EMPLOYEE RIGHTS **UNDER THE FAMILY AND MEDICAL LEAVE ACT** THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION Work at a location where the employer has at least 50 Eligible employees who work for a covered employer can take up to 12 Employees may choose, or an employer may require, use of accrued EMPLOYER RESPONSIBILITIES employees within 75 miles of the employee's worksite. paid leave while taking FMLA leave. If an employee substitutes accrued weeks of unpaid, job-protected leave in a 12-month period for the Once an employer becomes aware that an employee's need for leave is *Special "hours of service" requirements apply to airline flight crew paid leave for FMLA leave, the employee must comply with the for a reason that may qualify under the FMLA, the employer must notif the employee if he or she is eligible for FMLA leave and, if eligible, employer's normal paid leave policies. The birth of a child or placement of a child for adoption or foster just also provide a notice of rights and responsibilities under the To bond with a child (leave must be taken within 1 year of the Generally, employees must give 30-days' advance notice of the need FMLA. If the employee is not eligible, the employer must provide a While employees are on FMLA leave, employers must continue health for FMLA leave. If it is not possible to give 30-days' notice, an insurance coverage as if the employees were not on leave. To care for the employee's spouse, child, or parent who has a employee must notify the employer as soon as possible and, generally, Employers must notify its employees if leave will be designated as Upon return from FMLA leave, most employees must be restored to the follow the employer's usual procedures. FMLA leave, and if so, how much leave will be designated as FMLA same job or one nearly identical to it with equivalent pay, benefits, and For the employee's own qualifying serious health condition that Employees do not have to share a medical diagnosis, but must provide makes the employee unable to perform the employee's job; ough information to the employer so it can determine if the leave An employer may not interfere with an individual's FMLA rights or For qualifying exigencies related to the foreign deployment of a qualifies for FMLA protection. Sufficient information could include retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in military member who is the employee's spouse, child, or Employees may file a complaint with the U.S. Department of Labor, forming an employer that the employee is or will be unable to Wage and Hour Division, or may bring a private lawsuit against an perform his or her job functions, that a family member cannot perfor any proceeding under or related to the FMLA. parent, or next of kin may also take up to 26 weeks of FMLA leave in a is necessary. Employees must inform the employer if the need for leave The FMLA does not affect any federal or state law prohibiting single 12-month period to care for the servicemember with a serious is for a reason for which FMLA leave was previously taken or certified. discrimination or supersede any state or local law or collective An employee who works for a covered employer must meet three bargaining agreement that provides greater family or medical leave Employers can require a certification or periodic recertification criteria in order to be eligible for FMLA leave. The employee must: An employee does not need to use leave in one block. When it is supporting the need for leave. If the employer determines that the Have worked for the employer for at least 12 months: nedically necessary or otherwise permitted, employees may take leave certification is incomplete, it must provide a written notice indicating Have at least 1,250 hours of service in the 12 months before For additional information or to file a complaint:

PAY DAY IS ON: ■ MONDAY ☐ FRIDAY **□** TUESDAY ■ SATURDAY □ WEDNESDAY □ SUNDAY ☐ THURSDAY **PAY SCHEDULE IS: □** WEEKLY **□** BIWEEKLY ☐ MONTHLY **PAYCHECKS ARE ISSUED ON THE:** AND WH1420 REV 04/16

PAY DAY NOTICE □ SEMI MONTHLY OF THE MONTH

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT **FEDERAL MINIMUM WAGE**

The law requires employers to display this poster where employees can readily see it. **OVERTIME PAY** At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 CHILD LABOR and 15 years old may work outside school hours in various non-manufacturing, non-hazardous jobs with certain work hours restrictions. Different rules apply in

TIP CREDIT Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

NURSING The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to **MOTHERS** provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express

> wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA. Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections; employers must comply with both

Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference

between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The

Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum





EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the

> certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement

in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees

have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not

to have test results disclosed to unauthorized persons. The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants **ENFORCEMENT**

may also bring their own court actions. THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.



