

## **Bureau Chief Represents NCDOL Well as President of Joseph A. Holmes Association**

By Natalie Bouchard, Public Information Officer

ine and Quarry Bureau Chief William Gerringer has earned an additional title as president of the Joseph A. Holmes Safety Association. The Holmes Safety Association elected Gerringer to be association president for a one-year term at the National Holmes Conference in June in Virginia Beach, Va.

"We are proud of William being recognized by his peers in the mining world by receiving the prestigious honor of becoming president of the Joseph A. Holmes Safety Association," said Phil Hooper, deputy commissioner of NCDOL's Standard's and Inspection Division. "We all know what William brings to this industry and are just glad he was recognized nationwide for his work in the mine and quarry industries."

The Joseph A. Holmes Safety Association is a national safety organization that was created in 1916 to promote safety and health in the mining industry. The association brings together representatives from federal and state government, the mine and quarry industry, and other safety and health organizations.

"It's essential for safety organizations, the public sector and private businesses to work together to achieve the common goal of an effective and efficient safety culture," said Labor Commissioner Cherie Berry. "North Carolina strives to be a leading example because there is nothing more important than workers being able to return safely to their families."



Robert Randolph, past president of the Joseph A. Holmes Safety Association, swears in William Gerringer, bureau chief of the Mine and Quarry Bureau, as president of the association during the 2019 National Holmes Conference in Virginia Beach, Va. Gerringer will serve as president for one year.

The organization serves as a continuation of the legacy of Dr. Joseph A. Holmes, who was a pioneer in mine safety and health training and education. In a time where industry workers were suffering from excessive illness and death due to poor and unsafe working conditions and a lack of resources to abate those conditions, Holmes fought to implement training for first aid, rescue procedures, accident prevention and basic mining skills.

In his year-long tenure as president, Gerringer hopes to have an active role in gaining more participation for the organization through more frequent meetings. Membership for the Joseph A. Holmes association is free and the motto on the front of their informational brochure reads, "Come Grow With Us." Gerringer says that increasing participation is essential to distributing knowledge about the pertinent issues in safety and health in the mining industry.

"It is an honor and a privilege to serve as president of the association," Gerringer said. "I like the fact that we can all go out there and share each other's experiences and skills with our fellow miners that are coming up in the industry and we can do what we can to protect their health and safety."

The next national Joseph A. Holmes Safety Association conference will be held June 2-4, 2020, in Clearwater, Fla.

## Visit the NCDOL booth in the Kerr Scott Building at the N.C. State Fair!





From Labor Commissioner Cherie Berry

As we head into October, NCDOL is gearing up for two of the state's biggest agricultural fairs—The Dixie Classic Fair and the N.C. State Fair. These fairs showcase our state's rich agricultural heritage with contests, exhibits and of course, fun amusement rides.

The Dixie Classic Fair is scheduled to have 68 amusement rides on its midway this year and the N.C. State Fair usually has around 100. Both fairs are launching new and exciting rides for the public to enjoy and you can rest assured that the NCDOL ride inspectors will be onsite to ensure each ride is mechanically safe.

Our ride inspectors take this responsibility seriously and many of them have shared with me over the years that they would not certify a ride that they would not let their own grandchildren or children ride. As a mother, grandmother and now great grandmother, I sleep better at night knowing this, especially during fair season.

On another note, Gov. Cooper issued a proclamation declaring Aug. 12–18 Safe + Sound Week in North Carolina after our office submitted a request for this recognition. "Safe + Sound" is a year-round federal OSHA campaign that encourages all workplaces to implement safety and health programs. Our OSH Director, Kevin Beauregard, suggested having a proclamation declared for one week to help drive this message closer to home and to encourage more businesses in our state to participate.

Participants of the campaign registered their company name on the federal OSHA website and were recognized with a certificate and virtual coin. A preliminary count provided to us by OSHA shows 143 businesses in North Carolina registered for the event. If you are one of the companies that participated, please know how much we appreciate your efforts to make workplace safety and health a priority.

One final note, the OSH Division has added a special emphasis program for amputations to its five-year strategic plan. After reporting requirements changed in 2015 requiring employers to report amputations, the OSH Division noticed an increase in calls concerning this type of incident. You can learn more about the program for amputations in the article on page 5.

