-related losses of an eye
  - Loss of entire eyeball
  - Does not relate to vision
- All work-related in-patient hospitalizations of one or more employees
  - Defined as a formal admission to the inpatient services of a hospital
  - Inpatient admission for diagnostic testing or observation does not apply





### REPORTING

- To report a severe injury and/or a fatality:
  - Call 1-800-321-OSHA
  - Call your nearest OSHA area office
  - Visit <u>http://www.osha.gov/report\_online</u>
- Be prepared to supply:
  - Business name
  - Names of employees affected
  - Location and time of the incident
  - Brief description of the incident
  - Contact person
  - Phone number



#### **ONLINE REPORTING RULE**

- WHO?
  - Certain industries and certain sized employers must comply:
    - High-risk industries WITH 20-249 employees (see below).
    - All industries with greater than *250* employees.
      - Employers who in the past that had to enter their 301 forms no longer have to, you only have to enter your 300A.
      - Employers with multiple locations have the choice to enter the information as a cumulative amount of all of their locations on one form or to enter it by each location.

NAICS	INDUSTRY	NAICS	INDUSTRY
11	Agriculture, forestry, fish, hunting	4921	Couriers, express delivery services
22	Utilities	4922	Local messengers and local delivery
23	Construction	4931	Warehousing, storage
31-33	Manufacturing	5152	Cable, other subscription programming
42	Wholesale trade	5311	Lessors of real estate
4413	Auto parts, accessories, tire stores	5321	Auto equip rental, leasing
4421	Furniture stores	5322	Consumer goods rental
4422	Home furnishing stores	5323	General rental centers
4441	Building material and supplies dealers	5617	Services to buildings, dwellings
4442	Lawn, garden, equipment and supplies stores	5621	Waste collection
4451	Grocery stores	5622	Waste treatment, disposal
4452	Specialty food stores	5629	Remediation, other waste management services
4521	Department stores	6219	Other ambulatory health care services
4529	Other general merchandise stores	6221	General medical, surgical hospitals
4533	Used merchandise stores	6222	Psychiatric, substance abuse hospitals
4542	Vending machine operators	6223	Specialty hospitals (except phychiatric/substance)
4543	Direct selling establishments	6231	Nursing care facilities
4811	Scheduled air transportation	6232	Residental mental retardation, mental health
4841	General freight trucking	6233	Community care facilities for elderly
4842	Specialized freight trucking	6239	Other residential care facilities
4851	Urban transit systems	6242	Community food, housing, emergency relief
4852	Interurban, rural bus transportation	6243	Vocational rehab services
4853	Taxi, limousine service	7111	Performing arts
4854	School, employee bus transportation	7112	Spectator sports
4855	Charter bus industry	7121	Museums, historical sites, similar institutions
4859	Other transit, ground passenger transportation	7131	Amusement parks, arcades
4871	Scenic, sightseeing transportation, land	7132	Gambling industries
4881	Support activities for air transportation	7211	Traveler accommodation
4882	Support activities for rail transportation	7212	RV parks, recreational camps
4883	Support activities for water transportation	7213	Rooming, boarding houses
4884	Support activities for road transportation	7223	Special food services
4889	Other support activities for transportation	8113	Commercial, industrial machine repair/maintenance
4911	Postal service	8123	Dry-cleaning, laundry services

#### **ONLINE REPORTING RULE**

- HOW?
  - OSHA's injury tracking application
    - Electronically upload information via the attachment of a CSV file (Excel) or
    - Electronic interfacing application
- WHEN?
  - By March 2, 2023



#### BEFORE ENTERING YOUR 300A DATA

- Gather the following information:
  - NAICS Code (OSHA will not accept your SIC Code).
  - Average number of employees throughout the year.
  - Total # of hours worked.
- Temporary workers are NOT included in the average number of employees, but the hours that temporary workers worked IS included.

