



HO-CHUNK NATION CODE (HCC)
TITLE 6 – PERSONNEL, EMPLOYMENT AND LABOR CODE
SECTION 8 – OCCUPATIONAL SAFETY AND HEALTH
PROGRAM ACT OF 2002
SUBSECTION 20 – RECORDKEEPING

ENACTED BY LEGISLATURE: MAY 20, 2002

LAST AMENDED AND RESTATED: SEPTEMBER 4, 2002

CITE AS: 6 HCC § 8-20

1. **Authority.** See basic document (Occupational Safety and Health Program Act).
2. **Purpose.** This subsection of the Occupational Safety and Health Act contains the requirements to record and report work-related injuries, illnesses, and fatalities. The records assist in efforts to discover, evaluate, and address workplace hazards; assist the Division of Safety in carrying out enforcement and consultation programs; aid in the development and evaluation of safety and health ordinances; are used to develop information and conduct research regarding the causes and prevention of occupational injuries and illnesses; and accurately describe the nature of occupational safety and health problems to the Nation or its facilities.
3. **Scope.** Each facility of the Ho-Chunk Nation as applicable will develop an implement a written accident reporting and investigation procedures and methods. This written plan is intended to demonstrate the Ho-Chunk Nation's compliance with the provision and requirements of 29 C.F.R. § 1904.04 Recording and Reporting Occupational Injuries and Illnesses. Recording an injury or illness does not necessarily mean that the nation or employee was at fault, that an OSHD ordinance was violated, or that the employee is eligible for worker's compensation or other insurance benefits.
4. **Coverage and Exemptions.** Coverage and exemptions are summarized and specified in the following table:

Covered Employees

| Division/Department | Specific Classification |
|----------------------------|--|
| Agriculture | All Classifications |
| Transportation & Utilities | All Classifications |
| Whole Sale | All Classifications |
| Retail | General Merchandise Food Stores Eating and Drinking Places Fuel Dealers |
| Services | Hotels, Rooming Houses, Camps and other Lodging Places Services to Dwellings and Other Buildings Automotive Repair, Services and Parking |

| | |
|--|--|
| | Health Services Job Training and Vocational Rehabilitation Services Residential Care |
|--|--|

5. Injury and Illness Log and Summary. Ho-Chunk Nation Facilities and enterprises shall maintain an OSHD (OSHA) Injury and Illness Log and Summary and make reports as specified under this subsection.

6. Administrative Duties. The Ho-Chunk Nation is responsible for developing and maintaining this written accident reporting, investigation and recordkeeping plan. The Office of Division of Safety is solely responsible for all facets of this ordinance and has full authority to make necessary decisions to ensure the success of this ordinance. Records and other associated documents relating to work related injuries or illnesses shall be kept at the individual facilities where the employee reports for work. Human Resource departments at each facility have the appropriate training and experience to insure the recordkeeping and reporting provisions of this ordinance are maintained.

7. Definitions.

a. “Ordinance” means the Occupational Safety and Health Program Act of 2002. The definitions contained in this subsection of the Act and related interpretations shall be applicable to such terms when used in this subsection.

b. “Employee” means any person employed by the Nations whose actions affect the commerce of the Nation.

c. “First Aid” means the following treatment for work related injuries and illnesses. This following list is a comprehensive list of all treatments considered first aid for recordkeeping purposes.

- (1) Visit(s) to a health care provider limited to observation.
- (2) Diagnostic procedures, including the use of prescription medications solely for diagnostic purposes (e.g., eye drops to dilate pupils).
- (3) Use of nonprescription medications, including antiseptics.
- (4) Simple administration of oxygen.
- (5) Administration of tetanus or diphtheria shot(s) or booster(s).
- (6) Cleaning, flushing or soaking wounds on skin surface.
- (7) Use of wound coverings such as bandages, gauze pads, etc.

(8) Use of hot/cold therapy (e.g. compresses, soaking, whirlpools, nonprescription skin cream/lotions for local relief, etc.), except for musculoskeletal disorders.

(9) Use of any totally non-rigid, non-immobilizing means of support (e.g. elastic bandages).

(10) Drilling of a nail to relieve pressure for subungual hematoma.

(11) Use of eye patches.

(12) Removal of foreign bodies not embedded in the eye if only irrigation or removal with a cotton swab is required.

