Media Guide

A guide to the Indiana Department of Labor

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DEPARTMENT
OF LABOR

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Mission

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

Introduction

The Indiana Department of Labor (IDOL) is made up of six divisions:

- Indiana Occupational Safety and Health Administration (IOSHA)
- Indiana Wage and Hour
- Indiana Bureau of Child Labor
- INSafe: Indiana's Worker Safety Initiative
- Indiana Bureau of Mines
- Quality, Metrics and Statistics

The IDOL exists primarily to enforce occupational safety and health laws and wage and hour laws. Each division performs different functions in order to ensure Hoosier compliance with these laws, as well as to ensure the achievement of the department's mission. The following sections provide explanations of each of the functions of the IDOL, from IOSHA inspections to statistical surveys.

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IOSHA Inspections

The Indiana Occupational Safety and Health Administration (IOSHA) performs inspections of Hoosier businesses which are subject to the Occupational Safety and Health Act (OSH Act). These inspections ensure that Hoosier employers are in compliance with safety and health standards. IOSHA Inspections can originate in many different ways: as a result of a reported workplace fatality or catastrophe[1], as a random inspection, as the result of a referral or as the result of a complaint. Fatalities or catastrophes are received and assigned immediately by the appropriate IOSHA division supervisor. Random, referral and complaint inspections are generally less urgent but follow the same basic guidelines.

Workplace fatalities or catastrophes must be reported to IOSHA within eight (8) hours of the incident. To report a workplace fatality or catastrophe during normal business hours, 8-4:30 p.m., Monday through Friday, phone (317) 232-2693. If calling after hours, on a holiday or weekend, phone 1 (800) 321-6742. Callers should have the following information available: *establishment name, location of the incident, time of the incident, number of fatalities or hospitalized employees, names of injured employee(s), employer contact person as well as phone number and a brief description of the incident*. Reporting fatalities or catastrophes in any other manner (e.g. fax, mail, email, etc.) is strictly prohibited.

Once assigned, the Compliance Safety and Health Officer (CSHO) will arrive on-site and conduct an opening conference with the employer. If needed, photographic evidence is taken. The CSHO then conducts interviews with company management, employees, contractors, witnesses, etc. If necessary, industrial hygiene sampling is conducted. Employee interviews are conducted privately and independently from one another.

Upon completion of the inspection, the CSHO will hold a closing conference with the company representative(s). The CSHO exits the facility and returns to complete the necessary paperwork, if applicable, sends any sampling for analysis, and writes any citations. The completed file is submitted to the CSHO's supervisor for review. Once satisfied with the file, the supervisor will print the safety orders for the IOSHA division director's review. If approved by the director, the citations are issued and sent via certified mail to the employer. If no citations are issued, a letter is sent to the employer informing them that the file has been closed without citation.

In the event citations are issued, the employer can do one of three things. Employers may (1) request an informal review, and potentially settle any citations through negotiation with the IOSHA division director, (2) contest the penalty/citation or (3) pay the original penalty and correct the violations. Employers have 15 business days from the date of receipt of the citation(s) to request an informal review or to contest the citations. If the employer does not request an informal review or file for contest, they are required to pay the original penalty and correct the violations.

If an informal review is requested, the review is held with the respective division within 15 days. If a settlement is reached during the informal review, it is processed and the file is closed, if there is no open activity. If a

[1] A workplace catastrophe is defined as the hospitalization of three or more employees resulting from a workplace incident or exposure; in general, from an accident or an illness caused by a workplace hazard.

settlement is not reached, the employer must either file for contest or pay the original penalty and correct the violations.

If an employer files for contest, the citations are forwarded to the Indiana Board of Safety Review for administrative review. Once the Board has made its final determination on the matter, the employer must pay the penalties and correct the violations.

If penalties are not paid or a notice of corrections is not received, a letter requesting proof of correction is sent to the employer. Citations with an unpaid monetary penalty may be sent to the county clerk or sheriff in the county where the employer is located. This action will create a lien against the employer's assets. IOSHA will request the sheriff levy against assets if an employer continues to refuse payment.

