



NCDOL

N.C. Department of Labor

Cherie Berry, Commissioner

Labor

LEDGER

www.labor.nc.gov

1-800-625-2267

New NCDOL Website Redesign Project Complete

By Mary Katherine Revels, Public Information Officer

On Monday, Nov. 13, www.labor.nc.gov officially launched to the public. After more than eight months in the making, the website redesign project is complete.

NCDOL teamed up with Digital Services, a division of the N.C. Department of Information Technology, to complete the project. Digital Services has more than 20 websites under its umbrella, including six cabinet agencies and the governor's office. Each website uses the Drupal framework and is customizable to the agencies needs and wants. During the beginning stages, goals were set for the project: easier to find information and resources, mobile optimization, professional look and feel, ability to promote seasonal, timely information, and promote social media among many others.

The project was completed by a team of NCDOL employees from each division within the department: Administration, Occupational Safety and Health, and Standards and Inspections. In order to complete the project, members brainstormed, attended several meetings and were taught the Drupal platform through training. Website team members collaborated often to ensure the November launch deadline was met.

"It has been at least fourteen years since we last updated our website," Labor Commissioner Cherie Berry said. "The new website was designed with the user in mind. Items that received the most hits on our previous site such as the youth employment certificate application and the labor law posters are prominently featured on the home page. We want visitors to our new site to easily find what they are seeking."

The navigation bar was the first order of business. The NCDOL website team was assigned with the first task of creating personas of users that visit the department's website. This exercise helped shape what is now the top navigation bar. The seven new tabs of the navigation bar include: Home, Regulations, Safety and Health, Workplace Rights, News, About NCDOL, and Contact. Next, the new site is mobile friendly. This is a great feature as more and more users access the internet from a tablet or smart phone.

Another great feature of the new website is the rotating carousel on the home page. The carousel currently highlights information about the Labor Building, the big four hazards in construction and escalator safety tips.

"We featured the escalator safety tips with the launch because of the increased use of escalators at shopping malls and airports during the holiday season," said Dolores Quesenberry, communications director and site manager for the website redesign project. "We look forward to promoting other NCDOL initiatives on the carousel throughout the year."

The website is still a work in progress as everyone adjusts to the new features. If you have any questions or would like to provide user feedback, you may do so on the following link: www.labor.nc.gov/user-feedback.



The website redesign team took a moment to gather together in front of the new NCDOL website home page. (Front Row, L-R): Dolores Quesenberry, Administration; Adriana Jordan, Standards and Inspections; Wanda Lagoe, Occupational Safety and Health; Carrie Boring, Standards and Inspections. (Second Row, L-R): Dee Bryant, Ed Geddie, Eursula Joyner and Hollis Yelverton, Occupational Safety and Health; Mary Katherine Revels and Amanda Carroll, Administration.

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From Labor Commissioner Cherie Berry

The holidays mean different things to different people. For me, I've always been a big fan of saying thank you, especially this time of year.

I recently had some time to reflect on the past 11 months, and I still cannot believe how quickly 2017 has come and nearly gone. Seeing as this is the last edition of the year, I thought it would be appropriate to say "thanks."

So, a big "thanks" to each and every one of you—employers, employees, contractors, managers, farmers—those who work in fields and factories, behind the scenes to the front lines.

Thank you for doing your part to help North Carolina remain one of the safest states in the nation in which to work. The Bureau of Labor Statistics recently released its national injury and illness report for 2016, and North Carolina continued its downward trend to remain at an historic low 2.5 cases per 100 full-time workers compared to 2.6 in 2015. Manufacturing saw the greatest decline from 3.3 in 2015 to 2.9 in 2016. You can read more about the state injury and illness rate on page 4 in this edition.

