

INDiana Labor

2019 April - June

Insider



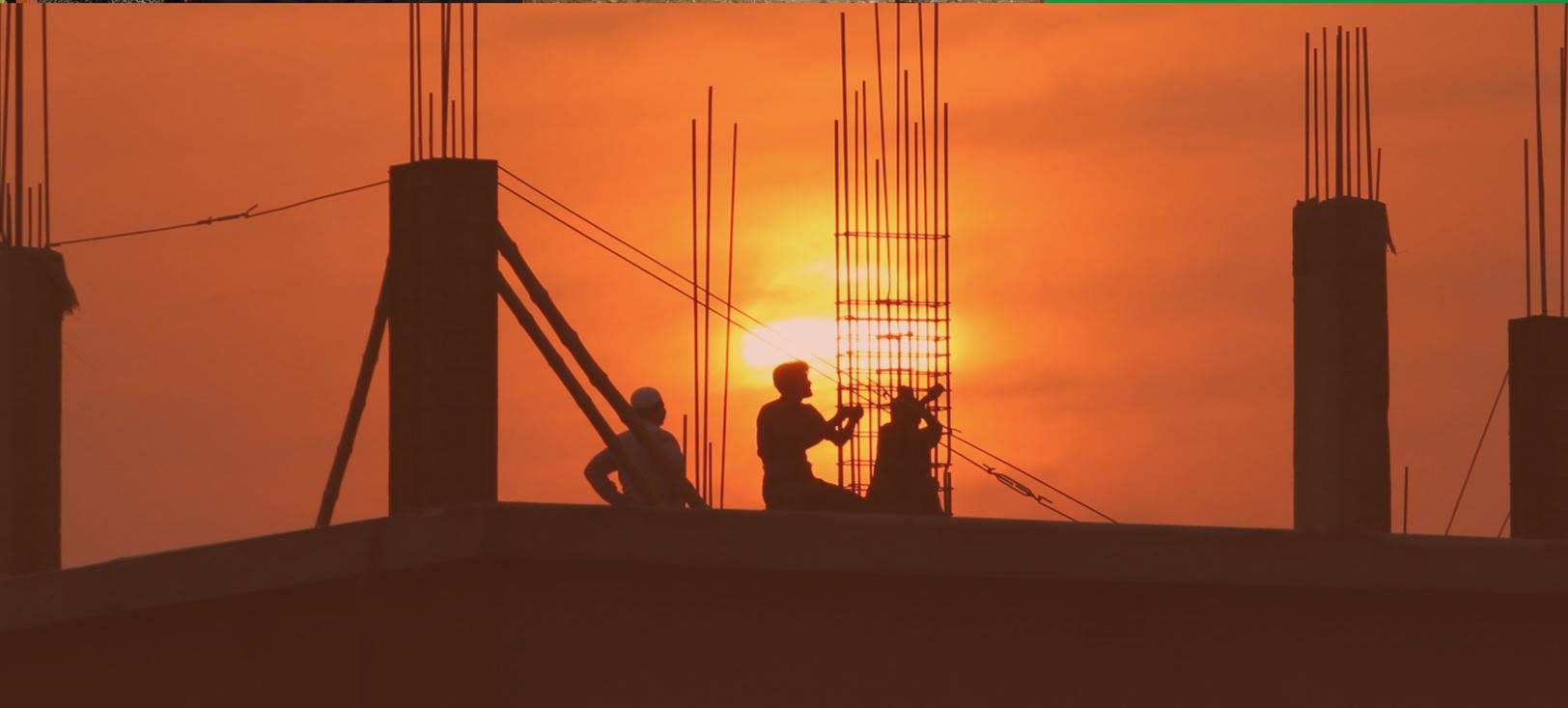
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**A Letter From
Commissioner Rick J. Ruble**

Welcome to the *Indiana Labor Insider* 2019 summer edition! On behalf of the Indiana Department of Labor, we present our quarterly publication that we hope will offer beneficial information and important dates for all working Hoosiers!

