

# Indiana Labor Insider

May/June 2011

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

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

## An Interesting Couple of Months at the IDOL

*Another* interesting couple months at the Department of Labor! We've issued safety orders for mishandling asbestos in demolition work, updated our decision matrix to determine the most efficient method of transportation for our employees to travel to job sites, and lent assistance to employees seeking to decertify a bargaining representative. We've been busy collecting injury and illness surveys for the Bureau of Labor Statistics and have answered more than 3,000 inquiries about labor-related rights and responsibilities. We've participated in union safety meetings and spoken in Montréal, Canada, and San Juan, Puerto Rico. And closer to home, we've been in every quadrant of the state with our field staff and speaking engagements. We had an extremely disappointing April, with six reported fatalities for IOSHA investigations, and had a busy legislative session. And this is only for April and May!

We're finalizing our 2012 budget, given the legislative mandates that were finalized April 29. We're pleased that we feel that we can perform all the core functions entrusted to

us with our funding from the state and federal governments.

We continue to emphasize safety with scissor lifts, are beginning discussions on how we can keep our healthcare professionals safer, and continue to preach about distracted driving. Our staff has lots of irons in the fire, as you can see.

Thank you to all of our employers, trade associations, board members, and labor unions that work with us to make our communities safer, our Hoosiers more prosperous and better educated, and our services more meaningful to you.



Lori A. Torres  
Commissioner of Labor

To your health and wealth,

*Lori Torres*

Lori A. Torres  
Commissioner

## Hoosier Heat and Humidity: Water. Rest. Shade.

*At* times, workers may be required to work in hot environments for long periods of time. These types of environments may include factories, foundries, bakeries, laundries and outdoors. Working in hot and humid temperatures can put employees at risk for suffering a heat-related illness.

The two types of heat illnesses are exhaustion and stroke. Symptoms of heat exhaustion include **headaches**, **light-headedness** and **fainting**. They also include **weakness** and **moist skin, irritability** or confusion and **upset stomach** or **vomiting**.

Conversely, the symptoms of heat stroke can include **dry, hot skin** and **no sweating, mental confusion** or **loss of consciousness** and **seizures**. Employees that exhibit these symptoms should seek assistance immediately. If possible, take the employee to a cool, shaded area until help arrives.

Employers can reduce the likelihood of employees developing heat-related illnesses by providing ample access to water, rest and shade. Be sure workers stay properly

hydrated. Experts recommend **drinking water every 15 minutes**, even if you are not thirsty. Drinking plenty of water throughout the day will assist in the prevention of heat-related illness. Staying away from **caffeinated drinks** and **beverages containing sugar** is essential. These types of beverages can cause dehydration, thus making it even more dangerous to work in the heat.

Taking short breaks in a shaded or cool area is also key to staying cool. When possible, employees should wear light-weight, light-colored clothing. These key preventative steps can go a long way to prevent heat stress.

Employers may also reduce the potential of employees suffering from heat-related illnesses by *gradually* exposing them to hotter environments. This process generally takes five to seven days. Gradual exposure gives the body time to adjust to humidity and higher temperatures.

To learn more about how you can combat heat-related illness in your workplace, please visit [www.osha.gov](http://www.osha.gov).



# SAFETY ALERT:

## Safe Operation of Scissor Lifts

**Scissor** lifts are large pieces of versatile equipment that are commonly used inside warehouses and factories, during sporting events and on construction jobsites. These lifts have proven to be invaluable for operators and have replaced some of the common everyday use of scaffolding and traditional ladders. However, scissor lifts can be dangerous when not properly maintained and serviced, used inappropriately or used by an untrained operator.

Today, scissor lifts come in a variety of styles and sizes to meet the operator's needs. These lifts can be pneumatic, hydraulic or mechanical and whether being used indoors or outdoors, they can be powered by fuel such as gasoline, diesel or electricity. The platform on a scissor lift only moves vertically and functions through connected supports, which mimic a zigzagging letter "X" design (see photo below). A scissor lift platform can extend as high as 50 feet in the air.

As with any type of equipment, the operator's safety is of the utmost importance at all times during operation. Safety precautions should not be taken lightly. The following are some of the most important safety tips for operators to follow while using a scissor lift.

### Training

One of the most important aspects of the safe operation of these lifts includes ensuring the operator has received the proper training to safely operate the scissor lift. To be effective, training must be specific to the type of scissor lift or equipment employees will operate. Training should include the **load capacity**; **requirements of the manufacturer**; and **procedures for dealing with dangers** and hazards involving **falling from the lift**, **falling objects** and **electricity**. Under certain circumstances, it may be necessary to retrain scissor lift operators. Retraining should occur as often as necessary.

