



1961 Diamond Springs Road
Virginia Beach, VA 23455
Phone (757) 460-6308
Fax (757) 460-0317

NORTH CAROLINA EMPLOYEES

MANCON Employees,

Included in this packet is the following information:

1. Unemployment
2. Workers Compensation (English and Spanish)
3. OSHA (English and Spanish)
4. Wage and Hour OSHA (English and Spanish)

If you have any questions, please contact your supervisor.

Thanks,
Human Resources

Certificate of Coverage for

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.

Employees of the above named employer whose work hours are substantially reduced, or whose jobs are eliminated due to lack of work may qualify for unemployment insurance benefits.

If you work less than the equivalent of three (3) customary scheduled full-time days during any payroll week because work was not available, you may be eligible for unemployment insurance benefits. Your employer will prepare a Benefit Claim for Attached Worker and submit it to the Employment Security Commission in Raleigh for processing. Since unemployment insurance checks are mailed from Raleigh, be sure that your employer has your correct mailing address. Also be sure to notify your employer of any part-time or odd jobs you did during the payroll week.

If you lose your job with this employer, report at once to the nearest Employment Security Commission local office. Trained staff will assist you in finding other suitable work. If suitable work is not immediately available, these staff will assist you in filing a claim for unemployment insurance benefits. These services are free.

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

If you have any questions about unemployment insurance benefits or need more information, contact the nearest Employment Security Commission local office or the State Office at the address shown on the bottom of this poster.

While on Vacation [Section 96-13(a)(3)]

Workers who are either totally or partially unemployed due to a vacation, not to exceed two (2) weeks within a calendar year, are not eligible for unemployment insurance benefits for such weeks. In these instances, the employer is not required to prepare a Benefit Claim for Attached Worker.

However, workers who feel that their unemployment is not due to a vacation may request a Benefit Claim for Attached Worker from the employer. These claims must be taken to the nearest Employment Security Commission local office for filing and issuance of a determination of the workers' eligibility for unemployment benefits.

During Labor Disputes [Section 96-14(5)]

Workers who are totally or partially unemployed because of a labor dispute in active progress (1) at their place of employment, or (2) at another place in North Carolina that is owned or operated by the same employer and that supplies materials or services necessary to the continued and usual operation of the premises at which the workers are or were last employed, are not eligible for unemployment insurance benefits. 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.

For More Information, Contact:

**Employment Security Commission of North Carolina
Unemployment Insurance Division
P.O. Box 25903
Raleigh, N.C. 27611
Telephone: (919) 733-7883**

Fax: (919) 733-1125



www.esc.state.nc.us

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.

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, at no cost, contact:
Director of Safety Education at (919) 807-2602 or safety@ic.nc.gov**



NORTH CAROLINA INDUSTRIAL COMMISSION
4335 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-4335

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).

EMPLEADOR: ESTA INFORMACIÓN DEBE ESTAR *PROMINENTEMENTE* VISIBLE.
REGLA 201 DE LA COMISIÓN INDUSTRIAL

INFORMACIÓN SOBRE COMPENSACIÓN LABORAL

Instrucciones para Empleadores y Empleados

Todo empleado de este negocio que sufre lesiones relacionadas al trabajo puede tener derecho a beneficios de compensación laboral por parte del empleador o el portador de seguro del empleador, exento oficiales ejecutivos expresamente excluidos.

— INFORMACIÓN IMPORTANTE EN CASO DE UNA LESIÓN O ENFERMEDAD OCUPACIONAL —

El empleado deberá:

