



On The Alert!

Date: July 1, 2020
Attention: ASCIP Members
Affected: Risk Management and District Administration
Applicability: K-12, Charter Schools, & Community College Districts

Cal/OSHA Reporting for Serious Injuries and Illness (COVID-19 Update)

The California Occupational Safety and Health Administration (Cal/OSHA) requires that employers “immediately” report any work-related serious injury or illness, or death in a place of employment or in connection with any employment. These reports must be made to the nearest Cal/OSHA office “as soon as practically possible, but no longer than 8 hours after the employer knows or with diligent inquiry would have known” of the incident. If the District can demonstrate the existence of exigent circumstances, the report may be made no longer than 24 hours after the incident. Failure to adhere to the reporting requirement within the time constraints is subject to a minimum civil penalty of \$5,000.

Definitions

The California Code of Regulations (CCR) defines “immediately” and “serious injury or illness” as follows:

- **Immediately** – “as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.”
Reference: CCR Title 8, Section 342(a).
- **Serious injury or illness** – “Serious injury or illness” means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization, for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.”
Reference: CCR Title 8, Section 330(h).

COVID-19

Employers are responsible for recording cases of COVID-19 if all of the following are true:

- The case is a confirmed case of COVID-19;
- The case is work-related, as defined by CCR Title 8, Section 14300.5; and
- The case involves one or more of the general recording criteria (CCR Title 8, Section 14300.7, e.g., death, see Section 14300.7(b)(2); days away from work, see Section 14300.7(b)(3); restricted work or transfer to another job, See Section 14300.7(b)(4); medical treatment beyond first aid, see Section 14300.7(b)(5); loss of consciousness, see Section 14300.7(b)(6); or a significant injury or illness diagnosed by a physician or other licensed health care professional, see Section 14300.7(b)(7)).

For recording purposes, time away from work does not include time taken by a worker for quarantine without having a confirmed COVID-19 illness.

Please contact your ASCIP risk services consultant at (562) 404-8029 to discuss further.

Cal/OSHA Reporting Best Practices

Consider establishing and documenting procedures for reporting incidents to Cal/OSHA and inform staff accordingly. Procedures may include an internal reporting structure and designating a District staff member as the Cal/OSHA liaison. Consider weekends and after-hours availability when selecting the liaison.

CCR Title 8, Section 14300, requires employers to record work-related fatalities, injuries, and illnesses on the Cal/OSHA 300 log. However, Section 14300.2 provides a partial exemption to Districts only requiring compliance when requested in writing by Cal/OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of Cal/OSHA. As a best practice, ASCIP recommends maintaining the Cal/OSHA 300 log.

Sample procedures for responding to all injuries and illnesses:

1. Provide first aid or appropriate medical care to the injured person(s). If a first responder agency (police/fire) is involved, request a copy of the incident report.
2. To prevent additional injuries, correct or isolate the hazardous condition(s).
3. Gather as much information as possible immediately after the incident, including written statements from witnesses, while memories are fresh.
4. Notify the designated District Office (DO) staff member of the incident.
5. If the DO designee and Cal/OSHA liaison are the same, the designee decides if the incident is Cal/OSHA reportable. If they are not the same, the DO designee contracts the District's Cal/OSHA liaison, who then determines to report.
6. If warranted, the District's Cal/OSHA liaison reports the incident.
7. Locate a Cal/OSHA District Office by zip code at <http://www.dir.ca.gov/asp/DoshZipSearch.html>.

When notifying Cal/OSHA provide the following information:

1. Time and date of the accident
2. Department, address, phone number
3. Name and job title of the person reporting the incident
4. Incident site address
5. Contact person at the site
6. Name and address of the injured employee
7. Nature of injury
8. Current location of the injured employee
9. Names of first responders (police/fire)
10. Description of the accident.
11. Any alterations to the scene.

Resource Links:

<http://www.dir.ca.gov/title8/330.html>

<http://www.dir.ca.gov/title8/342.html>

<https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html>

Please contact your ASCIP's risk services consultant at (562) 404-5642 to discuss further.