



CHERIE BERRY
COMMISSIONER OF LABOR

January 25, 2008

Dear Friend,

The most recent session of the N.C. General Assembly amended the Migrant Housing Act of North Carolina. Since you are a member of the community regulated by that act, I wanted to share with you new information to help you understand the changes to that law.

If you provide housing for migrant workers, you are now required to provide a mattress with a clean cover for each bed provided for each worker. Since the legislature did not define the terms "mattress" or "cover," it is my responsibility to do so. Attached is a document that we hope will help you understand the new changes based on a common sense interpretation of the terms "mattress" and "cover."

These definitions were reached with input from my staff and advocates for farmers and farm workers. They are new to you, and it will take time to work out any uncertainties they may present. Please know that we welcome any suggestions you may have as we proceed with implementing this new requirement.

If you have any suggestion or comments, please contact John Hoomani, my general counsel at (919) 733-0844 / john.hoomani@nclabor.com or Regina Luginbuhl, the head of our Agricultural Safety and Health Bureau at (919) 807-2926 / regina.luginbuhl@nclabor.com.

Thank you.

A handwritten signature in cursive script that reads "Cherie Berry".

Cherie Berry



MEMORANDUM

TO: Interested Parties

RE: Senate Bill 1466
New Mattress and Cover Requirements

DATE: January 25, 2008

In 2007, the N.C. General Assembly amended the Migrant Housing Act in order to, among other things, require owners and operators of migrant housing to provide migrant workers a bed with “a mattress in good repair with a clean cover.” Senate Bill 1466 amended the law to require the following:

§ 95-225. Adoption of standards and interpretations.

(h) Each migrant shall be provided with a bed that shall include a mattress in good repair with a clean cover. The Department of Labor of North Carolina inspector shall determine the condition of the mattress and cover during the preoccupancy inspection. If the mattress or cover is damaged beyond normal wear and tear during the migrant's occupancy of the housing, the operator may charge the migrant the reasonable cost of replacing the mattress or cover. (S.L. 2007-548, s.3).

However, Senate Bill 1466 did not specifically state what constituted a “mattress” or a “clean cover.” This has caused confusion for both the Department’s migrant housing inspectors as well as the regulated community. In order to clear up any confusion and to be consistent in carrying out its duty to enforce the new law, the Department will be applying the following definitions of a “mattress” and “cover” when conducting inspections under the Act:

- (1) “Mattress” means a ticking filled with a core material used alone or in combination with other products which provides a surface intended or promoted for sleeping (core means the main support system present in a mattress, such as springs, foam or air bladder; ticking means the outermost layer of fabric or related material that encloses the core material of a mattress).
- (2) “Cover” means a protective covering made of a washable material that completely covers the sleeping surface or encases the mattress in order to prevent the mattress from being soiled.

If you have any questions about these requirements, please do not hesitate to contact our Agricultural Safety and Health Bureau at (919) 807-2923 or 1-800-NC-LABOR (1-800-625-2267), or visit our website at <http://www.nclabor.com/ash/ash.htm>.