

# Indiana Labor Insider

May/June 2010

Advancing the safety, health and prosperity of Hoosiers in the workplace

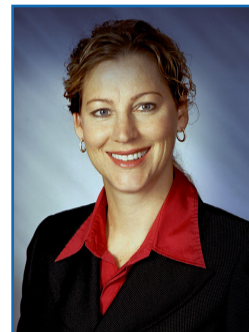
Mitchell E. Daniels Jr., Governor  
Lori A. Torres, Commissioner of Labor

## Practical Guidance for a Safe Summer

This issue of our newsletter comes with both a modest ringing of our own bell, as well as some solid, practical advice for those working AND DRIVING in construction zones and employers who hire teens for summer help. Teens require special permits to work, and require more supervision to keep them safe. We've included some guidance with additional information and resources on our website for you if you employ 14–17 year olds. It's just smart to understand that while the technical rules may not apply for those that are 18 and older, age is just a number, and young brains, 18 or not, are still developing insight and judgment.

With Indiana's robust highway funding plan, we begin the season for lots of highway construction. In connection with other state agencies' efforts, please make good decisions, be alert and slow down in construction zones. All the signage, barrels, high visibility vests and look outs can't save one of our construction workers if we fail to heed the warnings. 45 MPH really means 45 MPH.

In our agency, we recently passed a policy prohibiting any texting while driving, and are strongly discouraging use of personal or state cell phones while driving. Personally, I am committed to changing my habit of talking on the cell phone while driving. It's hard, and I'm not 100% cell phone free, but I am working on it, as are others in our agency. I am confident that we will save ourselves and others from property damage, injury or worse, if we save our cell phones for later.



Lori A. Torres  
Commissioner of Labor

Kind Regards,

A handwritten signature in black ink that reads "Lori Torres".

Lori A. Torres  
Commissioner

## IDOL Receives Recognition from Department of Defense

[Employer Support of the Guard and Reserve](#) (ESGR), an organization within the Department of Defense, has awarded the Indiana Department of Labor (IDOL) with the **"Above and Beyond Award,"** for the Department's efforts to accommodate its staff who are members of the National Guard and Reserve.

The **"Above and Beyond Award"** recognizes employers at the state and local level who have gone beyond the legal requirements for granting leave and providing support to their employees who perform military service.

The IDOL was nominated for this award by IOSHA Construction Safety Inspector,

**Blake Tippmann.** Tippman is also a member of the National Guard. Tippman said he nominated the Department "because of the overall attitude and environment created by the supervisors and employees at the Department, as well as the things that my supervisor, Bryan Thais, has done to accommodate my participation in the Army National Guard."

Tippman and Commissioner of Labor, Lori A. Torres, attended the awards reception, and accepted the award on behalf of the IDOL.



Commissioner of Labor Lori A. Torres and IOSHA Construction Safety Inspector, Blake Tippman accept the Department of Defense's, "Above and Beyond Award," on behalf of the IDOL. Also pictured: Roger Peterman, Major General R. Martin Umbarger and Acting Executive Director of the ESGR Pauline Brunelli.

# SAFETY ALERT:

## Road Construction Ahead!



Spring is in full swing and along with warmer weather, many construction workers are back in action. Many of these workers are dedicated to working on roadways and infrastructure to ensure safe travels for fellow Hoosiers and visitors of the State of Indiana. The reality of this is, often times, these workers are struck by vehicles or mobile equipment in construction work zones. These incidents lead to debilitating injuries and, in some cases, death.

Nationally, in 2008, **107 workers were struck by vehicles while working in roadways.** Between 2003 and 2008, 17 Hoosier workers were struck by vehicles or mobile equipment while performing work in roadways. Unlike other occupational safety and health hazards, work zones pose a dual threat: to work zone employees and to motorists driving through the work zones.

In 2008, 720 fatalities occurred as a result of a vehicle crash in a work zone. According to the Indiana Department of Transportation (INDOT), **four out of five people who die in highway work zones are either drivers or their passengers.** To protect themselves, their passengers and work zone employees, motorists must exercise the utmost caution while driving through work zones.