Cherie Berry



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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**.

#### Building Star \*Recertification Crowder Construction Co., Charlotte\*

Carolina Star \*Recertification

Berry Global Inc., *Mooresville*\* Cintas Corp. Location #45, *Greensboro*\* G4S Secure Solution, USA at General Electric, *Wilmington*\*

Public Sector Star \*Recertification City of Charlotte Aviation Department – Division of Facilities

#### **SHARP** \**Recertification*

Pelican Packaging, *Halifax*\* Edwards Wood Products, *Laurinburg*\* Mannington Laminate Floors, *High Point*\* Sonoco Recycling, *Hickory*\* APC, *Selma*\* Town of Dallas, Public Utilities\* Town of Dallas, Water Treatment\* Town of Dallas, Wastewater Treatment\* City of Mount Holly, Street and Solid Waste Dept.\* City of Mount Holly, Wastewater Treatment\*



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## **Robins & Morton Recognized for Completion of SHARP Construction Project**

By Mary Katherine Revels, Public Information Officer

The N.C. Department of Labor recognized Robins & Morton for the successful completion of the Carolinas HealthCare System NorthEast Phase II construction project in Concord that began in August 2016. Robins & Morton, the general contractor, held a closing ceremony followed by a luncheon at the site on Wednesday, Aug. 7.

Labor Commissioner Cherie Berry attended the ceremony and awarded a certificate to Robins & Morton for the company's participation in the labor department's Safety and Health Achievement Recognition Program (SHARP) for Construction. This program is a partnership that aims to prevent accidents and injuries by identifying and eliminating potential hazards during the construction phase of a project.

"Thank you for all your hard work and for making this project so successful," Commissioner Berry said. "SHARP Construction is one of the most prestigious safety and health recognition programs for the construction industry in North Carolina. You should be proud of your efforts and your commitment to safety and health on this worksite."

SHARP Construction recognizes and awards construction industry employers in North Carolina for their superior leadership in occupational safety and health management. The participants in this program succeed



Labor Commissioner Cherie Berry presents Sheldon Monroe, Robins & Morton division safety manager, and Mike Goodin, Robins & Morton project manager, the SHARP Construction certificate for the completion of the Carolinas HealthCare System NorthEast in Concord on Wednesday, Aug. 7, 2019.

in protecting their employees and subcontractors from death, injury and illness by implementing a comprehensive and effective safety and health management system.

"The NCDOL SHARP Construction partnership has been a rewarding experience for the Robins & Morton group and all trade partners associated with the Atrium Health Carolinas HealthCare System NorthEast Modernization project in Concord," said Sheldon Monroe, Robins & Morton division safety manager. "Our SHARP consultants were an excellent resource for the team. We discovered innovative ways to grow our collaborative, continuous improvement safety culture which, in turn, enhanced the overall project safety."

The project includes a new 60-bed, 163,000 square foot tower which will be home to the Sanger Heart and Vascular Institute and will house the cardiovascular intensive care unit, among other laboratories and patient services.

Founded in 1946, Robins & Morton is a privately held construction company that consistently ranks among the 100 largest U.S. builders in Engineering News-Record magazine and one of the best companies to work for in America. Robins & Morton was founded on principles of quality, integrity and commitment. A dedication to exceeding clients' expectations has allowed the company to complete more than 1,000 successful projects totaling more than 41 million square feet in 34 states. Over the years, the company has grown from the initial office in Birmingham to offices in Charlotte, Dallas, Huntsville, Nashville, Miami and Orlando.

During the 2019 Raleigh Safety Awards Banquet held May 31, Robins & Morton received the 1 Million-Hour Award from NCDOL for no injuries or illnesses involving days away from work, between Jan. 1, 2010, and Dec. 4, 2018.

Currently, Robins & Morton is one of seven SHARP Construction establishments in the state.



Be sure to check out NCDOL's podcast, **Inside NC Labor**. Episodes 19 and 20 include special guests Kevin Beauregard, director of the NCDOL Occupational Safety and Health Division (left), and LaMont Smith, recognition program manager (right). **Inside NC Labor** is designed to inform and educate North Carolina citizens on the role that the Department of Labor plays in state government.

