

- Commissioner's Column - page 2
- Heat Stress Tips - page 2
- Deadly Mistakes - page 3
- Migrant Training - page 4
- NCDOL Calendar - page 4
- Wage Investigations - page 5
- Frequently Cited Violations - page 6

Mt. Olive Pickle Co. Achieves Coveted Carolina Star Status

NC pickle company earns flag, becomes the 57th Carolina Star Recipient

By Dolores Quesenberry
Public Information Officer

Mount Olive—If you ride by the Mt. Olive Pickle facility here, you will see a flag flying high next to the U.S. flag and the company's signature pickle flag. It's the Carolina Star flag—the state's highest award for workplace safety.

Mt. Olive employees and management in April celebrated the ultimate achievement in plant safety and health when they accepted the flag from N.C. Labor Commissioner Cherie K. Berry.

"You are very, very special," Berry said. "Of all the businesses in North Carolina, only 57 are Carolina Star companies. You've earned this award, each and every one of you."

Mt. Olive Pickle entered the labor department's Star program two years ago. By September 2001, the company had earned Rising Star status, a step below Carolina Star. In February 2003, the company received word that it had earned Carolina Star status.

The company's quest for Carolina Star designation began in 2000. At that time, the company wanted to drive its injury/illness incident rate down after company officials sensed they had reached a plateau and stalled there. Company executives thought the Carolina Star Program was just the push the company needed to help it



Commissioner Cherie K. Berry with Mt. Olive employees proudly displaying the Carolina Star Flag.

accomplish that goal. Within one year of starting the program, Mt. Olive Pickle's combined injury/illness rate and a loss/restricted workday rate dropped from 3.2 to 1.2.

"The biggest factor contributing to the success of the program at Mt. Olive was management's decision to involve employees," said Leonard Mangum, a labor department program evaluator. "The employees are exposed to the hazards every day and know first-hand how to avoid accidents."

To qualify for Carolina Star status, companies must have a three-year incident rate that is 50 percent below the

state average for their industries. Carolina Star sites are exempt from routine scheduled inspections.

The Carolina Star Program is a cooperative effort among management, the employees and the N.C. Department of Labor. Recognition as a Carolina Star site is the highest safety and health designation awarded by the N.C. Department of Labor.

For more information regarding the Carolina Star, Rising Star or other safety recognition programs, contact the Consultative Services Bureau at (919) 807-2899, 1-800-NC-LABOR or visit our Web site at www.nclabor.com.



From Commissioner Berry

Summer is here and so is the heat. This time of year, the N.C. Department of Labor likes to remind all employers and employees about the potential dangers of heat stress.

More accidents occur in hot environments because of the hazards of heat stress. Those of you who work outdoors need to pay special attention to the heat. Heat stress affects workers of all ages and can be deadly. Farmers, contractors, highway crews, construction workers, laborers, factory workers, cooks in hot kitchens and workers near boilers are some examples of workers at high risk.

Please take a minute to read the heat stress safety tips in this issue of the NC Labor Ledger. If you would like additional information about how to prevent heat stress, please contact the N.C. Department of Labor's Bureau of Education, Training and Technical Assistance at 1-800-NC-LABOR.

Cherie Berry
Commissioner of Labor



Cherie K. Berry
Commissioner

EditorDolores Quesenberry
Business Mgr.....Nancy Baird
Layout and DesignJeff Wilson
Publications Bureau Chief.....Mike Daniels

N.C. Department of Labor
4 W. Edenton St.
Raleigh, NC 27601-1020

Direct all questions, comments and suggestions to:
Communications Division
(919) 733-0348

1-800-NC-LABOR • www.nclabor.com

Tips for Avoiding Heat Stress

This summer be aware of the different types of heat stress disorders that can affect your body while working in the hot, humid weather. Heat cramps, heat exhaustion and heat stroke are the most serious disorders associated with heat stress and can be deadly if not treated properly. Everyone who lives in seasonally warm climates or works in hot, humid places can be affected by these conditions.

