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**TITLE 610 DEPARTMENT OF LABOR**

LSA Document #03-36(F)

DIGEST

Amends 610 IAC 4-2-1 to comply with amended federal Occupational Safety and Health Administration requirements for recording and reporting workplace injuries and illnesses for public employees. Repeals 610 IAC 4-2-11. Effective 30 days after filing with the secretary of state.

**610 IAC 4-2-1**

**610 IAC 4-2-11**

SECTION 1. 610 IAC 4-2-1 IS AMENDED TO READ AS FOLLOWS:

**610 IAC 4-2-1 IOSHA applicable to public sector employers; volunteer fire companies**

**Authority:** IC 22-8-1.1-48.1

**Affected:** IC 22-8-1.1; IC 36-8-12

Sec. 1. (a) The Indiana occupational safety and health act, IC 22-8-1.1, pertains to and concerns public employment as well as private employment. IC 22-8-1.1 defines employer as, "any individual or type of organization, including the state and all its political subdivisions, which has in its employ one (1) or more individuals". Employee is defined as, "a person permitted to work by an employer in employment".

(b) Therefore, the statute and all promulgated standards, rules, and regulations are applicable to public sector as well as private sector employers. Provided, however, that **public employers must comply with** the requirements for reporting and recording occupational injuries and illnesses ~~applicable in the public sector are found in 610 IAC 4-2-11 and not in 610 IAC 4-4.~~ **found in 610 IAC 4-6 without regard to Standard Industrial Classification Code.**

(c) For the ~~purposes~~ **purpose** of the Indiana occupational safety and health act, "Volunteer fire companies", which exist pursuant to IC 36-8-12, shall be deemed public sector employers. (*Department of Labor; Indiana Occupational Safety and Health, Public Employee Program Purpose; filed Apr 5, 1977, 10:16 a.m.: Rules and Regs. 1978, p. 467; filed Sep 9, 1981, 10:15 a.m.: 4 IR 1986; filed Jun 21, 1982, 3:00 p.m.: 5 IR 1607; filed Jan 8, 1986, 2:18 p.m.: 9 IR 999; readopted filed Nov 20, 2001, 2:15 p.m.: 25 IR 1305; filed Jan 27, 2004, 7:00 p.m.: 27 IR 1879*)

SECTION 2. 610 IAC 4-2-11 IS REPEALED.

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*Approved by Attorney General: January 16, 2004*

*Approved by Governor: January 23, 2004*

*Filed with Secretary of State: January 27, 2004, 7:00 p.m.*

*Incorporated Documents Filed with Secretary of State: None*