Ref.: 29 USC, Ch. 28, Sec. 2619

EXEMPTIONS

EXAMINEE

RIGHTS



1-866-487-9243



EMERGENCY NUMBERS CALL 911

AMBULANCE:

HOSPITAL:

FIRE DEPARTMENT:



Applicants to and employees of most private employers, state and local governments, educational insti organizations are protected under Federal law from discrimination on the following base RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN l'itle VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay

ringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnan or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis o

disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex responsibility, under similar working conditions, in the same establishment.

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on gene information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also ricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes info about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medica istory); and requests for or receipt of genetic services by applicants, employees, or their family members.

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a ination proceeding, or otherwise opposes an unlawful employment practice. WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protec our right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrin The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for overnment section. Additional information about EEOC, including information about charge filing, is available at

Employers Holding Federal Contracts or Subcontracts action to ensure equality of opportunity in all aspects of employmen

motion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination include making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is a aployment qualified individuals with disabilities at all levels of employment, including the executive level. DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job di: ction to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active

duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized; and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces

OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor. **Programs or Activities Receiving Federal Financial Assistance**

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972

ctivity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who with or without reasonable accommodation, can perform the essential functions of the job. If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should

POLICE:

PHYSICIAN:

POISON CONTROL



FORM 17

Revised 10/2017

N.C. WORKERS' COMPENSATION NOTICE TO INJURED **WORKERS AND EMPLOYERS**

All employees of this business, except specifically excluded executive officers, suffering work-related injuries may be entitled to Workers' Compensation benefits from the employer or its insurance carrier.

IF YOU HAVE A WORK-RELATED INJURY OR AN OCCUPATIONAL DISEASE

The Employee Should:

- Report the injury or occupational disease to the Employer immediately.
- Give written notice to the Employer within 30 days.
- File a claim with the Industrial Commission on a Form 18 immediately, but no later than 2 years from injury date or occupational disease. Give a copy to the Employer.
- If medical treatment and wage loss compensation are not promptly provided, call the insurance carrier/administrator or request a hearing before the Industrial Commission using a Form 33 Request for Hearing. Commission forms are available at website www.ic.nc.gov or by calling the Help Line.
- Your employer's workers' compensation insurance carrier is
- The insurance policy number is
- Your employer's workers' compensation insurance policy is valid from

For assistance: Call the Industrial Commission HELP LINE—(800) 688-8349.

The Employer Should:

- Provide all necessary medical services to the Employee.
- Report the injury to the carrier/administrator and file a Form 19 Report of Injury within 5 days with the Industrial Commission, if the Employee misses more than 1 day from work or if cumulative medical costs exceed \$2,000.00.
- Give a copy of your completed Form 19 to the Employee along with a copy of a blank Form 18 **Notice of Accident.**
- Ensure that compensation is promptly paid as required under the Workers' Compensation Act.

For assistance with Safety Education Training contact:

Director of Safety Education at (919) 807-2602 or safety@ic.nc.gov NORTH CAROLINA INDUSTRIAL COMMISSION



1235 MAIL SERVICE CENTER RALEIGH, NORTH CAROLINA 27699-1235

Website: www.ic.nc.gov

TO EMPLOYER: THIS FORM MUST BE PROMINENTLY POSTED IF YOU HAVE WORKERS' COMPENSATION INSURANCE OR QUALIFY AS SELF-INSURED. (N.C. Gen. Stat. §97-93).

Wage and Hour Act

employees at least \$7.25 per hour.

be allowed the tip credit.

Youth Employment

website at www.labor.nc.gov.

(effective 7/24/09).

Minimum Wage: \$7.25 per hour

Employers in North Carolina are required to pay the

higher of the minimum wage rate established by state or

federal laws. The federal minimum wage increased to

\$7.25 per hour effective July 24, 2009; therefore,

employers in North Carolina are required to pay their

An employer may pay as little as \$2.13 per hour to tipped

employees so long as each employee receives enough in

tips to make up the difference between the wages paid

and the minimum wage. Employees must be allowed to

keep all tips, except that pooling is permitted if no

employee's tips are reduced more than 15 percent. The

employer must keep an accurate and complete record of

tips as certified by each employee monthly or for each

pay period. Without these records, the employer may not

Certain full-time students may be paid 90 percent of the

Time and one-half must be paid to all employees after 40

hours of work in any one workweek with some

exceptions. The state overtime provisions specifically do

not apply to certain types of employees and do not apply

to employees classified as excempt under the FLSA.

