

OSHA's July 1, 2018 Electronic Injury and Illness Data Filing Deadline May Impact Public Sector Employers In Illinois

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Recently, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) announced that it was fixing an "error" relating to its requirement that employers annually submit injury and illness data to OSHA.

Under this rule, OSHA requires that submission by July 1, 2018, of the 2017 OSHA 300A summary data for certain establishments that have 250 or more employees or that have 20-249 employees that are classified under these NAICS codes.

Previously, employers subject to state-run OSHA plans did not need to submit data until the state where they were located actually implemented its own rule. OSHA has now taken the position that all employers that are subject to state-run OSHA plans are required to comply with electronic reporting requirements prospectively by July 1, 2018.

In Illinois, OSHA's announcement primarily affects public-sector employers, which are subject to regulation by Illinois OSHA. Illinois OSHA has not yet published rules or guidance on this issue. Employers in these other states are affected as well:

- California

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- Maine (public sector employers)
- Maryland
- Minnesota
- New Jersey (public sector employers)
- New York (public sector employers)
- South Carolina
- Utah
- Washington
- Wyoming

OSHA's announcement is somewhat controversial and some of the states listed above have stated that they do not intend to comply with OSHA's mandate. We will continue to monitor what the state programs are doing in response.

For now, all employers who are subject to the July 1, 2018, electronic reporting deadline should review their injury and illness reporting practices in order to reduce the chance that their electronic submissions contain unfavorably inaccurate information.