

Indiana Labor Insider

November/December 2011

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

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

Turning the Page to 2012

Here we are again, nearly ready to turn the page to 2012. We've had lots of changes here with a number of retirements balanced out with many new hires. So there are lots of new faces here at the Indiana Department of Labor. We operate a lean and mean machine here, so every separation requires us to adjust in some way. We've had a bit of an uptick in the time it has taken us to do some things, like resolve contested wage claim issues, or close out our IOSHA inspections. But we continue to pour in every ounce of energy to improve on our service to our stakeholders. I suspect that there are many of you that are also struggling with knowledge transfer issues as our long term employees continue to age out of the workforce.

But we've also had plenty of successes. We've collected more than \$275,000 in wages owed to more than 320 Hoosiers in 2011. We coordinated and facilitated a mine emergency rescue drill (more on that later in this issue) with the help of Black Panther's Oaktown Fuels #1 Mine and a host of others,

and we've conducted more than 1,300 [IOSHA](#) inspections throughout the state. Also this year, our [INSafe](#) OSHA Consultation Division assisted more than 400 employers in the identification and correction of occupational safety and health hazards.

As you celebrate your holiday of Christmas, Hanukah, Kwanzaa or just a family get together, know that all of us here continue to work towards your safety, health and prosperity.



Lori A. Torres
Commissioner of Labor

Wishing you safe and happy holidays,

Lori Torres

Lori A. Torres
Commissioner

Call for 2012 Governor's Workplace Safety Award Applications

This past March, [eight companies and one individual](#) were recognized with a Governor's Workplace Safety Award.

The award highlighted the efforts of each to further advance the safety and health of Hoosiers in the workplace. The Indiana Department of Labor is seeking applications or nominations for the [2012 Governor's Workplace Safety Awards](#).

The Governor's Workplace Safety Awards salute organizations and individuals that have made Hoosier worker safety and health a top priority. Categories in which an individual, organization, company, municipality, union, school or nonprofit organization may seek recognition include outreach and education, partnerships and innovation.

Representatives comprised of members of the Central Indiana Chapter of the American Society of Safety Engineers (ASSE) and Indiana Department of Labor review and score the applications. The review committee recognizes the

limited resources of smaller entities and evaluates overall effectiveness of the program, process and techniques relative to the organization's size.

Applications and nominations for consideration of the 2012 award must be submitted to the Indiana Chamber of Commerce by 5 p.m., Wednesday, January 18, 2012. Applications received after the deadline will not be considered. Recipients of the 2012 award will be honored at the annual Indiana Safety and Health Conference & Expo on Wednesday, March 14, 2012, during the Governor's Workplace Safety Award luncheon. Award recipients will receive advanced notification to allow them an opportunity to have representatives attend the luncheon.

The 2012 application may be downloaded for completion by clicking [here](#) or visiting [www.INSafetyconf.com](#). More information about the Governor's Workplace Safety Awards may be found online by clicking [here](#).



SAFETY ALERT:

Working Safely with Forklifts & Other Material Movers



An incident involving a forklift on March 16, 2011, claimed the life of the lift's operator. The forklift, the operator and a pallet full of product fell through the floor to the basement level. The floor was not properly rated to withstand the weight of the lift, operator and load. (IOSHA case file photo)

Forklifts, also known as powered industrial trucks (PITs), and other industrial material-handling equipment are powerful tools that allow for the transfer of heavy and awkward loads with very little effort. From warehouses and manufacturing facilities to grocery stores and construction sites, this type of equipment is being used by workers in many different settings.

While these material movers serve as great resources to workers across industries, they also pose the risk of serious injury and, in some cases, have been involved in work-related deaths. Between 2006 and 2010, six Hoosier workers deaths involved the use of forklifts.

Employees may become seriously injured or killed while using forklifts when forklifts are inadvertently driven off loading docks or fall between docks and an unsecured trailer, when individuals are struck by a lift truck or when a lift overturns. Many forklift incidents also involve property damage, including damage to overhead sprinklers, racking, pipes, walls and machinery.