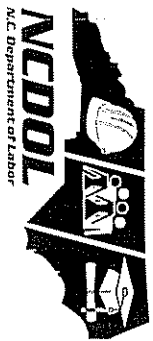
1. Notificar inmediatamente por escrito al empleador sobre la lesión o enfermedad ocupacional. El no informar al empleador dentro de los treinta (30) días después de una lesión o desarrollo de una enfermedad ocupacional, o el rehusar servicios médicos provistos por el empleador, pueden privar al empleado del derecho a compensación.
2. Hacer un reclamo a la Comisión Industrial (Industrial Commission) dentro de los dos (2) años de ocurrir el accidente o lesión, o dos (2) años después de la muerte, incapacidad o incapacitación causada por una enfermedad ocupacional. (Forma 18 de la Comisión puede ser utilizada para dar notificación al empleador y hacer el reclamo en la Comisión.) En caso de una lesión fatal, el reclamo deberá ser hecho por uno o más dependientes o herederos del empleado dentro de los dos (2) años después de la muerte del empleado.
3. Si no se llega a un acuerdo con el empleador en relación al pago de compensación por lesión o enfermedad ocupacional, o si hay un desacuerdo en cuanto se debe de la compensación, el empleado lo mas pronto possible debe pedir una audiencia a la Comisión Industrial para que decidan sobre los méritos del caso. Los beneficios pueden ser negados si la petición se hace después de dos (2) años de la fecha de la lesión o de el último pago de compensación.

El empleador debe:

1. Proveer todo servicio de hospital, médico, quirúrgico, y servicios de rehabilitación necesarios para la cura, el alivio y la minimización del período de incapacitación del empleado. N.C.G.S. §97-25. Mantener un archivo y reportar a la compañía de seguro/administrador de compensación TODAS las lesiones ocurridas a sus empleados usando la Forma 19 de la Comisión. El empleador, o el portador de seguro deben enviar por correo la Forma 19 a la Comisión Industrial dentro de los cinco (5) días de ocurrido el reporte de una lesión que causa la ausencia del empleado por más de un (1) día o \$2,000.00 o más en tratamiento médico, excluyendo tratamientos provistos en el trabajo. N.C.G.S. §97-92.
2. Pagar compensación al empleado de acuerdo con lo provisto en el la Ley de Compensación Laboral para incapacidad. Los acuerdos de pago de compensación entre empleador y empleado deberán ser sometidos a la Comisión Industrial para su apruebo.

Información sobre alivio médico y monetario por lesiones ocurridas en el empleo.

NORTH CAROLINA INDUSTRIAL COMMISSION
4340 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-4340
(919) 807-2500



Safety and Health (OSHA)

N.C. Department of Labor Responsibilities

The state of North Carolina has a federally approved program to administer the Occupational Safety and Health Act (OSHA) 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 selected for an inspection.
- **Citations**—Following an inspection, the employer may be cited for one or more violations of the OSHA standards. The employer will be given a timeable to correct the violation to avoid further action.

- **Penalties**—An employer can be fined up to \$7,000 for each "serious" 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 repeated violation of an OSHA standard.

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 employee's death.

- **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) 807-2875.

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 local Employment Security Office or the N.C. Employment Security Commission at N.C. Employment Security Commission, Unemployment Insurance Division, P.O. Box 25903, Raleigh, NC 27611-5903. 1-866-278-3822; www.ncesc.com.

N.C. Department of Labor OSH Notice to Employees

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 the Labor Department.

- **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**—Any employer who retaliates in any way against an employee for filing a complaint or assisting an inspector is breaking the law. 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 days or until the violation has been corrected or abated, whichever is longer.

- **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 proposed penalty to the N.C. Occupational Safety and Health Review Commission. The Review Commission is an independent body that hears and decides contestants by employers and employees concerning citations, abatement periods and penalties.

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.ncic.gov. Employers, please note that Form 17 was revised effective 2/20/09. It must be prominently posted and must be printed in the same colors and format that appear on the Industrial Commission Web site. To download and print Form 17, visit www.ncic.gov.

Employers wishing to know more about the procedures for filing a "Notice of Contest" should contact the Review Commission. Telephone: (919) 733-3589. Web site: www.oshb.state.nc.us.

- **Records and Reports**—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 Bureau of Education, Training and Technical Assistance, N.C. Department of Labor, 1101 Mail Service Center, Raleigh, NC 27699-1101. Call 1-800-625-2267 or (919) 807-2875.

- **Reporting Accidents**—Any on-the-job accident or illness requiring three or more employees to be hospitalized or that causes a fatality must be reported to the OSH Division within eight hours after it occurs or the employer can be fined up to \$7,000. To report an accident, call the OSH Division at 1-800-625-2267 or (919) 807-2796 during normal working hours. After hours, call the State Capitol Police at (919) 733-4646.

