



**NCDOL**  
N.C. Department of Labor

Cherie Berry, Commissioner

www.labor.nc.gov

1-800-625-2267

**LABOR LEDGER**

# Be Aware of Labor Law Poster Scams

By Natalie Bouchard, Public Information Officer

The N.C. Department of Labor urges businesses across the state to be on the lookout for suspicious correspondence after the department recently received multiple reports of companies using scare tactics or threatening language to sell labor law posters to employers.

“These scams surface several times a year and businesses, upset about receiving the correspondence, contact us,” Labor Commissioner Cherie Berry said. “The threats of fines are bogus and should be ignored. The Department of Labor provides free sets of labor law posters to businesses.”

The scammers often pose as either government officials or as acting on behalf of a poster company, such as the North Carolina Labor Law Poster Service, a non-regulatory entity that does not operate under any government agency.

Other names these companies are known to go by include Personnel Concepts and Labor Poster Services. There have been reports of these companies threatening fines from \$7,000 to as much as \$17,000 for non-compliance. Mailings often appear to be from an official source and request fees for posters that cost anywhere from \$84 to \$200. Businesses should be aware that scammers may also attempt to contact them by either email, text or phone.

While labor law posters are required by law to be displayed at a workplace, NCDOL inspectors carry the most up-to-date versions of the posters in their vehicles and distribute them free of charge. The N.C. Department of Labor will never fine a business that has older versions of the poster displayed, unless they refuse to post the notices.

The NCDOL will print new versions anytime a significant law is changed or updated by Congress. Businesses are not required to order a new poster each time a change is made. Employers that wish to order new posters can visit our [website](http://www.labor.nc.gov) or can call 1-800-NC-LABOR (1-800-625-2267).

The labor law posters are printed in two sections and must be posted together in an area where employees frequently gather. If you have a poster with a printed date of 11/17 in the bottom right-hand corner, you have the most recently updated set of posters.

The state Department of Justice recently issued a **consumer alert** concerning this impostor scam. If you are contacted by any of these companies, do not feel pressured to buy labor law posters. Report them to NCDOJ’s Consumer Protection Division [online](http://www.ncdoj.gov) or by calling 1-877-5-NO-SCAM.

**N.C. Department of Labor**  
**Wage and Hour Notice to Employees**

**Wage and Hour Act**  
Minimum Wage: \$7.25 per hour (effective 7/24/09).  
Maximum hours per week: 40 when school is in session; 48 when school is out of session.  
Hours of the day: May work only between 7 a.m. and 7 p.m. from June 1 through September 30. No work when school is in session.  
Breaks: 20-minute breaks are required after any period of five consecutive hours of work.  
Lactating mothers who work under 14 years old are: Work a generally limited number of hours during the work period. If necessary, an employer must provide a break for nursing, pumping, or acting in transit, lactation, milk or breast production.  
All other such employment provisions do not apply to farms, domestic or government work.  
Wage Payment  
Wages are due on the regular pay day. If reported, final paychecks must be paid within 14 days of the end of the pay period. The employer's payment of wages is not a condition of any employee's right to file a claim or lawsuit. If an employer fails to pay wages, the employer may be held liable for the amount of wages.  
Employees must be notified of pay rates, paid rates on vacation, and other such employment notices.

**OSHA Notice to Employees**

**Safety and Health**  
N.C. Department of Labor Responsibilities  
The state of North Carolina has a federally approved program to administer the Occupational Safety and Health Act in North Carolina. This program is administered by the N.C. Department of Labor, Occupational Safety and Health (OSHA) Division.  
The OSHA Division has the following responsibilities and powers:  
• **Inspections**—The OSHA Division conducts workplace inspections that can be triggered by complaints, accidents or because the workplace has been randomly selected for an inspection.  
• **Citations**—Following an inspection, the employer may be cited for one or more violations of the OSHA standards. The employer will be given a timeframe to correct the violation to avoid further action.  
• **Fines**—An employer can be fined up to \$7,000 for each willful or repeat violation of an OSHA standard.  
• **Criminal Penalties**—Fines of \$10,000 may apply against employers who are found guilty of willfully violating any standard, rule or regulation that has resulted in an employee's death.  
• **OSHA Standards**—The division adopts all federally mandated OSHA standards verbatim or can revise them to meet state conditions, as long as the new version is at least as strict as the federal standard.  
A copy of any specific standard adopted by the OSHA Division is available free of charge. The entire "General Industry" or "Construction Industry" standards are available for a nominal cost by calling 1-800-625-2267 or 919-807-2875.  
Employees wishing to know more about the procedures for filing a "Notice of Contest" should contact the Review Commission. Telephone: 919-733-5889. Website: www.noticeofcontest.com.

