



NCDOL

N.C. Department of Labor

Cherie Berry, Commissioner

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LEDGER

Study Validates Economic Benefits of On-Site Consultative Visits

*By Kevin O'Barr, Bureau Chief
Consultative Services Bureau*

A recent study conducted by the USDOL, Occupational Safety and Health Administration (OSHA) supports the economic benefits to employers that initiate on-site safety and health consultative visits. Based on three statistical economic models, the nationwide On-Site Consultation Program provides an economic benefit to small employers that use the program. The model considered to be the best approach, the Safety and Health Program approach, concludes the national economic benefit is \$1.34 billion.

In North Carolina, the Occupational Safety and Health (OSH) Division's Consultative Services Bureau (CSB) administers on-site safety and health consultative visits for both the private and public sectors. The NCDOL consultative visits procedurally match the federal On-Site Consultation Program examined in the national study. CSB has 19 safety and health consultants who provide free, confidential assistance to small employers and high-hazard industries throughout the state. Employers who ask for assistance can eliminate hazards from their worksite and improve their safety and health programs by reducing the likelihood of injury and thereby saving money by reducing insurance premiums and other costs associated with workplace accidents.

The national study used three different statistical models to test and measure benefits from three different elements: avoided injuries; benefits to workers' compensation from reduced claims; and benefits to employers from avoided direct and indirect costs. One model measured these benefits from a safety and health program approach, one measured a hazards-removed approach and the third measured the avoided OSHA citation approach.

"We are pleased with the results of this study," Labor Commissioner Cherie Berry said. "It validates what we have always believed to be true about the program. I hope the results will entice more businesses to consider picking up the phone and initiating a consultative visit with one of our safety and health consultants. When businesses say they cannot afford to improve their safety and health programs, I tell them, they cannot afford not to."

In 2017, CSB conducted 1,618 consultative visits with employers. Using the same Safety and Health Program approach criteria as the national study, the economic benefits to North Carolina employers who request the on-site consultative visits is \$61,521,606.

Applying North Carolina data to the other two models, the economic benefits would range from \$24,693,305 (OSHA enforcement method) to \$119,656,701 (Hazards removed approach). Regardless of which model is followed, the on-site consultative visits provide a fantastic return on investment.

"The impressive part about this is that the Consultative Services Bureau has an annual budget of around \$2,000,000," said Kevin Beauregard, director of the NCDOL, Occupational Safety and Health Division. "The economic benefit is 30 times the amount of the entire program budget. Any small business in North Carolina could make use of this great resource to make their workplaces safer and healthier while also benefitting their bottom line."

If you are a small or high-hazard employer, you can invite a safety and health consultant from the Consultative Services Bureau to review your worksite and assess your safety and health programs. Visit the **NCDOL website** to learn more about the program.

The national study can be found on the **OSHA website**.



The Consultative Services Bureau is part of the N.C. Department of Labor's Occupational Safety and Health Division. The bureau conducts safety and health consultative visits in both the private and public sectors to eliminate hazards from the workplace.





From Labor Commissioner Cherie Berry

Hurricane Florence sent a devastating blow to so many counties throughout North Carolina. The photos are devastating, and the stories of flooded homes and businesses are heart-wrenching, but one thing I've learned as I travel the state meeting folks from Murphy to Manteo, is that North Carolinians are a resilient bunch. There is no doubt in my mind that once again North Carolinians will pull together and work together to rebuild our state.

For those of you involved with the cleanup in your communities or faced with cleanup in your own backyard, please be mindful of the hazards that exist when using power-operated equipment like chain saws or generators. Injuries often spike during the cleanup phase after natural disasters. Should any safety and health concerns surface as you remove debris or cut down trees, please call the NCDOL toll free number for assistance. A safety and health representative from our NCDOL, OSH Division will address any safety and health concerns you may have.

There are several interesting articles in this month's edition of the Labor Ledger that I hope you will find some time to read. The front-page article profiles a study recently conducted by USDOL that aimed to quantify the impact of the nationwide On-Site Consultation Program, a program that helps employers reduce the likelihood of workplace injuries and illnesses in the workplace. The article explains how the program is administered in North Carolina and its economic impact on a local level. This is one of the best services provided by a state agency, so be sure to read about the results of the study in the article.

