

Late Night Retail Workplace Violence

**A Report on Best Practices and Recommendations
For the Industry**

**Presented by the
Late Night Retail Working Group
to the
Indiana Department of Labor**

June 12, 2012



TABLE OF CONTENTS

CONVENIENCE STORE WORKING GROUP MEMBERS	ii
CHAIRMAN’S LETTER	iii
ABBREVIATIONS	iv
REPORT OF THE WORKING GROUP ON LATE NIGHT RETAIL WORKPLACE VIOLENCE	
I. INTRODUCTION	1
II. SCOPE OF OUTREACH	7
III. PUBLIC INPUT AND WORKING GROUP GOALS	8
IV. RISK FACTORS IN LATE NIGHT RETAIL	9
V. REVIEW OF SAFETY PRACTICES	10
VI. IOSHA AND VILLAGE PANTRY SETTLEMENT	17
VII. LEGISLATION FROM OTHER STATES AND LOCALITIES	18
VIII. INDIANA: MOVING THE EFFORT FORWARD	22
IX. COMMON GOALS	23
X. RECOMMENDATIONS	24
XI. CONCLUSION	34
Appendix A: Village Pantry Quarterly Report dated 5-22-12	
	37
Appendix B: Insulgard, Inc. Prospective Costs of Bulletproof Barrier- 10’ X 10’ and 10’ X 25’	
	40
[Added post publication: June 29, 2012]	
Appendix C: Alliance Agreement between the Indiana Department of Labor (INSafe) and the Indiana Petroleum Marketers Association.	
	42

CONVENIENCE STORE WORKING GROUP MEMBERS

Lori Torres – Commissioner, Indiana Department of Labor

Timothy M. Koponen, Ph. D. – Director QM&S, Chairman

Jeff Carter, Deputy Commissioner of IOSHA

Edward DeLaney – Indiana House of Representatives

Michelle Ellison – Director, INSafe

Scot Imus – Executive Director, Indiana Petroleum Marketers and Convenience Store Association

Joseph Lackey – President, Indiana Grocery and Convenience Store Association, Inc.

John Livengood – President/CEO, Indiana Association of Beverage Retailers

Grant Monahan – President, Indiana Retail Council

Rod Russell – Sergeant, Indiana State Police

Ann Williams – U.S. Department of Labor



CHAIRMAN'S LETTER

June 7, 2012

Re: Report on Late Night Retail Workplace Violence

People of the State of Indiana
c/o Indiana Commissioner of Labor Lori A. Torres
402 West Washington Street, Room W-195
Indianapolis, Indiana 46204

Fellow Hoosiers and Commissioner Torres:

On behalf of the Working Group on Late Night Retail and the Oversight Committee, I present the attached report to the Indiana Department of Labor. The work of both bodies was necessary to perform the research, compile the findings and author the work you see before you.

From a quiet meeting with elected Representatives to our large public forum, the Working Group has attempted to honestly and fairly put a clear perspective on the extent of violent workplace injuries and deaths in the late night retail industry, and to chart a reasonable course forward that maximizes the safety of working Hoosiers toiling away to provide us with our conveniences in the middle of the night. I believe that our report will serve others involved in policy making and act as a guiding document for future discourse and action in this area.

I would like to call your attention to the scope of persons who participated in our working group. We had elected officials from the Indiana General Assembly, as well as representatives from federal and state executive branch agencies, including Federal OSHA and our own Department of Labor officials from IOSHA and INSafe. A broad spectrum of business and industry representatives, including large late night retail chains and the associations of Petroleum Marketers and Convenience Store owners, Grocers and Retail Beverage owners. Families of those who have felt the brunt of violent acts and their advocates helped guide our discussions as well, and their comments and views were often championed by the articulate family representatives who have striven to lead the charge in making sure that real changes take place within the industry.

I hope you take our work here as a call to action, and that through programs outlined below, we can set a new standard in cooperation and safety within the late night retail industry in Indiana.

Sincerely,



Timothy M. Koponen, Ph. D.
Chairman of the Oversight Committee
Director, Quality, Metrics and Statistics at
the Indiana Department of Labor

ABBREVIATIONS

BJS U.S. Bureau of Justice Statistics

BLS..... Bureau of Labor Statistics

OSHA U.S. Occupational Safety and Health Administration

IABR..... Indiana Association of Beverage Retailers

IDOL..... Indiana Department of Labor

IGCSA..... Indiana Grocery and Convenience Store Association, Incorporated

IOSHA Indiana Occupational Safety and Health Administration

IPCA Indiana Petroleum Marketers and Convenience Store Association

NACS..... National Association of Convenience Stores

I. INTRODUCTION

Occupational safety and health of all of Indiana's workers is the responsibility of the Indiana Department of Labor (IDOL). Several divisions contribute to this goal, including the Indiana Occupational Safety and Health Administration (IOSHA). While typical enforcement and compliance efforts are directed towards traditional industries of manufacturing and construction, the agency also has to direct efforts toward the tens of thousands of other workers who are at risk in other industries such as health care and retail trade. Due to a series of violent events in the late night retail industry, specifically convenience stores, the IDOL has begun an initiative that aspires to improve the safety of the clerks that work the cash registers and counters of these convenience stores to reduce the chance that they will be a victim of robbery, assault or homicide. What differentiates this effort from others is the true intention to include all stakeholders in the conversation, to find consensus where it might exist, and to inform other policy makers of established norms and areas for improvement.

Village Pantry agreement

On November 21, 2009, a Village Pantry employee in Indianapolis was shot during a robbery and became another workplace fatality in the late night retail industry. During the ensuing Indiana Occupational Safety and Health Administration (IOSHA) investigation, Village Pantry was cited for failure to comply with Indiana's "general duty clause" concerning safety conditions and was assessed penalties and required to make specific changes in the store where the shooting occurred.

Village Pantry initially contested the finding, but later entered into a unique settlement agreement with IOSHA. Village Pantry agreed to audit and improve its stores' safety measures. They also agreed to implement several best practices to maximize the safety of Village Pantry employees at all Indiana Village Pantry locations in the future.

Through 2010 and 2011, several other armed assaults occurred in the Indiana convenience store industry, and IOSHA began to look at the factors that led to these events. This resulted in a heightened awareness by the Indiana Commissioner of Labor and greater attention by IOSHA to this industry segment. Compliance with the agreement between Village Pantry and IOSHA was carefully monitored, and new assaults upon convenience store employees were closely scrutinized.

Public concern

These additional events at convenience stores also garnered public attention, as media outlets and the families of assaulted employees began to question the safety practices of the employers and the industry. Calls for stricter statutory measures soon came from an

alliance of families, their representatives and elected officials. After another such event in 2011, State Representative Edward DeLaney held a press conference indicating his willingness to hold the person or persons accountable for what was being referred to as a lackluster concern for the health and safety of convenience store employees, particularly in high-crime areas and at night.

Representative DeLaney called for a legislative solution during the 2011 session of the Indiana General Assembly. Lori Torres, the Indiana Commissioner of Labor, then contacted Representative DeLaney to get all parties concerned involved in a discussion of the training, physical environment and management practices that would provide desired long-term results and focus attention on safety in those late night retail establishments.

At a meeting on November 29, 2011, Torres and DeLaney agreed that the Indiana Department of Labor (IDOL) would begin this process by convening a meeting with industry leaders. This working group would determine the types of industry changes necessary to ensure employee safety.

Statistics and rates

Another factor contributing to the creation of the working group was the increase in injuries and illnesses among convenience store workers. This increase was a reversal of the downward trend in the 1990's and early millennium. From 2003 through 2006, the National Association of Convenience Stores (NACS) had documented a decline in convenience store workplace injuries due to violent acts. However, that began to change; from 2008 through 2010, the number of injuries from violent acts increased from 180 to 450 (see Chart #1).

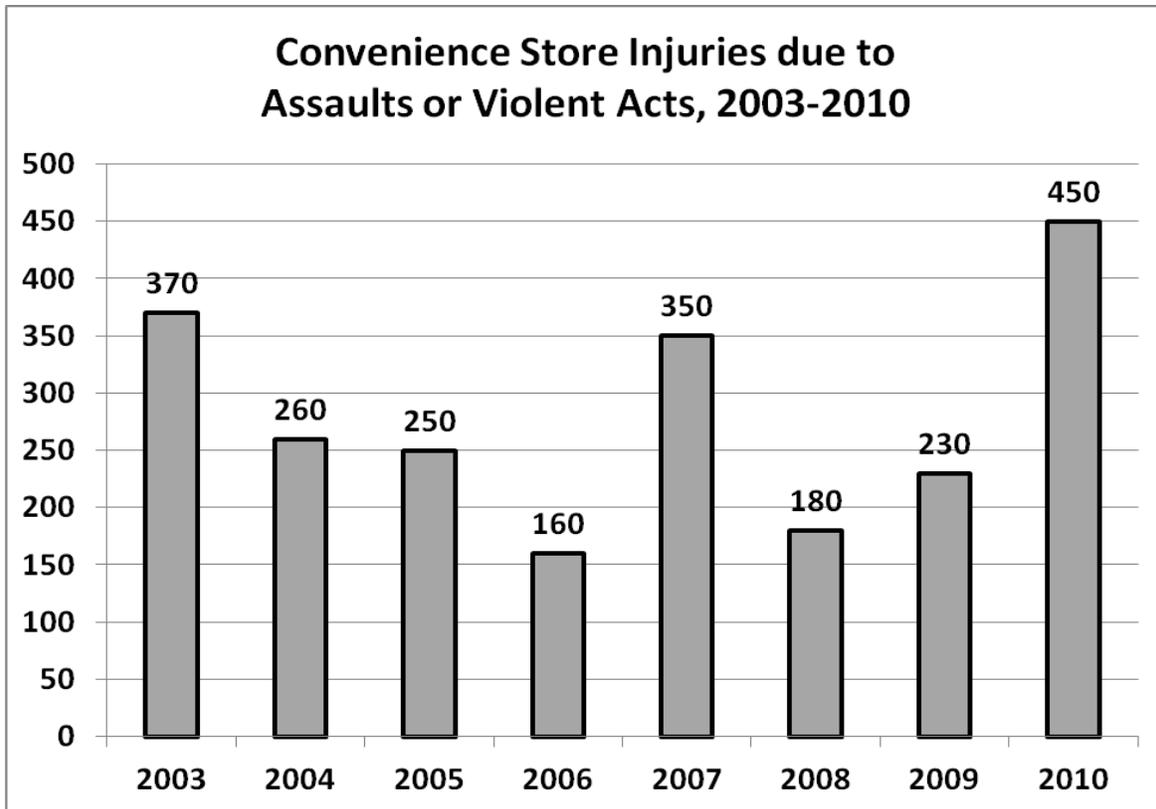


Chart 1

Source: Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses, 2010.

While homicides have shown a marked overall decline since 1994 when they peaked at 1,080, they were the third leading cause of work-related deaths in 2007 and remain a serious risk for late night retail workers. Nationally, there was an increase from 2003 to 2004 and then a leveling off for three years. After a temporary drop, the figure began a slow increase (see chart #2).

Of the national convenience store homicide total of 237 from 2003 to 2010, ten occurred in Indiana. Nine of the Indiana homicides were from gunshots, consistent with the 92% of convenience store homicides from gunshots nationally over the same period.

