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MEMO OE 1

To: OSH Compliance Bureaus

From: Kevin Beauregard, Assistant Deputy Commissioner

Date: May 14, 2014

Re: Accident and Fatality Processing in OSHA Express

Entering and Processing Fatalities, Catastrophes and Accidents in OSHA Express

To ensure better consistency, the following data entry procedures shall be utilized to process fatalities and accidents:

Accidents (This includes employee injury/illnesses and hospitalizations of less than three employees resulting from an employment accident or illness.)

- All reported events resulting in serious or non serious injury/illness, will be processed by the Complaint Desk as either a complaint or referral depending on the source of the information.
- The CSHO will code inspections associated with these events as either a complaint or referral on the Inspection Form (OSHA-1).
- For all serious injuries/illnesses processed, the Complaint Desk will complete an OSHA Express (OE) Serious/Fatality Log entry and include information in all applicable fields. Accident Type shall be coded as “Serious”. The appropriate “Injury Type” shall be selected from the drop down menu in the OE Serious/Fatality Log. All other appropriate fields shall be completed on the Serious/Fatality Log.
- OSHNC will not create an OSHA-170 (Investigation Summary Form) for accidents.
- OSHNC will not create an OSHA-36 (Fatality Report) for accidents.
- Once assigned to a CSHO and an OSHA-1 is created, the CSHO will amend the Serious/Fatality Log and add the assigned OSHA-1 inspection number.

Fatalities/Catastrophes Include all fatalities that occur in the workplace during business hours. This is consistent with OSHA policies and results that appear in State Activity Mandated

Measures (SAMM Measure #21). Include heart attack deaths that occur in the workplace, workplace vehicle accident deaths, workplace deaths associated with commercial or public transportation, workplace suicides, workplace homicides and workplace natural cause deaths. Also, include catastrophes defined as: employee injury/illness and hospitalizations of three or more employees resulting from an employment accident or illness.

- The complaint desk will complete an OSHA-36 for all fatalities/catastrophes.
- If it is verified on site that a death was not due to natural cause heart attack, other natural causes, roadway vehicle fatality (non-work zone), fatality on commercial or public transportation, or suicide, an inspection shall be opened and an OSHA-1 shall be completed.
- If a fatality is classified as a homicide and the supervisor determines, in accordance with CPL 02-01-052 (OSHNC memo dated 10/24/2011 references this federal workplace violence directive will be used as a guidance document), that it is not appropriate to initiate an inspection for a workplace violence fatality then an OSHA-1 shall be completed and noted as a “No Inspection”. Additionally, neither an OSHA-36 nor an OSHA-170 shall be completed. Instead, an entry shall be made on the OE Serious/Fatality Log.
- The CSHO will code all Inspection Forms (OSHA-1’s) associated with fatalities or catastrophes as “FAT/CAT”. If it is verified that a fatality was due to natural cause heart attack, other natural causes, roadway vehicle fatality (non-work zone), fatality associated with commercial or public transportation, suicide or homicide; The Inspection Form (OSHA-1) shall be marked as a “No-Inspection”, “Reason for No Inspection should be listed as “Other” and the file shall be closed with an explanation of findings listed in the narrative.
- The CSHO will create an OSHA-170 only if it is determined that a death was not due to: natural cause heart attack, other natural causes, roadway vehicle fatality (non-work zone), fatality associated with commercial or public transportation, suicide or homicide, as referenced above.
- If it is verified on site that a fatality was due to natural cause heart attack, other natural causes, roadway vehicle fatality (non-work zone), fatality associated with commercial or public transportation, suicide or homicide, but other hazards were noted; The Inspection Form (OSHA-1) shall be marked as a “No-Inspection”, “Reason for No Inspection” should be listed as “Other” and the file shall be closed with an explanation of findings listed in the narrative. A Referral Form (OSHA-90) shall be completed to address the other noted hazards and a referral inspection, accompanied with a new Inspection Form (OSHA-1), shall be conducted. Additionally, these types of fatalities shall be entered on the OE Serious/Fatality Log and the “Accident Type” shall be coded as a “Fatality”. The appropriate “Injury Type” shall be selected from the drop down menu in the OE Serious/Fatality Log. All other appropriate fields shall be completed on the Serious/Fatality Log.
- If it is determined on site that the death was due to natural causes, suicide or homicide and the employer failed to report the fatality, the Inspection Form (OSHA-1) shall be marked as a “No-Inspection” and the file shall be closed. An employer will not be cited

for failure to report a non-work related fatality, but will be reminded of the requirement to report. There is a reporting exception for certain work-related motor vehicle accidents or public transportation accidents. An entry for the all these types of fatalities shall also be made on the Serious/Fatality Log and the “Accident Type” shall be coded as “Fatality”. The appropriate “Injury Type” shall be selected from the drop down menu in the OE Serious/Fatality Log. All other appropriate fields shall be completed on the Serious/Fatality Log.

- All fatalities due to natural cause heart attacks, other natural causes, suicides, homicides, roadway vehicle fatality (non-work zone) or that are associated with commercial or public transportation will be entered on the OE Serious/Fatality Log. “Accident Type” shall be classified as a “Fatality”. The appropriate “Injury Type” shall be selected from the drop down menu in the OE Serious/Fatality Log. The Serious/Fatality Log entry will be made by the complaint desk if it is already known via ME Report, etc... that the cause of death is natural, vehicle accident or suicide. Otherwise, the CSHO will complete a Log entry, once they determine a fatality falls into one of the previously referenced categories. The complaint desk will also enter “No Inspection” planned on the OSHA-36, if a determination is made during intake that the fatality falls into one of the previously mentioned categories. If a determination can’t be made at intake, the fatality will be assigned and a determination will be made in the field. If the CSHO/SUPV makes a determination of “No Inspection” from the field, they will amend the OSHA-36 to reflect “No Inspection” and make the appropriate entries on the OE Serious/Fatality Log.