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N.C. Department of Labor

Josh Dobson, Commissioner

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Raleigh-based Electrical Contractor Earns First-Ever Subcontractor SHARP Designation

By John Mallow, Public Information Officer

On Tuesday, June 27, Labor Commissioner Josh Dobson honored CODE Electric Inc. as the first subcontractor in the state of North Carolina to be designated a Construction Safety and Health Achievement Recognition Program (SHARP) worksite. The award ceremony was held at the site of a new expansion project underway in the North Hills district of Raleigh.

The Construction SHARP is one of the most prestigious safety and health recognition programs for the construction industry in North Carolina. This program is designed for construction worksites with comprehensive effective safety and health programs, making them leaders in employee protection.

“Any time that we can recognize the safety achievements of our state’s construction industry is reason to celebrate, and an achievement such as this is even more so,” Labor Commissioner Josh Dobson said. “I am honored to be able to recognize CODE Electric as our department’s first-ever Subcontractor SHARP participant.”

For many years at both the federal and state-plan level, SHARP has been, and remains, a staple of consultation programs in place that are used to identify client excellence. Nearly 12 years ago, SHARP was modified to recognize not only general industry employers, as it had since its inception, but to include general contractors working in the construction sector as well.

“After several years of success with Construction SHARP we set out to fill an obvious void in recognition of both the general contractor and trade-based subcontractors by the development of the Construction Subcontractor SHARP,” said Rod Wilce, a safety consultant with the N.C. Department of Labor’s (NCDOL) Consultative Services Bureau (CSB). “The goal was to recognize that there are clearly dedicated, sophisticated and committed smaller and larger subcontracting companies who demonstrate the qualities measured by SHARP selection and are perfect candidates for such recognition.”

Wilce explained that the process of selection for Subcontractor SHARP participation is like that of Construction SHARP, in that an application must be completed and the subcontractor’s safety and health plan is scrutinized for both quality and effectiveness. The difference, though, is that a Construction SHARP designation applies only to a specific jobsite and only for the duration of that project, while Subcontractor SHARP allows the subcontractor to carry their SHARP designation from project to project.

“It’s here that there is a deviation from the Construction SHARP in that the designation is made to and for the company and a time-limited project. Consultative visits will continue throughout the designation period with the availability of connected continuation and designation of future project and worksites being approved,” Wilce said.

Environmental Health and Safety Director Josh Wechsberg initiated the growth of CODE Electric’s “Family First” safety program and pursued the achievement of Construction SHARP, making them the first subcontractor in the state to do so. This approach to safety is spearheaded by leadership who embody CODE Electric’s principles with each project they take on.

“‘Family First’ is more than our mantra. It’s about how we build and who is most important in our lives, and our purpose is to plan, work smart, avoid risky shortcuts, regroup when challenges arise and return home uninjured,” Wechsberg said. “The recognition of CODE’s SHARP achievement and certification is positioned on the backs of our front-line leadership who are empowered and provide our program its ability and strength each day.”



NCDOL Photo Library

Labor Commissioner Josh Dobson presents the first Subcontractor SHARP award to William Patterson, president of CODE Electric Inc., at a celebration held at the site of the Project North Hills Expansion on June 27, 2023.



From Labor Commissioner Josh Dobson

In July, I was able to send members of my leadership team to the National Association of Government Labor Officials (NAGLO) Conference in Montgomery, Alabama. NAGLO was formed more than 100 years ago for the purpose of representing and collaborating with state departments of labor. Although no state labor department is identical to another, most states share certain responsibilities such as occupational safety and health, wage and hour enforcement, inspection of elevators and amusement devices, unemployment insurance oversight, etc. At this year's conference, my staff was able to listen to presentations on what different states and the federal government are doing with their consultation programs, wage and hour, how to improve our workforce and learn from one another about best practices used in different departments of labor. Thank you to the Alabama Department of Labor for hosting this collaborative and informative conference.

