

INdiana Labor Insider

May/June 2009

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

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

The IDOL is Doing More with Less!

As you read through this issue, you will see that we have been very busy the last several months preparing for teens working this summer, working on our legislative agenda and disseminating information on the H1N1 flu virus. This publication is sent directly to over 3,000 recipients, with many redistributing it to member companies and individuals. The goal of the publication is to open our office and what we do to public review, and spread the knowledge on health and safety, wage and hour laws and regulatory agendas. We also try to highlight frequent inquiries we receive at our customer service and complaint desks.

As the state's revenue shrinks (like that of many Indiana households), we are constantly working on ways to do more with less. Offering multiple electronic communication methods is one way the agency is embracing fiscal responsibility. We save on postage, stamps, paper, long distance charges and time in using electronic communications. INSafe now receives 57% of all consultation requests electronically. Often, IOSHA compliance issues are shared with us via email. We are still here, however, and welcome your communication by mail or in person as well!

Our website still provides the most complete information you can use at your own speed and it is open 24 hours a day every day. Please visit www.in.gov/labor if you haven't looked at us lately.



Lori A. Torres
Commissioner of Labor

To your health and wealth,

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive, flowing style.

Lori A. Torres
Commissioner

2009 Outbreak: Influenza A (H1N1)



The ongoing outbreak of novel influenza A (H1N1) continues to expand in the United States and internationally. As of May 5, Indiana had three confirmed cases. The Center for Disease Control and Prevention (CDC) expects that more cases will occur over the coming days and weeks. The best way to prevent the spread of influenza is to wash your hands

frequently. Cover your mouth and nose when you cough or sneeze and then wash your hands, cough or sneeze into your sleeve if you don't have a tissue, and use alcohol-based hand sanitizers when a wash basin is unavailable. Both employers and employees should be encouraged to follow these simple steps.

State health officials also urge the public to stay home from work if they are sick. Employers are asked to be flexible with employees who become sick with the flu so they do not come to work and spread the disease.

Employers can play a key role in protecting employee health and safety as well and limiting the negative impact to the economy and society. Planning for a possible influenza pandemic is critical. To begin your planning efforts, a Business Pandemic Influenza Checklist has been developed by the CDC. The checklist and other resources are available online at www.pandemicflu.gov/.

Additional information on the novel H1N1 flu is available at the following website www.in.gov/flu. Information on protecting yourself from the spread of germs in the workplace is available on page five of this newsletter.

Get Hooked on Safety: Six Year-Old Hoosier Wins First Place in Contest

Six year-old **Caylin Marie Wigger** of Chandler, Indiana proved that a culture of workplace safety and health can be instilled at a young age, when she won first place in an occupational safety and health poster design competition. The competition was sponsored by the American Society of Safety Engineers (ASSE) and was open to all ASSE members' children and organizations and schools they sponsor. The poster design competition encouraged children, ages 5-14, to best illustrate what job safety means to them, their families and their friends.



Original Artwork Submitted by Caylin Marie Wigger
Used with permission from ASSE

submissions from around the U.S., Colombia, Costa Rica, Kuwait and Dubai. Winners received a prize and all entrants were invited to attend the ASSE poster contest award ceremony at the Capitol in Washington, D.C., on Monday, May 4, 2009.

To display the winning posters, ten billboards across the nation were provided at no cost by Lamar Advertising. Caylin's poster is featured on a billboard in Evansville, Indiana located at Green River Road and Temple Road. Posters may be obtained from the ASSE at www.asse.org/naosh09.

This year's competition yielded nearly 1,000 poster

Hazardous Occupations for Hoosier Teen Workers

As summer approaches, many Indiana teens will seek out work for the first time. For teens, and parents alike, this process can prove daunting, as many first time workers are not familiar with Indiana child labor laws and their associated restrictions. The U.S. Department of Labor has set specific guidelines regarding the types of jobs that minors (17 and younger) can perform. Among these guidelines is a list of occupations deemed prohibited occupations.

Prohibited occupations may not be performed by minors. For teens 15 years old and younger, there are additional re-

strictions. These general guidelines can prove to be helpful in narrowing down job searches for teens and parents. An outline of prohibited occupations appears below.

