



NCDOL

N.C. Department of Labor

Josh Dobson, Commissioner

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LEDGER

One NCDOL, Holder - Edison Foard - Leeper Alliance Opens as Another Closes

By Natalie Bouchard, Public Information Officer

The N.C. Department of Labor and Holder - Edison Foard - Leeper (HEFL) a Joint Venture, contracted by the Charlotte Douglas International Airport, marked the beginning of a safety partnership for the expansion project of the Charlotte airport less than a month after successfully concluding another partnership for the Charlotte Convention Center. Labor Commissioner Josh Dobson was present at both the opening ceremony for the airport project on Wednesday, Sept. 1, to sign the agreement, and at the closing ceremony for the convention center on Tuesday, Aug. 17. He gave brief remarks about the projects and the importance of workplace safety at each ceremony.

The Labor Department's Occupational Safety and Health (OSH) Division will work with HEFL while providing guidance to improve employee safety and health, reduce injuries and illnesses, increase access to training and information, and develop safety and health management systems. The project also provides further insight for OSH on common construction hazards and how to best address them.

"I appreciate the continuing commitment to workplace safety demonstrated by Holder - Edison Foard - Leeper," said Labor Commissioner Josh Dobson. "We just closed one successful safety partnership with HEFL, and I am thrilled to continue our partnership by signing this new agreement covering HEFL's Charlotte Douglas International Airport expansion project. By working together, the OSH Division can help ensure that HEFL employees have the resources necessary to complete this project safely."

The expansion project of the Charlotte Douglas airport consists of adding a new 180,000 square foot lobby, renovating the existing 180,000 square foot terminal lobby, and adding a canopy over both the new roadway and the central energy plant. This project comes on the heels of the \$126.9 million expansion endeavor of the Charlotte Convention Center that began in October 2019. During that development, HEFL also joined forces with NCDOL under a safety partnership agreement. That partnership ended on Tuesday, Aug. 17, 2021.

"We are excited to have another opportunity to partner with Holder - Edison Foard - Leeper on their ongoing construction project at Charlotte Douglas International Airport," said Laura Crawford, district supervisor for the OSH Division. "Partnerships help OSH employees grow their knowledge of construction hazards and reduce the injury and illness rate in the construction industry."

The expansion project for the Charlotte Convention Center, which began in October 2019, added additional square feet of meeting, conference and communicating space. The project also increased accessibility to Center City amenities through a pedestrian walkway that connects the convention center to the Stonewall Light Rail stop.

NCDOL and HEFL signed the convention center safety partnership on Oct. 28, 2020. The Labor Department's Occupational Safety and Health (OSH) Division worked with HEFL while providing guidance to improve employee safety and health, reduce injuries and illnesses, increase access to training and information, and develop safety and health management systems.



Officials from NCDOL and Holder - Edison Foard - Leeper a Joint Venture pose for a photo in front of a projection of the Charlotte Douglas International Airport expansion project. Labor Commissioner Dobson attended the ceremony that began the partnership between the two parties on Wednesday, Sept. 1.



Officials from NCDOL and Holder - Edison Foard - Leeper a Joint Venture pose for a photo at the site of the Charlotte Convention Center expansion project. Labor Commissioner Dobson attended the ceremony that commemorated the end of the partnership between the two parties on Tuesday, Aug. 17.

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From Labor Commissioner Josh Dobson

One fall tradition for many of us is attending our local agricultural fairs, and we have two of the largest annual fairs coming up this month – the Carolina Classic Fair, kicking off Oct. 1, and the N.C. State Fair, opening Oct. 14. Our state's rich agricultural heritage shines brightly at these events, but the fair wouldn't be complete without thrilling rides, fun games and delicious food!

While compliance activity may come to mind when you think of our Occupational Safety and Health Division, we also devote significant resources to education, assistance and training. Formal partnership agreements between the OSH Division and employers represent one way of preventing accidents before they happen. We recently wrapped up one safety partnership agreement and signed a new agreement with Holder - Edison Foard - Leeper (HEFL) a Joint Venture for two major construction projects in Charlotte. By signing these agreements, all parties agree to work together toward the ultimate goal of completing projects with no accidents or near misses. See Page 1 for details about our partnership with HEFL.

