

POLICY

Hawk Energy, LLC has adopted this policy for Injury/Illness Recordkeeping in accordance with OSHA regulations

REFERENCES

- §1904 – Injury / Illness Recordkeeping

RECORDS

It is the policy of Hawk Energy, LLC to retain records of work-related fatalities, injuries, and illnesses that is:

- Work-related
- New case
- Meets one of the general recording criteria of 29 CFR 1904.4(a)

It is the policy of Hawk Energy, LLC to enter each recordable injury or illness on an OSHA 300 Log and 301 incident report, or other equivalent form, within seven (7) calendar days of receiving information that a recordable injury or illness has occurred.

At the end of each calendar year David Slim must examine the OSHA 300 Log and certify that, based on the knowledge of the process by which the information was recorded, that the annual summary is correct and complete. A designated company official must sign the OSHA 300A Summary and make it available for posting. (See §1904.32 (b)(3))

ANNUAL SUMMARY POSTING

Hawk Energy, LLC will post a copy of the annual summary in each facility. The summary must be posted in a conspicuous place or places where notices to employees are customarily posted. Hawk Energy, LLC will ensure that the posted annual summary is not altered, defaced, or covered by other material. The annual summary will be posted no later than February 1st of the year following the year covered by the records. The posting must be kept in place through April 30th.

Hawk Energy, LLC will save the OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report Forms for five (5) years following the end of the calendar year that these records cover.

The decision tree for recording work-related injuries and illnesses on the next page shows the steps involved in how to decide whether an injury or illness is recordable.

GENERAL RECORDING CRITERIA

Basic Requirement

You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. You must also consider a case to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

Implementation

How do I decide if a case meets one or more of the general recording criteria?

A work-related injury or illness must be recorded if it results in one or more of the following:

- Death. See §1904.7 (b)(2)
- Days away from work. See §1904.7 (b)(3)
- Restricted work or transfer to another job. See §1904.7 (b)(4)
- Medical treatment beyond first aid. See §1904.7 (b)(5)
- Loss of consciousness. See §1904.7 (b)(6)
- A significant injury or illness diagnosed by a physician or other licensed health care professional. See §1904.7 (b)(7)

How do I record a work-related injury or illness that results in the employee's death?

You must record an injury or illness that results in death by entering a check mark on the OSHA 300 Log in the space for cases resulting in death. You must also report any work-related fatality to OSHA within eight (8) hours, as required by §1904.39.

How do I record a work-related injury or illness that results in days away from work?

When an injury or illness involves one or more days away from work, you must record the injury or illness on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away and update the day count when the actual number of days is known.

- Do I count the day on which the injury occurred, or the illness began? No, you begin counting days away on the day after the injury occurred or the illness began
- How do I record an injury or illness when a physician or other licensed health care professional recommends that the worker stay at home, but the employee comes to work anyway?

You must record these injuries and illnesses on the OSHA 300 Log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional. If a physician or other licensed health care professional recommends days away, you will encourage your employee to follow that recommendation. However, the days away must be recorded whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not. If you receive recommendations from two or more physicians or other licensed health care professionals, you may decide as to which recommendation is the most authoritative, and record the case based upon that recommendation.

How do I record a work-related injury or illness that results in restricted work or job transfer?

When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column.

- How do I decide if the injury or illness resulted in restricted work? Restricted work occurs when, as the result of a work-related injury or illness:
 - You keep the employee from performing one or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work; or
 - A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work.
- What is meant by "routine functions"? For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.
- Do I have to record restricted work or job transfer if it applies only to the day on which the injury occurred, or the illness began? No, you do not have to record restricted work or job transfers if you, or the physician or other licensed health care professional, impose the restriction or transfer only for the day on which the injury occurred, or the illness began.

If you, a physician, or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a "restricted work" case?

No, a recommended work restriction is recordable only if it affects one or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you or the physician or other licensed health care professional keeps the employee from performing one or more of his or her routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.

How do I record a case where the worker works only for a partial work shift because of a work-related injury or illness?

A partial day of work is recorded as a day of job transfer or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.

If the injured or ill worker produces fewer goods or services than he or she would have produced prior to the injury or illness but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case?

