

NC Labor

November/December 2004

LEDGER

Workplace Homicides Increase in N.C.

Laws Strengthened to Help Victims of Violence Seeking Assistance

By Dolores Quesenberry
Public Information Officer

Workplace homicide is a growing problem and has become a serious threat to workers in North Carolina, where workplace homicides nearly doubled in 2003, rising from 12 to 23.

Workplace homicides represent the fastest growing murder category in the United States and are the leading cause of on-the-job death for women. Domestic violence spillover, which occurs when a domestic problem spreads to the workplace, is the fastest growing category of workplace violence. Statistics show that women are likelier to be attacked by someone they know than by random attackers.

“Workplace violence and domestic violence are not addressed by industry standards, but the N.C. General Assembly

“unlawful contact” by another person in the workplace. Examples of unlawful contacts include assault, attempted assault, a verbal or written threat, stalking, or harassment that occurs at the workplace.

The no-contact order can be issued even if there has been no physical injury or property damage. The order can prohibit the suspect from visiting, assaulting, abusing, injuring, stalking, harassing, contacting or interfering with the employee at the workplace. A violation of the no-contact order is punishable by contempt of court that can result in a fine or imprisonment. The severity of the fine and the length of the jail sentence are left to the discretion of the court.

House Bill 1354—introduced by Reps. Marian McLawhorn, D-Grifton, and Wilma Sherrill, R-Asheville—makes changes to the domestic violence laws that

believe it is going to help save lives. There is still work to do on this issue, but we have definitely made great strides.”

Hoomani said that both Senate Bill 916 and House Bill 1354 prohibit an employer from taking discriminatory action against an employee who takes reasonable time off from work to obtain relief from workplace or domestic violence.

NCDOL will enforce both laws under the Retaliatory Employment Discrimination Act (REDA).

“Both laws prohibit an employer from discharging, demoting or disciplining an employee because the employee took time off to obtain relief in a domestic violence or workplace violence proceeding,” said Skip Easterly, employment discrimination administrator.

“We now can help protect employees suffering from the pain of domestic

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attempted to strengthen the laws in these areas last session,” said John Hoomani, acting general counsel at NCDOL.

“Two separate bills were passed last session that addressed these issues—SB 916-Workplace Violence and HB 1354-Domestic Violence,” Hoomani said.

Senate Bill 916—introduced by Sen. Daniel Clodfelter, D-Charlotte—now allows employers to obtain a civil “no-contact” order on behalf of an employee when the employee is subjected to

were recommended by the House Select Committee on Domestic Violence. The bill requires offenders to attend a domestic violence treatment program before completion of their jail time. The bill also provides legal assistance and education for victims of domestic violence.

“Helping protect victims of domestic violence has been one of my passions since first coming to the legislature ten years ago,” Sherrill said. “I am passionate about this legislation because I truly

violence by preventing them from losing their jobs,” Easterly said. “Our role in this legislation is small but can be very important to those dealing with these pains and still trying to support their families.”

Victims have 180 days to file a REDA complaint from the day of being fired or from the day the discriminatory act occurred. For more information regarding REDA, contact the Employment Discrimination Bureau at (919) 807-2831 or 1-800-625-2267.



**From
Commissioner
Cherie Berry**

You might have read in the October 2004 issue of the Ledger about the labor department's latest initiative to reduce Hispanic workplace fatalities.

We had some worries about whether this first attempt to draw Hispanics to a construction forum on Nov. 5 would be successful, mostly because the forum was during the workweek.

The forum was a rousing success.

We had worked very hard within the Hispanic community to promote attendance and had been able to sign up about 70 construction workers.

On the day of the forum, more than 115 Hispanic construction workers showed up. Although most of the workers were from the Research Triangle area, they came from throughout the state to learn about safety in the construction industry.

I had the pleasure of speaking to the group about the importance of safety. As I looked out over the crowded room, I could tell these workers were glad of the opportunity to hear from safety experts who could help them reduce the dangers of working in construction. They were eager to learn. They were attentive, and they were appreciative of our efforts.

We've seen how successful our English construction forums have been, and now we have replicated that success with our Hispanic employees.

It was great to see workers and employers alike make the commitment to workplace safety.



Cherie Berry

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NCDOL Library Acquires New Material

The NCDOL library recently acquired more than \$32,000 worth of new audiovisual and print materials. DVDs were added for the first time to the collection.

The extensive audiovisual collection includes subjects such as lockout/tagout, fall protection, excavations and personal protective equipment. All the material is available free of charge, except for return postage.

The library also handles requests for information such as chemical characteristics, safety and health standards, major accidents, or non-monetary safety and health incentive programs.

