



NCDOL

N.C. Department of Labor

Cherie Berry, Commissioner

Labor LEDGER

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Caterpillar Facility in Sanford Receives Fifth Carolina Star Recertification

By Natalie Bouchard, Public Information Officer

Employees of Caterpillar Inc. in Sanford celebrated their fifth Carolina Star recertification on Wednesday, July 8. Labor Commissioner Cherie Berry attended the celebration to deliver remarks and to present Caterpillar with the acrylic star for their Carolina Star recertification. This site was initially certified as a Rising Star site in January 2003 and received the eighth consecutive year Gold Safety Award at last year’s Sanford Safety Awards Banquet.

In accordance with social distancing protocol and to slow the spread of COVID-19, the ceremony was held outdoors. As a precaution, all participants were screened for symptoms and had their temperature taken before entering the recertification ceremony. Masks were required to be worn by all. This is the first event that Commissioner Berry has attended since March of this year, due to cancellations that occurred because of COVID-19.

“At NCDOL, the safety of employees and employers is always the number one priority,” Labor Commissioner Cherie Berry said. “This ceremony was no different. I was elated to meet with the hardworking employees of this Caterpillar facility and congratulate them for their dedication to safety, but we did not take this opportunity lightly. Every precaution was taken to ensure that this ceremony prioritized safety and health for the event’s participants.”



Employees of Caterpillar Inc., Sanford facility, pose with the acrylic Carolina Star while social distancing and wearing masks. This is the facility’s fifth time being recertified as a Carolina Star.



Labor Commissioner Cherie Berry talks with Caterpillar employees, from a safe distance, after their Carolina Star recertification ceremony held Wednesday, July 8.

The Caterpillar facility in Sanford has been in operation for 21 years and is known as the worldwide source of skid steer, multi-terrain and compact track loaders. The type of factory work at this facility includes track and robotic welding, computer-controlled machining, powder topcoat painting, modular sub-assembly, on-site product designing, development and performance testing, and pre-delivery inspecting.

Otto Breitschwerdt, general manager, gave the opening remarks at the ceremony. He commented on the importance of safety culture in the workplace.

“Safety is a value and something we live every day at the Sanford facility,” Breitschwerdt said. “We are honored to accept this recertification award but realize that safety is a journey and our goal is to achieve a behavior that drives us to always be vigilant for safety.”

Being a Carolina Star is a unique and coveted accomplishment. The program is designed to recognize employers and employees who have implemented effective safety and health management systems and maintain

injury and illness rates that meet the criteria for participation. Commissioner Berry also commended the facility on its achievement.

“I can’t thank this facility enough for what they do every single day,” Commissioner Berry said. “You can’t have a good safety and health program unless everybody at the facility takes care of each other. I’m so glad to have the opportunity to recertify Caterpillar’s Carolina Star designation—they are truly among the best in the state. They should be letting everyone know that they have achieved Carolina Star and they’ve gone even further by being recertified for the fifth time.”

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**From Labor
Commissioner
Cherie Berry**

In July, I attended a Carolina Star recertification ceremony at Caterpillar Inc. located in Sanford. Caterpillar was initially certified as a Rising Star site in 2003 and was celebrating its fifth Carolina Star recertification. With close to two decades in the Carolina Star Program, I really wanted to be there.

The event was held outdoors and was limited to 15 employees who all wore face masks. It was thrilling for me to have the opportunity to be with some of the folks at Caterpillar and personally thank them for their continued efforts to maintain workplace safety and health, especially during a pandemic.

The Caterpillar ceremony is a great example of how employers and employees can connect responsibly by following the proper social-distancing protocols and wearing face masks. If you would like to learn more about the event, please return to the front page of this edition of the Labor Ledger.

The pandemic has forced all of us to conduct business a little bit differently and our agency is no exception. Our Occupational Safety and Health Division is conducting virtual consultative visits with employers and employees throughout the state who have requested assistance with their safety and health programs. It is an adjustment for everyone, but the new method is working and allowing us to connect with businesses across the state.