After a year off due to the pandemic, two of NCDOL's long-standing conferences resumed their annual meetings in September. The Carolina Star Safety Conference met Sept. 15–17 in an in-person, hybrid format and welcomed more than 300 participants. Conference attendees learned strategies to enhance workplace safety and grow the Carolina Star program. Several companies were also recognized for 25 years of active participation in the program. Read about the conference on Page 4.

The Mine Safety and Health Conference was held Sept. 8–10 in Cherokee and is coordinated and hosted jointly by NCDOL and the N.C. Aggregates Association. Though the Mine and Quarry Bureau is NCDOL's smallest bureau, our team of safety and health representatives provide vital safety training to workers and contractors in the minerals industry across the state. Over 100 participants gathered at the conference to share best practices, receive updates from various industry organizations and meet with vendors. Read about the conference on Page 3.

Session Law 2021-82 (Labor Law Changes) passed the General Assembly and was signed by the governor earlier this summer. This legislation, NCDOL's "agency bill," makes several important changes to laws enforced by NCDOL including the Occupational Safety and Health Act, the Wage and Hour Act, and the Amusement Device Safety Act. For a full report on these statutory changes, see the story on Page 5.

Enjoy these early days of fall and the beautiful weather that accompanies this time of year!

Josh Dobson

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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**.

Carolina Star *Recertification

Mallard Creek Polymers, Charlotte*

Rising Star *Recertification

SELEE Corp., Hendersonville*

SHARP *Recertification

American Phoenix Inc., Fayetteville*

Friends Homes Inc., Greensboro*

Berkshire Corp., Whitsett*

Thieman Manufacturing Technologies LLC, Ellenboro*

Roanoke Cement Co. LLC, Castle Hayne*

Coca-Cola Bottling Co., Monroe*

Ball Dermopath, P.A., Greensboro*

Canterbury House, Roxboro*

Highland Brewing Co. Inc., Asheville

Edwards Wood Products Inc., Marshville*

Cape Fear Public Utility Authority, Wilmington*

Piedmont Endodontics, High Point

City of Winston Salem Fire Station 7, Winston Salem*

City of Winston Salem Fire Station 12, Winston Salem*

City of Winston Salem Fire Station 14, Winston Salem*

City of Winston Salem Fire Station 17, Winston Salem*



Josh Dobson
Commissioner of Labor

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NCDOL, Holder - Edison Foard - Leeper Alliance

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Holder-Edison Foard-Leeper is committed to providing a safe working environment for all of their associates. Their goal throughout the project will be to have zero accidents, incidents or near misses. Their leadership team will support and lead the efforts in this core value. They aim to strive for safety, excellence and continual improvement.

This Charlotte Douglas Airport expansion partnership will end one month after the project's completion, to ensure that all safety goals and expectations are met. Some of the criteria outlined in the partnership agreement include that the project must maintain a days away, restricted and transferred (DART) rate 20% below the national DART rate for the industry, all while the project does not result in any fatalities or catastrophes.

"Holder-Edison Foard-Leeper Joint Venture is committed to the safety of our workforce. We strive to be industry leaders in safety and best practices," said Robert Isaacs, assistant safety director for HEFL. "Our most valuable project asset is the men and women who put the work in place. We are excited for this partnership opportunity with NCDOL to further advance our own knowledge and guidance in keeping employees safe."

As a team, Holder Construction, Edison Foard and R.J. Leeper have been building in Charlotte for over 75 years. The Charlotte Douglas International Airport and the Charlotte Convention Center expansion projects are culmination of efforts between these companies.

Annual N.C. Mine Safety and Health Conference Has Record Attendance

By Natalie Bouchard, Public Information Officer

The annual N.C. Mine Safety and Health Conference took place this year from Sept. 8–10, in Cherokee at Harrah's Cherokee Hotel and Casino. After being canceled in 2020 due to COVID-19, this conference was highly anticipated by sponsors, vendors and participants alike.

The conference is a joint effort through NCDOL's Mine and Quarry Bureau and the N.C. Aggregates Association. The two groups collaborate to put on the conference while providing the opportunity for participants to listen to guest speakers, attend breakout sessions, share best practices, give any updates in mine health and safety, visit vendors with new equipment and technology, and network with others in the mine safety and health industry on the east coast.

"I'm proud of the heritage we all share over a good number of years dedicated to health and safety improvements for our miners," said William Gerringer, Mine and Quarry bureau chief. "It's impressive to have all of these people taking precious time away from other distractions to focus on the valuable solutions shared at this conference. At conferences such as this, we form the fellowship and connections that will magnify our work now and for years to come."

