



**NCDOL**

*N.C. Department of Labor*

*Josh Dobson, Commissioner*

[www.labor.nc.gov](http://www.labor.nc.gov)

1-800-625-2267

**LEDGER**

## Carthage Annual Train and Tractor Show

*By Meredith Watson, Public Information Officer*

**T**he town of Carthage held their 18<sup>th</sup> annual Train and Tractor Show on Nov. 3-5. The show offered patrons a chance to be immersed in history while walking through the grounds looking at a variety of antique machinery. The N.C. Department of Labor (NCDOL) Boiler Safety Bureau plays a vital role in the show: the inspection of the antique and historical boilers.

From start to finish, the process of boiler production, regulations and inspections are vastly different today than they were at the time these historic pieces were created.

"Antique and historical boilers are time pieces of when this equipment was used to operate most of our modern technology and machinery. Steam locomotives, tractors, rollers and stationary engines were used for plowing fields, transportation, sawmills, hauling and other applications," said Boiler Assistant Bureau Chief Jeremy Smith.

What is so unique about these devices is despite some of the featured boilers being more than 100 years old, they are still operational today.

"Although, there was no standard when they were constructed, like today, these boilers are capable of producing the kind of force that today's power boilers possess," said Smith.

There are a total of 90 historical boilers registered in North Carolina. This year, 43 have been inspected, including the 11 that were featured at the Train and Tractor Show. This does not come without a lengthy inspection for all boilers.

"The National Board Inspection Code (NBIC) provides requirements and recommendations for inspecting this equipment yearly, and we perform initial inspections on any historical boiler to determine baseline criteria for the operating life of the boiler," said Smith. "This requires multiple examinations and tests including a visual internal inspection, a visual operating inspection, ultrasonic thickness readings, a hydrostatic pressure test and a calculation to determine the maximum allowable pressure the boiler is allowed to operate. Once the initial is complete, the next year the inspections move into a yearly interval cycle for the required inspections. Interval No. 1 (one year after initial inspection) is an in-service operating inspection, Interval No. 2 (two years after initial inspection) is a visual internal inspection and Interval No. 3 (three years after initial inspection) is performing a pressure test. After Interval No. 3, the inspection cycle will continue back to Interval No. 1, and so on for the operating life of that boiler. We also perform ultrasonic thickness readings every five years to ensure the thickness readings are consistent with the initial thickness readings. Our procedure includes these requirements and checklists and documentation to utilize for the inspections," said Smith.

The NCDOL Boiler Safety Bureau is a vital part of the department. Not only do they provide North Carolina residents the unique opportunity to see operating historical boilers, but they impact everyone on a day-to-day basis.

"Boilers and pressure vessels are considered pressurized equipment. This equipment is operated at manufacturers, schools, universities, hospitals, retirement homes, power plants, hotels, businesses and locations across the state for multiple applications," said Smith. "The Boiler Safety Bureau's main goal and mission is to protect life, property and the environment from the hazards of the pressure equipment failures." Under the Uniform Boiler and Pressure Vessel Act, businesses and public venues are required to have any equipment that falls under the act inspected to meet safety standards set by our administrative rules and industry inspection codes. If you would like to contact our Boiler Safety Bureau, you can call at **919-707-7918** or email [boiler.safety@labor.nc.gov](mailto:boiler.safety@labor.nc.gov).



*N.C. Department of Labor boiler safety inspectors inspect historical boilers in Carthage prior to the opening of the annual Train and Tractor Show.*





## From Labor Commissioner Josh Dobson

*I hope everyone enjoyed the Thanksgiving holiday. I personally enjoy this holiday the most because of time spent with family and the opportunity to reflect on all we have to be thankful for – not just on Thanksgiving Day but every day of the year.*

*The week of Nov. 14, our department resumed our OSH Annual Training and Employee Recognition Banquet in-person at the McKimmon Center in Raleigh. It was great to interact with many of the N.C. Department of Labor's (NCDOL) employees from across the state and to recognize these employees for the work they do and their service to the State of North Carolina. Read more about our OSH Annual Training on Page 3.*

