



July-August 2024



NCDOL

N.C. Department of Labor

Josh Dobson, Commissioner

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LEDGER

5th Sonoco Recycling Location Earns Star Certification

By John Mallow, Public Information Officer

On Monday, July 22, a ceremony was held to congratulate the Sonoco Recycling of Greensboro facility for earning Carolina Star certification as a result of their hard work and dedication to workplace safety.

Labor Commissioner Josh Dobson attended the event to personally deliver Sonoco's Carolina Star flag and certificate to the facility's employees and management.

"It's always an exciting time when I get to attend these events to hand over the Carolina Star flag to a group of folks who have gone above and beyond in order to create the safest possible working environment," Commissioner Dobson said. "Congratulations to Sonoco Recycling. This prestigious honor is not given out to just any business or workplace—it must be earned."

With the Greensboro facility achieving Star status, Sonoco Recycling now has five locations throughout the state with this certification. It all started in 2010 with the facility in Winston-Salem first qualifying for the Carolina Star program, according to Jeff King, plant manager of the Greensboro facility.

"We started with the Star Program several years ago in Winston-Salem, and we were the first plant within Sonoco to receive this distinction," King said. "My goal is to get them all in Star. We all have the same goals: to make Sonoco the safest place to work it can be."

Division Safety Manager Patrick Hinton emphasized the benefits of working with a regulatory body and interacting with other Star program participants in order to continuously improve upon Sonoco's already outstanding safety program.

"Sonoco truly appreciates the partnership we share with the N.C. Department of Labor (NCDOL) to continue our improvement in safety for our employees, as we do share the common goal," Hinton said. "We have many instances where we have the ability to just ask questions to those in the Star program, whether it is our consultants or other sites we have been introduced to in the program to gain further knowledge or even ideas on a topic that allow us to push our plant even higher on safety."

Sonoco Recycling is a division of Sonoco Products Co. offering commercial, industrial and governmental recycling services with 40 locations around the world and working with more than 15,000 retailers, manufacturers and communities to save money, save resources and create clean, renewable energy.

If you are interested in learning more about the Carolina Star Program, please contact LaMont Smith, Carolina Star's recognition program manager, for more information at lamont.smith@labor.nc.gov.



NCDOL Photo Library

Labor Commissioner Josh Dobson (left of center) and Star Safety Consultant Tyrone Taylor (far right) present the Carolina Star safety program flag to the employees and management officials of Sonoco Recycling in Greensboro on Monday, July 22.



Click *here* to learn about

HEAT STRESS





From Labor Commissioner Josh Dobson

On July 22, I had the opportunity to present the Greensboro Sonoco Recycling location with their first Carolina Star award. 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. Check out the article on Page 1 to learn more about Sonoco Recycling of Greensboro and the Carolina Star Program.

Safe + Sound Week will be Aug. 12-18 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. It is a little bittersweet because this will be my last fair season as your Commissioner of Labor. I want to say a special thank you to my Elevator and Amusement Device Bureau inspectors for all their hard work inspecting and ensuring that the rides at the fair are safe for all to enjoy.

The 2024 Construction Forum will be held at the Statesville Civic Center on Sept. 24, 2024. Check out the article on Page 3 for more information.

I hope everyone has a great rest of the summer and remember to stay cool and hydrate!

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

Field Controls LLC, *Kinston*

Glen Raven Inc., *Norlina**

The Timken Co., *Rutherfordton**

SHARP *Recertification

Abernathy Laurels, *Newton*

Amano Pioneer Eclipse Corp., *Sparta**

Blue Mountain Enterprises Inc., *Kinston**

Century Furniture LLC, Plant No. 2, *Hickory**

Cincinnati Thermal Spray, *Rocky Point**

Independent Beverage Co. LLC, *Charlotte**

Metal Recycling Services LLC, *Gastonia**

Milkco Inc., *Asheville**

Sonoco Recycling LLC, *Fayetteville**

Total Fire Systems Inc., *Youngsville**

Town of Morrisville Parks and Recreation, *Morrisville**

Watauga Opportunities Inc., *Boone**

Follow NCDOL on:



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NCDOL 2024 Construction Safety Forum

By: Andy Sterlen, ETTA, Health and Safety Education Specialist

Please join us for the 2024 Construction Safety Forum as the N.C. Department of Labor (NCDOL) hosts construction industry professionals to discuss site grading safety.

