

OSHA Recordkeeping Questions

Recordkeeping Question	Answer
<p>1. Two supervisors had completed their work for the day and had entered the change trailer to change clothes and proceed home. There was some bantering back and forth concerning how to beat the traffic at shift's end. The discussion escalated into a physical confrontation where one supervisor allegedly pulled a knife and struck the other in the right bicep, causing a laceration that required sutures to close. The employer contended that, because the work environment did not contribute to the "horseplay gone badly," as they described the situation, the injury was not work-related and thus was non-recordable under OSHA regulations. Is this incident OSHA recordable?</p>	
<p>2. An employee opened the driver side door and started to exit his car when he caught his right foot on the raised door threshold. The employee subsequently fell onto the parking lot surface and sustained a right knee cap injury. Is this incident OSHA recordable?</p>	
<p>3. An employee was in the process of exiting his pick-up truck when he slipped on a rail used to enter and exit the vehicle. The employee fell onto the parking lot surface and sustained a twisted right knee. Is this incident OSHA recordable?</p>	
<p>4. We in OSHA's Directorate of Evaluation and Analysis are responding to your letter dated Friday, April 16, 2004 in which you request guidance on the proper recordability classification of a recent motor vehicle fatality that occurred in one of your foreign project locations.</p>	
<p>5. An employee reported to work at 7:00 a.m. At 12:15 p.m. the employee reported that his toes on his left foot had started swelling and his foot had started hurting. The employee wanted to go to a doctor for evaluation. On the First Report of Injury, that the employee completed before he went to the doctor, the employee indicated that the cause of the illness was "unknown (feet wet at cooling tower)." When answering the doctor's question: "How did injury occur?" the employee answered that the only thing he could think of was that his feet were wet all the previous day due to work in the morning at a cooling tower. The cooling tower water is treated to remove bacteria and then used in process operations in the plant. The doctor described the illness/injury as foot edema/cellulitis. The doctor also prescribed the injury as an occupational disease, prescribed an antibiotic, and the employee missed one day of work. The company sent the employee to a second doctor who said to continue using the antibiotic. Neither doctor could state conclusively that the foot edema/cellulitis was or was not due to the employee's feet being wet due to work at the cooling tower. Neither doctor is a specialist in skin disorders. During an incident review at the site, the employee again said he did not know if his feet being wet all day the previous day caused the injury/illness. The employee also stated that he had not worn the personal protective equipment, rubber boots, prescribed for this task. The company determined that this injury/illness is not work-related (did not occur in the course of or as a result of employment), since neither physician nor the employee can state with certainty that the injury/illness was caused by the employee's feet being wet all day due to work at the cooling tower. Since the injury/illness was determined to not be work-related, then the company deemed the incident non-recordable. Is this incident OSHA recordable?</p>	

<p>6. An employee must report to work by 8:00 a.m. The employee drove into the company parking lot at 7:30 a.m. and parked the car. The employee exited the car and proceeded to the office to report to work. The parking lot and sidewalks are privately owned by the facility and both are within the property line, but not the controlled access points (i.e., fence, guards). The employee stepped onto the sidewalk and slipped on the snow and ice. The employee suffered a back injury and missed multiple days of work. The company believes that the employee was still in the process of the commute to work since the employee had not yet checked in at the office. Since a work task was not being performed, the site personnel deemed the incident not work-related and therefore not recordable. Is this incident OSHA recordable?</p>	
<p>7. The employee described in Question 2 missed 31 days of work due to the back injury. On day 31, the doctor provided a release for returning to work. The next morning (day 32), when the employee was due to report to work, the employee stated that his back was hurting, and the employee did not report to work. The employee scheduled a doctor's appointment, with the same doctor, and visited the doctor on day 33. The doctor issued a statement stating that the employee was not able to return to work. Since the employee was released to return to work, the company does not believe it has to count the intervening two days on the OSHA log. Should the additional two days be recorded on the OSHA log?</p>	
<p>8. An employee reports to work. Several hours later, the employee goes outside for a "smoke break." The employee slips on the ice and injures his back. Since the employee was not performing a task related to the employee's work, the company has deemed this incident non-work related and therefore not recordable. Is this incident OSHA recordable?</p>	
<p>9. An employee drives into the company parking lot at 7:30 a.m., exits his car, and proceeds to cross the parking lot to clock-in to work. A second employee, also on the way to work, approaches the first employee, and the two individuals get into a physical altercation in the parking lot. The first employee breaks an arm during the altercation. The employee goes to the doctor and receives medical treatment for his injury. The company deems this non-work related, and therefore non-recordable, since the employees had not yet reported to work and a work task was not being performed at the time of the altercation. Is this incident OSHA recordable?</p>	

