



NCDOL

N.C. Department of Labor

Josh Dobson, Commissioner

Labor LEDGER

www.labor.nc.gov

1-800-625-2267

Joint Public Sector Star Recertification for Two Divisions of the City of Charlotte Aviation Department

By Erin Wilson, Public Information Officer

The N.C. Department of Labor recertified two divisions of the City of Charlotte Aviation Department, the Division of Administration and the Division of Development and Operations, as participants in the Public Sector Star Program on Wednesday, Oct. 27. Labor Commissioner Josh Dobson attended the recertification ceremony at the Charlotte Douglas International (CLT) Airport to present the awards and congratulate airport officials on the achievement.

“In an especially challenging time, these two divisions of the City of Charlotte Aviation Department have shown a strong commitment to workplace safety and health by maintaining their coveted Public Sector Star status,” Labor Commissioner Josh Dobson said. “The dedication of the employers and employees to safety is the reason why North Carolina is one of the safest states in which to work and they deserve this distinguished recognition.”

The Star designation is the most prestigious safety recognition given by the N.C. Department of Labor. Companies that qualify for the award have exemplary safety and health programs in the workplace that serve as models for other businesses. There are currently 150 Carolina Star sites throughout the state.

“Charlotte Douglas is committed to being a leader in safety for our community as well as the aviation industry,” said CLT’s CEO Haley Gentry. “The Public Sector Star designation certainly places us at the forefront. CLT is proud to be the first airport operator in the country and first City of Charlotte department to receive the Public Sector Star designation for all divisions.”

Carolina Star sites must meet a set of stringent criteria to participate in the Star Program. Public Sector Star sites tend to face challenges that private companies do not. One such challenge for City of Charlotte Aviation is not only ensuring the safety and health of their employees, but also ensuring the safety and protection of the public.

“I am proud to be the Star Consultant for City of Charlotte Aviation. They are the first City of Charlotte location to be recognized and currently have three Divisions approved and participating as Public Sector Star site locations,” Star Consultant Michelle Evans said. “The Division of Administration and Division of Development and Operations excelled by obtaining their first recertifications as Public Sector Star sites while the Division of Facilities three-year recertification is coming up in 2022. The worksite is able to obtain this prestigious honor due to their leadership, support and commitment to the success and engagement of all employees. The employees embrace and maintain a positive safety and health culture through ownership and effective communication with management. This partnership enables the worksite to continue to grow and improve.”



Photo courtesy of Charlotte Douglas International Airport

Labor Commissioner Josh Dobson presents the Public Sector Star to the City of Charlotte Aviation Department, Division of Administration and Division of Development and Operations, during a ceremony at Charlotte Douglas International Airport on Oct. 27. From left to right: Chief Financial Officer Mike Hill; Safety and Health Manager Ella Moultrie; Chief Executive Officer Haley Gentry; Labor Commissioner Josh Dobson; Chief Operating Officer Jack Christine; Lead Counsel Leila Lahbabi; and Star Consultant Michelle Evans.

Season's Greetings



From Labor Commissioner Josh Dobson

After a year missed due to the COVID-19 pandemic, the N.C. State Fair made a triumphant return to the fairgrounds in Raleigh Oct. 14-24. Nearly 100 rides packed the midway and over 824,000 fairgoers enjoyed the sights, sounds, food and other traditions that make the State Fair such a special annual event. I'm glad to report that we closed out the State Fair – and all the county fairs – with no serious accidents or injuries. Much of that success can be attributed to the work of NCDOL's amusement ride inspectors who have worked tirelessly over the past few months to ensure safety on the midway. See a complete wrap up of the State Fair on Page 4.

Regular readers of the Labor Ledger may be familiar with the Retaliatory Rights column, written by Harriet Hopkins, administrator of our Retaliatory Employment Discrimination Bureau. Thanks to Harriet's creative thinking, in July 2020 she created a mediated settlement conference program. This program provides a new avenue for resolving complaints by helping both parties come to a mutually agreeable resolution. Read about the program's successes over the past year on Page 4.

