

OSHA RECORDKEEPING REQUIREMENTS

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These materials were developed by K & A First Aid, LLC, and are intended to assist employers, workers, and others as they strive to improve workplace health and safety. While we attempt to thoroughly address specific topics, it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in a presentation of this nature. Thus, this information must be understood as a tool for addressing workplace hazards, rather than an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards. Likewise, to the extent that this information references practices or procedures that may enhance health or safety, but which are not required by a statute, regulation, or standard, it cannot, and does not, create additional legal obligations. Finally, over time, OSHA may modify rules and interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA's website at www.osha.gov.

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AGENDA

- Contractors
- Definitions/Rules
- What is recordable?
 - Examples
- Paperwork

AGENDA

- Special circumstances
- Who is covered
- Access to records
- Miscellaneous (time permitting)

AGENDA

- Miscellaneous (time permitting)
 - Exemptions
 - Multiple business establishments
 - Employee involvement
 - Reporting requirements
 - Travel
 - Working at home
 - Parking lots, rec clubs, etc.
 - State programs

Who are you responsible for?

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

Definitions/Rules

- Establishments
- First aid/Medical treatment
- Days away case
- Restricted work case
- Job transfer
- Injury vs. illness
- Pre-existing condition
- How to count days

Establishments

A physical location where business is conducted or where services or operations are performed.

Distinctly different activities at the same physical location should be treated as separate establishments.

1st AID

- Using nonprescription medication at nonprescription strength
- Tetanus immunizations
- Cleaning, flushing, or soaking surface wounds
- Wound coverings, butterfly bandages, Steri-Strips



1st AID

- Hot or cold therapy
- Non-rigid means of support
- Temporary immobilization device used to transport accident victims
- Drilling of fingernail or toenail, draining fluid from blister
- Eye patches




1st AID

- Removing foreign bodies from eye using irrigation or cotton swab
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means




1st AID

FIRST AID



- Finger guards
- Massages
- Drinking fluids for relief of heat stress





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Medical treatment

- 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






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Days away case

- 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






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Days away case

- 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






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Days away case

- Day counts (days away 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






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Restricted work case

- Not workday
- 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





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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

Injury vs. Illness

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.

Pre-existing condition

- A pre-existing injury or illness is significantly aggravated when an event or exposure in the work environment results in any of the following (which otherwise would not have occurred):
 - Death
 - Loss of consciousness
 - Days away, days restricted or job transfer
 - Medical treatment

WHAT

HOW

WHAT IS RECORDABLE?



- A case is considered work-related if an event or exposure in the work environment either caused or contributed to the resulting condition
- A case is considered work-related if an event or exposure in the work environment *significantly* aggravated a pre-existing injury or illness

WHAT IS RECORDABLE?



- Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment

WHAT IS RECORDABLE? (New Case?)

- A case is new if:
 - The employee has not previously experienced a recordable injury or illness of the same type that affects the same part of the body



WHAT IS RECORDABLE? (New Case?)

- or a case is new if:
 - The employee previously experienced a recordable injury or illness of the same type that affects the same part of the body, but had recovered completely and an event or exposure in the work environment caused the signs and symptoms to reappear



WHAT IS RECORDABLE? (New Case?)

- 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)

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WHAT IS RECORDABLE? (Exemptions)

- Present as a member of the general public
- Symptoms arising in work environment that are solely due to non-work-related event or exposure
- Voluntary participation in wellness program, medical, fitness or recreational activity
- Eating, drinking or preparing food or drink for personal consumption



WHAT IS RECORDABLE? (Exemptions)

- 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

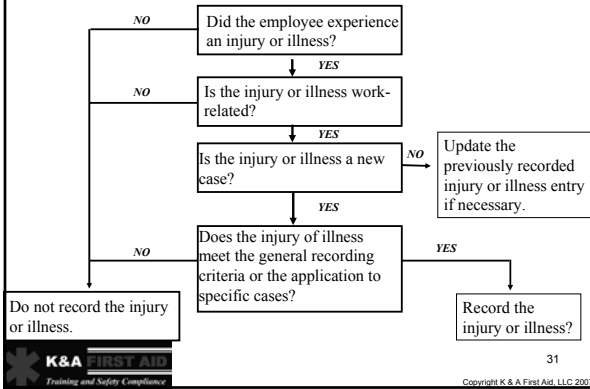
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WHAT IS RECORDABLE? (Exemptions)

