



NCDOL

N.C. Department of Labor

Josh Dobson, Commissioner

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LEDGER

Did You Know the Same People Who Inspect Your Elevators Also Inspect Amusement Rides and Water Parks?

By Meredith Watson, Public Information Officer

With warm weather brings outdoor activities, and here in North Carolina there is one place many locals love to spend the day: Carowinds. Have you ever had the thought “is this ride safe?” or “who inspects these anyway?”. The answer is simple. The N.C. Department of Labor (NCDOL) elevator inspectors are the same crew who inspect all amusement rides in the state, including those on our side of Carowinds.

Carowinds has a few things that make it unique. It famously splits the border between North and South Carolina and it also has a large water park on the property. How does this get divided between the two states? Simply put, each state is responsible for the rides that have the ride entrance on their territory. North Carolina must inspect the rides with a North Carolina land entrance and South Carolina must inspect rides with a South Carolina land entrance. With that being the rule, this means North Carolina inspects the water park.

As you can imagine, the process for inspecting a waterslide is its own unique undertaking.

“Waterslide inspections cover the tower that holds the waterslide, the steps going up to the slide entrance and checking the slide or tube for cracks or leaks in the slide or tube,” Elevator and Amusement Device Bureau Chief Tommy Petty said. “In the pump room, the pump system is inspected for leaks and the flow meter is checked to be sure the water flow is correct per the manual. The pump room is also checked to be sure the electrical is in proper order and a fire extinguisher is in the room and up to date. The waterslide or tube is powered up and checked for proper operation and leaking in the system. If the slide is an enclosed tube an inspector will inspect the inside of the tube while it is dry.”

Stationary rides, such as the ones at Carowinds, are inspected thoroughly before the park opens to ensure all patrons are 100% safe. The NCDOL elevator and amusement device inspectors can go back any time necessary to inspect a ride.

With amusement park season approaching, not only is it critical for all rides to be safe, but the patrons must also keep themselves safe.

“Follow all safety signs on the rides and any rules the amusement area may have posted. Be sure to check the height of your children to be sure they are tall enough to ride, as the height requirement is set for the safe use by the public. Keep little children close and if possible, take a picture of your child before entering the amusement area so the picture can help find your child if they get lost. On a hot day, stay hydrated and enjoy the rides,” said Petty.

NCDOL inspectors are dedicated to keeping everyone safe on a day-to-day basis. These rides are inspected as thoroughly as possible, “from top to bottom, inside and out,” as Petty stated. When you are at Carowinds this summer, remember that these hard working men and women spent days making certain you have a safe and fun Carowinds experience.



Ride inspectors Patrick Helton and Keith Modrow demonstrate the inspection process for the NCDOL Communications staff at Carowinds on Monday, May 15, 2023.



From Labor Commissioner Josh Dobson

Trench Safety Stand-Down Week is June 19–23. The goal of the event is to reach out to the many workers who work in and around trenches and excavations to provide them with information about current excavation requirements and safety procedures for working in trenches. This event was first held in 2016 by the National Utility Contractors Association (NUCA), with federal OSHA joining as a partner a year later.

During the month of May, our Communications Division had the opportunity to tag along with some of our Elevator and Amusement Device inspectors as they conducted amusement device inspections at Carowinds. These inspectors not only inspect over 25,000 elevators around our state but are also tasked with inspecting all amusement devices, whether they are at an amusement park like Carowinds or one of the many rides at the local county fairs. Read the story on Page 1 and get a little behind the scenes look at what these inspectors do for our state.

The primary mission of my department is to ensure the safety and welfare of our state's workers. On April 28, the nation marked Workers' Memorial Day as a time to remember and honor people who lost their lives while on the job. I was thankful for the opportunity to participate, along with many members of my NCDOL staff, in a joint event with the AFL-CIO which served as an opportunity to remember these individuals and further our commitment to strengthening workplace safety in North Carolina. For more information, please read the statement on Page 6.

June marks the official start to summer, which in North Carolina, means heat and humidity. Please be aware of the symptoms of heat illness whether you are working or playing outdoors. Remember to take frequent breaks, wear lightweight, breathable clothing and stay hydrated by drinking plenty of water. Please check out our website for heat illness prevention resources provided by our Occupational Safety and Health Division. These resources include training and educational materials, hazard alerts and guidance documents.

Happy beginning of summer to everyone!

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

Amentum, *Durham**
BSH Home Appliance Corp., *New Bern**
Cube Hydro Carolinas LLC, *Badin**
Kellogg Co., *Cary**
Regulator Marine Inc., *Edenton**

SHARP *Recertification

Midway Aerospace, *Monroe*
Sonoco Recycling Inc., *Raleigh**



NCDOL Photo Library

Inside NC Labor

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

Episode 60 features special guests Greg Maready, Jason Walker and Mike Coates from the National Utility Contractors Association (NUCA) of the Carolinas Chapter and Cory Dunphy,

NCDOL-ETTA, as they discuss trench and excavation operations, the Trench Safety Taskforce (TEST Group) and Trench Safety Stand-Down week.