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 own actions and conduct.

- **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 standards. When an OSH inspector is in an employee's workplace, that employee 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) 807-2796. Complaints also can be made online at www.ncdohr.com.

- **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 review.



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 monitored. 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 6750, 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
Division of Occupational Safety and Health
1101 Mail Service Center
Raleigh, NC 27699-1101
Phone: 1-800-625-2267 or (919) 807-2796
Fax: (919) 807-2856
E-mail: ask.osh@labor.nc.gov
www.ncdohr.com



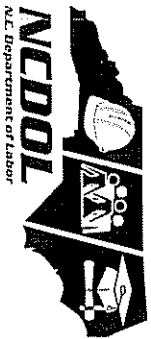
Cherie Berry
Commissioner of Labor

**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) 807-2796.**

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

N.C. Department of Labor Internet Address:
www.ncdohr.com

To find out more information about this notice and to download all of the required state and federal posters, please visit our Web site at: <http://www.ncdohr.com/posterposting.htm>



Departamento de Trabajo de Carolina del Norte

Noticia de OSH para los Empleados

Seguridad y Salud Ocupacional (OSHA) Responsabilidades del Departamento de Trabajo de Carolina del Norte (NCDOL)

El Estado de Carolina del Norte tiene un programa aprobado por las autoridades federales para administrar el Acta de Seguridad y Salud Ocupacional (OSHA) en el estado. Ese programa es administrado por la División de Seguridad y Salud Ocupacional (OSIH) del Departamento de Trabajo de Carolina del Norte.

Como administrador de OSHA en el estado, la división tiene los siguientes poderes y responsabilidades:

- **Inspecciones**—La división realiza inspecciones en los lugares de trabajo por varias razones. Las inspecciones pueden iniciarse por quejas, accidentes o porque el lugar de trabajo fue seleccionado al azar para recibir una inspección de sorpresa. Las quejas en relación a una condición insegura o accidente deben ser comprobadas sin demora.

Las inspecciones son hechas por oficiales calificados y entrenados en seguridad ocupacional y/o por higienistas industriales. Representantes autorizados del empleador y un representante autorizado por los trabajadores del lugar pueden acompañar al inspector con el propósito de ayudar en la inspección. El inspector hablará en forma privada con un número razonable de trabajadores durante la inspección.

- **Citatorios**—A la conclusión de una inspección, el empleador puede ser citado por una o más violaciones de las normas de OSHA. Una citación de OSHA puede incluir una multa. La citación siempre le dará al empleador un plazo determinado para corregir las violaciones a fin de evitar sanciones adicionales.

- **Multas y Sanciones**—Un empleador puede recibir una multa de hasta \$7,000 por cada violación "grave". También se puede aplicar una multa por una violación "leve". Se puede aplicar una multa adicional máxima de \$7,000 por día por cada día que un empleador demore en corregir las violaciones después que pasó el plazo acordado.

Cuando se determina que un empleador ha violado una norma de OSHA "intencionalmente", ese puede recibir una multa de hasta \$70,000 por cada violación "intencional". Ese nivel de multas también puede ser aplicado contra un empleador que ha sido encontrado con "violaciones repetidas" en un lugar de trabajo.

Cargos criminales pueden ser aplicados a empleadores culpables de violar intencionalmente cualquier norma, reglamento u ordenanza que haya resultado en la muerte de un trabajador. Si se le puede culpable de tal violación, el empleador deberá pagar una multa de \$10,000 o servir seis meses de prisión, o ambas sanciones. Con la repetición de un cargo de este tipo, se duplican las sanciones.

Señalo de Ejemplo

El Departamento de Trabajo de Carolina del Norte (NCDOL) no maneja cuestiones relacionadas con el seguro de desempleo. Si usted desea información sobre normas o procedimientos relacionados con el seguro de desempleo, por favor contacte la oficina local de Oficina de Seguridad en el Empleo (Employment Security Office), o la Comisión de Seguridad en el Empleo (Employment Security Commission) a N.C. Employment Security Commission, Unemployment Insurance Division, P.O. Box 25003, Raleigh, NC 27611-5903, 1-866-278-3822, www.ncdncsc.com.