The Mine and Quarry Bureau enforces the 1975 Mine Safety and Health Act of North Carolina. The bureau is responsible for providing education and training to miners and contractors who work in mines to help them identify and eliminate hazards and to help reduce accidents and injuries. While there are no underground mines in North Carolina, there are several metal/non-metal mines and quarries across the state. Keeping those who work in the industry safe is a top priority for the N.C. Department of Labor. During fiscal year 2020, the Mine and Quarry Bureau conducted training programs, and trained about 5,122 miners and contractors.

Despite the barriers presented by the COVID-19 pandemic, there were 113 participants that attended this year's conference, which was the 43rd annual conference to take place.

"It was wonderful to see a record number of registrations for the conference which was rescheduled because of COVID," said Jay Stem, executive director of the N.C. Aggregates Association. "This shows that the mining industry in North Carolina is committed to safety. Even with the great speakers, the greatest take away every year from the conference is the sharing of safety information among the companies and that results in safer operations across North Carolina."

The conference serves as an event to learn, collaborate and focus on safety and health in the workplace. These are all values that reflect NCDOL's priorities.

"Conferences like these help us stay committed to our goal of making North Carolina one of the safest states in which to work," Labor Commissioner Josh Dobson said. "The N.C. Mine Safety and Health conference is the perfect example of a collaborative event where safety organizations, private industry and the department can work together to share the best ways to keep workers safe in the mining industry. This relationship is essential in creating a safe and healthful workplace for all North Carolinians."

Next year's conference is scheduled for Sept. 14–16, 2022, at the Double Tree in Atlantic Beach. For information on the Mine and Quarry Bureau, or to sign up for training, visit the **NCDOL website** or call 919-707-7932.



Participants in the 2021 N.C. Mine Safety and Health Conference gather at Harrah's Cherokee Hotel and Casino to listen to speakers, share best safety practices and gain insight into updated mine technology from Sept. 8–10 in Cherokee.

2021 Annual Carolina Star Safety Conference

By LaMont Smith, Recognition Program Manager

The 25th Annual Carolina Star Safety Conference was held at the Joseph S. Koury Convention Center in Greensboro on Sept. 15–17. The theme of the conference was “Hindsight is 2020.” There were about 300 participants from across the state that attended the conference in person and virtually, including a variety of vendors and speakers at the event.

Opening day for conference activity began with preconference workshops that were designed to encourage the growth of the N.C. Department of Labor’s Star Program. The workshops included topics that focused on the Star application and evaluation processes. In addition, there were workshops designed to assist current participants with preparing their Star Annual Report and other topics that were designed to assist all participants with understanding three fundamentals on how to survive an active shooter situation. As the day progressed, the conference transitioned into the general session where opening session guest speaker, Larry Weaver, engaged the audience with his comedy and message encouraging positivity.

Additionally, the Carolina Star Program was able to recognize six Carolina Star Program worksites that reached a level of 25 years of active participation in the program. These six worksites include:

- ★ Owens & Minor – Lexington Mill
- ★ General Electric Aviation – Wilmington
- ★ City of Mount Airy
- ★ Celenese – Shelby Facility
- ★ General Electric Co. – Hitachi Nuclear Energy Americas LLC
- ★ Elementis Chromium Inc.

Owens & Minor began their Star Program participation in 1995 and were recognized for reaching 25 years this year, due to the cancellation of the 2020 conference. The other previously mentioned worksites all began their participation in 1996 by meeting stringent Star Program participation requirements. All six of the worksites were appropriately recognized at the 2021 conference for their long-lasting commitment to workplace safety and health excellence.

The audience was fortunate to receive an additional closing session message from guest speaker Weaver. Weaver’s closing message encouraged the audience not to leave the conference without taking home a positive message. In addition, Scott Mabry, assistant deputy commissioner, spoke briefly to the audience while providing updates regarding NCDOL OSH related activities.

“I like to focus on a little more positive aspect of workplace safety and health here in North Carolina, and it’s what you all help us do in conjunction with our compliance and consultative and education folks, it’s the injury and illness rate,” said Mabry. “That rate is one of the five lowest in the country. That’s a big thing that we talk about when I go out and meet with the feds and the other state-plan states. North Carolina is in the bottom five for our injury and illness rate... that’s a big deal.”

