

Punam Kaji in Business Insurance on OSHA Deadline Extension

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The U.S. Occupational Safety and Health Administration's decision to extend the deadline once again for employers to electronically submit injury and illness data surprised no one, but stakeholders are hoping this means the agency will either significantly revamp the rule or at least provide additional clarity for employers, *Business Insurance* [reported](#).

OSHA extended the deadline for employers to electronically submit injury and illness data to Dec. 15 under the Improve Tracking of Workplace Injuries and Illnesses rule, which requires certain employers to electronically submit injury and illness data they already are required to record via their on-site OSHA injury and illness forms. Establishments with 250 or more employees in industries covered by the record-keeping regulation — as well as those with 20 to 249 employees in high-risk industries such as agriculture, forestry, construction and manufacturing — must submit information on their injuries and illnesses.

The electronic reporting deadline was set for Dec. 1 after being postponed multiple times, but the agency decided to implement another two-week delay to give affected employers additional time to become familiar with the new electronic reporting system launched on Aug. 1, according to a U.S. Department of Labor statement issued last week. ...

OSHA is currently reviewing the other provisions of its final rule and intends to publish a notice of proposed rule-making to reconsider, revise or remove portions of that rule in 2018, according to the statement.

Employers and their representatives hope this means the agency could revisit some aspects of the regulation, including its language on employee incentive programs, which have been the subject of some of the handful of citations issued under the anti-retaliation provisions to date even though they are not directly prohibited, *Business Insurance* reported. In addition, the rule's preamble features language that employers argue discourages them from mandating post-accident drug testing, even in situations where such testing may be warranted and with the United States in the midst of an opioid epidemic.

"There hasn't been a whole lot of enforcement on those issues, but I think it's confusing when a rule comes out that says one thing and then we just see delay and lack of enforcement on some of the provisions," said Punam Kaji, a Dallas-based attorney in the labor and employment and OSHA practices of Haynes Boone, L.L.P. "But we can't possibly advise our clients not to consider the rule. It's law. They're forced to prepare to comply and change their safety incentive programs if they have one. It's been tough for employers." ...

Excerpted from *Business Insurance*. To read the full article, click [here](#).