Site grading in construction is an essential part of site preparation, which needs to be done before construction begins. If graded improperly, the building may have structural issues, poor drainage and may differ from the original architectural concept. In addition, poor grading can cause a negative environmental impact on the site and the surrounding area. Among construction activities, heavy equipment operators face serious safety challenges while doing their work including heat, struck-by and trenching accidents.

When grading the land, the equipment operator sculpts the surface to ensure a level base for the structure while often creating specific slopes for functional purposes, whether drainage, storm water retention or a variety of site-specific needs.

The primary objectives of site grading include:

- Ensuring proper drainage.
- Modifying the property's aesthetics.
- Ensuring building code compliance.
- Reducing environmental impact by reducing erosion, pollutants and ensuring proper runoff.
- Successfully integrating grading with existing elements including trees, drainage, power and utility lines.

Location:

Statesville Civic Center
300 S. Center St.
Statesville, NC 28677

Registration:

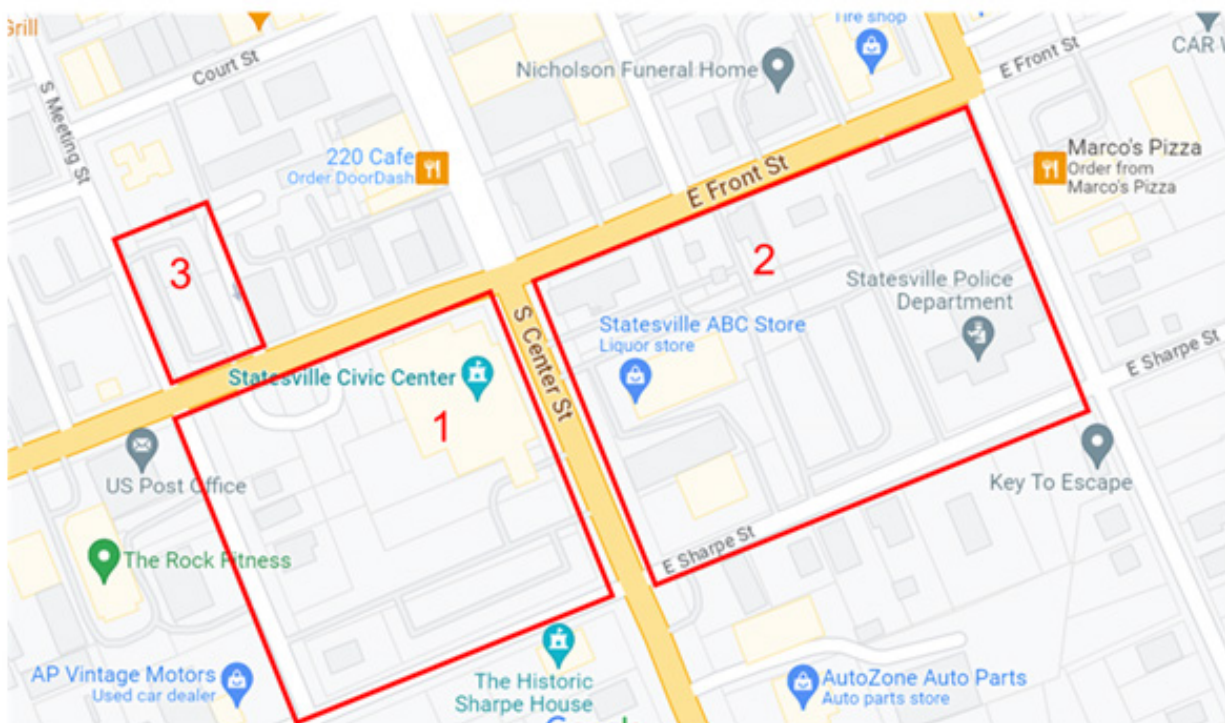
- If you would like to attend, please register at the NCDOL [webpage](#).
The start time is 8 a.m., but please arrive a few minutes early to check in.

Attendance: Last year's attendance was at capacity with approximately 120 registered attendees.

Food and Beverage:

- Snacks and beverages are available throughout the day.
- Lunch is on your own. There are numerous casual eateries within walking distance for lunch.

Parking: NCDOL 2024 Construction Safety Forum. September 24, 2024



1. Civic Center Parking: East Sharp Street and East Front Street
2. Statesville Municipal Building / ABC Store Lot: South Center Street
3. Municipal Lot: East Front Street.

