

The Municipal RISK MANAGER

WINTER 2020

A Publication of the Maine Municipal Association

Grant Programs

If your entity is in need of money for safety equipment or education we are here to help. The Maine Municipal Association Workers Compensation Fund continues to offer their members two grant programs to assist aid with safety efforts: The Ed MacDonald Safety Enhancement Grant and Scholarship Grant Programs. These programs offer financial incentives to members of the Fund by supporting their purchase of safety equipment or safety services that will assist in reducing the frequency and/or severity of workplace injuries.

The deadline for the next Safety Enhancement Grant is April 15th, 2020.

For more information about any of the Maine Municipal Association Risk Management Service programs, including the Ed MacDonald Safety Enhancement Grants eligibility and applications, please visit our website at www.memun.org and click on the Risk Management Services link, or call us at 1-800-590-5583. 🏠



The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform you of developments in municipal risk management which may be of interest to you in your daily business activities. The information in these articles is general in nature and should not be considered advice for any specific risk management or legal question; you should consult with legal counsel or other qualified professional of your own choice.

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MMA Workers' Compensation Fund Introduces The Safety Incentive Program

The MMA Workers' Compensation Fund is excited to announce the new *Safety Incentive Program*. This voluntary Program rewards members with the opportunity to earn financial incentives by improving workplace safety. The Program is designed to help you to continue to control your costs by improving your loss experience and minimizing workplace disruptions.

MMA Risk Management Services has designed this program to work in partnership with all of our members to improve workplace safety and the members' workers' compensation experience.

The goals of this program are to:

- Reduce the incidence of injury and illness throughout the operations;
- Improve overall safety in the work environment;
- Maintain lines of communication with all employees;
- Protect member assets; and
- Promote a self-sustaining safety culture
- Utilize best practices claim management



The Workers' Compensation Fund *Safety Incentive Program* is voluntary and offers members the opportunity to earn up to 10% in contribution credits starting January 1, 2021. Joining this program reaffirms a commitment to a safe and healthful workplace. Our team of professionals will continue to work with you to manage your workplace safety efforts by providing sample safety policies and programs, training opportunities, and additional resources to help you obtain maximum benefit from your workplace safety efforts. 🏠

OSHS 300 Logs – What are they and what am I required to do?

It is that time of year again!!! – Cold weather with the possibility of snow. It is also nearing the time when employers must post OSHA 300A summary logs. The Loss Control Department of Maine Municipal Association get questions each year from our mem-

bers about OSHA 300 logs and the posting of the 300A form. So, here is some information from Research and Statistics Division, State of Maine Department of Labor, Bureau of Labor Standards.

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What are the differences between an OSHA 300 and a 300A form?

To answer this, we need to start by talking about the 301 form. The 301 is a detailed incident report that gets filled out with all the demographic and injury data of an employee's injury event. Most small establishments will be able to go through a year without ever needing to fill out a 301 form because they won't have any recordable events and medium sized establishments might need to fill out up to a handful of 301's throughout any given year. But for larger establishments, this will be a much more common occurrence. And keeping track of all those 301 forms can become a headache.

That's where the 300 form comes in. The 300 form works like an index of all of the 301 forms generated in a calendar year. If you only know small details about an injury event like who got hurt, the occupation of an injured employee, or details of the injury event, you can look at the 300 form to quickly find out what case corresponds to that description. That's because the 300 provides basic (and personally identifiable) information about every recordable case so that your safety personnel, OSHA inspec-

tors, or other privileged individuals (union reps, lawyers, etc.) can use to scan through your collection of 301 forms, and gives them a high level feeling for the safety record of a particular establishment.

But shouldn't employees not privileged to Personally Identifiable Information also be able to get a feel for the safety record of their organization? OSHA thinks so, and that's where the 300A forms comes into play. The 300A is a one page summary document of all the recordable events of the prior year. There is no information on the 300A about individual events, just the grand totals which are calculated on the 300 form, presented in a much more streamlined and simplified manner compared to the full 300 form. That's what makes the 300A form perfect for being posted in a common area for all employees to see.

What is the difference between a recordable and a reportable injury?

All rePORTable events are reCORDable, but very few reCORDable events are rePORTable. RePORTable cases are limited to deaths (which must be reported within 8 hours) and serious injuries (which must be reported within 24 hours), are defined by the

type of injury sustained. While deaths are pretty self-explanatory, an injury is only classified as a serious injury that results in an amputation or loss of any body part (including an eye) or a fracture or break (including teeth) or that necessitates immediate hospitalization or formal admission to the inpatient service of a hospital or clinic for care or treatment.

In contrast, reCORDable events are defined based on what the result of the injury. Did the employee lose time due to the injury? Were they transferred or put on restricted work? Did the employee suffer hearing loss? A reCORDable injury only becomes a rePORTable injury if it crosses one of the above thresholds to be considered a serious injury.

