

# NC Labor

## LEDGER

September/October 2004

## State Records 2nd-Lowest Fatality Total

By Heather Crews  
Public Information Officer

North Carolina work fatalities rose moderately in 2003 in large part because of a plant explosion in Kinston that killed six workers and a commuter airplane crash that claimed 21 lives in Charlotte.

The latest work fatality figures released by the U.S. Bureau of Labor Statistics show that workplace fatalities for 2003 rose to 182, up from the previous year's record low of 169.

The 182 figure still ranks as the second-lowest total since the federal government started keeping detailed data in 1992.

"My heart goes out to the families of these victims," Labor Commissioner Cherie Berry said. "So we're not ever going to say we're satisfied with any figure because one fatality is one too many."

Transportation-related incidents that include highway accidents accounted for 69 fatalities. The fatalities also included 12 of the 21 victims who perished in the commuter plane crash in Charlotte on Jan. 8, 2003. The victims were counted as work fatalities because they were traveling on business or were members of the plane crew.

Fatalities in construction, considered one of the most dangerous industries in the state, stayed steady at 44. Fatalities among Hispanic workers dropped from 25 in 2002 to 21 in 2003.

Manufacturing had 26 deaths. Homicides in the workplace accounted for 23 fatalities.

Labor officials in recent years have taken aggressive steps to reduce work fatalities. The department has put special



*Labor Commissioner Cherie Berry discusses the recent fatality figures released in September by the federal government. Since 2000, workplace fatalities in North Carolina have declined by about 22 percent.*

emphasis on high-risk industries such as construction to bring fatalities down. Officials have conducted throughout the state free seminars aimed at helping construction workers become aware of work hazards and how to avoid them.

Efforts also have included construction "blitzes" that call for concentrating consultative visits in counties that in the past had a higher incidence of fatalities than others. The consultations are free and are designed to be educational. Labor officials issue no penalties during these visits.

Labor officials also have intensified outreach efforts to employers and employee groups. The labor department in 2001 became the first state in the country to introduce a mobile classroom capable of going anywhere in the state to help employers with workplace safety training. Labor officials can deliver

training in either English or Spanish.

Berry said labor officials were especially buoyed by figures that show that North Carolina has been making obvious strides in workplace safety. Berry said injury and illness data from the U.S. Bureau of Labor Statistics illustrates that North Carolina has the third-lowest injury rate in the country.

"Five years ago, we weren't even in the top 10," Berry said.

The past three years represent the lowest fatality incidence rate that the state has experienced since the U.S. Bureau of Labor Statistics started keeping detailed information across the country.

According to the figures released in September, 125 non-Hispanic whites lost their lives at work in 2003. Another 30 non-Hispanic blacks died on the job. Three Asians also lost their lives at work.

The bulk of the fatalities included men ranging in age from 25 to 54. Of the 182 total, men accounted for 167 of the fatalities. Women represented another 15.

Raw statistical figures are provided by the U.S. Bureau of Labor Statistics. Other information concerning specific accidents is provided from information gathered during N.C. Department of Labor investigations.

The following counties had three or more fatalities:

Mecklenburg (24); Guilford (11); Durham (10); Lenoir and Wake (6 each); Forsyth, Richmond, Wilkes and Wilson (5 each); Gaston (4); Alamance, Bertie, Carteret, Catawba, Cumberland, Edgecombe, Harnett, Henderson, Hertford, Orange, Randolph, Robeson, Rockingham, and Rowan (3 each).

No other county had three or more fatalities.



**From  
Commissioner  
Cherie Berry**

From 2000 to 2002, workplace safety made record-setting improvements. Never before had North Carolina seen a 28 percent drop in fatalities within three years.

Unfortunately, last year workplace deaths increased slightly to 182 from our record low of 169 the year before.

As some of you already know, 12 of those fatalities came about because of the commuter plane crash in Charlotte. Those 12 fatalities counted because the victims either were flying on business or were members of the plane crew.

Hispanic fatalities dropped from 25 to 21 and construction fatalities stayed steady. Since 2000, the state has seen an overall decline of 22 percent in fatalities. Our injury and illness rate also is at the lowest rate in state history.

