Labor Commissioner Josh Dobson Announces His Senior Leadership Team

By Dolores Quesenberry, Public Information Officer

orth Carolina native Josh Dobson, who was elected in November as the 18th state labor commissioner, was officially sworn into office Saturday, Jan. 2. N.C. Supreme Court Justice Phil Berger Jr. administered the oath on the front steps of the Labor Building.

Commissioner Dobson recently announced 11 appointments that will make up his leadership team at the state Department of Labor. As an independently elected statewide official and member of the Council of State, Commissioner Dobson has the authority to appoint individuals to key positions within the agency.

"I am very excited about the team I have put together and feel very fortunate that many of these individuals served under Cherie Berry's administration," Labor Commissioner Josh Dobson said. "With the knowledge and experience each of these appointees bring to my leadership team, the transition to a new administration will be as seamless as possible."



Commissioner Josh Dobson is sworn into office Saturday, Jan. 2, by N.C. Supreme Court Justice Phil Berger Jr. on the front steps of the Labor Building. He is accompanied by his wife, Valerie, and his daughter, Kennedy.

Commissioner Dobson brings three new faces to NCDOL:

Susan Floyd Mullins will serve as Commissioner Dobson's executive assistant. Mullins previously worked at the N.C. General Assembly as a legislative assistant for several state representatives.

Julie Ryan will serve as the director of governmental affairs. Ryan previously served as then Rep. Dobson's legislative assistant for eight years at the N.C. General Assembly. She attended Rochester Institute of Technology where she obtained a bachelor's degree in applied science.

Erin Wilson will serve as special assistant for governmental and constituent affairs under the direction of Ryan. Wilson attended NC State University where she earned a bachelor's degree in political science and a master's degree in international studies.

Commissioner Dobson also appointed the following individuals from the Berry administration to round out his leadership team:

Art Britt will serve as chief of staff. Britt is a twenty-year veteran of the department of labor and served as Berry's chief of staff from 2013 until she left office last month.

Jennifer Haigwood will serve as the director of communications and policy development. Haigwood formerly served as the director of administration and governmental affairs under the Berry administration.

Jill Cramer will serve as general counsel. Cramer has served as general counsel since 2017.

Renathe Cotten will serve as director of human resources. Cotten has been with the Department of Labor for 20 years and has served as human resources director since 2014.

Jennifer Stackpole will serve as chief financial officer. Stackpole has served the state for 25 years and was named chief financial officer for the department in 2017.

Kevin Beauregard will serve as deputy commissioner of occupational safety and health. Beauregard has been with the department nearly 30 years and has served in his current position since 2016.

Scott Mabry will serve as assistant deputy commissioner of occupational safety and health. Mabry has nearly 10 years of service with the department.

Phil Hooper will serve as deputy commissioner of standards and inspections. Hooper is a 24-year veteran of the department and has been deputy commissioner since 2015.

Visit our website to learn more about the NCDOL leadership team and access their contact information.





































From Labor Commissioner Josh Dobson

We have a lot of news and information to share with you, our Labor Ledger subscribers, in the first edition of 2021.

First, as your new labor commissioner, I'd like to tell you a little bit about my family and background. I live in Nebo, a small town in McDowell County with my wife, Valerie, and my daughter, Kennedy. We plan to keep a permanent residence there while I serve as labor commissioner.

My first experience in state government came as a correctional officer at the N.C. Department of Corrections, now known as the Department of Public Safety. I previously served at the N.C. General Assembly representing the 85th district for eight years, as well as several years on the McDowell County Board of Commissioners. I believe these experiences will be invaluable as your new labor commissioner. We will work with businesses, workers and other stakeholders to do all we can to make sure employees are safe at work.

Secondly, I am excited to announce my new leadership team in this edition of the Labor Ledger. I brought three new faces to the department, but the rest you may recognize as they have been with the Department of Labor for many years. You can read all about the new appointments on the front page.

Lastly, we are in the process of updating many items that you may come across daily such as the elevator certificates and the labor law posters. It will take some time to circulate the updated versions across the state, but in the meantime, the older versions are fine and considered valid as we work to transition to our new administration.