To assist drivers, the Federal Highway Administration (FHWA) publishes the Manual on Uniform Traffic Control Devices (MUTCD), which defines the minimum standards for traffic control devices (e.g. warning signs, regulatory signs, barriers, personal protective equipment, etc.). Nationwide uniformity of these devices ensures that they are visible, recognizable and understandable to all, and that work zones across the nation are as safe as possible for all drivers and workers. To view the 2009

version of the MUTCD, please visit the FHWA's website at [www.mutcd.fhwa.dot.gov/kno\\_2009.htm](http://www.mutcd.fhwa.dot.gov/kno_2009.htm).

In addition to the MUTCD,

in 2007, the FHWA adopted the Work Zone Safety and Mobility Rule. This rule requires all federally funded State Transportation Departments to develop policies or procedures to attempt to create uniformity in work zones across the nation. Well constructed, consistent work zones provide a controlled environment for highway workers to safely perform work activities, without intrusion from the traveling public. Likewise, well constructed, consistent work zones provide commuting traffic with an organized flow. This makes traveling through a construction area more efficient and safe.

INDOT employees and contractors are required to utilize the Manual on Uniform Traffic Control Devices (MUTCD) and the INDOT Work Zone Safety Manual for setting up and working in construction and maintenance work zones.

While uniformity in work zones nationwide is a great first step to improve work zone safety and health, employers and employees working in work zones must be prepared for all possible situations and utilize safety and health precautions at all times. Workers should be trained on the hazards associated with working in roadways,

### Construction Zone Safety Tips

- **Stay Alert:** Keep an eye out for reduced speed limits, narrow driving lanes, warning signs and highway workers.
- **Merge Early:** If drivers merge as soon as they see signs, traffic will flow more smoothly. There are reasons Lane Closure and Merge signs are placed where they are.
- **Slow Down:** If you are speeding, you may encounter slowed or stopped traffic much sooner and have a more difficult time getting slowed down or stopped.
- **Distance:** Maintain a safe distance on all sides of your vehicle.
- **Minimize Distractions:** The three C's - cell phones, CDs and coffee - are the three primary causes of driver inattention, in addition to many others such as passengers and outside distractions.
- **Merge Early:** Expect delays and allow extra travel time, or select an alternate route if you are running late. Traffic delays and construction information is available on INDOT's website at [www.in.gov/indot/2351.htm](http://www.in.gov/indot/2351.htm).



and with their specific jobs. INDOT specifications currently require each contractor to identify a Certified Traffic Control Supervisor on each project that utilizes temporary traffic control. Generally this training is provided by American Traffic Safety Services Association (ATSSA) or a similar source.

Additionally, INDOT maintenance staff is required to have training in flagging and work zone traffic control. This is provided through the Highway Technician (HT) training program. INDOT requires this training to be updated on a regular basis.

Work zone employees are not the only ones who must take proactive measures to ensure safety during roadway construction. Motorists must exercise caution when driv-

ing in and around work zones. INDOT has provided Road Construction Safety Tips, found in the orange box on page 2 of this newsletter. These tips will help keep you and roadway workers safe during construction season.

For more information, please contact the Indiana Department of Transportation at (317) 232-5533 or visit their webpage at [www.in.gov/indot](http://www.in.gov/indot). You can find more information about the Federal Highway Administration's Work Zone Safety and Mobility Rule at [www.ops.fhwa.dot.gov/wz/resources/final\\_rule.htm](http://www.ops.fhwa.dot.gov/wz/resources/final_rule.htm). For questions pertaining occupational safety or health, please contact INSafe by email at [insafe@dol.in.gov](mailto:insafe@dol.in.gov) or by phone at (317) 232-2688.



## It Happened Here: Lake County

**Background:** Nationally, in 2008 alone, 720 fatalities occurred as a result of a vehicle crash in a work zone. This number represents both workers and members of the general public who were fatally injured. Of these fatalities, 107 were workers who were struck by a vehicle while working in a roadway. In the past five years (2003-2008), 17 Hoosiers were struck by a vehicle while working in a roadway. There often many variables outside of the employer and employee's control when working in the roadway.

