Understanding Recordabilty Reportability **Electronic Reporting**

Frank Baxter, Construction Risk Partners
James Harrity, US Dept of Labor - OSHA

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OSHA Recordability and Reportability

- At the end of this presentation participants will be able to correctly identify
 - What is medical treatment compared to first-aid
 - What is recordable and not recordable
 - How to handle two medical opinions
 - Understand how to correctly use the flow chart on determining
 OSHA recordability
 - How to determine if cases are work related
 - How to determine classification of incidents where there may be pre-existing injuries
 - How to properly count lost workdays
 - Review of OSHA Reportable cases
 - Review of OSHA Electronic Reporting



What forms must be completed?

- 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

Employers can must use either an OSHA 301 or Equivalent

<u>1904.29(a)</u> Basic requirement. You must use OSHA 300, 300-A, and 301 forms, or equivalent forms, for recordable injuries and illnesses.



Recording Criteria

- Covered employers must record each fatality, injury or illness that:
 - Is work-related, and
 - Is a new case, and
 - Meets recordability





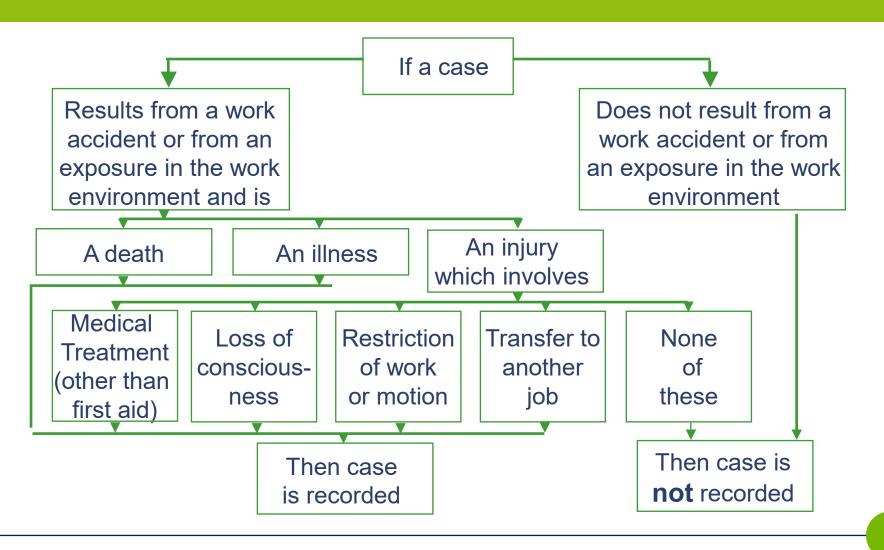
Work Relatedness

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





How OSHA defines a recordable injury or illness



How OSHA defines a recordable injury or illness

- Any work-related fatality;
- Any work-related injury or illness that results in any of the following:
 - loss of consciousness;
 - days away from work, restricted work, transfer to another job (DART);
 - medical treatment beyond first aid;
 - occupational illnesses including cases of cancer, chronic irreversible diseases;
 - fractured or cracked bones or teeth, and punctured eardrums



Criteria for Recordability

- Medical
- Restricted
- Job Transfer
- Lost Time
- Fatality



Criteria for Recordability

– What is the definition of medical treatment?

Anything that is beyond first-aid



Criteria for Recordability

Procedure	First-Aid (Not Recordable)	Medical (Recordable)		
Oxygen	Oxygen administered purely as a precaution measure to an employee who does not exhibit any symptoms of an injury or illness	Oxygen administered to an employee exposed to a substance who exhibits symptoms of an injury or illness		

Bruises/contusions Soaking therapy Draining of bruises with a needle Hot or cold therapy

Draining fluid from a blister Any condition that results in days Burns. skin rashes, away from work, restricted work, blister transferred, or medical treatment beyond first-aid.

Procedure	First-Aid (Not Recordable)	Medical (Recordable)		
Medication	Given at non-prescription strength whether in ointment, cream, pill, liquid, spray, or any other form	 Prescription medication, whether given once or over a longer period of time Prescription medication whether that prescription was filled or not Nonprescription medication given at prescription strength 		
Visits to health care professional	 Visits solely for observation, testing, or to evaluate diagnostic decisions Visits solely for counselling Diagnostic procedures, including medications used solely for diagnostic purposes Procedures defined as first-aid 	 Any condition that is treated, or that should have been treated with a treatment beyond first-aid 		
Cuts, lacerations, puncture and abrasions	 Wound coverings and or bandaging by any medical personnel Liquid bandage Cleaning, flushing or soaking wounds on the surface of the skin Using wound coverings such as bandages, Band-Aids™, gauze pads, etc. or using butterfly bandages or Steri-Strips 	 Sutures (stitches) Staples Surgical glue Treatment for infection with prescription meds or any visit Application of prescription antiseptic or non-prescription antiseptic at prescription strength Surgical debridement (cutting away dead skin) 		