**Unemployment Insurance**  
NCDOL does not handle matters relating to unemployment insurance. If you would like information about unemployment insurance policies or procedures, please contact the Department of Commerce, Division of Employment Security, P.O. Box 27003, Raleigh, NC 27611-9901, 1-800-757-6299, www.ncese.com.

**N.C. Workers' Compensation Notice to Injured Workers and Employers (Form 17)**  
NCDOL does not handle matters relating to workers' compensation. If you would like information about workers' compensation policies or procedures, please contact the N.C. Industrial Commission, 4340 Mail Service Center, Raleigh, NC 27699-4340, 919-807-2306, www.ncic.gov. Form 17 must be prominently posted and must be printed in the same colors and format that appear on the Industrial Commission website. To download and print the current version of Form 17, visit www.ncic.gov.

**Other OSHA Information**  
Federal Monitoring—The OSHA Division is monitored by the U.S. Department of Labor. Federal authorities ensure that continued administration is warranted. Any person who has a complaint about the state's administration of OSHA may contact the Regional Office of the U.S. Department of Labor, 41 Foster City, S.W. Suite 6750, Atlanta, GA 30355.  
Additional Information or Questions—Anyone having a question about any of the above information may write or call:  
N.C. Department of Labor  
Occupational Safety and Health Division  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
Phone: 1-800-625-2267 or 919-807-2796  
Fax: 919-807-2865  
Email: osha-oh@labor.nc.gov  
www.labor.nc.gov

**Cherie Berry**  
Commissioner of Labor

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### From Labor Commissioner Cherie Berry

This is another reminder that NCDOL provides labor law posters free of charge to businesses that employ five or more employees. While our agency provides the posters at no charge, there are private poster companies that sell expensive laminated posters and use scare tactics of large fines from the Department of Labor for not posting the most updated version of the notices.

Each year, we receive complaints from employers and employees who say they were bullied into buying the posters and thought they were buying them from a state agency. The correspondence usually begins with an official-looking letter from what appears to be a governmental agency and may be followed up with aggressive phone calls and emails.

While businesses are required to post the labor law notices and other state posters in a break area that employees frequent, a state agency would never use threatening emails or phone calls to sell posters or any other merchandise.

I was pleased with the recent assistance from the Department of Justice to help spread the word throughout the business community about these types of fraudulent notices. If you received similar correspondence or know of someone who has, complaints may be filed with the NCDOL's Consumer Protection Division online or by calling 1-877-5-NO-SCAM. For more information about labor law posters, please read the article on page 1.

The national campaign to prevent falls in construction was celebrated the week of May 6–10. NCDOL's Education, Training and Technical Assistance Bureau, along with the help of several organizations that have formal alliances with NCDOL, hosted events during the week along with two Construction Forums. To learn more about the campaign and how your organization can participate in future events, please see the article on page 5.

