

North Carolina Department of Labor
Division of Occupational Safety and Health
Raleigh, North Carolina

Field Information System

Operational Procedure Notice 94

Subject: Obtaining Correct Employer Name

- A. **Purpose.** This OPN transmits different methods of obtaining the correct listing of the name of an inspected employer. For reasons of legal adequacy it is very important that the correct name of an employer be on a citation. It is the responsibility of the CSHO to determine the correct legal name of the controlling and exposing employer. The information contained in this OPN will help in securing adequate and correct employer information.
- B. **Discussion.** An ongoing difficulty has existed in connection with obtaining the correct listing of an inspected employer's business name. Often, there is difficulty determining what entity is the actual employer of the individuals working at a particular location. Businesses may be operating under one name, while employees are paid by a different business entity. Obtaining the correct name of an employer is also very important in subsequent citation matters. Failure to correctly name the employer will result in the inability to collect penalties, enforce FTA's or issue repeat citations.
- C. **Action.** There are no statutory or code revisions regarding this OPN. This is a directive from the Division of Occupational Safety and Health of North Carolina Department of Labor on suggested means of obtaining the appropriate documentation to accurately state an employer business name.
 - 1. For non-agricultural employers, the CSHO should try to obtain business cards and letterhead of top management officials; also, the telephone book entry, an advertisement or any other publication which includes the employer's name can help determine the correct company name.
 - 2. Always get the employer's "unemployment number" or corporate federal ID number if possible. Verify where the home office of the company is located. Paycheck stubs for employees can confirm the paying employer's name. For each inspection, CSHO's shall contact the Corporate Division of the North Carolina Secretary of State (919-733-4201) and request the **exact** corporate name, and ask whether the corporation is active and in good standing. In addition to the exact corporate name, obtain the name of the president. For either a North Carolina or foreign (out-of-state) corporation, request the name and

address of the registered agent. A registered agent is a person or entity authorized to accept service for a corporation.

3. If you are unsure whether a company is a closely held corporation or one that is actually a partnership, you may contact the appropriate county Register of Deeds office. State law requires any person or partnership engaged in business under an assumed name in any county to file a Certificate with the county Register of Deeds listing the name under which business is conducted and the name and address of the owner(s). The Register of Deeds office, located in each county seat, is required to maintain an alphabetical list of all such filed Certificates, including withdrawals and transfers. Contact them to obtain the information on such Certificates if other suggested methods of research fail. Also make a note of the name of the clerk who assists you.
4. If a company is a sole proprietorship, list your source of information, the name of the individual owner, his or her address and social security number, the name of management person(s) and their phone numbers.
5. Multi-employer worksites obviously require a somewhat different tactic. Ascertain the name of the general contractor and the names of all the subcontractors. Try to write down vehicle license plate numbers; ask for copies of invoices or contracts; try to call directory assistance or look for advertisements in the yellow pages or business pages. Contact the individual licensing boards [General Contractors (919-571-4183); Plumbing, Heating & Fire Sprinkler Contractors (919-773-9350); Electrical Contractors (919-733- 9042)]. Inquire at the county courthouse about civil dockets, including bankruptcy and small claims (a clerk of court may assist you by telephone). Call the company's telephone number and ask where the home office is located, the correct spelling of the company name and the mailing address. Always ask for the name of any "parent" company or companies.
6. If an employer has changed names, use the current company name and list "f/k/a" (formerly known as) followed by the former name; if an employer is known by two separate names, use the acronym "a/k/a" (also known as) with the alternative company name.
7. Additional sources of information regarding companies are the *NC Business Directory*, the *Directory of NC Manufacturing Firms*, the NC Industrial Commission and the Employment Security Commission.

If you need additional information on potential documents that can be obtained to verify the correct corporate status or name of an employer, contact the Attorney General, Labor Section.

1/16/95

Date of Signature

(Signed on Original)

Charles N. Jeffress
Director