



MCGOWAN ALLIED

Specialty Insurance



What FEC Owners Need To Know About New OSHA Reporting Requirements



When an employee gets hurt at your family entertainment center (FEC), it's not enough for you to simply call 911, get them to the hospital as soon as possible, and make sure they get quality medical care.

You also have to keep careful records of every incident and have those documents ready in case safety regulators show up at your FEC to perform an inspection.

Serious accidents and deaths need to be reported directly to state or federal safety regulators in a tight time frame. Failing to meet this deadline could trigger penalties worth thousands of dollars.

In addition to the short-term reporting requirements, you're required to keep detailed records of workplace-safety incidents on file for five years. You may also be required to file an annual summary of your workplace incidents.

The confusing thing is these record-keeping requirements are not universal: FEC companies with up to 10 employees do not have to keep such in-depth documentation.

This eBook from McGowan Allied Speciality Insurance, the leading provider of amusement insurance and risk management, will help you understand your reporting and recordkeeping requirements.

WORK INJURY CLAIM FORM

1 WORKER'S PERSONAL DETAILS

Title _____ Family Name _____
Given names _____
Other known or previous legal names eg Maiden name _____

What is the street address where the incident occurred?

Suburb _____
State _____
Name of employer responsible for this workplace _____

Date of birth _____ Gender Male Female
Street address _____

Which of the following incident circumstances apply?
 While working at your usual workplace
 While working away from your usual workplace
 During a meal or rest period
 During a break or recess at work

Part 1: OSHA Recordkeeping Basics

Many FECs are small businesses in the classic sense. They're locally owned and operated, serving customers in their own neighborhoods. They might have a half-dozen to a few dozen employees, many of them part-timers.

The people who own and operate FECs often fail to realize they are subject to the recordkeeping and reporting requirements of the U.S. Occupational Safety and Health Administration (OSHA). Employers who fail to report injuries and deaths properly can be fined up to \$5,000—or up to \$7,000 if OSHA officials feel a higher penalty would deter future violations. Repeat violators can face far worse sanctions.

All employers nationwide, regardless of size, must file a Serious Injury Report (SIR) within eight hours of a fatality or 24 hours of an in-patient hospitalization, amputation, or loss of an eye. When OSHA receives the SIR, it decides whether to send an inspector to the site and find out more about the accident. If the OSHA inspection uncovers safety violations, hefty penalties can ensue.

An in-patient hospitalization generally means cases where doctors have admitted somebody to the hospital. Overnight stays typically do not necessarily count as admissions. Also, you don't have to report an in-patient hospitalization if the worker is being admitted only for observation or tests. There must be a treatment involved.

In addition to filing immediate SIRs, companies have to document serious workplace injuries and illnesses and report them annually. According to OSHA's website, these annual reports must document:

- All work-related fatalities
- All work-related injuries or illnesses that result in:
 - Loss of consciousness; days away from work; restricted work; or transfer to another job
 - Medical treatment beyond first aid
- All work-related, diagnosed cases of:
 - Cancer
 - Chronic irreversible diseases
 - Fractured or cracked bones or teeth
 - Punctured eardrums

WORK INJURY CLAIM FORM

What is the street address where the incident occurred?

Special recording criteria apply to work-related needlesticks and sharp-object injuries; medical removal; hearing loss; and tuberculosis. An on-the-job heart attack that proves fatal or requires in-patient hospitalization must be reported; it'll be up to your local OSHA office to decide whether to investigate the incident.

Note that 28 U.S. states plus Puerto Rico and the Virgin Islands may have extra safety requirements beyond OSHA rules. Also, some states have extra rules only for public-sector workers. In any case, no state has fewer safety rules than OSHA's federal requirements. Depending on your location, you may have to file reports with state regulators rather than OSHA.

