OSHA Recordkeeping Questions and Answers

Recordkeeping Question	Answers
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?**	Under 29 CFR Subpart C, "Recordkeeping Forms and Recording Criteria," an injury must be recorded if it is work-related, is a new case, and meets one or more of the general recording criteria (such as requiring medical treatment beyond first aid). See 29 CFR §1904.4(a). An injury is presumed to be work-related if it results from an event occurring in the work environment, unless an enumerated exception to this geographic presumption applies. See 29 CFR §1904.5(a). The work environment includes any location where one or more employees are working or are present as a condition of their employment. See 29 CFR §1904.5(b)(1). We assume that the supervisors were in the change trailer as a part of their work or as a condition of their employment. If our assumption is correct, the injury resulted from an event (the altercation between the two supervisors) occurring in the work environment and was thus work-related. When a work-related injury requires treatment beyond first aid, it is recordable unless it falls within one of the §1904.5(b)(2) exceptions to the geographic presumption. http://www.osha.gov/recordkeeping/handbook/index.html
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?**	Employees sustained injury in the company parking lot and di not involve a motor vehicle accident. Instead, the employee was injured when he/she fell out of his/her parked vehicle and struck the parking lot surface (work environment). As a result, the case doesn't meet the exception in Section 1904.5(b)(2)(vii), and, therefore, must be recorded on the establishment's log, if it meets the other recording criteria listed in the regulation (e.g., medical treatment, days away from work, etc.). http://www.osha.gov/recordkeeping/handbook/index.html
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?	Employees sustained injury in the company parking lot and di not involve a motor vehicle accident. Instead, the employee was injured when he/she fell out of his/her parked vehicle and struck the parking lot surface (work environment). As a result, the case doesn't meet the exception in Section 1904.5(b)(2)(vii), and, therefore, must be recorded on the establishment's log, if it meets the other recording criteria listed in the regulation (e.g., medical treatment, days away from work, etc.). http://www.osha.gov/recordkeeping/handbook/index.html

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.	will assume that you realize that the Occupational Safety and Health Act, and therefore the 29 CFR Part 1904 OSHA Recordkeeping Regulation, apply only within the jurisdictional boundaries of the United States and certain locations listed in Section 4(a), 29 USC §653(a) of the Act. If the accident had occurred in a location subject to OSHA jurisdiction, the fatality appears, from the facts recounted in your letter, to be recordable. A fatality is work-related, and therefore record able, if it occurred while the employee was traveling "in the interest of the employer," such as driving to attend a work meeting, see 29 CFR §1904.5(b)(6). Please note that the employee's pay status at the time of the accident does not affect the work relatedness of the case. An exception would apply if the accident occurred while the employee was on a personal detour from a reasonably direct route of travel, see 29 CFR §1904.5(b)(6)(ii). Since you stated that you do not know whether or not the employee took any personal side trip(s) from the normal highway route to the meeting, the exception would not apply. http://www.osha.gov/recordkeeping/handbook/index.html

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?**	A case is work-related if it is more likely than not that an event or exposure in the work environment was a cause of the injury or illness. The work event or exposure need only be one of the causes; it not need to be the sole or predominant cause. In this case, the fact that neither the physician nor the employee could state with certainty that the employee's edema was caused by working with wet feet is not dispositive. The physician's description of the edema as an "occupational disease," and the employee's statement that working with wet feet was "the only thing he could of" as the cause, indicate that it is more likely than not that working with wet feet was a cause. The case should be recorded on the OSHA 300 Log. http://www.osha.gov/recordkeeping/handbook/index.html

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?**	Company parking lots and sidewalks are part of the employer's establishment for recordkeeping purposes. Here, the employee slipped on an icy sidewalk while walking to the office to report for work. In addition, the event or exposure that occurred does not meet any of the work-related exceptions contained in 1904.5(b)(2). The employee was on the sidewalk because of work; therefore, the case is work-related regardless of the fact that he had not actually checked in. http://www.osha.gov/recordkeeping/handbook/index.html
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?**	The employer would have to enter the additional days away from work on the OSHA 300 log based on receiving information from the physician or other licensed health care professional that the employee was unable to work. http://www.osha.gov/recordkeeping/handbook/index.html
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?**	Under Section 1904.5(b)(2)(v), an injury or illness is not work-related if it is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours. In order for this exception to apply, the case must meet both of the stated conditions. The exception does not apply here because the injury or illness occurred within normal working hours. Therefore, your case in question is work-related, and if it meets the general recording criteria under Section 1904.7 the case must be recorded.