Safe + Sound Week will be Aug. 7-13 and it is a nationwide event held every August. This event recognizes the successes of workplace health and safety programs and offers information and ideas on how to keep America's workers safe. Please check out our [website](#) for more information about the safety campaign.

Fair season is right around the corner and August is the unofficial start to the local fair season. I am looking forward to visiting fairs around the state and enjoying the activities and events these local fairs have to offer. I want to say a special thank you to my Elevator and Amusement Device Bureau inspectors for all of their hard work inspecting and ensuring that the rides at the fair are safe for all to enjoy.

I hope everyone has a great rest of the summer!



Josh Dobson
Commissioner of Labor

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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

- Amentum, *Durham**
- BSH Home Appliance Corp., *New Bern**
- Cintas Corp., Location 79H, *Garner*
- Cube Hydro Carolinas LLC – Yadkin Generation, *Badin**
- International Paper Co., Cape Fear Woodyard, *Riegelwood**
- Kellogg Co., *Cary**
- Regulator Marine Inc., *Edenton**
- Sonoco LLC, *Winston Salem**

SHARP *Recertification

- ECMD Inc. dba ECMD Distribution, *Elkin**
- Olympic Products LLC, *Greensboro**
- Cape Fear Public Utility Authority Michael E. Richardson Nano Filtration Plant, *Wilmington**
- Foothills Industries of McDowell County Inc., *Marion**
- ECMD Inc. dba East Coast Mouldings, *Wilkesboro**
- Harris Rebar North Carolina Inc., *Lumberton**
- Code Electric Inc., *Raleigh**
- American Phoenix Inc., *Fayetteville**
- Thieman Manufacturing Technologies LLC, *Ellenboro**
- City of Hendersonville, Fire Station No. 2, *Hendersonville**
- Town of Mooresville Water Treatment No. 1, *Mooresville**
- Town of Mooresville Wastewater Treatment Plant, *Mooresville**
- Town of Mooresville Water/Sewer Maintenance, *Mooresville**
- Town of Mooresville Water Treatment No. 2, *Mooresville**
- City of Lincolnton Distribution and Collection Department, *Lincolnton**
- City of Lincolnton Street/Solid Waste Department, *Lincolnton**
- Town of Mooresville Police Department, *Mooresville**
- City of Reidsville Fire Station No. 1, *Reidsville**
- City of Reidsville Fire Station No. 2, *Reidsville**
- City of Reidsville Fire Station No. 3, *Reidsville**

Building Star *Recertification

- Choate, *Raleigh**

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After many years in the construction trade, Aaron Hickman, CODE Electric's superintendent on the North Hills Expansion Project, said he's noticed many changes in the industry during that time, most notably in the areas of safety and health. When it comes to safety on the jobsite, Hickman explained that he holds himself to a higher standard and aims to go above and beyond just the minimum requirements.

"I pride myself as being able to motivate our guys to be safer, think safer and change their perspective on safety," Hickman said. "It is not just one man's job to be a 'safety man,' it is everyone's job to make sure they go home every day like they came in and so does the guy next to them."

CODE Electric Inc. was founded in 1993 by William E. Patterson. CODE Electric has continued to grow and currently serves in and carries an unlimited license for electrical work in North Carolina, South Carolina and Virginia, with the home office located in Raleigh. In total, CODE Electric has completed more than \$1 billion in projects ranging in size and scope, including commercial, industrial and educational facilities.

2023 Construction Safety Awareness Forum

By Joseph R. Davis, ETTA, Safety Education Specialist

Concrete is the most widely used man-made material and the literal foundation of the world's infrastructure. So, while construction booms unabated across North Carolina, so does the need for concrete.

