



**NCDOL**

**N.C. Department of Labor**

**Cherie Berry, Commissioner**

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**LEDGER**

## Inspectors Work to Ensure Rider Safety at Fairs Across NC

By Mary Katherine Pegram  
Public Information Officer

**W**hen the fair season arrives, it is always a fun but tiring time for the N.C. Department of Labor's ride inspectors. The Elevator and Amusement Device Bureau works to ensure all rides are inspected before each fair that takes place across the state. During this year's fair season, a total of 1,996 amusement devices were inspected by the bureau during the three-month time frame of August through October.

The N.C. State Fair, located in Raleigh, is the largest fair that is held in the state. It is also the largest assemblage of amusement devices for an 11-day fair in North America with about 100 rides. According to the Department of Agriculture, this year's fair attendance reached over 1 million fairgoers—1,028,364 to be exact. That number can be daunting to inspectors who hold the public's safety in their hands.

Given that each amusement device is moved from location to location, inspectors have a short amount of time to ensure the rides meet the state's stringent requirements to be certified to operate.

Marc Janis with Powers Great American Midways explained how one ride is transported, "The new Parthenon wheel is brought in on four different trailers and has its own crane to set it up."

As soon as an amusement device is brought onto the fairgrounds, inspectors will perform a preliminary inspection, and then once the device is set up completely, inspectors will begin the full inspection process.

"North Carolina has the most stringent ride inspection program in the country," Labor Commissioner Cherie Berry said. "The rides are not allowed to operate unless they meet 100 percent of the manufacturer's specifications. We not only inspect the rides, but we have a presence here during the run of the fair to make sure everything is running smoothly, that everything is being done to guarantee your safety and enjoyment."

The Labor Department's Communications Division offered media outlets a behind-the-scenes look at the inspection process on Tuesday, Oct. 11. This behind-the-scenes look occurred on the Khaos, one of the N.C. State Fair's spectacular rides. The Khaos operates atop the trailer that it travels on. This ride uses water to balance and stabilize it during operation. The water tank has to be full for the ride to operate, and sensors check the water levels constantly to make sure the ride is stable.



*NCDOL ride inspector Harold Wagner explains the ride inspection process for a camera operator with WTVD-11 underneath the Khaos during a behind-the-scenes media opportunity at the N.C. State Fair.*

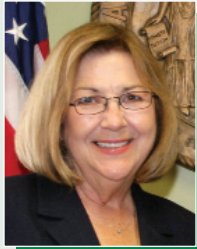


*Labor Commissioner Cherie Berry prepares to be interviewed by Carleigh Griffith of WNCN about the ride inspection process at the N.C. State Fair.*

During the behind-the-scenes look, reporters were taken underneath the Khaos to learn how water tanks act as a counterweight for the ride. NCDOL inspector Harold Wagner explained the types of things he'll examine during an amusement device inspection.

"We start our inspections at the generators, which is the power source for these rides," said Wagner. "Then we move to the frame, the footings, the structure—how they're set up; the framework, the electrical, the lap restraints—all of the operations that ensure that ride's safety for our public."

Once a ride has passed the inspection, the inspector posts a certificate of operation near the entrance of the ride for the public to see. In addition to NCDOL's inspection process, amusement ride companies are required to perform daily operational checks of each ride. The bureau also makes sure that ride operators are knowledgeable about how to operate their rides safely.



## From Labor Commissioner Cherie Berry

*I am happy to report that the Elevator and Amusement Device Bureau wrapped up another successful fair season with no major reportable injuries attributed to the mechanical failure of a ride. North Carolina hosts more than 40 fairs, with most of them occurring from August through the end of October.*

*North Carolina has the most stringent ride inspection program in the country. The rides are not allowed to operate unless they meet 100 percent of the manufacturer's specifications. Our ride inspectors provide an outstanding service to the many fairs throughout the state and to the public.*

*On another front, according to data released in late October by the U.S. Bureau of Labor Statistics, our state's injury and illness rate set a new record low in 2015. The rate of 2.6 injuries per 100 private industry workers places us as one of 12 states plus the District of Columbia with a rate statistically less than the national average of 3.0.*

*As I travel across the state, I get to help celebrate many safety and health success stories with participants in our Safety and Health Achievement Recognition Program (SHARP) and Carolina Stars.*

*Thank you for all you do to make workplace safety a priority. I look forward to what we can accomplish together during my next term.*

*Cherie Berry*



**Cherie Berry**

*Commissioner of Labor*

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1-800-625-2267 • [www.nclabor.com](http://www.nclabor.com)

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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](http://www.nclabor.com/osha/consult/sharp_sites.pdf).



