

OSHA REPORTING & RECORD KEEPING: ARE YOU UP TO SPEED ON WHAT IS REQUIRED

WEBINAR Q&A

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The answers to the questions below represent information that was available at the time of publishing (01/25/2022). Information regarding OSHA standards and state and federal regulations can change at any moment and without notice.

Category	Question	Answer
COVID	If an employee is quarantined due to a positive COVID-19 test, is the time away from work considered "days away" on the OSHA 300 log?	If the employer has determined that the case is work related the incident must be recorded on the OSHA 300 log as "days away," "restricted," or "transfer" as defined within the standard.
COVID	What should the employer do if an employee tests positive for COVID-19 and does not officially report it to the employer?	If the employer becomes aware of a potential workplace case of COVID-19, the employer must investigate to determine if in fact it is legitimate and determine if it is work related.
COVID	Are all positive cases of COVID-19 recordable?	No, COVID-19 cases are only recordable if (1) there is a positive test, (2) is work related and (3) the illness results in treatment beyond first aid, lost time, hospitalization or death.
COVID	Should all positive COVID-19 tests be put on the OSHA 300 log?	No, COVID-19 cases are only recordable if (1) there is a positive test, (2) is work related and (3) the illness results in treatment beyond first aid, lost time, hospitalization or death.
COVID	Should work related COVID-19 deaths be reported to OSHA?	Yes, if the employee contracted COVID-19 at work, the employer must report the fatality to OSHA and add it to their OSHA 300 log.
COVID	If a COVID-19 case is confirmed and work related, would the employee's quarantine time be considered a "days away" case?	Yes, if the employee cannot perform any of his/her regular duties, the case must be logged as "days away." If the employee can do some of the job functions, it may be listed as a "restricted duty" case. If the employee can only perform work that is not part of his/her regular duties it would be logged as a "transfer."
COVID	If an employee is quarantined to follow CDC guidelines, is the case recordable on the OSHA 300 log?	The answer depends on whether or not the infection occurred in the workplace. If the employee contracted COVID-19 in the workplace, the quarantine time would be considered "days away," "restricted," or "transfer" depending on what, if any, work that the employee can perform while in quarantine.
COVID	Are COVID-19 cases considered privacy cases?	COVID-19 cases are not considered privacy cases because the illness is not included in the OSHA definition of a "privacy case."
COVID	Is it non work-related if they got COVID?	COVID-19 cases are only recordable if (1) there is a positive test, (2) is work related and (3) the illness results in treatment beyond first aid, lost time, hospitalization or death.



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COVID	Right now we have tons of employees calling in saying they have COVID—it's almost impossible to track if it's work related or not—what do you do in that case?	OSHA requires that all COVID-19 cases with a positive test to be investigated to prove work relatedness.
COVID	The COVID mandated with reactions, is that for all mandated vaccines (Example: Chicken Pox) or just COVID?	An adverse reaction to a COVID-19 vaccine is not recordable until at least May 2022. If an employer requires other types of vaccines in the workplace, an adverse reaction that results in death, hospitalization, days away, restricted activities or a job transfer would have to be recorded on the OSHA 300 log. If the adverse reaction resulted in death or hospitalization, the employer must also report the incident to OSHA within eight hours or 24 hours, respectively.
COVID	If an employer has employees that work in other locations and they contract COVID-19, does the employer need to record the incident on their OSHA 300 log?	COVID-19 cases are recordable (1) there is a positive test, and (2) it is work related and (3) the illness results in treatment beyond first aid, lost time, hospitalization or death.
COVID	Is a COVID-19 case recordable if an employee contracts COVID-19 from another employee?	Yes, if the employer's investigation determines that the exposure occurred in the workplace and there has been a positive test.
Electronic Submission	How can I go back to the ITA and update lost time on a previously submitted electronic 300A?	 You can edit data by following the steps located at https://www.osha.gov/sites/default/files/edit_300a_summary_data.pdf
Establishment	Can multiple departments of an employer at one location be considered their own establishment?	Establishments are usually defined as separate physical locations but multiple establishments could be in one location.
Establishment	If an employer has "contracted" workers, who must keep the OSHA 300 log for any injuries/illnesses that occur to those employees?	Whoever has direct control or supervises the employees would be required to include injuries/illness/deaths on their OSHA 300 log.
First Aid/Medical	At what dosage does a non-prescription, over-the-counter medicine become a "prescription strength" medicine that must be reported on the OSHA 300 log?	The non-prescription strength would be the recommended dosage located on the medicine's container. Any directives from the medical provider above those dosages would make it a recordable incident.