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.



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ETTA Bureau Presents 2023 Fall Stand-Down Safety Demonstration

By Starsky Martin, OSH Safety Education Specialist

We had an awesome Fall Stand-Down event on May 1 during the 2023 Stand-Down to Prevent Falls in Construction week, which was held May 1-5. NCDOL Education, Training and Technical Assistance (ETTA) bureau trainers taught the importance of fall protection, proper utilization and selection of ladders. We also covered the Top 4 Construction Hazards to include and not limited to only Falls, but also Struck-by, Caught-In-Between and Electrocution Hazards in Construction.

We also demonstrated several types of ladders and modeled how to inspect, don and doff a personal fall arrest harness. All the employees and employers onsite we visited left the event more engaged, empowered and encouraged.

Between the three Fall Stand-Down employer onsite training events and instructional webinars we conducted, ETTA staff taught a total of 1,709 employees! We wait with great anticipation to catapult the next Fall Stand-Down events for the upcoming years!

A special thanks to all involved in making the 2023 Fall Stand-Down event a success! Remember occupational safety and health starts with all of us first so we can then spread this knowledge abroad! Go OSH ETTA! NCDOL Pride.



Instructors from NCDOL's ETTA Bureau instruct Balfour Beatty and Barnhill Construction employees on proper use of ladders and fall arrest harnesses at a stand-down event held Monday, May 1, 2023.

Cape Hatteras Electric Cooperative Earns SHARP Award

By: Kevin O'Barr, Bureau Chief, Consultative Services Bureau

Cape Hatteras Electric Cooperative is a member-owned electric cooperative serving businesses and residents on Hatteras Island in Dare County. The Cooperative has 350 miles of distribution lines in the one county it serves. It has been serving Hatteras Island since 1945 and currently has about 7,900 members.

The Cooperative has worked with NCDOL OSH Consultative Services since 2013 with the goal of providing a safe and healthful place to work for the 26 employees. They have been very successful and have been awarded participation in SHARP.



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Commissioner Josh Dobson presents the SHARP flag to Cape Hatteras Electric Cooperative along with staff from the Consultative Services Bureau.

Construction Firm Robins & Morton Earns Safety Recognition

By John Mallow, Public Information Officer

On Thursday, April 13, Labor Commissioner Josh Dobson, along with representatives of the N.C. Department of Labor (NCDOL), traveled to Charlotte to congratulate construction firm Robins & Morton on the completion of a brand new Novant Health hospital facility located in the Ballantyne neighborhood area.

The event served to highlight the Construction Safety and Health Achievement Recognition Program (SHARP) status earned by Robins & Morton and their various subcontractors through the development and application of a highly effective and comprehensive safety program that was utilized during the construction process.

"I'm excited to congratulate Robins & Morton and the many hardworking men and women who were instrumental in the safe and successful completion of this important project," Labor Commissioner Dobson said. "This state-of-the-art facility will provide access to valuable medical resources to the folks here in the Ballantyne neighborhood and surrounding areas, and I applaud the efforts of each and every worker who made safety their top priority."

This project marks the third partnership between Robins & Morton and the Consultative Services Bureau. Construction SHARP consultants Buddy Amerson and Twanette Haiser worked closely onsite with the team at Robins & Morton to ensure the effectiveness of their safety plan.

"They have a large occupational safety and health division and take a very proactive approach to employee safety and health on their jobsites, and professional safety staff is assigned and onsite at each of their jobsites," Buddy Amerson, industrial hygiene consultant, said. "We have created a great relationship with their team and work hard to provide them with an additional employee safety resource."

Over the course of 24 months, more than 500 individual workers across 30 trade contractors were required. In total, that works out to more than 1 million work hours spent completing the project. Despite some delays, the project went smoothly and maintained its extraordinary safety record.

"We did have some supply chain issues with the switch gear that provides power to the entire building—essentially it was six months late—and we tried to keep the building on schedule as best we could by finding temporary solutions for our electrical needs," said Robins & Morton senior superintendent Mike Goodin. "As it came closer to finally having AC power supplied to the project, we made sure to reemphasize best safety practices in identifying and abating electrical hazards. I feel great about the safety culture on the project, and everyone was invested in it from day one."

The 40-acre, 216,000-square-foot complex sits on land that was previously occupied by Hall Family Farm and in keeping with this tradition, the grounds will feature walking trails and space for community events. The facility represents a \$154 million investment by Novant Health ahead of the anticipated growth of the region. Services provided at Novant Health Ballantyne Medical Center include emergency care, inpatient medical/surgical and intermediate care, women's care and diagnostic and surgical services.