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?**	The recordkeeping regulation contains no general exception for purposes of determining work-relationship for cases involving acts of violence in the work environment. Company parking lots/access roads are part of the employer's premises and therefore part of the employer's establishment. Whether the employee had not clocked in to work does not affect the outcome for determining work-relatedness. The case is recordable on the OSHA log, because the injury meets the general recording criteria contained in Section 1904.7. http://www.osha.gov/recordkeeping/handbook/index.html
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?**	In the recordkeeping regulation, the employer is required to follow any determination a physician or other licensed health care professional has made about the status of a new case. The inflamed tendon is a new case because the employee had completely recovered from the previous injury and illness and a new event or exposure had occurred in the work environment. Therefore, for purposes of OSHA recordkeeping, the employer would enter the case on the OSHA 300 log as appropriate. http://www.osha.gov/recordkeeping/handbook/index.html

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?**	Section 1904.31 states that the employer must record the injuries and illnesses that occur to employees not on its payroll if it supervises them on a day-to-day basis. Day-to-day supervision generally exists when the employer "supervises not only the output, product, or result to be accomplished by the person's work, but also the details, means, methods, and processes by which the work objective is accomplished." http://www.osha.gov/recordkeeping/handbook/index.html
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?**	This case must be recorded because it does not meet the exception to work-relatedness in Section 1904.5(b)(2)(v) for injuries that occur in the work environment but are solely due to personal tasks. For the "personal tasks" exception to apply, the injury or illness must 1) be solely the result of the employee doing personal tasks (unrelated to their employment) and 2) occur outside of the employee's assigned working hours. OSHA clarified in a January 15, 2004 letter of interpretation that Section 1904.5(b)(2)(v) does not apply to injuries and illnesses that occur during breaks in the normal work schedule. Here, the exception does not apply because the injury occurred during the employee's lunch break
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?**	Since the injury occurred in the work environment, it is work-related unless the exception in Section 1904.5(b)(2)(v) applies. You do not provide enough factual detail for us to fully evaluate whether the exception applies in the circumstances you describe. However, if employees normally keep personal items in a locker at the plant, OSHA would not consider the employee's actions in going to her locker before leaving the plant to be a personal task, unrelated to employment, for purposes of the exception.
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?**	The days the employee did not work because he needed to travel to his doctor's office for observation of the injury should not be counted as days away from work on the OSHA log. As long as the employee was physically able to perform his restricted duty job, and the doctor's recommendation not to work on the days in question was made solely to ensure that the employee was free to keep the appointment for observation, you would count the time as restricted work activity. http://www.osha.gov/recordkeeping/handbook/index.html

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?**	Yes, this is a recordable injury involving days away from work. The employee sustained a work-related laceration, and needed time off work to recover from the injury. The exception in 29 CFR 1904.5(b)(2)(ii) for signs or symptoms that appear at work but result solely from non-work related events or exposures does not apply here. The laceration was not a sign or symptom of a pre-existing conditions; it was an injury caused by an event or exposure at work. The fact that the employee might not have needed days away to recover from the laceration had she not had a pre-existing blood condition that prevented her blood from clotting as quickly as it should does not change the outcome. But for the work related injury, the employee would not have been away from work. http://www.osha.gov/recordkeeping/handbook/index.html
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 ½-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?**	Under Section 1904.5(b)(1), OSHA defines the work environment as "the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work." In the scenario presented, the employee is at the go-cart facility as a condition of employment. Therefore, he or she is in the work environment and any injury or illness that arises is presumed to be work-related and must then be evaluated for its recordability under the general recording criteria. This holds true for both participating in and observing the races. http://www.osha.gov/recordkeeping/handbook/index.html