(13) Removal of splinters or foreign material from areas other than the eyes by irrigation, tweezers, cotton swabs or other simple means.

d. “Health Care Provider” means a person operating within the scope of his or her license, registration or certification in health care.

e. “Injury or Illness” means any sign, symptom, or laboratory abnormality, which indicates an adverse change in an employee’s anatomical, biochemical, physiological, functional, or psychological condition.

f. “Medical Treatment” means any medical care or treatment beyond “first aid”.

g. “Responsible Management Official” means the person at a facility or enterprise accountable for certifying the accuracy and completeness of the entries on the OSHD (OSHA) Injury and Illness Log and Summary. This person is normally identified as the highest ranking official working at the establishment.

h. “Restricted Work activity” means the employee is not capable of performing at full capacity for a full shift at the task he or she was engaged in at the time of the injury or onset of illness (the task includes all facets of the assignment the employee was performing) or his or her daily work activity (daily work activity includes all assignments the employee was expected to perform on the day of injury or onset of illness).

i. “Work Environment” means the facility, enterprise and other locations where employees are engaged in work or are present as a condition of their employment.

8. Injury/Medical Issues.

a. If a workplace accident results in injury or illness requiring hospitalization of three or more employees or a fatality of one or more employee, the facility manager or highest ranking management official present shall immediately notify the OSHD at 715-284-

5877. The OSHD will notify the nearest OSHA Office within the required eight hours by phone or in person.

b. If an injured person is taken to a doctor, a statement from the doctor will be attached to the Accident Report Form. See Appendix B (Ho-Chunk Nation Accident Investigation Form).

c. Employees with workplace injuries resulting in time off work will be put in the facility or enterprise Return-to-Work Program to facilitate their full recovery and resumption of original work.

d. Weekly compensation for workplace injuries or illnesses requiring time of work, as indicated by ordinance, applies after the third day of wage loss. (Sundays are not included in the three-day waiting period, unless the employee ordinarily works or was scheduled to work on Sunday).

e. If the disability continues for more than seven (7) calendar days, worker's compensation goes back to day one.

f. On the day of the injury, the Nation will cover the time loss due to doctor and/or emergency room visits, or inability to work, up to a maximum of two hours.

g. Anytime an employee is away from work because of an accident on-the-job, it should be recorded as follows: Off Work – Work Related Injury or Illness.

9. OSHD (OSHA) Injury and Illness Log and Summary (OSHA Form 300 or Equivalent).

a. Each facility, enterprise or location shall maintain an OSHD (OSHA) Injury and Illness Log and Summary Form 300 or equivalent for recordable injuries and illnesses experienced by employees.

b. Every recordable injury and illness shall be entered within seven (7) calendar days or receiving information that a recordable injury or illness has occurred. A recordable injury or illness is one, which meets all the following four criteria:

(1) An injury or illness exists (see definition of injury or illness).

(2) The injury or illness is work-related (see definition of work-related).

(3) The injury or illness is new. A new injury or illness does not result from a recurrence of a pre-existing condition if no new or additional workplace incident or exposure occurs. A recurrence of a previous work related injury or illness is presumed to be a new case when it either (i) results from a new work event or exposure, or (ii) 45 days have lapsed since medical treatment, restricted work or days away from work were discontinued and last signs or symptoms were experienced.

(4) The injury or illness meets one or more of the following:

- (a) Results in death or loss of consciousness
- (b) Results in day(s) away from work, restricted work activity or job transfer.
- (c) Requires medical treatment beyond first aid.
- (d) Is a recordable condition listed in Appendix B to 29 C.F.R. § 1904.

c. See Appendix C for a decision tree for recording occupational injuries and illnesses.

10. Accident Reporting Procedures.

a. Report Immediately.

(1) An employee must report any injury, no matter how slight, to his or her supervisor no later than the end of the employee's workday on the day of the accident causing the injury. An injury may be reported by another on behalf of the employee. An employee's failure to report a job related injury no later than the end of his/her workday shall result in the employee being ineligible for worker's compensation and/or medical benefits.

(2) The supervisor is responsible for completing an Injury Report Form and submitting it within 24 hours to the Human Resource Department, the Department of Personnel or its agent, as applicable. A supervisor's failure to file an injury report that initially prevents the employee from becoming eligible for worker's compensation and/or medical benefits shall result in disciplinary action against the supervisor.

b. The supervisor must immediately notify Human Resources when the incident/accident occurs. If the incident/accident requires hospitalization, a death or major property damage the Occupational Safety and Health Department should be notified immediately.

c. Any employee witnessing an accident at work is to call for emergency help or whatever assistance appears to be necessary. In addition, the employee is immediately to report the accident to his or her supervisor and take part in answering questions related to the Accident Report and Accident Investigation.

