



September-October 2024



NCDOL

N.C. Department of Labor

Josh Dobson, Commissioner

www.labor.nc.gov

1-800-625-2267

LEDGER

Consultative Services Bureau and Harold K. Jordan Construction Collaborate on West Edge Residential Project

By Blair Byrd, Industrial Hygienist, Consultative Services Bureau

The N.C. Occupational Safety and Health (OSH) Consultative Services Bureau (CSB) recently collaborated with Harold K. Jordan Construction on a major project at 5220 Robinhood Road in Winston-Salem, resulting in the successful development of a significant residential community.

The project, which spanned approximately 20 acres, involved the construction of 265 apartments, a limited number of parking garages, a pool and a clubhouse as part of a residential living community. The collaboration between the state's OSH agency and Harold K. Jordan Construction was characterized by a strong commitment to safety and adherence to industry standards, ensuring that the construction process was not only efficient but also safe for all workers involved.



NCDOL Photo Library

Aerial view of the new West Edge residential community.



NCDOL Photo Library

Completed construction of the West Edge apartments, pool, clubhouse and parking lot.

they brought to the project, striving to ensure that every worker went home safely at the end of each day. This partnership has truly underscored the importance of safety in our industry,” said Glenn Turner, Environmental Health and Safety Director with Harold K. Jordan Construction.

A special thanks to the senior management at Harold K. Jordan Construction, vice presidents John Zabriskie and Tony Castillo. Their support and trust in the process is crucial for its success and the sustained emphasis on safety for all contractors on the jobsite.

The success of this project highlights the importance of collaboration between regulatory agencies and private construction firms. By working together, the N.C. OSH CSB and Harold K. Jordan Construction were able to create a safe and productive environment, resulting in the timely completion of the residential community.

“We are grateful for the commitment the N.C. OSH CSB has shown in supporting our subcontractors. Their dedication to ensuring that every team on site, regardless of size, had access to the best safety practices made a significant difference,” said Wes Palmer, Project Manager with Harold K. Jordan Construction. “This level of care and attention helped us build a safer work environment, their partnership was truly an enhancement to our own safety culture.”

The 265 apartments now stand as a symbol of what can be achieved when safety and teamwork are prioritized in the construction industry. This project serves as a model for future collaborations, emphasizing that with the right approach, large-scale developments can be completed successfully and safely.

The partnership between the CSB and Harold K. Jordan Construction was built on a foundation of teamwork and mutual respect. The OSH Division provided essential guidance and oversight throughout the project, offering expertise on best practices for workplace safety. Harold K. Jordan Construction, in turn, demonstrated a proactive approach by implementing these recommendations and ensuring that subcontractors were fostering a culture of safety on the job site.

“Partnering with the N.C. OSH CSB has been invaluable to our team at Harold K. Jordan Construction. Their guidance and expertise have not only enhanced our safety protocols but also strengthened our overall approach to construction safety. We appreciate the collaborative spirit

they brought to the project, striving to ensure that every worker went home safely at the end of each day. This partnership has truly underscored the importance of safety in our industry,” said Glenn Turner, Environmental Health and Safety Director with Harold K. Jordan Construction.



NCDOL Photo Library

From left to right: Gary Thorpe, Safety Consultant, Consultative Services Bureau; Glenn Turner, Environmental Health and Safety Director, Harold K. Jordan Construction; Blair Byrd, Industrial Hygienist, Consultative Services Bureau and Wes Palmer, Project Manager, Harold K. Jordan



From Labor Commissioner Josh Dobson

In September, several of my staff had the opportunity to participate in the Occupational Safety and Health State Plan Association (OSHSPA) Conference in Boston, Massachusetts. It was a great opportunity for them to hear from other state plans about what is going on in their occupational safety and health programs, share best practices and to network.

In this issue, check out the article on the 2024 Carolina Star Conference and listen to the two podcasts featuring our Carolina Star Consultants and the Carolina Star Board. The article and both podcasts provide great information about the Carolina Star Program and what it means to be a Carolina Star site. See Page 3 for the article and the podcasts.

The N.C. State Fair kicks off Oct. 17 and runs through Oct. 27 at the N.C. State Fairgrounds in Raleigh. On Oct. 14, 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. It is a little bittersweet because this is my last fair as your Commissioner of Labor. The theme of this year's N.C. State Fair is "Homegrown Happiness" and it encourages fairgoers to appreciate all the great things our Great State has to offer!