Procedure	First-Aid (Not Recordable)	Medical (Recordable)		
Massages	 Non-chiropractic treatment, a massage without spinal manipulation or treatment of surrounding structures 	 Physical therapy or chiropractic treatment such as spinal manipulation or treatment of surrounding structures 		
Eye injury	Eye stain used to diagnose a scratched corneaEye patches	• Prescription anti-bacteria ointment for the eye		
Giving fluids	Drinking fluids for relief of heat stress	IV fluids for relief of heat stress		
Splinters	 Removing foreign bodies form the eye using only irrigation or a cotton swab Removing splinter for foreign material from areas other than the eye(s) by irrigation, tweezers, cotton swabs or other simple means (needles, pins, or small tools) 	Foreign bodies that require more than simple means to remove because of their location, depth of penetration, size or shape		

Procedure	First-Aid (Not Recordable)	Medical (Recordable)		
Strains, sprains and dislocations	 Hot or cold therapy Any non-rigid means or support, such as elastic bandages, wraps, and non-ridge back belts, etc. Finger guard Temporary immobilization devices which being transporting an accident victim (e.g. splints, slings, neck collars, backboard, etc.) 	 Casts or immobilization with ridge stays Chiropractic manipulation Physical therapy 		
Loss of consciousness	 Loss of consciousness due solely to epilepsy, diabetes, narcolepsy, or other personal health condition Due to voluntary participation in wellness or similar program (e.g. company sponsored blood drive) 	Loss of consciousness which results from a workplace event or exposure (e.g. chemical, heat, an oxygen deficient environment, a blow to the head)		





Number 1: Medical **glue** was applied to close lacerations.

* also known as surgical glue





1904.7(b)(5)(ii)(D) — Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™**

Note: other wound closing devices such as sutures, staples, etc., are considered medical treatment

**the use of wound coverings, like Band-Aid Brand Liquid Bandage™ is deemed to be first aid treatment.





Number 2: Butterfly **bandages** were applied to multiple lacerations.





1904.7(b)(5)(ii)(D) - Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips





Number 3: **Drilling** a fingernail to drain the fluid and relieve the pressure





1904.7(b)(5)(ii)(H) - Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;





Number 4: One-time administration of **oxygen** for several minutes for employee demonstrating respiratory illness.





07/28/2009 – Letter of interpretation – If oxygen is administered as a purely precautionary measure to an employee who does not exhibit any symptoms of an injury or illness, the case is not recordable. If the employee exposed to a substance exhibits symptoms of an injury or illness, the administration of oxygen makes the case recordable.





Number 5: One time administration of **prescription** medication to alleviate minor discomfort.





1904.7(b)(1)(iv) - Medical treatment beyond first aid. See § 1904.7(b)(5).





Number 6: Employee injures back at work and has one chiropractic adjustment.





1904.7(b)(5)(ii)(M) - Using massages (physical therapy or **chiropractic treatment** are considered medical treatment for recordkeeping purposes)





Number 7: Worker gets hit in the chest and is sent for x-ray for a potential broken rib. The x-ray indicates the **rib is not broken**.





1904.7(b)(5)(i)(B) - The conduct of **diagnostic procedures**, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or 1904.7(b)(5)(i)(C)





Number 8: Adding drops to eye(s) in order to dilate pupils for **diagnostic** purposes.





1904.7(b)(5)(i)(B) - The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or 1904.7(b)(5)(i)(C)





Number 9: Employee has **work related** elbow pain and is given **non-prescription pain medication at prescription strength**.





1904.7(b)(5)(ii)(A) - Using a non-prescription medication at nonprescription 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);



How to handle a work-related injury with two competing medical diagnoses



- A carpenter comes to your trailer complaining of back pain after lifting some drywall.
- You send him to the preferred Occupational Clinic where he was examined and released to full duty and given over the counter medication for the pain.
- The next day he doesn't show up, and you find out he went to his own chiropractor on the day of his injury where he was examined and was placed on "Not Fit for Duty" for three days.



How would you classify this injury?

- A. Lost Time Injury based on the Chiropractor's discharge orders.
- B. Follow the initial Medical Doctor's discharge orders and classify this injury as first-aid.



