

# MIIA Risk Management

Work Safe. Be Safe.



## OSHA Recordkeeping Requirement Some Additional Guidance

Update/revision to initial OSHA Recordkeeping notice previously sent January 10th.

### OSHA Recordkeeping Rule

Employers with more than 10 employees are required to keep a record of serious work-related injuries and illnesses (unless they fall under the rules for exemptions noted below) This information assists employers, workers and OSHA to evaluate workplace safety and discern industry injury and illness trends. These records must be maintained for at least 5 years. Each February 1st through April 30th employers must post a summary of the injuries and illnesses recorded in the previous year in a conspicuous place. This summary is known as the OSHA 300A summary report.

#### [OSHA Injury and Illness Recordkeeping and Reporting Requirements](#)

On December 1st & 2nd, 2021, the Department of Labor Standards and the Bureau of Labor Standards sponsored a webinar to update municipalities on the appropriate Massachusetts/Record-Keeping process. Links to the PowerPoint presentation and the Public Sector Employer Guide for OSHA 300 log recordkeeping can be found by clicking the links below on the MassSafetyWorks! Resources page.

[Link to DLS webinar presentation](#)

[Public Sector Employer Guide for OSHA 300 Log Recordkeeping](#)

Prepared by Mass Department of Labor Standards and Bureau of Labor Standards)

MIIA provides all members with their OSHA 300 Form/Log for nonpublic safety employees on a monthly basis and the 300A summary report annually in mid-January. Since this information is confidential, it is password protected. If a member currently has access to their loss runs, they can access these OSHA Forms/Logs also. If you do not currently have access, please reach out to your MIIA Account Executive or MIIA Risk Manager; provide them the name, title, and email of the individual you are requesting access for. They will send it to Neal Makowski, Business Data Analyst, at nmakowski@mma.org. Once access is given, this individual will also have access to the monthly Loss Runs, Claim Summary and Check Registers. (To access your Workers Compensation Loss Runs go to emiaa.org then click on "Log In Now"; enter your email and password; click on "Log In"; click on "My MIIA" at the top of the page.) This will allow you to access your Workers Compensation Loss Runs and OSHA logs.

For K-12 personnel:

- School bus transportation division is treated separately. [NAICS 4854] Keep an OSHA 300 Log for this division if school transportation is operated by the municipality. If contracted to a vendor (Connolly, First Student) then the vendor keeps their own 300 Log and the municipality does not need to keep a parallel copy.
- **All other personnel assigned to keeping school building, grounds and curriculum programs running** are considered serving the NAICS code for education and education support. [NAICS 6111]. The OSHA 300 Log is not required. So, injuries to school custodians, paraprofessionals, teachers, nurses and maintenance are not captured on the OSHA 300 log. Continue your standard Workers Compensation procedures.

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## The following municipal departments must follow the OSHA Recordkeeping rule:

Note: MIIA provides all members with their OSHA 300 Form/Logs on a monthly basis sorted by department regardless if a municipal department is exempt or not.

- **Mandatory NAICS categories** include: airport with scheduled flights, ambulance/EMS, correctional facilities, courts, drinking water, electric power, ferries, firefighting, highway, housing, hospitals, museums, nursing homes, police, public transit, public works, school transportation, sheriff, solid waste, sewage, waste collection, zoo ([reference Public Sector Employee Guide- Appendix A page 7 of 9](#))

## The following municipal departments are exempt from the rule

- **The following Departments are exempt due to NAICS industry codes** Employers in specific NAICS codes are not required to keep the OSHA 300 Log, even when they have more than 10 employees, unless they are asked in writing to do so by DLS or the Bureau of Labor Statistics (BLS) ([reference Public Sector Employee Guide- Appendix A page 8 of 9](#))
- **Exempt NAICS categories:** accounting, airport with non-scheduled flights, childcare, K-12 schools, colleges, education support services, engineering services, information services, libraries, outpatient care centers, telecommunications
- **Employers with more than 10 employees**, regardless of whether or not they are full time, at all times during the last calendar year do not need to keep an OSHA 300 Log, unless they are asked in writing to do so by DLS or the Bureau of Labor Statistics

