

SECTION D

INJURY/ILLNESS RECORDKEEPING AND REPORTING SYSTEM

This section covers record keeping for occupational injuries and illnesses. If one or more of your employees suffers an occupational related injury or illness, you must complete certain forms as discussed in this section and keep specified records. If a death or serious injury or illness occurs, you are required to submit a report promptly to CAL/OSHA.

- 1.0 Record keeping requirements for injuries and illness. If an employee suffers an occupational injury or illness, the following forms must be completed.
 - 1.1 The Employee's Claim for Workers Compensation Benefits, DWC Form 1
 - 1.2 The Employers First Report of Occupational Injury or Illness, DLSR Form 5020, Rev. 5
 - 1.3 The Doctor's First Report of Occupational Injury or Illness, DLSR Form 5021
 - 1.4 Log and Summary of Occupational Injuries and Illnesses, OSHA Log 300
 - 1.5 SIPE Form 6-588, Employee's and Supervisor's Report of Industrial Injury/Exposure Report
- 2.0 Employee's Claim Form
 - 2.1 The employer must provide an Employee's Claim for Workers Compensation Benefits to an employee who has suffered an occupational injury or illness.
 - 2.2 The district must provide this report form to the employee within 24 hours of learning of the injury or illness. There is no time limit as to when the employee must return the form to the district.
 - 2.3 It is essential that the district keep track of the time and date of learning of the injury or the onset of illness. The district should also document when the Employee's Claim for Workers Compensation Benefits form was provided or why the form was not provided.
 - 2.4 You are required to date this form and provide copies to your insurer and the employee, dependent or representative who filed the claim within one working day after receiving the completed form from the employee.
 - 2.5 If the employee is available but will be unaware of presence of the form (for

example, the employee is unconscious), you probably should leave the form with a representative of the employee. Keep a record of such events.

3.0 Employer's First Report

- 3.1 The employer must complete the Employer's First Report of Occupational Injury or Illness, the so called "Employer's First" when an employee suffers an occupational injury or illness if:
 - 3.1.1 The occupational injury or illness results in lost time, which is defined as absence from work for a full day or shift beyond the date of injury or illness; or
 - 3.1.2 The occupational injury or illness requires medical treatment beyond first aid. First aid is defined as any one time treatment of minor scratches, cuts, burns, splinters, and so forth, which do not require the services of a physician.
- 3.2 You do not need to file an Employer's First if:
 - 3.2.1 The occupational injury or illness results only in first aid treatment; or
 - 3.2.2 There is no lost time.
- 3.3 The report must be filed with your carrier within five days after the injury or illness has been reported to the employer. Although the regulation does not specify this, it is prudent to consider the filing period to consist of five calendar days, rather than five working days.
- 3.4 As indicated, you have five days in which to file the report with your workers compensation insurance carrier. The carrier is to immediately forward the original report to the Division of Labor Statistics and Research.
- 3.5 Be careful when completing the Employer's First. The primary intent of the document is to gather statistics for research by the state of California. Unfortunately, litigation often occurs as a result of a job site injury and/or illness and the Employer's First is not a privileged document; therefore, it is available to all parties in litigation.
- 3.6 To ensure the accuracy of the report and keeping in mind its availability in litigation, exercise care in accumulating and recording the information necessary to complete the form. Specifically, unless an accident investigation has been completed within five days of learning of the injury or onset of the illness, and the actions of the injured employee and the cause of the accident (or exposure) have been determined, it may be prudent to state in paragraphs 16 and 17 of the Employer's First that the information called for is unavailable and/or uncertain. Follow-up information may always be provided.
- 3.7 There does not appear to be any time limit as to how long copies of the Employer's

First must be retained. It may be advisable to retain a copy of the Employer's First for the employee's duration of employment or five years, whichever is less.