Whistleblower Protection Complaints

The Whistleblower Protection Unit seeks to provide protection for employees who engage in a protected activity. Protected activities covered under the Indiana Occupational Safety and Health Act (OSH Act) include filing safety and health complaints and testifying in occupational safety or health proceedings. Employees who believe that they have been discharged or discriminated against for engaging in a protected activity, may, within 30 calendar days after the alleged offense, file a complaint with the Indiana Department Of Labor (IDOL).

An individual filing a complaint of discrimination or retaliation is required to show that he or she engaged in a protected activity, that the employer knew about the activity, that the employer subjected him or her to adverse employment action and that the protected activity contributed to the adverse action. Depending on the circumstances of the case, "discrimination" can include the following:

- firing or laying off,
- blacklisting (deny work in a particular field),
- demoting,
- denying overtime or promotion,
- disciplining,
- denial of benefits,
- intimidation,
- reassignment affecting prospects of promotion, and/or
- reducing pay or hours.

A complaint is initially screened by the Whistleblower Unit's team leader to determine whether or not the case has merit. If there is merit to the claim, an investigator is assigned and an employee statement is taken. The employer is then notified and provided ample time to respond to the alleged complaint. If at any time the employer wishes to settle, he or she has the right to offer a predetermined settlement agreement. The IDOL cannot settle a case for more than what is due to the employee. Provided the offer makes the employee whole (e.g. paid what is due to him or her), the IDOL closes the case.

Cases which are determined to have merit but the employer does not respond or does not offer a settlement, are referred to the State of Indiana Attorney General's Office within 120 days of receipt. The Indiana Attorney General's Office will file the case in the circuit courts of Indiana.

Wage Claims

Employees who have a wage dispute with their employer or former employer may file an "Application for Wage Investigation" with the Indiana Department of Labor (IDOL). The Indiana Commissioner of Labor is authorized by Indiana law to investigate such claims and attempt to resolve disputes at no cost to either party. The IDOL does not provide protection against termination to an employee that files a complaint against their current employer.

An employee may file an "Application for Wage Investigation" with the IDOL by U.S. Mail or in person. The application must bear the claimant's original signature; therefore the Department will not accept applications sent via fax or electronic mail. The Department will, however, accept additional supporting documents sent via fax or electronic mail. The applicant should provide as much detailed information and documentary evidence as possible at the time of filing (*photocopies are preferred in lieu of original documents*).

Each application is assigned a unique claim number and a copy is mailed to the applicant's employer or former employer with instructions to reply to the IDOL by a specific date and to provide any documentation they wish the Department to consider.

The IDOL will evaluate the applicant's claim, as well as their employer or former employer's response, in accordance with Indiana law and make a determination as to whether wages are owed. Determinations are generally completed and mailed to the parties within approximately twenty (20) days following the date of receipt of all documentary evidence. Determinations are delivered to both parties via U.S. Mail, along with payment instructions if wages are owed. Once the employer provides proof of payment to the IDOL, the wage investigation is closed. Once closed, a wage investigation will generally not be re-opened. There is no right to "appeal" a wage determination.

If the IDOL determines that wages are owed, but the employer or former employer refuses to cooperate or pay the wages owed, the claimant should consult an attorney about their rights and alternatives to recover any owed wages.

The IDOL will not accept and process an "Application for Wage Investigation" when:

1. The gross amount of the claim is less than $30.00 or greater than $6,000.00;
2. The claim is for time not actually worked;
3. The claimant is a bona fide independent contractor;
4. The claim is for compensation not deemed to be "wages" by Indiana law (e.g. holiday pay, bonuses, etc.);
5. The claim is for minimum wage or overtime required by federal law[2];
6. Either party has initiated legal action concerning the subject of the wage investigation;
7. Criminal charges are pending concerning the employment;
8. The Respondent employer has filed for protection under the United States Bankruptcy Code;

[2] Claims for minimum wage or overtime pay required by the federal Fair Labor Standards Act should be directed to the United States Department of Labor (USDOL).

9. The Respondent employer has no physical location in Indiana;
10. The claimant is a partner or owner in the Respondent business;
11. The claim is against the State of Indiana; and/or
12. The claimant is or was a member of a collective-bargaining unit working under a collective-bargaining agreement.