Comparing All Fatalities to Homicides in Convenience Stores with Gas Stations: US, 2003-2010

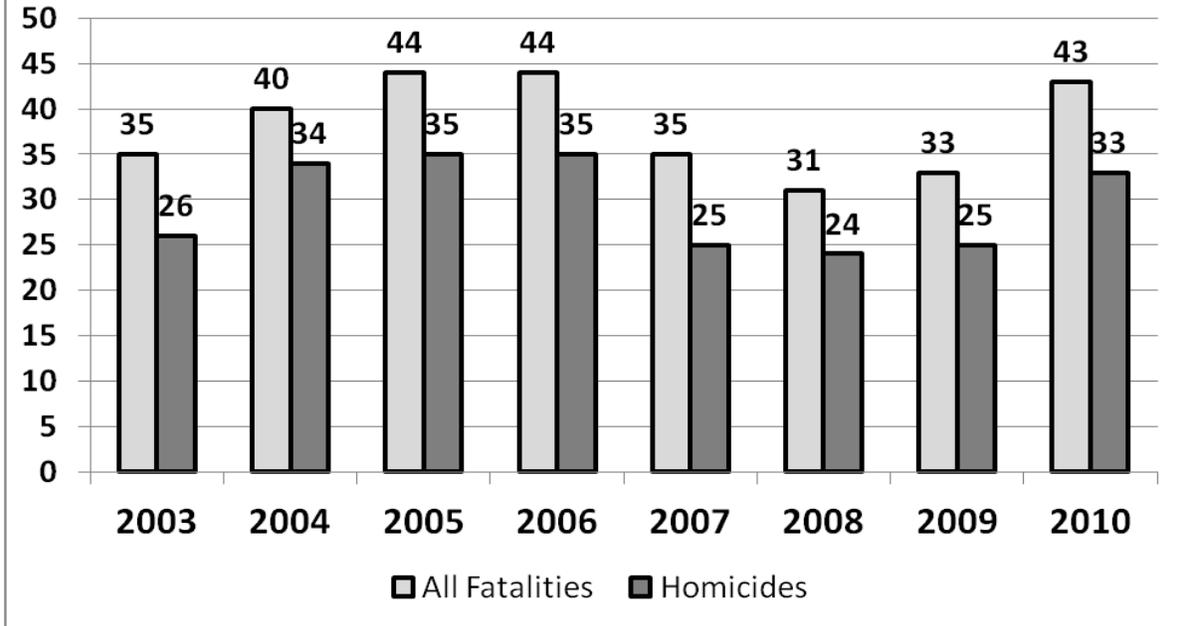


Chart 2

Source: Bureau of Labor Statistics, Census of Fatal Occupational Injuries, 2010.

Even with the growing numbers of injuries due to violent acts, late night retailers experience multiple injuries from other events. Contact with objects or equipment (being struck or caught) is consistently two to three times more likely to cause injuries than violence is. Falls and overexertion from lifting are higher still (see Chart #3). However, the consistent number of gunshot homicides and the high media profile of assaults, along with the psychological effects on victims and their families, all point to the need for eliminating, as much as possible, the tragic and often random violence that affects late night retailers disproportionately in Indiana and the rest of the nation.

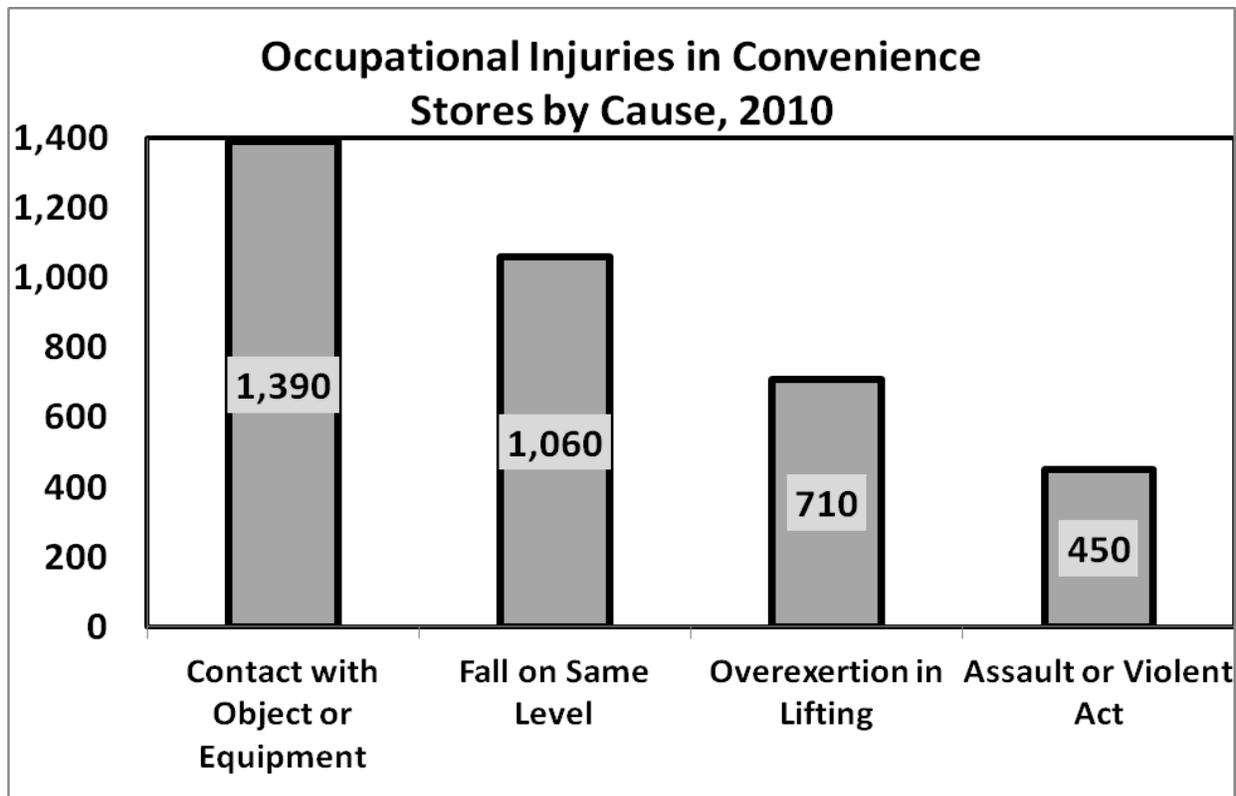


Chart 3

Source: Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses, 2010.

Federal OSHA concern about retail employee safety

In parallel, concern was growing in the U.S. Occupational Safety and Health Administration (Federal OSHA) about workplace violence at late night retail establishments. In 2009, Federal OSHA produced *Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments* (2009, rev. 2010). In this document, the problem is addressed by suggesting voluntary standards through which late night retail establishments could apply best practices and perform safety audits.

The Federal OSHA document clarifies the conditions of work in the late night retail industry:

In 2005, the Bureau of Labor Statistics (BLS) conducted a survey specifically on workplace violence prevention. In this survey, BLS asked employers about their establishments' operations, programs and policies regarding workplace violence. Retail trade establishments which did experience such incidents also reported having higher rates of absenteeism due to these incidents than did **all** private industry establishments.

Surprisingly, while 28.3% of retail trade employers reported that such incidents had negative impacts on workers, only 1.9% reported changing

their program or policy after an incident occurred. According to an earlier survey conducted by the U.S. Bureau of Justice Statistics (BJS), retail sales occupations had the third highest victimization rate, after workers in the law enforcement and mental health professions.

The BJS National Crime Victimization Survey (1993-1999) found that 20 out of 1,000 workers in retail had experienced some form of simple or aggravated assault in the workplace annually, and the rate for convenience store and gas station workers was much higher. Their rate was 53.9 and 68.3 per 1,000 workers, respectively. In addition, 21% of all workplace robberies involved personnel in retail sales. (OSHA, 2009:4)

The report then covers various voluntary standards that combined with research from NACS and the families and survivors of workplace violence, make up the basis for much of this report. These standards and best practices (from which this report borrows heavily) are “not a new standard or regulation and therefore do not create any new OSHA duties” (p. 5), but they do serve as one source for gauging the national focus on this area and reflect much of the research on the topic.

A report from the NACS looked at the homicides occurring at convenience stores. It found that nationally most, but not all, were preventable by reducing the incidence of robbery. Between 1989 and 1990, the analysis of the 79 homicides in convenience stores had the following pattern (Table 1):

Motive Analysis, Convenience Store Homicides, 1989-1990		
Motive	Number	Percent
Robbery - Gratuitous	36	45.6%
Non-robbery - Gratuitous	15	19.0%
Robbery - Accidental or While Resisting	13	16.5%
Acquaintance - Not Domestic	7	8.9%
Acquaintance - Domestic	5	6.3%
No Information	3	3.8%
TOTAL	79	
Robbery	49	64.5%
Non-robbery - Stranger	15	19.7%
Acquaintance	12	15.8%
Total	76	

Source: From “Convenience Store Security at the Millennium,”
National Association of Convenience Stores, Feb. 1988, p. 10.

Table 1

This data indicates that about two-thirds of the homicides in convenience stores are related to robbery. Of the remaining third, about half of them (16%) are from acquaintance relationships; the remainder are possibly characterized as “random acts of violence” (potentially gang related, according to the Indiana State Police). The implication for employee safety is that anti-robbery tactics can allay up to 64.5% of convenience store homicides. Proactive safety measures can allay another 19.7%. The remainder is difficult because some level of trust or familiarity with acquaintances can come into play to lower an employee’s defenses.

II. SCOPE OF OUTREACH

As a result of all these issues and research, the IDOL convened a meeting with industry and safety leaders on January 11, 2012. The goal was to begin a comprehensive discussion about improving safety in late night retail, document best practices (which were already largely identified) and to drive industry associations’ and its members’ interest in advancing the safety of its retail employees. This initial meeting was closed to the public to allow industry representative a chance to honestly evaluate the potential response to the repeated workplace violence and provide a forum to foster frank discussions between the industry and IDOL.

Originally, three Indiana convenience store associations were contacted, along with corporations that operate large numbers of stores, including Village Pantry. The Indiana Petroleum Marketers and Convenience Store Association (IPCA); the Indiana Grocery and Convenience Store Association, Inc., and the Indiana Retail Council agreed to begin preparations for the meeting and working session.

The first meeting brought together representatives from the Indiana Department of Labor (including the commissioner, the deputy commissioner for IOSHA, and the director of INSafe), the Indiana State Police, and Federal OSHA. The industry was represented by the IPCA (representing 1,200 of the 3,000 convenience stores in the state), the Indiana Grocery and Convenience Store Association, Inc. (representing close to 400 members), Speedway, Village Pantry, Circle K, and several others. The Indiana Retail Council, and the Indiana Association of Beverage Retailers were unable to attend this initial meeting.

The early points of discussion were the difficulty in defining the term “convenience store” and to whom we were addressing our program. It became clear that the group would work under the Federal OSHA rubric of “Late Night Retail,” excluding for the most part large 24-hour retailers (such as Wal-Mart) and restaurants.

Industry safety representatives and state police pointed out that many of the actions required to address safety in these stores were fairly well established and the real challenge was implementation. The goal was to take a proactive approach.

Best practices and normative behaviors for employees were reviewed. Finally, the group decided to put forward a set of guiding principles for a Working Group that would hold a public meeting on this matter and report the steps taken by the group and the IDOL for the next meeting.

The result of the meeting was to find those industry partners with whom the IDOL could work on a voluntary program to create a positive set of actions to reduce the threat of late night retail crime. To that end, the mission adopted by the group was to facilitate the adoption and use of industry best practices for promoting worker safety and workplace violence prevention in targeted late night retail establishments, including 24-hour convenience stores.

The following objectives were established:

- Identify and implement a consensus for agreed-upon best practices.
- Secure and continue an industry commitment to implement appropriate best practices at each unique store.
- Commit to continued support of workplace violence prevention through education and training outreach to employees and employers by IDOL and the industry organizations.
- Develop and implement a long-term plan for outreach and training, continuous improvement of best practices and periodic review of worker safety in late night retail stores.

III. PUBLIC INPUT AND WORKING GROUP GOALS

A public meeting of the Working Group was held on February 16, 2012. This meeting was intended to invite elected officials and family representatives to comment on and help expand the scope of the work done since the founding of the Late Night Retail Workplace Violence Group. The meeting included presentations by Federal OSHA and the Indiana State Police of best practices and IOSHA's interpretation of the "general duty clause" mandating employers to "establish and maintain conditions of work which [are] reasonably safe and healthful for employees..." (IC 22-8-1.1-2). It also included presentations by Representative Edward DeLaney, representatives from four families affected by violent incidents,

representatives from the IPCA and the Indiana Association of Beverage Retailers, and several IDOL employees.