*Cherie Berry*



### Carolina Star Conference Sept. 25–27 Greensboro

## Inside this edition:

OSH Advisory Council Convenes in Raleigh	page 3
2019 OSHA Standards Books Available	page 3
Annual SSTM Training Held in Raleigh and Greensboro	page 4
Safety Events Promote Campaign to Prevent Falls	page 5
Contractor Certified as SHARP Construction Site	page 6
OSH Signs New Alliance with Western Carolina	page 7
Deadly Mistakes	page 8
Workplace Worries	page 8
Bulletin Board	page 9

### 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

- OPW Retail Fueling, *Smithfield\**
- Sonoco Recycling Inc., *Durham\**
- Acme Smoked Fish, *Wilmington*
- Cintas Location 249, *Charlotte*



#### Building Star \*Recertification

- Balfour Beatty Infrastructure, *Wilmington\**



#### SHARP \*Recertification

- Uchiyama America Inc., *Goldsboro*



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## OSH Advisory Council Convenes in Raleigh

By Mary Katherine Revels, Public Information Officer

Twice per year, the Occupational Safety and Health Advisory Council gathers to discuss matters associated with the administration of the OSH Act of North Carolina. The members include three representatives from management, three representatives from labor, four representatives from the public sector and one representative from the public sector with knowledge of migrant labor. The first meeting of 2019 was held in Raleigh on Wednesday, May 8.

“The OSH Advisory Council is very important,” said Labor Commissioner Cherie Berry. “I look forward to these meetings. This is a great opportunity for representatives of the public and private sectors to learn and give feedback about the efforts of the OSH Division.”

Wanda Lagoe, bureau chief of the Education, Training and Technical Assistance Bureau, opened the meeting with an update on the OSH Division’s activity in 2018. Lagoe informed members that NCDOL deployed occupational safety and health professionals to counties hardest hit by Hurricane Florence to assist communities with the dangerous cleanup after the storm. The OSH Division converted to consultative mode in those communities to help prevent injuries and illnesses that often spike after natural disasters. During her presentation, Lagoe stated that massive amounts of safety tips and other publications were distributed during the hurricane relief efforts.

At the request of the advisory council members, a presentation about the Agriculture Safety and Health Bureau was given by Beth Rodman, chief of the ASH Bureau. Rodman gave a presentation about the background of the ASH Bureau and a general overview of the migrant housing pre-occupancy inspections.

“The OSH Advisory Council offers the opportunity for various industries and groups who represent the NC workforce to come together to discuss issues and solutions that impact the workers of North Carolina,” said Debbie Rogers-Lowery, chair of the OSH Advisory Council. “Highlights regarding OSH activities are shared with the council members and in turn, ideas and thoughts from council members are offered to the OSH staff to assist with their outreach efforts.”

Other presenters of the day included, Jennifer Haigwood, NCDOL director of Administration and Governmental Affairs, and Fleda Anderson, eastern district supervisor of the Consultative Services Bureau.

The next OSH Advisory Council Meeting is scheduled for Wednesday, Nov. 20, 2019, in Asheboro. The meetings are open to the public.



NCDOL Photo Library

*During the OSH Advisory Council meeting, Beth Rodman, ASH Bureau chief, presents information about the ASH Bureau and migrant housing pre-occupancy inspections. The first meeting of 2019 was held in Raleigh Wednesday, May 8, 2019.*

## 2019 OSHA Standards Books Available

By Melissa Scally, Safety Standards Officer





The Education, Training and Technical Assistance Bureau recently received the new standards books for general industry and construction. The new books include all standards adopted through January 2019. For a quick overview of recently adopted standards, reference our standards information and activity webpage. In addition, USB Flash Drives are now available and have replaced CDs due to technological advancements. The price remains \$37 for the general industry standards and \$32 for construction. Order **online** or call 919-707-7876.

The books include the state-specific standards adopted in the N.C. Administrative Code in addition to the federal OSHA standards. Construction books also include the Occupational Safety and Health Act of North Carolina.

“The books contain several great features again this year,” said Hollis Yelverton, supervisor of the ETTA Standards Section. “The color-coded RegLogic system is used in the state-specific section as well as the federal section. The color coding makes the standards easier to read. The construction industry standards book also contains an insert that lists all the general industry standards that are referenced in the construction standards.”

The books include free online access to the standards called Regs2Go™. When you buy either the 1910 or 1926 book, you will receive a serial number on the page after the state-specific standards, so you can register online. Just set up a free account with your name and email address, enter the serial number and start reading!