Capitalizing on this tremendous need, the 2023 N.C. Department of Labor (NCDOL) Construction Safety Forum theme is: "Concrete: The World's Foundation." In this forum, industry professionals representing different areas of concrete construction will discuss the methods and challenges of concrete installation and raise safety awareness of the following processes:

- Tilt-Up Construction
- Caste-In-Place
- Poured Concrete
- Municipal Installation

The Construction Safety Forum is scheduled for Sept. 7, 2023, at the Statesville Civic Center in Statesville, NC. The forum is free to attend, but seating is limited. Please register in advance at: <https://www.onlineregistrationcenter.com/register/222/page1.asp?m=4392&c=190>

For additional information, please contact the NCDOL's Education, Training and Technical Assistance Bureau at 919-707-7876 and ask to speak to a Safety Trainer.



By Harriet Hopkins, Administrator,
Retaliatory Employment
Discrimination Bureau

Q: *I am a receptionist at a physician's office. A box fell off a shelf above my head and struck me in my lower back. I reported the injury and asked my supervisor, the office manager, about filing a workers' compensation claim. The HR person said she'd get me the form but she never did. I went ahead and got a Form 18 on my own and sent it in. The insurance company accepted my claim but my supervisor started complaining about my work and making rude comments to me, including calling out my work mistakes in front of my co-workers. I am a Puerto Rican woman and my supervisor is a Caucasian man. I think his behavior is harassment and retaliatory. I'm not sure if he is treating me this way because I am Puerto Rican, because I am a woman or because I got hurt. Do I have a case under the N.C. Retaliatory Employment Discrimination Act (REDA)?*

A: Probably not. In North Carolina, employment is "at will." This means that either the employer or the employee can end the employment relationship for any reason or no reason at all unless there is some specific federal or state law that protects an employee from termination, demotion, etc. REDA protects an employee who exercises her rights under the N.C. Workers' Compensation Act from retaliation by her employer **because** she exercises those rights. In your

situation, you were injured at work and exercised your right to file a Form 18 which initiates a claim for workers' compensation benefits. This is protected activity under REDA. The "adverse action" that you have described is that your supervisor is harassing you by being critical of you and rude. Unfortunately, disrespectful behavior by a supervisor is not an adverse action under REDA. Common adverse actions are termination, demotion, reduction in hours, involuntary transfer and suspension. In addition, you are unsure why the supervisor is acting this way. Even if the harassing behavior were an adverse employment action under REDA, on these facts, you would have to show that the harassing behavior was taken **because** you were injured and exercised your rights under the N.C. Workers' Compensation Act. Since you mention your gender and your national origin, you may want to contact the Equal Employment Opportunity Commission, the federal agency that receives and investigates complaints based upon race, sex, religion, national origin, age, disability, etc.

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DEADLY Mistakes



By Judyth Forte, State Plan Coordinator

Fatal Event: On Aug. 19, 2021, a 26-year-old man died from asphyxiation when he mistakenly attached a hose feeding compressed nitrogen gas into his supplied air respirator instead of breathable air while working in a paint booth.

Investigative Findings: The operation was a production facility that installed truck bodies on a variety of commercial trucks and cargo vans. It comprised of eight work truck service bays and a room with two spray booths. One for spraying truck body parts and one for spraying truck bed liners.

The employee was provided to the employer via a staffing agency on April 5, 2021, where he was hired as an installer. Under the contractual agreement, the staffing agency provided a position-specific orientation and safety equipment training prior to sending the employee to the host employer. When the employee got to the host facility, it became their responsibility to provide initial and ongoing site-specific safety training, including safety equipment. The host employer did not notify the staffing agency that the employee had changed his job from installer to painter in early June.

On June 29, 2021, a Nitrotherm unit was installed in the painting booth. This liquid spray-painting method utilizes nitrogen instead of normal compressed air to spray the paint onto the parts. Training was provided to the painters, including the temporary employee, relative to operating controls and maintenance procedures. The connection for the spray gun that provided the nitrogen-rich air was next to the connection that provided fresh air to the respirator hood that was used for breathing and cooling the suit.

