



NCDOL

N.C. Department of Labor

Cherie Berry, Commissioner

Labor

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Safety Training Outreach at a ‘Lunch and Learn’ Event

*By Kimberly Bostic
Star Program Consultant*

Two NCDOL employees spoke recently at a “lunch and learn” event put on by the Hispanic Contractors Association of the Carolinas (HCAC). Safety education specialist Reggie Matthews and I represented NCDOL. The event was held June 30 at Bobby Murray Chevrolet in Raleigh. Salvador Aldaz, project employee health and safety manager with Lend Lease in Raleigh, also spoke at the event. Other attendees included an insurance company and several members of specialty trade contractor companies. HCAC’s executive director Julian Arcila invited the three speakers to the event.

Matthews provided the group with an overview of the services provided by NCDOL’s Education, Training and Technical Assistance trainers. He further emphasized the need for the smaller contractors to comply with the regulatory standards and to take advantage of the services made available by the Labor Department in both English and Spanish.

I provided an overview of the Building Star Program—the Star Program intended for the construction industry—as well as the benefits of networking and mentoring with general contractors and other participants in the Star Program. There was a strong emphasis on making safety personal. The attendees learned that the overall theme of the annual Carolina Star Safety Conference (www.carolinastar.org) continues to be “Safety Life,” with an emphasis on safe practices at work, home and play. More information on the Carolina Star Program can be found at www.nclabor.com/osha/star/star.htm.

Aldaz presented information regarding the financial benefits of having a safety program. He covered the hidden costs/intangible factors, as well as the significant emotional impact of incidents overall. Other benefits covered included lowering insurance costs, avoiding penalties and expensive fees related to workers’ compensation claims, and increasing the efficiency of one’s business.

“It was a great experience and in some cases, it was the first direct exposure to Star and VPP programs some of the contractors had,” said Aldaz. “I look forward to working with the HCAC and NCDOL on many future endeavors!”

The HCAC event fits into the department’s overall outreach strategy to get safety information to Spanish speakers across the state. The Education, Training and Technical Assistance Bureau continues to offer many training opportunities in Spanish. These courses include half-day training on the top four hazards in construction (falls, electrical, struck by and caught between) and more in-depth 10-hour courses over two days in Spanish. The bureau’s Spanish-speaking staff members have also participated in shows on Univision television and La Ley radio. The one on La Ley is scheduled to be a regular bi-monthly feature.

In addition, the department developed several public service announcements that aired on Univision last fall and winter. They are available on the department’s YouTube channel [here](#).

The department continues its alliance with the General Consulate of Mexico in Raleigh. The aim of the alliance is to provide Mexican nationals in North Carolina information, guidance and access to education and training resources to promote workers’ rights and responsibilities in protecting their occupational safety and health.

“We also try to reach out to the Hispanic workers through community events,” Matthews said. “I recently represented the department at Fiesta del Pueblo, which is a huge event for Latino families. The event was held in Raleigh and showcased popular and folk music, art, dance performances and popular food from different regions of Latin America. It was a great venue to intermingle with the Spanish-speaking community, answer questions and provide information to them.”



From left to right, Julian Arcila, executive director of the Hispanic Contractors Association of the Carolinas; Salvador Aldaz, project employee health and safety manager with Lend Lease; Kimberly Bostic, NCDOL Star Program consultant; and Reggie Matthews, NCDOL safety education specialist.





From Labor Commissioner Cherie Berry

Gov. Pat McCrory signed House Bill 39 this summer, which amends the Amusement Device Safety Act to increase the civil and criminal penalties for the violation of safety laws pertaining to amusement devices. The bill sends a strong message to ride owners and operators that tampering with an amusement device will not be tolerated in North Carolina.

When the Vortex incident happened at the N.C. State Fair in 2013, it was the first time our state had dealt with an amusement device accident of that magnitude. The Amusement Device Safety Act was originally passed into law by the General Assembly in 1986, and the civil penalties established at that time had never been updated. Legislation to increase civil and criminal penalties was first introduced in the 2014 short session and finally passed in this summer's long session.