Rules for all youths under 18 years old are: Youth

employment certificates are required. To obtain a YEC,

Hazardous or Detrimental Occupations: State and

federal labor laws protect youth workers by making it

illegal for employers to hire them in dangerous jobs. For

example, non-agricultural workers under 18 years of age

may not operate a forklift; operate many types of power

equipment such as meat slicers, circular saws, band saws,

bakery machinery or woodworking machines; work as an

electrician or electrician's helper; or work from any height

above 10 feet, including the use of ladders and scaffolds.

For a complete list of prohibited jobs, please visit our

Additional rules for 16- and 17-year-olds are: No work

between 11 p.m. and 5 a.m. when there is school the next

day. Exception: When the employer gets written

Where work can be performed: Retail businesses, food

service establishments, service stations and offices of

other businesses. Work is not permitted in

manufacturing, mining or construction, or with

power-driven machinery, or on the premises of a

business holding an ABC permit for the on-premises

sale or consumption of alcoholic beverages; except

that youths at least 14 years of age can work on the

outside grounds of the premises with written consent

from a parent or guardian as long as the youth is not

involved with the preparation, serving, dispensing or

Maximum hours per day: Three on school days; eight

Maximum hours per week: 18 when school is in

Hours of the day: May work only between 7 a.m. and

7 p.m. (9 p.m. from June 1 through Labor Day

Breaks: 30-minute breaks are required after any

Additional rules for youths under 14 years old are:

Work is generally not permitted except when working for

the youth's parents; in newspaper distribution to

consumers; modeling; or acting in movie, television,

These state youth employment provisions do not apply to

Wages are due on the regular payday. If requested, final

session; 40 when school is not in session.

period of five consecutive hours of work.

sale of alcoholic beverages.

when school is not in session).

if a non-school day.

radio or theater production.

Wage Payment

farm, domestic or government work.

permission from the youth's parents and principal.

Additional rules for 14- and 15-year-olds are:

Exemptions may be found in NCGS § 95-25.14.

please visit our website at www.labor.nc.gov.

minimum wage, rounded to the lowest nickel.

EEOC 9/02 and OECCP 8/08 Versions Useable With 11/09 Supplement

N.C. Department of Labor Wage and Hour Notice to Employees

paychecks must be mailed. When the amount of wages is

in dispute, the employer's payment of the undisputed

portion cannot restrict the right of the employee to

Employees must be notified of paydays, pay rates, policies

on vacation and sick leave, and of commission, bonus and

other pay matters. Employers must notify employees in

writing or through a posted notice maintained in a place

accessible to its employees of any reduction in the rate of

continue a claim for the rest of the wages.

40 of the N.C. General Statutes) are met.

the employer shall give vacation time off or payment in

lieu of time off, as required by company policy or

practice. Employees must be notified in writing or

through a posted notice of any company policy or

practice that results in the loss or forfeiture of vacation

time or pay. Employees not so notified are not subject to

The wage payment provisions apply to all private-sector

employers doing business in North Carolina. The wage

payment provisions do not apply to any federal, state or

The department's Wage and Hour Bureau investigates

complaints and may collect back wages plus interest if

they are due to the employee. The state of North Carolina

may bring civil or criminal actions against the employer

for violations of the law. The employee may also sue the

employer for back wages. The court may award attorney's

Anyone having a question about the Wage and Hour Act

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

Any worker who is defined as an employee by the N.C.

Wage and Hour Act (N.C. Gen Stat. 95-25.2(4)), the

N.C. Employee Fair Classification Act, the Internal

Revenue Code as adopted under N.C. Employment

Security laws (N.C. Gen. Stat. 96-1(b)(10)), the N.C.