### WHAT IS A RECORDABLE INJURY?

- Injuries involving:
  - Death (Must report to OSHA within 8 hours)
  - Days away from work
  - Restricted work or transfer to another job
  - Medical treatment beyond first aid
  - Loss of consciousness
  - Written prescriptions whether the employee fills it or not
  - Standard Threshold Shift in hearing in one/both ears
  - Licensed physician recommends medical treatment but employee refuses, it is still recordable

# WHAT IS *NOT* A RECORDABLE INJURY?

- Injuries involving:
  - An employee injured while acting in part of the general public.
  - Eating, drinking, preparing food for personal consumption.
  - Personal tasks at the establishment outside of work hour including self medication.
  - Voluntary participation in: Wellness programs, Med fitness, Recreational activity.
  - Common cold or flu.
  - Mental illness.
  - Employee performing work for pay in the home and injury is due from home environment.
  - First Aid procedures are applied.
  - Employee in travel status...
    - Commute to job location *NOT RECORDABLE*
    - Detour for personal reasons NOT RECORDABLE

#### WHAT IS CONSIDERED FIRST AID?

- So, what is considered First Aid?
  - Using a non-prescription medication at non-prescription strength.
  - Diagnostic procedures x-ray, blood tests.
  - Administering tetanus immunizations.
  - Cleaning, flushing or soaking wounds on the skins surface.
  - Using wound coverings such as bandages, gauze or butterfly bandages
     Stitches will be recordable as well as surgical glue.
  - Using hot or cold therapy.
  - Using a non-rigid means of support, such as: wraps, elastic bandages, non rigid back belts, etc.
  - Drilling of a fingernail or toenail to relieve pressure.
  - Removing a foreign body from the eye using ONLY irrigation or cotton swab or an eye patch.
  - Use of a finger guard, use of massages and drinking fluids for heat stress relief.

#### OSHA RECORDKEEPING FORMS

#### • 300 LOG

- Use to list all the recordable injuries and illnesses in your workplace within 7 days.
- Use as a tool for detecting problems and trends within your workplace.
- Requires updates to be noted once exact counts are known.
- 300A SUMMARY
  - Injury and illness information will total and rollover onto this form.
  - This form must be posted each year from *Feb 1 April 30*.
  - Once posted this summary does not require updates to be noted.

### OSHA RECORDKEEPING FORMS

#### • 301 FORM

- Use to record details about a recordable incident within 7 days.
- You may use an equivalent form to replace this 301.
  - Example: BWC FROI

## OSHA RECORDKEEPING

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17	Case No.	Employee's Name	Job Title (e.g., Welder)	Date of injury or	Where the event occurred (e.g. Loading dock north	Describe injury or illness, parts of body affected, and object/substance that	the mo	st serious or	utcome for the	at case:	worker was	S:	type of illr			illness:				
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2							Year	2014					
5	All establishments cove	red by Part 1904 must	complete this Summary page, ev	ven if no iniuries or illnesses									
					Establishment information								
9 10	Using the Log, count the	e individual entries you	made for each category. Then w	rite the totals below, making	Your establishment name ABC Company								
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17													
18 19	Total number of deaths	cases with days	Total number of cases with job transfer or restriction	Total number of other recordable cases	Standard Industrial Classification (SIC), if known (e.g., SIC 3715)								
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#### OSHA's Form 301 Injuries and Illnesses Incident Report

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relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Attention: This form contains information

U.S. Department of Labor Occupational Safety and Health Administration

Form approved OMB no. 1218-0176

AA

AB

12 This Injury and Illness Incident Report is one o 13 the first forms you must fill out when a 14 recordable work-related injury or illness has 15 occurred. Together with the Log of Work-16 17 Related injuries and Illnesses and the 18 accompanying Summary, these forms help the 19 employer and OSHA develop a picture of the 20 extent and severity of work-related incidents. Within 7 calendar days after you receive 21 22 information that a recordable work-related injur 23 or illness has occurred, you must fill out this 25 form or an equivalent. Some state workers' 26 compensation, insurance, or other reports may 27 be acceptable substitutes. To be considered 28 equivalent form, any substitute must contain a 29 the information asked for on this form. According to Public Law 91-596 and 29 30

CFR 1904, OSHA's recordkeeping rule, you
 must keep this form on file for 5 years following
 the year to which it pertains

