



NCDOL
N.C. Department of Labor

Cherie Berry, Commissioner

www.nclabor.com

1-800-625-2267



NCDOL Warns Employers of Poster Scam

By Jason Tyson
Public Information Officer

The N.C. Department of Labor is urging businesses across the state to be on the lookout for suspicious correspondence, after the department recently received multiple reports of persons using scare tactics or threatening language in an attempt to sell labor law posters to employers.

“These scams surface several times a year and businesses will contact us,” Labor Commissioner Cherie Berry said. “The threats of fines are bogus and should be ignored. The Department of Labor provides free sets of labor law posters to businesses.”

The scammers will often pose as either government officials or as acting on behalf of a poster company, such as the North Carolina Labor Law Poster Service, a non-regulatory entity that does not operate under any government agency. Other names these companies are known to go by include Personnel Concepts and Labor Law Compliance. There have been reports of these companies threatening fines from \$7,000 to as much as \$17,000 for non-compliance. Mailings can often appear to be from an official source and request fees for posters that cost anywhere from \$84 to \$200. Businesses should be aware that scammers may also attempt to contact them by either email, text or by phone.

While labor law posters are required to be displayed at a workplace by law, NCDOL inspectors carry the most up-to-date versions of the posters in their vehicles and will distribute them free of charge. The N.C. Department of Labor will never fine a business that has older versions of the poster displayed.

The NCDOL will print new versions anytime a significant law is changed or updated by Congress. Businesses are not required to order a new poster each time a change is made. Employers that wish to order new posters can visit www.nclabor.com/posters/posters.htm or can call 1-800-625-2267.

The labor law posters are printed in two sections and must be posted together in an area where employees frequently gather. If you have a poster with a printed date of 12/14 or earlier in the bottom right-hand corner, please order a new set of posters for free. Businesses with more recent versions can download a patch [here](#) that updates the change to the OSH poster.

Wage and Hour Notice to Employees and OSH Notice to Employees must be posted together.

OSH Notice to Employees

Safety and Health (OSHA)

N.C. Department of Labor Responsibilities

The state of North Carolina has a federally approved program to administer the Occupational Safety and Health Act (OSHA) in North Carolina. This program is administered by the N.C. Department of Labor, Occupational Safety and Health (OSLH) Division.

- Inspection**—The OSH Division conducts workplace inspections that can be triggered by complaints, accidents or because the workplace has been randomly selected for an inspection.
- Investigation**—Following an inspection, the employer may be cited for one or more violations of the OSHA standards. The employer will be given a time to correct the violation to avoid further action.
- Penalties**—An employer can be fined up to \$7,000 for each “serious” violation. Serious violations that involve injury to anyone under 18 years of age could result in fines up to \$14,000 per violation. An additional maximum \$7,000 penalty can be assessed for each day an employer fails to correct or abate a violation after the allotted time to do so has passed. A penalty of up to \$70,000 may be assessed for each willful or repeat violation of an OSHA standard.
- Criminal penalties**—Up to \$10,000 may apply against employers who are found guilty of willfully violating any standard, rule or regulation that has resulted in an employee’s death.
- OSHA Standards**—The Division administers all federally mandated OSHA standards violation or can enforce them in most state conditions, as long as the new version is at least as strict as the federal standard.
- Copy of any specific standard** available by the OSH Division is available for charge. The entire “General Industry” or “Construction Industry” standards are available for a nominal copy fee by calling 1-800-625-2267 or 919-807-2796.

Employer Rights and Responsibilities

Public and private sector employees have a “general duty” to provide their employers with workplaces that are free of recognized health risks to ensure serious injury or death. Employers must comply with the OSHA safety and health standards adopted by the federal government.

- Inspection**—An employer has the legal right to refuse to allow an inspector to enter the workplace, unless an administrative inspection warrant is issued. If the inspector has the right to accompany the inspector during the physical inspection.
- Retaliation**—It is illegal to retaliate in any way against an employer for raising a health or safety concern, filing a complaint, reporting a work-related injury or illness, or assisting an inspector. The department will investigate and prosecute employers who take such action.
- Citation**—If an OSHA inspection results in one or more citations, the employer is required to promptly and permanently abate the citation(s) or the citation(s) will remain in effect until the violation has been corrected or abated, whichever is longer.
- Contesting Penalties**—Once an employer has been cited, he or she may request an “informal conference” with OSHA officials to discuss the penalty, abatement or other issues related to the citation. This request must be made within 15 working days after the citation is received.
- Contesting Citations**—An employer may formally contest a citation by filing a “Notice of Contest” (the citation) or proposed penalty to the N.C. Occupational Safety and Health Review Commission. The Review Commission is an independent body that hears and decides controversies between employers and employees concerning citations, abatement periods and penalties.
- Employers wishing to know more about the procedure for filing a “Notice of Contest” should contact the Review Commission. Telephone: 919-830-3589. Website: www.oshr.state.nc.us.**

Injury and Illness Records

Employers with 11 or more employees, unless specifically exempted, are required to maintain accurate occupational injury and illness records of their employees. Reconciling forms and information concerning these requirements may be obtained from the Education, Training and Technical Assistance Bureau, N.C. Department of Labor. Call 1-800-625-2267 or 919-807-2796.