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"?**	We will assume the employer sent the employee home since there wasn't any restricted work available for the employee at the establishment. As the 1/20/2000 Federal Register preamble discussion, of section 1904.7 states, "the final rule's restricted work provisions also clarify that work restriction must be imposed by the employer or be recommended by a health care professional before the case is recordable. Only the employer has the ultimate authority to restrict an employee's work, so the definition is clear that, although a health care professional may recommend the restriction, the employer makes the final determination of whether or not the health care professional's recommended restriction involves the employee's routine functions. Restricted work assignments may involve several steps: an HCP's recommendation, or employer's determination to restrict the employee's work, the employer's analysis of jobs to determine whether a suitable job is available, and assignment of the employee to that job. All such restricted work cases are recordable, even if the health care professional allows some discretion in defining the type or duration of the restriction..." In your above scenario, the employer was more restrictive than the physician. Since the employer sent the employee home, this injury must be recorded as "Days away from work." http://www.osha.gov/recordkeeping/handbook/index.html
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?**	This case should not be considered as a case involving restricted work activity. §1904.7(b)(4)(i)(A) states that restricted work occurs when an employer keeps the employee from performing one or more of the routine functions of his or her job. For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week. In the above scenario, the employee is restricted from activities he or she may have performed only once or twice a month and therefore does not meet the definition of routine job functions. http://www.osha.gov/recordkeeping/handbook/index.html

19. On September 21, 2004, anr 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. 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 triamcinalone (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?**	Section 1904.7(b) states that a work-related injury or illness must be recorded on the OSHA 300 Log if it results in death, days away from work, restricted work or transfer to another job, **medical treatment beyond first aid**, loss of consciousness, or diagnosis of a serious injury or illness. For purposes of Part 1904, medical treatment means "the management and care of a patient to combat disease or disorder." This section of the recordkeeping requirements also states that first aid, as defined by Part 1904.7(b)(5)(ii), does not fall within the definition of medical treatment. Section 1904.7(b)(5)(ii) defines first aid, in part, as "Using a non-prescription medication at non-prescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes)." In addition, the preamble to OSHA's revised recordkeeping rule from January 19, 2001, states: "In the final rule, OSHA has not included prescription medications, whether given once or over a longer period of time, in the list of first aid treatments." See, 66 *Federal Register* 5986. http://www.osha.gov/recordkeeping/handbook/index.html
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?**	Damage only to an employee's denture would not be a recordable injury. Section 1904.7(b) provides that a work-related injury or illness must be recorded on the OSHA 300 Log if it results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness, or a serious injury or illness diagnosed by a physician or other licensed health care professional. http://www.osha.gov/recordkeeping/handbook/index.html
21. If an employee voluntarily takes work home and is injured while working at home, is the case recordable?	No. Injuries and illnesses occurring in the home environment are only considered work-related if the employee is being paid or compensated for working at home and the injury or illness is directly related to the performance of the work rather than to the general home environment. Question 5-7: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205

22. If an employee suffers an epileptic seizure, falls, and breaks his arm, is the case recordable?	Neither the seizures nor the broken arm are recordable. Injuries and illnesses that result solely from non-work-related events or exposures are not recordable under the exception in section 1904.5(b)(2)(ii). Epileptic seizures are a symptom of a disease of non-occupational origin, and the fact that they occur at work does not make them work-related. Because epileptic seizures are not work-related, injuries resulting solely from the seizures, such as the broken arm in the case in question, are not recordable. Question 5-8: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?**	Neither employee's injuries are recordable. While the employee parking lot is part of the work environment under section 1904.5, injuries occurring there are not work-related if they meet the exception in section 1904.5(b)(2)(vii). Section 1904.5(b)(2)(vii) excepts injuries caused by motor vehicle accidents occurring on the company parking lot while the employee is commuting to and from work. In the case in question, both employees' injuries resulted from a motor vehicle accident in the company parking lot while the employees were commuting. Accordingly, the exception applies. Question 5-9: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?**	Yes. For purposes of OSHA recordkeeping injuries and illnesses occurring in the work environment are considered work-related. Punching in and out with a time clock (or signing in and out) does not affect the outcome for determining work-relatedness. If the employee experienced a work-related injury or illness, and it meets one or more of the general recording criteria under section 1904.7, it must be entered on the employer's OSHA 300 log. Question 5-11: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
25. Is work-related stress recordable as a mental illness case?	Mental illnesses, such as depression or anxiety disorder, that have work-related stress as a contributing factor, are recordable if the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related, and the case meets one or more of the general recording criteria. See sections 1904.5(b)(2)(ix) and 1904.7. Question 5-12: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205