Heat Cramps. Heat cramps are painful—sometimes severe—cramps of the muscles used while working. The cramps often occur in the victim's arms, legs or stomach. These symptoms can happen while on the job, but often do not occur until later while relaxing at home.

Symptoms. Some of the symptoms that accompany cramps include normal to slightly high body temperature, hot, moist skin and profuse sweating.

Treatment. If symptoms occur while working, move into the shade or improvise shade immediately. Drink lightly salted liquids and loosen clothing. If the condition does not improve, seek medical attention immediately.

Heat Exhaustion. Heat exhaustion occurs when the body's heat-control mechanism is overactive but has not broken down completely. These symptoms may occur while suffering from heat cramps.

Symptoms. Some of the symptoms include heavy sweating; intense thirst from dehydration; cool, moist skin; weak and rapid pulse; low to normal blood pressure; fatigue, weakness or loss of coordination. The victim may also experience impaired judgment or fainting; tingling in hands and feet; headache; loss of appetite, nausea or vomiting.

Treatment. Move the victim into the shade or improvise shade. Loosen or remove clothing and boots. Cool the victim as fast as possible. If necessary, pour water on the victim. Elevate the victim's legs and massage limbs. Have the victim drink water—with salt—if available. Stay with the victim until medical aid arrives.

Heat Stroke. Heat stroke occurs when the body depletes its salt and water supplies, sweating stops and heat loss by evaporation of sweat is blocked. Heat stroke is considered a catastrophic illness and has a high death rate.

Symptoms. Early symptoms of heat stroke include high body temperature—above 103 degrees Fahrenheit; often the absence of sweating; hot, red or flushed, dry skin; rapid pulse; difficulty breathing; constricted pupils; high blood pressure; headache or dizziness; confusion or delirium; bizarre behavior; weakness; nausea or vomiting. As the condition advances, the victim may experience seizures or convulsions; loss of consciousness; deep coma; no detectable pulse; body temperature over 108 degrees Fahrenheit.

Treatment: Follow the same steps as for heat exhaustion but start the cooling process without delay. Lower the victim's body temperature as fast as possible. Immerse the victim in water. Massage the victim's body with ice. Do not give liquids to unconscious victims. Call an ambulance to evacuate the victim to a hospital.

Follow these tips to help prevent heat stress disorders:

- Ventilate work areas with fans as much as possible when the ambient air temperature is below 95 degrees Fahrenheit. When the temperature is greater than 95 degrees Fahrenheit, the body gains heat through convection so air velocity should be minimized.
- Shield workers from machine-produced heat when possible.
- Wear clean, lightweight, water-permeable clothing that allows air circulation around the body.
- Avoid heavy meals, which are hard to digest.
- Minimize activity in hot areas and slow down the work pace when possible.
- Take breaks in cooler areas.
- Avoid alcohol consumption.
- Drink a cup of fluid every 15 to 20 minutes to help maintain fluid balance.

Some of the information in this article came from Coastal Video Communications' video and handbook "Heat Stress." Videos are available through the NCDOL Library, (919) 807-2848.

Did You Know?

Did you know North Carolina is one of 21 states that administer state plan programs?

The federal Occupational Safety and Health Act of 1970 allows any state to develop its plan or to choose federal enforcement. The North Carolina occupational and safety program must be “at least as effective” as the standards adopted by the U.S. Occupational Safety and Health Administration. The state must be “fully effective” in regards to enforcement staffing.

Each state plan requires a set number of safety and health compliance personnel. North Carolina currently meets its required figure of 64 safety and 50 health compliance officers. If a state does not maintain its level of compliance personnel, federal enforcement may be resumed.

Look for more *Did You Know* features in future issues of the **Labor Ledger**.

