

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



Reply to the attention of:

SEP -7 2005

Ms. Laurel McDowell
Manpower
500 Market Street, Mezzanine Suite 5
Steubenville, OH 43952

Dear Ms. McDowell:

Thank you for your letter dated April 11, 2005, regarding temporary employees, and who is required to record these injuries and illnesses under the OSHA Injury and Illness Recordkeeping regulation, 29 CFR Part 1904, and its application to the OSHA 300 log.

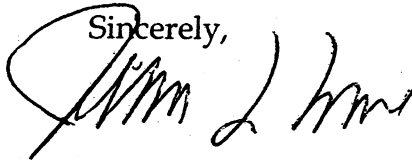
Manpower provides temporary workers to perform janitorial services at a utility company, including two supervisors who "oversee the daily work of the others, schedule the work hours and tasks and monitor the quality of the work." Both Manpower and the utility company provide safety training to the workers; however, the utility company provides the cleaning supplies and equipment for the work and maintains the MSDSs on the cleaning chemicals. You want to know whether Manpower or the utility company has responsibility for recording the work-related injuries of the temporary janitorial workers.

Section 1904.31(b)(2) of the Recordkeeping rule requires that the host employer record the injuries and illnesses of the workers it obtains from a temporary staffing company if the host employer supervises these workers on a day-to-day basis. Day to day supervision occurs when, in addition to specifying the output, product or result to be accomplished, the host employer supervises the details, means, methods and process by which the work is to be accomplished. If the temporary staffing company provides daily supervision, it is responsible for recording the injuries of the temporary workers.

Your letter states that Manpower oversees the daily work of the janitorial crew and does not indicate that any direct supervisory responsibility is retained by the utility company. Assuming that Manpower directs the daily performance of the work and the utility company's role is limited to providing the cleaning chemicals and some safety training, Manpower should record the injuries and illnesses of the temporary workers.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. In addition, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please contact the Division of Recordkeeping Requirements at 202-693-1702.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan L. Snare', written over a horizontal line.

Jonathan L. Snare
Deputy Assistant Secretary