In good news for North Carolina, the Bureau of Labor Statistics recently released national and state-level 2020 injury and illness rates. The rate for private industry in North Carolina was statistically unchanged at 2.1 per 100 full-time workers, while the rate for all industries including private, state and local government experienced a decline from 2.5 in 2019 to 2.2 in 2020. Like previous years, the state's private sector total recordable rate is significantly lower than the national rate. The injury and illness rate is the best barometer for monitoring how we are doing in terms of safety and health statewide as the rate accounts for growth and reduction in total hours worked in industry.

Lastly, the safety awards application process will open in January and the deadline for submitting applications is Feb. 15. Previous participants should be on the lookout for a letter in early January and any business that would like to learn more about the program should call Meredith Watson, the safety awards coordinator, at 919-707-7855. I was glad to participate in-person at many of your safety awards banquets this year, while I met others of you through virtual events. I hope to see all of you at in-person banquets when the season begins in the spring.

Wishing you and your family a special and meaningful holiday season!

Josh Dobson



All materials, photographs, graphics and illustrations created by the N.C. Department of Labor may be used for educational and training purposes as long as reference to NCDOL is provided. Any use of materials for commercial purposes is hereby prohibited.

Inside this edition:

Devices Certified Before Historic Boiler Show	Page 3
N.C. State Fair Returns Following 2020 Cancellation	Page 4
NCDOL's Mediation Program: One Year Later	Page 4
Toys for Tots Event Hosted at Labor Building	Page 5
Retaliatory Rights	Page 5
Deadly Mistakes	Page 6
Workplace Worries	Page 6
Bulletin Board	Page 7

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**.

Carolina Star *Recertification

- Balfour Beatty Rail, Goldsboro*
- Cintas Location No. 230, Statesville*
- Owens & Minor – Lexington Plant, Linwood*
- The Roberts Co., Aurora*
- Vesuvius, Graham*

Public Sector Star *Recertification

- City of Charlotte Aviation – Division of Administration, Charlotte*
- City of Charlotte Aviation – Division of Development and Operations, Charlotte*
- Go Triangle, Morrisville*
- Roanoke Rapids Sanitary District, Roanoke Rapids*

SHARP *Recertification

- Munden Funeral Home & Crematory, Morehead City*
- Oldcastle Precast Inc., Raleigh*



Josh Dobson
Commissioner of Labor

Editor..... Erin Wilson

Layout and Design..... Jeff Wilson

1101 Mail Service Center, Raleigh, NC 27699-1101

1-800-625-2267 • www.labor.nc.gov



Nova Development

Devices Certified Before 16th Annual Historic Boiler Show in Carthage

By Natalie Bouchard, Public Information Officer

Every year in early fall, collectors and inspectors alike gather to put on the 100+ Years of Progress Ederville Train and Tractor Show in Carthage, N.C. This year marked the 16th annual show and spanned from Nov. 5-7.

The event displays a myriad of historical pressure vessel and boiler equipment, ranging from old farming equipment to new CAT machines. The event allows locals and travelers to experience some of the equipment and machines that were historically used for mainly agriculture and manufacturing. The event bridges the gap between where we were and how far we have come in boiler and pressure vessel innovation.

The N.C. Department of Labor's (NCDOL) historical boiler inspection program, established in 2013 by adopting the National Boiler Inspection Code for Historical Boilers, provides a standardized procedure for the inspection and repair of these boilers. They differ slightly from modern day boilers, which the bureau is also charged with inspecting and certifying. Modern boilers are found in schools, hyperbaric chambers, indoor pools and many more places. They are part of our daily life more than we realize.

"For the historical boilers to operate at the festival around kids, families and North Carolinians, we make sure they are safe to avoid a serious incident," said Jeremy Smith, assistant bureau chief of the Boiler Safety Bureau. "We work with the folks at Mid-East Railroad to schedule, inspect and ensure each historical boiler that will be operated during the show meets the inspection requirements. If any of these boilers do not meet the inspection requirements, they will not be operated for the show."