In this edition of *Insider*, we are proud to recognize our **2019 Governor's Workplace Safety Award recipients**, as well as our **Everyday Safety Heroes**. These awards are our annual opportunity to shine a spotlight on Indiana companies, organizations, and individuals who go above and beyond in keeping themselves and their coworkers safe and healthy, as well as developing a proactive approach in limiting or eliminating dangers in the workplace. The awards were presented during the 2019 Indiana Safety and Health Conference and Expo in Indianapolis. (Page 4-6)

The federal Occupational Safety and Health Administration (OSHA) is expanding an annual campaign to a year-round effort, available to all employers. The Safe + Sound campaign now offers year-round participation in a variety of activities,

information, and webinars that working citizens may join in. Safe + Sound Week will take place August 12-18, 2019 and federal OSHA welcomes all employers to participate and to be a sponsor of the efforts.

We're right in the thick of the hottest time of the year, and we always have best practices in safety and health to offer regarding hydration, ergonomics, and response to emergency health situations. We strongly encourage every Hoosier employer—especially those who require outdoor labor—to spend time discussing the importance of breaks, hydration, and shade during the summer. You'll find more information regarding this topic enclosed in this edition of *Insider*.

We wish everyone a wonderful summer. Remember that whether you're handling outdoor work or heading out on vacation, the safe way to do something is the correct way to do it.

To your health and wealth,




2019 GOVERNOR'S WORKPLACE SAFETY AWARD RECIPIENTS

The annual Governor's Workplace Safety Awards (GWSA) provides recognition for companies and organizations in Indiana based on best practices for eliminating workplace injuries and illnesses, and salutes those who have cultivated safety and health excellence within their respective Hoosier workplaces. The GWSA's are open to all organizations, regardless of size or number of workers affected. These awards are a result of a partnership among the Office of Governor Eric J. Holcomb, the Indiana Department of Labor, the Indiana Chamber of Commerce, and the Central Indiana Chapter of the American Society of Safety Professionals.

To learn more about these Indiana companies and their efforts, please visit www.in.gov/dol/3107.htm.



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**NAVAL SURFACE WAREFARE CENTER
CRANE DIVISION**

Rising Star in General Industry for a Large-Sized Company





2019 EVERYDAY SAFETY HEROES

Nominees and recipients of this award are not necessarily safety and health professionals, but are individuals who champion occupational safety and health excellence in their respective workplaces. Winners were nominated by a supervisor or co-worker within their workplaces.

To learn more, visit www.in.gov/dol/3108.htm.



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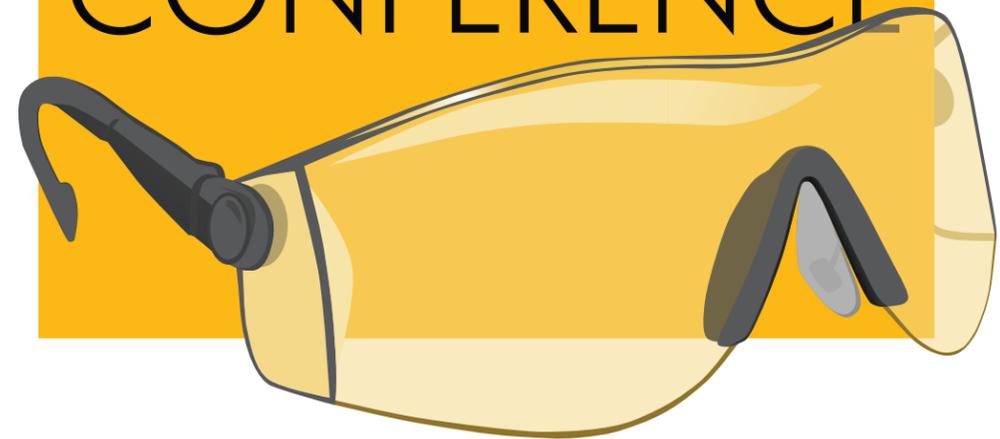
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20/20 INDIANA SAFETY & HEALTH CONFERENCE



FOCUS on SAFETY

February 24-26, 2020
Indiana Convention Center, Indianapolis

www.INSafetyConf.com

GOOD PRACTICES & GOOD DIRT

IT HAPPENED HERE Marshall County

Workers were installing pipes in trenches near a roadway during a rainy season. Pumps removed the standing water, but the trench bottom had a quicksand-like consistency. A trench box 4 feet tall was used, the trench was 9 feet deep with improper sloping or benching for the Type C soil at the top. A cave-in trapped an employee up to his thighs, and a piece of asphalt from above slid in and struck him in the legs. He was rescued from the trench and survived, but suffered injuries to his legs.

