

Chapter Ind 200

RECORDING AND REPORTING OCCUPATIONAL
INJURIES AND ILLNESSES

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Note: Pursuant to section 227.024 (7) Wis. Stats., the revisor of statutes has changed the numbering of this chapter to be Ind 200. As originally proposed this chapter would have been numbered Ind 1000, which would have conflicted with the Safety and Health Code chapters Ind 1000 to 2000.

Ind 200.01 Purpose and scope. The regulations in this chapter provide for recordkeeping and reporting for municipal employers for developing information regarding the causes and prevention of occupational accidents and illnesses, and for maintaining a program of collection, compilation, and analysis of occupational safety and health statistics.

Note: These regulations are comparable with the recordkeeping and statistical program required under the federal Occupational Safety and Health Act of 1970 for other employers in Wisconsin and elsewhere in the United States.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.02 Definitions. (1) (a) "Department" means the department of industry, labor and human relations.

(b) "Municipality" means the state and any county, city, town, village, school district, sewer district, drainage district, or any other public or quasi-public corporation, or any other unit of nonfederal government, or any agency or instrumentality of government now existing or hereafter created within the state.

(c) The term "employer" shall mean and include every municipality.

(d) The term "employee" shall mean and include every person under a contract of hire, whether express or implied, including all persons in the service of a municipality whether elected, appointed or volunteer.

(e) "Medical treatment" includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.

(f) "First aid" is any one-time treatment, and any followup visit for the purpose of observation of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. Such one-time treatment, and followup visit for the purpose of observation, is

considered first aid even though provided by a physician or registered professional personnel.

(g) Establishment for a municipality means one or more locations where the municipality conducts, performs or carries out its activities, functions, services or responsibilities.

1. Where activities, functions, services or responsibilities are physically dispersed, records may be maintained at a place to which employees report each day.

2. Records for personnel who do not primarily report at a single establishment and who are generally not supervised in their daily work may be maintained at the location from which they are paid or the base from which they operate to carry out their activities, functions or services.

3. The department, risk management section, shall, in cooperation with municipalities, determine the municipal establishments from which occupational injury and illness records shall be maintained and the employees included therein.

4. Municipal establishments shall be listed as special orders of the department and any exceptions provided under Ind 200.10 shall also be by special order of the department.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.03 Log of occupational injuries and illnesses. (1) Each employer shall maintain in each establishment a log of all recordable occupational injuries and illnesses for that establishment, except that under the circumstances described in subsection (2) of this section an employer may maintain the log of occupational injuries and illnesses at a place other than the establishment. Each employer shall enter each recordable occupational injury and illness on the log as early as practicable but no later than 6 working days after receiving information that a recordable case has occurred. For this purpose, Occupational Safety and Health Administration Form OSHA No. 100 or any private equivalent may be used. OSHA No. 100 or its equivalent shall be completed in the detail provided in the form and the instruction contained therein. If an equivalent to OSHA No. 100 is used, such as a printout from data processing equipment, the information shall be as readable and comprehensible to a person not familiar with the data processing equipment as the OSHA No. 100 itself.

(2) Any employer may maintain the log of occupational injuries and illnesses at a place other than the establishment or by means of data processing equipment, or both, under the following circumstances:

(a) There is available at the place where the log is maintained sufficient information to complete the log to a date within 6 working days after receiving information that a recordable case has occurred, as required by subsection (1) of this section.

(b) At each of the employer's establishments, there is available a copy of the log which reflects separately the injury and illness

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experience of that establishment complete and current to a date within 45 calendar days.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.04 Supplementary record. In addition to the log of occupational injuries and illnesses required under Ind 200.03 each employer shall have available for inspection at each establishment within 6 working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for that establishment. The record shall be completed in the detail prescribed in the instructions accompanying Occupational Safety and Health Administration Form OSHA No. 101. Workmen's compensation, insurance, or other reports are acceptable alternative records if they contain the information required by Form OSHA No. 101. If no acceptable alternative record is maintained for other purposes, Form OSHA No. 101 shall be used or the necessary information shall be otherwise maintained.

Note: Workmen's Compensation Form No. WC-12 (revised 8-74 or later) may be used in lieu of the OSHA No. 101.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.05 Annual summary. (1) Each employer shall compile an annual summary of occupational injuries and illnesses for each establishment. Each annual summary shall be based on the information contained in the log of occupational injuries and illnesses for the particular establishment. Form OSHA No. 102 shall be used for this purpose and shall be completed in the form and detail as provided in the instructions contained therein.

(2) The summary shall be completed no later than 1 month after the close of the calendar year to which it relates.

