

The image features the OSHA logo prominently in the center. The logo consists of a stylized 'O' with a blue and white circular design inside, followed by the letters 'S', 'H', and 'A' in a white, serif font. A registered trademark symbol (®) is located to the upper right of the 'A'. The background is a close-up, slightly blurred view of the stars and stripes of the United States flag, with the stars appearing as a dark, textured pattern in the upper half and the red and white stripes in the lower half.

**OSHA<sup>®</sup>**

**Occupational Safety  
and Health Administration**

# Federal Agency OSHA Injury and Illness Recordkeeping Requirements

September 27, 2013

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Office of Federal Agency Programs

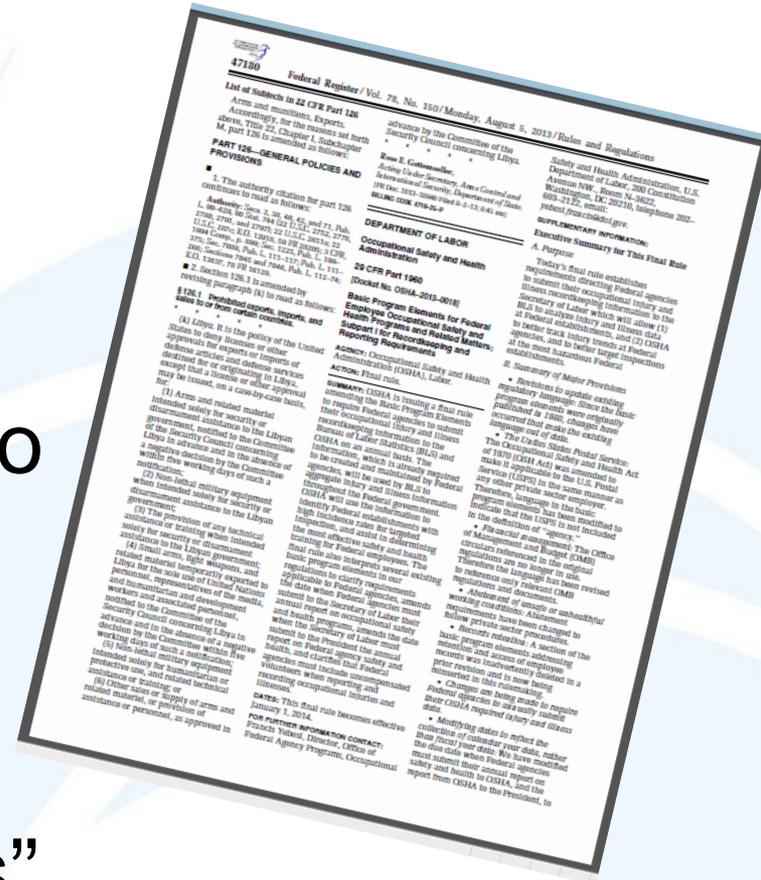
[holmes.mikki@dol.gov](mailto:holmes.mikki@dol.gov)

202.693.2491



# 2013 updates to 29 CFR 1960

- Establishes annual data collection of the OSHA 300-series data by BLS
- Changes the due date of agencies annual reports to OSHA from January 1 to May 1
- Reiterates status of volunteers as “employees” for recordkeeping purposes



# Purpose of changes

- Allow federal agencies to compare their performance to other agencies and the private sector, as well as by OPM job series.
- Allow OSHA to use OSHA data to track agencies' performance.
- Allow BLS and NIOSH to conduct more detailed analysis of federal agencies

# BACKGROUND



# Purpose of OSHA recordkeeping

- Aids employers/workers in identifying hazards in their workplaces
- Aids employers/workers in evaluating the effectiveness of their safety and health programs
- Aids OSHA compliance officers in doing their job

**WARNING: DO NOT MIX**  
**OSHA RECORDABLE vs.**  
**OWCP COMPENSABLE**

- Workers' Compensation determinations do NOT impact OSHA recordability.
  - Some cases may be OSHA recordable and compensable.
  - Some cases may be compensable, but not OSHA recordable.
  - Some cases may be OSHA recordable, but not compensable.



# What's Recordable?

## 1904.4 – Recording Criteria

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- You must record each fatality, injury or illness that:
  - is work-related, and
  - is a new case, and
  - meets one or more of the criteria contained in sections 1904.7 through 1904.11.

# 1904.5 – Work-Relatedness

- Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment
- A case is presumed work-related if, and only if, an event or exposure in the work environment is a discernable cause of the injury or illness or of a significant aggravation to a pre-existing condition. The work event or exposure need only be one of the discernable causes; it need not be the sole or predominant cause.