While we had to compromise with legislators on the penalty amounts, I am pleased with the outcome and am confident that the increase in penalties and potential felony conviction for anyone who willfully tampers with a ride in a way that causes serious injury or death is a big step in ensuring an incident like the Vortex never happens again.

I am confident that these measures are the best deterrent to prevent an individual from knowingly circumventing the safety systems of an amusement device after the ride has been certified by NCDOL. Moving forward, these changes will continue to raise the bar in terms of safety for the citizens who enjoy amusement devices across the state.

One other provision of H.B 39 requires the department to conduct a study as to whether or not there is a need to regulate zip lines. We will submit a report to the General Assembly by Feb. 1, 2016, as required by this bill. In the end, it will be the General Assembly's responsibility to make the final decision as to whether or not and to what degree zip lines should be regulated by the state. I will keep you all apprised of the outcome of the study and how it will affect our agency.

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)

- Brushy Mountain Bee Farm Inc., Wilkesboro
- Munden Funeral Home, Morehead City
- SCR-Tech LLC, Charlotte, Goodrich Drive
- SCR-Tech LLC, Charlotte, Steele Creek Road
- Total Fire Systems Inc., Youngsville



Carolina Star

- Kellogg's Co., Cary
- EnviroVac Holdings LLC, Aurora (recertification)
- Cintas Corp., Statesville, Location #230 (recertification)



*Harvest
Safety
this Fall!*

Nova Development

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Liberty Facility Recertified as SHARP Site

By Abby Newton, Health Consultant

The N.C. Department of Labor recently recertified Edwards Wood Products—Liberty as a participant in the Safety and Health Achievement Recognition Program (SHARP). The program recognizes companies for a commitment to the safety and health of their employees.

Labor Commissioner Cherie Berry presented company officials with the SHARP flag and certificate at a ceremony at its Liberty facility on Friday, Aug. 28.

“I congratulate everyone at Edwards Wood Products for continuing your successful SHARP status,” Commissioner Berry said. “It takes every single person in this facility, regardless of the job you do, to maintain SHARP status. This award belongs to all of you.”

The SHARP Award is designed for small to mid-size businesses. Companies that qualify for the award show that they have developed and maintained good safety programs for workers. To qualify for the program, injury and illness rates for the site must be below the national average for the industry, and NCDOL safety and health consultants must complete an assessment of the workplace. There are 152 general industry sites in the program throughout North Carolina.

Edwards Wood Products, established in 1969, is one of the largest manufacturers of pallets and grade hardwood lumber in the southeast, manufacturing more than 95,000 pallets and 1,000,000 board feet of grade hardwood lumber per week. Edwards operates five companies in three locations—a timber company to buy land, harvest and replant trees; sawmills and manufacturing facilities for pallet and lumber production; a trucking company; and a separate mill for the production of grade lumber.

Edwards was the first sawmill to achieve SHARP status in North Carolina. In addition to the Liberty facility, Edwards has two other SHARP sites facilities in North Carolina in Marshville and Laurinburg.

“Edwards Wood Products Inc. is proud to be a part of the NCDOL OSH Consultative Services SHARP Program,” said safety director Lynn Greene. “It sure is good to know that N.C. has a program interested in saving lives by helping industry be proactive before reading about a serious injury in the newspaper and then you hear OSHA has gone in to investigate.”



Photo courtesy of Edwards Wood Products

Officials with Edwards Wood Products join NCDOL employees in celebrating the company's SHARP status. From left to right: Terry Williamson, operations manager; Don Blair, plant manager; Ryan Bailey, assistant plant manager; Labor Commissioner Cherie Berry; J. Lynn Greene, director of administrative services/safety; Abby Newton, NCDOL health consultant; Bruce Pearson, NCDOL safety consultant.

Mecklenburg County Park and Recreation Division Earns Star Recertification

By Carlene Harris, Carolina Star Consultant

The N.C. Department of Labor recently recertified Mecklenburg County Park and Recreation Department's Parks Operation Division as a participant in the Public Sector Star Program. State Labor Commissioner Cherie Berry attended a ceremony at the Mecklenburg County Board of Commissioners regularly scheduled meeting on Aug. 4 to present officials with the award and a certificate.

