

**OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

PROGRAM DIRECTIVE

Program Directive: A-274
Issued: February 2, 2010
Revised: May 12, 2010

SUBJECT: National Emphasis Program (NEP) Recordkeeping: Injury and Illness

PURPOSE: This directive establishes enforcement procedures to inspect the accuracy of the occupational injury and illness recording and reporting requirements for employers with more than 50 employees at the location being inspected at any time during the year in industries on safety and health fixed scheduling lists identified by Oregon OSHA as most unsafe. It also covers employers on the construction scheduling list with more than 50 employees statewide.

SCOPE: This directive applies to all Oregon OSHA enforcement staff.

REFERENCES:

[Field Inspection Reference Manual \(FIRM\)](#)

[OSHA Directive CPL 02 09-08](#), Injury and Illness Recordkeeping National Emphasis Program (RK NEP)

[Oregon OSHA Program Directive A-249](#), Recordkeeping Policies and Procedures Manual

BACKGROUND:

Recently, several academic studies have suggested varying degrees of under-reporting of workplace injuries and illnesses on the OSHA Form 300; (e.g., *Boden L.I., Ozonoff A. Capture-Recapture Estimates of Nonfatal Workplace Injuries and Illnesses, 2008* and *Rosenman K.D. How Much Work-Related Injury and Illness is Missed By the Current National Surveillance System, 2006*). At the request of the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and Labor, the Government Accountability Office (GAO) initiated a study on the accuracy of employer injury and illness records.

In an effort to identify and correct under-recording and to work cooperatively with the GAO, Federal OSHA initiated a NEP. The NEP also complements the Bureau of Labor Statistics' efforts to investigate factors accounting for differences in the number of workplace injuries and illnesses estimated by the BLS and other data sources.

Review of Federal OSHA's inspection history shows that the vast majority of major cases involving recordkeeping violations were generated from complaint and referral inspections. The NEP will be Federal OSHA's initial attempt to target the issue of under-recording for programmed inspections. Federal OSHA feels that the most likely places where under-recorded injuries and illnesses may exist are low-rate establishments operating in historically high-rate industries. Their NEP will focus on these establishments to identify under-recording.

Oregon OSHA will adopt a modified recordkeeping NEP to review recordkeeping and reporting of employers in Oregon. The NEP will look at the recordkeeping and reporting of:

- Employers with more than 50 employees on safety fixed high-hazard scheduling lists A – G and health fixed high-hazard scheduling list A as found in Appendices A and B of Division 1, OAR 437-001-0057, Scheduling Inspections.
- Construction employers with more than 50 employees statewide using the construction scheduling list.

[See Program Directive A-244.](#)

ACTION: Inspections under this NEP will be limited to programmed planned, comprehensive inspections for fixed places of employment on the safety fixed high-hazard scheduling lists A – G and health fixed high-hazard scheduling list A with more than 50 employees. It also applies to construction employers on the construction scheduling list with more than 50 employees statewide.

This NEP does not apply to business establishments in certain industry classifications who are partially exempt from keeping injury and illness records under [OAR 437-001-0700](#).

INSPECTION PROCEDURES:

A. Opening Conference

During the opening conference inform the employer and employee representatives that in addition to the regular worksite inspection you will also be conducting a more detailed review of their injury and illness recordkeeping and reporting procedures. Request a copy of the OSHA 300 Logs for 2007, 2008, and 2009; corresponding OSHA Form 300A; and DCBS Form 801 or equivalent.

B. Change of Ownership

1. If the establishment changed ownership after December 31, 2006 but before December 31, 2008, the records review will be conducted only for the period of new ownership.
2. If the name of the company changes, but the ownership remains essentially the same, the CSHO will conduct the records review.

3. If the establishment changed ownership after December 31, 2008, the records review will not be conducted.

Compliance Guidance: The recordkeeping regulation at Division 1, OAR 437-001-0700(22) states that once a request is made, an employer must provide the required recordkeeping records within four business hours.

Although the employer has four hours to provide recordkeeping records, there is no requirement that compliance officers must wait until the records are provided before beginning the walkaround portion of the inspection. As soon as the opening conference is completed, the compliance officers should begin the walkaround portion of the inspection and/or conduct the required interviews.

C. Reviewing the Records

The CSHO will perform a comprehensive review of the employers' records in order to identify occupational injuries and illnesses that may have occurred to employees during calendar years 2007, 2008, and 2009. The CSHO will verify that each identified recordable injury or illness is properly entered on the employers' OSHA 300 Log and DCBS Form 801 or equivalent.