In closing, I would like to thank you for your continued commitment to workplace safety and health. I look forward to beginning this journey and meeting many of you in person at various events across the state once we get to the other side of this current public health crisis.



Nova Development

Inside this edition:

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Recognition Roundup

"Recognition Roundup" identifies businesses that qualify for one of the N.C. Department of Labor's recognition programs. Congratulations to all of the recent award recipients. For a complete list of **Star** and **SHARP** sites, visit the NCDOL **website**.

Building Star *Recertification

Chaote Construction Co., Charlotte*

Carolina Star *Recertification

Amentum, Durham

EnviroVac Holdings LLC, Aurora*

Marathon Petroleum Co., Selma Buffalo Terminal, Selma*

Marathon Petroleum Co., Selma Oak Terminal, Selma*

Public Sector Star *Recertification

N.C. Department of Environmental Quality, Division of Waste Management, Raleigh*

SHARP *Recertification

Koppers Utility & Industrial Products, Leland*

Mohawk Laminate and Wood Flooring Plant, Garner*

Newell Davis Co. Inc., Wilmington*

Munden Funeral Home & Crematory, Morehead City*

Roanoke Cement Co. LLC, Winston Salem*

Energy United Electric Membership Corp., Statesville*

Carol Woods Retirement Community, Chapel Hill*

City of Mount Holly, Police Department, Mount Holly*

Town of Pineville, Public Works, Pineville*



Josh Dobson

 $Commissioner\ of\ Labor$

> 1101 Mail Service Center, Raleigh, NC 27699-1101 1-800-625-2267 • www.labor.nc.gov

Former Labor Commissioner Cherie Berry Receives the Carolina Star Safety Conference Lifetime Achievement Award

By LaMont Smith, Recognition Program Manager

Former Labor Commissioner, Cherie Berry was awarded the second ever Carolina Star Safety Conference Inc. Lifetime Achievement Award. Berry was recognized and received this award at the second annual Building Star Best Practice Workshop on Nov. 17, 2020. After accepting the award, Berry indicated how honored she was to receive this prestigious recognition.

"The Carolina Star Program and Safety Conference have been so special to me throughout my career as labor commissioner," former Labor Commissioner Cherie Berry said. "I have always enjoyed my time spent with the Carolina Star Safety Conference board of directors, Star Program staff, and the employers and employees of Star Program companies."

Berry received this lifetime achievement award due to her unwavering support and participation in the annual Carolina Star Safety Conference. During Berry's tenure as labor commissioner she was able to observe her staff and partners in the Carolina Star Program increase conference



LaMont Smith, recognition program manager; Cherie Berry, former commissioner of labor; and John Shepardson, Choate Construction, board president of Carolina Star Safety Conference Inc. pose for a socially distanced photo at the second annual Building Star Best Practice Workshop on Nov. 17, 2020.

participation by as much as 75% and become recognized as the largest occupational safety and health conference in the state of North Carolina. This growth and increased Carolina Star Safety Conference participation is a direct correlation of Berry's support, participation and inspirational leadership provided over her 20 years of service as labor commissioner.

"The Carolina Star Safety Conference has been one of my favorite events to attend throughout the last 20 years," Berry said. "I am so disappointed that the pandemic did not afford me the opportunity to address the audience one last time at the 2020 conference, but I am so grateful for the experiences I have had with this program and these people."

The Carolina Star Safety Conference congratulates and wishes Berry well in her retirement.

Posting of Injury and Illness Summary Required

Some companies will also have to electronically submit injury and illness data.

By Hollis Yelverton, Standards Supervisor, ETTA

Employers are reminded that they must post a summary of work-related injuries and illnesses that occurred in 2020. The N.C. Department of Labor requires the summary be posted from Feb. 1 through April 30.

To record work-related fatalities, injuries and illnesses, most employers must keep a Log of Work-Related Injuries and Illnesses (Form 300). The Summary of Work-Related Injuries and Illnesses (Form 300A) is compiled from the data on the log. A company without any injuries or illnesses will be required to post the summary with zeroes on the total lines. Once the annual summary is complete, a company executive must certify that the OSHA 300 Log has been examined and they believe it is complete and correct.