The meeting resulted in a call to put those best practices into place as part of an alliance between the industry and INSafe, the proactive education and training arm of the IDOL. This alliance would focus on education and compliance with best practices. Commissioner of Labor Lori Torres appointed Theresia Whitfield as the representative of family interests on an oversight committee headed by Dr. Timothy Koponen from IDOL to produce this report and appointed Michelle Ellison, Director of INSafe, to negotiate the terms of the alliance. To represent the industry, the committee also included Scot Imus, Executive Director of the IPCA.

This oversight committee has worked to identify (not create) best practices and recommendations and has sought to advance the safety of all employees of late night retail establishments in Indiana. It also considered the issues of self-regulation and how IDOL could most effectively interact with the stakeholders and affect positive change.

IV. RISK FACTORS IN LATE NIGHT RETAIL

The Working Group is in agreement that the Federal OSHA document, “Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments” [2009] accurately identifies the risk factors present in the high-risk establishments for workplace violence. The Federal OSHA recommendations are based on an examination of the risk factors most commonly occurring. They are as follows:

- The exchange of money (making them targets for robbery);
- Solo work and isolated work sites;
- The sale of alcohol;
- Poorly lit stores and parking areas; and
- Lack of staff training in recognizing and managing escalating hostile and aggressive behavior. (OSHA, 2009:4)

The Federal OSHA report goes on to refer to a study entitled “Convenience Store Security at the Millennium,” published by the National Association of Convenience Stores and authored by Dr. Rosemary J. Erickson (February, 1998). Dr. Erickson has performed studies and experiments over several years that look at the reasons the perpetrators of crime target certain stores. She finds that:

From the robber’s perspective, an ideal robbery in a convenience store would include the following considerations: Be sure there is money available, optimize the risk/take ratio, be persuasive, avoid disruptions,

get the money quickly, avoid being seen by anyone but the victim, avoid being recognized, and get away quickly and easily.” (Erickson, 1998: 4)

These several elements can increase the risk of robbery. These include the building and its layout as well as employee training and practices employees might follow that foster the perception that their store would be a good candidate for robbery.

The difference here is significant. Research based on the robberies themselves seems to point to solo or isolated workers as part of the equation that leads to robbery. Interviews with robbers, on the other hand, tend to indicate that perpetrators are more concerned with the amount of money available and the ease of getaway.

A thorough evaluation of research in this area creates a debate between two different causes. This difference in perception of risk also begins to create a rift between working clerks and their employers. Clerks may perceive that a store manager who has strict cash control policies is only out to protect the corporation’s interest, even though the manager is actually protecting the clerk by eliminating a key motivator in robberies. In reality, performing money drops and not having much cash in the register, according to the interviews with robbers, is the cue for a potential robber to move on.

V. REVIEW OF SAFETY PRACTICES

The Working Group did find several versions of best practices for use in late night retail stores to help decrease workplace violence. Federal OSHA’s recommendations are comprehensive. The purpose of highlighting these practices in the next section is to establish a clear policy for workplace violence prevention. All workers in these establishments should be aware of the policy and the reasoning behind it. Employees need to know the importance of reporting incidents short of physical altercation, and they should have no fear of reprisal for any such reports. Management also needs to be sure they ask for employee suggestions of how to make the store safer. Those suggestions must be taken seriously, and management must communicate with employees in a timely manner about those suggestions that will be implemented and those that won’t, and why.

Workplace violence prevention programs also need to include a comprehensive plan for maintaining workplace safety. These plans need to have assigned responsibilities and the authority to develop the needed training and skills to implement the program throughout the workplace. This is all part of developing a culture of safety within the workplace so that employees understand management’s continuing commitment to safety and the idea that safety is just as important as selling product in the business.

The program has four important elements, discussed below. Management's commitment to the program is crucial and is demonstrated by managers asking for worker involvement. Both initial and then periodic worksite analyses are needed to take stock of program implementation and to confirm continuous improvement. Identification of hazards to target the reduction of the probability of workplace violence involves a working relationship between management and employees. Finally, employees must be trained in the reasons for and skills needed to maintain the safety and health of those in the workplace, including customers.

Risk Assessment and Safety Audits

Worksite hazard analysis entails reviewing specific procedures or operations that contribute to hazards, identifying areas where hazards may develop and performing periodic safety audits. Since the hazard analysis is the foundation of the violence prevention program, employers must carefully consider the person(s) or team that will conduct the analysis. If a team is used, it should include representatives from senior management, operations, employees, security, occupational safety and health personnel, legal and human resources staff. A small business may only need to assign the duty to a single worker or consultant.

The audit should be guided by checklists and procedures already available through INSafe, IOSHA and Federal OSHA. A good audit involves a step-by-step assessment that identifies the environmental and operational risks for violence. A recommended program for worksite analysis includes, but is not limited to:

- Analyzing and tracking records
- Conducting screening surveys
- Analyzing workplace security

The review should include the Federal OSHA Log of Work-Related Injuries and Illnesses (OSHA 300), if the employer is required to maintain one. In addition, worker and police reports of incidents or near-incidents of assaults or aggressive behavior should be examined to identify and analyze trends in assaults relative to particular job titles, day of the week, and time of day. Through this analysis, an employer can identify the frequency and severity of incidents to establish a baseline for measuring improvement. Employers with more than one store or worksite should review each location's history of violence. One of the purposes of the IDOL Working Group is to promote employers learning about trends in the community or industry. The Working Group is committed to facilitating and encouraging interaction and communication amongst local businesses, trade associations, police departments and community and civic groups. In addition, an employer should use several years of data, if possible, to gain a clear understanding of the existing trends.

The analysis of workplace security can be done using guidelines and checklist set out in Federal OSHA documents like the Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments (2009). This document contains several easy checklists that guide the user to ask the right questions about the physical environment and work procedures within the late night retail industry. The ten full pages of audit materials are a comprehensive tool for managers that can aid in the assessment of potential risk.

Employers are especially encouraged to record and use nonviolent actions that indicate the potential for violent acts when considering measures to safeguard workers and customers. These low-intensity threats often provide the context for proactive measures. By reducing these threats, many of the more violent hazards can be avoided without having to take extreme measures. Being aware of these incidents also gives management an opportunity to evaluate the effectiveness of their workplace safety mechanisms.

Comprehensive program components

These audits are in themselves not enough. Employers must integrate several complementary controls that become the basis of a proactive and institutionalized plan for workplace safety. Starting from Federal OSHA presentations made before the Working Group, and adding other testimony, there are three main areas for control:

- Engineering (physical layout and equipment);
- Procedural (workplace practices and employee training); and
- Administrative (management rules and response plans for action).

Engineering

Engineering controls remove the hazard from the workplace or create a barrier between the worker and the hazard--for example, installing physical barriers such as bullet-resistant enclosures. Several measures can effectively prevent or control hazards at retail establishments. The selection of any measure should be based on the hazards identified in the workplace security analysis. Given that late night retail business are known targets for robberies, employers should seek to reduce their risk by improving visibility and surveillance, controlling customers' access, and limiting the availability of cash.

These are accomplished by removing large posters or product displays from windows, installing video systems, placing turnstiles in entrances and placing drop safes near cash registers. Removing obstacles to clear views from the cashier area so that the whole store can be easily observed is also an inexpensive way to foster safety. Lighting the exterior areas of the store and minimizing brush and nooks where potential perpetrators can hide or lurk are important. Height markers near doors help employees give a more accurate estimate of the perpetrator's height, which can aid identification.

In new or remodeled stores, central register areas also add to the clerk's control over access and ability to observe. Positioning cigarette counters to face away from the customer and toward the cashier at the register improves sight lines. Using bulletproof cabins helps protect clerks, although some research indicates that these enclosures can actually increase threats to customers. Alarm systems, particularly silent alarms, are another engineered feature that allows for quick police response.

Procedural

Training employees on how to respond during and after a robbery is essential to an effective violence reduction and prevention program. Strict adherence to cash drop policies is another behavioral measure that eliminates the thing most robbers are looking for: available cash. Although a subject of some debate both in and out of the industry as well as in law enforcement circles, additional staff in high-risk stores is often mentioned as a recommendation, as is the use of armed guards on the premises.

Employee training must include a clear understanding of the reasons for and safety consequences of failure to adhere to policies for which the individual employee is responsible. When seeking employee compliance with safety policies, management should emphasize the clerks' own safety as a motivator, instead of presenting it as a company policy that employees will be punished for violating. Retraining and testing employees or conducting compliance monitoring form the post-training backbone of procedural policies that seek to reduce violence in the workplace (OSHA, 2009).

Administrative

At the administrative level, the most effective tool is the commitment of management to create continuous compliance with best practices. Store managers must be committed to seeing the safety of employees as part of the overall review process and their daily activities. Liaisons at all levels of management need to establish a rapport with appropriate law enforcement agencies that enhances workplace safety. Review of reports from employees, investigation and implementation of suggestions, and frequent revision of safety protocols are all important.

Developing methods and procedures for processing reports of sub-violent threats, post-event reporting and quick management response to employee fears and complaints all foster a culture of safety that make it easier for employees to take their training and procedures seriously enough for them to be effective. Lack of leadership on these issues can create cynicism or complacency amongst employees that fosters noncompliance and even adversarial actions by employees.

Violent event procedures

In training late night retail employees, it is essential that they understand what to do and what not to do in the event of a robbery to keep themselves safe, keep customers safe and identify the perpetrator to increase the possibility he will be arrested and convicted. Understanding the profile of the robber and what to do during and after a robbery can save lives and reduce crime.

General information about perpetrators of robbery

The typical robber is young, male, has a criminal arrest record, and carries a firearm. Often he may be under the influence of alcohol or drugs, either to give him courage or to increase his energy. The combination of alcohol and drugs along with the perpetrator's own nerves can make a robber very jumpy and excited. Any suspicious movements or gestures by any employee or foolish attempts at heroics by trying to disarm the robber can trigger a violent reaction that ends in the death of innocent victims.

During the robbery

During the robbery, employees should cooperate, try to remain calm, be alert, and be very observant. They should obey the robber's commands. Where alarms are present, they should try to activate an alarm without being detected, if possible. They should not alert other employees that they are activating the alarm. If, during the robbery, an employee must reach into her pockets, she should explain what she is doing or is about to do so that the robber does not misinterpret her actions.

An employee should not try to be a hero during a robbery. She should avoid taking any action that would jeopardize her safety or the safety of others. If the robber has a firearm, employees must assume that it is real and loaded. If the robber has a firearm, he is likely to use it if an employee confronts him. Employees should not make any sudden or unexpected movements and should remember that robbers are usually anxious and quick to overreact.

Employees should be trained to study the robber as carefully as possible without being obvious. They should note the robber's height, weight, race, age, clothing, sex, speech characteristics, scars, tattoos, distinguishing physical characteristics, gait, method of operation, etc. They should notice the number of accomplices (if any) and where they stood. Employees should also be taught to look outside the store as well because an accomplice could be standing outside as a lookout. Noting the type of weapon used and where it was placed when the robber left the scene is also important. The direction in which the robber(s) leaves the scene and his mode of travel (on foot, in a car, etc.) are other vital details. If a vehicle is used, employees should try to remember the physical features of the vehicle (such as the make, model, license plate number, color, paint designs, distinguishing features, rims, etc.).

After the robbery

Employees should be trained to call 911 IMMEDIATELY after the robber(s) has left the area and to not hang up the phone until told to do so. They should give the dispatcher any information they ask for, to the best of their memory. The officer dispatched to the scene will ask more specific questions. After calling 911 and being told to hang up, the employee should lock all the doors and ask all witnesses to remain until police arrive.

To protect the crime scene, the employee should not unlock the door or let anyone inside or outside until an officer(s) arrives. It is imperative that no one touch anything. The employee should write down everything she remembers about the crime: the description of the robber(s), the vehicle(s) used, etc. Witnesses should be asked to do the same. The employee should avoid discussing the robbery with anyone until she has spoken with the police.

