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## EDUCATION AND LABOR CABINET

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**KY OSH PROGRAM INSTRUCTION 02-2022**  
July 7, 2022

### STANDARD

803 KAR 2:310 Section 2

### SUBJECT

First Aid

### PURPOSE

This INSTRUCTION cancels KY OSH PROGRAM INSTRUCTION 01-2011 (July 5, 2011), clarifies the enforcement policy regarding 803 KAR 2:310 first aid requirements, and updates 803 KAR 2:310 citations.

### SCOPE

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

### INSTRUCTION

The Kentucky OSH Program must use this instruction when determining the number of employees within an establishment.

### POLICY

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

### ACTION

Where an employer has eight (8) or more employees within an establishment, the employer is required to have persons adequately trained to render first aid. When determining the number of employees within an establishment, Kentucky OSH staff must base the determination on the number of employees per shift. For example, if an employer had twelve (12) employees and eight (8) worked the first shift while four (4) worked on second shift, the first shift is subject to 803 KAR 2:310 Section 2(2). The second shift is subject to 803 KAR 2:310 Section 2(4)(a) 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 are not included when determining the number of employees.

Section 2 of the KAR does not apply to employees working outside of the establishment. "Establishment" means a single physical location or premise where business is conducted. For instance, ten (10) salespeople leave the office and travel to conduct a sales pitch. The salespeople left the premises to perform a job and are not covered by Section 2 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.

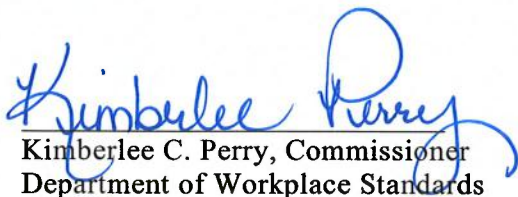
#### BACKGROUND


The Kentucky OSH Program adopted 803 KAR 2:310 in 1989. In 1996, a guidance document was implemented by the Directors of OSH Education and Training and OSH 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 relies on this OSH PROGRAM INSTRUCTION for enforcement purposes.

#### EFFECTIVE DATE

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

  
Kimberlee C. Perry, Commissioner  
Department of Workplace Standards

  
Lynn Whitehouse, Director  
Division of Education and Training

  
Seth Bendorf, Director  
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