I'm proud to say that 2017 has been a great year for the Department of Labor. We've crisscrossed the state celebrating achievements and heroism. We've worked hard with both lawmakers and laborers to make workplaces safer, and we've recently completed a big achievement, the launch of our new website, www.labor.nc.gov. If you haven't visited it yet, take a moment to check it out. The website has a modern look and feel and is mobile friendly to accommodate those of you visiting our site from your mobile phone or tablet.

I've enjoyed seeing many of you out on the road. May each of you have a blessed Christmas and New Year, and we'll see you out there to do it all over again in 2018.

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](#).



SHARP Sites

Highgrove LTCC, Reidsville
Metal Recycling Services LLC, Gastonia
Service Thread Manufacturing Company, Laurinburg



Building Star *Recertification

Choate Construction Company, Charlotte
Metcon Inc., Pembroke*



Carolina Star *Recertification

3A Composites USA Inc., Statesville*
Berry Global Inc., Ahoskie
General Electric – Hitachi Nuclear Energy Americas, LLC, Wilmington*
Jelliff Corporation – LGM Division, Maiden*
Metal Tech of Murfreesboro, Murfreesboro*
Regulator Marine Inc., Edenton*
The Sherwin-Williams Company – Stage Coach Trail, Greensboro*

Public Sector Star *Recertification

City of Mount Airy, Mount Airy
Person County General Services Department, Roxboro*



Rising Star

The Timken Company – Asheboro Plant, Randleman

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Farrior and Sons Receive Million Hour Award

By Jason Tyson, Public Information Officer

Labor Commissioner Cherie Berry joined company officials at the barn of the May Lew Farm in Farmville on Oct. 3 to present a 1 Million Hour Award to Farrior and Sons, LLC.

The award covers working time between Oct. 14, 2003, through Aug. 1, 2017. Million Hour awards are presented by the N.C. Department of Labor in recognition of working 1 million employee hours, or multiples thereof, with no cases of injury or illness involving days away from work.

“This is quite an impressive accomplishment for Farrior and Sons, and one that demonstrates their continuing commitment to safety at their work site,” Commissioner Berry said. “It is important to me that we continue to honor companies who exceed expectations of safety at the job site.”

Farrior and Sons, Inc. was founded Oct. 1, 1962, by Hugh Farrior, Jr. and his two sons – Jack Farrior and William Farrior, Sr. At the start, the company was active in general construction, including renovation of existing buildings, remodeling homes, building new homes, and commercial buildings. The company soon became active in millwright work, grain facilities, feed mills, and other industrial facilities. In 1969, the company bought the property where the current facilities are located and construction began on a new shop and office building.

Today, the company focuses the majority of its work on design/build projects and public bid work. The company specializes in office buildings, churches and family life centers, industrial buildings, restaurants, retail shops and schools. The Chairman of the Board is William Farrior, Sr. and his son, Bill Farrior, Jr., serves as President and Treasurer of the Board.

Farrior and Sons also received its ninth consecutive year Gold Award at this year’s Greenville Safety Awards Banquet.



Labor Commissioner Cherie Berry presents the 1 Million Hour Award to Bill Farrior (left) and Mike Folen on Oct. 3.

High Point Pediatric Dentistry Earns SHARP Award

By Jason Tyson, Public Information Officer

High Point Pediatric Dentistry earned a SHARP Award from the N.C. Department of Labor on Oct. 4, with Commissioner Cherie Berry on-hand to present the office with a certificate and flag.

“This facility is a perfect example of what a dedicated group of employees can achieve when they put safety and health first,” Commissioner Berry said. “After meeting with all of the folks here, I was impressed by the amount of dedication they have with such a small staff.”

NCDOL’s Consultative Services Bureau has been in contact with the dentistry office for the past five years, and this is their first SHARP Award.

Industrial Hygiene Consultant Abigail Newton, who accompanied Commissioner Berry to present the award, said the office does a lot with limited resources.

High Point Pediatric Dentistry provides specialized dentistry for children and adolescents in a “child-friendly” environment. The practice serves infants, children and teens in High Point, Greensboro, Winston-Salem and Kernersville.



