



Construction Law

Alert



It's That Time of the Year Again... Post Your OSHA Recordables

BY MICHAEL C. LORD

Near the top of your “to-do” list for 2010 should be completing the annual summary of OSHA recordable injuries and illnesses. At the end of each calendar year, every covered employer must (*see* below for exemptions):



Michael C. Lord

(1) Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified.

(2) Create an annual summary of the recorded injuries and illnesses. It's easiest to use the OSHA 300-A summary form. You will need to total the columns on the OSHA 300 Log (if you had no recordable cases, congratulations — just enter zeros for each column total). Next, enter 2009 as the calendar year covered, your company's name, the worksite at issue, its address, the annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the log.

(3) Have an executive certify that he or she has examined the OSHA 300 Log and that he or she reasonably believes, based on his or her knowledge of the process by which the information was recorded, that the summary is correct and complete. The company executive must be an owner of the company (only if the

company is a sole proprietorship or partnership), an officer of the corporation, the highest ranking company official working at the worksite, or the immediate supervisor of the highest ranking company official working at the site.

(4) Post the summary (and not the logs themselves) no later than Feb. 1 in a conspicuous place where employee notices are customarily posted. The summary must remain posted through April 30th. Electronic posting does *not* satisfy the standard. You must ensure that the summary is not defaced or altered during the three-month posting period.

There are two partial exemptions from OSHA recordkeeping. First, if your company had 10 or fewer employees at all times during the last calendar year, you do not need to keep OSHA Log records, unless you receive a letter informing you otherwise. Second, OSHA exempts employers of all sizes in certain “low hazard” industries from keeping an OSHA Log. An appendix to the standard, 1904.04, lists those industries.

For more information about this topic or about labor & employment issues in the construction industry please contact Michael C. Lord at 919.981.4093 or mlord@williamsmullen.com.

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