As I traveled throughout North Carolina this year at safety awards banquets, Star ceremonies and workshops, I met many of you. I met so many employers and employees that are proud of their safety accomplishments.

I encourage each one of you—whether you are an employer or employee—to make a renewed commitment to safety and health. Safety is a two-way street. We're here to help you, but we can't do it alone.

If everyone keeps safety in mind at work, we will continue to be one of the safest states in the nation.

*Cherie Berry*



**Cherie Berry**  
Commissioner

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## Did You Know?

- The latest work fatality figures released by the U.S. Bureau of Labor Statistics gave the state an average of 184.6 fatalities for the past three years, the lowest incidence of work fatalities since the federal government started keeping detailed data.
- The 182 total for 2003 ranks as the second-lowest total since the federal government started keeping detailed data in 1992.

## APPRENTICESHIP ADVANTAGE

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2004 Apprentice Contests  
in the Nov./Dec. Issue of the *Ledger!***

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Want a **FREE** subscription?  
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# First Hispanic Construction Forum Set for Nov. 5

By Heather Crews  
Public Information Officer

State labor officials have taken another step to help employers cut down on the number of Hispanic construction workers killed at work—they are introducing Spanish language seminars aimed at helping with workplace safety.

The department's first-ever Hispanic construction forum is aimed at helping to spread the word about safety at construction sites. The forum, co-sponsored by the Mexican Consulate, is scheduled for Nov. 5 at St. Raphael Catholic Church in Raleigh.

"We have huge language and cultural barriers to overcome in regards to safety," safety compliance officer Frank Castillo said. "This forum, completely in Spanish, is a way to draw the Hispanic community together and talk about safety."

Labor officials were encouraged by figures recently released that showed a decline in Hispanic fatalities in 2003. The latest figures show that Hispanic fatalities in construction

dropped from 25 the year before to 21.

"Our efforts are paying off," safety and health director Allen McNeely said. "The forum is another way to decrease fatalities among the Hispanic population."

The success of the department's construction forums for the past two years led officials to develop a forum specifically for Spanish-speaking employees.

Safety topics will include electrical safety, fall protection, struck-by hazards, and trenching and excavation. A panel discussion will include a description of the NCDOL inspection process, safety and health programs, tool box talks, and disciplinary programs. Packets of information in Spanish about various safety topics will supplement safety presentations.

"I would like to encourage all employers in construction to send their Hispanic employees out to St. Raphael's on Nov. 5," McNeely said. "It's another opportunity to educate and protect workers' lives."

For more information or to register for the forum, visit the NCDOL Web site at [www.nclabor.com/calendar.htm](http://www.nclabor.com/calendar.htm).

# Advisor Helps Businesses Determine Proper Posters

By Dolores Quesenberry  
Public Information Officer

The N.C. Department of Labor receives many calls from business owners who are confused about which federal and state labor posters are required by law.

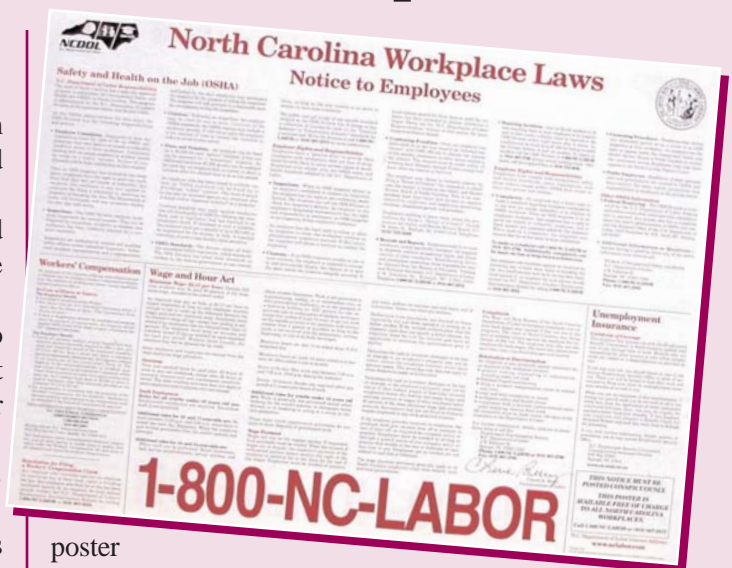
Poster companies selling "all-inclusive" posters often add to the confusion. If you are a confused business owner, there is a Web site out there to help you sort it all out.

