

# NC Labor

## LEDGER

July/August 2004

## Rider Safety Top Priority at N.C. Fairs

By Heather Crews  
Public Information Officer

Amusement rides provide fun and entertainment for millions of people each year, but rider safety cannot be forgotten in the midst of the excitement.

The N.C. Department of Labor launched a safety campaign in August aimed at making kids, parents and ride operators aware of safety at state and county fairs.

“More than 90 percent of all accidents result from operator or rider error,” bureau chief Jonathan Brooks said. “It’s rare that there is mechanical malfunction with a ride.”

Four U.S. accidents since April resulted from rider or operator error. In New Jersey, eight children were injured in June after an inflatable ride collapsed and the children fell 20 feet. The ride operator was unaware that the maximum load for the ride was two children.

In another incident, a 7-year-old girl was thrown from a ride when she was moving around in her seat as the ride began at Playland Park in New York.

“We’ve never had a fatal accident involving any riders in North Carolina,” Brooks said. “Our safety record is good, and we want to keep it that way. We’re taking a proactive approach to rider safety.”

As part of the new campaign, the N.C. Fair Association will help



Amusement rides like the Ali Abba attract the interest of millions of riders in North Carolina each fair season. The Department of Labor recently kicked off a rider safety campaign to heighten safety awareness at the fair.

NCDOL distribute rider safety bookmarks at schools across the state. The bookmarks, available in English and Spanish, give tips for ride safety.

*“Our safety record is good, and we want to keep it that way. We’re taking a proactive approach to rider safety.”*

**Jonathan Brooks**

Bureau Chief  
Elevator and Amusement Device Bureau

“We wanted a way to get the message out and decided the schools would be our best bet,” assistant bureau chief Tom Chambers said.

Inspectors also added a key element to their routine inspections this year:

Helping to remind ride operators of the correct use of the ride equipment.

Beginning in 2004, each amusement ride show must participate in a safety meeting for ride operators. The meeting will detail state rules and regulations on what operators must do in the event of an accident. Operators also must know how to prevent a recurrence.

“Not only do we expect ride operators to know the manufacturer’s specifications of a ride, but we also expect them to know how the ride operates,” Chambers said. “So as another part of the campaign, our

inspectors will conduct random checks of the operators to see if they actually do know the information.”

Participating fairs will distribute bookmarks, post safety tip signs and conduct safety meetings for their operators. NCDOL will award certificates verifying participation in the rider safety program.

The 2004 fair season officially kicked off Aug. 2 at the Bethware Community Fair in Kings Mountain. The season wraps up Nov. 6 at the Cape Fear Fair & Expo.

For more information on the safety campaign or to get a copy of the 2004 Fair Schedule, visit the Elevator and Amusement Device Web page at [www.nclabor.com/elevator/elevator.htm](http://www.nclabor.com/elevator/elevator.htm).

**RIDER SAFETY CAMPAIGN**



*From  
Commissioner  
Cherie Berry*

*As most of you have heard by now, the U.S. Department of Labor issued changes to the Fair Labor Standards Act this year. The new rules took effect Aug. 23.*

*The FLSA requires employers to pay their employees time and one-half for all hours worked over 40 in a work week, although some job classifications are exempt from overtime pay.*

*The new rules—called FairPay—may affect whether some employees are required to be paid overtime.*

*This year our Wage and Hour Bureau has added the new federal overtime exemption rules to the agenda for our wage and hour seminars.*

*I encourage you to take advantage of the seminars to learn how the new federal rules will affect you or your company. The seminars cost \$50, which includes refreshments, lunch and a wage-and-hour notebook.*

*We have seminars scheduled in Charlotte, Winston-Salem, Kinston and Asheville in September. Visit the Bulletin Board section of the Ledger to find out the dates and how to register.*

*Cherie Berry*



**Cherie Berry**  
*Commissioner*

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## Did You Know?

- ♦ North Carolina employers grappling with fatal work injuries among Hispanic workers have a new ally to fight the language barrier: a new Web site that provides workplace safety information in Spanish.
- ♦ The Hispanic Web site provides compliance assistance resources, including dictionaries, publications, and safety and health standards in Spanish.
- ♦ The Web site, sponsored by the federal Occupational Safety and Health Administration, can be found at [www.osha.gov/dcspl/compliance\\_assistance/index\\_hispanic.html](http://www.osha.gov/dcspl/compliance_assistance/index_hispanic.html).

