

Recordkeeping – Preparing for OSHA’s Enforcement Emphasis



January 26, 2010 Webinar

This webinar addressed OSHA’s special recordkeeping enforcement efforts and recordkeeping fundamentals - who needs to keep records, what needs to be kept, penalties associated with failure to comply and how to maintain records. The following is a pdf copy of the handout for that program. It is offered free to all members.

A copy of the PowerPoint file has been posted on the **NECA eSafetyLine** software website. It is available free to all subscribers. If you are currently registered for eSafetyLine, you can access it under the training section in the Accident reporting module. If you are not registered for eSafetyLine, you can contact NECA at for more information on how to subscribe to eSafetyLine.

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OSHA Recordkeeping


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Who Needs to Keep Records?

- Fast answer: Everyone!
- Records kept depends on
 - The size of the company
 - Injury/Illness records are only required for companies with 10 or more employees
 - Type of exposure


- Exposure can include
 - Type of industry your company is in
 - Construction must keep injury/illness/fatality records
 - Type of work done
 - Rigging
 - How the job is done
 - GFCI vs. Assured Grounding Program

Recordkeeping National Emphasis Program (NEP)

- OSHA's effort to address under-recorded injuries and illnesses
- Targeting low rate establishments operating in historically high rate industries
 - Animal (except poultry) slaughtering
 - Steel foundries
 - Seafood canning
 - Marine cargo handling
- Will also include a small percentage of those in construction


DART

- Basis for selection for an OSHA inspection is your Days Away, Restricted or Transferred (DART)
- Interested in those businesses with a DART **lower** than the National Average for that industry (4.2) for 2007, 2008



DART

- Purpose of NEP is to inspect the accuracy of records in LOW rate establishments
- A high DART (twice the national average) will not have records inspected but will have a limited walkaround



Inspected Records

- Medical records
- Workers' compensation records
- Insurance records
- Payroll absentee records
- Company Safety Incident reports
- Company First-Aid logs
- Alternate Duty rosters
- Disciplinary records pertaining to injuries and illnesses



- The CSHO will compare collected records to the employer's OSHA Form 300 and Form 301
- CSHO will visit any off-site clinic used for medical services
- CHSO will select employees to interview from complete employee roster
 - Selection is **NOT** random
 - Focus is on employees **MOST** likely to be injured or become ill

Recordkeeper Interview

- Designated Recordkeeper will be interviewed on the method used to record injuries and illnesses
- Purpose of interview is to assess the Recordkeeper's knowledge and understanding of OSHA's injury/illness recordkeeping requirements and determine if problems exist.



Management Interviews

- Management representatives will be interviewed about the methods used to record injuries and illnesses
- To determine the existence of incentive or disciplinary programs that may influence recordkeeping
- To determine extent that Management may influence medical treatment of injured or ill employees

- Recordkeeping NEP inspections will include a limited walkaround inspection
- CHSO will be looking for consistency with recorded injuries and illnesses but will address any violations in plain view
- CSHO may expand scope of inspection or make referral, after consulting Area office, to address other areas that may pose safety and health issues

- Employers will **NOT** be cited for over-reporting cases
- CSHO will inform employer of over-reporting and the need to eliminate these cases on the employer's OSHA Form 300 Log
 - This can affect employer's bidding procedures for future projects



What Records are Involved?

- Training
- Inspection
- Injury/Illness and Fatalities



Mandatory vs. Non-mandatory

- Mandatory
 - Specifically required by an OSHA standard
- Non-mandatory
 - NOT specifically required by OSHA but make proof of activities easier

• Mandatory Records

– **Fall Protection Training - 1926.503(b)(1)**
employer shall verify compliance with paragraph (a) of this section by preparing a **written certification record**. The written certification record shall.....

Other Mandatory Records

- Medical and Exposure Records (defined in 1926.33)
 - Exposure records (MSDSs, Noise Levels, Chemical monitor such as lead.)
 - Medical Records (First Aid, summary of tests or physician's analysis, etc.)
 - Must be kept for 30 years AFTER employment ends
- Cranes
 - must be inspected AND recorded

• Non- Mandatory Record

- **Hazard Communication 1910.1200(h)**
"Employee information and training."
 Employers shall **provide employees with effective information and training** on hazardous chemicals in their work area....

Training Records

- Proves training was done for
 - Specialty equipment
 - Specific site hazards
 - Fall protection
 - PPE
- Should include
 - Topic covered
 - Training date
 - List of participants
 - Trainer



Inspection Records

- Proves inspections occurred for
 - Job-site hazard inspection
 - Equipment or motor vehicle inspections
- Should include
 - What was inspected
 - Inspection date
 - Inspector's name
 - Reason for inspection



Injury/Illness Records

- Most common mandatory records
- Compiled using OSHA forms
 - 300- Injury/Illness Log
 - 300A- Injury/Illness Summary
 - 301- Individual Incident Report
- 300A must be posted at each job site from February 1st – April 30th

Recordkeeping Standard 29 CFR § 1904

- Requires employers to record and report work-related fatalities, injuries and illnesses
- Does not:**
 - Indicate fault,
 - prove an OSHA rule has been violated, or
 - determine eligibility for workers' comp benefits.

OSHA INJURY AND ILLNESS RECORDKEEPING 5 STEP PROCESS



Step 1

- Did the employee experience an injury or illness?
 - an abnormal condition or disorder
 - Injury (ex. cut, fracture, sprain, or amputation)
 - Illnesses (skin disease, respiratory disorder, or poisoning)



Step 2

- Is the injury or illness work-related?
 - presumed for injuries and illnesses resulting from events or exposures occurring in the **work environment**.
 - presumed if an event or exposure in the work environment is an obvious cause or of a significant aggravation to a pre-existing condition.



Work Environment

- establishment and other locations where one or more employees are working or present as a condition of employment
- Includes
 - physical location or
 - anywhere equipment or materials are used by employees during the course of their work



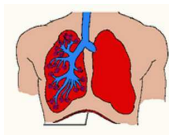
Significant Aggravation

- 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



Exceptions to Work-Relatedness

- Being a member of the general public
- Injury/illness results from a preexisting condition
 - Diabetes
 - Asthma
- Some aspects of work travel
- Complete list of exceptions in 1904.5



Step 3

- Is the injury or illness a new case?
 - employee has not previously experienced a recorded injury or illness of same type that affects same part of the body
 - employee previously experienced recorded injury or illness of same type that affected the same part of body but had recovered completely from previous injury or illness and an event or exposure in the work environment caused signs or symptoms to reappear

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)



Step 4

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

- Death
- Days away from work
- Restricted work activity
- Transfer to another job
- Medical treatment beyond first aid
- Loss of consciousness



Days Away Cases

- Cases are recorded if
 - case involves one or more days away from work
- Day of injury/illness not included in count



• Day counts (days away or days restricted)

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



1904.7(b)(4) - Restricted Work Cases

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

Restricted Work Cases

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



Job Transfer

- Job transfer
 - Injured/ill employee assigned to job other than his or her regular job for part of day
 - Recordable if injured/ill employee performs his or her routine job duties for part of day and assigned to another job for rest of the day



1904.7(b)(5) – Medical Treatment

- Medical treatment is 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



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



Step 5

- Record the injury or illness
- 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*

Forms

- Each recordable case must be on the forms within 7 calendar days of receiving information that a recordable case occurred
- An equivalent form can be used if it
 - Contains same information
 - is as readable and understandable
 - uses the same instructions as the OSHA form it replaces



- 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)



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



- 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



1904.30 – 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

