Process for Obtaining Youth Employment Certificates Soon to Change

By Dolores Quesenberry, Communications Director

he online process for obtaining Youth Employment Certificates from the N.C. Department of Labor will soon change. The new process, which is currently being tested, will further ensure youths will not work in occupations deemed hazardous or detrimental by shifting the responsibility of answering the questions about the type of work being performed on the job from the youth to the employer.

"The Youth Employment Certificate is important because it alerts parents, teens and employers of certain prohibited jobs and hour limits for workers between the ages of 14 and 17," Labor Commissioner Cherie Berry said. "Over the years, we have found that many youths are not familiar enough with the work they will be doing to answer the questions on the certificate accurately. The new process eliminates this glitch by requiring employers to complete the online process that asks specific questions about the type of work performed on the job, and we are confident employers will understand this important change."

In North Carolina, 14- and 15-year-olds may only work between the hours of 7 a.m. and 7 p.m. when school is in session and no more than three hours on school days. In addition, 14- and 15-year-olds are not allowed to work more than eight hours per day on non-school days and no more than 18 hours per week when school is in session and no more than 40 hours per week when school is not in session. Between June 1 and Labor Day when school is not in session, they may work between 7 a.m. and 9 p.m.



The new Youth Employment Certificate process requires workers under 18 years of age to visit the NCDOL website to obtain their Youth Employment Identification (YEID) number. The youth will then provide the number to their employer when accepting a job. The Youth Employment Certificate must be signed by the youth, the parent/ guardian of the youth, and the employer prior to beginning work.

Teens under 18 years of age and older than 13 years of age can work in most office jobs or retail and food service establishments. They may not work in processing, mining or in many workplaces where goods are manufactured because of the hazardous nature of the work being performed. If an employer has an on-premise ABC permit, then teens under 16 years of age and at least 14 years of age may only work on the outside grounds with written consent from a parent or guardian as long as the youth is not involved with the preparation, serving, dispensing or sale of alcoholic beverages. For instance, a 14- or 15-year-old may work at the tennis courts or golf course at a private club but would not be allowed to work as a server or busboy if alcohol is served inside.

"Just as before, the certificate must be signed by the youth, the parent or guardian, and the employer before the youth begins work," said Kisha Holmes, bureau chief of the Wage and Hour Bureau. "Employers who fail to comply with this requirement or any youth employment requirement may be subject to a civil penalty for each violation."

The Department of Labor is following a business model developed and used by the state of Virginia's office that administers the youth employment certificates. There are five steps involved with the new process involving separate steps for youths, parents or guardians, and employers:

- Step 1: Youths under the age of 18 who are seeking employment access the N.C. Department of Labor website and register for their Youth Employment Identification (YEID) number. After providing required information, the youth will receive an email from NCDOL containing the YEID number and directing them to provide it to their employer. The numbers issued are unique to each youth and should be provided to all employers, regardless of the number of jobs applied for. Only one YEID number will be issued per youth.
- Step 2: The youth provides the employer with the YEID number, and the employer visits the NCDOL website to access the form and provide the required information about the job.
- Step 3: The youth receives an email with a link to go to the form on the NCDOL website and electronically sign the certificate. At this point, the youth will be asked to provide an email address for a parent or guardian.
- Step 4: Parent or guardian receives an email with a link to the form on the NCDOL website asking them to review and electronically sign the certificate, after which the employer will receive an email.
- Step 5: The employer will review and electronically sign the certificate. All parties receive a link to print the approved certificate. The employer is required to maintain the certificate on record for two years after employment ends or until the employee turns 20.

"The process for obtaining signatures has been streamlined by incorporating the ability to secure legally binding electronic signatures online," Holmes said. "We hope this step makes the process seamless for all parties involved while ensuring youths in North Carolina are doing age-appropriate work during the summertime or while school is in session."

For any questions about the process, please contact the Wage and Hour Call Center at 1-800-625-2267.