Robins & Morton was founded in 1946 and has completed more than 1,700 projects across 38 states, all of this while remaining firmly committed to the goal of having a lasting, positive impact on the people and companies they partner with. For more than 40 years, Robins & Morton has specialized in the healthcare construction sector and continues to cultivate a culture of safety throughout every project undertaken and with every trade contractor involved.



NCDOL Photo Library

Robins & Morton senior superintendent Mike Goodin (right) gives a tour of the Novant Health facility to Labor Commissioner Josh Dobson (left) and OSH Deputy Commissioner Jennifer Haigwood (center) during a visit to the Charlotte site in April.



By Harriet Hopkins, Administrator,
Retaliatory Employment
Discrimination Bureau

Q: *I am a server in a restaurant that is owned by an individual I'll call Ms. R. The cook does not like me and he is always teasing and laughing at me. One day he squirted me from a bottle of hot sauce, and it got on my clothes. It made me mad, so I pushed him and he fell down. I didn't think I had pushed him that hard, but he said he hurt his back when he landed. I complained to Ms. R. that the cook is creating an unsafe and hostile work environment by teasing and laughing at me and especially by squirting the hot sauce on me. Then Ms. R. fired me and not the cook! Can she fire me for that? The cook started it.*

A: Yes. Employment in North Carolina is "at will," which means that an employer can fire an employee for any reason at all unless there is a statute that protects the employee from retaliation. The N.C. Retaliatory Employment Discrimination Act (REDA) protects employees from retaliation who engage in certain protected activities. Here you complained about a co-worker squirting hot sauce on you and in general, teasing and laughing at you.

This type of complaint about a co-worker is not protected under REDA. On these facts, this behavior does not rise to the level of a "hostile work environment" or create an unsafe workplace. Disputes of this nature between individual co-workers are generally not covered by REDA. Therefore, the "at will" employment doctrine protects Ms. R., and she can fire either or both of you for any reason whatsoever. It is certainly an uncomfortable situation to be in with a co-worker, but it is not a violation of REDA.

Follow NCDOL on:



DEADLY

Mistakes



By Judyth Forte, State Plan Coordinator

Fatal Event: On April 14, 2021, a 50-year-old man died from electrocution when he and two other employees were trying to erect a 33-foot aluminum flagpole in front of an agricultural products and services company when it contacted a power line approximately 26 feet above the ground.

Investigative Findings: The company owned four parcels of land covering nearly five acres. The main parcel of land held the business office and main warehouse and was at the front of the acreage on a main road. The front of the office led out to a grassy area where the company sign and truck scale were located. Company management decided that they would like to erect a flagpole in front of the building and ordered and received a 33-foot aluminum flagpole, which was being stored in the warehouse. On the day of the accident, they requested three employees bring the flagpole, post hole diggers and concrete mix to the area in front of the office and erect the flagpole.

Four management and office staff determined where the flagpole should be located and stood outside and watched the process. One employee dug a hole with a post digger and then helped the other two laborers lift the pole into the hole. The employee at the front was crouching and trying to guide the bottom of the pole into the hole while the other two employees were lifting the pole on their shoulders and pushing it up with their hands. When the flagpole reached approximately a 62-degree angle, it contacted the 26-foot, 3-inch-high power line. A circuit was completed allowing 13.2 kilovolts (kV) of electricity to flow from the power line through all three men, phase to ground. It flowed through their hands and bodies and exited through their feet. All three men fell to the ground and were knocked unconscious. Two of the employees recovered with burns to their bodies and one died due to electrocution.

A person passing the business in their truck, at the time of the incident, said he stopped because he observed three people trying to put up a flagpole and then saw them fall to the ground and heard a scream. He stopped his truck near the road and got out but was scared to touch anyone because he saw smoke coming from the hole where the flagpole was and heard sizzling in the power line.

Discussion: When the management staff, who were observing the work being done, were asked how this happened, the comment was made

that “no one looked up, we were just focusing on what was going on, on the ground.”

This incident illustrates the importance of conducting a hazard assessment of the work area before employees start a work assignment, especially a non-typical one, as well as having a proficient safety program in place. If an assessment of the project scope and work environment had been conducted, the presence and proximity of the power line could easily have been discovered. Further investigation into applicable regulations could have identified steps to prevent an accident, such as maintaining a distance of at least 10 feet from a power line with voltages up to 50kV, or de-energizing or insulating the line.

