

2020 COMPLIANCE GUIDEBOOK



ELECTRONIC SUBMISSION OF INJURY AND ILLNESS RECORDS TO OSHA

INTRODUCTION

Each year, millions of workers get hurt on the job. In order to help prevent work-related injuries and illnesses, OSHA has for decades required employers to keep track of these incidents by recording them in what is often called an “OSHA log.” OSHA now requires employers to also electronically submit that data directly to OSHA for its review, in addition to keeping the OSHA 300, 300A and 301 forms.

This comprehensive guidebook will provide all the information employers need to know about OSHA electronic recordkeeping requirements and how to avoid penalties by complying with both federal and state regulations.

HIGHLIGHTS

- On May 12, 2016, Federal OSHA passed new regulations requiring employers to electronically submit injury data directly to OSHA.
- Establishments with **20 or more employees** from selected industries and all establishments covered by the recordkeeping rule with **250 or more employees** must comply.
- 2019 OSHA 300A data must be submitted to OSHA by March 2, 2020.
- Citing worker and employer privacy concerns, OSHA eliminated the requirement for employers to turn in the more detailed Forms 300 or 301.
- Employers must upload their data via a CSV file or manually enter data for each of their covered establishments. For employers using [OSHAlogs.com](https://oshalogs.com), simply click one button to submit.
- Violations for materially false, fictitious, or fraudulent statements can be punished by a fine or by imprisonment of not more than five years, or both.
- Failure to submit records could result in a significant fine and trigger a more detailed OSHA recordkeeping audit.

The electronic submission requirements **do not change** any employer’s obligation to complete and retain injury and illness records.

WHO MUST COMPLY

Electronic reporting requirements are based on the size of an establishment. An establishment is defined as a single physical location where business is conducted or where services or industrial operations are performed. An employer may be comprised of one or more establishments.

To determine if you need to provide OSHA with the required data for an establishment, you need to determine the establishment's peak employment during the last calendar year. Each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal and temporary workers.

250+
EMPLOYEES

Establishments required to keep OSHA injury and illness records must electronically submit information from the **OSHA Form 300A**.

20-249
EMPLOYEES

Establishments required to keep OSHA injury and illness records **classified in industries** with historically high rates of occupational injuries and illnesses must electronically submit information from the **OSHA Form 300A**.

<20
EMPLOYEES

Establishments currently required to keep OSHA injury and illness records **do not have to submit** information electronically to OSHA under this rule.

WHICH INDUSTRIES MUST COMPLY?

250+ EMPLOYEES

All establishments with 250 or more employees in industries covered by the recordkeeping regulation must electronically submit to OSHA.

20 TO 249 EMPLOYEES

All establishments with 20 to 249 employees in **industries listed below (over 600 NAICS codes)**, based on their NAICS code, must electronically submit to OSHA.

65% of all company NAICS codes must submit their data to OSHA.

Visit [OSHAlogs.com](https://www.oshalogs.com) for a detailed list of NAICS codes that must comply.

A majority of covered industries fall under these top NAICS codes:



AGRICULTURE

64 NAICS codes



UTILITIES

14 NAICS codes



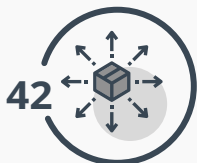
CONSTRUCTION

31 NAICS codes



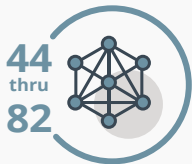
MANUFACTURING

346 NAICS codes



WHOLESALE TRADE

71 NAICS codes



GENERAL INDUSTRY / OTHER

145 NAICS codes

WHAT DATA MUST I SUBMIT BY MARCH 2, 2020?

The following information must be submitted for each required establishment. Data for each establishment should come from that establishment's completed 2019 OSHA 300A Form.



ESTABLISHMENT INFORMATION



Company name

Establishment name

Establishment full address

Size of establishment

Establishment type

Employer EIN

NAICS code & industry description

OSHA form 300A year

Average annual employees

Total hours worked

INJURY STATISTICS



Total # of cases with days away from work

Total # of cases with job transfer or restriction

Total # of other recordable cases

Total # of days away from work

Total # of days job transfer or restriction

Total # of death cases

Total # of injuries

Total # of skin disorders

Total # of respiratory conditions

Total # of poisonings

Total # of other illnesses

HOW WILL ELECTRONIC SUBMISSION WORK?

