

## OSHA Application to Electronically Submit Injury and Illness Data Available

The U.S. Occupational Safety and Health Administration has launched its Injury Tracking Application (<https://www.osha.gov/injuryreporting/index.html>) a Web-based form that allows employers to electronically submit required injury and illness data from their completed 2016 OSHA Form 300A. The data submission process involves four steps:

1. Creating an establishment.
2. Adding 300A summary data.
3. Submitting data to OSHA.
4. Reviewing the confirmation email.

The secure Web site offers three options for data submission. One option enables users to manually enter data into a Web form. Another option gives users the ability to upload a CSV file to process single or multiple establishments at the same time. A third option allows users of automated recordkeeping systems to transmit data electronically via an application programming interface. The ITA Web page also includes information on reporting requirements, a list of frequently asked questions and a link to request assistance with completing the form.

Last month, ASA submitted comments to OSHA supporting a proposal to extend the deadline for submitting 2016 Form 300A to Dec. 1, 2017, to allow affected entities sufficient time to familiarize themselves with the electronic reporting system, and to provide the Trump administration an opportunity to review the new electronic reporting requirements prior to their implementation.

## Dateline: North Carolina From ASA

With only a few state legislatures in regular session, and North Carolina being one of those states, governors continue to sign into law bills that impact the operations of construction subcontractors and suppliers. The following is one of the recently-enacted laws that impact ASA members:

**North Carolina:** Gov. Roy Cooper (D) signed [HB26](#), which provides that if an employer has begun paying workers' compensation benefits pursuant to an Industrial Commission-approved agreement with its injured employee, the employee is not entitled to compensation for additional medical treatment for a condition or injury not identified in the agreement, unless the employee proves that the injury or condition is causally related to the compensable injury. The new law also requires the Industrial Commission to give notice of the amount of the approved attorney fees in a workers' compensation case to all attorneys who represented the injured worker.

*(See page 5 for additional details on HB26)*



## THE TOMMY PARKER CUP

Is in the hands of the ASAC Charleston Chapter.

The next meeting of the ASAC Charleston Chapter is scheduled for September 25th at the Town & Country Inn (Hwy. 17, South). The meeting begins with a social at 6:00 PM followed by the BPI/Lien List Discussion, Cocktails/ Dinner and the program. Tony Case will speak on “Financial Planning for the Future”.

Other ASAC Chapters can take “The Cup” from Charleston by sending 2 representatives from 2 different companies to the Charleston meeting. Reservations to attend the meeting are required.

**HELP GROW  
ASA OF THE CAROLINAS**

by recruiting a new member!  
Invite a peer, friend or business associate to your next chapter meeting to learn more about the value of ASAC and ASA membership.

**GOT A HOT PROSPECT?**

Call the ASAC office, provide their contact information and ASAC staff will reach out to them.

For membership information and application, visit [www.asacarolinas.com](http://www.asacarolinas.com) and/or [www.asaonline.com](http://www.asaonline.com)

Or call ASAC at (803 or 877) -285-3356.  
Email ASAC at [asac@asacarolinas.com](mailto:asac@asacarolinas.com)

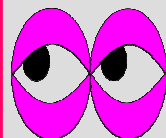


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**2017—2018  
ASAC Event Calendar**

- 09.12.17 **Triangle Chapter Meeting**  
"GenConnect Social @NCSU Campus"
- 09.25.17 **Charleston Chapter Meeting**  
"Tony Case, Financial Planning for the Future"
- 09.29.17 **Midlands Chapter 10th Annual Golf Tournament—The Windermere Club**
- 10.12.17 **Triangle Chapter Social**  
@ Bond Brothers in Cary
- 10.19.17 **Charleston Chapter Skeet Shoot**
- 10.23.17 **Charleston Chapter Meeting**
- 10.24.17 **Midlands Chapter Meeting**  
"Winning the W/C Audit (Top Contractor Mistakes) with Hub International & Gallivan White & Boyd"
- 11.14.17 **Triangle Chapter Meeting—**  
Industry Update with Perry Safran
- 12.07.17 **Midlands Chapter Christmas Social** @ Pearlz
- 12.08.17 **Charleston Chapter Christmas Party/Awards Banquet** - Charleston Country Club
- 01.09.18 **Triangle Chapter Meeting -**  
Panel Discussion on Silica (*Tentative*)
- 01.22.18 **Charleston Chapter Meeting**
- 01.23.18 **Midlands Chapter Meeting**  
GC Roundtable w/AGC Participation
- 02.09.18 **Charleston Oyster Roast**  
Truluck Island
- 02.13.18 **Triangle Chapter Meeting**  
W/GenConnect
- 02.28.18 **ASA National SUBExcel, Tempe, Arizona**
- 03.23.18 **Triangle Chapter 2nd Annual Skeet Shoot**  
@ Deep River
- 04.10.18 **Triangle Chapter Meeting**  
"Commercial GL Insurance & Delay Claims"  
with Anderson & Jones PLLC
- 05.08.18 **Triangle Chapter** - NC Legislators Meet & Greet
- 06.07.18 **Annual Convention**  
Embassy Suites, Wilmington Riverfront Hotel, Wilmington NC