OSHA reporting and recordkeeping are, admittedly, time-intensive responsibilities, but the data they produce has genuine business value. Companies that know they're being held accountable for safety violations and workplace accidents have a strong incentive to keep their workers safe and avoid OSHA inspections. Moreover, OSHA uses reporting data to identify trends and find repeat offenders.

McGowan Allied Specialty Insurance's coverage includes OSHA compliance guidance. If you have questions, give one of our experts a call



Crucial OSHA Resources:

- Toll-free number:
1 (800) 321-6742
- Find OSHA offices by state (call during regular business hours)
- Submit forms online
- Recordkeeping tutorial
- Contact OSHA



Part 2: OSHA Exemptions

The smallest FECs might not need to document every serious injury and file reports annually.

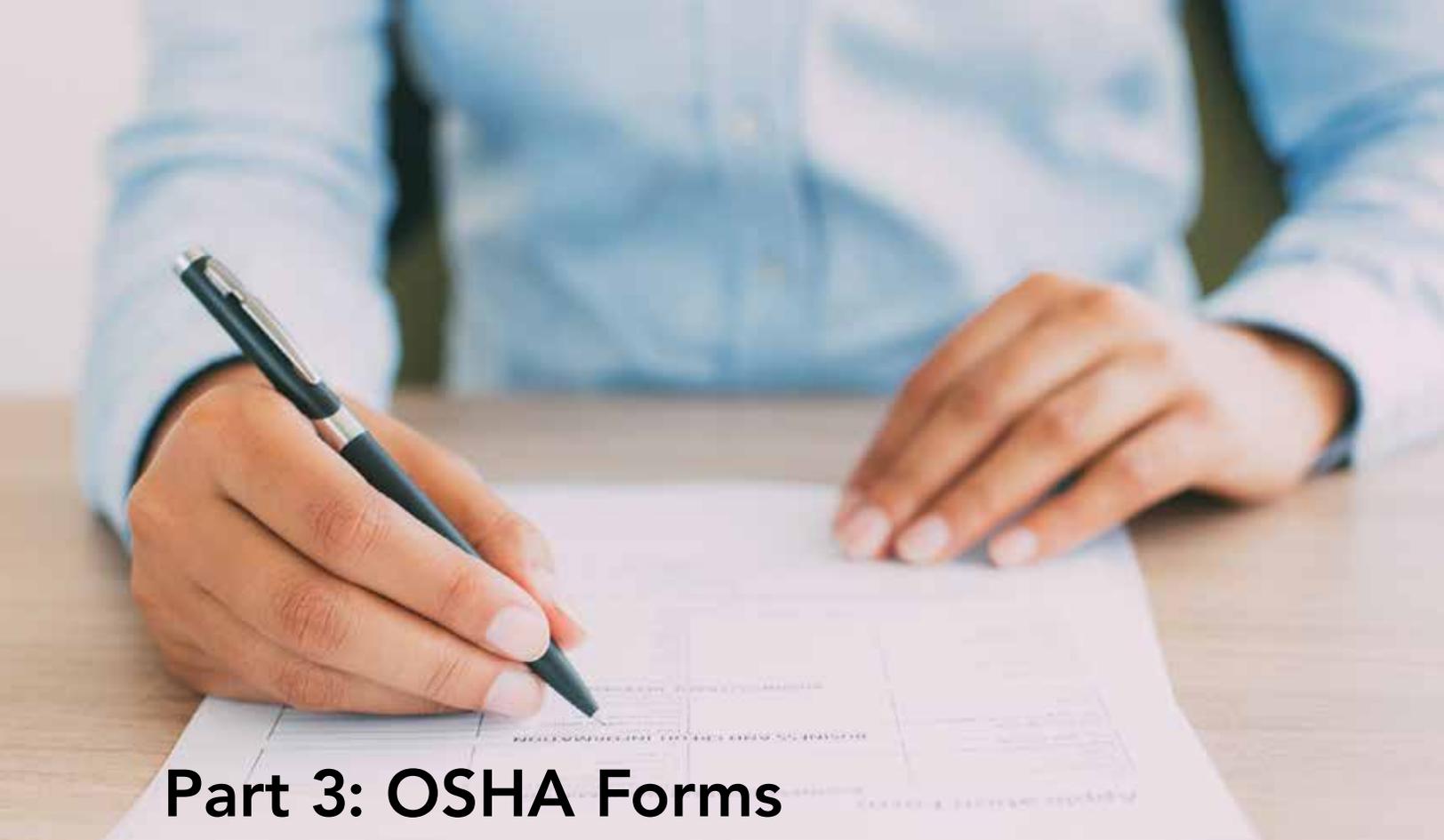
OSHA's recordkeeping rules do not apply to businesses that employ a maximum of 10 people at any time of the year. Note, this means if you need only six staff during the winter but 15 during the busy summer season, you still need to keep records.