**Event:** In Lake County in the early morning hours of March 16, 2010, a construction worker was fatally struck by a vehicle. The worker was repairing potholes on a five lane interstate highway, along with a coworker. The two left lanes of the highway were closed for this construction and barricaded with barrel, and two work trucks were present with flashing lights on.

A "merge lane" sign and an arrow sign were placed in the roadway ahead of the construction, to indicate the closed lanes. In addition, prior to the construction zone, two message boards were posted stating the lane closures.

The workers had been working through the night, which is typically done when lane closures are not allowed during daytime hours. Both the victim and his coworker repairing the potholes were wearing the proper protective equipment, including high visibility safety vests or jackets.

While both lanes of traffic were closed, a motorist's vehicle passed through the barrels and between the concrete median and a work truck in the center lane. The motorist drove into the far left lane, and struck the victim. The victim died from blunt force trauma.

**Lessons Learned:** Employees working in this

construction zone took many precautionary measures to advise motorists of workers in the roadway. Additional precautionary measures to reduce the likelihood and prevent similar incidents from occurring in the future include:

- Employees should exercise caution while working in roadways, remain aware of passing traffic at all times and avoid complacency in the workplace.
- Motorists should heed warning signs, and drive with extreme caution when they encounter a work zone—always maintain a safe traveling distance, be aware of your surroundings and reduce your traveling speed as soon as you see the warning signs, before you enter the work zone.
- Employers should ensure that all safety precautions are taken, including setting up proper barriers and warning signs in accordance with the Manual on Uniform Traffic Control Devices; check with INDOT to ensure you are utilizing the best practice safety methods.
- Employees should be given the appropriate personal protective equipment (PPE), and trained on the proper use of such equipment.
- Employers should provide employees with the appropriate level of supervision.
- Employers should investigate all near-miss incidents to determine causality, as well as perform a root cause analysis (RCA).
- Employers should work with employees to complete and revise job hazard analyses (JHAs) as often as necessary.
- Employers should work to foster a culture of workplace safety and health, and hold themselves accountable for their employees' understanding and following all written safety and health policies, rules, procedures and regulations.



# What You Need to Know About Employing Minors



As the school year comes to a close and students anxiously anticipate the coming months of summer, many teens will prepare to enter the workforce for the first time. First-time-workers are vital to the future of our workforce, as the skills and work ethic they develop now will someday be the fuel behind the workforce at large. However, as an employer, it is important to know what regulations accompany hiring individuals under the age of 18. While the following information may not answer all questions pertaining to Indiana's Child Labor laws, it will provide a brief overview of what you need to know before you hire a minor.

## **Minors Need Work Permits**

With only a few [exceptions](#), nearly all minors ages 14-17 must obtain a work permit prior to starting work. Before the minor can obtain a work permit, they must be hired by an employer, and he/she will need to present a written notice of employment to the work permit Issuing Officer at their school. To assist employers, the Indiana Department of Labor's (IDOL) Bureau of Child Labor has developed the "[Intent to Employ](#)" form to help employers know what information they must provide in this process.

## **Work Hours are Restricted for Minors**

The graph on page five of this newsletter provides an overview of the maximum number of hours per day and per week that employers may allow minors to work. In addition to the number of hours worked, minors also have restrictions on the times of day they may work. Please review the IDOL's [Teen Labor Laws Booklet](#) to learn how often, and when, your underage employees can work. See page 5 of this newsletter for a breakdown of hours that may be worked by minors by both school and non-school days. A school day refers to a day that contains more than four hours of classroom instruction. In some instances, an employer may allow a minor to work extended work hours with written parental permission. Minors and parents can do so by filling out the IDOL's [Written Parental Permission for Extended Work Hours Form](#). Written parental permission must be kept on file where the minor works.

## **Break Periods for Minor Workers**

With limited exceptions, if an employee under the age of 18 works six (6) or more consecutive hours, the

employer must provide them with one or two breaks totaling at least 30 minutes.