The U.S. Department of Labor offers a Poster Advisor to help businesses determine which posters businesses must display. The advisor asks a series of questions about your business and provides a list of the appropriate posters.

Poster requirements vary from business to business according to the number of employees, annual dollar volume, nature of the business, and whether the business has federal contracts or subcontracts.

North Carolina administers its own state OSHA program. States that administer their own plan are called state plan states and cover most businesses, but not all. The maritime industry, shipbuilding and contractors operating on military bases are examples of industries that would need to comply with federal OSHA requirements in North Carolina.

If your business is covered under the North Carolina state plan, you are required to post the North Carolina workplace laws poster in an area where workers can readily see it. The



poster combines labor law posting requirements under state occupational safety and health laws, wage and hour laws, employment security laws, and workers' compensation laws.

The posters are provided at no charge and can be obtained by calling the N.C. Department of Labor at 1-800-625-2267 or 1-800-NC-LABOR. Once your order is placed, it will be shipped at **no charge**.

To know which posters your business may need to post, visit the Poster Advisor Web site at [www.dol.gov/elaws/posters.htm](http://www.dol.gov/elaws/posters.htm).

## WORKPLACE WORRIES

**Q:** *Can an employer charge potential employees for medical records as a condition of employment?*

**A:** The Medical Payment Law (N.C.G.S. 14-357.1) states that it is unlawful for any employer with 25 or more employees to require a job applicant to pay the cost of a medical examination or the cost of providing any records—including criminal records—required by the employer as a condition of hiring. The term “medical examination” also includes drug screening tests.

An employer may not hire an employee on the condition that the cost of medical examinations or records be paid back at any time or deducted from the employee’s paycheck.

The law does not apply to cases involving medical examinations or records required by law rather than the employer.

Each violation may result in a fine of no more than \$100. For more information, visit our Web site at [www.nclabor.com/wh/medpay.htm](http://www.nclabor.com/wh/medpay.htm).

**Q:** *Can my employer require me to have my paycheck directly deposited?*

**A:** The General Statutes do not require a specific form of payment. An employer may select any legal form of payment, as long as payment is made in full on the designated payday,

subject to authorized deductions and legal withholdings. Acceptable forms of payment include cash, money order, negotiable checks and direct deposit into an institution whose deposits are insured by the U.S. government or an institution selected by the employee.

An employer can require its employees to use a particular financial institution as long as that institution is insured by the U.S. government. The employer may also allow its employees to choose their own financial institution even if the U.S. government does not insure that institution.

If an employer makes direct deposit mandatory, then employees must not incur additional costs as a result of participation—such as bank fees—if those costs result in an employee being paid less than the North Carolina minimum wage of \$5.15 an hour. Conversely, if direct deposit is completely optional and an employee elects to be paid by direct deposit, then the costs to the employee can bring the employee’s pay below the minimum wage.

If your business/employer comes under the federal Fair Labor Standards Act, you should contact the U.S. Department of Labor Wage and Hour Division concerning the federal minimum wage and their position. Please call their national toll-free call center at 1-866-4-USWAGE or visit their Web site at [www.dol.gov/esa/whd](http://www.dol.gov/esa/whd).

## DEADLY Mistakes

By Steve Sykes  
State Plan Coordinator

**Fatal Event:** On March 30, 2004, a

31-year-old mechanic entered a robot’s safeguarded work area while the robot was in automatic operation. The robot’s job was to lift a manufactured axle onto a test stand and remove the axle when the test had been completed. The automobile axle usually weighed from 75 pounds to 85 pounds.

