



N.C. Department of Labor

Josh Dobson, Commissioner

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LEDGER

Two Sonoco Recycling Locations Receive First Carolina Star Recertifications

By Meredith Watson, Public Information Officer

Safety is engrained in every aspect of life. For some, it is a way of life. This is the case at Sonoco Recycling in Jacksonville and Wilmington. The two sites received their first Carolina Star recertification awards Wednesday, March 1. As Labor Commissioner Josh Dobson said during his visit to both sites, “Safety is not just a part of the culture, safety is the culture at the Sonoco Recycling facilities in Jacksonville and Wilmington.”

The Sonoco Recycling facilities in Jacksonville and Wilmington entered the Carolina Star program in 2019. At the presentation of the awards, the employees at each plant prepared and presented a PowerPoint showing just how seriously they take workplace safety and how integral it is to the culture at Sonoco. They included examples of what they do to keep themselves and their fellow employees safe, such as, providing monthly training, self-reporting/inspections, installing railing, preventative maintenance and creating new walkway paths.

“These are the second and third Sonoco Recycling facilities I have had the pleasure of managing that are Carolina Star sites,” Plant Manager Gus Wiley said. “Carolina Star brings with it a culture and safety mindset you don’t see at many businesses. It’s a state of mind toward continuous improvement that we’re proud to be a part of. We enjoy the fellowship and teamwork our regional team—Safety Sharks—provides. It’s special in the fact that everyone has a voice in their safety and contributes to our safety culture.”

The Carolina Star Program recognizes leaders in occupational safety and health that are successfully protecting employees from death, injury and illness by implementing comprehensive and effective safety and health programs and management systems. Carolina Star participants are proactive and willingly share their experience and expertise, and they encourage others to work toward comparable success. These worksites are self-sufficient in their ability to control hazards at their worksites.

For more information about the N.C. Department of Labor’s Carolina Star Program, please call or email LaMont Smith, Carolina Star’s recognition program manager, at 919-707-7852 or lamont.smith@labor.nc.gov.



Left: Labor Commissioner Josh Dobson visits the Jacksonville Sonoco location to present their Carolina Star award. Right: Labor Commissioner Josh Dobson visits the Wilmington Sonoco location to present their Carolina Star award.



Inside NC Labor

Be sure to check out NCDOL’s podcast, *Inside NC Labor*.

Episode 59 features special guests Jennifer Haigwood, deputy commissioner of the Occupational Safety and Health (OSH) Division, and Jessica Foster, DPR Construction and OSH Advisory Council Member, as they talk to Rochelle George, EIG; Hillary Rigg, Paragon Safety; Marisa McLellan, DPR Construction; and Leslie Carrillo, DPR Construction about the role of Women in Construction.

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.



From Labor Commissioner Josh Dobson

In early March, I had the opportunity to visit two Sonoco Recycling locations in Jacksonville and Wilmington and present each of them with their first Carolina Star recertification. The Carolina Star Program recognizes leaders in occupational safety and health that are successfully protecting employees from death, injury and illness by implementing comprehensive and effective safety and health programs and management systems. Congratulations to both Sonoco Recycling facilities in Jacksonville and Wilmington on this achievement. Read more about these two facilities and their recertification on Page 1.

One important safety awareness event going on right now is Stand Up 4 Grain Safety Week, March 27-31, 2023. A safety stand up is an opportunity for employers to talk intentionally and directly to workers about hazards found in grain handling and storage environments.

Another important safety awareness event coming up in May is the National Safety Stand-Down to Prevent Falls in Construction, May 1-5, 2023. Like Stand Up 4 Grain Safety Week, the construction stand-down is an opportunity for employers to take a break (stand-down) and help employees focus on fall hazards and the importance of fall prevention. Fatalities caused by falls from elevation continue to be one of the leading causes of death in the construction industry. We welcome your partnership in preventing construction injuries and deaths.

The Safety Award Banquet season began March 21 in Wilmington and continues through June. I hope to see you at one of the 30 statewide banquets which are co-sponsored by our department and local organizations. Thank you for all you do to maintain a safe and healthy work environment.

I hope everyone enjoys the beginning of Spring! Happy Easter and many blessings to all of you!