- **Normas de OSHA**—La división adopta todos los mandatos federales de OSHA, llamados normas. La división puede adoptar esas normas tal como están escritas por el gobierno federal, o las puede editar, siempre que la nueva versión sea tan o más estricta que la versión federal.

El público puede obtener una copia gratis de cualquier norma específica adoptada por la división, o puede comprar a un costo nominal una colección de normas tales como "Normas de la Industria General", "General Industry", o "Normas de la Industria de la Construcción", ("Construction Industry"). Difiélese por escrito a la división, o llame al 1-800-625-2267 ó (919) 807-2875 para mayor información.

Derechos y Responsabilidades del Empleador

Los empleadores tienen la "obligación general" de proveer a sus trabajadores lugares de trabajo libres de peligros reconocidos que puedan causar lesiones o muerte. Todo empleador debe cumplir con las normas de seguridad y salud de OSHA adoptadas por el Departamento de Trabajo de Carolina del Norte.

- **Inspecciones**—Cuando un inspector se presenta a un lugar de trabajo para hacer una inspección, el empleador tiene derecho a ver sus credenciales. El empleador puede llamar a NCDOL para verificar la identidad del inspector. Un empleador tiene el derecho legal de negar la entrada de un inspector al lugar de trabajo y requerir que éste presente una orden judicial de inspección. Si esto ocurre, el inspector obtendrá esa orden judicial para combatir la inspección.

- **Discriminación**—Un empleador que toma represalias de cualquier forma contra un empleado por haber presentado una queja o haber colaborado con un inspector está violando la ley. El Departamento de Trabajo va a investigar y puede aplicar sanciones a los empleadores que toman tal acción.

- **Citatorios**—Si una inspección de la división resulta en una o más citaciones, el empleador deberá exhibir esa citación inmediatamente y en forma visible en el lugar, o en la cercanía del lugar donde ocurrió la violación. Debe permanecer exhibida durante tres días o hasta que la violación haya sido corregida, por el periodo más largo de los dos. Vea la sección "Responsabilidades del Departamento de Trabajo de Carolina del Norte" para más detalles en relación a inspecciones/citatorios.

- **Cuestionamiento de Citatorios**—Una vez que el empleador ha sido citado, él (o ella) puede pedir una "conferencia informal" con representantes de la división para discutir el importe de la multa, correcciones, u otros asuntos.

Aviso de la Compensación de Trabajadores y Empleadores Lesionados de N.C. (formulario 17)

NCDOL no trata asuntos referentes a la compensación de los trabajadores. Si usted desea obtener información sobre las políticas o los procedimientos de la compensación de los trabajadores, por favor contacte a la Comisión Industrial de N.C. en 1440 Mail Service Center, Raleigh, NC 27699-4340, (919) 807-2500, www.ncic.gov. Los empleadores deben tomar en cuenta que el formulario 17 fue revisado con fecha efectiva de 2/2009. Esta debe ser publicada y debe ser impresa en sus mismos colores y formato que aparecen en el sitio Web de la Comisión Industrial. Para obtener e imprimir el formulario 17, visite www.ncic-nc.gov.

otros asuntos relacionados con la citación. Esa petición debe ser hecha dentro de los 15 días hábiles (lunes a viernes, excluyendo días festivos estatales) desde la fecha en que se recibió la citación.

El empleador puede decidir hacer una protesta formal (presentando una "Notificación de Protesta") a la citación o citaciones, en cuyo caso el asunto será referido a la Comisión de Revisión de Seguridad y Salud de Carolina del Norte (N.C. Occupational Safety and Health Review Commission). Este es un organismo independiente que revisa y toma decisiones sobre protestas formales presentadas por empleadores y empleados en relación a citaciones, periodos para elevar correcciones, y multas.

