



Legal Alert: Reminder: OSHA Injury & Illness Summaries Must be Posted on February 1

1/27/2012

Executive Summary: This is a reminder that beginning February 1, employers who are not exempt from this requirement (see the list below) must post OSHA Form 300A, which is a summary of the total number of job-related injuries and illnesses that occurred in the preceding year. Employers must also provide information about the annual average number of employees and total hours worked during the calendar year to assist in calculating incidence rates.

The 300A Summary must be posted from February 1 through April 30, 2012, in the area normally used by employers to post employee notices. Employers must make a copy of the summary available to employees who move from worksite to worksite, such as construction workers, and employees who do not report to any fixed establishment on a regular basis.

A company executive should sign or certify the Summary and complete each line, including the "total" line of the Summary posting "zeros" wherever necessary. Even companies who had no recordable injuries or illnesses in 2011 must post the form with zeros in the total line.

Employers should **not** post the OSHA 300 Log; however, employees, former employees, and their representatives have the right to review the OSHA 300 Log (and have limited access to OSHA Form 301 or its equivalent).

Exempt Employers

Employers are exempt from this requirement if they employ ten or fewer employees. Additionally, employers in the industry groups listed below are normally exempt from federal OSHA injury and illness recordkeeping and posting requirements (this list was taken from OSHA's web site, <http://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html>). A few otherwise exempt employers must maintain records if they are selected to participate in the Annual Survey of Occupational Injuries and Illnesses.

They will be notified in advance and supplied with the necessary forms and instructions.

Note that all employers, even if otherwise exempt because of company size or industry classification, must report to OSHA any workplace injury that results in a fatality or the hospitalization of three or more employees.

Application to Airline Employers

Airline employers must record and post all injuries and illnesses for all employees; however, they are **not** required to either **record** or **post** injuries or illnesses of flight crews (airline pilots, engineers, flight attendants) while these employees are in an aircraft performing their job duties. If a flight crew member is injured outside the aircraft, and the injury is work-related and not subject to an exception, the airline employer must record and post these injuries.

Proposed Revisions to the Recordkeeping Requirements

OSHA has issued a Notice of Proposed Rulemaking that would revise the list of partially exempt industries by replacing it with a list of industries based on the North American Industry Classification System (NAICS) instead of the Standard Industrial Classification (SIC) system and based on more recent occupational injury and illness rates. The proposed rule would also require employers to report to OSHA, within eight hours, all work-related fatalities and all work-related in-patient hospitalizations; and within 24 hours, all work-related amputations. Currently, employers must report to OSHA, within eight hours, all work-related fatalities and in-patient hospitalizations of three or more employees. The comment period on the proposed rule has closed; however, OSHA has not issued a final regulation incorporating these changes.

More information regarding the posting and recordkeeping requirements is available on OSHA's web site at:
<http://www.osha.gov/recordkeeping/pub3169text.html>.

If you have questions regarding the posting requirement or other OSHA-related issues, please contact Terry Price, tprice@fordharrison.com, Heather Macdougall, hmacdougall@fordharrison.com, or the Ford & Harrison attorney with whom you usually work.

List of Partially Exempt Industries

SIC Code	Industry Description	SIC Code	Industry Description
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525			
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	Hardware Stores		
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725			
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	Shoe Repair and Shoeshine Parlors		
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542			
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	Meat and Fish Markets		
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726			
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	Funeral Service and Crematories		
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544			
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	Candy, Nut, and Confectionery Stores		
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729			
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Miscellaneous Personal Services

545

Dairy Products Stores

731

Advertising Services

546

Retail Bakeries

732

Credit Reporting and Collection Services

549

Miscellaneous Food Stores

733

Mailing, Reproduction, & Stenographic Services

551

New and Used Car Dealers

737

Computer and Data Processing Services

552

Used Car Dealers

738

Miscellaneous Business Services

554

Gasoline Service Stations

764

Reupholstery and Furniture Repair

557

Motorcycle Dealers

78

Motion Picture

56

Apparel and Accessory Stores

791

Dance Studios, Schools, and Halls

573

Radio, Television, & Computer Stores

792

Producers, Orchestras, Entertainers

58

Eating and Drinking Places

793

Bowling Centers

591

Drug Stores and Proprietary Stores

801

Offices & Clinics Of Medical Doctors

592

Liquor Stores

802

Offices and Clinics Of Dentists

594

Miscellaneous Shopping Goods Stores

803

Offices Of Osteopathic Physicians

599

Retail Stores, Not Elsewhere Classified

804

Offices Of Other Health Practitioners

60

Depository Institutions (banks & savings institutions)

807

Medical and Dental Laboratories

61

Nondepository Institutions (credit institutions)

809

Health and Allied Services, Not Elsewhere Classified

62

Security and Commodity Brokers

81

Legal Services

63

Insurance Carriers

82

Educational Services (schools, colleges, universities and libraries)

64

Insurance Agents, Brokers, & Services

832

Individual and Family Services

653

Real Estate Agents and Managers

835

Child Day Care Centers

654

Title Abstract Offices

839

Social Services, Not Elsewhere Classified

67

Holding and Other Investment Offices

841

Museums and Art Galleries

722

Photographic Studios, Portrait

86

Membership Organizations

723

Beauty Shops

87

Engineering, Accounting, Research, Management, and Related Services

724

Barber Shops

899

Services, not elsewhere classified