## **Posting Requirements**

If a business employs minors, the business must post the "Teen Work Hours Restrictions" poster. This poster details what hours a minor may or may not work based on age. The poster also references the Teen Break Law and addresses safety concerns associated with minors working late hours. The poster is available for free, online by clicking [here](#).

## **Records for Inspection**

Indiana administrative code [610 IAC 10-2-1](#) gives the Indiana Department of Labor the right to inspect any and all businesses that operate in the State of Indiana. Both public and private sector employers may be inspected to ensure compliance with Indiana's Child Labor laws. Child Labor Inspectors have the authority to inspect records related to employees under the age of 18, examine work areas and interview employees or managers who may work with the minors. It is unlawful for any person to interfere with, obstruct, hinder or to refuse to properly answer questions asked by a Child Labor Inspector during the course of an inspection.

## **Online Child Labor Resources**

For answers to Frequently Asked Questions (FAQs), please review the Bureau of Child Labor FAQ's online at [www.in.gov/dol/2398.htm](http://www.in.gov/dol/2398.htm). You may also download the Teen Labor Laws Booklet and other Child Labor publications for free by clicking [here](#). The Bureau of Child Labor has also developed a video, "The Teen Worker," to provide guidance on these laws. The video may be accessed online at [www.in.gov/dol](http://www.in.gov/dol) and by clicking on "Publications."

## **Free Training on Indiana's Child Labor Laws**

The information above is not an exhaustive list of Indiana's Child Labor laws. However, the Bureau of Child Labor offers free, one-hour teleconference trainings covering all of Indiana's Child Labor laws. For more information or to enroll in a training course, please visit [www.in.gov/dol/2654.htm](http://www.in.gov/dol/2654.htm). Please email the Bureau of Child Labor at [childlabor@dol.in.gov](mailto:childlabor@dol.in.gov) or phone (317) 232-2655 with any questions.

## Work Hours for School Days

Ages	Max Hours Per Day	Max Hours Per School Week	Max Days Per Week	Start Time	Restricted School Hours	End Time
14 & 15	3	18	N/A	7 a.m.	7:30 a.m. to 3:30 p.m.	7 p.m.
16	8	30/40*	6	6 a.m.	7:30 a.m. to 3:30 p.m. <sup>1</sup>	10 p.m.
17	8	30/40*	6	6 a.m.	7:30 a.m. to 3:30 p.m. <sup>1</sup>	10 p.m. 11:30 p.m. <sup>2</sup> / 1 a.m. <sup>2</sup>

\*Indicates written parental permission is required.

<sup>1</sup>A minor may work between 7:30 a.m. and 3:30 p.m. on a school day with written permission issued by the school that the minor attends.

<sup>2</sup>A minor 17 years of age may work until 1:00 a.m. on nights followed by a school day if the employer has written permission from the minor's parent or legal guardian on file at the location in which the minor is employed. However, nights followed by a school day on which the minor works later than 11:30 p.m. may not be consecutive and may not exceed two nights per week.

## Work Hours for Non-School Days

Ages	Max Hours Per Day	Max Hours Per Non-school Week	Max Days Per Week	Start Time	Restricted School Hours	End Time
14 & 15	8	40	N/A	7 a.m.	N/A	7 p.m./9 p.m. <sup>3</sup>
16	8/9*	30/48*	6	6 a.m.	N/A	10 p.m./ 12 a.m. <sup>4</sup>
17	8/9*	30/48*	6	N/A	N/A	N/A

\*Indicates written parental permission is required.

<sup>3</sup>June 1 through Labor Day.

<sup>4</sup>On nights that are not followed by a school day, a minor 16 years of age may work until midnight if the employer has written permission from the minor's parent or legal guardian on file at the location in which the minor is employed.

## You Asked, We Answered - Indiana Child Labor Laws



**My son is 16, and has a work permit to work at a fast food restaurant. This summer, he wants to get a second job. Can he have two work permits?**

A minor may hold more than one work permit, as long as he/she does not work more than the total hours per day and per week for his/her age. For information on the total work hours restrictions for teenagers, please review the [Teen Labor Laws Booklet](#).