From Labor Commissioner Cherie Berry

In light of the COVID-19 coronavirus pandemic, the upcoming safety awards banquets scheduled throughout the state have been postponed. Based on guidance from the Department of Health and Human Services and the Centers for Disease Control, this is the right decision for now.

I am optimistic and encouraged that we will find a way to present all the hard-earned awards to businesses across the state as soon as this emergency health crisis passes. Eursula Joyner, the NCDOL safety awards coordinator, will work with the local chambers of commerce, the Safety and Health Council of N.C., and other sponsors to get these banquets rescheduled if possible. In the meantime, please continue to visit our website to check for updates, which will be posted on the safety awards banner on our main page.

All North Carolina government websites, including ours, have been updated with a link to the latest information about COVID-19 from DHHS. The page includes links to sources, such as the Centers for Disease Control, and contact information for county health departments.

The Labor Department will continue to offer safety and health training as we can, such as the Education, Training and Technical Assistance Bureau's online webinars on specific safety and health topics and our library's streaming video service. Our website also has a wealth of example programs, presentations on a wide variety of occupational safety and health topics, and other resources for you to use while we practice social distancing.

Please take care of yourself and stay safe until we meet again.





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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

Archer Western Contractors LLC-Walsh Group, Cary*

Carolina Star *Recertification

Caterpillar Inc., Sanford*

Cintas Corp., Location #200, Charlotte*

Cintas Corp., Location #205, Durham*

Facility Logistic Services, Corporate Office/Warehouse, Lexington*

Facility Logistic Services, Lexington Mill, Lexington*

Nucor Steel, Hertford County, Cofield*

Southern Industrial Constructors, GE Wilmington Site, Wilmington*

SHARP *Recertification

Bay Valley Foods LLC, Faison*

Cormetech Inc. Steele Creek Facility, Charlotte*

Clean Harbors Technical Services of the Carolinas, Reidsville*

Metal Recycling Services LLC, Gastonia*



Cherie Berry

Commissioner of Labor

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Safety Professionals Present Experience Rate Modifier Research

By Kevin O'Barr, Consultative Services Bureau Chief

On Feb. 21, Dr. Ahmed Al-Bayati, assistant professor at Lawrence Technological University, and I presented research results regarding the use of the workers' compensation experience modifier rate, or EMR, as a safety indicator at the Construction Institute Summit, sponsored by the American Society of Civil Engineers, in Los Angeles. The Construction Institute gives those in the industry resources to enhance skills and to network. The organization initiates activities, conferences and the development of internationally recognized standards to improve the future of the construction industry.

In 1992, the Legislature passed a law requiring employers with an EMR, which is assigned to the employer by the N.C. Rate Bureau, of 1.5 or higher to develop a written safety and health policy and have a safety committee if they have over 10 employees. It also requires the N.C. Department of Labor to notify those employers of this requirement.

"As a construction safety researcher, I strive to better understand the current safety management practices to fully utilize and improve them," Dr. Al-Bayati said. "The use of the Experience Modification Rate (EMR) as a safety prequalifier has substantially increased in recent years. This use raises a lot of questions since EMR has been designed as a tool for the insurance carriers to recoup costs on future premiums, not as a safety management tool. Therefore, I contacted Mr. O'Barr as soon as I read about the NCDOL's unique EMR program."



Consultative Services Bureau Chief Kevin O'Barr and Dr. Ahmed Al-Bayati, assistant professor at Lawrence Technological University, present research results regarding the use of the workers' compensation experience modifier rate (EMR) as a safety indicator to the Construction Institute Summit in Los Angeles on Feb. 21. The pair will be presenting the information again at the National ASSP conference at the end of June.

The N.C. Department of Labor requests and receives the employer information from the N.C. Rate Bureau. Those North Carolina employers listed with valid addresses are mailed a package that contains a cover letter explaining the action required, a copy of the rule that details the requirements of the Safety and Health Programs and Committees, a brochure of the on-site consultative services program offering free assistance to the employers, and a response card that the employer should complete and return.



Kevin O'Barr, Consultative Services bureau chief, presents research on the workers' compensation experience modifier rate on Feb. 21 in Los Angeles.