We are also working with the various chambers of commerce and the Safety and Health Council of North Carolina to come up with a creative way to recognize all safety award recipients whose annual regional banquets were postponed due to the pandemic. If you are one of those award recipients, please stay tuned, as we plan to make an announcement soon.

Stay well,

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**.

Building Star *Recertification

Resolute Building Company, *Chapel Hill**

Carolina Star *Recertification

Eaton Corporation – Asheville Plant, *Arden**

Energizer Holdings Inc. – Plant No. 1, *Asheboro**

Firestone Fibers & Textiles Company LLC, *Kings Mountain**

Rising Star *Recertification

Cataler – North America, *Lincolnton**

Thermo Fisher Scientific LLC, *Asheville*

SHARP *Recertification

Lee County Industries Inc., *Sanford**

Haynes International dba Haynes Wire Company, *Mountain Home**

Southland Electrical Supply Inc., *Burlington**

Edwards Wood Products Inc., *Marshville**

Mohawk Industries, *Eden**

Cape Hatteras Electric Cooperative, *Buxton**

Snap-On Power Tools Inc., *Murphy**

Metal Recycling Services LLC, *Monroe**

Carolina Solar Services LLC, *Durham*

Metal Industries Inc., *Marion**

Joseph T. Ryerson & Son Inc., *Charlotte**

Sonoco Recycling Inc., *Charlotte**



Cherie Berry
Commissioner of Labor

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Protect Workers From Heat Stress

By Ed Geddie, Health Standards Officer

Now that the summer season has arrived, the N.C. Department of Labor is urging businesses and employees who work in hot and humid environments during the summer months to exercise caution and know the signs of heat stress. This is especially important with the requirement in the June 26 Executive Order from the Office of the Governor requiring the citizens of North Carolina to wear face coverings, with some exceptions, to control the spread of COVID-19 (Coronavirus Disease 2019) in indoor settings and when social distancing (6 foot separation) is not practical. The N.C. Department of Labor has partnered with the National Institute for Occupational Safety and Health (NIOSH) and OSHA to promote OSHA's original Heat Safety Tool, a downloadable app for cell phones.

Extreme heat causes more deaths than any other weather-related hazard. Each year more than 65,000 people nationally seek medical treatment for extreme heat exposure. In North Carolina, **1,205 heat-related emergency department visits** occurred between May 1 and July 18.

The department has an informational web page on heat stress on the **NCDOL website**. In addition, a prerecorded webinar on heat stress is available and can be accessed from the **NCDOL website**.

The heat stress app is available through the **NIOSH website**, which provides information to help keep workers safe when working outdoors in hot weather.

The department's heat stress initiative began in 2007 and has continued to provide employers and workers with resources to use when temperatures approach dangerously high levels.

"Each year extreme conditions can cause any number of health-related illnesses for workers in North Carolina," Occupational Safety and Health Director Kevin Beauregard said. "Those who come to North Carolina to work sometimes have difficulty adjusting to the humidity in the South so it's important that we continue to educate workers on what they can do to best combat extreme temperatures."

When the body is unable to cool itself by sweating, several heat-induced illnesses can occur. These include heat cramps, heat exhaustion, and heat stroke, the most severe of these.

Heat cramps are usually the result of hard physical labor in a hot environment, often resulting from an imbalance of electrolytes in the body. Heat exhaustion is a result of the combination of excessive heat and dehydration. Untreated heat exhaustion can lead to heat stroke, which is the most serious disorder associated with heat stress and can be deadly if not properly treated.

The department's Occupational Safety and Health Division has developed additional materials to help employers and employees recognize and prevent heat-induced illnesses before the condition escalates to the more severe heat stroke. The OSH Division, which comprises Consultative Services; Education, Training and Technical Assistance; Agricultural Safety and Health; Compliance; and Planning, Statistics and Information Management, is working collectively to reach farmers, factory workers, construction workers and highway crews that are at an increased risk of exposure to heat-related illnesses.

The department would also like businesses across the state to share with us interesting ways they are beating extreme heat via its #BeatTheHeat social media campaign. Employers can share their stories with the department through **Facebook**, or by sending a tweet to **@NCDOL** on **Twitter**.