If you have **two contemporaneous medical orders**, and the two exams were done on the **same day** of the injury, **the employer** should choose the opinion that is **more authoritative**

A Physician other Licensed Health Care Practitioner (PLHCP) at an Occupational Health Clinic OR
a Chiropractor

Contemporaneous means within the same period of time, concurrent



How about two Doctors who do not agree?

If you have two medical orders, and the two exams were done on the day of the injury, the **employer** should choose the opinion that is more authoritative.

As long as the Medical Discharge orders from the second Doctors come **BEFORE** the worker loses time.



Doctor A, exams the employee and discharges the injury worker with three days "No Work" and

Doctor B, also exams the employee on the same day and discharges the injured worker to Fit for Full Duty

As long as the Medical Discharge orders from the second Doctors come **BEFORE** the worker loses time.

https://www.osha.gov/pls/oshaweb/owadisp.show_docume nt?p_table=INTERPRETATIONS&p_id=27683



Two Medical Opinions- In Review

- If medical treatment was given
 - Recordable medical only
- If worker lost day(s), prior to the second opinion
 - Lost time
- If worker returned unable to perform one or more of his/her duties
 - Restricted

The first 24 hours are critical to manage cases



Aggravated Pre-Existing Injury

- If an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness.
- Work relatedness is presumed for ALL injuries and illnesses resulting from events or exposures occurring in the work environment,





Significant Aggravation

- 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

Accident investigation MUST be done to determine the facts





Significant Aggravation

If someone strains their shoulder and is sent to the clinic and is given medical treatment beyond first-aid

The Doctor discovers through his exam that a month ago the worker injured his shoulder from a soft ball game

Accident investigation determines while working on the job this worker injured the same shoulder as the soft ball injury

How would be report this case?

 Whether we like it or not, this would be reported as an OSHA Recordable injury.



Recording Number of Days

Using the scenario and calendar on the next slide, calculate the number of days away from work and the number of days which involve job restriction and/or transfer,

Determine the number of days away, restricted or transferred as a result of the injury/illness. Use the scenario described below to complete the decision-making process for determining days away or days restricted/transferred.



Recording Number of Days

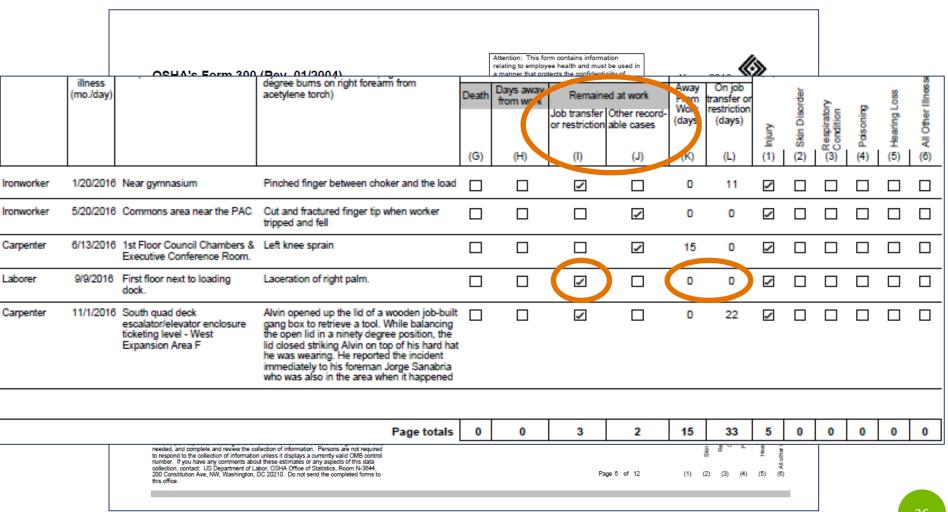
On Monday, January 14 at 7:05 a.m., 5 minutes after starting work, Pete Jones, a laborer for ABC Contactors tripped on rebar and fell. Pete suffered a bad sprain to his right leg and was sent to the doctor. Pete returned to work on the 18th as <u>directed by the doctor</u>.

On Monday, the 21st, Pete phoned in. The leg was still a problem and Pete was returning to the doctor's office. Pete was again released by the doctor and returned to work on the 23rd with the doctor's permission, but had to stay off the foot. Pete was given restricted duty and work that allowed him to remain seated with his right leg raised on a support. Pete was able to return to his regular duties on the 30th.

Sun	Mon	Tues	Wed	Thu	Fri	Sat
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			



So why is complete reporting important?