The research focused on the theory upon which the law is based—that the EMR can be used as an indicator for employers who need help with their safety and health management programs. There are known instances when the EMR may be high for an employer with a strong safety and health management system in place.

The research highlights when EMR is and is not a good indicator of safety performance, and the goal of the research is to aid the N.C. Department of Labor and improve the tools offered to employers throughout North Carolina to further assist them in strengthening their safety and health program and consequently reducing their injuries and illnesses, workers' compensation claims, and their EMR.

"We decided to carry a research study together to assess the reliability and validity of the EMR as a safety pre-qualifier," Dr. Al-Bayati said. "The study findings highlighted a lot of gray areas, which will help firms and safety personnel better utilizing EMR as a safety pre-qualifier. Overall, the study

successfully bridges the gap of knowledge regarding the safety and non-safety factors that contribute to the EMR value."

The use of EMR as a safety indicator appears to be used more frequently as an indicator of safety performance throughout the construction industry. The research results identify some shortcomings of that practice. We will be presenting the information again at the National American Society of Safety Professionals conference at the end of June. The peer-reviewed research is expected to be published later this summer.

As manager of the 1.5 EMR program, I wanted to know what was working with it and what wasn't working with it. The Labor Department has received many calls from employers explaining their situation and defending their safety program, so I knew anecdotally that there was a problem using the EMR as an indicator of safety performance. This research helped me identify fact from fiction and will provide good information for all parties that use EMR as a safety performance indicator.

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Four Growers Recognized at Annual Gold Star Growers Meeting

The Labor

Department

recognized

four growers

special

By Neal O'Briant, Public Information Officer

The N.C. Department of Labor presented special awards to four North Carolina growers during the 26th Annual Gold Star Growers Meeting held Friday, Feb. 7, at the McKimmon Center in Raleigh.

The Gold Star Grower Housing Program recognizes growers who provide farmworker housing that meets and exceeds the requirements of the Migrant Housing Act of North Carolina. These standards are required by law and are used during annual inspections performed by NCDOL's Agricultural Safety and Health (ASH) Bureau.

Occupational Safety and Health Division Director Kevin Beauregard read a statement from Labor Commissioner Cherie Berry. "The foundation of a safe workplace is the care an employer has for all his or her employees," Berry said. "I am very proud to know you, and I am proud to have been associated with you as North Carolina's commissioner of labor."



NCDOL presents the award for Most Improved Housing to Byrd Family Farms, Harnett County, at the 26th Annual Gold Star Growers Meeting on Friday, Feb. 7, at the McKimmon Center in Raleigh. (L-R): ASH Bureau Chief Beth Rodman, OSH Division Director Kevin Beauregard, R.H. Byrd Jr., James Michael Byrd and ASH inspector Gerald Miller.

Director Robin Tutor-Marcom and Associate Director LaMar Grafft of the N.C. Agromedicine Institute provided the keynote address. Their topic was "Heat Stress Less: Rethinking Field Practices." They discussed the signs and symptoms of heat stress, practical ideas to prevent and reduce heat stress injuries and illnesses on the farm, and the importance of emergency preparedness. They presented various scenarios of workers experiencing heat stress events with the help of NCDOL employees and others.

They taught the attendees how to take action based on the heat index; how to recognize the symptoms of heat cramps, heat exhaustion and heat stroke; and what to do when people show symptoms of heat stress. They provided the **link** to the OSHA-NIOSH Heat Safety Tool, which is an app available for iPhones and Android phones that allows people to calculate the heat index for their worksite and displays a risk level to outdoor workers. It also provides reminders about the protective measures that should be taken at that risk level to protect workers from heat-related illness—reminders about drinking enough fluids, scheduling rest breaks, planning for and knowing what to do in an emergency, adjusting work operations, gradually building up the workload for new workers, training on heat illness signs and symptoms, and monitoring each other for signs and symptoms of heat-related illness.



