



Labor

LEDGER

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Tar Heel State's Workplace Injury and Illness Rate Remains at a Historic Low

By Erin Wilson, Director of Communications

New figures released by the U.S. Bureau of Labor Statistics (BLS), an agency of the U.S. Department of Labor, show the nonfatal workplace injury and illness rate for North Carolina's private industry remains at a historic low for 2023 with a rate of 2.0 cases per 100 full-time workers. This is significantly lower than the national rate of 2.4.

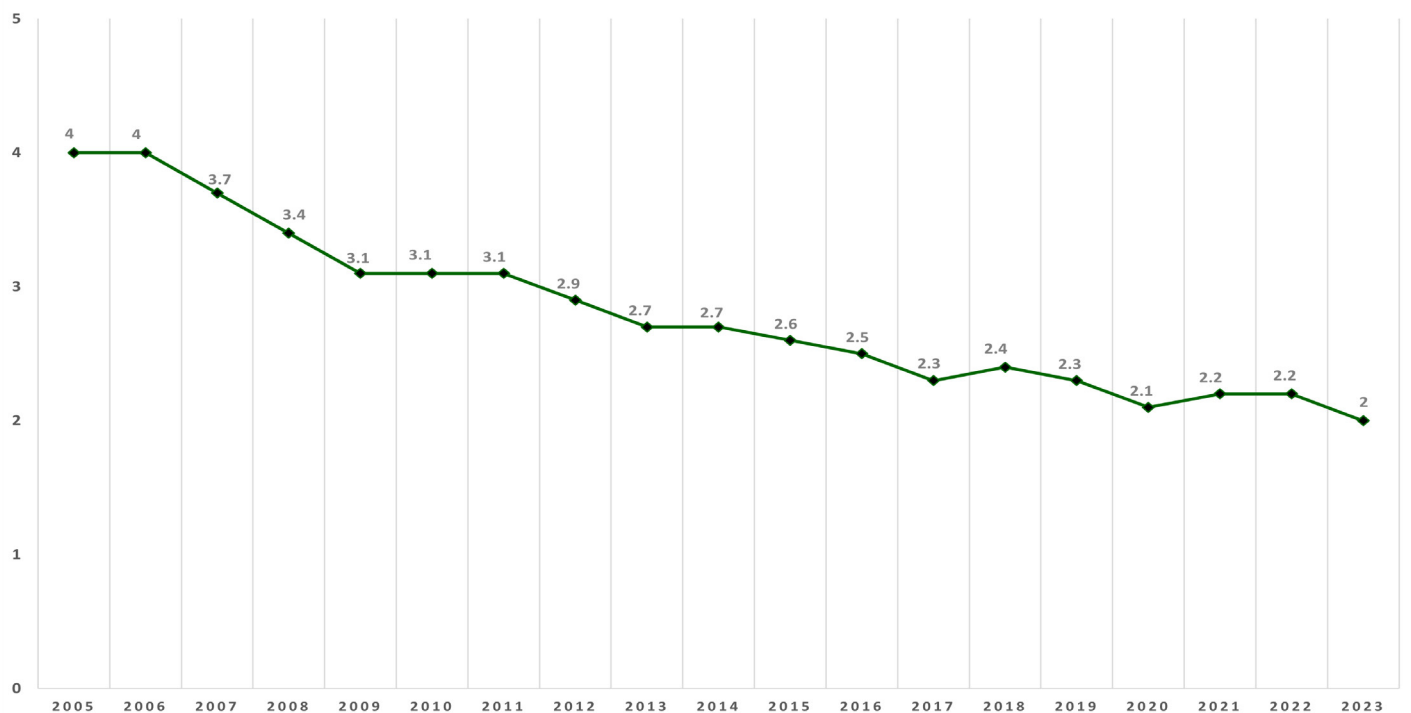
These data are estimates from the Survey of Occupational Injuries and Illnesses (SOII) compiled by the BLS. The rate accounts for growth and contraction in total hours worked in industry, which is an important factor in a state like North Carolina that has experienced significant growth.

"I am proud to see the state of North Carolina's injury and illness rate is significantly lower than the national rate," Chief of Staff Scott Mabry said. "I want to thank the employers and employees for their hard work and dedication to workplace safety and health. The N.C. Department of Labor will continue to push the importance of safety and health at the workplace to get these injury and illness rates even lower."