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OSHA 300 Log	Are employers with no recorded injuries or illnesses still required to electronically submit their OSHA 300 Summary?	If required by law to submit your OSHA 300A summary, the employer must do so even if there are no injuries/illnesses on the logs.
OSHA 300 Log	How do I obtain an OSHA 300 Log ?	All of the OSHA forms, 300, 300A and 301 can be obtained from the OSHA website and can be edited.
OSHA 300 Log	Is the OSHA 300A form separate from the OSHA Log?	Yes, the OSHA log is the information regarding individual injury/illnesses throughout the year. The 300A summary is a summary of the total numbers of injuries and illnesses as well the total number of days lost, restricted, or transferred. The log does not get posted but the summary does from February 1st to April 30th of each year.
OSHA 300 Log	If an employer has less than 10 employees, do they have to keep an OSHA 300 log?	The OSHA 300 log would not be required unless the employer is contacted in writing by a government agency.
Posting	Can you send the 300A summary to all employees via email?	No, the OSHA regulations require that employers "post" the 300A summary in a conspicuous location.
Posting	Does the posting requirement only apply if you're required to do record keeping? I work in an industry that is not required, but every year we get a request from OSHA to submit a log for one of our locations.	The posting of the 300A summary is only required for establishments that are required to complete a OSHA 300 log.
Pre-Existing Condition	Are employees required by law to inform their employer of pre-existing medical conditions that may affect their ability to do their job safely?	This question should be answered by your legal counsel.
Recording	How often during the year must employers update their OSHA 300 logs?	You must update your OSHA 300 log at least every seven days during the year
Recording	If a employee faints at work, must the employer report the incident to OSHA?	If the injury/illness was determined to be work related, it would have to be recorded by the employer.



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Recording	If an employee receives a bee sting in the course of employment, is the incident recordable on the OSHA 300 log?	Cases are recordable if (1) it is work related and (2) the injury/illness results in treatment beyond first aid, lost time, hospitalization or death.
Recording	If employee who works from home trips and falls injuring him/herself, is that recordable?	If the injury occurred because of inherent hazards within the home (such as a loose carpet), the injury would not be recordable. If the employee tripped and fell because of the work being performed, the injury would be recordable.
Recording	If an employee is injured in one year but the lost time, restrictions or transfer of duties lasts into the following year, is the incident recorded in both years?	Work related injuries with days away, restrictions, or transfer of duties must be recorded on the log in the year in which the injury occurred.
Recording	What should an employer do if they determine that OSHA 300 logs were not completed as required?	It is recommended that you start recording injuries/illnesses that meet the OSHA criteria and go back to January 1st to log all recordable injuries/illnesses that occurred during the calendar year. You should also make efforts to create logs for at least four years previous to 2021.
Recording	Does an employee visit to a clinic following an injury/illness make the incident recordable?	It depends on the medical services provided during the visit to the clinic. If the services exceeded the first aid list, the injury/illness would be recordable.
Recording— Subcontractors	Are independent contractors required to complete OSHA 300 logs?	Independent contractors are exempted from reporting/recording criteria if they have no employees.
Recording— Subcontractors	If a subcontracted employee is injured while working at a job site, who is responsible for recording the incident on their OSHA 300 log?	Whomever has direct control or supervises the employees would be required to include injuries/illness/deaths on their OSHA 300 log.
Recording— Subcontractors	What about contractors on site for capital improvements?	Whomever has direct control or supervises the employees would be required to include injuries/illness/deaths on their OSHA 300 log.
Recording— Transportation	Are we talking about a work related accident on a public highway, or something like an employee being injured on a highway on his way into work?	If the injury occurs on a public way during the conducting of work activities, the incident does not have to be reported but it still needs to be recorded. If an employee is not compensated for their drive to work, the injury would not have to be reported or recorded.