NCDOL presents the award for Best Maintained Housing—West to Robertson Family Farm, Stokes County, at the 26th Annual Gold Star Growers Meeting on Friday, Feb. 7, at the McKimmon Center in Raleigh. (L-R): OSH Division Director Kevin Beauregard, Colby Robertson, Steven Robertson, April Robertson, ASH inspector Francisco Rodriguez and ASH Bureau Chief Beth Rodman.

awards. Harris Farms in Warren County received the award for Best Maintained Housing—East. Robertson Family Farm in Stokes County received the award for Best Maintained Housing—West. Byrd Family Farms in Harnett County received the award for Most Improved Housing. Quincy Farms Inc. in Edgecombe County received the award for Best New Housing. Occupational Safety and Health Director Kevin Beauregard, along with employees of the ASH Bureau, presented the awards to the recipients.

"The Gold Star Grower Program continues to grow every year," said Beth Rodman, ASH bureau chief. "It is a highly sought-after designation, and all of you know just how hard you work to achieve Gold Star status and to maintain it year after year. It takes a lot of time, dedication and money to do that, and we appreciate your efforts."

At this year's meeting, the bureau recognized 197 growers as Double Gold Star Growers and 86 as Single Gold Star Growers. Double Gold Star Growers are eligible for self-inspection of their housing in the upcoming year.



NCDOL presents the award for Best New Housing to Quincy Farms Inc., Edgecombe County, at the 26th Annual Gold Star Growers Meeting on Friday, Feb. 7, at the McKimmon Center in Raleigh. (L-R): OSH Division Director Kevin Beauregard, Hunter Quincy, Holton Quincy, ASH inspector Kathy Capps and ASH Bureau Chief Beth Rodman.

Inflatable Devices Require State Inspection for Public Use

By Natalie Bouchard, Public Information Officer

As the weather inevitably warms, carnival and fair season begins in North Carolina. After the end of social distancing measures related to COVID-19, families will be able to enjoy these outdoor festivals with ease. When you are able to attend a fair and go on rides in North Carolina, rest assured that these rides are inspected by an NCDOL Elevator and Amusement Device Bureau inspector. These inspectors oversee every coaster, Ferris wheel and drop zone to 100% of the manufacturers' specifications each time it is assembled in the state.

"Our biggest responsibility is making sure each ride is safe," said Tommy Petty, assistant bureau chief of the Labor Department's Elevator and Amusement Device Bureau. "We literally check every lap bar, seat belt, nut, bolt, screw, pin, electrical component and operation practices before we will clear a ride to operate in this state."

These inspectors, who do a thorough and important job, are also charged with the responsibility of certifying inflatable devices for public use. Today's

right-hand side of the ride near the tie down straps. inflatable rides are more than just moonwalks or bounce houses. There are giant slides, obstacle courses, water attractions, jousting pits and

Inflatable rides inspected by the N.C. Department of Labor will have

gold tags this year. Look for the inspection tag on the rear-end facing

NC DOL 2020

By law, all of these devices must be inspected by NCDOL certified ride inspectors once each year to operate in North Carolina. NCDOL inspectors have a checklist that they go through before a device will be certified for the public to enjoy. The inspectors check to ensure the material is flame retardant or resistant. They are trained to look for wear and tear at entrances and exits where the rides get the most foot traffic. They also look at the ground anchor points and tether lines to make sure they are in place. They check the blowers and generators and make

"The goal of the Department of Labor is to make sure that everyone has a wonderful, happy, safe experience at these events," said Labor Commissioner Cherie Berry. "Our inspectors work tirelessly to ensure that every single part of every single device meets the manufacturer's specifications before the rides open for the public to enjoy."

sure fire extinguishers are available. The owners can make many repairs on the spot by using repair kits provided by the manufacturers.

For patrons using these devices there are two important tags you need to look for on the device. One is a round metal tag that has a state registry number on it. The second is a gold tag that will have "NCDOL 2020" printed on it. The tags are placed consistently in the same spot to make it easier for the public to find. Inspectors place them on the rear-end facing right-hand side of the ride near the tie down straps. The department changes the color of the tag each year for tracking purposes. Last year's tags were neon green.