Despite low injury, illness, and fatality rates overall, rates for excavation- and trenching-related injuries and fatalities are again on the rise. From 2013 to 2017, there were 120 fatalities related to trenching/excavation operations, with 71% of occurring in just the last three years (according to the Bureau of Labor Statistics.)

The potential for a collapse or a cave-in is present anytime workers are in an excavation. This is one reason the federal Occupational Safety and Health Administration (OSHA) has recently updated its National Emphasis Program on trenching and excavations. The objective of the program is to reduce and eliminate hazards associated with trenching and excavation operations. OSHA will increase enforcement inspections whenever an open trench or excavation is observed, regardless of whether they see a violation.

Why Do I Need an Excavation/Trenching System?

A cubic yard of soil can weigh from 1 to 1 ½ tons. This is why a proper system to protect from cave-ins is so important. Employees have to be protected from cave-ins by some type of protective system anytime the excavation is five (5) feet or greater in depth unless the excavation is made entirely in stable rock. Excavations less than five (5) feet in depth would also need a protective system if there is evidence of a potential cave-in or a competent person determines it is needed.

A competent person for trenching and excavation work is one who has specific training and is knowledgeable in soil analysis, protective systems, and the requirements of excavation standards. They have to be capable of recognizing existing and predictable hazards related to excavation and trenching work and must be able to take prompt corrective measures.

The Right Type of Soil

OSHA regulations require that a competent person do a soil analysis using at least one manual and visual analysis to determine and classify the soil type. Type A soils are those with more clay content and very good cohesion properties. However, previously disturbed soils, soils subject to vibration from equipment and other effects, and soils which contain open cracks (fissures) cannot be Type A soils. Type B soils normally consist of silt, silty loam, or a sand and clay mix and are less cohesive than Type A soils. These soils may exhibit Type A properties but are soils subject to vibration and some previously disturbed soils or dry rock which is not stable. Type C soils are granular soils such as gravel, sand or sandy loam and include submerged soil or soils from which water is seeping. Once the soil type is determined by a competent person then a protective system must be chosen.

Selecting a Protective System

There are various forms of protective systems which can be used to protect employees from trench collapses or cave-ins. These include sloping and benching the soil, using timber or aluminum hydraulic and pneumatic shoring, or other shoring methods such as sheet piling and bracing. Shield systems (trench boxes) can also be used, as well as other protective systems. The various forms of protective systems are selected by the competent person based on the work involved, the soil type, and the depth of the excavation. The design of the protective system can be in accordance with OSHA appendices tables, manufacturer's data, other tabulated data, or be designed by a registered professional engineer. Excavations over twenty (20) feet in depth require the protective system to be designed by a registered professional engineer.

Daily inspections of the excavation and adjacent areas along with the protective system also need to be done by a competent person. These inspections should be done prior to beginning work and throughout the work day as conditions often change when performing trenching and excavation work.

Other Important Requirements and Restrictions

Some additional requirements and restrictions for trenching and excavation include, but are not limited to, the following:

- Surface encumbrances must be supported or removed if they create a hazard to employees.
- Employers must provide a means of egress from trench excavations four (4) foot or more in depth, such as ramps, ladders, or stairs.
- Employees are not permitted to be under loads handled by lifting or digging equipment.
- A warning system such as stop logs or barricades must be utilized when mobile equipment is operated adjacent to an excavation.
- When oxygen deficient atmospheres or a hazardous atmosphere exists or could reasonably be expected to exist, the atmosphere must be tested before entering a trench or excavation and emergency rescue equipment must be available.

Additional Information

INSafe is a cost-free consultation and education program provided by the federal OSHA and the state of Indiana. If you would like to schedule an on-site consultation with INSafe, please visit www.in.gov/dol/insafeconsultation. You may also contact INSafe over the phone by calling (317) 232-2688 or via email at insafe@dol.in.gov.

