

Indiana Labor Insider

March/April 2009

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

Mitchell E. Daniels Jr., Governor

Lori A. Torres, Commissioner of Labor

Indiana Continues to Improve

Greetings. As the current economy presents many challenges and many businesses are facing tough economic times, we know that every decision made and every dollar spent is being scrutinized more today than ever before. Despite this, Indiana continues to make significant strides in the occupational safety and health arena. Through dedication, hard work and working together, we're able to make Indiana workplaces safer and healthier for all Hoosiers to work.

Our newest annual publication, *IN Review*, provides an analysis of Hoosier workplace safety and health in various Indiana industries. I am proud to announce that 2007 was the safest year ever in Hoosier workplaces. While we are headed in the right direction, we *still* have much work to do to advance the safety, health and prosperity of Hoosiers in the workplace. An electronic copy of *IN Review* can be found on our website at www.in.gov/labor on our Publications page. If you prefer a hard copy, send us an email and we will gladly mail you the issue.

I would also like to provide special recognition to 12 Hoosier businesses that were awarded the 2009 Governor's Workplace Safety Award in late February. I salute you for a job well done. Keep up the excellent work. We had many fine nominees this year, and we want to encourage each company or municipality that applied to be persistent, and let us review your record and submission again next year. To learn who the recipients in 2009 were, turn to page five of this newsletter. Additional information about the Governor's Workplace Safety Awards and each winner can be found on our website.

I am also pleased to report that in calendar year 2009, the agency's Wage & Hour division has already recovered more than \$100,000 in restitution owed to Indiana's construction workers employed on public jobs. Enforcement of the Common Construction Wage Act continues to be a priority for the agency.

Please continue to let us know how we can assist you in making your workplace a safe, healthy and profitable place to work. As always, if you would like to offer suggestions for future articles, please send your comments to insafe@dol.in.gov.



Lori A. Torres
Commissioner of Labor

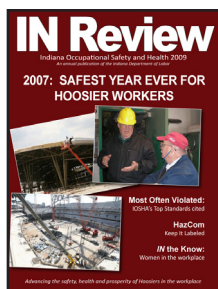
To your health and wealth,

Lori A. Torres
Commissioner

IN Review 2009 Released

The Indiana Department of Labor has announced the release of *IN Review* 2009. *IN Review* is an annual publication of the agency's Quality, Metrics and Statistics Division. Data used in the study was provided by the Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses (SOII) and Census of Fatal Occupational Injuries (CFOI) for 2007. Additional data from IOSHA inspection records is also used.

The study provides an assessment of workplace safety and health in Indiana in various industries. Some of the industries included in the publication are manufacturing,



construction, state and local government and healthcare. The publication also contains feature articles that have been written by IOSHA Compliance Officers and INSafe Safety and Health Consultants. Other stories of interest include the IOSHA Top Violations in 2008 for both General Industry and Construction, as well as injuries, illnesses and fatalities that occur among working Hoosier women.

IN Review is available at www.in.gov/dol/2366.htm or for a hard copy, please contact the Quality, Metrics and Statistics Division at stats@dol.in.gov.

Does the NAICS Make You SIC? Uncovering the Mystery of NAICS

The North American Industry Classification System (**NAICS**) is the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing and publishing statistical data related to the U.S. business economy. **NAICS** was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification System (**SIC**). It was developed jointly by the U.S. Economic Classification Policy Committee (ECPC), Statistics Canada and Mexico's Instituto Nacional de Estadística, Geografía e Informática, to allow for a high level of comparability in business statistics among the North American countries.

How NAICS Codes are Grouped

Producing units (e.g. automobile component manufacturers, food processors, etc.) that have similar production processes are grouped together under the system. In addition, **NAICS** provides special attention to developing production-oriented classifications for new and emerging industries, service industries in general, as well as industries engaged in the production of advanced technologies, for instance, pharmaceutical research and storage firms.

