Dear Friends,

This issue of the INdiana Labor Insider is like many of the others we’ve published – full of information on a variety of topics, from mining and vacation pay to how to survive an IOSHA visit. What is different is that this will be my last issue. After nearly five years of topics and columns, I am proud to turn over this task and the agency to a new leader.

We’ve accomplished some pretty amazing things over here. We’ve opened up many lines of communications, served thousands of people and recovered hundreds of thousands of dollars for our state’s workers. The state wide injury and illness rate has decreased by 15 percent. We’ve created and implemented comprehensive mine emergency response drills, assembled important industry, academic and legislative leaders and families impacted by late night retail violence and are rolling out a new occupational safety initiative in the health care field.

We had three different teams here at IDOL earn the Governor’s Public Service Award for innovative and effective improvements in processes that benefit our citizens and taxpayers. And IDOL has earned four awards from federal OSHA for outstanding work in customer service, marketing and training products. The veteran advocacy group, Employer Support for the Guard and Reserve, recognized the agency for the superior way we treat our veterans, and awarded us the Above and Beyond distinction.

The agency has handled some very complex and serious IOSHA investigations, including the incident at the Indiana State Fair, University of Notre Dame, BP Whiting refinery and Sensient Flavorings. IDOL staff distinguished themselves, and the work performed by them has been widely regarded as outstanding.

IDOL and its staff are honored to have worked under Governor Daniels’ leadership in serving the people of Indiana. We’ve worked hard to make their lives better, to make our government cleaner and leaner and to increase Hoosiers’ personal income. We’ve tried to keep our workers safe and our employers profitable. We’ve strived to do our personal best, to measure each other and hold each other accountable. We’ve developed a series of measures and benchmarks that will serve future administrations. We have relationships with other states, other agencies, federal government officials and industry, labor unions and associations throughout our great state.

We have an agency with committed individuals that are proud to serve and proud of our collective accomplishments over these eight years.

It has been an honor and a privilege, Commissioner

Farewell from Commissioner Torres

2011 Survey of Occupational Injuries and Illnesses Released

The 2011 Bureau of Labor Statistics’ Survey of Occupational Injuries and Illnesses (SOII) report released in October shows Indiana’s injury and illness rate for all Hoosier industries remaining at a record low of 4.3 per 100 full-time equivalent workers. The SOII report tracks work-related injury and illness claims through OSHA reporting.

“Keeping Indiana’s workforce safe is always our number one priority at the Department of Labor,” said Indiana Department of Labor Commissioner Lori Torres. “For the third year in a row, Indiana has maintained its lowest injury and illness rate since record keeping began in 1996. This accomplishment is especially impressive as more and more Hoosiers are rejoining the workforce. Many of our industries have shown significant improvement, and we will be redoubling our efforts to help those still struggling to succeed in increasing their workplace health and safety.”

Decreases in the injury and illness rate in the areas of State and Local Government, Transportation and Warehousing, Retail Trade and Construction were offset by an increase in the areas of Agriculture, Mining and Health Care. The Manufacturing sector maintained its 2010 rate of 5.2 per 100 workers while at the same time adding approximately 20,000 positions across Indiana.

Indiana’s Non-fatal Occupational Injury and Illness Rate

2011 Survey of Occupational Injuries and Illnesses Released

2011 Survey of Occupational Injuries and Illnesses Released

2011 Survey of Occupational Injuries and Illnesses Released
It’s invisible. It’s odorless. It’s tasteless. It weighs the same as regular air, so it doesn’t settle or pool in any specific spot. If you’re exposed to it, you’ll breathe it in without realizing, while it begins to displace the oxygen from your blood.

This workplace invader is carbon monoxide (CO), and it’s incredibly subtle about making you sick or even killing you. The Center for Disease Control (CDC) estimates 400 people die from carbon monoxide poisoning each year and 40,000 are hospitalized. As we come into winter and businesses begin to keep loading doors closed and run space heaters, the risk of CO poisoning increases significantly.

