



NCDOL
N.C. Department of Labor

Josh Dobson, Commissioner

Labor

LEDGER

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Tar Heel State’s Workplace Injury and Illness Rate Remains at A Historic Low

By Erin Wilson, Director of Communications

New figures released by the U.S. Bureau of Labor Statistics (BLS), an agency of the U.S. Department of Labor, show the nonfatal workplace injury and illness rate for North Carolina’s private industry remains at a historic low for 2022 with a rate of 2.2 cases per 100 full-time workers. This is significantly lower than the national rate of 2.7.

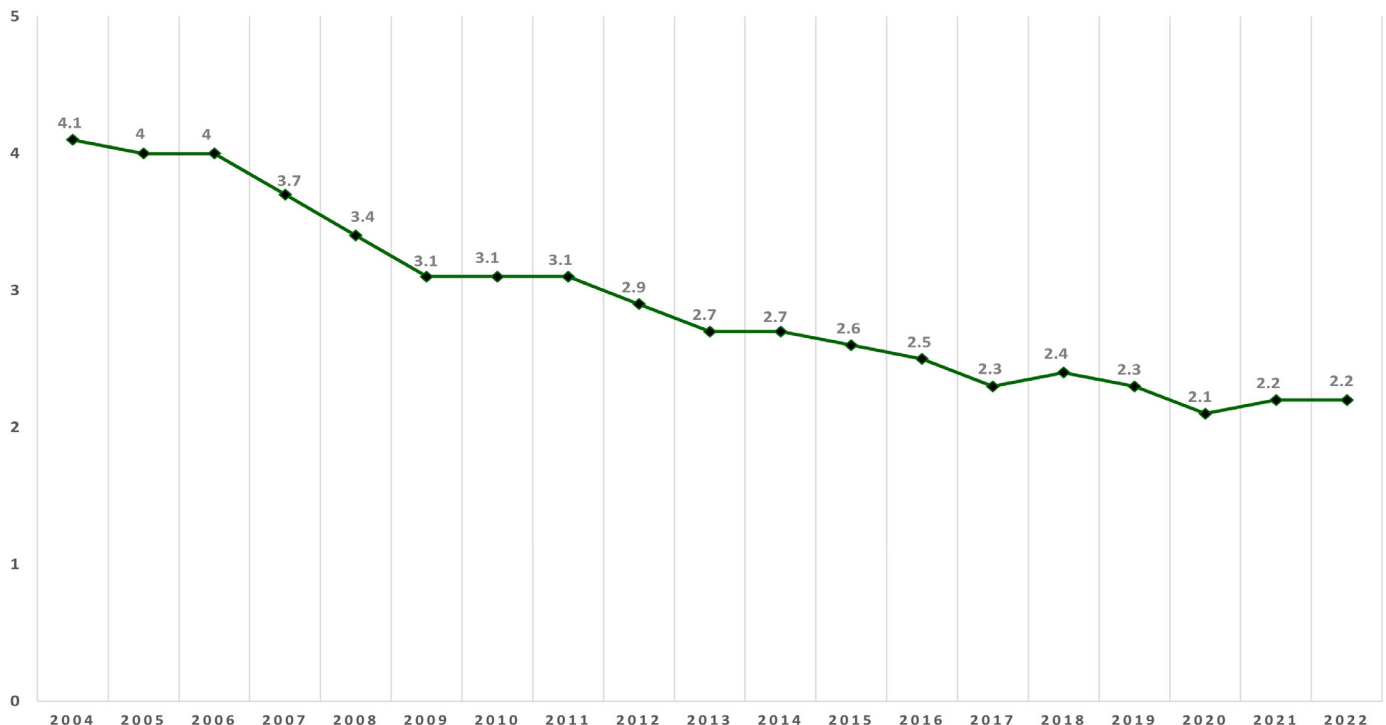
These data are estimates from the Survey of Occupational Injuries and Illnesses (SOII) compiled by the BLS. The rate accounts for growth and contraction in total hours worked in industry, which is an important factor in a state like North Carolina that has experienced significant growth.

