

FERRAIUOLI LLC

LABOR & EMPLOYMENT DEPARTMENT

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CHANGES TO OSHA REGULATIONS ON RECORDKEEPING OF FATALITIES AND SERIOUS WORKPLACE INJURIES AND ESTABLISHMENTS SUBJECT TO REPORTING

On September 11, 2014, the federal Occupational Safety and Health Administration (OSHA) issued final rules changing recordkeeping and reporting requirements. The changes expand the list of severe injuries that all employers must report to OSHA. The new rules also update the list of industries partially exempt from routinely keeping OSHA workplace injury and illness records. Changes are effective January 1, 2015 for states and territories under OSHA jurisdiction. States and territories that operate their own safety and health programs may have different implementation dates.

New Reporting Requirements

Currently, employers must immediately report to OSHA work-related fatalities and in-patient hospitalizations of three or more employees. Under the new rules, employers will have to report:

- all work-related fatalities;
- all work-related inpatient hospitalizations of one or more employees;
- all work-related amputations; and
- all work-related losses of an eye.

The new rule will require employers to notify OSHA: (1) within 8 hours, work-related fatalities that occur within 30 days of a work-related incident; and, (2) within 24 hours of learning about it, work-related in-patient hospitalizations, amputations, or losses of an eye that occur within 24 hours of the work-related incident. While the new rules maintain the requirement of reporting fatalities caused by heart attacks, they exclude from reporting requirements an event that resulted from a motor vehicle accident on a public road or highway (unless it happened in a construction work area), an event occurring on a commercial or public transportation system, and in-patient hospitalizations for diagnostic testing or observation.

Partially Exempt Establishments

Under the current rules employers partially exempt from keeping injury and illness records include: (1) employers with 10 employees or less; and, (2) establishments in particular low-hazard industries. The new rules maintain the exemption of employees with 10 employees or less, but have significantly changed the list of previously exempted industries that will have to begin maintaining logs in 2015. Some establishments newly required to keep records are retail bakeries, car dealerships, pet and pet supplies stores, fish and seafood markets, wine and liquor stores, among others.

For more information on new requirements, how to identify if you are a covered employer and forms, you can contact us or visit OSHA's webpage: <https://www.osha.gov/recordkeeping2014/index.html>

This document has been prepared for information purposes only and is not intended to be and should not be relied upon as legal advice. If you have any questions or comments about the matters discussed in this notice, wish to obtain more information related thereto, or about its possible effect(s) on policy or operational matters, please contact us.

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