For more information on the employment of minors or prohibited occupations, please visit the U.S. Department of Labor's website at www.osha.gov/SLTC/teenworkers/ or the Indiana Department of Labor's Bureau of Child Labor website at www.in.gov/dol/childlabor.htm.

Hazardous Occupations†	Explanation/Examples
Manufacturing and storing explosives	Working in a fireworks store. Exception: retail stores which happen to sell fireworks.
Driving a motor vehicle and being an outside helper on a motor vehicle	Driving on public roadways or working on the outside of a garbage truck.
Any type of mining (coal or otherwise)	Any occupation which involves extraction of coal or minerals from the earth.
Sawmilling and logging Operation of power-driven woodworking machines*	Sawing & processing trees or lumber; working with any powered wood working machine (fixed or portable).
Operation of power-driven metal-forming, punching and shearing machines*	Any work with power-driven machines which change the shape of or cut metal.
Operation of power-driven circular saws, band saws and guillotine shears*	SEE: Power-driven woodworking machines* AND Power-driven metal-forming, punching and shearing machines.*
Operation of power-driven hoisting apparatus	Operation of an elevator, crane or forklift.
Exposure to radioactive substances	Administering X-rays.
Operation of power-driven bakery machines	Operating, cleaning, prepping horizontal or vertical dough mixers and the operation of bread molding machines.
Operations involved in wrecking, demolition or shipbreaking	The deconstruction of a building, ship, etc. for disposal or scrap (including clean-up).
Operation of power-driven paper product machines*	Operation of cardboard or paper bailing machines.
Roofing operations/any work on a roof*	Laying shingles, roof top HVAC work, installing cable satellite dishes.
Excavation operations*	Any work in trenches or depths deeper than four (4) feet. Any work in tunnels or shafts.
Meat packing or processing	Operation of electric meat slicing, grinding or cutting machines. Example: Delicatessen.
Manufacturing of brick, tile or kindred products	Production of brick, sewer pipe or other clay building materials.

*These occupations have exemptions for students who are participating in certain apprentice or student learner programs.

†This is not an inclusive list of prohibited occupations. These examples should only aid in understanding the rules.



It Happened Here: Lake County

Jennifer Sawyer, Compliance Safety and Health Officer
Indiana Occupational Safety and Health Administration

Background: Children, teens and non-employees on work premises can introduce additional hazards and risks that employers may not have otherwise considered. Children lack knowledge of risks at workplaces, which make them more vulnerable to dangers which adults can easily avoid. Children can cause adult workers to become distracted and potentially put themselves and other employees at risk of occupational injuries. Also, safety precautions and devices put in place to protect adults may prove to be less effective for children. Indiana child labor laws prohibit minors from working in certain occupations and using certain equipment. Keep in mind if they would not be permitted to work on a jobsite, they should not be present on that jobsite.

Fatal Event: On March 26, 2009, in Lake County, during a public school corporation's week-long break, a 12 year-old child asked his mother to take him to work with her. The mother worked in an office building that included a welding shop. In the past, the mother had taken the child and his brother to work with her where they would assist by sweeping and cleaning-up around the office. That day, the boy was playing in the work yard, tossing metal scrap into bins contained on the company's lot. Company employees

were using a forklift to move a large metal table that weighed approximately 3,000 lbs. Interested in what the employees were doing, the boy approached the area where they were working. A verbal warning was given to the child, however, no other action was taken to remove the child from the site. When the forklift moved from the paved area to the grass, the load shifted, falling off of the forklift and crushing the child. The child died as a result of the blunt force trauma.

Lessons Learned: To reduce the likelihood and prevent similar incidents from occurring in the future, employers and parents should:

- Develop, implement and adhere to policies that prohibit children and non-employees in the workplace—especially in high risk areas (e.g. construction sites, work zones, production floors, etc.);
- Develop structured programs when allowing children and teens to go to work with parents (e.g. *“Take Your Child to Work Day”*);
- Ensure that non-employees and visitors that enter unfamiliar worksites receive an effective safety orientation and any necessary personal protective equipment (PPE); and
- If an unforeseen circumstance arises that would necessitate taking a child or teen to work (e.g. illness, emergency school cancellation, etc.), ensure that the child is supervised **at all times**.