"This posting requirement is an important way employers keep their employees informed about safety and health conditions in the workplace," said Wanda Lagoe, bureau chief of the Education, Training and Technical Assistance Bureau.

To be exempt from keeping injury and illness logs and posting summaries, companies had to have 10 or fewer employees at all times during the previous calendar year (2020). Certain businesses classified in **specific low-hazard industry classifications** are also exempt from keeping injury and illness logs and posting summaries unless requested to do so for survey purposes.

Furthermore, establishments with at least 250 employees that are required to keep injury and illness logs, as well as those with 20-249 employees that fall in **industries with high injury/illness rates** will also be required to electronically submit injury and illness data from their Form 300A to federal OSHA. Submissions are due by March 2, 2021. See federal OSHA's website for details about this requirement.

For more information about recording criteria, contact the Education, Training and Technical Assistance Bureau at 1-800-625-2267 or locally at 919-707-7876. Questions can also be submitted through the Ask OSH webform or emailed to ask.osh@labor.nc.gov. To download a free copy of the OSHA 300, OSHA 300A or OSHA 301, as well as recordkeeping instructions, visit OSHA's website.

New Labor Law Posters Available March 1

By Natalie Bouchard, Public Information Officer

With the swearing in of newly elected Labor Commissioner Josh Dobson comes the process of updating the many publications produced by the N.C. Department of Labor. One such publication that will see updates in 2021 is the labor law poster set.

As the state commissioner of labor, Dobson is charged with ensuring workplace safety and health. One domain of that duty is to make sure employers and employees are fully informed of basic workplace rights and regulations. The posters make this information accessible when displayed clearly and properly in places where employees frequently gather.

The labor law posters are printed in two sections to include the Wage and Hour Notice and the Occupational Safety and Health Notice. Both sections will be updated to include a photo of Labor Commissioner Josh Dobson along with a new date of 1/21 in the lower right-hand corner of the poster.

As always, NCDOL cautions business owners and safety professionals to be wary of private businesses that try to take advantage of consumers by sending threatening solicitations in order to scare businesses into purchasing these posters. Be aware that these types of marketing blitzes ramp up

when a change is made to the posters. Please disregard these solicitations and visit our website to order your new set free of charge. While labor law posters are required to be displayed at a workplace by law, NCDOL inspectors carry the most up-to-date versions of the

posters in their vehicles and distribute them free of charge. The N.C. Department of Labor will never fine a business that has older versions of

NCDOL prints new versions anytime a significant change occurs, or a law is changed or updated by Congress or the N.C. General Assembly. Businesses are not required to order a new poster each time a change is made. Employers that wish to order new posters can visit our website or can call 1-800-625-2267.



The new labor law posters will feature the photo of Labor Commissioner Josh Dobson, who was elected in November 2020 and sworn into office on Jan. 2, 2021.

News Flash /



The elevator certificate has been updated to include the name and face of newly elected Labor Commissioner Josh Dobson. Tommy Petty's name and signature will also appear on the certificate as the newly appointed chief of the Elevator and Amusement Device Bureau. Elevators in North Carolina are inspected once per year. The certificates will be updated as the annual inspections are conducted.

| | CERTIFICATE OF OPERATION |
|---|---|
| NCDOL N.C. Department of Labor | This permit is to be posted in a |
| Elevator and Amusement Device Bureau | conspicuous place in each unit. |
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| Owned by | HAL |
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| of the North Carolina Department of | f Labor. |
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COVID-19 Guidance

Please check the NCDOL website for guidance regarding COVID-19.

The information is updated based on CDC guidelines.



NCDOL Releases Workplace Fatality Count for 2020

By Dolores Quesenberry, Public Information Officer

Struck-by incidents caused the largest number of work-related deaths last year in the Tar Heel state, based on preliminary information released recently by the state Department of Labor. The department's Occupational Safety and Health (OSH) Division inspected 65 non COVID-19 work-related fatalities in 2020. The division also inspected 26 cases reported as deaths related to COVID-19.

"All of these work-related deaths are difficult to process, no matter the cause," Labor Commissioner Josh Dobson said. "Safety and health are in the forefront of all of our minds as we work to navigate this current public health crisis. In 2021, we will continue working toward our core mission by concentrating our education, training and compliance resources on high hazard industries, while also working with employers and employees on best practices for reducing the risk of COVID-19 in the workplace."