## **Building Star Program Growing Across State**

By Mary Katherine Revels, Public Information Officer

On Monday, July 29, RGD Project Management was certified as a participant in the Building Star Program for the first time in company history. The ceremony took place at the company's Cary office.

In 19 years of operation, RGD Project Management has performed and managed over 4,303,000 hours without a lost time accident.

"Carlene Harris, our NCDOL Carolina Star Consultant, made proactive comments during our Building Star evaluation site tours reminding us that, although our safety policies and procedures meet all requirements, we could take minor action to provide an even safer environment for our staff, contractors and clients," said Michael L. Rafetto, president of RGD Project Management. "These



RGD Project Management employees display the Building Star banner with Labor Commissioner Cherie Berry at the company's Cary office during a certification ceremony for the Building Star Program Monday, July 29, 2019.

small but meaningful actions and suggested measures of change would help employees to better recognize a potential hazard. From that point on, RGD challenged our staff to re-analyze every job hazard analysis (JHA) by asking the question, 'What would Carlene do above and beyond the standard,' to make a JHA even safer before signing off and proceeding with the work."



Labor Commissioner Cherie Berry shows off her "WWCD–A&B" bracelet at the Labor Building in Raleigh after the RGD Project Management Building Star ceremony Monday, July 29, 2019.

of the Mecklenburg County School System, is a new, 63-classroom facility on the site of the Smith Family Center. It is scheduled to be occupied August 2020.

"Turner Construction Co. is proud of our 12-year partnership with NCDOL as a Building Star participant," said Jeff Owens, Turner Construction vice president and operations manager. "This valued partnership has enabled us to advance our safe work environment through continued collaboration and knowledge exchange with NCDOL. We look forward to continuing this great relationship for many years to come."

Turner Construction was initially certified in the Building Star Program July 2007.

RGD Project Management took a different approach to meeting the goal of having a safe and healthy workplace and including every employee. Bracelets with the letters "WWCD–A&B" were handed out throughout the company. In case you haven't figured it out, "WWCD–A&B" stands for "What Would Carlene Do–Above and Beyond."

"The bracelets were made and distributed to remind us of that simple yet effective process," Rafetto continued. "Partnering with the NCDOL through the Carolina Star Program and witnessing Carlene demonstrate a high level of commitment to protecting workers has made a profound impact on RGD as we continue our journey to ensure the safest work environment for our employees."

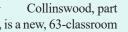
At the 2019 Raleigh Safety Awards Banquet, RGD Project Management received its 17th consecutive year Gold Award from NCDOL, showing its continued commitment to safety and health.

Another company to add the Building Star to their list of accomplishments is Turner Construction Co. NCDOL recertified the company as a participant in the Building Star Program Thursday, Aug. 22.

Labor Commissioner Cherie Berry attended the recertification ceremony at the Collinswood Language Academy project site in Charlotte to present company officials the Building Star award.

"It is companies like Turner Construction that have helped North Carolina achieve the lowest injury and illness rates in the state's history," Commissioner Berry said. "Everyone has someone who wants you to come home safely. I am proud to be here to celebrate your recertification as a Building

Star company."





Turner Construction Co. officials pose with Labor Commissioner Cherie Berry at the construction site of the Collinswood Language Academy in Charlotte during a recertification ceremony for the Building Star Program Thursday, Aug. 22, 2019.

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## **Preventing Amputations is a Top Priority**

#### By Mary Katherine Revels, Public Information Officer

The Occupational Safety and Health Division has added the Amputations Special Emphasis Program (SEP) to its five-year Strategic Management Plan covering federal fiscal years 2019–2024.

"During federal fiscal years 2016, 2017 and 2018, the OSH Division received reports of 503 amputations involving North Carolina employees," said Paul Sullivan, bureau chief for the OSH Division's western compliance districts. "In response, the division has been developing an Amputations SEP which officially goes into effect Oct. 1, 2019."