Visit the Web page at <http://www.nclabor.com/lib/lib2.htm> to find out more about the NCDOL library services.



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Commissioner

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Protect Yourself From Bloodborne Pathogens

By Heather Crews
Public Information Officer

One accidental prick from an infected needle or a spurt of blood in your eye from someone who is hurt could leave you with a serious illness.

Those are the risks that health care workers face every day at work.

Bloodborne diseases, such as hepatitis B and C or HIV, are a serious hazard in the health care profession.

In North Carolina, the health care industry injury and illness rate of 4.7 is slightly higher than the state's average of 4.0. However, nursing and personal care facilities have a rate of 9.3, over twice the state rate. Hospitals have a rate of 5.8.

"Hepatitis B (HBV) and C pose the greatest risk to health care professionals," health standards officer Ed Geddie said. "The risk of acquiring HBV after a needlestick with a contaminated needle ranges from about 6 percent to 30 percent. The risk of HIV is much smaller."

An effective vaccine to prevent HBV is available, and state law requires that it be provided at no cost to any worker at risk of exposure.

"Hepatitis C is one of the most common chronic bloodborne infections in the United States," Geddie said. "But about 80 percent don't know they're infected because there are no symptoms. And unlike HBV, there is no vaccination."

The bloodborne pathogens standard—the first to address biohazards in the workplace—is one of the most frequently cited violations in the health care industry. The standard addresses occupational exposure to bloodborne pathogens

and requires employers to implement engineering and work practice controls, provide personal protective equipment, offer the hepatitis B vaccine series, and provide and maintain training and medical records.

"Employees should be well trained on the standard," Geddie said. "Workers need to be aware of the dangers they face and how they can limit their exposure."

Bloodborne diseases are transmitted through needlesticks, open sores or cuts in the skin, and exposure to eyes, nose or mouth by infected blood. But by following the standard, occupational exposure to bloodborne pathogens will be greatly reduced or eliminated.

"Treat all blood as if it were infectious," Geddie said. "Follow that simple rule and you'll be protected. This is the principle known as 'universal precautions.'"

For more information, visit the NCDOL Web site at <http://www.nclabor.com./osha/etta/indguide/ig7.pdf> to get a copy of *A Guide to Bloodborne Pathogens in the Workplace*.

Tips to remember when handling sharps include:

- ◆ Dispose of sharps immediately after use to minimize contact.
- ◆ Use puncture-resistant containers to hold contaminated sharps.
- ◆ Close lids before discarding containers.
- ◆ Never reach into a container of contaminated sharps.
- ◆ Wear suitable personal protective equipment for the job you are doing.
- ◆ Unless required by a medical procedure, NEVER recap a used needle.



The international biohazard sign must be affixed to any containers that store potentially infectious waste. Posted signs should be fluorescent orange or red for easy visibility.



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or a phone call (1-800-NC-LABOR) away.**



Q: *Doesn't my employer have to pay me a premium for working on Sunday or a holiday?*

A: No. Unless your employer specifically promises to pay a premium for holiday or Sunday work, no additional compensation is required unless the total of hours worked that workweek is greater than 40.

Q: *What are the legal holidays that my employer has to observe?*

A: None. It is entirely up to the employer to decide which holidays to observe, if any at all. If an employer sets a holiday policy, the policy must be provided in writing or through a

posted notice so that employees are aware of this promised wage benefit.

Q: *Shouldn't holiday hours be counted when figuring hours worked for overtime purposes?*

A: No. Overtime pay is calculated on actual hours worked in a workweek, regardless of the number of hours actually paid as vacation, sick leave or other paid absences. Therefore, an employee who actually works on the holiday could be paid 48 hours (40 hours worked and eight holiday hours) straight-time pay with no time and a half pay being due for that workweek.

DEADLY Mistakes

By Steve Sykes
State Plan Coordinator

Fatal Event: On March 11, a 59-year-

old man was killed while machining an automotive axle on a lathe. The lathe had no machine guarding, and the victim got caught by the spinning axle and pulled into the machine. Although no one saw exactly what happened, the victim was seen putting on a jacket shortly before the accident. NCDOL investigators believe the axle may have caught a part of the jacket and pulled the victim into the huge lathe. The first employee who arrived at the scene could not find the control box to turn off the lathe.

Discussion: A lathe spins material positioned and secured in the lathe's chuck, similar to a bit in a drill. A lathe is most often used to shape wood, metal or other material by using a fixed cutting or abrading tool. Items that are machined in a lathe include bowls, baseball bats and crankshafts. In this case, the victim had reconditioned the axle and was in the final stages of sanding and polishing the piece. Because there was no machine guarding, he was able to get very close between the axle and lathe chuck.