Lunch Options: There are plenty of quick/casual lunch options within walking distance. Please search via Google



By Kevin Frye, Administrator,
Retaliatory Employment
Discrimination Bureau

Q: I work for a staffing agency that provides staffing for several corporations. The staffing agency is the one who pays me and assigns me where to work. I love the corporate location where I am currently assigned, but the supervisor for this corporation says they are reallocating resources, and my current job will be eliminated. I want to stay with this corporation, but my staffing agency is reassigning me to another corporation, and the staffing agency told me that if I did not accept the new position at a new location, they would terminate my employment. I do not think this is right. If the staffing agency moves me or terminates my employment, do I have a valid REDA claim?

A: No, you do not have a valid claim under the N.C. Retaliatory Employment Discrimination Act (REDA). If the position is eliminated at your current placement location, then your employer, which is the staffing agency, may move you to another location. By working for a staffing agency, that staffing agency is your employer, and the staffing agency controls where you are placed. When you are employed by a staffing agency, placement

may, and often does, change for various reasons.

You may reach out to the HR Division for the corporation to which you are currently assigned to inquire if they have any job opportunities that you would be interested in since you indicate you like that specific corporation. If changing employment is not an option, then you need to comply with your employer (the staffing agency) and move to where they have provided your next placement.

Please also note that North Carolina is an employment-at-will state. The term “employment-at-will” simply means that unless there is a specific law to protect employees or there is an employment contract providing otherwise, then an employer can treat its employees as it sees fit (including the assignment of demeaning tasks) and the employer can discharge an employee for any reason or for no reason at all.

WORKPLACE WORRIES



By Kisha Scotton, Administrator, Wage and Hour Bureau

Q: I understand that the Wage and Hour Bureau enforces a statute that prohibits employers from asking potential employees about criminal charges or convictions that have been expunged. Does this also include government agencies?

A: You are correct. The Wage and Hour Bureau enforces NCGS 15A-153 – Effect of expunction; prohibited practices by employers, educational institutions, agencies of State and local governments. NCGS 15A-153(d), states the following: Agencies, officials and employees of the State and local governments who request disclosure of information concerning any arrest, criminal charge or criminal conviction of the applicant shall first advise the applicant that State law allows the applicant to not refer to any arrest, charge or conviction that has been expunged. An applicant need not, in answer to any question concerning any arrest or criminal charge that has not resulted in a conviction, include a reference to or information concerning charges or convictions that have been expunged. Such application shall not be denied solely because of the applicant’s refusal or failure to disclose information concerning any arrest, criminal charge or criminal conviction of the applicant that has been expunged.

There are some exceptions if the applicant is seeking or holding any certification issued by the N. C. Criminal Justice Education and Training Standards Commission. If the applicant was under the age of 18, for certain non-violent felonies, the applicant would be required to disclose all felony convictions, regardless of whether or not the felony convictions were expunged. Another exception would be for certain non-violent misdemeanors and non-violent felonies, regardless of age. The applicant would be required to disclose any and all convictions regardless of whether or not the convictions were expunged. For additional information regarding this statute in its entirety, please visit our **website** or contact the **Wage and Hour Bureau** at 1-800-625-2267.



How Can Something Free Save Me Thousands of Dollars?

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

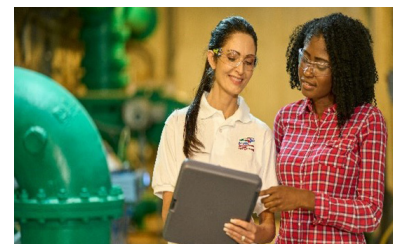
Who are we?

We are the N.C. Occupational Safety and Health (OSH) Consultation Program. We are separate from OSHA enforcement and are not involved in enforcement activities. Our goal is to provide small businesses exceptional and confidential services. These services are here to save you thousands of dollars from potential workplace accidents or fines from OSHA enforcement. All our services are completely free of charge due to them being funded by taxes paid by individuals and businesses, so why not utilize a resource that you are already “paying” for?

What do we do?

The consultants of the N.C. OSH Consultation Program do not enforce any penalties or fines during their visit to your business. They are solely here to help you identify potential safety and health hazards. There are nearly 1,000 OSHA standards and rules, making it impossible to ensure that you are not violating any without a professional’s help. So why not reach out and take the initiative to prevent these fines or injuries before they happen? Time is money and the N.C. OSH Consultation Program is here to save you both.

Interested or know someone who is? Click [here](#) to learn more.



DEADLY Mistakes



By Judyth Forte, State Plan Coordinator

Fatal Event: On the evening of July 17, 2021, a 28-year-old man died when he was operating an all-wheel drive utility vehicle (UTV) on a sloped embankment where it rolled over and crushed him.