2020 OSHA Standards Books Available

By Hollis Yelverton, OSH Standards Supervisor





The Education, Training and Technical Assistance Bureau has received the new standards books for general industry and construction. The new books include all standards adopted through January 2020. Reference our standards information and activity webpage for a quick overview of **recently adopted standards**. In addition, USB Flash Drives are available for purchase. The price remains \$37 for the general industry standards and \$32 for construction. **Order online** or call 919-707-7876.

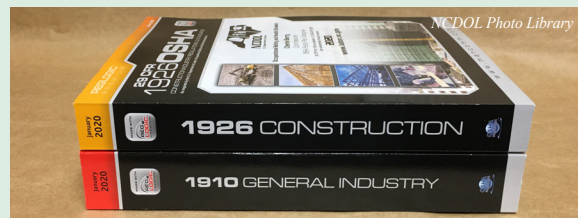
The books include the state-specific standards adopted in the N.C. Administrative Code in addition to the federal OSHA standards. Construction books also include the Occupational Safety and Health Act of North Carolina.

The books contain several great features again this year, including the color-coded RegLogic system, which is used in the state-specific section as well as the federal section. The color coding and formatting makes the standards easier to read.

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.



Frequently Asked Questions: COVID-19

The Education, Training and Technical Assistance Bureau recently developed a list of frequently asked questions pertaining to COVID-19. The list includes common questions and answers about workplace requirements, guidelines and employer responsibilities. Listed below are some of the most topical questions and answers, but the full list can be found on **NCDOL's website**.

Question 6. *I recently read an article on social media indicating that wearing a face mask could put you at risk of breathing air that is oxygen-deficient. OSHA requires employers to provide employees with air that is at least 19.5 % oxygen. Does this mean that I can refuse to wear a face mask while at work?*

Answer 6. Cloth face coverings are not considered a respirator or PPE and are not covered by any OSHA standard. Their purpose is to control the spread of infection by the SARS-CoV-2 virus, the virus that causes COVID-19. Face coverings are primarily designed to protect those around the wearer from exposure to droplets the wearer may expel from the mouth or nose when sneezing, coughing or even talking. This is especially important because people can spread the virus when they don't feel sick. A face covering, like a surgical mask, pulls air through the fabric into the worker's lungs when they inhale through the nose and mouth. There is no scientific evidence that a cloth face covering would restrict oxygen levels in the breathing air. The governor's June 24 **EO No. 147** requires a face covering be worn by most people statewide when in public and in working environments. The face covering provisions of the EO are not enforced by the state OSH Division, but can be enforced by state and local law enforcement.



Labor Commissioner Cherie Berry and Scott Mabry, OSH Division assistant deputy commissioner, work at a safe distance while wearing their face coverings in the Old Revenue Building in Raleigh.

Question 8. *If I am required to wear a face covering while working indoors in hot, humid conditions, does my employer have to provide air conditioning?*

Answer 8. No, employers are not obligated to maintain the workplace within any temperature range. Therefore, your employer is not required to provide air conditioning during summer months even though you must wear a face covering while at work. The requirement to wear a face covering in public for protection against COVID-19, especially when social distancing is not possible, includes while at work. This mandate, which can be found in the governor's June 24 **EO No. 147**, does contain several exceptions. Please note that the requirements of this or any other EO are not enforced by the state OSH Division, but can be enforced by state and local law enforcement. Employers are required by the OSH general duty clause to provide employees with working conditions that are free from recognized hazards, such as heat stress, that can cause serious physical harm or death. This means that employers would be expected to have a heat stress management program in place, which could include employee training, regular water breaks and allowing employees to take rests in cooler areas. Employees may need to take more frequent breaks to cool off and drink water than they would if face coverings were not required. Additional information on heat stress programs can be found on the NCDOL Safety and Health Topic page on **heat stress**.