"If the tags are not posted, the device is not safe to ride," said Tom Chambers, Elevator and Amusement Device bureau chief. "The device must meet the manufacturers' specifications 100% in North Carolina. Enforcing this protects the public and forces the owners to take care of their rides."

Ride inspectors urge the public to use common sense when using inflatable devices. Once inspectors are gone, there are variables out of their control such as weather conditions.

If you visit a location with uninspected inflatable rides, you can contact the Elevator and Amusement Device Bureau to report it by calling 919-707-7927. Inspectors will need to know the city, the street address of the event and company name, if known.

Safety Rules for Inflatables

- Adult supervision is required at all times.
- Follow the rules listed by the manufacturer on the side of the inflatable.
- Do not use an inflatable device in the rain or if wind gusts are greater than the wind speed recommended by the manufacturer and in no case greater than 25 miles per hour.
- Do not let larger kids on with smaller kids.
- Do not hold hands or ride in another's lap on slides.
- Do not flip, push or roughhouse while on an inflatable device.
- Do not use an inflatable device while wearing shoes, jewelry or any sharp object.
- Do not allow kids to go behind the rides where generators and blowers are located.
- If a ride begins to deflate, evacuate immediately. Rides deflate rapidly if power source is lost.





By Judyth Niconienko, State Plan Coordinator

Fatal Event: On Jan. 8, 2018, a 64-year-old man died when he was struck and crushed by wooden pallets, each containing 20 to 25 150-pound bags of coffee beans.

Investigative Findings: The facility receives unroasted green coffee beans in about 150-pound bags from various sources around the world. A two-man team unloads multiple semi-truck loads of beans each shift. One member of the team places the bags on a pallet using a "strong arm" (a crane-like device). The bags are stored on pallets five per layer in an interlocking fashion, with 20 to 25 bags on each pallet. The loaded pallets are then removed from the trailer, by the other team member, using a forklift. The pallets are brought to the storage area where they are stacked four pallets high and four pallets deep, in columns.

On this day, Colombian beans were being unloaded, assembled and stored. The bags of Colombian beans that came in from the vendor were more egg-shaped than the other bags they receive. They didn't flatten out when stacked on the pallets. After the last pallet had been placed on the top of the second column, the employee in the forklift drove away. The two top pallets tipped over falling to the floor just missing a passing employee. The incident was reported to a supervisor, but no immediate assessment or investigation was conducted. The work continued.

The employees put the bags back on the pallets and the pallets were loaded back into the columns. When the second to last pallet was raised on the forklift multiple bags slipped off the pallet. The pallet was lowered, and the two employees restacked the bags again and put the third and fourth pallets back up into the column. Since this column of beans had fallen twice that evening, the employees took extra time to assess the column and make sure it was standing straight. They conferred and decided the column looked good. One employee got on the forklift and went to park the vehicle. The other employee started to sweep up the loose beans in front of the newly stacked column. While he was sweeping, the pallets shifted, and the bags and pallets fell on the employee, pinning him to the ground. The employee received fatal crushing injuries.

Discussion: It was known that the bags of Colombian beans that came in from this vendor were more rounded than the other bags they received and didn't flatten out when stacked on the pallets. The stacked beans had fallen three times during this work shift showing the bags were hard to work with. A manager was aware of the reported earlier incident but allowed the employees to continue with the task without evaluating the loads. An assessment should have been made and a determination reached as to how best to manage the storage of the Colombian beans. The normal stacking practices were making the pallets and columns unstable.

Safety guidelines require pallets to be stacked evenly. Uneven stacking causes pallets to be unstable and increases the chances of the product falling from the pallets when on the forklift or when stacked in columns. The supervisor should have assessed the loading and stacking of the bags as a near miss accident had occurred. Another measure to secure the beans should have been discussed and implemented to secure the bags to the pallet before stacking. The shape of the product to be stacked has great bearing on the type of bonding or binding used. Strapping or binding the pallets or shrink wrapping were alternate options.