### What are the Benefits of Regs2Go™?

-  Access the regulations online via your computer, tablet or cell phone.
-  Works on Windows, Android and Apple products.
-  Search function allows you to jump to the topic at hand.
-  Highlights letters of interpretation and recent changes.

# Annual Special Star Team Member Training Held in Raleigh and Greensboro

By LaMont Smith, Recognition Program Manager

The Carolina Star Program conducted its 11th Annual Special Star Team Member (SSTM) Training March 19–21 in Raleigh. Another training session was held April 2–3 in Greensboro.

The SSTM Program is designed for participants associated with the Carolina Star Program. The program is North Carolina’s version of federal OSHA’s Special Government Employee Program. SSTM Program participants work together in partnership with Star Program staff while conducting comprehensive worksite safety and health evaluations.

This volunteer program benefits the NCDOL Carolina Star Program by supplementing its worksite Star evaluation teams. In addition, the SSTM Program allows industry, SSTM participants and NCDOL the opportunity to collaborate and share best safety practices.

Since the inception of the SSTM Program in 2009, nearly 300 participants have been trained. The 2019 class included two initial SSTM training classes and one SSTM recertification training class. A total of 27 participants received initial training while nine participants were recertified as SSTMs. The SSTM training class curriculum continues to evolve and primarily focuses its training efforts on evaluating safety and health management systems, hazard recognition and the Star Program worksite evaluation process.

As the Carolina Star Program continues to grow, maintaining a high standard of excellence will remain the goal. Therefore, continued growth of the SSTM Program is essential to the future success of the Carolina Star Program.



NCDOL Photo Library

SSTM participants attend the 11th annual recertification training in Raleigh held Tuesday, March 19, 2019. (Second Row, L–R): Mark Hernandez, GE Lighting; Charles Dickerson, BSH Home Appliances Corp.; Timothy Jarman, Butterball; John Dyer, Veolia; Terry Williams, GE Aviation; LaMont Smith, NCDOL. (First Row, L–R): Jessica Foster, Southern Industrial Constructors; Carlene Harris, NCDOL; Mark Campbell, GE Hitachi Nuclear; Tony Byrum, Nucor Steel; Stephanie Kraybill, Kraybill and Associates.



NCDOL Photo Library

SSTM participants attend the 11th annual initial training in Raleigh held March 20–21, 2019. (Second Row, L–R): LaMont Smith, NCDOL; Mark Gurley, Robins and Morton; Tony Jordan, Resolute Building Co.; Joe Long, NCDOL; Samuel Sharp, RGD Project Management, Inc.; James Spratley, Choate Construction Co.; Sean Ward, Veolia; Mark Logue, Kellogg; Christopher McGee, McDonald York; Joseph Davis, NCDOL. (First Row, L–R): Alex Ramos, Balfour Beatty Infrastructure; Michelle Evans, NCDOL; Erin Wroblewski, Biogen; Dora Venegas, Sonoco Recycling; Eric DeWolf, RGD Project Management Inc.; Mike Grose, Nutrien; Jared Selkirk, Robins and Morton.



NCDOL Photo Library

SSTM participants attend the 11th annual initial training in Greensboro held April 2–3, 2019. (Second Row, L–R): Bobby Maner, Facility Logistics; Rodney Nichols, Metcon; Michael Turnbull, ABB; Julie Martin, NCDOL; Sheldon Monroe, Robins and Morton; C. Powell, TE Connectivity. (First Row, L–R): LaMont Smith, NCDOL; Bettina Michael, Cintas Corp.; Angela Short, Westrock; Michael Pope, Syngenta; Marshall Tuck, Samet Corp.; Lynne Caviness, TE Connectivity; Michelle Evans, NCDOL.



Click here to learn about

**HEAT STRESS**

# Safety Events Promote Campaign to Prevent Falls in Construction

By Mary Katherine Revels, Public Information Officer

Every year around the first of May, federal OSHA promotes the National Safety Stand-Down to Prevent Falls in Construction. The campaign encourages employers to set aside time to discuss the importance of fall prevention measures. This year, the stand-down was held the week of May 6–10.