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TORNADO PREPAREDNESS

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The United States' central region, the midwest, is where the highest number of tornadoes occur worldwide each year, according to the National Weather Service. The state of Indiana, dead center of the Great Lakes Region, ranks high for the frequency of storm weather resulting in a tornado. On June 15th alone, ten tornadoes were confirmed in Southern and Central Indiana, causing damage to trees, billboards, homes, businesses, and a high school. It's important to have your own personal emergency weather preparations at home. But some Hoosiers may underestimate the importance of having and knowing a workplace emergency weather response and action plan, especially with tornadoes.

Knowing The Enemy

A tornado is a violently rotating column of air, extending from the base of a thunderstorm down to the ground. They are capable of completely destroying well-made structures, both new and old, and uprooting trees. Tornadoes can occur at any time with very little notice to get to shelter. Although most common in the central plains of the US, tornadoes have been reported in every continental US state.

What's Expected of the Employer?

Tornadoes and other emergencies are identified in the General Industry Standards under 29 CFR 1910.38 for Emergency Action Plans (EAP). The minimum six core elements that are required in a written EAP:

1. Procedures for reporting a fire or other emergency;
2. Procedures for emergency evacuation, including type of evacuation and exit route assignments;
3. Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
4. Procedures to account for all employees after evacuation;
5. Procedures to be followed by employees performing rescue or medical duties; and
6. The name or job title of every employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.

OSHA Standards are written in two forms, vertical and horizontal. A vertical Standard are specific in nature to an event or task in the workplace. A horizontal Standard gives the employer options in how to maintain compliance with that Standard. 29 CFR 1910.38 is a horizontal Standard. Your EAP can change based your type of business, size of business, location of business, and type of emergency.

Developing Your Workplace Plan

When writing a procedure for handling a tornado, we must know the differences between a tornado watch and a tornado warning. A tornado watch means a tornado is possible. A tornado warning means a tornado has been identified in the area. Know when to evacuate or shelter in place. Identify and label areas of safety in the work place to shelter in place. An interior room free of windows is a good place. If this is not available, choose an area away from windows and stay at ground level or below.

Practice emergency drills to eliminate panic. Know what to do with critical operations in your production areas. Make your Safety Data Sheets (SDS) available, as they will provide simple first aid procedures for accidental or incidental exposure to a chemical. Train your employees in how to report and handle emergencies. Maintain first aid kits specific to common injuries and illnesses in your work place. Contact your local Emergency Medical Services (EMS) in advance to know what resources are available and their response times in a true emergency. Update your hazard assessment and implement appropriate personal protective equipment (PPE). Maintain emergency equipment and other items such as blankets, flash lights and non-perishable food items.

Be prepared to handle a tornado or any emergency. The EAP can be used for multiple types of emergencies in your work place. Other than fires, you can implement procedures for tornadoes, bomb threats, and active shooter scenarios just to name a few. Emergency procedures will change based on your type of business, size of business, and location of business. At a minimum, conduct annual emergency drills covering each type of emergency possible in your workplace.

Additional Information

For questions regarding EAP development safety and health practices in the workplace, please contact **INSafe** to speak with a safety or health consultant by calling (317) 232-2688 or email insafe@dol.in.gov. Free, confidential workplace safety and health consultation services are available to Hoosier employers and employees. Learn more about INSafe online at www.in.gov/dol/insafe. To initiate a request for services, please complete and submit the form available at www.in.gov/dol/insafeconsultation.

SAVE THE DATE

SAFE + SOUND



Week August 12-18, 2019

Safe + Sound Week is a nationwide event celebrating the successes of businesses that have implemented safety and health programs in the workplace. Throughout the year, businesses show their commitment to safety by focusing on management leadership, worker participation, and a systematic approach to finding and fixing hazards in workplaces. Each August, we invite them to celebrate their safety successes and efforts to be **#SafeAndSoundAtWork**.

Why Participate?

Safe workplaces are sound businesses. Successful safety and health programs can proactively identify and manage workplace hazards before they cause injury or illness, improving sustainability and the bottom line. Participating in Safe + Sound Week can help get your program started or energize an existing one.

Who Participates?

Organizations of any size or in any industry looking for an opportunity to celebrate their commitment to safety of workers, customers, the public, or supply chain partners should participate.

How to Participate

Participating in Safe + Sound Week is easy. To get started, select the activities you would like to do at your workplace. You can host an event just for your workers or host a public event to engage your community. After you've completed your events, you can download a certificate and web badge to recognize your organization and your workers.