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Recording— Transportation	Is an incident reportable or recordable if an employee is in an accident in a company vehicle?	The injury would not be reportable if it occurs on a public road outside of a construction zone but would still be recordable if it resulted in days away, restrictions, or transfer of duties.
Recording— Transportation	How about plain driving to work or driving home from work?	The injury would not be recordable if the employee is not being compensated for the travel between home and work.
Recording— Transportation	If an employee is on the way to work while driving a company vehicle and is injured in an accident, is this a recordable incident?	The injury would not be recordable if it meets the OSHA recording criteria but would only be reportable if it occurred within a construction zone.
Recording— Transportation	If an employee has to cross a public road to reach a facility located on the other side of the road and is injured in the process, does the injury have to be reported or recorded?	If the injury occurs on a public way the injury would not have to be reported unless it was in a construction zone. The public way does not include the parking lots of each building. The case would still have to be recorded if it meets the general recording criteria.
Recording— Transportation	Is UBER considered public transportation?	UBER is considered public transportation.
Recording vs. MEMIC Claim Reporting	Is reporting to OSHA different than reporting a claim to Workers' Compensation?	The OSHA 300 log is for recording injury/illnesses that meet the OSHA reporting criteria. Workers' Compensation (MEMIC) claims have no direct connection to the OSHA reporting criteria.
Reporting	Is a "medical only" claim reportable to OSHA or recordable on the OSHA 300 log?	If the injury meets the OSHA reporting or recording criteria, it must be reported to OSHA regardless of the compensability of any claims.
Reporting	If an employee, who works from home, trips and falls, injuring him/herself, is that recordable?	The injury would not be recordable if the cause of the injury is inherent to the home and not the work activity be conducted by the employee.
Reporting	If I have an accident where an employee was injured on a job at the end of the year and restrictions carry over to the following year, do I record it on the new year's OSHA 300 log?	No, the injury and resulting restrictions are only counted on the OSHA 300 log for the year in which the injury/illness occurred.
Reporting	If you are an employer with less than 250 employees, do you still submit the OSHA summary report via mail, or just keep on file?	If you have fewer than 250 employees, you would not have to submit your logs in any form unless you fall into one of the high-injury categories such as Construction.



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Reporting	Municipalities report to the Dept. of Labor in Maine. Do we have to file the OSHA form with OSHA for Dept. of Labor?	Municipalities in Maine are only required to report injuries/illnesses to the Department of Labor. The same is true for the submission of injury/illness logs.
Reporting	How do I determine if I need to complete an OSHA 300 log and if I have to submit it to OSHA?	Unless your company is listed in the partial exempted businesses you must report your data to OSHA via electronic means.
Reporting	Does OSHA require that establishments log volunteers that may be injured in the workplace?	If the volunteer is not be compensated in any way (such as free services, tickets, etc.), then the volunteer's injury would not be recordable.
Reporting	If an employee of an outside agency is injured at my facility, do I have to log the case on my OSHA 300 log.	Whoever has direct control or supervises the employees would be required to include injuries/illness/deaths on their OSHA 300 log.
Reporting	What if an employee has a known history of seizures and has a seizure while working? Does that have to be reported?	If the injury/illness meets the OSHA reporting criteria, the injury/illness needs to be reported to OSHA regardless of the compensability of the claim to Workers' Compensation.
Reporting	Is a case considered recordable if an employee slips and falls in the parking lot on their way into work?	Yes, the parking lot is considered part of the work environment.
Reporting	If an employee's injury claim is denied by Workers' Compensation, is it still recordable on my OSHA 300 log?	If the injury/illness meets the OSHA reporting criteria, the injury/illness needs to be reported to OSHA regardless of the compensability of the claim to Workers' Compensation
Reporting	Do injuries that occur at a private residence (such as deliveries) during the course of work need to be recorded on the OSHA 300 log?	If the employee is conducting activities in the interest of the employer, an injury would be reportable and recordable if it meets the OSHA criteria for reporting and recording.