Other historic boiler events across the state, including Denton Farm Park in Denton, are great events for the public to attend and learn about the history of these incredible machines. Keeping the public safe and operating successfully are the goals every time for the Boiler Safety Bureau.

"Operating the historical boilers at this event comes with risks, as most of these were manufactured before the codes, rules and standards that we use today were established," said Smith. "These boilers do not have the modern safety devices that are required and there is no power switch to turn off if something should go wrong."

Testing for thickness of the devices' components helps prevent potential explosions. Inspectors compare thickness to the last inspection when conducting the tests to detect any changes in the integrity of the device. The Boiler Safety Bureau inspects new and existing pressure equipment installations for businesses, institutions, industries, assemblies, educational locations, apartments and other multifamily dwelling locations, recreational sites, public use and water supplies. Additionally, the bureau inspects pressure equipment in hotels, motels, camps, cottages and resort lodges.

With such a variety of boilers to inspect, the historical events can be a fun break in the norm for boiler inspectors. A lot of the boiler owners and collectors have been doing these events for years. One such official is Todd Heintz, who has been volunteering at the Carthage event for 14 years.

"My two most favorite things about any historical event is seeing old friends, meeting new ones and teaching younger people about operating equipment," said Todd Heintz. "This year it was a great show with lots of demonstrations. We had eight operators under the age of 25, six of those were teenagers. A lot of hands-on education took place during the event."

These events are for the public's education and entertainment, rather than to fuel equipment or heat a pool. This makes the 100+ Years of Progress Ederville Train and Tractor Show unique. Above all else, it has to be safe, just like everything else under NCDOL.



NCDOL Photo Library

Historic boilers and pressure vessels are scattered across the grounds at the 100+ Years of Progress Ederville Train and Tractor Show in Carthage. Inspectors worked to certify all of the machines that would be operating during the show on Nov. 5-7.



NCDOL Photo Library



NCDOL Photo Library

N.C. State Fair Returns Following 2020 Cancellation

By Natalie Bouchard, Public Information Officer

The N.C. State Fair took place from Oct. 14-24, this year in Raleigh and saw lower attendance than years past. But with 824,328 attendees over the 11-day span, if you looked across the midway, you certainly couldn't tell attendance was lower than usual. Most North Carolinians were excited just to be there as the fair was cancelled last year due to COVID-19.

"It's been 719 days of waiting since we last closed the fair," said Kent Yelverton, N.C. State Fair manager. "We are grateful that we have the opportunity to welcome our fair goers. Our citizens love the state fair. We enjoy bringing it to them."

The N.C. State Fair is the largest fair in the state, and one of the largest assemblages of amusement devices in the country. The fairs across the state are not only a terrific form of entertainment, but a great event for growers and their local economies. They are a chance to bring communities together while showcasing the importance of local food, fiber, forestry and more.

"I can't tell you how good it feels to be back and have a state fair again," said N.C. Agriculture Commissioner Steve Troxler. "This fair has a special place in the hearts of North Carolinians. Believe me, I have been reminded thousands of times throughout the past year about how much this fair does mean to North Carolina."

Officials were sure to emphasize safety this year, including the health and safety of attendees in regard to COVID-19. Vendors and rides were spaced out across the 345 acres of fairground and machines to ensure better air quality were installed indoors. Masks were suggested and hand sanitizer was readily available. The First United Methodist Church of Cary worked with local public health agencies, including the N.C. Department of Health and Human Services, to administer free COVID-19 vaccines to fairgoers.

While COVID-19 precautions were emphasized this year, the midway at any fair possesses other hazards. Luckily, North Carolina is one of the safest places in America to hop on a carousel, rollercoaster or Ferris wheel.

The Elevator and Amusement Device Bureau of the N.C. Department of Labor (NCDOL) is required by law to inspect each ride every time it is assembled in the state. Some rides move between fairs throughout the year and are inspected multiple times. This year the department inspected about 90 rides at the N.C. State Fair alone. Once a ride passes inspection, a certificate of operation is issued by the bureau. The certificate is usually posted near the entrance to the ride.