(3) Each employer shall post a copy of the establishment's summary at each establishment in a conspicuous place where notices are customarily posted. The summary covering the previous calendar year shall be posted no later than February 1, and shall remain in place until March 1. For employees who do not primarily report or work at a single establishment, or who do not report to any fixed establishment on a regular basis, employers shall satisfy this posting requirement by presenting or mailing a copy of the summary during the month of February of the following year to each such employee who receives pay during that month. For multiestablishment employers where operations have closed down in some establishments during the calendar year, it will not be necessary to post summaries for those establishments.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.06 Retention of records. Records provided for in Ind 200.03 to .05 shall be retained in each establishment for 5 years following the end of the year to which they relate.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.07 Access to records. Records provided for in Ind 200.03 to .05 shall be available for inspection and copying by members of the department as described in sections 101.01 (c) (d) Wis. Stats., prior

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to or during any occupational safety and health inspection provided for under sections 101.01 through 101.25, Wis. Stats.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.08 Reporting of fatality or multiple hospitalization accidents. Within 24 hours after the occurrence of an employment accident which is fatal to one or more employes or which results in hospitalization of 5 or more employes, the employer of any employes so injured or killed shall report the accident either orally or in writing to the department; workmen's compensation division. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The department may require such additional reports, in writing or otherwise, deemed necessary, concerning the accident or exposure.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.09 Falsification or failure to keep records or reports. Whoever knowingly makes any false statement, representation, or certification in any record or report or fails to maintain records or file reports required by this rule, or in the details required by forms and instructions issued under this rule, may be subject to the issuance of orders and assessment of penalties as provided for in section 101.02 (13) (a) Wis. Stats.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.10 Petitions for municipal recordkeeping exceptions. (1) (a) *Submission of petition.* Any municipality who wishes to maintain records in a manner different from that required by the department may submit a petition containing the information specified in paragraph (c) of this section to the department, risk management section.

(b) *Opportunity for comment.* Affected employes or their representatives shall have an opportunity to submit written data, views, or arguments concerning the petitions to the department, risk management section within 10 working days following the receipt of notice under paragraph (c) 5 of this section.

(c) *Contents of petition.* A petition filed under paragraph (a) of this section shall include:

1. The name and address of the applicant;
2. The address of the place or places of employment involved;
3. Specifications of the reasons for seeking relief;
4. A description of the different recordkeeping procedures which are purposed by the applicant;
5. A statement that the applicant has informed his affected employes of the petition by giving a copy thereof to them or to their authorized representative and by posting a statement giving a summary of the petition and by other appropriate means. A statement posted pursuant to this subparagraph shall be posted in each establishment. The applicant shall also state that he has informed his affected employes of their rights under paragraph (b) of this section;

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6. In the event an employer has more than one establishment he shall submit a list where such establishments are located. In the further event that certain of the employer's establishments would not be affected by the petition, the employer shall identify every establishment which would be affected by the petition and where they are located.

(d) *Additional notices, conferences.* 1. In addition to the actual notice provided for in subparagraph (c) 5 of this rule, the department may provide, or cause to be provided, such additional notice of the petition as deemed appropriate.

2. The department may also afford an opportunity to interested parties for informal conference or hearing concerning the petition.

(e) *Action.* After review of the petition, and of any comments submitted in regard thereto, and upon completion of any necessary appropriate investigation concerning the petition, if the department finds that the alternative procedure proposed will not hamper or interfere with the purposes of this rule and will provide equivalent information, it may grant the petition subject to such conditions deemed appropriate, and subject to revocation for cause.

(f) *Revocation.* Whenever any relief under this section is sought to be revoked for any failure to comply with the conditions thereof, an opportunity for informal hearing or conference shall be afforded to the employers and affected employees, or their representatives. Except in cases of willfulness or where public safety or health requires otherwise, before the commencement of any such informal proceeding, the employer shall:

1. Be notified in writing of the facts or conduct which may warrant the action; and

2. Be given an opportunity to demonstrate or achieve compliance.

(g) *Compliance after submission of petitions.* The submission of a petition or any delay by the department in acting upon a petition shall not relieve any employer from any obligation to comply with this rule. However, the department shall give notice of the denial of a petition within a reasonable time.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.11 Employes not in fixed establishments. (1) (a) Employers of employes engaged in physically dispersed operations such as occur in construction, installation, repair or service activities who do not report to any fixed establishment on a regular basis but are subject to common supervision may satisfy the provisions of Ind 200.03 to .05 with respect to such employes by:

1. Maintaining the required records for each operation or group of operations which is subject to common supervision (field superintendent, field supervisor, etc.) in an established central place;

2. Having the address and telephone number of the central place available at each work site; and

3. Having personnel available at the central place during normal business hours to provide information from the records maintained there by telephone and by mail.

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Ind 200.12 Small employers. (1) (a) An employer, who had no more than 7 employes at any one time during the calendar year immediately preceding the current calendar year need not comply with any of the requirements of this rule except Ind 200.08 concerning fatalities and multiple hospitalization accidents (i.e. he need not prepare the log, OSHA 100, the supplemental record, OSHA 101 nor prepare or post the summary, OSHA 102).

(b) Paragraph (a) of this section shall not apply when an employer has been notified in writing by the U.S. department of labor, bureau of labor statistics or the department that he has been selected to participate in a statistical survey of occupational injuries and illnesses. If selected, an employer will be required to maintain a log of occupational injuries and illnesses (OSHA 100) in accordance with Ind 200.03 and to make reports in accordance with Ind 200.14 for the period of time which is specified in the notice.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.13 Statistical program. The department, risk management section, in conjunction with the U.S. department of labor, bureau of labor statistics, shall develop and maintain a program of collection, compilation and analysis of occupational safety and health statistics which shall include periodic surveys.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.

Ind 200.14 Duties of employers. Upon receipt of an occupational injuries and illnesses survey form, OSHA No. 103, the employer shall promptly complete the form in accordance with the instructions contained therein, and return it in accordance with the aforesaid rules.

History: Cr. Register, August, 1975, No. 236, eff. 9-1-75.