

South Carolina Department of Transportation

# Fatalities in the Workplace

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In November of 1925, Asa Teague, manager of the South Carolina Highway Department's maintenance crew in Laurens County, was working with his crew repairing roads in the area. The tractor he was operating that day malfunctioned, and as was fairly typical, he hopped off the machine and immediately began working on repairing it. Unfortunately, the engine repairs took a tragic turn as his clothing got caught in the machine and he was crushed under its weight as it rolled forward. Mr. Teague was just 31 years old, and he left behind a wife and three small children. On that day in November of 1925, he became the agency's first documented workplace fatality.

Five years later, in February of 1930, Claude Gentry, 52, was working on road maintenance of Smith Branch Hill Road in Columbia when he was struck by an automobile. The automobile that struck Mr. Gentry was driven by a fellow Highway Department employee, an inspector on the job. The inspector and multiple witnesses stated that Mr. Gentry walked between two parked vehicles and into the lane of traffic with his back facing the inspector's automobile. It is believed that he never saw the automobile coming. He was immediately transported to Baptist Hospital, but died less than an hour later from his injuries. Mr. Gentry had been an employee of the Department for less than six weeks.

On January 1, 1939, two of the Department's civil engineers were on their way from Johnston to Estill, by way of Augusta. The exact cause of the incident that day is unknown. The coroner's report found that their car crashed through two heavy road barriers and snapped a steel barrier before plummeting off the uncompleted Thirteenth Street Bridge into the Savannah River 60 feet below. The vehicle had to be pulled from the river by a

barge crane. Henry Ulmer, 28, and Moye Proctor, 32, both drowned. Mr. Ulmer was married, with two small children. Mr. Proctor was married and had one daughter.

Throughout the 105-year history of the Highway Department (renamed the South Carolina Department of Transportation (SCDOT) in 1993), tragedies like the ones above have plagued the agency. From our first documented fatality in 1925, to our most recent fatality in June of 2021, SCDOT has lost 90 employees in the line of duty. Each of these employees was actively working at the time of their death: traveling to a work location, patching potholes, performing roadway inspections, working in snow and ice or flooding conditions, or performing a myriad of other daily functions. All 90 of these employees lost their lives simply doing their job.

The irony is clear to those who work at the Department. After all, our agency's mission is to provide a safe, properly maintained transportation network to adequately support citizens, visitors and commerce throughout the state. But that mission is a daunting and dangerous task. Our transportation network consists of 41,422 miles of roads and 8,402 bridges, the fourth largest state-owned highway system in the nation. SCDOT employees are always at work – 24 hours a day, through all highway and weather conditions. In fact, the work of SCDOT increases considerably when weather and traffic conditions are at their worst. The work performed daily by SCDOT employees is both physically and mentally exhausting. Our employees work inches from moving cars and find themselves in hazardous situations on a daily basis. The same transportation network that is meant to provide safe travel for our citizens is costing us the lives of our employees who work to build and maintain it.

The Department's leadership knows too well the challenges of keeping its workforce safe. In March of 2017, three employees from Aiken County were surveying an outfall ditch when a vehicle left the road and struck all three men. One employee survived the crash, but the two others were killed instantly. The deaths of Tony Redmond, 54, and Bob Clark, 64, were yet another somber reminder of the dangers our employees face every single day. These two employees, just like many before them, did nothing wrong and were simply performing their daily duties. But still, they lost their lives.

After the deaths of Mr. Redmond and Mr. Clark, the Department continued searching for and implementing even more measures to keep its employees safe. SCDOT vehicles are now equipped with improved safety warning light packages to alert motorists to road work being performed. Employees working on our highways have been outfitted with new reflective vests, reflective shirts for summertime use and reflective winter jackets. We have increased training requirements for our employees to ensure they are as prepared as possible for the dangers they face. The Secretary of Transportation and Senior Leadership have reached outside the walls of SCDOT to garner support. South Carolina House and Senate members enacted legislation to help protect our employees. In the summer of 2017, the Governor of South Carolina signed into law increased penalties for motorists speeding in work zones and endangering the lives of our employees. As a result, the penalties for injuring or killing a SCDOT worker increased tremendously. In 2021, the Governor also signed the "Move Over Law", which instructs motorists to move over for any law enforcement vehicles, ambulances, or other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations. SCDOT has partnered with the SC Highway Patrol to strategically place officers in construction zones

to remind motorists to slow down. We have increased our use of message boards statewide to pass along alerts and traffic conditions to drivers. And we have partnered with the South Carolina Department of Public Safety to educate the public through our social media outlets and public service announcements.