*For additional meeting details visit  
[www.asacarolinas.com](http://www.asacarolinas.com)  
or call ASAC at (803 or 877) 285-3356*



Looking for a particular topic or subject you would like to learn more about at your chapter meeting, call the ASAC office with your suggestion or email us and we will check it out!

**Help!** Please help ASAC Member Todd Phillips with your thoughts, prayers and medical expenses to help fund a second liver transplant.  
<https://www.gofundme.com/todd-phillips-medical-fund>

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Support your ASAC Membership by displaying the ASAC Logo on your company's printed materials. A logo can be downloaded from the ASA National Website at [www.asaonline.com](http://www.asaonline.com) or by calling the ASAC office

## Job Shadowing for Construction Industry

The Building Industry Association of Central SC and Midlands Education and Business Alliance (MEBA), invite construction related organizations to participate in our industry-wide job shadowing event for construction. This event, scheduled for Thursday, October 5, 2017, will be offered to students interested in the construction career field such as masonry, carpentry, electrical, HVAC, plumbing, mechanical engineering, architecture, project management, etc. Participating students will be at least 16 years of age and a sophomore in high school, who have expressed an interest in learning more about the construction industry. Students will need to provide their own transportation. For liability purposes, students are covered by school district insurance policies while they participate in extended learning opportunities during the school day. Job shadow experiences should last at least 3 hours and up to 5 hours, or length of the school day, 9:00 a.m. – 2:00 p.m.

The purpose of this job shadow is to provide students with an interest in construction careers, the opportunity to observe and engage in the industry first hand. It is understood that students may not actually visit a construction site, but they should be exposed to the industry through this experience as much as possible. If your organization is interested in hosting at least one student, please contact Earl McLeod at [earl@columbiabuilders.com](mailto:earl@columbiabuilders.com), no later than Friday, September 15, 2017.

MEBA will coordinate these extended learning opportunities and place students on a first come first serve basis, taking into consideration their regional location and area of interest (HVAC engineering, carpentry, architecture, etc.). If you have any questions or concerns, please contact Samantha Turner with Midlands Education and Business Alliance at [sturner@mebasc.com](mailto:sturner@mebasc.com), (803) 422-9856 or Earl McLeod (803) 256-6238 [www.BIAofCentralSC.com](http://www.BIAofCentralSC.com)



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## ASA Calls on OSHA to Halt Beryllium Rule for Construction

In an Aug. 28 letter to the Occupational Safety and Health Administration, ASA told the agency that neither its [final rule](#) for general industry nor its [proposed rule](#) for construction and shipyards on occupational exposure to beryllium are necessary to protect workers in the construction industry. ASA said that its review of academic and industry safety literature found “no evidence that exposure to beryllium in the construction industry causes a significant risk to workers.” ASA also joined with the Construction Industry Safety Coalition in more detailed comments to OSHA, addressing procedural issues with the rule, the cost effectiveness of the proposed rule, and regulatory alternatives proposed by OSHA.

The CISC told OSHA it “believes strongly that a comprehensive standard regulating beryllium exposure in construction is unnecessary from a safety and health standpoint and would impose significant burdens on construction contractors.” CISC posited that while the rule for construction that OSHA proposed on June 27 is preferable to the final rule for general industry on Jan. 9, “substantial evidence does not support lowering the permissible exposure limit for beryllium in construction at all. Furthermore, substantial evidence does not support adoption of a Short Term Exposure Limit broadly in the construction industry.” CISC wrote that both the final and proposed beryllium rules represent “regulatory overreach, requiring contractors to expend resources to address health outcomes that do not exist in construction.” Both the ASA and CISC letters requested that OSHA adopt the approach set forth in the agency’s 2015 proposed rule and maintain the previous PEL for beryllium compounds in construction.