“I am proud to see the state of North Carolina’s injury and illness rate is significantly lower than the national rate,” Labor Commissioner Josh Dobson said. “I want to commend the employers and employees for their hard work and dedication to workplace safety and health. I will continue to do everything I can as Labor Commissioner to push the importance of safety and health at the workplace and get these injury and illness rates lowered.”

The 2022 rate for North Carolina’s local government and state government sectors did not significantly change between 2021 and 2022. In North Carolina, the rates for private industry construction and manufacturing also remained statistically unchanged from 2021 to 2022.

As a State-Plan state, North Carolina’s Occupational Safety and Health (OSH) Division will continue its focus on hazardous industries, such as construction and manufacturing, through its special emphasis programs, by providing free safety training and education, conducting free safety and health consultative visits, and establishing partnerships and alliances with industries.

OCCUPATIONAL INJURY AND ILLNESS RATE PER 100 FULL-TIME WORKERS
NORTH CAROLINA, PRIVATE SECTOR, CALENDAR YEARS 2004 THROUGH 2022



Source: U.S. Bureau of Labor Statistics



From Labor Commissioner Josh Dobson

2024 is off to a busy start and it is hard to believe this is my final year as your Labor Commissioner. I look forward to finishing out my term traveling across the state, meeting employees and employers, seeing the work our N.C. Department of Labor (NCDOL) employees do each and every day and visiting different communities and worksites.

On Feb. 1 we had our Gold Star Grower awards luncheon in Raleigh. The Gold Star Grower Program is administered through the NCDOL's Agricultural Safety and Health (ASH) Bureau of the Occupational Safety and Health (OSH) Division. This program recognizes growers who provide farmworker housing that meets and exceeds all of the requirements of the Migrant Housing Act of North Carolina. Congratulations to all the growers who qualified for Gold Star status and received this award!

Our Safety Awards Program is currently accepting applications for this year's banquet season. The application process has transitioned from a hard copy mail-in form to an electronic online form. The application deadline is Feb. 15. See the Safety Awards story on page 3 for more information about the program, including contact information.

I hope everyone has a safe, healthy and blessed February!



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**.

SHARP *Recertification

- Cape Fear Public Utility Authority, *Wilmington**
- Piedmont Endodontics, *High Point**
- Industrial Opportunities Inc., *Andrews**
- Snap-On Power Tools Inc., *Murphy**
- City of Mount Holly Public Utilities, *Mount Holly**
- Town of Dallas Water Treatment, *Dallas**
- Town of Dallas Wastewater Treatment, *Dallas**
- Town of Dallas Public Utilities, *Dallas**

Building Star *Recertification

- Balfour Beatty Infrastructure Inc., *Wilmington**
- CFE Inc., An Evans Roofing Co., *Apex**
- Daniels and Daniels Construction Co. Inc., *Fremont*

Carolina Star *Recertification

- Allied Universal Services, *Wilmington**
- Biogen Inc., *Durham**
- Syngenta Crop Protection LLC, *Greensboro**

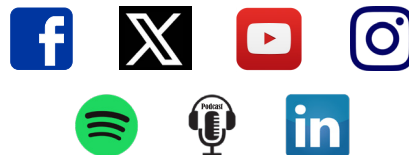
Rising Star *Recertification

- Thermo Fisher Scientific LLC, *Asheville**

Public Sector Star *Recertification

- Water and Sewer Authority of Cabarrus County, *Concord**

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Safety Award Applications Now Open

By Kiley Willard, Safety Awards Coordinator

The N.C. Department of Labor (NCDOL) has begun accepting applications from businesses that qualify for a workplace safety award. Safety awards are presented to companies throughout the year that have demonstrated above-average worker safety and health programs.