Accident and Injury Reporting

An employer must report the following:

- Within eight hours: Any work-related fatality.
- Within 24 hours: Any work-related inpatient hospitalization of one or more employees.
- Any work-related amputation.
- Any work-related loss of eye.

To report an accident, call the OSH Division at 1-800-625-2267 or 919-779-8568.

Employer Rights and Responsibilities

Public and private sector employees must comply with occupational safety and health standards, regulations, and those orders issued under OSHA that relate to their own actions and conduct.

Complaints—An employee has a right to make a complaint regarding workplace conditions he or she believes are unsafe, unhealthy or in violation of OSHA standards. When an OSHA inspector is at an employee’s workplace, that employee has a right to meet one-on-one with the inspector and to freely answer any questions asked by the inspector. When making a complaint, the employee may request a meeting or be represented by legal counsel.

To make a complaint, call 1-800-625-2267 or 919-779-8568. Complaints may be made online at www.nlabor.com.

Contesting Abatement

Employees may contest any abatement period as a result of an OSHA inspection at their workplace. An employer has the right to appeal before the Review Commission to contest the abatement period and seek judicial review.

Other OSHA Information

Federal Monitoring—The OSH Division is monitored by the U.S. Department of Labor. Federal authorities ensure that consistent state administration is needed. Any person who has a complaint about the state’s administration of OSHA, may contact the Regional Office of the U.S. Department of Labor, 61 Forsyth St., S.W., Suite 6750, Atlanta, GA 30303.

Additional Information or Questions—Anyone having a question about any of the above information may voice our call.

N.C. Department of Labor
Occupational Safety and Health Division
1101 Mail Service Center
Raleigh, NC 27699-1101
Phone: 1-800-625-2267 or 919-807-2796
Fax: 919-807-2858
E-mail: ask_osha@labor.nc.gov
www.nlabor.com

Cherie Berry
Commissioner of Labor

This notice must be posted conspicuously. This poster is available free of charge to all North Carolina workplaces.

Call 1-800-625-2267 or 919-807-2796 or order online.

1-800-N-LABOR
(1-800-625-2267)
www.nclabor.com

Follow NCDOL on Facebook, Twitter, YouTube, and Instagram.

1-800-625-2267 or 919-807-2796

www.nclabor.com

Unemployment Insurance

NCDOL does not handle matters relating to unemployment insurance. If you would like information about unemployment insurance, please contact the Department of Commerce, Division of Employment Security, P.O. Box 29963, Raleigh, NC 27611-9001, 1-800-749-7999, www.waccs.com.

N.C. Workers' Compensation Notice to Injured Workers (Form 17)

NCDOL does not handle matters relating to workers' compensation. If you would like information about workers' compensation policies or procedures, please contact the N.C. Industrial Commission at N.C. Industrial Commission, 4301 Service Center, Raleigh, NC 27699-1401, 919-807-2500, www.ncic.gov. Form 17 must be prominently posted and must be posted in the same color and format that appear on the Industrial Commission website. To download and print the current version of Form 17, visit www.ncic.gov.



N.C. Department of Labor Wage and Hour Notice to Employees

Wage and Hour Act

Minimum Wage: \$7.25 per hour (effective 7/24/09)

Employees in North Carolina are required to pay the higher of the minimum wage set established by state or federal law. The federal minimum wage was increased to \$7.25 per hour effective July 24, 2009. Employees in North Carolina are required to pay their employees at least \$7.25 per hour.

An employer may pay no less than \$2.12 per hour to tipped employees so long as each employee receives enough in the difference between the wage paid and the minimum wage. Employees must be allowed to tip, except that tipping is prohibited in an employee's tip-related more than 15 percent. The employer must keep an accurate and complete record of the tip as certified by each employee monthly or at their pay period. Without these records, the employer may not be allowed for the credit.

Certain full-time students may be paid 90 percent of the minimum wage, provided for the lowest record.

Overtime

Time and one-half must be paid after 40 hours of work in any one work-week, except after 45 hours in seasonal recreational and amusement establishments. The state overtime provision does not apply to some employees and employers who are exempt.

Youth Employment

Rules for all youths under 18 years old are: Youth employment certification (YEC) is required. To obtain a YEC, please visit our website at www.nclabor.com.

Hours for the Domestic Occupations

State and federal laws have placed youth workers by making it illegal for employers to hire them in dangerous jobs. For example, non-agricultural workers under 18 years of age may not operate a forklift, operate any type of power equipment such as most drills, circular saws, band saws, bakery machinery or woodworking machinery, work as an electrician or electrician's helper, or work from any height above the ground, including use of ladders and scaffolds. For a complete list of prohibited jobs, please visit our website at www.nclabor.com.

Additional rules for 16- and 17-year-olds are:

No work between 11 p.m. and 7 a.m. when there is school the next day. Exception: When the employer gives written permission from the youth's parents and principal.