Let's Test Your Knowledge





Let's Test Your Knowledge

- Questions will come up one at a time
- You are to use your computer to answer each question
- NO ONE will see your exact answer to the questions, but the overall results will be shared at the end of each question as a percent
- If you have questions about the any of the questions or answers, go ahead and send a message.



- Employee who normally carries boxes, sprained his right wrist when he fell over a box
- The doctor said that the employee was not to use his right arm for the next two days
- The employee's scheduled work requires him to only use his left arm for the next week and he was able to continue working
- No days away from work
- The employee's routine job functions include tasks that require the use of both arms

How would you record this injury?

- Recordable
- Not Recordable

Recordable - Preamble 5979, 1904.7(b)(4)(I)(A), Job restriction, Injury (2 days job restriction) — **Because of the employee's routine job function included tasks that require the use of both arms**.



- On 2/4 a Clerk from the Accounting Department slipped on ice in the parking lot while leaving work to attend a business meeting
- Strained her left ankle and was off work until 2/6

How would you record this injury?

- Recordable because the worker was on their way to a business meeting
- Not Recordable because it happen in the parking lot

Recordable - Preamble 5956 and 5960, 1904.7(b)(3), Days away, Injury (2 days away).



- A Steamfitter, developed flash burn in both eyes when forgetting to use the welding shield
- Received prescription medication
- No days away from work

How would you record this injury?

- Not Recordable because the worker should have known better
- Recordable because this was a work-related injury

Recordable - Preamble 5982, 1904.7(b)(5), Other recordable cases, All other illnesses



- You hire non-union laborers from a Temp Agency called Short Timers for two weeks to work directly for your Laborer Foreman
- One of the laborers hired broke his left wrist from a fall and was sent to doctor at 11:00 a.m. He is unable to work for 5 days
- This person is on Short Timer's payroll and they are responsible for the worker's compensation claim; however, the employee is supervised by your foreman

How would you record this injury? Recordable or Not Recordable

Recordable - Preamble 6037, Days away, Injury (5 days away)

Whose OSHA logs should this laborer's injury show up on?

Short Timers or Yours

Your OSHA Log - 1904.31 Covered Employees – Temp help agencies should not record the cases experienced by temp workers who are supervised by the using firm.



- Carpenter falls off of a ladder
- Project team calls 911 and an ambulance takes the Carpenter to the local trauma center
- The trauma center completes a series of diagnostic procedures
- All diagnostic procedures including an x-ray showed negative results (nothing broken)
- Worker was given ice packs and discharged to Full Duty

How would you record this injury?

- Recordable
- Not Recordable

Not Recordable - No medical treatment beyond first-aid and diagnostic procedures are NOT medical treatment



- A forklift operator broke his right large toe when the forklift ran over his foot
- He was unable to walk, but was able to drive the forklift
- He had another employee do work for him which required walking for 4 days
- No days away from work

How would you record this injury?

- Recordable Medical Only
- Recordable Restricted
- Not Recordable

Recordable - Recordable - Preamble 5991, Job restriction, Injury (4 days job restriction)



- Crane Operator on a bridge project gets foreign object in right eye (not embedded)
- Doctor releases the Operator to full duty
- Crane Operator did not return for 2 days because of eye pain

How would you record this injury?

- Not Recordable
- Recordable Medical Only
- Recordable Lost Time

Not Recordable - Preamble 5982



 A Project Executive was on a business trip to New Orleans and had completed his meeting for the day. While relaxing in his hotel room, an earthquake shook the hotel and the PX sustained severe head injuries. Off work 1 month.

How would you record this injury?

- Not Recordable
- Recordable Lost Time of 1 month

Not Recordable - Preamble 5961



- At 10:00 am break, one of our subcontractor employees started to choke on a sandwich, fell back and hit their head
- 911 was called
- Hospitalized for 2 days

How would you record this injury?

- Not Recordable
- Recordable Lost Time of 2 Days

Not Recordable - Preamble 5951, 1904.5(b)(2)(iv)



- Subcontractor carpenter twists his knee while walking across the project site
- Carpenter was sent to an Occupational Clinic, given a steroid shot, and released to full duty
- Four days later, a second physician concluded that the knee condition was non-occupational because there was no mechanism of injury, no aggravating factors, and no significant event in the work environment that caused or contributed to his knee condition based on the section 1904.5 (b)(2)(ii) work-related exception.