In addition to amputations, the OSH Division has special emphasis programs for construction, food manufacturing, grocery and related product wholesalers, health hazards, logging and arboriculture, and long-term care. The goals of a SEP are:

- To reduce or eliminate fatalities overall and within specific industry sectors.
- To reduce injury and illness rates in specific business sectors to levels below the national average for those sectors.
- To reduce or eliminate employee exposure to specific types of hazards.

The first year of the program is designed as a planning year. Throughout this time, the SEP committee researched different ways to reduce workplace amputations and formal SEP activity will be implemented beginning in 2020.

"The implementation of this new SEP is vital to reaching the department's goal to reduce amputations statewide by a total of 10% over the next four years," said Scott Mabry, assistant director for the OSH Division. "While our goal is to reduce amputations 2.5% each year, we hope our efforts, along with affected employers, will exceed this."

Each of the OSH Division's five bureaus has designated responsibilities within each special emphasis program.

- The East and West Compliance Bureaus conduct enforcement activity targeted at covered industries to ensure compliance with occupational safety and health rules and regulations toward the goal of reducing or eliminating employee exposure to the focus hazards of that SEP.
- The Consultative Services Bureau conducts on-site visits and audits to assist employers that voluntarily seek help in identifying and eliminating hazards and improving their overall safety and health programs.
- The Education, Training and Technical Assistance Bureau provides outreach training for each SEP to assist employers to identify and abate hazards in the workplace and to learn the requirements of applicable OSH standards.
- The Planning, Statistics and Information Management Bureau develops targeting schedules for each SEP to better allocate compliance resources and provides the SEP team leaders with updated injury and illness incidence rates to assist them in determining the impact of that focus.

"As with our other emphasis programs, the new Amputations SEP will involve a multi-tiered approach from the different OSH Division bureaus, including training, outreach, consultative services and compliance," Sullivan said.

High risk activities involve machines with moving parts, which could likely make contact and harm body parts. Examples of machinery and equipment that can cause amputations are bailers, aerial lift platforms, conveyors, grinders and printing presses. Businesses that operate these types of machines daily should be aware of the potential dangers. The Arkansas Department of Labor produced an excellent **video about amputation prevention**.



Be sure to check out NCDOL's podcast, **Inside NC Labor**. Episodes 21 and 22 include special guests Lee Peacock, compliance district supervisor (left), and Heather Overton, assistant director of Public Affairs for the N.C. Department of Agriculture and Consumer Services (right). **Inside NC Labor** is designed to inform and educate North Carolina citizens on the role that the Department of Labor plays in state government.

## New Session Law Creates Changes in Youth Employment Regulations

#### By Natalie Bouchard, Public Information Officer

Session Law 2019-166, Expand Youth Internship Opportunities, sponsored by state Sens. Deanna Ballard, Rick Gunn and Paul Newton was ratified on July 16 and signed by Gov. Cooper July 26. The law creates a limited exemption to the prohibition on youth workers, who are between 16- and 18-years-old and participate in occupations otherwise declared detrimental to their health and well-being. The exemption allows them to participate in a supervised, practice experience if the following conditions are met:

- The youth is enrolled in a public school or a nonpublic school [that meets the requirements of Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes] that is partnering with the employer to offer the supervised, practice experience for the occupation.
- The employer submits to the commissioner of labor the written agreement between the employer and the public or nonpublic school where the youth is enrolled that governs the operation of the supervised, practice experience for the occupation.

"While the department did not initiate this legislation, we worked with the bill sponsors to adjust the language in such a way that allows more oversight and approval by the commissioner of labor," said Jennifer Haigwood, NCDOL director of Administration and Governmental Affairs. "The requirements for the written agreement between the employer and the school system are very similar to the existing requirements for apprenticeship and student-learner programs."

There is an existing exemption in the current law for youth who are enrolled in a formal apprenticeship program or a student learner program. It should be noted that the supervised, practice experience created by this law is not part of the N.C. Community College System Office's formal apprenticeship program.