The safety of our employees will always be a focus of our agency and we will continue looking for ways to protect our employees and keep them safe. Employee safety has a deserved seat at every conversation about workforce operations. And yet despite our best efforts, and even with all of these additional safety measures in place, there have still been five employee fatalities since 2017. Unfortunately, we are forced to recognize that at some point in the future, another fatality is likely to occur.

There have been 23 fatalities since I started working for SCDOT in January of 2003. Each fatality is shocking, and unexpected and devastating to SCDOT and to the families of those killed. The loss of an SCDOT family member, whether you personally knew them or not, affects other team members deeply. We firmly believe that it is our responsibility to take care of the families of our fallen employees, and our affected team members, and to provide the support they need to process such a tragedy. We also believe it is our duty to honor and remember those who gave their lives and to pay tribute to the sacrifice they made to SCDOT and the State of South Carolina.

With the backing of SCDOT's Secretary of Transportation, and through multiple interviews with SCDOT's Senior Leadership, Office of Safety and Health, Human Resources Division, Communications, Legislative Affairs, District Engineering Administrators, field personnel and families of fallen employees, the Agency Events Office is taking the lead to

develop and implement an agency-wide policy for handling workplace fatalities. It is our solemn hope that we never lose another employee. But in the event that we do, we collectively believe that procedures for handling workplace fatalities will be beneficial to all involved. We believe that a defined process will honor the memory of our fallen employee by ensuring that we take care of his/her family and co-workers.

The following “SCDOT Procedures for Workplace Fatalities” incorporates all previous individual office procedures followed by the SCDOT offices named above. In conducting this research, several areas of improvement were identified. As a result, SCDOT is also committed to implementing several new processes to better assist our field units, who are the front line when tragedies occur. The new processes identified below are incorporated into the agency’s overall procedures that follow. It is our intent that these procedures provide a unified path forward for the agency in the event that another fatality occurs.

**New processes:**

- Selected employees from each of SCDOT’s district offices, county offices, and Headquarters division offices will become members of specially trained fatality response teams. These teams will consist of senior management at each location, as well as employees who will act as first responders.
- Training for these fatality response teams will occur before the end of calendar year 2022 and will repeat annually statewide. SCDOT’s Human Resources Division will be responsible for conducting the training.

- Each county office will partner with another county in the district to assist in fatality situations. The county experiencing the tragedy will be aided completely by the partnering county.

Special note: More than 95% of the workplace fatalities in SCDOT's history have involved employees from our maintenance units. Therefore, the processes set forth incorporate references to our maintenance staff and engineering leadership. The positions below should be regarded as interchangeable with similar level positions should this tragedy occur in another division of our agency.

## **SCDOT Procedures for Workplace Fatalities**

### **Immediately**

- SCDOT's maintenance employees should immediately call "911" for emergency medical assistance in the event of a serious injury or fatality and provide information as necessary to the "911" operator so that assistance can be dispatched to the crash scene.
- After calling "911", employees should notify his/her immediate supervisor by two-way radio or cell phone that an incident has occurred. The supervisor must verify with the reporting employee that "911" has been called, and is in route.
- The employee making the "911" call must stay at the crash scene until emergency assistance arrives, and until released to leave by his/her supervisor.

- The supervisor must immediately contact their organizational supervisor, the county's Resident Maintenance Engineer (RME).
- The RME will notify the appropriate District Engineering Administrator (DEA) of the incident.
- The RME and the employee's immediate supervisor should report directly to the crash scene.
- SCDOT personnel and law enforcement on the scene will immediately close the section of highway impacted, and restrict access to the crash scene. This action is meant to protect the privacy of the employee and his/her family from the media and public onlookers. The crash scene should not be disturbed if at all possible.
- After arrival of SCDOT county personnel to the scene of the crash, confirmation of fatality will be made and the DEA will be duly notified by the RME.
- The DEA will notify SCDOT's Leadership (Secretary of Transportation, Deputy Secretary of Engineering, Chief Engineer of Operations) and SCDOT's Safety and Health Office (OSHO) that a fatality has occurred.
- OSHO will notify the Director of Communications, the Director of Human Resources and Chief Legal Counsel.
- The DEA will activate the fatality response team from the appropriate partnering county to respond. The DEA will also activate district personnel as appropriate.
- The fatality response team from the partnering county will arrive at the crash scene and handle all aspects of crash recovery. The partnering county's RME will report to the affected county's office and assist in all necessary daily operations, calling in additional staff from the partnering county as necessary.

