



March-April 2024



**NCDOL**

*N.C. Department of Labor*

*Josh Dobson, Commissioner*

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1-800-625-2267

**LEDGER**

## Town of Harrisburg Public Works Department Receives First SHARP Recertification

*By Meredith Watson, Public Information Officer*

**O**n Monday, March 25, the Town of Harrisburg Public Works Department received their initial recertification in the N.C. Department of Labor's (NCDOL) Safety and Health Achievement Recognition Program (SHARP). The ceremony took place at the Barn at Frank Liske Park, where Labor Commissioner Josh Dobson provided brief remarks and presented the group with a certificate and a flag.

"Congratulations to the Harrisburg Public Works Department on receiving your initial recertification for the SHARP designation," Labor Commissioner Josh Dobson said. "Your commitment over the years not only to the safety and health of your employees but also as a service provider to the citizens of the Town of Harrisburg is not something to be taken lightly. You all work extremely hard to keep an entire community healthy and safe. Thank you for the work you do."

This specific designation falls under the Public Sector SHARP program, which recognizes certain categories of public sector employers who have developed and maintained effective safety and health programs. Current categories include: school maintenance, public works, sheriff and police, public utilities, fire, EMS and parks and recreation.

The Public Works Department is a service provider for the residents of the Town of Harrisburg. The department helps maintain properties or infrastructure owned by the town, provides stormwater and sanitation services and oversees more than 60 miles of streets and sidewalks that are town-maintained.

"The Harrisburg Public Works Department takes pride in the fact that employee safety is a major component of every task the department conducts," said the Town of Harrisburg Safety Consultant Debbie Rogers-Lowery. "Many of our employees not only work but also live in Harrisburg. The pride they take in keeping their community beautiful is evident as you drive through the town. Achieving the Occupational Safety and Health (OSH) Public Sector SHARP designation is the result of the efforts put forth by our employees everyday toward their personal safety and the safety of their coworkers."

If you are interested in learning more about the SHARP program, please visit our **website**, or contact Kevin O'Barr at 919-707-7804.



*NCDOL Photo Library*

*Labor Commissioner Josh Dobson presents town officials with the SHARP recertification certificate. From left to right: Councilman Chris Faw, Debbie Rogers-Lowery, Mayor Jennifer Teague, Commissioner Josh Dobson, Larry Aldridge and Public Works Director Mallory Hodgson, P.E.*



## From Labor Commissioner Josh Dobson

At the end of March, I had the opportunity to attend a Public Sector Safety and Health Achievement Recognition Program (SHARP) Recertification ceremony in the Town of Harrisburg for their Public Works Department. The SHARP program is administered through the department's Consultative Services Bureau of the Occupational Safety and Health (OSH) Division. The SHARP program is designed for small and mid-size employers that have established, implemented and maintained exceptional workplace safety standards. Congratulations to the Town of Harrisburg, Public Works Department, on this achievement! Read more about the event on Page 1.

One important safety event that just wrapped up was Stand Up 4 Grain Safety Week, March 25-29, 2024. 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 6-10, 2024. 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.

The Safety Award Banquet season kicked off on March 21 in Asheboro and continues through June 26. As this is my final year as Labor Commissioner and my last safety awards season, I want to reflect on the great opportunity it has been to meet and recognize the many people across our state that work so hard for these awards and most importantly continue to work to keep their workplaces safe and healthy.