Labor Commissioner Cherie Berry presents the staff of High Point Pediatric Dentistry with a SHARP Award on Oct. 4.



Season's Greetings

NCDOL Celebrates a Successful 150th State Fair

By Jason Tyson, Public Information Officer

Labor Commissioner Cherie Berry praised members of her staff and other partners for contributing to the success of this year's N.C. State Fair. The fair celebrated its 150th year in style in October, offering food, attractions and vendors from across the state.

"I want to thank everyone who helped to make this year's state fair the great occasion that it was," Commissioner Berry said. "We had a great fair with no major incidents on the midway, and that is a tribute to our amusement ride inspectors and those who we work with to ensure that everyone can enjoy the fair safely."

Commissioner Berry joined the communications staff at this year's state fair media day, where she met and congratulated the winners of this year's Best New Food Award. Inspectors and staff from the Elevator and Amusement Device Bureau also provided the media an opportunity to learn about amusement ride inspections, while other staff members based in Raleigh and beyond volunteered to work NCDOL's booth in the Kerr Scott Building.

At the booth, staff asked members of the public trivia questions about North Carolina, and passed out stickers and hair ties with rider safety tips attached.

The N.C. Department of Agriculture reported that 1,014,478 attended this year's fair, the fourth most on record since 1986. The record for attendance was set in 2010, when 1,091,887 persons crossed through the gates of the fairgrounds.

Planning for the 2018 N.C. State Fair is already in full swing, with the fair scheduled to be held Oct. 11-21, 2018.



Labor Commissioner Cherie Berry congratulates Arepa Loca for winning this year's Best New Food Award at the N.C. State Fair Media Day.

Tar Heel State's Workplace Injury and Illness Rate Unchanged

By Jason Tyson, Public Information Officer

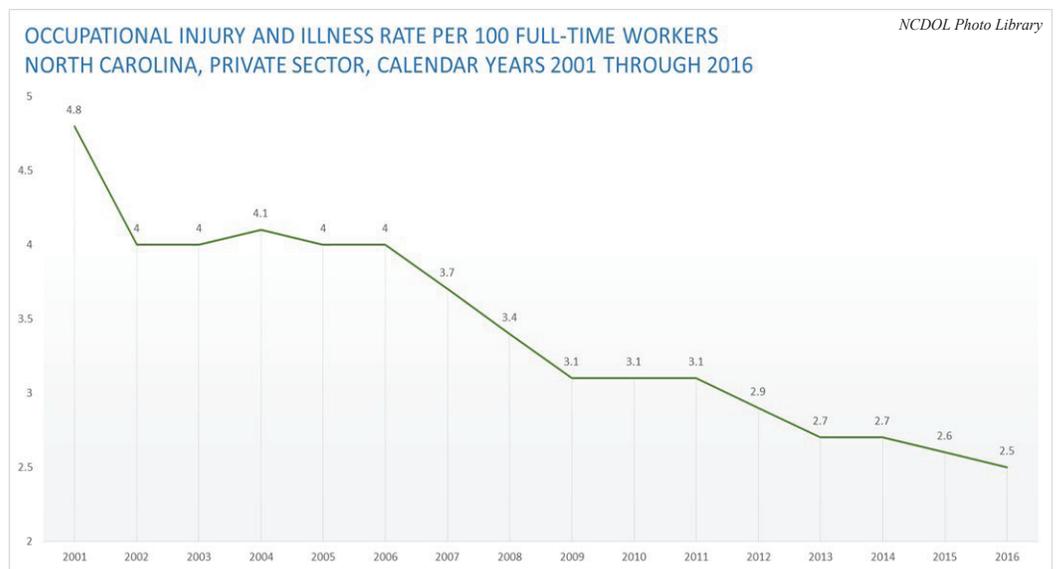
New figures show North Carolina's workplace injury and illness rate for private industry in 2016 was statistically unchanged from its historic low in 2015. The 2016 rate is 2.5 cases per 100 full-time workers, compared to 2.6 in 2015. The Tar Heel state remains one of the safest states in which to work with a rate below the national average of 2.9 cases per 100 full-time workers.

