

OSHA Recordkeeping

29 CFR 1904 (Form 300, 300A, & 301)

Common Errors / Misunderstandings

Chuck Simpson, CSP – EPIC Brokers

Chuck Simpson

- Sr. Safety Consultant Based in Birmingham
- CSP
- 38 Years in HSE
- Member of Various Trade Association Safety Committees
- Been Everywhere, Done Everything - Twice

EPIC Brokers

- www.epicbrokers.com
- In Top Ten Largest US Insurance Brokers
- Primarily A Business Focused Insurance Brokerage
- Other Services Provided (Benefits, Consulting, Etc.)
- Insurance Brokerage
 - Not An Insurance Carrier Or Agent
 - Represent Interests Of Insurance Consumer
 - Assist With Obtaining Appropriate Insurance At A Competitive Price
 - HSE Consultants Work With Clients To Control Loss And Prevent Incidents So Client Maintains Insurability

EPIC Consultants

- Some Services Fee Based, Others Bundled
- Contract Review
- Benefits
- HSE
 - OSHA Compliance
 - DOT
 - IH

OSHA Recordkeeping / Reporting

Where do I get answers?

- 29 CFR 1904
- OSHA Recordkeeping Webpage
 - www.OSHA.gov
- Contact Chuck
 - 504-577-4743
 - chuck.simpson@epicbrokers.com
- Call OSHA

OSHA Forms 300 / 300A

- Used To Assess Your Company By
 - OSHA
 - Insurance Carriers
 - Owners / Host Facilities
- *Inaccurate Forms, Especially Over-reporting, Can Put You Out Of Business!!!*
- *Inaccurate Forms, Especially Under-reporting, Can Put You In Jail!!!*

29 CFR 1904 Form

- [OSHA Recordkeeping Forms](#)

Covid???

- Must Record Cases If Work-Related Exposure Was The Likely Cause Of Infection
- Recordable Because If Nothing Else, Quarantine Results In Days Away From Work (DAFW)
- Reporting To OSHA Only If Work-related Fatality Or Hospitalization
- Future Solicitations for Data From Owners In 2020 & 2021 Likely to Exclude Covid

Failure to Understand Applicability 1904

- Form Requirement Applies To Establishments Not Companies
- List Of Covered NAICS Industry Codes
- Keep If Company Has More Than 10 Or More Employees In The *Previous Year*
- Establishments Of Companies Keep Forms Even If One Employee
- Short Term Establishments

Inaccurate Classification

- Under-reporting
 - An Incident That Meets The Threshold Of Recordability Is Presumed To Be Work Related If It Occurs In The Work Environment Unless One Of The Exemptions Applies
 - Chiropractic Care
 - Medical Not Provided By LHCP
 - Injury Or Illness?
- Over-reporting
 - All First Aid And Worker's Comp Cases
 - Cases Outside US Jurisdiction
 - Exempted Cases
 - Non-occupational / Travel Status Cases / Commute

Failure to Include Common Law Employees

- [1904.31\(b\)\(2\)](#) ***If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, do I have to record an injury or illness occurring to one of those employees?*** You must record these injuries and illnesses if you supervise these employees on a day-to-day basis.
- [1904.31\(b\)\(3\)](#) ***If an employee in my establishment is a contractor's employee, must I record an injury or illness occurring to that employee?*** If the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.
- [1904.31\(b\)\(4\)](#) ***Must the personnel supply service, temporary help service, employee leasing service, or contractor also record the injuries or illnesses occurring to temporary, leased or contract employees that I supervise on a day-to-day basis?*** No, you and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to make sure that each injury and illness is recorded only once: either on your OSHA 300 Log (if you provide day-to-day supervision) or on the other employer's OSHA 300 Log (if that company provides day-to-day supervision).

Incorrect Names

- Use Legal First And Last Name
- No Nicknames
- Middle Names Not Required

Failure to Make Timely Entries

- 300 And 301 Entries Must Be Made Within 7 Calendar Days
- Estimates Of Days Away From Work And Restricted Duty Must Be Made With In 7 Days
- Corrections And Updates On 300 Must Be Made Within 7 Days, During The Retention Period
- 300A And 301 Are Retained For 5 Years But Not Updated

OSHA Form 301 or Equivalent

- 301 Or Equivalent Must Be Kept For Each Entry On 300
- “Equivalent Forms” Must Contain All 301 Information
- Highly Unlikely Your State First Report Of Injury Form Is Equivalent

Failure to Maintain Accurate Day Counts

- An Estimate Of Days Must Be Entered Within 7 Calendar Days
- How Many Days For Death?
- The First Day Doesn't Count
- Count Calendar Days, Days Off And Vacation
- Count Days Away From Work And Restricted Duty / Transfer For Each Case
- Count Suspended At 180 Days
- Failure To Total Days At End Of Year

OSHA 300A

- Over / Under Count Of Work-hours
 - Accurate Hours Are Critical Due To TRIR And DAFW Incident Rate Calculation
 - Whose Hours?
 - Salaried Hours?
- Failure To Post At Each Establishment For Specified Period
- Improper Signatory
- Bad Math Skills Result In Incorrect Incident Rates

Failure to Make Online Report

- Applicability Based on Number of Employees
 - 250 + Establishments
 - 20 – 250 Establishments in Certain Industries (Appendix A)
- March 2 Deadline

Questions?