

NC Labor LEDGER

January/February 2007

Posters Feature Minimum Wage Increase

NCDOL provides free, updated labor law posters

By Heather Crews
Public Information Officer

North Carolina businesses can order a new labor law poster that reflects the state's new minimum wage of \$6.15 an hour approved by the N.C. General Assembly effective Jan. 1.

The labor department has received thousands of requests from businesses fearful of being fined or penalized for not having the latest labor poster, but employers should not be worried.

"We would never fine an employer unless the employer just blatantly refused to put the poster up," Labor Commissioner Cherie Berry said. "I personally don't know of any employer who has refused to take a free poster from one of our inspectors."

Labor law posters are required under North Carolina law. The posters carry information on the state's Wage and Hour Act and what are commonly referred to as "OSHA" regulations, or the Occupational Safety and Health Act. The labor department for years has provided the posters to employers free of charge, and labor inspectors carry them in their vehicles.

However, business owners are often approached by private poster companies trying to sell them expensive posters.


The poster companies send employers official-looking mail that threatens \$7,000 fines unless employers comply with changes in the labor laws by purchasing posters for which the poster companies sometimes charge more than \$100.

"It is unfortunate when I hear business owners tell me they were duped into spending \$100 for a poster out of fear they would be hit with a huge fine," Berry said. "How you can


sleep at night if that's how you make a living is beyond me."

Berry said many of the poster requests coming in from employers were prompted by threatening letters they received from private poster companies. Berry said labor officials have heard that poster companies aware of the new minimum wage have been contacting employers across the state with letters threatening heavy fines.

The letters have been found to be within state law because of loopholes



N.C. Department of Labor Notice to Employees



Safety and Health (OSHA)
The state of North Carolina is a federally recognized member of the Occupational Safety and Health Administration (OSHA). The Occupational Safety and Health Act (OSHA) was passed in 1970 to protect the health and safety of workers in the workplace. OSHA is responsible for enforcing the standards that govern the safety and health of workers in the workplace. OSHA is also responsible for providing training and information to employers and workers about workplace safety and health. OSHA is a part of the U.S. Department of Labor.

Wage and Hour Act
The Wage and Hour Act (WHA) is a federal law that sets the minimum wage, overtime pay, and other labor standards for most workers in the United States. The WHA is enforced by the U.S. Department of Labor. The WHA is a part of the U.S. Department of Labor. The WHA is a part of the U.S. Department of Labor.

Right to Work Laws
The Right to Work Laws are federal laws that protect the rights of workers to join or not join a union. The Right to Work Laws are enforced by the U.S. Department of Labor. The Right to Work Laws are a part of the U.S. Department of Labor. The Right to Work Laws are a part of the U.S. Department of Labor.

1-800-NC-LABOR (1-800-625-2267)

THIS NOTICE MUST BE POSTED CONSPICUOUSLY. THIS POSTER IS AVAILABLE FREE OF CHARGE TO ALL NORTH CAROLINA WORKPLACES. CALL 1-800-625-2267 or (919) 807-3766.

Labor law posters are available from the N.C. Department of Labor. The poster last changed in December 2006 to reflect the increase in the state's minimum wage.

covered in the fine print included in these letters.

Poster companies can be indiscriminate about whom they solicit with their letters. Two years ago, a letter threatening a \$7,000 fine for failure to have an up-to-date poster was sent to the labor department. It was addressed to Labor Commissioner Cherie Berry.

"When you get these solicitations, throw them in the trash," Berry said. "That's what I did."

The N.C. Department of Labor currently has a backlog for poster orders, because the department's usual printing order of labor law posters was delayed until shortly before the start of 2007. Labor officials were aware the U.S. Congress was talking of enacting federal legislation that would supersede the minimum wage in North Carolina and decided to wait before printing posters that could soon be out-of-date.

As expected the U.S. House of Representatives approved Jan. 10 a new federal minimum wage. However, the bill approved by the House would not affect the state minimum wage since it sets a minimum wage of \$5.85 an hour effective

continued on page 2



**From
Commissioner
Cherie Berry**

This month I'd like to offer a friendly reminder of the reporting requirements of the Occupational Safety and Health Act.

