

EMPLOYMENT ALERT

Recent OSHA Rule Change Expands Injury and Illness Reporting Requirements

The U.S. Department of Labor's Occupational Safety and Health Administration ("OSHA") recently announced a final rule significantly changing the requirements for employers to notify OSHA of workplace fatalities and injuries resulting in hospitalization. The old rule required employers report within eight (8) hours any workplace fatality or any accident involving hospitalization of *three (3) or more* employees to the OSHA Area Office nearest the accident. The new rule still requires reporting fatalities within eight (8) hours, but will also require reporting *single* hospitalizations, as well as any injuries resulting in amputation or loss of an eye, within twenty-four (24) hours. According to OSHA, "Hospitalizations and amputations are sentinel events, indicating that serious hazards are likely to be present at a workplace and that an intervention is warranted to protect the other workers at the establishment." Failure to timely report could toll the six (6) month statute of limitations for OSHA to issue citations and levy penalties related to the unreported injury or illness and could also be the basis for additional citations and penalties. The new rule takes effect January 1, 2015. More information, including OSHA's official news release and the text of the final rule, are available at www.osha.gov/recordkeeping2014/.

Employers should review now their injury reporting procedures and prepare to comply with this new rule. We further recommend that employers periodically conduct a comprehensive internal safety audit and consider possible changes in current policies and procedures to aid in proper and effective hazard identification, prevention and control, and employee safety training. Of particular importance with respect to OSHA inspections and investigations is ensuring the existence and proper maintenance of all OSHA-required records and documents, including, injury and illness logs and reporting forms, written safety programs and related employee training materials, and material safety data sheets ("MSDS's"). If you have any questions or would like assistance with this or any other issues, please do not hesitate to contact us.

Conner & Winters, LLP Labor & Employment Practitioners

Victor F. Albert
P. Bradley Bendure
Teresa Meinders Burkett
Kathryn S. Burnett
David R. Cordell
John W. Funk

P. Scott Hathaway
Tony W. Haynie
Crystal A. Johnson
Kerri E. Kobbeman
R. Richard Love, III

Donn C. Meindertma
J. Ronald Petrikin
Jeffrey R. Schoborg
Paige N. Shelton
Jason S. Taylor
Nancy E. Vaughn

This summary is provided as an informational tool. It is not intended to be and should not be considered legal advice, and receipt of this information does not establish an attorney-client relation. For legal advice, please contact one of our labor and employment attorneys.