The N.C. Department of Labor has participated in the OSHA campaign for many years. Several months ago, the planning began for the construction forums that would take place in both Concord and Raleigh during the week of the campaign. The two events were hosted in collaboration with NCDOL alliances and industry partners including Builders Mutual Insurance Co., Carolinas AGC, Baker Roofing, Industry Expansion Solutions, NCALGESO, NUCA of the Carolinas, Lamar Advertising, the Safety and Health Council of North Carolina and the Kimmel School of Construction Management.

“Part of our effort in outreach, training and education for the fall stand-down campaign is to host a couple of events that would include our alliances and industry partners and specifically focus on the top four hazards in construction,” said Marcy Collyer, Education, Training and Technical Assistance Bureau training supervisor. “The total count for the construction forums was 96 attendees and I think that is a pretty good outreach for the fall stand-down.”



*The Education, Training and Technical Assistance Bureau collaborates with PBC Design & Build in Wilmington during the National Safety Stand-Down to Prevent Falls in Construction. The event, held Wednesday, May 8, 2019, was designed for workers to pause and learn about the serious dangers of falls in the construction industry.*

“Companies gather with their workers to discuss topics such as ladder safety, scaffolding safety and roofing work safety. Falls are the leading cause of death in the construction industry, so we must work together to prevent them.”

The National Safety Stand-Down to Prevent Falls in Construction campaign has become a nationwide effort to remind and educate employers and workers of the serious dangers of falls. NCDOL collaborates with alliances and industry partners to provide an opportunity for employers to pause work and have a conversation with workers about fall hazards, protective methods, and the company’s safety policies, goals and expectations. Also, this week provides an opportunity for workers to talk to management about fall hazards they see and how to prevent them in the future.

“As safety and health professionals, we need to spread the word about preventing workplace hazards,” said Kevin Beauregard, director of the NCDOL OSH Division. “I thank each of you for your continuing efforts to make North Carolina workers safe.”

If you or your company participated in the National Safety Stand-Down to Prevent Falls in Construction, please share your story on social media with the hashtag #StandDown4Safety.



*Attendees at the Raleigh Construction Forum listen to a presentation from Andy Sterlen, NCDOL health education specialist, about electrical safety, Thursday, May 9, 2019.*

Speakers from several of the alliances presented during the forum. Topics included fall protection, excavation and trenching, electrical safety and struck-by hazards. To close out the Raleigh forum, a safety and health panel was assembled with experts that work closely with NCDOL to partner for the safety and health of workers in the construction industry.

In addition to the construction forums, the Education, Training and Technical Assistance Bureau conducted an on-site training event in Wilmington with the help of Builders Mutual. During the event, the Labor One mobile classroom was used to provide hands-on training on a variety of safety and health topics. Risk management trainers from Builders Mutual presented bilingual safety talks while NCDOL staff demonstrated proper wear and use of personal protective equipment during the tailgate-type education event.

“The stand-down is an opportunity for employers to take some time during the work week to pause and talk about fall protection and prevention,” said Robert O’Neal, NCDOL safety education specialist.

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# General Contractor for Mission Hospital Certified as SHARP Construction Site

By Dolores Quesenberry, Director of Communications

NCDOL recently certified Brasfield & Gorrie as a SHARP Construction site after the successful completion of the \$400 million addition to the Mission Hospital for Advanced Medicine in Asheville. During the construction phase of the major project, Brasfield & Gorrie, the general contractor, experienced no major work-related accidents or injuries to the many employees and subcontractors who worked at the jobsite.

Labor Commissioner Cherie Berry attended the closing ceremony and presented employees and company officials with the SHARP completion certificate at the Mission Hospital jobsite on Tuesday, April 23.

“This project is your legacy and what a wonderful, living, breathing legacy it is. You can say, I helped build that,” Commissioner Berry said. “I commend Brasfield & Gorrie because you take care of each other. Without you, we could not have reached the state’s historically low injury and illness rate.”

