

# OSHA Form 300A Due on February 1, 2014

## Labor & Employment Law Update

By Julie Proscia on January 23, 2014

Filings, filings and more filings...that is the theme of 2014. It seems like every month brings another looming deadline – taxes, 5500 etc. Well, let February be no exception. From February 1, 2014 through April 30, 2014, employers who are required to keep OSHA Form 300, the Injury and Illness Log, must post the Form 300A, the Summary of Work-Related Injuries and Illnesses, in a conspicuous workplace common area.

If you are reading this and saying ‘huh??’ or ‘uh oh!’, you are not alone. But never fear! Amundsen Davis will get you through yet another governmental regulatory hurdle. Below is a short breakdown of what you need to know.

### **Who Needs to Post the Form 300A?**

All non-exempt employers with more than 10 employees must post the form. Businesses that employ fewer than 10 workers or those that fall into an exempted category must also record injuries if they are required to do so by OSHA or the Department of Labor’s Bureau of Labor. Businesses that are exempt are those that are classified as low hazards and include categories such as beauty salons, some retail establishments and certain medical offices. The full list of exempt classifications is on the United States Department of Labor’s website at: <https://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html>

### **So What is the Form 300A?**

Form 300 is the Occupational Safety and Health Administration (OSHA) injury log. Form 300A is the summary of the same. Form 300A reports an employer’s total number of deaths, missed work days, job transfers or restrictions, and injuries and illnesses as recorded on Form 300 for the previous year. Lastly, the Form 300 includes the number of workers and the hours they worked for the year. Downloadable forms can be found on the United States Department of Labor’s website at: <https://www.osha.gov/recordkeeping/RKforms.html>

Employers are only required to post the 300A summary, not the full log. However, the full log must be available for inspection by employees, their representatives or OSHA investigators upon request. Generally, a full copy of the log is kept with the compliance office, safety officer or human resources. Employers with multiple job sites should keep a separate log and summary for each location that is expected to be operational for at least a year.

### What is a Reportable Injury?

Generally speaking, reportable injuries are only serious injuries that are the result of workplace activity. The first step in the analysis is to ascertain if the injury was actually due to work duties. Businesses are not required to report injuries resulting from activities merely incidental to work responsibilities.

Once you ascertain if the injury is work related, the next step is to ascertain if it is a serious injury. A serious injury is an injury that results in a fatality, loss of consciousness, days away from work, a restricted work schedule, job transfer, or a significant injury or illness diagnosis by a health care provider. Injuries that only require basic first aid are not reportable.

If the injury or illness is both work related and serious, it must be recorded on the log.

### Practice Tip

Every business covered by the OSH Act is subject to inspection by OSHA compliance safety and health officers (CSHOs). During OSHA inspections, violations are classified in a range from *de minimus* violation (a violation with no direct or immediate threat to safety or health), serious violations that are classified as willful, repeat and abate violations. The gravity or repetitive nature of the violation will increase the penalties and fines. While the failure to post the 300A summary alone will likely not cause you to go from a *de minimus* classification to a more serious violation, it can be used as intent to evade. As such, businesses under the Act should post the 300A from February 1, 2014 through April 30, 2014 in a common location, such as the cafeteria or break room in each facility and location.

The posting of a form now can save you more paperwork and fines later!

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