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# NCDOL First to Address Communication Towers

By Heather Crews  
Public Information Officer

North Carolina recently became the first state to address communication tower safety when Labor Commissioner Cherie Berry approved a final draft that covers safety rules on the construction and maintenance of communication towers.

Six deaths in three years prompted the state to consider a communication tower standard. In December 1999, three people were killed at one site after a fall.

“The communication tower industry is small, but it’s growing,” said Kevin Beauregard, assistant occupational safety and health director. “Considering the size of the industry, the six fatalities were very disturbing to us.”

Under the new safety standard, employers will be required to provide full fall protection. If there are no possible tie-off

anchorage points, the employer must have a “fall protection plan” that shows fall protection is not feasible.

Workers also must be adequately trained, and two people—including one “competent person”—are required to be at the site when employees are exposed to falls of more than 6 feet.

“Almost every fatality that you see in the communication tower industry is the result of a fall,” Beauregard said. “That’s why 100 percent fall protection is required. We’re hoping this standard is going to save lives.”

The Notice of Text was filed July 12 and appeared in the Aug. 2 edition of the *North Carolina Register*. Public hearings were held Aug. 19 in Raleigh and Aug. 26 in Charlotte.

The standard is available for public comments until Oct. 1. If the standard is approved by the Rules Review Commission, it will be effective Dec. 1, 2004. For more information, visit <http://oahnt.oah.state.nc.us/register/Volume19Issue03.pdf> or call John Hoomani, Legal Affairs Division, at (919) 733-0844.

# NCDOL Proposes Changes to Administrative Rules

By John Hoomani  
Deputy General Counsel

The N.C. Department of Labor plans to amend several provisions of the N.C. Administrative Code and adopt 13 NCAC 15.0207.

The department has filed a Notice of Text with the Office of Administrative Hearings to make the changes.

The NCDOL proposal makes certain technical changes to the rules and brings them into conformance with the current operating procedures of the Elevator and Amusement Device Bureau.

Most of the changes update specific information contained in the rules, such as the contact information for the bureau and corrected citations to provisions of the American National Standard Safety Code for Elevators and Escalators.

The proposed amendments also reorganize sections of the Administrative Code to make the rules easier to understand.

The Notice of Text was published in the Aug. 2 edition of the *North Carolina Register*. A public hearing on the proposed changes was held in Raleigh Aug. 17. The public is allowed to comment on the rules until Oct. 1.

Following the close of the public comment period, NCDOL expects to file a Submission of Permanent Rule with the Rules Review Commission by Oct. 20 and to be placed on the calendar for the Nov. 18 meeting of the RRC. If approved by the RRC, the rules will have an effective date of Dec. 1, 2004.

Readers may view the complete Notice of Context at <http://oahnt.oah.state.nc.us/register/Volume19Issue03.pdf>. For questions regarding the proposed rules, please contact the NCDOL Legal Affairs Division at (919) 733-0368.

## What’s Wrong With This Picture?

The lack of fall protection in residential construction was the most frequently cited violation in the construction industry in 2003 by the N.C. Department of Labor. Falls are among the leading causes of fatalities in the state.

In this picture, an employee is doing roofing work while exposed to a fall of more than 6 feet.

The safety standard requires that an employer evaluate heights to determine fall protection requirements and necessary training. Fall protection is required for heights greater than 6 feet.



# WORKPLACE WORRIES

**Q:** Can my employer require me to take a drug test?

**A:** Yes. An employer may require an employee or applicant to submit to a drug test as a condition of hiring or continued employment.

The employer also can establish circumstances and conditions that trigger drug tests. These circumstances can include post-accident, random, safety-sensitive, pre-employment, follow-up or reasonable suspicion conditions.

If an applicant or employee refuses to take a drug test, an employer may remove the applicant from employment consideration or terminate the employee.

For more information on the Controlled Substance Examination

Regulation Act, visit the Wage and Hour Bureau Web site at [www.nclabor.com/wh/wh.htm](http://www.nclabor.com/wh/wh.htm).

**Q:** Can my employer require me to pay for a drug test that I had to take to be hired or to continue my employment?

**A:** No. An employer cannot make an employee pay for a drug test that is required by the employer, regardless of the employee's employment status. The employer also cannot deduct the costs of the drug test from the employee's wages even if the employer has an employee's written authorization. However, the employer may require an employee to pay for a follow-up drug test when the employee tests positive and it is the employee who wants to be retested, as long as it does not bring the employee below the minimum wage of \$5.15 an hour. These rules do not apply to drug tests required by law rather than by the employer.

