



HIRE PERSPECTIVES

Winter 2009/2010

A periodic newsletter from the Labor & Employment Law Group at Dickinson, Mackaman, Tyler & Hagen, P.C.

IOSHA Recordkeeping Requirements Reminder

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Introduction

As the February 1 OSHA Form 300A posting date approaches, an overview of the IOSHA's recordkeeping requirements may be useful.

IOSHA requires employers to record and report work-related fatalities, injuries and illnesses. All employers must report to IOSHA within eight hours of learning of the death of any employee from a work-related incident or the inpatient hospitalization of three or more employees as a result of a work-related incident. In addition, employers must report all fatal heart attacks. These reports may be made by telephone or in person to the nearest OSHA area office.

IOSHA's reporting and recordkeeping regulations require employers to:

- Maintain records of occupational injuries and illnesses as they occur and make those records available to employees;
- Keep injury and illness records and post, from February 1 through April 30, an annual summary of occupational injuries and illnesses (Form 300A) for each establishment;
- Record any fatality regardless of the length of time between the injury and death;
- Provide pertinent injury and illness records for inspections and copying by IOSHA during any investigation;
- Comply with any additional recordkeeping and reporting requirements and specific IOSHA standards.

Exempt Employers

An employer with ten or fewer employees is exempt from maintaining the IOSHA log of injuries and illnesses, unless the Bureau of Labor Statistics or IOSHA notifies them that they have been selected to participate in mandatory data collection.

IOSHA also exempts employers in certain low hazard industries, as defined in the recordkeeping standard. (Note that exempt employers must still comply with requirements to display an OSHA "It's The Law" poster—OSHA 3165—and report to IOSHA within eight hours any accident that results in one or more fatality or the hospitalization of three or more employees.)

How Long Must the Log be Maintained?

Employers must log injuries and illnesses on recordkeeping forms, keep the logs current, and maintain them for five years at each establishment. The employer must maintain the forms and post the annual summaries in the workplace. The employer need not send any recordkeeping forms to IOSHA or any other agency unless requested.

How Does an Employer Determine if an Injury or Illness is Work-Related?

An injury or illness must be considered work-related if an event or exposure in the work environment either caused or contributed to the resulting condition, or resulted in significant aggravation of a pre-existing injury or illness. IOSHA defines "work environment" as "the establishment and other locations where one or more employees are working or are present as a condition of employment." It includes not only physical locations, but the equipment or materials used by the employee during the course of his/her work. Most injuries and illnesses resulting from events or exposures in the work environment are presumed to be work-related, unless an exception applies.

Recordkeeping Forms

Three forms must be maintained by employers who operate establishments that are required by the rule to keep injury and illness records:

- OSHA 300, Log of Work-Related Injuries and Illnesses. Employers must keep separate 300 logs for each establishment they operate that is expected to be in operation for one year or longer. Employers must log each recordable occupational injury and illness on the form within six working days from the time the employer learns of it.
- OSHA 301, Injury and Incident Report. Each employer must complete the OSHA 301 form within seven calendar days from the time the employer learns of the work-related injury or illness. This form collects more data about how the injury/illness took place.
- OSHA 300A, Summary of Work-Related Injuries and Illnesses. Employers must post copies of the previous year's records no later than February 1 and keep them in place through April 30.

Employers must keep the logs current and retain them for five years at each establishment.

If you have questions regarding OSHA/IOSHA recordkeeping requirements, please contact the Dickinson [Employment & Labor Law Group](#) or the Dickinson attorney with whom you normally work.

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