

**North Carolina Department of Labor
Division of Occupational Safety and Health**

Raleigh, North Carolina

Field Information System

Standards Notice 75

Subject: Public Sector Establishments for Recordkeeping

A. Discussion.

In 2001, federal OSHA issued new recordkeeping standards which required employers to maintain a 300 log and 300A for each “establishment” as that term is defined in the standard, 29 CFR 1904.46.

While the new standards require employers to maintain the logs by establishment, the public sector expressed concern that they were maintaining the logs differently for other surveys (such as the BLS survey data). Federal OSHA does not cover the public sector, but the recordkeeping standards require state OSH programs to gather injury and illness data for this sector; however, they do not specify that the data for the public sector must be collected by establishment.

The OSH Division management discussed this issue internally as well as with federal OSHA. As a result of these discussions, in 2004 the OSH Division sent a letter to all public sector (PS) employers covered by the survey (those with 11 or more employees total corporation). In the letter the department provided several options for the public sector to submit the 300 log data for the Public Sector Survey. The PS employer was requested to either submit one survey for each establishment as defined by 29 CFR 1904.46 or submit surveys as recommended in the options in the letter. The letter explained that once the employer determined their method for submitting the survey, they were required to submit it the identical way for each subsequent survey.

This has continued to cause confusion during the inspection process because CSHO’s may conduct an inspection unaware that the employer is providing and maintaining their 300 logs and 300A’s based on their survey responses, which are not necessarily by establishment.

B. Interpretation.

While the standard requires employers to maintain the recordkeeping forms by “establishment,” because the department provided options to the public sector to submit the 300 log data for the Public Sector Survey, during an inspection the OSH Division will accept the forms either by establishment or in the same format as maintained for the Public Sector Survey.

The forms must still be completed with at least the same level of detail and in some cases more than required by the 29 CFR 1904 standards. If the employer has chosen, as an example, to maintain a single log for an entire division because the employer reports this entire division under one Public Sector Survey, then the information under Section E of the log, “Where the Event Occurred” will require additional detail to specify the location

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and/or establishment where the injury occurred since employees on a single log may work in different buildings and/or in different cities.

C. **Action.**

If the logs are not maintained by establishment as required by the standard, the CSHO's will verify how they are maintained by reviewing the inspection assignment or by asking their supervisor to check the targeting system. If necessary, CSHO's may contact the PSIM Bureau to determine how the employer [with 11 or more employees] submitted their survey(s).

CSHO's must realize, however, that PS employers tend to be combined into new agencies or have divisions or sections moved, combined or eliminated. Therefore, care should be taken to compare the previous year's survey list against the existing agency structure. If the current agency structure differs from how it is reflected on the targeting system, the CSHO must complete the "Site Information Request Form" to submit applicable changes to PSIM.

The PSIM Bureau does not survey PS employers with 10 or fewer employees in the total corporation. For these PS employers, the OSH Division will accept one log for the entire entity. For these employers, citations will be issued in accordance with FOM Chapter IV and penalties will be assessed in accordance with FOM Chapter VI.

For all other PS employers, if the recordkeeping forms are not maintained either by establishment or as provided to the NCDOL PSIM Bureau for the Public Sector Survey, the employer will be cited under 29 CFR 1904.30 (a) for not maintaining them by establishment as defined in 29 CFR 1904.46. Other regulatory citations will be issued in accordance with FOM Chapter IV and penalties will be assessed in accordance with FOM Chapter VI.

This SN applies to all inspections of the public sector and not just those generated through OPN 128, Public Sector Surveys and Inspections.

D. **Effective Date.**

This SN is effective on the date of signature. It will remain in effect until revised or canceled by the director.

Signed on Original
Susan Haritos
Health Standards Officer

Signed on Original
Allen McNeely
Director

10/08/2013
Date of Signature