*We are very excited for our 24<sup>th</sup> annual Toys for Tots campaign. The objective of the program is to "bring the joy of Christmas to America's needy children." If you are in Raleigh on Dec. 14, please feel free to drop by the NCDOL from noon to 3 p.m. and drop off a new, unwrapped toy. If you are not able to attend the NCDOL's Toys for Tots event, boxes can be found throughout North Carolina with the Toys for Tots logo, and you can donate or give a monetary contribution. This is a great way to get into the Christmas spirit and help those in need. Read about our Toys for Tots event on Page 3.*

*The safety awards application process will open in January and the deadline for submitting applications is Feb. 15. Previous participants should be on the lookout for a letter in early January and any business that would like to learn more about the program should call Kiley Willard, the safety awards coordinator, at 919-707-7855 or email [safety.awards@labor.nc.gov](mailto:safety.awards@labor.nc.gov). I was glad to get back to in-person banquets this past season and look forward to seeing many of you when the new season begins this spring.*

*I wish you and your family a blessed holiday season!*

*Josh Dobson*



Nova Development

## Inside this edition:

2022 OSH Annual Training	Page 3
NCDOL Toys for Tots Event Dec. 14th	Page 3
Beware of Poster Scams, NCDOL Posters are Free	Page 4
Retaliatory Rights	Page 4
Deadly Mistakes	Page 5
Workplace Worries	Page 5
Bulletin Board	Page 6

## 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. For a complete list of **Star** and **SHARP** sites, visit the **NCDOL website**.

**Building Star** \*Recertification  
Samet Corp.\*

**Public Star** \*Recertification  
Davidson County Solid Waste\*

**SHARP** \*Recertification  
Bay Valley Foods LLC, *Faison*\*  
Carolina Solar Services, *Durham*\*  
Chatham Trades Inc., *Siler City*\*  
Metal Recycling Services LLC, *Monroe*\*  
Well Spring Retirement Community Inc., *Greensboro*\*



**Josh Dobson**  
Commissioner of Labor

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*Season's Greetings*



## 2022 OSH Annual Training

*By: Marcy Collyer, Training Supervisor, Education, Training and Technical Assistance (ETTA) Bureau*

After three years, we once again had the opportunity to gather in Raleigh for the Occupational Safety and Health (OSH) Annual Training event. The event took place at the McKimmon Center, Nov. 14-16 and culminated with the N.C. Department of Labor (NCDOL) 2022 Employee Recognition Banquet. This year we kicked off on the afternoon of Nov. 14 with a session on significant cases presented by OSH compliance staff. Multiple cases were presented, covering a range of topics.

On Nov. 15, we offered a health, safety and an Agricultural Safety and Health (ASH) track. The health track focused on industrial hygiene toxicology, the safety track covered lockout-tagout and machine guarding and the ASH track provided a review of the new preoccupancy inspection program. There was also a special afternoon session on “How to Document a Willful Trenching Violation in Five Minutes or Less.”

On Nov. 16, we wrapped up with updates from human resources, legal affairs, the safety and health committee, the ergonomics committee and the director’s office. We also had a presentation on the proposed new heat standard.

Thank you to all the speakers, instructors and facilitators who had a role in making this event a success. We also appreciate those of you who took the time to complete the evaluations. This is valuable feedback that helps us in planning future events. Next year’s OSH Annual Training will take place in Raleigh on Oct. 9-11, 2023. Please mark your calendars now and make plans to join us. We look forward to seeing you next October!