Common Construction Wage

The purpose of a Common Construction Wage hearing is to adopt a scale of wages to be paid to construction workers on a Public Work construction project subject to the Indiana Common Construction Wage Act (CCW Act). The CCW Act is codified at IC 5-16-7 *et seq.* Projects are subject to the Indiana CCW Act if they are funded through state or local funds and have an actual construction cost of $150,000 or more. Federally funded projects are generally not subject to the Act unless the federal granting agency consents in writing that Indiana law shall apply.

The Indiana Department of Labor (IDOL) has established a "once a month" schedule for CCW hearings. CCW hearings are held in each county in Indiana on a recurring day each month. While the once-a-month schedule is not required by law, it assists awarding agencies and other stakeholders by lending predictability and consistency to the process.

To determine the "common construction wage" for a project, the Awarding Agency[3] is responsible for convening a committee of five members in the county where the project is to be located. The committee is comprised of the following members: an industry representative appointed by the awarding agency, a taxpayer appointed by the county legislative body, a taxpayer appointed by the awarding agency, a representative from the AFL-CIO and a representative appointed by the Governor. Separate wage hearings must be held in each county affected when the project is located in more than one county. CCW committees may be presented with several proposed wage scales and ideally adopt a scale of wages representative of the "most common" construction wages paid in the county where the project is located. The IDOL has staff "Hearing Officers" who serve as the Governor's Representative on these committees and who act as a resource for information about the CCW hearing process.

CCW Hearing Officers generally abstain from voting in committee hearings, except in the event of a tie vote. This is to allow local decision makers a greater voice in determining the wages paid on Public Work construction projects their county. If a committee is unable to agree upon and adopt a wage scale, the Act provides that the Awarding Agency shall determine the scale of wages to be paid on the project. CCW wage scales are adopted on a project-by-project basis; however, wage scales can be adopted for multiple projects during a single CCW hearing.

Common Construction Wage Scales are generally considered valid for 12 consecutive months from the date the scale is adopted. If more than 12 months elapse between the date a scale is adopted and the date contracts are awarded for that project or there is a significant change in the scope of the project a new wage scale should be adopted for the project. The IDOL has a CCW Audit Process (see "Common Construction Wage Audits") to monitor and enforce compliance with the Indiana Common Construction Wage Act.

[3] "Awarding Agency" has generally been interpreted and applied to mean the governmental agency that is awarding the contract for a public work construction project.

Common Construction Wage Audits

The purpose of a Common Construction Wage Audit is to verify compliance with wages set in accordance with the Indiana Common Construction Wage Act (IC 5-16-7). Projects are subject to the Indiana CCW Act if they are funded through state or local funds, and have an actual construction cost of $150,000 or more. Federally funded projects are not subject to the Act unless the federal granting agency gives written consent that the Act shall apply. The CCW Act does not afford protection against termination to an employee that files a complaint against their current employer.

The Indiana Department of Labor (IDOL) initiates audits in three different ways.

- **Complaint Driven**—results from a complaint by a current or former employee alleging that their employer or former employer has not paid wages set in accordance with the CCW Act (The IDOL will generally not initiate an audit where a complaint is filed more than 24 months after the last date worked on the project)
- **Field Examination**—originated by the IDOL following an inspection of a job site by an IDOL staff member
- **Random Selection**—based upon random selection by a computer program from all wage scales adopted in accordance with the CCW Act.

When conducting a CCW Audit, the IDOL verifies a project is covered by the CCW Act and then requests payroll and supporting documents from the company being audited. The Department may issue subpoenas and seek their enforcement in court if necessary in order to obtain the requested documents. The auditor examines documents to determine compliance with the adopted wage scale. The auditor will verify the certified payroll and other related documents. They will also calculate the value of fringe benefits that may be received.[4]

If there are no compliance issues, the complainant (if it was a complaint driven audit) and the company are notified and the audit is closed. If compliance issues are found, the auditor issues a letter explaining the issues, and provides instructions for the company to issue payments to resolve the issues. Employees may also be advised of the results at this stage.

If, at this time, the company issues payments which are verified by the IDOL, the audit results are updated, a letter stating that the compliance issues are resolved is sent to the company and the audit is closed. If the company *does not* issue payments, the auditor sends a letter to employees on the project advising them of the audit findings and suggesting that they may wish to consult with an attorney to discuss possible legal actions in order to obtain the compliance amount from the company. The issues remain in the IDOL's database and the audit is closed.

