



**Division of Occupational Safety and Health  
POLICY AND PROCEDURES MANUAL**

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**P & P C-36**

**ACCIDENT REPORT**

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## Division of Occupational Safety and Health POLICY AND PROCEDURES MANUAL

P&P C-36

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# ACCIDENT REPORT

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**AUTHORITY:** California Labor Code Sec. 6302, 6313, 6315.3, 6317, 6409.1(b), 6409.2, and Title 8, California Code of Regulations, Section 330(h) and 342.

**POLICY:** It is the policy of the Division of Occupational Safety and Health to obtain complete and accurate information about all employment accidents which are reported to the Division by employers or by any state, county or local public safety agency, or about which the Division learns through other sources.

### PROCEDURES:

#### A. ACCIDENT TRIGGERING COMPLETION OF Cal/OSHA 36

The initial report of an accident shall be taken, and the Cal/OSHA 36 completed, by the District Manager, District compliance personnel or District Office Support Staff who have been trained to do so by the District Manager whenever the District Office is notified (or learns about) the occurrence of an accident which involves the following, regardless of whether the event is legally reportable to DOSH.

1. Fatality ("FAT");

NOTE: All reports of outdoor, suspect heat related fatalities shall be processed and investigated in accordance with the procedures and guidelines set forth in the Division of Occupational Safety and Health Special Emphasis Program on Heat Illness Prevention manual (hereinafter "DOSH Heat SEP").

2. Serious injury or illness;

3. Pesticide-related poisoning;

NOTE: All reports of employee pesticide poisoning shall be evaluated and investigated in accordance with the procedures and guidelines set forth in the MOU between the DIR, DPR, and ACASA. In addition, the District Manager shall consult with DOSH headquarters, at the Deputy Chief level, for guidance and direction.

4. Serious exposure;

5. Any other injury or illness which occurs in a place of employment regardless of its severity, including but not limited to suspect heat related illnesses.

NOTE: All reports of outdoor, suspect heat related illnesses shall be processed and investigated in accordance with the procedures and guidelines set forth in the DOSH Heat SEP.

## **B. ENTITIES AND PERSONS REQUIRED TO REPORT ACCIDENTS**

### **1. Employers**

All employers must report immediately by telephone or email to the Division any serious injury or illness, or death of an employee occurring in a place of employment or in connection with any employment. See 8 CCR Section 342 (a).

"Immediately" means as soon as practically possible, but no longer than eight (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 twenty-four (24) hours after the incident. See 8 CCR Section 342 (a).

When an initially non-reportable accident changes status to a reportable accident (because of the development of a fatality or a serious injury or illness), the employer shall report the change in the status of the non-reportable accident to the Division within eight (8) hours of learning (or with diligent inquiry could have learned) of the change in the status of the non-reportable accident to a fatality or serious injury or illness.

NOTE (1): A new Cal/OSHA 36 shall be completed by District Personnel when an employer who has submitted an accident report to the Division contacts the District Office at a later date to provide additional information concerning events alleged in the initial accident report.

NOTE (2): Employee fatalities and serious injuries or illnesses, which occur on the employer's premises, must be reported, even if they are not work related.

### **2. Public Safety Agencies**

Whenever a state, county, or local fire or police agency responds to an accident involving an employee fatality or serious injury or illness (including pesticide-related poisoning), the responding agency, must immediately report to the Division the occurrence of the fatality or serious injury or illness. See 8 CCR Section 342 (b).

### **3. DOSH Personnel**

- a. If compliance personnel discover during the course of any inspection or investigation from their review of the Log 300, or through other means, that the employer failed to report to the Division a reportable accident, compliance personnel shall complete a Cal/OSHA 36, initiate a separate investigation into the accident and cite the employer for a failure to report violation of 8 CCR Section 342(a).