Worker injuries and property damage may be attributed to a lack of safe operating procedures or operating a forklift carelessly, lack of safety-rule enforcement, insufficient or inadequate training and lack of familiarity with a particular lift. Employees working in an area or facility in which this equipment is being operated are also exposed to being struck by a forklift or load.

Training Basics

Only trained and authorized personnel should operate forklifts or other material movers. To be effective, training must include classroom-style instruction coupled with practical hands-on demonstration. Training should be provided by an individual determined by the employer to be competent by reason of training or experience, and who understand the signs, notices and operating instructions of the equipment.

OSHA standards require forklift operators to receive

training on the equipment that they will be responsible for operating. For example, if an operator is assigned to operate a sit-down counterbalanced rider truck, then the operator must be trained and evaluated in the safe operation for that type of equipment. If an operator is assigned to operate an operator-up counterbalanced front/side loader truck, or a rough terrain forklift, then the operator must be trained and evaluated in the safe operation for those types of trucks.

Practical training must include hands-on demonstrations by the trainer as well as exercises conducted by the forklift trainee. Training should occur in the setting in which the operator will be responsible for working. Hands-on training must conclude with an evaluation of the effectiveness of the training by observing the operator's performance while doing actual work using the forklift. This evaluation must occur at least once every three years. To review OSHA's forklift training requirements, click [here](#).

An operator must be retrained or refreshed if he or she has been involved in an accident or a near miss or observed operating the equipment in an unsafe manner. Retraining will also be necessary, should the operator be assigned to a new type of forklift or if there is a change in workplace conditions that may affect safety.

Training and retraining activities must be provided by an individual who possesses knowledge, training and experience to train and evaluate the trainees' ability. All training and retraining activities must be documented. Documentation must include the operator's name, date of training and evaluation as well as the name of the individual who provided the training. To review OSHA forklift training materials, please click [here](#).

Pre-use Inspections

Daily, pre-shift inspection of powered industrial trucks is required by OSHA standards. Forklifts with defects, missing parts or repairs and maintenance needed must be reported and corrected immediately. Checklists for each type of industrial truck are generally available from the truck manufacturer.

Employers may choose to use a checklist for each type of industrial truck in their workplace or compile one that can be used for any type of truck. However, employers must refer to the owner's manual, specifications and manufacturer's recommendations to modify the checklist for trucks being operated in their workplace.

Surface Condition

Whether operating the forklift indoors or outside, it is essential that operators know their respective surface condition. Obstructions—above or on the surface's floor -- bumps and depressions can cause the operator to lose control of steering, cause a sudden unplanned stop or cause the operator to drop the load. A soft dirt surface can cause a wheel to sink and destabilize an elevated load and the forklift.

All permanent aisles and passageways must be clearly and visibly marked. It is critical to touch-up paint and surfaces marked so forklift operators may easily read and follow instructions. Any surface a forklift drives on must be able to support the forklift and its load with a safety factor of four. Therefore, if a 7,000-pound forklift is carrying a 3,000-pound load, then the floor must be able to support at least 40,000 pounds.

Chock it Up for Safety

Often, forklifts are driven onto trucks, trailers or railroad cars over a dock board at loading docks. If the truck, trailer or

car is not properly secured to the dock or otherwise chocked, it can move over time. This poses the risk of the dock board falling between the trailer and the dock as the forklift crosses it. Employees may be seriously injured or killed in the event that this occurs.

Employer Resources

This article is intended as a brief overview of some OSHA requirements; for more information on the safe operation of forklifts and other material movers, please visit the National Institute for Occupational Safety and Health's (NIOSH's) website at www.cdc.gov/niosh. More information and other electronic resources are available online as well by visiting www.osha.gov.



In need of a touch-up to ensure clear instructions, the floor markings indicate, "No Forklifts." (IOSHA case file photo)

Employers may also seek free compliance assistance from the Indiana Department of Labor's OSHA consultation division, INSafe. INSafe Safety and Health Consultants work with employers to identify and eliminate workplace safety

and health hazards. To request an onsite consultation, please complete and submit the request form online at www.in.gov/dol/insafeconsultation. Last year, INSafe assisted more than 440 employers in identifying and correcting over 1,200 occupational safety and health hazards.

For more information or questions, please contact INSafe by email at insafe@dol.in.gov. INSafe may also be contacted by phone at (317) 232-2688.