S.L. 2019-166 extends the exemption to youths who are in a supervised, practice experience in an occupation with any employer. In order to receive this extended exemption an employer must submit, for approval, a written agreement to the commissioner of labor. The N.C. Department of Labor is currently in the process of creating a standard template agreement for those employers that wish to take advantage of this law. According to S.L. 2019-166, the written agreement shall include at least the following:

- The work is incidental to the youth's supervised, practice experience for the occupation.
- The work is intermittent and for short periods of time.
- The work is performed under direct and close supervision of a qualified and experienced person.
- The employer shall give safety instructions and training to the youth before performing the work.
- The employer has prepared a schedule of organized and progressive work processes to be performed by the youth.

Employers who are interested in participating in this supervised, practice experience outlined by this law should contact NCDOL's Wage and Hour Bureau at 1-800-625-2267 (1-800-NC-LABOR).

### "Safe + Sound Week" Officially Observed in August

#### By Dolores Quesenberry, Communications Director

"Safe + Sound" is a year-round federal OSHA campaign to encourage all workplaces to implement safety and health programs. While the state of North Carolina has participated in the national campaign for many years, this year, the week of Aug. 12–18 was officially declared "Safe + Sound Week" in North Carolina.

"We are pleased with the proclamation issued by Gov. Cooper to recognize "Safe + Sound Week" in North Carolina," Labor Commissioner Cherie Berry said. "We hope this designation will encourage more businesses to make safety and health a priority in the workplace and ultimately expand the safety and health culture that has taken root throughout our state."

Last year, more than 2,700 businesses across the country helped raise awareness about workers' safety and health by joining the campaign. Businesses participated by signing up on the federal OSHA website and by hosting safety and health functions throughout the week. Businesses were also encouraged to share planned activities on social media using #SafeAndSound2019 and #SafeAndSoundAtWork.

NCDOL promoted the campaign on social media and recorded an episode for the *Inside NC Labor* podcast with Kevin Beauregard, director of the department's Occupational Safety and Health Division. Preliminary figures provided by OSHA show 143 businesses in North Carolina participated in this year's event.

"North Carolina has made great strides over the years, but we are seeing an uptick in work-related fatal incidents this year," Beauregard said. "It is easy to become complacent in the workplace, especially while North Carolina's injury and illness rate for private industry is at an historic low 2.3 per 100 full-time workers. Continued safety discussions and strong occupational safety and health programs are extremely important."



Safety and health programs help businesses prevent workplace injuries and illnesses, improve compliance with laws and regulations, reduce costs, engage workers, enhance social responsibility goals, increase productivity and enhance overall business operations. Employers and employees who missed this year's campaign will get another chance to participate next year. To learn more about the campaign and ways to participate, visit **osha.gov/safeandsound**.





By Judyth Niconienko, State Plan Coordinator

**Fatal Event:** On Feb. 6, 2017, a 48-year-old man died after losing his balance and falling off the tailgate of an open-bed truck onto a roadway, striking the back of his head on the pavement.

Investigative Findings: A company had been contracted to work in the preliminary stages of a street sidewalk project. Their part of the job involved grading, erosion control and storm drain installation. They were also responsible for setting up the work zone that consisted of signage and traffic cones. The first segment of the job was to place advanced warning signage ahead of the transition area, and then put out traffic cones along the first 1,500 feet of the 4,200-foot project area to serve as a visual guide for the lane closure.

Two employees were in the truck bed of a Chevrolet Silverado 3500 HD. The truck bed was new and consisted of fabricated toolboxes for sidewalls, a rear tailgate and a bed rack (ladder rack) designed to carry materials overhead of the bed and cab areas. With their supervisor driving, they set out to place the advanced warning signage ahead of the transition area. After the signs were placed, the driver proceeded in a travel path that allowed the employees to drop traffic cones off the back of the truck bed in a manner to establish the transition area for a traffic merger taper. The truck bed tailgate remained down during this process.

Once the employees completed setting the traffic cones, the driver continued driving beyond the designated work zone to find a location to turn around and proceed back to the beginning of the jobsite. During this travel, the two employees remained in the cargo bed of the work truck in a standing position and within the framework of a bed rack. The contents of the truck bed consisted of one board, two wooden blocks, one oil jug and a vibroplate machine that was sitting on the lowered tailgate.