NOTE: Only one Cal/OSHA 1 shall be completed when the inspection satisfies more than one type of inspection e.g. complaint and follow up, complaint and accident, accident and follow-

up, or other combination. Moreover, only one accident inspection can be included on a Cal/OSHA 1. See P&P C-1 re: Multiple Purpose Inspection

- b. When the District Office receives information about a potentially hazardous workplace condition which originates from a print or electronic news media report, or other non-governmental organizational entities, the District shall first determine if the Division has jurisdiction over the workplace containing the potentially hazardous condition.

If the District determines that the Division has jurisdiction, then the District shall document information about the hazardous condition on the Cal/OSHA 36.

NOTE: Print and electronic news media includes newspaper and magazine articles; radio and television news broadcasts; and news communicated electronically over the internet.

### **C. TYPES OF ACCIDENTS THAT MUST BE REPORTED TO THE DIVISION**

#### **1. Fatality**

The death of any employee occurring in a place of employment or in connection with any employment must be reported to the Division. See CCR Section 342(a).

EXCEPTION: Fatalities caused by: (1) the commission of a Penal Code violation except the violation of Penal Code Section 385 (contact with high voltage lines), or (2) a motor vehicle accident on a public street or highway are not reportable by the employer.

#### **2. Serious Injury or Illness**

Any injury or illness to one or more employees, occurring in a place of employment or in connection with any employment, which requires inpatient hospitalization for a period in excess of twenty- four hours for other than medical observation, or in which an employee suffers the loss of any member of the body, or suffers any serious degree of permanent disfigurement must be reported to the Division.

EXCEPTION: Serious injury or illness does not include any injury or illness caused by (1) commission of a Penal Code violation except the violation of Penal Code Section 385 (contact with high voltage lines), or (2) a motor vehicle accident on a public street or highway. See Labor Code Section 6302(h).

### **D. REPORTABLE INFORMATION (8 CCR Section 342(c))**

1. When District Office personnel complete a Cal/OSHA 36, they shall attempt to gather the following information:
  - a. Time and date of accident;
  - b. Employer's name, address and telephone number;

- c. Name and job title, or badge number, of the person reporting the accident;
- d. Address of accident site;
- e. Name of person to contact at accident site;
- f. Name and address of injured employee(s);
- g. Nature of injuries;
- h. Location where injured employee(s) was/were taken for medical treatment;
- i. List and identity of other law enforcement agencies present at the accident site; and
- j. Description of accident and whether the accident scene or instrumentality has been altered.

#### **E. ADDITIONAL INFORMATION TO GATHER FROM REPORTING PARTY**

- 1. When District Office personnel complete a Cal/OSHA 36 they shall, when appropriate, attempt to gather the following additional information:
  - a. Date of birth of the injured, ill or deceased employee(s);
  - b. Occupation of the injured, ill or deceased employee(s);
  - c. Name and address of witnesses to the accident;
  - d. Name and job title of the injured, ill or deceased employee's/employees' supervisor;
  - e. Hours of operation of the business where the accident occurred; and
  - f. Whether or not the report was made on behalf of the employer;
  - g. Identity of any state, county or local public safety agency present at the accident site other than a law enforcement agency; and
  - h. Family contact information for fatality accidents.

#### **F. ACCIDENT INVESTIGATION**

- 1. Mandatory Accident Investigation

The District Office shall investigate 1) all accidents resulting in a fatality, serious injury or illness, serious exposure or pesticide poisoning; and 2) all reports that allege an outdoor, suspect heat related illness. See Labor Code Section 6313(a) and DOSH Heat SEP Section 3(b).

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EXCEPTION: An investigation does not have to be conducted if the District Manager determines that one of the following conditions exists: (a) no employer-employee relationship exists; (b) the Regional Manager and the Legal Unit agree with the District Manager that jurisdiction does not exist over the accident; or c) the fatality, injury, illness or exposure was not work-related.