**I am under 18 and I want to get my first job this summer; do I need a work permit?**

Nearly all minors, ages 14 through 17, who wish to work in Indiana are required to obtain a work permit. Work permits may be obtained from an accredited high school in the school district where the minor lives. To obtain a work permit, a minor must first be hired by an employer. This employer must provide the accredited school with written notice that they intend to hire the minor, as well as the hours the minor will work and the types of duties the minor will perform.

**I am a homeschooled student. How do I obtain a work permit?**

Work permits are obtained from the accredited high school in the school district where the minor resides. If the minor does not attend the accredited high school, the minor may be required to provide a letter from his/her school stating that the minor is in good academic and attendance standing. In the case of a homeschooled student, the par-

ent, tutor or proctor of the homeschool program may issue this letter.

**I am the permit issuing officer for our high school. I believe a student seeking a work permit is not ready to work due to poor academic records and attendance. Am I allowed to deny them a permit?**

Indiana's Child Labor laws give most of the authority for issuing a work permit to the school issuing officer. An issuing officer may deny a work permit if a student's attendance is not in good standing or his or her academic performance does not meet the school corporation's standard. You cannot, however, deny someone a permit simply because they do not attend your school.

**I know there are restrictions on the hours a teen can work during the school year, but, are there any hour restrictions during the summer?**

Yes. Indiana and federal Child Labor laws place hour restrictions on teens during the summer months as well. The restrictions vary depending on the minor's age. Work hours can also be extended for 16 and 17 year olds with written parental permission. To learn more about the hour restrictions for minors, please review the [Teen Labor Laws Booklet](#).

For answers to Frequently Asked Questions, please visit the Bureau of Child Labor FAQ's. To enroll in a Child Labor training course, visit [www.in.gov/dol/2654.htm](http://www.in.gov/dol/2654.htm). For questions or concerns, email [childlabor@dol.in.gov](mailto:childlabor@dol.in.gov) or phone (317) 232-2655.

## Tips for Reducing Heat-related Illnesses

From factories to laundry service centers, Hoosiers work in a variety of hot and humid workplaces. Exposure to extreme heat or humidity can result in heat-induced injuries and illnesses.

Certain safety problems exist in hot environments. Heat promotes accidents due to the slipperiness of sweaty palms, dizziness and the fogging of safety glasses. In addition, working in a hot environment lowers the mental alertness and physical performance of an individual. Increased body temperature and physical discomfort promote irritability, anger and other emotional states which may cause workers to overlook safety precautions or divert their attention from hazardous tasks.

### Increased Risk

Individuals at a greater risk of heat stress include those who are 65 years of age or older, are overweight, have

heart problems or high blood pressure or take medications that may be affected by extreme heat. Workers on low sodium diets should contact a primary care physician

to discuss precautionary measures they should take when working in hot and humid environments.

### Prevention is Key

Heat stress prevention among workers is very important. A best practice to reduce the likelihood of heat stress and related illnesses is to minimize, as best as possible, heat in the workplace. For example, strenuous activities and tasks should be done during the coolest part of the day. Also, by distributing workloads evenly over the day, workers will be able to better incorporate rest periods.

Employers and employees should work together to provide training to workers so that they understand what heat stress is, including the symptoms, how it affects worker health and safety and how it can be prevented.

### Tips to Reduce Heat-related Illnesses

- **Stay Alert** for signs of heat-related illnesses within yourself as well as fellow co-workers.
- **Block Out** any direct sun or heat sources.
- **Use fans and air conditioning** to cool yourself and others.
- **Rest** regularly as needed.
- **Drink plenty of water**, at least one cup every 15 minutes.
- **Wear appropriate clothing**—loose-fitting, light colored, lightweight.
- **Avoid** alcohol, caffeinated beverages and heavy meals.