Where Does It Come from?
Carbon monoxide is a gas that’s created by the incomplete burning of any fuel. This means it’s in engine exhaust gas and created by portable gas space heaters (salamanders, ceiling mounted heaters, tower heaters,...etc.), heating furnaces, LPG-powered vehicles like forklifts, certain machinery, forges, coke or blast furnaces and many other areas possibly associated with your workplace.

Who’s at Risk?
A variety of workplaces are a risk of CO emissions from boiler rooms and breweries to warehouses and refineries, a number of workers are at risk for CO exposure. Occupations at risk also include welders, garage mechanics, forklift operators, firefighters and police officers.

What Does CO do to Humans?
Your red blood cells are designed to carry oxygen from your lungs to the rest of your body. When carbon monoxide and oxygen are present in your lungs, your red blood cells begin to pick up the carbon monoxide instead of oxygen because it’s easier to carry. This means your body becomes starved of the oxygen it needs to function.

Even at this point, carbon monoxide poisoning isn’t obvious. Once you begin to be affected, your symptoms will be similar to food poisoning. Effects may include headache, nausea/vomiting, confusion, chest pain, fatigue, loss of consciousness and -- in some extreme cases—death.

If you are exposed to large doses of carbon monoxide, you might have no symptoms before losing consciousness. In a CO-rich environment, the average person would be rendered unconscious in two or three minutes.

CO Permissible Exposure Limit
The Occupational Safety and Health Administration’s (OSHA’s) general industry standards are available online at www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_toc_level=1&p_keyvalue=1910. The OSHA Permissible Exposure Limit (PEL) for CO in most industries is 50 parts per million (ppm) averaged over an eight-hour workday. To maintain acceptable limits, it is important to have supplied air respirators and other personal protective equipment (PPE), such as self-contained breathing apparatus (SCBA) available as needed if there is risk of overexposure to CO.

Assisting an Ill Worker
The first step is to immediately move the victim to fresh air in an open air space to insure they are not exposed to CO. Second, call 911 or another appropriate emergency service if your workplace has a preferred emergency responder. The victim should be administered 100 percent oxygen. Finally, perform cardio-pulmonary resuscitation (CPR) in the event the victim has stopped breathing. It should be noted the rescue team(s) or emergency medical workers may be exposed to potentially fatal levels of CO during a rescue attempt. The rescue team should be skilled at performing recovery
operations and using recovery equipment. Management should ensure the appropriate equipment is available for the rescue team, including SCBA.

**Hazard Prevention**

Workplaces with potential CO emissions or exposures should install monitors and alarms. Adequate and effective ventilation systems should also be in all work areas. All machines and equipment should be properly maintained in accordance with the manufacturer’s recommendations. Employers must develop policies and procedures that prohibit employees from running gas engines in enclosed spaces. For these policies and procedures to be most effective, employees must receive training.

Employees should be vigilant when it comes to CO, especially considering how difficult it is to detect. That means all employees need to pay attention to their surroundings and to each other. It’s vitally important employees report any situation where CO might accumulate directly to the employer.

Everyone needs to be alert to ventilation problems. Workers who experience dizziness, drowsiness or nausea must report these symptoms to management immediately so the source of the symptoms can be investigated. Finally, workers who do get sick should inform their doctor that they may have been exposed to CO so he or she can properly diagnose and treat these symptoms.

There are three basic ways to combat any workplace hazard: engineering controls such as a ventilation system, administrative controls such as rotating shifts and using appropriate PPE.

**Online Resources**


**Resources for OSHA Compliance**

OSHA consultation provided by INSafe. INSafe assists employers in developing and implementing occupational safety and health programs. The division is staffed with occupational safety and health experts, who combined have more than 100 years of worker safety and health expertise. INSafe diligently works with employers to identify and eliminate workplace safety and health hazards. Information exchanged during onsite consultations remains confidential, provided the employer timely corrects all serious hazards identified during the visit.

To request an onsite consultation, employers may complete and submit the request form available online at [www.in.gov/dol/insafeconsultation](http://www.in.gov/dol/insafeconsultation). Please contact INSafe by email with any questions at insafe@dol.in.gov. INSafe may also be contacted by phone at (317) 232-2688.