Additional rules for 14- and 15-year-olds are:

Must work only for professional, financial, business, food service, establishments, service activities and offices of other businesses. Work is not permitted in manufacturing, mining, construction, work in power-driven machinery, or on the premises of a business holding an "ABC" permit for the minimum wage and overtime provisions. Employees may not operate any power-driven machinery, except that youths at least 14 years of age may work on the

Minimum wage of the premises with written consent from a parent or guardian as long as the youth is not involved with the operation, serving, dispensing or sale of alcoholic beverages.

Maximum hours per day: Three school days, eight if a workweek day.

Maximum hours per week: 18 when school is in session, 40 when school is not in session.

Hours of the day: May work only between 7 a.m. and 7 p.m. on any school day. Through the day when school is not in session.

Breaks: Minimum breaks are required after every period of five consecutive hours of work.

Additional rules for youth under 14 years old are:

Work is generally not permitted except when working for the youth's parents, newspaper distribution to customers, mowing or using a mower, recreation, sales or theater production.

These state youth employment provisions do not apply to farm, domestic or government work.

Wage Payment

Wages are due on the regular payday. If requested, final paychecks must be mailed. When the amount of wages is disputed, the employer's payment of the undispensed portion cannot restrict the right of the employee to continue a claim for the rest of the wages.

Employees must be notified of payday, pay rates, policies on vacation and sick leave, and of commissions, bonus and other pay matters. Employees must notify employees in writing or through a posted notice maintained in a place accessible to all employees of the reduction in the rate of payment of wages at least 24 hours prior to such change.

Deferrals from paychecks are limited to those required by law and those agreed to in writing on or before payday. If the written authorization that the employer does not specify a dollar amount, the employer must receive prior to payday (1) written notice of the actual amount to be deducted, (2) written notice of the right to withdraw the authorization, and (3) be given a reasonable opportunity to withdraw the authorization. The written authorization or written notice may be given in an electronic format, provided the requirements of the Electronic Transactions Act (Chapter 66, Article 49 of the N.C. General Statutes) are met.

The withholding of (deduction of) wages used for the employer's benefit may not be taken if they relate wages below the minimum wage. No deductions may be made to increase wages owed.

Deferrals for due to inventory shortages or loss or damage to an employee's property may not be taken unless the employee provides written advance notice. This write-up rule does not apply to these deductions made for commission. An employer may not deduct from the employee's pay for back pay or other amounts.

Employees who voluntarily quit their employment, the employer shall give vacation time off payment in lieu of time off, an acquiescence

complaint policy or practice. Employees may be notified in writing or through a posted notice of any company policy or practice that results in the loss or forfeiture of vacation time to pay. Employees not notified in writing or through a posted notice may file a complaint with the Wage and Hour Division.

The wage payment provisions apply to all private-sector employees doing business in North Carolina. The wage payment provision does not apply to federal, state, local agency or municipality government.

Complaints

The Department's Wage and Hour Division investigates complaints and collects back wages interest if any are due to the employee. The state of North Carolina may bring on or defend an action against the employer for violations of the law. The employee may also sue the employer for back wages. The court may award attorney's fees, costs, liquidated damages and interest.

Anyone having a question about the Wage and Hour Act may write or call:

N.C. Department of Labor
Wage and Hour Bureau
1101 Mail Service Center
Raleigh, NC 27699-1101
Phone: 1-800-625-2267 or 919-807-2796
Fax: 919-807-8019
www.nclabor.com

Employment at Will—Right-to-Work Laws

North Carolina is an employment-at-will state. The term "employment-at-will" simply means that unless there is a specific law to protect employees or there is an employment contract providing otherwise, then an employer can hire and fire employees at any time and the employee can discharge an employee at the will of the employer for any reason or no reason at all.

North Carolina is a "right-to-work" state, which means that the right of a person to work under a contract or to be hired because that person belongs—or does not belong—to a labor union. In addition, an employer cannot require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges for or on behalf of a labor union. Also, an employer cannot enter an agreement with a labor union whereby (1) non-union members are denied the right to work for the employer, (2) membership is made a condition of employment or continuation of employment, or (3) the labor union acquires an employer's right to hire or fire employees.

In addition, the CWA is Back, 487 U.S. 715 (1988), the U.S. Supreme Court stated that if a collective bargaining agreement between an employer and a labor union requires employees to pay uniform periodic dues and initiation fees, employees who are not union members can object to the use of their payments for certain purposes and can only be required to pay their share of union costs unless the collective bargaining contract administration and grievance adjustment. This is often referred to as your fair share of union costs unless the contract provides otherwise. If you have any questions regarding your fair share of union costs used in that way to pay for activities not directly related to the duties of collective bargaining,



you may be entitled to a refund and to an appropriate reduction in future payments.