Question 9. *My employer and/or a business is not following the face covering requirements, 6-foot distance recommendation for social distancing, the maximum number of individuals for a gathering and/or other guidance addressed in state and local emergency orders such as N.C. Executive Orders. Does NCDOL enforce these requirements?*

Answer 9. No. **Executive orders** and other local orders are enforced by state and local law enforcement.

Notice of Public Hearing on Proposed Rule Changes

The N.C. Department of Labor's Elevator and Amusement Device Bureau is proposing amendments to its rules, several of which include inspection fee increases. The proposed rule changes may be viewed on the **NCDOL website**. All rules for the N.C. Department of Labor are found in the North Carolina Administrative Code.

The Legal Affairs Division of NCDOL will hold a public hearing concerning the proposed changes to the Elevator and Amusement Device Bureau rules. The hearing, slated for Tuesday, Aug. 25, at 2 p.m., will take place via **Lifesize**, a video-conferencing platform used by state agencies.

Interested parties may also join the meeting by telephone or mobile phone in the U.S. by dialing 1-312-584-2401 (4569841#). If you are calling from a Lifesize conference room system, just dial 4569841 with the keypad. You may also join the call by **clicking here**.

Written comments or questions should be directed to Jill Cramer, General Counsel and Rulemaking Coordinator, N.C. Department of Labor, 1101 Mail Service Center, Raleigh, NC, 27699-1101, or jill.cramer@labor.nc.gov.

The fiscal note has been approved by the Office of State Budget and Management and is available upon request. The public comment period ends Oct. 2.

DEADLY Mistakes



By Judyth Niconienko, State Plan Coordinator

Fatal Event: On June 1, 2018, a 35-year-old man was removing old insulation from an attic space and fell 8 feet from an unguarded attic access/egress point to the floor below.

Discussion: Two employees had been sent to a residential property to remove old insulation from an attic space and replace it with higher thermal rated insulation.

The attic was accessed through a 54-by-24 inch hinged, retractable attic door with a collapsible ladder attached. The attic floor was solid and the only opening in the floor was the retractable attic door and ladder. A vent in one of the attic gables had been removed to allow for the disposal of the old insulation.

The insulation would be thrown out of the gable end and land in the dump bed of a truck that had been parked below. When the employees were set up and ready to start work, they walked to the upstairs hallway, pulled down the retractable door and climbed the ladder into the attic space. The employees closed the attic door behind them, as instructed by their employer, to prevent debris from falling into the occupied space below.

The employees worked steadily while removing the old insulation and throwing it out of the gable opening. During the trips back and forth, one of the employees unwittingly stepped on the access door, which opened, and he fell 8 feet to the hardwood floor below.

The retracted attic access door was not guarded by a railing, temporary cover or any other temporary barrier that would have the strength and structural integrity to support the employees safely or that would have prevented an accidental fall through the opening.

The employer indicated that most of their work was in new construction and that employees were told to find discarded plywood at the site and cover any attic access points while they were working. In occupied residences, the employer told employees to close the access door to prevent a fall hazard. The employer also indicated they do not provide any type of device to protect attic openings at any worksite.

Working around any floor opening is a risk. One moment of forgetfulness or loss of balance could cause a fall through an opening. Each year, many deaths and injuries during construction projects are associated with openings in floors. These accidents occur because openings are not properly covered or because hole coverings are constructed from unsafe material.

Recommendations:

- ✖ A job hazard analysis should have been conducted at the workspace to determine what safety hazards were present and what safety systems could be put in place to ensure a safe work environment for employees.
- ✖ The preventive measures should be documented and discussed with employees and safety systems should be provided.
- ✖ The safety systems should have been installed before work began.
- ✖ Openings in floors need to be identified and protected as it is easy for employees to forget, while working, that an area of the floor is not solid.
- ✖ Provide enough light to ensure the openings and barriers are visible.

WORKPLACE WORRIES



By Kisha Holmes, Bureau Chief, Wage and Hour Bureau

Q: Can an employer take away 50% of my tips?

A: No. The employer may reduce your tips by 15% if you are participating in a tip pooling arrangement. A tip pooling arrangement is when contributing employees combine 15% of their tips into a common pool and then divide the tips among the participating employees.