Investigative Findings: An off-duty police officer and a construction employee were being paid for patrolling the structures and storage facilities at a 268-acre jobsite, after hours, to prevent thefts at the site. Both men were at the site from 8 p.m. on and had interacted several times during the evening. The officer was patrolling the site in a car and the employee was patrolling the site while using a UTV. At approximately 11 p.m., the officer came across the overturned UTV, and the employee was pinned beneath. A UTV is a class IV all-terrain, off-road, four-wheel drive vehicle that is characterized by a steering wheel, non-straddle seating and a maximum width of 65 inches. The UTV had been reported as having bad breaks by the employee to his supervisor a few days earlier. The UTV had been inspected by a contracted field technician who had reported that the brakes on the vehicle were non-operational, and that brake fluid was leaking from the rear passenger tire. The technician did not have the parts to fix the vehicle at the time of his visit to the jobsite, so he placed a red tag on the bed of the UTV and took it out of service. When interviewed, the technician indicated that he would normally remove the positive terminal on a vehicle battery and place a lock through the cable so the vehicle could not be started. However, before he was able to do this, he was asked to leave the site by a supervisor of the operational contractor due to liability reasons related to a helicopter crane arriving at the jobsite. When reviewing training records of the construction site, it was revealed that employees who were authorized to operate the UTV had not received specific training on how to safely operate the UTV. This included recognizing and understanding all the controls, reviewing the hazards associated with the operation of the vehicle, rollover procedures, limiting use to the appropriate terrain, not exceeding a safe speed and how to conduct preoperation and daily checks on the equipment.

Discussion: The employer had not followed the guidelines in the UTV's operating manual, which was to educate and train all users before allowing unsupervised use of the vehicle. UTVs are known to have a limited turning radius, low clearance under load, operational blind spots and instability/rollover issues when driven on unlevel grades or driven diagonally up/down hills. In addition to the lack of training, there was no evidence provided that showed a competent person was inspecting the equipment to identify and correct unsafe conditions before each use. The employer therefore did not instruct each employee in the "recognition and avoidance of unsafe conditions and the regulations applicable to their work environment to control or eliminate any hazards or other exposure to illness or injury" when operating the UTV, as required by OSHA construction industry standards.

Currently, there is no database available that captures UTV's accident and fatality information in the construction industry. Of the few studies of UTV-related crashes that are available, data suggests that injuries and deaths associated with them are increasing as UTVs are being used more often in the workplace. In a 10-year study of ATV (all-terrain vehicle)/UTV workplace accidents, there were 113 fatalities and 1,625 serious injuries, according to the Bureau of Labor Statistics' ATV Occupational Fatalities and Injuries study. The most injuries have occurred on UTVs from people losing control of the vehicle, rollovers, being thrown from the vehicle and colliding with an obstacle.

Recommendations:

- ✖ UTV accidents often happen within the rider's first few experiences behind the wheel. Learning how to operate the UTV safely requires instruction and practice in a controlled environment.
- ✖ The best way to reduce the likelihood of operating an improperly maintained UTV is to follow the manufacturer's instructions and conduct daily inspections of the vehicle, before each use. Any deficiencies should be repaired prior to UTV use, or the UTV should be taken out of service to prevent the ability to start or operate the vehicle.
- ✖ UTVs can easily tip and roll if the ground they drive on is steep, unlevel or loads become unbalanced. When using a UTV on the construction site be sure to avoid sudden starts and stops, unlevel grades, steep slopes, driving diagonally up or down hills, holes, rocks and excavations. Drive at speeds safe for the weather and terrain and never operate UTVs on surfaces not designed for UTVs, such as paved roads and highways.



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Bulletin Board

Mine and Quarry Training

MSHA New Miner Training

Aug. 12-14, Wilkesboro

Aug. 26-28, Spruce Pine

Aug. 27-29, Castle Hayne

MSHA Annual Refresher Training

Aug. 15, Wilkesboro

Aug. 29, Spruce Pine

Aug. 29, Castle Hayne

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

Library Update

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

Safe + Sound Campaign

Aug. 12-18, 2024

Click **here** for more information.

Heat Illness Prevention Campaign

Click **here** for more information.

OSH Webinar Courses

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

Pre-Recorded Webinars

Watch the pre-recorded webinars available on our YouTube channel.

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.

Construction Forum 2024

Sept. 24, Statesville

Click **here** for more information.

Special Emphasis Program

Click **here** for more information.