Finally, Mabry proceeded by introducing Labor Commissioner Josh Dobson. Dobson began by congratulating all Carolina Star participants on their safety and health achievements. He proceeded by thanking the audience for contributing to North Carolina’s low injury and illness incidence rates.

“Of the 300,000 employers in North Carolina, only 150 of you have achieved this designation as a Carolina Star site,” Labor Commissioner Josh Dobson said. “You are a part of an elite group and I am honored to share this time with you.” Finally, Dobson concluded by indicating that workplace fatalities, the job crisis, and divisiveness are issues that motivate him to make a difference during his tenure as Labor Commissioner.

The Carolina Star Safety Conference is appreciative of all attendees, sponsors, vendors, Star Program participants, regional team leaders and board members for providing for another successful conference event. Please plan on attending the 2022 Annual Carolina Star Safety Conference which is scheduled for Sept. 14–16, 2022, at the Joseph S. Koury Convention Center in Greensboro.



Six Carolina Star Program worksites pose with LaMont Smith, recognition program manager, and Wanda Lagoe, ETTA bureau chief. These companies reached a level of 25 years of active participation in the program and include: Owens & Minor – Lexington Mill, Celenese – Shelby Facility, General Electric Aviation – Wilmington, General Electric Co. – Hitachi Nuclear Energy Americas LLC, City of Mount Airy, and Elementis Chromium Inc.

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Senate Bill 208, “Labor Law Changes” Becomes Law

By Erin Wilson, Special Assistant for Governmental and Constituent Affairs

On July 8, 2021, Senate Bill 208, Labor Law Changes, was signed into law by Gov. Roy Cooper. The bill received bipartisan support in both the House and Senate chambers. As the agency bill for the N.C. Department of Labor, it provides clarifying language and needed changes to the department’s general statutes.

“I’m happy to report that our agency bill, Senate Bill 208, was signed into law by the governor,” said Labor Commissioner Josh Dobson. “The bill makes minor, but very important, changes to several of the laws we enforce, including the Occupational Safety and Health Act, the Wage and Hour Act and the Amusement Device Safety Act.”

Over the years, the department has had difficulty in obtaining medical records as they relate to an Occupational Safety and Health (OSH) investigation that involves a severe injury or fatality. The new language in G.S. 95-133(b), under the Occupational Safety and Health Act of North Carolina, clarifies that the OSH Division is considered a “health oversight agency” as defined in 45 CFR 164.501 and is a covered entity under HIPAA. The medical records obtained would be restricted to the evaluation, diagnosis, or treatment of an employee injury or fatality. These medical records are strictly confidential, are not public records, shall not be made public and are kept in a secure location that is separate from the OSH investigation files.

Under the Wage and Hour Act, changes were made to the statutes pertaining to youth employment, payment to separated employees, notification, posting and records requirements, and violations of record-keeping requirements. In May of this year, the youth employment certificate application process was updated to a fully electronic filing system from the previous paper application system. This language change removed the words “both directly and electronically” and replaced it with “Certificates will be issued by the Commissioner” since the process is now online only. However, there may be cases where the commissioner would issue a certificate under special circumstances, which would require direct approval from the commissioner’s office.

Employees whose employment is discontinued for any reason shall be paid all wages due on or before the next regular payday either through the regular pay channels or by trackable mail if requested by the employee in writing. This language change in G.S. 95-25.7 allows the payment to be tracked if requested in writing by the employee. Employers must notify employees in writing at the time of hiring of the promised wages and the day and place of payment. Employers must notify employees in writing, at least one pay period prior to any changes in promised wages. Wages may be retroactively increased without prior notice required by this subsection. The language changes in G.S. 95-25.13 require notification to employees, in writing, of promised wages and the day and place for payment. It also requires the employer to give notice of reductions in pay one pay period in advance. A one-word change was made in G.S. 95-25.23 from “investigation” to “violation.” This was done to make the record-keeping statute consistent with youth employment civil penalties.

“The changes that were made to the Wage and Hour section of the bill provided additional clarity and consistency for both the employee and the employer,” said Kisha Holmes, administrator for the Wage and Hour Bureau. “Providing information in writing at the time of hire safeguards all parties involved as to what has been promised. In addition, if the employer would like to make changes to promised wages, giving a notice of one pay period allows the employer time to make the change and the employee time to receive notification and prepare for the change.”