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

*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

Metal Tech of Murfreesboro Inc., *Cofield\**  
Stanley Engineered Fastening, *Stanfield\**

### SHARP \*Recertification

Berkshire Corp., *Whitsett\**  
City of Mount Holly Water Treatment Plant, *Mount Holly\**  
City of Washington Utilities Operations Center, *Washington\**  
City of Washington Water Resources, *Washington\**  
Coatings & Adhesives Corp., *Leland\**  
Oldcastle Precast Inc., *Raleigh\**  
Town of Harrisburg Public Works Department, *Harrisburg\**  
UMRH Inc. dba Cypress Glen Retirement Community, *Greenville\**

## Follow NCDOL on:



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By Kevin Frye, Administrator,  
Retaliatory Employment  
Discrimination Bureau

**Q:** *I worked at a job that required some lifting and even some team lifting of materials. One day, another employee and I were lifting some material; he slipped, and all the weight was on me for a short time, injuring my back and left knee. I immediately told my supervisor, but he told me to finish unloading the pallet of material, then to go get treatment. I had to complain several times to my supervisor to get the forms filled out so I wouldn't have to pay the medical bills and it would be a workers' compensation claim. I was put on light duty, which could only be accommodated by switching my schedule. Changing my schedule interfered with my ability to go to scheduled doctor appointments and physical therapy which was due to my injury. I told my supervisor numerous times and gave my employer a schedule of my doctor and physical therapy appointments. My supervisor kept making statements that my working the light duty schedule and being in the office was a problem. After coming into work late due to one of my scheduled medical/PT appointments, I was fired for not being at work, even though the appointment was on the written schedule of medical*

*appointments that I had previously given to my supervisor. Do I have a Retaliatory Employment Discrimination Act (REDA) complaint?*

**A:** The simple answer is yes. An employee who is terminated for filing and/or benefiting from a workers' compensation claim is considered to be retaliatory under REDA; therefore, a current employee or former employee may file a REDA claim/complaint.

Whether or not the REDA claim would result in a merit determination would depend on if there were corroborative evidence of the protected activity (filing of a claim, and/or medical appointments for the workers' compensation claim); employer knowledge of the protected activity related to workers' compensation; adverse employment action (termination); and causal connection between the protected activity (temporal proximity).

However, even if there is a prima facie (meritorious) case of retaliation under REDA, if the employer was able to prove with a greater weight of evidence that the termination was for a legitimate non-discriminatory reason (e.g. not related to the workers' compensation claim), the REDA claim will fail. The employer must also prove that the reason the employee was terminated was not done for any dishonest or fraudulent reason on the part of the employer.

In the present scenario, assuming that the facts are true, and there are no intervening issues such as ongoing bad performance, there appears to be reasonable cause of retaliation because the complainant did file for a workers' compensation claim and is benefiting from the claim by having doctor and physical therapy appointments. The employer did have knowledge of the claim; was notified of ongoing medical and physical therapy appointments; and the complainant was terminated for being late to work after coming from one of the scheduled appointments.



## Inside NC Labor

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

Tune in to episode 68 of *Inside NC Labor* where we sit down with Kisha Scotton, Administrator, Wage and Hour Bureau and Adriana Jordan, Executive Assistant to the Bureau Administrator, Wage and Hour Bureau as they break down what the N.C. Wage and Hour Bureau does and the services they provide.

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.

## Stand-Down for Fall Prevention in Construction

### May 6-10



# DEADLY

## Mistakes



By Judyth Forte, State Plan Coordinator

**Fatal Event:** On Feb. 27, 2020, a 43-year-old man died when he was crushed under a wooden crate containing large glass panels that fell on him during a hoist lift transfer from a shipping container to a storage rack.

**Investigative Findings:** The operation was a manufacturer of glass products that made items like back splashes, mirrors and marker boards from purchased glass sheets that arrived at the facility by freight truck, encased in wooden crates for transit.

The employee had been working at the facility for 10 days and was still going through on-the-job training. Specifically, that day the employee was completing his training in unloading wooden crates of glass from a freight truck to the storage area using a ceiling mounted hoist. The employee had performed this operation with an experienced material handler at least 45 times prior to this lift. At the time of the incident, the employee was utilizing a five-ton ceiling mounted hoist to move a wooden crate, that was approximately 11 feet long, six feet tall and seven inches thick and weighed 4,000 to 4,500 pounds. The crate was lifted by looping chains around the 1 ½-inch protrusions on either side of the top rail of the crate. The weight of the crate created tension in the chains and kept them in place during the lifting process. The employees used the crane to lift the crate of glass two to four inches above the floor and then moved it slowly to the storage rack. Once the crate was fully lowered into position on the rack, the chains would drop free from the crate. The five-ton hoist and all the assembled parts had been appropriately inspected and the past examinations documented. The load being lifted was well within the rated load of the slings per the

manufacturer's manual and the material handlers had performed a visual inspection of the hoist and chains prior to using the equipment to move crates of glass.

