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KY OSH PROGRAM INSTRUCTION 01-2011
July 5, 2011

STANDARD
803 KAR 2:310 Section 1

SUBJECT
First Aid

PURPOSE
Cancellation of the January 30, 1996 first aid guidance document and clarification of the enforcement policy regarding 803 KAR 2:310 first aid requirements

SCOPE
This INSTRUCTION applies only to general industry activities in the Commonwealth of Kentucky.

INSTRUCTION
The Kentucky OSH Program shall use this instruction when determining the number of employees within an establishment. Kentucky OSH Program staff will no longer use the first aid guidance dated January 30, 1996.

POLICY

Employers engaged in general industry activities shall have persons trained in first aid in accordance with 803 KAR 2:310.

ACTION

Where an employer has eight (8) or more employees within an establishment, the employer shall be required to have persons adequately trained to render first aid. When determining the number of employees within an establishment, Kentucky OSH staff shall base the determination on the number of employees per shift. For example, if an employer had 12 employees and eight (8) worked the first shift while four (4) worked on second shift, the first shift would be subject to 803 KAR 2:310 Section 1(1). The second shift would be subject to 803 KAR 2:310 Section 1(2) if the establishment was not in near proximity of an infirmary, clinic, or hospital.

Outside salesmen, truck drivers, seasonal labor, and others who, while performing their duties, are away from the premises more than fifty (50) percent of the time shall not be included when determining the number of employees.

Section 1 of the KAR does not apply to employees working outside of the establishment. For the purposes of this KAR, the term "establishment" means a single physical location or premise where business is conducted. For instance, ten salespeople leave the office and travel to conduct a sales pitch. The salespeople left the premises to perform a job and would not be covered by Section 1 of 803 KAR 2:310. However, depending on the amount of time away from the establishment, the employees may or may not be included when determining the number of employees within the establishment.

This policy does not preclude the application of a first aid requirement in a more vertical standard (i.e., Permit required confined spaces, logging...), which supersedes the KAR.

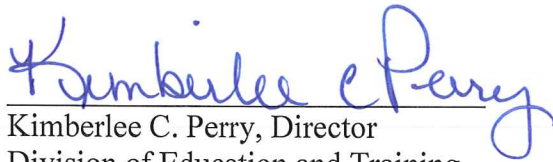
BACKGROUND

The Kentucky OSH Program adopted the first aid requirements in 803 KAR 2:310 in 1989. In 1996, a guidance document was implemented by the Directors of Education and Training and Compliance instructing Kentucky OSH Program staff to count employees on all shifts when determining the number within the establishment, except for "outside salesmen or employees who work less than 50% of the time in the establishment."

The Kentucky OSH Program no longer agrees with this method for determining the number of employees within an establishment and will hereafter rely on this OSH instruction for enforcement purposes.

EFFECTIVE DATE

This INSTRUCTION is effective immediately and will remain in effect until cancelled or superseded.



Kimberlee C. Perry, Director
Division of Education and Training



Susan Draper, Director
Division of Compliance



Michael L. Dixon, Commissioner
Department of Workplace Standards