“Being a Public Sector Star shows the community your commitment to safety,” Commissioner Berry said. “A good safety record is something to be proud of, and I am happy to recognize all the employees of the Parks Operations Division who work hard to make safety a priority.”

The Public Sector Star, which is part of the department's Carolina Star Program, is the most prestigious safety recognition given by the N.C. Department of Labor to state and local government agencies. Those that qualify for the award have exemplary safety and health programs in the workplace. There are 20 Public Sector Star sites across North Carolina.

“This wide-ranging assembly embodies the cooperative relationship between community leaders, management, employees, and the NCDOL in promoting a safe work environment, promoted by the Carolina Star Program,” said Lief Fitzpatrick, maintenance operations specialist for the Mecklenburg County Park and Recreation Department. “Mecklenburg County Park and Recreation (P&R) continues to see a decrease in injuries department wide, resulting in P&R qualifying for the North Carolina Department of Labor silver safety award for three consecutive years. P&R attributes these positive results to our participation in the Carolina Star Program, and we are honored that, on August 4, 2015, Commissioner Berry presented the Public Sector Star to P&R before the Mecklenburg County Board of County Commissioners for a third time.”

The Parks Operations Division originally earned Public Sector Star status in 2008. In addition to this year's recertification, the Labor Department also recertified it in 2011.



New Standard for Confined Spaces in Construction

By J. Edgar Geddie, Ph.D.
Standards Officer

Federal OSHA published a new standard for working in confined spaces in construction on May 4, 2015. The standard, which is located in a new Subpart AA of 29 CFR Part 1926 (construction), closely resembles the standard for permit-required confined spaces in general industry. However, there are several notable differences as well.

- ☞ The new construction confined space standard requires *continuous* monitoring instead of periodic monitoring for atmospheric and engulfment hazards while entrants are working in the confined space.
- ☞ The new standard requires contractors and employers on multi-employer worksites to exchange specific information about confined spaces and the types of hazards.
- ☞ Emergency responders must notify the employer if the rescue service is unavailable to provide rescue service at the time of work in a permit space.
- ☞ Permits may be suspended instead of canceled when temporary changes occur, for example, in the event of a loss of power or if the fire department becomes temporarily unavailable for rescue.

The effective date of the new standard for employers working in states under federal OSHA jurisdiction was Aug. 3, 2015. The effective date in North Carolina is Oct. 2, 2015. Federal OSHA has a fact sheet with answers to frequently asked questions about the new standard available on its website at www.osha.gov/confinedspaces/faq.html.

Don't Buy Workplace Laws Posters: Get Them Free

By Neal O'Briant
Public Information Officer

For-profit poster companies continue to blanket North Carolina businesses with offers to sell them the required labor law posters. Frequently the letters accompanying the sales pitch include threats of huge fines. The poster companies have been known to charge as much as \$100 per poster.

The Labor Department will not fine businesses that have the old posters displayed. NCDOL inspectors carry the newest posters in their vehicles and will offer them free to employers who have out-of-date posters.

The labor law posters are required under North Carolina law. The posters carry information on the state's Wage and Hour Act and what are commonly referred to as "OSHA" regulations, or the Occupational Safety and Health Act, as well as limited information about other state laws affecting businesses.

The NCDOL website has a poster page designed to help business owners determine what posters they need. Visit it at www.nclabor.com/posters/posters.htm. In addition to an order form for the NCDOL poster, the page includes information and links for posters required by other state agencies and also federal agencies.



**Visit the NCDOL Booth
in the Scott Building
at the N.C. State Fair
Oct. 15-25!**

DEADLY Mistakes

By Steve Sykes
State Plan Coordinator

was injured, and subsequently died, after being struck by a brick that had fallen from an adjoining building.

Investigative Findings: A commercial roofing company had been hired to repair the roof on a two-story building that housed a photography business. The job required removing old roofing material and related debris from the roof and positioning materials necessary for the repairs on the roof. Ordinarily this job would have been accomplished by using a mechanical lift, but the close position of electrical lines made the use of the lift unsafe.

A rope rigging was an alternative means the company was using to move the materials to the roof from the ground. When he was struck by a brick on the morning of his first day on the jobsite, the victim was one of two employees who was on the ground rigging the roofing material. Three bricks, including the one that struck the victim, fell from the decorative cornice work that adorned the adjoining building. Prior to work beginning, the bricks were not identified as loose or as a potential hazard on the jobsite.