During the hoist lift transfer, the experienced employee left the area temporarily to retrieve his gloves. At that time, the new employee was operating the controls and lowered the crate by mistake to the floor before it reached the storage rack. Once the crate's bottom touched the floor, the looped chains slipped off, allowing the unsupported crate to rotate and fall, striking the employee. The accident occurred due to the chains not being secured to a 4,000-pound load being lifted and moved, causing them to automatically slip off when the tension was released. Failure to keep employees clear of the suspended load also contributed to the fatal accident.

**Recommendations:** Fully secure a load before it is moved. Communicate to employees in the vicinity when you are hoisting and/or moving a load so that others in the work area know to pay attention and act safely. Don't hoist loads over or near employees.

- ✖ Ensure all employees are fully trained to operate hoists and similar equipment before allowing them to do so without supervision.
- ✖ Perform regular inspections and maintenance of the hoist and chains, per manufacturers recommendations. Document all inspections, repairs and maintenance.
- ✖ Always check equipment before use to make sure it is in good working order.
- ✖ Ensure lifting loads are within manufacturer's limits.
- ✖ Hooks with self-closing safety latches or their equivalent shall be used to secure a load.
- ✖ Carefully take up slack and confirm the load is balanced and stable before moving.
- ✖ Move hoist controls smoothly. Avoid abrupt, jerky movements of the load.

## WORKPLACE WORRIES



By Kisha Scotton, Administrator, Wage and Hour Bureau

**Q:** Does an employer have the authority to drug screen a youth? I was wondering if there is a minimum age requirement for an employer to conduct a drug screen.

**A:** The N.C. Wage and Hour Bureau enforces the Controlled Substance Examination Regulation Act, which protects individuals from unreliable and inadequate drug testing examinations and drug testing screenings. The Act also ensures procedural requirements are established for the administration of controlled substance examinations. There is no minimum age requirement noted within the Act; therefore, an employer can drug screen a youth, if the youth is an employee of the examiner (employer) or an applicant for employment with the examiner.

**Q:** Does the N.C. Wage and Hour Bureau offer any type of training on the laws enforced by your bureau?

**A:** Yes, the N.C. Wage and Hour Bureau offers a monthly online seminar on the N.C. Wage and Hour Laws – What You Need to Know. You may locate the dates and times by clicking [here](#). The seminar is held every third Thursday of each month at 1 p.m. It's free and the only thing you need in order to sign up is an email address.

We also offer free in-person seminars on the N.C. Wage and Hour Laws and Youth Employment Laws. If you are interested in an in-person seminar, you may sign up [here](#).







# Bulletin Board



## Mine and Quarry Training

### MSHA New Miner Training

May 13-15, Spruce Pine

### MSHA Annual Refresher Training

May 16, 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

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

## 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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## Heat Illness Prevention Campaign

*Coming in Spring 2024*

## Wage and Hour Presentations

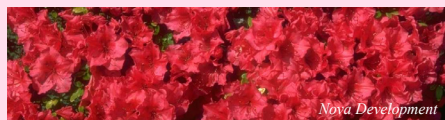
Investigators from the Wage and Hour Bureau offer presentations to employers, employees, high schools and career development organizations. The presentation covers the provisions of the Wage and Hour Act, minimum wage, overtime, record keeping, wage payment and youth employment. The presentation is designed 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](mailto:whbinfo@labor.nc.gov) with the following information: requesting individual or business, location, desired topics and preferred dates for presentation.



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*Have a Safe and Happy Spring!*

