

STATE ADMINISTRATIVE MANUAL

MANAGEMENT MEMO

SUBJECT: REPORTING WORK-CONNECTED FATALITIES AND SERIOUS INJURIES	NUMBER: MM 03-16
REFERENCES: CALIFORNIA CODE OF REGULATIONS, TITLE 8, SECTION 342 ; LABOR CODE 6409.1 & 6423	DATE ISSUED: AUGUST 11, 2003 EXPIRES: RESCINDED 12/19/16 UNTIL RESCINDED ISSUING AGENCY: DGS

This Management Memo is to notify state agencies and departments of the changes to violations and penalties assessed for failing to report work-connected fatalities and serious injuries to the Department of Industrial Relations, Division of Occupational Safety and Health.

California Code of Regulations, Title 8, Section 342, states, *“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.”*

Labor Code 6409.1 requires employers to file a complete report of every occupational injury or illness which results in lost time beyond the date of injury/illness or which requires medical treatment beyond basic first aid, with the Department of Industrial Relations. Labor Code 6409.1 has been amended to add, *“An employer who violates this subdivision may be assessed a civil penalty of not less than five thousand dollars (\$5,000). Nothing in this subdivision shall be construed to increase the maximum civil penalty pursuant to Sections 6427 to 6430, inclusive, that may be imposed for a violation of this section.”*

Additionally, Labor Code 6423, has been amended, adding a paragraph that states, *“If an employer knowingly fails to report to the division a death, as required by subdivision (b) of Section 6409.1, is punishable by imprisonment in county jail for up to one year, or by a fine of up to \$15,000 or both that imprisonment and fine.”*

If you have any questions regarding this Management Memo, please contact Trudy Holder, Statewide Health and Safety Manager, at (916) 376-5285.

Original Signed by J. Clark Kelso

J. Clark Kelso, Interim Director
 Department of General Services