NCDOL does not have an enforcement authority of these laws, but if you have any questions, contact the Regional Office of the National Labor Relations Board (NLRB) at the following address and phone number:

NLRB—Region 11
401 University Parkway, Suite 300
Raleigh, NC 27609-1101
Phone: 919-807-2858
336-631-5201

Employment Discrimination

The Department's Employment Discrimination Bureau (EDB) enforces the Retaliatory Employment Discrimination Act (REDA). Employees involved in the following activities are protected from retaliation or discrimination by their employer:

- Workers' Compensation Claims
- Wage and Hour Complaints
- Occupational Safety and Health Complaints
- State Safety and Health Complaints
- Genetic Testing
- Sickle Cell or Hemoglobin Carriers
- N.C. National Guard Service
- The Juvenile Justice System
- Victims of Domestic Violence
- Periosteal Regulation Complaints

Employees who have questions about the application of REDA, or employees who believe they have been discriminated or retaliated against, should contact the EDB information officer:

N.C. Department of Labor
Employment Discrimination Bureau
1101 Mail Service Center
Raleigh, NC 27699-1101
Phone: 1-800-625-2267 or 919-807-2801
Fax: 919-807-2824
www.nclabor.com

All complaints must be made within 180 days of the date of retaliation.

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From Labor Commissioner Cherie Berry

It is hard to believe that spring has sprung before we barely wrap up the first quarter of 2017. Hopefully, the nice weather is here to stay as we kick off the 2017 Safety Awards Banquet season.

There are a total of 30 safety award banquets scheduled across the state between March and June. In April I will attend banquets in Roxboro, Shelby, Greensboro, Greenville, Wilson, Asheboro and Charlotte. The banquet schedule is included on page 6 in this edition of the Labor Ledger.

This year marks the 71st year for the Safety Awards Program and I am looking forward to personally attending each of the 30 scheduled banquets.

It has been rewarding for me to watch the popularity of the program grow over the past 16 years as Labor Commissioner. It has been equally rewarding to watch the injury and illness rate for private industry gradually decline during this same time period.

I strongly believe there is a direct correlation between the increased awareness and participation in the safety and health recognition programs our agency administers and the decrease in the state injury and illness rate.

The injury and illness rate for private industry has dropped 51 percent over the last 16 years from 5.3 to 2.6 cases per 100 full-time workers—the lowest rate in state history.

This record low injury and illness rate is a credit to the thousands of employers and employees of our state who participate in these safety and health programs and to many of you, our Labor Ledger subscribers, who take workplace safety and health seriously and make it a priority each and every day.

When you consider the fact that North Carolina has more than 270,000 businesses and 4 million plus workers statewide, this kind of success can only be achieved through a collaborative effort between private and public sectors. The combined awareness from the many safety and health recognition programs have helped save numerous lives and countless limbs in workplaces throughout North Carolina.

So whether you are an employer or an employee, a manager or a frontline worker, thank you for all that you do and have done to help us reach our goal of making the Old North State the safest state in which to work.

See you out on the road.

Cherie Berry



Cherie Berry
Commissioner of Labor

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Recognition Roundup

Recognition Roundup identifies businesses that qualify for one of the N.C. Department of Labor’s recognition programs. Congratulations to all of the recent award recipients. To view a complete list of all North Carolina Star recipient companies, click [here](#).

To view a complete list of all North Carolina general industry SHARP companies, visit www.nclabor.com/osha/consult/sharp_sites.pdf.



Safety and Health Achievement Recognition Program (SHARP)

Sonoco Recycling, Hickory (renewal)



Carolina Star

Cintas Corporation, Location #205, Durham
Glen Raven Technical Fabrics, Burnsville (recertification)
Sandoz Inc., Wilson (recertification)
Bridgestone Bandag, Wilson (recertification)



Public Sector Star

Roanoke Rapids Sanitary District, Roanoke Rapids



Rising Star

Cataler North Carolina, Lincolnton



ASH Inspectors Busy During Growing Season

By Jason Tyson, Public Information Officer

Inspectors from N.C. Department of Labor's Agricultural Safety and Health Bureau have been busy visiting migrant camps and farms this spring, in order to ensure living quarters and equipment meet state standards.

A grower who owns or operates a housing unit for any number of migrant workers must register the housing with the Department of Labor. After registration, the Department of Labor must inspect the housing before the migrants can occupy the unit.

Some farmers have been preparing for the height of the growing season since February, and most laborers are expected to arrive by June. Housing must meet occupational safety and health standards and specific standards for heat, fire protection and kitchen sanitation. Migrant housing should be registered at least 45 days prior to occupancy and any units that do not meet the standards can result in fines and abatement requirements for the owners.

"We start in February, depending on the weather, and end up looking at about 1,700 housing units statewide," ASH bureau chief Regina Cullen said. "At the farms we check the grounds to make sure they are clean, the buildings to make sure they are structurally sound, and look at other things like the stove, heat, refrigerator, ovens and bathrooms to make sure they are operational. These are places where folks are going to live a while, not just overnight."



Ramirez also tests the faucets to ensure the camp has running water, a requirement of all migrant camps in the state.



ASH inspector Johana Ramirez uses a tester to check the electricity of a refrigerator at a migrant camp in Nash County.

For example, on a recent inspection in Zebulon, ASH inspector Johana Ramirez used a ground tester and other equipment to ensure all of the appliances at the migrant camp were in working order. She followed up by going over the safety check list with the grower.

The bureau rewards owners of migrant camps that go above and beyond minimum state requirements each year in February at its annual Gold Star Growers meeting, held at the N.C. State Fairgrounds in Raleigh.