"I take great pride in the fact that North Carolina's injury and illness rate has dropped during my 16 years of service," Labor Commissioner Cherie Berry said. "The continuing decline over the years is a credit to the employers and employees of our state."

The state's Occupational Safety and Health Division focuses on hazardous industries like construction and manufacturing by implementing special emphasis programs, providing free education and training, conducting free safety and health consultative visits, and establishing partnerships and alliances.

The 2016 rate for construction was 2.2 per 100 full-time workers, compared to 2.7 in 2015 and below the national rate of 3.2. The 2016 rate for manufacturing declined from 3.3 in 2015 to 2.9 in 2016, below the national rate of 3.6.

"This is positive news for North Carolina's workplaces," Commissioner Berry said. "We'd like to think that the safety and health programs administered by the OSH Division coupled with the increased participation in our safety and health recognition programs has contributed to this overall decline in the injury and illness rate."



Commissioner Berry Participates in Go Triangle Star Ceremony

By Jason Tyson, Public Information Officer

Labor Commissioner Cherie Berry visited the Go Triangle Headquarters in Raleigh on Nov. 17 to present the company with its Public Sector Star Recertification Award. The event was held as part of the facility's annual safety day.

"Go Triangle plays a crucial part in connecting people to their workplaces, recreation and back home. I am impressed by their commitment to making safety a priority," Commissioner Berry said.

Go Triangle was initially certified as a Public Sector Star Site in June 2013, when it was known as Triangle Transit. Go Triangle also received the 1st Year Silver Award at this year's Raleigh Safety Awards Banquet. To welcome the commissioner, the facility decorated its doors like an elevator and gave her a tour of its operations, which allowed her to connect with workers there.

The celebration was the company's second annual, with a theme of "Safety is a Family Affair."



Labor Commissioner Cherie Berry presents the Public Sector Star Recertification Award to Go Triangle on Nov. 17.

Labor Law Posters Updated

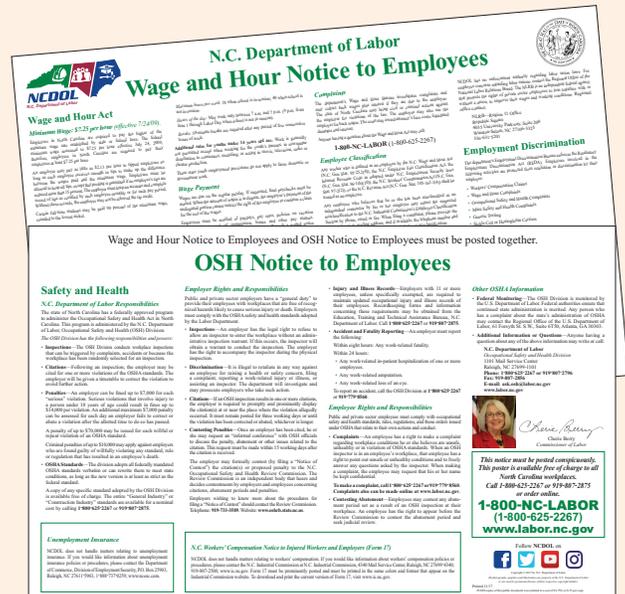
By Dolores Quesenberry, Communications Director

The wage and hour section of the labor law posters has been updated to include new information concerning employee misclassification. Any employee who believes that he or she has been misclassified as an independent contractor by his or her employer may now report the suspected misclassification to the N.C. Industrial Commission's Employee Classification Section. Instructions on how to file a complaint concerning employee misclassification are included on the notice.

The labor law posters are printed in two sections to include the Wage and Hour Notice and the Occupational Safety and Health Notice. Both sections are now updated to include the department's new web address—www.labor.nc.gov.

