



NCDOL

N.C. Department of Labor

Josh Dobson, Commissioner

Labor

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Mining Industry Conference Rocks Its Way Into Western North Carolina

By John Mallow, Public Information Officer

The 2023 Mine Safety and Health Conference took place Wednesday, Sept. 13 through Friday, Sept. 15 at Harrah's Cherokee Casino and Resort, presented by the N.C. Aggregates Association in partnership with the N.C. Department of Labor (NCDOL).

A variety of speakers and presenters held seminars as well as many exhibitors were in attendance to showcase the new and exciting technologies being developed for the mining industry. As referenced in the title of the conference, the overarching theme that remained evident throughout the conference was the focus on the safety of the miners working in the industry.

The conference kicked off on Wednesday with a safety and health committee meeting followed by an update from Beau Thomas, NCDOL's Mine and Quarry bureau chief.

Thomas emphasized the bureau's role within the scope of upholding the N.C. Mine Safety and Health Act, enacted in 1975, as well as the 1977 federal act enforced by the U.S. Department of Labor (USDOL). NCDOL's Mine and Quarry Bureau acts not as an enforcement arm, which the USDOL does, instead taking a more proactive approach.

"They run parallel, as far as the standards, and ways that we try to accomplish tasks within the parameters of the standards is by supporting the mines and helping with any compliance problems," Thomas said. "We primarily focus on training, making sure the miners and contractors have the required training so that they can do their jobs safely. That's what the goal is—to be a resource for our mines throughout the state."

The seminars also featured new information regarding potential changes to federal regulations regarding respirable crystalline silica dust exposure and sampling methods to detect and mitigate these risks that miners often face on the job.

One of the most impactful changes affecting the mining industry is a ruling proposed by the Mine Safety and Health Administration (MSHA) that would work to better combat miners' exposure to silica dust by reducing the permissible exposure limit (PEL) by 50%. MSHA's current dust exposure standard is only specific to coal miner dust standards and sets the PEL at 50 micrograms. There is also currently no separate standard for silica dust.

"MSHA's proposal would require exposure monitoring, sampling and quantitative, qualitative evaluations and corrective actions when miners' exposure exceeds the proposed PEL," MSHA Deputy Assistant Secretary for Operations, Patricia Silvey, said during a public hearing regarding the proposed rule change. "For the first time, MSHA would be able to issue citations for overexposure to the proposed silica PEL."

There was also a Q&A session with Brian Thompson, district manager of the Birmingham, AL, MSHA field office. A point raised by attendees during the session highlighted the need for more expedient inspections when mine operators are issued a citation.

Thompson addressed the impact of having fewer inspectors to cover an entire district, a problem facing many regulatory agencies. He offered advice on some ways that mining operations can work better with MSHA inspectors to increase the efficiency of the inspection process given those limited resources.

"Technically, your first informal conference is when they hand you the paper, and they tell you, 'Here's the citation.' That's your first opportunity for an informal conference—explain what's there, why it's there, what happened," Thompson said. "So, before the mine inspector has left the property, you've had those opportunities to have an informal conference. The whole intent is to make it right."

Scott Mabry, NCDOL chief of staff, similarly addressed the crowd during Thursday's general session. Even within the mining industry itself, hiring and retention remains a chief concern for employers. Mabry offered advice on creating a safe workplace as well as a productive one by utilizing NCDOL's resources.



NCDOL staff traveled to Cherokee to participate in the 2023 Mine Safety and Health Conference, held Sept. 13-15. Pictured from left to right are Phil Hooper, Standards and Inspections Division; Bryan Hoilman, Mine and Quarry Bureau; Marcia Page, Mine and Quarry Bureau; Beau Thomas, Mine and Quarry Bureau; and Dan Mattfield, Mine and Quarry Bureau.



From Labor Commissioner Josh Dobson

On Sept. 5, I had the opportunity to visit Gate Precast Co., in Oxford, and present their company with a SHARP award renewal. What made this visit particularly special was this being their 11th year renewal for the SHARP program. The SHARP program is designed for small and mid-size employers that have established, implemented and maintained exceptional workplace safety standards. There is a passion and excitement for workplace safety within their company that is almost tangible. Congratulations to Gate Precast Co. and keep up the great work! If you or you know of an employer that would be interested in participating in our SHARP program, please call 919-707-7846.

In September, I had the opportunity to participate in the Occupational Safety and Health State Plan Association (OSHSPA) Conference in Saratoga Springs, NY. It was a great opportunity to hear from other state plans about what is going on in their occupational safety and health programs, share best practices and network.

The N.C. State Fair is open Oct. 12-22 at the N.C. State Fairgrounds in Raleigh. On Oct. 9, I will participate in Media Day and then take the opportunity to explore the fair, meet with Agriculture Commissioner Steve Troxler and maybe, even enjoy a turkey leg. The theme of this year's N.C. State Fair is "Best. Day. Ever!"