Interviews conducted during the investigation confirmed that none of the employees were wearing hard hats at the time of the accident even though they all had them. Most of the time hard hats were worn by employees of the roofing contractor as a requirement of the general contractor. Some workers indicated that they were not required to wear a hard hat on this site because this was such a small job. After the accident, all of the employees on the site were wearing their hard hats. This was a wise decision since another brick fell a few days after the accident, and other items had also fallen.

Discussion: Struck-by accidents continue to be a leading cause of death on the job especially on construction sites. Through 11 months of the current fiscal year (FY 2015), there have already been 13 struck-by

fatalities. This exceeds any other event type for the year. There were 17 struck-by fatalities in FY 2014, which was seven more than falls in second place.

A death that may have been prevented by something as simple as wearing a hard hat is difficult to comprehend. With the proper training, wearing a hard hat on a construction site would seem to be a basic safety and health decision. The 135 hard hat violations that were identified by OSH inspectors in FY 2014, however, are evidence that this is not necessarily the case.

Recommendations:

- ✘ An employer should conduct a workplace hazard assessment to determine if personal protective equipment (PPE) is required.
- ✘ Employees should be trained to recognize workplace hazards and know when PPE is required.
- ✘ Employees should be required to wear a hard hat when there is a possibility of being struck by a falling object.
- ✘ Workers should be trained in the proper use of PPE.
- ✘ Working safely should be a part of the work culture and more than just adherence to regulatory requirements monitored by the general contractor or enforced by an OSH inspector.
- ✘ Training should be provided to new employees or employees who are new at a particular jobsite. These employees may not be familiar with the new worksite and potential hazards that they may encounter.
- ✘ Attention should be given to safety hazards associated with nonroutine job tasks.



By Christine Ryan, Administrator
Wage and Hour Bureau

I own my own business. Can I give comp time to my employees instead of paying them time and one-half overtime pay?

No. A private business cannot give comp time in lieu of paying the time and one-half overtime pay for the hours worked by non-exempt employees in excess of 40 in a workweek. You may be thinking of government employers in the public sector, who are allowed under federal labor law to give their employees time and one-half comp time hours for the hours worked in excess of 40 in a workweek in lieu of overtime pay with certain restrictions. A business in the private sector can give comp time to its bona fide exempt employees since these employees do not have to be paid time and one-half overtime pay. Such a comp time policy may be hour-for-hour but must be in writing as with any other wage benefit policy.

Who would be a bona fide exempt employee?

The N.C. Wage and Hour Act refers to the federal Fair Labor Standards Act for a definition of bona fide employees. In general, a job title alone is not sufficient to establish the exempt status of an employee. The exempt or nonexempt status of any particular employee must be determined on the basis of whether the employee's salary and duties meet the requirements of the regulations. See Fact Sheet #17A put out by the federal Wage and Hour Division: www.dol.gov/whd/overtime/fs17a_overview.htm.





Bulletin Board

Mine and Quarry Training

Part 46 New Miner Training

Oct. 19-21, Wake Forest

Part 46 Annual Refresher Training

Oct. 22, Wake Forest

Part 48 New Miner Training

Oct. 6-8, Greensboro

Part 48 Annual Refresher Training

Oct. 5, Wake Forest

Oct. 5, Greensboro

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

10-Hour Construction Industry Awareness Course in Spanish

Oct. 28-29, Raleigh

Click [here](#) for more information.

This course provides a basic overview of the construction industry safety and health standards, 29 CFR 1926. The "Top Four" hazards (falls, electrical, struck by and caught in/between) will be included as part of the two-day training session.

10-Hour General Industry Awareness Course

Oct. 21-22, Burlington

Click [here](#) for more information.

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 provides a comprehensive overview of the general industry safety and health standards, 29 CFR 1910.

N.C. Safety and Health Congress and Annual Meeting

Nov. 19-20, Charlotte

www.safetync.org/safetycongress.htm

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Western North Carolina Safety and Health Conference

Nov. 2-4, Asheville

www.wncsafetyschool.com



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