

Kevin Beauregard - Director's Office

- \$1000 bonus for all employees should be in December paycheck and the \$500 additional bonus for employees with salaries <\$75k should be in the December paycheck
- For employees that received their longevity pay between July -December, a retroactive difference due to LI should be included in January pay
- 2.5% additional increase effective 7/1/22 should either be a separate lump sum check in January or added to January paycheck
- OSHA began the FY21 onsite FAME yesterday
 - Deidre downloaded the compliance files to F drive
 - PSIM placed files on password protected USB drives for OSHA review team
 - CSB provided copies of requested PS CSB files
- On 12/3 the 6th Circuit Court denied OSHA's motion to dissolve the 5th Circuit Court stay on ETS2. The Court also denied OSHA's motion to amend the briefing schedule to speed up the process. The Court also denied the motion to transfer the case to another court. Finally, the Court denied OSHA's motion to hold the case in abeyance pending the outcome of decision but did indicate OSHA and the Complainants have until 12/10 to respond to the order. The Court has not yet decided to go with a 3-judge panel or expand the panel to additional judges as requested by OSHA.
- A hearing on NCDOL's motion to dismiss the Industrial Service Group (dba Universal Blastco) lawsuit is set for 12/9, in Asheville. Fisher-Phillips (Travis Vance) filed a lawsuit on their client's behalf in the US Western District of NC that names the Commissioner and me. The lawsuit that was filed requests that all open OSH citations issued by OSHNC to employers be dismissed on the basis that OSHNC did not meet the requirements of the OSHA Act. The specific complaint is that OSHNC has established inspection related goals for CSHOs.
- Service and Superlative Awards presentation schedule is as follows
 - LBT (East Compliance) – December 7th, 10 am in training room
 - ORB (ASH, CSB, ETTA, PSIM) – December 8th, 10 am in the large 3rd Floor conference room in the ORB. West-based CSB employees may opt to participate in an event in one of the western offices (again just let us know). This is the same date as the Toys for Tots event at the Labor Building.
 - Asheville (West Compliance) – December 13th, 12 pm
 - Charlotte (West Compliance) – December 14th, 12 pm
 - Winston-Salem (West Compliance) – December 15th, 12pm
 - Lifesize "Safety Awards" meeting room has been set up
<https://call.lifesizecloud.com/12574718>.

- Interims in January, everyone should update progress towards performance goals
- I'll be on leave 12/20-12/31

Scott Mabry – Assistant Director's Report

- Request COVID supplies as needed, we have plenty available
- Use the COVID test kits as needed, they will expire in February

Wanda Lagoe – Education, Training and Technical Assistance Bureau

- Award nomination for upgrading the One Stop Shop is now in DIT's hands. They confirmed our selection so now waiting for the next step. Once started, it should take 4-6 months.
- Health trainer reposted for the 3rd, maybe 4th time.
- DHHS MOU is finally completed after 21 years. Posted to the One Stop Shop.
- Reactivating the expired DataChem seats. Will send out an email to the Division once completed.
- Having our Service Awards tomorrow morning and then meeting with LaMont and Meredith on the Safety Award season that was just completed. Starting the next season in normal time frame.
- Have several courses posted internally and externally.

Kevin O'Barr - Consultative Services Bureau

- CSB turning in a car to MFM upon Chuck Murdock's retirement.
- SHARP renewals are ahead of expectations due to the short cycling of 12-month virtual visit renewals.
- CSB is having interviews in with Winston-Salem office this week and next week.
- The Capitol tree lighting ceremony is Thursday 12/9 from 6:00-6:30.
- I will be working the days around Christmas.

Beth Rodman- Agricultural Safety and Health Bureau

- Preoccupancy
 - 2022: 914 registrations, 69 inspections conducted, 44 certificates issued, 17 provisionals
- 2022 GS meeting will be held on Thursday, Feb 3rd at the McKimmon Center. Finalizing agenda.
- ASH Staff meeting today and tomorrow (guest speakers)

- Depositions for 3rd party litigation has been scheduled for December 14th between grower and the city of Hendersonville.
- Preseason meeting with NCGA and NC Commerce scheduled for December 15th
- 2 open CFR files right now for a poultry inspection (poultry catching crew/forklift accident) and one COVID-19 fatality.
- ASH IT program: Met with ImageSoft and NCDOL IT on 11/16/21, will resume meetings soon.
- Holiday schedule/coverage has been set.
- Staffing
 - Fully staffed
 - Office staff: 100% vaccinated; CSHOs (teleworkers): 66% vaccinated.
- Current meetings/groups - COVID-19 workgroup (once per month), Migrant Health and Housing (once per month), Farmworker COVID Vaccine task force (once per month), Plant Outbreaks (monthly); farm machinery safety workgroup (periodic); Farmworker Vaccine Plan Project Management Team Advisory Group (twice per month)

Anne Weaver – Planning Statistics and Information Management Bureau

- Due to current staffing levels, several Bureau Chiefs have requested to at least temporarily delete the requirement in APN 19 of designating an alternate chairperson for each SEP committee. Kevin has agreed with the understanding that the chairperson of each committee will make sure that if they cannot attend a meeting that someone on the committee will fill in for the meeting acting on behalf of the chairperson. Anne will update APN 19 to reflect this change.
- There are currently 3 Public Sector Surveys still outstanding, and Mildred is working through some surveys that require additional input from the employers to make needed corrections. PSIM will forward remaining non-responders and surveys that require corrections to Compliance hopefully by next week.
- There are currently 262 outstanding, releasable disclosure requests compared to 247 two weeks ago.
- Some PSIM staff have been working this week to box and send six military care packages from all NCDOL to family members of our NCDOL co-workers.

