

COVID-19 & OSHA's Updated Recordkeeping Standard:

What to Report & Record....



MY EMPLOYEE (MAY) HAVE COVID-19.
WHAT DO I RECORD FOR OSHA?

WEBINAR HOST: Jack Fearing, CPEA

Today's Speaker



**Jack Fearing, CPEA
Managing Partner
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Presentation Outline



- Purpose and Scope
- Recordkeeping FAQs
- The Recording Criteria:
 - Forms & records
 - Medical treatment v. first aid
 - The work environment
 - Reporting severe cases
 - Reporting & recording COVID-19 cases
- Other Key Issues
- Summary / Q/A

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Polling Question #1

During this extended period of dealing with the COVID-19 pandemic has your company returned to partial or “new normal” operations?

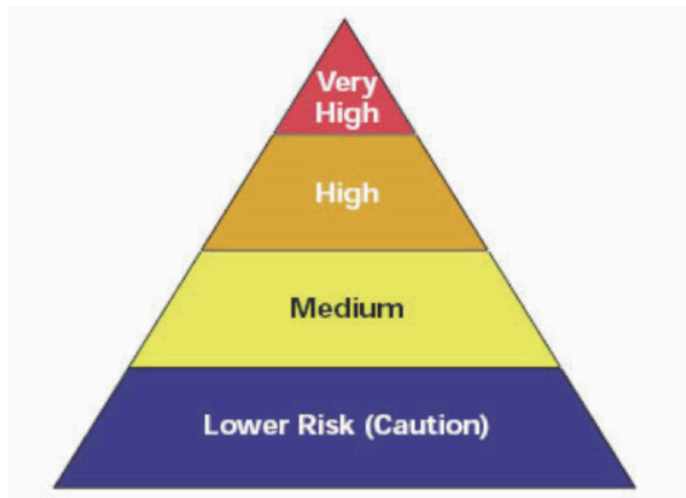
- A. Yes
- B. No
- C. Still working from home

COVID-19 FAQ “Six Pack”



Q1: What precautions should employers in non-healthcare workplaces take to protect employees from COVID-19?

**Occupational Risk Pyramid
for COVID-19**



OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION



COVID-19 FAQ “Six Pack”



Q1: What precautions should employers in non-healthcare workplaces take to protect employees from COVID-19?

Q2: Are employers required to provide cloth face coverings to employees?

Q3: Has OSHA waived any requirements of its standards in response to COVID-19?

Q4: Can I bring my own PPE to use at work if I believe I am at risk of exposure to COVID-19 on the job?

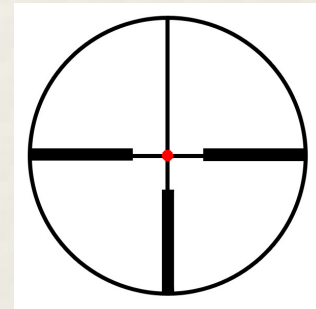
Q5: How do I report a fatality or in-hospitalization of an employee with a confirmed work-related case of COVID-19?

Q6: What should employers do when an employee tests positive for COVID-19?

Purpose & Scope

Require employers to record and report **work-related** fatalities, injuries and illnesses:

- All Employees on payroll
- Employees not on payroll but who are supervised on a day-to-day basis



Note: Recording or reporting a work-related injury, illness, or fatality does not mean the employer or employee was at fault, an OSHA rule has been violated, or that the employee is eligible for Workers' Compensation or other benefits.

Contractors & Temporary Workers

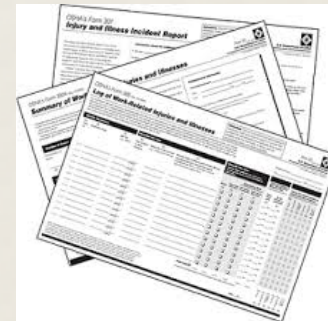
- Contractor supervises employee on a day-to-day basis:
 - Contractor records
- You supervise contractor on a day-to-day basis:
 - You record on your Form 300

One or the other, never both!