Labor Commissioner Josh Dobson spoke before the official fair opening at the annual media day gathering about the challenges we have faced as a state and a country, and about the relentless effort NCDOL puts into making sure North Carolinians are safe. A safe fair equals a fun fair.

"We all are weary. We are all tired and we have all been through a lot over the last two years," said Labor Commissioner Josh Dobson. "I think we as North Carolinians are hungry for something good, or something positive in our lives. What the next 10 days or so are going to represent is something good. It's something good for North Carolina."

NCDOL's Mediation Program: One Year Later

By Harriet Hopkins, REDB Administrator

In July 2020, the Retaliatory Employment Discrimination Bureau (REDB) rolled out a mediated settlement conference program with the full support of former Commissioner Cherie Berry. After he took office, Commissioner Josh Dobson extended his whole-hearted endorsement of the program. The first mediation was scheduled in October 2020 and since then, by offering a process for disputes to be resolved informally, the program is making a difference in the lives of many employees and employers in North Carolina.

Mediation is an informal dispute resolution process which can be an alternative to costly and protracted litigation. The mediator is a neutral, impartial facilitator of the issues in the case and the needs of the parties and seeks to help the parties reach a mutually agreeable resolution to their dispute. The mediator is not a decision-maker and the parties must decide and agree on the settlement terms.

Retaliation complaints filed under the N.C. Retaliatory Employment Discrimination Act, which the REDB investigates, are well-suited to an alternative dispute process such as mediation. Most employees have been terminated and have limited resources and most employers do not want to expend valuable resources defending a complaint in court. Beyond the financial hardship, litigation can take valuable time away from the workplace for both employees and employers and drag on for months or even years.

Since the program "went live," REDB has offered mediation both early in the case, prior to the completion of the investigation, and also when a "merit" determination is made after an investigation. Here are some facts about the program to date:

- ❖ Mediations held **35**
- ❖ Cases settled at mediation **17**
- ❖ Settlement rate (%) **49%**
- ❖ Gross settlement amount **\$266,680**

As of this writing, 11 more REDA cases are scheduled for mediation within the next 45 days.

This program could not succeed without the volunteer participation of almost 40 mediators certified by the N.C. Dispute Resolution Commission to mediate in the state's mandatory mediation programs at no charge to the parties. Each person is asked how many mediations they are willing to schedule annually. The number ranges from two to "unlimited." Participants in the mediations are asked to complete a short questionnaire after the mediation is concluded. The questionnaires submitted have been very positive thus far.

As parties to REDA disputes become aware of the bureau's commitment to facilitating settlements where possible, REDB hopes that they will jump on the opportunity to mediate.

Second Annual Toys for Tots “Drive-By and Drop Off” Event to Be Hosted at the Labor Building

By Erin Wilson, Public Information Officer

On Dec. 8, from noon to 3 p.m., the U.S. Marine Corps Reserve Toys for Tots Program will collect toys at 4 W Edenton St., in front of the Labor Building. This is the 23rd year that the N.C. Department of Labor and its Toys for Tots partners have co-hosted this annual toy drive. This year’s drive will be a “drive-by and drop-off” event.

“With the continuance of this pandemic and the hardships our fellow North Carolinians have experienced this year, this toy drive is our way to help our community and provide a little Christmas spirit for those in need,” Labor Commissioner Josh Dobson said. “This is the season of giving and the Labor Department is glad to take part in such an important program as Toys for Tots. Last year, the Labor Department and its partners collected 1,040 individual toys and bicycles and received \$3,450 in monetary donations. Our goal this year is to touch as many children’s lives with these donations as we can.”

The Department of Labor’s mobile training unit, Labor One, will be parked in front of the Labor Building to store all the toys collected. Anyone driving by or walking by to drop off toys or monetary donations will receive an individually wrapped goodie bag as a “thank you” for donating. You will not even have to get out of your car as Toys for Tots elves will receive donations and share bags of goodies in exchange.