"Since we have been doing this for so long, the majority of people see us year after year and are in compliance," Cullen said. "About 15 percent are Gold Star Growers, and our department always appreciates those that do more than we require."

Farmers Recognized at Annual Gold Star Growers Meeting

Wright presented with the Hudler Safety Award

By Jason Tyson, Public Information Officer

The N.C. Department of Labor presented special awards to five North Carolina farmers during the 23rd Annual Gold Star Growers Meeting held February 1-2 at the N.C. State Fairgrounds.

The awards are given to members of the agricultural community who voluntarily elect to provide housing that exceeds state standards for their migrant workers. These standards are required by law and are used during annual inspections performed by NCDOL's Agricultural Safety and Health Bureau.

At this year's meeting, a total of 145 Growers were awarded the Double Gold Star Grower Award, and a total of 89 were awarded the Single Gold Star Award. Double Gold Star Growers are eligible for self-inspection of their housing in the upcoming year.

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Labor Commissioner Cherie Berry presents Ron Wright with the Hudler Safety Training Award. (L-R): Robert Fulford, vice president of leaf operations; Regina Cullen, NCDOL ASH bureau chief; Ron Wright, senior leaf manager; Carol Wright; Commissioner Berry; Bridget Dutton, USDOL Wage and Hour Division; Rick Blaylock, USDOL Wage and Hour Division; Dale Hudler.

Farmers Recognized at Annual Gold Star Growers Meeting

Wright presented with the Hudler Safety Award

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“I’d like to thank the Gold Star Growers for being the best of the best,” said Labor Commissioner Cherie Berry. “They have set an example of how to treat their workers like family.”

Special awards were given to Richard Langley of Pender County for Best Maintained Housing, East. Pender Sharp of Wilson County was given the award for Exceptional Migrant Housing, while Patterson Farms of Rowan County received Best New Housing, West. Brian Richardson of Ashe County was awarded with Best Maintained Housing, West and Webb Family Farms of Wilson County was presented with the award for Best New Housing, East.

“We’ve selected these recipients from those farmers who voluntarily chose to go above and beyond the standard requirements,” said Agricultural Safety and Health Bureau Chief Regina Cullen.

On February 2, Ron Wright received the 2017 Hudler Safety Training Award. Wright is a senior leaf manager with R.J. Reynolds Tobacco Company in Winston-Salem.

The annual honor is given to an individual who presents exemplary safety training practices in the agricultural community. NCDOL first began



Labor Commissioner Cherie Berry presents Patterson Farms with the award for Best New Housing, West. (L-R): Johana Ramirez, NCDOL ASH inspector; Randall Patterson, Nora Patterson, Commissioner Cherie Berry.



Labor Commissioner Cherie Berry presents Pender Sharp with the award for Exceptional Migrant Housing. (L-R): Commissioner Cherie Berry, Antonio Nevarez, Pender Sharp, Maribel Nevarez, Drew Long, NCDOL ASH inspector.

growers, NCDOL and the U.S. Department of Labor, receiving this award would not be possible,” Wright said. “I have been extremely fortunate to have worked and partnered with Regina Cullen. The many successes in promoting farm safety are a direct result of Regina’s partnership with the tobacco industry.”



Labor Commissioner Cherie Berry presents Webb Family Farms with the award for Best New Housing, East. (L-R): Kathy Capps, NCDOL ASH inspector, Commissioner Cherie Berry, Thomas Webb.

presenting the award in 2009 in honor of the late Ron Hudler, who was a long-time advocate for workplace safety at both the state and national levels. Hudler has also served as chair of the department’s Agricultural Safety and Health Council.

“Ron Wright understands the importance of safety training and his contributions have helped foster a culture of workplace safety here in the Tar Heel state and beyond,” Commissioner Berry said. “Mr. Wright certainly meets the criteria to earn this high honor.”

Wright is the first non-grower to receive the distinction. Ron Hudler’s son Dale attended the meeting to help present the award, along with Commissioner Berry, Cullen and other officials.

“I am humbled and grateful to receive the Huddler Award. I understand without the commitment and contributions from



Labor Commissioner Cherie Berry presents Richard Langley with the award for Best Maintained Housing, East. (L-R): Commissioner Cherie Berry, Richard Langley, Alan Fortner, NCDOL ASH inspector.

Congratulations to all our Gold Star Growers!

Department Hosts Outreach Event with a Chinese Delegation

From Staff Reports

A small delegation, headed by Guosheng Su, director of the Training Center of Sinopec Safety Engineering Institute, which is located in China, recently met with Robert O’Neal, safety training specialist of the Education, Training and Technical Assistance Bureau of the N.C. Department of Labor, on safety and health training and how we use Labor One as a mobile training platform for instructing industries in North Carolina.

O’Neal explained how Labor One is a mobile classroom that brings safety and health training straight to the worksites. The 35-foot training unit will travel to any worksite within the state and provide free, hands-on training on a variety of safety and health topics. O’Neal further revealed that Labor One has a maximum capacity of 20 employees per class and explained how the trainers can rotate employees in and out throughout the course of a day. He explained that Labor One is typically used on construction jobsites for training but it was also used for public relation events, compliance accident investigations and as a mobile booth for safety and health fairs and conferences.