Recordkeeping Forms

- **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



The Recording Criteria

Covered employers must record each fatality, injury or illness that:

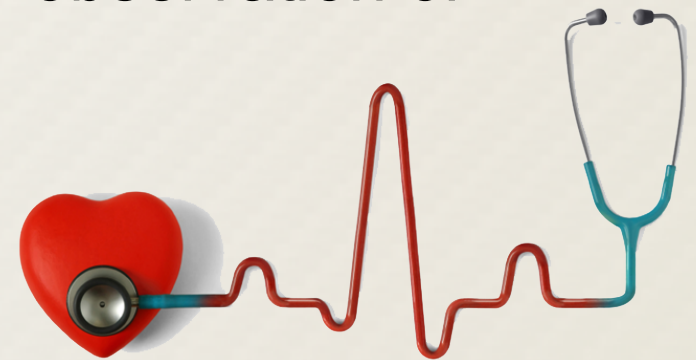
- Is ***work-related***, and/or
- Is a new case, and/or
- Meets one or more of the criteria contained in 1904

Note: Employers must enter each recordable case on the form within 7 calendar days of receiving information that a recordable case occurred.

Medical Treatment

Medical treatment is the management and care of a patient to combat an injury, disease or disorder. It does not include:

- Visits to a PLHCP* solely for observation or counseling
- Diagnostic procedures
- First aid



*Physician or Licensed Health Care Professional

First Aid

- Using nonprescription medication at nonprescription strength
- Tetanus immunizations
- Cleaning, flushing, or soaking surface wounds
- Wound coverings, butterfly bandages, Steri-Strips
- Hot or cold therapy
- Non-rigid means of support
- Temporary immobilization device used to transport accident victims



Reporting & Recording Injuries & Illnesses

- **Basic requirement:**

You must consider an injury or illness to be work-related 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 injuries and illnesses resulting from events or exposures occurring in the **work environment** (e.g., work from home).

- **Work environment:**

OSHA defines the **work environment** as "the establishment and other locations (e.g., Home) where one or more employees are working or are present as a condition of their employment. The **work environment** also includes the equipment or materials used by the employee during the course of his or her work."

Severe Injury/Illness Reporting

- Employers must report:
 - All work-related fatalities:
Within 8 hours
 - All work-related in-patient hospitalization:
Within 24 hours
- Amputations
- Losses of an eye
- Report will be made public and OSHA may inspect



Note: Failure to report can bring fines up to \$13,494. per instance

Recordkeeping Exceptions

- Symptoms arising in work environment that are solely due to non-work-related event or exposure
- Voluntary participation in wellness program, medical, fitness or recreational activity
- Eating, drinking or preparing food or drink for personal consumption
- Performing personal tasks (e.g., grooming, self-medication, etc.)
- Motor vehicle accidents



Recording 'Work from Home' Cases

Injuries and illnesses that occur while an employee is working from home are **work-related** if they:

- Occur while the employee is performing work for pay or compensation in the home
- Are **directly** related to the performance of work rather than the general home environment



Polling Question #2

Have any of your employees been injured or suffered an illness (COVID-19?) while working from their home office during this unique period? If yes, did they report it to management for determination of work-relatedness?