The 2023 rate for North Carolina's local government and state government sectors, along with private industry construction, did not significantly change between 2022 and 2023. In North Carolina, the 2023 rate for private industry manufacturing did have a statistically significant change from 2.6 to 2.4.

As a State-Plan state, North Carolina's Occupational Safety and Health Division will continue its focus on hazardous industries, such as construction and manufacturing, through its special emphasis programs, by providing free safety training and education, conducting free safety and health consultative visits, and establishing partnerships and alliances with industries.

OCCUPATIONAL INJURY AND ILLNESS RATE PER 100 FULL-TIME WORKERS
NORTH CAROLINA, PRIVATE SECTOR, CALENDAR YEARS 2005 THROUGH 2023



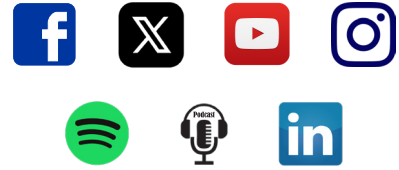
Source: U.S. Bureau of Labor Statistics

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Follow NCDOL on:



We are very excited about our 26th annual Toy for Tots campaign. The goal of the program, according to the Marine Corps Reserve Toys for Tots website is, “through the gift of a new toy, help bring the joy of Christmas and send a message of hope to America’s economically disadvantaged children.”

If you are in Raleigh on Dec. 12, please feel free to drop by the Labor Building 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 where you can donate or make 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 6.

The safety awards application process will open in January and the deadline for submitting applications is Feb. 15, 2025. 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.



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**.

SHARP *Recertification

Aldersgate UMRC Inc., *Charlotte**
Aplix, *Charlotte**
Flint Group North America Corp., *Charlotte**
Joseph T. Ryerson & Son Inc., *Charlotte**
Metal Recycling Services LLC, *Monroe**
Metal Recycling Services of Whiteville LLC, *Whiteville**
Pyrotek Inc., *Salisbury**

Carolina Star *Recertification

Cintas Corp., Location No. 205, *Durham**
Corning Optical Communications LLC, *Hickory**
Facility Logistics Services, *Lexington**
Facility Logistics Services – Mill, *Linwood**
Fortron Industries, *Wilmington*
Owens & Minor, *Linwood**
Wakefield Thermal, *Raleigh*

Building Star *Recertification

Crowder Construction Co., *Charlotte**

Public Sector Star *Recertification

City of Greensboro Water Resources Operations Division, *Greensboro*
Mecklenburg County Parks and Recreation, *Charlotte**
N.C. Department of Agriculture & Consumer Services,
Agronomics Services Division, *Raleigh**



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OSH Annual Training

By: Marcy Collyer, Training Supervisor, ETTA

Once again, we gathered together in Raleigh for the Occupational Safety and Health (OSH) Annual Training event. The event took place at the McKimmon Center Oct. 28-30 and culminated with the 2024 N.C. Department of Labor Employee Recognition Banquet.

This year, we kicked off training on the afternoon of Oct. 28 with a session on significant cases presented by various OSH compliance staff. Many high priority and media cases were presented, covering a wide range of hazards and industries.

On Oct. 29, both Health and Safety training tracks were offered. The health track consisted of one eight-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) refresher/awareness course. The safety track offered two sessions that included lock-out/tagout and machine guarding and arborists safety guidelines.

On Oct. 30, we participated in an OSH-wide team-bonding event called "Jumpstart," where individual teams worked cooperatively to complete various tasks. We then wrapped up with updates from the Human Resources and Legal Affairs divisions, as well as the OSH director's office.

We want to give a special thanks 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, as they provide valuable feedback that helps us in planning future events.

We look forward to seeing you all again next year!



Inside NC Labor

Be sure to check out NCDOL's podcast, *Inside NC Labor*.

Tune in to **episode 73** of *Inside NC Labor* where we sit down with the Legal Affairs team as they discuss their role within the N.C. Department of Labor.

Tune in to **episode 74** of *Inside NC Labor* as it features members of the OSH Advisory Board, Debbie Rogers-Lowery, Compliance Training Associates, President/Consultant; Russell McCue, City of Charlotte and Mecklenburg County, Safety Supervisor; Brian Polk, N.C. Department of Transportation, Safety Consultant; Jessica Foster, DPR Construction, Safety Consultant; Jennifer Haigwood, N.C. Department of Labor, Deputy Commissioner, Occupational Safety and Health Division; and Paul Sullivan, N.C. Department of Labor, Assistant Deputy Commissioner, Occupational Safety and Health Division. They discuss the importance of the OSH Advisory Board and the role the board has in safety and health in North Carolina.