The CSHO will make copies of the OSHA Form 300 to include in the case file. The CSHO will also make copies of any documentation needed to support discovered recordkeeping deficiencies. If a copying machine is not available or if the employer will not allow appropriate documents to be temporarily removed from the premises, the CSHO will subpoena all records considered necessary for verification.

1. Interview the Designated Recordkeeper.

The CSHO will interview the designated recordkeeper regarding the manner in which injuries and illnesses are recorded at the establishment. The purpose of this interview is to assess each recordkeeper's knowledge of Oregon OSHA's injury/illness recordkeeping requirements and to determine whether recordkeeping problems exist. The CSHO will use the Recordkeeping Procedures Questionnaire included in Appendix A of this program directive.

2. Conduct Employee Interviews.

A sample of employees must be interviewed specifically in relation to recordkeeping using the Employee Questionnaire contained in Appendix A. The CSHO should conduct at least five interviews. These interviews can be combined with other employee interviews, provided the recordkeeping issues are addressed as described in this directive.

The CSHO will focus interviews on employees likely to be injured or become ill. CSHOs must inform employees that their statements will remain confidential to the extent permitted by law. However, each employee giving a statement should be

informed that disclosure of their identity may be necessary in connection with enforcement or court actions.

Compliance guidance: Select employees from those working in high-hazard areas.

3. Conduct Management Interviews.

The CSHO will interview management representatives regarding the manner in which injuries and illnesses are recorded at the establishment and to determine the existence of incentive or disciplinary programs that may influence recordkeeping. This interview should also seek to determine the extent to which management may influence medical treatment of injured or ill employees and to determine whether recordkeeping problems exist. The CSHO should use the questionnaire included in Appendix A for these interviews.

If there are apparent discrepancies that cannot be resolved through employee interviews and employer records, the CSHO should contact their manager for guidance about whether and how to deal directly with medical providers.

NOTE: When conducting interviews with the recordkeeper, the managers, or the employees, if the CSHO learns of any company policies that may have the effect of discouraging reporting on the injury and illness records, these should be documented in the interview notes or questionnaire. For example, if the CSHO learns that there is an awards program tied to the number of injuries and illnesses recorded on the OSHA Log, the program is to be described in the comments section. If it is determined, that these are written procedures the CSHO will obtain a copy of the employer's policy.

D. Closing Conference

At the conclusion of the inspection, the CSHO will conduct a closing conference with the employer and the employee representatives. The CSHO will discuss the strengths and weaknesses of the employer's recordkeeping program (which may include problems that do not rise to the level of a violation), and describe any recordkeeping deficiencies and violations found during the inspection.

ISSUING CITATIONS:

When Oregon OSHA recordkeeping violations are identified, appropriate citations and penalties will be proposed and supporting documentation provided in accordance with guidelines in the FIRM.

Citations for recordkeeping violations will be classified as other-than-serious with proposed penalties appropriate to the circumstances in each case. If violations are characterized as "willful," "repeat," or "failure to abate," the field office safety or health manager should be contacted for guidance. When determining the

classification of the citation, the CSHO will take into account the existence of incentive or disciplinary programs that potentially affect the recording of injuries and illnesses.

Employers will not be cited for over-reporting of cases. The employer will be informed of over-reporting and the need to eliminate these identified cases on the employer's OSHA Form 300 Log.

RECORDING AND TRACKING:

OSHA-1 item "inspection type" should be coded as "Planned." OSHA-1 item "scope" should be coded as "Comprehensive." To facilitate tracking of these inspections for evaluation of the program, an IMIS code of "RKNEP" will be entered in item 25d of the OSHA-1.

EVALUATION:

Copies of the logs, completed interviews and copies of employer written policies for each inspection will be submitted to the safety or health field operations manager. They will compile the data and develop a descriptive report of the results of the inspections conducted under this NEP.

EXPIRATION DATE: September 30, 2010

NOTE: This NEP differs somewhat from the OSHA NEP due to the fact that Oregon OSHA reviews the OSHA 300 Log, OSHA 300A, and 801 forms during all inspections and regularly evaluates the relationship between recordkeeping logs and claims records because Oregon OSHA's scheduling system is based on a random selection within high-hazard industries rather than based on the individual firm's injury and illness rate.

APPENDIX A
QUESTIONNAIRES

RECORDKEEPER QUESTIONNAIRE

The questionnaire is used to record responses to the interview with the manager and the recordkeeper.