This count needs to include everyone who works for you: full-time, part-time, temporary, and seasonal workers. Moreover, the exemption applies to the whole company, not individual locations. If you own four mini-golf sites with five employees each, the 20 total employees rule out an exemption.

But remember, this is only a partial exemption. All employers have to report major injuries, in-patient hospitalizations, and deaths within the required deadlines.

OSHA keeps a long list of companies partially exempt from recordkeeping rules because the workers rarely if ever get injured on the job. Unfortunately, FECs are not on the exemptions list—not even golf courses.

Note that being exempt from OSHA rules does not mean you should not keep safety and injury records in your workplace. Following the reporting requirements means you can be in compliance if your company grows. If you buy out a competitor, for instance, you could suddenly be regulated by OSHA.



Part 3: OSHA Forms

These are the three most important OSHA forms:

Form 300: Log of Work-Related Injuries and Illnesses.

Form 300A: Summary of Work-Related Injuries and Illnesses.

Form 301: Illness and Injury Incident Report.

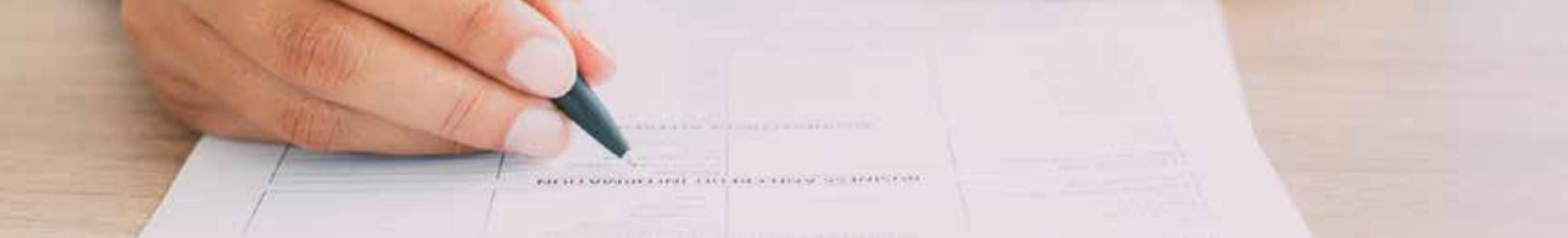
Each form has data that feeds into the other forms. For instance, Form 300 contains basic information about injuries. Form 301 documents these injuries in greater detail. Form 300A is a concise annual summary quantifying the total incidents named in Form 300.

Download these forms from at [OSHA's website](#).

You have two download options:

- [A PDF document](#) with in-depth instructions on defining injuries and illnesses. It also includes a form that can help you calculate your injury rate and compare it to your industry peers.
- [A Microsoft Excel-compatible spreadsheet](#). You may find this version more convenient for data entry and compatibility with other software you use.

Let's walk through the process of using these forms.



OSHA Form 300

This is your annual log of work-related injuries and illnesses. You must keep your Form 300 on file for five years.