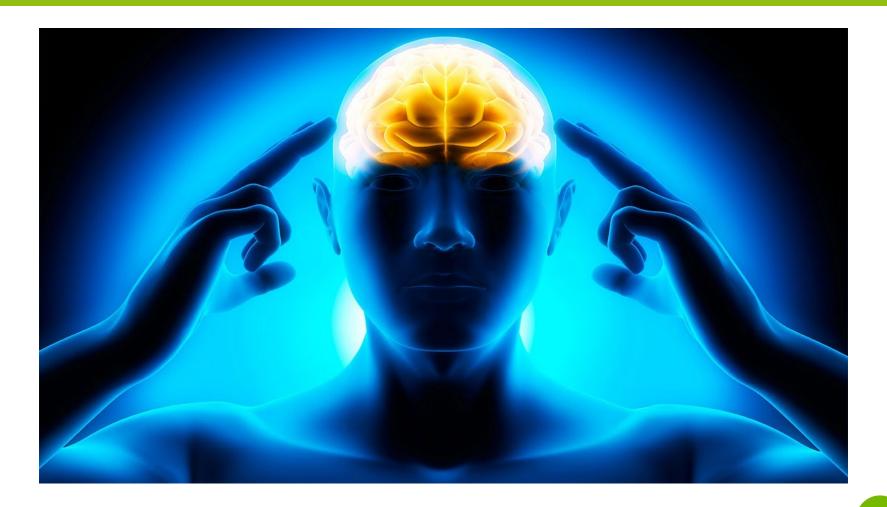
How would you record this injury?

- Not Recordable
- Recordable

Continued ...



Let's Test Your Knowledge







OSHA Form 300: Recording a Fatality

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OSHA's Form 300 (Rev. 01/2004) Log of Work-Related Injuries and Illnesses information about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond irist aid. You must also record significant work-related injuries and illnesses that are diagnosed by a objection or licensed health care professional. You must also record significant work-related injuries and illnesses that are diagnosed by a objection or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR 1904.8 through 1904.12. Feel free to use two least of the extent possible while the information is being used for occupational safety and Health Administration. Cocupational Safety and Health Administration Form approved OMB no. 1218-0178 Establishment name Establishment name City State CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase: CHECK ONLY ONE box for each case based on the most serious outcome for that oase:	1 Mark Ba	agin	Welder	5/25	basement	fell from ladder	1						/					
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OSHA Form 300: Recording a Case with Days Away From Work

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OSHA Form 300: Recording a Case with Restricted Work Activity or Job Transfer

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OSHA Form 300: Recording a Case with Medical Treatment beyond First Aid

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No.		(e.g., Welder)	injury or onset of illnoce (mo./day)	occurred (e.g. Loading dock north end)	parts of body affected, and object/substance that directly injured or made person ill (e.g. Second degree burns on	Death	Days away from work		ed at work Other record-	Away From Work	On job transfer or restriction	(M) ≥	Skin Disorder	Respiratory Condition	Poisoning	Hearing Loss	All other illnesse:	
					right forearm from acetylene torch)		4.5	/ restriction	able cases	(days)	(days)	Injury			_		_	
1	Mark Bagin	Welder	5/25	basement	fell from ladder	(G)	(H)	(1)	(1)	(K)	(L)	(1)	(2)	(3)	(4)	(5)	(6)	
		Foundry man		pouring dock	poisoning from lead fumes		,			12		•			_			
3	Sam Sander	Electrician	8/5	2nd floor storeroo	sprained left foot, fell over box			/			10							
4	Ralph Boccella	Laborer Machine	9/17	packaging departπ production	back strain lifting a box		✓			5	14							
5	Jarrod Daniels	operator	10/23	floor	dust in eye				1			1						
	1		1	1	I	I	ı			ı		I						



OSHA Form 301: Injury and Illness Incident Report

OSHA's Form 301 Injury and Illness Incident Report

Attention: This form contains information employee health and must be used in a ma protects the confidentiality of employees to possible while the information is being used occupational safety and health purposes.

This Injury and Illness Incident Report is one of the first forms you must fill out when a recordable workrelated injury or illness has occurred. Together with the Log of Work-Related Injuries and Illnesses and the accompanying Summary, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.

Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form.

