

Loss Control Bulletin # 2

California employers are required to report immediately to the Division of Occupational Safety and Health (DOSH) any serious injury or illness, or death of an employee. ¹ "Immediately" means as soon as practically possible, but within eight (8) hours after the occurrence, unless the employer "can demonstrate exigent circumstances exist." If the exigent circumstances test can be met, employers may have up to 24 hours to report the injury. This test is subjective and will be validated by DOSH.

All reports to DOSH must be made by telephone or facsimile to the nearest DOSH office. Failure to comply with this reporting requirement can result in the assessment of a civil penalty of not less than \$5000 against the employer. ²

A serious injury or illness is defined as any injury or illness occurring in a place of employment or in connection with any employment that necessitates hospitalization in excess of 24 hours for other than medical observation, or that involves loss of any member of the body, or any serious degree of permanent disfigurement. For purposes of reporting, it is not necessary to report any injury, illness, or death caused by the commission of a Penal Code violation (except working near high voltage lines in violation of Section 385 of the Penal Code), or by an accident on a public street or highway. ³

Employers need to be aware that the reporting requirements for a serious injury or illness, or death may be

triggered at a later date than the date of injury. For example, an injured worker may be initially hospitalized or re-hospitalized after the date of injury for more than 24 hours for treatment (other than observation) related to the original injury, or an employee may die at a later date as a result of the injury or illness. In such events, the employer is required to file an initial or amended report with DOSH within five days of learning of the later hospitalization or death of the employee.

For your convenience, a list of current DOSH offices and phone numbers follows. All offices have answering services.

OFFICE	ADDRESS	PHONE NO.	FAX NO.
Anaheim	2100 East Katella Avenue, Suite 140, Anaheim, CA 92806	(714) 939-0145	(714) 939-0145
Concord	1465 Enea Circle, Building E, Suite 900, Concord, CA 94520-5211	(925) 602-6517	(925) 676-0227
Foster City	1065 E. Hillsdale Blvd., Suite 110, Foster City, CA 94404	(650) 573-3812	(650) 573-3817
Fremont	39141 Civic Center Dr., Ste 310, Fremont, CA 94538-5818	(510) 794-2521	(510) 794-3889
Fresno	2550 Mariposa Street, Room 4000, Fresno, CA 93721	(559) 445-5302	(559) 445-5786
Los Angeles	320 W. 4 th St., Suite 850, Los Angeles, CA 90013	(213) 576-7451	(213) 576-7461
Modesto	1209 Woodrow, Ste. C-4, Modesto, CA 95350	(209) 576-6260	(209) 576-6191
Monrovia	750 Royal Oaks Dr., Ste. 104, Monrovia, CA 91016	(626) 256-7913	(626) 359-4291
Oakland	1515 Clay St., Ste.1301 Oakland, CA 94612	(510) 622-2916	(510) 622-2908
Sacramento	2424 Arden Way, Suite 165, Sacramento, CA 95825	(916) 263-2800	(916) 263-2798
San Bernardino	464 W. 4 th St., Ste. 332, San Bernardino, CA 92401	(909) 383-4321	(909) 383-6789
San Diego	7575 Metropolitan Dr., Ste. 207, San Diego, CA 92108	(619) 767-2280	(619) 767-2299
San Francisco	455 Golden Gate Ave., Ste. 1524, San Francisco, CA 94102	(415) 703-5210	(415) 703-5231
Santa Rosa	1221 Farmers Lane, Suite 300, Santa Rosa, CA 95405	(707) 576-2388	(707) 576-2598
Torrance	680 Knox Street, Suite 100, Torrance, CA 90502	(310) 516-3734	(310) 516-4253
Van Nuys	6150 Van Nuys Boulevard, Suite 405, Van Nuys, CA 91401	(818) 901-5403	(818) 901-5578
Ventura	1655 Mesa Verde Ave., Suite 150, Ventura, CA 93003	(805) 654-4581	(805) 654-4852
West Covina	1906 W. Garvey Ave. South, Ste 200, West Covina, CA 91790	(626) 472-0046	(626) 472-7708

The locations and addresses provided in the preceding table are current as of May 2005. To check for any changes to list of DOSH offices, please follow the link to the CAL-OSHA website. <http://www.dir.ca.gov/dosh/DistrictOffices.htm>

The guidelines provided in this bulletin are only intended to provide an overview of some of the more important steps that can be taken by management to establish a safe workplace. The guidelines are not considered exhaustive of all measures and controls that can be implemented by management to address all potential loss or injury producing causes. Ultimately it is the responsibility of management to take the necessary steps to provide for employee and customer safety.

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California Labor Code 4706.5⁴ requires that if a workplace injury results in the death of an employee who leaves no surviving person entitled to a dependency death benefit, the employer or his workers

compensation insurer must notify the California Department of Industrial Relations of the death. Such death must be reported regardless of the cause of death. Under these circumstances, death benefits will be

paid to the Department of Industrial Relations.

For additional information, contact Republic Indemnity's loss control department.

Website Information Links

¹ California Code of [8 CCR 342(a)] http://ccr.oal.ca.gov/cgi-bin/om_isapi.dll?clientID=123425&hitsperheading=on&infobase=ccr&record={17FEE}&softpage=Document42

² California Labor Code 6409.1 (b) <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=06001-07000&file=6400-6413.5>

³ California Code of Regulations [8 CCR 330 (h)] http://ccr.oal.ca.gov/cgi-bin/om_isapi.dll?clientID=123425&hitsperheading=on&infobase=ccr&record={17D5D}&softpage=Document42

⁴ California Labor Code 4706.5 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=04001-05000&file=4700-4709>

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