[4] Fringe benefits may include Medical, Life, Dental and Vision Coverage; Paid days off (holiday, vacation, sick); Company contributions into a 401K or other qualified pension plan; Other fringe factors (per diem, educational payments, bonuses, etc.)

Child Labor Inspections

A child labor inspection may result from a complaint, random selection, targeting due to employment data or re-inspection to verify compliance with previous citations. Upon receipt of a complaint indicating a minor is in imminent danger or employed in a hazardous occupation, a child labor investigator will respond within 48 business hours. Re-inspection will occur within 364 days of the initial violation.

At the beginning of an inspection, the investigator will ask to speak with a manager or owner. They will ask to see all time and employment records related to employees under the age of 18. Typically, they will only request 2 to 4 weeks worth of records, however, the investigator has the authority to review any records, inspect all work areas and interview all employees related to the employment of a minor. Given the circumstances (number of minors employed, employer cooperation, readiness of documents, etc.), an inspection can take anywhere from a few minutes to several hours.

Once the inspection is complete, the investigator will discuss their findings with the manager/owner and ask them to sign a report of the inspection. A copy of the signed report is given to the manager/owner. The investigator then returns the report to the Bureau's central office, where the information and any violations are recorded and put into a file, which the Bureau keeps in house for a period of two years.

If any violations have been recorded, the employer is sent a notice of violations, along with a detailed list of applicable penalties. First time violators are generally given a warning which carries no penalty. If the employer has been cited for similar violations within the past one or two years, they may be subject to a civil penalty. The amount of the penalties varies given the type and the time span between the most recent and previous violation.

The employer has the right, within 30 days of receipt of the notice, to submit a written "Petition of Review" if they believe the violations were found in error or oversight. If the Bureau still finds they are in violation, the employer can then file a "Petition for Reconsideration," and an Administrative Law judge will hear the case and make a ruling based on facts and evidence presented.

Child Labor Law Violation Penalty Structure

Violation	1st Violation	2nd Violation	3rd Violation	Subsequent Violations
Work permits not on file	Warning	$50 per instance	$75 per instance	$100 per instance
Teen Worker Hour Restrictions" not posted	Warning	$50 per instance	$75 per instance	$100 per instance
Termination notices not returned to Issuing Officer	Warning	$50 per instance	$75 per instance	$100 per instance
Employment of a minor less than 30 minutes past deadline	Warning	$50 per instance	$75 per instance	$100 per instance

Employment of a minor more than 30 minutes past deadline	Warning	$100 per instance	$200 per instance	$400 per instance
Employment of a minor in a prohibited occupation	Warning	$100 per instance	$200 per instance	$400 per instance
Employment of a minor under age 14	Warning	$100 per instance	$200 per instance	$400 per instance
Employment of a minor during school hours (7:30-3:30 p.m.)	Warning	$100 per instance	$200 per instance	$400 per instance
Failure to provide a 30-minute rest break	Warning	$100 per instance	$200 per instance	$400 per instance

INSafe Consultations

INSafe is the Indiana Department of Labor's (IDOL) Worker Safety Initiative. INSafe consultations differ from IOSHA inspections[5] in that INSafe consultations must be requested by the employer, and INSafe does not have the authority to impose fines for violations. Information exchanged during the consultation is confidential and will not be shared with IOSHA enforcement, provided the employer agrees to correct any serious hazards identified by the consultant. A request for a consultation must be submitted in writing, either by fax, mail or online. A request is received by the administrative coordinator. Depending on the location, consultant expertise, availability and industry type, the administrative coordinator assigns the consultation to an INSafe consultant and schedules the date and time for the consultation.

Once the consultation has been assigned, the consultant contacts the company to confirm the date and time for the consultation. Prior to the consultation, the consultant researches the company's history to find if they have been cited for any violations in the past. Upon arrival at the site, the consultant conducts an opening conference, informing the company representative of the scope, nature and purpose of the consultation. They also reiterate what INSafe's role is in the IDOL, and explain what will be expected of the company after the consultation has been completed.