Article 5B – Regulation of Job Listing Services of Chapter 95 of the General Statutes was repealed. The statute was enacted in 1979 and now most job listing services have shifted to an online presence. Examples of job listing services are Indeed, Monster and ZipRecruiter.

A change to Article 14B – Amusement Device Safety Act of North Carolina, G.S. 95-111.3(a) adds new language to clarify that full-size locomotives and trains are not classified as an amusement device, and therefore, are not subject to inspection and regulation by the N.C. Department of Labor.



By Harriet Hopkins, Administrator
Retaliatory Employment
Discrimination Bureau

Q: *I was a police officer for the police department in a small North Carolina town. Around June 19, 2021, I started feeling sick and was experiencing some of the symptoms of COVID-19. I followed my chain of command, contacted my supervisor and told him about my symptoms. My sergeant told me I had to come in because they had no one to cover my shift. He would not let me quarantine. My symptoms worsened but I kept coming to work as directed for several days after my first symptoms. I was concerned that I had COVID so I went to the VA and had a test on June 25, 2021, which came back positive on June 27, 2021. I immediately told my supervisors and the Chief of Police and asked them to conduct contact tracing because I had been working closely with other officers. They refused, so I contacted people I had been in contact with and was terminated. They said that I was insubordinate and that it was inappropriate for me to contact others about my positive results. Can I be terminated for letting my co-workers*

know that I had tested positive for COVID-19?

A: Based upon these facts, your employer may have terminated you because you raised a safety and health concern about COVID. You reported your symptoms, but were not permitted to quarantine. You asked that your co-workers be informed that a co-employee had tested positive for COVID so that they could take appropriate precautions. It appears that your employer may have violated CDC guidelines in effect at the time. You may have a valid claim under REDA, which prohibits an employer from terminating an employee because they complained about a safety or health issue in the workplace. Call our helpline at 919-707-7941. We will be happy to discuss this with you.

North Carolina Fairs Play on After 2020 Season Cancellations

By Natalie Bouchard, Public Information Officer

The entire state fair season was canceled last year, due to the pandemic. COVID-19 has wreaked havoc on our health, our communities, our economy and our social lives. This year, fair managers hope to bring a little bit of fun to what has been a tough year. Although some smaller county fairs have opted to cancel, many are still happening, including the N.C. State Fair. The goal is to make these fairs as safe as possible under current conditions.

Besides the profound effect that agricultural fairs have on local agrarian economies, these fairs, that take place from the mountains to the coasts of North Carolina, bring a sense of community along with entertainment all while emphasizing the significance of North Carolina growers and farmers.

While COVID-19 precautions are in place, the midway poses other opportunities to run into hazards. Luckily, if you are one of the thousands planning to visit your local county fair and conquer a rollercoaster, it may ease your mind to know that North Carolina is one of the safest places in America to do it.

The Elevator and Amusement Device Bureau of the N.C. Department of Labor 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. Permanent rides, like the State Fair Flyer, a chairlift that spans across the midway of the N.C. State Fairgrounds, are inspected once per year.

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. NCDOL ride inspectors certified more than 100 rides during the 2019 N.C. State Fair alone.

“Our biggest responsibility is making sure each ride is safe,” said Tommy Petty, bureau chief of the Labor Department’s Elevator and Amusement Device Bureau. “We literally check every lap bar, seat belt, nut, bolt, screw, pin, electrical component and operation practices before we will clear a ride to operate in this state.”

The N.C. Department of Labor is involved in the inspection and certification of amusement devices across the state to ensure the safety of fairgoers and amusement ride patrons. The bureau also makes sure that ride operators are knowledgeable about how to operate their rides safely.

This year, many fairs signed the NCDOL Fair Partnership Agreement, a contract that ensures that fairs are being safe and meeting requirements. In an effort to reduce accidents caused by patron error and operator error on midways throughout North Carolina, the voluntary partnership agreement was created for fair managers to add another layer of safety measures at agricultural fairs throughout the state.

As fair partners, participating fairs voluntarily sign partnership agreements with the Elevator and Amusement Device Bureau and agree to implement key requirements of the program. The program is consistent with NCDOL’s long range efforts to develop partnerships with community, county, regional and state fairs throughout the state. The partnerships allow for better use of NCDOL resources and for innovation in safety management, while also encouraging active participation by the community, county, regional and state fairs in the safety and inspection process. Participating fair partners are not exempt from inspections by either the Elevator and Amusement Device Bureau or the Occupational Safety and Health Division.