SHARP for Construction is administered by the OSH Division’s Consultative Services Bureau. The bureau began working with Brasfield & Gorrie on the expansion project in 2016, shortly after the company requested an evaluation of its jobsite. The program is voluntary, so companies initiate the initial visit. At the first site visit, a consultant evaluated work practices at the jobsite and identified any safety and health hazards that needed to be addressed.

“This is the first completed SHARP in construction for the west district,” said Nelson Edwards, NCDOL western district supervisor. “The project was a huge undertaking for Brasfield & Gorrie and Mission Hospital. Mark Luniewski, NCDOL safety consultant, and Lee McKinney, NCDOL health consultant, worked with Brasfield & Gorrie and the subcontractors to help make this happen. We appreciated the opportunity to partner with Brasfield & Gorrie and the subcontractors as they closed out this site. The new relationships that we have developed with Brasfield & Gorrie as well as their subcontractors will be most useful as we move to start a new SHARP construction with them in the Charlotte area.”

SHARP construction sites engage all workers, subcontractors and management at all levels in developing a safety culture. Because of this, SHARP construction sites boast lower costs and higher productivity.

“We drilled almost 6,000 holes to plant explosives, totaling over 15 miles in length,” said Bob Williford, project director of the Mission Hospital for Advanced Medicine addition. “More than 87,000 pounds of explosives were detonated on site, which yielded over 85,000 cubic yards of blasted material. We excavated and removed over 15,000 truckloads of material off site. Enough drywall was installed to cover about 20 football fields and about 90,000 square feet of masonry was installed. The exterior has over 170,000 square feet of metal panels. There are 16 new elevators serving the facility.”

Once completed, the hospital’s new 12-story patient tower will boast 220 patient beds in a dramatically expanded emergency department, consolidated operating rooms and interventional cardiology and radiology capabilities.

“It has been a privilege working with the N.C. Department of Labor,” said Kurt Brown, Brasfield & Gorrie safety manager of the Mission Hospital jobsite. “We had 4,800 orientations for site safety and 2,500 silica awareness training sessions. We are always working to get better.”

This is the first SHARP certification for the Mission Hospital jobsite.



Labor Commissioner Cherie Berry presents the SHARP certificate to Brasfield & Gorrie during a certification ceremony at the Mission Hospital jobsite. The event was held Tuesday, April 23, 2019. (L-R): Bob Williford, project director; Kurt Brown, safety manager; Commissioner Berry; Matt Ramey, project manager; Brian Swinks, regional safety director.



Be sure to check out the NCDOL podcast, *Inside NC Labor*. Episodes 12 and 13 include special guests Bill Stricker, Carolinas AGC (left), Marcy Collyer, Education, Training and Technical Assistance Bureau; Wendy Shepherd, Southeastern OTI Education Center; Roger Richards, Sanders Utility Construction Co.; Brett Sondergard, United Rentals; and Ron Adams, Baker Roofing (right). *Inside NC Labor* is designed to inform and educate North Carolina citizens on the role that the Department of Labor plays in state government.

# OSH Division Signs New Alliance with Western Carolina University's Kimmel School of Construction Management

By Natalie Bouchard, Public Information Officer

An important new relationship formed Wednesday, April 17, when NCDOL's Occupational Safety and Health Division and the Kimmel School of Construction Management of Western Carolina University signed a two-year alliance agreement. The signing ceremony was held in Labor Commissioner Cherie Berry's conference room in the Labor Building.

A representative from Western Carolina University's Kimmel School of Construction Management, Dr. Ahmed Al-Bayati, signed the agreement alongside Commissioner Berry and Kevin Beauregard, director of the NCDOL OSH Division.

"The OSH Division is excited about the new alliance with the Kimmel School of Construction Management," said Marcy Collyer, Education, Training and Technical Assistance Bureau training supervisor. "We look forward to working with Dr. Al-Bayati and his team to improve public outreach, as well as enhance our internal training programs for field staff."