11. Accident Investigation Procedures. Thorough investigation of all accidents will lead to identification of accident causes and help:

a. Reduce economic losses from injuries and lost time.

b. Determine why accidents occur, where they happen, and any trends that might be developing.

- (1) Employees develop and awareness of workplace problems and hazards.
- (2) Identify areas for process improvement to increase safety and productivity.
- (3) Note areas where training information or methods need to be improved.
- (4) Suggest a focus for safety program development.

c. For accident investigations, the employee's supervisor will perform the following:

(1) Conduct accident investigation at the scene of the injury as soon after the injury as safely possible.

(2) Ask the employee involved in the accident and any witnesses, in separate interviews, to tell in their own words exactly what happened.

(3) Repeat the employee's version of the event back to the employee and allow the employee to make any additions or corrections.

(4) After the employee has given the description of the event, ask appropriate questions that focus on causes.

(5) When finished, remind the employee the investigation was to determine the cause and possible corrective action that can eliminate the cause(s) of the accident.

(6) Complete an Accident Investigation Report with the employee and review data with employee for accuracy. This will provide information to put into database format.

d. The Accident Investigation Report is used to:

(1) Track and report injuries on a monthly basis.

(2) Group injuries by type, cause, body part affected, time of day, and process involved.

(3) Determine if any trends in injury occurrence exist and graph those trends if possible.

(4) Identify any equipment, material, or environmental factors that seem to be commonly involved in injury trends.

(5) Proceed with improvements to reduce the likelihood of future injuries.

12. Location of Records. Records required by this subsection and OSHA §§ 1904.4, 1904.5, and 1904.6 for employees who report to work at a single facility or location shall be kept at that facility or location. Human Resources or Safety Offices are responsible for maintaining the following records and documentation:

- a. OSHA 300 Log of Injuries and Illness.
- b. Accident Investigation Reports.
- c. Training records.

13. Retention and Updating of Work-related Injury and Illness Records.

- a. Retention. OSHD (OSHA) Forms 300 and 301 or equivalents, year-end summaries shall be retained for 3 years following the end of the year to which they relate.
- b. Updating. During the retention period, OSHD (OSHA) 300 and 301 Forms may have to be revised or updated if newly recordable injuries or illnesses are discovered.

14. Period Cover. Records shall be kept on a calendar year basis.

15. Mandatory Appendices. This Subsection uses selected criteria and information as set forth by the United States Department of Labor, Occupational Safety and Health Administration in C.F.R. § 1904 *Recording and Reporting Occupational Injuries and Illnesses*.

- a. 1904.4 OSHA Injury and Illness Log and Summary (OSHA 300 Form or Equivalent).
- b. 1904.5 OSHA Injury and Illness Log and Summary (OSHA 301 Form or Equivalent).
- c. 1904.6 Preparation, certification and posting of year-end summary.
- d. Appendix A to Part 1904 – Work-relatedness.
- e. Appendix B to Part 1904 – Recording Specific Conditions.
- f. Appendix C to part 1904 – Decision tree for Recording Occupational Injuries and Illnesses.

16. Program Evaluation. This Recordkeeping Program (accident reporting and investigation) is to be evaluated and updated on an annual basis to determine whether the ordinance is being followed and if further training may be necessary.

17. Administration and Enforcement. See paragraph 12 of basic document (Occupational Safety and Health Program Act).

Appendices:

- A. First Aid Report
- B. Ho-Chunk Nation Accident Investigation Form
- C. Monthly Summary of Injuries and Illnesses

Legislative History:

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|---------|---|
| 12/5/01 | Reviewed by Administration Committee. |
| 1/9/02 | Legislature posts for 45-day Public Review. |
| 5/20/02 | Enacted as Recordkeeping (6 HCC § 8-20) by Legislative Resolution 5/20/02E. |
| 9/4/02 | Amended and Restated by Legislative Resolution 9/4/902D amending paragraph 10a. |