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?**	Yes, injuries and illnesses that result from a terrorist event or exposure in the work environment are considered work-related for OSHA recordkeeping purposes. OSHA does not provide an exclusion for violence-related injury and illness cases, including injuries and illnesses resulting from terrorist attacks. Question 5-13: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?**	No. If the employee is able to perform all of his or her routine job functions (activities the employee regularly performs at least once per week), the case does not involve restricted work. Loss of productivity is not considered restricted work. Question 7-4: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
28. Are surgical glues used to treat lacerations considered "first aid?"	No, surgical glue is a wound closing device. All wound closing devices except for butterfly and steri strips are by definition "medical treatment," because they are not included on the first aid list. Question 7-5: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
29. Is the use of a rigid finger guard considered first aid?	Yes, the use of finger guards is always first aid. Question 7-7: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?**	Under section 1904.7(b)(3)(vii), the employer may stop counting days away from work if an employee who is away from work because of an injury or illness leaves the company for some reason unrelated to the injury or illness, such as retirement or a plant closing. However, when the employer conducts a drug test based on the occurrence of an accident resulting in an injury at work and subsequently terminates the injured employee, the termination is related to the injury. Therefore, the employer must estimate the number of days that the employee would have been away from work due to the injury and enter that number on the 300 Log. Question 7-9: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205

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?	The employer must make an initial decision about the need for days away from work, a work restriction, or medical treatment based on the information available, including any recommendation by a physician or other licensed health care professional. Where the employer receives contemporaneous recommendations from two or more physicians or other licensed health care professionals about the need for days away, a work restriction, or medical treatment, the employer may decide which recommendation is the most authoritative and record the case based on that recommendation. Once the days away from work or work restriction have occurred or medical treatment has been given, however, the employer may not delete the Log entry because of a physician's recommendation, based on a year-end review of the Log, that the days away, restriction or treatment were unnecessary. Question 7-10: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?	Yes. However, once medical treatment is provided for a work-related injury or illness, or days away from work or work restriction have occurred, the case is recordable. If there are conflicting contemporaneous recommendations regarding medical treatment, or the need for days away from work or restricted work activity, but the medical treatment is not actually provided and no days away from work or days of work restriction have occurred, the employer may determine which recommendation is the most authoritative and record on that basis. In the case of prescription medications, OSHA considers that medical treatment is provided once a prescription is issued. Question 7-10a: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?	If an employee never returns to work following a work-related injury, the employer must check the "days away from work" column, and enter an estimate of the number of days the employee would have required to recuperate from the injury, up to 180 days. Question 7-13: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205

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?	Generally, the employer must record any case in which an employee's work is restricted because of a work-related injury. A work restriction, as defined in section 1904.7(b)(4)(i)(A), occurs when the employer keeps the employee from performing one or more routine functions of the job, or from working the full workday the employee would otherwise have been scheduled to work. The case in question is recordable if the employee would have worked 10 hours had he or she not been injured. Question 7-14: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?	If oxygen is administered as a purely precautionary measure to an employee who does not exhibit any symptoms of an injury or illness, the case is not recordable. If the employee exposed to a substance exhibits symptoms of an injury or illness, the administration of oxygen makes the case recordable. Question 7-15 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
36. Are work-related cases involving chipped or broken teeth recordable?	Yes, under section 1904.7(b)(7), these cases are considered a significant injury or illness when diagnosed by a physician or other health care professional. As discussed in the preamble of the final rule, work-related fractures of bones or teeth are recognized as constituting significant diagnoses and, if the condition is work-related, are appropriately recorded at the time of initial diagnosis even if the case does not involve any of the other general recording criteria. Question 7-17 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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"?	The employer must check the box that reflects the most severe outcome associated with a given injury or illness. The severity of any case decreases on the log from column G (Death) to column J (Other recordable case). Since days away from work is a more severe outcome than restricted work the employer is required to remove the check initially placed in the box for job transfer or restriction and enter a check in the box for days away from work (column H). Employers are allowed to cap the number of days away and/or restricted work/job transfer when a case involves 180 calendar days. For purposes of recordability, the employer would enter 180 days in the "Job transfer or restriction" column and may also enter 1 day in the "Days away from work" column to prevent confusion or computer related problems. Question 7-18 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205