Happy Fall!

Josh Dobson



Happy Fall Y'all!

Nova Development

All materials, photographs, graphics and illustrations created by the N.C. Department of Labor may be used for educational and training purposes as long as reference to NCDOL is provided. Any use of materials for commercial purposes is hereby prohibited.

Inside this edition:

Carolina Star Conference	Page 3
2024 Legislative Summary	Page 4
Retaliatory Rights	Page 5
Workplace Worries	Page 5
Deadly Mistakes	Page 6
Bulletin Board	Page 7

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

Canterbury House, *Roxboro**
 Cape Fear Public Utility Authority Administrative Services, *Wilmington**
 Eastern Wrecker Sales Inc., *Clayton**
 Gaston Skills Inc., *Gastonia**
 Grass America Inc., *Kernersville**
 Highgrove Longterm Care Center Inc., *Reidsville**
 North Buncombe Family Medicine, *Weaverville**
 Pelican Packaging Co., *Halifax**
 Southland Electrical Supply Inc., *Burlington**
 Tandemloc Inc., *Havelock**
 The Tarheel Electric Membership Association Inc., *Raleigh**
 Whispering Pines Nursing and Rehabilitation Center, *Fayetteville**
 Wrightsville Farms Management dba Jungle Rapids, *Wilmington**

Follow NCDOL on:



N.C. Department of Labor

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

The Carolina Star Conference ‘Kept Safety Rolling’

By: Meredith Watson, Public Information Officer

The Carolina Star Conference hosted its 27th annual meeting in Greensboro, NC on Sept. 18-20, 2024. The conference began in 1997 as a small group and a way for companies to gather and share best practices. This year, there were almost 800 attendees, bringing them back to their pre-Covid attendance numbers.

The conference showcased many different vendors ranging from people promoting their safety gear, other safety organizations across the state, to those who do branded merchandising.

The conference kicked off with opening speaker Branden Bauer, who shared the tragic event which led to the amputation of both his right and left arms below the elbow. While working as a lineman for Dubois, Pennsylvania-based United Electric Cooperative, Bauer accidentally contacted a live powerline, sending 7,200 volts of electricity through his body.

Throughout the course of the conference, many sessions were hosted to encourage safety, educate individuals on best practices and updated practices and even fun trivia games that fell into the theme of the conference, “Keep Safety Rolling.” All sessions were interactive, told stories of real people and real situations and made sure everyone left with more safety skills than when they arrived.

The conference closed with an Occupational Safety and Health (OSH) update from Jennifer Haigwood, director of the OSH division. She provided updated statistics on fatality and injury reports throughout the state, which indicated a downward trend from last year. Additionally, Labor Commissioner Josh Dobson gave his final speech at a Carolina Star Conference. His message to the room was filled with gratitude toward the conference goers for their passion for health and safety in the workplace.

Thank you to everyone who attended the conference and made it what it is! Without the passionate people of North Carolina, this conference would not exist. Please keep your eye out for next year’s conference, whose theme will be “Surfs Up for Safety!” For questions regarding the Carolina Star Conference or Program, contact LaMont Smith at lamont.smith@labor.nc.gov.



From left to right: N.C. Labor Commissioner Josh Dobson providing closing remarks at the Carolina Star Conference. Branden Bauer demonstrating the use of his prosthetic arms function. The Safety Gators Carolina Star team during their team presentation.



First row from left to right: Donna Daniel, Clean Harbors – Reidsville; Joseph Lee, American Chrome and Chemicals. Back row from left to right: Lamont Smith, N.C. Department of Labor; Tim Jarman, Pactiv Evergreen; Richard “Gerb” Gerber, Mt. Olive Pickle Co..

Inside NC Labor

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

Tune in to **episode 71** of *Inside NC Labor* where we sit down with the Carolina Star Program staff, which includes: LaMont Smith, Recognition Program Manager, and Carolina Star Consultants Morgan Brown, Carlene Harris, Chris Sholar and Tyrone Taylor, as they discuss the role their program plays at the N.C. Department of Labor and the 2024 Carolina Star Conference.

Episode 72 features members of the Carolina Star Conference board Donna Daniel, Clean Harbors – Reidsville; Rich “Gerb” Gerber, Mt. Olive Pickle Co.; Tim Jarman, Pactiv Evergreen; Joseph Lee, American Chrome and Chemicals; LaMont Smith, N.C. Department of Labor as they discuss their individual and collective roles in the conference and the purpose behind the Carolina Star Conference.

