



# INDIANA

## DEPARTMENT OF LABOR

**Mike Braun, Governor**

**Mike Speedy, Commissioner**

402 West Washington Street, Room W195

Indianapolis, Indiana 46204-2751

Phone: (317) 232-2655

Fax: (317) 233-3790

**FILED**

**JUN 12 2025**

INDIANA STATE  
ETHICS COMMISSION

**IC 4-2-6-11**

### Post-employment waiver

As the Appointing Authority of the Indiana Department of Labor (IDOL), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to IOSHA Director of Health Compliance, Intake, and Whistleblower Protection **Jameson Berry** in his post-employment with **Mainstream Fiber Networks**.

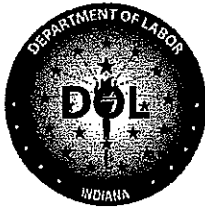
I understand that I must file and present this waiver to the State Ethics Commission at its next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

- A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of  
(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):

- ☐ IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- ☐ IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- ☒ IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.

Note: IOSHA inspected the prospective employer, Mainstream Fiber Networks, for alleged violations of the IOSH Act in response to a complaint in 2021. No citations were issued, but Jameson's name, as director, was used to sign the letter to the company and complainant stating that no violations were found. The compliance officer who performed the inspection was in Jameson's chain of command, but Jameson had no involvement in the inspection or decisions made regarding the inspection, and no contact with the company at that time.

- ☐ IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. (Please provide a brief description of the specific particular matter(s) to which this waiver applies below):



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B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

In Jameson's current position as an IOSHA director, his name was used to sign many safety orders and letters issued to many companies under circumstances similar to those with Mainstream Fiber Network. He had no contracting authority. He had input into policy and rulemaking decisions, but was not the final authority. Jameson's primary authority was regarding IOSHA compliance inspections and whistleblower investigations, including approval of regulatory decisions regarding employers' violations of certain provisions of the IOSH Act.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Jameson will be Safety and Training Manager for Mainstream Fiber Networks, headquartered in Nashville, IN, but currently serving thirteen Indiana counties. Key duties and responsibilities include the following:

- Develop, implement, and enforce safety policies, procedures, and protocols to maintain a safe work environment in accordance with regulatory requirements and industry best practices.
- Conduct regular safety audits, inspections, and risk assessments to identify potential hazards and implement corrective actions in all company buildings.
- Investigate incidents, accidents, and near misses, analyze root causes, and develop preventive measures to mitigate future occurrences.
- Collaborate with departmental managers to ensure that safety considerations are integrated into all aspects of operations, including equipment maintenance, facility management, and process improvements.
- Administer and manage safety training and awareness programs to employees at all levels, emphasizing the importance of personal accountability and proactive hazard identification.
- Stay abreast of regulatory requirements, industry trends, and emerging technologies related to safety and training, and incorporate relevant updates into organizational policies and practices.
- Prepare reports, presentations, and documentation for internal stakeholders and regulatory agencies as needed, summarizing safety performance, training outcomes, and improvement initiatives.
- Serve as a liaison between management, employees, regulatory agencies, and external training providers, representing the organization's interests and advocating for safety and training priorities.



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3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

As Safety and Training Manager, Jameson would likely be the primary contact or a primary participant with Indiana OSHA if the agency had to inspect the prospective employer. An inspection may never occur and is only likely to occur if there is a health or safety referral or complaint filed against the prospective employer, or if there is a reported injury, illness, or fatality. A potential violation of the IOSH Act by the prospective employer to which Indiana OSHA would respond and open an inspection could be the result of Jameson's work product, but could also be the result of many things from management decisions by the prospective employer to employee misconduct. In any such matters, the agency does not have much discretion, but must follow the applicable laws.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Jameson is taking this new job as the next step in his career as a safety and health professional. He has been with the IDOL seven years, serving as a safety consultant with our INSafe division and as an IOSHA director in both construction and general industry. This new opportunity is both an increase in pay and responsibility. Although the IDOL hates to lose talented employees like Jameson, we believe it is in the state's and public interest to allow Hoosier workers to improve themselves and advance their careers, even if it means leaving state employment, as long as ethics rules are followed.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

It may limit Jameson's opportunities for advancement greatly if he had to wait for a company that had not been inspected by IOSHA to be in need of a safety manager. This company is also a good fit for Jameson since he has previous experience working with the fiber industry. Due to ongoing cost of living increases and travel expenses, and the fact that Jameson is the only income earner in his household of five due to disabilities with some household members, it is economically infeasible for Jameson to continue to support his family without changing jobs.



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### C. Signatures

#### 1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.

  
Mike Speedy, Commissioner

6-2-25  
DATE


#### 2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).

  
J. Anthony Hardman, General Counsel

6/2/25  
DATE

### D. Approval by State Ethics Commission

<b>FOR OFFICE USE ONLY</b>	
Approved by State Ethics Commission	
	<u>6-12-25</u>
Katherine Noel, Chair, State Ethics Commission	Date



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Phone: (317) 232-2655

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Mail to:

Office of Inspector General  
315 West Ohio Street, Room 104  
Indianapolis, IN 46202

OR

Email scanned copy to: [info@ig.in.gov](mailto:info@ig.in.gov)

*Upon receipt you will be contacted with  
details regarding the presentation of this  
waiver to the State Ethics Commission.*



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June 2, 2025

Indiana State Ethics Commission  
c/o Office of Inspector General  
315 W. Ohio Street, Room 104  
Indianapolis, IN 46202

Re: Designation Letter

To Whom It May Concern:

I am the Commissioner of the Indiana Department of Labor, and accordingly, the appointing authority for Jameson Berry, Director of IOSHA Health Compliance, Intake, and Whistleblower Protection for the Indiana Department of Labor. I have submitted a post-employment waiver for Mr. Berry.

While I will be unable to attend the State Ethics Commission's meeting on June 12, 2025, I hereby designate Tony Hardman, General Counsel and Ethics Officer for the Indiana Department of Labor, to file and present the above-referenced waiver on my behalf. Therefore, please feel free to direct any questions concerning this filing to Mr. Hardman.

Sincerely,

Mike Speedy  
Commissioner  
Indiana Department of Labor