NCDOL Photo Library



NCDOL Photo Library



NCDOL Photo Library



NCDOL Photo Library

*Presenters and N.C. Department of Labor employees attend the annual OSH training in Raleigh.*

## Third Annual Toys for Tots “Drive-By and Drop Off” Event to Be Hosted at the Labor Building

*By: Erin Wilson, Director of Communications*

On Dec. 14, from noon to 3 p.m., the U.S. Marine Corps Reserve Toys for Tots Program will collect toys at 4 W. Edenton St., in front of the Labor Building. This is the 24<sup>th</sup> year that the N.C. Department of Labor and its Toys for Tots partners have co-hosted this annual toy drive. This year’s drive will be a “drive-by and drop-off” event.

“During the holiday season, times can be tough for families and Toys for Tots gives us an opportunity to help our community and to brighten the day of a child’s life,” Labor Commissioner Josh Dobson said.

“This is the season of giving and the Labor Department is proud to take part in a program like Toys for Tots. Last year, the Labor Department and its partners collected 1,296 individual toys and bicycles and received \$5,985 in monetary donations.”

The Department of Labor’s mobile training unit, Labor One, will be parked in front of the Labor Building to store all the toys collected. Anyone driving by or walking by to drop off toys or monetary donations will receive an individually wrapped goodie bag as a “thank you” for donating. You will not even have to get out of your car as Toys for Tots elves will receive donations and share bags of goodies in exchange.

Any new unwrapped toy, including bicycles and tricycles, will be accepted as well as monetary donations made payable to the Marine Corps Reserve Toys for Tots Foundation.

So, on Dec. 14, from noon to 3 p.m., in front of the Labor Building, located at 4 W. Edenton St., drive by or walk by and drop off a new toy.



Merry Christmas



# Beware of Poster Scams, NCDOL Labor Law Posters are FREE

**2022 - SAFETY PLAN ORDER FORM**  
WORKPLACE SAFETY IS ESSENTIAL

**FOLLOW INSTRUCTIONS EXACTLY WHEN COMPLETING THIS FORM. PLEASE PRINT.**

Customer ID Number <b>F294155581</b>	Business ID <b>1174191</b>	Notice Date <b>10/19/2022</b>	Formation Date <b>11/05/2010</b>
Business Address			

10041019B AUTO ALL FOR ADCC 280  
7000002149 00.0009.0156 2149/1

**Please Respond By:**  
**11/19/2022**

Records indicate that is registered to do business in the State of North Carolina. Federal OSHA laws require all employers to provide a place of employment which is free from recognized hazards that are likely to cause death or serious physical harm to employees. Occupational Safety and Health Act of 1970, 29 USC § 654. C.P.S., a third-party private entity, will prepare and provide a comprehensive written safety plan that will assist employers in complying with occupational safety and health standards issued by OSHA. Violations of OSHA may result in the following fines and penalties pursuant to 29 USC § 666:

(a) *Willful or repeated violation:* Civil penalty of not less than \$5,000 and up to \$70,000 for each violation may be imposed;

(b) *Citation for serious violation:* Civil penalty of up to \$7,000 for each violation shall be imposed;

(c) *Citation for violation determined not serious:* Civil penalty of up to \$7,000 for each violation may be imposed; ... (d) ...

(e) *Willful violation causing death to employee:* A fine of up to \$10,000 and imprisonment of up to 6 months, or both, shall be imposed.

It is essential that all employers maintain and prepare, in writing, an accurate safety plan that will protect their business from fines and penalties. C.P.S. IS A NON-GOVERNMENTAL ORGANIZATION AND DOES NOT HAVE A CONTRACT WITH ANY GOVERNMENT AGENCY TO PROVIDE THIS SERVICE.