“Young Hoosiers” Prepare for an Enriching Summer

Nearly 2,000 young workers, ages 16-24, will be hired to spend the summer improving Indiana's parks, trails and natural habitats. The program, **Young Hoosier Conservation Corps** (YHCC) is a joint effort of Indiana's Department of Workforce Development (DWD) and Department of Natural Resources (DNR). Funding for the YHCC includes about \$24 million in federal stimulus money. The program will run no longer than 16 weeks. Work may begin as early as May 1 and last through September 30, 2009. Provided that the program is successful, there is potential for renewal in 2010.

INSafe, the IDOL's safety and health outreach and training division, provided a workplace safety and health video to prepare workers. The video, developed in-house using occupational safety and health experts from INSafe and IO-SHA, encourages workers to avoid participating in dangerous behaviors, and to report unsafe work conditions and any injuries incurred at work. The video also provides general infor-



mation about outdoor safety including common hazards, hazardous equipment and personal protective equipment. The overall message of the video warns young workers that; *“if it looks unsafe, it probably is unsafe.”* Each YHCC employee will view the video in an orientation session before beginning work.

In addition to the workplace safety and health training video, the IDOL's Bureau of Child Labor provided training to the DWD and DNR concerning the employment of minors. Upon hire, minors employed through the program will watch a video concerning work hours and restrictions, and hazardous and prohibited occupations.

For additional information about the YHCC, please visit www.in.gov/yhcc/. To view the videos provided by the IDOL, visit our website at www.in.gov/dol/2366.htm. Videos can be found on the Publications page under the “Indiana Department of Labor Videos” heading.

Indiana Department of Labor Legislative Update

Sean M. Keefer, Deputy Commissioner & Legislative Liaison
Indiana Department of Labor

Although the Legislators still have some unfinished business in crafting a budget, this is not to say they were not busy the past few months deliberating on other legislation. This session the Indiana Department of Labor (IDOL) saw three bills pass out of the General Assembly, and get signed by the Governor, which may affect Indiana employers and employees. Each of the following bills will become law effective July 1, 2009.

SEA 533: 14% of companies failed to pay IOSHA fines due and payable in 2007 and 2008. That represents approximately \$332,586 which belong to the Indiana taxpayers. This bill provides IOSHA with new means to collect penalties from IOSHA violators. These new enforcement measures will help IOSHA enforcement hold violators accountable when they fail to provide safe working conditions and ensure that they do not escape their responsibilities. This law does not take away any already guaranteed rights to the employer or employee under the federal or Indiana Occupational Safety and Health Act. IOSHA will not utilize any of these collection tools until the employer exhausts all appeals, including the administrative hearing process (Board of Safety Review in IC 22-8-1.1-30.1) and judicial review. This legislation allows IOSHA to send a warrant to the county clerk or sheriff. The warrant becomes a judgment when entered by the clerk, which creates a lien in favor of the state on all of the employer's property located in the county, including real estate, vehicles,

accounts receivable and other personal property.

SEA 465: This bill clarifies the language regarding the Indiana Minimum Wage poster. It states that those businesses which are subject to Indiana Minimum Wage Laws need only post a single page poster containing the following information:

- (1) The current Indiana minimum wage
- (2) An employee's basic rights under Indiana's minimum wage law
- (3) Contact information to inform an employee how to obtain additional information from or direct questions or complaints to the IDOL

HEA 1014: Age discrimination investigations are currently handled by the Indiana Department of Labor. This law increases the maximum age limit for age discrimination claims from 70 years of age to 75 years of age. This bill also repeals a provision that prohibits the Commissioner of Labor from publicizing age discrimination proceedings.



You Asked, We Answered - Indiana Construction Safety

Question: I run a small construction company. The jobs that we do typically last anywhere from one month to as long as eight months. Do I need to maintain

OSHA injury and illness records for each job?