DEADLY Mistakes

By Steve Sykes

Fatal Events: On May 31 of last year, the N.C. Department of Labor received a report of an accident that occurred nine days earlier. A maintenance worker fell 15 feet from a ladder while performing repairs on a townhouse. The worker died the following day, and the death went unreported for more than a week despite a

requirement that fatalities be reported within eight hours of the accident.

On May 13 of this year, a painter working on a three-story apartment complex was electrocuted when his ladder came in contact with a power line.

Findings: Interviews conducted during the investigation of the fall fatality revealed that the employee came down the ladder with his back to the ladder although he had been warned not to step off the ladder with his back to the rungs.

In the case involving the painter’s electrocution, the employee lost his balance while trying to maneuver around another ladder on the ground. His ladder tipped back and touched the nearby power line.

Recommendations: Falls and electrocutions are two of the leading causes of work fatalities in North Carolina. Ladders often play a role in these fatalities. Eighteen North Carolina workers died from falls in 2002, and three of these deaths involved ladders. In accidents involving electrocutions, some employees die almost every year after their ladders come into contact with a power line. It is important that employers, safety professionals and co-workers provide continuous reminders of the potential dangers associated with the use of portable ladders.

Ladders are so commonplace that few employees think of the potentially lethal dangers that ladders pose. Few think of the dangers that can arise when trying to maneuver a ladder at a worksite littered with debris. Other employees dismiss the dangers of stepping down a ladder with their backs to the ladder. In each of these two fatalities, a co-worker’s advice or a strong safety program that included penalties for an employee’s failure to follow safety rules could have prevented the accidents. Even those of us who do not work on construction sites can be lulled into thinking that a quick run up the ladder to clean the gutters is perfectly safe. However, the National Safety Council lists falls as the second leading cause of accidental deaths behind only traffic accidents. A fall from a ladder can happen to anyone.

Below are some safety tips to follow when working from a portable ladder:

- Do not use portable ladders with structural defects.
- Make sure ladder rungs are uniformly spaced. (Uneven rungs are common with job-made ladders.)
- Clean the ladder free of any oil or grease that can cause slipping.
- Always work from a level surface.
- Make sure the ladder can extend 3 feet above the upper landing that you are working from.
- Never position a ladder near a movable object or door where someone entering the work area could hit it.
- Always face the ladder when ascending or descending, using at least one hand to grasp the ladder.
- Do not use portable metal or conductive ladders near energized lines or equipment.
- Do not use a ladder at work before you are properly trained.
- Consider using scaffolds, stairways or an elevated work platform instead of a ladder whenever possible.
- Remember: A fixed ladder is always a safer choice than a portable ladder.

NCDOL Trains Migrant Workers in Vass

Vass—The N.C. Department of Labor’s Agriculture Safety and Health Bureau is busy this time of year training busloads of migrant workers who arrive here to receive work assignments on farms throughout the state.

The Agriculture Safety and Health Bureau works with the N.C. Growers Association and the N.C. Department of Agriculture and Consumer Services to provide free safety and health training in Spanish to migrant workers.

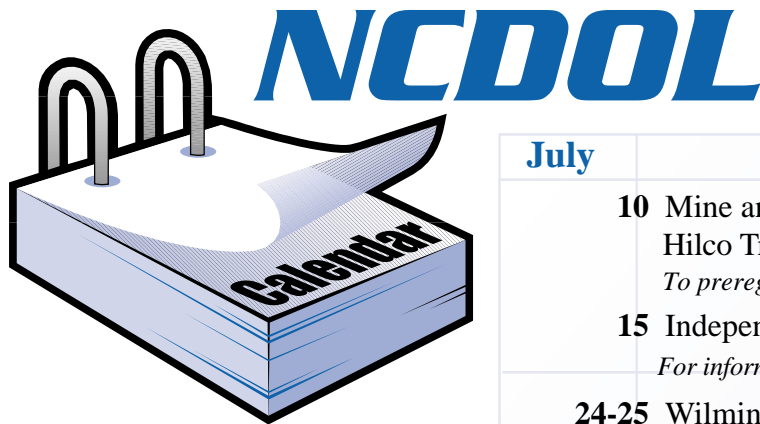
Luis Nieves Del-Rios, NCDOL agricultural safety officer, conducted training May 15 for several hundred migrant workers who arrived early that morning from Mexico.