Often, these lifts as well as other equipment may be rented from a jobsite supply center. Before renting any equipment from a supply center, ensure a detailed maintenance check

is performed first. Be sure to ask the supply center for the operator's manual to ensure it is operated appropriately. Operator controls should be easily accessible and properly marked. Obtain the maintenance history of the lift prior to using it. It is a common practice for the rental company to provide the employer with a complete walk around as well as a brief training on the lift.

### Preventative Maintenance

All equipment, including scissor lifts, should receive regular preventative maintenance to ensure it is in good condition. Repairs should be made as needed. All equipment should be serviced in accordance with the manufacturer's recommendations. Using substitute parts or poor repair methods could result in the equipment failing, and thus lead to an incident. Prior to making any modifications to the lift, the employer must obtain written permission from the manufacturer.

### Regular Lift Inspections

Once the lift is on the jobsite and prior to using the equipment, a visual inspection must occur. To be effective, inspections must be conducted **before each work shift** and **after any occurrence that could affect the structural integrity of the equipment**. Foregoing this inspection has the potential to be life-threatening. It is essential to conduct a visual inspection by walking around the lift to ensure the lift is in good working order. Operators must review **safety devices**,

**emergency controls**, **fall protection equipment**, the **lift's tires** and **other critical components**.

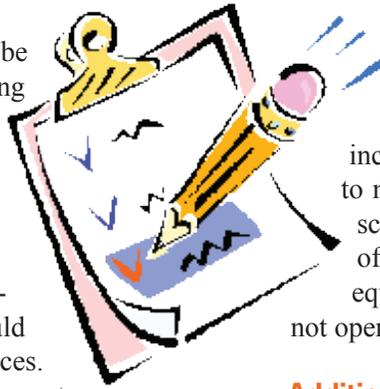
If the lift device is equipped with outriggers, they should be inspected for **wear and damage** and used in accordance with the manufacturer's recommendations. Creating a daily safety checklist may prove to be beneficial to ensure all lift features are adequately reviewed during each inspection. Unsafe equipment should be taken out of service immediately until repair. And operators should immediately report any damage to the equipment to their supervisor.



## Work Area Inspections

Areas in which the lifts will be operated must also be inspected. During these inspections, operators must pay special attention to any **ground depressions** or **obstructions** such as **drop-offs**, **debris** and **potholes**. Operators must be instructed to not operate these lifts near potholes, drop-offs or loading docks. Scissor lifts should not be raised on uneven or soft surfaces. Equally as important, this type of equipment should not be used on sloped ground. The path in which the scissor lift will be operated must also be reviewed to ensure there are no extension cords, tools or materials lying around.

Secondly, operators should conduct a scan of the sky to ensure there are not any overhead obstructions with which lifts may come in contact. Obstructions may include **power lines**, **trees**, **pipes**, **building structures**, **canopies** as well as **many other obstacles**. Operators should maintain a minimum clearance of at least ten feet from the nearest overhead power lines.



## Adverse Weather Conditions

Outside weather conditions must be regularly monitored while scissor lifts are being used. Weather conditions that should be monitored include **rain**, **snow**, **sleet**, **hail** and **wind**. It is important to note, not all lifts are rated for outdoor use. Outdoor scissor lifts generally have a maximum wind speed of 28 miles per hour. Employers should review the equipment's operator manual and ensure employees do not operate scissor lifts in adverse weather conditions.

## Additional Resources

For more information about the safe use of scissor lifts, please contact INSafe by email at [insafe@dol.in.gov](mailto:insafe@dol.in.gov) or by phone at (317) 232-2688.

Free onsite OSHA consultation is also provided by INSafe to assist employers in developing and implementing occupational safety and health programs. In addition, the INSafe Consultant will work with employers in the identification and correction of workplace safety and health hazards. An onsite consultation visit may be initiated by completing the online request form at [www.in.gov/dol/insafeconsultation](http://www.in.gov/dol/insafeconsultation).



## It Happened Here: St. Joseph County

**Background:** Nationwide in 2009, 22 workers suffered a fatal occupational injury while operating a man lift. Scissor lifts are classified as a type of man lift.

**Event:** During the afternoon of October 27, 2010, in St. Joseph County, a 20 year-old student employee was videotaping a university football practice from a scissor lift that was positioned 39 feet in the air. The National Weather Service had issued an active wind advisory for Northern Indiana that day. The notice advised that sustained winds of 25-35 miles per hour, with gusts as high as 45 miles per hour, were likely that afternoon. A strong gust of wind blew the lift over. The student employee was killed.

