

Technical Amendment
November 10, 2022
EDUCATION AND LABOR CABINET
(Technical Amendment)

803 KAR 2:181. Recordkeeping and reporting occupational injuries and illnesses.

RELATES TO: KRS 338.015(1), (2), 338.121(3), 338.161, 29 C.F.R. Part 1904

STATUTORY AUTHORITY: KRS 338.061, 338.161

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.161(1) requires the Department of Workplace Standards to promulgate administrative regulations for the collection, compilation, and analysis of occupational safety and health statistics. 29 C.F.R. Part 1904 authorizes requirements for the recording and reporting of occupational illnesses and injuries. This administrative regulation establishes recordkeeping and reporting requirements for employers pursuant to KRS Chapter 338.

Section 1. Definitions.

- (1) "Amputation" means an injury in which a portion of the body including bone tissue is removed.
- (2) "C.F.R." means Code of Federal Regulations.
- (3) "Employee" is defined by KRS 338.015(2).
- (4) "Employer" is defined by KRS 338.015(1).
- (5) "Hospitalization" means formal admission to a hospital or clinic for care or treatment.
- (6) "Loss of eye" means the physical removal of an eye from the socket.
- (7) "Occupational Safety and Health Act" or "OSHA" means KRS Chapter 338.
- (8) "Secretary of Labor" means the Secretary of the United States Department of Labor or the Secretary of the Education and Labor Cabinet.
- (9) "Section 11(c) of the Act" means KRS 338.121(3).
- (10) "Work-related" means "work-related" or "work-relatedness" as established in 29 C.F.R. 1904.

Section 2. Except as modified by the definitions in Section 1 and the requirements in Sections 3 and 4 of this administrative regulation, an employer shall comply with 29 C.F.R. Part 1904, Recording and Reporting Occupational Injuries and Illnesses, published by the Office of the Federal Register, National Archives and Records Administration.

Section 3. Reporting Fatalities, Amputations, Hospitalizations, or Loss of Eye.

- (1) The reporting requirements established in this section shall apply in lieu of 29 C.F.R. 1904.39.
- (2) An employer shall orally report to the Kentucky Education and Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, the death of an employee as a result of a work-related incident, including death resulting from a heart attack.
- (3) The report required pursuant to subsection (2) of this section shall be made within eight (8) hours from when the death is reported to the employer, the employer's agent, or another employee.
- (4) An employer shall orally report to the Kentucky Education and Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, any of the following that occurs as a result of a work-related incident:
 - (a) Amputation suffered by an employee;
 - (b) Employee's loss of an eye; or

(c) Hospitalization of an employee, including hospitalization resulting from a heart attack.

(5) The report required pursuant to subsection (4) of this section shall be made within seventy-two (72) hours from when the amputation, loss of an eye, or hospitalization is reported to the employer, the employer's agent, or another employee.

Section 4. If the employer cannot speak with someone in the Frankfort office, the employer shall make the report required pursuant to Section 3 of this administrative regulation to the OSHA toll-free, central telephone number, 1-800-321-OSHA (1-800-321-6742).

(47 Ky.R. 2772; eff. 11-30-2021; TAm eff. 11-10-2022.)

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