In this issue, check out the article on the 2023 Mine Safety and Health Conference and listen to the podcast featuring the staff of the Mine and Quarry Bureau. Both the article and podcast provide great information about the Mine and Quarry industry and what our Mine and Quarry Bureau does for the state of North Carolina. See Pages 1, 3 and 4 for the article and podcast.

Happy Fall!



Josh Dobson
Commissioner of Labor

Editor.....Erin Wilson
Assistant Editors.....Meredith Watson & John Mallow
Layout and Design.....Jeff Wilson

1101 Mail Service Center, Raleigh, NC 27699-1101
1-800-625-2267 • www.labor.nc.gov

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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

- American Chrome and Chemicals Inc., *Castle Hayne**
- Clean Harbors Environmental Services Inc., *Archdale*
- Glen Raven Custom Fabrics LLC, *Burlington**
- Mundy Maintenance and Services, *Castle Hayne**
- OPW Retail Fueling, *Smithfield**
- Pactiv Evergreen, *Kinston*
- Safety Kleen, *Archdale*
- TE Connectivity LTD, *Greensboro**
- The Sherwin-Williams Co., *Greensboro**

Building Star *Recertification

- Holder Construction Group, *Charlotte**
- Danis Construction, *Raleigh**
- Skanska USA Building Inc., *Durham**
- Rodgers Builders, *Fayetteville**

Public Sector Star *Recertification

- Catawba County Public Health, *Hickory**

SHARP *Recertification

- Friends Homes Inc., *Greensboro**
- Wake Electric Membership Corp., *Youngsville**
- Piedmont Endodontics, *Greensboro**
- The Chapel Hill Residential Retirement Center Inc. dba Carol Woods Retirement Community, *Chapel Hill**
- Gate Precast Co., *Oxford**
- Coca-Cola Bottling Co., *Monroe**



Nova Development

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Mining Conference Rocks Western North Carolina

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“Hiring employees is important to keep your business moving. Health and safety is the main pillar in that,” Mabry said. “The training part is the backbone because if you can maintain the health and safety of your workers, your business will run more smoothly. Keeping that person safe in a healthy work environment is key, and what we do with Beau’s group is part of that. What I will continue to say is to please take advantage of that.”

While keeping the conference’s emphasis on safety, the exhibitor’s hall was filled with vendors offering various products, services and technologies, all with the goal of increasing safety within the mining industry. Some of these products were developed in response to near-catastrophic mining incidents.

One such vendor was Equipment Armor Inc., based in Wake Forest, who has designed and manufactured laboratory-tested excavator protection called the Equipment Armor Shield and Frame system. It consists of a ½-inch sheet of hardened polycarbonate housed in a custom-made frame designed to shield the operator’s cab of excavating equipment while retaining its rollover protection.

The catalyst for Equipment Armor’s creation was a near miss that occurred at a mine in eastern N.C. in August 2015. A ½-pound piece of hammer steel separated from a hydraulic hammer, traveling nearly 400 MPH, and pierced the ¼-inch polycarbonate sheet designed to protect the occupant of the heavy equipment.

Even with all the innovations in technology and mining processes, the mining industry remains as critical to the economy of our state as it has ever been. Thomas expressed the important role of mines operating in N.C. and the extremely valuable resources they provide.

“The specialty minerals that are in the western part of the state, for example, is the high purity quartz that is used in creating microchips that allow your computers and cellphones to work. It’s amazing just how dependent we are upon the mining industry,” Thomas said. “Our bureau wants everyone in the mining industry to be proud of what they do and know that they are important to our nation and our state.”

2023 Annual Carolina Star Safety Conference

By LaMont Smith, Recognition Program Manager

The Annual Carolina Star Safety Conference (CSSC) was held at the Joseph S. Koury Convention Center in Greensboro on Tuesday, Sept. 19 through Friday, Sept. 22. The theme of the conference was “Re-Focus, Re-Engage and Re-Commit.” The theme represents the CSSC and the Carolina Star Program’s recommitment to sharing best safety practices and continuous program improvements. There were 627 participants from across the state that attended the conference, including a variety of vendors and speakers at the event.

Pre-conference activity began with a golf tournament, and for the first year the N.C. Department of Labor - Occupational Safety and Health Division (NCDOL OSH) Education, Training and Technical Assistance (ETTA) Bureau provided an OSHA 10 - Hour Training Class. The OSHA 10 - Hour training class proved to be a pre-conference success as 24 participants received their certification. Opening day for conference activity began with pre-conference workshops that were designed to encourage the growth of NCDOL’s Carolina Star Program. The pre-conference workshops included topics that focused on the Star application and evaluation processes. In addition, there was a pre-conference workshop designed to assist current participants with preparing their Star Annual Report and other topics that were designed to provide attendees with a broad range of environmental challenges at home and work.