The company repairs and rebuilds mining equipment. Occasionally, the company takes on other small jobs as a service to local customers. This was the case with the axle the company was modifying when the accident occurred. When the employer initially considered accepting the job, he discussed the safety problems associated with the irregular shape of the axle. The employer warned the victim to be careful, but no special safety precautions were taken for this unique work order. A machinist interviewed during the investigation said he thought the axle was a dangerous piece to handle because a metal arm stuck out when the axle spun on the lathe. The employer said that in hindsight it was obviously not safe to work on the axle.

Recommendations:

☠ Most of us will never have to turn material on a lathe. However, machine guarding applies to even more commonly used machines. The hazards that must be eliminated with

machine guarding include points of operation (the point where work is performed), ingoing nip points (caused by rotating parts on machinery), rotating parts (parts that move while the machine is working), and flying chips and sparks.

☠ The belt drive for a lathe, or any equipment, must be guarded—as well as the rotating chuck components of a lathe.

☠ Employers must provide a workplace free from hazards that could cause death or serious harm. Employees also have a responsibility to comply with occupational safety and health standards and, arguably, a moral obligation to point out hazards to their co-workers.

☠ A unique job that has the potential for severe injuries requires scrutiny from a safety and health perspective. The various job steps should be considered and a safety analysis conducted. The fact that a similar job may never again be undertaken is not sufficient rationalization for not taking every safety precaution required. In the lathe accident, safety measures could have included the design of a unique method of guarding that might have applied only to the axle being machined. It is better for a company to tell a customer that it cannot do a job because of safety hazards than for an employee to be killed carrying out the assignment.

☠ Employees should review mandatory procedures before any work is done. This would include setup of equipment to include safety considerations.

☠ Tie back long hair and secure any clothing that could be caught in rotating parts.

☠ To guard against electric shock, cords on all equipment must be checked routinely for damage.

☠ Means to disconnect equipment from a power source should be legibly marked as to its intended purpose. Employees should be trained on how to turn off equipment in the event of an emergency.

☠ Employees should be encouraged to provide input on issues relating to safety and health. Don't wait until an accident happens to provide positive suggestions.

☠ Safety training should be provided for hazards associated with use of specific machines.

2004 Apprenticeship Contest Winners Announced

The tradition-rich apprenticeship contests at the N.C. State Fair this year continued to attract top young talent in carpentry, electrical, heating, masonry, plumbing, and ventilation and air conditioning.

"Most of us who do handyman's work around the house would be amazed at the abilities and skill levels of the apprentices at these contests," said John Baldwin, NCDOL chief of staff who attended the contests in October. "It was a pleasure to go out and present the awards to these apprentices."

Baldwin said 77 participants took part in the five contests sponsored by the labor department at the State Fairgrounds in Raleigh.

Warren Shull Jr. of Beam Construction Co. won first prize in the carpentry contest. Contestants had five hours to demonstrate their skills by taking part in projects that showcased their carpentry.

The electrical award went to Shannon



W. Shull



S. Smith

Smith of Salem Electric Co. Participants took part in a four-hour hands-on project and one-hour final exam.

Louis Seebo III of McNutt Service Group was the winner of the HVAC contest. This was the first year of the HVAC contest.



L. Seebo



J. Salas

The masonry contest, the program's oldest event, went to Jaime Salas of Brodie Contractors. Participants built from a blueprint a project that contained brick and cement blocks.

Leslie Everett of C.L. Warters won the plumbing contest. The four-hour service installation project required participants to use residential, commercial and industrial methods that conform to the N.C. Plumbing Code.



L. Everett

Congratulations to all of the participants and winners of the 2004 apprenticeship contests.



Bulletin Board

10-Hr. Awareness Workshops

General Industry: Jan. 12-13, 2005

Construction Industry: Jan. 18-19, 2005

Forsyth Tech. Comm. College, Winston-Salem

Contact Robert Hall at (336) 734-7705

General Industry: March 1-2, 2005

Robeson Comm. College, Lumberton

Contact Jo Ann Oxendine at (910) 618-5680

For additional workshop information, visit our Web site at www.nclabor.com/osha/etta/10hr.htm.

Charlotte Safety School

March 23-24, 2005

Marriott Executive Park, Charlotte

To register, visit www.charlottesafetyschool.com.

Wage and Hour Seminars

March 8, 2005

Rowan-Cabarrus Comm. College, Salisbury
(704) 637-0760

March 22, 2005

J.E. Broyhill Civic Center, Lenoir
(828) 726-2407

April 7, 2005

Murphy Medical Center, Murphy
(828) 837-8161

For updated agenda information and details on how to register, visit the Wage and Hour Bureau Web site at www.nclabor.com/wh/seminars.htm.

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