“Luis has a great rapport with the workers,” said Stan Eury, executive director of the N.C. Growers Association. “That’s a very important factor, because the workers are more inclined to call with concerns if they trust the trainer. This is a win-win program for all involved.”

Some of the topics covered during the training session include the department’s migrant housing inspection program and the OSHA field sanitation standard. Workers also learn about fire prevention, heat stress, proper lifting techniques, state drinking and driving laws, kitchen sanitation, good housekeeping practices, and safe use of machinery and pesticides.



N.C. agricultural safety officer Luis Nieves Del-Rios addresses more than 200 migrant workers during a seminar at the Vass training facility, located at the N.C. Growers Association Office.



NCDOL

Check the NCDOL calendar each month for the latest updates regarding safety workshops, seminars and other important labor-related events.

The calendar will keep you informed of training opportunities throughout the state.

For more information and accurate updates, call the numbers provided below the event.

July	
10	Mine and Quarry Part 46 Annual Refresher Training Hilco Trucking Company, Greensboro, N.C. <i>To preregister, call (919) 807-2790.</i>
15	Independent Star Assessor (ISA) Training <i>For information, contact Leonard Mangum at (919) 807-2922.</i>
24-25	Wilmington Safety and Health School Wilmington, N.C. <i>For information, contact Cindy Wetherwax at (919) 807-2894.</i>
August	
12-13	General Industry Awareness Workshop Halifax Community College, Weldon, N.C. <i>For information, contact Willa Dickens at (252) 536-2241.</i>
19	Mine and Quarry Part 46 Annual Refresher Training Martin-Marietta Hickory Quarry, Hickory, N.C. <i>To preregister, call (919) 807-2790.</i>
20-21	Construction Industry Awareness Workshop Robeson Community College, Lumberton, N.C. <i>For information, contact Myrton Hall at (919) 807-2966.</i>
25-28	Mine and Quarry Part 46 Instructor Institute Barnhill Contractors Training Facility, Rocky Mount, N.C. <i>To preregister, call (919) 807-2790.</i>
26-28	Independent Star Assessor (ISA) Training <i>For information, contact Leonard Mangum at (919) 807-2922.</i>

Wage Investigation: Expectations and Apprehensions

By Jim Taylor

Administrator, Wage and Hour Bureau

You are a small employer in Boone, with seven employees on your payroll, when one spring day an investigator from the Wage and Hour Bureau walks into your office.

What happens next?

If you are like most small-business employers, you will feel some apprehension. You have been in business for a few years and never experienced an investigation before.

Several questions will run through your head. Why are they here? What are they looking for? What happens if they find a violation?

A word of advice: Relax.

Most of the apprehension is attributable to the unknown. You have never been investigated and have no idea what to expect.

Let us take a look at what you can expect.

The Wage and Hour Bureau administers and enforces the laws dealing with minimum wage, overtime, promised wages, child labor, controlled substance testing, and regulation and licensure of private personnel and job listing service agencies.

The bureau's investigative processes and procedures are standardized statewide.

Most of our investigations result from complaints that we receive at our office. A smaller number are routine investigations to determine compliance within specific industries or geographical areas.

Regardless of what prompts an investigation, there are several predictable stages. These include:

Opening Conference: The investigator will identify himself or herself and provide proper credentials. Information will be gathered to determine whether the employer falls under state or federal coverage and the validity of employer exemption claims. At this point, we will also ask the employer to identify the person who will help our investigator with information during the investigation.

Fact Finding: The investigator will review time and payroll records to determine compliance with state law. Our investigator may transcribe or photocopy records essential to the investigation and may request private interviews with current or former employees to verify information given by the employer.