Any new unwrapped toy, including bicycles and tricycles, will be accepted as well as monetary donations made payable to the Marine Corps Reserve Toys for Tots Foundation.

So, on Dec. 8, from noon to 3 p.m., in front of the Labor Building, located at 4 W Edenton St., drive by or walk by and drop off a new toy.



NCDOL Photo Library

Inside NC Labor

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 46 features Julie Ryan and Edgar Starnes, Government Affairs, as they discuss the agency bill and budget.

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.

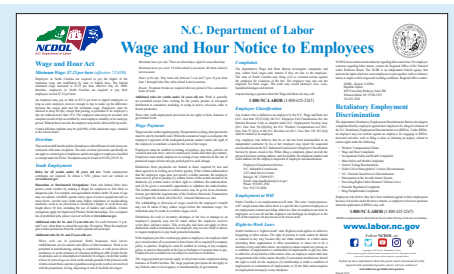


By Harriet Hopkins, Administrator
Retaliatory Employment
Discrimination Bureau

Q: I am a Licensed Practical Nurse and work in a residential rehabilitation center. I observed one of the med techs dispensing medication to residents much earlier than the normal time—without doctor’s orders. I also noticed that she called over a CNA to help with the dispensing, which is not permitted. I told the med tech that she should not be doing this without doctor’s orders. I was concerned that this might be a health risk to the patients. I reported the matter to my clinical lead and to HR. Two days later I was fired. Can they fire me for this?

A: North Carolina is an “at will” state, which means that an employer can terminate an employee for any reason or no reason at all unless there is a state or federal law that protects the employee from retaliation for engaging in protected activity or because of their status as a person of color, gender, religious affiliation, etc. The Retaliatory Employment Discrimination Act (REDA) protects employees who are terminated because they raised a safety and health complaint in the workplace. However, it applies only to complaints made about the safety and health of workers, not the public, or in your case, the persons you served. Reporting what was possibly improper or even dangerous practices by the med tech was important and admirable, but unfortunately, REDA does not cover this conduct. You may have other legal avenues that you can explore, such as a complaint to an agency that oversees the licensure of residential rehabilitation centers or the nursing board. We urge you to consult with an attorney about any legal options you might have. If you do not have an attorney, the N.C. Bar Association’s Lawyer Referral Service may be able to help you. Their number is 1-800-662-7660.

FREE Updated Labor Law Posters and Poster Patches are Now Available.



DEADLY

Mistakes



By Judyth Forte, State Plan Coordinator

Fatal Event: On Sept. 17, 2016, a 45-year-old man working at a carwash was electrocuted when he tripped and fell into a puddle of water that was electrified by a damaged electrical cord.

Investigative Findings: The owner of an appliance store decided he wanted to generate extra income from his business location by opening a car wash and detailing service on the premises. He bought two metal bays that had metal roofs, supported by 10 metal poles, arranged five to each side and about four feet apart. The poles on each side of the bays were connected to each other at the bottom by a single metal beam and were bolted into the ground. The bays had no side walls and were arranged side by side facing a major throughfare. The power and water were supplied from the appliance store building by way of extension cords and hose pipes. The owner purchased wet/dry vacuums, a steamer, a power washer, extension cords, hose pipes, buckets and cleaning supplies. The owner hired employees, but no records were kept.

On the day of the incident four employees were present. The employee that was fatally injured was walking from one car wash bay to the other through the metal supports to place a 5-gallon plastic bucket of water in the bay closest to the appliance store building. His foot became caught between the metal beams and a piece of wood located between the bays, and he tripped and fell into a puddle of water. Another employee said he saw his coworker fall and grab the frame of the bay to try and catch himself, and as he entered the water he started to yell. He ran to the employee and grabbed him but as he did, he said he could feel an electric current. A customer of the appliance store saw the events unfold and ran to the electrical box and shut off the power.