According to Public Law 91-596 and 29 CFR 1904, OSHA's recordkeeping rule, you must keep

Information about the employee	Information about the case
1) Full name 2) Street Gity StateZIP	10) Case number from the <i>Log</i> 11) Date of injury or illness 12) Time employee began work
3) Date of birth//	14) What was the employee doing Just I tools, equipment, or material the employee carrying roofing materials"; "spraying roofing materials";
Information about the physician or other health care professional 6) Name of physician or other health care professional	15) What happened? Tell us how the injufell 20 feet"; "Worker was sprayed wideveloped soreness in wrist over time





OSHA Form 300A: Summary of Work-Related Injuries and Illnesses

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



Summary of Work-Related Injuries and Illnesses

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 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Ca	ises		
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 Da	ays		
Total number of day from work		tal number of days of job nsfer or restriction	
(K)	_	(L)	
Injury and III	ness Types		
Total number of			
) Injuries		(4) Poisonings (5) Hearing loss	
Skin disorders Respiratory condition	ons	(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 58 minutes per response, including time to review the instructions, search and 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 these estimates or any other aspects of this data collection, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

Establishment information Industry description (e.g., Manufacture of motor truck trailers) Standard Industrial Classification (SIC), if known (e.g., 3715) North American Industrial Classification (NAICS), if known (e.g., 336212) Employment information (If you don't have these figures, see the Worksheet 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.



OSHA Form 300A: Summary of Work-Related Injuries and Illnesses

Number of C	ases		
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)	(1)	(J)
Number of D	Jays		
Total number of da from work		otal number of days of job ansfer or restriction	
(K)	_	(L)	
Injury and II	lness Types		
Total number of			
(1) Injuries		(4) Poisonings	
(e) \$1.:- 1:1		(5) Hearing loss	
(2) Skin disorders		(6) All other illnesses	
(3) Respiratory conditi	ions		

Post this Summary page from February 1 to April 30 of the year following the year cover

Public reporting burden for this collection of information is estimated to average 58 minutes per response, including time to review the in complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a comments about these estimates or any other aspects of this data collection, contact: US Department of Labor, OSHA Office of Statistical Washington, DC 20210. Do not send the completed forms to this office.





OSHA Form 300A: Summary of Work-Related Injuries and Illnesses (continued)

Establishment information Your establishment name Street City Industry description (e.g., Manufacture 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 Worksheet on the back of this page to estimate.) Annual average number of employees Total hours worked by all employees last year Sian 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 Name and address

Industry Description, i.e. Construction Manager

Industry SIC Code i.e. Construction = 1542

Industry NAICS Code i.e. Construction = 236220

The amount of average employees for the year and total work hours for the year

Signed and dated by Company Executive

Who must sign the OSHA 300A

- 1904.32(b)(3)How do I certify the annual summary? <u>A company executive</u> must certify that he or she has examined the OSHA 300 Log and that he or she reasonably believes, based on his or her knowledge of the process by which the information was recorded, that the annual summary is correct and complete.
- 1904.32(b)(4)Who is considered a company executive? The company executive who certifies the log must be one of the following persons:
- 1904.32(b)(4)(i)An owner of the company (only if the company is a sole proprietorship or partnership);
- 1904.32(b)(4)(ii)An officer of the corporation;
- 1904.32(b)(4)(iii)The highest ranking company official working at the establishment; or
- 1904.32(b)(4)(iv)The immediate supervisor of the highest ranking company official working at the establishment.

Post-Accident Drug and Alcohol testing October 11, 2018 Memo from Kim Stille, Acting Director Enforcement Programs

In addition, most instances of workplace drug testing are permissible under § 1904.35(b)(1)(iv). Examples of permissible drug testing include:

- Random drug testing.
- Drug testing unrelated to the reporting of a work-related injury or illness.
- Drug testing under a state workers' compensation law.
- Drug testing under other federal law, such as a U.S. Department of Transportation rule.
- Drug testing to evaluate the root cause of a workplace incident that harmed or could have harmed employees. If the employer chooses to use drug testing to investigate the incident, the employer should test all employees whose conduct could have contributed to the incident, not just employees who reported injuries.

To the extent any other OSHA interpretive documents could be construed as inconsistent with the interpretive position articulated here, this memorandum supersedes them.

OSHA Reportability



1-800-321-6742 (OSHA).

Type of Incident	Reporting Requirement Effective January 1, 2015
Work-related fatality	Report to OSHA within eight hours (if fatality occurs within 30 days of the incident).
Work-related in-patient hospitalization of one or more employees	Report to OSHA within 24 hours (if hospitalization occurs within 24 hours of the incident).
Work-related amputation	Report to OSHA within 24 hours (if amputation occurs within 24 hours of the incident).
Work-related loss of an eye	Report to OSHA within 24 hours (if loss occurs within 24 hours of the incident).



