

# Indiana Department of Labor 2020 Emergency Response Report

## Summary of Findings

In response to the COVID-19 pandemic (“Pandemic”), the IDOL responded in kind to Governor Holcomb’s Executive Orders (“EO”) and federal government guidelines intended to address specific health and safety policies. IDOL was able to leverage existing assets and staff to continue to offer a high level of service in response to an overwhelming demand for services. In limited circumstances, the agency suspended or amended the way in which services were provided in response to an EO or federal government extension. The agency relied extensively upon remote working plans, the development of new systems, and collaboration with fellow state agencies in order to meet the needs of all Hoosiers.

## Mission and Objectives

(1) Overview of which, if any, operations or services were reduced or suspending during the COVID-19 pandemic, including the following information:

(a) Whether the suspension or reduction was required by an Executive Order or an internal agency decision?

(b) To the extent applicable, include citations for the laws, rules, and polices affected by or authorizing the reduction or suspension.

- Indiana Occupational and Safety Health Administration

IOSHA consists of two divisions that conduct inspections to ensure compliance with IOSHA standards. The General Industry Division is responsible for public and private sector safety and health in the commercial, agricultural, and industrial sectors of the Indiana economy. The Construction Safety Division is responsible for safety in the construction industry in Indiana.

In response to the Pandemic, IOSHA’s General Industry division suspended onsite inspections (e.g. inside facilities). Onsite IOSHA Construction safety inspections were reduced to include only those which were in response to fatalities and/or imminent danger hazards related to one of four construction emphasis hazards – struck-by & caught-in-between, falls, and electrocutions. Both divisions relied on remote inspections and telecommunication to continue to meet their obligations to investigate and respond to occupational safety complaints received by the agency. IOSHA also suspended onsite evaluation and meetings for its Indiana Voluntary Protection Program (VPP) staff and relied on working remotely with employers participating in the program.

Annually, IOSHA receives approximately 1,200 non-formal occupational safety and health complaints. In 2020 alone, IOSHA has already received nearly 9,000 workplace safety and health non-formal complaints related to the Pandemic. In order to meet this increased demand, the agency moved quickly to implement a new system in order to meet its statutory obligations. This included the redeployment and cross-training of staff within the agency to assist with the increased inflow of complaints received and conducting remote inspections. Further, in thousands of cases the IDOL received complaints and inquiries regarding work-place related issues that were outside the scope of its authority. The agency worked diligently in not only responding to said inquiries but

coordinating its triaging efforts with the appropriate agency to receive the complaint. In addition, the agency worked closely with the Enforcement Response Team (“ERT”) created by the Governor’s EO by receiving and forwarding complaint information. The ERT followed-up on those complaints that were related to business establishments and determining whether the business was deemed essential pursuant to the Governor’s EO.

- INSafe

INSafe works with Indiana's employers, employees, labor unions, professional groups, trade organizations to ensure workplace health and safety. INSafe services are offered at no cost and include on-site consultation, training and seminars, educational publications, and training materials designed to bring employers and employees together to create and maintain healthy working environments

INSafe onsite consultations were suspended from the beginning of the Pandemic through July 6, 2020.<sup>1</sup> In its place, INSafe staff worked with the IOSHA team to process non-formal complaints, amended and developed the agency’s emergency plan, and answered constituent inquiries.

- Quality, Metrics, and Statistics

QMS is responsible for the collection and analysis of occupational injury, illness, and fatality data in the state, which is performed via two federal surveys, the Survey of Occupational Injuries & Illnesses (“SOII”) and the Census of Fatal Occupational Injuries. QMS was able to meet its responsibilities during the Pandemic. QMS received an extension from the Bureau of Labor & Statistics (“BLS”) for the 2019 SOII and as a result required no suspension or disruption of services occurred.<sup>2</sup> The division was allowed to telework during the Pandemic after amending an agreement in place with the BLS.

- Youth Employment (formerly Child Labor)

The YE division provides consultation and enforcement of Indiana’s laws regarding employment of minors. During the Pandemic, staff continued their enforcement and consultation duties with a hybrid in-person and remote structure that has worked well for Hoosier employers and workers.

Because of school closures, the requirement for employers to have minor employment certificates (work permits) on site was suspended via EO due to limited availability as the distribution of certificates is provided via the accredited school in the district in which the minor resides.<sup>3</sup> No legislative action is requested as SEA 409, passed during the 2019 legislative session, repeals work permit requirements and makes legislative modifications that were suspended as part of EOs issued in response to the Pandemic.

- Wage and Hour

The W/H Division is charged with the administration and enforcement of the Indiana Wage and Hour laws. Some of the topics we cover include the Indiana minimum wage law, Indiana overtime

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<sup>1</sup> Executive Order 20-08 et seq.

<sup>2</sup> OSHS Administrative Memorandum No. S-20-01 - 03

<sup>3</sup> Executive Order 20-08 et seq.

issues and underpayment of wages. The W/H division did not suspend any services during the Pandemic and only limited “walk-in” requests for paper form Wage Claims due to closure of Indiana Government Center. Wage Claim requests are still processed online, or a paper form can be requested and sent by mail.

- Bureau of Mines

The BOM, headquartered in Vincennes, Indiana, inspects all Indiana underground coal mining operations, certifies specific mining occupations, maintains a mine rescue station, trains mine rescue teams, and collects and indexes mine maps.

In response to the Pandemic, all BOM emergency mine inspections were reduced to the surface area of the mine. Federal inspectors with the federal Mine Safety and Health Administration (“MSHA”) continued underground inspections. On-site training and assistance were suspended but continued remotely to develop training resources. Mine Rescue training was suspended following MSHA’s grant of an extension. Training will be rescheduled upon expiration of previously given federal extensions and testing dates will be rescheduled when they can be conducted safely.

(2) Overview on preparations to address future emergencies and recovery from emergencies based on the state agency’s experience with the COVID-19 pandemic. To the extent applicable, include citations for the laws, rules, and policies that are affected by or authorized the preparations.

To prepare for future emergencies and to build upon experiences gained through the Pandemic, the IDOL will implement a permanent remote work policy that will allow employees the flexibility to work safely from homes without any disruption of services. IDOL employees will utilize and receive training on Microsoft Teams and OneDrive in order to leverage the software’s capabilities to ensure agency activities continue without interruption. This will include the ability to conduct remote interviews and inspections where appropriate. Administrative employees will receive cross-training in certain key areas, so in the event a future emergency occurs, the shifting of agency resources to meet the public needs can be performed fluidly. IDOL’s locations will continue to utilize phone forwarding and remote postal delivery to ensure the lines of communications remain able to be utilized by the public.

(3) Recommendations, if any, for legislation that may be needed to help ensure the agency is prepared to address future emergencies.

DOL has no recommendations.

(4) Recommendations, if any, for legislation to permanently repeal or modify any regulations or laws that were or are partially or fully suspended due to the COVID-19 pandemic.

DOL has no recommendations.