4.0 Doctors's First Report

- 4.1 If an employee is sent to a physician, it is the responsibility of the attending physician to complete the Doctor's First Report of Occupational Injury or Illness, the "Doctor's First" or employee evaluation and treatment summary.
- 4.2 A treating physician must complete a Doctor's First on all occasions, regardless of whether medical treatment or first aid is rendered to the employee. The report must be completed within five days after initial examination.
- 4.3 The attending physician is responsible for providing the original of the Doctor's First to the district's workers' compensation insurance carrier, and the insurance carrier is responsible for forwarding a copy of the report to the Division of Labor Statistics and Research.
- 4.4 Unlike the Employer's First, which the insurance carrier must send to the Division of Labor Statistics and Research "immediately upon receipt", the Doctor's First must be sent to the Division of Labor Statistics within five days after the insurance carrier receives it.
- 4.5 The physician has the option of transmitting the information to the agency on an approved computer input media, as long as the data is acceptable and compatible with Division of Labor Statistics and Research computer equipment.
- 4.6 If the attending physician treats the employee for pesticide poisoning or a condition suspected to be pesticide poisoning, the physician must file a Doctor's First directly with Division of Labor Statistics and Research within five days of initial treatment. This report is in addition to the report the physician files with the district or with the employer's workers' compensation carrier.
- 4.7 Since the Doctor's First is characterized as an employee's medical record, you are strongly advised to maintain that record with the other medical records of the employee. It also is advisable to keep the employee medical records separate from their personnel records to ensure privacy of the medical records.
- 4.8 The Doctor's First form is logically characterized as a confidentiality of Medical Information Act includes provisions for both civil and criminal sanctions if the district does not maintain confidentiality of the type of information included on Doctor's First.
- 4.9 The physician often will determine whether treatment is to be characterized as medical treatment or first aid. The categorization of the treatment often will

determine whether the injury or illness is recordable for the purposes of the CAL/OSHA log and whether it must be reported on the Employer's First. In light of the importance of this determination, it is advisable to refer the employee to a physician or clinic specializing in occupational injuries or illnesses.

5.0 Completing and Posting the OSHA Log 300

- 5.1 With limited exception, every employer in the state, (including state and local public agencies) must complete the Log and Summary of Occupational Injuries and Illnesses, also known as the OSHA Log 300. To obtain a log, contact SIPE Safety, 402-M Farnel Road, Santa Maria, CA 93458.
- 5.2 Schools/educational institutions are exempt from maintaining an OSHA Form 300 Log unless instructed to do so by CAL/OSHA.
- 5.3 A recordable occupational injury or illness is any occupational injury or illness that results in:
 - Fatality
 - Lost workdays
 - Injuries or illnesses resulting in a transfer to another job or in termination of employment.
 - Injuries or illnesses requiring medical treatment (other than first aid).
 - Injuries or illnesses that involve a loss of consciousness or restriction of work (or motion).
 - A diagnosed occupational illness reported to the employer.
- 5.4 First aid is any one time treatment and any follow-up visits for the purpose of observation of minor scratches, cuts, burns, splinters, etc. The fact that a physician provides the treatment does not change first aid treatment to medical treatment.
- 5.5 Medical treatment consists of treatment administered by a physician (or registered professional personnel understanding orders of a physician) which is not first aid.
- 5.6 The log is completed on a calendar year basis: January 1 through December 31. The entries on the log must be made as early as practicable but no later than six days after learning that a recordable entry has occurred.
- 5.7 If a school district has more than one establishment (for example, separate offices, buildings or job sites), the actual record keeping function may be done at a single location. The district does not need to do the actual recording of the log entries at each establishment. What must be maintained (or kept) at each establishment is a copy of the log; the copies are to be complete and current to within 45 calendar days.
- 5.8 If a school district's policy is to maintain a single log that incorporates injury and illness reporting for all of the district locations on that single log, it is advisable to ensure that each entry clearly identifies the actual job site location of the injury

and/or illness.

- 5.9 For employees who do not work at a single establishment and are generally not supervised in their daily work, such as special education teachers, you may maintain the records of any such employees at the location from which they are paid.

6.0 Annual Summary - OSHA Log 300

- 6.1 An annual summary of the log must be completed within one month after the end of the calendar year for which the log was maintained. That is, for the calendar year 2007, the annual summary of occupational injuries and illnesses for the establishment should have been completed by February 1, 2008.