Western Carolina's Construction Management program is accredited by the American Council for Construction Education. The curriculum of the program was designed to cater to both the program members and the construction industry as students transition from the classroom to the field.

"I am very excited about our new alliance with the Kimmel School of Construction Management," said Kevin Beauregard, director of the NCDOL OSH Division. "Our collaboration with WCU employees and students in construction safety is an opportunity to promote the importance of safety and health with future leaders in the construction industry. I believe there is also an unlimited untapped potential in regard to developing new technologies in an academic setting that can be utilized in the near future to assist us with our goals of reducing the rate of injuries, illnesses and fatalities in the construction industry."

An alliance is formed for a period of two years with the option to renew the alliance for an additional year. The purpose of an alliance is to foster safer and more healthful workplaces, offer guidance that aids in reducing and preventing exposure to recognized occupational hazards and increase access to safety and health information and training resources.

Under the alliance, the OSH Division and the Kimmel School of Construction Management of Western Carolina University will work together to achieve certain training and educational goals, outreach and communication goals, and to promote a statewide dialogue on workplace safety and health.

## Some specific projects for the alliance include:

- ❖ Interactive silica outreach training for construction workers.
- ❖ Improving construction technical training for NCDOL staff, utilizing some of the course content in the KSCM curriculum.
- ❖ Incorporating virtual reality technology into safety training.

Each of these projects will involve collaboration between the two entities including training development, review and feedback as the course content overlaps with OSH regulations.

A major project mentioned by Dr. Al-Bayati at the alliance signing was the future use of virtual reality technology in fall-protection training. Virtual reality training scenarios are designed to be retained by users more efficiently due to their immersion in a simulated worksite.

"I applaud the Kimmel School of Construction Management and Dr. Al-Bayati for fostering such a comprehensive and accessible program," said Labor Commissioner Cherie Berry. "The program is advanced in its use of technology, including virtual reality, designed for working individuals, and ensures that workers have the tools they need to create a safe and healthy work culture wherever they are."



Kevin Beauregard, director of the NCDOL OSH Division; Labor Commissioner Cherie Berry; and Dr. Al-Bayati sign an alliance agreement between NCDOL's Occupational Safety and Health Division and the Kimmel School of Construction Management of Western Carolina University. The signing took place Wednesday, April 17, 2019.



Be sure to check out the NCDOL podcast, **Inside NC Labor**. Episodes 10 and 11 include special guests Nick Vincelli, NCDOL librarian (left), Wendy Laing, NC State Industry Expansion Solutions; Marcy Collyer, Education, Training and Technical Assistance Bureau; and Matt Thompson, Safety and Health Council of North Carolina (right). **Inside NC Labor** is designed to inform and educate North Carolina citizens on the role that the Department of Labor plays in state government.

# DEADLY

## Mistakes



By Judyth Niconienko, State Plan Coordinator

**Fatal Event:** On March 14, 2016, a 38-year-old man died when he was struck by a motor vehicle while performing landscaping and lawn care services in a residential neighborhood.

**Investigative Findings:** The employee had worked for 10 years with the company and was the acting foreman on the day of the accident. The company performed numerous activities including: landscaping design and installation and residential/commercial landscaping and lawn care services. At the time of the incident, several employees were working in multiple yards in a residential neighborhood.

The employee/foreman had crossed the main thoroughfare in the development several times to check on the different worksites. His truck was parked at the curb and at the time of the incident he was loading tools into it from the roadside. Another employee saw a car coming down the road and yelled to him. As the victim turned he was struck by a car. The employee suffered serious internal injuries resulting from blunt force trauma to his chest and abdomen and subsequently died.

Employees at the site were wearing light blue, long-sleeve shirts that were provided by the company. When the company owner was interviewed, he stated that he did not provide high visibility safety apparel for his staff as he didn't think they needed it in that environment.

**Discussion:** There was no hazard assessment made of the work area and there was no discussion with the employees about the possible dangers that they might encounter before the job began. The fact that the owner had not identified the risks and provided the correct high visibility clothing to the employees gave them a false impression that residential work equates to a safe working environment.

