



YCPARMIA

# Regulatory Alert

June 2005

## Reporting Serious Injuries vs. \$5,000 fines

All employers must report serious workplace injuries and deaths to Cal-OSHA within 8 hours (Title 8, California Code of Regulations §342(a), see below). If an employee is hospitalized for more than 24 hours, other than for observation, the injury is defined as serious. The employer must make the notification even if the Cal-OSHA office is closed for the night or weekend. The current penalty for not reporting within the 8 hour deadline is a \$5,000 fine. This amount is not negotiable, and is not insured by YCPARMIA..

In recent months, two Northern California Cities have been cited for failing to report. One, the City of Santa Rosa, had an employee who suffered what appeared to be a minor neck strain. She was seen by a doctor, treated, and returned to work. Months later, she had surgery to relieve persistent pain. During the preparation, surgery, and recovery, she was hospitalized for more than 24 hours. The City did not report this surgery to Cal-OSHA within 8 hours, and has been fined.

It is strongly recommended that all employee injuries be evaluated, and when they meet the definition of "serious," be reported immediately. If an employee has follow-up treatment at a later date that involves hospitalization, the incident should be reported as soon as you know it is related to a previous workplace injury. In complicated cases, it may be prudent to report even if you are unsure of the severity or job-relatedness of the injury. Be sure to document your telephone call; write down the date, time, information you provided, and the name of the person you talked to at Cal-OSHA. The 24-hour telephone number for the local Cal-OSHA office is (916) 263-2800. You may get a recording after normal business hours. Be sure to leave a detailed message.

### §342. Reporting Work-Connected Fatalities and Serious Injuries.

- (a) Every employer shall report immediately by telephone or telegraph to the nearest District Office of the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident. Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

### §330. Definitions.

- (h) "Serious injury or illness" means any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by the commission of a Penal Code violation, except the violation of Section 385 of the Penal Code, or an accident on a public street or highway. (NOTE: Penal Code §385 refers to operation of equipment near power lines.)