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## OSHA Recordkeeping Forms

There are three forms involved in OSHA recordkeeping: OSHA 300 Log, OSHA 301, and OSHA 300A summary report. Records may be kept at headquarters or a central location and may be kept electronically. A central electronic database may be used, but the ability to sort by department is required

### OSHA 300 Form/Log- Log of Work-Related Injuries and Illnesses

It is important that members review and update their 300 Form/Logs monthly since this data will be used to create your 300A summary report. Please review the "Classify the Case" portion of the 300 Form/Log for accuracy. This review is to allow accurate documentation of employees who have remained in work, are out of work, are in transition or are working in a job transfer or restricted capacity.

- Corrections to the Workers' Compensation 300 Form/Log should be emailed to your designated Senior Claims Examiner. If you are unsure who your Claims Examiner is, please send your corrections to Karen Gregoire at [karen.gregoire@aon.com](mailto:karen.gregoire@aon.com).

#### [Download this form](#)

- Used to classify work-related injuries and illnesses and to note the extent and severity of each case.

### OSHA 301- Injury and Illness Incident Report

- One of the first forms you must fill out when a recordable work-related injury or illness has occurred.

[Download this form](#). Currently, MIIA uses the 101 and the Supervisor's Report to gather this information.

The [MIIA Supervisor's Report](#) incorporates all of the appropriate fields required by the OSHA 301 form in

addition to all the required claim demographics to streamline the reporting process for the MIIA Member. By completing this step the Supervisor's Report can be considered an acceptable substitute as detailed on the OSHA 301 narrative. "Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form." Below are links to documents to assist in classifying injury and illness as defined by OSHA.

[OSHA Recordkeeping Workbook](#)  
[OSHA Recordability](#)

**OSHA 300A summary report - Summary of Work-Related Injuries and Illnesses (previous year 1/1/21-12/31/21)**

- Public sector workplaces are required to post their OSHA 300A summary report in a conspicuous location from **February 1st through April 30th**. Examples of a conspicuous location are an employee time clock area, break room, or area with other required labor postings (e.g. minimum wage, FMLA, EEO posters).

The 300A summary report is available by department for members. The only information that needs to be filled in is the employment section that asks for "Annual average number of employees" and "Total number of hours worked by all employees last year".

[Worksheet for 300A summary report form](#)

The 300A summary report form needs to be posted from February 1st- April 30th.

If you have any questions call the Massachusetts Department of Labor Standards (DLS) at 508-616-0461 (ext 1) or email [safepublicworkplacemailbox@mass.gov](mailto:safepublicworkplacemailbox@mass.gov). You are also welcome to call your MIIA Risk Manager as well for assistance with this process.

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## Bureau of Labor Standards Survey

Each year, approximately 200,000 employers across the country receive a survey requesting information from the employer's OSHA 300 Log, 300A summary report, and individual OSHA 301 Incident Reports. In Massachusetts, the BLS survey is administered by the Department of Labor Standards. Data that is submitted to the BLS survey is kept confidential and not shared with DLS inspection staff or any other state agency. In December, MIIA municipal members began receiving notices for participation in the [BLS survey](#). **Participation in this survey is mandatory** and is not subject to the same exemptions as those under the Department of Labor Standards Recordkeeping Requirements for OSHA 300 logs.

Even though a department can be exempt from OSHA reporting they may be subject to BLS reporting. This is why MIIA continues to provide OSHA 300 Form/Logs for all member departments.

The BLS 2022 notice of recordkeeping forms and the 2021 Survey forms have been mailed.

If you have any questions you may send an email to Imani Bishop, Program Coordinator II, Executive Office of Labor and Workforce Development at [imani.bishop@state.ma.us](mailto:imani.bishop@state.ma.us) or (617) 626-6948.

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**January 12, 2022**