As the day progressed, the conference transitioned into the general session where the opening guest speaker, Kina Hart, captivated the audience with a compelling story about a work-related industrial accident that forever changed her life. Hart is a safety and motivational speaker who lost her arm within the first 40 minutes of being assigned duties in her new job at an Alaskan fish cannery. During the summer of 1990, Hart went to Alaska to earn some money to pay for her college tuition. Hart indicated to the audience that she felt her assigned duties at the fish cannery were not safe. However, Hart did not want to disappoint her supervisor, therefore continuing to work in these unsafe conditions. Placing herself at further risk, the horrifying chain of events that followed dramatically changed Hart’s life.

Hart’s fight for survival began the moment she found herself caught in the moving conveyor belt. As previously mentioned, Hart lost her arm. However, as she so bravely battled for her life, she found herself to be more concerned about the ripple effect that her accident would have on the lives of others. Overall, Hart’s message to the audience was relevant and impactful. She continuously

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Commissioner Dobson with the Carolina Star Conference Board.



The winning team of the Network Central booth, The Safety Squad.

2023 Annual Carolina Star Safety Conference

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Kina Hart, opening speaker.

relives and shares her story with others so that they do not have to experience the trauma that she did several years ago.

Additionally, the Carolina Star Program recognized International Paper - Cape Fear Woodyard for 25 years of active participation in the program. The company began their Star Program participation in 1998, and they continue to demonstrate their commitment to meeting stringent Star Program participation requirements. The worksite is appreciated for their long-lasting commitment to workplace safety and health excellence.

Each year, Network Central provides an opportunity for each CSSC regional team to share safety and health best practices with the conference participants. Additionally, Network Central provides for healthy competition between five regional teams that have poured a lot of energy and enthusiasm in the development of their respective booths. Each team booth is judged based upon originality, creativity, safety message and incorporation of the conference theme. This year's winner was the Safety Squad team.

The audience was fortunate to receive an additional closing session message from the closing speaker, MJ Shaar. Shaar is a wellness and motivational speaker/facilitator, author and leadership coach that focuses on bringing positive psychology to corporate wellness. Shaar provided the audience with an emotionally engaging presentation that included lifestyle choices, quality human connections, mental health, care and compassion in the workplace all of which correlates with overall work performance.

Additionally, Jennifer Haigwood, deputy commissioner of the OSH Division, spoke to the audience and provided updates regarding NCDOL OSH related activities. Haigwood proceeded by introducing Labor Commissioner Josh Dobson. Dobson began by congratulating Carolina Star Program participants on their safety and health achievements. He continued by thanking all the employees of the NCDOL for the work that they do to make the department successful. Additionally, Dobson thanked the conference for their hospitality and enthusiasm for workplace safety. Dobson stated that attending CSSC is a revival for workplace safety and health which reflects the commitment the attendees have toward safety. Finally, Dobson concluded by indicating how grateful he is to have the support of the CSSC, and that he has enjoyed working with the conference over the last 2.5 years.

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 2024 Annual Carolina Star Safety Conference which is scheduled for Sept. 18-20, 2024, at the Joseph S. Koury Convention Center in Greensboro.



MJ Shaar, closing speaker.



Inside NC Labor

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

Episode 62 features special guests Kiley Willard, safety awards coordinator, and LaMont Smith, recognition program manager, as they discuss what the recognition program's role is at the NCDOL.

Episode 63 features special guests Phil Hooper, deputy commissioner of Standards and Inspections, Beau Thomas, Mine and Quarry bureau chief, Bryan Hoilman, Mine and Quarry Bureau, Dan Mattfield, Mine and Quarry Bureau and Marcia Page, Mine and Quarry administrative assistant as they discuss the role and importance of the Mine and Quarry Bureau at NCDOL.

In addition to NCDOL's website, *Inside NC Labor* is available on YouTube, Spotify, Apple Podcasts, Anchor and Google Podcasts.

Inside NC Labor is designed to inform and educate North Carolina citizens on the role that the Department of Labor plays in state government.



By Harriet Hopkins, Administrator, Retaliatory Employment Discrimination Bureau

TRUE or FALSE?

The Retaliatory Employment Discrimination Act (REDA) protects employees from retaliation based upon race or national origin. **FALSE.**

Although REDA states that a complaint must be filed within 180 days from the adverse employment action, that deadline can be extended if the employee had a good reason for missing the deadline. **FALSE.** *The 180-day deadline cannot be extended for any reason.*

REDA protects an independent contractor from retaliation from the business for which they are doing contract work. **FALSE.** *Only employees are covered by REDA.*

An employer can deny an employee's request to take specific vacation days. **TRUE.** *There is no right to take your vacation days when you want to.*

DEADLY

Mistakes



By Judyth Forte, State Plan Coordinator

Fatal Event: On June 25, 2020, a 34-year-old man died after he was struck in the neck by an object that was kicked back from a table saw blade.