## DEADLY Mistakes

By Steve Sykes  
State Plan Coordinator

**Fatal Event:** On the morning of Nov.

6, 2003, a 56-year-old elementary school teacher was getting ready to help some students after school. The teacher had asked for help putting up a screen in the auditorium, but a school custodian was not available at the time.

An hour and a half after having submitted her request for help, the teacher telephoned the school secretary on her cell phone to tell her that she had fallen off a chair in the auditorium. The teacher said she had gotten hurt and needed help. The secretary found the teacher in her classroom sitting in a chair behind her desk. The teacher was pale and sweaty. Her body was shaking from the trauma. The secretary called emergency services and an ambulance arrived within a couple of minutes to take the stricken teacher for the short drive to the hospital.

Medical personnel discovered that the teacher had fractured her T12 vertebra and the disk had exploded. Doctors had to perform emergency surgery. The teacher was put in the intensive-care ward. While in the hospital recovering from the surgery, the teacher developed pneumonia and died Jan. 13, 2004.

**Investigation Results:** School officials disclosed they had warned teachers to let custodians do needed repairs. The policy was not in writing, however. A ladder was available on the auditorium stage at the time of the accident. The school had a safety and health committee that met periodically. Safety issues were shared with teachers and staff at the beginning of each school year.

**Discussion:** Falls continue to be a leading cause of death in the workplace and at home. We all should know the potential consequences of a fall from any height in which there is a chance for a blow to the head or back. Whether at work or at home, we must resist the temptation of letting time dictate the

procedures that we use to complete a task. Even though it may take a few more minutes, securing a safety ladder from the garage to change a light bulb is better than using a chair. It may mean waiting an extra day to get someone to help with the ladder or help in other ways to make a task safer. It is time well spent when the alternative could be injury to you, your loved ones or co-workers.

### Recommendations:

⚠️ Develop a culture at work and home in which the safe way is the only way. In a safety conscious environment, short cuts are not

taken in the name of expediency and help is always available to make the job safer.

⚠️ A job hazard analysis should be conducted on all tasks performed, and safety procedures and training developed as a result of the analysis.

⚠️ Two employees should be present when work is performed on ladders or similar equipment. A little help can usually make a job safer.

⚠️ Safety ladders with handrails, slip resistant treads and a locking mechanism to prevent movement are preferable to stepladders or extension ladders.

⚠️ Procedures or engineering controls should be implemented to reduce the need for access to heights. In a school or similar

setting, rooms should be designed so that it is not necessary to climb on a ladder to prepare a screen for presentations. Long life bulbs might be purchased to reduce the frequency of reaching high elevations or an extension pole utilized for changing lights.

⚠️ Employers should conduct inspections of the work environments to make sure employees are complying with safety requirements, and develop and enforce penalties for noncompliance.

⚠️ Untrained employees who are not fit for physical work should not perform or be encouraged to perform certain physical tasks. This common sense rule includes employees such as teachers, sales clerks or administrative personnel performing tasks usually done by a custodian or maintenance personnel.



*Employees should use proper equipment, such as a ladder, and wait for properly trained maintenance employees to do repairs. Last year an employee died after falling off a chair when setting up a screen.*

# Elevators, Escalators: No Safer Way to Travel

By Dolores Quesenberry  
Public Information Officer

Elevators and escalators carry millions of North Carolinians safely each year in malls, airports and office buildings.

The devices—known in the industry as people movers—represent one of the safest travel modes around, with few Tar Heels suffering even minor injuries as they go from one floor to another.

In North Carolina, there are more than 21,000 elevators and escalators. Estimates on how many people they carry each day number more than 1 million. The labor department is responsible for yearly inspections on all of the state's elevators and escalators.

"People movers are the safest mode of transportation in the world," said Jonathan Brooks, the N.C. Department of Labor elevator and amusement device bureau chief. "That said, there are still some common misconceptions people have regarding elevators in particular."

Brooks said the two biggest fears include a deadly free fall and suffocation in a stalled elevator.

"If you find yourself trapped in an elevator, don't panic," Brooks said. "I assure you that you will not suffocate, nor will the elevator cab free fall."

Brooks said there have been only two free falls in the United States. The most recent free-fall accident occurred when the Twin Towers were hit by the hijacked airliners on 9/11. The second aircraft actually hit the elevator hoisting machines, which kept the airliner from flying completely through the building. The other free-fall accident occurred in the 1940s in the Empire State Building.