Filling out Form 300 is a five-step process:

1. Enter a case number, employee name, and job title
2. Describe the case, stating the date and location of the injury. You'll also provide a brief summary of the accident.
3. Classify the case: death, days away from work, job transfer or restriction, or other recordable case.
4. Enter the number of days the worker was either off the job or transferred to another job.
5. Distinguish between injuries and illnesses (skin disorders, respiratory conditions, poisoning, hearing loss, or other sicknesses).

Form 300 is strictly for your records—you don't have to file it to OSHA. However, take care to fill it out as accurately as possible so you'll have solid documentation in the event of an OSHA inspection or investigation.

OSHA Form 300A

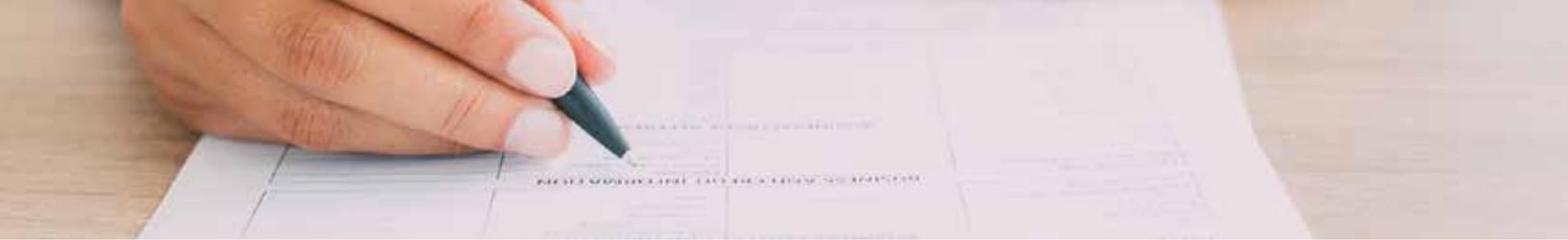
This form provides an annual summary of all work-related injuries and illnesses in your workplace. This must be filed annually with OSHA (with some exemptions).

The form quantifies the data from Form 300, except for the names and job titles. You provide a total count of the number of incidents, the total days lost to injuries, and the types of injury or illnesses.

Your company information includes the average number of employees during the year and the total number of hours they worked. OSHA provides a worksheet to calculate these numbers in the PDF document mentioned above.

Form 300A must be posted in your workplace in an area where you provide announcements to employees. You're exempt from the posting requirements if your total workforce is no more than 10.

Most companies with more than 10 employees need to file form 300A electronically. Visit www.osha.gov/injuryreporting to use OSHA's Injury Tracking Application. Note that the current U.S. government focus on reducing regulation could result in changes in the online submission requirements, particularly for companies with more than 250 employees.



OSHA Form 301

This is your in-depth report for each incident resulting in a serious injury, sickness, or death. By law, it must be filled out within seven days of the incident and kept on file for five years.

This form asks four questions that allow you to explain each incident in detail. Let's say, for instance, a janitor fell on a wet floor:

1. What was the employee doing just before the incident occurred? In our example, the janitor was cleaning floors.
2. What happened? Describe the accident concisely: The worker slipped on the wet floor.
3. What was the injury or illness? The worker broke an ankle.
4. What object or substance directly harmed the employee? The floor caused the harm.

Privacy note: Some injuries and illnesses must be kept confidential. In these cases, be careful about using employee names that would expose them to embarrassment or public shaming.



Answering Your FEC Reporting Questions

If you're unsure about how the law applies to your FEC, contact your nearest OSHA office for questions about accident reporting. This [OSHA page](#) will help you find the office nearest to you.

Fines can pile up quickly if you've failed to document injuries correctly. McGowan Allied Specialty Insurance will help make sure you avoid costly OSHA enforcement actions.

Always remember the adage that ignorance of the law is no excuse. Complying with OSHA recordkeeping rules can feel like a lot of work, but you'll reap the rewards in safer workplaces and a lower likelihood of regulatory scrutiny and penalties.

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