Follow the steps below to complete this form and fulfill your order. Your information will be kept confidential and will not be disclosed to third parties. Mail the completed form with \$295.00 to C.P.S. in the enclosed envelope. All orders are fulfilled at our corporate office at 1750 J & C Blvd, #7, Naples, Florida. **Please respond today!**

**Step 1. CONTACT INFORMATION**

Company Name \_\_\_\_\_

Address \_\_\_\_\_

**Step 2. BUSINESS ACTIVITY**

Check the box below that best describes \_\_\_\_\_ LLC's business activities. **\*\*REQUIRED\*\***

☐ **General** (retail, office, food service, warehousing, etc.) ☐ **Healthcare** ☐ **Construction** ☐ **Maritime**

**Step 3. Check appropriate payment method.**

☐ **CHECK ENCLOSED FOR \$295.00** Please make your check payable to: **C.P.S.** Further assistance: Call 1-888-201-1992 cps-safetymanual@gmail.com  
5614 Connecticut Ave NW #190  
Washington, DC 20015-2604

**ALL C.P.S. PRODUCTS AND SERVICES ARE 100% FULLY GUARANTEED.**

**Step 4. SIGNATURE** I certify that I have read this document, understand its contents and authorize the charges. I understand that C.P.S. is not a government agency and is not providing legal advice.

Signature **\*\*REQUIRED\*\*** \_\_\_\_\_ Print Name Clearly \_\_\_\_\_

Email Address \_\_\_\_\_ Phone Number \_\_\_\_\_

**Step 5. Return this entire completed form with payment in the enclosed return envelope.**

© C.P.S. for office use only **ND: 10/19/2022 CID: F294155581 Please Respond By 11/19/2022**

**2023**  
LABOR LAW POSTER  
UPDATE NOTICE

KEYCODE **A13488341477** NOTICE DATE **2022-11P**

SERVICE LINE **919-975-4387**

**Failure to comply with current labor law posting requirements may lead to government fines and/or civil liability actions**

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**Please respond by: November 18th**

North Carolina Labor Dept.  
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Raleigh, NC 27699-1100

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STATE	YEAR	DESCRIPTION	QTY	PRICE	TOTAL
NC	2023	Complete State & Federal Posting Requirement Set.		\$109.50	
		Discount Before: November 18th		-\$10.00	
		Free Infectious Diseases Prevention Poster for 2023		Included	Included
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		<b>Total</b>			

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The North Carolina Labor Law Poster Service is a non-governmental organization providing mandatory workplace posters and does not have a contract with any government agency. Certain posters may also be available free from the issuing governmental agencies. THIS IS NOT A BILL. THIS IS A SOLICITATION; YOU ARE UNDER NO OBLIGATION TO PAY UNLESS YOU ACCEPT THIS OFFER. THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY ANY GOVERNMENT AGENCY AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE GOVERNMENT.

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Account Number \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_ Mo. \_\_\_\_\_ Yr. \_\_\_\_\_

**MAKE CHECKS PAYABLE TO:** Please write the keycode on the lower left corner of your check or money order.

NLLPS is a Michigan corporation and all posters will be shipped from 6323 West Saginaw Hwy., Suite E, Lansing, MI 48917-2492.

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\$ \_\_\_\_\_

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**NORTH CAROLINA LABOR LAW POSTER SERVICE**  
4501 NEW BERN AVE. STE. 130 #300  
RALEIGH, NC 27610-1550

If you have recently started a business, you may have received letters like those pictured above. These letters are fraudulent and are not endorsed by any government agency. This scam is similar to the “workplace poster scam” that has been ongoing for many years.

The N.C. Department of Labor (NCDOL) advises any business owner who receives any letters such as these, do not respond and do not send any form of payment. Please reach out to us if you have any questions regarding suspicious letters requesting payment relative to workplace safety and health. NCDOL also offers workplace OSH and Wage and Hour posters free of charge to any business owner who requests them.

Visit our [website](https://www.ncdol.gov) to request your free workplace posters or contact NCDOL at **1-800-625-2267** if you have any questions.