Los empleadores que deseen más información sobre los procedimientos para presentar una "Notificación de Protesta", deben contactar a la Comisión de Revisión de Seguridad y Salud de Carolina del Norte (N.C. Occupational Safety and Health Review Commission). Teléfono (919) 733-3589. Sitio de Internet: www.oshhr.state.nc.us.

- **Documentación e Informe**—Los empleadores con 11 empleados o más, a menos que hayan sido exentos específicamente, deben mantener registros actualizados de lesiones y enfermedades ocupacionales de sus empleados. Formulados para el registro de datos e información acerca de estos requerimientos pueden ser obtenidos en la Oficina de Educación, Entrenamiento y Ayuda Técnica (Bureau of Education, Training and Technical Assistance) del Departamento de Trabajo de Carolina del Norte, 1101 Mail Service Center, Raleigh, NC 27699-1101. Teléfono 1-800-625-2267 ó (919) 807-2875.

- **Comunicación de Accidentes**—Cualquier accidente o enfermedad en el lugar de trabajo que requiera la hospitalización de tres o más empleados o que resulte en una incapacidad deberá ser reportado a la división dentro de las ocho horas después de haber ocurrido. El empleador puede recibir una multa de hasta \$7,000 por no informar a la división sobre el accidente. Para comunicar un accidente, llame a la división al 1-800-625-2267 ó (919) 807-2796 durante horas normales de trabajo. Después de hora, llame a la Policía del Capítulo 1919 733-4646.

Derechos y Responsabilidades del Empleado

Los empleados públicos y del sector privado deben cumplir con las normas de seguridad y salud ocupacional, reglas, reglamento, y con aquellos estándares emitidos bajo OSHA que sean aplicables a sus acciones y conducta.

- **Quejas**—Un empleado tiene el derecho de presentar una queja sobre las condiciones del lugar de trabajo que él o ella considere peligrosas, insalubres, o en violación de las normas de OSHA. Cuando un inspector está en el lugar de trabajo de un empleado, ese empleado tiene el derecho de indicar condiciones peligrosas o insalubres, y de contestar directamente cualquier pregunta que el inspector le haga. Al presentar una queja, el empleado puede solicitar que su nombre sea mantenido en forma confidencial.

Para presentar una queja llame al 1-800-625-2267 ó (919) 807-2796. También, se puede usar el sitio de Internet: www.ncdolan.com.

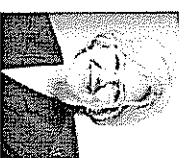
- **Procedimientos de Cuestionamiento**—Los empleados pueden cuestionar cualquier periodo de tiempo otorgado para corregir una violación que se ha establecido como resultado de una inspección realizada por la división en el lugar de trabajo. Un empleado tiene el derecho de comparecer ante la Comisión de Revisión de Seguridad y Salud de Carolina del Norte para cuestionar el periodo de corrección otorgado. Los empleados pueden apelar a la Corte Superior de Carolina del Norte (N.C. Superior Court).



Información Adicional Sobre OSHA

- **Supervisión Federal**—La división está supervisada por el Departamento de Trabajo de los Estados Unidos (U.S. Department of Labor). Las autoridades federales verifican que la agencia estatal administre adecuadamente la Ley de Seguridad y Salud Ocupacional en el estado de Carolina del Norte. Cualquier persona que tenga una queja sobre la administración de OSHA por parte del estado puede ponerse en contacto con la Oficina Regional del Departamento de Trabajo de los Estados Unidos (Regional Office of the U.S. Department of Labor), 61 Forsyth St., S.W., Suite 6170, Atlanta, GA 30303.

- **Información o Preguntas Adicionales**—Para cualquier pregunta relacionada con la información presentada en este documento, puede escribir o llamar a:
N.C. Department of Labor
Division of Occupational Safety and Health
1101 Mail Service Center
Raleigh, NC 27699-1101
Teléfono: 1-800-625-2267 ó (919) 807-2796
Fax: (919) 807-2876
Correo Electrónico: nclabor@labornc.gov
www.ncdolan.com



Cherie Berry
Comisionada de Trabajo

ESTE AVISO DEBE SER EXHIBIDO EN UN LUGAR VISIBLE.
ESTE CARTEL ESTA DISPONIBLE GRATIS PARA TODOS LOS LUGARES DE TRABAJO DE CAROLINA DEL NORTE. LLAME 1-800-625-2267 ó (919) 807-2796.