Electronic Reporting to OSHA



OSHA Electronic Reporting Compliance Date Approaches

OSHA has issued a <u>final rule</u> requiring certain employers to electronically submit their 2018 OSHA Form 300A injury and illness data by <u>March 2, 2019</u>, <u>OSHA news release</u>. The agency amended the regulation to require covered employers to electronically submit their Employer Identification Number (EIN) with the information from Form 300A. The EIN will make the data more useful for OSHA and BLS, and could reduce duplicative reporting burdens on employers in the future. The requirement does not add to or change an employer's obligation to complete, retain, and certify injury and illness records. This submission deadline applies to each employer establishment - not necessarily the entire company, but every single location where the company provides services or performs operations - with **at least 20 employees**.

Table of Covered Establishments

Number of Employees	Required Electronic Submission
10 to 19	Not Covered
20 to 249 in certain high risk industries	EIN with 300A by 3/2/19
250 or more	EIN with 300A by 3/2/19



Electronic Reporting to OSHA



- Construction falls in the High-Risk Industry
- Projects that are in place for over a year, and at any time has assigned 11 employees would be considered an establishment and would be required to submit an Electronic Report.
- The injures and illness would be subtracted from the corporate report.
- Joint Ventures, who every has the lead would have to count the injuries and illnesses.



OSHA Electronic Reporting Requirements

https://www.osha.gov/injuryreporting/index.html







ANNOUNCEMENTS

March 2, 2019, is the deadline for electronically reporting your OSHA Form 300A data for calendar year 2018. Collection will begin January 2, 2019.

OSHA published a Final Rule to amend its recordkeeping regulation to remove the requirement to electronically submit to OSHA information from the OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and OSHA Form 301 (Injury and Illness Incident Report) for establishments with 250 or more employees that are required to routinely keep injury and illness records. Covered establishments are only required to electronically submit information from the OSHA Form 300A (Summary of Work-Related Injuries and Illnesses). The requirement to keep and maintain OSHA Forms 300, 300A, and 301 for five years is not changed by this Final Rule.

Remember, not all establishments are covered by this requirement. To review which establishments need to provide their data, click

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Resources

- Recordkeeping web page (https://www.osha.gov/recordkeeping)
- Q&A Search web page
 (https://www.osha.gov/recordkeeping/faq_search/index.html)
- Local OSHA Offices
 https://www.osha.gov/html/RAmap.html)
- E-correspondence/Contact us (https://www.osha.gov/html/Feed_Back.html)
- OSHA Recordkeeping Handbook
- (https://www.public.navy.mil/NAVSAFECEN/Documents/OSH/Safety Officer/OSHA_3245_REVISED.pdf









Reporting and Recording of Work Related Cases of Coronavirus Disease 2019 (COVID-19)

Jim Harrity, CAS
MACSC Meeting January 8, 2021

Disclaimer

This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others improve workplace health and safety. While we attempt to thoroughly address specific topics [or hazards], it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in this presentation. This information is a tool for addressing workplace hazards, and is not an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards. This document does not have the force and effect of law and is not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. It does not create (or diminish) legal obligations under the Occupational Safety and Health Act. Finally, OSHA may modify rules and related 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

Recording and Reporting



- 1904.5(b)(2) Are there situations where an injury or illness occurs in the work environment and is not considered work-related? Yes, an injury or illness occurring in the work environment that falls under one of the following exceptions is not work-related, and therefore is not recordable.
- 1904.5(b)(2) You are not required to record injuries and illnesses if . . .

VIII- The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work).



OSHA – recordkeeping



- COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if all of the following are met:
 - The case is a confirmed case of COVID-19 (see CDC information on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19);
 - The case is work-related, as defined by 29 CFR 1904.5; and
 - The case involves one or more of the general recording criteria set forth in 29 CFR 1904.7 (e.g., medical treatment beyond first-aid, days away from work).
- OSHA is providing enforcement discretion around recordkeeping for most sectors.







OSHA April 10, 2020 Memorandum- Enforcement Guidance for Recording Cases of Coronavirus Disease 2019-

Employers of workers in the healthcare industry, emergency response organizations (e.g., emergency medical, firefighting, and law enforcement services), and correctional institutions must continue to make work-relatedness determinations pursuant to 29 CFR § 1904.

Until further notice, however, OSHA will not enforce 29 CFR § 1904 to require other employers to make the same work-relatedness determinations *except where*:

There is objective evidence that a COVID-19 case may be work-related.







OSHA April 10, 2020 Memorandum- Enforcement Guidance for Recording Cases of Coronavirus Disease 2019-(Cont.)

Objective evidence that a COVID-19 case may be work-related could include, for example, a number of cases developing among workers who work closely together without an alternative explanation; and

The evidence was reasonably available to the employer. For purposes of this memorandum, examples of reasonably available evidence include information given to the employer by employees, as well as information that an employer learns regarding its employees' health and safety in the ordinary course of managing its business and employees.