### Safety and Health Achievement Recognition Program (SHARP)

ECMD Inc. dba East Coast Mouldings, Wilkesboro

Cross Road Retirement Community, Asheboro

Cape Fear Public Authority, Nano Plant, Wilmington

Cape Fear Public Authority, Administrative Services, Wilmington



### Carolina Star

Scott Safety, Monroe (recertification)

## NCDOL has reached a milestone of 1,000 followers on Twitter!

Social media platforms are a way for the public to stay engaged with the department. We encourage you to follow our accounts.



*Happy  
Holidays*

Nova Development



# A Spotlight on Recent SHARP Events

By Neal O'Briant, Public Information Officer

The Labor Department recently helped several locations celebrate their participation in the Safety and Health Achievement Recognition Program (SHARP). The program 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.

"I congratulate these employers and their employees on making safety a part of every day," Labor Commissioner Cherie Berry said. "Every working person in North Carolina deserves to go home at the end of their work day, safe and healthy to their families."

## Davidson County Public Works Department

On Tuesday, Sept. 27, Davidson County Public Works celebrated recertification as a Public Sector SHARP participant. The event included Commissioner Berry's presentation of a new SHARP flag and certificate to Davidson County Public Works, followed by lunch.

Davidson County Public Works provides support services that include construction, alteration and repair work to county facilities. The department handles all general maintenance work within the county government structure. Davidson County Public Works first earned SHARP status in 2013.

In speaking to employees, Chris Elliott, public buildings safety coordinator for Davidson County, said, "You embody, each in your specific way, a leadership in safety that fosters sustainable and inclusive growth, great skills, fresh ideas, and real vision for the future."

## Town of Waxhaw Police Department

On Tuesday, Oct. 11, Labor Commissioner Cherie Berry presented the Town of Waxhaw Police Department with a new SHARP flag and certificate to celebrate the department's recertification as a Public Sector SHARP participant. The presentation took place during a meeting of the Town of Waxhaw's Board of Commissioners.



Photo courtesy of Cross Road Retirement Community

Employees of Cross Road Retirement Community proudly display the SHARP flag. The facility's SHARP celebration coincided with its 33rd anniversary.

Abigael Newtown, industrial hygiene consultant with the Consultative Services Bureau, presented the SHARP flag and certificate during the celebration. Members of the facility's board of directors were present, including the president of the board, and Ms. Senior Randolph County attended to celebrate the facility's success.

"Cross Road Retirement Community has worked very hard to achieve SHARP status and made tremendous progress in their safety and health program from when they had begun working with the Occupational Safety and Health Division's Consultative Services Bureau in 2012," Newton said. "This achievement can be attributed to management commitment to the employees at the facility, as well as to employees' efforts to participate in the safety and health program. They truly earned the award and should be very proud."

## Independent Beverage Co.

On Tuesday, Oct. 25, Independent Beverage Co. celebrated receiving SHARP certification. Labor Commissioner Cherie Berry presented company officials with the SHARP flag and certificate at the celebration.

"Being accepted into the OSHA Safety and Health Achievement Recognition Program is a tremendous accomplishment for our company and our employees," said Rosemarie Coloracci, human resources manager. "It demonstrates everyone's commitment to a safe and healthy work environment."

Independent Beverage Co. is a bottling company located in Charlotte. Founded in 1992, the company produces bottle and can soft drinks, sparkling water, and other cold-fill beverages for national brand, private label and contract pack customers.



NCDOL Photo Library

Waxhaw town officials join Labor Commissioner Cherie Berry in celebrating the police department's recertification as a SHARP participant. Front row, left to right: Town Manager Warren Wood, Commissioner James Warner, Commissioner Brenda Stewart, Lt. Buddy Zill, Labor Commissioner Cherie Berry, Mayor Stephen Maher. Back row: Commissioner Paul Fitzgerald, Mayor Pro-Tem John Hunt, Safety Director Billy Sellers, Commissioner Fred Burrell.

"Through our partnership with the OSHA Consultative Services and the recognition of the SHARP certification, we have been able to achieve our goals of protecting our employees and the public in a safe and efficient manner," said Lt. Burton Zill. "It is truly our honor to be the first police department in the state recognized for this achievement. This four-year recertification continues our mission."

The police department first earned SHARP status in 2013.

