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MEMO OE 1c

To: OSH Compliance Bureaus

From: Kevin Beauregard, Assistant Deputy Commissioner

Date: May 1, 2015

Re: Accident and Fatality Processing in OSHA Express

Entering and Processing Fatalities, Catastrophes and Accidents in OSHA Express (OE)

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

Accidents – Serious and non-serious occupational injuries/illnesses reported to OSHNC are categorized as accidents. Certain types of injuries are required to be reported to OSHNC per OSHA's 29 CFR 1904.39 (a) (2) reporting requirements. These reporting requirements include: any work related in-patient hospitalization of one or more employees, any work related amputation and any work related loss of an eye.

- All reported accident events resulting in either a 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. Accident events reported by employees or their representatives will be processed as a complaint. Accident events reported by an employer or an employer representative will be processed as a referral. Likewise, accidents reported via the media or another government agency will also be processed as a referral. The Complaint Desk will complete either a referral form or a complaint form in OSHA Express, whichever is appropriate. Upon receipt of an accident report from the Complaint Desk, the supervisor will conduct either an inspection or investigation in accordance with the current established procedures outlined in the "Response to Injury and Fatality Reports" memo located on One Stop.
- If assigned for an investigation or an inspection, the assigned CSHO or supervisor will create an "Inspection" form in OE and make the appropriate activity entries in the related activity field (either a complaint or referral depending on the source).

- For all serious injuries/illnesses processed, the Complaint Desk will complete an OE “Serious Injury/Fatality Log” entry and include information in all applicable fields. Accident Type will be coded as “Serious”. The appropriate “Injury Type” will be selected from the drop down menu in the OE “Serious Injury/Fatality Log”. All other appropriate fields will be completed on the “Serious Injury/Fatality Log”.
- OSHNC will not create an “Accident/Event” form for non-fatal accidents, except catastrophes (see Fatality/Catastrophe section below).
- Once assigned to a CSHO and an “Inspection” form is created, the CSHO will amend the Serious/Fatality Log and add the assigned OSHA-1 inspection number in the designated field.
- CSHO will close referrals and complaints associated with accidents in OE upon completion of any associated referral or complaint inspection or investigation (field 28 on “Referral” form, field 48 on “Complaint” form).
- If an accident is not assigned for an investigation or an inspection, the supervisor will close the referral and document the reasons why no additional activity will be taken under the “Notes” tab of the associated “Complaint” or “Referral” form. The notes will remain in OE.

Fatalities/Catastrophes – This category includes 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). This includes 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 deaths due to other natural causes. This category also includes 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 “Accident/Event” form in OE for all fatalities/catastrophes and shall mark “Inspection Planned” as “Yes” unless it is apparent at intake that the fatality clearly does not fall under OSHNC jurisdiction.
- All fatalities/catastrophes that are assigned to a supervisor/CSHO for investigation will result in the creation of an associated “Inspection” form, regardless of whether or not an on-site inspection is conducted.
- All fatalities that result from hazardous workplace conditions that come under OSHNC jurisdiction will result in an on-site inspection. If it is verified from a reliable source that a death was due to natural causes, suicides, roadway vehicle accidents (non-work zone), or occurred while an employee was utilizing commercial/public transportation it is not necessary for a CSHO to open an on-site inspection. The “Inspection” form shall be marked “No Inspection” and the “Accident /Event” form should be modified to indicate “Inspection Planned” “No”. Additionally, the specific reason for the “No Inspection”

decision shall be documented as “Other” on the form and the file should be closed. All relevant information must also be documented in the narrative portion of the “Inspection” form and the narrative must include the specific reasons why it was deemed by the CSHO/Supervisor not to be appropriate to open an onsite inspection and supporting documentation regarding how they arrived at that decision (i.e. lack of jurisdiction, medical examiner indicated fatality was due to natural causes, etc...).

- If an investigation or inspection results in any on-site activity, the assigned CSHO will create an Inspection form in OE and make the appropriate accident related activity entries in the related activity field.
- 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 “Inspection” form will be completed and noted as a “No Inspection”.
- The CSHO shall classify fatalities and catastrophes as “FAT/CAT” on the associated “Inspection” forms
- If an onsite inspection/investigation activity is initiated and it is verified from a reliable source that a death was due to natural causes, suicides, roadway vehicle accidents (non-work zone), or occurred while an employee was utilizing commercial/public transportation the Inspection form shall be marked “No Inspection” and the “Accident /Event” form should be modified to indicate “Inspection Planned” “No”. Additionally, the reason for no inspection should be documented as “Other” and the file should be closed. All relevant information must also be documented in the narrative portion of the Inspection form and the narrative must include the specific reasons why it was deemed by the CSHO/Supervisor not to be appropriate to open an onsite inspection and supporting documentation regarding how they arrived at that decision (i.e. lack of jurisdiction, medical examiner indicated fatality was due to natural causes, etc...).
- The CSHO will complete the Investigation Summary tab of the “Accident/Event” form unless a death was due to natural causes, suicides, roadway vehicle accidents (non-work zone), or occurred while an employee was utilizing commercial/public transportation
- If an onsite inspection/investigation activity is initiated and it is verified from a reliable source that a death was due to natural causes, suicides, roadway vehicle accidents (non-work zone), or occurred while an employee was utilizing commercial/public transportation, but other hazards were noted; the inspection form shall be marked as a “No-Inspection”, “Reason for No Inspection” should be listed as “Other” and the file shall be closed. All relevant information must also be documented in the narrative portion of the Inspection form and the narrative must include the specific reasons why it was deemed by the CSHO/Supervisor not to be appropriate to open an onsite inspection and supporting documentation regarding how they arrived at that decision (i.e. lack of jurisdiction, medical examiner indicated fatality was due to natural causes, etc...). A “Referral” form will be completed to address the other noted hazards and a referral inspection, accompanied with a new “Inspection” Form, will be conducted. Additionally,

these types of fatalities will be entered on the OE “Serious Injury/Fatality Log” and the “Accident Type” will be coded as a “Fatality”. The appropriate “Injury Type” will be selected from the drop down menu in the OE “Serious Injury/Fatality Log”. All other appropriate fields will be completed on the “Serious Injury/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 will be marked as a “No-Inspection” and the file will 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 all these types of fatalities will also be made on the “Serious Injury/Fatality Log” and the “Accident Type” will be coded as “Fatality”. The appropriate “Injury Type” will be selected from the drop down menu in the OE “Serious Injury/Fatality Log”. All other appropriate fields will be completed on the “Serious Injury/Fatality Log”.

All fatalities due to natural cause heart attacks, other natural causes, suicides, homicides, roadway vehicle accidents (non-work zone) or those that are associated with commercial or public transportation will be entered on the OE “Serious Injury/Fatality Log”. “Accident Type” will be classified as a “Fatality”. The appropriate “Injury Type” will be selected from the drop down menu in the OE “Serious/Fatality Log”. The “Serious Injury/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 “Serious Injury/Fatality 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 Accident form, 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 “Accident/Event” form to reflect “No Inspection” and make the appropriate entries on the OE “Serious Injury/Fatality Log”.

- Any Medical Examiners (ME) report received by the Complaint Desk prior to a fatality assignment being made to an OSH Supervisor shall be added under the “Documents” tab of the “Accident/Event” form. If an ME report is received by OSHNC after the associated fatality has been assigned to a Supervisor it shall be provided to the assigned CSHO/Supervisor and they shall add it to OE under the “Documents” tab of the “Accident/Event” form. These documents will remain a part of the file for 10 years.