In addition to NCDOL's [website](https://www.labor.nc.gov), *Inside NC Labor* is available on YouTube, Spotify, Apple Podcasts, Anchor and Google Podcasts.

Inside NC Labor is designed to inform and educate North Carolina citizens on the role that the Department of Labor plays in state government.



By Kevin Frye, Administrator,
Retaliatory Employment
Discrimination Bureau

Q: I recently complained to my employer about not getting any breaks during the workday. I work 8.5 hours per day, and we get one unpaid 30-minute break for lunch. I was told that I was entitled to get at least one 15-minute break that is paid if I worked 8 hours. When I complained about this, my employer terminated me. I was complaining about my hours, so I think this is a Retaliatory Employment Discrimination Act (REDA) investigation and I want to sue my employer.

A: This would not fall under REDA protection. The N.C. Wage and Hour Act does not require breaks of any kind to include meal breaks, bathroom or comfort breaks, or general rest breaks for employees 16 years of age or older. Generally, if an employer does provide breaks, then the break must be at least 30 minutes for the employer to be able to deduct the time from an employee's pay. In addition, there are no North Carolina laws that require an employer to allow their employees to leave the premises during any break; however, if a 30-minute break is provided, the employee must be completely relieved of duty during that

30-minute time period. The employer does not have to provide a breakroom or other area such as a lunchroom. An example of an employee "completely relieved of duty" is a receptionist who may disengage from any phone system or walk away from a post, so they do not have to wait for customers to come in or to call. Waiting for customers to come in or to call is clearly work time even if the employee is free to eat or read a magazine while they are waiting for customers or calls. Generally, breaks of less than 30 minutes, such as a 15-minute bathroom or comfort break, must be paid as time worked by the employer.

Youths under 16 years of age must be given at least a 30-minute break after 5 hours, and no break of less than 30 minutes shall be deemed to interrupt a continuous period of work.

Since this action is not inconsistent with the provisions of the N.C. Wage and Hour Act, found in Article 2A of Chapter 95 of the N.C. General Statutes, it would not rise to the level of a protected activity and the Retaliatory Employment Discrimination Bureau would have no jurisdiction to investigate.

WORKPLACE WORRIES



By Kisha Scotton, Administrator, Wage and Hour Bureau

Q: I am an employer, and I accidentally overpaid three of my employees. It was my mistake, and I immediately notified each of the employees of the error. Due to the amount of the overpayment, I told each of the employees that I would recoup the overpayment over the next three pay dates. One of the employees decided to quit, without repaying the overpayment. May I deduct the overpayment from the employee's last paycheck?

A: Yes, you may deduct the overpayment from the last paycheck. An overpayment of wages to an employee as a result of a miscalculation or other bona fide error, may be withheld or deducted from an employee's wages, without authorization, as long as there is proof of the overpayment.

Q: I have a friend who has just opened a gift shop. I offered to volunteer in her gift shop once she opens. What are the guidelines for volunteers?

A: Generally, if the business is for-profit, you would have to be paid as an employee. Volunteers can serve in medical, education, religious or nonprofit organizations where an employer-employee relationship does not exist.



Fifth Annual Toys for Tots 'Drive-By and Drop Off' Event

December 12, 2024

Noon to 3 p.m.



1-800-625-2267 ★ www.labor.nc.gov



Merry Christmas



DEADLY

Mistakes



By Judyth Forte, State Plan Coordinator

Fatal Event: On Feb. 19, 2021, a 41-year-old man died from injuries sustained from a 25-foot fall to the ground while transferring from a crane-hoisted personnel platform to an under-construction, cast-in-place masonry wall form.

Investigative findings: The work site was a new construction, custom-designed two-story house that was expected to take just over a year to complete. The site was a 0.68-acre lot, and the architectural blueprints showed the finished house dimensions of 12,369 square feet. The general contractor had contracted the footings, slab, deck, columns and cast-in-place walls to a masonry subcontractor. The masonry company had already completed the foundation of the house and was in the process of installing a poured concrete wall 33 feet in height. At the time of the incident, 14 feet of the wall had been completed and the work crew was installing the top row of 8-foot-tall forms to accept the new concrete.