OSHA Recordkeeper Questions

(Name) Last:

First:

Middle:

Title:

1. In keeping the OSHA records, what informational resources do you use?
 - a. The Oregon OSHA Rule OAR 437-001-0700
 - b. Instructions on the OSHA forms
 - c. Oregon OSHA website
 - d. Internal guidelines
 - e. Other (list)
 - f. None

2. Do you have a computerized recordkeeping system?
 Yes No

3. a. Does this company have other establishments or locations?
 Yes No

b. If yes, do you use centralized recordkeeping?
 Yes No

4. a. Do you have a completed supplementary record for each case entered on the log?
 Yes No

b. If yes, which form(s) do you use as the supplementary record?
 - (1) OSHA Form 301
 - (2) State Workers' Compensation Form (DCBS Form 801)
 - (3) Insurer's Form
 - (4) Other

5. How do you get information about workplace injuries and illnesses? For example, are supervisors required to report to you any injury or illness that occurs?

6. How were you trained to handle the duties of completing the OSHA Log?
 - Self-taught/no formal training
 - Trained by supervisor, colleague, or previous recordkeeper
 - Classroom training
 - Other (please specify)_____

7. If you need assistance in determining if a case should be recorded, how is it obtained?

8. Do employees in your establishment request access to the OSHA Log?

Frequently Occasionally Never

9. Have you ever been encouraged to not record an incident? If yes, how?

10. Are you aware of any safety incentive programs, contests, promotions or disciplinary programs sponsored by the company? Explain. If written, please supply a copy.

11. Comments:

EMPLOYEE INTERVIEW QUESTIONNAIRE

The questionnaire is used to record responses to the interviews with a sample of employees.

Name/Employment Information

Last:

First:

Middle:

Occupation (regular job title):

Department/Division:

Tenure:

Recordkeeping Questions

1. a. Have you ever seen an OSHA Form 300, the Log of Occupational Injuries and Illnesses, for your establishment?
 Yes No
- b. If yes, did you see it by:
 Viewing the 300A summary portion of the log posted by the employer?
 Requesting access to see the entire OSHA Log?
2. Did you experience a work related injury or illness during the 2007, 2008, or 2009 calendar years?
 Yes (go to Question 3) No (go to Question 7)
3. Briefly describe this injury and/or illness.
4. a. Did you report the injury or illness to your employer?
 Yes No
- b. If yes, was the case recorded on the OSHA Log?
 Yes No Don't Know
- c. If no, why not?
5. Have you or your employer filed for workers' compensation for this injury or illness?
 Yes No
6. a. Did your injury and/or illness involve any days away from work or days of restricted work activity?
If yes, explain.
 Yes No
- b. If yes, how many workdays?
_____ Number of days away from work
_____ Number of days restricted work activity
7. a. Are you aware of any of your coworkers experiencing a job-related injury or illness?
 Yes No
- b. If yes, who?
8. Did your employer inform you how to report work-related injuries and illnesses? If yes, by what means?

9. Have you ever been encouraged to not report an injury or illness or been encouraged to report an injury or illness as a non-work-related event or exposure?

10. Are there any safety incentive programs, contests, or promotions or any disciplinary programs here? Do these – or anything else – affect your decision whether to report an injury or illness?

11. Comments:

MANAGEMENT/COMPANY REPRESENTATIVE INTERVIEW QUESTIONNAIRE

Name of establishment being inspected: _____

Full Name: _____ Job Title: _____

Date of Interview: _____

1. Does the company maintain a record of occupational injuries and illnesses? Yes No
2. What are the name and job title of the individual(s) who maintain this information?
3. Does the company have a computerized recordkeeping system? Yes No
4. a) Does the company have other establishments or locations? Yes No
b) If yes, do you use centralized recordkeeping? Yes No
5. Do you have a completed OSHA Form 300 Log and OSHA Form 300A Summary of Occupational Injuries and Illnesses, for the calendar years? Yes No
6. When an employee experiences a work-related injury or illness, to whom do they make the first report of injury or illness? (List name and/or job title):
7. a) Does the company investigate the circumstances of occupational injuries and illnesses? Yes No
b) If yes, is a written report produced? Yes No
8. a) Does the company use temporary help agency workers? Yes No
b) If yes, does the company supervise them on a daily basis? Yes No
c) If yes, are their injuries and illnesses recorded on your OSHA Log? Yes No
9. Does the company have any incentive programs, disciplinary programs, contests, or promotions tied to injuries and illnesses? (If written policy, please provide copy)
10. Did you inform your employees how to report work-related injuries and illnesses? How?
11. What steps do you take to meet the certification requirement for the 300A?

NOTES: _____