After the opening conference, the company representative accompanies the consultant through their facilities. While viewing the facilities, the consultant makes note of hazards that he/she observes, while also asking questions of the company representative and explaining what he/she is seeing and making notes of. Upon completion of the hazard walk-through, the consultant conducts a closing conference, where they inform the company representative what hazards they observed. At this point, the consultant discusses hazard correction dates with the company representative.

The consultant issues a written report to the company that identifies the hazards and the date by which they are to have them corrected. When the company has successfully corrected all violations, they send the consultant a record of corrected violations and hazards, the methods they utilized to correct them, and often times, pictures to show proof of the correction. At this time, the consultation is closed.

If the company has not sent a correction report within the agreed upon period of time, the consultant will call and often times, depending on the severity of the violations, conduct an on-site follow-up consultation. In the instance that an employer does not correct serious hazards identified by the consultant within a reasonable timeframe, their file could potentially be sent to IOSHA for enforcement follow-up.

[5] For more information on IOSHA enforcement inspections, see the previous section.

Bureau of Mines Inspections

Most mine inspections performed by the Indiana Bureau of Mines are scheduled inspections. By law, the Indiana Bureau of Mines must inspect each of Indiana's six mines at least once per quarter, and the Chief Mine Inspector has the authority to inspect all areas of a mine, including surface plants and all working facilities.[6] The Bureau does their best to plan inspections when they will not conflict with federal inspections, but there are occasions when an inspection must be done on a particular date and cannot be rescheduled.

After each inspection, the Chief Mine Inspector records the date and time of inspection, which areas of the mine he has inspected, what violations have been cited and what law they violate. These records are posted on the Indiana Bureau of Mine's website. Written citations are usually corrected before the inspector leaves the mine. If the citation will take more time to correct, the Chief Mine Inspector gives the mine more time and returns to the site on a later date to ensure that it has been corrected.

The Bureau of Mines has no authority to issue fines. This jurisdiction is left to the federal Mine Safety and Health Administration (MSHA), a division of the U.S. DOL. MSHA inspectors can issue citations and establish a time frame for correction of violations, they can remove miners from a mine and they can levy fines that increase with the severity of the violation. The Deputy Commissioner and the Chief Mine Inspector of the Indiana Bureau of Mines do have the authority to immediately order a halt in all operations in a mine if dangerous or unlawful conditions exist. The Bureau can only do so if they have given the mine in question a reasonable time to correct their violations and the mine has still not done so.

Mine Emergency/Disaster Response

When a fatality or mine catastrophe occurs, the mine operator immediately contacts the Deputy Commissioner of the Indiana Bureau of Mines, as well as the federal Mine Safety and Health Administration (MSHA). By law, the Bureau of Mines must investigate all underground mine-related fatalities in order to collect data. However, the Bureau's investigation must not interfere with MSHA's investigations. MSHA jurisdiction takes precedence when two (2) or more fatalities occur at a mine. If an injury occurs which is not fatal but requires a physician's care, the mine operator is not required to contact MSHA, but must notify the state and send a copy of the report to the Bureau of Mines.

In the case of a mine disaster, once the mine operator has contacted the Indiana Bureau of Mines and MSHA, The Deputy Commissioner of the Bureau then informs the Commissioner of Labor and provides her/him with a brief of the situation. Together, the Commissioner of Labor and the Deputy Commissioner determine whether there is an immediate threat to life.

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[6] IC 22-10-3-6 paragraph (f): During a regular inspection, the director or inspector shall have the authority to inspect the surface plant; every working place in the mine; all active haulageways, travelways, and airways in their entirety; entrances to abandoned workings; accessible old workings; escapeways and all other places where individuals work or travel; electric equipment and installations; first aid equipment; ventilation facilities; communications installations; roof and rib conditions; and blasting practices, etc.

When no immediate threat to life exists, the Deputy Commissioner does not call out the Mine Rescue Teams, but gathers pertinent information in order to file a report. If it is decided that there is an immediate threat to someone's life, the Deputy Commissioner contacts the Mine Rescue Team co-trainer, as well as the Indiana Department of Labor's Chief Mine Inspector. Each of Indiana's six active mines has two assigned rescue teams[7], the coverage required by law.

At the time of a disaster, all Indiana Mines are informed to contact *their* Mine Rescue Teams. Mine rescue teams respond to the disasters at the mines they cover, however if more assistance is needed, the other rescue teams are able and willing to respond as well.