North Carolina businesses and public agencies with more than 10 employees are required to post by Feb. 1 a summary of work-related injuries and illnesses that occurred during 2006.

Employers must post the OSHA 300-A form, a summary of work-related injuries and illnesses, from Feb. 1 to April 30 where other notices to employees are posted. The summary must be posted even if the business had no recordable injuries or illnesses.

Employers with 10 or fewer employees and those businesses in low-hazard establishments in the retail, service, finance, insurance and real estate sectors are not required to keep injury and illness records unless asked to do so by the N.C. Department of Labor.

All businesses, regardless of size or industry class, must report to NCDOL within eight hours any workplace incident that results in a fatality or the hospitalization of three or more employees.

Form 300-A shows the total injuries and illnesses for the year in each of the categories. The summary provides the extent and severity of work-related incidents. It also helps to prevent further illnesses and injuries by bringing awareness to employers and employees.

More information may be found in Part 1904, Recordkeeping and Reporting Occupational Injuries and Illnesses, of the OSHA standards. For questions about the OSHA 300 logs, visit the NCDOL Web site at www.nclabor.com or call 1-800-625-2267.

Cherie Berry



Cherie Berry
Commissioner

Editor**Heather Crews**
Layout and Design**Jeff Wilson**
Publications Bureau Chief**Mike Daniels**

1101 Mail Service Center
Raleigh, NC 27699-1101

1-800-625-2267 • www.nclabor.com

Inside this edition:

N.C. Work Fatalities Continue to Drop	page 3
NCDOL to Offer New Workshop Series	page 3
Workplace Worries	page 4
Deadly Mistakes	page 4
Bulletin Board	page 5

Posters Feature Minimum Wage Increase

continued from page 1

60 days after enactment by the U.S. Congress.

The U.S. Senate approved Feb. 1 a bill with similar minimum wage provisions, but also added billions in tax breaks. Now the House and Senate must negotiate and agree on a single bill that can be approved by both chambers.

Under the provisions of both bills, the federal minimum wage would not supersede the state rate of \$6.15 until a year later, when the minimum wage would go up to \$6.55 and rise yet again to \$7.25 a year after that.

"I did not want to waste taxpayer dollars on printing 50,000 posters that would be out of date immediately," Berry said.

To place an order for a new poster, go to the NCDOL Web site at www.nclabor.com/posters/posters.htm.

2007 Safety School Schedule

The N.C. Department of Labor once again will help sponsor a series of safety schools to help employers stay in touch with the latest workplace safety and health information.

The two- to four-day seminars highlight topics such as certain OSHA standards, the latest developments in personal protective equipment, workers' compensation and homeland security.

The eight school locations across the state offer all businesses the opportunity to attend a local safety school.

Check the NCDOL Calendar at www.nclabor.com/calendar.htm for more updated information. Several schools offer early registration discounts.

Central Carolina Safety and Health School, Raleigh.....March 19–21
www.ccosh.org

Hickory Safety School, Hickory.....April 5

Eastern Carolina Safety and Health School, Atlantic Beach....April 19–20
www.ecshs.com

Charlotte Safety and Health School, CharlotteApril 26–27
www.charlottesafetyschool.com

77th Annual N.C. Statewide Safety Conf., GreensboroMay 15–18
www.comp.state.nc.us/ncic/pages/ncsscfrm.htm

Wilmington Regional Safety and Health School, Wilmington....July 26–27
www.wilmingtonsafetyschool.com

N.C. Safety Congress Annual Meeting, CharlotteNov. 15–16
www.safetync.org/congress/congress06.htm

Western Carolina Safety and Health School, Asheville.....Date TBA
www.westernncsafetyschool.com

N.C. Work Fatalities Continue to Drop

By Heather Crews
Public Information Officer

The emergence of North Carolina as one of the safest states to work in the United States continued in 2006 as a key work safety indicator—fatalities at work—once again dropped, according to figures released in January by the N.C. Department of Labor.

In what has been an unparalleled period of work environment improvements in its history, North Carolina saw a drop in fatal work accidents to 62 last year from the previous 68 in 2005. Of the 79 work-related fatalities investigated in 2006, 17 involved medical conditions such as heart attacks and seizures.