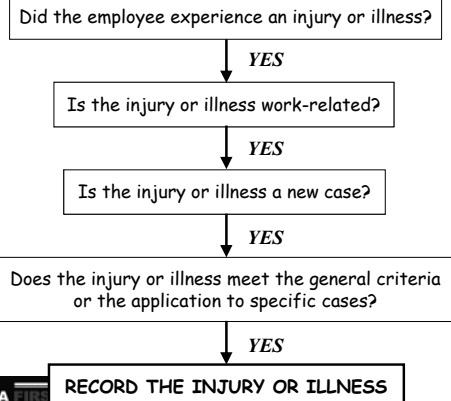
- Common cold or flu
- Mental illness, unless employee voluntarily provides a medical opinion from a physician or licensed health care professional (PLHCP) having appropriate qualifications and experience that affirms work-relatedness

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WHAT IS RECORDABLE?



OSHA INJURY AND ILLNESS RECORDKEEPING 5 STEP PROCESS



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

Scenario A:

A worker reports to nurses' station with complaint of painful wrists. Employee given 2 Advil™ and returned to job.

Stop Here
OR
Go On To The Next Step?

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

Scenario B:

There is a chlorine gas leak at XYZ establishment and the two employees in the area are rushed to the hospital. They are told to stay home the next day as a precautionary measure.

Stop Here
OR
Go On To The Next Step?

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

Scenario A:

Employee gives blood at voluntary employer-sponsored blood drive and passes out (loss of consciousness).

Stop Here
OR
Go On To The Next Step?

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

Scenario B:

Employee sprains ankle in company parking lot on his way in to work.

Stop Here
OR
Go On To The Next Step?



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

Scenario C:

Employee slips and falls in hallway, breaking arm while working on daughter's science project on Saturday, employee's day off.

Stop Here
OR
Go On To The Next Step?



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

Scenario A: Five weeks ago, employee sprained wrist at work and received support, prescription medication, and "light duty." Two weeks ago employee was back on normal job and completely recovered. Today (5 weeks after the injury) employee complains of pain in same wrist after moving boxes.

Stop Here
OR
Go On to the Next Step?



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

Scenario B: Five weeks ago, employee sprained wrist at work and received support, prescription medication, and "light duty." Two weeks ago, employee was back on normal job, but continued to take prescription medication. Today (5 weeks after the injury) employee complains of pain in same wrist after moving boxes.

Stop Here
OR
Go On to the Next Step?



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

Scenario C: Employee fractures foot at work. Every six months or so it bothers him and he is placed on light duty for a day or two.

Stop Here
OR
Go On to the Next Step?



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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
- Transfer to another job
- Medical treatment beyond first aid
- Loss of consciousness
- Significant injury or illness diagnosed by a PLHCP



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Paper work

OSHA 300

OSHA 301

Other Examples

- Restriction on “non-routine” task.
- Employee can not drive.
- Time off for doctor’s visit.
- “Personal Tasks”.
- Prescription antibiotics
- HIPAA & names.
- Days waiting for diagnosis.
- Use of oxygen.
- Glue vs. “Band-aid®” brand glue.

Specific Examples

The following slides are excerpts and paraphrasing of letters of interpretation from OSHA regarding recordkeeping. The following are not meant to be the legal interpretation. See the actual letters of interpretation for the whole text.

Restriction on a "non-routine" task

An employee has a work-related occupational injury and is examined by the company physician. The employee can be returned to work, full duty; however, the employee is given a 20-pound lifting restriction, or a "do not use left hand" restriction for 3 weeks. The restriction is given because the employees may get rotated for non-routine tasks, or equipment breakdown that might occur once or twice a month. By issuing the restriction, the supervisor knows not to allow that employee to do non-routine tasks.



