

SAFETY AND HEALTH PROTECTION ON THE JOB

I **INTRODUCTION:**

The intent of the Indiana Occupational Safety and Health Act of 1974, Indiana Code 22-8-1.1, is to assure, so far as possible, safe and healthful working conditions for the workers in the State.

The Indiana Department of Labor has primary responsibility for administering and enforcing the Act and the safety and health standards promulgated under its provisions.

Requirements of the Act include the following:

O **EMPLOYERS:**

Each employer shall establish and maintain conditions of work which are reasonably safe and healthful for employees and free from recognized hazards that are causing or likely to cause death or serious physical harm to employees. The Act further requires that employers comply with the Occupational Safety and Health Standards, Rules, and Regulations.

O **EMPLOYEES:**

All employees shall comply with Occupational Safety and Health Standards and all rules, regulations, and orders issued under the Act, which are applicable to their own actions and conduct.

S **INSPECTION:**

The Act requires that an opportunity be provided for employees and their representatives to bring possible safety and health violations to the attention of the Department of Labor inspector in order to aid the inspection. This requirement may be fulfilled by allowing a representative of the employees and a representative of the employer to accompany the inspector during inspection. Where there is no employee representative, the inspector shall consult with a reasonable number of employees.

S **COMPLAINT:**

Employees have the right to file a complaint with the Department of Labor. There shall be an inspection where reasonable grounds exist for the Department of Labor to believe there may be a hazard. Unless permission is given by the employees complaining to release their names, they will be withheld from the employer. Telephone Number (317) 232-2693.

The Act provides that no employer shall discharge, suspend, or otherwise discriminate in terms of conditions of employment against any employees for their failure or refusal to engage in unsafe practices or for filing a complaint, testifying, or otherwise acting to exercise their rights under the Act.

H Employees who believe they have been discriminated against may file a complaint with the Department of Labor within 30 days of the alleged discrimination. Please note that extensions of the 30-day filing requirement may be granted under certain special circumstances, such as where the employer has concealed or misled the employee regarding the grounds for discharge. However, a grievance-arbitration proceeding, which is pending, would not be considered justification for an extension of the 30-day filing period. The Commissioner of Labor shall investigate said complaint and upon finding discrimination in violation of the Act, shall order the employer to provide necessary relief to the employees. This relief may include rehiring, reinstatement to the job with back pay, and restoration of seniority.

All employees are also afforded protection from discrimination under Federal Occupational Safety and Health Act and may file a complaint with the U.S. Secretary of Labor within 30 days of the alleged discrimination.

A **VIOLATION NOTICE:**

When an alleged violation of any provision of the Act has occurred, the Department of Labor shall promptly issue a written order to the employer, who shall be required to post it prominently at or near the place where the alleged violation occurred until it is made safe and required safeguards are provided or 3 days, whichever is longer.

PROPOSED PENALTIES:

The Act provides for CIVIL penalties of not more than \$7,000 for each serious violation and CIVIL penalties of up to \$7,000 for each non-serious violation. Any employer who fails to correct a violation within the prescribed abatement period may be assessed a CIVIL penalty of not more than \$7,000 for each day beyond the abatement date during which such violation continues. Except as otherwise provided below involving a worker fatality, any employer who knowingly or repeatedly violates the Act may be assessed CIVIL penalties of not more than \$70,000 for each violation and a penalty of not less than \$5,000 shall be imposed for each knowing violation. A violation of posting requirements can bring a penalty of up to \$7,000.

Proposed Penalties in Conjunction with a Worker Fatality

An employer who knowingly violates the Act and where any such violation can reasonably be determined to have contributed to an employee fatality, shall be assessed a civil penalty of not less than \$9,472 for each violation and may be assessed a civil penalty of up to \$132,598 for each violation.

VOLUNTARY ACTIVITY:

The Act encourages efforts by labor and management, before the Department of Labor inspections, to reduce injuries and illnesses arising out of employment.