OSHA May 19, 2020 Memorandum- Revised Enforcement Guidance for Recording Cases of **Coronavirus Disease 2019**

The Memo Acknowledges-it remains difficult to determine whether a COVID-19 illness is workrelated and provides-

In determining whether an employer has complied with this obligation and made a reasonable determination of work-relatedness, CSHOs should apply the following considerations:

- The reasonableness of the employer's investigation into work-relatedness.
- The evidence available to the employer.
- The evidence that a COVID-19 illness was contracted at work.







OSHA May 19, 2020 Memorandum- Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (Cont.)

- The evidence that a COVID-19 illness was contracted at work.
- Likely work related-
 - several cases develop among workers who work closely together
 - job duties include having frequent, close exposure to the general public in a locality with ongoing community transmission







OSHA May 19, 2020 Memorandum- Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (Cont.)

- The evidence that a COVID-19 illness was contracted at work.
- <u>NOT</u> Likely work related-
 - If only one worker contracts COVID-19 in that vicinity, and the job duties do not include having frequent contact with the general public, regardless of the rate of community spread.
 - If the worker outside the workplace, closely and frequently associates with someone (e.g., a family member, significant other, or close friend) who (1) has COVID-19; (2) is not a coworker, and (3) exposes the employee during the period in which the individual is likely infectious.







OSHA May 19, 2020 Memorandum- Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (Cont.)

- If the employer cannot determine whether it is more likely than not that exposure in the workplace played a causal role with respect to a particular case of COVID-19, the employer does not need to record that COVID-19 illness.
- In all events, it is important as a matter of worker health and safety, as well as public health, for an employer to examine COVID-19 cases among workers and respond appropriately to protect workers, regardless of whether a case is ultimately determined to be work-related.
- COVID-19 is a respiratory illness and should be coded as such on the OSHA Form 300. Because this is an illness, if an employee voluntarily requests that his or her name not be entered on the log, the employer must comply as specified under 29 CFR § 1904.29(b)(7)(vi).





OSHA Reporting

OSHA requires all employers to report work-related COVID-19 illnesses that result in a fatality or an employee's in-patient hospitalization-

- In- Patient Hospitalizations of one employee need to be reported within 24 hours
- Fatalities need to be reported within 8 hours

Note- 1904.39(b)(6)

You must only report a fatality to OSHA if the fatality occurs within thirty (30) days of the work-related incident. For an in-patient hospitalization, amputation, or loss of an eye, you must only report the event to OSHA if it occurs within twenty-four (24) hours of the work-related incident. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.







OSHA National News Release U.S. Department of Labor



U.S. Department of Labor Issues Frequently Asked Questions and Answers About Reporting Work-Related Cases of the Coronavirus

WASHINGTON, DC – The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has published additional frequently asked questions and answers (FAQs) regarding the need to report employees' in-patient hospitalizations and fatalities resulting from work-related cases of the coronavirus.

OSHA's new FAQs provide information to help employers apply the agency's existing injury and illness recording and reporting requirements to the coronavirus. In particular, the FAQs provide guidance on how to calculate reporting deadlines for in-patient hospitalizations and fatalities and clarify the meaning of the term "incident" as it relates to work-related coronavirus in-patient hospitalizations and fatalities.

https://www.osha.gov/SLTC/covid-19/covid-19-

faq.html#reporting

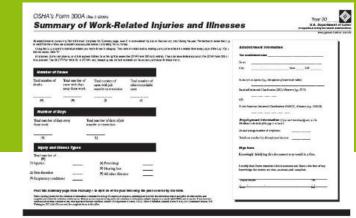


Electronic Reporting

- March 2, 2021, is the deadline.
 Collection will begin January 2, 2021.
- OSHA Form 300A data for calendar year
 2020.
- Employer Identification Numbers (EIN).
- Establishments with 250 or more employees
- Establishments with 20-249 employees that are classified in certain industries



Posting



- 300A posted from Feb 1 April 30
- A paper copy of the Form 300A must be posted in a conspicuous place or places where notices to employees are customarily posted.
- Keep a separate OSHA 300 Log for each establishment and post the summary in each establishment.
- Keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.



www.osha.gov 1-800-321-OSHA (6742)

Questions?



Jim Harrity

Email:

harrity.james@dol.gov

Phone: (215)-597-4955

OSHA Recordabilty, Reportability, and Electronic Reporting



Frank Baxter, M. S., CSP Director of Loss Prevention

Construction Risk Partners

fbaxter@constructionrisk partners.com Cell (267) 235-6975