

# Risk Alert

Sutter Health Office of the General Counsel  
Environmental Risk Services 916-286-6520

## Section 342 Reporting Work Connected Fatalities and Serious Injuries

### Situation

A recent event resulted in Cal/OSHA citation (5K fine) for non compliance with requirement to report serious employee illness (hospitalization) within 8 hours of knowledge.

#### Scenario #1

Employee suffers from an acute personal illness while at work, leaves and is later hospitalized. Hospital does not report because it is considered a personal illness. Employer cited for failure to report hospitalization.

#### Scenario #2

As a result of a work related injury an employee under goes surgery at a later date and is hospitalized for more than 24 hours. Hospital is cited for failure to report serious work related injury.

### Background

#### Regulatory Requirements:

**CCR Title 8 §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. (see below)

(b) Whenever a state, county, or local fire or police agency is called to an accident involving an employee covered by this part in which a serious injury, or illness, or death occurs, the nearest office of the Division of Occupational Safety and Health shall be notified by telephone immediately by the responding agency.

(c) When making such report, whether by telephone or telegraph, the reporting party shall include the following information, if available:

- (1) Time and date of accident.
- (2) Employer's name, address and telephone number.
- (3) Name and job title, or badge number of person reporting the accident.
- (4) Address of site of accident or event.
- (5) Name of person to contact at site of accident.
- (6) Name and address of injured employee(s).
- (7) Nature of injury.
- (8) Location where injured employee(s) was (were) moved to.
- (9) List and identity of other law enforcement agencies present at the site of accident.

(10) Description of accident and whether the accident scene or instrumentality has been altered.

[www.dir.ca.gov/title8/342.html](http://www.dir.ca.gov/title8/342.html) - 5k - [Cached](#)

### 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.

<http://www.dir.ca.gov/title8/330.html>

### Failure-to-Report Violation(s)

#### a. Initial Occurrence

(1) Employers who fail to report the occurrence of a fatality or a serious injury or illness to the nearest District Office of the Division as soon as practically possible, but no longer than eight (8) hours after the employer knows or with diligent inquiry would have known of the occurrence of the accident event, shall be cited for a failure-to-report violation of 8 CCR Section 342(a).

#### b. Late Occurrence

##### (1) Discovery of a Unreported Accident Event During an Inspection or Investigation

If compliance personnel discover during the course of any inspection or investigation from their review of the Log 300 that the employer failed to report to the Division a reportable accident event, compliance personnel shall initiate a separate investigation into the accident event and shall cite the employer for a failure-to-report violation of 8 CCR Section 342(a).

##### (2) Fatality or Serious Injury or Illness Arising After Non-Reportable Accident Event Occurs

When an initially non-reportable accident event changes status into a reportable accident event (because of the development of a fatality or a serious injury or illness), the employer shall report the change in the status of the non-reportable accident event to the Division within eight (8) hours of learning (or with diligent inquiry could have learned) of the fatality or serious injury or illness.

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### **A** ssessment

- In the past it has not been recognized that this requirement applied to workers' compensation claimants who as result of their work related injury were later hospitalized ( LOS > 24 hours) for surgery.
- A process is not in place to ensure timely notification of serious injury/ illness (Hospitalization with LOS>24hours) of W/C Claimant.
- Guidance received from Cal/OSHA Consultation and Enforcement Units is inconsistent.
- Request to the Division of Occupational Safety & Health (DOSH) for clarification is pending

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### **R** ecommendations

1. Develop a process to ensure compliance for timely notification to Cal/OSHA.
2. Amend Current Work Related Employee Injuries Policy and Procedures to include provision for reporting workers' compensation claimants later hospitalized as a result of the work related injury. See attached Policy and Procedure
3. Provide education for reporting requirements to Supervisory staff

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### **S** hare With

- Directors
- Managers

For More Information Contact Your Safety Officer