 34 If you need additional copies of this form,
 35 you may photocopy and use as many as you
 36 37

OSHA Form 300

OSHA Form 300A

_	Information about the employee		Information about the case		
of	1) Full Name	10)	Case number from the Loc	(Transfer the case number from the Log after you record the case.	
	2) Street	11)	Date of injury or illness		
	City State Zip	12)	Time employee began wor	AM/PM	
e	3) Date of birth	13)	Time of event	AM/PM Check if time cannot be determined	
у	4) Date hired 5) Male Female	14)	well as the tools, equipment of	ng just before the incident occurred? Describe the activity, as or material the employee was using. Be specific. Examples: ing roofing materials"; "spraying chlorine from hand sprayer";	
y an II	Information about the physician or other health care professional				
	6) Name of physician or other health care professional	15)	floor, worker fell 20 feet"; "Wor	r the injury occurred. Examples: "When ladder slipped on wet rker was sprayed with chlorine when gasket broke during ped soreness in wrist over time."	
9	7) If treatment was given away from the worksite, where was it giver				
	FacilityStreet	16)		s? Tell us the part of the body that was affected and how it c than "hurt", "pain", or "sore." Examples: "strained back"; I tunnel syndrome."	
	City State Zip				
	8) Was employee treated in an emergency room? Yes No	17)		rectly harmed the employee? Examples: "concrete floor"; this question does not apply to the incident, leave it blank.	
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12	sure whether a c	case is recordable, call yo	ur local OSHA offic	e for help.					City	Cincinnati			State	_		Ohio		
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15							Enter the number of											
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17	Case No.	Employee's Name	Job Title	Date of		Describe injury or illness, parts of body	the mo	st serious o	utcome for the	at case:	worker wa	type of illness:						
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#### PRIVACY CASE

- To protect injured employee's privacy when forms are released what is considered a private case?
  - Intimate body part or reproductive system
  - Sexual assault
  - Mental illness
  - HIV infection, hepatitis or tuberculosis
  - Needle stick/ sharps injuries
- Record as an injury initially, however if the employee is later diagnosed with an infectious bloodborne disease, then update the log to an illness.
- Even if you are covered by HIPAA, disclosing OHSA 300s containing employee PHI shouldn't get you into trouble. That's because there are exceptions within HIPAA when you're allowed to disclose PHI about individuals even without their permission. One of these exceptions is when disclosure is "required by law."



### COVID-19 & RECORDKEEPING

- It must be a confirmed case of COVID-19.
- A test must have been taken and the results must be positive.
- A false positive test isn't an OSHA Recordable.



#### COVID-19 & RECORDKEEPING

- If there is a confirmed case of COVID-19 you then must determine if the illness was work-related.
- Employers are not expected to undertake an extensive medical inquiry.
- Employer may be aided by contract tracing done by medical professionals.



### COVID-19 & RECORDKEEPING

- If the illness is a confirmed case and it is determined that it is workrelated then it must meet normal OSHA Recordkeeping requirements.
- Most cases will meet these requirements.



 Within what time frame must I provide OSHA Representatives with access to my OSHA logs?



- Within what time frame must I provide OSHA Representatives with access to my OSHA logs?
  - 4 business hours!

 If a physician gives an injured worker sample medicines and writes no RX, is this recordable?



- If a physician gives an injured worker sample medicines and writes no RX, is this recordable?
  - Yes. Medical documentation will indicate that a prescription has been prescribed.



Am I required to record an injury involving employees from a temp agency?



- Am I required to record an injury involving employees from a temp agency?
  - Yes. Employees that are under your direct day-to-day supervision shall be recorded on your OSHA log.



Is there a limit to recording days away from work and/or restricted workdays?



- Is there a limit to recording days away from work and/or restricted workdays?
  - Yes. You will stop recording when the total combined columns or individually reach 180 days.



 Jeff in accounting's wife tested positive for COVID-19 and a few days later Jeff got sick and tested positive for COVID-19. Amanda and Dan who also work in accounting got sick and tested positive for COVID-19 a few days after Jeff tested positive. All of these employees missed at least a week of work. Are any of these cases recordable?



- Jeff in accounting's wife tested positive for COVID-19 and a few days later Jeff got sick and tested positive for COVID-19. Amanda and Dan who also work in accounting got sick and tested positive for COVID-19 a few days after Jeff tested positive. All of these employees missed at least a week of work. Are any of these cases recordable?
  - Jeff is not recordable because he more than likely got the virus from his wife. Dan and Amanda are recordable because they more than likely caught the virus from Jeff.





