



May-June 2024



NCDOL

N.C. Department of Labor

Josh Dobson, Commissioner

www.labor.nc.gov

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LEDGER

Special Star Team Member Training

By LaMont Smith, Recognition Program Manager

The N.C. Department of Labor (NCDOL) Carolina Star Program conducted its 16th Annual Special Star Team Member (SSTM) Training on March 5-6 in Greensboro, hosted by Samet Corp. Another training session was held on March 27-28 in Durham, hosted by Skanska USA.

The SSTM Program is designed for those participating in the Carolina Star Program. The program is North Carolina's version of Federal OSHA's Special Government Employee (SGE) Program. SSTM Program participants work together in partnership with Star Program staff while conducting comprehensive worksite safety and health evaluations.

This volunteer program benefits the NCDOL Carolina Star Program by supplementing its worksite Star evaluation teams. In addition, the SSTM Program allows industry, SSTM participants and the NCDOL the opportunity to collaborate and share best safety practices.

Since the inception of the SSTM Program in 2009, more than 300 participants have been trained. The 2024 class included two initial SSTM training classes with a total of 23 participants receiving training. The SSTM training class curriculum continues to evolve and primarily focuses its training efforts on evaluating safety and health management systems, hazard recognition and the Star Program worksite evaluation process.

The Durham SSTM training class was honored with the attendance and participation of NCDOL Occupational Safety and Health (OSH) Director Jennifer Haigwood. Haigwood's participation demonstrated her ongoing commitment and support of the Carolina Star Program. As a result of her SSTM training experience, Haigwood indicated that she found the course to be incredibly worthwhile, combining quality instruction on the elements of the Star program with valuable hands-on group experiences. Additionally, Haigwood stated, "I also appreciated working with safety and health professionals from several existing Carolina Star sites, as these folks demonstrated a convincing commitment to helping other North Carolina employers build a strong culture of safety."

As the Carolina Star Program continues to grow, maintaining a high standard of excellence remains the goal. Therefore, continued growth of the SSTM Program is essential to the future success of the Carolina Star Program.



Greensboro Initial Training Class, front row (left to right)—LaMont Smith, NCDOL OSH/Recognition Program Manager; Sharon Owens, NCDOL OSH; Eric Kiger, Samet Corp.; Carly Anderson, GE Aerospace-Durham; Barbara Lytle, LeChase Construction; Michelle Evans, NCDOL OSH/Star Consultant; back row (left to right) Stephen Comer, Glen Raven Material Solutions LLC; Shawn Daniels, Facility Logistics Services; Jairo Nunez, Butterball LLC; Andy Fagan, JPS Composite Materials; David Cullipher, Regulator Marine; and Chris Sholar, NCDOL OSH/Star Consultant.



Durham Initial Training Class, (left to right)—William Riddick, Nucor Steel; Jordan Purcell, Leggett & Platt ON64; Carlene Harris, NCDOL OSH/Star Consultant; Angela Smith, Nucor Steel; John Byrd, Louisiana-Pacific Corp.; Matthew Fairfield, NCDOL OSH; William Covert, Leggett & Platt ON64; Jennifer Haigwood, NCDOL/OSH Director; Liam Leaver, Metcon Inc.; Carra Herring, Biogen Inc.; Andrew Graves, Holder Construction; Steven Lawrence, NCDOL OSH; John Montanez, Pfizer; Daniel Sadler, Roanoke Cooperative; and LaMont Smith, NCDOL OSH/Recognition Program Manager.

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From Labor Commissioner Josh Dobson

Trench Safety Stand-Down Week is June 17-23. The goal of the event is to reach out to the many workers who work in and around trenches and excavation 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.

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 have tragically lost their lives while on-the-job. I was thankful for the opportunity to participate 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 3.

June marks the official start of 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.

I hope everyone enjoys the beginning of summer!

Josh Dobson



Nova Development

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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

Eaton Corp. - Asheville, Asheville*
Nucor Steel, Cofield*
Sonoco Recycling LLC, Greensboro
Weekley Homes LLC, Cary*
West Fraser Inc., Riegelwood*

SHARP *Recertification

Boon Edam Manufacturing Inc., Lillington*
City of Winston-Salem Fire Station No. 7, Winston-Salem*
City of Winston-Salem Fire Station No. 14, Winston-Salem*
Cozy Home Custom Cabinets Inc. dba Cozy Kitchens, Kitty Hawk*
Mannington Laminate Floors, High Point*
TreeHouse Foods Inc., Faison*

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Workers' Memorial Day Statement

Labor Commissioner Josh Dobson and MaryBe McMillan, President, N.C. State AFL-CIO released the following statement regarding Workers' Memorial Day 2024:

"Workers' Memorial Day is a time to remember and honor people who have tragically lost their lives while on-the-job. The death 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 commitment to ensuring safe, healthy and productive workplaces with the goal of returning workers home to their families at the end of the day the same way they arrived at work. 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. Although workplaces are much safer than in the past, we can agree there is room for improvement."