- The DEA and affected county's RME shall be responsible for notifying family members of the fallen employee. Family members should be contacted as soon as possible and the fatality shall be reported by a personal visit. This should be done in conjunction with the local coroner's office or local law enforcement.
- The RME will notify SCDOT employees in the affected unit that a crash has occurred and will call all units back to the county office. After all units arrive, the RME will meet with employees to notify them of the fatality.
- The Secretary of Transportation will notify the Commission Chairman and the Board of Commissioners.
- The Secretary of Transportation will notify the Governor that a fatality has occurred.

**Same Day:**

- The Secretary of Transportation and Engineering Leadership will travel to county location to meet with unit employees, law enforcement, and the family of the fallen employee.
- Representatives of OSHO will arrive on the scene of the crash as quickly as possible and will remain until the scene is completely cleared.
- OSHO will work with the partnering county to clear the crash scene and recover any personal belongings of the fallen employee. The fallen employee's personal effects will be gathered in the SCDOT bag provided and held for return to the family. The Secretary of Transportation/designee will determine the return of the items.
- OSHO will identify any SCDOT employees who may have been exposed to blood and/or bodily fluids and take steps to comply with the requirements of SCDOT's

Bloodborne Pathogens Program. Exposed employees must be offered the Hepatitis B vaccine within 24 hours of exposure.

- OSHO will notify the South Carolina Department of Labor, Licensing and Regulation (SCLLR/OSHA) of the fatality. SCDOT is required to make this notification within 8 hours of incident.
- The SCDOT vehicle involved in the collision should be completely covered by a tarp and transported to SCDOT's Equipment Depot in Columbia for storage until the investigation is complete.
- A summary of the investigation must be sent to the Director of Safety and Health and documented appropriately in SCDOT's RMMS system.
- Administrative staff from the county office will forward to Communications a photo of the fallen employee, and any other personal information available.

Communications will draft an announcement from the Secretary of Transportation notifying all employees of fatality. Headquarters IT Services will send the announcement upon approval.

- Communications will draft a press release quoting the Secretary, and will include information about the employee along with photos obtained. Upon the Secretary's approval, the release will be sent to local media outlets and posted on social media channels.
- OSHO will coordinate on-site grief counseling for team members affected. This counseling should be made available immediately, and for as long as necessary.
- HQ Communications will field any/all media calls about the fatality. All calls received by the local office should be forwarded to Headquarters Communications.

- Chief Legal Counsel will field any/all questions from insurance investigators or attorneys. All calls received should be forwarded to Chief Legal Counsel.
- Building Services will lower SCDOT flags to half-staff in memory of the fallen employee. Flags statewide will be lowered at SCDOT facilities until the day after the funeral.
- The Agency Events Office will coordinate moment of silence at SCDOT's Workers' Memorial Wall with assistance of available Senior Leadership.

**Next Day:**

- Headquarters Human Resources Benefits Office will identify the fallen employee's beneficiary and will review death benefit entitlements. HR will contact the beneficiary of the fallen employee to discuss entitlements, and will send package detailing information discussed.
- HR Workers' Compensation Office will notify the State Accident Fund of the fatality and obtain necessary employee documents to assist the State Accident Fund Adjuster and assigned Dependency Investigator.
- The Workers' Compensation Office and Benefits Office will meet with family as requested via phone or in-person to answer questions or guide beneficiary through process.
- District HR coordinator will complete formal notification of employee death (HR-21) and forward to appropriate parties.
- Partnering county personnel will remain on-site in the affected county to assist with service calls and other needs as required.

- Agency Events Office will provide lunch as requested for local team members during grief counseling/visits from leadership.

