

Timely Reminders on OSHA and More

☞ **The OSHA Log**

February 1 is the day for posting last year's Summary OSHA Form 300A, which logs work-related injuries and illnesses. An entry must be made for every recordable injury or illness, and the form must be posted "in a visible location so that your employees are aware of the injuries and illnesses occurring in their workplace." The form must be displayed from February 1 to April 30 of the year following the year covered by the form.

For the U.S. Dept of Labor brochure that provides detailed information and requirements about OSHA Form 300, please download this PDF: [OSHA Recordkeeping Forms](#)

☞ **New Cal OSHA rules may increase incidence of serious citations**

Many of our workers' comp carriers warn that Assembly Bill 2774, which takes effect January 1, 2011, may result in increased numbers of serious safety violations. The main reasons are:

- ◆ The definition of "serious" has been redefined to apply to a hazard that creates a "realistic possibility" of death or serious physical harm rather than a "substantial probability."
- ◆ The definition of "serious physical harm" has been expanded to be more broadly construed.

"Not much is new here," according to Jim Hinson, PE (Safety), who has advised employers on OSHA issues since 1972. He believes that this redefinition will not result in any significant change because the practical reality in OSHA hearings involving employers contesting citations is that adequate proof is always necessary to make a citation stick.

The most important message from Mr. Hinson is that since the advent of SB-198, California employers have been obligated to develop, implement, and monitor the "effectiveness" of their IIPP (Injury & Illness Prevention Plan, aka, Safety Plan). Boilerplate programs aren't worth the paper they are printed on, according to Hinson.

Proactively customizing your plans and monitoring their effectiveness will benefit you in several ways: you will not only constantly improve your working environment but will also have a much better chance of withstanding scrutiny of your workplace in an OSHA inspection and in an OSHA hearing.

Bottom line: worry about your program for the right reasons and manage your workplace accordingly.

☞ Targeted Inspection and Consultation Fund

Changes in the Exp Mod calculations mean that more companies may land into the program. An employer client received a shock recently when its mod went from 99% to 130%, after many years of coming in under 100%. In the second year of the mod calculation, two claims escalated and—voila!—exploding mod.

To make matters worse, beginning Jan 1, 2011 the mod calculation factors changed. An actuary running this employer's Exp Mod based on the old factors arrived at a 121% Exp Mod. Not great, but less than the 125% threshold for TICF.

In addition to the mod surcharge, this employer is now subject to an "assessment," i.e., a fine based on its payroll, up to \$10,000, Ouch.

☞ Reminder of WC posting requirements effective fall 2010

DWC-7 Poster: Since August 2010), this poster has been required to be posted in an area visible to employees.

Notification of Rights Regarding MPN: This notification must be posted alongside the DWC-7 poster.

Employee Notification of MPN Implementation: A notice provided by the carrier is required to be distributed once to all employees and thereafter to all new employees.

Facts about Workers' Compensation: A bulletin (usually provided by the carrier) with information about Workers' Compensation that becomes part of the new hire package which is required to be given to every new employee.

DWC-1, Employee Claim Form: A form provided to an injured worker acknowledging basic dates and facts of the injury. Some carriers ask for a separate form that provides proof that the injured worker received the DWC-I Form.

For more specific information on any of these requirements, please [click here](#)