- 6.2 The annual summary is not a separate document. It is the right portion of the OSHA Log 300, folded at the vertical line. The information for the summary is taken from the log or logs completed during the calendar year and must include:

- Calendar year covered.
- School district name.
- Establishment site name.
- Establishment site address.
- A certification signature, title and date.

Columns in the form should be totaled as follows:

- Add number of entries in columns 1 and 8.
- Add number of checks in columns 2, 3, 6, 7, 9, 10, and 13.
- Add number of days in columns 4, 5, 11 and 12.
- Yearly totals for each column 1-13 are required for posting. Running or page totals may be generated at the discretion of the employer.

- 6.3 A designated individual must certify the accuracy of the log and summary. False certification exposes that person to a possible fine and criminal prosecution.

- 6.4 Each year, from February 1 to March 1, the summary covering the previous calendar year must be posted.

- 6.5 It must be posted in a conspicuous place where notices to employees are customarily posted.

- 6.6 If no injuries or illnesses occurred during the year, the annual summary must still be completed and posted although all of the "total" lines at the bottom of the log would be zero.

- 6.7 For those employees who do not have access to the posted summary, you must present or mail a copy of the annual summary to them. Also, for those employees who do not primarily report for work at a single establishment or who do not report

to a fixed establishment on a regular basis and who receive pay during the month of February of the next year, you must mail a copy of the summary to them.

- 6.8 The log and annual summary are to be retained in each establishment for five years following the end of the year to which they relate.
- 6.9 The log and annual summary must be available for inspection and copying by representatives of CAL/OSHA and other specifically designated agencies. The log and annual summary shall also be available to any employee, former employee, or their representatives.
- 6.10 If ownership of the establishment changes, the new owner has responsibility for maintaining existing records, if any, at the establishment for the designated periods.
- 7.0 Reporting a Death or Serious Injury
- 7.1 California regulations require a employer to submit a report to the nearest CAL/OSHA district office if any of the following occurs:
- An employee is seriously injured on the job or in connection with the job.
 - An employee suffers a serious job-related illness.
 - An employee dies on the job or in connection with it.
- 7.2 An injury or illness is defined as "serious" if:
- The employee is hospitalized for more than 24 hours for reasons other than medical observation; or
 - An employee loses any part of the body or suffers permanent disfigurement.
- 7.3 The employer must make the report as soon as practically possible, but not longer than 24 hours after the employer knows or, with diligent inquiry, could have known of the death, serious illness or injury.
- 7.4 The employer may make the report by telephone or telegraph. Presumably, although the regulation does not specifically say so, the report could also be faxed to:

CAL/OSHA
1000 Hill Road, Suite 110
Ventura, CA 93003
(805) 654-4581
Fax: (805) 654-4852

The report must include the following:

- Time and date of the accident.
- Employer's name, address and telephone number.

- Name and job title or badge number of the person reporting the accident.
- Address where the accident or event occurred.
- Name of person to contact at the accident site.
- Name and address of the injured employee(s).
- Name of injury(ies).
- Location where the injured employee(s) was/were moved.
- List and identify other law enforcement agencies present at the site of the accident.
- Description of the accident and whether the accident scene or any of the equipment or machinery has been altered.

7.5 You do not need to report an injury or illness caused by an accident on a public street or highway or an injury, illness or death resulting from a crime.

8.0 Employees and Supervisors Industrial Injury Exposure Report

8.1 The employer will ensure that the employee complete and sign the employee's report section.

8.2 The employee's supervisor will complete and sign the supervisor's review section.

8.3 Safety committee review section is a district option. The district safety coordinator should then sign and forward one copy to Workers' Compensation Administrators and one copy to the SIPE Safety Office.

8.4 Report all injuries within 24 hours no matter how trivial.

9.0 Workers' Compensation Administrators (WCA)

9.1 Districts and injured employees should contact WCA if they have any questions or need assistance.

9.2 Correspondence or bills relating to injuries should be sent to:

Workers' Compensation Administrators
265 East Donovan
Santa Maria, CA 93458
(805) 922-9157

9.3 Districts should not give information concerning injuries to anyone. Refer all such inquiries to Workers' Compensation Administrators.