#### **KNOWLEDGE CHECK**

• An employee was asked to perform some landscaping work, which was not part of their normal work duties. While doing the landscaping they came in contact with poison ivy and had a severe reaction. The doctor prescribed some medication but said they could go back to work as normal. Is this recordable?



- An employee was asked to perform some landscaping work, which was not part of their normal work duties. While doing the landscaping they came in contact with poison ivy and had a severe reaction. The doctor prescribed some medication but said they could go back to work as normal. Is this recordable?
  - Yes, due to the prescribed medication.



### KNOWLEDGE CHECK

 An employee is using a grinder and gets a metal shaving in their eye. The doctor is able to easily get the metal shaving out with some tweezers. Is this recordable?



### KNOWLEDGE CHECK

 An employee is using a grinder and gets a metal shaving in their eye. The doctor is able to easily get the metal shaving out with some tweezers. Is this recordable?

• Yes.



#### **KNOWLEDGE CHECK**

An employee leaving work at 10pm, slips on ice in the parking lot and hurts their hip. They are seen in the ER where they get X-rays, and it's determined that its only a bruise and they are told to treat with overthe-counter medications. Due to a busy ER, they are not released from the ER until 6am. Is this recordable? Explain



- An employee leaving work at 10pm, slips on ice in the parking lot and hurts their hip. They are seen in the ER where they get X-rays, and it's determined that its only a bruise and they are told to treat with overthe-counter medications. Due to a busy ER, they are not released from the ER until 6am. Is this recordable? Explain
  - Not a recordable case. Even though they were there overnight they were not admitted so it is not recordable.

#### NON-COMPLIANCE RISKS

- Insufficient recordkeeping citations = \$1,000 per incident per form per year.
- Willful violations (deliberately avoiding to record) can exceed into the thousands.
- Withholding requested log information = \$7,000 per each incident.
- Each year the Occupational Safety & Health Administration (OSHA) issues over \$40 Million in fines to non-compliant organizations. Many of these fines are for paperwork that is not filled out correctly, including the OSHA Form 300 / 300A and 301.



#### OSHA RECORDKEEPING SERVICES

- OSHA Recordkeeping Service
  - For Ohio clients we monitor your BWC claims and update your logs as needed.
  - We can go back and create past logs.
  - For clients with locations outside of Ohio we would get information from your insurance company and update your logs as needed.



# QUESTIONS?

#### Sheakley Risk & Safety Solutions

One Sheakley Way Cincinnati, OH 45246 Dave Kroll 513.618.1169 x6332 david.kroll@sheakley.com

### INTERESTED IN ADDITIONAL TRAINING?

- OSHA Recordkeeping Compliance Webinars
  - November 15 from 10:00am-12:00pm
  - December 14 from 12:30pm-2:30pm

To register visit <u>www.sheakley.com</u> and click on Events & Training.





## **SHEAKLEY RISK & SAFETY SOLUTIONS**

#### **DRUG-FREE SAFETY PROGRAM**

- Employee Education & Supervisor Training
- Drug & Alcohol Program Management
  - Online Testing Portal
  - Random Consortium Management
- Policy Development

#### **DEPARTMENT OF TRANSPORTATION**

- Driver Qualification File Maintenance
- Authority Forms
- Drug & Alcohol Program Management
  - Online Testing Portal
  - FMCSA Clearinghouse/TPA
  - Random Consortium Management
  - Policy Development

#### **OSHA RECORDKEEPING**

- 300 Log Management
- 24-hour Online Access
- Online Reporting
- OSHA Visit/Citation Support

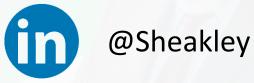
#### WORKPLACE SAFETY

- Full Suite of OSHA Trainings
- Risk Assessments
- Project Safety Inspections
- Policy Development
- Full OSHA Program Support

#### **STAFFING**

- Temporary to permanent placement of safety professionals
- Employment Gap Staffing (we can sit-in while you fill open positions)
- Capable of staffing any size project nationwide
- Short-term and long-term projects

## FOLLOW US ON SOCIAL MEDIA







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