O’Neal covered the benefits of partnering with companies to prevent injuries and illnesses and by improving their capabilities to identify risk factors, control exposures, and conduct research. O’Neal mentioned that the N.C. Commissioner of Labor, Cherie Berry, has prioritized the need to improve worker safety through education, training and consultative services, and she has also discussed how this training has helped to reduce dozens of serious accidents and fatalities in our state.

“We felt Mr. O’Neal was the most energetic and engaging trainer we have had,” Su said, through a translator. “Mr. O’Neal was an excellent safety and health education specialist, because he was very enthusiastic and goes into excellent detail concerning real life scenarios. This is compared to other specialist we have met with in the past. He also engaged all members of the delegation to be sure they understood all the aspects of the North Carolina safety and health programs, and how a Labor One vehicle could benefit the workers of China in places where classrooms do not exist.”

O’Neal gave the delegation two presentations inside Labor One, so they could see how the vehicle is used in both general industry and/or construction worksites where no classroom is available. The first presentation consisted of an “Introduction to OSHA and Inspection Process.” They were also introduced to our training course agendas and how we develop our safety and health training courses. O’Neal demonstrated how NCDOL has promoted safety by administering programs that encourage industries to comply voluntarily with safety and health standards. He also highlighted Consultative Services and how they offer free on-site consultation services which help employers, state and local government and the private sector to identify and correct potential safety and health hazards as well as comply with OSHA standards.

“They were as interested in our experience with mutual occupational safety and health problems as we were with theirs,” O’Neal said. “Workers are the ultimate beneficiaries. It doesn’t matter what nation you live in this type of program can help improve occupational health and safety enforcement in all nations that have become world trading partners. However, it is good to create jobs, but it’s not good if it comes at the expense of the health of workers. We all can prevent the exploitation of workers and strengthen the ability of countries to monitor their workplaces and to make them safer no matter where they work in the world.”

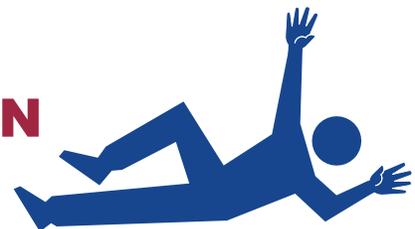
The delegation was competent, experienced professionals that were open to exchanging information. O’Neal was informed by Guosheng that Sinopec attaches great importance to its employees’ health. He said they help to guide all subsidiaries to conduct occupational health work in conformity with the Law of the People’s Republic of China on the Prevention and Control of Occupational Diseases, as well as the Regulations on Occupational Health of Sinopec Corporation. Their plans are to implement a mobile training platform identical to Labor One. Sinopec Corporation has a sound safety management system but they would like to add this new element to their outreach training programs, emergency responses and drills.



Chen Su, Guosheng Su, safety training specialist Robert O’Neal, Tao Jiang and Ning Wang stand near Labor One following an informative tour of the 35-foot mobile training unit.

“Fall Prevention Stand-Down Week” May 8-12, 2017

- **PLAN AHEAD**
- **PROVIDE FALL PROTECTION**
- **TRAIN WORKERS**



2017 Safety Award Banquet Schedule

The following safety award banquets are scheduled for April, May and June. For more information about the Safety Awards Program, contact Eursula Joyner at 919-807-2908 or eursula.joyner@labor.nc.gov.

Thursday, April 6, 2017	6 p.m.	Old Country Club Steakhouse	Roxboro
Thursday, April 13	6 p.m.	LeGrand Center	Shelby
Tuesday, April 18	11:30 a.m.	Grandover Resort	Greensboro
Thursday, April 20	6 p.m.	Rock Springs Events Center	Greenville
Tuesday, April 25	noon	Willow Springs Country Club	Wilson
Thursday, April 27	noon	AVS Banquet Center	Asheboro
Friday, April 28	noon	Embassy Suites	Charlotte
Tuesday, May 2	6 p.m.	Expo Center	Clinton
Thursday, May 4	6:30 p.m.	Ahoskie Inn	Ahoskie
Tuesday, May 9	11:30 a.m.	Benvenue Country Club	Rocky Mount
Wednesday, May 10	noon	Lane Tree Country Club	Goldsboro
Thursday, May 11	noon	South Piedmont Community College	Monroe
Friday, May 12	noon	Cabarrus County Country Club	Concord
Monday, May 15	6 p.m.	Oliver's	Wadesboro
Tuesday, May 16	6 p.m.	First United Methodist Church	Morganton
Wednesday, May 17	noon	Ramada Inn (Formerly Holiday Inn)	Statesville
Thursday, May 25	noon	Mebane Arts and Community Center	Mebane
Thursday, June 1	6 p.m.	Vance-Granville Community College	Oxford
Friday, June 2	noon	Crabtree Marriott	Raleigh
Tuesday, June 6	6 p.m.	Adelio's Restaurant Downtown	Lumberton
Thursday, June 8	noon	City of Sanford Public Works Service Center	Sanford
Monday, June 12	6 p.m.	Wilmington Community College North Campus	Wilmington
Tuesday, June 13	noon	Olivia's Catering	Kinston
Thursday, June 15	6 p.m.	Gastonia Country Club	Gastonia
Friday, June 16	noon	J. Smith YMCA	Lexington
Monday, June 19	noon	Carolinas HealthCare System Stanly	Albemarle
Tuesday, June 20	6 p.m.	Double Tree	Asheville
Thursday, June 22	6 p.m.	Crown Plaza	Hickory
Friday, June 23	11:30 a.m.	Cross Creek Country Club	Mount Airy