Are reporting requirements for workers compensation the same as OSHA / Maine Department of Labor?

In the world of OSHA and the Maine Department of Labor, reportable and recordable are different than the requirements for filing a First Report of Injury (FROI) with Maine Municipal Association (or your Workers' Compensation carrier). If an employee has, or alleges, that they have sustained a work related injury the Work-

MMA Risk Management Services Delivers Dividends

All of us at MMA Risk Management Services (RMS) would like to recognize the extraordinary efforts and continued commitment of our membership. We are pleased to announce that the Property & Casualty Pool and Workers Compensation Fund have awarded dividends to all eligible members. Due to our membership's dedication to health and safety, sound management, responsible underwriting and favorable loss experience, the Workers Compensation Fund distributed approximately \$650,000 in dividends and the Property & Casualty Pool provided dividends of nearly \$600,000, for total payments over \$1.2 million. Since 1997, the two programs have returned more than \$22 million in dividends to participating members.

For more information about any of the MMA Risk Management Services programs, including dividend distributions, online training programs, grants, scholarships and other available services, please visit our website at www.memun.org and click on the Risk Management Services link, or call 1-800-590-5583. 🏠



Members listed top to bottom: Rangeley, West Bath, Bath Water District, Chesterville, Phippsburg, Limestone Water & Sewer District, Farmington, Limestone, Caribou Utility District and Wales

ers' Compensation Statute requires that a FROI be filed on all injuries that result in medical treatment and/or lost time from work. If there is a day missed from work a FROI is required to be filed within 7 days of notice of the lost time, if there is medical treatment only you should file a FROI as soon as possible. For members of the MMA Workers Compensation Fund FROIs can be filed on the Risk Management Services page of the MMA website at <https://www.memun.org>.

Does the OSHA 300 have to be posted or just the 300A?

Only the 300A is required to be posted, as only the 300A is guaranteed to be void of personally identifiable information.

When does the 300A have to be posted?

The 300A form must be posted every year by February 1st of the following year, summarizing all injuries from the previous year. The log must be visible from February 1st until April 30th. If you have multiple locations – Public Works in one location, Fire Department in another and the Town Office in a third location, then department-specific 300A forms must be displayed, at each location, in a common area where notices to employees are usually posted.

One of our departments has not had a recordable incident in the previous 12 months. Do I still have to post a 300A form for that department?

Yes. A department-specific 300A form must still be posted in departments not recording an incident. The form would have all zeros in the totals column.

How do employers report a reportable injury / illness to the DOL – Email? Telephone?

Public sector catastrophe reporting can be done by telephone (207-623-7900 or 207-592-4501 24/7), email (accident@bls.maine.gov) or fax (207-623-7937)

What organizations, in the State of Maine, are exempt from maintaining logs?

There are two ways a public sector organization can be exempt from normal recordkeeping requirements:

1. Any establishment which had 10 or fewer employees throughout the entire prior calendar year. If at any time an establishment has 11 or more employees, they are responsible for keeping an OSHA log the following year, regardless of how their employment force fluctuates.
2. Any establishment with a North American Industry Classification System (NAICS) code included on the list in the following link: <https://www.osha.gov/laws-regs/regulations/standardnumber/1904/1904SubpartBAppA>

Any establishment with 11 or more employees whose NAICS code is not included in the above list is required keep an OSHA log.

NOTE: Even if an establishment has under 10 employees AND has a NAICS code on that list, they can still be required to keep an OSHA log if they are notified in writing by the Bureau of Labor Statistics that they have been chosen to participate in the Survey of

Occupational Injuries and Illnesses (SOII). These come in manila envelopes that look kind of like Publisher's Clearinghouse junk mail, so it's a good idea to keep a careful eye out for these letters in December.

What about electronic submission of 300A? Is that now a requirement for public entities in Maine?

The OSHA web link below, titled OSHA ITA, is a link for Maine's public sector to the OSHA Injury Tracking Application (ITA). This is the application for employers who are required to file 300A information electronically with reporting requirements.

While OSHA only requires information from the 300A form to be electronically submitted, the Survey of Occupational Injuries and Illness (SOII) survey is a separate data project and requires information from the 300 and 301 forms as well.

Electronic submission is not required of any establishments with less than 20 employees, and only required of establishments with between 20 and 249 employees if their NAICS code appears on the list. All establishments with 250 or more employees are required to electronically submit their 300A forms. OSHA requires all 300A information to be submitted by March 2nd.