By Harriet Hopkins, Administrator
Retaliatory Employment
Discrimination Bureau

Q: I am a dental hygienist in a dental office that is planning to reopen soon. My employer has told me that I must sign a statement that I will not file for worker's compensation if I contract the COVID-19 virus. If I don't sign, I can't go back to work and I may be terminated. Can my employer do that?

A: Some employers are requiring these types of waivers, but the legality of them has not yet been tested in court. Even if you feel you are forced to sign a waiver, the waiver does not prevent you from filing a complaint with the N.C. Department of Labor regarding safety and health laws, wage and hour concerns, or retaliatory employment actions. However, if you refuse to waive your rights and are terminated, you may have a claim under the Retaliatory Employment Discrimination Act (REDA). An employer may not retaliate against you for exercising your rights under the N.C. Workers' Compensation Act or the Occupational Safety and Health Act. Refusal to waive your rights is exercising a right under the act. If you are terminated you can call our information line, 919-707-7941, and our staff will talk with you about your situation to determine if it falls under the protections of REDA.



Bulletin Board

Mine and Quarry Training

Please Check for Updates

MSHA New Miner Training

Aug. 24–25, Wilkesboro

MSHA Annual Refresher Training

Aug. 27, Wilkesboro

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

Complying With OSHA General Industry Standards Beginners Level

Sept. 23–24, Raleigh

Click [here](#) for more information.

This beginner's level two-day course will cover general industry standards, state specific standards for general industry and the recordkeeping standards. Upon completion, the attendee will know which standards apply to them, what requirements need to be met to comply with the applicable standards and most materials needed to meet the requirements. This includes a safety and health management program, PowerPoint presentations, training handouts, and an industry guide detailing the standards that have special requirements (i.e., inspections, tests, training, programs).

COVID-19 Related Pre-Recorded Webinars

- N95 Filtering Facepiece Respirator COVID-19
- Personal Protective Equipment in Construction Industry COVID-19
- Personal Protective Equipment in General Industry COVID-19
- Respiratory Protection COVID-19

Pre-Recorded Webinars

Visit the **OSH Training Schedule Calendar** to view upcoming internet training and other safety courses. Among the courses being offered include:

- ♦ Bloodborne Pathogens
- ♦ Ergonomic Awareness
- ♦ Health Hazards (SEP)
- ♦ Inspection Process
- ♦ Lockout/Tagout
- ♦ Fall Protection
- ♦ Recordkeeping
- ♦ Heat Stress
- ♦ Scaffolds
- ♦ Confined Space (Construction and General Industry)
- ♦ Toxic and Hazardous Substances
- ♦ Walking and Working Surfaces
- ♦ Occupational Noise Exposure
- ♦ Respirable Crystalline Silica
- ♦ Powered Industrial Trucks
- ♦ Hazard Communication
- ♦ Stairways and Ladders
- ♦ Respiratory Protection
- ♦ Machine Guarding

OSH Webinar Courses

Visit the **OSH Training Schedule Calendar** to view upcoming internet training and other safety courses. Among the courses being offered include:

- ♦ Recommended Practices for Safety and Health Programs
- ♦ Fall Protection
- ♦ Excavations and Trenching
- ♦ Lockout/Tagout
- ♦ Hazard Communication

Wage and Hour Presentations

Investigators from the Wage and Hour Bureau offer presentations to employers, employees, high schools and career development organizations. The presentation covers the provisions of the Wage and Hour Act, minimum wage, overtime, record keeping, wage payment and youth employment. The presentation is designed to enhance North Carolina citizens' knowledge on labor laws and to inform employers and employees of their rights and responsibilities in wage and hour matters. Investigators conduct the presentations onsite at schools or local businesses if there is a minimum of ten attendees.

To schedule a presentation, please email whbinfo@labor.nc.gov with the following information: requesting individual or business, location, desired topics, and preferred dates for presentation.

North Carolina Mine Safety and Health Conference

Rescheduled to Oct. 14–16, 2020