“When a business or organization is a safety award winner, that is a major accomplishment for not only that business or organization but also for their community. I am looking forward to my final safety awards season and getting to recognize and meet more of North Carolina’s stellar workforce,” Labor Commissioner Josh Dobson said.

We are very hopeful and plan to continue to have all the banquets this year in-person in 2024. We will continue our normal spring schedule this year as well.

Businesses that qualify for the award must meet two requirements: they must be free of fatalities at the site for which they are applying, and the site’s injury and illness rate must be at least 50% below that of their industry’s average rate.

Award recipients will be honored in their communities throughout the state at safety awards banquets co-sponsored by the NCDOL, local chambers of commerce, the Safety and Health Council of North Carolina and other organizations.

This is Labor Commissioner Josh Dobson’s final safety award season and he is highly encouraging everyone to apply that is not already a part of the program.

This year we have a new process for applying for the safety awards. Instead of mailing out physical hard copies of the application, the forms are submitted online! For more information on the Safety Awards Program or to apply, visit the **NCDOL website**. The deadline for submissions is Wednesday, Feb. 15, 2024.



By Harriet Hopkins, Administrator,
Retaliatory Employment
Discrimination Bureau

Q: *I work for a small company that manufactures plumbing parts. A co-worker recently approached me and knocked off my Dallas Cowboys ball cap for no reason. I confronted him and we got into a minor altercation. I immediately reported the incident to my manager. I told her that he assaulted me and that I didn’t feel safe working around him and asked if I could be moved to a different location on the floor. Instead of doing that, she fired me later that day! She says she fired me because getting involved in the altercation violated company policy that has zero-tolerance for fighting, but I believe she fired me because I complained about my co-worker assaulting me. She and the co-worker are also friends outside of work. Can she fire me for complaining about my co-worker assaulting me?*

A: We need more facts to answer this question. In general, employment in North Carolina is “at will.” This means that an employer can terminate an employee for any reason so long as it does not violate any law. The Retaliatory Employment Discrimination Act (REDA) protects workers from retaliation for filing or threatening to file a safety or health complaint

with the N.C. Department of Labor’s Occupational Safety and Health (OSH) Division. A complaint to a manager about a one-time altercation with a co-worker is generally not protected. However, you may have a claim under REDA if this co-worker had a history of provoking you and possibly others and the employer was aware of it. It could be relevant if the zero-tolerance policy was not consistently enforced or if the employer routinely “looked the other way” when bullying, threats or physical altercations occurred. Even if your complaint is found to be protected, you must have evidence that the termination was **because** of your safety complaint. Your belief that that was the reason is not enough. For more information, call our helpline at 919-707-7941.



Inside NC Labor

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

Tune in to episode 67 of *Inside NC Labor* where we sit down with Labor Commissioner Josh Dobson as he reflects on his time at labor, discusses plans for his final year and what lies ahead after his time with labor comes to an end.

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.

DEADLY

Mistakes



By Judyth Forte, State Plan Coordinator

Fatal Event: On Sept. 19, 2017, a 27-year-old man died from an electrocution when he was removing a fluorescent light fixture containing both a ballast and an emergency ballast to install a new light emitting diode (LED) light strip. The employee contacted a live, exposed conductor and died at the scene from his injuries.

Investigative findings: The operation was a poultry processing plant that slaughtered, cleaned and processed approximately 60,000 turkeys a week. Finished products were stored in a refrigerated warehouse until shipped to customers worldwide. The plant functions with two production work shifts: slaughtering commences at about 1 a.m. until approximately noon daily and processing of the birds continues until approximately 6 p.m. A subcontractor provides employees to perform sanitation duties from 6:30 p.m. until 5 a.m. Maintenance teams are present on all shifts and perform preventative maintenance and small repairs as needed.