Workers' Compensation Act (N.C. Gen. Stat. 97-2(2)),

or the N.C. Revenue Act (N.C. Gen. Stat. 105-163.1(4))

Any employee who believes that he or she has been

misclassified as an independent contractor by his or her

the N.C. Industrial Commission's Employee

Classification Section by phone, email or fax. When filing

a complaint, please provide the physical location, mailing

address, and if available, the telephone number and email

address for the employer suspected of employee

Employee Classification Section

Email: emp.classification@ic.nc.gov

N.C. Industrial Commission

1233 Mail Service Center

Raleigh, NC 27699-4333

Phone: 919-807-2582 Fax: 919-715-0282

employer may report the suspected misclassification to

fees, costs, liquidated damages and interest.

Employee Classification

shall be treated as an employee.

local agency or instrumentality of government.

to overtime wages owed.



Employment at Will North Carolina is an employment-at-will state. The term "employment-at-will" simply means that unless there is a specific law to protect employees or an employment contract providing otherwise, then an employer can treat its employees as it sees fit and the employer can discharge an employee at the will of the employer for any reason or

Right-to-Work Laws

promised wages at least 24 hours prior to such change. North Carolina is a "right-to-work" state. Right-to-work Deductions from paychecks are limited to those required applies to collective bargaining or labor unions. The right by law and those agreed to in writing on or before payday. persons to work cannot be denied or reduced in any If the written authorization that the employee signs does way because they are either members of a labor union not specify a dollar amount, the employee must receive (including labor organization or labor association) or prior to payday (1) written notice of the actual amount to chose not to be a member of any such labor union. An be deducted, (2) written notice of their right to withdraw employer cannot require any person, as a condition of the authorization, and (3) be given a reasonable employment or continuation of employment, to pay any opportunity to withdraw the authorization. The written dues or other fees of any kind to a labor union. Also, an authorization or written notice may be given in an employer cannot enter into an agreement with a labor electronic format, provided the requirements of the union whereby (1) non-union members are denied the Uniform Electronic Transactions Act (Chapter 66, Article right to work for the employer, (2) membership is made a condition of employment or continuation of The withholding or diversion of wages owed for the employment, or (3) the labor union acquires an employer's benefit may not be taken if they reduce wages employment monopoly in any enterprise. below the minimum wage. No reductions may be made

NCDOL has no enforcement authority regarding labor union laws. For employee concerns regarding labor Deductions for cash or inventory shortages or for loss or unions, contact the Regional Office of the National damage to an employer's property may not be taken Labor Relations Board. The NLRB is an independent unless the employee receives seven days' advance notice. federal agency that protects the rights of private sector This seven-day rule does not apply to these deductions employees to join together, with or without a union, to made at termination. An employer may not use fraud or improve their wages and working conditions. Regional duress to require employees to pay back protected NLRB—Region 11 Office If the employer provides vacation pay plans to employees,

Discrimination

Republic Square 4035 University Parkway, Suite 200 Winston-Salem, NC 27106-3325

Retaliatory Employment

The department's Retaliatory Employment Discrimination Bureau investigates complaints filed by employees against their employers for alleged violations of the N.C. Retaliatory Employment Discrimination Act (REDA). Under REDA, an employer may not retaliate against an employee for engaging in REDA-protected activities, such as filing a claim or initiating an inquiry, related to certain rights under the following:

• Occupational Safety and Health Complaints • Mine Safety and Health Complaints • Genetic Testing Discrimination • Sickle Cell or Hemoglobin C Carriers Discrimination • N.C. National Guard Service Discrimination • Participation in the Juvenile Justice System • Exercising Rights Under Domestic Violence Laws • Pesticide Regulation Complaints • Drug Paraphernalia Complaints

• Workers' Compensation Claims

• Wage and Hour Complaints

Employees who believe they have been retaliated against in their employment because of activities under the above statutes, or employers who have questions about the application of REDA, may call: 1-800-NC-LABOR (1-800-625-2267)

www.labor.nc.gov Follow NCDOL on

A REDA complaint must be filed with the bureau within

180 days of the date of retaliation.







11/17

Certificate of Coverage and Notice to Workers as to Benefit Rights

Employers covered by the Employment Security Law of North Carolina (Chapter 96 of the North Carolina General Statutes) contribute to a special fund set aside for the payment of unemployment insurance benefits. No money is withheld from workers' checks for unemployment insurance purposes.