Josh Dobson



Nova Development

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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

John Deere Turf Care, *Fuquay-Varina**
Acme Smoked Fish of North Carolina, *Wilmington**
Metal Tech of Murfreesboro Inc., *Murfreesboro**
GXO, *Durham*

SHARP *Recertification

Atlantic Dental Group, *Wilmington**
Roanoke Cement Co. LLC, *Castle Hayne*
City of Cherryville Fire Department, *Cherryville*



Nova Development

Spring Into Safety



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SANS Fibers of Stoneville Recertified as SHARP Participant

By: John Mallow, Public Information Officer

On Wednesday, Feb. 8, the N.C. Department of Labor (NCDOL) welcomed SANS Technical Fibers as a Safety and Health Achievement and Recognition Program (SHARP) participant at the company's Stoneville manufacturing plant.

Representing the N. C. Department of Labor were Labor Commissioner Josh Dobson, Consultative Services Central District Supervisor Mark Luniewski and Health Consultant Abigail Newton, who presented the honorary SHARP



Labor Commissioner Josh Dobson presents EHS Manager Michael Barker with a framed SHARP certificate.

flag to Michael Barker, SANS Technical Fibers' environmental health and safety manager.

Barker, along with SANS Fibers' employees and management, were instrumental in bringing safety and health back to the forefront of company culture.

"In a short period of time from taking the EHS Manager position, Michael reconstructed the program that had nearly been lost due to a change in management," Newton said. "Along with the support of top management and participation of employees, the momentum of the safety and health management system was regained."

SANS Technical Fibers specializes in the manufacture of specialty nylon and polyester yarns for use as sewing threads for apparel and automotive manufacturers, the U.S. military and many other sectors. SANS Technical Fibers began its involvement with NCDOL's Consultative Services Bureau, which oversees SHARP and various other recognition programs, in 2010, and they have been a SHARP participant since 2019.



Employees of SANS Technical Fibers, along with Labor Commissioner Josh Dobson and EHS Manager Michael Barker, display their new SHARP flag.

Delegation from Ghana Learns About ADR in North Carolina

By: Harriet Hopkins, Administrator, Retaliatory Employment Discrimination Bureau

On March 14, 2023, the N.C. Dispute Resolution Commission (NCDRC) hosted an Alternative Dispute Resolution (ADR) program at the N.C. Judicial Center for delegates from Ghana. The delegation, which consisted of human resources managers who administer mediation programs in Ghana, was interested in a professional dialogue about ADR programs, in particular mediation, in the United States. They chose North Carolina as their destination because it offers a wide array of successful mediation programs, both court-ordered and voluntary. Harriet Hopkins, administrator of the N.C. Department of Labor (NCDOL) Retaliatory Employment Discrimination Bureau (REDB), was invited to present an overview of and guide a discussion about the NCDOL's voluntary Mediated Settlement Conference Program.

Short presentations were made, followed by robust discussions and questions of the Superior Court Mediated Settlement Conference Program, the Family Financial Settlement Program, the N.C. Administrative Office of the Courts (NCAOC) Child Custody and Visitation Mediation Program, the Clerk Mediation Program, the N.C. Industrial Commission Program and the NCDOL Mediated Settlement Conference Program. The members of the delegation described the programs operated in Ghana and the groundwork was laid for possible future collaboration.

It was not easy for them to arrange their trip. After multiple setbacks with the visa process beginning in October 2022, the way was cleared for them to come to the United States in March 2023. Those of us lucky to participate in this forum were grateful for their perseverance!

Presenters for the ADR program were: Stephanie Smith, court manager specialist of the NCAOC Child Custody Mediation and Visitation Program; Tamara Nance, chief deputy commissioner of the N.C. Industrial Commission; Tara Kozlowski, executive director of the NCDRC; Frank Laney, NCDRC member, for the court-ordered mediation programs; and Harriet Hopkins, of the NCDOL.

For more information, [International Delegates Learn About North Carolina Alternative Dispute Resolution | North Carolina Judicial Branch](#).

Special Star Team Member Training

By LaMont Smith, Recognition Program Manager

The N.C. Department of Labor (NCDOL) Carolina Star Program conducted its 15th Annual Special Star Team Member (SSTM) Training on March 7-9 in Raleigh. Another training session was held on March 15-16 in Winston-Salem.

The SSTM Program is designed for participants associated with the Carolina Star Program. The program is North Carolina's version of Federal OSHA's Special Government Employee (SGE) Program. SSTM Program participants work together in partnership with Star Program staff while conducting comprehensive worksite safety and health evaluations.