A great resource to help you to determine if you need to electronically submit data or not is the Maine Department of Labor, Safety Works. Their contact number is 207-623-7900 or 1-877-723-3345. 📍

Online Reference Material

MMA – <https://www.memun.org>

OSHA Logs – 300, 301, and 300A – <https://www.osha.gov/recordkeeping/RKforms.html>

OSHA ITA – <https://www.osha.gov/injuryreporting/ita>

Maine Department of Labor / Safety Works OSHA Recordkeeping – <https://www.osha.gov/recordkeeping2014/index.html>

NAICS Code for Exempt Organizations – <https://www.osha.gov/laws-regs/regulations/standardnumber/1904/1904SubpartBAppA>

Electronic Submission – <https://www.osha.gov/recordkeeping/NAIC-Scodesforelectronicsubmission.html>

With grateful appreciation for the assistance of Mr. Victor Tardiff III, Director, Research and Statistics Division, State of Maine Department of Labor, Bureau of Labor Standards in putting this information together.

Welcome New Members

Property & Casualty Pool

Town of Blue Hill

Town of Houlton

Old Town Water District

Workers Compensation Fund

Old Town Water District

New Driving Simulator

At the May, 2019 MMA Property & Casualty Board meeting, MMA Risk Management Services (RMS) was granted permission to purchase a desktop simulator from Virtual Driver Interactive. This driver training tool is offered free of charge to our members. This simulator is self-paced and very realistic, which makes it a great hands-on training tool that will provide helpful reminders to both new and experienced drivers about why it is important to use more caution when driving. The ten progressive and interactive scenarios review the dangers of distracted driving, the benefits of increasing braking distance between vehicles, and the effects of weather on driving. Please contact RMS Senior Loss Control Consultant if interested in using the simulator at llemieux@memun.org. 🏠



Pictured left to right: Suzannah Heard Town of Arrowsic and Lance Lemieux MMA Risk Management Services

Training Alert

Law Enforcement Driving Liability Presentation

Risk Management Services will be sponsoring two presentations for law-enforcement officers about the dangers and liability of driving a police cruiser. The first session will be on March 11, 2020 at Jeff's Catering in Brewer. The second session will be held at Dirigo Safety in Auburn on May 20, 2020.

All members of the MMA Property & Casualty Pool are invited to send officers free of charge to this five hour training that provides helpful reminders to both new and experienced officers about why they need to use more caution when driving. The class will discuss the dangers of multitasking while driving, the effects of shiftwork and being tired while driving, emergency response/pursuit, and the liability (both personal and agency-specific) that police officers can incur from accidents during driving.

Non-members or workers compensation only members can still register attendees for a per seat fee of \$38.

For more information please email rms-losscontrol@memun.org

Presenter Scot Maddox, who has had a distinguished and long career in law enforcement and now practices law in the State of Maine, used relevant statistics such as the high number of crashes, injuries, and deaths that occur from

driving during police work, relevant case law, and statutory law including Maine's liability act. 🏠

Critical Incident Stress Management Presentation

The Bradford Fire Department is hosting and Risk Management Services is sponsoring a two-day Group Crisis Intervention course, presented by Dr. Laurie Cyr-Martel, on March 7th and 8th at Jeff's Catering in Brewer. This course is free of charge to all members of the MMA Workers Compensation Fund and is directed towards fire, police, emergency dispatchers, and EMS employees. Attendance is limited to 30 so early registration is encouraged. Dr. Cyr-Martel will discuss the core elements of a comprehensive, systematic and multi-component crisis intervention curriculum. This Group Crisis Intervention course will prepare participants to understand a wide range of crisis intervention services. Fundamentals of Critical Incident Stress Management (CISM) will be outlined and participants will leave with the knowledge and tools to provide several group crisis interventions, specifically RITS (Rest Information and Transition) CMB's (Crisis Management Briefings), Defusing's, and the Critical Incident Stress Debriefing (CISD). The need for appropriate follow-up services, health and wellness, and referrals when necessary, will also be discussed. Attendees who complete both days will receive a certificate indicating 14 Contact Hours, which qualifies in ICISF's continuum. 🏠

FREQUENTLY ASKED QUESTIONS

WHAT TO DO IN THE EVENT OF A CLAIM?

We understand that a claim can be a stressful and difficult matter to manage. That is why we want you to know that the Property & Casualty Pool and Workers' Compensation Fund is here to assist you. It is critical for municipal, school and governmental officials to proceed carefully in the event of a loss. It is important to:

ALWAYS:

- Contact MMA Risk Management Services immediately
- Take pictures of the damage
- Take pictures of the incident site
- Complete an incident report
- List witnesses & parties involved
- File a police report (if necessary)
- File a "Report of Occupational Injury/Illness"

NEVER:

- Admit liability
- Pay for a claim directly
- Put off filing a claim
- Disturb/alter the incident site
- Discuss confidential claims
- Make promises to claimants
- Take threats of claims lightly

All claims received by MMA Risk Management Services are administered in accordance with Maine law by our dedicated Claims Department. The RMS Claim Department is made up of licensed professions that are here to help by providing members and claimants with timely, accurate and excellent claims handling. But we need your help.

Please look for this new Frequently Asked Questions section of the Municipal Risk Manager each quarter. If you have a question you would like to ask please email [Marcus Ballou](mailto:mballou@memun.org) at mballou@memun.org. 🏠