Once rescue teams have been notified, the Chief Mine Inspector drives the Mine Rescue Vehicle[8], equipped with all of the necessary tools to equip two mine rescue teams, to the site of the disaster. It is federally mandated that the Mine Rescue Station, where the vehicle and supplies are located, be no more than one-hour's drive from any and all active mines. Mine Rescue Team personnel arrive to the site of the disaster and check in at the rescue vehicle, where they are briefed on the situation and a course of action is developed.

[7] Gibson County Coal Mine has two rescue teams that cover its site. Air Quality #1 Mine and Francisco Mine share two teams which are comprised of employees from both mines. Five Star Prosperity Mine has a site rescue team which partners with the Indiana Bureau of Mines composite team to cover its mine, Triad Freelandville and Sunrise Coal Company.

[8] The rescue vehicle is equipped with breathing apparatuses, gas detectors, booster pumps, communication capabilities and supplies. The equipment is stored at the Bureau of Mines station in Vincennes.

Evaluation for the Voluntary Protection Program (VPP)

The Voluntary Protection Program (VPP) recognizes and partners with businesses which show excellence in occupational safety and health. The VPP sets performance-based criteria for a well managed occupational safety and health program. Participation in the VPP is initiated at the employer's request. Once an employer has submitted a request to participate in the VPP, an evaluation is conducted to determine whether the company's safety and health program meets the requirements. Typically, a VPP audit is a five-day process. The process is led by a designated team leader, and includes two specialists in occupational safety and health from the Indiana Department of Labor. A Special Government Employee (SGE)[9] may be substituted for an occupational safety and health specialist on the team.

VPP evaluations begin with an opening conference, in which the team will provide an overview of the program and process. Those present during the opening conference include company management, safety personnel and if applicable, union representation. From that point, a cursory walk-through of the facility is conducted. The cursory walk-through encourages members of the team to become familiar with the equipment, machinery and processes used by the employer. At this time, the team members may conduct informal interviews with company employees.

Next, the team conducts a document review. The document review ensures that the company being evaluated has all the necessary safety and health programs, procedures and documentation considered sufficient in meeting VPP's requirements. Then, the team conducts an in-depth occupational safety and health audit. This process provides an opportunity for the team to identify any potential safety or health hazards that would need to be corrected prior to admittance into VPP.

Team members may determine that additional review is necessary. Additional review can include documentation or facility audits, as well as more formal employee interviews. All employee interviews, formal and informal, are confidential. Finally, the team conducts a closing conference with the company representative. During the closing conference they note any alleged violations and discuss appropriate correction dates. The VPP team provides a recommendation for approval or denial into the VPP. The VPP team submits written documentation of their recommendation to the Commissioner of Labor for final approval.

[9] A Special Government Employee (SGE) is a qualified volunteer from a separate participating VPP site. The SGE must be approved by the federal Occupational Safety and Health Administration and funded by their respective company to participate.

Evaluation for the Indiana Safety and Health Achievement Recognition Program (INSHARP)

The Indiana Safety and Health Achievement Recognition Program (INSHARP) provides recognition to employers with exemplary safety and health management systems. Participation in the INSHARP is initiated at the employer's request. Actual length of an INSHARP evaluation is dependent on employer size and the type of equipment and machinery used by employees. Typically the evaluation is conducted by a two-person team that is comprised of an Industrial Hygienist and a Safety Consultant from the Indiana Department of Labor's INSafe division.

An INSHARP evaluation begins with an opening conference, in which the team will provide an overview of the program and process. Those present during the opening conference include company management, safety personnel and if applicable, union representation. The team will review the employer's written programs, records and accompanying documentation and, if available, health sampling reports/analysis are made by the team. Employers seeking entry into INSHARP must have both a Days Away Restricted and Transfer (DART) and Total Recordable Case Rates (TRC) less than the published rate for their respective industry. These rates are calculated using the OSHA Log and the employer's injury and illness records.

The team then conducts a safety and health audit of the facility. A company representative accompanies the team of consultants around the facility. This process provides an opportunity for the team to identify any potential safety or health hazards that would need to be corrected prior to admittance into INSHARP. During this time, the team will confer with front-line employees. In the next phase of the INSHARP evaluation, the team conducts a closing conference with the company representative, noting any hazards identified during the audit and discussing appropriate hazard correction dates.

