



# INDIANA

## DEPARTMENT OF LABOR

**Mike Braun, Governor**  
**Mike Speedy, Commissioner**  
402 West Washington Street, Room W196  
Indianapolis, Indiana 46204-2751  
Phone: (317) 232-2656  
Fax: (317) 233-3790

FILED

MAY 08 2025

IC 4-2-6-11

### Post-employment waiver

INDIANA STATE  
ETHICS COMMISSION

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 Compliance Officer **Kenneth Stepp** in his post-employment with O&k American Corp.

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: Kenny inspected the prospective employer, O&k American Corp., for violations of the IOSH Act and cited it for one violation back in April 2023. This was almost two years before the employer had the current job opening and Kenny applied. The employer did not seek Kenny out, but Kenny saw the opening posted on Indeed and applied.

- ☐ 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):*

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



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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:

Kenny only made regulatory decisions regarding whether employers he inspected violated certain provisions of the IOSH Act.

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

Kenny will be EHS Manager for O&K facilities in Seymour, Indiana, and Chicago, Illinois. Key duties and responsibilities include the following:

- Implementation, management, and monitoring of environmental, health and safety (EHS) programs.
- Leading investigations on all incidents, injuries, and near misses.
- Leading and implementing cross-departmental discussion and committees to define solutions to eliminate potential identified hazards and maintain a list of needed and completed actions to correct hazards and/or improve safety conditions for employees.
- Coordination of waste management, pollution management, emergency response plans, and regular drills to include fire, inclement weather, active shooter, etc.
- Management of safety budget.
- Management of "EHS Specialist" employees. There is currently one.
- Travel between two facilities to manage EHS programs and conduct audits.

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 EHS manager, Kenny would likely be the primary contact or a primary participant with Indiana OSHA if the agency had to inspect the prospective employer. An inspection 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 Kenny'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.



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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:

Kenny is taking this new job as the next step in his career as a safety and health professional. He has been with the IDOL for almost three and a half years. This new opportunity is both an increase in pay and responsibility. Although the IDOL hates to lose talented employees like Kenny, 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:

Kenny lives in Lexington, Indiana and currently works out of his home office. Since the IDOL dispatches its compliance officers to inspect employers located in the part of the state where they live, many of Kenny's inspections over the past three plus years have been with companies within a reasonable drive from his home. Of course, when he began looking around to advance his career, the companies he was looking at would naturally be within his inspection territory close to his home so he would not have to move to change jobs. It would be an economic hardship to ask or expect Kenny to look for a job that made him move or even drive a great distance from home just to avoid a company he may have previously inspected. It would likewise be an economic hardship to expect him to pass up opportunities and wait until a company that he did not inspect has an opening for an EHS manager near his home. The prospective employer is both near his home and has an opening with a significant career advancement opportunity.

### 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

4-22-25  
DATE



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## 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 Hardiman, General Counsel

4/22/25  
DATE

## D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission:	
	<u>8-2-25</u>
Katherine Noel, Chair, State Ethics Commission	Date

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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May 1, 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 Kenneth Stepp, Compliance Safety and Health Officer for the Indiana Department of Labor. I have submitted a post-employment waiver for Mr. Stepp.

While I will be unable to attend the State Ethics Commission's meeting on May 8, 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