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

Dirección de Internet del Departamento de Trabajo:
www.ncdolan.com

To find out more information about this poster and to download all of the required state and federal posters, please visit our Web site at: <http://www.ncdolan.com/posters/posters.htm>



N.C. Department of Labor

Wage and Hour Notice to Employees



Wage and Hour Act

Minimum Wage: \$7.25 per hour (effective 7/24/09).

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 employees at least \$7.25 per hour.

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 be allowed the tip credit.

Certain full-time students may be paid 90 percent of the minimum wage, rounded to the lowest nickel.

Overtime

Time and one-half must be paid after 40 hours of work in any one workweek, except after 45 hours at seasonal recreational and amusement establishments. The state overtime provision does not apply to some employers and employees who are exempt.

Youth Employment

Rules for all youths under 18 years old are: Youth employment certificates (YEC) are required. To obtain a YEC, please visit our Web site at www.nclabor.com.

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 wood-working 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 Web site at www.nclabor.com.

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 permission from the youth's parents and principal.

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

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 sale of alcoholic beverages.

Maximum hours per day: Three on school days; eight if a non-school day.

Maximum hours per week: 18 when school is in session; 40 when school is not in session.

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 period of five consecutive hours of work.

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, radio or theater production.

These state youth employment provisions do not apply to farm, domestic or government work.

Wage Payment

Wages are due on the regular payday. If requested, final 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 continue a claim for the rest of the wages.

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 promised wages at least 24 hours prior to such change.

Deductions from paychecks are limited to those required by law and those agreed to in writing on or before payday. If the written authorization that the employee signs does not specify a dollar amount, the employee must receive prior to payday (1) written notice of the actual amount to be deducted, (2) written notice of their right to withdraw the authorization, and (3) be given a reasonable opportunity to withdraw the authorization. The written authorization or written notice may be given in an electronic format, provided the requirements of the Uniform Electronic Transactions Act (Chapter 66, Article 40 of the N.C. General Statutes) are met.

The withholding or diversion of wages owed for the employer's benefit may not be taken if they reduce wages below the minimum wage. No reductions may be made to overtime wages owed.

Deductions for cash or inventory shortages or for loss or damage to an employer's property may not be taken unless the employee receives seven days' advance notice. This seven-day rule does not apply to these deductions made at termination. An employer may not use fraud or duress to require employees to pay back protected amounts.

If the employer provides vacation pay plans to employees, 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 such loss or forfeiture.

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 local agency or instrumentality of government.

Complaints

The department's Wage and Hour Bureau investigates complaints and collects 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 fees, costs, liquidated damages and interest.

Anyone having a question about the Wage and Hour Act may write or call:

N.C. Department of Labor
Wage and Hour Bureau
1101 Mail Service Center
Raleigh, NC 27699-1101
Phone: 1-800-625-2267 or (919) 807-2796
Fax: (919) 807-2786
E-mail: ask.wageandhour@labor.nc.gov
www.nclabor.com

Employment at Will—Right-to-Work Laws

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 there is 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 no reason at all.

North Carolina is a "right-to-work" state, which means that the right of a person to work cannot be denied or abridged because that person belongs—or does not belong—to a labor union. In addition, an employer cannot require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to a labor union. Also, an employer cannot enter into an agreement with a labor union whereby (1) non-union members are denied the right to work for the employer, (2) membership is made a condition of employment or continuation of employment, or (3) the labor union acquires an employment monopoly in any enterprise.

In addition, in *CWA v. Beck*, 487 U.S. 735 (1988), the U.S. Supreme Court stated that if a collective bargaining agreement between an employer and a labor union requires employees to

pay uniform periodic dues and initiation fees, employees who are not union members can object to the use of their payments for certain purposes and can only be required to pay their share of union costs relating to collective bargaining, contract administration and grievance adjustment. Thus, if you believe that you have been required to pay dues or fees used in part to support activities not directly related to the duties of collective bargaining, you may be entitled to a refund and to an appropriate reduction in future payments.