"9/11 was obviously a very unusual day," Brooks said. "All elevator cabs have an overspeed governor and car safeties underneath the car that are activated by calibrated

speed. Also, every five years each elevator is loaded to capacity and a full-load safety test is conducted. This is an additional test we perform to ensure the safeties are capable of stopping the cab."

Suffocation also is unlikely in an elevator.

"There is more air moving through an elevator shaft than in any other part of a building," assistant bureau chief Tom Chambers said. "Elevators are natural air shafts,

which means suffocation is virtually impossible."

Chambers said elevator and escalator inspections are labor intensive and time consuming.

"There are over 100 electrical safety devices on elevators and escalators that inspectors must test during an inspection," Chambers said. "Each step is very important and can prolong the inspection."

Because of the detailed work involved, inspectors usually inspect no more than six elevators a day. Elevator inspectors also are responsible for inspecting more than 7,000 amusement rides across the state.

"Elevator inspections represent one of the more important functions that

our department carries out," Labor Commissioner Cherie Berry said. "More than a few people have told me that their eyes are drawn to the inspection dates on their elevator. People want to know if they're safe."

Berry's signature may be one of the most recognizable signatures in North Carolina because it appears on every elevator certificate in the state. Her signature assures riders of the elevator's safety.

"People sometimes refer to me as the elevator lady," Berry said. "I have actually had people ask me for my autograph because they recognized my name from the inspection certificate."



*Elevator inspectors open the elevator shaft during routine inspections. Over 20,000 elevators and escalators are inspected each year by NCDOL.*

## Escalator Safety Tips Benefit Elderly and Children

About 90 percent of all escalator incidents involve senior citizens or small children. The following safety tips are helpful when using an escalator.

- % Make sure shoelaces are tied before using an escalator.
- % Stand in the center part of the step.
- % Do not sit on the handrail.
- % Do not board an escalator with a baby stroller, walker or packages.

% Senior citizens should pay particular attention to balance while boarding the escalator. It is easy to lose your balance after stepping onto the escalator because of the fast upward movement of the tracks.

% Do not let small children sit on the steps while riding an escalator. Sitting on an escalator is very dangerous because a child's fingers can get caught in the mechanical teeth of the moving steps.

# Overhead Power Lines Pose Risk

By Heather Crews  
Public Information Officer

While sitting at a Raleigh stoplight recently, an NCDOL employee waiting for the light to change watched absentmindedly as a painter started to move his ladder along the tall side of a sandwich shop.

The painter put his brush down, grabbed the metal ladder with both hands and pulled it away from the building. He yanked once, then yanked again, prompting the NCDOL employee to look up at the ladder to check the snag.

Fortune smiled on the painter that day. His ladder was snagged by overhead power lines and with the smallest bit of bad luck, he would have suffered the same fatal accident that strikes others who are careless around powerful sources of electricity.

The incident underscored the dangers that accompany one of the four biggest hazards in the construction industry.

Since October 2001, the N.C. Department of Labor has investigated seven electrocutions in construction. Six of the seven fatalities involved contacting overhead power lines while moving ladders.

"If you look at the trend, all but one of the electrocutions in construction involved a ladder," eastern bureau chief Tom Hayes said. "It's alarming on two counts. One, these accidents are horrific and happen way too often. Two, they were 100 percent preventable."

Last year two painters were killed when they moved a 40-foot aluminum extension ladder and came in contact with 7,200-volt power lines.

Fiberglass and wooden ladders provide some protection for employees, but NCDOL inspectors say that employees must stay at least 10 feet away from an energized line to be safe.

"The standards specify that portable metal and conductive ladders may not be used near energized lines," Hayes said.

Perhaps the most important precaution is awareness.

"I've heard too many times that the employee just didn't see the lines," compliance officer Belvin Horres said. "If each employee takes the time to observe the work area and note the hazards, particularly overhead lines, they will be on the right track."

It is not just power companies that need to be aware of overhead power lines, but other construction workers as well.

"Looking back at the fatalities, we don't see as many problems with the power companies and their contractors," Hayes said. "It's the people on the ground, like painters, working near the lines who are hurt."

Personal protective equipment also must be used when working near energized lines. Rubber insulating gloves, hats and safety glasses with sides are all required.

Certain types of clothing material, such as acetate, nylon, polyester and rayon are prohibited. Employees should wear 100 percent cotton or wool clothing.

Have labor-related questions? Call...

**1-800-625-2267**



or visit our Web site at ...