Police will speak to all individuals who were present at the time of the robbery. After a crime has taken place, people might be reluctant to talk due to the shock of what has taken place. However, the police need to get pertinent information while it is still fresh in a person's mind. If an employee does not remember to give the officer information she feels is important, she should be trained to call or meet with the officer later to provide that information. Under no circumstances should employees discuss the store's security system with anyone other than the police or a security equipment representative.

Establishing a safety culture within corporate culture

A workplace culture of safety is not a call for empathy by management. It is rather a very simple set of habits and commitments that have been shown to create an institutional and deep commitment on the part of management and employees to incorporate safety into the daily practice and continuous mindset of the entire workforce. Changes over time in construction and manufacturing have led to the creation of safety awards, safety conferences, owner and vendor mandates and the evolution of understanding that safety is part and parcel of work life. A culture includes the mutual interests of all parties to actively and openly make workplace safety "the way we do things here."

The trends in manufacturing and construction over the last 20 years are compared with those in agricultural industries to show the effect of government and industry cooperation in fostering a safety culture over time. The trend in targeted industries (manufacturing and construction) shows a decline in workplace injuries (see Chart #4).

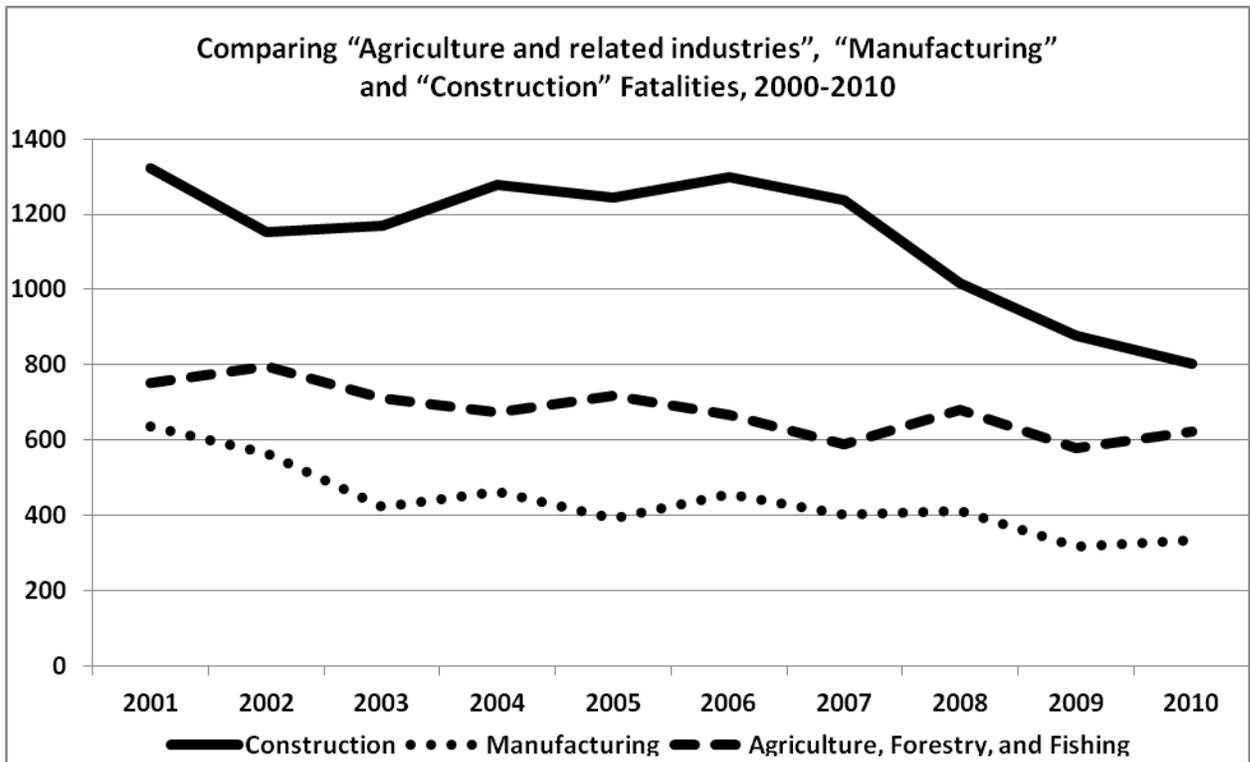


Chart 4

Source: Bureau of Labor Statistics, Census of Fatal Occupational Injuries, 2010

Federal OSHA’s role not only in compliance and inspection, but more importantly in education and resource direction, has been to increase the safety of American workers. Unlike manufacturing and construction, agriculture is largely outside the purview of this government/industry regulatory scheme and partnership. In these industries, we see small overall safety improvement (injury decline) in comparison to the fundamental and large declines in injuries in industries where a safety bottom line has become part of the management and shop-floor/work-site cultures.

Management needs to demonstrate organizational concern for workers’ emotional and physical safety and health. This must exhibit equal commitment to the safety and health of workers and store patrons. One often overlooked aspect of this is to add on safety responsibilities to everyone’s job description. This often undercuts rather than supports efforts. Management must assign responsibility for various aspects of the workplace violence prevention program to specific persons on a safety team. This team must then involve the rest of the workforce in carrying out the program.

The designation and allocation of appropriate authority and resources to all responsible parties quickens the pace of change. It also calls for maintaining a system of accountability for involved managers, supervisors and workers. When evolving, the program needs to

solicit, support and implement appropriate recommendations from safety and health committees. Companies can't accomplish a safety program on their own; they must work constructively with other parties, such as landlords, lessees, local police and other public safety agencies. Management provides the motivation and resources to deal effectively with workplace violence. The visible commitment of management to worker safety and health is an essential precondition for its success.

Worker involvement in violence prevention is especially critical in the late night retail setting. Front-line workers are often the most knowledgeable of business procedures and the business environment, especially when no manager is on duty. Workers' experiences can help to identify practical solutions to safety challenges.

In addition, workers who are engaged in violence prevention programs are more likely to support them and ensure their effectiveness. Commitment and incorporation are needed to effectively solicit contributions to the development of procedures that address safety and security concerns. Workers need to understand and comply with workplace violence prevention programs and safety and security measures. Managers should encourage their employees to report quasi-violent and violent incidents promptly and accurately. Management and employees should participate equally on safety and health committees and take part in training programs. Managers can encourage front-line employees (clerks in the case of late night retail stores) to share on-the-job experiences that cover techniques to recognize escalating agitation, aggressive behavior or criminal intent. An open and inquiring culture will lead to opening the eyes and ears of employees to safety issues only when management opens their eyes and ears to their workforce.

VI. IOSHA AND VILLAGE PANTRY SETTLEMENT

Currently, the only implementation of a workplace violence prevention program from IOSHA is the settlement of the investigation into the death of the clerk at Village Pantry in 2009. In June 2011, Village Pantry and IOSHA reached an agreement that retooled the safety programs at Village Pantry on a continuous basis. The Village Pantry program is subject to a quarterly review on compliance and forms one basis for the standard of safety expected by IDOL (see Appendix A in this Report). Village Pantry agreed to research all of its 134 stores with respect to prior violent and illegal events. Of these, 17 were identified mutually with IDOL as "at-risk" stores.

Village Pantry then carried out a threat assessment for each of the 17 stores deemed at-risk, using Sample Checklist 1 of the Federal OSHA document "Recommendations for Workplace Violence Prevention Programs in Late Night Retail Establishments." Village Pantry then began a program to reduce the threats at the 17 stores.

Corrective actions taken included engineering, administrative and procedural changes:

- Installing remote-access, high-resolution video;
- Installing pass-through windows or bullet-proof barriers (where the footprint will allow, currently in 5 of the 17 at-risk stores);
- Installing barriers at the front counters and deli areas;
- Rearranging cigarette displays in certain stores;
- Installing monitored remote panic buttons in certain stores;
- Writing a new safety manual;
- Performing a threat assessment on each store using the Federal OSHA checklist
- Revising how information is tracked with respect to robbery and additional; relevant information in all stores, with an emphasis on those at-risk;
- Training every manager and testing all employees on the robbery safety sections of the new safety manual;
- Forming a standing executive safety committee that meets monthly

Village Pantry management has touted this agreement as a sincere revision of its safety program. IOSHA, through the negotiated settlement, created new impetus for the abatement of hazards in those workplaces. The most recent quarterly report is attached to this Report as Appendix A.

It should be noted that this agreement was focused on “at risk” stores, which were defined by the number of incidents at the store, the crime rate of the surrounding area and the assessment suggested in the Federal OSHA brief on late night retail workplace violence. This is consistent with the fact that in 1990, 80% of all convenience stores were not robbed at all. In the same year, 20% of convenience stores accounted for all convenience store robberies and only 7% of stores had been robbed more than once in any given year.

VII. LEGISLATION FROM OTHER STATES AND LOCALITIES

In the face of the problem of late night retail workplace violence, there have been several state and local government initiatives, beyond the research initiated by Federal OSHA. Much of the legislation has been focused on the mandatory employment of two clerks during the times when violent incidents are most likely to occur (generally, between 11 p.m. and 5 a.m.). The first such proposed legislation was in Akron, Ohio in 1980, and was not passed into law. In 1986, Gainesville, Florida, was the first city to legislate the use of two clerks during the high-risk hours.

Washington

The state of Washington attempted a two-clerk rule, which failed. Washington legislators did enact a basic robbery prevention program, along with training assistance in 1989. The

Washington State law also mandated specific actions that included having a drop-safe (or timed safe), posting a sign that said very little cash was on hand, ensuring that cash registers were visible from the outside of the store and installing bright lighting for the parking areas around the store. These, along with mandated employee training in robbery reaction and robbery prevention protocols, compose a basic robbery prevention program.

Maryland

Maryland implemented a basic robbery prevention program, without a two-clerk mandate, in 1988. The Report by the Maryland Governor's Task Force on Retail Security was explicit with their recommendation to avoid requiring two clerks and closing stores at night:

Proposals, such as limiting store hours, two employees on duty at certain hours, store cameras, and electronic alarms, have been advanced to control robbery of retail businesses; but [at the time] there is no empirical evidence or data to show that such techniques will reduce retail robberies or minimize the violence to employees. (Maryland, 1988: 19, in *NACS*, 1998: 26)

Florida

Florida, in its Convenience Business Security Act of 1992, has mandated that businesses that remain open between 11 p.m. and 5 a.m. must use at least one of the following security measures: two or more employees, bullet-resistant safety enclosures, a security guard or a pass-through window to conduct business. Since its implementation, convenience store robbery rates in Florida have dropped significantly. Aside from expense, such a measure's effectiveness has still been questioned in a number of studies. Dr. Erickson notes (1998) for instance, environmental changes may have influenced the Gainesville post-statute studies with a positive finding that are more a reflection of a decreasing crime rate overall than upon effects attributable to the regulations in the statute. Also debated is the concern that multiple clerks could put more staff in danger in the event of a robbery. This is confirmed by OSHA analysis that indicates that an increase of murders per incident happens when two clerks are on duty.

Maine

In 2003, Maine passed a law (17 MRSA §3321-A) mandating that convenience stores open 24 hours a day must have the following:

- A drop safe;
- A sign stating that between 9:00 p.m. and 5:00 a.m., the cash register contains \$50 or less, that there is a safe in the store, and that the safe is not accessible by employees;
- A policy that between 9:00 p.m. and 5:00 a.m. no more than \$50 is available to employees; and

- An alarm connected to a public or private security agency or a telephone accessible to employees.

Failure to comply is a Class E crime punishable by up to one year imprisonment.

New Mexico

In 2005, New Mexico passed new state regulations. These were rules put into action by the state Environmental Improvement Board, after years of unsuccessful attempts to legislate them. This is the only case found in which administrative rules rather than legislation have been used to regulate the industry. New Mexican convenience store operators who open their doors for business between 11 p.m. and 5 a.m. must:

- Have two employees on staff between 11 p.m. and 5 a.m. **or** have a bullet-resistant enclosure around the cash register;
- Provide a panic button and quarterly safety training for all employees;
- Install a surveillance system capable of continuous recording during store hours;
- Keep maintenance records on all surveillance cameras; and
- Keep no more than \$50 in cash in the registers from 11 p.m. to 5 a.m. and “small amounts” of cash at other times.

