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# LEGAL ALERT

## New OSHA Reporting Requirements Now In Effect

As 2015 begins, the Occupational Safety and Health Administration (OSHA) is sharpening its emphasis on inspecting and citing employers who violate its recordkeeping standard. This takes on greater importance because of the changes and new reporting requirements that became effective on January 1, 2015.

### New OSHA Reporting Rules

Under the new rules, all employers are now required to contact OSHA within 24 hours following an occurrence of any in-patient hospitalizations, amputations, or loss of an eye, as well as the current requirement to contact OSHA within eight hours following a fatality. For reporting compliance, employers have three options when contacting OSHA: 1) call the nearest area office; 2) call OSHA's 24-hour hotline 1-800-321-OSHA(6742); or 3) report online. For more information on the new reporting requirements, see our [Fisher & Phillips Legal Alert](#) from September 18, 2014.

### New Recordkeeping And Posting Requirements

Many new categories of employers must now maintain and post OSHA injury and illness records going forward. Employers who were already covered must complete and post their 2014 annual summary by February 1, 2015 and keep it posted until April 30, 2015. Employers must utilize the annual summary form (form 300A) to comply with the posting requirements. The form is available for download from OSHA at [www.osha.gov](http://www.osha.gov). Even if you have no recordable injury or illness, you must still complete your 300 logs and post the 300A summary.

Here are some key details that are frequently misunderstood or overlooked which can lead to OSHA citations.

### Executive Certification

OSHA's recordkeeping standard requires a certification of the 300A summary by a *company executive*. Four specific management officials may be considered "company executives" for purposes of certifying the 300A summary: 1) an owner of the company; 2) an officer of the corporation; 3) the highest-ranking company official working at the location; or 4) the immediate supervisor of the highest-ranking company official working at the location. This official must certify that he or she has reviewed the OSHA 300 logs and related records, and 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 data. Human resources managers and safety directors normally cannot sign the OSHA 300A summary unless they are officers of the company.



### Number Of Employees And Hours Worked

The annual summary 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 Process

The 300A summary must be posted in each establishment in a conspicuous place or places where notices to employees are customarily posted. You are under a duty to ensure that the posted annual summary is not altered, defaced or obscured during the entire posting period.

Those employers who maintain these records in electronic form should still retain the signed posted summary after the February 1 to April 30 posting period, to prove that it was properly signed.

You should provide copies of the 300A summary to any employee who may not see the posted summary because they do not report to a fixed location on a regular basis. Even where an establishment has had no recordable injuries or illnesses, you 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 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 accuracy.

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## New OSHA Reporting Requirements Now In Effect

OSHA scrutinizes the forms 301, 300 and 300A for even minor errors in descriptions and boxes checked. Take time to review the forms for technical errors as well as to review accident reports, first aid logs and other related materials to ensure that all recordable incidents have been included and that records are consistent. Employers have a duty to update and maintain records for five years plus the current year and provide them upon request for inspection by OSHA investigators.

### Newly Covered Employers

Finally, all employers who have previously been partially exempt from OSHA recordkeeping requirements and were not required to maintain the form 300, should review the updated industry exemption list to see if they are now covered. Under the new rule, 25 industries that were previously exempt are not, and must now maintain the OSHA 300 logs and other required documentations.

If you have questions regarding OSHA's emphasis on the recordkeeping requirements or want a quick review of your OSHA 300 logs and 300A summaries or a full recordkeeping audit or training for your record keepers, please contact the Fisher & Phillips attorney with whom you work or the Fisher & Phillips Workplace Safety and Catastrophe Management Practice Group at 404.231.1400.

*This legal alert provides information about a specific federal requirement. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.*

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