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TITLE 610 DEPARTMENT OF LABOR

Proposed Rule LSA Document #03-36

DIGEST

Amends 610 IAC 4-2-1 to comply with amended federal Occupational Safety and Health Administration requirements for recording and reporting workplace injuries and illnesses for public employees. Repeals 610 IAC 4-2-11. Effective 30 days after filing with the secretary of state.

610 IAC 4-2-1 **610 IAC 4-2-11**

SECTION 1. 610 IAC 4-2-1 IS AMENDED TO READ AS FOLLOWS:

610 IAC 4-2-1 IOSHA applicable to public sector employers; volunteer fire companies

Authority: IC 22-8-1.1-48.1

Affected: IC 22-8-1.1; IC 36-8-12

Sec. 1. (a) The Indiana occupational safety and health act, IC 22-8-1.1, pertains to and concerns public employment as well as private employment. IC 22-8-1.1 defines employer as, "any individual or type of organization, including the state and all its political subdivisions, which has in its employ one (1) or more individuals". Employee is defined as, "a person permitted to work by an employer in employment".

(b) Therefore, the statute and all promulgated standards, rules and regulations are applicable to public sector as well as private sector employers. Provided, however, that **public employers must comply with** the requirements for reporting and recording occupational injuries and illnesses ~~applicable in the public sector are found in 610 IAC 4-2-11 and not in 610 IAC 4-4.~~ **found in 610 IAC 4-6 without regard to Standard Industrial Classification Code.**

(c) For the ~~purposes~~ **purpose** of the Indiana occupational safety and health act, "Volunteer fire companies", which exist pursuant to IC 36-8-12, shall be deemed public sector employers. (*Department of Labor; Indiana Occupational Safety and Health, Public Employee Program Purpose; filed Apr 5, 1977, 10:16 a.m.: Rules and Regs. 1978, p. 467; filed Sep 9, 1981, 10:15 a.m.: 4 IR 1986; filed Jun 21, 1982, 3:00 p.m.: 5 IR 1607; filed Jan 8, 1986, 2:18 p.m.: 9 IR 999; readopted filed Nov 20, 2001, 2:15 p.m.: 25 IR 1305*)

SECTION 2. 610 IAC 4-2-11 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 22, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Room W195, Indianapolis, Indiana the Department of Labor will hold a public hearing on proposed new rules governing the regulations for reporting and recording work place injuries and illnesses. Parties interested in participating in the public hearing are invited to attend and submit written statements expressing their concerns, any suggestions, and any documentation that may serve to support, clarify, or supplement their concerns and suggestions. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W195 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Nancy J. Guyott

Commissioner
Department of Labor