It Happened Here: Marion County

Background: Between 2006 and 2010, six Hoosier worker deaths involved the use of forklifts.

Event: On March 16, 2011, in Marion County, a 51-year-old forklift operator was driving a forklift in a warehouse. The operator drove the forklift in an area that was marked "no forklifts," and the floor collapsed. The forklift, the employee and the load fell onto the floor of the basement level. Emergency response was called. Several large pieces of concrete from the ceiling were found on top of the forklift operator. The operator was pronounced dead due to blunt-force injuries.

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

- Ensure the surface in which forklifts and other powered industrial truck equipment will be used is properly rated to bear the weight of the forklift, operator and load, times four.

- Provide adequate training for all forklift operators. Training must include formal instruction and practical training as well as an evaluation of the operator's performance in the workplace. The training must be provided by a person who has the knowledge, training and experience to train operators and evaluate their competence.
- Ensure all permanent aisle and passageways are visibly marked. Refresh painted markings as often as necessary.
- Train employees to recognize the safety and health hazards associated with each job, task and worksite. Employees should also have knowledge of how and to whom to report occupational safety and health concerns.
- Investigate all near-miss incidents, as well as perform root cause analysis (RCA) to prevent recurrence.
- Foster a culture of workplace safety and health, and hold yourself accountable for your employees' understanding and following of all written safety and health policies, rules, procedures and regulations.

You Asked, We Answered - Forklift Safety

How often are forklift operators required to receive training?

An evaluation of each forklift operator's performance must be conducted at least once every three years. Refresher training in relevant topics must be provided to the operator in the following circumstances:

- The operator has been observed to operate the vehicle in an unsafe manner;
- The operator has been involved in an accident or near-miss incident;
- The operator has received an evaluation that reveals that he or she is not operating the truck safely;
- The operator is assigned to operate a different type of truck in which he or she has not been appropriately trained; and
- The conditions of the workplace have changed in a manner that could affect the safe operation of the truck.

What methods of training should be used for forklift operators?

Training must consist of a combination of formal instruction (e.g., lecture, discussion, interactive computer learning,

video tape, written material, etc.) as well as practical training demonstrations performed by the trainer. The trainee must be able to perform the same. An evaluation of the operator's performance in the workplace setting must also be completed.

How frequently should powered industrial trucks be examined?

Powered Industrial Trucks (PITs) should be examined before being placed into service and at least daily thereafter. Where a PIT is used on a round-the-clock basis, it must be examined after each shift. All defects and repairs must be reported and corrected immediately.

Is it okay to custom build attachments for a forklift?

Modifications and additions which may affect capacity and safe operation must not be performed by the customer or used without manufacturer's prior written approval.

Where can I find more information about forklift safety?

Additional information on forklift (PIT) safety can be found online by clicking [here](#). You may also contact INSafe for more information by phone at (317) 232-2688 or email at insafe@dol.in.gov.



Get in Gear with Winter Weather

Even the most experienced drivers can find their nerves and skills tested by ice-and snow-covered roads. When the weather changes, so do driving conditions. The Indiana Department of Labor urges motorists to exercise extreme caution while on Hoosier roadways.

According to the Bureau of Labor Statistics' Census of Fatal Occupational Injuries, the latest workplace fatality report revealed that nearly one-third of all Hoosier workplace fatalities occur on the roadway. Transportation-related fatalities are not exclusive to employees working in the transportation industry or operating heavy trucks. Incidents occur in nearly every major industry in Indiana where vehicles are used to transport equipment and supplies, conduct work in roadways, and deliver products and perform service work. These workers include real estate agents, social service workers, police officers, salespeople, construction workers, long-haul transportation drivers, etc.

Although employers cannot control roadway conditions, they can promote safe driving behavior by providing safety information to workers and by setting and enforcing driver safety policies. Crashes are not an unavoidable part of doing business. Employers and employees can take proactive

measures to ensure worker safety and health. Below, please find winter weather driving tips to help manage winter weather driving safety. More tips and safety-related information may be found by visiting the Indiana Department of Transportation's website by clicking [here](#).