If your work hours are substantially reduced or your job is eliminated due to lack of work you may qualify for unemployment insurance benefits. If you work less than the equivalent of (3) customary scheduled full time days, during any payroll week because work was not available, you may be eligible for unemployment insurance benefits. An employer may file claims for employees through the use of automation in case of partial unemployment. An employer may file an attached claim for an employee only once during a benefit year, and the period of partial unemployment for which the claim is filed may not exceed six consecutive weeks. You must notify the employer of any wages earned from all sources during the payroll week. Unemployment insurance benefit payments are processed in Raleigh, North Carolina. Please be sure that your employer has your correct mailing address.

If you lose your job with this employer, you may contact the Department of Commerce, Division of Workforce Solutions (DWS) at www.nccommerce.com/workforce to assist you in securing suitable work. DWS provides a wide variety of services free of charge. If suitable work is not readily available you may file a claim for unemployment insurance benefits with the Division of Employment Security at des.nc.gov, or by phone at 877-841-9617.

By law, workers who become unemployed for other reasons or who refuse suitable work may be denied unemployment insurance

If you have any questions about unemployment insurance benefits or need more information, contact the Division of Employment Security at the address shown on the bottom of this poster.

During Labor Disputes [Section 96-14.7(b)]

An individual is disqualified for benefits if the Division determines the individual's total or partial unemployment is caused by a labor dispute at your place of employment or any location owned by the employer within the state of North Carolina. Once the labor dispute has ended, such workers shall continue to be ineligible for unemployment insurance benefits for the period of time that is reasonably necessary to resume operations in the workers' place of employment.

Instructions for Employers 1. Post this notice on your premises in such a place that

- all employees may see it. Additional copies may be obtained online at des.nc.gov. 2. You must notify affected workers of a vacation period
- within a reasonable period of time before it begins. 3. Benefit claims for attached workers may be filed online at des.nc.gov.

DES HIGHLY RECOMMENDS POSTING THIS INFORMATION.

For More Information, Contact: North Carolina Department of Commerce

Division of Employment Security P.O. Box 25903 Raleigh, N.C. 27611 Telephone: (919) 707-1237 des.nc.gov



OSH Notice to Employees

Safety and Health

N.C. Department of Labor Responsibilities

The state of North Carolina has a federally approved program to administer the Occupational Safety and Health Act in North Carolina. This program is administered by the N.C. Department of Labor, Occupational Safety and Health (OSH) Division. The OSH Division has the following responsibilities and powers:

Inspections—The OSH Division conducts workplace inspections that can be triggered by complaints, accidents or because the workplace has been randomly

Citations—Following an inspection, the employer may be cited for one or more violations of the OSHA standards. The employer will be given a timetable to correct the violation to avoid further action. Penalties—An employer can be fined up to \$7,000 for each "serious" violation.

Serious violations that involve injury to a person under 18 years of age could result

in fines up to \$14,000 per violation. An additional maximum \$7,000 penalty can be

assessed for each day an employer fails to correct or abate a violation after the allotted time to do so has passed. A penalty of up to \$70,000 may be issued for each willful or repeat violation of an

Criminal penalties of up to \$10,000 may apply against employers who are found guilty of willfully violating any standard, rule or regulation that has resulted in an **OSHA Standards**—The division adopts all federally mandated OSHA standards verbatim or can rewrite them to meet state conditions, as long as the new version is

at least as strict as the federal standard. A copy of any specific standard adopted by the OSH Division is available free of charge. The entire "General Industry" or "Construction Industry" standards are available for a nominal cost by calling 1-800-625-2267 or 919-707-7876.