NCDOL does not have any enforcement authority of these laws, but if you have any questions, contact the Regional Office of the National Labor Relations Board (NLRB) at the following address and phone number:

NLRB—Region 11 Office
Republic Square
4035 University Parkway, Suite 200
Winston-Salem, NC 27106-3325
(336) 631-5201

Employment Discrimination

The department's Employment Discrimination Bureau (EDB) enforces the Retaliatory Employment Discrimination Act (REDA). Employees involved in the following activities are protected from retaliation or discrimination by their employer:

- Workers' Compensation Claims
- Wage and Hour Complaints
- Occupational Safety and Health Complaints
- Mine Safety and Health Complaints
- Genetic Testing
- Sick Cell or Hemoglobin Carriers
- N.C. National Guard Service
- The Juvenile Justice System
- Victims of Domestic Violence
- Pesticide Regulation Complaints

Employers who have questions about the application of REDA, or employees who believe they have been discriminated or retaliated against, should contact the EDB information officer:

N.C. Department of Labor
Employment Discrimination Bureau
1101 Mail Service Center
Raleigh, NC 27699-1101
Phone: 1-800-625-2267 or (919) 807-2831
Fax: (919) 807-2824
E-mail: ask.edb@labor.nc.gov
www.nclabor.com

All complaints must be made within 180 days of the date of retaliation.

To find out more information about this poster and to download all of the required state and federal posters, please visit our Web site at: <http://www.nclabor.com/posters/posters.htm>

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Wage and Hour Notice to Employees and OSH Notice to Employees must be posted together.

OSH Notice to Employees

Safety and Health (OSHA)

N.C. Department of Labor Responsibilities

The state of North Carolina has a federally approved program to administer the Occupational Safety and Health Act (OSHA) 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 selected for an inspection.
- **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. 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 OSHA standard.

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 employee's death.

- **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) 807-2875**.

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 local Employment Security Office or the N.C. Employment Security Commission at N.C. Employment Security Commission, Unemployment Insurance Division, P.O. Box 25903, Raleigh, NC 27611-5903, 1-866-278-3822; www.ncese.com.

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 the Labor Department.

- **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**—Any employer who retaliates in any way against an employee for filing a complaint or assisting an inspector is breaking the law. 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 days or until the violation has been corrected or abated, whichever is longer.
- **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 proposed penalty to the N.C. Occupational Safety and Health Review Commission. The Review Commission is an independent body that hears and decides contestments by employers and employees concerning citations, abatement periods and penalties.

Employers wishing to know more about the procedures for filing a “Notice of Contest” should contact the Review Commission. Telephone: **(919) 733-3589**. Web site: www.oshrb.state.nc.us.

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. Employers, please note that Form 17 was revised effective 2/2009. It must be prominently posted and must be printed in the same colors and format that appear on the Industrial Commission Web site. To download and print Form 17, visit www.ic.nc.gov.

- **Records and Reports**—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, 1101 Mail Service Center, Raleigh, NC 27699-1101. Call **1-800-625-2267** or **(919) 807-2875**.
- **Reporting Accidents**—Any on-the-job accident or illness requiring three or more employees to be hospitalized or that causes a fatality must be reported to the OSH Division within eight hours after it occurs or the employer can be fined up to \$7,000. To report an accident, call the OSH Division at **1-800-625-2267** or **(919) 807-2796** during normal working hours. After hours, call the State Capitol Police at **(919) 733-4646**.

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 own actions and conduct.

- **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 standards. When an OSH inspector is in an employee's workplace, that employee 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) 807-2796. Complaints also can be made online at www.nclabor.com.**
- **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 review.

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 or (919) 807-2796
Fax: (919) 807-2856
E-mail: ask.osh@labor.nc.gov
www.nclabor.com



Cherie Berry
Cherie Berry
Commissioner of Labor

**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) 807-2796.**

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

N.C. Department of Labor Internet Address:
www.nclabor.com

To find out more information about this poster and to download all of the required state and federal posters, please visit our Web site at: <http://www.nclabor.com/posters/posters.htm>

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