APPENDIX A (FIRST AID REPORT)

| | |
|--|--|
| <p style="text-align: center;"><u>FIRST AID REPORT</u></p> | |
| <p>Date: _____</p> | |
| <p>Name: _____</p> | |
| <p>Department: _____</p> | |
| <p>Name of Supervisor: _____</p> | |
| <p>Date of Occurrence: _____</p> | <p>Time: _____ AM/PM</p> |
| <p>Date Treated: _____</p> | <p>Time: _____ AM/PM</p> |
| <p>Nature of Injury or Illness: _____</p> | |
| <p>Treatment Given: _____</p> | |
| <p>Sent: ___ Back to Work ___ To Doctor ___ Hospital ___ Home</p> | |
| <p>Employee's Description of Occurrence: _____</p> <p>_____</p> | |
| <p>This Report Completed By: _____</p> | |
| <p>Copies to: Supervisor Human Resources Safety Department</p> | |

Note: This First Aid Report is Locally reproducible and is prepared by the first aid attendant at the time of the injured or ill employee comes for treatment.

APPENDIX B (HO-CHUNK NATION ACCIDENT INVESTIGATION FORM)

**HO-CHUNK NATION ACCIDENT INVESTIGATION FORM
(Locally reproducible form)
(To be Filled Out by Supervisor)**

Facility: _____

Name of Injured Employee: _____

Clock Number: _____ Shift: _____

Date of Occurrence: _____ Time: _____AM/PM

Location Where Incident Occurred: _____

Nature of Injury and Part of Body (e.g. Laceration to right forearm): _____

Severity of Injury: ☐ Fatality ☐ Lost Workdays – days away from work
☐ Lost Work Days – days of restricted activity
☐ Medical Treatment ☐ First Aid ☐ Other: _____

Phase of Employee's Workday: ☐ After Starting Work
☐ Before Break
☐ After Break
☐ Before Lunch
☐ After Lunch
☐ Before Leaving Work
☐ On Overtime

Describe How the Accident/Incident Occurred:

Accident Sequence:

(Describe in reverse order of occurrence event preceding the injury or accident. Start with injury and moving backwards in time, reconstruct the sequence of events that led to the occurrence.)

**APPENDIX B (HO-CHUNK NATION ACCIDENT INVESTIGATION FORM)
(Cont'd)**

Injury Event: _____

Accident Event: _____

Preceding Event #1: _____

Preceding Event #2, #3, etc.: _____

Task and Activity at the Time of the Occurrence

General type of task: _____

Specific activity: _____

Supervision at Time of Occurrence

____ Directly Supervised ____ Not Supervised
____ Indirectly Supervised ____ Supervision not feasible

Causal Factors (Events and conditions that contributed to the accident)

Corrective Actions (Those actions that have been, or will be, taken to prevent recurrence include an expected date of completion and who has responsibility to ensure completion>

Prepared By: _____

Date: _____

Title: _____

Department: _____

Approved By: _____

Date: _____

Title: _____

Approved By: _____

Date: _____

Title: _____

APPENDIX C (MONTHLY SUMMARY OF INJURIES AND ILLNESSES)
(Locally reproducible form)

| MONTHLY SUMMARY OF INJURIES AND ILLNESSES | | | | | | | | |
|---|-------------------------------------|---------------------------------------|-----------------------------|-----------------------------|-------------------------------|---------------------------------|---------------------|----------------------------|
| Facility: _____ | | | | | Date: _____ | | | |
| Period | a Average No. of Employees | b No. of Employee- Hours Worked | c Worker's Comp Costs | e Recordable Injuries | f Lost Workday Cases | g Cases without Lost Days | h Total Cases | k First Aid Cases |
| Jan. | | | | | | | | |
| Feb. | | | | | | | | |
| 2 mo. | | | | | | | | |
| Mar. | | | | | | | | |
| 3 mo. | | | | | | | | |
| Apr. | | | | | | | | |
| 4 mo. | | | | | | | | |
| May | | | | | | | | |
| 5 mo. | | | | | | | | |
| Jun. | | | | | | | | |
| 6 mo. | | | | | | | | |
| Jul. | | | | | | | | |
| 7 mo. | | | | | | | | |
| Aug. | | | | | | | | |
| 8 mo. | | | | | | | | |
| Sep. | | | | | | | | |
| 9 mo. | | | | | | | | |
| Oct. | | | | | | | | |
| 10 mo. | | | | | | | | |
| Nov. | | | | | | | | |
| 11 mo. | | | | | | | | |
| Dec. | | | | | | | | |
| Year | | | | | | | | |