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?	As set out in Chapter 2, I., F. of the Recordkeeping Policies and Procedures Manual (CPL 2-0.131) a case would not be recorded under section 1904.7(b)(4) if 1) the employee experiences minor musculoskeletal discomfort, and 2) a health care professional determines that the employee is fully able to perform all of his or her routine job functions, and 3) the employer assigns a work restriction to that employee for the purpose of preventing a more serious condition from developing. If a case is or becomes recordable under any other general recording criteria contained in section 1904.7, such as medical treatment beyond first aid, a case involving minor musculoskeletal discomfort would be recordable. Question 7-19 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?	These cases are recordable throughout the five year record retention and updating period contained in section 1904.33. The cases would be recorded on either the log of the year in which the injury or illness occurred or the last date of employment. Question 7-20 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?	If the employee leaves the company for some reason(s) unrelated to the injury or illness, section 1904.7(b)(3)(viii) of the rule allows the employer to stop counting days away from work or days of restriction/job transfer. In order to stop a count the employer must first have a count to stop. Thus, the employer must count at least one day away from work or day of restriction/job transfer on the OSHA 300 Log. If the employee leaves the company for some reason(s) related to the injury or illness, section 1904.7(b)(3)(viii) of the rule directs the employer to make an estimate of the count of days away from work or days of restriction/job transfer expected for the particular type of case. Question 7-21 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205

41. If an employee has an adverse reaction to a smallpox vaccination; is it recordable under OSHA's recordkeeping rule?	If an employee has an adverse reaction to a smallpox vaccination, the reaction is recordable if it is work related (see 29 CFR 1904.5) and meets the general recording criteria contained in 29 CFR 1904.7. A reaction caused by a smallpox vaccination is work related if the vaccination was necessary to enable the employee to perform his or her work duties. Such a reaction is work-related even though the employee was not required to receive it, if the vaccine was provided by the employer to protect the employee against exposure to smallpox in the work environment. For example, if a health care employer establishes a program to vaccinate employees who may be involved in treating people suffering from the effects of a smallpox outbreak, reactions to the vaccine would be work related. The same principle applies to adverse reactions among emergency response workers whose duties may cause them to be exposed to smallpox. The vaccinations in this circumstance are analogous to inoculations given to employees to immunize them from diseases to which they may be exposed to in the course of work-related overseas travel. Question 7-22 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?	For purposes of OSHA recordkeeping the employer would stop the count of the days of restricted work activity due to the first case, the shoulder injury, and enter the foot injury as a new case and record the number of restricted work days. If the restriction related to the second case, the foot injury, is lifted and the employee is still subject to the restriction related to their shoulder injury, the employer must resume the count of days of restricted work activity for that case. Question 7-23 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?**	No. A case must involve a death, injury, or illness to be recordable. A case involving an employee who does not test positive for exposure/infection would not be recordable because the employee is not injured or ill. Question 7-24 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
44. An employee tests positive for anthrax exposure/infection and is provided antibiotics. **Is this a recordable event on the OSHA log?**	Yes. Under the most recent Recordkeeping requirements, which will be effective in January 2002, a work-related anthrax exposure/infection coupled with administration of antibiotics or other medical treatment must be recorded on the log. Until the new Recordkeeping requirements become effective, an employer is required to record a work-related illness, regardless of whether medical care is provided in connection with the illness. Question 7-25 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205

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?**	Yes. OSHA believes that this would be an unusual circumstance and that leaving this information off the log will rarely be needed. However, if the employer has reason to believe that the employee's name can be identified through this information, these fields can be left blank. Question 29-3 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205
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?	Yes. After the end of the year, employers must review the Log to verify its accuracy, summarize the 300 Log information on the 300A summary form, and certify the summary (a company executive must sign the certification). This information must then be posted for three months, from February 1 to April 30. Question 32-2 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205