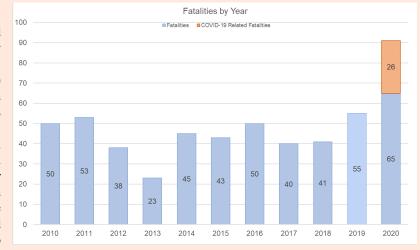


Figure 1: Work-Related Fatalities in North Carolina, 2010-2020.

Source: Occupational Fatality Inspection Review (OFIR) courtesy of NCDOL Planning, Statistics and Information Management Bureau.

The OSH Division tracks work-related deaths that fall

within its jurisdictional authority so it can pinpoint where fatalities are occurring and place special emphasis on counties or regions where deaths on the job are happening. By tracking fatalities in real time, the department can also notify industries of any concerning patterns or trends identified and issue hazard alerts.

"In additional to our traditional core mission activities, the OSH Division shifted its focus in March when workplace complaints concerning COVID-19 began to surface," said Kevin Beauregard, director of the state OSH Division. "We met with some of the industries that had been impacted the most from the rapid spread of the disease among their workforce and the OSH Division, along with the CDC, NCDHHS and federal OSHA, developed guidance materials to assist employers in reducing the risk of potential exposures to the coronavirus.

There is a higher probability of exposure to the coronavirus that can lead to COVID-19 in occupational settings where employees have contact with known COVID-19 patients or populations that are more susceptible to COVID-19. This would include, but is not limited, to healthcare facilities such as hospitals, medical doctor offices, nursing homes and long-term care facilities."

The OSH Division partners with businesses and organizations that represent some of the most hazardous industries through partnerships and alliances to heighten industry awareness and assist with education and training. The construction industry suffered the most work-related fatalities with 26 in 2020, five more than in 2019. The services industry had the second highest number of work-related deaths with 22, an increase of fifteen from the previous year. Manufacturing had the third highest number of work-related deaths with 15, seven more than in 2019. In addition, agriculture, forestry, and fishing had 12 fatalities in 2020, an increase from four in 2019. There were also five fatalities in the transportation and public utility industry, a decrease from nine in 2019. Government experienced nine workplace fatalities. There were two work-related fatalities in wholesale trade.

There were no work-related fatalities in 55 of North Carolina's 100 counties. Mecklenburg County led with nine workplace fatalities, followed by Wake County with eight, and Guilford with six. Catawba, Gaston, Iredell and Wilson counties experienced four fatalities each. Caldwell and Davidson experienced three fatalities each. Duplin, Durham, Forsyth, Haywood, Henderson, Johnston, Lee, Moore, Rockingham, Union and Wilkes experienced two fatalities each. Twenty-four counties experienced one fatality.

Whites accounted for 43 of the 65 non COVID-19 work-related fatalities. Blacks accounted for seven and Hispanics for 14. Men accounted for 61 deaths. Women accounted for four workplace deaths.

The state figures exclude certain fatalities that fall outside its jurisdictional authority. These include traffic accidents, which account for nearly half of all work-related deaths, as well as homicides and suicides that are investigated by law enforcement agencies. The count also excludes fatalities investigated by federal OSHA and other exemptions in which the department does not have the authority to investigate, such as on farms with 10 or fewer employees.

Federal figures compiled by the U.S. Bureau of Labor Statistics, with cooperation of NCDOL, include all work-related fatalities. The federal figures for 2019, the latest figures available, can be found on the **BLS website**. Data for 2020 will be available in December.

Businesses may call 1-800-NC-LABOR to learn more about free safety training opportunities provided by NCDOL or visit our website.



Register today for your FREE subscription!





By Harriet Hopkins, Administrator Retaliatory Employment Discrimination Bureau

Q: I was employed by a local restaurant as a server. In late May 2020, I complained to the owner that the restaurant was not providing hand sanitizer, requiring employees to take their temperatures before work, and was failing to take other safety measures recommended by the CDC and by Gov. Cooper's executive orders. A co-employee, also concerned, called the local health department and complained about the same concerns. As soon as the owner learned that the health department had been called, he fired me. I did not make the call, but the owner believed that I was the one who did. Can he fire me?