“Rider safety is of utmost importance, and we will be sure to emphasize it during this upcoming fair season,” Labor Commissioner Josh Dobson said. “It’s important that fair attendees not only enjoy their time at these fairs, but that they are able to feel confident that their safety is prioritized. That’s one of the benefits of participating in the fair partnership agreement with NCDOL.”

Here is a list of some participating fairs:

- Cabarrus County Fair
- Carolina Classic Fair
- Cleveland County Fair Association
- Columbus Agriculture Fair Inc.
- Davidson County Agriculture Fair
- Drexel Community Fair
- Haywood County Fair
- Hickory American Legion Fair
- Iredell County Agricultural Fair
- Lee Regional Fair
- Lenoir County Fair
- N.C. Mountain State Fair
- Stokes County Agricultural Fair
- Wayne Regional Agricultural Fair



Drexel Community Fair Manager Don Deal and Labor Commissioner Josh Dobson pose for a photo with the signed fair partnership agreement. The agreement was officially enacted on Monday, Aug. 16, at the Drexel Community Fair opening ceremony.



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Mexican Consulate Re-Signs Alliance with NCDOL

By Natalie Bouchard, Public Information Officer

Officials from the Mexican Consulate met with NCDOL officials on Monday, Aug. 30, in Raleigh to sign an alliance between the two entities. This ceremony was held in connection with the start of Labor Rights Week, which occurred from Aug. 30 to Sept. 3 this year.

Labor Rights Week was created to emphasize the importance of safety and health in all workplaces, but especially those that employ migrant workers. It serves to recognize the unique challenges that migrant workers face in the American workplace and to make certain that resources on workers' rights and safety and health information are accessible and well-known to these populations.

Officials met to give brief remarks, hold a ribbon cutting and sign the official alliance agreement in tandem. Claudia Velasco, consul general, signed the agreement on behalf of the Mexican Consulate and Kevin Beauregard, director of the Occupational Safety and Health Division, signed on behalf of the department.

Once signed, the agreement is effective for two years. Every two years since 2015, NCDOL has signed this agreement, the last time being under former Labor Commissioner Cherie Berry.

This year, Labor Commissioner Josh Dobson was in attendance along with other department officials.

The alliance recognizes a joint commitment to protect the rights of Mexican workers and also serves as the establishment of a cooperative relationship between the consulate and the agency. The agency provides training, education, outreach and promotion of a national dialogue on workplace safety and health.

NCDOL currently has alliances with seven organizations in the state, including the Mexican Consulate. For more information on alliances, visit the **NCDOL website**. You can find resources for Labor Rights week on the **USDOL website**.



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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 45 features Meredith Watson, safety awards coordinator, as she talks about the ongoing Safety Awards Banquet season.

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.



COVID-19 Guidance

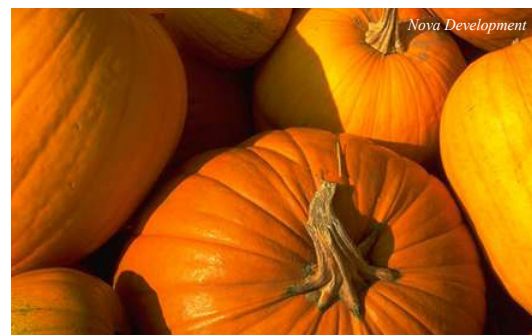
Please check the NCDOL website for guidance regarding COVID-19.

The information is updated based on CDC guidelines.

Visit the NCDOL Booth in the Kerr Scott Building!



★ Oct. 14–24, 2021 ★



DEADLY

Mistakes



By Judyth Forte, State Plan Coordinator

Fatal Event: A 60-year-old man died at a residential property after he pulled the top of a dead tree onto the ground with a skid steer, then cut the bottom trunk down with a chain saw. As he stepped back away from the falling tree, a nearby dead tree broke off and fell striking him on the head.