The Act encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury, or illness to employees and supervisors.

The Act provides a consultation service to assist in voluntary compliance and give recommendations for the abatement of cited violations. This service is available upon a written request from the employer to INSafe. Telephone Number (317) 232-2688.

COVERAGE:

The Act does not cover those hired for domestic service in or about a private home and those covered by a federal agency. Those exempted from the Act's coverage include employees in maritime services, who are covered by the U.S. Department of Labor, and employees in atomic energy activities who are covered by the Atomic Energy Commission.

NOTE:

Under a plan approved March 6, 1974, by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the State of Indiana is providing job safety and health protection for workers throughout the State. OSHA will monitor the operation of this plan to assure that continued approval is merited. Any person may make a complaint regarding the State administration of this plan directly to the OSHA Regional Office, Regional Administrator, Region V, U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone Number (312) 353-2220.

MORE INFORMATION:

INDIANA DEPARTMENT OF LABOR
402 West Washington Street, Room W195
Indianapolis, Indiana 46204
Telephone: (317) 232-2655
TT/Voice: (800) 743-3333
Fax: (317) 233-3790
Internet: <http://www.in.gov/labor>

EMPLOYERS: This poster must be displayed prominently in the workplace.



Indiana Minimum Wage Law

\$7.25 per hour effective July 24, 2009

Indiana law requires this poster to be displayed in a conspicuous place in the area where employees are employed.

Most Indiana employers and employees are covered by the minimum wage and overtime provisions of the federal Fair Labor Standards Act (FLSA); however those not covered under federal law may still be covered by the Indiana Minimum Wage Law.

Both the federal and Indiana state minimum wage increased from \$6.55 per hour to \$7.25 per hour, effective July 24, 2009.

The Indiana Minimum Wage Law generally requires employers to pay employees at least the minimum wage for all hours worked and to pay employees 1 ½ times their regular rate of pay (“Overtime compensation”) when employees work more than forty (40) hours during a work week. However, there are many exceptions to the overtime pay requirement. Most of those exceptions can be found at Indiana Code § 22-2-2-3 (a) – (p).

Indiana law requires every employer subject to the Indiana Minimum Wage Law to furnish each employee a statement of the hours worked by the employee, the wages paid to the employee, and a listing of the deductions made. The Indiana Minimum Wage Law also prohibits pay discrimination on the basis of sex.

Tipped Employees

Generally, employers must pay tipped employees at least \$2.13 per hour if the employer claims a tip credit. If the employee’s tips combined with the hourly wage do not equal the minimum wage, the employer must make up the difference.

Training Wage

Indiana employers may pay \$4.25 per hour to employees under 20 years of age for the first 90 consecutive calendar days after the employee is initially employed by the employer.

Violations

Indiana law provides for both civil and criminal penalties for violation of the Indiana Minimum Wage Law.

For Additional Information

For additional information, please contact the Indiana Department of Labor’s Wage and Hour Division by email at wagehour@dol.in.gov or phone (317) 232-2655.



PROTECCIÓN DE SEGURIDAD Y SALUD EN EL TRABAJO

PRESENTACIÓN:

La intención de la Ley de Seguridad y Salud Ocupacional de Indiana de 1974, Código 22-8-1.1, de Indiana es asegurar, tanto como sea posible, las condiciones de seguridad y salud en el trabajo de los trabajadores en el estado.

El Departamento del Trabajo de Indiana tiene la responsabilidad primaria de administrar y hacer cumplir la Ley y las medidas de seguridad y salud promulgadas según sus disposiciones.

Los requerimientos de la Ley incluyen lo siguiente:

EMPLEADORES:

Cada empleador establecerá y mantendrá condiciones de trabajo que sean razonablemente seguras y saludables para los empleados y libres de riesgos reconocidos que causen o sea probable que causen la muerte o daños físicos graves a los empleados. La Ley también requiere que los empleados cumplan con las normas, reglas y regulaciones ocupacionales de seguridad y salud.

