

**OSHA
RECORD KEEPING COMPLIANCE
AND INSPECTIONS**



**AMERICAN SOCIETY OF SAFETY ENGINEERS
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OSHA RECORD KEEPING

I. No OSHA injury or illness reports required if:

- **§ 1904.1 – 10 or fewer employees calculated on the peak of your employment during the year. If you have 10 or fewer employees you do not have to keep OSHA injury or illness records. (There are exceptions.)**
- **§1904.2 – Retail, Service, Finance, Insurance or Real Estate do not need to keep OSHA injury or illness records. (There are exceptions.)**

II. OSHA record keeping requirements:

- **300 Log – involves a log of all injuries over the period of the year.**
- **301 Incident Report – relates to individual injury.**

(Each of these must be completed and updated within 7 calendar days of a recordable injury.)

- **300A Summary – Must be posted at your job location February 1 through April 30.**

You must post a copy of the annual summary in each establishment in a conspicuous place or places where notices to employees are customarily posted.

- **§1904.3 – Substantial Equivalent**

Other agency records which contain the same information required as OSHA records are acceptable for purposes of recordable injuries.

III. Recordable Injuries -- Employer must record a fatality, injury and illnesses which are:

- 1. Work related (§1904.5); and**
- 2. Is a new case (§1904.6); and**
- 3. Meet one or more of the general recording criteria under §1904.7. That criteria is as follows:**
 - (a) Death;**
 - (b) Days away from work;**
 - (c) Restricted work or transfer to another job;**
 - (d) Medical treatment beyond first aid;**
 - (e) Loss of consciousness;**
 - (f) Significant injury or illness diagnosed by a physician or other licensed healthcare professional.**

IV. §1904.31 – Covered Employee

- You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers.**
- You must also record the recordable injuries and illnesses that occur to employees who are NOT on your payroll if you SUPERVISE these employees on a day-to-day basis.**

- **If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for record keeping purposes.**

V. §1904.33 – You must save your OSHA 300 Log, annual summary, and OSHA 301 Incident Reports for five years following the end of the calendar year that these records cover.

VI. §1904.39 – Within eight hours after the death of an employee from a work related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident, you must orally report the fatality/multiple hospitalizations by telephone or in person to the Area Office of OSHA that is nearest to the site of the incident.

VII. §1904.40 – Providing Records to Government Representatives

When an authorized government representative asks for the records you keep under Part 1904, you must provide copies of the records within FOUR (4) BUSINESS HOURS.

VIII. Practical Application

Historically the Mobile Area Office has operated under a directive that required individual citations for every log violation citing each year separately and each log entry separately. However, recently a more realistic approach appears to be enforced by the Solicitor's office, and the compliance officers are issuing one citation for a violation on an annual summary or one citation for a violation on another log.

It is important to note that information contained on a 301 Incident Report is protected HIPAA information which should be guarded by the employer.

The 300 A Summary does not contain employee names and therefore can be posted. There are complex issues involved in whether or not you must provide employees with information about other employee injuries. This primarily relates to labor union type situations.

Under the OSHA directive established for the enforcement procedures to inspect the accuracy of occupational injury and illness recording and reporting requirements, the compliance officer will review OSHA 300 forms, OSHA 301 forms, and OSHA 300A forms.

The directive also requires the compliance officer to review pertinent records for each employee selected for purposes of confirming the accuracy of the OSHA 300 log.

There will be an interview of the designated record keeper for the company.

The compliance officer is to conduct:

- 1. interviews of employees;**
- 2. interviews of management;**
- 3. a limited walkthrough inspections looking for consistency with the recorded injuries and illnesses and addressing violations observed in plain view while conducting the limited walk around inspection.**

The compliance officer may, upon consultation with the Area Office, expand the scope of the inspection or make a referral in order to address other areas of the facility that make pose safety and health risks; and

- 4. a closing conference which should describe any record keeping deficiencies and violations found during the data check.**