



JOSH DOBSON  
COMMISSIONER OF LABOR

NICOLE BROWN  
EAST COMPLIANCE BUREAU CHIEF  
OCCUPATIONAL SAFETY AND HEALTH DIVISION

October 18, 2023

Attn: Dr. Wesley Burkes  
UNC Health Care  
101 Manning Drive  
Chapel Hill, NC 27514

Re: Complaint Number 209804996

Dear Dr. Wesley Burkes:

Recently the North Carolina Department of Labor Occupational Safety and Health Division received a complaint concerning alleged health and/or safety hazards at your establishment at 101 Manning Drive, Chapel Hill, NC 27514. The specific nature of the complaint is described in detail on the attached page.

We have not determined whether the hazards, as alleged, exist at your workplace; and we are not conducting an inspection, at this time. However, since allegations of violations have been made, you should investigate the alleged conditions and make any necessary corrections or modifications. Within 7 working days of your receipt of this letter, please advise us, in writing, by certified mail, or submitting electronically of your findings and of the action you have taken. Your response should be detailed stating specifically what action you have taken to correct each hazard. You should enclose any supporting documentation, such as monitoring results, equipment purchases, photographs etc.

The complainant has been advised of this preliminary response to the complaint and furnished a copy of this letter. An unredacted employer response will be forwarded to the complainant. Please focus on providing documentation on the alleged conditions and do not include any comments or information about the person(s) that you believe filed the complaint. You should be aware that North Carolina General Statute '95-241 provides that "no person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to file a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect to... the Occupational Safety and Health Act of North Carolina."

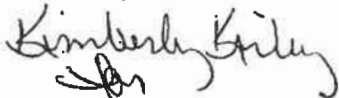
This letter is not a citation nor is it a notification of proposed penalty, which according to the Occupational Safety and Health Act, may be issued only after an inspection or investigation of the workplace. If we do not receive a response from you within 7 working days of your receipt of this letter indicating that appropriate action has been taken or that no hazard exists and why, an inspection may be conducted.

Please send your written response electronically to the Senior Health Compliance Officer Bruce Miles at [oshresponse.raleigh8@labor.nc.gov](mailto:oshresponse.raleigh8@labor.nc.gov). Supporting documentation, such as photos or safety policies, should be attached to the email if applicable. If you have any questions about this letter or the information needed in your response, please contact Bruce Miles at 919-779-8508.

Documents in investigative files are disclosed in accordance with the NC Public Records Act (Chapter 132 of the NC General Statutes) and NC General Statute 95-136 of the Occupational Safety and Health Act of NC. Also, in accordance with 13 NCAC 7A.0303, without a specific federal or state law or a rule that designates the materials as confidential, the only documents that OSHNC recognizes as "confidential" are trade secrets, personnel files, and medical files. **All other documents will be provided to the complainant, even those documents marked as confidential, unless a Privilege/Confidentiality Log is provided by the employer or their counsel.** To have any documents marked as confidential in the OSHNC files, an employer must submit a Privilege/Confidentiality Log to support its assertion that the listed documents are "confidential" and are therefore protected from release. A Trade Secret is defined in 29 CFR 1910.1200 as "any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it." The log must include the stated category (e.g., trade secret, personnel, or medical) and the basis for the assertions. Training records do not constitute "personnel" records. Safety meeting minutes would not qualify under any of the above categories as confidential. **Unless such a log with viable justification is provided with your response, OSHNC will not consider the documents to be confidential or trade secret, even if stamped or otherwise marked as such.**

You are requested to post a copy of this letter and your response to it where it will be readily accessible for review by your employees. Thank you. Your interest in the safety and health of your employees is appreciated.

Sincerely,



Doreen Makaya  
District Supervisor

/kk  
Enclosure(s)

# Complaint of Occupational Safety or Health Hazards

North Carolina Department of Labor Occupational Safety and Health Division		Complaint Number <b>209804996</b>	Optional Number <b>4000</b>
Employer Name <b>UNC Health Care</b>			
Site Location (Street, City, State, ZIP) <b>101 Manning Drive Chapel Hill NC 27514</b>			
Mailing Address (Street, City, State, ZIP) <b>101 Manning Drive Chapel Hill NC 27514</b>			
Management Official <b>Dr. Wesley Burkes</b>		Telephone Number <b>984-974-1000</b>	
Complaint Assigned To <b>N3070</b>		SIC/NAICS <b>8062 622110</b>	
Hazard Description: <b>1. There is no access to drinking water due to the water fountains being taped off.</b> <b>2. There is a rodent problem inside the facility.</b>			
Hazard Location: <b>Wing E, Ground floor</b>			