**www.nclabor.com**



# Safety Award Highlights

The N.C. Department of Labor presented companies throughout the state with 1,845 awards for outstanding safety and health records this past year. The department hosted 30 banquets and issued 82 of the Million-Hour awards, which are based on a million hours worked without a lost-time injury. Listed are highlights from the 2004 banquet season.

## Four Million Employee Hours

WestPoint Stevens, Bob Evans Fabrication Plant  
Glen Raven Inc., Executive Office  
WestPoint Stevens, Alamance Center  
Sara Lee Intimate Apparel  
Ingersoll-Rand Mocksville Operations

## Five Million Employee Hours

Hickory Chair

## Six Million Employee Hours

Nortel Networks—Network Center  
Progress Energy, Harris Nuclear Plant  
Kentucky Derby Hosiery, Plant #2, Mount Airy  
R.J. Reynolds Tobacco Co., Research and Development

## Seven Million Employee Hours

West Point Stevens, Bob Evans Distrib. Plant, Wagram  
National Gypsum Co. Corporate Offices

## Nine Million Employee Hours

Sara Lee Underwear, Stratford Road Plant

## Consecutive Year Safety Awards Participants:

National Gypsum Co. (25)  
Carolina Mills, Plant No. 2 (25)  
Burlington Industries, Corporate Headquarters (26)  
Pictorial Engraving Company (27)  
Broyhill Furniture Industries, Occasional No. 1 (27)  
KOSA, Wilmington Site (29)  
Carolina Mills, Plant No. 1 (29)  
Hammer Motor Company (29)  
Louisiana-Pacific Corporation (29)  
Alcoa Inc., Badin Works (30)  
Bernhardt Furniture Co. Corporate Office (31)  
ENCO Oil Inc. (32)  
Georgia-Pacific Resins, Healing Springs Plant (32)  
DAK Americas, Cape Fear Monomers Employees (33)  
DAK Americas, Cape Fear Power Employees (33)  
DAK Americas, Cape Fear Support Employees (33)  
Melatex Inc. (34)  
Ethan Allen, Maiden Division—Upholstery Plant (34)  
Bost Neckwear Company (37)  
Broyhill Furniture Industries, Main Office (37)  
Vulcan Construction Materials, Mideast Division—  
Elkin Quarry (38)  
Celanese Acetate LLC, Dreyfus Research Park (42)  
Thomasville Furniture Industries, Central Office (45)

*NCDOL wishes to thank these companies for their safety and health efforts.*



# Bulletin Board

## 10 Hour Awareness Workshops

### General Industry

**Sept. 28-29, 2004**

**Albemarle**

Contact Betty O'Neal at (704) 991-0142

**Oct. 12-13, 2004**

**Dallas**

Contact Joe Keith at (704) 922-6448

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

## Wage and Hour Seminars

**Sept. 2, 2004**

**Charlotte**

Central Piedmont Community College

**Sept. 16, 2004**

**Winston-Salem**

DataMax/Winston-Salem Retail Merchants Assoc.

**Sept. 21, 2004**

**Kinston**

Lenoir Community College Small Business Center

**Sept. 23, 2004**

**Enka**

Asheville-Buncombe Technical Community College

For more information, contact the Wage and Hour Bureau at 1-800-625-2267 (toll free) or locally at (919) 807-2808. Visit our Web site at [www.nclabor.com/wh/seminars.htm](http://www.nclabor.com/wh/seminars.htm).

## 8th Annual Carolina Star Conference

**Sept. 15-17, 2004**

**Four Seasons, Greensboro**

To register, go to [www.carolinastar.org](http://www.carolinastar.org).

## 2004 Apprentice Contests

**N.C. State Fair, Raleigh**

**Masonry and HV/AC-R Contests**

**Oct. 18, 2004**

**Electrical Contest**

**Oct. 20, 2004**

**Carpentry Contest**

**Oct. 21, 2004**

**Plumber/Pipefitter Contest**

**Oct. 22, 2004**

The contests will take place daily under the large white tents next to the pig races, near Gate 9.

## 2004 Fall Safety Schools

**Central Carolina Safety and Health School**

**Oct. 6-8, 2004**

Contact Jackie Sprankle at (919) 992-7255

**Western N.C. Safety and Health School**

**Nov. 4-5, 2004**

**Renaissance Hotel, Asheville**

Contact Rebecca Israel at (336) 761-2700

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

**Nov. 18-19, 2004**

**Embassy Suites, Charlotte**

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

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