# 1904.5 – Work Environment

- The work environment is defined as the establishment and other locations where one or more employees are working or present as a condition of employment
- The work environment includes not only physical locations, but also the equipment or materials used by employees during the course of their work

# 1904.5 – Exceptions

- Present as a member of the general public
- Symptoms due to non-work-related event or exposure
- Voluntary participation in wellness program, etc.
- Eating, drinking or preparing food/drink for personal consumption
- 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
- Common cold or flu



# Not exceptions for recordability

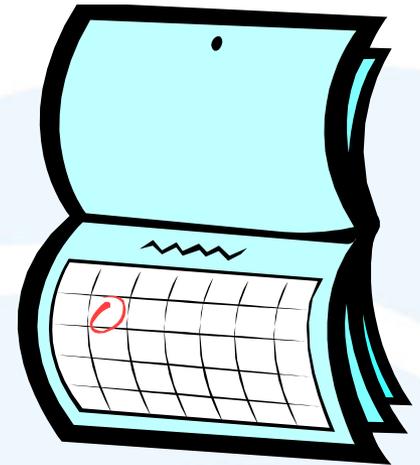
- Horseplay
- Acts of Violence
- The fault of the employee.

## 1904.7 – General Recording Criteria

- 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

## 1904.7(b)(3) - Days Away Cases

- 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

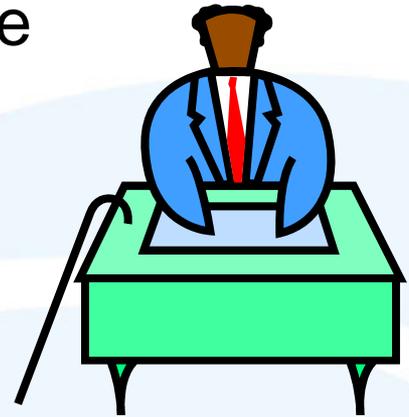


## 1904.7(b)(3) – Days Away Cases

- 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
  - 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

## 1904.7(b)(4) - Restricted Duty/Job Transfer

- 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
- An injured or ill employee is assigned to a job other than his or her regular job for part of the day



# 1904.7(b)(5) – Medical Treatment

- Medical treatment is the management and care of a patient to combat disease or disorder.
- It does not include:
  - Visits to a health Care Professional solely for observation or counseling
  - Diagnostic procedures
  - First aid



# 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

## Other Recording Issues

- Bloodborne Pathogen
- Medical Removal
- Hearing Loss Recordability
- TB – Positive skin test recordable when known work place exposure to active TB disease. NO presumption of work relationship in any industry.
- MSD recordable when General Recording Criteria is met.

# Completing Forms

- Must enter each recordable case on the forms within 7 calendar days of receiving information that a recordable case occurred
- An equivalent form has the same information, is as readable and understandable, and 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, as described under 1904.35 and 1904.40



# Sharing OWCP information

- An agency may use a workers' compensation form that does not contain all the OSHA-required information, provided that the form is supplemented to contain the missing information, is readable and understandable, and is completed using the same instructions as the OSHA form it replaces.
- All information that is not specifically required on one of the OSHA 300 forms must be deleted.



# 1904.32 – Annual Summary

- Federal agency certification (1960.67)
  - Senior establishment management official
  - Head of the Agency for which the senior establishment management official works, or
  - Any management official who is in the direct chain of command between the senior establishment management official and the head of the agency
- Must post for 3-month period from February 1 to April 30 of the year following the year covered by the summary



# **29 CFR 1960**

## **Updates & Reminders**



# Establishments

- Preamble:
  - Reiterates the definition of establishment
  - Requires agencies to provide a list annually
- Focus of establishments is on:
  - Line of command
  - Physical location

# Establishment Codes

- BLS requires a 9 character establishment code, which:
  - identifies the establishment as federal (04)
  - Identifies the department level (ie. LD)
  - Identifies the agency level (i.e. OS)
  - Identifies the actual establishment (i.e. 001)

# Employee Information

- Identifying volunteers with a “V”
- Recording volunteer hours as a separate category
- Using OPM job series codes
- Ensuring injuries of contractors supervised on a day-to-day basis by a federal employee are recorded on the agency logs

# BLS/OSHA Activities

- Collecting establishment lists – Due to OSHA on October 1, 2013
- Developing on-line forms for submission
- Developing flat-file format
- Working with OWCP on E-COMP updates
- Preparing for data collection starting in January 2014



# QUESTIONS



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