When this event was investigated, it was determined that the likely cause of the electrocution was from the electrical cord that was laying in the water and plugged into the wet/dry vacuum cleaner. When followed back to the outlet supplying the power, the cord was hanging in midair, wrapped around the sharp corners of the square

aluminum support poles of the metal bay. The electrical cord was examined and showed fading and 27 different tears in the outer insulation wall. Two of those tears were noted to have breached the inner insulation exposing bare copper wire. The electrical current most likely traveled from the cord into the puddle to the employee, who may have caused a path-to-ground through grabbing the metal bay frame, which was bolted into the ground.

Discussion: The equipment purchased and used for this operation were listed as household appliances. Commercial type equipment would have been better suited for this type of application. Permanent wiring should have been installed next to the bays so that they were readily accessible for use. Dedicated ground fault circuit interrupter (GFCI) outlets should have been installed due to the wet location. GFCI is a special type of circuit breaker that is designed to automatically shut off power directly at the outlet when it detects an electrical fault of more than 5 milliamps. Damp areas can make an employee prone to dangerous electric hazards but using a GFCI outlet can greatly reduce the risk of injury. Permanent wiring would also have prevented the stretching and twisting of the damaged extension cord that was being used to reach the wet/dry vacuum cleaner.

Employers should conduct routine workplace inspections to identify hazards, control identified hazards and routinely monitor hazard controls to verify that they continue to be effective. Employees that were working at this operation were exposed to electrical hazards.

Recommendations:

- ✖ Project planning and work area design must include a hazard analysis to ensure that the employee's work environment is free from safety and health hazards.
- ✖ Employers need to conduct routine safety and health self-inspections of their workplaces to ensure that employees' tools and equipment are appropriate and properly maintained in safe operating condition.
- ✖ Flexible cords and cables should not be run through doorways, windows or similar openings where the outer insulation could be damaged by pinching, rubbing or cutting hazards.
- ✖ Employees handling chemicals must be provided appropriate PPE and be properly trained. Training must include safe handling procedures of all potentially hazardous chemicals. Hazardous chemicals in the workplace must also have labels and safety data sheets available for exposed workers.

WORKPLACE WORRIES



By Kisha Holmes, Administrator, Wage and Hour Bureau

Q: Changes were made to the notification requirement at the time of hire. Could you elaborate on the new requirement?

A: Previously, at the time of hire, an employer had the option to provide employees orally or in writing of the promised wages and the day and place for payment. This requirement was the only time there could be an oral notification in regard to promised wages. As of July 8, 2021, employers must provide employees in writing at the time of hiring of promised wages and the day and place for payment. Oral notification at the time of hire is no longer an option. Anything promised to the employee must be in writing.





Bulletin Board

Mine and Quarry Training

MSHA New Miner Training

Dec. 6-8, *Bakersville*
Dec. 13-15, *Virtual*

MSHA Annual Refresher Training

Dec. 9, *Bakersville*
Dec. 16, *Virtual*

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

10-Hour Construction Industry Awareness Course

Dec. 6, Wilmington

Click [here](#) for more information.

This course is designed to help employers understand OSH regulatory requirements and also ensure employers and employees understand the requirements necessary in providing an acceptable safety and health program for the workplace. This course will provide a basic overview of the Construction Industry Safety and Health Standards, 29 CFR 1926.

30-Hour Construction Industry Awareness Course

Dec. 6, Wilmington

Click [here](#) for more information.

This course is designed to help employers understand OSH regulatory requirements and also ensure employers and employees understand the requirements necessary in providing an acceptable safety and health program for the workplace. This course will provide a comprehensive overview of the Construction Industry Safety and Health Standards, 29 CFR 1926.

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.

Library Update

The NCDOL library's subscription to the Training Network NOW safety and health video streaming service, now called Streamery, was recently renewed and will not expire until August 2022. Please contact the library at dol.library@labor.nc.gov or 919-707-7880 if you're interested in accessing and streaming online safety, health and human resources related videos or other safety resources. Refer to the **library page** on the website for more information.

COVID-19 Related Pre-Recorded Webinars

- COVID-19 ETS Does the Standard Apply to You?
- COVID-19 Emergency Temporary Standard
- 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

Pre-Recorded Webinars

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

OSH Webinar Courses

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



Merry Christmas