TAKE 3 IN 30 CHALLENGE

— FOR —

MANAGEMENT LEADERSHIP



The federal Occupational Safety and Health Administration (OSHA) has expanded the annual Safe + Sound campaign to a year-round effort and mindset, encouraging employers nationwide to prioritize the safety of their employees.

One of the newest activities offered to employers, the **Take 3 In 30 Challenge**, provides management leadership an opportunity to accelerate their workplace safety and health culture and demonstrate commitment to keeping their workers safe and sound.

Here's how you can try it:

1

Take 3 actions in 30 days

Set three goals; schedule three trainings, meetings, or seminars; or use three tasks from OSHA's recommended list. Take three actions to accelerate your occupational safety and health programs.

2

Share in your workplace

It's important to have everyone on-board with this challenge. Remember, every good thing must start from the top, so demonstrate your commitment to your workers by discussing the goals and/or actions, share on social media, share in your internal newsletters or memos, post it around your workplace.

3

Accept your challenge coin

Alongside your staff, management can complete their actions and the challenge, and accept a virtual challenge coin showing excellence in management leadership. Display it proudly on social media, posted around your workplace, in your email signature, anywhere!

Remember, when your employees are **safe**, your business is **sound**.

For more information, visit www.osha.gov/safeandsound.

CELEBRATE YOUR SAFETY SUCCESSES

Don't let the

HEAT

get you down

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Those Hoosier days of summer are a-comin'! And with the summer and fun festivities, we always experience a nice, long stretch of heat. We at the Indiana Department of Labor believe that one of the most important reminders for this time of year is to keep an eye out for those hot days and be ready to protect yourself and your employees. Dangers of heat aren't just limited to construction and agriculture—everyone needs to be ready!

The Risks

The human body doesn't react well to higher heat conditions, specifically when temperatures are over 90 degrees Fahrenheit (F°). In any hot weather conditions, evaporation can slow and the body may work extra hard to maintain a normal body temperature. This increased effort can lead to exhaustion and over-exertion. This overtaxing of the body system will inevitably lead to heat-related illnesses, such as heat stroke or even death.

Workers that are at a higher risk of suffering heat stress include those who are aged 65 years or older, are overweight, have heart disease or high blood pressure, or take medications that may be affected by extreme heat.

Planning Ahead

Per the Occupational Safety and Health Act, the owners/employers have the ultimate responsibility to keep their workers safe. As such, they must include heat-related hazards such as radiation heat dangers, outdoor work environments, and other elements into their safety and health plans for their respective facilities and/or workplaces.

Such employers should have a heat illness prevention plan which includes, but is not limited to, the following:

- Acclimatizing workers (i.e. allowing all workers time to build tolerance to increasing heat with gradual increases to work expectations and more frequent breaks)
- Considering worker health conditions and medications in high heat
- Requiring a limited selection of clothing which is light weight and breathable
- Personal Protective Equipment (PPE) which may include ventilated gloves and hard hats
- Keeping workers supplied with plenty of potable water; seek to keep workers drinking about a quart per hour
- Ensuring workers have access to shade with their rest breaks
- Practice training for emergency response and action to a heat-related illness or injury for the best possible chance at preventing severe or long-lasting consequences for the affected person

What Are the Symptoms?

Serious injuries and/or illnesses that occur due to unaddressed heat stress include heat rash, heat cramps, heat exhaustion, and more.

Heat rash is a common issue in hot weather work environments which involves sweat that does not dry out (due to drop in evaporation) and may cause a prickly rash on the skin. This can occur in especially humid weather, perhaps following inclement weather. If red bumps arise in sweaty areas, dry the affected skin and seek to move or work into a cooler and less humid area.

Heat cramps may involve spasms or muscle pain in the arms, legs, or abdomen/stomach areas. If such cramping occurs, it's important to move to a cooler location and, if possible, remove layered clothing. Water is important, but it's also recommended to drink appropriate drinks with electrolytes, such as sport drinks with salt and sugar. If symptoms do not dissipate within an hour, this symptom requires medical attention.

Heat exhaustion, one of the most common and serious, may include dizziness, weakness, wet skin and/or heavy sweating, confusion, thirst, headaches, fainting, nausea, irritability, and vomiting. In such circumstances, it's important to loosen or remove clothing and move to a very cool area, possibly with air conditioning, to take a break. If possible, take a cool bath or lay down. Sipping on plenty of water or suitable drinks with electrolytes will be necessary.