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.



2024 Legislative Summary

By: Julie Ryan, Director of Governmental Affairs and Edgar Starnes, Legislative Liaison

The N.C. General Assembly has completed its business for the year. Nonetheless, they are in recess and have not adjourned Sine Die. Based on the adjournment resolution, they will return for a skeleton session every month until the end of the year. This gives them the flexibility to take up additional bills on an “as-needed” basis.

Despite intense last-minute negotiations between the House and Senate, they were unable to come to an agreement on the budget. The budget that was passed last year remains in place with very few adjustments. One change extends the deadline for the expenditure of Be Proud Be Proud funds to June 30, 2026. State employees and teachers received their scheduled pay increase of 3% on July 1, 2024.

We were successful in pushing our primary legislative priority across the finish line. SB 542, DOL Omnibus Changes was signed into law by the governor on June 2, 2024. This legislation made several changes requested by various departments. Primarily, this bill does the following:

- Modernizes the statutes to allow for electronic notification
- Increases penalties for Wage and Hour record keeping violations from \$250 to \$750
- Updates and modernizes the Uniform Boiler and Pressure Vessel Act
- Repeals obsolete reporting requirements required from OSH Consultative Services

There were two unrelated provisions which were not requested by NCDOL:

- Allows no-bid contracts for elevators on certain construction projects
- Abolishes a trust fund established for the Lumbee Indians

Another bill that involves the N.C. Department of Labor (NCDOL) is HB 971, Human Trafficking Changes. This bill directs the NCDOL to develop or identify training programs to be used by the lodging industry for their employees. The goal is to train these employees on how to spot human trafficking activity. Lodging establishments include employees of hotels, motels, Airbnb's and vacation rentals by owners. This bill covers any employee who performs housekeeping services, provides food or beverage services or performs check-in and check-out services. Employees will have one year to complete the training and must take their training every two years afterward. The NCDOL may impose an administrative penalty on those establishments who fail to meet the training requirements. Amendments to this bill provide for the confidentiality of minor victims, require the disclosure of criminal activity in child custody hearings and prohibit the use of pornography on government computers. This bill becomes effective July 1, 2025.

Another bill of interest is SB 527, ABC Omnibus 2023-2024. This legislation makes various substantive changes to the state's alcohol beverage laws. The change that will affect NCDOL is the provision to permanently allow 15-year-olds to work in ABC establishments. They are still prohibited from serving alcohol or being in the areas where alcohol is served, but they can work in other areas of an establishment. The teen must obtain the written consent of a parent or guardian to work.



*Visit the NCDOL Booth
inside the Kerr Scott Building
at the 2024 NC State Fair!*





By Kevin Frye, Administrator,
Retaliatory Employment
Discrimination Bureau

Q: I work for an assisted living home, and I have made numerous complaints to management about how the patients are being treated. Last week, I made a complaint to my supervisor about a staff member not giving out the medications to residents on time. I was called into the office and fired. I think this is a health and safety issue, and I want to file a Retaliatory Employment Discrimination Act (REDA) complaint because my employer fired me for reporting a safety issue.

A: This does sound like a safety issue for residents of the assisted living home, however, it falls outside the jurisdiction of REDA. REDA has very specific requirements in relation to safety complaints. A safety complaint would have to be about a hazard that affects the employees of the assisted living home, and the hazard must fall under the jurisdiction of the Occupational Safety and Health (OSH) Act (either federal or North Carolina) to be protected under REDA. Since your complaint applied to the safety of the residents and not the safety of the assisted living employees, this agency would have no jurisdiction.

The legislative purpose of the N.C. OSH Act, according to N.C. General Statute 95-126(1), is to protect and prevent employee injuries and illnesses arising out of work situations. The N.C. OSH Act provides “research, education and enforcement, and in the earnest cooperation of the federal and State governments, employers and employees.” An OSH safety and health standard is also defined in N.C. General Statute 95-127(16) as one which “requires conditions ... reasonably necessary and appropriate to provide safe and healthful employment and places of employment.”

The purpose of OSH is to provide a safe and healthy workplace for the employees, it does not include safety for those trusted in the care of those employees. In some rare circumstances, for example fire exits being blocked may be a safety risk to both the assisted living residents and the employees and, therefore, would fall under the jurisdiction of REDA and could be investigated.