By Harriet Hopkins, Administrator,  
Retaliatory Employment  
Discrimination Bureau

**Q:** I was an assistant manager, and my boss was the owner of the restaurant and I reported to her. I severely cut my hand while prepping food for the dinner shift one day. I told my boss right away and asked about leaving to go to urgent care to see if I needed stitches. I went and the doctor stitched up my hand and scheduled a follow-up visit. When I told my boss, she balked at my needing a follow-up visit. I asked her about filing for workers' compensation. She refused to pay for any medical care and refused to provide me with information about filing for workers' compensation. She terminated me three days later. She told me that she terminated me because I was exaggerating my injury and “milking” her for money. She told me that I didn't need any additional treatment and she was not going to pay for it. She told me I was a business risk for possible additional financial loss because of my injury. Can she fire me for these reasons?

**A:** No. When an employee is injured at work, the Retaliatory Employment Discrimination Act (REDA) protects them from retaliation if they exercise their rights to inquire about or

file a claim for workers' compensation benefits. Here, you promptly reported the injury, asked about medical care, reported the results of that visit and inquired about filing for workers' compensation benefits. These are protected activities. Instead of providing you with information about filing for workers' compensation or contacting her insurance carrier, she terminated you. She admitted that she terminated you for reasons related to your injury and subsequent requests for medical care and information. This is precisely the employer conduct that REDA prohibits. Her own statements support the conclusion that she retaliated against you because you exercised your rights under the N.C. Workers' Compensation Act, which is a violation of REDA.



# DEADLY

## Mistakes



By Judyth Forte, State Plan Coordinator

**Fatal Event:** On Jan. 19, 2019, a 48-year-old man died from blunt force trauma to the head after he fell approximately 17 feet from the roof of a two-story multifamily building while attempting to install gutter guards.

**Investigative Findings:** A subcontractor had been hired to install gutter guards on aluminum seamless gutters that were attached to a multilevel 6/12 pitch asphalt shingled roof. The subcontractor was cutting, placing and securing five-foot-long sections of gutter guard. The installation process was supposed to involve employees working from two aluminum extension ladders that were to be placed against the wall of the building. From the ladders the employees were to secure the gutter guards in place using a drill and self-tapping sheet metal screws. Once the guards were secured, they would climb down the ladders and move them on to the next section of gutters. On the day of the event, only two employees were at the site as it was a weekend. The two employees together decided that it would be easier for them to do the work from the roof. They climbed the ladders and got up on the roof. They separated and went to different sides of the roof. After working for a little while, one employee said he heard a noise and when he looked up his coworker was no longer on the roof. He climbed down the ladder and saw his coworker lying motionless on the grass and called 911.

**Discussion:** The owner of the business said that all his employees were provided fall protection equipment and that it was always carried in the work trucks. He said he did not provide training, but staff knew when and how to use them based on their “experience.” Providing fall protection equipment doesn’t mean that the employer’s safety and health obligations have been met. In addition to providing appropriate equipment, employers must train each employee on the proper use of the equipment. No equipment, tools or personal protective equipment (PPE) should be given to employees without proper training and instruction to ensure their correct and safe use. Employees need to be familiar with the equipment and when and how to use it. The employee that was working at the time of the incident said they were supposed to work from ladders, but periodically supervisors would ask them to get up on the roof “maybe three times in the past six months. It depended on the roof layout of the house.”

A personal fall arrest system (PFAS) is designed to safely stop a fall before the worker strikes a lower level. The PFAS must be attached to a roof anchor which needs to be attached to a structural member by driving fasteners through the sheathing and into the rafter or truss member below. It is important to follow the manufacturer’s instructions when installing anchorage. Each roof anchorage point must be capable of supporting at least 5,000 pounds or shall be designed, installed and used as part of a complete PFAS with a safety factor of at least two and be used only under the supervision of a qualified person.

The PFAS has three major components: An anchorage to which the lanyard’s snap hook is attached, a full-body harness worn by the employee and a connector, such as a lanyard or lifeline, linking the harness to the anchorage. PFAS typically use a shock-absorbing lanyard, a self-retracting lifeline or a deceleration device. A PFAS must be used properly to be effective. To do this an employee would adjust the harness to fit snugly. The D-ring attachment for the harness should be centered between the employee’s shoulder blades, and the leg straps should be adjusted until they are snug. Fall arrest systems must be designed and set up to prevent a worker from free falling more than six feet or contacting a lower level (e.g., the floor or the ground) (29 CFR 1926.502(d)(16)(iii)).