In an ongoing facility-wide project to change out fluorescent light fixtures to LED, it was decided that the light fixture replacement should piggyback on any other maintenance needs in the area. Maintenance was called to fix a leak in the gutter system above a chiller. Once the repair was completed, the employee decided to change out the fluorescent light that was suspended from the ceiling above the chiller in the interstitial space above the production floor. The interstitial area is a type of attic space where master control panels, heating, ventilation and air conditioning (HVAC) duct work, water pipes and other conduits are located. Portions of the production equipment, such as the chiller and an oven, protruded through the bottom of the interstitial area, as did a fixed metal ladder to allow for access by maintenance employees. There was approximately four feet of clearance on top of the chiller, but due to the various pipes and beams, free movement was limited, and employees had to kneel to do the required maintenance. The process called for the removal of the light tubes, the tube sockets, the ballasts and the emergency ballasts, if present. The metal exterior frame or housing of the existing fixture was retained, and the LED light was installed. It was

during the replacement of the second of six fluorescent lights when the employee was electrocuted.

Discussion: The employer indicated that a specific written procedure was not needed for the fluorescent light removal because only one source of energy was involved. However, it was determined through review of the power installation instructions and specification sheets that the fluorescent light fixtures had emergency ballasts installed that were wired into the existing light fixture, in series with the primary ballast. They were designed to operate the light in the event of a power outage. The emergency ballast contained a direct current (DC) battery that stored electrical energy and would automatically convert the stored DC energy to 277 volts of alternating current (VAC) to power the fluorescent light even if VAC power to the light fixture was de-energized or otherwise interrupted. An assisting maintenance employee said that the employee who was conducting the work had his lockout/tagout equipment on his belt and that the LED light came on immediately before the employee dropped onto the wet chiller roof.

Recommendations:

- ✖ Employers must develop safe procedures for de-energizing circuits and equipment **BEFORE** circuits or equipment are de-energized. The circuits and equipment to be worked on shall be disconnected from all electric energy sources and stored electric energy, which might endanger personnel, shall be released.
- ✖ The circuits energizing the parts shall be locked out, tagged or both.
- ✖ The procedures must be in writing and shall specifically address de-energizing the equipment, the application of locks and tags and reenergizing the equipment.
- ✖ Control circuit devices, such as push buttons, selector switches and interlocks, may not be used as the sole means for de-energizing circuits or equipment. Interlocks for electric equipment may not be used as a substitute for lockout and tagging procedures.
- ✖ Employers must provide effective training to their employees for de-energizing circuits and equipment, as well as the necessary equipment to accomplish locking and tagging.
- ✖ Never **ASSUME** that a circuit is not energized!
- ✖ Use a pretested voltage detector to double-check that what you are about to work on is in fact **DE-ENERGIZED!**

WORKPLACE WORRIES



By Kisha Scotton, Administrator, Wage and Hour Bureau

Q: Can a 15-year-old youth work at an establishment with an ABC on-premises permit?

A: In 2022, there was a temporary change which allowed an employer to employ a youth, 15 years of age, to work inside an establishment that holds an ABC on-premises permit. An ABC on-premises permit is an Alcoholic Beverage Commission permit that allows consumption of alcohol onsite. The provision allowing an employer who holds any ABC permit issued pursuant to the provisions of Chapter 18B of the General Statutes for the on-premises sale or consumption of alcoholic beverages, including any mixed beverages, to employ a youth, 15 years of age to work inside the premises, expired on Dec. 31, 2023. Therefore, an employer may no longer employ a youth, 15 years of age, to work inside an establishment that holds an ABC on-premises permit. A youth under 16 years of age may be employed to work on the outside grounds of the premises for a purpose that does not involve the preparation, serving, dispensing or sale of alcoholic beverages.





Bulletin Board

Mine and Quarry Training

MSHA New Miner Training

Feb. 19-21, *Wilkesboro*

Feb. 27-29, *Charlotte*

March 25-27, *Morganton*

MSHA Annual Refresher Training

Feb. 15, *Virtual*

Feb. 22, *Wilkesboro*

March 28, *Morganton*

MSHA Train the Trainer Instructor Course

March 12-14, *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.

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

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