Please be aware that poster companies using scare tactics to sell labor law posters continue to harass North Carolina businesses. Recent letters obtained by the Labor Department threaten companies with \$17,000 fines for having out-of-date posters. These poster companies have been known to charge as much as \$190 per poster.

NCDOL will not fine businesses with older versions of the posters. NCDOL inspectors carry the newest posters in their vehicles and will offer them free to employers who have out-of-date posters. News sets may be ordered by visiting the NCDOL website or by calling the NCDOL toll free number 1-800-NC-Labor (1-800-625-2267).



Changes to Youth Employment Certificate Process

By Mary Katherine Revels, Public Information Officer

Per the state legislation that became effective Oct. 1, 2017, NCDOL now has full control of the issuance of youth employment certificates. Youth seeking a youth employment certificate will no longer be able to obtain one from the departments of Social Services. Youth Employment Certificates may be obtained from the NCDOL website at www.labor.nc.gov. Remember, you must have a firm job offer before completing the certificate and be connected to a printer. For additional information about youth employment, visit: www.labor.nc.gov/workplace-rights/youth-employment-rules.

Delay of Enforcement for Electronic Submission of Injury and Illness Data

By Dr. Ed Geddie, Health Standards Officer

OSHA published its final rule on May 12, 2016, that requires certain employers to electronically submit the injury and illness information they are already required to keep under existing Part 1904 OSHA Recordkeeping regulations.

Under this new rule at 29 CFR 1904.41, establishments with 250 or more employees that are currently required to keep OSHA injury and illness records must electronically submit information from OSHA Forms 300—*Log of Work-Related Injuries and Illnesses*, 300A—*Summary of Work-Related Injuries and Illnesses*, and 301—*Injury and Illness Incident Report*.

Establishments with 20-249 employees that are classified in certain industries with historically high rates of occupational injuries and illnesses must electronically submit information from OSHA Form 300A. A list of these industries can be found in Appendix A to Subpart B of Part 1904.

Please note that these new electronic submission requirements do not change an employer's obligation to complete and retain injury and illness records.

The original deadline for meeting the electronic reporting requirement was July 1, 2017. However, OSHA published a proposal on June 28, 2017, to delay this compliance date to Dec. 15, 2017.

In accordance with the North Carolina state-specific rule 13 NCAC 07A.0301, changes to Part 1904 are automatically adopted by the N.C. Department of Labor on the date that they are published in the Federal Register.

More information regarding these provisions along with Instructions for using the Injury Tracking Application can be found on OSHA's website at: www.osha.gov/injuryreporting/.

NCDOL Welcomes Harriet Hopkins

New deputy administrator brings legal expertise

By Jason Tyson, Public Information Officer

NCDOL's Retaliatory Employment Discrimination Bureau is pleased to announce the hiring of Harriet Hopkins, who brings a wealth of experience to the department as a former teacher, lawyer and mediator. The bureau is part of the Standards and Inspections section of NCDOL.

Hopkins joined the department as the new deputy administrator on Oct. 16, 2017. The bureau investigates complaints filed by employees who allege that they have been retaliated against by their employer for engaging in one of a number of enumerated "protected activities," as set out in the N.C. Retaliatory Employment Discrimination Act. She previously served, since 2013, as the deputy director of the N.C. Dispute Resolution Commission, a 17-member body charged with certifying and regulating the mediators who serve the state's court-ordered mediation programs.

"We are very excited to have Harriet join the NCDOL family," said Christine Ryan, administrator for the Labor Standards Bureau. "She has an exceptional background that includes practicing law, mediating and management within a state agency. This is a perfect blend of experience to bring to the Retaliatory Employment Discrimination Bureau."

Hopkins grew up on Maryland's Eastern Shore, and moved to North Carolina to attend Duke University as an undergraduate, attaining degrees in math and education. For three years following college, she taught high school math at Durham's Carolina Friends School, where she had previously completed her student teaching.

