
LEGAL ALERT

2010 OSHA Recordkeeping Annual Summary Must Be Posted By February 1, 2011

All employers maintaining the Occupational Safety and Health Administration's 300 Logs for workplace injuries and illnesses pursuant to OSHA's recordkeeping standard must post their 2010 annual summary by February 1, 2011. Employers must utilize the annual summary form (form 300A) when complying with the posting requirements. The form is available for downloading from the OSHA website at <http://www.osha.gov>.

Here are some additional details that are frequently misunderstood or overlooked, and which can cause trouble.

Executive Certification

OSHA's recordkeeping standard also requires a certification of the 300A Logs by a company executive. OSHA has identified four specific management officials who it considers to be a "company executive" for purposes of certifying the 300A Logs. These are: 1) an owner of the company; 2) an officer of the corporation; 3) the highest ranking company official working at the establishment; or 4) the immediate supervisor of the highest ranking company official working at the establishment.

This official must certify that he/she has reviewed the related records and that he or she reasonably believes, based on knowledge of the process underlying the development of the data, that the posted summary is accurate and complete. OSHA describes this requirement as imposing "senior management accountability" for the integrity and accuracy of the reported date. NOTE: HR Managers or Safety Directors normally *cannot* sign the OSHA 300A summary unless they are an officer of the company.

Number of Employees And Hours Worked

The annual summary provision requires employers to include a calculation of the annual average number of employees covered by the Log and the total hours worked by all covered employees. The purpose of this requirement is to help employers compare the relative frequency of significant occupational injuries and illnesses at their workplace as compared to other establishments.

Posting Period

The posting period is for three months, from February 1st to April 30th. The 300A summary must be posted in each establishment in a conspicuous place or places where notices to employees are customarily



posted. Copies of the 300A summary should be provided to any employee who may not see the posted summary because they do not report to a fixed location on a regular basis. Where the establishment has had no recordable injuries or illnesses, the establishment must still post the 300A summary with zeros in the appropriate lines and certified by a company executive.

Record Review

Before the annual summary is prepared, the recordkeeping rule imposes an express duty on the employer to review the Log (form 300) to verify that entries are complete and accurate. Employers must review the records "as extensively as necessary" to ensure their accuracy. OSHA is continuing its Recordkeeping National Emphasis Program (NEP), so you should take time to review the forms for technical errors as well as to review accident reports and other materials and ensure that all recordable incidents have been included. An employer has a duty to update and maintain records for five years plus the current year and provide them for inspection by OSHA investigators.

Finally, be aware that employers are under a duty to ensure that the posted annual summary is not altered, defaced or obscured during the entire posting period.

If you have any questions regarding OSHA's emphasis on its recordkeeping standard requirements or want a quick review of your OSHA 300 Logs and 300A summaries or a full recordkeeping audit or training for your recordkeepers, please contact an attorney in the Fisher & Phillips Workplace Safety and Catastrophe Management Practice Group, or your regular Fisher & Phillips attorney.

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