How IDOL Uses NAICS

The Indiana Department of Labor (IDOL) uses **NAICS** for trending analysis in workplace injuries, illnesses and fatalities within industries and sub-industries. It is used to determine high hazard or high risk establishments to drive IOSHA enforcement inspections as well as provide outreach efforts. The IDOL's OSHA Compliance Assistance Division, INSafe, uses the **NAICS** to reach out to high hazard Hoosier employers to ensure Hoosier workplace safety and health. INSafe offers free on-site consultation, training and education. To learn more about INSafe assistance, visit www.in.gov/dol/insafe.htm.

What Do All the Numbers in the Code Mean?

NAICS is a two through six digit classification system that offers five levels of detail for statisticians. Each digit in the code is part of a series of progressively narrower categories. The more

numbers in the code, the greater the level of classification detail. The first two numbers designate the economic sector. The third digit signifies the subsector. The fourth number in the series outlines the industry group, while the fifth digit indicates the NAICS industry. Finally, the sixth number designates the national industry (see below example).

How Does My Company Determine Our NAICS?

There is no central government agency with the role of assigning, monitoring or approving **NAICS** codes for business establishments. Individual business establishments are assigned **NAICS** codes by various agencies for various purposes using a variety of methods. Employers can determine their **NAICS** code by visiting the United States Census Bureau's website and entering a key word that describes their kind of business at www.census.gov/eos/www/naics/. A list of primary business activities containing the keyword that was entered will appear. Employers should choose the **NAICS** that most closely mirrors the primary business activity of the organization.

Available Resources

For a listing of **NAICS**, definitions and FAQs, visit www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2007.

Structure of the NAICS

11	Agriculture, Forestry, Fishing & Hunting	53	Real Estate and Rental & Leasing
21	Mining, Quarrying and Oil and Gas Extraction	54	Professionals, Scientific and Technical Services
22	Utilities	55	Management of Companies and Enterprises
23	Construction	56	Administrative and Support and Waste Management and Remediation Services
31-33	Manufacturing	61	Educational Services
42	Wholesale Trade	62	Healthcare and Social Assistance
44-45	Retail Trade	71	Arts, Entertainment and Recreation
48-49	Transportation and Warehousing	72	Accommodation and Food Services
51	Information	81	Other Services (Except Public Administration)
52	Finance and Insurance	92	Public Administration

Example

23 Construction

236 Construction of Buildings

2361 Residential Building Construction

23611 Residential Building Construction

236115 New Single-Family Housing Construction (Except Operative Builders)

236116 New Multifamily Housing Construction (Except Operative Builders)

236117 New Housing Operative Builders

236118 Residential Remodelers

2362 Nonresidential Building Construction

23621 Industrial Building Construction

23622 Commercial and Institutional Building Construction

237 Heavy and Civil Engineering Construction



It Happened Here: Allen & Wells Counties

Dave Crall, Compliance Safety and Health Officer
Indiana Occupational Safety and Health Administration

Background: IOSHA investigated two similar events in September and December 2008. The events were *drowning incidents* where the victims were pinned underwater by large pieces of equipment they had been operating. Nationally, 60 people died from drowning on-the-job in 2007.

Fatal Events: On September 24, 2008, in Allen County, a golf course employee was mowing along the bank of a pond using a riding type mower. The area in which the employee was using the riding mower was normally mowed using a push-mower, as it had a steep incline (14 degrees). The mower lost traction and slid backwards down a ten-foot embankment into a nearby pond. The employee was pinned underneath the mower and unable to free himself. Co-workers were able to free the employee, but he was unconscious. The employee was transported to the hospital where he died three days later.

In Wells County on December 19, 2008, a 23 year-old dairy

farmer was using a skid loader to transport materials. The farmer was working in an area with a large concrete pad near a sludge lagoon. The driver maneuvered the vehicle in such a way that it fell backwards into the sludge lagoon. The farmer was pinned in the lagoon by the equipment and drowned as a result.