WINTER WEATHER DRIVING TIPS

- **Vehicle maintenance** - ensure proper vehicle maintenance and repair (e.g., tires, windshield wiper blades, etc.). Also, review your vehicle's fuel levels before leaving for your destination during winter months to ensure you have enough gasoline in the event of an emergency.
- **Plan in advance** - before you leave, find out about driving conditions. Leave in plenty of time to reach your destination safely.
- **Drive with the weather in mind** - the faster you drive, the longer it will take to stop. To avoid crashes, maintain an adequate distance/space from other vehicles and snow plows on the roadway.
- **Stay alert** - remain aware of what's going on well ahead of you. Actions taken by other vehicles will alert you to problems more quickly, giving extra time to react safely.

SPOTLIGHTING BEST PRACTICES

“GOOD CATCH”

Superior Construction Co., Inc., of Gary, Indiana, began as a contracting business in the early 1920's. The company erected many landmark structures in Gary, including Saint Mark's Church, Lew Wallace High School, the Virginia Hotel and the Memorial Auditorium. The company has also expanded into highway, industrial and wastewater treatment projects as well. Superior also performs work for the steel mills and refineries that are the lifeblood of the Northwest Indiana Region. U.S. Steel, Inland Steel, Bethlehem Steel, Midwest Steel and BP/Amoco are just a few of the clients that Superior Construction has worked for, and continues to work for today.

Contributed by Tricia Hanrath and Tom Owens of Superior Construction Co., Inc.

In November 2009, **Superior Construction Co., Inc.**, developed and implemented a hazard observation and identification program branded, “Good Catch.” The concept is simple, yet has proven to be extremely effective for the company. The objective of the program is to encourage all employees to remain alert and report all hazardous acts or conditions they observe to management. This includes unsafe behaviors, dangerous or hazardous conditions, near-miss incidents, equipment or process hazards or any other potential hazard that they may witness on any of our jobsites. Each “good catch” is immediately investigated and corrected.

The observer is rewarded with a \$20 gas card and recognized at the company's next safety meeting. Since the program's inception, Superior has awarded more than 2,000 “Good Catch” observations.

The program was implemented as a proactive approach to encourage more employee involvement in recognizing and

reporting potential conditions that could lead to an injury or incident. Who better to recognize these conditions than those performing the work?

“Good Catches” are submitted by the employee using a relatively simple form. The submission is tracked in a database to ensure corrective action. It also aids others in avoidance and prevention.

In launching this program, one of the most difficult challenges the company had to overcome was convincing workers to get involved, since traditionally construction workers have preferred not to report things that they may have observed. With the incentive of the \$20 gas card, encouragement from supervision and personnel recognition, the barriers soon disappeared

and the “Good Catches” came pouring in to management.

Incident reduction is a result of continuous employee training, enforcement of rules, regulations and employee “buy-in.” Superior invites employee involvement at all levels, promoting a team approach to project safety. Superior's “Good Catch” program gives employees the opportunity to be part of the team and the satisfaction of knowing that their efforts are preventing incidents and injuries.

Superior's “Good Catch” program has produced a quantifiable reduction in the number of the company's first-aid injuries, OSHA recordables and potential incidents. Even after the company hired more than 1,000 new employees, its total recordable incident rate dropped from 1.21 in 2008 to .72 in 2009 and .56 in 2010. As of November 1, 2011, the company's incident rate was .28. In addition, Superior Construction's employees have worked more than 2.1 million hours!

While the full results of “Good Catch” may not be realized for years, the initial impact has been impressive. To learn more about Superior Construction, visit www.superior-construction.com.



Above: Superior Construction employees demolish an existing concrete utilities tunnel. Bottom left: Superior employees install rebar, embed plates and pour concrete. (Submitted Photos)



Marion County Prosecutor's Office Reaches Plea Agreement in Common Construction Wage Violation

Grand Jury investigators opened up an investigation into Indianapolis contractor, White River Mechanical in March 2011. The investigation was prompted because of an alleged violation of the Indiana Common Construction Wage (CCW) Act. The investigation specifically involved the contractor's work as a subcontractor on two Indianapolis Public School (IPS) projects. The investigation uncovered that several employees were underpaid for their work because the company incorrectly listed their skill level and pay rate on company payroll records, as well as being misrepresented on required reporting to IPS.