After the three years of teaching, she attended law school at UNC-Chapel Hill, graduating with her J.D. in 1982. She stayed in the Triangle, working at a small firm in Durham before establishing her own law firm and providing a wide range of legal services for several decades.

In her role as deputy director of the commission, Hopkins assisted in providing support to court-based mediation programs and the judges and court staff who implement them, investigated complaints filed against mediators, supported the work of the commission's committees, drafted legislation and rule amendments, responded to ethical inquiries from mediators, and developed and promoted continuing mediator education programs. The commission also provides support for other state agencies who have implemented or are interested in implementing mediation programs. The stand-alone commission, funded solely by mediator certification fees and no tax dollars, includes members appointed by the governor, the N.C. General Assembly, the chief justice of the N.C. Supreme Court, the president of the N.C. State Bar, and the president of the N.C. Bar Association.

Hopkins said her recent work with the commission and as a certified mediator offer useful skills for her new role as deputy administrator. The bureau investigates complaints and, if there is reasonable cause to believe that the allegations in the complaint are true, will encourage the parties to informally discuss a resolution of the dispute. If the case is not resolved, the bureau will issue a right-to-sue letter to the complainant or the commissioner may take legal action on behalf of the complainant.

"I'm thrilled with the opportunities presented by this move to NCDOL," Hopkins said. "We've got a great team of investigators here committed to fulfilling the bureau's charge and I'm very much interested in the work that we do. I'm glad and proud to be here, and look forward to the challenges of making the bureau the best it can be."

Hopkins has two children, one son and one daughter, and she is expecting her first grandchild in March 2018.



New Retaliatory Employment Discrimination Bureau Deputy Administrator Harriet Hopkins.

DEADLY

Mistakes



By Judyth Niconienko, State Plan Coordinator

Fatal Event: On May 14, 2015, a 48-year-old male was operating a sheet metal press and placed a cylindrical tool on the edge of the machine. While in operation the press made contact with the tool and kicked it out, striking the employee in the chest. He subsequently died in the hospital from his injuries.

Investigative findings: The plant fabricated metal parts for various industries. The victim was employed as a stamp and assembly operator and was considered an expert in production of rear emergency bus doors. During the manufacturing of the metal doors, it was noticed that about 30 doors had small dents in them. The victim determined that he could fix the doors at the press and was granted permission from his manager to do so.

The production process used to repair the dents in the doors required the door panel to be placed on the floor in front of the press. A metal cylinder was placed under the door panel and a hammer was used to repair the dent. He would then place both the outer door and inner door shell into the press and activate the stamp press. It was normal practice to place the cylinder and the hammer in his apron or place them on a ledge beside the press when he wasn't using them. On this occasion he placed the cylinder on the front of the stamp press. When he placed the next inner and outer door panel in the press and activated it the upper part of the press came down, with a 400-ton capacity, and the heel block on the die came into contact with the right side of the cylinder, forcing it out under pressure. It became a projectile and struck the victim in the right side of the chest. He was pronounced dead as they were rushing him into the operating room.

Discussion: The facility fabricates metal parts for various industries. They had a blend of new and old equipment in use. The older equipment was largely comprised of hydraulic presses which were manufactured around 1992. These older machines had unique operations and a variety of control panels. One of the manufacturers, who tracks the buying and selling history of all their presses, sent a letter to the company in 2003 stating they were aware that they had one of their presses and due to newer OSHA codes the equipment was likely not up to current codes and that the owner of the press was responsible for updating the controls to meet the requirements. Specifically "providing appropriate point-of-operation safeguarding". This item was never addressed by the company.

Hazard assessments of the different press operations being performed and specific job instructions for each unique piece of equipment were not conducted. Training for each piece of equipment was not provided to employees. However it was expected by the employer that all press operators would operate all of the machines. When a new employee was hired they received informal on-the-job training and sometimes started operating equipment the same day they

were hired. The equipment being utilized on the day of the accident had not been assessed for hazards nor had manufacturer recommended modifications been made to ensure guarding met current OSHA requirements. In addition, the employer did not provide employees with adequate training in the operation of the equipment.