Heat stroke may associate with high body temperature of 103 F°, hot and dry skin, confusion, loss of coordination, unconsciousness, seizures, and death. Prompt medical attention is vital in such a case when heat stroke occurs. Cool down with suitable means available pending medical response is appropriate, but you may need to call for an ambulance if there isn't another way to transport the employee. They must receive medical attention off-site.

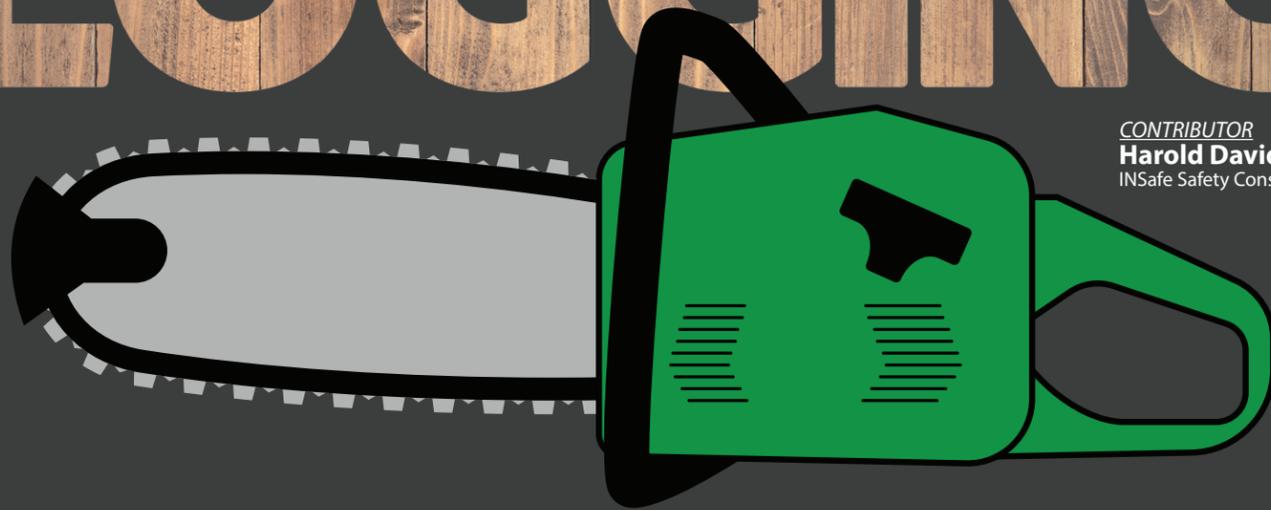
Additional Information

INSafe is a cost-free consultation and education program provided by the federal OSHA and the state of Indiana. Services include on-site consultations, sample programs, on-site health sampling, and much more. If you would like to schedule an on-site consultation with INSafe, please visit www.in.gov/dol/insafeconsultation. You may also contact INSafe over the phone by calling (317) 232-2688 or via email at insafe@dol.in.gov.

ARE YOU PREPARED?

LOGGING

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Logging should never be taken lightly. Big, sharp and dangerous powered equipment create constant hazards for their handlers, especially if the handler lacks the correct preparation and training. Emergency response programs, escape strategies with felled trees, monitoring environmental factors, and clear communication are essential to a logging operation. Are you prepared to head into the woods?

Additional Information

If you have questions or would like to get additional information about developing safety programs and best practices for protecting workers in the industry, please feel free to contact INSafe. The consultation and education division of the Indiana Department of Labor, INSafe can provide on-site audits and sample programs to adapt and draft the best safety and health system for your worksite. Visit www.in.gov/dol/insafe, call (317) 232-2688, or email insafe@dol.in.gov.



Appropriate Training

Not a single worker should go into logging operations without the appropriate training. Operation of chainsaws and equipment, handling, types of cuts, danger zones, identification of dead or dangerous trees, escape routes, and retreating practices after cutting are all essential. The employer is required to provide a hazard communication program, a personal protective equipment (PPE) program, a lockout/tagout program, and a bloodborne pathogens program. Training on these programs should be documented for each worker.