Lessons Learned: To reduce the likelihood and prevent similar incidents in the future employers should:

- Ensure all equipment operators have the proper training to operate equipment safely;
- Ensure all equipment operators are aware of the hazards in their respective work areas; and
- For case 1 – Plant shrubs, trees or plants in areas that would not allow the use of riding mowers, and require hand mowing in these areas.
- For case 2 – Install a bump bar at an adequate height at the ramp of any lagoon, retention pond, etc. to ensure that equipment being used does not slide into the lagoon.

Wage & Hour Laws Cover Childcare Establishments

The U.S. Department of Labor's Wage and Hour Division administers the Fair Labor Standards Act (FLSA), which applies to all day care and preschool establishments regardless of whether they are operated for profit or not-for-profit. Covered, overtime eligible workers are entitled to a minimum of not less \$6.55 per hour effective July 24, 2008; and \$7.25 per hour effective July 24, 2009. Overtime eligible workers must be paid overtime at a rate of not less than one and one-half times their regular rates of pay after 40 hours of work in a work week. The FLSA also prohibits hazardous work for minors under age 18 and restricts minors under age 16 to certain occupations and hours of employment.

Recent investigations of preschools found employers failed to properly compensate their employees by:

- Failing to pay for training time or failing to add time spent in training for overtime purposes;
- Failing to use the single work week standard when computing overtime;
- Failing to pay for time spent in after-hours events and meetings or work at home, or failing to add this time with regular hours for overtime purposes;
- Requiring employees to wear uniforms, the cost of which

reduced employee pay below the minimum wage;

- Failing to add hours together to determine proper overtime for an employee who worked two different jobs for the employer; and
- Failing to pay for work performed prior to or after regular working hours.

The Wage and Hour Division remains committed to providing the tools necessary to assist day care owners and man-

agers maintain or achieve full compliance with statutes administered by our agency. U.S. Department of Labor personnel remain available to answer questions and provide reference materials to assist you in meeting the requirements laid out under the law. In addition, arrangements for educational seminars can be coordinated upon request. For more information, please visit the U.S. Department of Labor's website at www.wagehour.dol.gov or phone the toll-free helpline at 1-866-4US-



WAGE (1-866-487-9243).



You Asked, We Answered Indiana Child Labor Laws

Kenneth Boucher II, Director
Indiana Bureau of Child Labor

Question: I am a 16 year-old high school student. Do I need a work permit to get a job in Indiana?

Generally, yes. With limited exceptions, Indiana's child labor laws require that minors age 14 through 17 obtain a work permit from a duly appointed Issuing Officer (e.g. Principal, etc.) in his or her school district of residence. The work permit must be obtained prior to the minor beginning work with the employer. The only occupations that do not require a work permit are minors employed as photographic models or as entertainers in a circus, stage, radio, television, musical performers, golf caddies, newspaper carriers, farm laborers or those in domestic service. Minors who work directly for a parent who is the sole proprietor of his or her business are also exempt from the work permit requirement.

Question: I employ a handful of minors at my restaurant on weekends. What are the break requirements for employees under 18 in Indiana?

If a teen in Indiana is working more than six (6) hours in a shift, his or her employer is required to provide one or two breaks totaling at least 30 minutes. The employer's break policies relating to minors must be documented in writing and communicated to the minor employee at the time the employee is hired. The employer must also maintain a break log to document the breaks (paid or unpaid) of minor employees.

Question: I am a 17 year-old home schooled student. What hours can I legally work?

With parental permission, a 16 or 17 year-old home schooled student may work during the traditional definition of "school hours" (7:30 am to 3:30 pm). Teens ages 14

or 15, however, are prohibited by federal law from working these hours. Restrictions on how early or late a minor may work still apply, and are based on the minor's age. Please visit our website at <http://www.in.gov/dol/childlabor> for more information.

Question: I own a restaurant and I want to employ my 15 year -old son as a waiter. Does he need a work permit?