The NCDOL and the N.C. State AFL-CIO pledge to work together to accomplish the following safety and health goals:

- *Recommending an amendment to the Labor Market Adjustment Reserve language to grant NCDOL more flexibility to utilize this funding more effectively for Safety and Health Compliance Officers.*
- *As we enter the warmer months, the NCDOL and the N.C. State AFL-CIO will work together to educate, train and provide outreach to employers and employees who are exposed to heat hazards on the job. These educational and outreach efforts include in-person and virtual heat stress awareness presentations and training; informational billboards; sample heat stress prevention programs; and industry guides for agriculture, construction and general industry.*
- *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 the NCDOL and worker advocacy organizations.*

"All working people have the right to a safe and healthy work environment. No family deserves to suffer the grief of a loved one lost prematurely while working for a better life. The NCDOL and the N.C. State AFL-CIO owe it to our fellow North Carolinians to find ways to work together to keep our workers safe and healthy on the job. Today, we take this time to honor the North Carolinians who have lost their lives on the job and show our commitment to working together to reduce and prevent workplace injuries and fatalities in the future."

ETTA Bureau Presents 2024 Fall Stand-Down Safety Demonstration

By Starsky Martin, OSH Safety Education and Training Specialist

We had another spectacular Fall Stand-Down event on May 6 during the 2024 Stand-Down to Prevent Falls in Construction week, which was held May 6-10. The N.C. Department of Labor (NCDOL), Education, Training and Technical Assistance (ETTA) Bureau trainers taught the importance of fall protection and the proper utilization and selection of ladders. Additionally, we covered the Top Four Construction Hazards. These included, but were not limited to, Falls, Struck-by, Caught-in Between and Electrocution Hazards in Construction. We demonstrated several types of ladders and modeled how to inspect, don and doff a personal fall arrest harness and other personal protective equipment. We also had a Scaffold Safety Talk. All the employees and employers onsite 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 740 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 2024 Fall Stand-Down event a success! Remember occupational safety and health starts with all of us first so we can continue to spread this knowledge and awareness abroad! Go OSH ETTA! NCDOL Pride.

Stay Safe, Cool and Hydrated this Summer!



By Kevin Frye, Administrator,
Retaliatory Employment
Discrimination Bureau

Q: Today is the one-year mark since I was terminated from employment. Although I have moved on, the situation is still bothering me. I was injured at work while working on a piece of machinery, which was my job. My employer had to call an ambulance to take me to the hospital. As soon as I was able to come back to work, they fired me for not following safe practices. I know it was because they did not want to pay for my medical treatment through workers' compensation. I do not think they should get away with not taking care of their employees. Can I file a Retaliatory Employment Discrimination Act (REDA) complaint?

A: REDA prohibits an employer from terminating an employee because they were injured at work and pursued remedies under the N.C. Workers' Compensation Act. Clearly you were injured, reported it and received medical care.

When an employee is injured at work, REDA protects them from retaliation if they exercise their rights to inquire about or file a claim for workers' compensation benefits. This would be considered a protected activity.

However, for our bureau to have jurisdiction to investigate, specific factors must be present. The very first step that is required to begin an investigation is a "timely filed complaint." Below is the North Carolina statute that guides this agency in making that determination. As you can see, the complaint "shall" (*meaning this is mandatory*) be filed within 180 days of the alleged violation (*in this case, the violation is your termination*).

N.C. General Statute § 95-242. Complaint; investigation; conciliation.

(a) An employee allegedly aggrieved by a violation of G.S. 95-241 may file a written complaint with the Commissioner of Labor alleging the violation. The complaint shall be filed within 180 days of the alleged violation.

In your question, you state that this is the one-year anniversary date of your termination (365 days). This exceeds the mandatory 180 day filing period, which prohibits us from even beginning an investigation into your case. However, you may have other legal avenues that you may explore. We urge you to consult with an attorney about any legal options you might have. If you do not have an attorney, the N.C. Bar Association's Lawyer Referral Service may be able to help you in the field of employment law. Their number is 919-677-8574 or you may email them at LRS@ncbar.org. If you choose to use the Lawyer Referral Service, there is a cost to you of \$50 for an initial 30-minute consultation with the attorney.