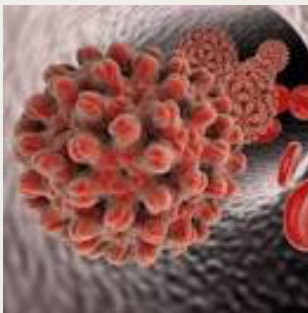
- A. No
- B. Yes
- C. Not Sure

Bloodborne Pathogens

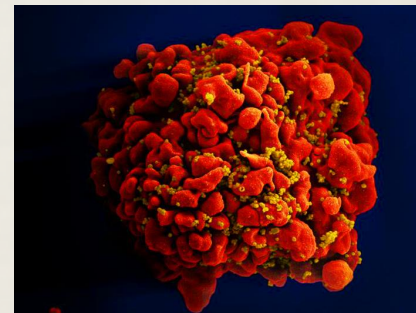
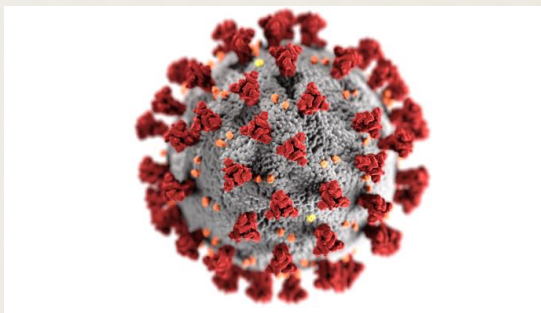
Pathogenic viruses and/or bacteria present in human blood and capable of being transmitted that can lead to diseases.

Examples:

- Hepatitis B (HBV)
- Hepatitis C (HCV)
- Human Immunodeficiency Virus (HIV)
- **Coronavirus (COVID-19)????**



HBV



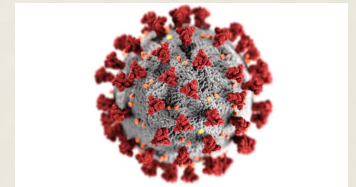
HIV

COVID-19 Recordkeeping

On May 26, 2020, OSHA issued revised enforcement guidance that provides time-limited exceptions to its recordkeeping requirements for recording cases of COVID-19.

Under OSHA's recordkeeping requirements, COVID-19 is a recordable illness, and employers are responsible for recording cases of COVID-19 provided the case:

- Is work-related as defined by 29 CFR 1904.5
- Involves one or more of the recording criteria
- Is confirmed as a COVID-19 illness by the CDC




Note: The agency also stated that it will not require employers to determine work-relatedness of cases except where: 1) there is objective evidence that a COVID-19 case may be work-related; and 2) the evidence was reasonably available to the employer.

CDC Criteria for COVID-19

- **Clinical Criteria:**
 - At least two of the following symptoms, **OR**
 - At least one of the following symptoms, **OR**
 - Severe respiratory illness with at least one of the following, **AND**
 - No alternative more likely diagnosis
- **Laboratory Criteria: (FDA)**
- **Epidemiologic Linkage: (Contact & Travel)**



Recording COVID-19 Cases

OSHA's Form 300 (Rev. 01/2004) Log of Work-Related Injuries and Illnesses						Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.		Year <input type="text"/> 									
You must record 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 first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician 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						Form approved OMB no. 1218-0176											
Establishment name <input type="text"/>						City <input type="text"/> State <input type="text"/>											
Identify the person		Describe the case		Classify the case		Enter the number of days the injured or ill worker was:		Check the "injury" column or choose one type of illness:									
(A) Case No.	(B) Employee's Name	(C) Job Title (e.g., Welder)	(D) Date of injury or onset of illness (mo./day)	(E) Where the event occurred (e.g. Loading dock north end)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g. Second degree burns on right forearm from acetylene torch)	CHECK ONLY ONE box for each case based on the most serious outcome for that case:											
						Death	Days away from work	Remained at work		Away From Work (days)	On job transfer or restriction (days)	(M) Injury	Skin Disorder	Respiratory Condition	Poisoning	Hearing Loss	All other illnesses:
						(G)	(H)	Job transfer / restriction	Other recordable cases	(K)	(L)	(1)	(2)	(3)	(4)	(5)	(6)
1	Mark Bagin	Welder	5/25	basement	COVID-19	✗											
2	Shana Alexander	Foundry man	7/2	pouring dock	COVID-19		✗			180				✗			

Polling Question #3

Has your company experienced a COVID-19 case and did you report and/or record it timely and correctly?

- A. No
- B. Yes
- C. Not Sure

OSHA Form 300A

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 Cases

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 Days

Total number of days away from work	Total number of days of job transfer or restriction
_____	_____
(K)	(L)

Injury and Illness Types

Total number of . . .
(M)

Form 300A (Cont.)