A: North Carolina is an "at will" state, which means that a person may be terminated for any reason or for no reason unless there is a specific law or an employment contract in place that protects the worker. However, the Retaliatory Employment Discrimination Act (REDA) provides protection from termination in specific instances. In your situation, the owner cannot fire you for reporting a safety or health violation or for threatening to file a complaint in relation to a safety or health violation. If the owner believed you made the call and he fired you because of the alleged call, you have some

protections under REDA. Complaining about a health and safety issue to a safety and health regulatory body is a protected activity. Unless the owner can prove another legitimate reason for terminating you, you may have a claim for retaliation under REDA.

Due to social distancing protocol recent podcasts have been recorded over the phone. Be sure to check out NCDOL's podcast, **Inside NC Labor**.

Episode 39 features newly appointed Communications Director Jennifer Haigwood, alongside the Communications Division's public information officers Dolores Quesenberry and Natalie Bouchard. The three talk about what's coming up for the podcast and the department in the new year with the new administration.

In addition to NCDOL's website, **Inside NC Labor** is available on YouTube, Spotify, Apple Podcasts, Anchor and Google Podcasts.

Inside NC Labor is designed to inform and educate North Carolina citizens on the role that the Department of Labor plays in state government.



Labor One Update

NCDOL's mobile training unit has been updated to include Labor Commissioner Josh Dobson's name.

Call 1-800-NC-LABOR to schedule free workplace safety training at your worksite!







By Judyth Forte, State Plan Coordinator

Fatal Event: A 27-year-old employee was fatality injured after he attempted to assist in the opening of a "Pyrovent," or smoke vent, on a facility roof. The

door hatch was hinged on one side and when the latches were released it opened with great force striking the employee in the head. The employee fell through the opening about 22 feet to the concrete surface below.

Investigative Findings: The fatality occurred at an electrical component manufacturing facility that was being reroofed. The roofing company asked for the covers of the nine Pryovents to be removed, so that flashing could be installed around them.

Two employees were sent to the roof to determine if the Pyrovent could be opened. The first Pryovent of nine was located about 50 feet from the western edge of the roof and 22 feet above the warehouse floor level. In faded letters on the vent cover it stated, "DANGER – Spring Loaded – Stand Clear." However, the employees proceeded with trying to open the vent manually. One employee disconnected one of two latches placed on either side of the vent cover. He moved to the opposite side of the vent and directed the second employee to apply pressure to the top of the vent to ease the opening of the remaining latch. The employee was in a standing position with his body weight over his hand, leaning on the side of the vent cover. When the second latch released, the cover violently opened and struck the victim in the face rendering him unconscious and he fell forward, into the 48 inch by 90 inch unguarded hole, 22 feet to the concrete floor below. Fall protection measures were not provided.

Discussion: The unfamiliar feature of the Pyrovents should have been researched before a decision was made to open them. National Fire Protection Association Standards indicate smoke vents are a life-safety device for occupants and fire fighters, designed to automatically release the smoke, heat and hot gases from a burning building in the event of a fire. The manufacturing specifications indicated the fusible links would melt and release internal carbon steel torsion bars that are designed to positively open the hatch, with a 360-pound opening force. There were also manual release latches that would allow direct activation, under the same force, to facilitate inspection, maintenance and replacement of components.

An inspection should have been conducted at least annually of these

devices, but no documentation was available in any of the facility maintenance records or fire protection inspection records that explained their presence or identified them as special devices with their own inherent hazard.

Employees had no training or guidance from the employer or Pyrovent manufacturer as to the functioning of the vent or any prior knowledge of what to expect when trying to open it. They were not aware that the top of the vent would open so violently or with such force and did not heed the faded but legible letters "DANGER – Spring Loaded – Stand Clear." Danger signs are placed where a hazard poses an immediate danger and special precautions must be taken.

Recommendations: The supervisor and employees had no knowledge of the functioning of the Pyrovent and should not have proceeded without fully understanding the danger that was present. If there are warning signs on a device, the employer needs to make sure that their employees have a full understanding of their operation before addressing them. The employers should also inspect devices per manufacturer recommendations and ensure warning labels/markings are maintained in a clearly visible manner.