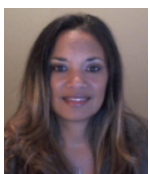
Sources of electrical energy are so commonplace in everyday life that they may be overlooked, leaving employees vulnerable to dangers they do not recognize. A 2015 paper from the Institute of Electronic and Electrical Engineers found that only about one-third of the workers who were fatally electrocuted by overhead power lines over a 12-year period were actually working on the construction or maintenance of those lines—while more than two-thirds made incidental contact with the high-voltage lines while doing other work. Most electrocutions involving overhead power lines are caused by a failure to maintain a safe working distance, according to the National Institute for Occupational Safety and Health.

Recommendations:

Power line-related injuries and deaths are entirely preventable. Working with or near power lines can expose workers to electrical hazards, but these dangers can be avoided through safe work practices.

- ✖ Conduct a hazard assessment before starting any kind of work to identify potential dangers. For someone installing a flagpole, choosing the right place to put it is the first step to avoiding hazards. Select a location that is well away from overhead power lines, at least a distance of the pole height plus 10 feet. This helps prevent inadvertent contact with electrical lines when raising or lowering the pole for initial installation or servicing.
- ✖ Electricity can flash over a gap, so any equipment or person must maintain a safe distance from the power line. For voltages under 50 kV, the minimum distance is normally 10 feet. If you are raising equipment, remember to look above the ground for dangers up to and even above the maximum height the equipment will go. If safe distances cannot be maintained at all times, ask the power company to de-energize and ground power lines or provide protective coverings to prevent accidental contact.
- ✖ Educate workers on safety procedures and requirements when working around power lines. Have them use nonconductive wood or fiberglass ladders and wear protective equipment such as rubber insulating gloves and sleeves, and class E industrial protective helmets.

WORKPLACE WORRIES



By Kisha Scotton, Administrator, Wage and Hour Bureau

Q: My employer gives 80 hours of vacation every year. I asked for a week of vacation during the first week in July. The vacation was denied. I feel this is unfair because it's my vacation. What can I do?

A: Vacation is a promised benefit given to employees by the employer. No employer is required to provide vacation pay plans for employees. If your employer offers vacation, or any promised benefit, it must be in writing. The vacation policy should note how the vacation benefit is earned and how and when vacation

can be used. You should check the employer's vacation policy which should include, how and when vacation is earned so that the employees know the amount of vacation to which they are entitled; whether or not vacation time may be carried forward from one year to another, and if so, in what amount; when vacation time must be taken; when and if vacation pay may be paid in lieu of time off; and under what conditions vacation pay will be forfeited upon discontinuation of employment for any reason.





Bulletin Board

Mine and Quarry Training

MSHA New Miner Training

June 5-7, Morganton

June 12-14, Whiteville

MSHA Annual Refresher Training

June 8, Morganton

June 15, Whiteville

To register for any of these classes, [go online](#)
or call the Mine and Quarry Bureau at 919-707-7932.

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.

Trench Safety Stand-Down

June 19–23, 2023

Heat Illness Prevention Campaign

Click [here](#) for more information.

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 Morganton 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.

Workers' Memorial Day Statement

Labor Commissioner Josh Dobson and MaryBe McMillan, President, North Carolina State AFL-CIO released the following statement regarding Workers' Memorial Day 2023:

"Workers' Memorial Day is a time to remember and honor the men and women who have tragically lost their lives while on-the-job. The loss of a worker impacts not only those co-workers left behind but families, friends, and the community. The N.C. Department of Labor and the N.C. State AFL-CIO share a common commitment to ensuring safe and productive workplaces with the goal of returning workers home to their families at the end of the day. We believe that every person deserves the opportunity to earn a living in a job that respects their hard work and their humanity.

"April 28 also marks the anniversary of the passage of the Occupational Safety and Health Act, which represented a tremendous step forward in workplace safety and health. Though workplaces are much safer than in the past, we agree that more work is necessary. The NCDOL and the N.C. State AFL-CIO pledge to work together to effectuate the following safety and health goals:

- ♦ Request funds from the N.C. General Assembly to establish and support current and new Safety and Health Compliance Officers.
- ♦ Prioritize efforts to fill vacant Safety and Health Compliance Officer positions.
- ♦ Work to increase the penalty for violation of Wage and Hour record-keeping requirements.
- ♦ Work to add the requirement that employers post notice of veterans' benefits.
- ♦ Continue to recruit bilingual applicants for Occupational Safety and Health, Agricultural Safety and Health, and Wage and Hour Bureau positions.
- ♦ Increase transparency by publishing NCDOL activities and statistics on a more frequent basis.
- ♦ Continue our commitment to an open dialogue between NCDOL and worker advocacy organizations.

"All working people have the right to a safe job. No family deserves to suffer the grief of a loved one lost prematurely while working for a better life. NCDOL and the N.C. State AFL-CIO can work much more effectively as partners rather than as adversaries. This is the least we can do to honor North Carolinians who have died on the job and to proactively prevent workplace injuries and fatalities in the future."