Nearly seven months later, White River Mechanical pled guilty to violating the Act. The case is believed to be the first time that a CCW violation has been prosecuted in the state of Indiana.

As part of the plea agreement with White River Mechanical, the company will pay a fine of \$1,000. The plea agreement further stipulates that the company will submit to an audit conducted by the Indiana Department of Labor to determine the amount it owes to current and former employees. The offense is a Class B Misdemeanor. The Marion County Prosecutor's Office estimates the amount of unpaid wages and benefits for White River Mechanical employees exceeds \$50,000.

For additional information on CCW, please visit www.in.gov/dol/2723.htm. For additional questions regarding CCW, please email ccw@dol.in.gov.

Mine Emergency Response Drill Conducted

Contributed by Don "Blink" McCorkle, Director of the Indiana Bureau of Mines

Black Panther's Oaktown Fuels #1 Mine hosted a Mine Emergency Response Drill (MERD) on Saturday, November 5, 2011. The MERD scenario was a mine fire, which included one of the mine's three units.

To ensure as real of a disaster scene as possible, the set-up team placed smoke machines and three missing miners throughout the mine. The exercise included mine management and mine rescue teams from Indiana. The uniqueness of the drill was that, with the cooperation of Oaktown Fuels #1 Mine, the drill was done underground and in a real-time setting.

Mine rescue responding to the emergency included Gibson Mine's rescue team, made up of members from its respective mine; Indiana's state mine rescue team, whose members are from two mines owned by Triad Coal Company—Freelandville and Freelandville West Mine and also Sunrise Coal Company's Carlisle Mine and Five Star Coal Company's mine rescue team, which is comprised of representatives from its Prosperity Mine and Black Panther Coal Company's Oaktown Fuels #1 mine. Together, the teams had to use their mine rescue training to timely locate the missing miners. While doing so, the teams still had to contain the fire in addition to negotiating any obstacles in their way.

The MERD also tested the mine's ability to effectively organize its resources and follow proper mine emergency

response protocol. This included making the appropriate contact with key individuals, establishing a command center and coming up with a plan for the rescue teams to follow. This all had to be carried out very timely and efficiently, with the safety of the mine rescue team paramount.

While this was not a perfectly executed mine emergency response drill, it did do what it was intended to do. The MERD was an exercise used to teach and better prepare mine rescue and other mine personnel for any emergency situation that may arise. With the cooperation and help of all those in the Indiana mining industry, this drill was a great learning experience and a success in the training of Hoosier miners, mine management and various mine rescue teams.

To learn more about the Indiana Bureau of Mines or mine rescue teams, please visit www.in.gov/dol/mines.htm. In addition, answers to many of the

Bureau's frequently asked questions (FAQs) are available online at www.in.gov/dol/2330.htm. The Bureau of Mines many also be contacted by email at mines@dol.in.gov.



Upcoming Training Opportunities

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

Date	Sponsor	Class*	Time
January 12, 2012	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.m. EST
January 17, 2012	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.m. EST
February 2, 2012	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.m. EST
March 1, 2012	IDOL Bureau of Child Labor	Child Labor Laws (Teleconference)	10:00 a.m. EST

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

Workplace Safety and Health Training: For a listing of upcoming occupational safety and health-related training, please visit www.in.gov/dol/2431.htm. Please note: this is not an all-inclusive list of every safety-and health-related training opportunity.

Recognizing Excellence

Recognizing Excellence spotlights Hoosier employers and their employees for their efforts in achieving status in either the Indiana Voluntary Protection Program (VPP) or Indiana Safety and Health Achievement Recognition Program (INSHARP). The Indiana Department of Labor congratulates the following employers and employees for their efforts to ensure Hoosier occupational safety and health. Additional information on INSHARP and VPP may be found online at www.in.gov/dol.

INSHARP

New: None

Recertified: None

VPP

New: RR Donnelley South Plant (Crawfordsville, IN)

Recertified: Walgreens Return Center (Valparaiso, IN)

Robert Bosch (Albion, IN)

First Vehicle Services (Fort Wayne, IN)



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