Other exciting news shared in this edition is the codification of the Carolina Star Program, the state's premier workplace safety and health recognition program. Take a minute to learn about this legislation that makes voluntary compliance a permanent part of workplace safety and health.

Cherie Berry



Nova Development

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



Carolina Star *Recertification

Total Safety, Wilmington*
Monsanto, Mt. Olive



Public Sector Star *Recertification

City of Charlotte – Aviation Department, Divisions of
Development and Operations, Charlotte
Town of Hillsborough, Hillsborough*



Building Star *Recertification

Robins and Morton Inc., Charlotte



SHARP *Recertification

Twenty SHARP sites recertified



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State Codifies Coveted Carolina Star Program

By Dolores Quesenberry, Director of Communications

Legislation passed by the N.C. General Assembly makes North Carolina one of the first states to codify the state's premier workplace safety and health recognition program known as the Carolina Star.

"This legislation makes North Carolina one of the first states to secure permanency for voluntary compliance," Labor Commissioner Cherie Berry said. "This is now a permanent part of workplace safety and health and a legacy program that will prevent future administrations from eliminating the program. Workplace safety is my passion and codifying the program shows we are committed to keeping a great thing going in our state."

Commissioner Berry joined NCDOL staff members and officials with the Voluntary Protection Program Participants' Association (VPPPA) for a codification celebration at the John Deere Turf Care Facility located in Fuquay-Varina on Thursday, July 26, 2018. John Deere Turf Care has been a participant of the Carolina Star Program since 2008. The facility was recertified in 2011 and 2017.

"We were excited to celebrate this accomplishment with the staff at John Deere Turf Care, a long-time program participant and a model employer," said Jennifer Haigwood, director of Governmental Affairs for the N.C. Department of Labor. "Commissioner Berry asked my office to work with members of the General Assembly to pass legislation to codify the Carolina Star Program in early 2017. Codifying the Carolina Star Program signals North Carolina's commitment to the program and to employers who voluntarily invest significant time and resources to participate."

The Carolina Star Program models the Voluntary Protection Program (VPP) administered by federal OSHA. As a state-plan state, North Carolina operates its own occupational safety and health program. Companies that achieve Carolina Star status surpass the stringent requirements of the program and are leaders in workplace safety and health. There are currently 145 worksites that have achieved Star status, making the Carolina Star Program the largest state-based VPP in the nation.

VPPPA is a global safety and health organization dedicated to cooperative occupational safety, health and environmental management systems. In addition to North Carolina, Virginia, Indiana, Arizona and Maryland have adopted similar language codifying each state's version of the Voluntary Protection Program.



Labor Commissioner Cherie Berry, along with NCDOL and VPPPA officials, mark the codification of the Carolina Star Program by holding a celebration at the John Deere Turf Care Facility in Fuquay-Varina Thursday, July 26, 2018.

State Fair Flyer Certified For N.C. State Fair

By Mary Katherine Revels, Public Information Officer

When the autumn air arrives in North Carolina, it often brings the start of fair season to North Carolinians' minds. For NCDOL amusement ride inspectors, this means countless hours spent inspecting each amusement ride throughout the state. North Carolina law requires rides to be inspected each time they are assembled. Stationary rides, like the popular State Fair Flyer attraction at the N.C. State Fair, are inspected and certified once a year.

The 126-seat chairlift, with red, orange, green, blue and yellow canopies, is the only permanent chairlift device in the eastern part of the state. It first operated during the 2016 N.C. State Fair. In addition to the N.C. State Fair, the State Fair Flyer also operates during the Got To Be N.C. festival.

"North Carolina has the most stringent ride inspection program in the country," Labor Commissioner Cherie Berry said. "The rides must meet 100 percent of the manufacturers' specifications to be certified. Know that each ride in the state of North Carolina is inspected to ensure your safety and enjoyment."

The State Fair Flyer falls under the **Passenger Tramway Safety Act of North Carolina**. Other devices the NCDOL Elevator and Amusement Device Bureau inspects under this act include ski lifts and tow ropes. The amusement rides at fairs across the state fall under the **Amusement Device Safety Act of North Carolina**.

"Our biggest responsibility is making sure each ride is safe," said Tommy Petty, assistant bureau chief for the Elevator and Amusement Device Bureau. "We literally check every lap bar and pin before we will clear a ride to operate in this state."