<p>10. An employee injured a knee performing work-related activities in 2001. The accident was OSHA recordable and subject to worker's compensation. The employee had arthroscopic knee surgery eleven months later and was released to full duty a month and a half after the arthroscopic surgery. The employee had a second knee injury three months after the return to work release (after the first surgery). Post-surgery (second surgery), the doctor prescribed Vioxx® as an anti-inflammatory. Approximately one and one-half months after the second knee surgery, the employee was given another full release to return to work full duty and returned to work. However, the doctor told the employee to continue to take Vioxx® as prescribed (as needed) and to return to the doctor as needed. The employee scheduled a follow-up appointment with the doctor. The day before the appointment, the employee bumped his knee at work. During his scheduled doctor's appointment (was to be the last follow-up visit) the employee mentioned the latest incident (bumping the knee) to the doctor and showed him where the pain was occurring due to bumping his knee. The doctor stated that the employee had an inflamed tendon (Grade 1 lateral collateral ligament sprain) that was not part of the initial surgery (patellar tendonitis). The doctor stated in the diagnosis that the original injury that required knee surgery was resolved. The doctor told the employee to continue taking Vioxx® for the inflamed tendon. Since the employee was already taking the medication prescribed (Vioxx®), the site does not believe this is recordable as a second incident. Is the last injury OSHA recordable as a new case?</p>	
<p>11. A site hired numerous temporary workers at its plant. Three temporary workers were injured. They each received injuries that were recordable on the OSHA 300 Log. The employees were under the direct supervision of the site. Should the injuries be recorded on the site log or the temp agency log?</p>	
<p>12. An employee knits a sweater for her daughter during the lunch break. She lacerates her hand and needed sutures. She is engaged in a personal task. Are lunch breaks or other breaks considered "assigned working hours?" Is the case recordable?</p>	
<p>13. An employee times out and chooses to linger in the plant, and then she goes to her locker to lock up her personal items and falls. Is the injury work-related?</p>	
<p>14. An employee sustained a work-related ankle injury (sprain) and received medical treatment. The employee immediately returned to work with restrictions. The employee's doctor has requested that the employee return for periodic office visits so that he can observe the patient's improvement. The employee's doctor states that on the days the employee has an appointment, the employee is "unable to work that date." Are the days used by the associate [employee] to visit the doctor for follow-up be considered as days away from work?</p>	
<p>15. An employee "had a pre-existing and non-work-related blood condition that prevented the employee's blood from clotting as quickly as it should." The employee "sustained a mild work-related laceration to her lower leg and received medical treatment." The physician ultimately directed the employee to take "five days off work to allow her blood condition to stabilize." The employee's own doctor stated that "absent the anticoagulant condition, the employee would have been able to return to work while the laceration healed." Are the days away from work attributable to allowing the pre-existing blood condition to stabilize counted as days away from work on the OSHA log?</p>	

<p>16. An employee is injured while participating in go-cart racing, which occurred during an off-site team-building event. Employees were required to attend the off-site meeting and lunch, but were then free to choose among the following options: (1) participating in the team-building event; (2) returning to the office to finish the work day; or (3) taking a 1/2-day vacation. Is the injury incurred during the go-cart racing considered to be work-related? Is the answer any different if an employee elects to stay for the go-cart racing but is not required to participate and is injured while watching the racing?</p>	
<p>17. An employee is injured and is placed under a work restriction(s) by a physician; however, the employer does not have any available restricted work for a period of time and is sent home. Should this case be classified as "Days away from work" or "Job transfer or restriction"?</p>	
<p>18. An employee has a work-related occupational injury and is examined by the company physician. The employee can be returned to work, full duty; however, the employee is given a 20-pound lifting restriction, or a "do not use left hand" restriction for 3 weeks. The restriction is given because the employees may get rotated for non-routine tasks, or equipment breakdown that might occur once or twice a month. By issuing the restriction, the supervisor knows not to allow that employee to do non-routine tasks. Is this still considered a work restriction for recordkeeping purposes and do the total days need to be counted on the OSHA Log since the restriction is for non-routine tasks and the physician is saying the employee can perform all of his normal routine work and work the full work day?</p>	
<p>19. On September 21, 2004, an employee was clearing an overgrown area of soil, gravel, and weeds. In doing so, he disrupted a yellow jack nest, receiving multiple stings to the hand, arm, ear, neck, and back areas. The employee was immediately driven to a local clinic and seen by a physician. The employee received injections of Benadryl and Kenalog and was advised to apply ice packs, drink fluids, and rest.</p> <p>In two separate communications dated September 29, 2004, a second physician, while admitting that the treating physicians' use of Benadryl and Kenalog injections was "within the standard of care" for the injury suffered, went on to state that "Many providers would have instead offered oral diphenhydramine (Benadryl) and topical triamcinolone (Kenalog)." In other words, the second physician stated that the injury could have been treated by administering first aid, and, therefore, resulting in a non-recordable injury. Is the injury recordable?</p>	
<p>20. An employee was performing routine work activities in a manufacturing setting and was struck by an object that caused damage to his dental bridge. The employee to date has chosen not to seek any medical or dental treatment or consultation. Would damage to a denture in the presence of no other discernable injury be considered a recordable injury requiring entry on the OSHA 300 log even when medical treatment is not administered?</p>	
<p>21. If an employee voluntarily takes work home and is injured while working at home, is the case recordable?</p>	
<p>22. If an employee suffers an epileptic seizure, falls, and breaks his arm, is the case recordable?</p>	
<p>23. Employee A drives to work, parks her car in the company parking lot and is walking across the lot when she is struck by a car driven by employee B, who is commuting to work. Both employees are seriously injured in the accident. Is either case work-related and therefore recordable?</p>	