Final Conference: The investigator will meet with the employer representative who has the authority to make decisions regarding violations and corrective action. The investigator will identify any violations or penalties and will offer steps to rectify the violations. The investigator also will identify method of payment for any back wages found due and for fines that may be imposed and will advise the employer or representative of the right to an administrative appeal of our findings. During the investigation, an employer may be represented by an accountant, attorney or another designated individual. Employee consent is required for these individuals to be present during interviews.

Employers are asked to present all relevant information and evidence about alleged violations during the investigative process. Employers also can provide additional evidence for consideration during an informal appeal process. Additional evidence will be considered, and the employer and complainant will be notified of any modifications to the initial findings and recommendations.

There are procedures for compliance and payment issues that cannot be resolved at the administrative level. For instance, employees may file suit in court to recover wages, interest and liquidated damages, court costs, and attorney fees. In some cases, the labor commissioner may pursue wage claims on behalf of employees. Employers who wish to appeal the penalties assessed as a result of youth employment or record-keeping violations may appeal through the Office of Administrative Hearings.

Our goal is to ensure compliance with labor standards and laws. We aim to provide a service to both the employees and employers of North Carolina. The last thing we want to do is create undue anxiety to anyone when we visit. If you have any questions or concerns, please contact our central office in Raleigh at (919) 807-2796 or 1-800-NC-LABOR.

Have labor-related questions? Call ...

1-800-NC-LABOR



Frequently Cited Violations: A Guide to Common Workplace Oversights

By Nancy Wooten
Safety Compliance Officer

General Industry

29 CFR 1910.132—General Requirements for the Personal Protective Equipment Standard

The PPE standard addresses the use of personal protective equipment that is designed to protect employees from injury at work. The standard can be found in the N.C. Occupational Safety and Health Standards for General Industry under 29 CFR 1910.132. The general industry standards can be obtained from the N.C. Department of Labor, if needed.

Between Jan. 1, 2002, and Jan. 12, 2003, the Department of Labor found violations related to this standard in 627 inspections that it conducted.

Under the standard, employers must provide protective equipment for their employees and make sure the equipment is used and maintained properly. All personal protective equipment must be of safe design and construction for the work to be performed. If the equipment is damaged or defective, it can no longer be used. The equipment includes PPE for eyes, face, head and extremities, protective clothing, protective shields/barriers and respiratory devices.

In instances where employees provide their own protective equipment, employers still must ensure the adequacy, sanitation and proper maintenance of the equipment.

Employers must conduct a hazard assessment of the workplace to determine if hazards are present that require the use of PPE. When hazards are present, employers must select PPE that fits each employee. Employers must communicate with the employee on the type of PPE chosen and ensure proper use.

Employers must verify the hazard assessment in writing and identify the following:

- Specific workplace evaluated.
- Name of the employee certifying that the evaluation was performed.
- Date of the hazard assessment.
- Statement that identifies the document as being the certification of hazard assessment.

Employers must provide training to each employee who is required to wear PPE and the training must include the following:

- When and what type of PPE is necessary.
- How PPE should be worn.
- Limitations and life span of selected PPE.
- Proper care, maintenance and disposal of PPE.

Employees must show they understand the training and show the ability to use the equipment properly. Employers must make sure the employees understand the training before allowing them to perform work. If an employer believes that a trained employee lacks understanding and skill, the employer must prevent the employee from using the PPE until the employee has been retrained. The retraining is required when the following occurs:

- If changes occur in the workplace or the type of PPE required negates previous training.
- Employees' knowledge or use of the PPE is inadequate and indicates that they have not retained the understanding or skill.

Employers must verify that each employee has received and understands the PPE training. A written certification must contain the following:

- Name of each employee trained.
- Date(s) of training.
- Subject covered for certification.

*Click below for Spanish translation.
Clicar aquí para la traducción en español.*

Eastern Carolina Safety and Health School

By Nancy Wooten
Safety Compliance Officer

The Eastern Carolina Safety and Health School was held in Atlantic Beach in mid-April.