New Mexico also placed safety rules under the aegis of its state OSHA program. The New Mexico Petroleum Marketers Association commented that most operators were already providing the safety measures mandated by the state and questioned the authority of the state to promulgate the rules in a lawsuit.

West Virginia

The latest state-wide statute was put into place in 2009 in West Virginia. Along with the basic robbery prevention program, West Virginia gives the option of doing one of the following:

- Have two clerks on duty;
- Install a security booth with a pass-through window; or
- Have high-definition security cameras.

This is the latest mandate for two clerks (with caveats and options). Note that two clerks is simply one option.

Local governments, faced with crimes in late night retail perpetrated on its residents and workers, have acted to pass safety-related program ordinances. Many of the local ordinances have creative features that would be difficult to pass on a statewide level. Yet, even those have not always been successful.

Nashville, Tennessee

Decades ago, an attempt to regulate late night retail stores by mandating two clerks occurred in Nashville, Tennessee in 1990. The city imposed a general safety program but refused to put the two-clerk rule in place.

Dallas, Texas

In August, 2009, the Dallas City Council passed an ordinance that augmented the basic robbery prevention program with enhanced police power to arrest suspected trespassers and loiterers. This ordinance includes a provision that requires all store owners to register with the city and sign an affidavit allowing police on their property to target loiterers and trespassers. Dallas's unique "Police Protection" clause means that the police do not have to have employees identify a potential suspect for loitering; instead, the police can act on their own judgment and minimize the possibility of reprisal.

Milwaukee, Wisconsin

Finally, Milwaukee adopted a new city ordinance in 2011. Under the new legislation, convenience stores are now required to have at least two high-definition surveillance cameras. This is in addition to the basic robbery prevention program.

Some jurisdictions have opted out of the strict regulatory control, and have adopted voluntary programs. For example, in response to an increased trend in robberies, the San Bernardino Police Department implemented the Crime-Free Business Program in 2004. This program is voluntary but is widely used. Police community service officers perform periodic inspections of convenience stores and other businesses and evaluate the businesses for their use of crime prevention measures in 28 categories. Store owners are also encouraged to audit their own safety systems and training. Through these voluntary efforts, the city has seen a reduction in commercial robberies.

The most sophisticated state-wide approach was in California through Cal-OSHA. This was not a legislative attempt to mandate, but a successful model program of voluntary compliance throughout the industry.

There is a full range of government interventions into the safety of employees at convenience stores across the country. It seems that the issue is a model for Justice Louis Brandeis' dictum that "it is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country." (*New State Ice Co. v. Liebmann*, 1932)

In the case of convenience store safety, there are common threads that all levels of government have used to address the issue. The basic robbery prevention program has

been a constant and used increased visibility of cashiers from outside, strict cash control, drop-safes on site, well-lit parking and exteriors, clear sight lines within the store and training in event prevention and reaction. Physical barriers, police protections, two clerks on duty and other aspects of safety enhancement seem to be the experiment. It is clear that states and cities struggle to balance the restriction of business and the need for safety. It is no different in Indiana.

VIII. INDIANA: MOVING THE EFFORT FORWARD

As a result of the Working Group's efforts, an alliance was initiated between the IPCA and IDOL. Signed on March 28, 2012, the alliance combines the largest Indiana convenience store organization and IDOL's INSafe Division to provide their members engaged in the late night retail activities with information, guidance and access to resources that will help them protect employees' health and safety.

The alliance allows for members of the IPCA to REQUEST safety consultations and site inspections, with priority given to alliance members. It also provides best practice reviews, statistics and the delivery of IPCA-wide outreach and training programs. IDOL will be meeting with the IPCA at least twice during each of the two years of the agreement, and will extend the worksite outreach by attending the annual conferences of IPCA with presentations and materials. The alliance will follow the recommendations from Federal OSHA as well as the findings of this report in developing comprehensive programs to enhance worker safety in the industry.

IDOL is also working with the IPCA to reach those convenience stores that are not IPCA members through cooperative agreements with state agencies who inspect, regulate or permit those worksites through a variety of contact mediums. At this time, the Working Group and IDOL are coordinating outreach programs with the Indiana State Excise Police, the law enforcement division of the Alcohol & Tobacco Commission and the Hoosier Lottery. The goal is to reach single unit "Mom and Pop" operated late night retail establishments with the research and programs initiated by this report. This will allow Alliance members to assist these smaller operators in implementing a comprehensive program on robbery prevention and workplace violence prevention. These cooperative agreements are anticipated to use contacts with smaller late night retail business owners through various state agencies to educate and enroll those stores into an industry-wide safety campaign. There is continued vulnerability even to sophisticated convenience store chains when criminals are successful at robbing non-engaged convenience stores.

IX. COMMON GOALS

Need for safety culture

The three primary groups acknowledge that there are differences in emphasis and approach to the problem of workplace violence in the late night retail industry. However, industry representatives, family and employee advocates and the IDOL all share common goals in the attempt to reduce the problem. All agree that there is a long-term need to better incorporate safety training into the normal practices of convenience stores.

The creation of a safety culture around violent event prevention in the industry is needed, and while many in the industry do have a focus on the issue, better coordination, updated materials, more sophisticated risk assessment and reduction and a continuous commitment of all owners will go far to build trust and confidence in the prevention and effective response to violent crime.

Association Cooperation

All of the stakeholders agree that the associations and industry representatives are crucial partners in the alliance to make the late night retail industry safer. The associations involved, and those now waiting to participate, include all the larger corporations that are familiar to us as we get gas for our cars and drive down the road. Smaller companies in the industry look to these bodies as trend-setters and examples of best practices. The conferences and newsletters will allow IDOL to communicate with many of the owners about the renewed focus on safety and allow the industry to measure and standardize its practices.

News coverage

The public reactions to this initiative have told the Working Group that it has not performed its tasks in a vacuum. Media reports of the Working Group's activities started with the announcement of the initial meeting between the IDOL, industry representatives and safety experts. Many of the reports understated the focus of the meeting: to begin a dialogue and seek out executive branch options to encourage the use of best practices. Instead, the focus was on the closed-door meeting and accused the IDOL, among others, of attempting to keep the public uninvolved in the proceedings.

The second, public meeting received significant positive coverage. The media reports focused on the family representatives and especially on the IDOL commitment to take forward those lessons already learned in the industry. Many Indianapolis broadcast stations, the Associated Press, Indiana Public Radio, the March issue of *Occupational Health & Safety* magazine, and OSHA publications gave coverage to the event, and the budding Working Group, its participants and its goals. In April, the Working Group was part of the

coverage of another convenience store shooting in Kokomo, Indiana. Details of the work of the group were juxtaposed with the state of safety in the industry.

X. RECOMMENDATIONS

The oversight committee presents, as a result of this study, three sets of recommendations – all related and similar, but with subtle differences and nuances. The first is from the family representative, the second from the IPCA and the final one from the IDOL.

Family Input

On behalf of the families of survivors of workplace violence in convenience stores, I want to say thank you to all of those involved for their work these last months in gathering information, statistics, conducting interviews, considering options and costs and generally searching within yourselves to find solutions to the problem that is workplace violence. We are pleased with the initial findings of this report and offer some of our recommendations.

Workplace violence prevention programs are indeed necessary and the foundation in a comprehensive plan for maintaining workplace safety. Providing in-depth training to employees should be the first order of business. Management's commitment to the prevention programs is as vital as that of the employee. Regardless of the type of programs implemented, there needs to be an incentive to keep employees engaged and interested. Yes, "their lives" is certainly a good incentive, but doing something like creating a safety team, as was suggested above in the Audits section could be a good option.

Give this opportunity to them as something they can be proud of, not just another chore to check off at the end of the day. Have a suggestion box or make a team leader as the liaison between the staff and management to share ideas on safety improvements or report curious incidents. Many employees are intimidated by going straight to management with a safety idea. Worse than that, some employees have been terminated after a workplace robbery.

And if a robbery or attempted robbery has occurred, make sure the employee (and all employees) is taken care of emotionally, too. Even if nothing was taken and everyone got out unscathed, the trauma of staring down the barrel of a gun is horrifying. Most might not say anything, so it's your job – as store owner, manager and maybe even your team leader – to check in. In many cases for the employee, the robbery doesn't end after the crime scene is cleaned up.

Family Advocate's Recommendations

The families, friends, and current and former convenience store employees make the following recommendations for improved safety measures within all late night retail establishments in the State of Indiana:

Adopt and/or incorporate the measures from the regulations set in place in the State of Florida:

Require additional security measures when convenience stores at which a murder, robbery, sexual battery, aggravated assault, aggravated battery, kidnapping or false imprisonment has occurred in connection with the operation of the business. Such measures must include one of the following additional security measures in place between the hours of 11 p.m. and 5 a.m.

In order for the family and friends of late night convenience store workers to be satisfied, our minimum requirements include:

- A panic alarm must be installed at all stores;
- Quarterly safety training meetings for all employees;
- Mandatory audits of all stores conducted by OSHA, IDOL, Indiana State Police and/or INSafe or face fines for non-compliance; and
- All stores must upgrade to high definition security cameras/recording systems.

One of the following measures is **MANDATORY**:

- Bullet resistant glass/enclosure; or
- Pass through window; or
- Two employees between the hours of 11 p.m. and 7 a.m.; or
- Failure to comply should result in fines on an ascending scale leading to store closures.

IPCA Recommendations

The Indiana Petroleum Marketers and Convenience Store Association (IPCA) is pleased to have been a participant in the Indiana Department of Labor's efforts to enhance the safety of employees working at late night establishments.

The IPCA is a trade association that was formed in 1922 by Indiana wholesalers and retailers of petroleum products. Today, the IPCA has more than 370 members comprised primarily of small- to medium-sized family-owned business that own and operate convenience stores

and supply petroleum, wholesale and retail, throughout Indiana. We estimate that our membership encompasses over 1,500 of the state's estimated 3,000 convenience stores.

Without question, one of the top priorities for IPCA members is the safety of their employees and customers. This issue is not new; it has been a long-standing focus of our industry for nearly 30 years, and it is one that is continuously evolving over time as research and new techniques are introduced to enhance customer and employee safety.

Yet, despite our members' historic commitment to safety, the current effort undertaken by the Indiana Department of Labor (IDOL) is groundbreaking because it reaches out to late night retailers as partners, fostering a positive, educational climate, which we believe will further our mutual objectives. Finally, we would be remiss if we did not acknowledge the contributions made by the relatives of those who have fallen victim to the senseless acts of violence. No one can mitigate the suffering inflicted upon them, but we can work together to make the late night retail environment safer.

Already there are two significant developments that have arisen out of our collective efforts. First is the formal partnership between the IPCA and the IDOL through the INSafe program. IPCA members will now be able to avail themselves of safety audits of their locations. In addition, the IPCA will rely upon INSafe's professional expertise in further educating retailers, whether that be through direct mailing campaigns, magazine articles or seminars.

The second accomplishment is reaching out to those other late night retailers – retailers who may not be members of the IPCA or other retail trade associations – who must also share the same level of commitment to ensuring the safety of their customers and employees. For our industry, the IPCA has identified for IDOL officials a list of government agencies (Indiana State Excise Police, Hoosier Lottery, etc.) that come in routine contact with retail convenience stores. We have suggested that a concise "best practices" brochure be created and distributed (with the assistance of these other agencies) to convenience stores that may not be part of the association community.

Today, IPCA members utilize a wide range of tools and policies to make their retail establishments safer. The overwhelming majority of IPCA members already employ a number of safety techniques proven to be effective in mitigating the threat of crime. Such measures include strict cash management policies, extensive employee training, sophisticated video monitoring surveillance and enhanced sight lines within the retail store. Some members, depending on their store locations and based upon the recommendations of their safety consultants, have opted to incorporate additional measures, such as bulletproof enclosures and pass-through windows.