For employees to reach the top of the forms surrounding the wall, it was decided that a personnel platform would be built, and employees would ride up on the platform and then at least one would exit once the platform was elevated to the height of the new row of forms. At the request of management, an old-form platform was modified by employees, adding top and mid rails and a ledge and chains for forms. They did not use a qualified person familiar with structural design to modify the platform and add the new attachments. The welding of the personnel platform and its components was not performed by a certified welder. In addition, the platform was not built, approved or certified to transport employees. No testing was conducted before use and no load capacity was determined or assigned.

A crane was used to hoist the customized personnel platform that held three employees and form work. The foreman attempted to transfer to the 2x6 whaler (i.e. horizontal bracing for formwork) from the platform by stepping up and over the top rail and down to the mid rail, so the top rail was behind his legs. He then gripped the rebar of the formwork with his hands and as he did so, the personnel platform rotated freely about the connection to the crane and away from the wall. The employee fell 25 feet to the ground. The platform was not secured to the wall and while the foreman was wearing a harness, he was not tied off to either the platform or the wall.

It was also discovered that the crane operator had not been trained, certified or licensed to operate the crane and that the crane itself had not been inspected annually or monthly by a certified person. Also, the daily visual inspection of the equipment was not completed by a competent person.

Discussion: The general contractor had not been made aware that the masonry subcontractor had decided on an alternate way of reaching the wall forms, as the use of a scaffolding system had been discussed before work commenced. There were fundamental safety issues surrounding what the subcontractor decided to do, as there were safer methods available to accomplish the work. The use of equipment to hoist employees is prohibited except where the employer demonstrates that the erection and use of conventional means of reaching the work area, such as a ladder, stairway, aerial lift, elevating platform or scaffold, would be more hazardous. The employer did not provide an evaluation or consideration of other methods. The building of the platform and use of the crane was neither designed nor engineered by a competent person nor did it follow any approved methods.

The transfer methods from the personnel platform to the form had not been assessed for the potential danger it would pose to the employee. According to Occupational Safety and Health Administration (OSHA) regulations, employees are prohibited from standing on the rails of a platform to enter or exit a platform. An apparent attempt to meet some regulations had been discussed, as the employee was wearing the harness from a personal fall arrest system. Unfortunately, the thought had gone no further. Management had not identified where and how the employee would be tied off, or how to secure the platform during the transfer to make sure it did not move – both of which played a role in the employee falling.

Recommendations:

- ✖ The safety of employees is paramount. Management should conduct training that educates employees about the dangers of the work they are doing and use equipment that affords them the safest and most effective way of working in their environment while completing their tasks.
- ✖ Conventional means of reaching a work area should be attempted and all avenues exhausted before deciding on more extreme measures.
- ✖ OSHA closely and strictly regulates the design, construction, development, testing and maintenance of suspended personnel platforms. This includes everything from pre-lift meetings and work-basket design requirements, to rigging, testing and post-lift inspections. Platforms and suspension systems **must** be designed by a qualified person.

Season's Greetings





Bulletin Board

Mine and Quarry Training

MSHA New Miner Training

Dec. 2-4, *Spruce Pine*

Dec. 17-19, *Sanford*

MSHA Annual Refresher Training

Dec. 2, *Virtual*

Dec. 5, *Spruce Pine*

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

Watch the pre-recorded webinars available on our YouTube channel.

Library Update

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

Special Emphasis Program

Click **here** for more information.

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 with the following information: requesting individual or business, location, desired topics and preferred dates for presentation.

Fifth 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. 12, 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 26th year that the N.C. Department of Labor (NCDOL) 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.

"As the holidays quickly approach, the sights, smells and sounds of the season will soon be all around us. The twinkling lights, the pumpkin pie and the jingle of bells bring the magic of Christmas to us all. The most magical part of the season is the Christmas wishes of children. The new baby doll, the toy fire truck or police car, the new bicycle and other fun things. That's where the Toys for Tots program, the elves and the U.S. Marines come marching in to fulfill those magical Christmas wishes," President/Consultant of Compliance Training Associates and OSH Advisory Council Member Debbie Rogers-Lowery said. "I have been a supporter of this wonderful program for many years. My mission and that of the Toys for Tots elves is to bring more smiles and more toys to the little ones who truly need to feel that magic. In a time when our state and others around us are recovering from storm damage, the program and its purpose is more important than ever."

Last year, the NCDOL and its partners collected 2,111 individual toys, 10 bicycles and received \$5,000 in monetary donations. Anyone driving or walking by the NCDOL 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. 12, 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.