Fairgoers should be aware that most accidents on the midway are caused by human error. NCDOL compiled several **rider safety tips** for the public to be aware of.



The State Fair Flyer, located at the fairgrounds in Raleigh, is certified to operate for the upcoming N.C. State Fair. The ride covers 1,450 feet at 2 mph, which enables fairgoers to bypass the crowded midway in about 7 minutes.

ECU Student Union Building Contractors Recognized By NCDOL

By Dolores Quesenberry, Director of Communications

NCDOL recently celebrated the successful completion of a joint venture with Barnhill Contracting Co. and TA Loving Co. at the site of the \$122 million ECU Student Union construction project that began in 2016. The safety and health achievement recognition program or SHARP partnership for construction—administered by NCDOL—aims to reduce accidents and injuries and eliminate hazards during the construction phase of a project.

At a ceremony held at the student union construction site Wednesday, Aug. 8, all contractors and subcontractors received certificates recognizing the achievements of the joint venture from Labor Commissioner Cherie Berry.

“This joint venture is a great example of what can be accomplished when government and private industry work together,” Labor Commissioner Cherie Berry said. “Safety is not just one person. It takes teamwork to ensure that each employee returns home every day to their families safe and healthy at the end of the workday.

The partnership provides a combination of free professional safety and health mentoring, site walk throughs to identify hazards and education, training and technical assistance. The program engages all contractors and subcontractors at the site to elevate workplace safety and health.

“This partnership is the most effective method of improving our safety and health program and the safety culture of the subcontractors involved at the construction site,” said Drew Rintelmann, director of talent management and safety for Barnhill Contracting Co. “We could not have accomplished our goals without the help of NCDOL and the safety training and guidance they provide. Any opportunity to provide safety and health training to our staff is priceless.”

The SHARP Construction 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.

“During the construction phase of this massive project, Barnhill had as many as 372 employees and 39 subcontractor companies onsite daily,” said Rod Wilce, NCDOL safety consultant for the project. “We have more than 33 months invested and more than 800,000 man-hours with minimal work-related incidents to report. This is quite a record that all involved can be proud of.”

The new student union is the largest construction project on main campus since the Science and Technology Building opened in 2001. The student union is expected to open in January 2019.



Employees of Barnhill Contracting and TA Loving companies gather along with Labor Commissioner Cherie Berry and other NCDOL officials in front of the new ECU student union Wednesday, Aug. 8, to celebrate the safe completion of the \$122 million construction project.

NCDOL Dedicates Field Staff For Hurricane Florence Cleanup Efforts

By Dolores Quesenberry, Director of Communications

The N.C. Department of Labor has deployed occupational safety and health professionals to counties hardest hit by Hurricane Florence to assist the public and businesses during the dangerous cleanup phase. The Occupational Safety and Health (OSH) Division has converted to consultative mode in those areas impacted by Hurricane Florence to help prevent injuries and illnesses that often spike during natural disasters.

“It is important that North Carolinians have access to the proper tools to assist them in conducting a safe recovery effort,” Labor Commissioner Cherie Berry said. “Our hearts are with those who lost their loved ones, homes and businesses. 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, Matthew and now Florence. Assistance from the N.C. Department of Labor has been provided in 15 counties and will be extended to additional counties as flood waters subside.

“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, director of the state 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.”

The OSH Division will distribute various types of personal protective equipment needed after a disaster such as hard hats, hearing protection, work gloves and safety glasses. The division will also distribute safety and health educational material. In addition, there are five billboards posted across the state publicizing assistance via the agency’s toll-free number. The OSH Division will continue to address work-related complaints and referrals and fatalities in affected counties.

“Our goal is to help bring some relief to the communities affected most by Hurricane Florence,” 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 919-707-7876 or call the agency toll-free number, 1-800-NC-LABOR (1-800-625-2267).

Reidsville Facility Committed To Safety And Health

By Mary Katherine Revels, Public Information Officer

On Feb. 5, 2018, the N.C. Department of Labor recertified Clean Harbors Technical Services of the Carolinas 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.

Abigael Newton, NCDOL industrial hygiene consultant, presented the company with the SHARP flag at its Reidsville facility.