## 2. Discretionary Accident Investigation

At the discretion of the Chief, the Division may investigate the causes of any other type of accident or occupational illness which occurs within the state in any employment or place of employment, or which directly or indirectly arises from or is connected with the maintenance or operation of the employment, or the place of employment, and shall issue any orders necessary to eliminate the causes and to prevent reoccurrence of the accident. See Labor Code Section 6313(b).

## G. ACCIDENT INVESTIGATION TIME FRAMES

### 1. Non-Fatality Investigation

The investigation of an accident that does not involve an employee fatality, shall be initiated and completed within a reasonable time after receipt of the accident report by the District Office.

### 2. Fatality Investigation

An investigation of an employee fatality should be initiated immediately after the fatality accident report has been received by the District Office, or within eight (8) hours thereafter, if an immediate response is not feasible. In no case, shall a fatality accident investigation be initiated more than (24) hours following receipt of the fatality accident report by the District Office.

NOTE: When a local prosecutor requests that Cal/OSHA expedite a fatality accident investigation, the District Manager and Regional Manager shall ensure that the investigation is completed (i.e., a Closing Conference is conducted, and citations, if any, are issued) within 90 days from the date the workplace inspection is commenced.

## H. NOTIFICATION PROCEDURES

### 1. District Office

#### a. Non-Fatality Accident

Immediately after documenting a non-fatality accident report on the Cal/OSHA 36, District Office personnel shall:

(1) Fax and email a copy of the Cal/OSHA 36 to the Regional Manager.

(2) Fax and email a copy of the Cal/OSHA 36 to the Bureau of Investigations (BOI). District Offices in Regions I and II, the Mining and Tunneling Unit, High Hazard, LETF and PSM (North), shall fax and email the Cal/OSHA 36 to the Oakland BOI Office. District Offices in

Regions III and IV, the Mining and Tunneling Unit, High Hazard, LETF and PSM (South), shall fax and email the Cal/OSHA 36 to the Los Angeles BOI Office.

- (3) Fax and email a copy of any Cal/OSHA 36 that alleges an outdoor, suspect heat related illness(es) to the DOSH Heat Program Coordinator and Heat Program Assistant.

b. Fatality Accident

Immediately after documenting a fatality accident report on the Cal/OSHA 36, District Office personnel shall:

- (1) Follow the procedures outlined in the Live Cal/OSHA Update for notifying those parties identified therein of reported fatalities. Those procedures apply to all fatality accident reports (investigated or not).
- (2) Fax and email a copy of the Cal/OSHA 36 to the Regional Manager, Federal OSHA and the local prosecutor of the venue where the accident occurred.
- (3) Fax and email a copy of the Cal/OSHA 36 to the Bureau of Investigations (BOI). District Offices in Regions I and II, the Mining and Tunneling Unit, High Hazard, LETF and PSM (North), shall fax and email the Cal/OSHA 36 to the Oakland BOI Office. District Offices in Regions III and IV, the Mining and Tunneling Unit, High Hazard, LETF and PSM (South), shall fax and email the Cal/OSHA 36 to the Los Angeles BOI Office. **In addition, District Office personnel shall without delay notify the BOI Supervising Special Investigator by telephone of the fatality.**
- (4) Fax and email a copy of the Cal/OSHA 36 that alleges an outdoor, suspect heat related fatality to the DOSH Heat Program Coordinator and Heat Program Assistant.
- (5) Fax and email a copy of the Cal/OSHA 36 to the CFOI Unit. Any subsequent amendments to the Cal/OSHA 36 shall be faxed and emailed to the CFOI Unit as soon as they are received by the District Office. All fatality accident reports shall be faxed to the CFOI Unit including those that do not fall under Cal/OSHA's jurisdiction (e.g., heart attacks, strokes and other medical disorders not related to working conditions, penal code violations, or highway transportation accidents).

NOTE: For further instructions on working with the CFOI Unit, please see the CFOI guidance document.