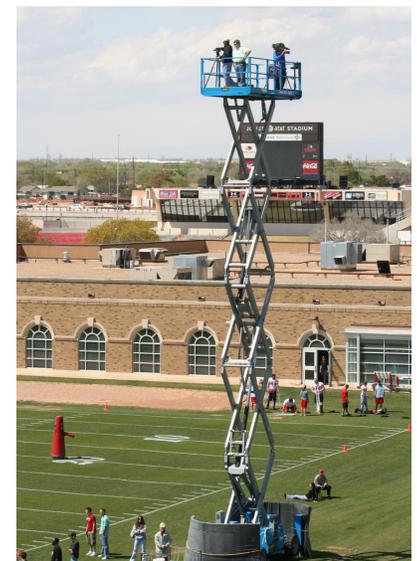
**Lessons Learned:** To reduce the likelihood of and prevent similar incidents from occurring in the future, employers and employees should:

- Train employees to recognize the safety and health hazards associated with each job, task and site.
- Provide employees with the appropriate training to ensure the safe operation of all equipment used.
- Ensure outside weather conditions are routinely monitored when using scissor lifts outdoors. Routinely evaluate

whether or not it is safe to continue work from the scissor lift in adverse weather conditions.

- Regularly inspect all equipment prior to use (i.e., daily, monthly and annually).
- Service and maintain all equipment in accordance with the manufacturer's recommendation.
- Ensure lifts and other equipment are not positioned near overhead power lines, on soft or uneven ground or on weak utility covers (i.e., underground sprinkler valve boxes).

- Foster a culture of workplace safety and health, and hold yourself accountable for your employees' understanding and following of all written safety and health policies, rules, procedures and regulations.





## You Asked, We Answered - Emergency Action Plans

### What should I include in my workplace's Emergency Action Plan?

At a minimum, a workplace Emergency Action Plan (EAP) should incorporate the following elements:

- Means of reporting fires and other emergencies;
- Evacuation procedures and emergency escape route assignments;
- Procedures to be followed by employees who remain to operate critical plant operations before evacuating;
- Procedures to account for all employees after an emergency evacuation has been completed;
- Rescue and medical duties for those employees who are to perform them; and
- Names or job titles of persons who can be contacted for further information or explanation of duties under the plan.

### I am an officer manager with six employees in our facility. Am I required to have my worksite's Emergency Action Plan in writing?

It is a best practice for employers to incorporate their workplace's EAP in writing. However, for organizations

with 10 or fewer employees, the plan does not have to be in writing and may be communicated verbally.

### How often should we conduct emergency disaster drills?

EAPs often call for retraining employees annually and include conducting "drills" periodically. There is no set requirement for the number of drills to take place. However, employers should hold practice drills as often as necessary to keep employees well-prepared should an emergency strike.

### I am reviewing and revising our site's EAP. What resources are available to employers?

The federal Occupational Safety and Health Administration (OSHA) has an eTool that helps employers develop and successfully implement an EAP. To review the information from the eTool, please visit [www.osha.gov/SLTC/etools/evacuation/index.html](http://www.osha.gov/SLTC/etools/evacuation/index.html).

For additional questions on EAPs or general worker safety and health, please email INSafe at [insafe@dol.in.gov](mailto:insafe@dol.in.gov) or phone at (317) 232-2688.

## IDOL Signs Worker Safety and Health Partnership with ABC

**On** Wednesday, June 1, 2011, the Indiana Department of Labor (IDOL) and Associated Builders and Contractors (ABC) entered into a strategic occupational safety and health partnership agreement. The partnership agreement provides a framework for meeting several mutual occupational safety- and health-related goals between the IDOL and ABC.

"These goals include sharing the best industry technology, innovations and work practices that improve Hoosier occupational safety and health," commented Commissioner of Labor Lori Torres.

A major focus of the strategic occupational safety and health partnership is the goal to reduce the number and rate of injuries and worker fatalities from the construction em-

phasis four hazards. The emphasis four include injury or death from **falls, workers being struck by objects, workers being caught in/between equipment and structures** and **electrocutions**. "These are the four leading causes of worker injury and death in the construction industry," added Torres.

Other goals in the agreement include recognizing ABC members who demonstrate excellence in worker safety and health program development and implementation. Additionally, ABC members who demonstrate Hoosier workplace safety and health excellence may seek exemption from pro-

grammed IOSHA inspections.

To learn about the IDOL's partnerships and alliances, please visit [www.in.gov/dol/2387.htm](http://www.in.gov/dol/2387.htm). For more information about ABC, please visit [www.abc-indy.org/](http://www.abc-indy.org/).