The conference is an annual effort by East Carolina University, local industries and the N.C. Department of Labor to promote safety and health education in eastern North Carolina.

More than 150 attendees participated in various workshops and training sessions throughout the weekend despite foul weather. The attendees learned about the latest developments in safety and health equipment, as well as industrial terrorism, Hispanic culture, emergency planning and the department's Star programs.

Commissioner Cherie K. Berry was the keynote speaker at the safety school. Other NCDOL speakers included John Bogner, bureau chief for the Bureau of Consultative Services, and Lauren Kash, education and training specialist with the Bureau of Education, Training and Technical Assistance.

"We are committed to making the safety school a success," said S.B. White, NCDOL safety officer. "We hope it will become bigger and better each year. This year proved that we are headed in the right direction."

Mark your calendars now for next April 15-16 when the Eastern Carolina Safety and Health School will again hold its annual conference. You may visit the Web site at www.nclabor.com to view conference plans as they progress.

NCDOL Offers Wage and Hour Seminars

By Henry Sasser
Assistant Administrator, Wage and Hour Bureau

The N.C. Department of Labor will host five wage and hour seminars from September 2003 through March 2004.

The Wage and Hour Bureau will conduct the sessions. The location and dates of the seminars are posted in the Bulletin Board section in this issue of the Ledger.

Some of the topics that will be discussed include state and federal labor law coverage, employer-employee relationships, minimum wage (including tipped employees), time and one-half overtime pay, promised wages and wage benefits, child labor/youth employment (including hazardous/detrimental/prohibited occupations and work permits), hours worked, exemptions, and various other employment laws.

The seminars will be conducted by both state and federal wage and hour officials. Officials also will be available to answer questions and concerns. Each participant will be given a wage and hour notebook, which will be a valuable resource for future questions and reference.

A seminar registration form is available on the NCDOL Web site at www.nclabor.com/wh/seminars.htm. You may print the completed application form and mail it to the Wage and Hour Bureau along with a check or money order for \$25 (made payable to the "N.C. Department of Labor"). You also may e-mail the completed application form to us and pay the \$25 registration fee online with a credit card, Visa or MasterCard only. The credit card payment option will be available after July 11.

For more information, call the Wage and Hour Bureau at (919) 807-2796 or toll-free 1-800-NC-LABOR.

Construction Safety Training Videos

- Video titles available in English & Spanish
- Borrow at **NO COST**

For more information,
contact the NCDOL
Library at (919) 807-2848.





Bulletin Board

2003-04 Wage and Hour Seminars Scheduled

2003

September 11
Greenville, N.C.

October 16
Charlotte, N.C.

November 6 *
Asheville, N.C.

2004

February 12
Raleigh, N.C.

March 3 *
Greensboro, N.C.

* *Date pending.*

Call (919) 807-2808 for more information.
Click [here](#) for agenda and registration form

EDITOR'S NOTE:

The subscription base for the *N.C. Labor Ledger* has expanded dramatically since changing over to an electronic format.

The *Ledger* provides employers and employees with information about workplace safety, education and training, wage and hour laws, inspections, elevators and amusement rides. Tell your friends and colleagues who may be interested in a free subscription to contact us.

Click [here](#) to obtain a subscription form for the *Ledger*.

FREE Labor Law Posters Available

FREE labor law posters are available by calling 1-800-NC-LABOR.

Employers are required to display the posters in their businesses where workers can see them.

The information on the poster is provided in both English and Spanish.

LABOR LINKS

The Division of Occupational Safety and Health, Bureau of Consultative Services, is available to provide assistance to both private and public sector employees.

Click [here](#) for information about the FREE safety and health consultative services provided by the labor department's Bureau of Consultative Services.

Access all Web sites mentioned in the *Ledger* by clicking on the link!

Order publications online in the NCDOL Store!

www.nclabor.com