

OSHA Record keeping Requirements for your Club

Originally Published *Premier Club Services*, April 2002
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Hopefully, by now, you are aware of one of the recently revised OSHA regulations for your club. The good news is you no longer have to maintain the OSHA 200 log. And actually there is no bad news by stating, the OSHA 200 log is being replaced by the OSHA 300 log.

While this article is written for the club manager, the information is intended to be shared with the staff member who takes care of the Worker's Compensation claims. This is the natural person to ensure that you are in compliance with this OSHA Recordkeeping regulation.

A Brief History

What is the OSHA 200 log? And why is it being replaced with the 300 log?

- The OSHA 200 log is the record of all your occupational illnesses and injuries. In the most recent past, the regulations required you to transfer your worker's comp case information to the OSHA 200 log within 6 workdays of a reported injury/illness. Effective January 1, 2002, the regulations for the OSHA 300 log require you post any injuries/illnesses within 7 calendar days.
- In the past, you were required to annually post the OSHA 200 log on the employee bulletin board between February 1 and March 1.
- It was hoped that in February 2002, you posted the OSHA 200 log which contained all the injuries and illnesses from 2001. Don't discard the OSHA 200 logs, you still have to keep them for 5 years.

The Requirements Effective January 2002

For 2002, OSHA is issuing 3 new forms to update the OSHA 200 log and the OSHA 101 form.

- **OSHA Form 300** (Log of Work-Related Injuries and Illnesses) is now printed on smaller legal size paper.

- **OSHA Form 301** (Injury and Illness Incident Report) includes more data on how the injury or illness occurred.
- **OSHA Form 300A** (Summary of Work-Related Injuries and Illnesses) a new form created to make it easier to post and calculate incidence rates.

Who has to comply?

It is estimated that the OSHA record-keeping requirements impact 1.4 million businesses.

- All private clubs, golf courses and most every other business with 11 or more employees are subject to this OSHA requirement.
- The Standard Industrial Codes (SIC) are used to determine what businesses have to comply. The SIC code for membership clubs is 7997 (the clubs included vary from country, golf, aviation, bathing, beach, boating, gun, hunt, racquetball, riding, shooting, swimming, tennis & yacht); for city/athletic clubs 8641 (some examples are civic, fraternal, social, university clubs).
- It is interesting to note that according to Federal OSHA standards **SIC Code 86 Membership Organizations** are not required to keep OSHA Illness and Injury records unless they are asked to do so in writing by OSHA, Bureau of Labor Statistics or a state agency operating under the authority of OSHA! This might mean some 'downtown clubs' could be exempt. It is strongly recommended if you are currently maintaining the OSHA 200 log that you comply with the OSHA 300 requirements.

Penalties for Non-Compliance

Currently, OSHA would assess the following penalties if they discovered you didn't know and/or comply with the Recordkeeping regulations:

- Failure to maintain OSHA 200 log \$1000.00
- Failure to post OSHA 200 log \$1000.00
- Failure to report a Fatality or Catastrophe \$5000.00

OSHA 300 Record-Keeping Requirements

The new revamped regulations were just done for the first time in 31 years and reflect the changes to our current business environment.

- According to OSHA, the benefits of the new ruling are:
- Improves employee involvement

- Creates simpler forms on legal size 8 ½ X 14" paper
- Provides clearer regulatory requirements
- Increases employers' flexibility to use computers

The Major Changes

The changes from the OSHA 200 to the 300 log reduce the number of columns where information may have been recorded from 25 to 17. The lost workdays column has received major modifications and another major change incorporated on the 300 log simplifies the criteria for determining the differences between injuries and illnesses.

Entering the OSHA 300 log data

In the past, determining whether an item was an OSHA recordable injury/illness was subject to great speculation.

- Items that have to be recorded on the OSHA 300 log include work-related injuries/illnesses if they result in the following: death; days away from work; restricted work or transfer to another job; medical treatment beyond first aid; loss of consciousness; or diagnosis of a significant injury/illness by a physician or licensed health care professional.
- OSHA has now issued a finite list of what is to be considered first aid. Anything not on this list is medical treatment and has to be listed on the OSHA 300 log.
- Employers are now required to record all needle stick and sharps injuries that involve contamination with another person's blood or bodily fluids. While you may not think of needles in the club environment definitely consider procedures when a knife or other item/piece of machinery cuts an employee.
- Needle stick injuries have occurred in the club environment. A discarded needle in the trash stuck a locker room attendant. It was assumed that a diabetic member had discarded the syringe. For your information, the club was fined for not having a Blood Borne Pathogen policy to deal with this situation.
- Another recordkeeping recordable is transferring an employee to "light duty" or any restrictions that don't allow them to do their normal duties. This may also include working partial days.
- Musculoskeletal Disorders (MSDs) – Just saying these words makes one consider what you are going to have to learn now! One example we have already heard about is Carpal Tunnel, yet there are many others that one will have to be educated on. The questions that should be asked when taking an injury report are what triggered the occurrence? Did the job involve heavy lifting, repetitive

motion, excessive force, vibration, awkward posture or rapid hand and wrist movement? A torn rotator cuff from lifting 50 # bags of grass seed is a lot more descriptive than "hurt shoulder when moving bags."