24. An employee experienced an injury or illness in the work environment before they had "clocked in" for the day. Is the case considered work related even if that employee was not officially "on the clock" for pay purposes?	
25. Is work-related stress recordable as a mental illness case?	
26. If an employee dies or is injured or infected as a result of terrorist attacks, should it be recorded on the OSHA Injury and Illness Log?	
27. An employee hurts his or her left arm and is told by the doctor not to use the left arm for one week. The employee is able to perform all of his or her routine job functions using only the right arm (though at a slower pace and the employee is never required to use both arms to perform his or her job functions). Would this be considered restricted work?	
28. Are surgical glues used to treat lacerations considered "first aid?"	
29. Is the use of a rigid finger guard considered first aid?	
30. An employee who sustains a work-related injury requiring days away from work is terminated for drug use based on the results of a post-accident drug test. May the employer stop the day count upon termination of the employee for drug use?	
31. Once an employer has recorded a case involving days away from work, restricted work or medical treatment and the employee has returned to his regular work or has received the course of recommended medical treatment, is it permissible for the employer to delete the Log entry based on a physician's recommendation, made during a year-end review of the Log, that the days away from work, work restriction or medical treatment were not necessary?	
32. If a physician or other licensed health care professional recommends medical treatment, days away from work or restricted work activity as a result of a work-related injury or illness can the employer decline to record the case based on a contemporaneous second provider's opinion that the recommended medical treatment, days away from work or work restriction are unnecessary, if the employer believes the second opinion is more authoritative?	
33. If an employee loses his arm in a work-related accident and can never return to his job, how is the case recorded? Is the day count capped at 180 days?	
34. If an employee who routinely works ten hours a day is restricted from working more than eight hours following a work-related injury, is the case recordable?	
35. If an employee is exposed to chlorine or some other substance at work and oxygen is administered as a precautionary measure, is the case recordable?	
36. Are work-related cases involving chipped or broken teeth recordable?	
37. How would the employer record the change on the OSHA 300 Log for an injury or illness after the injured worker reached the cap of 180 days for restricted work and then was assigned to "days away from work"?	

<p>38. Does the employer have to record a work-related injury and illness, if an employee experiences minor musculoskeletal discomfort, the health care professional determines that the employee is fully able to perform all of his or her routine job functions, but the employer assigns a work restriction to the injured employee?</p>	
<p>39. Are injuries and illnesses recordable if they occurred during employment, but were not discovered until after the injured or ill employee was terminated or retired?</p>	
<p>40. If an employee leaves the company after experiencing a work-related injury or illness that results in days away from work and/or days of restricted work/job transfer how would an employer record the case?</p>	
<p>41. If an employee has an adverse reaction to a smallpox vaccination; is it recordable under OSHA's recordkeeping rule?</p>	
<p>42. An employee has a work-related shoulder injury resulting in days of restricted work activity. While working on restricted duty, the employee sustains a foot injury which results in a different work restriction. How would the employer record these cases?</p>	
<p>43. An employee is provided antibiotics for anthrax, although the employee does not test positive for exposure/infection. Is this a recordable event on the OSHA log?</p>	
<p>44. An employee tests positive for anthrax exposure/infection and is provided antibiotics. Is this a recordable event on the OSHA log?</p>	
<p>45. Under paragraph 1904.29(b)(9), the employer may use some discretion in describing a privacy concern case on the log so the employee cannot be identified. Can the employer also leave off the job title, date, or where the event occurred?</p>	
<p>46. If an employer has no recordable cases for the year, is an OSHA 300-A, Annual Summary, still required to be completed, certified and posted?</p>	