

MCAC NEWS BRIEF

A Snapshot of MCAC Headlines

2.28.2020 Issue 6



Top Stories In This Briefing



**OSHA Electronic
Reporting Deadline is
March 2, 2020**
Submit Form 300A
Electronically if Your
Business Meets the Criteria



**Post Your Cal/OSHA 300A
Log February 1 to April 30**
This is *In Addition To*
E-Reporting to Federal
OSHA



**California Employers
Must Pay for Work Boots**
Recent Court Ruling
Includes Boots as
Protective Gear

Reminder! OSHA Electronic Reporting Deadline is March 2, 2020

California employers meeting the criteria below are now required to submit Form 300A data through OSHA's web portal - the [Injury Tracking Application \(ITA\)](#) by **March 2, 2020** for calendar year 2019. You must also include your Employer Identification Number (EIN).



- Affected employers include those with 20-249 employees classified as construction industry employers. See the full [list of affected employers](#).
- All employers with 250 or more employees, unless specifically exempted by section 14300.2 of title 8 of the California Code of Regulations.

If your peak employment during the previous calendar year was 19 employees or fewer, you are *not* required to e-report regardless of your industry.

You do *not* need to electronically submit your Form 300 logs or Forms 301.

This is an annual reporting requirement.

California employers are subject to the federal e-reporting requirement even though California is a State Plan state.

[FAQ's](#) about the Injury Tracking Application (ITA)



Reminder! Post Your Cal/OSHA 300A Log February 1 to April 30

California law requires employers to post the Cal/OSHA Form 300A from February 1 to April 30 of the year following the year covered by the form. That means your 2019 Form 300A should be posted through April 30.

- Display it in a conspicuous area where notices to employees are customarily located.
- Make a copy of the form available to employees that move from worksite to worksite and to employees that do not have a fixed establishment to which they report.
- Take it down upon conclusion of the required posting time.
- Keep it on file for five years following the year to which it applies.
- Provide a copy of the summary (Form 300A) or the log (Form 300) to current and former employees and their representatives *upon request*.

Note: Even if there were no injuries during the covered year, the summary log must still be displayed.

Read the [Cal/OSHA 300A Posting Reminder Notice](#).

See [Cal/OSHA's Record Keeping Overview](#).

[California Code of Regulations, Title 8, sections 14300 through 14300.48 outlines definitions and requirements for recording work-related injuries, illnesses and fatalities.](#)

Just In! Court Rules California Employers Must Pay for Employee Work Boots

Our trusted friends at the law firm of Cook Brown LLP have alerted us to a February 6 unpublished appellate court decision stating that California employers must pay for steel-toed shoes as part of employees' safety equipment.



The finding stems from a [UPS Ground Freight vs. California Occupational Safety and Health Appeals Board](#) case in which UPS was charged with violating [Title 8 Foot Protection](#) standards. UPS appealed the citation stating that, although steel-toed shoes were required to work in their facility, no law required them to pay for the footwear.

Current California Labor Code sections [6401](#) and [6403](#) require employers to, in summary, 'furnish/provide and use safety devices and safeguards reasonably adequate to render such employment and place of employment safe'. Further muddying the issue, a federal OSHA regulation expressly states that employers are not required to pay for protective footwear (including steel-toe boots). [Ref 29 C.F.R. 1910.132 \(h\)\(2\)](#)

However, despite UPS's push-back, the court is making it clear that safety gear *includes* steel-toed boots and must be provided at the employer's expense. So, what to do now? Some employers are providing a stipend to cover reasonable costs for boots. Others have purchased a variety of boot sizes available to employees each workday. The good news is if you are already paying for your employees' protective footwear, you're a step ahead.

Read the Cook Brown LLP article [here](#).

[Emphasis Program \(NEP\)](#) for Respirable Crystalline Silica. Stay tuned for a MCAC briefing highlighting the key points of this Program. In the meantime, it is a good time to remind employees of silica safety best practices, train employees that haven't been trained, make sure your company's written silica exposure plan is current, same goes for the respiratory protection plan, and that your company is complying with Table 1 OR testing exposures and keeping results. Visit the MCAC Silica Resource Center for compliance tools.

<https://www.mca-ca.org/>

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Sincerely,

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