Members of the IDOL and ABC met on June 1, 2011, to sign a strategic occupational safety and health partnership agreement. (Photo by Shane Doss)

# SPOTLIGHTING BEST PRACTICES



**Pam Colwell, Human Resource Manager of Cerro Wire LLC**, shares the company's best practice for getting team members on board with workplace safety and health. Cerro Wire LLC, manufactures copper electrical building wire and cable for homes, apartments and commercial and industrial buildings. The company's Crothersville, Indiana, site achieved INSHARP certification in January 2008, and in 2009, the site was also awarded a Governor's Workplace Safety Award. Learn more about Cerro Wire LLC online at [www.cerrowire.com](http://www.cerrowire.com).

**Our** safety culture did not happen overnight at Cerro Wire. We have built our safety program on small successes one after another. Safety is a matter of pride that starts from day one with the company. Every new team member goes through safety training at their new-hire orientation. They learn that safety is everyone's job here and begin their jobs with the mindset to always look for hazards around them and report them to their supervisor. Other ways we get team members on board with workplace safety and health are:

- Near miss reporting and investigation with prompt attention to safety concerns and corrective action;
- Proactive safety improvements, for instance, machine guarding not required by OSHA but installed anyway to make our workplace safer;
- Monthly safety training where we discuss safety issues and corrective measures; safety training includes topics concerning off-the-job safety as well as on-the-job;
- Monthly safety conference call with other Marmon-affiliated companies to share best practices;
- Each team member given a magnetic picture frame that reads, "My reason to work safely" as a daily reminder at their work station/toolbox to work safely every day for their loved ones;
- Reminding team members of the importance to constantly be looking out for their co-workers' safety;
- Visual aids such as safety banners hanging from the rafters and posters in the plant and on lines as a constant reminder to put safety first;
- Safety committee made up of management and hourly workforce;
- Bi-weekly housekeeping tours; emphasis on "a clean work area is a safe work area";
- Banners hung in the plant marking our safety successes, INSHARP since 2008, and Governor's Safe Workplace Award in 2009, giving all team members a sense of pride in their jobs and their company;
- T-shirts given to each team member commemorating safety milestones;
- Implementing a safety suggestion box;
- Safety plan and goals submitted to parent company annually for accountability;
- Monthly safety meal each month the plant works safely;
- Monthly safety walk around by safety committee for hazard identification;
- Health newsletter handed out to each team member monthly; and
- Top management being very visible in safety management program.



Cerro Wire LLC celebrates its fourth straight year of certification in the INSHARP program by awarding all team members a t-shirt. Located in Crothersville, Indiana, Cerro Wire LLC manufactures electrical wiring and was also a winner of the Governor's Workplace Safety Award in 2009. (Photo courtesy of the *Crothersville Times*)

One of the key components to getting your people on board with safety and health is consistency and always doing what you say you are going to do. Also, I truly believe that the most important and fundamental element of any safety program is showing all of your people that you care about them and their well-being. When a company cares about its people, it will do the work to safeguard everyone's health and safety, which in turn rewards the company with lower accident rates and high employee morale.

# Did You Bring Your Gun to Work Today? (and other new Indiana laws affecting the workplace)

Contributed by Rick J. Ruble, Deputy Commissioner and General Counsel

The article below is intended for general information and does not constitute legal advice. Nothing herein should be considered a legal opinion. The reader is encouraged to consult with legal counsel to determine how laws, rules, regulations or information contained or referenced in this communication may apply to the reader's specific circumstances.

**The** 2011 legislative session concluded on April 29. It was an historic and memorable session. Protesters filled the halls of the Statehouse, and several Bills prompted lawmakers to flee Indiana to Urbana, Illinois, for nearly six weeks. But at the close of the legislative session, a number of new Bills were enacted. The following is a brief summary of some new Indiana laws employers may want to know about.

## Immigration

The "Immigration Bill" (SEA 590) contains many provisions dealing with illegal immigration. Effective, July 1, 2011, the Bill prohibits employers who employ unauthorized aliens from benefiting from certain state income tax credits and deductions unless the employer uses the E-Verify system to verify the work authorization status of newly hired employees. E-Verify is a federal electronic system into which employers enter I-9 information. The Bill also requires state and local government agencies and contractors with public contracts to use the E-Verify system to verify the work authorization status of newly hired employees.