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**It Happened Here:**

**Pike County**

**Background:** Every year tens of thousands of people are hospitalized across the country due to carbon-monoxide (CO) exposure.

**Event:** In Pike County on February 15, 2012, a mechanic was working on a tractor in an enclosed shop. A gas-fueled heater was in the room, though the heater appeared to be properly vented to the outside. After fellow employees had not seen the mechanic for several hours, he was found unresponsive on the shop floor. Efforts to revive him were unsuccessful, and the cause of death was determined to be respiratory failure due to CO poisoning. The source of the CO is unknown. The incident was not reported by the employer or the police. Later, the victim’s family informed the Indiana Occupational Safety and Health Administration (IOSHA) of the mechanic’s death.

**Lessons Learned:** To prevent similar incidents from occurring in the future, employers and employees should:

- Work in well-ventilated areas.
- Use CO monitors with audible alarms. Alarms are crucial to safe working conditions when exposure to CO is possible. Be sure to test these monitors regularly.
- Train workers to recognize the symptoms of CO poisoning. Implement procedures that require employees to report symptoms like nausea, dizziness and fatigue so the source can be investigated.
- Inspect all CO-creating equipment and appliances according to a regular maintenance schedule.
- Foster a culture of workplace safety and health. Employers must hold themselves accountable for their employees’ understanding and following of all written safety and health policies, rules, procedures and regulations.
- Provide employees with the appropriate personal protective equipment (PPE). Instruct employees on the PPE’s use, proper storage and shelf life. Ensure workers wear all PPE.
Mine Management and Emergency Rescue Teams Swap Roles in Disaster Training Seminar

Contributed by Indiana Bureau of Mines Director Don “Blink” McCorkle

Mining coal is dangerous work. To keep Indiana’s miners safe, rescue teams regularly train and practice emergency rescue scenarios and evaluate safety. In the continuing quest to hone skills they hope never to use, the Indiana Bureau of Mines hosted a classroom-based Mine Emergency Response Drill (MERD) on November 9, 2012.

All of the mining operations in Indiana were represented by the 52 people who participated in the classroom emergency, including both mine rescue team members and members of mine management.

During the eight-hour training session, rescue team workers and mine management reversed their roles to complete a more thorough understanding of each other’s role. Rescue team members worked as the Command Center, directing the logistics of the mock disaster while management prepped the rescue gear and deployed to explore the mine, save survivors and recover the mine.

Dozens of questions were considered and answered: What hazards and trials could be awaiting the new rescue crew in a potentially burning mine? How would they rescue any injured miners? What if they couldn’t see through the smoke? Did the local town need to be alerted? What should be said to the media? Should family be called?

“We try to instill the ideas that learning is not a spectator sport and the discipline to prepare is what leads to success,” said Indiana Bureau of Mines Director Don “Blink” McCorkle.

“We pray that we never have to use these skills, but we know that we are prepared to act, should an emergency happen.”

The MERD was an eye-opening experience for those members who participated in the role reversal for the first time. By getting a better understanding of the roles their counterparts played, the participants could see how an entire rescue operation ran from multiple points of view. The understanding saves lives.

To learn more about the Indiana Bureau of Mines and Mine Safety, please visit www.in.gov/dol/mines.htm. Answers to many frequently asked questions are also available online at www.in.gov/dol/2330.htm.
You Asked, We Answered - Payroll Questions

Can my employer lower my pay rate? Unless your position is covered by a special pay agreement, like a collective bargaining agreement or employment contract, your employer generally has the right to lower your pay at any time as long the pay is at least minimum wage. Your employer should notify you of the change before you work again.

When I leave my employment, is my former employer required to pay me for any accrued vacation time?

Accrued vacation pay is considered a form of compensation. An employee may be entitled to a pro rata share of his/her accrued vacation at the time of termination. If there is a company policy or employment contract stipulating that certain conditions must be met before accrued vacation pay will be paid, these conditions must be met in order to receive accrued vacation pay. Vacation policies are generally left to the discretion of the employer.

Can my employer require me to have direct deposit, even if I don’t want it?