Nicole Brown- East Compliance Bureau

- Staffing
 - Waiting to receive approval from HR for the HCO trainee position in D11
 - Waiting for drug test results for HCO II/OEDM (#60013192) candidate.
 - HCO trainee in D10 resigned last day is December 14, 2021

- SCO interviews scheduled in D10 for 12/8/21
- Administrative Assistant II has been submitted to HR, waiting on 10 years DMV driving record; asked Admin Supervisor Cynthia to follow-up with HR to see if we can get a conditional offer pending the driving record.
- Inspection files and CFR High Profile Cases
 - Several staff have multiple (>4 inspections opened at a time)
 - Worked with the AGs office on the draft Requests for Admissions and Complainant's Response to NCDPS Caswell Correctional Center. Would like to thank Kevin, Scott, and Victoria for providing comments on the responses to ensure information was accurate and ready for the verification. The RFA was verified on 12/6/21.
 - 318224185 – City of Washington Public Works/Streets & Water; GDC completed yesterday, and the file will be updated in OE and the file should be forwarded to DO's by end of the week
 - 318225679 – Williams Landscaping; CSHO working on GDC
 - 318223435 – AP Emissions Technologies, LLC; CSHO working on report
 - 318226933 – Mountaire Farms, Inc. – sampling results rec'd CSHO working on completing the file

Paul Sullivan -West Compliance Bureau

- Personnel update
 - Current Status out of 56 CSHO positions (26 Health and 30 Safety).
 - **42 released CSHOs (75%)** – 22 Health (85%) and 20 Safety (65%)
 - 7 CSHO Trainees (12.5%)
 - SCO Jeffrey Johnson started on 11/22.
 - SCO Arthur Richards, HCO Chris Bellis, and SCO Kevin Barnes should be the next CSHOs released on the first quarter of 2022.
 - 7 vacancies (12.5%)
- Misc. Information
 - I plan to be on vacation and off the grid again the week between Christmas and New Year's. Lee Peacock will be the West Compliance POC.
- Notable fatality cases where citations have recently been issued or are nearing completion:

CURRENT CASES (NOT YET ISSUED)

- **Rowan Regional Medical Center (318226024)** – fatality where a Patient Access Specialist was infected with COVID and died. CSHO is recommending three serious violations related to the lack of eye protection and N95 respirators when working with suspected or confirmed COVID patients (including one under the ETS). The current proposed penalty is \$14,000. The file has been approved by the BC and should be routed shortly to the Director’s Office.
- **Knapheide Truck Equipment Company Midsouth (318226644)** – fatality where a 26-year-old employee was asphyxiated after connecting his air supplied respirator to a nitrogen line. The CSHO is recommending four serious and one NS violations for respirator and hazcom violations, with a proposed penalty of \$13,125. The case is in the BC queue for review.

PREVIOUSLY ISSUED FATALITIES

- **Hounds Ear Club, Inc. (318221348)** – fatality where an employee cleaning gutters from the roof fell 20 feet to his death. Citations for one WS and one S violation were issued 11/8/2021, with a total penalty of \$46,200k. The ER has requested an IC.
- **3M Company dba 3M Scott Fire and Safety (318223138)** – fatality where the HR employee was asphyxiated while transporting 200 pounds of dry ice in her personal vehicle after purchasing it at Harris Teeter with the company credit card. Citations for one willful serious, one serious, and one NS violation were issued on 11/24/2021, with a total proposed penalty of \$81k. The ER received the citations on 11/30/2021.
- **31-W Insulation Company (318223740)** – fatality where a truck backed-up and ran over an employee who was loading product into the truck. Citations for three serious violations were issued on 11/29/2021, with a penalty of \$12,975. The ER just received the citations on 12/2/2021.
- **S.M. Smith and Sons, Inc. (318220688)** – fatality where the operator of a Caterpillar compactor was ejected and killed when it rolled over. One serious citation was issued on 11/12/21 for not using a seat belt, with a \$4200 penalty. The ER requested an IC.
- **Waste Management of the Carolinas (318222080) and City of Winston-Salem (318222098)** – fatality where the Waste Management employee was struck and killed by a bulldozer operated by the City of WS at the Hanes Mill Road landfill. One GDC citation was issued on 12/6/2021 against the City of WS for not

establishing and implementing methods to ensure pedestrian safety on the tipping floor, with a \$7000 penalty.

- **Barnes Backhoe & Grading Inc. (318220431)** – fatality where a worker in a 7'2" deep trench died when the side wall of the trench collapsed. Citations were issued 9/30/2021 for one willful serious violations (lack of a protective system) and five serious violations, with a penalty of \$39,200. An ISA was executed reducing the penalty to \$29,400 with a payment plan, with no change in the willful classification.
- **Loren Dockery & Cleaston Dockery dba Slew Foot Logging (318221165)** – fatality where a 64-year-old was felling trees and was struck by the butt of the tree when it kicked-up. Citations were issued 9/23/2021 for two violations – one serious for the lack of first aid training and one NS for the failure to report the fatality. An ISA was executed reducing the penalty from \$3000 to \$2400. The citations are final order, and the case is closed.

Judyth Forte – State Plan Coordinator