Employers do need to maintain injury and illness information for each job; however, they do not have to keep separate OSHA 300 Logs for short term jobs (those one year or less). Employers may keep one OSHA 300 Log that covers all short term jobs or establishments. When worksites or establishments extend beyond one-year, a separate OSHA 300 Log is required. For more information on OSHA Recordkeeping requirements or to obtain forms, please visit www.osha.gov.

Question: How many employees on a construction site are required to have an OSHA Construction Safety 10-hour?

The answer to this question could be a bit confusing.

The first thing employers should know is that the Indiana Occupational Safety and Health Administration (IOSHA) does not require employees on construction job sites to be certified in either a 10 or 30-hour outreach course. While not required by law, some construction contractors give preference to those contractors and subcontractors that have completed a 10-hour course. The preferred number of those trained can vary from contractor to contractor.

Currently, only two states require 10-hour certification—Missouri and New York. In Missouri, contractors and subcontractors conducting work on public works projects must provide proof of certification in an OSHA Construction Safety 10-hour course. The State of New York requires that all laborers, workers and mechanics that work on public works projects valued at \$250,000 or greater have successfully completed an OSHA 10-hour course.

When Should Employers Contact IOSHA?

When workplace fatalities and injuries occur, employers are often unsure if they need to contact the Indiana Occupational Safety and Health Administration (IOSHA). The following is some information which will assist employers in understanding what does and does not need to be reported to IOSHA.

General Rules: Employers are required to contact OSHA immediately in the event of a

workplace fatality or an incident which results in the in-patient **overnight hospitalization of three or more employees**. Heart attacks

which occur at work must be reported to IOSHA as well. Depending on the circumstances surrounding the heart attack, IOSHA will determine whether the incident warrants investigation. Fatalities that occur in parking lots are not exempt, and therefore, employers must notify IOSHA of such. In addition, fatalities and hospitalizations which occur within 30 days of a workplace incident must also be reported.

Some Exceptions: Employers are not required to report fatalities or multiple hospitalizations occurring as a result of an incident on a public street or highway that is not located in a construction work zone. Injuries, fatalities and multiple hospitalizations occurring on commercial or public transportation systems, such as airplanes or subways also do not have to be reported. Although they do not need to be reported, these incidents must be recorded on the OSHA injury and illness logs if the employer is required to keep such records.

All amputations caused by a mechanical power press

must be reported to IOSHA within 30 days of the incident. If an amputation occurs, but is not a result of work with a mechanical power press, it does not have to be reported, but it does have to be recorded on the employer's OSHA injury and illness log.

Reporting Incidents to IOSHA: Employers must orally report fatalities and multiple hospitalizations within eight (8) hours of the incident to IO-

SHA. If the employer is not immediately aware of the incident, it must be reported to IOSHA within eight (8) hours of learning of the

incident. To report any of the previously mentioned incidences, employers should contact IOSHA at (317) 232-2693. If IOSHA is closed, the incident must be reported to Federal OSHA at 1-800-321-OSHA.

When reporting an incident, employers should have all of the following information available:

- Establishment name;
- Location of the incident;
- Time of the incident;
- Number of fatalities or hospitalized employees;
- Names of injured employees;
- Contact person name and phone number; and
- Brief description of the incident.

For more information, or if you have any other questions regarding reporting workplace injuries, visit www.osha.gov. Employers may also contact INSafe at (317) 232-2688 or insafe@dol.in.gov.