- For 2002, all injuries involving muscles, nerves, tendons, ligaments, joints, cartilage, blood vessels or spinal discs must be recorded.

Other Requirements

In the past it was an arduous and time consuming task to figure out "lost workdays." Now, instead of attempting to calculate scheduled workdays that the employee was supposed to work, the calculation is based upon the number of calendar days the employee is away from work with the date of injury/illness not counted.

- The number of days away is no longer counted beyond 180 days.
- A Company executive is required to certify the accuracy of the OSHA 300 log. The definition of 'executive' is the owner, officer, highest-ranking employee or his/her supervisor.
- The employer must also review the 300 log information before it is summarized on the 300 A form. It would be a good idea for the 'executive' to review all the data before is condensed on this report to determine if there are any common injuries/illnesses and then consider a mode to eliminate them.
- The OSHA 300A form must now be posted on the employee bulletin board for three months instead of one. The new posting period will be February 1 to April 30. For clubs in a northern climate, this may mean that you must ensure that a log is posted on every seasonal department bulletin board (pool, tennis) as well as in the grounds department. The 300A form does not list the employees' names just the number of cases, days away from work and injury/illness types.
- Under the new regulations, employers are required to protect an employee's privacy and withhold descriptive information on the 300 log for certain types injuries and illnesses (For example: sexual assaults, HIV infections, mental illnesses, hepatitis, needle stick injuries, injuries/illnesses to an intimate body part or reproductive system, tuberculosis ...). Also the employer does not have to describe the sensitive injuries where the employee identify would be known. In the past, regardless of the type of injury/illness anyone could have access to all the information on the entire OSHA 200 log.
- A new rule only allows employees or their representative access to the portion of the 301 form that contains the information about injury or illness. All personal information about the employee and the health care provider is to be withheld.

- Another employer responsibility is to set up a methodology for the employees to report work-related injuries/illnesses and further ensure that you communicate to them how they are to report these items to you.
- Employers must call OSHA for all fatal heart attacks occurring in the work environment. As required in the past employers still have to call OSHA at 1-800-321-OSHA within eight hours to report a fatality or work-related injury that results in the in-patient hospitalization of 3 or more employees.
- If OSHA shows up at the door, employers must provide records to the OSHA compliance officer who requests information within four hours. Please request to see their identification first.
- If oxygen is administered to an employee, it is a recordable.
- Parking lots are now considered part of the facility and there are specific guidelines for determining work-related recording of injuries sustained in this area.
- Further definitions have been added to clarify exceptions of cases involving recording of injuries and illnesses for employees voluntarily involved in exercise, blood donations, common colds and flu, mental illnesses, etc. (An example would be if an employee is playing volleyball and injures him/herself; it is not a recordable injury.)
- Of great interest to all food service operations is the OSHA recordable for food poisoning. If any employer provides food and the employee becomes ill, it is a recordable!
- Another change to the regulations allows employers to keep all this data electronically. There are also downloadable programs to do the related compilation reports and annual reporting requirements that may be found at the www.osha.gov web site under Etools.

The Future

OSHA has delayed two additional recordkeeping provisions until 2003: The Musculoskeletal Disorders and work-related Hearing Loss.

A present portion of the OSHA recordkeeping requirements states you now are responsible for recording an employee's hearing loss if it varies more than 25 decibels more than the original baseline – that obviously means that you had to originally test the employee's hearing upon hiring.

The Journey to OSHA Compliance

This article shared a lot of information. It was the author's attempt to share the highlights and not 'sweat the small stuff'. There is quite a bit more that the person compiling this data **has** to know and I'm certain she/he will have numerous questions.

OSHA has done an excellent job (in my opinion) putting together the materials to help anyone understand the new regulations and they will be conducting a massive mailing to a majority of if not all the 1.4 million businesses estimated to be effected.

If you have questions, access OSHA's web page at www.osha.gov and click on the Recordkeeping. You will find all the forms and possibly more information than you want to know!