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MEMO OE 1d

To: OSH Compliance Bureaus

From: Scott Mabry, Assistant Deputy Commissioner

Date: February 22, 2021

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 considered 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 (union) will be processed as a "complaint". Accident events reported by an employer or an employer representative will be processed as a "referral-employer reported." Accidents reported via the media or another government agency will 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.
- 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).
- 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.
- 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.
- 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.
- CSHO or supervisor 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.
- All actions taken to satisfy the complaint or referral including communication with employers, employees, and outside agencies via phone, letter, or email will be entered into the "Communication Log" tab including date, time, contact person, subject, and a brief description of the action taken. Any supporting documentation will be Tiffed to the documents tab.

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 or inspection 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...).
- 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”. 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. 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.
- In some cases, an onsite inspection may be needed to verify the fatality was due to natural causes, suicides, or other non-work-related causes. The “Inspection” and “Accident/Event” forms shall be coded in the same manner as noted above. The onsite activity and the reason(s) for the “No Inspection” determination shall be documented in the narrative. CSHOs and supervisors shall follow the guidance in the “No Inspection Fatality Case File Review” memo, dated February 22, 2021, for these cases.
- 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, employer will not be cited for failure to report a non-work related fatality but will be reminded of the requirement to report.
- If other hazards were noted during the onsite inspection, the fatality will still be handled as noted above – as a “No Inspection.” 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.

- 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.
- The CSHO or supervisor will complete the Investigation Summary tab of the "Accident/Event" form for all fatalities assigned to a supervisor.
- 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.
- All actions taken to satisfy the fatality including communication with employers, employees, and outside agencies via phone, letter, or email will be entered into the "Communication Log" tab including date, time, contact person, subject, and a brief description of the action taken. Any supporting documentation will be Tiffed to the documents tab.