The Indiana Department of Workforce Development is required to verify the immigration status of non-citizens to determine eligibility for unemployment compensation benefits. In addition, the Bill authorizes the State of Indiana to file a civil lawsuit to recover unemployment insurance benefits, costs and attorney fees from employers who knowingly employ unauthorized aliens. Government agencies are also required to verify the eligibility of individuals who apply for public assistance or benefits.

## Disclosure of Firearms as a Condition of Employment

This new law (SEA 411), effective July 1, 2011, generally prohibits an employer from requiring job applicants or employees to disclose whether they own, possess, use or transport firearms or ammunition and prevents employers from conditioning employment rights, benefits or privileges upon an agreement that the applicant or employee will forgo lawful ownership, possession, storage, transportation, or use of a firearm or ammunition.

Of course, there are exceptions. The law does authorize an employer to regulate or prohibit an employee from possessing a firearm during and in the course of the employee's duties or while on the employer's property. This law also creates a private "right of action" authorizing an employee or a job applicant who is aggrieved to bring a civil action against an employer who allegedly violates this law.

## Unemployment Insurance

Reforms to Indiana's Unemployment Insurance (UI) laws

were also made this session. These laws become effective July 1, 2011. The Indiana UI Reform Law (HEA 1450) makes several changes, including: (a) more equitably aligning premiums and benefits, (b) structurally balancing the UI trust fund, (c) repaying the federal loan for the UI trust fund by 2018 and (d) closing some eligibility loopholes. A companion Bill (SEA 86) provides that unemployment insurance benefits may be denied for individuals who test positive for drugs when they fail or refuse a pre-employment drug test and extends the last tier of unemployment benefits after March 1, 2011.

## Worker's Compensation

SEA 576 amends Indiana's Worker's Compensation laws in several ways. The new amendments (a) establish civil penalties of \$50 per day per worker for an employer's failure to provide proof of coverage, (b) allow the Worker's Compensation Board to post the names of employers who fail to provide proof of coverage or fail to pay civil penalties on the Board's Website, (c) authorize a court to temporarily order an employer that refuses to pay benefits to cease doing business until the employer provides proof of financial responsibility and (d) authorize the Board to use certified mediators to mediate claims. The law becomes effective July 1, 2011.

## Employee Representation Elections

Effective July 1, 2011, HEA 1203 guarantees the right of an individual to vote by secret ballot in an employee representation election and guarantees the right of an employer to engage in its own campaign in connection with an employee representation election.

## Common Construction Wage

Presently, under the Common Construction Wage Act (CCW), the governor appoints one member of a five-member committee to determine wages to be paid to construction workers on a covered project. After July 1, 2011, the fifth committee member will instead be appointed by the president of the Associated Builders and Contractors. The current threshold for coverage of the law is \$150,000. The threshold increases to \$250,000 in 2012 and \$350,000 in 2013. The amended Act also prohibits artificially dividing a covered project to avoid application of the Act and provides a penalty for doing so.

## Texting While Driving

This new law, which is effective July 1, 2011, prohibits motor vehicle operators from typing, transmitting or reading text messages on a communication device while the vehicle is moving, unless the purpose is to call 911 or report a bona-fide emergency. Employers may want to keep this law in mind when revising vehicle use policies.

## Upcoming Training Opportunities

**Child Labor Law Teleconferences:** There are many opportunities for you to participate in our training, which we offer via teleconference so you don't lose productive time and can keep your employees on-site. These training opportunities are provided free of charge, though registration is required. To register for an upcoming teleconference, please e-mail [childlabor@dol.in.gov](mailto:childlabor@dol.in.gov). Please include your name, e-mail address and the date and time of the training in which you wish to participate. If enrolling a group of individuals, please list the name of each attendee.

Date	Sponsor	Class*	Time
July 7, 2011	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.m. & 1:00 p.m. EST
July 12, 2011	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.m. & 1:00 p.m. EST
August 4, 2011	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.m. & 1:00 p.m. EST
August 9, 2011	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.m. & 1:00 p.m. EST

\*Registration is required, and will close 48 hours prior to the scheduled teleconference.

**Workplace Safety and Health Training:** For a listing of upcoming occupational safety and health-related training, please visit [www.in.gov/dol/2431.htm](http://www.in.gov/dol/2431.htm).

(Please note: This is not a complete list of all occupational safety and health training provided throughout the State of Indiana.)

## 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](http://www.in.gov/dol).

### **INSHARP**

**New:** Rauch, Inc. (215 Spring Street, New Albany, IN)

**Recertified:** ProBuild (Terre Haute, IN)

### **VPP**

**New:**

**Recertified:** Robert Bosch Corporation (Albion, IN)



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](mailto:insafe@dol.in.gov).



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