The employees reportedly did not receive formal ladder safety training or fall protection training and the employer did not have a written PPE hazard assessment.

### Recommendations:

- ✖ A site-specific hazard assessment must always be completed to account for the hazards that will be present throughout each stage of the work being performed and to plan for how the hazards will be mitigated.
- ✖ Each employee engaged in residential construction activities six feet or above lower levels must be protected by guardrail systems, safety net system or personal fall arrest system.
- ✖ Depending on the type and circumstances of each job, the most effective device should be put in place to afford the greatest safety to the employees.
- ✖ The employer must provide a training program for each worker who might be exposed to fall hazards. The program must enable each worker to recognize the hazards of falling that are specific to their job and each worker must be trained in the procedures to follow to minimize these hazards.
- ✖ Before using personal fall arrest equipment, each affected employee shall be trained to understand the application limits of the equipment and proper hook-up, anchoring and tie-off techniques. Affected employees shall also be trained so that they can demonstrate the proper use, inspection and storage of their equipment.

## WORKPLACE WORRIES



By Kisha Holmes, Administrator, Wage and Hour Bureau

**Q:** I have worked for the same employer for the past 15 years. Every year, we get a Christmas bonus. Last week, everyone received an email that the company would not be giving our annual Christmas bonus this year due to a decline in sales. What can I do?

**A:** The employer must have a written policy as to how the bonus is earned. If there are no earning criteria on the bonus and the employer promises to pay a certain amount each year, then the employer must notify employees, in writing, or through a posted notice, at least one pay period in advance, prior to any changes in promised wages. The employer can eliminate the bonus as long as the one pay period notification is received.





# Bulletin Board

## Mine and Quarry Training

### MSHA New Miner Training

Dec. 5-7, Sanford

Dec. 12-14, Bakersville

### MSHA Annual Refresher Training

Dec. 8, Sanford

Dec. 15, Bakersville

To register for any of these classes, **go online**  
or call the Mine and Quarry Bureau at 919-707-7932.

## OSH Webinar Courses

Visit the **OSH Training Schedule Calendar** to view upcoming internet training and other safety courses.

## Pre-Recorded Webinars

Visit the **OSH Training Schedule Calendar** to view upcoming internet training and other safety courses.

## Library Update

Click **here** for information on how to register with the Library to access streaming safety/health videos and/or borrow materials.

**1-800-NC-LABOR**  
**www.labor.nc.gov**

## Wage and Hour Presentations

Investigators from the Wage and Hour Bureau offer presentations to employers, employees, high schools and career development organizations. The presentation covers the provisions of the Wage and Hour Act, minimum wage, overtime, record keeping, wage payment and youth employment. The presentation is designed to enhance North Carolina citizens' knowledge on labor laws and to inform employers and employees of their rights and responsibilities in wage and hour matters. Investigators conduct the presentations onsite at schools or local businesses if there is a minimum of 10 attendees.

To schedule a presentation, please email [whbinfo@labor.nc.gov](mailto:whbinfo@labor.nc.gov) with the following information: requesting individual or business, location, desired topics and preferred dates for presentation.

## HELP WANTED:

Do you agree that all workers in North Carolina deserve a safe workplace free of preventable hazards? If the answer is yes, then becoming a Health Compliance Officer (HCO) with the Occupational Safety and Health (OSH) Division of the N.C. Department of Labor allows you to ensure employees across the state return home safely to their families each and every day.

The HCO conducts inspections of industrial workplaces to detect occupational health hazards which are in violation of the OSH Act. The HCO inspects and makes written reports of employee exposures to potentially toxic substances and hazardous working conditions throughout the state.

Apply today and qualified applicants may be eligible for a \$7,000 sign-on bonus!