Yes. Indiana Code 22-2-5-1(a) gives employers the option to pay their employees by direct deposit. Employers are not required to provide multiple payment options. They can only offer direct deposit.

When is an employee’s final paycheck due?

Final wages must be paid on or before the next regularly scheduled payday.

Does my employer have to pay me for mandatory meetings?

Generally, yes. An employer must compensate an employee for time spent on the job when the employee is subject to the employer’s control.

Do I get paid for my “on-call” time?

This depends on where you are “on-call.” If you are at your home, you generally aren’t paid. If you are “on-call” at the business location, you generally should be paid.

Call for 2013 Governor’s Workplace Safety Award Applications!

Again, the Indiana Department of Labor is pleased to partner with the Indiana Chamber of Commerce and the Central Indiana Chapter of the American Society of Safety Engineers (ASSE) to recognize industry leaders in occupational safety and health. The award provides recognition for companies based on best practices for eliminating workplace injuries and illnesses. The award salutes those organizations for which safety and health have been made a top priority.

The Governor’s Workplace Safety Awards are open to all organizations, regardless of size or number of workers affected. All Hoosier businesses, unions, municipalities, schools, service organizations, nonprofit organizations and individuals are eligible to apply for the awards. To qualify, a company must be deemed to be free of compliance disputes concerning all applicable local, state and federal statutes and regulations.

Applicants may elect to receive recognition in one of four categories including innovations, internal education and outreach, external education and outreach or partnerships. Past award recipients have been recognized for their proactive efforts to reach out and educate rural youth on farm safety, develop innovative new employee workplace safety and health orientation programs and training videos, integrate exercise and stretching routines into daily work tasks and create “junior supervisor” roles in the construction industry to mentor up-and-coming professionals.

Applications for the 2013 awards will be accepted through Monday, January 21, 2013. Award recipients will be recognized at a luncheon during the annual Indiana Safety and Health Conference & Expo. To ensure participation at the annual awards luncheon, the 2013 recipients will be notified in advance. The 2013 Indiana Safety and Health Conference will be held at the Indiana Convention Center in downtown Indianapolis on March 11-13, 2013. For more information, please visit the conference website online at www.INSafetyconf.com.

Information about the Governor’s Workplace Safety Award is available online at www.in.gov/dol/2381.htm. Prior years’ recipients are also available on this webpage.

For further information about the 2013 Governor’s Workplace Safety Award Application, please email INSafe at insafe@dol.in.gov.

Call for 2013 Governor’s Workplace Safety Award Applications!
Keeping a workplace safe and healthy isn’t a one-time investment. The best workplaces embrace a culture of safety which permeates everything that happens. Voluntary Protection Program (VPP) STAR award recipient First Vehicle Services (FVS) exemplifies this commitment to worker health and safety.

“Safety is one of our core values. Every shift starts with a safety meeting and safety message,” said Fort Wayne First Vehicle Services General Manager Dave Jackson. “We like to get participation and ask for feedback from every staff member.”

FVS is responsible for fleet maintenance on more than 38,000 vehicles across the county, which includes everything from police cars and fire trucks to street sweepers, excavators, school buses, motorcycles and much more. Being responsible for working on so many types of vehicles leads to a number of health and safety concerns – pneumatic tools, chemical exposure, welding, heavy lifting and musculoskeletal injury are only a few of the many areas requiring careful attention.

To stay safe, FVS has implemented a safety program based on best practices and reinforcing five basic safety processes:

- Safety Training
- Risk Management
- Safety Messages
- Injury Prevention
- Safety Inspections

Daily Safety Messages are built to focus on a simple reminder like lifting safely, wearing personal protective equipment (PPE), being careful working around snow and ice or shutting off heating devices at the end of a shift to prevent a fire. FVS understands that even a simple message on the most mundane of activities can help reduce injuries.

The objective of such frequent reminders is to foster better work habits. An injury prevention program serves to track and record communications between management involving safety. It draws awareness to the common hazards and alerts the safety team of any near-misses that may need attention. This information is then shared with employees in other departments and locations to prevent a similar occurrence that may result in an injury.