On the day of the incident, the temporary employee had worked past his scheduled work hours to correct a painting mistake he had made earlier in the day. He took a truck part into the paint booth and was in the process of getting ready to paint when he collapsed. He was found by a coworker about three hours later unresponsive on the floor of the paint booth. The employee that found him removed the respirator hood and tossed it aside prior to beginning resuscitation efforts, but his attempts were unsuccessful. It was found that the respirator hood had inadvertently been connected to the nitrogen rich air.

Discussion: It was discovered that the quick connection couplings for both the breathing air and the Nitrotherm system air were ¼-inch sized connections, allowing for cross-connectivity. Due to this, the victim inadvertently connected his respirator to the Nitrotherm air and was exposed to an asphyxiation hazard of 7.3% oxygen content.

When employees use supplied air respirators, the employer must ensure couplings for the Grade D breathing air are incompatible with all other compressed air or gas system lines in the area. This could include normal shop air, compressed air for paint guns and especially inert gas lines such as nitrogen or argon.

The host employer trained employees, including the temporary employee, on the new system, but the training was deficient as it did not include a discussion of nitrogen hazards or avoidance of connecting the supplied air respirators to the Nitrotherm air hose. They also neglected to conduct respiratory protection retraining following installation of the Nitrotherm system, which was a process change, and Hazard Communication training when nitrogen was introduced into the workplace. In addition, no medical evaluations were conducted for employees using a respirator and no safety data sheets were available for the nitrogen.

The temporary staffing agency was not informed that their employee had become a painter, so they were not aware that new safety training needed to be completed surrounding the job change from installer to painter. They were also not aware that the paint booth system had been changed out, which would also require new safety training addressing the new system installation.

Recommendations:

- ☠ The employer shall ensure that breathing air couplings are incompatible with outlets for non-respirable worksite air or other gas systems. No asphyxiating substance shall be introduced into breathing lines.
- ☠ When working with a temporary employment agency, make sure that they stay informed of employment changes for the employees that they have provided. The joint employment structure requires effective communication and a common understanding of the division of responsibilities for the safety and health of the employee.
- ☠ When there is a workplace change for either equipment or introducing a new hazard into the workplace, employees need to be trained so they have a full understanding and knowledge of the changes and how they impact them. The new dangers should be explained, and the required safety data sheets need to be onsite and available to the employees to review at any time.
- ☠ Employees need to undergo a medical evaluation to determine their ability to use a respirator before being fit tested and required to wear a respirator.

WORKPLACE WORRIES



By Kisha Scotton, Administrator, Wage and Hour Bureau

Q: *What are the requirements of E-Verify for employers in North Carolina?*

A: North Carolina requires that employers that employ 25 or more employees, nine months in a calendar year, to E-Verify their employees. The verification should occur within three employer business days after the employee’s date of hire. Employers who meet this requirement should begin the process at the U.S. CIS’s [website](#). If you have additional questions about enrollment, you may contact the E-Verify employer hotline at 888-464-4218.





Bulletin Board

Safe + Sound Campaign

Aug. 7–13, 2023

Click [here](#) for more information.

OSH Webinar Courses

Visit the [OSH Training Schedule Calendar](#) to view upcoming internet training and other safety courses.

Heat Illness Prevention Campaign

Click [here](#) for more information.

Pre-Recorded Webinars

Visit the [OSH Training Schedule Calendar](#) to view upcoming internet training and other safety courses.

Library Update

Click [here](#) for information on how to register with the Library to access streaming safety/health videos and/or borrow materials.

Wage and Hour Presentations

Investigators from the Wage and Hour Bureau offer presentations to employers, employees, high schools and career development or Morgant 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 on labor laws and to inform employers and employees of their rights and responsibilities in wage and hour matters. Investigators conduct the presentations onsite at schools or local businesses if there is a minimum of 10 attendees.

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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.



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