EMPLEADOS:

Todos los empleados acatarán las normas ocupacionales de seguridad y salud y todas las reglas, regulaciones y órdenes publicadas según la Ley, las cuales son aplicables a sus propias acciones y conducta.

INSPECCIÓN:

La Ley requiere que se proporcione una oportunidad a los empleados y a sus representantes para señalar posibles infracciones a la seguridad y salud a la atención del Inspector del Departamento del Trabajo para ayudar en la inspección. Este requisito se puede cumplir permitiendo que un representante de los empleados y un representante del empleador acompañen al inspector durante la inspección. Donde no haya un representante de empleados, el inspector consultará con un número razonable de empleados.

QUEJA:

Los empleados tienen el derecho de presentar una queja ante el Departamento del Trabajo. Habrá una inspección donde existan motivos razonables para que el Departamento del Trabajo considere que puede haber un riesgo. A menos que se otorgue permiso a los empleados que se quejen para revelar sus nombres, estos nombres serán retenidos por parte del empleador. Número de teléfono (317) 232-2693.

La Ley prevé que ningún empleador despedirá, suspenderá o discriminará de otro modo en términos de condiciones de empleo contra los empleados por rehusarse a participar en prácticas no seguras o por presentar una queja, testificar o actuar de otro modo para ejercer sus derechos según la Ley.

Los empleados que consideren que han sido discriminados pueden presentar una queja ante el Departamento del Trabajo en el plazo de 30 días del alegato de discriminación. Tenga en cuenta que las extensiones del requisito de 30 días para presentar se pueden otorgar bajo ciertas circunstancias especiales, tales como donde el empleador ha ocultado o inducido a error al empleado en relación con los motivos para el despido. Sin embargo, un procedimiento de denuncia-arbitraje, que esté pendiente, no se considerará justificación para una extensión del período de presentación de 30 días. El Comisionado del Trabajo investigará dicha queja y si encuentra discriminación en infracción de la ley, ordenará al empleador que proporcione la exención a los empleados. Esta exención puede incluir la reconstrucción, reincorporación al empleo con salario atrasado y restitución de antigüedad.

A todos los empleados también se les otorga protección de discriminación según la Ley Federal de Seguridad y Salud Ocupacional (Federal Occupational Safety and Health Act) y puede presentar una queja ante el Secretario del Trabajo en el plazo de 30 días del alegato de discriminación.

NOTIFICACIÓN DE INFRACCIÓN:

Cuando haya ocurrido un alegato de infracción de cualquier provisión de la Ley, el Departamento del Trabajo emitirá cuanto antes una orden al empleador, a quien se le requerirá que la publique en un lugar destacado en o cerca del lugar donde ocurrió el alegato de infracción hasta que se considere segura y se proporcionen las garantías establecidas o 3 días lo que sea más largo.

MULTAS PROPUESTAS:

La Ley establece multas CIVILES de no más de \$7,000 por cada infracción grave, y multas CIVILES de hasta \$7,000 por cada infracción de menor gravedad. Al empleador que no corrija una infracción dentro del período de corrección prescrito se le puede prorratear una multa CIVIL de no más de \$7,000 por cada día más allá de la fecha de corrección durante el cual tal infracción continúa. Salvo lo indicado de otro modo más abajo que involucre el fallecimiento de un trabajador, cualquier empleador que a sabiendas o repetidamente infrinja la ley se le pueden imponer multas CIVILES de no más de \$70,000 por cada infracción y una multa de no menos de \$5,000 por cada infracción conocida. Una infracción de publicación de requisitos puede conllevar una multa de hasta \$7,000

Multas propuestas conjuntamente con el fallecimiento de un trabajador

Un empleador quien a sabiendas infrinja la Ley y donde se pueda determinar razonablemente que tal infracción contribuyó a la muerte de un empleado, se le impondrá una multa civil de no menos de \$9,472 por cada infracción y se le puede imponer una multa civil de hasta \$132,598 por cada infracción.