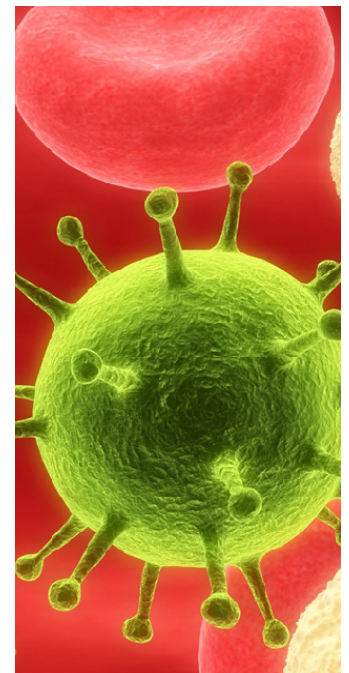
Indiana OSHA - (317) 232-2693

Protecting Yourself Against Germs in the Workplace

Your chances of coming into contact with potentially infectious germs and bacteria that cause illnesses such as the flu (influenza) and common colds are greatly reduced when the necessary precautions are observed. Germs are often spread when a person touches a contaminated surface and then touches their eyes, nose or mouth. Germs can survive for a long time (some up to two hours or more) on surfaces like doorknobs, desks, chairs and tables. Let's face it—our workplaces have many nooks and crannies where germs like to hide and ultimately thrive. To stop the spread of germs in your own workplace, here is some advice:

- Cover your mouth when sneezing or coughing;
- Wash your hands as often as possible and when soap and water are not available, use a waterless alcohol-based hand sanitizer;
- Avoid touching your eyes and mouth;
- Stay home when you are ill and check-in with your healthcare provider as necessary;
- Get plenty of rest;
- Stay hydrated by drinking plenty of fluids; and
- Encourage others to stay home if they are sick.

For additional information on protecting yourself against the spread of germs, please visit the Center for Disease Control website at www.cdc.gov/Features/FightGerms/.



Recognizing Excellence

Recognizing Excellence spotlights Hoosier employers and their employees for their efforts in achieving status in either the Indiana Voluntary Participation 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. For further information on either INSHARP or VPP, please visit www.in.gov/dol.

INSHARP

- New:** Companion Animal Hospital (Indianapolis, IN)
- Olon Industries (Washington, IN)
- ProBuild (Terre Haute, IN)
- Tell City Concrete Supply (Tell City, IN)

Pre-SHARP: Goodwill Bridgepointe (Clarksville, IN)

VPP

New: Logistics Services (Jasper, IN)

Training Opportunities

The Indiana Department of Labor's INSafe Division works with the [Indiana Chamber of Commerce](#), [Indiana Manufacturers Association \(IMA\)](#), [Risk Management Services \(RMS\)](#) and [Safety Management Group \(SMG\)](#) to provide safety and health training scholarships.

More information on scholarship and training opportunities may be found on our website at www.in.gov/dol/2383.htm.



Date	Sponsor	Class
05/14 - 05/15/09	RMS	OSHA Construction Safety 10-Hour (Indianapolis, IN)
05/19/09	Chamber	Electrical Safety: Lockout/Tagout (Indianapolis, IN)
05/19 - 05/22/09	RMS	OSHA Construction Safety 30-Hour (Indianapolis, IN)
05/20/09	Chamber	Workshop on Sprains & Strains (Indianapolis, IN)
05/21/09	Chamber	Forklift Safety: Train the Trainer (Indianapolis, IN)
05/21/09	RMS	First-Aid/CPR (Indianapolis, IN)
05/21 - 05/22/09	SMG	OSHA Construction Safety 10-Hour (Indianapolis, IN)
05/26 - 05/29/09	SMG	OSHA Construction Safety 30-Hour (Indianapolis, IN)
06/02 - 06/05/09	RMS	OSHA Construction Safety 30-Hour (Indianapolis, IN)
06/04 - 06/05/09	SMG	OSHA Construction Safety 10-Hour (Indianapolis, IN)
06/09 - 06/10/09	IMA	OSHA General Industry 10-Hour (Plymouth, IN)
06/10/09	RMS	Competent Person: Confined Space (Indianapolis, IN)
06/16/09	RMS	Trenching & Excavation (Indianapolis, IN)
06/25/09	RMS	First-Aid/CPR (Indianapolis, IN)
07/08/09	RMS	Competent Person: Fall Protection (Indianapolis, IN)
07/09/09	RMS	First-Aid/CPR (Indianapolis, IN)
07/09 - 07/10/09	SMG	OSHA Construction Safety 10-Hour (Indianapolis, IN)
07/14/09	RMS	Competent Person: Confined Space (Indianapolis, IN)
07/14 - 07/16/09	IMA	OSHA General Industry 30-Hour (Plymouth, IN)
07/16/09	RMS	OSHA Residential Construction 10-Hour (Indianapolis, IN)

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