Investigative Findings: The operation was a marketing and photography firm that built sets to advertise products. The sets were built to resemble interiors/exteriors of homes or businesses and were photographed for the purpose of advertising for various customers.

After the set had been photographed and was no longer needed, employees would use reciprocating saws to cut through the nails and wood to dismantle the set. It was quicker to do this than try and pull out the nails. The wood would then be repurposed to build a new set.

The accident occurred in a woodworking shop that housed several pieces of equipment. The employee, a carpenter that had been working for the employer for nine years, was ripping a 2-inch x 6-inch x 6-foot-long piece of treated repurposed lumber on a table saw. As the carpenter was ripping the stock on the table saw, with the 14-inch saw blade, a nail that was still in the wood was flung out and away from the lumber and table saw. The nail struck the employee in the neck, severing his carotid artery and causing massive blood loss. The employee was rushed to the hospital and into surgery but did not survive.

The investigation of the incident revealed that the industrial table saw, that had been used at the time of the accident, did not have a guard present and hadn't for approximately 15 years. Employees indicated that they had all been trained on the use of the table saw, on the job, by other employees who also operated the saw. It was believed that the saw had been transported to the location when they had closed the old facility and built the current, new facility.

Discussion: Circular handfed rip saws must be guarded by an automatically adjusting hood which completely encloses that portion of the saw above the table and above the material being cut. They also need to be furnished with a spreader to prevent the material from squeezing the saw and being thrown back towards the employee. In addition, non-kickback fingers or dogs should be present and so located to oppose the thrust or tendency of the saw to pick up the material or throw it back towards the employee. Without the safety features installed, items can slide over the blade which causes it to pick up speed and become a missile being flung towards the employee at high speed. If the equipment did not come with the required guards and safety features, it must be retrofitted by the employer before use by employees.

When using a table saw, keep the table and surrounding area clear of stock, cutoffs and excessive sawdust. Any of these can get in the way or impair the employee's ability to make safe, clean cuts. A loose piece of stock could become a projectile if it contacts a moving blade. Safety glasses and hearing protection are required. Do not allow employees to wear gloves or loose-fitting clothing when operating the saw, as they can easily get caught in the blade resulting in a serious injury. Provide and have employees use a push stick when the board being cut has less than 6 inches width of stock away from the blade. The push stick helps keep the operator's fingers safely away from the blade.

Kickback is the No. 1 reason for table saw accidents and injuries. The reason is that kickback often includes a subsequent action that draws the hand towards the blade when working up close with the saw.

Recommendations:

- ☠️ Ensure that the table saw is fitted with the required guards and safety features before allowing employees to use the equipment. Make frequent inspections to make sure the devices have not been removed or disabled.
- ☠️ Don't stand directly in front of the saw blade when cutting.
- ☠️ It is critical that employees are trained and reminded to work with all the guards and safety features in place regardless of their experience or tenure with the company.

WORKPLACE WORRIES



By Kisha Scotton, Administrator, Wage and Hour Bureau

Q: Are employers required to pay employees for holidays?

A: No, there is no requirement for an employer to pay an employee on a holiday, unless the employee works on the holiday or the employer makes a promise to pay employees for holidays, although no work is performed. If an employer promises to pay for holidays when no work is performed, this is considered a benefit promised by the employer. The employer can make the promise with or without certain criteria. For example, an employer can promise to pay for certain holidays, if the employee works the day before and the day after the holiday. Based on the employer's criteria, if the employee does not work the day before or the day after the holiday, then the benefit is not earned, and the employer does not have to pay the employee for the holiday. The employer can also promise holiday pay without any criteria to receive the promised benefit.

Provided the employer does make a promise to pay for a holiday, the promise must be in writing. Per NCGS 95-25.13(2), employers shall notify its employees, in writing at the time of hiring, of the promised wages and the day and place for payment. NCGS 95-25.13(2) further states that employers shall make available to its employees, in writing or through a posted notice maintained in a place accessible to its employees, employment practices and policies with regard to promised wages.





Bulletin Board

Mine and Quarry Training

MSHA New Miner Training

Oct. 23-25, *Spruce Pine*
Nov. 14-16, *Spring Hope*

MSHA Annual Refresher Training

Oct. 26, *Spruce Pine*

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.

Library Update

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

Visit the NCDOL Booth in the Kerr Scott Building!



★ Oct. 12–22, 2023 ★

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.



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