The fact remains that there has not been any research to definitively conclude that certain safety measures are equally effective in all locations and scenarios. This challenge stems from the fact that retailers are dealing with criminal elements who think and behave contrary to rational behavior. It is therefore difficult to determine exactly what would prevent a deranged sociopath or person under the influence of drugs from initiating a violent attack in a late night establishment. Therefore, we do not believe that a one-size-fits-all government mandate is necessary; in fact, we believe it could be counterproductive in some cases.

Dr. Rosemary Erickson, a renowned forensic sociologist and security expert and president of the Athena Research Corporations, has conducted extensive research on the issue of security in the retail community. Her report Convenience Store Security at the Millennium is the seminal research project on the root causes of violent acts in the convenience store setting as well as the most effective deterrents to such crimes.

One of the most fascinating research studies referenced in Dr. Erickson's piece involves direct interviews with convicted robbers regarding the effectiveness of certain convenience store deterrence measures. The following is a ranked list of deterrence measures considered most effective according to the criminals:

1. Escape Routes
2. Amount of Money
3. Armed Guards
4. Anonymity
5. Police
6. Armed Clerk
7. Interference
8. Bullet-resistant Barrier
9. Number of Clerks
10. Alarm
11. Number of Customers
12. Camera
13. Video

Based on the results of the research referenced above, as well as other studies, Dr. Erickson assessed the value of specific prevention techniques based upon a preponderance of the evidence. Those results were as follows:

- Lighting** - decreases robbery and decreases homicide
- Visibility** - decreases robbery and decreases homicide
- Reducing cash** - decreases robbery and decreases homicide
- Training employees** - decreases robbery and decreases homicide
- Escape routes** - decreases robbery and decreases homicide
- Cameras** - may not decrease robberies; may not decrease homicides
- Alarms** - do not decrease robberies; do not decrease homicides
- Closing establishments at night** - increases robberies at opening and closing and may increase homicides at those times, but not necessarily the total number of robberies or homicides
- Guards** - may decrease robberies, but may increase homicides if, as with banks, there is more violence with guards
- Two clerks** - may decrease robberies, but may increase homicides because two people are exposed, rather than one
- Bullet-resistance barriers** - may reduce robberies and injuries for the clerks, but may increase robberies and homicides among customers

The IPCA certainly welcomes further informed discussions with all parties involved, but all need to be cognizant that the inflamed rhetoric within this debate can be counterproductive. Convenience store operators who have not installed bulletproof glass or scheduled two employees in the evening are not “cheap” or “only interested in the bottom line” as some have alleged. The reason why these measures have not been widely implemented is because neither of them has proven to be successful and may actually lead to other safety concerns.

An owner of a convenience store is attentive to not only the safety of their employees, but also the safety of their customers. While bulletproof glass may offer a greater level of protection to the employee, it places the customer in harm’s way as a potential hostage. A well-designed safety program permits employees to be aware of their surroundings, which requires good sight lines and mobility throughout the store. A glass cage inhibits visibility and mobility. A second employee should not respond as a security guard when a gun is pointed at their co-worker. Law enforcement officials will tell you the robber is edgy and nervous and that the slightest unexpected movement could provoke them to violence. Requiring two employees on duty is not a deterrent to robbery, but would likely lead to there being an additional victim should violence occur.

Further, misinformed accusations could actually put convenience store employees at greater risk. A social network advocacy site urging that tougher requirements be instituted

to protect employees recently offered solace to a convenience store employee who was disciplined because too much money was in the cash drawer at the time of a robbery.

The advocate's comment was, "So again they (convenience store owners) do nothing to protect YOU the employee, but they get VERY upset when their MONEY is at risk!"

The fact of the matter is cash management policies have nothing to do with an owner's financial exposure and everything to do with preventing robberies. Very simply, if the employee cannot access the money and the robber ends up with a small amount of cash, convenience stores will less likely be targets for criminals. Lack of money was the second leading deterrent factor according to the convicted robbers cited in Dr. Erickson's research. Quite frankly, instead of offering support for the employee, safety advocates should have demanded his firing. His actions made the robbery of a convenience store all the more attractive, placing all convenience stores, their customers, and their employees at risk.

The convenience store industry has been a leader in safety for nearly 30 years by researching and implementing effective safety principles in store design and operations. We commit our full cooperation to the Indiana Department of Labor to improve safety within the convenience store and retail industry. We again appreciate the efforts of Commissioner Torres and her staff for their work on this matter. By working together, we can create an even safer environment for our customers and employees.

Indiana Department of Labor Recommendations

IDOL Role: Protecting workers in the workplace

The IDOL's mission is to advance the safety, health and prosperity of Hoosiers in the workplace. With that in mind, IDOL's goal in the late night retail industry is to heighten the protection of retail workers. This report represents the best of the practices for the renewed concerns toward safety in late night retail, and it shows that this problem is very real. It represents a threat to the workplace safety of every clerk in retail, but especially so to those working in small stores at night.

IDOL Recommendations

On the one hand, the IDOL must weigh the evidence that various policy recommendations will eliminate injuries and fatalities in the workplace. It must also balance the protection of workers and the costs of compliance with suggested recommendations. The assumption is that compliance is equally in the interests of workers with respect to work rules and attentiveness and to employers in their need to minimize costs and maximize the training and safety of their employees. The least burdensome portion of our recommendations consists of those that cost little, take little maintenance and are or can be transparent in their goals to increase safety. With that in mind, we recommend the following basic robbery

prevention program which is typical of most other efforts. A rough estimate of the cost of compliance is also included.

- Clear views of cash registers from outside the store;
- A drop-safe and training on the reasons for cash drop policies as employee safety measures (the safe should weigh more than 500 pounds or be affixed to the floor). \$300 - \$1,000 installed;
- Bright Lighting in all parking lots and at the front of the store;
- At least two high-resolution cameras (one over the shoulder of the clerk at the cash register and one surveying the product area of the store, with maintenance records to be kept and tests to be done on a regular basis). Dual camera system, with monitor and disc recorder: \$350 - \$750 and Video surveillance signs: \$6 - \$75 each installed;
- A height bar behind and in sight of the clerk's camera and at the exit of the store. Security height tape: \$25 - \$75 installed; and
- A prominent sign at the door and at the cash register detailing cash-drop policies (such as the clerk has no access to drop-safe, and no more than \$50 in cash in register): "Limited Cash in Register" sign: \$6 - \$75 installed.

The basic elements of this program are already in effect for most large chains. The IDOL's work will be to extend the use and influence of these recommendations among smaller late night retailers and to emphasize the cost-effectiveness of such a program in terms of injured and discouraged employees; insurance rates; and, in the rare instances of thwarted robberies (they are, after all, rare events in terms of robbery per cash transactions), saved losses of human capital and cash. With respect to the OSHA recommendation to use turnstiles, IDOL sees that they could possibly be effective in prevent egress after a robbery is committed, but a thorough review of the literature has revealed no evidence that there is an effect on assaults to employees.

In addition to these physical features of the basic robbery prevention are two types of training for those involved in late night retail.

The Safety Training Program

All three parties participating strongly agree that safety training for both management and store employees should be required.

The first set of issues and topics for training pertains to managers of the stores in general. IDOL suggests training, consisting of written programs that include:

- Managers' training in recording quasi-violent events and soliciting employee input to record these events;
- Managers' training in review of crime records in area;
- Managers' training in safety audits relative to violent crime (it would be beneficial to also address proper lifting and fall prevention); and
- Managers' training in creating police and community connections with respect to reporting and dealing with local crime.

In addition, IDOL suggests that employee training be written, be verified and made a condition of working between the hours of 11 p.m. to 5 a.m. The expectation is that most stores will train all their employees in these practices for workplace flexibility and because some robberies will happen during off-peak hours in the middle of the day. The following topics and issues should be a part of the employees' training throughout the industry:

- Employee training in policies meant to prevent workplace violence through robberies and assaults in the workplace (including the cash-drop policy as a violence prevention policy);
- Employee training in event reaction in the event a robbery or potentially violent customer action takes place while on duty; and
- Employee training in the reporting of safety suggestions and of sub-violent assaults.

IDOL believes that adoption of these practices will have an important impact and will likely preclude a significant number of violent events in late night retail establishments in the State of Indiana. They represent the best practices in the industry and are part of the Federal OSHA policies toward late night retail workplace violence and of the compliance measures used in the investigation of fatalities that often triggers an IOSHA investigation of safety issues in the industry).

Enhanced Measures for High Risk Stores

When a store is robbed more than two times in a 12-month period, IDOL defines this as a High Risk Store. IDOL recommends that the store implement proactive and direct barriers to future expected robberies and homicide. In general, four responses to extreme events are possible:

- Bulletproof barriers
- Employment of two clerks
- Guards, either armed or unarmed
- Store closure at night (between 11:00 p.m. and 5:00 a.m.)

Although the requirement that two clerks be employed in late night retail stores during the peak robbery and assault hours of 11 p.m. to 5 a.m. is common, IDOL believes it is generally unnecessary. It could actually increase the hazards to both clerks, instead of diminishing such risks. The data demonstrates that balance between the decreases in robbery while two clerks are present is more than offset by the “two-target” problem of increased homicides in Federal OSHA-investigated incidents with two clerks. Although there are many theories as to why the decrease in robbery is met by the increase in homicide, the relationship is empirically clear. Federal OSHA, in its [Recommendations on Late-Night Retail](#), admits that "no study has found that use of more than one clerk increases or decreases the risk of injury." (p. 6)

In High Risk Stores, IDOL recommends the use of bullet-proof enclosures, remote alarms and remote door locks, provided training is included. Pass-through windows are acceptable, but they limit consumer access to products. The argument in favor of these barriers is simple enough: a bullet-proof barrier between the clerk and a potential assailant will make shootings less likely to cause harm.

IDOL remains committed to the idea that there is not one single fix for High Risk Stores, despite the recommendation above. Data suggests that only one out of 14 of all convenience stores have been robbed more than once; hence this will not apply to the vast majority of locations. Even within this small population of stores, history, unique circumstances or other factors may mitigate the need for barrier protection. Depending on the sophistication of the robbery prevention and safety program in effect, an owner may choose another alternative. Nevertheless, a late night retail owner operating a High Risk Store that fails to seriously consider the installation of some type of barrier protection leaves its employees exposed in a known risk environment.

The principle argument against barriers in situations that have been established as threatening is crime displacement - the heightened protection of employees endangers the customers. This is a legitimate concern, but it should not be a reason to refrain from installing a barrier where one is needed. Neither Federal OSHA nor NACS gives any evidence regarding the likelihood of robbers taking customers hostage. Whether there is a barrier or not, the reasons a potentially violent robber would take a hostage are the same. It is to force the clerk, under threat of harm to someone else, to comply with the robber's demands. Research data suggests that instances of this kind of behavior are rare, and trading a clerk for a customer as potential victim seems a poor substitute. This is especially true given that there is little increase in security gained from a second trained clerk.

The pricing of these barriers is not cost prohibitive when compared to the costs of employing two clerks permanently or of the increases in insurance and workers' compensation costs in the long run. Quotes from Insulgard, Inc. in Brighton, Michigan show that for enclosures between ten and 25 feet in width, and ten feet in length, the full cost of design and installation is between \$27,000 and \$44,000. This is the equivalent of one to two years of employing an additional employee with benefits at \$10 per hour.

IDOL looks at the use of an unarmed guard with the same view as a second clerk. There is some evidence from studies of bank robberies that an armed guard is correlated with more violent confrontations, and would thus provoke, rather than dampen the effects we wish to have on employee safety. Closure of a late night retail store at night is an alternative, but we believe that is the choice of a store owner in a High Risk Store, and would imply the owners' preference to not adopt the requirements of a High Risk Store we recommend here.

IDOL has made an attempt not to overburden those retail establishments that fall into the High Risk Store category. Often, they are located in poor neighborhoods. Those residents rely on that retail establishment for many of their needs. Imposing too many requirements serves only to drive those locations out of areas that are reliant on their goods and services.

These are recommendations by IDOL, not standards. They rely on self regulation, not oversight by IDOL or another government agency. Nevertheless, turning a blind eye to the risks imposed on those clerks, when history has shown likelihood for crime, is not something that IDOL can countenance.