“This facility exhibits management commitment and employee participation that is an example for all SHARP facilities,” Abigael Newton said. “The management representatives have provided these employees with the tools, skills and support necessary to ensure that they can effectively perform their jobs without injuries or illnesses.”

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.

“This recertification is a testament to all the employees and management that continue to focus on safety first and foremost,” Todd E. Sheaffer, branch manager of Clean Harbors Technical Services, said. “Clean Harbors has an internal safety program, Safety Starts with Me: Live it 3-6-5. The safety program was designed to ensure safety comes first throughout the company.”

Clean Harbors Technical Services of the Carolinas received its initial SHARP certification Nov. 25, 2015.



A ceremony honoring Clean Harbors Technical Services of the Carolinas for their recent SHARP recertification took place at its Reidsville facility. From left to right: Abigael Newton, Rick Crowley, Randy Lawson, Gwen Hill, Steve Willis, Lee Shore, Jon Stutts, Ben McWhorter, James Cox, Todd Sheaffer and Kelvin Blackwell.

USDOL Launches Payroll Audit Program

By Mary Katherine Revels, Public Information Officer

The Wage and Hour Division of the U.S. Department of Labor recently announced the launch of a nationwide pilot program called Payroll Audit Independent Determination (PAID). PAID is a self-audit program that enables employers to resolve minimum wage and overtime violations without litigation. The purpose of this program is to ease the resolution of potential overtime and minimum wage violations under the Fair Labor Standards Act (FLSA).

“The PAID Program through the USDOL will allow employers to proactively address potential violations of the Fair Labor Standards Act prior to the filing of an actual complaint,” said Christine Ryan, administrator for the NCDOL Labor Standards Section. “We support any program that ensures workers are being paid correctly under the law.”

USDOL plans to implement the PAID program nationwide as a six months pilot program.

Employee benefits for the PAID program include:

- ◆ Receive back wages owed in a more timely manner
- ◆ No litigation expense or delay
- ◆ No attorneys' fees
- ◆ Employers will correct practices going forward to further protect employees
- ◆ Free to decide whether to accept settlement or not

Employer benefits for the PAID program include:

- ◆ Resolution outside of litigation
- ◆ No liquidated damages
- ◆ More streamlined than a full investigation
- ◆ No civil money penalties

To get started in the program, employers should determine the following:

- ◆ If you are covered by the FLSA.
- ◆ If you are interested in proactively resolving potential minimum wage and/or overtime claims under the FLSA.
- ◆ If you are willing to commit to future compliance under the FLSA.

Once employers determine the preliminary eligibility, employers are encouraged to conduct audits. These audits will help uncover any overtime or minimum wage violations. Those violations should then be shared with the U.S. Department of Labor's Wage and Hour Division, after which, the employer will work with the division to correct mistakes and provide due compensation to employees in an expedited manner. Employers that participate in the program will be required to pay 100 percent of the back wages due for the violations.

For help getting started and more information about the Payroll Audit Independent Determination program, visit the U.S. Department of Labor's [website](#).

DEADLY

Mistakes



By Judyth Niconienko, State Plan Coordinator

Fatal Event: On Aug. 1, 2016, a 36-year-old man died from being crushed when the unprotected 10-foot-deep trench he was working in collapsed.

Investigative Findings: A three-quarter-acre excavated pond was being constructed behind a private residence. A trench, 16 feet long, 8 feet wide, 10 feet deep, had been dug to accommodate the overflow pipe. It was during the installation of the last section of PVC pipe that the trench collapsed.

Around the perimeter of the pond a berm or raised bank was created. A flat surface about 16 feet wide had been created on top of the berm to serve as a walking path. That morning, the excavation activity had removed part of the soil from the berm leading out toward the existing creek. The trench was graded at the furthest point to allow walk-in entry. The victim was down in the trench connecting pipe couplings with glue. Two additional employees were on the side of the trench passing pipe down to the victim. As each piece of pipe was attached the trench was backfilled and compacted using an excavator. The operator of the excavator had just finished backfilling a section of laid pipe and had turned off the machine and stepped down to the ground, when the trench wall collapsed. The two employees on the side of the trench jumped into the trench and began to dig the victim out. Within a minute they had uncovered the victims face and chest. One worker called 911 and the other began CPR until EMS arrived. EMS was unable to get "a return of spontaneous circulation" and the victim was pronounced dead at the scene.