NCDOL Recognizes Cataler North America

By Jason Tyson, Public Information Officer

The N.C. Department of Labor certified Cataler North America's Lincolnton facility as a Rising Star Program participant last summer. The company was also recognized as achieving 1 million man hours without a lost-time workplace accident.

Labor Commissioner Cherie Berry presented company officials with a certificate and Carolina Star flag at a ceremony held at the company's Lincolnton location.

"I am proud of what Cataler North America has achieved in part due to the good safety and health programs they have at this location," Commissioner Berry said.

Following the ceremony, Commissioner Berry joined company officials in touring the facility.

The Rising Star designation is the first step many companies take to earning the Carolina Star, which is the most prestigious safety recognition given by the N.C. Department of Labor.

"This is an achievement for Cataler and a milestone for our developing safety culture as we continue to improve our overall safety condition," said Greg Brandt, production general manager and safety office of Cataler.

Companies that qualify for the award have good safety and health programs in the workplace but must take additional steps to reach Carolina Star quality. The Star Program recognizes excellence in site-specific occupational safety and health management systems. Star Program participants have effective safety and health management systems that serve as models for other businesses. There are currently 149 sites in the Carolina Star Program throughout North Carolina including seven Rising Stars.



Photo Courtesy of Cataler North America

Commissioner Berry presents the Rising Star Award to Cataler North America.

Youth Employment Certificates Available Online

Youth Employment Certificates, also known as work permits, can be obtained on the N.C. Department of Labor's website at www.nclabor.com.

The certificates are required for youth under the age of 18 who are seeking employment this summer. The Youth Employment Certificates can only be filled out and submitted when a firm job offer is in hand.

Completed and signed certificates must be given to the employer on or before the first day of work. The employer must verify the youth's age, proposed job duties and any restrictions noted on the certificate.

The certificate must be maintained by the employer as long as the youth is employed and for two years after employment ends. If you have questions about this form or youth employment restrictions, please contact the Wage and Hour Bureau at 919-807-2796 (Raleigh) or toll-free (NC only) 1-800-NC-LABOR (1-800-625-2267). Our Call-Center is open from 8 a.m. to 4:45 p.m., Monday through Friday.

To access the application, visit: www.nclabor.com/wh/youth_instructions.htm. Computer access may be available at the potential employer, schools or public libraries if you do not have access at home.

Upcoming Sessions of Free E-Verify Webinars

The U.S. Department of Homeland Security has upcoming dates for its free E-Verify webinars for businesses. During each session, attendees will learn about E-Verify, the free and easy-to-use service that lets employers verify the employment eligibility of new employees. Sessions usually last one hour.

As of July 1, 2013, employers with 25 or more employees in North Carolina were required to use E-Verify to check work authorization for all new hires. The U.S. Department of Homeland Security, in conjunction with the N.C. Department of Labor, set up webinar dates specifically for North Carolina employers to inform them about E-Verify.

Upcoming Webinar Dates:

📅 *Wednesday, April 26, at 2 p.m.*

📅 *Wednesday, May 24, at 2 p.m.*

To learn more about the webinars, visit www.nclabor.com/legal/e_verify/webinars.htm.

DEADLY Mistakes



By Judyth Niconienko
State Plan Coordinator

Fatal Event: On Dec. 19, 2014, a 33-year old farm worker was struck and killed by the body of a falling dump truck while manually attempting to activate the mechanical linkage between the dump body hydraulic control lever and the dump truck body cylinder valve. The dump truck body fell and the employee was caught between the chassis and dump body.

Investigative Findings: Farm employees were engaged in the process of unloading soybeans from a dump truck into a storage silo using a screw conveyor (auger) system.

At the time of the fatal event an employee was standing inside the dump body of the truck shoveling soybeans toward the back of the dump body where the beans poured through a small opening and onto the conveyor chute. The dump body was elevated between halfway and three quarters of its full lift capacity and was loaded with about 13,500 pounds of soybeans. According to the vehicle data plate, the gross vehicle weight rating for this vehicle was being exceeded by about 6,300 pounds at the time of the incident. The dump truck is used 4 to 5 times each season to transport soybeans from the fields to the silo. The size of the loads were pretty consistent.