Personal Protective Equipment

Again, no worker should be headed to logging operations without the necessary PPE, maintained, stored appropriately, and inspected prior to the start of each shift. (Damaged equipment must be red tagged and removed from the jobsite.) Important PPE includes chaps, which should be cut-resistant and cover the length of the top of the thigh to mid-shin. Industry-standard gloves will provide appropriate protection. Work boots must be heavy duty, waterproof or water repellent, and provide support to workers' ankles. Headgear will provide protection for head, eyes, and face. Earmuffs also provide hearing protection.



First Aid Kits

All cutters/fellers must have a first aid kit and a fire extinguisher in their vehicle and accessible for such an emergency. Ideally, employees will each carry a small first aid kit and a tourniquete on their person. (This could be as simple as a belt around the worker's waist.) A person who suffers a cut to the main artery in their leg has less than three minutes to receive the necessary medical attention or they are at very real risk of death. Employees must have training in cardiopulmonary resuscitation (CPR) and basic First Aid.



Awareness and Strategy for Environmental Conditions

Logging becomes a very dangerous job with certain weather and environmental conditions. Electrical storms, strong winds, heavy rain or snow, extreme temperatures, fog, and darkness are all hazards. Workers should move to a safe place and cease cutting operations anytime these become a factor.

Frequently Asked Questions Paychecks and Payroll Practices

Q: Can an employer change my rate of pay?

A: Unless covered by a collective bargaining agreement or other form of pay guarantee, your employer can change, increase, or reduce an employee's rate of pay as long as it does not pay below the applicable federal or state minimum wage.

Q: When I leave my job, is my former employer required to pay out my accrued vacation time?

A: Generally, vacation policies are left to the discretion of the employer. Accrued vacation pay is considered a form of compensation, and you may be entitled to a pro rata share of your accrued vacation time if you leave or are terminated. However, if there's a company policy or employment contract stipulating that certain conditions must be met before accrued vacation time is paid, those conditions must be met to receive that pay.

Q: Am I supposed to be paid for sick days, personal days, and holidays?

A: No. Indiana law only requires that employers pay employees for actual time worked. This means that employers aren't required to pay you for benefits like sick or personal days, because you did not work during them, according to state law.

Q: Do I have to be paid for "on-call" time?

A: Generally, your employer is only required to pay you for time that you're under the direction and control of your place of work. An employee who's required to remain "on-call" at home or via phone call isn't considered to be working. However, an employee waiting "on-call" on the employer's premises may be considered working. These circumstances may be subject to variances and Indiana law, which you should contact the Indiana Department of Labor about.

Q: Am I supposed to be paid for mandatory meetings?

A: Generally, yes. An employer must compensate you for time spent on the job when an employee is subject to the employer's control and direction.

Q: I didn't get paid. What can I do?

A: Before you take any further action, ask your employer why you haven't received your paycheck. Document any reasons the employer gives for not paying you. If your employer refuses to give you your paycheck, you should file an application for Wage Claim with the Indiana Department of Labor. You also reserve the right to consult a private attorney about your rights and how to proceed. Visit www.in.gov/dol/2734.htm or call (317) 232-2655 for more information about Wage Claims.



**We're your partner in
workplace safety and health.**



INSAFE

SAFETY AND HEALTH CONSULTATION

www.in.gov/dol/insafeconsultation

The *Indiana Labor Insider* is a free, electronic newsletter of the Indiana Department of Labor's onsite workplace safety and health consultation division, **INSafe**.

Learn more about INSafe online at www.in.gov/dol/insafe.htm or email INSafe with questions, suggestions or comments at insafe@dol.in.gov.

Upcoming Safety Training & Seminars

Course	Date(s)	Location	More Information
OSHA General Industry 10-Hour	September 16-17, 2019	Indianapolis	CLICK HERE
OSHA General Industry 30-Hour	September 16-19, 2019	Indianapolis	CLICK HERE
OSHA General Industry 10-Hour	November 11-12, 2019	Indianapolis	CLICK HERE
OSHA General Industry 30-Hour	November 11-14, 2019	Indianapolis	CLICK HERE

Additional training and seminar opportunities are listed on the Indiana Department of Labor's website, www.in.gov/dol/2383.htm. If you would like to list your company or organization's training and invite other Hoosier workers, please contact us at insafe@dol.in.gov.

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