“All technicians receive training on how to survey their areas with an eye for potential accidents and assess what could go wrong in any situation,” said Eugene Fritz, director of safety, health and environment. “We ask technicians to pose the questions ‘Can I, or someone else, get hurt doing this work? If so, how do I make it safer?’”

To ensure safe practices are followed, FVS rotates daily, weekly and monthly safety inspections among employees as a way to constantly maintain fresh sets of eyes on the working environment. Employees are instructed to observe the shop area to ensure all established safety standards, for employees, equipment and tools, are followed everyday and at all times.

By making it everyone’s responsibility to maintain a safe working environment, FVS has created an involved safety culture where all employees are responsible for each other’s health and safety. And that is a best practice every business should strive to match.
Unannounced workplace safety and health inspections can cause panic even among those businesses trying to follow safety and health regulations. If problems are found, it could affect employee morale, create a bad public image for the company and even cost a lot of money. Obviously, that’s the kind of bad news you want to avoid!

Would your business be ready for an inspection right now? Do you know if everything is in its place and everyone is following the rules? Follow this simple outline to better understand what you need to do and what your rights are when the Indiana Occupational Safety and Health Administration (IOSHA) comes to inspect your business.

Before IOSHA Arrives

Before anyone has even shown up to inspect your place of business, you need to prepare. The IOSHA inspector will want to see your workplace incident and injury reports, so make sure they’re updated and organized. Do you have a safety program in place? If you do, keep those plans organized and ready to present to the IOSHA inspector. An actively maintained safety program shows you take your employees’ health and safety seriously, and that’s the kind of thing the inspector will want to know.

Employers should have several managers empowered and trained to work with an IOSHA inspector. After all, since the visits are unannounced, what would happen if the only person who knew what to do was unavailable when an inspector arrived?

Employer Rights

IOSHA is not permitted to provide an employer any warning before showing up to inspect their facility. The idea is to see the workplace at a time when everything is functioning normally. At the beginning of the inspection, the inspector will present his or her credentials to you. He or she will also advise you of the specific reason for the inspection. The inspection may be because of a general schedule inspection, a referral by an outside source or a result of an employee complaint.

Employee Rights

Employees have the right to work in a safe and healthy environment. That means any employee has the right to ask IOSHA to inspect his or her workplace by filing a formal complaint. Employers may not discriminate against an employee who has requested an inspection—Indiana law protects whistleblowers.

Employees have the right to training regarding any hazards and OSHA standards that apply to their workplace. It’s important to note that the training must be given in a language the employee can understand.

Finally, the employee has a right to a copy of the results of any test conducted by IOSHA to find hazards in the workplace; the right to their own, personal records of work-related injury and illness; and the right to have a copy of their own, personal medical records.

Access to Records

If your company has a good safety record, be proud of it! Relate any safety award(s) you might have received to the inspector. A history of award-winning worker safety and health is another way to demonstrate your company’s commitment to compliance and employee safety. Make sure you allow the inspector to view any record requested, and at the same time keep a list of what records you provided to the inspector. It’s important to know what information is being reviewed.

Inspection

Accompany the inspector on the walk-around of your facility to answer any questions that might come up and provide clarification for any possible violations. Make sure you take notes of any statements made during the inspection so you can refer to them later.
Closing Conference

If the inspection lasts more than one day, request an informal closing conference at the end of each day. During this time, the inspector will go over everything he or she has done and any issues that have been found so far. This is a great opportunity to provide clarification on any violations or potential citations your inspector may have found.

What’s the most important thing during the entire process? Simple, don’t lie! If you don’t know the answer to a question, just say so. Find the information and get back to the inspector with it later. Don’t guess and don’t make up an answer you think is the right one.

A safe and healthy workplace has lower insurance costs, less lost time and better employee morale and is more productive. Working safely is cost effective and can save your business a lot of money. Don’t be afraid of an inspection-- just be ready.

After the Inspection

Be sure to correct any safety or health violations and submit the corrective action to IOSHA. This is important in subsequent inspections so you don’t have to pay for the same violation twice.

