



## Employee Safety and Health Program

**Policy 6: Recordkeeping**

**Effective Date: January 10, 2011**

### References:

North Carolina General Statutes, §§95-148

North Carolina Administrative Code: 25 NCAC 1N.0105(I)

North Carolina State Employees Workplace Requirements Program for Safety and Health, Section 2, Page 2.4.7

North Carolina Occupational Safety and Health Standards for General Industry: 29 CFR 1904; 29 CFR 1910.1020

### Purpose:

To specify the types of records which shall be maintained by the North Carolina Department of Labor Employee Safety and Health Program, the access to records by other employees, and the retention schedules for each.

### Policy:

- I. Log and Summary of Occupational Injuries and Illnesses, Fatalities and Multiple Hospitalization Incidents
  - A. The departmental Workers' Compensation Administrator shall document recordable injuries and illnesses on an OSHA Form 300 *Log of Work-Related Injuries and Illnesses* within seven (7) calendar days after receiving information that an injury or illness has occurred. An employee may request statistical information contained in the OSHA Form 300 from the Workers' Compensation Administrator, and such information shall be provided within a reasonable time and in a reasonable manner.
    1. If the illness or injury is classified as a "privacy concern case," the Workers' Compensation Administrator shall not enter the employee's name on the OSHA Form 300, but shall instead enter "privacy case" in the space(s) used for personally identifiable

information such as, but not limited to, employee name or job title. The Workers' Compensation Administrator shall also create a separate, confidential list of the privacy case numbers and employee information.

2. A "privacy concern case" includes, and is limited to, an injury or illness to an intimate body part or the reproductive system; an injury or illness resulting from a sexual assault; mental illnesses; HIV infection, hepatitis or tuberculosis; needlesticks and sharps injuries when they are contaminated with another person's blood; and other injuries or illnesses that the employee requests be treated as a privacy concern case.
- B. The Workers' Compensation Administrator shall ensure that an OSHA Form 300A *Summary of Work-Related Injuries and Illnesses* is posted in a prominent location accessible to all employees in each department location from February 1 to April 30 of the year following the year covered by the form.
  - C. The Workers' Compensation Administrator shall report any accident which is fatal to one or more employees, or which results in the hospitalization of three or more employees, to OSHNC within eight (8) hours of the accident or death, and to the Office of State Personnel, Employee Risk Management Section, within twenty-four (24) hours of the accident or death.
  - D. The Logs and Summaries described in the preceding sections shall be retained by the department for 5 years following the year of record.

## II. Quarterly Report

The Workers' Compensation Administrator shall ensure that a quarterly summary of accident data is submitted to the Office of State Personnel, Employee Risk Management Section, by the fifteenth (15<sup>th</sup>) day following the end of each quarter.

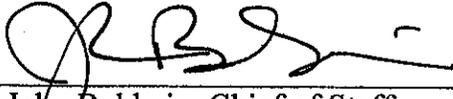
## III. Material Safety Data Sheets

- A. Each Unit shall maintain a material safety data sheet (MSDS) for all hazardous substances currently in use within that Unit.
- B. For each hazardous substance removed from use, the Unit shall retain the MSDS for thirty (30) years following the year of removal.

## IV. Other Records

- A. Any exposure records generated by the Employee Safety and Health Program shall be retained by the affected Unit for thirty (30) years following the year of generation, and shall be available to any affected employee within fifteen (15) days of the written request. For purposes of this requirement, the following definitions apply:
1. Affected Employee – means a current employee, a former employee, or an employee being assigned or transferred to work where there will be exposure to toxic substances or harmful physical agents. In the case of a deceased or legally incapacitated employee, the employee’s legal representative may directly exercise all the employee’s rights under this section.
  2. Exposure Record – means any item, collection, or grouping of information regardless of the form or process by which it is maintained (e.g., digital document, paper document, microfiche, microfilm, X-ray film, or automated data processing), that was produced during the time when an affected employee was subjected to a toxic substance or harmful physical agent in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes past exposure and potential (e.g., accident or possible) exposure, but does not include situations where the employer can demonstrate that the toxic substance or harmful physical agent is not used, handled, stored, generated, or present in the workplace in any manner different from typical non-occupational situations.
- B. Employee injury records will be maintained by the department for thirty (30) years following the date of separation of the injured employee from department service.

Approved:



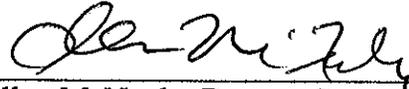
John Baldwin, Chief of Staff  
North Carolina Department of Labor

Date

1/10/11

January 1, 2016

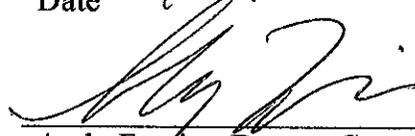
Review Date



Allen McNeely, Deputy Commissioner  
Occupational Safety and Health Division

Date

1/10/11



Andy Frazier, Deputy Commissioner  
Standards and Inspections Division

Date

1/10/11