Reference LOI 4/25/06

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Employee can not drive

An employee is injured at work and work relationship is established for recordkeeping purposes. The employee is now not able to drive himself to work.The employer has work the employee could do if the employee could get to work. The employee stated he was not able to drive.If the employer provided transportation (even though not required by the regulation to do so), could the company count the days as restricted or must they still count the days as days away from work?



Reference LOI 4/24/06

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Time off for doctor's visits.

.....The employee's doctor states that on the days the employee has an appointment, the employee is "unable to work that date." Your question concerns whether the days used by the associate [employee] to visit the doctor for follow-up, should be considered as days away from work?



Reference LOI 11/30/05

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Personal tasks

An employee knits a sweater for her daughter during the lunch break. She lacerates her hand and needed sutures. She is engaged in a personal task. Are lunch breaks or other breaks considered "assigned working hours?" Is the case recordable?



Reference LOI 3/10/05

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Prescription antibiotics

You state that an employee was sent to the hospital to have a splinter removed and was given an antibiotic as a precautionary measure.



Reference LOI 3/10/05

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HIPAA & names

You state that employers are claiming they must remove all the names from the OSHA 300 Log before providing access in order to comply with the privacy requirements contained in the Health Insurance Portability and Accountability Act (HIPAA).



Reference LOI 4/02/04

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Days waiting for diagnosis

You state that an employee who sustained a work-related bruise on his knee was told by a physician not to return to work until undergoing an MRI, and that the employee was off work for some days before the procedure could be performed.

Use of oxygen

The OSHA panelist answered, "Under the new rule, oxygen is considered medical treatment. So, **if the person has an injury or illness**, you know, if they're exhibiting some signs of difficulty and they're given oxygen, then that's now considered medical treatment

Glue vs. "Band-aid®" brand glue

8/26/04

The use of medical glue to close a wound is not first aid, and therefore must be considered medical treatment

8/8/02

"Using wound coverings, such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-strips™ (other wound closing devices, such as sutures, staples, etc. are considered medical treatment)." Therefore, the use of wound coverings, like Band-Aid Brand Liquid Bandage™ is deemed to be first aid treatment.

Special
Circumstances

1904.7(b)(6) – Loss of Consciousness

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



1904.7(b)(7) – Significant Diagnosed Injury or Illness

- The following work-related conditions must always be recorded at the time of diagnosis by a PLHCP:
 - Cancer
 - Chronic irreversible disease
 - Punctured eardrum
 - Fractured or cracked bone or tooth

1904.8 – Bloodborne Pathogens

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



1904.9 – Medical Removal

- 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



1904.10 – Hearing Loss

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

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.

1904.10 – Hearing Loss (cont'd)

- Must compute the STS in accordance with OSHA's noise standard, 1910.95
- 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

1904.11 - Tuberculosis

- 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
- 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



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



1904.39 – Fatality/Catastrophe Reporting

- Report orally within 8 hours any work-related fatality or incident involving 3 or more in-patient hospitalizations
- Do not need to report highway or public street motor vehicle accidents (outside of a construction work zone)
- Do not need to report commercial airplane, train, subway or bus accidents

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

1904.29 – Privacy Protection

- 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



1904.29 – Privacy Protection

- 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
 - 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

1904.29 – Privacy Protection

- 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

1904.32 – Annual Summary

- A company executive must certify the summary:
 - An owner of the company
 - An officer of the corporation
 - The highest ranking company official working at the establishment, or
 - 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



1904.33 – 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

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 and multiple hospitalization 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)

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

1904.2 - Industry Exemption

- **All** industries in agriculture, construction, manufacturing, transportation, utilities and wholesale trade sectors **are covered**
- In the retail and service sectors, some industries are partially exempt
- Appendix A to Subpart B lists partially exempt industries



1904.30 – Multiple Business 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
- Each employee must be linked with one establishment



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



1904.40 – Providing Records to Government Representatives

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



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1904.5 – Travel Status

- 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



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1904.5 – Work at Home

- Injuries 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



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PARKING LOTS/EXERCISE ROOMS, REC. CLUBS

- Motor vehicle accident in parking lot/access road during commute
- Voluntary participation in wellness program, medical, fitness or recreational activity



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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

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