If you don’t already have an occupational safety and health program implemented at your workplace, this is an excellent time to begin working on a comprehensive plan. Workplaces with a health and safety program that empower employees to perform their jobs safely and securely are much more likely to do well in an IOSHA inspection.

Want Free, Confidential Help?

The Indiana Department of Labor offers free, confidential workplace safety and health consultations through the INSafe program. INSafe can inspect a single machine, a work area or even an entire facility. The INSafe consultant will even be happy to help you design your own safety program. Violations discovered by INSafe are kept confidential and not reported to IOSHA as long as the employer agrees to correct any serious safety issues.

If you would like help designing and implementing your workplace safety and health program, you can request assistance by completing the online consultation request.

Is Your Incentive Program Promoting the Right Behavior?

It’s hard to deny incentive programs have a great deal of appeal. Employers may use an incentive program as an opportunity to minimize worker injury and illness rates, reduce costs and provide a safer work environment. At the same time, employees have the opportunity to win cash prizes, gift cards or even bragging rights for participating in workplace safety and health activities. On the surface, it really does seem like a win-win situation.

However, there are elements to avoid when developing an incentive program. An incorrectly developed incentive can lead to unreported dangers in the workplace, under-reported incidents and injuries and, in some cases, even worker intimidation.

For example, take an incentive where the only way for employees to be rewarded is to have a low incident rate. The reward could be cash, a gift card or even a raffle ticket for a new vehicle. Employees can only “win” the reward if they report no injuries for the given period.

In this scenario, employees may have very strong motivation to not report an injury. After all, they don’t want to lose their chance at a reward. This means hazards are likely to go uncorrected and workers might continue to work with injuries that require medical attention.

Group-based incentives are also troubling. In this situation, one injury will stop a department, team or facility from receiving the reward. When incentives are structured this way, employees could pressure each other to keep dangers and injuries secret to ensure the prize is still available at the end of the year.

While the Indiana Occupational Safety and Health Administration (IOSHA) doesn’t have a policy specifically concerning incentive programs, the recordkeeping standard (29 CFR 1904) can be cited when an employer fails to record or incorrectly records injuries and illnesses on the 300 log. Additionally, the protection against discrimination standard (1904.36) section 11(c) of the Occupational Safety and Health Act, prohibits employers from discriminating against an employee for reporting work-related injuries or illnesses, and protects an employee who files a safety and health complaint.

OSHA recommends any company wishing to participate in an incentive program focus on rewards for positive behavior. Incentives based on attending additional safety training classes, reporting near-miss incidents or workplace safety and health hazards, maintaining a clean and organized work area and rewarding safe behaviors tend to encourage worker safety and health. Prior to implementing an incentive program, always ask yourself whether the plan could potentially encourage employees to conceal unsafe behavior or correct it.
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 and VPP may be found online at www.in.gov/dol.

INSHARP
New: Pro Products, LLC (Fort Wayne)
Recertified: None

VPP
New: Indiana Drywall Supply (Indianapolis, IN)
Recertified: None

Upcoming Training Opportunities

Child Labor Compliance Teleconferences: There are many opportunities for you to participate in our training, which we offer via teleconference so you don’t lose productive time in travel and can keep your employees onsite. These training opportunities are provided free of charge, though registration is required. To register for an upcoming teleconference, email childlabor@dol.in.gov. Please include your name, your email address and the date and time of the desired training. If enrolling a group of people, please list the name of each attendee.

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Special Note about Mid-America OSHA Education Center-sponsored training: The Indiana Department of Labor has signed a strategic occupational safety and health alliance with the Mid-America OSHA Education Center. For more information about the Mid-America OSHA Education Center, please visit www.midamericaosha.org/. Course fees are established by Mid-America OSHA Education Center and are available on their website. For additional questions about courses or registration, please contact Lacey Cole by email at lacey@ovabc.org.

The Indiana Labor Insider is a free electronic bi-monthly newsletter of the Indiana Department of Labor’s INSafe Division. INSafe provides free on-site OSHA consultation, resources and training to Indiana small and high hazard employers. For questions or comments regarding content or to subscribe or unsubscribe, please e-mail INSafe at insafe@dol.in.gov.