It was reported that the 38-year-old dump truck was not working properly. The cable running between the dump body hydraulic control lever and the dump body cylinder was sticking, and could not fully raise the dump body by using the control knob inside the cab as it was designed to do. Problems with the cable sticking were reported to be a common occurrence. When the truck worked as designed it required only one operator to sit in the cab and raise or lower the dump body using the knob. When the dump body could not be fully raised in this manner, employees were instructed to manually activate the mechanical linkage between the dump body hydraulic control lever and the dump body cylinder valve. This mechanical linkage was located on the passenger side, underneath the chassis between the frame members and could be activated

if pulled by hand. In order to manually activate the linkage, the employee would have to either reach over the passenger side frame member—placing his body between the raised dump body and the chassis—or slide on the ground under the passenger side frame member. There were no body props being used to prevent the dump body from falling inadvertently. In fact there were no approved body props on the premises. When servicing of the vehicle occurred, a pipe or a piece of wood was used to prop up the raised bed.

A twenty-plus year employee stated he slid under the dump truck to manually activate the hydraulic systems numerous times during the previous seasons and that employees were instructed to slide under the truck rather than reach in between the chassis and the dump body. The victim, in this case, decided to reach over the truck chassis and the partially-elevated dump body came down and crushed him before he could escape.

Discussion: The truck was inspected after the incident by a local mechanic and it was determined that there was a kink in the cable that ran from the dump body hydraulic control lever and the dump body cylinder, which was the likely cause for the sticking. Instead of addressing the malfunctioning cable the staff had been instructed to manually raise the dump body. Asking staff to make manual adjustments to what should have been a remote operation created a potentially hazardous situation which turned deadly in this case. Continuously overloading the dump truck above the gross vehicle weight rating, the age of the vehicle and the lack of regular maintenance may have attributed to its poor condition. It is clear that activating the hydraulics or making any other adjustments under an unpropped, raised dump body is hazardous. Manufacturer approved body props were not available or used to safely secure the raised dump body.

Recommendations:

- ✘ Equipment should not be used when it does not function as designed and hazardous work-arounds should not be allowed.
- ✘ Provide training and supervision to ensure that workers strictly follow the safe operating procedures recommended by the manufacturer.
- ✘ Always block dump bodies using manufacturer approved body props prior to performing inspections, maintenance, repairs or adjustments.

WORKPLACE WORRIES



By Christine Ryan, Administrator
Wage and Hour Bureau

Q: I just started a new job, and my employer does not pay extra for weekend or holiday time like my last employer. Is that legal?

A: “Unless your employer has promised to pay you a different rate for working on holidays or weekends, your employer only has to pay you for the total hours you actually worked in the workweek regardless of what day or days you worked. Your employer has to pay you the greater of the minimum wage (\$7.25 per hour) or your promised rate of pay for all of the hours you work. In addition, your employer must pay you time and one-half overtime pay based on your regular rate of pay for all hours worked in excess of 40 in a workweek, unless you are exempt from overtime for a specific reason.”





Bulletin Board

Mine and Quarry Training

Part 46 New Miner Training

April 11, Castle Hayne
April 25, Greensboro
May 2, Greensboro

Part 46 Annual Refresher Training

April 13, Castle Hayne
April 27, Greensboro
May 4, Greensboro

New Miner Training

April 3-5, Wake Forest
May 22-24, Wake Forest

Annual Refresher Training

April 6, Wake Forest
May 25, Wake Forest

First Aid Training

April 12, Castle Hayne
April 26, Greensboro
May 3, Greensboro

To register for any of these classes,
call the Mine and Quarry Bureau at 919-807-2790.

Complying With OSHA General Industry Standards—Beginners Level

May 23-24, Raleigh

Click [here](#) for more information.

This two-day course has been designed for new environmental, health and safety (EHS) professionals who are responsible for safety and health at their organization. The course covers general industry standards, state-specific standards for the general industry and the recordkeeping standards.

OSH Webinar Courses

Visit the OSH Training Schedule Calendar here www.labor.communications.its.state.nc.us/OSHPublic/ETTA/class_regist/calendar.cfm to view upcoming internet training and other safety courses. Check the calendar for new courses being added soon.

10-Hour Construction Industry Awareness Course in Spanish

April 5-6, Jacksonville

Click [here](#) for more information.

May 23-24, Charlotte

Click [here](#) for more information.

This course will be delivered in Spanish and will provide participants 10 hours of instruction that will address the many recognized hazards of the construction industry. During this awareness course, the "Big Four" hazards (falls, electrical, struck by and caught in between) will be included as part of the two-day training session.

This course is designed to help employers understand OSH regulatory requirements and also ensure employers and employees understand the requirements necessary in providing an acceptable safety and health program for the workplace. This course will provide a basic overview of the Construction Industry Safety and Health Standards, 29 CFR 1926.

Complying With OSHA Construction Industry Standards—Beginners Level

July 12-13, Raleigh

Click [here](#) for more information.

This two-day course has been designed for new environmental, health and safety (EHS) professionals who are responsible for safety and health at their organization. The course covers construction industry standards, state-specific standards for the construction industry and the recordkeeping standards.

Wilmington Regional Safety and Health School

July 27-28, Carolina Beach

Click [here](#) for more information.

Eastern Carolina Safety School

June 8-9, New Bern

Click [here](#) for more information.