Employer Rights and Responsibilities

Public and private sector employers have a "general duty" to provide their employees with workplaces that are free of recognized hazards likely to cause serious injury or death. Employers must comply with the OSHA safety and health standards adopted by

Inspections—An employer has the legal right to refuse to allow an inspector to enter

the workplace without an administrative inspection warrant. If this occurs, the inspector will obtain a warrant to conduct the inspection. The employer has the right to accompany the inspector during the physical inspection. **Discrimination**—It is illegal to retaliate in any way against an employee for raising

illness, or assisting an inspector. The department will investigate and may prosecute employers who take such action. Citations—If an OSH inspection results in one or more citations, the employer is required to promptly and prominently display the citation(s) at or near the place where the violation allegedly occurred. It must remain posted for three working days

a health or safety concern, filing a complaint, reporting a work-related injury or

Contesting Penalties—Once an employer has been cited, he or she may request an "informal conference" with OSH officials to discuss the penalty, abatement or other issues related to the citation. This request must be made within 15 working days after the citation is received. The employer may formally contest (by filing a "Notice of Contest") the citation(s)

or until the violation has been corrected or abated, whichever is longer.

decides contestments by employers and employees concerning citations, abatement Employers wishing to know more about the procedures for filing a "Notice of Contest" should contact the Review Commission. Telephone: 919-733-3589.

or proposed penalty to the N.C. Occupational Safety and Health Review

Commission. The Review Commission is an independent body that hears and

Injury and Illness Records—Employers with 11 or more employees, unless specifically exempted, are required to maintain updated occupational injury and illness records of their employees. Recordkeeping forms and information concerning these requirements may be obtained from the Education, Training and Technical Assistance Bureau, N.C. Department of Labor. Call 1-800-625-2267 or 919-707-

Unemployment Insurance

NCDOL does not handle matters relating to unemployment insurance. If you would like information about unemployment insurance policies or procedures, please contact the Department of Commerce, Division of Employment Security, P.O. Box 25903, Raleigh, NC 27611-5903, 1-888-737-0259; www.ncesc.com.

Ref.: N.C.G.S. Sec. 95-143

Within 24 hours: • Any work-related in-patient hospitalization of one or more employees.

• Any work-related amoutation.

Accident and Fatality Reporting—An employer must report the following:

• Any work-related loss of an eye. To report an accident, call the OSH Division at

Within eight hours: Any work-related fatality.

Employee Rights and Responsibilities

Public and private sector employees must comply with occupational safety and health standards, rules, regulations, and those orders issued under OSHA that relate to their Complaints—An employee has a right to make a complaint regarding workplace conditions he or she believes are unsafe, unhealthy or in violation of OSHA

has a right to point out unsafe or unhealthy conditions and to freely answer any questions asked by the inspector. When making a complaint, the employee may request that his or her name be kept confidential. To make a complaint, call 1-800-625-2267 or 919-779-8560. Complaints also

standards. When an OSH inspector is in an employee's workplace, that employee

can be made online at www.labor.nc.gov. • Contesting Abatement—Employees may contest any abatement period set as a

result of an OSH inspection at their workplace. An employee has the right to appear before the Review Commission to contest the abatement period and seek judicial Other OSHA Information

• Federal Monitoring—The OSH Division is monitored by the U.S. Department of Labor. Federal authorities ensure that continued state administration is merited. Any person who has a complaint about the state's administration of OSHA may contact the Regional Office of the U.S. Department of Labor, 61 Forsyth St. S.W., Suite 6T50, Atlanta, GA 30303.

• Additional Information or Questions—Anyone having a question about any of the above information may write or call:

N.C. Department of Labor Occupational Safety and Health Division 1101 Mail Service Center Raleigh, NC 27699-1101 Phone: 1-800-625-2267 Fax: 919-807-2856

E-mail: ask.osh@labor.nc.gov www.labor.nc.gov Cherie Berry, Commissioner of Labor

> This notice must be posted conspicuously. 1-800-NC-LABOR (1-800-625-2267) www.labor.nc.gov

N.C. Workers' Compensation Notice to Injured Workers and

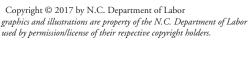
Employers (Form 17) NCDOL does not handle matters relating to workers' compensation. If you would like information about workers' compensation policies or procedures, please contact the N.C. Industrial Commission at N.C. Industrial Commission, 4340 Mail Service Center, Raleigh, NC 27699-4340; 919-807-2500; www.ic.nc.gov. Form 17 must be prominently posted and must be printed in the same colors and format that appear on the Industrial Commission website. To download and print the current version of Form 17, visit www.ic.nc.gov.

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THA-83733 072020

Ref.: N.C.G.S. §§ 95-9, 9-25.15



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