A traffic-control plan had not been implemented which should always be done when employees are working in or alongside roadways. The plan should have included a strategy for alerting motorists to the presence of workers. Employees performing activities adjacent to roadways should always wear high-visibility colors such as reflective safety vests and stay cognizant of the traffic around them. Motor vehicle accidents are the leading cause of fatal accidents among landscapers.

### Recommendations:

- ✖ All employers should develop, implement and enforce a comprehensive safety program that includes written rules and safe work procedures.
- ✖ Before beginning work at any new jobsite, an initial and daily jobsite survey should be completed to identify all hazards and implement appropriate controls.
- ✖ A traffic-control plan should always be required when employees will be working in or alongside roadways. The plan should include a strategy for alerting motorists to the presence of workers by using cones, signs and possibly flaggers. Evaluate the situation from the perspective of drivers, cyclists and pedestrians and take necessary precautions for blind corners or curves, time of day, width of road and other vehicles parked in the road.
- ✖ Temporary-traffic-control devices should be chosen for each situation. There is not a one-size-fits-all option. Some areas require barricades while high visibility cones could work in others. Use traffic signs that are visible and provide enough time for drivers to react. Safety cones and high visibility safety triangle markers should be used when vehicles are parked along the road. The Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD) contains guidelines for signage and barricades for different situations.
- ✖ All necessary personal protective equipment (PPE) shall be provided by the employer. Provide flaggers and employees working near roadways with, and make sure they wear: high-visibility safety apparel, hard hats, safety glasses, hearing protection and other necessary PPE.
- ✖ Employees should not stand in a roadway if they can complete a task without doing so. When working alongside a road, employees should stay back as far as possible from the roadway's edge.
- ✖ Employee working adjacent to roadways should not turn their backs to oncoming traffic. Since equipment noise and hearing protection could prevent the user from hearing approaching vehicles, employees should always face oncoming traffic. If a worker is standing in the road (to clear leaves, debris or other items) and vehicles are approaching around a curve where motorists' visibility is otherwise compromised, a co-worker should be placed where he/she can see oncoming traffic and alert other employees.
- ✖ Employers and employees need to follow federal, state and local regulations. Businesses are required to follow OSHA standards for signs, signals and barricades, NCDOT regulations, Federal Highway Administration's MUTCD and local regulations.

## WORKPLACE WORRIES



By Kisha Holmes, Bureau Chief, Wage and Hour Bureau

**Question:** Can my employer lower my salary or hourly wage?

**Answer:** Yes, but the employer must notify the employee in writing or through a posted notice that is accessible to the employees at least 24 hours prior to any changes in a promised salary or a promised hourly wage.

**Question:** My 14-year-old daughter was told she could not work at a restaurant that allows customers to consume alcohol onsite. Is this true?

**Answer:** Yes, youths that are 14 or 15 years old are not allowed to work at any establishment that maintains an ABC on-premise permit or serves alcohol for on-premise consumption. If the youth obtains written consent from their parent or guardian, they may be employed on the outside grounds of the premises if they are not preparing, serving, dispensing or participating in the sale of alcoholic beverages.







# Bulletin Board

## Mine and Quarry Training

### New Miner Training

June 17–19, Marion  
July 22–24, Spruce Pine

### Part 46 New Miner Training

June 4, Kings Mountain  
June 18, Greensboro

### Annual Refresher Training

June 20, Marion  
July 25, Spruce Pine

### First Aid/CPR Training

June 5, Kings Mountain  
June 19, Greensboro

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

## 10-Hour Construction Industry Awareness Course

**July 10–11, Raleigh**

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.

## 30-Hour Construction Industry Awareness Course

**Aug. 19–23, Hickory**

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.

## Eastern Carolina Safety and Health Conference

**June 19–21, Greenville**

Click [here](#) for more information.

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Inside NC Labor

## 10-Hour General Industry Awareness Course

**Sept. 11–12, Raleigh**

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 General Industry Safety and Health Standards, 29 CFR 1910.

**1-800-625-2267**  
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