On August 1, 2017, OSHA launched its Injury Tracking Application (ITA), a secure web site for the electronic submission of OSHA recordkeeping information. You can choose from various methods to submit your injury data:

1. MANUAL ENTRY

For those organizations without access to OSHA recordkeeping software, you will be required to complete a manual submission to OSHA. You will first need to add your establishments to the application by creating profiles for them. Once you have set up your establishments, you can then enter and submit OSHA 300A data for each one via a web form.

2. UPLOAD DATA

For a quicker and simpler submission process, the ITA offers the option to upload a CSV file containing OSHA Form 300A data for all of your establishments at one time.

3. OSHALOGS.COM WILL SUBMIT FOR YOU!

For companies using OSHAlogs.com, we will submit for you! No downloads required and no logging into the government websites. Simply verify your data and push submit! You will receive a confirmation and a record of the data that was submitted right within OSHAlogs.com.

**New for the 2020
data submission period:
automatic submission,
no downloads required.**



PREPARE FOR OSHA INSPECTIONS

OSHA issued a directive in 2018 letting employers know exactly how they are going to use submitted electronic illness and injury records. Called Site Specific Targeting Inspections, or SST for short, this will be Federal OSHA's main method of scheduling programmed comprehensive ("wall-to-wall") inspections.

SST provides a year-long site-specific targeting inspection plan based upon the data submitted. SST targets work places of 20 or more employees and requires state plans to have their own inspecting targeting systems.

So who exactly is going to be targeted based upon the data submitted?

**OSHA is already
taking action!**



**One Ohio
manufacturer was
recently fined
\$724,380
during an SST
inspection.**

- 1** This first is HIGH RATE ESTABLISHMENTS. Those are establishments with elevated days away, restricted or transferred rates (DART). OSHA will use different DART rates for manufacturing and non-manufacturing in an attempt to achieve a 50/50 balance for inspections.
- 2** The second category is LOW RATE ESTABLISHMENTS. OSHA will identify for inspection representative establishments with low DART rates to address potential concerns regarding under-reporting of injuries and illnesses in the 2016 300As.
- 3** Finally, those establishments that did not electronically submit their 300A reports, dubbed by OSHA to be "non-responders," will receive additional attention regarding recordkeeping, likely including citations for failing to electronically submit.

According to OSHA, Site Specific Targeting is a continuing endeavor to use technology to prioritize inspections in OSHA's ongoing effort to help prevent illness and injuries and require that establishments provide safe work places for their employees.






IMPORTANT: NEW EIN REQUIREMENT

This year adds a requirement for all establishments subject to the electronic recordkeeping requirements to **include their Employer Identification Number (EIN) with their Form 300A submissions.**

According to OSHA, the inclusion of the EIN will make the submitted data more useful for OSHA and the Bureau of Labor Statistics (BLS) and could reduce duplicative reporting burdens.

CHECKLIST: WHAT SHOULD EMPLOYERS DO NOW?

Now that you're caught up on the electronic recordkeeping requirements, here are your takeaway action items:

-  Audit your 2019 OSHA logs to ensure all data is correct and complete, with no errors or missing information.
-  Electronically submit your 2019 300A data to federal OSHA by March 2nd, 2020.
-  Confirm you have completed your 2017, 2018 and 2019 OSHA records in preparation for an SST OSHA audit.
-  Confirm you have all the 300, 300A and 301 forms for each year.
-  Ask your agent about [OSHAlogs](#) to simplify the electronic submission process.



HOW CAN OSHALOGS.COM HELP?

OSHALogs.com takes the guesswork out of electronic submission compliance by helping you verify and submitting data to the federal government automatically. Simply click one button to confirm your data, and you are done.

Click here to watch the 2-minute video intro

NEW FOR 2020 SUBMISSION PERIOD:
We submit for you! No downloads required,
no logging into the government websites.



OSHALOGS MAKES ELECTRONIC SUBMISSION EASY

- 1 Employer enters injury data into OSHALogs as it occurs
- 2 OSHALogs ensures all required data is present
- 3 OSHALogs determines which locations need to submit data
- 5 Click submit and you are done! We send to the government for you!

WANT ACCESS TO OSHALOGS.COM?

Contact your agent at Wade Associates or reach out to
Jay Roberts at JRoberts3@WadeICT.com.