A written report is provided to the employer, noting the hazards identified and appropriate correction dates for the hazards. A recommendation for approval/denial is made by the INSHARP team to the INSHARP manager. The manager reviews the employer's audit file and makes a final recommendation to the Deputy Commissioner of INSafe. Upon initial acceptance into INSHARP, employers are granted either a one or two-year certification. During the time in which the employer's certification is valid in INSHARP, the company is exempt from programmed IOSHA inspections.

Employers may recertify their status in INSHARP, as there are no limits to the number of terms companies may be members.

INSHARP differs from VPP, in that, the program is *primarily* targeted for small (250 employees or less on-site/500 employees or less corporate-wide). In addition, the program is managed by the IDOL's occupational safety and health consultation division, INSafe.

The Survey of Occupational Injuries & Illnesses (SOII)

The Indiana Department of Labor's Quality, Metrics & Statistics (QMS) Division administers the Bureau of Labor Statistics' (BLS) annual Survey of Occupational Injuries and Illnesses (SOII). The survey is sent to approximately 6,000 Hoosier employers each year. Employers are randomly selected by the BLS for participation in this survey using Unemployment Insurance data provided by the Indiana Department of Workforce Development. Once selected, the employer data is sent to the QMS Division. Sample data is refined, eliminating duplicates and companies that are no longer in business.

Prior to the beginning of the survey collection year, employers are mailed prenote booklets. This prenote booklet serves as notification that the employer has been selected for participation in the SOII. After the start of the collection year, employers are mailed the survey booklet. Completed surveys are returned by the employer, and data received is entered into the system by the QMS staff. For employers that do not return completed surveys, a second mailing is sent in February. A third mailing is sent to unresponsive employers in early April, and a final mailing is sent in early May. In a last attempt to collect the survey data, the QMS staff contacts unresponsive employers by phone.

Once the collection period is complete, survey data is tabulated and reviewed by the QMS staff and the regional BLS office. During this review period, employers may be contacted again if potential discrepancies with the data are found. All corrections to the data found in this period are handled by the BLS national office. After corrections have been completed, the BLS national office reviews the submitted information for confidentiality and reliability. Only data that pass these tests is published by the BLS. Summary data is published by the BLS in October. Case and demographic data is published in November.

The Annual OSHA Data Initiative Collection (ODI)

The OSHA Data Initiative (ODI) Survey is similar to the Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses (SOII)[10]; however, it does not require the same level of detail. The ODI survey is administered June through October of each year by the Indiana Department of Labor's Quality, Metrics & Statistics (QMS) Division. For this survey, the QMS team uses the Work-related Injury and Illness Data Collection Form, a form created by Federal OSHA. Data provided through this survey serves as a basis for targeting intervention programs. The Indiana Department of Labor (IDOL) also uses this data as a measurement of how successful the agency has been in reducing occupational injuries and illnesses in select, high hazard industries.

Approximately 2,500 companies under OSHA's jurisdiction are randomly selected to participate in the ODI Survey. Packets are mailed to employers that have been selected for participation. Employers may complete the survey either online or in paper form. As completed surveys are returned to the QMS Division, they are checked in and entered into the web-based collection system. During the data entry process, the system will indicate if there are potential errors in the data entered. In response to an error message, the QMS staff will contact employers to determine whether the information they provided was incorrect or inconsistent.

Each day, an Electronic Submissions (ES) Report is generated for surveys that have been completed by the employer online. This report indicates if incorrect or inconsistent information has been provided by employer. Staff from the QMS Division will contact the employer to obtain the appropriate information.

Approximately 30 days from the initial mailing date, a second mailing is sent to unresponsive employers. A third mailing may be sent to unresponsive employers; however, it is not a requirement. The QMS staff also attempt to reach unresponsive employers by phone. At the close of the collection period, a final letter is issued to unresponsive employers for participation in the ODI Survey. After that point, any employer that has not responded to the survey is referred to the Indiana Occupational Safety and Health Administration (IOSHA) for further enforcement efforts.

[10] For more information on the Survey of Occupational Injuries and Illnesses (SOII), see the previous section.

Media Inquiries

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