Inside NC Labor

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

Tune in to episode 69 of *Inside NC Labor* where we sit down with Jeff Wilson, Graphic Artist, Designer and Illustrator with the Publications Bureau, as he discusses his career of more than 30 years at the N.C. Department of Labor.

Tune in to episode 70 of *Inside NC Labor* where we sit down with Debbie Rogers-Lowery, Safety Consultant, who walks us through her journey into the safety world and how she has made her mark on the safety community in North Carolina.

In addition to NCDOL's [website](https://www.ncdol.gov), *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.



Click [here](#) to learn about

HEAT STRESS



DEADLY Mistakes



By Judyth Forte, State Plan Coordinator

Fatal Event: On Aug. 8, 2020, a 59-year-old man died when he was locating underground utilities on a public multi-lane roadway and was fatally struck from behind by a vehicle.

Investigative Findings: The employee was at his jobsite that day, which was a multi-lane, non-access-controlled highway consisting of two lanes heading north and two lanes heading south with a common left turn center lane. The conditions were foggy and dark, as it was early morning before sunrise and there were no streetlights in the vicinity. The job was supposed to start at 8 a.m., but the employee arrived early and started locating underground utilities in the roadway and marking them in preparation for later drilling (potholing) to confirm their location prior to the installation of communication lines. The employee's vehicle, although equipped with clear strobes on the front and amber strobes on the rear, was parked in a driveway adjacent to the road and perpendicular to traffic. This location rendered the warning and notification lights on his vehicle practically useless for notifying anyone on the roadway that he was present. The employee walked in the southbound lanes for approximately 62 feet, then turned around and walked back in the northbound lanes. His head was down because he was looking at the road surface for marking purposes. It was during his return walk in the northbound lane that he was struck in the back by a vehicle traveling northbound. There was nothing to indicate his presence on the roadway other than the high visibility vest he was wearing. Inside the employee's vehicle it was noted that there were several safety items, including reflective cones and a safety triangle.

The employer and employees did this type of work routinely but during the investigation, it was discovered employees had not been trained to set up their own work zone temporary traffic controls. They also were not told specifically about the dangers of the job and the need to commence work only once traffic control elements were in place.

Discussion: Highway construction zones are dangerous work sites. On average, more than 100 workers are killed and 20,000 injured each year in the highway and street construction industry. The risk of death is two to four times greater than that in other areas of building and construction. Twenty-five percent of all fatal vehicle/worker accidents occur between 6 p.m. and 6 a.m., even though less than 9% of the full-time workforce is on duty. Crews working during low-light hours are three times more likely to be struck by a motor vehicle than daytime workers are.

In this case, the employer told the employees that the job would start at 8 a.m. By that time the third-party traffic control company would have already set up the lane closures and would be managing the traffic. Before this time there would have been no advanced warning given to motorists on the highway to look out for roadwork and personnel. The fatality occurred due to the failure of the employer to train the employee in the recognition and avoidance of unsafe conditions and the necessity of setting up temporary traffic control devices prior to working on the road.

Recommendations:

- ✖ Temporary traffic control devices must be installed and fully operational prior to employees doing work in or near the roadway. Additionally, employees must don high visibility vests or clothing prior to doing the work.
- ✖ If employees are provided with the elements/tools to set up their own work zone temporary traffic controls, they must be trained in their use.
- ✖ If employees are just working in the confines of a traffic-controlled area, they still need to be trained in how the system operates and how to keep themselves within the boundaries of a highway work zone.

WORKPLACE WORRIES



By Kisha Scotton, Administrator, Wage and Hour Bureau

Q: Can an employer reduce an employee's wages down to minimum wage?

A: Yes, an employer can reduce an employee's wages down to minimum wage if the employee is given at least one pay period's notice. The employer cannot make any deductions, except for those required by state or federal law, if a reduction to minimum wage is made. When any types of **deductions** are made, the deductions can never result in the employee's gross wages being less than minimum wage.



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Bulletin Board

Mine and Quarry Training

First Aid/CPR/AED Training

June 25, *Spruce Pine*

MSHA New Miner Training

July 1-3, *Charlotte*

July 16-18, *Sanford*

MSHA Annual Refresher Training

July 3, *Charlotte*

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.

Trench Safety Stand-Down

June 17-23, 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.

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