This volunteer program benefits the NCDOL Carolina Star Program by supplementing its worksite Star evaluation teams. In addition, the SSTM Program allows industry, SSTM participants and the NCDOL the opportunity to collaborate and share best safety practices.

Since the inception of the SSTM Program in 2009, more than 300 participants have been trained. The 2023 class included two initial SSTM training classes and one SSTM recertification training class. A total of 21 participants received initial training, while four participants were recertified as SSTMs. The SSTM training class curriculum continues to evolve and primarily focuses its training efforts on evaluating safety and health management systems, hazard recognition and the Star Program worksite evaluation process.

As the Carolina Star Program continues to grow, maintaining a high standard of excellence remains the goal. Therefore, continued growth of the SSTM Program is essential to the future success of the Carolina Star Program.



Raleigh Initial Training Class, Front Row – (left to right) Michelle Evans and Carlene Harris with NCDOL. Second Row – (left to right) Angela Daughtry, OPW Retail Fueling; Todd Waller, NCDOL; Christina Jenrette, Agronomic Division, NCDA&CS; Boris Kiprovski, Skanska USA Building Inc.; Brian C. Hughes, Butterball LLC; Michelle Kareis, TE Connectivity LTD; Nick Beiter, Stanley Engineered Fastening; and Stephen Kelly, Hyster-Yale Group Inc.



Winston-Salem Initial Training Class, Front Row (left to right)– Michelle Evans, star consultant; Sean Loftis, InServ; Maria Martinez Marten, Facility Logistic Services; Nicole Sweet, The Sherwin-Williams Co.; Brittany Killmeyer, TE Connectivity; Shannon Bowman, Catawba County Public Health; Annette W. Burston, Cataler North America; and Susanna Boysen, Sonoco Recycling LLC. Back Row (left to right)–Christopher English, TE Connectivity; Garrett Trussell, Mecklenburg County Park and Recreation; Robert Isaacs, Holder Construction Group Inc.; Spencer Clark, Thermo Fisher Scientific LLC; Steven Loftis, Marathon Petroleum Co.; Scott Hyatt, Mecklenburg County Park and Recreation; and Tim Hogan, Star Consultant.



Raleigh Recertification Training Class, (left to right) – Michelle Evans, NCDOL; Chantae Lail, Catawba County Public Health; Brandi Lynch, Nucor Steel; Carlene Harris, NCDOL; Emmanuel Yelverton, Skanska USA Building Inc.; and Grady Pope, Southern Industrial Constructors.



**Congratulations to our
2023 SSTM trainees!**



By Harriet Hopkins, Administrator,
Retaliatory Employment
Discrimination Bureau

Q: An employee works in the hospitality industry for a well-known hotel chain. They were hired as an assistant manager on a 90-day probationary period. One evening after several months on the job, the employee was told they would need to help the housekeeping staff clean guest rooms the next day because they were short staffed and were fully booked for that night. When the employee came to work the following day, the employee said that housekeeping was not a part of their job description and refused to do the work. The employee was then terminated. Can an employer require an employee to perform work that is outside of their job description? Can the employer make a termination decision prior to the expiration of the probationary period of 90 days?

A: Employment in North Carolina is “at will.” This means that an employer can require an employee to perform work outside of his or her normal job duties unless there is an express contract that states that the employer cannot. So, yes, the employer was within the law when they asked the employee to do other work. Therefore, the employee’s termination was

permitted under the “at will” doctrine. The employee did not have the right to refuse the work assignment. Refusing a work assignment is not a protected activity under the Retaliatory Employment Discrimination Act (REDA). Being subject to a 90-day probationary period does not mean that an employee is guaranteed 90 days of work. Rather, the employer can terminate an employee at any time during the probationary period.

DEADLY Mistakes



By Judyth Forte, State Plan Coordinator

Fatal Event: On April 8, 2019, a 66-year-old man died when he was struck by a vehicle while servicing a gas station pump at a convenience store.