ACTIVIDAD VOLUNTARIA:

La Ley alienta los esfuerzos por el trabajo y la administración, ante las inspecciones del Departamento del Trabajo, para disminuir lesiones y enfermedades que surjan del empleo.

La Ley alienta a los empleadores y a los empleados a disminuir voluntariamente los riesgos en el sitio de trabajo y a desarrollar y mejorar los programas de seguridad y salud en todos los lugares de trabajo e industrias.

Tal acción de cooperación se enfocaría inicialmente en la identificación y eliminación de riesgos que pudiesen ocasionar la muerte, lesiones o enfermedades a los trabajadores y supervisores.

La Ley establece un servicio de consulta para asistir al cumplimiento voluntario y brindar recomendaciones para la anulación de las infracciones citadas. Este servicio está disponible mediante una solicitud por escrito del empleado a INSafe. Número de teléfono (317) 232-2688.

COBERTURA:

La Ley no ampara a quienes estén contratados para servicio doméstico en una vivienda privada o similar, ni a quienes están amparados por una agencia federal. Los exceptuados de la cobertura de la Ley incluye a los empleados en servicios marítimos, quienes están amparados por el Departamento de Trabajo de EE. UU. y los empleados en actividades de energía atómica quienes están amparados por la Comisión de Energía Atómica.

NOTA:

Según un plan aprobado el 6 de marzo de 1974, por el Departamento del Trabajo de EE.UU., la Administración de Seguridad y Salud Ocupacional (Occupational Safety and Health Administration, OSHA), el Estado de Indiana proporciona protección de seguridad y salud a los trabajadores en todo el estado. OSHA monitorizará la operación de este plan para garantizar que merezca la aprobación continua. Cualquier persona puede presentar una queja en relación con la administración estatal de este plan, directamente a la Oficina Regional de la OSHA, la Administración Regional V, el Departamento del Trabajo, y la Administración de Seguridad y Salud Ocupacional, en 230 South Dearborn Street, Chicago, Illinois 60604; Número de teléfono (312) 353-2220.

MÁS INFORMACIÓN:

DEPARTAMENTO DEL TRABAJO DE INDIANA

402 West Washington Street Room W195

Indianapolis, Indiana 46204

Teléfono: (317) 232-2655

TT/Voice: (800) 743-3333

Fax: (317) 233-3790

Internet: <http://www.in.gov/labor>



EMPLEADORES: Este cartel se debe publicar de forma destacada en el lugar de trabajo.

Teen Work Hour Restrictions

Employers of minors who are 14, 15, 16 or 17 years of age are required by law to post the maximum number of hours minors may be permitted to work in each day of the week. The information must be posted in a conspicuous place or in places where notices are customarily posted. For additional copies of this poster or for further information, please visit www.in.gov/dol/childlabor.htm.

14 and 15 year olds

Please compare federal and state laws in the following chart:

Indiana State law for 14 and 15 year olds	Federal law for 14 and 15 year olds
<ul style="list-style-type: none"> • 3 hours per school day, and 8 hours on Fridays that are school days • 8 hours per non-school day, and Fridays that are school days • 18 hours per school week • 40 hours per non-school week • They may not work before 7:00 a.m. or after 7:00 p.m. • May work until 10:00 p.m. on nights not followed by a school day 	<ul style="list-style-type: none"> • 3 hours per school day • 8 hours per non-school day • 18 hours per school week • 40 hours per non-school week • They may not work before 7:00 a.m. or after 7:00 p.m., but may work until 9:00 p.m. from June 1st through Labor Day

The Department of Labor recommends that you contact your attorney before allowing 14 and 15 year olds to work these extended hours!