## Cross Road Retirement Community

Cross Road Retirement Community is an assisted living community in Asheboro that offers various levels of assistance from independent housing, assistance with daily needs, all the way to an Alzheimer's unit. The facility celebrated receiving its first SHARP certification Oct. 14, which happened to be its 33rd anniversary.



Photo courtesy of Independent Beverage Company

Employees of Independent Beverage Co. in Charlotte celebrate receiving the SHARP flag from Labor Commissioner Cherie Berry.

# NCDOL Dedicates Field Staff for Hurricane Matthew Cleanup Efforts

By Dolores Quesenberry, Communications Director

The N.C. Department of Labor provided assistance in counties hardest hit by Hurricane Matthew to help prevent additional injuries and illnesses during the dangerous cleanup phase that occurs after any natural disaster. Labor Commissioner Cherie Berry directed the Occupational Safety and Health Division to convert to consultative mode in those areas impacted during the aftermath of Hurricane Matthew.

“Our thoughts and prayers are with the families who lost their loved ones, homes and businesses,” Commissioner Berry said. “Our job now, as safety and health professionals, is to make sure the recovery and cleanup efforts go without incidence.”

North Carolinians have faced many cleanup challenges after major storms, including Hurricanes Bertha, Fran, Floyd, Isabel, Irene and now Matthew. Assistance began in 17 counties and was extended to additional counties as flood waters subsided.

“The violent winds and rainfall of these storms topple trees and destroy businesses, cars, homes and power lines, leaving first responders, recovery workers and residents with the dangerous task of debris removal,” said Kevin Beauregard, deputy commissioner for the OSH Division. “The cleanup and rescue efforts needed after a hurricane place a tremendous strain on communities, which can lead to injuries and illnesses if appropriate safety measures are not taken.”

In an effort to ensure that North Carolinians had access to the proper tools to assist with a safe recovery effort, the OSH Division distributed 368 various types of personal protective equipment, including earplugs, hard hats, work gloves and safety glasses. The division also distributed 261 cards with quick reference safety tips concerning chain saw safety, tree trimming, heat stress and the proper use of generators.

“Our goal with our outreach is to help bring some relief to the communities affected most by Hurricane Matthew,” Commissioner Berry said.

Citizens who need safety and health guidance may contact the N.C. Department of Labor’s Standards Section of the Education, Training and Technical Assistance Bureau at 919-807-2875 or [ask.osh@labor.nc.gov](mailto:ask.osh@labor.nc.gov).

*The National Guard provided relief in many areas after Hurricane Matthew. Members of the National Guard who took time away from their work to assist with the recovery are protected from an employer retaliating against them for their service. Any member of the National Guard who feels his or her rights have been violated may file a complaint with NCDOL’s Employment Discrimination Bureau under the Retaliatory Employment Discrimination Act.*

## Workplace Injury and Illness Rate in NC Drops to Historic Low

By Neal O’Briant, Public Information Officer

North Carolina’s workplace injury and illness rate for private industry dropped to a historic low in 2015 keeping the Tar Heel state one of the safest states in which to work. The rate dropped from 2.7 cases per 100 full-time workers in 2014 to 2.6 for 2015 and remains below the national rate.

“During my service as Labor Commissioner, I am proud of the fact that North Carolina’s injury and illness rate has dropped 51 percent (5.3 to 2.6) over the past 15 years,” Labor Commissioner Cherie Berry said. “The record-low injury and illness rate is a credit to the employers and employees of our state. Safety is being embraced by management as well as those on the front lines who are performing the state’s most dangerous work.”

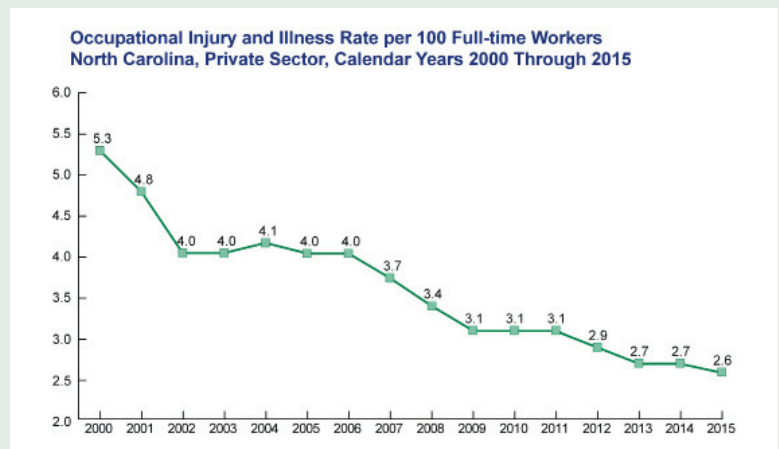
The state’s Occupational Safety and Health Division focuses on hazardous industries like construction and manufacturing by implementing special emphasis programs, providing free education and training, conducting free safety and health consultative visits, and establishing partnerships and alliances.

