

BULLETIN

Risk Control

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by Lee S. Patton

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Cal-OSHA Code Regarding Recordkeeping

It's time to post the Annual Summary from the Cal-OSHA Form 300. Some changes have gone into effect regarding recordkeeping. We thought it would be a good idea to update our members with this information. The following is therefore presented in the form of a Q & A with the Cal-OSHA Code.

JPIA: When do you post the Annual Summary of the Cal-OSHA Form 300?

Code: It used to be that employers were required to post the Annual Summary from the prior year during the month of February, in the preceding year. The new requirement is that the Annual Summary be posted for three months from February 1 to April 30 in the preceding year.

This requirement applies to employers with 11 or more workers.

JPIA: Do you still post the Cal-OSHA Form 300 Annual Summary if you had no losses in the prior year?

Code: Yes, you are required to post the Summary, just record zeros across the total lines.

JPIA: Is the employer required to inform employees how he/she is to report an injury or illness?

Code: Yes. It is now required that employers inform all employees how they are to report an injury or illness.

JPIA: For multi-establishment employers, does the Cal-OSHA Form 300 Annual Summary need to be posted at all locations?

Code: No. The Cal-OSHA Form 300 need only be posted at the main location. However, if an employee does not report at least weekly to the location the Annual Summary is posted, then the employer is required to mail a copy to the employee.

JPIA: Who can certify the Annual Summary?

Code: It is now required that a company executive must certify the Annual Summary. The executive can include the highest ranking company official working at the establishment.

JPIA: Do you always enter the employee's name on all cases listed on the Cal-OSHA Form 300?

Code: If there is a privacy concern with a particular case, you now only enter "privacy concern" in place of the employee's name. A separate confidential list of the case numbers and corresponding names then must be maintained.

JPIA: Does a new event or exposure equal a new case?

Code: This is no longer true. When the signs or symptoms of a previous case have not been resolved, the case will be considered a continuation of the original case.

JPIA: Is there a 30-day rule for musculoskeletal disorders?

Code: There are no such criteria.

JPIA: Are all work-related illnesses recordable?

Code: Work related illnesses are recordable now only if they meet the general recording criteria.



JPIA: When does restricted work activity occur?

Code: Restricted work activity occurs when:

1. An employee cannot work a full shift.
2. An employee cannot perform all of his or her routine job functions, defined as any duty he/she regularly performs at least *once a week*.

The change is in #2 where it used to be duties he/she would be expected to do throughout the calendar year.

JPIA: If the restricted work activity is limited to the day of injury, does this make the case recordable?

Code: Restricted work activity that is limited to the day of injury no longer makes the case recordable.

JPIA: Is there a change in counting days?

Code: Yes. You no longer count workdays. Now you count calendar days. There is now a 180-day cap on counting days.

JPIA: Is there a change in what does not constitute medical treatment?

Code: Yes. Medical treatment does *not* include:

1. Visits to the MD for observation and counseling only;
2. Diagnostic procedures (including administration of prescription medication for diagnostic purposes; and
3. First aid.

JPIA: Does the regulation have a comprehensive list of what constitutes first aid?

Code: Yes. The regulation now has a comprehensive list of what constitutes first aid. Any other procedure is medical treatment.

JPIA: What has changed regarding treatments?

Code: The following changes have been made:

1. A single dose of prescription medication is now considered medical treatment (MT).
2. Over-the-counter (OTC) medication at a prescription dosage is now considered MT.
3. Drilling a nail is considered first aid (FA).

4. Putting on a butterfly bandage/Steri-Strip is now considered FA.

JPIA: Has there been a change to what is considered a significant diagnosed injury or illness?

Code: The following are included:

1. Fracture;
2. Punctured ear drum;
3. Cancer; and
4. Chronic irreversible disease.

JPIA: What information must be removed from the Cal-OSHA form 301, Incident Reports, or equivalent forms when an authorized employee representative asks for a copy?

Code: The personally identifying information that must be deleted is:

- Employee name;
- Employee address;
- Employee date of birth;
- Employee date of hire;
- Gender;
- Name of physician;
- Location where treatment was provided;
- Whether the employee was treated in an emergency room; and
- Whether the employee was hospitalized overnight as an in-patient.

H.R. LABOUNTY SAFETY AWARD PROGRAM

Nominations are being accepted for the Safety Award Program for the Spring Conference. The nomination form can be completed online at acwajpia.com, under the Resources Tab/Risk Management/Safety Awards/Nomination Form. The nomination can be e-mailed to tlofing@acwajpia.com. Please submit accompanying pictures in a digital format. The cut-off date for this round of nominations is April 20, 2009.



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