Recommendations:

- If a near miss occurs, it should be reported, investigated and action taken to prevent a reoccurrence.
- If a product is not laying flat on the pallets and the pallets are then stacked, the column is less likely to be stable and selfsupporting and more likely to collapse. Bonding, stepping, tying or wrapping aids in the stability.
- Once stacked, the pallets must be level and even to properly distribute weight and avoid the column from shifting.
- Do not allow the product or pallets to overhang into the aisle or the forklift because other traffic might accidentally bump into them and cause the entire stack to topple over.
- Allow enough clearance around the columns and racks to improve safe handling and ease of access by employees and forklifts.
- In addition, make sure the warehouse is well lit, pallet rack posts are protected against damage, and rack nets are used to protect product falling from shelving, if necessary.

WORKPLACE WORRIES



By Kisha Holmes, Bureau Chief, Wage and Hour Bureau

Q: My employer overpaid me \$500 on my last paycheck. She came to me and told me that she will be making a \$500 deduction from my next paycheck. Can she do this without my authorization?

A: The employer does not need authorization to make a deduction from your paycheck if there was an overpayment of wages due to miscalculation or other bona fide error.





Q: My employer moved me from a face-to-face customer service position to a warehouse position because I am a Muslim woman and wear a burga. My wages are the same, but I didn't want to leave my customer service position. Am I protected under REDA, and can I get my old position back?

A: REDA protects employees from retaliation in their work who engage in certain protected activities such as threatening to file or filing a complaint about their wages, or making a safety complaint to OSHA, or initiating a claim for worker's compensation, among other conduct. REDA does not protect employees from discrimination based upon race, gender, national origin, religion, or age. You may, however, have a claim under Title VII or other federal law for discrimination based upon your religion. Call the U.S. Equal Employment Opportunity Commission (EEOC) for assistance at 1-800-669-4000.









Be sure to check out NCDOL's podcast, **Inside NC Labor**. Episode 30 (top left) serves as a public service announcement about labor law posters featuring Dolores Quesenberry, Communications director, and Natalie Bouchard, public information officer. Episode 31 (top right) features Beth Rodman, Agricultural Safety and Health bureau chief, as she discusses the 2020 Gold Star Growers workshop.

Episode 32 (bottom left) includes Jennifer Haigwood, director of governmental affairs, discussing how NCDOL is involved with the N.C. Human Trafficking Commission and her new role in the organization. Episode 33 (bottom right) features Wanda Lagoe, chief of the Education, Training and Technical Assistance Bureau, as she discusses upcoming OSH initiatives for 2020. Inside NC Labor is designed to inform and educate North Carolina citizens on the role that the Department of Labor plays in state government.





Bulletin Board

Mine and Quarry Training

Please Check for Updates

MSHA New Miner Training May 18–20, Marion

Annual Refresher TrainingMay 21, *Marion*

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

OSH Webinar Courses

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

- Personal Protective Equipment
- Hazard Communication
- Concrete and Masonry
- Introduction to OSH
- Bloodborne Pathogens
- Recordkeeping
- Machine Guarding
- Confined Space Entry

- Inspection Process
- Ergonomic Awareness
- Struck By/Caught Between
- Heat Stress
- Scaffolding
- Excavations and Trenching
- Respiratory Protection
- Fall Protection

Construction Industry Standards Beginners Level May 13–14, Raleigh

Complying With OSHA

Click here for more information.

This beginner's level two-day course will cover construction 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).

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

- Toxic and Hazardous Substances
- Walking and Working Surfaces
- Occupational Noise Exposure
- Respirable Crystalline Silica
- Powered Industrial TrucksHazard Communication
- Stairways and Ladders
- Respiratory Protection
- Machine Guarding
- Confined Space (Construction and General Industry)

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.

Wage and Hour Presentations

Investigators from the Wage and Hour Bureau offer presentations

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

Postponed and Rescheduled to

Oct. 14-16, 2020