XI. CONCLUSION

The Oversight Committee of the Working Group on Late Night Retail Violence anticipated that there would be a lot of ground to cover to fulfill the mandate given by the Working Group as a whole. As the evidence and testimony of so many professionals was reviewed, it was apparent that there was much more agreement than disagreement. This report highlights the common ground among the Department of Labor, the Late Night Retail Industry, and those families of Late Night Retail workers who have had their lives forever changed by violent acts against them while at work.

We have tried to use the latest research and the best methodology to develop a comprehensive look at the industry, the issue of violence in the workplace and what remedies are available with given technology. It is our hope that this document not only acts as a guide to Indiana policy makers, but that it also aids and assists other states around the country to get a handle on workplace violence in the industry. For that reason, the report attempts to document and summarize the various legislative and regulatory attempts to control the problem. Again, we see converging approaches to safety in most of the attempts to make standards, whether through the legislature, local ordinances or regulatory reform around the nation.

When looking at what can be done, local governments have gone further in their coordination and the strictures of their regulations than have state governments. Enlisting the police and others to allow access or distribute information happens rarely, although it is viewed as one important aspect of a comprehensive program that increases success. Most government bodies have used fines or criminal penalties to enforce safety rules. In this effort in Indiana, IDOL will pursue the path chosen by California to implement a program through voluntary compliance to standards that are commonly thought of as best practices in the industry at large. Other policy makers may choose other means of compliance.

This report concludes that all late night retail outlets should implement the basic robbery prevention program and that they are able, with reasonable costs, to safely lock up their cash with a properly implemented cash control program. The outlets should have clearly marked signs that identify such a policy and also engage in training of managers and employees to maintain the policies adopted. Other aspects of the basic robbery prevention program focus on the identification of robbers, in order to discourage them from robbing and to gather the information in the event of robbery that would lead to an arrest and conviction. These include video surveillance, height markers in plain view and some passive engineering modification (such as lighting, silent alarms, and signs). Although the industry representatives maintain that video cameras and alarms do not necessarily decrease the

number of robberies, with sufficient proactive use of law enforcement, this report suggests that taking robbers off the street will deter threats to late night retail workers.

The most contentious area for all parties involved in researching and authoring of this report was how to deal with High Risk Stores. The contention started with how to define those stores, and affected the discussion of triggers, and the recommendations that will be put into action when those triggers are hit. While the families have advocated for a late night retail outlet to apply all their suggested precautions, and the industry agrees that a basic robbery prevention program would be the best course of action for all outlets, the IDOL maintains that there is a reasonable compromise that should be implemented. IDOL's recommendations for barriers with bulletproof glass rests on its mission of the protection of late night retail workers as employees. The IDOL maintains that a reasonable trigger, based on the pattern of robberies in late night retail, be reserved for those stores that have had more than two robberies in the past twelve months because those are the stores where the exposure of employees to violent crime is highest. According to Federal OSHA analysis, this encompasses only seven percent of all stores.

Among all the contentious issues, that of requiring two clerks on duty from 11:00 p.m. to 5:00 a.m. is the most difficult to put to rest. However, while it makes common sense that this would preclude a lone robber from executing their crime, it places undue danger on the second employee, who by standard training should be passive during the robbery, but is strongly pulled to act as an untrained guard in these circumstances when they occur. If not, then there is no advantage. If so, then they create the sort of violence provocation that endangers more lives.

This report thus adopts the trigger of more than two robberies to cause the securing of the late night retail workspace with bulletproof enclosures in order to protect those workers who would otherwise be exposed. The report also recommends that an alarm system be installed in these High Risk Stores, in order to facilitate the capture of perpetrators in non-violent robberies before that occasion where a recidivist robber takes their change and commits a violent act toward the employee. This policy maximizes the safety of late night retail workers in the workplace, and is based on the available research put forward above. The report rejects the use of two clerks, since there is research which suggests that this policy increases the occurrences of violence, although it decreases the occurrences of robbery.

The most pernicious problem in implementation of the goals before the Oversight Committee is outreach. IDOL has committed resources to developing inter-departmental relationships with several state agencies to reach late night retailers who are outside of the engaged industry associations who have shown the commitment to educate their

membership. This report recommends and will continue to pursue making sure that all owners and operators of late night retail outlets in Indiana have the latest facts, statistics and research on reducing violence in the entire industry by extending IDOL reach into smaller operators and educating those in the industry on how to best prevent the tragic loss of life and limb that results from these events.

It is reasonable to believe that by bridging the gap between the employees and management in this industry through the use of best practices, training and cooperation, that together we can significantly reduce the effect of violence in the workplace on late night retail employees. Our hope is that Indiana can be a model for cooperative work and understanding in this area. The entire Working Group on Late night Retail Workplace Violence understands that this report is the beginning of a process by which we will advance the safety of Indiana's late night retail workers.

Appendix A: Village Pantry Quarterly Report dated 5-22-12

[Pagination is different in original]

ROBERT R. FOOS, JR.
317-237-0500
rfoos@lewiswagner.com

May 22, 2012

Julie Alexander
INDIANA DEPARTMENT OF LABOR
402 W. Washington Street
Room W-195
Indianapolis, IN 46204

RE: Village Pantry, LLC
Inspection No.: 313904864
Case Docket No.: 10-007
Agreed Entry Date: June 9, 2011

Dear Julie:

Please allow this correspondence to serve as Village Pantry, LLC's Quarterly Report as contemplated by paragraph 12 of the Agreed Entry.

In our continuing effort to protect the safety of our employees, Village Pantry, LLC has completed the following objectives:

- a. Village Pantry has instituted revised record keeping criteria on incidents in all stores. These records are designed to give us a better understanding of what types of potential incidents to which our employees may be subjected.
- b. Identified the stores most at risk for violent episodes and starting with those stores most at risk (Village Pantry has since identified 17 of the 134 Indiana stores which meet this criterion). The identification of at risk stores is continually evaluated based on the information gathered after each incident.
- c. Performed a threat assessment on each store, starting with the 17 most at risk stores.
- d. Instituted Appendix A, Sample Checklist 1 of the OSHA Recommendations for Workplace Violence Prevention Programs in Late Night Retail Establishments to use as a threat assessment in all stores on a continuing basis.
- e. Taken corrective action identified from the threat assessments on a store-by-store basis beginning with those stores identified as most at risk.

- f. Prepared and distributed the new SAFE manual for implementation and continued use in all stores.
- g. Trained every manager in the company on the contents of the SAFE manual;
- h. Tested all employees on robbery safety sections in the SAFE manual and captured the results electronically.
- i. Completed a written workplace violence evaluation for all Indiana stores.
- j. Prepared banking policies for robbery safety and prevention and collected signatures from all employees who have completed the training.
- k. Retrained the top 17 at-risk store managers on the SAFE manual.
- l. Added public view monitors in all 17 of the most at-risk stores.
- m. Attended the recent summits with IOSHA, families of victims of violence and other members of local late night retail establishments in order to address additional measures that might be taken to further protect employees. Following the meeting we committed to developing “Best Practices” guidelines based on OSHA’s Recommendations for Workplace Violence Prevention Programs. (OSHA 3153-12R 2009).

As of the previous Quarterly Report (February 1, 2012) Village Pantry, LLC had completed several of the corrective actions contemplated in paragraph 11 of the Agreed Entry. Please see the previous Quarterly Report for a list of capital expenditures completed between June 6, 2011 and February 1, 2012. Even though we have not yet completed all anticipated corrective actions, we have expended considerable time and expense to make our stores as safe as possible for employees and are on track to finish well ahead of the three year timeline. Work completed between February 1, 2012 and May 22, 2012 includes the following:

- Village Pantry continues to evaluate the need for added safety features, including scheduling additional Associates during late night hours and installing pass-through devices and/or bullet resistant barriers in at-risk stores.
- Village Pantry has reconsidered its stance on installing panic buttons. Panic buttons are one of many “late-night recommendations from IOSHA and OSHA that Village Pantry has agreed to evaluate. Panic buttons will be installed in ten (10) stores. Of the ten (10) identified stores to receive panic buttons, six (6) are stores previously identified as “at risk” stores, and include the three (3) stores recently experiencing severe injury or death to a valued Associate. Village Pantry will install three (3) panic buttons in each of the ten (10) identified stores, one in the manager’s office and one by each register. The panic alarms will be monitored by Koorsen.
- Village Pantry is preparing training materials for Associates to ensure, among other directives, they DO NOT make sudden movements to hit the Panic Alarm while a robber is standing in full view.
- Village Pantry continues to evaluate administrative and engineering controls that will hopefully continue to reduce risks to valued Associates.
- Village Pantry has formed a standing executive safety committee that meets monthly. The committee consists of leadership from the all aspects of the corporation, including business, operations, auditing, merchandising, human resources, claims management and maintenance divisions to develop strategies to keep Associates safe.

- Village Pantry has updated and improved the monthly safety inspection audits. The information is now captured electronically for ease of analysis.
- Village Pantry has developed a dedicated monthly safety bulletin in addition to the regular quarterly and monthly newsletters. This bulletin specifically addresses on the job safety issues confronting Associates and how to best minimize the risks associated with those issues.
- Village Pantry has remodeled a store by rotating the counter 90 degrees to allow for better sight lines into and out of the store in accordance with the OSHA Workplace Violence Inspection Checklist and OSHA Sample Workplace Violence Factors and Control Checklists.
- Village Pantry has upgraded ten (10) additional analog recording devices to Digital Video Recorders.

We trust that this Quarterly Report adequately conveys Village Pantry, LLC's continued commitment to the safety of our greatest assets. We hope to make similar improvements to additional stores in the next quarter and look forward to providing you with our next report.

Please feel free to contact me with any questions. Thank you.

Very truly yours,

Robert R. Foos, Jr.

ROBERT R. FOOS, JR.

cc: Mike Emmons, Fred Wine, Mark Orff

Q:\VP\28\Quarterly Reports\Quarterly Report 05-22-12.docx

FYI: RFW, MMH

Appendix B: Insulgard, Inc. Prospective Costs of Bulletproof Barrier- 10' X 10' and 10' X 25'

 www.insulgard.com		Sales Proposal	
		Brighton Office 1291 Rickett Road Brighton, MI 48116 Tel: 800-624-6315 Fax: 810-844-0920	Sales Rep Gerry Sagerman +1 440 2353437 Estimator Jim Kennedy

Proposal Submitted to: Account: Indiana Department of Labor Contact: Timothy Koponen Phone: +1 317 2347882 Fax: Address: Room W195, Indianapolis, IN 46204	Project Information: Project: 38470 C-Store Interior Enclosure 10 x 10 Desc: C-Store Interior Enclosure City: State:
---	---

Proposal Valid for:	Leadtime	Payment Terms	Shipment Terms
30 Days	4-6 Weeks Receipt of Approved Drawings	30 Days Net Shipment	Freight Prepaid

Base Proposal		
Item #	Description	Price
1	Budget to supply and install 1 3/8" thick bullet/abrasion resistant coated acrylic (UL rated level 2 protection) fabricated into a horizontal slider system for 1 paypoint for an opening height of 60" above existing counters. System to include 1 recessed stainless steel cashtay, Lawrence Brothers top track, quantity 1 aluminum 44-350 half-vision door 3'-0" x 7'-0" complete with frame, transom, closer, lockset, continuous hinge and electric strike, all aluminum channel and hardware required for a complete installation. Enclosure to be 10'-0" wide with 10'-0" returns on each end including door. Includes shop drawings. Installation to occur in the state of Indiana.	\$ 19,334
2	Budget to supply and install exterior glazing: Backglaze existing windows with 1 3/8" thick bullet/abrasion resistant UL rated level 2 coated acrylic and 44-250 aluminum framing for quantity 2 windows 60" wide x 60" high. Existing framing and glazing to remain in place. Installation to occur at time of interior barrier installation. Merchandise and racking to be removed by others prior to installation. Installation to occur in the state of Indiana.	\$ 4,676
3	Budget to supply and install plastic laminated soffit lined with UL rated level 2 ballistic fiberglass. Soffit to be 6'-0" tall x 10'-0" wide with 10'-0" returns. Installation to occur at time of interior barrier installation. Installation to occur in the state of Indiana.	\$ 5,795
Total Base Price		\$ 29,805