16 Year Olds

Your work permit allows you to work

- 8 hours per day
- 30 hours per week
- No more than 6 days per week
- Not before 6:00 a.m.
- Until 10:00 p.m.

With written parental permission you may work

- 9 hours per day
- 40 hours per school week
- 48 hours per non-school week
- Until 11:00 p.m. on nights followed by a school day
- Until 12:00 a.m. on nights not followed by a school day

17 Year Olds

Your work permit allows you to work

- 8 hours per day
- 30 hours per week
- No more than 6 days per week
- Not before 6:00 a.m. on school days
- Until 10:00 p.m. on nights followed by a school day
- No restricted end time on days not followed by a school day

With written parental permission you may work

- 9 hours per day
- 40 hours per school week
- 48 hours per non-school week
- Until 11:30 p.m. on nights followed by a school day, or
- Until 1:00 a.m. on nights followed by a school day
 - No more than twice/week; not consecutively

Breaks Requirements for Minors

Workers under the age of 18 who work 6.0 hours or more are required to take 30 minutes of documented breaks. The minor may take one or two breaks totaling 30 minutes.

Working Before 6:00 a.m. Or After 10:00 p.m.

Workers under the age of 18 must be accompanied by a co-worker who is at least 18 years of age when working before 6:00 a.m. or after 10:00 p.m. in an establishment that is open to the public.

Working during School Hours

14 and 15 year olds may not work on a school day after 7:30 a.m. and before 3:30 p.m. 16 and 17 year olds may not work during school hours unless they have documented school permission.

Graduates/Withdrawn From School

16 and 17 year olds who have graduated or withdrawn from high school may work unlimited hours. Documentation must be in personnel files.



Indiana Department of Labor / Bureau of Child Labor

402 West Washington Street, Room W195, Indianapolis, Indiana 46204
 Phone: (317) 232-2655 • Fax: (317) 233-3790 • TT Voice: 1-800-743-3333
 E-Mail: childlabor@dol.in.gov • Web: www.in.gov/dol/childlabor.htm



PLEASE READ THESE IMPORTANT INSTRUCTIONS

The following information is required to process this Wage Claim:

- Employee and Employer name, mailing address and telephone.
- The gross amount of claim.
- Length of employment – include dates.
- Type of claim (e.g. non-payment, overtime, deduction, etc.)
- Dates and hours worked if claiming non-payment of wages (see examples below).
- Signature and date.

This claim will not be processed if:

- The amount claimed represents payment for time not actually worked (examples: holiday pay, sick pay, reimbursements, severance pay, overdraft fees or bonus pay).
- Your former employer has filed for bankruptcy protection. You should contact the bankruptcy court.
- The employer does not have a location in Indiana.
- You worked as an independent contractor. You should consult an attorney.
- The gross amount of your claim is less than \$30.00 or more than \$6,000.
- You initiated private legal action to recover the wages claimed.
- You were employed by the State of Indiana (Please contact the Indiana State Personnel Department).
- The claim is against a business in which you were an owner or partner.

The Wage Claim Process (Please be patient, it can take as long as 90 days to resolve some wage disputes).

If your wage claim is accepted, correspondence will be sent directly to the employer. The employer will have two (2) weeks to either mail a check directly to you or dispute the amount claimed. If no response is received, a final notice will be sent to the employer allowing one (1) additional week for response. If no response is received after the final notice, a copy of the Wage Claim file will be sent to you along with a letter recommending that you consult an attorney or pursue your claim in the appropriate court. If the employer disputes the amount claimed, the Indiana Department of Labor will make a determination based upon Indiana law and all evidence presented. If a determination cannot be made, you will receive notice along with a letter recommending you consult an attorney or pursue your claim in the appropriate court.

The Indiana Department of Labor accepts Wage Claims as a service to resolve wage disputes. We cannot guarantee compensation. In addition, Indiana law provides no job protection if you are terminated as a result of filing a wage claim against your current employer.