When the employer's safety and health program was reviewed it was sparse and generic. The procedures in place were not site specific nor machine specific. When staff were interviewed they could not recall participating in formal training and no one in the organization claimed responsibility for the safety programs. Although there was someone in management with the title of safety manager, the majority of their responsibilities were related to order entries and customer service. No one in the organization was being held accountable for development and implementation for safety programs and no one could explain the employer's safety program.

Recommendations:

- ✘ If older equipment is being utilized by employees, the employer needs to make sure that the equipment and guarding meets the current OSHA standards and that any modifications are approved by the manufacturer of the equipment before use.
- ✘ Employers must review work procedures and conduct hazard assessment to evaluate the workplace, equipment or work situation that an employee may encounter while performing their job.
- ✘ The employer must ensure that all equipment operators receive on-the-job training under the direct supervision of experienced operators, until they have demonstrated they can work safely on their own.
- ✘ Employee training shall include, but is not limited to:
 - ♦ All hazards in the work area, including machine-specific hazards;
 - ♦ Safe work practices and machine operating procedures;
 - ♦ The purpose and proper use of machine safeguards; and
 - ♦ All procedures for responding to safeguarding problems such as immediately reporting unsafe conditions such as missing or damaged guards and violations of safe operating practices to supervisors.
 - ♦ Consequences for employees not adhering to safety and health procedures.
 - ♦ Training should be documented.
- ✘ In addition to employee instruction and training the employer must provide adequate supervision to reinforce safe practices. Employer's needs to implement methods to enforce safe work practices and working conditions. These methods should include a disciplinary process for employees not adhering to safety and health procedures and rules.
- ✘ Established safety and health programs should be administered by a competent person.



WORKPLACE WORRIES



By Christine Ryan, Administrator
Wage and Hour Bureau

Q: My employer is requiring me to go to a training class in another town on my normal work day. Do I get paid?

A: Generally, a mandatory training class is considered working time. In addition, if this training class is in another city, the time traveling to and from the other city is likely going to be considered work time, although the employer may be able to deduct the time the employee normally spends commuting to the regular work site. The only time training programs and other meetings or activities are not counted as working time is if the following four things are all true: it is outside normal work hours, it is voluntary, it is not job related and no other work is performed at the same time. So, if an employee is voluntarily taking a class to expand their skills, and that class is not job related, not mandatory, outside regular work hours and no work is performed, then the employer would not be required to pay the employee for the time.



at the same time. So, if an employee is voluntarily taking a class to expand their skills, and that class is not job related, not mandatory, outside regular work hours and no work is performed, then the employer would not be required to pay the employee for the time.



Bulletin Board

Mine and Quarry Training

Part 46 New Miner Training
Dec. 12, Greensboro

Part 46 Annual Refresher Training
Dec. 14, Greensboro

First Aid Training
Dec. 13, 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

March 28-29, 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. Only EHS professionals that are currently employed with five years or less of EHS experience should sign up for this course. To ensure this requirement is being met, you must complete a CERTIFICATION FORM and email to Wanda Lagoe at wanda.lagoe@labor.nc.gov. If you meet both requirements for the course, you will be sent a password that will allow you to register for the course.

The course will cover general industry standards, state specific standards for general industry and the recordkeeping standards. Upon completion, the attendee will know which standards apply to them, what requirements need to be met to comply with the applicable standards and most materials needed to meet the requirements. This includes a safety and health management program, PowerPoint presentations, training handouts, and an industry guide detailing the standards that have special requirements (i.e., inspections, tests, training, programs).

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. Among the courses being offered include:

- ◆ Recordkeeping
- ◆ Lockout/Tagout
- ◆ Fall Protection
- ◆ Inspection Process



Nova Development