The 2015 rate for construction dropped to 2.7 per 100 full-time workers from 3.3 in 2014, below the national rate of 3.5. The 2015 rate for manufacturing remained steady at 3.3, below the national rate of 3.8.

North Carolina is one of the top 10 safest states in which to work, with a rate statistically less than the national rate of 3.0.

Labor officials point to other driving factors that are affecting the state’s record-low rates. Accidents are costly when you factor in legal fees, insurance costs, plant down time and liability suits. Many employers are implementing effective safety and health programs to lower costs and improve their bottom line.

“Good employers understand that a good workplace safety program pays for itself,” Commissioner Berry said, “but at the end of the work day, it’s really about making it home to family and loved ones that matters most.”





# Eden Company Receives Safety Recognition

*By Dolores Quesenberry, Communications Director*

The N.C. Department of Labor recognized The Osborne Company of North Carolina with a workplace safety award for reaching 1 million employee hours with no injuries or illnesses involving days away from work. State Labor Commissioner Cherie Berry visited one of the company's jobsites in Jacksonville on Wednesday, Nov. 2, to present company officials with the 1 Million-Hour Award.

"Achieving one million hours without a lost-time workplace accident shows everyone that you are committed to a safe work environment," Commissioner Berry said. "You can't have a good safety and health program unless everybody at the facility takes care of each other. You have to be your brothers and sisters' keepers."

The N.C. Department of Labor presents Million-Hour Safety Awards to employers that accumulate 1 million employee hours, or multiples thereof, with no injuries or illnesses involving days away from work. Only 119 out of the state's 250,000-plus companies received Million-Hour Safety Awards during this year's safety award season.

The celebration was held in Jacksonville at the 50,000 square foot New Hanover Regional Medical Office Building. The project is being developed by Summit Healthcare Group and represents the latest Osborne medical office building under construction. The facility includes a diagnostics suite with CT, X-ray, mammography and ultrasound scanning; a family physician's practice suite that includes exam rooms, labs, stress testing and nuclear scanning; and an EmergeOrtho suite that includes X-ray, exam rooms and physical therapy.

The Osborne Company was founded in Eden in 1981 by brothers Robert "Zizzy" and Pete Osborne. The company's design-build, general contracting and environmental services are driven by a commitment to safety, quality, expediency and value.

"The Osborne Team safety philosophy is founded on the fact that construction is our business, but safety is our life," said Gerald Harris, president of The Osborne Company.



*Labor Commissioner Cherie Berry presents officials from The Osborne Company of North Carolina with a Million-Hour Safety Award certificate. (L-R): Zizzy Osborne, Reuben Hill, Robert Osborne, Mike Berrier, Commissioner Berry, Gerald Harris and Ted Johnson.*



*May all your seasons  
be safe!*

# DEADLY Mistakes

By Judyth Niconienko  
State Plan Coordinator

**Fatal Event:** On Sept. 2, 2014, a 35-year-old employee

and foreman of a concrete fabrication contractor died after being struck by a falling explosion panel that was being installed on the outside wall of a grain elevator about 144 feet off the ground.

**Investigative findings:** A general contractor and several subcontractors were hired for a renovation project at a grain elevator complex. The process involved installing explosion proof panels on a grain elevator. The grain elevator had two levels. The roof of the first level was about 60 feet above the ground, and the roof of the second level was about 144 feet above ground. A crane was used to elevate explosion panels to the first level roof. A Sky Climber personnel lift equipped with a winch hoist was positioned on the first level roof with its cable secured to the outside of the second level roof.

To prepare for the panel installation, the victim and another employee rigged a material hoist to raise the panel. This consisted of a winch, bolted to the first level roof, and a cable run through a pulley attached to the second level. However, the pulley was only temporarily secured to a guardrail with a knotted rope. The employees intended to return to the roof and anchor the pulley properly, prior to it being used. The employees never properly secured the pulley.

In the early afternoon the victim and another employee rigged two steel explosion panels with wire rope slings and shackles. One of these was attached to the cable connected to the pulley. The panels were raised by an employee to the area where they would be installed. Each steel explosion panel was about 4 feet by 6 feet and weighed about 100 pounds.