Establishment information

Your establishment name _____

Street _____

City _____ State _____ ZIP _____

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 _____

Sign here

Knowingly falsifying this document may result in a fine.

Certifying & Posting the 300A

- Completed & certified by an authorized member of management
- Posted no later than February 1st
- Kept in place until April 30th



OSHA Injury & Illness Metrics

- **TCIR** = Total Case Incidence Rate:

$$(N / EH) \times 200,000 = \text{TCIR}$$

N = Columns G-J on OSHA 300 Log

- **DART** = Days Away From Work, Restricted Work Activity, and/or Job Transfer:

$$(N^* / EH) \times 200,000 = \text{DART}$$

N = Columns H&I on OSHA 300 Log*

N = The total number of recordable cases (injuries & illnesses)

N* = The total number of lost, restricted and job transfer days

EH = The total number of exposure hours (hours worked)

200,000 = 100 employees working 40 hours per week for 50 weeks (OSHA standard for all industries)

Polling Question #4

What type(s) of metrics is your company currently using to communicate OSHA's COVID-19 workplace guidance to your employees and/or your customers?

- A. Aggressive Compliance
- B. Under Development
- C. Not Sure



Current OSHA Citations & Penalties

VIOULATION TYPE	PREVIOUS PENALTY	CURRENT PENALTY
OTHER THAN SERIOUS SERIOUS POSTING REQUIREMENTS	Mandatory penalty for serious violations which may be up to \$7,000.	\$13,494. max. per violation
FAILURE TO ABATE	\$7,000. per day beyond the abatement date	\$13.494 per day beyond the abatement date
WILLFUL & REPEAT	\$70,000. per violation	\$134,937. max. per violation

Bipartisan Budget Act of 2015 – Aug 2016 (Effective Jan 2020)

Electronic Submission Requirements

Submission Year	Establishments with 250 or more employees	Establishments with 20-249 employees	Submission Deadline
2018	Form 300, 300A, & 301	Form 300A	July 1, 2019
2019	300A Annual Summary	Form 300A	March 2, 2020
2020	300A Annual Summary	Form 300A	March 2, 2021

Note: State plans must adopt identical rules.



OSHA Recordkeeping LOLs

- Determining Work-Relatedness
- Soft Tissue Massages
- Lost-Time Days for Intermittent Workers
- Foreign-Flag Vessels and MODUs

“Bulletproofing” Your Records

- Training employees and encouraging employee involvement
- Ensuring employee privacy protection
- Completing, certifying and posting the annual summary
- Timely submission of the electronic OSHA Form 300A (Annual Summary)
- Establishing a System for retention and updating
- Completing OSHA/BLS surveys
- Conducting & documenting an annual audit



Important Things to Remember

- Purpose and Scope
- Recordkeeping FAQs
- The Recording Criteria:
 - Forms & records
 - Medical treatment v. first aid
 - The work environment
 - Reporting severe cases
 - Recording COVID-19 cases
- Other Key Issues
- Summary





Thank You for Your Participation

Jack Fearing, CPEA

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About the Speaker



Jack a Certified Professional Environmental Auditor (CPEA) and the Managing Partner for Fearing International Group LLC, a Veteran-owned Small Business (VOSB) global occupational and aviation safety consulting firm in Flemington, NJ.

Jack has more than 35 years of experience in occupational safety and health management and DOD aviation safety. He is a professional member of the New Jersey chapter of the American Society of Safety Professionals (ASSP) and was the Chapter Safety Professional of the Year (SPY) in 2019.

Jack has extensive hands-on experience in developing OSHA compliance programs, employee and management training and coordinating with state and Federal regulatory agencies in both union and non-union environments. Jack is a graduate of the University of Massachusetts (BS in Biology) and Boston University (M.Ed in Environmental Science). He is a retired US Army LTC and served as a utility helicopter pilot and Aviation Safety Officer in a Combat Aviation Brigade on active duty.