No, the case is considered restricted work only if the worker does not perform all of the routine functions of his or her job or does not work the full shift that he or she would otherwise have worked.

How do I handle vague restrictions from a physician or other licensed health care professional, such as that the employee engages only in "light duty" or "take it easy for a week?"

If you are not clear about the physician or other licensed health care professional's recommendation, you may ask that person whether the employee can do all of his or her routine job functions and work all of his or her normally assigned work shift. If the answer to both of these questions is "Yes," then the case does not involve a work restriction and does not have to be recorded as such. If the answer to one or both of these questions is "No," the case involves restricted work and must be recorded as a restricted work case. If you are unable to obtain this additional information from the physician or other licensed health care professional who recommended the restriction, record the injury or illness as a case involving restricted work.

What do I do if a physician or other licensed health care professional recommends a job restriction meeting OSHA's definition, but the employee does all of his or her routine job functions anyway?

You must record the injury or illness on the OSHA 300 Log as a restricted work case. If a physician or other licensed health care professional recommends a job restriction, you will ensure that the employee complies with that restriction. If you receive recommendations from two or more physicians or other licensed health care professionals, you may decide as to which recommendation is the most authoritative, and record the case based upon that recommendation.

How do I decide if an injury or illness involved a transfer to another job?

If you assign an injured or ill employee to a job other than his or her regular job for part of the day, the case involves transfer to another job.

Note: This does not include the day on which the injury or illness occurred.

Are transfers to another job recorded in the same way as restricted work cases?

Yes, both job transfer and restricted work cases are recorded in the same box on the OSHA 300 Log. For example, if you assign, or a physician or other licensed health care professional recommends that you assign, an injured or ill worker to his or her routine job duties for part of the day and to another job for the rest of the day, the injury or illness involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.

How do I count days of job transfer or restriction?

You count days of job transfer or restriction in the same way you count days away from work. The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is made permanent. You must count at least one day of restricted work or job transfer for such cases.

How do I record an injury or illness that involves medical treatment beyond first aid?

If a work-related injury or illness results in medical treatment beyond first aid, you must record it on the OSHA 300 Log. If the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, you enter a check mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.

What is the definition of medical treatment?

"Medical treatment" means the management and care of a patient to combat disease or disorder. For the purposes of Part 1904, medical treatment does not include:

Visits to a physician or other licensed health care professional solely for observation or counseling.

- The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or
- "First aid" as defined below.

What is "first aid"?

For the purposes of Part 1904, "first aid" means the following:

- Using a non-prescription medication at nonprescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes)
- Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment)
- Cleaning, flushing or soaking wounds on the surface of the skin
- Using wound coverings such as bandages, Band-Aids, gauze pads, etc.; or using butterfly bandages or Steri-Strips (other wound closing devices such as sutures, staples, etc., are considered medical treatment)
- Using hot or cold therapy
- Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes)

- Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.)
- Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister
- Using eye patches
- Removing foreign bodies from the eye using only irrigation or a cotton swab
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means
- Using finger guards
- Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes).
- Drinking fluids for relief of heat stress

Are any other procedures included in first aid?

No, this is a complete list of all treatments considered first aid for Part 1904 purposes.

Does the professional status of the person providing the treatment have any effect on what is considered first aid or medical treatment?

No, OSHA considers the treatments listed above to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first aid for the purposes of Part 1904. Similarly, OSHA considers treatment beyond first aid to be medical treatment even when it is provided by someone other than a physician or other licensed health care professional.

What if a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation?

If a physician or other licensed health care professional recommends medical treatment, you will encourage the injured or ill employee to follow that recommendation. However, you must record the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation.

Is every work-related injury or illness case involving a loss of consciousness recordable?

Yes, you must record a work-related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remains unconscious.

What is a "significant" diagnosed injury or illness that is recordable under the general criteria even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness?

Work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be recorded under the general criteria at the time of diagnosis by a physician or other licensed health care professional.

Note to §1904.7: OSHA believes that most significant injuries and illnesses will result in one of the criteria listed in §1904.7 (a): death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses.

OSHA believes that cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.