The victim was on a Sky Climber platform with one of the panels raised over his head, as he began raising the Sky Climber to the work area. The

second employee was standing on the first level roof adjacent to the hoist winch. The employee on the Sky Climber platform was elevated about 1 foot above the first level roof when the employee positioning the panels saw the cable, pulley and explosion panel fall on the victim. The victim sustained fatal crushing injuries.

**Discussion:** The investigation determined that the cable and hoist pulley were not properly secured, prior to it being used to lift and position explosion panels. A rope tied in a knot was used to temporarily secure the pulley to guardrails on the roof. The knot apparently came untied, allowing the hoist, rope and load to fall on the victim that was positioned below the load. Several other deficiencies associated with fall protection were also noted during the investigation. The victim had secured his fall arrest lifeline to the roof guardrail system. Additionally, a section of guardrail on the roof was missing.

## Recommendations:

- ✖ All hoist systems must be installed in accordance with requirements and should be inspected after initial installation and before each use.
- ✖ Employers must initiate and maintain programs that provide for frequent and regular inspections of the jobsite, materials and equipment.
- ✖ Employees must be protected from fall hazards via a personal fall arrest system or a fall protection system that meets requirements.
- ✖ Employers must provide training programs for each employee that might be exposed to fall hazards. The training must include the use and operation of guardrail systems and personal fall arrest systems that will be used.
- ✖ Employees should also be trained to avoid being positioned beneath loads.



By Christine Ryan, Administrator  
Wage and Hour Bureau

**Q:** I hear that there is a new overtime rule. Does it affect me?

**A:** A federal court has blocked this new rule from taking effect Dec. 1, 2016, as planned. Under the rule, certain workers who are salaried and exempt from overtime due to their job duties (like retail store managers) would have to have been paid a minimum of \$913 weekly (\$47,476 annually) to continue to be exempt from overtime under the Fair Labor Standards Act. The current salary threshold of \$455 weekly (\$23,660 annually) stays in effect due to the court order. This is true whether an employer is under the jurisdiction of the U.S. Department of

Labor (a large manufacturer, for example) or the N.C. Department of Labor (a small auto body shop or a nonprofit).

Employers may pay such employees less than the salary threshold, but the employee would be eligible for overtime pay (time and one-half the regular rate) for every hour worked over 40 in a work week. The workweek is a fixed, continuous 168-hour period defined by the employer and cannot fluctuate. Certain employees in particular professions (like teachers and attorneys) do not have to be paid at or above the salary threshold. The U.S. Department of Labor offers guidance [here](#).

Regardless of whether an employee is exempt from overtime or is eligible for overtime, under North Carolina law, employers can require an employee to work greater than 40 hours during a work week. Employees who are eligible for overtime must be paid the overtime rate for hours over 40 during that week.

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# Bulletin Board

## Mine and Quarry Training

### Part 46 New Miner Training

Dec. 13, Greensboro

### Part 46 Annual Refresher Training

Dec. 15, Greensboro

### First Aid/CPR Training

Dec. 14, Greensboro

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

## Trainer Course in OSHA Standards Refresher

Jan. 10-11, Raleigh

Click [here](#) for more information.

This workshop is designed for personnel in the public and private sector who have completed the NC500/NC501 Trainer Course in Occupational Safety and Health Standards for the construction and general industry and who are active trainers in the outreach program. It provides an update on topics relating to OSHA construction standards, policies and regulations. Construction/general industry outreach trainers are required to attend this course once every four years to maintain trainer status.

## Complying With OSHA General Industry Standards—Beginners Level

May 23-24, Raleigh

Click [here](#) for more information.

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

## 10-Hour Construction Industry Awareness Course

Jan. 23-24, Wilmington

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 will provide a basic overview of the Construction Industry Safety and Health Standards, 29 CFR 1926.

## Complying With OSHA Construction Industry Standards—Beginners Level

July 12-13, Raleigh

Click [here](#) for more information.

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

## 30-Hour Construction Industry Awareness Course

Jan. 23-27, Wilmington

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 will provide a comprehensive overview of the Construction Industry Safety and Health Standards, 29 CFR 1926.

## OSH Webinar Courses

Visit the OSH Training Schedule Calendar [here](#) to view upcoming internet training and other safety courses. Upcoming webinar topics include confined space entry for the construction industry, ergonomics awareness, fall protection, hand and powered tools, health hazards, lockout/tagout, material handling and storage, personal protective equipment, scaffolding, recordkeeping, toxic and hazardous substances, and tuberculosis. Check the calendar for new courses being added soon.