“I’m not saying that (62) is acceptable, anymore than you can say one fatality is acceptable,” Labor Commissioner Cherie Berry said. “But we can say North Carolina has become among the safest in the country although our population keeps growing by leaps and bounds. We also have a lot of high-hazard industries such as construction, logging, manufacturing and fishing.”

The state labor department investigates work-related fatalities.

In 2000, North Carolina had a work injury and illness rate of 5.7 cases for every 100 full-time workers. The latest U.S. Bureau of Labor Statistics figures show that by 2005 the state’s injury and illness rate had dropped to 4.0 in the private sector. The continuous yearly improvement has placed North Carolina among the 10 safest states.

“We’re doing something good in North Carolina,” Berry said. “The fact that we have a safe environment for our workers resonates with people. It helps draw new business to North Carolina. A safe work environment contributes to economic development. It’s good for workers, and it’s good for our economic well-being.”

Of the 62 fatalities, 21 occurred in construction. Another 11 took place in manufacturing and nine in the service



Labor officials help train workers at a Centex residential construction site in Raleigh on safety and health hazards in the workplace. The labor department uses the mobile training unit as part of its efforts to reduce workplace fatalities.

industry. The agriculture, forestry and fishing industry had seven fatalities, with five fatalities in the transportation and public utilities industry.

Of the five N.C. Department of Labor districts, the Raleigh district with its 38 counties experienced the most fatalities with 22. The Charlotte district with 15 counties followed with 15 fatalities. The Winston-Salem district with 15 counties had 12 fatalities, followed by Wilmington and its 13-county area with 10 fatalities. The Asheville district with its 19 counties had three work fatalities.

Among racial groups, whites had 34 fatalities, followed by Hispanics with 14. Blacks had 13 fatalities. There was one Asian fatality.

Eighteen of the fatal accidents involved being struck by an object such as a truck, forklift or falling equipment. Another 18 North Carolinians suffered fatal falls. Eleven workers were crushed to death; five died in fires or explosions; and three were electrocuted. Another seven workers died in various other event categories.

EDITORS NOTE: Annual fatality numbers may change if a fatality was not reported to the N.C. Department of Labor as required by law. Figures also may change if death occurs in the calendar year following the accident.

NCDOL to Offer New Workshop Series

By Marcy Collyer
Health Education Specialist

The N.C. Department of Labor is offering free general industry and construction workshops in 2007 through a new series that began in January.

One-subject courses are being offered in areas such as hazard communication, the big four construction hazards,

bloodborne pathogens, electrical safety, heat stress and noise. The courses range in length from one hour to four hours. Several topics also will be offered in Spanish.

The workshops will be held at the NCDOL field office training rooms located in Raleigh, Charlotte and Winston-Salem. Visit the NCDOL Web site, www.nclabor.com, and click on “Calendar of Events” to register for the workshops.

Safety Award Applications

Don’t forget that safety award applications are due by Feb. 15.
Download an application on the NCDOL Web site at www.nclabor.com.



Q: *How do I compute overtime pay for tipped employees?*

A: Effective Jan. 1, employers must pay tipped employees an hourly cash wage of \$3.13 an hour, as long as the employee makes enough in tips to meet the minimum wage of \$6.15 an hour.

When computing overtime pay for tipped employees, the employer must calculate the time and one-half overtime pay rate based on the employee's regular rate of pay, which is \$6.15 an hour.

The following is an example of how to calculate overtime pay for a tipped employee who works 60 hours in one week and who earns \$15 an hour in tips:

The total compensation (straight time and overtime) for

employee should be calculated as follows: \$369 [60 hours x \$6.15 an hour] + \$61.60 [20 hours x \$3.08 an hour (half-time rate for \$6.15)] = \$430.60. However, since the employee earned \$15 an hour in tips, the employer is allowed to take a credit of \$3.02 an hour for the full 60 hours of work (60 hours x \$3.02 per hour = \$181.20). The employer then should pay the employee \$249.40 in wages for the workweek (\$430.60 – \$181.20 = \$249.40).