Alternates / Options		
Item #	Description	Price
1	Budget to supply and install exterior glazing: Backglaze existing windows with 1 1/4" thick bullet/abrasion resistant UL rated level 1 coated acrylic and 44-250 aluminum framing for quantity 2 windows 60" wide x 60" high. Existing framing and glazing to remain in place. Installation to occur at time of interior barrier installation. Merchandise and racking to be removed by others prior to installation. Installation to occur in the state of Indiana.	\$ 17,834
2	Budget to supply and install exterior glazing: Backglaze existing windows with 1 1/4" thick bullet/abrasion resistant UL rated level 1 coated acrylic and 44-250 aluminum framing for quantity 2 windows 60" wide x 60" high. Existing framing and glazing to remain in place. Installation to occur at time of interior barrier installation. Merchandise and racking to be removed by others prior to installation. Installation to occur in the state of Indiana.	\$ 4,121
3	Budget to supply and install plastic laminated soffit lined with UL rated level 1 ballistic fiberglass. Soffit to be 6'-0" tall x 10'-0" wide with 10'-0" returns. Installation to occur at time of interior barrier installation. Installation to occur in the state of Indiana.	\$ 5,057
Total Base Price		\$ 27,012

Exclusions and Qualifications	
Item #	Description
1	Price does not include applicable taxes
2	Price includes freight
3	Proposal includes installation using non-union labor during normal business hours.
4	This quotation is solely based upon information including but not limited to information received and available prior to quotation. Inaccurate or unavailable information, including but not limited to substrate, anchorage or adjacent materials, that must be included in our submittal drawings prior to customer approval for fabrication, may result in additional costs, time delays or inability to complete the project as anticipated.
5	Any changes will require a re-quote
6	***IMPORTANT*** - Customer is responsible for his/her own take-off. Any discrepancies regarding what is quoted is customer's responsibility. Customer also responsible for field verification of all measurements before fabrication can begin.
7	Customer is responsible for providing clear access to transaction counter and exterior for installation purposes.

Guarantee:	
1	Warranty from date of manufacture are as follows. (See product specification sheets & submittal documents for full warranty information) By placing an order based on this proposal, you acknowledge and accept Insulgard Security Products' standard Terms and Conditions of Sale, a copy of which is attached, and such order is limited to those Terms and Conditions. No changes to such Terms and Conditions will be effective unless approved in writing by Insulgard Security Products.

Name:	Title:	Signature:	Date:



www.insulgard.com

Sales Proposal		
Brighton Office 1291 Rickett Road Brighton, MI 48116 Tel: 800-624-6315 Fax: 810-844-0920	Sales Rep Gerry Sagerman +1 440 2353437	Date: 6/7/2012 Proposal #: 38489 Total Pages: 1
	Estimator Jim Kennedy	

Proposal Submitted to:	Project Information:
Account: Indiana Department of Labor Contact: Timothy Koponen Phone: +1 317 2347882 Fax: Address: Room W195, Indianapolis, IN 46204	Project: 38489 C-Store Interior Enclosure 25 x 10 Desc: C-Store Interior Enclosure City: State:

Proposal Valid for:	Leadtime	Payment Terms	Shipment Terms
30 Days	4-6 Weeks Receipt of Approved Drawings	30 Days Net Shipment	Freight Prepaid

Base Proposal		
Item #	Description	Price
1	Budget to supply and install 1 3/8" thick bullet/abrasion resistant coated acrylic (UL rated level 2 protection) fabricated into a horizontal slider system for 2 paypoints for an opening height of 60" above existing counters. System to include 2 recessed stainless steel cashtrays, Lawrence Brothers top track, quantity 1 aluminum 44-350 half-vision door 3'-0" x 7'-0" complete with frame, transom, closer, lockset, continuous hinge and electric strike, all aluminum channel and hardware required for a complete installation. Enclosure to be 25'-0" wide with 10'-0" returns on each end including door. Includes shop drawings. Installation to occur in the state of Indiana.	\$ 25,652
2	Budget to supply and install exterior glazing: Backglaze existing windows with 1 3/8" thick bullet/abrasion resistant UL rated level 2 coated acrylic and 44-250 aluminum framing for quantity 5 windows 60" wide x 60" high. Existing framing and glazing to remain in place. Installation to occur at time of interior barrier installation. Merchandise and racking to be removed by others prior to installation. Installation to occur in the state of Indiana.	\$ 10,127
3	Budget to supply and install plastic laminated soffit lined with UL rated level 2 ballistic fiberglass. Soffit to be 6'-0" tall x 25'-0" wide with 10'-0" returns. Installation to occur at time of interior barrier installation. Installation to occur in the state of Indiana.	\$ 8,015
Total Base Price		\$ 43,795

Alternates / Options		
Item #	Description	Price
1	Budget to supply and install exterior glazing: Backglaze existing windows with 1 1/4" thick bullet/abrasion resistant UL rated level 1 coated acrylic and 44-250 aluminum framing for quantity 5 windows 60" wide x 60" high. Existing framing and glazing to remain in place. Installation to occur at time of interior barrier installation. Merchandise and racking to be removed by others prior to installation. Installation to occur in the state of Indiana.	\$ 23,320
2	Budget to supply and install exterior glazing: Backglaze existing windows with 1 1/4" thick bullet/abrasion resistant UL rated level 1 coated acrylic and 44-250 aluminum framing for quantity 5 windows 60" wide x 60" high. Existing framing and glazing to remain in place. Installation to occur at time of interior barrier installation. Merchandise and racking to be removed by others prior to installation. Installation to occur in the state of Indiana.	\$ 8,739
3	Budget to supply and install plastic laminated soffit lined with UL rated level 1 ballistic fiberglass. Soffit to be 6'-0" tall x 25'-0" wide with 10'-0" returns. Installation to occur at time of interior barrier installation. Installation to occur in the state of Indiana.	\$ 6,907
Total Base Price		\$ 38,966

Exclusions and Qualifications	
Item #	Description
1	Price does not include applicable taxes
2	Price includes freight
3	Proposal includes installation using non-union labor during normal business hours.
4	This quotation is solely based upon information including but not limited to information received and available prior to quotation. Inaccurate or unavailable information, including but not limited to substrate, anchorage or adjacent materials, that must be included in our submittal drawings prior to customer approval for fabrication, may result in additional costs, time delays or inability to complete the project as anticipated.
5	Any changes will require a re-quote
6	***IMPORTANT*** - Customer is responsible for his/her own take-off. Any discrepancies regarding what is quoted is customer's responsibility. Customer also responsible for field verification of all measurements before fabrication can begin.
7	Customer is responsible for providing clear access to transaction counter and exterior for installation purposes.

Guarantee:	
1	Warranty from date of manufacture are as follows. (See product specification sheets & submittal documents for full warranty information) By placing an order based on this proposal, you acknowledge and accept Insulgard Security Products' standard Terms and Conditions of Sale, a copy of which is attached, and such order is limited to those Terms and Conditions. No changes to such Terms and Conditions will be effective unless approved in writing by Insulgard Security Products.

Name:	Title:	Signature:	Date:

[Added post publication June 29, 2012]

Appendix C: Alliance Agreement between the Indiana Department of Labor (INSafe) and the Indiana Petroleum marketers Association.



Alliance Agreement

Indiana Petroleum Marketers and Convenience Store
Association,
Indiana Grocery and Convenience Store Association
and the
Indiana Department of Labor

March 28, 2012



The Indiana Department of Labor (hereinafter "IDOL"), Indiana Petroleum Marketers and Convenience Store Association (hereinafter "IPCA"), Indiana Grocery and Convenience Store Association (hereinafter "IGSCA") and the Indiana Association of Beverage Retailers (hereinafter "IABR"), agree that entering into a Strategic Occupational Safety and Health Alliance Agreement is a benefit to all groups. The Alliance shall be a cooperative agreement involving IDOL and participating members of the IPCA and IGSCA to provide their members engaged in the late-night retail activities, with information, guidance and access to resources that will help them protect employees' health and safety.

IPCA and IGSCA member companies may request INSafe consultations and shall be given priority in scheduling onsite visits. INSafe may provide safety programs, site safety consulting and/or field services in accordance with its standard operating procedures. INSafe may also provide site-specific or strategic industrial hygiene services in accordance with its standard practices.

This agreement recognizes that INSafe will play a vital and continuing role in the delivery of group-wide services and OSHA outreach for the IPCA, IGSCA and IABR.

IPCA, IGSCA and IABR members may request INSafe onsite consultation and assistance by completing the form online at www.in.gov/dol/insafeconsultation. Semiannually, the Alliance participants shall meet in person or by phone to discuss the effectiveness of the alliance and ways to further strengthen ties between IDOL, IPCA, IGSCA and IABR.

IDOL, IPCA IGSCA and IABR will work together to achieve the following outreach and communication goals:

- IDOL will provide expertise in developing information on the recognition and prevention of workplace hazards, and provide expertise in developing ways of communicating such information to the IPCA, IGSCA and IABR and its members. IDOL will speak, exhibit, or appear at IPCA, IGSCA and IABR conferences, meetings and major industry trade shows as available and requested.
- The IDOL will share information and statistics, as determined to be appropriate by the Director of INSafe, to advance the goal of providing more relevant information and reducing injuries, illnesses and fatalities in the workplace (e.g., sharing fatality/injury and illness data that is generally unavailable to the public; these statistics may provide the basis for future prevention-based research).
- INSafe will consult with select member companies of the IPCA, IGSCA and IABR to assist with the development and delivery of group-wide occupational safety and health outreach and training programs.
- IPCA, IGSCA and IABR will share information with IDOL personnel and industry safety and health professionals regarding IPCA, IGSCA and IABR best practices or effective approaches and publicize results through outreach by IPCA, IGSCA and IABR and through IDOL events, print media, websites, etc.

- IPCA, IGSCA and IABR will promote and encourage member company participation in INSafe programs such as the OSHA Consultation Program and its INSHARP Program.
- INSafe will also provide strategic industrial hygiene and safety assistance to IPCA, IGSCA and IABR and its participants upon request. This work will be used to develop a common exposure picture for similar work application with member companies.

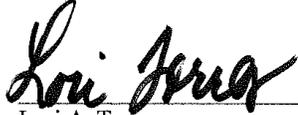
The IDOL's Alliances provide vested parties an opportunity to participate in a voluntary cooperative relationship with the Indiana OSHA consultation program, INSafe, and the Indiana Occupational Safety and Health Administration (IOSHA) for purposes such as training and education, outreach and communication and promoting a national dialogue on occupational safety and health. These Alliances have proven to be valuable tools for both the IDOL and its Alliance participants. By entering into a strategic Alliance with a vested party, neither IDOL nor any of its divisions is endorsing any of that party's products or services; nor does the IDOL enter into an Alliance with the purpose of promoting a particular party's products or services.

Participants in this Alliance agreement will meet at least two times per year, either formally or informally, to track and share information on activities and results in achieving the goals of the agreement. Participants in this semiannual meeting will include representatives of the IDOL, IPC, IGSCA and IABR.

This Alliance agreement will remain in effect for two (2) years. Any signatory may terminate this Alliance agreement for any reason, at any time, provided 30 days written notice is given. This Alliance agreement may be modified at any time during the period with the concurrence of the signatories.

All Alliance signatories appear on the page that follows.

Dated this 28th day of March, 2012.



Lori A. Torres
Commissioner
Indiana Department of Labor



Scot Imus
Executive Director
Indiana Petroleum Marketers and
Convenience Store Association



Michelle L. Ellison
Director of INSafe
Indiana Department of Labor

Joe Lackey
President
Indiana Grocery and Convenience Store
Association, Inc.



Jeffrey S. Carter
Deputy Commissioner of IOSHA
Indiana Department of Labor

John Livengood
President/CEO
Indiana Association of Beverage Retailers