Investigative Findings: The employee was conducting arborist operations at the back of a privately owned property, removing dead trees and trees with dead tops. The employer had already removed trees from the west side of the property the week before and was now working on the east side of the property. The plan was to remove the taller trees with dead tops before removing the shorter dead trees by pushing them over with a skid steer. The process used was for an employee to toss a throw ball and line up over a branch, guiding it around the tree and back down to the employee where a tagline, or pull rope, would be attached and raised and guided up over the branch and then back down to the employee again. The employee would then tie a slip knot on the tagline and tighten it around the tree at branch height. The other end of the rope would be attached to the bucket of a skid steer that was positioned at least a tree length away, in a clear area, to pull off the rotten top of the tree. When that was accomplished the employee would saw off the bottom of the tree using a front side flat cut several inches into the tree, and then use a back side flat cut just above the front cut to create a hinge and a direction for the tree to fall over the lower front cut.

The owner and another employee left the property for a duration and instructed the remaining employee to get the next tree removal ready. When the employer returned, he noticed the skid steer had been moved from the front of the wooded jobsite to the back. The skid steer was running without an operator with the brake set and it had a rope connected from the bucket to a treetop that had been pulled down. A chainsaw could be heard running in the wooded area. The employee was found, and it was determined that he had been struck in the head by a branch from the rotten top part of an adjacent tree. After being struck by the branch, the employee stumbled approximately 30 feet until he tripped over a dead tree and fell.

Discussion: Before tree removal work commences, carefully consider all relevant factors regarding the trees and site. Take appropriate actions to ensure a safe operation.

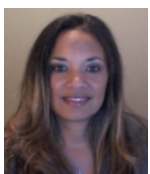
The employer stated that he trained the fatally injured employee on operating the skid steer, stump grinder and woodchipper. He had not trained the employee on the use of a chainsaw because he knew the employee owned chainsaws and felt he had experience. The employer stated that the employee wore safety glasses, work gloves, work boots and hearing protection when working. Wearing a hard hat was optional. The employer was not aware that wearing chaps and a face shield is required for chainsaw operators. When asked if he had conducted a Personal Protective Equipment (PPE) hazard assessment for tree removal operations, he said he did not know what that was.

The employee used a chainsaw to cut the bottom trunk of the tree, that was over 20 inches in diameter, 6 inches above the ground. There was no notch cut on the front side of the trunk. ANSI regulations state that a notch should be cut into the front side of the tree if it is more than 5 inches in diameter, at chest height, defined as 4.5 feet above the ground. The employer was also not educated in this requirement and failed to train the employee to do this. He stated that he had never taken any classes on tree trimming or tree removal operations. Dead trees in close proximity to trees being manually felled should be removed before felling of other trees occurs. No PPE hazard assessment was conducted before the job commenced. The employer said he did not require the employee operating a chain saw to wear a protective hard hat and leg chaps. The ANSI Z133-2012, Safety Requirements for Arboricultural Operations, had not been followed.

Recommendations:

- ✖ The employer must be aware of all the rules and standards that they must abide by to keep their employees safe.
- ✖ The employer must know all the requirements pertaining to the tasks that they have employees working on and must have a safety and health plan in place before the job commences.
- ✖ All employees should receive training after they are hired and before a job commences. No assumptions should be made of the employee's skills or knowledge. Employees should either be trained for proficiency or assessed for their skill level. Employers should maintain the relevant paperwork.
- ✖ A PPE hazard assessment must be performed, and proper PPE must be provided to the employees for the required tasks, before the work commences. The employee must be supervised to ensure they are wearing all the PPE required and conforming to all the instructions given.

WORKPLACE WORRIES



By Kisha Holmes, Administrator, Wage and Hour Bureau

Q: I understand there was a change to employees receiving notice of a change in the rate of pay. Is this correct?

A: Yes, that is correct. Effective July 8, 2021, if an employer wants to make a change to an employee's rate of pay, they must notify the employee, in writing, at least one pay period prior to the change. Additional changes that were made are:

- Employers must send final wages by trackable mail if requested by the employee in writing.
- Employers must notify employees in writing, at the time of hire, of any promised wages.

If you have additional questions regarding these changes, contact our call center weekdays, between 8 a.m. and 4:45 p.m. at 800-625-2267.





Bulletin Board

Mine and Quarry Training

MSHA New Miner Training

Oct. 4-6, Spruce Pine

Oct. 25-27, Virtual

Nov. 8-10, Spruce Pine

MSHA Annual Refresher Training

Oct. 7, Virtual

Oct. 28, 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

Nov. 8, Virtual

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.

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.

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.

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.