After forward travel of about 40 feet, the unsecured vibroplate machine began sliding off the tailgate. One of the employees leaned down under the truck bed rack and stepped out onto the tailgate

to grab the vibroplate handle as the machine fell. In doing so the employee lost his balance and fell about 3 feet from the tailgate and into the road. It was reported that he landed on his feet but the momentum of falling from the moving truck caused him to stumble and fall backwards, striking his head on the roadway pavement.

The supervisor stopped the truck and he and the other employee ran to the other employee's aid but found him unconscious and unresponsive. Emergency services was called and they responded to the scene. The employee was transported to the hospital but was pronounced dead on arrival. The preliminary report from the Medical Examiner's Office indicated the cause of death was "blunt force trauma of the head due to fall from a moving vehicle."

**Discussion:** The truck bed in which the employees worked from while dispensing traffic cones, and rode in as passengers, had no barriers or restraints in place that provided adequate fall protection for the employees working from a vehicle in motion. There were no accessories or attachments to the truck that were specifically designed for the task of a cone-setting operation such as an attachable platform or basket recognized by the American Traffic Safety Services Association. As a result of the absence of such equipment and/or measures, employees were exposed to hazards that would be associated with a fall from a moving vehicle.

There was also a failure to secure items in the truck bed while it was moving. The fatally injured employee reacted to the movement of the unsecured vibroplate by ducking under the truck bed rack and grabbing for the machine which jeopardized his safety.

It is not a safe practice to allow employees to ride in the bed of a truck when it isn't necessary for a specific work activity.

#### **Recommendations:**

- A site-specific hazard assessment should always be completed to account for hazards present throughout each stage of work being performed and how they will be mitigated.
- Adequate fall protection railings should have been installed on the truck bed or equipment specifically designed to safely accommodate this kind of activity should have been provided.
- Equipment should have been secured in the truck bed to prevent it from moving during transportation.
- If traffic cones or other devices are to be deployed from a moving truck, when not actively placing and/or retrieving traffic cones or other similar devices, the employer should mandate employees be transported in the cab of the vehicle.

# WORKPLACE WORRIES



## By Kisha Holmes, Bureau Chief, Wage and Hour Bureau

**Question:** *I have a 14-year-old student who is home-schooled. Can she work during the day since she is not a public-school student?* 

**Answer:** No, 14- and 15-year-olds are not allowed to work during school hours. Homeschooled students must follow the local public-school schedule for their area to determine hours during school. Additionally, 14- and 15-year-olds who are home-schooled must

follow the local public-school calendar as it relates to the number of hours they can work per day when school is in session.

**Question:** I have found a job with another employer. I provided my employer with a two week notice of my intent to separate from the company. I have a vacation leave balance of 56 hours. Is the employer required to pay me for my vacation hours once I separate employment?

**Answer:** If vacation is offered to employees, employers are required to have a vacation policy. All vacation policies should address under what conditions vacation pay will be forfeited upon discontinuation of employment for any reason. If employees are not notified (via the policy) of the forfeiture, then the employee is not subject to the loss or forfeiture and therefore must be paid for any remaining vacation on the next regularly scheduled pay day after separation.





# **Bulletin Board**

## **Mine and Quarry Training**

**New Miner Training** *Oct. 21–23, Spruce Pine* 

#### **Annual Refresher Training**

Oct. 24, Spruce Pine Nov. 13, Bakersville

To register for any of these classes, 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. Among the courses being offered include:

- Excavations and Trenching
- Walking Working Surfaces
- Machine Guarding
- Struck By/Caught Between
- Electrical Safety
  Personal Protective Equipment
- Hazard Communication
- Ergonomics Awareness



## Western Safety and Health School

Nov. 3–6, Asheville Click here for more information.

## N.C. Safety Congress

Nov. 13–15, Charlotte Click here for more information.

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A. 新闻·希望和小规范·特别的问题,我们的问题,我们们在1995年1月1日。

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Employees at Darnel Inc. in Monroe show off their 1 Million-Hour Award with Labor Commissioner Cherie Berry in this "superselfie" Wednesday, Aug. 21, 2019. The N.C. Department of Labor presents Million-Hour Safety Awards to employers that accumulate 1 million employee hours, or multiples thereof, with no injuries or illnesses involving days away from work. This award represents hours worked July 1, 2015, through Dec. 31, 2018.



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