EXAMPLES of Mathematical Calculations of the Amount of Claim (Your calculations must match the amount of claim):

NON-PAYMENT OF PAYCHECK

<u>Date</u>	<u>Hours Worked</u>		<u>Wage Rate</u>	<u>Amount Owed</u>		AMOUNT OF CLAIM: \$222.00
8/5/09	8.0 hours	X	\$12.00	=	\$96.00	(\$96.00 + \$126.00)
8/6/09	10.50 hrs	X	\$12.00	=	\$126.00	

NON-PAYMENT OF VACATION

<u># Hours accrued</u>		<u>Wage Rate</u>		<u>Amount Accrued</u>	AMOUNT OF CLAIM: \$450.00
<u>Vacation Time</u>					
40.0 hrs	x	\$11.25	=	\$450.00	

PAYROLL DEDUCTION

<u>Pay Date</u>	<u>Amount Deducted</u>		AMOUNT OF CLAIM: \$185.65
1/8/10	\$53.13	(\$53.13 + \$132.52)	
1/22/10	\$132.52		



APPLICATION FOR WAGE CLAIM

State Form 2069 (R5 / 12-09)
INDIANA DEPARTMENT OF LABOR

Wage Claim # _____

INDIANA DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
402 West Washington Street, W195
Indianapolis, IN 46204

(Please type or print your response and be sure to answer all questions)

Employee	Employer
Name	Name
Address	Address
City	City
State, and Zip Code	State, and Zip Code
Telephone number	Telephone number

Amount of Claim: _____ Length of Employment: From _____ To _____

Address Where Work Was Performed:

Reason for Leaving Employment:

Reason Given for Non-Payment:

Wage Agreement:	Hourly	_____	Salary	_____	Commission	_____	Piece Rate	_____
Type of Claim: Check Box(es)	Minimum Wage Complaint		Non-Payment of Overtime		Non-Payment of Vacation		Payroll Deduction	Non-Payment of Paychecks

- INSTRUCTIONS:
- (1) Show, mathematically, how you calculated the amount of your claim
 - (2) Be sure to list the dates of non-payment, including hours worked each day with beginning and ending times
 - (3) Submit supporting documentation

Incomplete Forms:
Any incomplete Application for Wage Claim will be returned to its sender in its entirety without action taken from our Department.

Disclaimer
The Department of Labor has the right to reject this claim at any time if, in the judgement of the Commissioner of Labor, said claim is not valid and enforceable in the courts.

Date Received (Office Use Only)

Signed _____ Dated _____



INDIANA
DEPARTMENT OF
WORKFORCE
DEVELOPMENT

This Business is Subject to Indiana's Unemployment Insurance Laws

If you lose your job or work less than full time, you may be eligible for unemployment insurance benefits. Information is available on-line at www.in.gov/dwd. Computers are available at any Indiana WorkOne Center.

No deductions are made from employees' pay for unemployment insurance. This employer pays this tax.

www.in.gov/dwd

1-800-891-6499



INDIANA
DEPARTMENT OF
WORKFORCE
DEVELOPMENT

Esta Empresa es Sujeta a las Leyes de Indiana de Seguro de Desempleo

Si usted pierde su empleo o trabaja menos de tiempo completo, descubra si usted puede ser elegible para el seguro de desempleo reportándose inmediatamente a la oficina más cercana de Indiana Desarrollo De Labor.

Para solicitar beneficios, por favor traiga su tarjeta de Seguro Social, el nombre y la dirección correcta de su patrón más reciente.

No se hace ningunas deducciones de el pago de los empleados de parte del seguro de desempleo. Este patrón paga este impuesto. Si usted tiene más preguntas sobre este programa, pongase en contacto con el departamento de Indiana Desarrollo De Labor, Avenida Del Norte Del Senado 10, Indianapolis, IN 46204. Teléfono: 1-800-891-6499.

www.in.gov/dwd

1-800-891-6499