Discussion: The key to preventing a trench accident is not to enter an unprotected trench. When the walls of a trench collapse or cave-in, a worker can be trapped or struck. These accidents can occur in seconds. Many times, employees working in a trench are in a crouched position, which results in little opportunity for escape. Victims do not need to be completely covered in soil for enough pressure to be created to cause mechanical asphyxia, in which the weight of the dirt and soil compresses the chest and prevents air from being drawn into the lungs. Additionally, if a rescue is made and the body has been compressed for an extended period blood flow is restricted and this can damage muscles and tissue. Cardiac problems and blood clots are also a possibility.

Trenches 5 feet deep or greater require a protective system unless the excavation is made entirely in stable rock. If less than 5 feet deep, a competent person may determine that a protective system is not required.

In this event a formal health and safety plan had not been established to identify the hazards of the excavation project and the actions to be taken to remediate them. The general contractor, subcontractors and the subcontractors' employees did not have hazard recognition training or safety training on the fundamentals of excavation and trenching. The employees also did not fully understand the hazards and dangers associated with working in a trench. A competent person was not present to conduct initial and ongoing inspections.

Tasks that are performed by the designated competent person under the excavation standards include: classifying soil, inspecting protective systems, designing structural ramps and monitoring water removal equipment; and conducting site inspections.

Employers must ensure that their employees enter trenches only after adequate protections are in place to address cave-in hazards. Other potential hazards associated with trenching work include falling loads, hazardous atmospheres, and hazards from mobile equipment.

Recommendations: Employees need to be trained to identify the specific hazards associated with excavation and trenching, the reasons for using protective equipment and how to work in a trench safely. Employees should be trained not to enter any unprotected trench, even in a rescue attempt, as they would be putting themselves at risk of becoming seriously injured or killed. If necessary, projects should be delayed until all training requirements are met, training records are provided and appropriate protective systems are in place.

OSHA generally requires that employers protect employees from cave-ins by:

- ☠ Sloping and benching the sides of an excavation; Sloping the sides of the excavation in Type C soil and unclassified soil to an angle not steeper than 1 ½ to 1 ratio (for every foot of depth, the trench must be excavated back 1 ½ feet);
- ☠ Supporting the sides of the excavation; Designing a sloping and benching system in accordance with tabulated data, such as tables and charts, approved by a registered professional engineer; or
- ☠ Placing a shield between the side of the excavation and the work area. Using a trench box or shield approved by a registered professional engineer or designed in accordance with tabulated data approved by a registered professional engineer.

**HURRICANE CLEANUP
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WORKPLACE WORRIES



By Christine Ryan, Administrator, Labor Standards Section

Q: After Hurricane Florence affected our area, I asked my employer about adverse weather leave. Our HR Director said that the company did not have a leave policy for weather-related incidents. Is that legal?

A: Private employers are not required by either state or federal law to offer adverse weather leave, even if there is a state of emergency in your area. The choice to offer adverse weather leave is up to the employer. If an employer does offer adverse weather leave, the policy needs to be in writing and applied equally to all employees in a class of workers. For example, an employer may designate certain types of employees as “essential” and therefore required to come to work regardless of weather. If an employee in that class fails to come to work, he or she may be disciplined under the policy. If an employer does not offer adverse weather leave, the employer may require you to come to work even during a storm. However, employees should make smart decisions and always proceed with caution if venturing out during a weather event.



Bulletin Board

Mine and Quarry Training

New Miner Training

Oct. 22–24, Wake Forest

Annual Refresher Training

Oct. 25, Wake Forest

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

Carolina Star Safety Conference

Oct. 3–5, Greensboro

Click [here](#) for more information.

N.C. Safety Congress

Nov. 14–16, Charlotte

Click [here](#) for more information.

Western Safety and Health School

Nov. 4–7, Asheville

Click [here](#) for more information.



Stop by our booth in the
Kerr Scott Building
at the N.C. State Fair!

Oct. 11–21

OSH Webinar Courses

Visit the **OSH Training Schedule** to view upcoming internet training and other safety courses. Check the calendar for new courses being added soon. Among the courses being offered include:

- ♦ Confined Space Entry
- ♦ Fall Protection
- ♦ Lockout / Tagout
- ♦ Recordkeeping
- ♦ Electrical Safety
- ♦ Inspection Process