## I. OFFICE PROCEDURES

1. District Office personnel, after recording the information provided by a reporting party on the Cal/OSHA 36, shall immediately give it to the District Manager for evaluation.

NOTE: If the District Office person taking the accident report determines the District Office does not have jurisdiction over the location where the accident occurred, he/she shall, without delay, complete the Cal/OSHA 36, notify the District Office with jurisdiction that the completed Cal/OSHA 36 is forth coming, and electronically transmit (e.g., by fax or email) a copy of the

completed Cal/OSHA 36 to the District Office with jurisdiction. District Office personnel shall note on the Cal/OSHA 36 that it was faxed to the District Office with jurisdiction to investigate the accident, attach the confirmation of fax form to the Cal/OSHA 36, and put the Cal/OSHA 36 and attached confirmation of fax form in the District Manager's in-box. If the District Office person taking an accident report cannot ascertain which District Office has jurisdiction over the accident, he/she shall immediately bring the matter to the District Manager's attention.

2. The District Manager shall review the Cal/OSHA 36 to determine whether or not an investigation should be initiated (planned). Once this determination is made, the Cal/OSHA 36 is given to District support staff who shall enter the information recorded on the Cal/OSHA 36 into the OSHA Information System (OIS).
3. If an investigation is not planned, District support staff shall enter the information recorded on the Cal/OSHA 36 into (OIS) and then file the Cal/OSHA 36 in the District Office Chron. File.

NOTE: The District Manager shall, whenever an investigation is not planned, summarize in the Cal/OSHA 36 the facts indicating that the accident need not be investigated and the means by which those facts were determined.

4. If an investigation is planned, District Office support staff shall, after entering the information recorded on the Cal/OSHA 36 into OIS, give the original Cal/OSHA 36 to the compliance personnel assigned to conduct the investigation and file a copy of the Cal/OSHA 36 in the District Office Accident Chron. file.
5. The compliance personnel assigned to conduct the investigation shall file the original Cal/OSHA 36 in the confidential section of the accident investigation case file.

NOTE: When the District Office receives a Public Records Act Request ("PRA Request") for a Cal/OSHA 36 (in the Office Accident Chron. file) or for an accident investigation case file, District Office personnel shall immediately forward the Cal/OSHA 36 or case file sought in the PRA Request to the DOSH PRA Unit. See Public Records Act (PRA) Requests: Two Pager for District Offices on DOSH Intranet-From the Chief.

6. If an investigation of an event reported in a Cal/OSHA 36 has been planned and a subsequent Cal/OSHA 36 concerning the same event is received by the District Office, District Office Support Staff shall:
  - a. Input the source of the subsequent report into OIS on the initial Cal/OSHA 36 (a new Unprogrammed Activity (UPA) number for the subsequent report will not be generated);
  - b. Give the initial and subsequent Cal/OSHA 36 (original documents) to the compliance personnel assigned to investigate the reported event; and
  - c. File a copy of the initial and subsequent Cal/OSHA 36 together in the Office Accident Chron. File.

NOTE: The Accident Chron. File shall be kept in a secure location and access thereto shall be limited to appropriate personnel as designated by the District Manager.



7. If an investigation of an event reported in a Cal/OSHA 36 has not been planned but upon review of a subsequent Cal/OSHA 36 concerning the same event the District Manager decides to plan an investigation, District Office Support Staff shall:
  - a. Input the information from the subsequent Cal/OSHA 36 into OIS under the UPA number of the initial report (a new UPA number for the subsequent report will not be generated);
  - b. Replace the receipt date and receipt time of the initial Cal/OSHA 36 in OIS with the receipt date and receipt time of the subsequent report;
  - c. Give the initial and subsequent Cal/OSHA 36 (original documents) to the compliance personnel assigned to investigate the reported event; and
  - d. File a copy of the initial and subsequent Cal/OSHA 36 together in the Office Accident Chron. File.

**Attachments:**

A - [Cal/OSHA 36](#)

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