Please note that the federal Whistleblower Protection Act (WPA) (5 U.S.C. § 2302(b)(8)) would not apply. That federal law protects federal employees or applicants for federal employment from retaliation for making protected disclosures.

In this situation, our agency could refer you to the N.C. Division of Health Service Regulation to report any occurrence rising to the level of potential patient abuse at 1-800-624-3004. I would also recommend you contact an attorney to see if there may be any other civil remedies available to you. This agency appreciates your concerns and efforts to protect the residents, however, REDA has very specific requirements regarding its application, and your complaint does not meet the statutory requirements for REDA to have jurisdictional authority to investigate your complaint.

WORKPLACE WORRIES



By Kisha Scotton, Administrator, Wage and Hour Bureau

Q: Does the Wage and Hour Bureau offer a Spanish presentation on the Wage and Hour laws?

A: Yes, a virtual Spanish presentation is offered on a quarterly basis. The presentation will go over the laws enforced by the Wage and Hour Bureau and an overview of requirements of employers.

We continue to offer our regular monthly presentation, every third Thursday at 1 p.m. To register for either presentation, please visit our [website](https://www.labor.nc.gov).

Q: Was there another change to the requirement for a 15-year-old youth to be able to work in an establishment with an ABC “on premises” permit?

A: Yes, beginning July 8, 2024, a 15-year-old can work on the inside premises of a business that maintains an ABC on-premises permit. However, a 14-year-old is still restricted from working on the inside premises. A 14-year-old can work on the outside grounds only.



Register today for your **FREE** subscription!

www.labor.nc.gov/news/labor-ledger

🍁 1-800-NC-LABOR 🍁 www.labor.nc.gov 🍁



DEADLY

Mistakes



By Judyth Forte, State Plan Coordinator

Fatal Event: On March 20, 2022, a 40-year-old man died from third-degree burns when he was engulfed in a flash fire, while discharging a petroleum contact water mixture from a running vacuum truck into a covered pit.

Investigative Findings: An employee of a processing and treatment facility specializing in emergency spill response and remediation service had been tasked with emptying several gasoline tanks at a gas station/food mart location that was no longer going to sell gasoline. The tanks were emptied by being pumped out and simultaneously sprayed with water to rinse the tanks. Once the vacuum truck was full the employee returned to the employer's facility and backed his truck up to the storage and solidification building to discharge his load of petroleum contact water into an open pit.

The employee exited the vacuum truck, stepped up onto the rear platform, removed the discharge valve cap and opened the discharge valve to allow the gasoline/water mixture to begin flowing out of the truck's tank and into the pit. He raised the truck's tank to increase the gravity and engaged the rotary vane pump to pressurize the tank with air to push the gasoline/water mixture out of the tank at a higher rate. As the employee stood next to the truck, a cloud of exhaust smoke was seen exiting the exhaust stack, right before an explosion occurred that created a fireball that traveled from the front of the vacuum truck and down the chassis toward the truck's rear, engulfing the employee.

Discussion: The company was a waste processing and treatment facility specializing in emergency spill response and removal of contaminated waste, both solid and liquid. The contaminated waste is retrieved by the company and hauled in trucks to the facility storage and solidification building where it is treated and later disposed of. Liquids are treated and discharged under a pre-treatment permit and sludge materials are solidified, loaded into dump trucks and transported to an Environmental Protection Agency regulated landfill for disposal.

In this case, the employee picked up the petroleum waste and transported it to the employer's facility. He positioned his vacuum truck near the southern-most pit in the storage and solidification building but because no screening had been performed on the contents of the vacuum truck, as is recommended by the American Petroleum Institute document to determine the substance's potential

flammability, the employee was unaware that vapors produced during off-loading of the truck's contents could produce a hazardous atmosphere. Those vapors accumulated near the vacuum truck and were ignited by an undetermined source which caused the flash fire. The potential ignition sources included the truck's engine and exhaust heat fan, overheating rotary pump, faulty or improper electrical devices or a static electricity discharge. This accident may have been prevented if the truck had been positioned further away from the storage and solidification building and a long conductive hose had been used to unload the truck, as well as the truck and equipment being properly bonded and grounded.