## Indiana Mine Rescue Team Finishes Fourth in Competition

The State of Indiana Mine Rescue Team competed in the **Robert Earl Jones Mine Rescue Contest** in Ina, Illinois on Tuesday, May 11, 2010. The contest featured 13 teams from the tri-state area: Indiana, Illinois and Kentucky. The Indiana State Mine Rescue Team finished fourth overall.

To comply with federal regulations, mine rescue teams are required to participate in two mine rescue competitions each year. The Indiana team will compete in four competitions in 2010. Mine rescue competitions provide an opportunity for the members of these teams to hone their mine rescue skills in the event the team is called out to a disaster. The team's next competition is scheduled for May 26, 2010 in Madisonville, Kentucky.

For more information or answers to Frequently Asked Questions pertaining to the Bureau of Mines and Mine Safety, please visit [www.in.gov/dol/mines.htm](http://www.in.gov/dol/mines.htm).

*It is the discipline to prepare that leads to success," stated Don "Blink" McCorkle Director of the Indiana Bureau of Mines.*

### 2010 Indiana Mine Rescue Team

- **Joby Johnson**, Freelandville Mine
- **Jeremy Robertson**, Freelandville Mine
- **Neil Stakeman**, Freelandville Mine
- **Eric Terrell**, Freelandville Mine
- **Steve Zygai**, Carlisle Mine
- **Neil Chambers**, Carlisle Mine
- **David Lay**, Carlisle Mine
- **Dave Daniels**, Carlisle Mine

### Team Trainers

- **Don "Blink" McCorkle**, Indiana Bureau of Mines
- **Greg Xanders**, Peabody Coal



## INSafe Honored with National Award

INSafe, the Indiana Department of Labor's (IDOL) OSHA Consultation Division, is the recipient of a **2010 OSCAR** (On Site Consultation Achievement Recognition), for their production of a "**Summer Safety**" video during the spring of 2009. INSafe was awarded the national honor last month at the annual OSHA On-Site Consultation Training Conference. The **2010 OSCAR** is the second national recognition received by the division in three years.



Last year, the IDOL worked with the Indiana Department of Workforce Development (DWD) and the Indiana Department of Natural Resources (DNR) to produce the safety video. The video was used to educate the 2,000 teens and young adults hired by DNR's Young Hoosier Conservation Corps (YHCC), and its focus is on general workplace safety.

The video, which was produced at no additional cost to the IDOL or the State of Indiana was written, produced and cast entirely by IDOL staff, and filmed and edited by an employee of DWD. Through the teamwork of the

agencies, the video was completed in less than a month. The interagency cooperation in the production of the safety video serves as a great example to other state governments as to how goals can be quickly and efficiently accomplished when agencies work together and pool their resources.

The greatest service the IDOL and INSafe provide is arming the workforce of Indiana with the tools they need to stay safe on the job. The safety video not only educates a large number of Hoosiers, but also serves to prepare workers who will be active in the workforce for many years to come. By arming the youngest generation of Hoosier workers now, we are better preparing them to work safely in the future.

To view the "**Summer Safety**" video, please visit [www.in.gov/dol](http://www.in.gov/dol) and click on "Publications." The video is available under the heading "Indiana Department of Labor Videos." For questions, please contact INSafe by email at [insafe@dol.in.gov](mailto:insafe@dol.in.gov) or phone (317) 232-2688.

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## Recognizing Excellence

*Recognizing Excellence* spotlights Hoosier employers and their employees for their efforts in achieving status in either the Indiana Voluntary Protection Program (VPP) or Indiana Safety and Health Achievement Recognition Program (INSHARP). The Indiana Department of Labor congratulates the following employers and employees for their efforts to ensure Hoosier occupational safety and health. Additional information on INSHARP or VPP may be found online at [www.in.gov/dol](http://www.in.gov/dol).

### **INSHARP**

Futurex Industries, Plant #2 (Bloomington, IN)  
Futurex Industries, Formflex Plant (Bloomington, IN)  
Futurex Industries (Terre Haute, IN)

### **VPP**

Pioneer Hi-Bred International (Rushville, IN)

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