Indiana's child labor laws offer special exemptions for a minor working for his or her parent if the parent is the sole proprietor of a business. In this special circumstance, minors do not need a work permit and are not bound by the same hour restrictions as a typical student. If the minor is under 14, he or she is still subject to the definitions of "underage employment." The minor may not work between the hours of 7:30 AM and 3:30 PM on a school day unless the child presents to the employer a written exception issued by the school that the minor attends. Finally, the minor may not participate in any prohibited or hazardous occupations as defined by state and federal law, like baking, using slicing equipment, etc.

Question: I work as an issuing officer for our local high school. Can an expelled student still obtain a work permit?

An issuing officer may deny a work permit to any student whose attendance is not in good standing; or whose academic performance does not meet the school corporation's standard. The issuing officer may, however, issue a work permit to an expelled student at his or her discretion. School day and school week hour restrictions would not apply, but the minor may be subject to other hour restrictions based upon his or her age.



For a copy of the Teen Labor Laws booklet which includes a brief overview of hazardous occupations, underage employment, hour restrictions and other Hoosier child labor laws, please visit the Bureau of Child Labor website at www.in.gov/dol/childlabor .

2009 Governor's Workplace Safety Award Recipients

The Indiana Department of Labor, Indiana Chamber of Commerce and the Central Indiana Chapter of the American Society of Safety Engineers wish to congratulate the following companies in their efforts to achieve the highest level of workplace safety and health:

Education & Outreach Category: Construction

Turner Construction of Indiana, LLC, (*Indianapolis*)

Innovation Category: Medium Company

Emerson Industrial Automation EPT (*Monticello*)

Education & Outreach Category: Large Company

Bayer Healthcare, LLC, Product Supply/Diabetes Care (*Mishawaka*)

Innovation Category: Small Company

DSM NeoResins (*Frankfort*)

Education & Outreach Category: Medium Company

Futurex Industries, Inc. (*Bloomington*)

Partnerships Category:

Kimball Electronics - Jasper/Advanced Rehabilitation, Inc. (*Jasper*)

Education & Outreach Category: Small Company

Monsanto Company, Windfall Soybean Production (*Windfall*)

Small Company Safety Award:

Cerrowire, Inc. Retail Division (*Crothersville*)

Innovation Category: Specialty Contractor

ERMCO, Inc. (*Indianapolis*)

Medium Company Safety Award:

Strick Corporation (*Monroe*)

Innovation Category: Large Company

Indianapolis Power & Light Company (*Indianapolis*)

Specialty Contractor Safety Award:

Solid Platforms, Inc. (*Portage*)

The 2009 Governor's Workplace Safety Awards were presented by Indiana Department of Labor Commissioner Lori A. Torres on behalf of Governor Mitch Daniels during the annual Safety and Health Conference & Exposition. For more information about the award or the 2009 recipients, please visit www.in.gov/dol/2381.htm.

Training Opportunities

The Indiana Department of Labor 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/3520.htm.

Date	Sponsor	Class
03/17/09	RMS	Competent Person: Fall Protection (Indianapolis, IN)
03/19/09	RMS	Competent Person: Scaffolding (Indianapolis, IN)
04/01 - 04/02/09	RMS	OSHA Construction Safety 10-Hour (Indianapolis, IN)
04/07 - 04/09	IMA	OSHA General Industry 30-Hour (Indianapolis, IN)
04/09/09	RMS	OSHA Recordkeeping (Indianapolis, IN)
04/15/09	RMS	Machine Safeguarding (Indianapolis, IN)
04/16/09	RMS	Competent Person: Confined Space (Indianapolis, IN)
04/17/09	RMS	Competent Person: Scaffolding (Indianapolis, IN)
04/21 - 04/24/09	RMS	OSHA Construction Safety 30-Hour (Indianapolis, IN)
04/23/09	RMS	First-Aid/CPR (Indianapolis, IN)

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