Investigative Findings: The employee worked for an oil company that distributed wholesale fuel, operated convenience stores with gas pumps and employed staff to service and maintain these facilities. The employee was part of the maintenance crew and had been given a work order to change a filter on a diesel fuel dispenser at a convenience store that operated a gas station. The employee had changed out the filter and during the course of the repair, diesel fuel had leaked out of the pump and been captured in a 5-gallon bucket. The employee carried the bucket to the cover of the opening to the underground storage tanks, where diesel is filled from the tanker, and removed the cover. Under the cover is the end of the main drop tube (where the tanker hose connects) and the spill bucket. The spill bucket captures any diesel spillage during the filling and disconnecting process and an internal valve returns the diesel to the storage tank. The employee was kneeling on the ground to remove the tank cover when he was hit by a large pickup truck. The pickup truck was being driven by a patron leaving the convenience store parking lot. There were no visible safety devices or protections in place around the employee's work area to identify that he was present or alert the public to avoid that area.

Discussion: When speaking to the operator of the convenience store, he said he had placed the work order but was never routinely told when someone was on site to make the repair. He only got a notification when the repair had been completed. He had not seen the incident occur but had been informed by a customer. The customer who hit the employee said he had climbed into his truck, after visiting the convenience store, and sat idling for a while before scanning the parking lot and proceeding to make a U-turn out of the lot. He hit the employee soon after he started moving. He stated he did not see the employee kneeling on the ground.

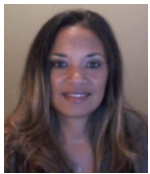
Interviews with other employees who do similar work for the company indicated they were provided work boots, high visibility vests, safety glasses and hard hats by the employer. They were also given a company credit card to buy other items needed to perform their jobs. They had been told to wear the vests and park their truck in front of the gas pump and to place cones and barricade tape around themselves when working by the gas pumps. At the incident site there were no cones or tape present, and none were available in the employee's work truck.

It was the location of the employee that made him vulnerable considering the nature of the facility where he was working. Vehicles came in and out of the facility in rapid succession. It would not occur to an average patron to be looking at ground level to avoid someone. The best control measure in this situation would be a barrier to physically prevent a struck-by event. If that was not possible, installing a visual device, such as cones and caution tape, would make customers aware that something out of the ordinary was going on and to pay extra attention. The fact that the company did not provide the cones and caution tape may have been perceived by the employees that they were not necessary.

Recommendations:

- ✖ One of the "root causes" of workplace injuries, illnesses and incidents is the failure to identify or recognize hazards that are present or could have been anticipated. Struck-by hazards are a leading cause of workplace fatalities, both in construction and general industry.
- ✖ A hazard assessment is the process used to identify, evaluate and control workplace hazards and the risks to worker health and safety. The assessment is an essential part of a safety management system.
- ✖ If hazards are present, or likely to be present, the employer is expected to use engineering and/or administrative controls to reduce or eliminate the risk.
- ✖ In this case, a physical barrier such as a parked vehicle with flashing lights would have been an appropriate engineering control to prevent other vehicles from reaching the employee's work location. Other controls, such as traffic cones and caution tape, could have helped control pedestrian and vehicle traffic around the work area.
- ✖ Prevention – take the time to set up a safe and visible work zone for all activities where there is a struck-by hazard no matter how long the task will take to complete.

WORKPLACE WORRIES



By Kisha Holmes, Administrator, Wage and Hour Bureau

Q: *Do I have to obtain a license if I am establishing a staffing agency?*

A: If you are establishing an agency where the employer pays you to find them an employee to fill a position within their business, you must obtain an Employer Fee Paid Certification or a Temporary Help Notification. You must complete these on an annual basis and there is no cost associated with them. The forms can be obtained on our **website**. If you are establishing an agency where the applicant is financially responsible to pay you, the staffing agency, to find them employment, you must apply for a Private Personnel Services License. Please contact our bureau for additional information regarding a Private Personnel License at 800-625-2267 or Adriana Jordan at 919-707-7976.



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Bulletin Board

Mine and Quarry Training

MSHA New Miner Training

April 10-12, *Wilkesboro*

April 18-20, *Lumberton*

MSHA Annual Refresher Training

April 13, *Wilkesboro*

April 24, *Virtual*

Part 48 Instructor's Certification

**1 year mining experience required*

April 18-20, *Greensboro*

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

Stand Up 4 Grain Safety Week

March 27–31, 2023

National Safety Stand-Down to Prevent Falls in Construction

May 1–5, 2023

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OSH Webinar Courses

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

Pre-Recorded Webinars

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

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 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.

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

Click **here** for information on how to register with the Library to access streaming safety/health videos and/or borrow materials.

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