When investigating the event, it was determined that there was insufficient safety training provided to the employees to ensure they understood the potential hazards associated with the loads that they were collecting and discharging. A review of the employer's HAZWOPER and grounding and bonding programs were conducted. Although these programs were in place, the employer failed to effectively train employees on vacuum truck off-loading procedures as well as the hazards associated with the waste being handled. The employee did not classify a gasoline/water mixture as hazardous waste and the employer did not have a program in place to protect employees from the hazards associated with the gasoline-contaminated water. If the employees had been trained to check in with a manager first, who would evaluate and classify the truck contents and determine disposal means and protections, this event could have been prevented.

Recommendations:

- ✖ Follow the guidance of API document RP 2219, Safe Operation of Vacuum Trucks Handling Flammable and Combustible Liquids in Petroleum Service, which provides information concerning the safe operation of vacuum trucks engaged in all aspects of handling flammable and combustible liquids.
- ✖ Vacuum truck owners shall assure that truck operators/employees are aware of the hazards associated with the products being transported and the precautions necessary to ensure their safety.
- ✖ The method chosen for off-loading should include a review of the potential hazards of the material (i.e. flammability, corrosivity and/or toxicity) and ensure that where necessary, the procedures properly control vapors.
- ✖ Whenever liquids or materials are transferred into or from a tank, vessel or container, a bonding cable shall be connected from the vacuum truck to the source or receiving container. Vacuum hoses constructed of conductive material or thick-walled hoses with imbedded conductive wiring shall be used when transferring flammable and combustible liquids when the potential for a flammable atmosphere exists in the area of operations



Nova Development

*Enjoy a Safe and Festive
Fall Season!*



Nova Development





Bulletin Board

Mine and Quarry Training

MSHA New Miner Training

Dec. 2-4, *Spruce Pine*

Dec. 17-19, *Sanford*

MSHA Annual Refresher Training

Oct. 4, *Charlotte*

Oct. 15, *Virtual*

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.

Special Emphasis Program

Click **here** for more information.

OSH Webinar Courses

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

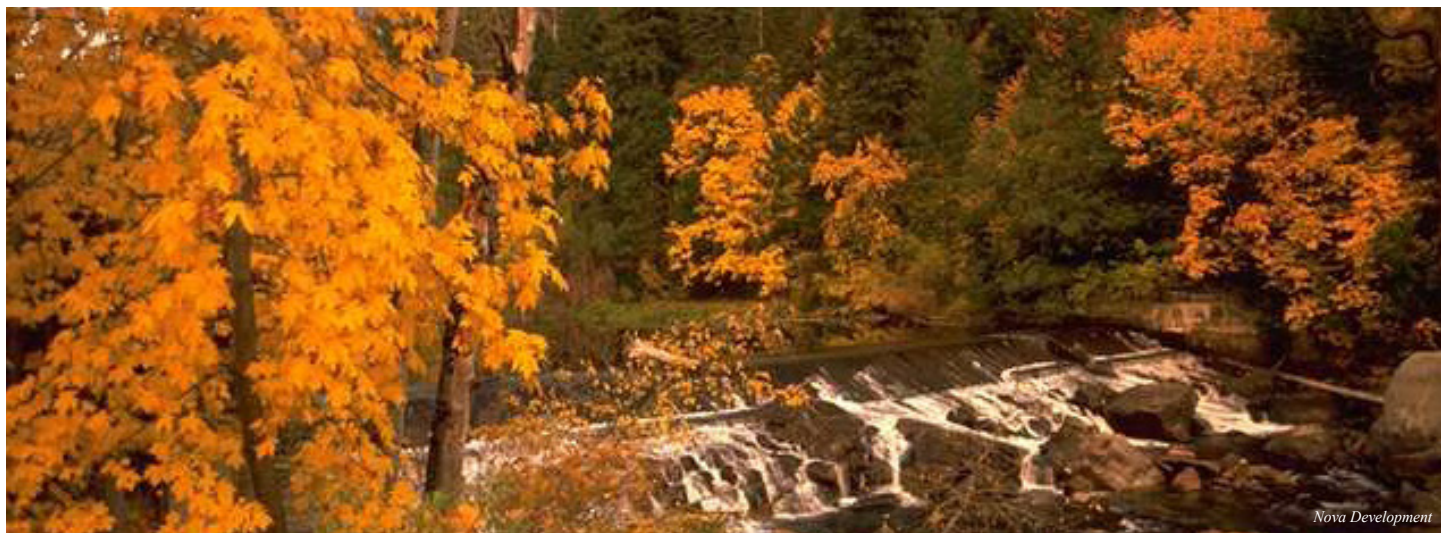
Pre-Recorded Webinars

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.



Nova Development