A chain link fence with an interlocked gate separated employees from the robot and the electrical interlock on the gate stopped the robot when the gate was opened. The mechanic entered the restricted area by either climbing over the fence or crawling through an opening in the barrier. He previously had been observed bypassing safety features of the robot, but no disciplinary action had been taken. As the mechanic watched an axle being put on the test stand, the robot struck the man and inflicted fatal head injuries. Another employee saw the robot move toward the mechanic and shouted a warning. The mechanic never heard him.

**Discussion:** The use of robots is becoming more common in manufacturing. Robots perform highly repetitive tasks such as material handling, assembly, welding and painting. When an employee is in the work area of a robot in automatic operation, accidents can and do occur. Employees can be struck by the robot, trapped or crushed by materials being handled, or hit by flying objects released by the gripping device of the robot. Victims can include machine operators, programmers

and maintenance personnel. Robot use in manufacturing may be new to some, but old techniques for eliminating hazards still can be used. A job safety analysis for any job in which there is potential for serious accidents should be performed.

### Recommendations:

☠ Access to the robot’s work area should be restricted by a physical barrier equipped with a gate and electrical interlocks to stop the robot when the gate is opened. Posted signs should warn against entry.

☠ The electrical interlocks should be backed up with motion sensors, light curtains or floor sensors that stop the robot whenever a worker crosses the barrier.

☠ Adequate lighting should be provided in the robot’s control and operation area so that written instructions, as well as buttons and levers, are clearly visible.

☠ The robot and the point of operation should be safeguarded to prevent entry during automatic operation.

☠ Employees should never be in reach of the robot while it is operating.

☠ Employees should be trained to recognize all of the hazards associated with operating robots.

☠ Disciplinary policies should be established to respond to workers who ignore safety applications.

☠ A lockout/tagout program should be established to address the control of energy when servicing or maintaining equipment. The program and procedures should be specific to the machines being used.

☠ Observed unsafe acts should not go unreported.

# NCDOL Partners With Vietnamese Group

By Heather Crews  
Public Information Officer

The N.C. Department of Labor recently signed a partnership with Boat People S.O.S. to foster safe and healthy workplaces among Vietnamese employees in the state.

“We will work with Boat People S.O.S. on training and communication,” bureau chief Les Kafel said. “Many Vietnamese-Americans are unaware of the occupational hazards out there, and this partnership will help us get the word out.”

A significant number of Vietnamese are employed in nail salons, which generate harmful fumes.

As part of the agreement, four educational workshops will be held each year. NCDOL and Boat People S.O.S. also will develop outreach materials aimed at the Vietnamese community. Participation in NCDOL recognition programs also will be encouraged.

“This partnership is an opportunity to reach out to a group that may be overlooked,” Kafel said. “With the help of Boat People S.O.S., we will be better able to overcome language barriers and get our safety message out.”



*Front (l-r): Hien Phan, program manager; Khoi Huynh, branch manager. Back (l-r): Les Kafel, bureau chief; Allen McNeely, safety and health director.*



## Bulletin Board

### 2004 Fall Safety Schools

**N.C. Safety and Health Annual Meeting**

**Nov. 18-19, 2004**

**Embassy Suites, Charlotte**

Contact Matt Thompson at 1-800-868-8777, Ext. 126

### Wage and Hour Seminars

**Nov. 18, 2004**

**Catawba County Chamber of Commerce; Hickory**  
(828) 328-6111

For more information, go to the Wage and Hour Bureau Web site at [www.nclabor.com/wh/seminars.htm](http://www.nclabor.com/wh/seminars.htm).

### 30-Hr. Awareness Workshop

**Dec. 6-10, 2004**

**Holiday Inn Express, Wilkesboro**

Contact Dee Flaten at [dflaten@mail.dol.state.nc.us](mailto:dflaten@mail.dol.state.nc.us).

### 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

For additional workshop information, visit our Web site at [www.nclabor.com/osha/etta/10hr.htm](http://www.nclabor.com/osha/etta/10hr.htm).

### Part 46 Training at Hanson

**New/Experienced Miner: Dec. 13, 2004**

**Annual Refresher: Dec. 16, 2004**