Another way of computing overtime pay—shown below—will produce the same results:

\$246 (40 hours x \$6.15 per hour) + \$184.60 (20 hours x \$9.23 per hour) = \$430.60 in gross wages. However, since the employee earned \$15 an hour in tips, the employer is allowed to take a credit of \$3.02 an hour for the full 60 hours of work: \$430.60 gross wages – \$181.20 (60 hours x \$3.02 per hour tip credit) = \$249.40 cash wages.

DEADLY Mistakes

By Steve Sykes
State Plan Coordinator

Fatal Events: On Nov. 9, 2005, a 32-

year-old Hispanic construction worker was killed when he was struck by a masonry saw blade.

Investigative Findings: The worker's job was to cut a window opening in a concrete block building. He was working 6 feet above ground on a tubular welded scaffold and was making the cut with the upper quadrant of the masonry saw blade. This type of cut tends to pinch the blade and produce kickback. The employee was cutting near the top of the window opening when the saw kicked back with such force that he could not control it. The saw blade fatally struck the victim on the left side of his neck.

The operator's manual for the saw contained clear warnings. However, at the time of the investigation, the operator's manual was still wrapped in plastic and had never been used. The victim had taken part in several safety training programs but had not received instruction on the safety requirements of the saw he was using or on the potential for kickback.

Discussion: Construction accidents continue to be the leading cause of work fatalities. The labor department in recent years has emphasized safety training for workers and has provided

free consultative services in work safety for the construction industry. The department also provides outreach services to the Hispanic workers. Training is available in Spanish, and NCDOL trainers use Labor One, the department's mobile training classroom, to provide training classes on construction sites.

Recommendations:

- ✖ Only qualified employees should operate dangerous tools and equipment.
- ✖ Employees should be trained in the hazards associated with work tools.
- ✖ First aid services and provisions for medical care must be made available by the employer for employees.
- ✖ The employer must require employees to wear appropriate personal protective equipment when they are exposed to hazardous conditions.
- ✖ When power tools are designed with safety guards, the tools must be operated with the guards in place.
- ✖ Electric power tools should be double insulated or properly grounded.
- ✖ Operators should know what cutting methods can create dangerous kickbacks.
- ✖ Operators should avoid standing directly behind saws.

Subscribe to the new quarterly OSH Training Newsletter!

This electronic newsletter includes upcoming training opportunities offered by the N.C. Department of Labor Occupational Safety and Health Division.

Click here to get your subscription.

www.nclabor.com/osha/etta/training_newsletter_form.html

Need answers to your labor-related questions?

1-800-625-2267

www.nclabor.com



Bulletin Board

30-Hour Construction Awareness Workshop

Feb. 26-March 2

Cape Fear Community College, Castle Hayne
Register at www.nclabor.com/calendar.htm

10-Hour Construction Workshop in Spanish

March 6-7

Durham Technical Community College, Durham

April 24-25

Blue Ridge Community College, Flat Rock
Contact Alan Fortner at alan.fortner@nclabor.com

Wage and Hour Seminars

Feb. 21

Watauga Medical Center, Boone
Contact Julie Perry at jperry@wateye.com

March 29

Isothermal Community College, Spindale
Contact Sherry Skibo at (828) 288-6506 or
Shannon Council at (919) 807-2797

For more information, visit www.nclabor.com/calendar.htm

Part 46 New Miner/ Experienced Miner Training

March 12 and April 16

Part 46 Annual Refresher

March 15 and April 19

All miner and refresher training will take place at the
Hanson Training Center, Wake Forest
To register, call (919) 807-2790

10-Hour General Industry Workshop

March 27-28

Lenoir Community College, Kinston
Contact Linda Murray at (252) 552-4676, Ext. 2022

10-Hour Construction Workshops

April 3-4

Cape Fear Community College, Wilmington
Contact Autumn McGimsey at (910) 362-7216

May 8-9

Rowan-Cabarrus Community College, Concord
Contact Angie Corriher at (704) 637-0760, Ext. 383

**Keep your co-workers safe and informed
with a FREE Ledger subscription!**

www.nclabor.com/news/ledgersubs.htm