*(Continued from page 1 Dateline North Carolina)*

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2017

SESSION LAW 2017-124 HOUSE BILL 26

\*H26-v-5\*

AN ACT TO CLARIFY THAT AN INJURY NOT IDENTIFIED IN AN AWARD ARISING OUT OF G.S. 97-18(B) OR G.S. 97-18(D) IS NOT PRESUMED CAUSALLY RELATED AND TO AMEND THE WORKERS' COMPENSATION ACT REGARDING APPROVAL OF DISPUTED LEGAL FEES BY THE INDUSTRIAL COMMISSION.

Whereas, in 2011, the Workers' Compensation Act was amended by S.L. 2011-287;

and

Whereas, the North Carolina Supreme Court issued a decision in *Wilkes v. City of Greenville* (No. 368PA15) on June 9, 2017; and Whereas, prior to the Supreme Court's decision in *Wilkes*, employees were not required to prove entitlement to additional medical treatment for the injuries determined to be compensable by the Commission; and Whereas, prior to the Supreme Court's decision in *Wilkes*, employees could seek medical treatment for future symptoms allegedly related to the original compensable injury; and Whereas, the *Wilkes* decision held that once an employer issues direct payment to an employee pursuant to G.S. 97-82(b), the employee is entitled to a presumption that additional medical treatment is causally related to the employee's compensable injury unless the employer rebuts this presumption with evidence that the condition or treatment is not causally related to the compensable injury; and Whereas, an employee bears the burden of proving that the employee's future symptoms or conditions that the employee alleges are related to the compensable injury but that were not enumerated on a Form 60 or Form 63 pursuant to G.S. 97-18(b) or G.S. 97-18(d), respectively, are causally related to the compensable injury; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 97-82(b) reads as rewritten: "(b) If approved by the Commission, a memorandum of agreement shall for all purposes be enforceable by the court's decree as hereinafter specified. Payment pursuant to G.S. 97-18(b), or payment pursuant to G.S. 97-18(d) when compensability and liability are not contested prior to expiration of the period for payment without prejudice, shall constitute an award of the Commission on the question of compensability of and the insurer's liability for the injury as reflected on a form prescribed by the Commission pursuant to G.S. 97-18(b) or G.S. 97-18(d) for which payment was made. An award of the Commission arising out of G.S. 97-18(b) or G.S. 97-18(d) shall not create a presumption that medical treatment for an injury or condition not identified in the form prescribed by the Commission pursuant to G.S. 97-18(b) or G.S. 97-18(d) is causally related to the compensable injury. An employee may request a hearing pursuant to G.S. 97-84 to prove that an injury or condition is causally related to the compensable injury. Compensation paid in these circumstances shall constitute payment of compensation pursuant to an award under this Article."

Page 2 Session Law 2017-124 House Bill 26

SECTION 1.(b) In enacting subsection (a) of this section, it is the intent of the General Assembly to clarify, in response to *Wilkes v. City of Greenville*, that an injury not identified in an award arising out of G.S. 97-18(b) or G.S. 97-18(d) is not presumed to be causally related to the compensable injury to reflect the intent of the General Assembly when it enacted S.L. 2011-287. SECTION 1.(c) This section is effective when it becomes law and applies to claims accrued or pending prior to, on, or after that date. SECTION 2. G.S. 97-90(f) reads as rewritten: "(f) The If a dispute arises between an employee's current and past attorney or attorneys regarding the division of a fee as approved by the Commission pursuant to this section, the Commission shall hear and determine any dispute between an employee's current and past attorney or attorneys regarding the division of a fee as approved by the Commission pursuant to this section. Any dispute after the Commission has approved the settlement agreement. The Commission shall give notice to each of the employee's current and past attorneys of record of the total amount of the approved fee prior to determining how the fee shall be divided between those attorneys. An attorney who is a an interested party to an action under this subsection shall have the same rights of appeal as outlined in subsection (c) of this section." SECTION 3. Except as otherwise provided, this act is effective when it becomes law and applies to claims pending on or after that date. In the General Assembly read three times and ratified this the 29th day of June, 2017.

s/ Daniel J. Forest President of the Senate

s/ Tim Moore Speaker of the House of Representatives

s/ Roy Cooper Governor

Approved 4:00 p.m. this 20th day of July, 2017



# SEPTEMBER 2017



**ASAC MISSION STATEMENT**— To promote the value of ASA; to become a leader in the construction industry by representing the interest of the membership by developing laws & legislation and by setting a standard of support, quality and service to our customers & communities.

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