



CHERIE BERRY  
COMMISSIONER OF LABOR

OCCUPATIONAL SAFETY AND HEALTH DIVISION  
RALEIGH FIELD OFFICE

October 19, 2017

Cathy Brennan, Assistant Director  
UNC AT CHAPEL HILL  
1120 Estes Drive Extension  
CB 1650  
Chapel Hill, NC 27599-1650

Re: 318107836  
Executed Settlement Agreement

Dear Cathy Brennan:

Enclosed is a copy of the executed settlement agreement between the North Carolina Department of Labor Occupational Safety and Health Division and the employer.

If you have already submitted your payment please disregard this paragraph. Upon receipt of this copy, please remit payment of penalties promptly to:

NC Department of Labor  
ATTN: Budget - Collections  
1101 Mail Service Center  
Raleigh, NC 27699-1101

**Pay online at [www.nclabor.com](http://www.nclabor.com). We accept MasterCard, VISA, E-Checks. You may also fax your payment to (919) 715-9094, or mail it to: N.C. Department of Labor, Budget and Management Division, 1101 Mail Service Center, Raleigh, NC 27699-1101.**

If the settlement agreement includes a payment plan, the first payment is due on the first day of the month following the signing of the agreement. In the event that the employer does not pay each monthly installment as agreed upon, all remaining payments shall become immediately due and payable, and the Commissioner retains the right to institute collection proceedings as allowed by law.

Should you have questions regarding the settlement agreement, please feel free to call me at 919-779-8508. Thank you for your cooperation in providing a safe and healthful workplace for your employees.

Sincerely,

Bruce Miles  
District Supervisor

**NORTH CAROLINA DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH DIVISION**

OSH INSPECTION NO. 318107836

**INFORMAL SETTLEMENT AGREEMENT**

This Agreement is entered into by and between the North Carolina Department of Labor Occupational Safety and Health Division (hereinafter "OSH Division"), and the following employer:

UNC AT CHAPEL HILL  
(hereinafter, "the Employer")

The OSH Division and the Employer specifically agree to the following items:

1. The Employer maintains a place of business at the following address:  
  
P O Box 1650, Chapel Hill, NC 27514
2. On 5/25/2017, an OSH Division compliance officer conducted an inspection at a worksite where one or more of the Employer's employees were performing work.
3. Based upon that inspection, the OSH Division issued a Citation and Notification of Penalty to the Employer (hereinafter referred to as a NCOSHA-2), on 9/26/2017. An Amended Citation and Notification of Penalty to the Employer (hereinafter referred to as NCOSHA-2A) was issued on or about 10/19/2017; copies of the referenced NCOSHA-2 and NCOSHA-2A are attached.
4. This Agreement modifies the aforementioned NCOSHA-2 as follows:

CITATION	ITEM	<u>OLD PENALTY</u>	<u>NEW PENALTY</u>	COMMENTS
One	1	\$1,950.00	\$1,462.50	Change Classification to Non-Serious & 25% Penalty Reduction
One	1			Citation 1910.1200(e)(1) will be amended to 1910.1200(e)(1)(ii)
Two	1	\$0000.00	\$0000.00	No change

Citation items listed in the original NCOSHA-2 which are not hereby modified shall remain in effect and are set forth in NCOSHA-2A.

5. In consideration of this Agreement, the Employer agrees to:
  - a. Certify that it has abated the above-referenced Citation Item(s) or will abate the above-referenced Citation Item(s) by the abatement date contained in such Citation(s);
  - b. Pay the total penalty assessment of **\$1,462.50** pursuant to Paragraph 4 of this Agreement; and
  - c. Waive its rights under the Occupational Safety and Health Act of North Carolina, N.C.G.S. 95-124 to -155, to contest any citation item(s), penalty(ies), or abatement date(s) listed on the NCOSHA-2A before the Safety and Health Review Commission of North Carolina and/or any other tribunal.

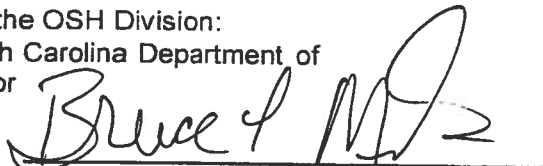
- d. The employer agrees to have written procedures for all non-routine tasks where employees have the potential to be exposed to hazardous chemicals. The written procedures will outline the task hazards and PPE to wear to protect employees for any adverse safety and health effects.

Continue any present Safety Program, including conducting periodic meetings with employees. During such meetings, employees should be able to communicate safety suggestions or complaints to their supervisor who will forward the information to the Safety Committee which shall include employee representation and will meet regularly to discuss safety issues and receive safety suggestions and complaints from employees. The Safety Committee shall make recommendations regarding safety to supervisors who will then present such information to employees at the periodic meetings. The Employer agrees that all members of the Safety Committee or employees who make suggestions or complaints to the Committee shall have the same protection protected employees under the Retaliatory Employment Discrimination Act at Article 21, Chapter 95 of the North Carolina General Statutes.

6. The parties agree that this Agreement is a full and final settlement of all the claims out in the set underlying NCOSHA-2A, and that it is an unappealable Final Order of the Commissioner that is subject to the provisions of NCGS 95-133(b) and 95-141.
7. The parties agree to bear their own attorneys' fees, costs and other expenses incurred to date in this matter with the payment on the first day of the month immediately following the signing of this agreement by the parties. In the event that the Employer does not pay as agreed upon, the Commissioner retains the right to institute collection proceedings as allowed by law. The Employer agrees to pay attorney's fees to the North Carolina Department of Labor in the event that collection proceedings must be instituted to collect the debt.
8. This Agreement shall be prominently posted at or near such place(s) any violation(s) referred to in the original citation occurred and in close proximity to that original citation.

WHEREFORE, the undersigned parties enter into and execute this Agreement. This the 19<sup>th</sup> day of October, 2017

For the OSH Division:  
North Carolina Department of  
Labor

  
Signature

Bruce Miles/Compliance Supervisor  
Printed Name/Title

For the Employer:

  
Signature

Matthew M. Fajack/  
Vice Chancellor for Finance & Administration  
Printed Name/Title