



Scope and Coverage

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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All employers covered by OSHA are covered by the recording and reporting provisions of the act; however, not every employer must keep OSHA injury and illness records. A partial exemption is available based on the number of employees in an entire organization (10 or fewer). The partial exemption, however, does not apply in the public sector. Rule 0800-1-5-.05(1). [1]

Under T.C.A. § 50-3-910, local governments which elect to develop their own program of self-compliance must include in their written notification of such program with the Commissioner an assurance that the program includes provisions for recordkeeping as effective as the provision of T.C.A. § 50-3-701. Such recordkeeping provisions shall comply with Chapter 0800-1-3 Occupational Safety and Health Record-Keeping and Reporting.

Employers subject to the recordkeeping provisions of the act must record any work-related fatality, injury or illness of all employees on the payroll that meets the recording criteria established by the 29 CFR § 1904.4(a), whether they are labor, executive, hourly, salaried, part-time, seasonal, or migrant workers. You must also record the recordable injuries and illnesses that occur to employees who are not on your payroll (as a result of leasing or a temporary employment service) if you supervise them on a day-to-day basis. Self-employed individuals are not covered by the OSHA act or these regulations. 29 CFR 1904.31(a).

Links:

[1] <http://publications.tnsosfiles.com/rules/0800/0800-01/0800-01-05.pdf>

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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