- A qualified person should be familiar with all fire safety features within the facility. The employer is responsible for ensuring devices are maintained and records of inspections are maintained, even if the inspection process is hired out to an independent contractor. All records and documentation must be ready to present upon request to the Authorities Having Jurisdiction over the facility such as local building code enforcement, or state or county fire marshal.
- The employer needs to have a comprehensive fire prevention and protection program that includes inspections of fire prevention and protection devices such as sprinkler systems, smoke control systems, fire alarm pull stations, fire doors, fire dampers and fire extinguishers. The three main areas of a comprehensive fire prevention program include:

Inspections: A visual examination of a system to verify that it appears to be in operating condition and is free of physical damage.

Testing: A physical operation of a system, or part of a system, to ensure that it is functioning properly, as intended, or to an acceptable standard of operation.

Maintenance: The work performed to repair and/or maintain equipment in operable condition.

- Train staff on a regular basis to keep them familiar with all devices in the facility and ensure they meet required inspection schedules.
- Fall protection must be provided and used by employees that will be exposed to fall hazards.

WORKPLACE WORRIES



By Kisha Holmes, Bureau Chief, Wage and Hour Bureau

Q: Are employers required to maintain records on all employees?

A: Yes, employers are required to maintain records on all employees for a period of three years. The following records should be maintained: name in full; home address, including zip code and phone number; date of birth if under 20; occupation or job title; time of day and day of week the employee's work week begins; regular rate of pay; hours worked each workday; total hours worked each work week; total straight-time earnings each workweek; total overtime earnings each workweek; total

additions to or deductions from wages; total gross wages paid each pay period; and date of each payment.

In addition, employers shall also maintain all other records required by statute or rule for the enforcement of any provision of the Wage and Hour Act. These records include, but are not limited to: tip credits; costs of meals, lodging or other facilities; start and end time for youth under age 18; youth employment certificates; wage deductions; vacation and sick leave policies; policies and procedures relating to promised wages; and records required to compute wages.





Bulletin Board

Mine and Quarry Training

Part 48 New Miner Training

Feb. 23-25, Virtual March 8-10, Virtual

To register for any of these classes, call the Mine and Quarry Bureau at 919-707-7932.

Wage and Hour Presentations

Investigators from the Wage and Hour Bureau offer presentations to employers, employees, high schools and career development organizations. The presentation covers the provisions of the Wage and Hour Act, minimum wage, overtime, record keeping, wage payment and youth employment. The presentation is designed to enhance North Carolina citizens' knowledge of labor laws and to inform employers and employees of their rights and responsibilities in wage and hour matters.

To schedule a presentation, please email whbinfo@labor.nc.gov with the following information: requesting individual or business, location, desired topics, and preferred dates for presentation.

COVID-19 Guidelines

Please check the NCDOL website for guidance regarding COVID-19. The information is updated based on CDC guidelines.

www.labor.nc.gov











OSH Webinar Courses

Visit the **OSH Training Schedule Calendar** to view upcoming internet training and other safety courses. Among the courses being offered include:

- Hazard Communication
- Respiratory Protection
- Machine Guarding
- Struck By/Caught Between
- Toxic-Hazardous Substances

Pre-Recorded Webinars

Visit the **OSH Training Schedule Calendar** to view upcoming internet training and other safety courses.

- Bloodborne Pathogens
- Ergonomic Awareness
- Fall Protection
- Hazard Communication
- Health Hazards SEP
- Heat Stress
- Inspection Process
- Lockout/Tagout
- Machine Guarding

- Occupational Noise Exposure
- Powered Industrial Trucks
- Recordkeeping
- Respirable Crystalline Silica
- Respiratory Protection
- Scaffolds
- Stairways and Ladders
- Toxic Hazardous Substances
- Walking Working Surfaces
- Confined Space (Construction and General Industry)

COVID-19 Related Pre-Recorded Webinars

- N95 Filtering Facepiece Respirator COVID-19
- Personal Protective Equipment in Construction Industry COVID-19
- Personal Protective Equipment in General Industry COVID-19
- Respiratory Protection COVID-19

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