**Within 48-72 hours:**

- The Office of Legislative Affairs will request flag from Governor's Office (Request is for the State flag flown above the State House on the date of employee's death or the date of the memorial service.)
- The RME will gather details of visitation/services for the employee and notify the DEA and SCDOT Senior Leadership.
- Any requests by the family for SCDOT assistance during funeral services will be directed to the RME/DEA to be reviewed and will be submitted for approval by SCDOT Senior Leadership.
- The Agency Events Office will collect personal donations from SCDOT wishing to contribute and will send flowers to the service from the SCDOT Family.
- The Agency Events Office will provide SCDOT memorial pins and ribbons to all SCDOT employees and family members attending memorial services.
- The Secretary, Commission Chairman, Commissioners and Senior Leadership will attend services for the fallen employee, along with team members from the employee's unit. Leave may be granted to unit employees who choose to attend a co-worker's funeral during normal working hours.
- Partnering county team will provide coverage at local county office to allow employees to attend funeral.

- In the case of out-of-state services, the Secretary will choose designees from SCDOT to represent the agency at the service. If possible, these should include the employee's supervisor, RME and/or DEA.

**Within one week:**

- The Agency Events Office will launch a SC Cares Campaign to allow donations from SCDOT team members who would like to donate to the employee's family. This fundraising effort should be available for three weeks following the death of the employee. All proceeds should be transferred from SC Cares to the beneficiary of the employee (as previously determined by HQ Human Resources) at the conclusion of the effort.
- The Human Resources office will follow up with the beneficiary of the employee to ensure all questions regarding benefits are addressed and will remain in contact with the family until all benefits are issued.

**Within 30 days:**

- The Secretary will work with the family to choose a section of highway or bridge to be designated in memory of the employee.
- The Agency Events Office will draft a commission resolution honoring the employee, and designating chosen section in memory of employee.
- The Agency Events Office will work with Traffic Engineering, the Director of Maintenance office and SCDOT sign shop to generate signs to be placed at the

designated highway/bridge section. These signs will be installed and will remain covered until the presentation is made to the family.

- The Secretary will work with the family to choose an appropriate meeting of the Commission in which to honor the employee and make the presentation.
- The Agency Events Office will have state flag, certificate signed by Governor, Commission resolution and other items framed for presentation to the family. A reduced size version of the highway sign should be available for presentation to the family.
- SCDOT will recognize the employee's family at agreed-upon Commission meeting. Chairman and Commissioners will present framed materials to family.
- Communications will recognize the fallen employee in the next printed Connector edition.
- The Agency Events Office will add the fallen employee to the official list of Employees Killed in Line of Duty, and will forward updated information to IT Services to be included on SCDOT's website.
- The SCDOT vehicle involved in the crash should be retained until the investigation is complete and the repair is authorized by the Division Head or District Engineering Administrator. If the vehicle is returned to fleet use, it should be cleaned and transferred to another county. It should not be returned to the county of the incident.

**Within one year:**

- The fallen employee will be honored at SCDOT's Workers Memorial Day service, held annually on April 28. The employee's family will be invited to attend. During the ceremony, the employee's name will be added to SCDOT's Workers Memorial Wall to recognize and pay tribute to the employee's sacrifice to SCDOT and the State of South Carolina.

**Annually:**

- The family of the fallen employee will be invited annually to participate in the Workers Memorial Day service at SCDOT. The Agency Events Office will ensure that contact information for the employee's family remains updated.
- All employees must update our internal document - David's Rule - annually, at the time of employee review. This form, found on SCDOT's intranet, is crucial to keeping employee's emergency contact information current. It is the reference tool used by all offices in the event of a fatality.
- All employees should update their beneficiary information annually, during the Open Enrollment period in October. Employees should be instructed that in case of a fatality, the beneficiary listed on these documents will be the one who receives the benefits from the State Accident Fund. The employee's David's Rule form does not override this beneficiary information and should be considered and completed separately.

- All SCDOT offices should take pictures annually of all employees, either at review period or open enrollment period. These photos are crucial to identification of employees, and are used in the event of a fatality.
- All offices within SCDOT shall ensure that members of their fatality response team are trained annually and ready to respond in case of emergency. Response team members who leave SCDOT should be replaced and their replacement should be trained immediately.

**Ongoing:**

- These procedures will become a part of SCDOT's established Departmental Directives, and will be available for all employees to access and refer to in times of such tragedy.
- SCDOT will update these procedures as necessary.

SCDOT recognizes that these procedures simply provide direction during these circumstances and that the process may not be all-inclusive of the duties assigned. It is our intent that this process be followed as closely as possible whenever an employee fatality occurs. As an agency, we trust our employees to do their absolute best to follow these procedures and still make good, qualified decisions about other items that may arise.

SCDOT's main focus will always be to protect our employees as they perform their daily duties, and the agency will make continual improvements to ensure their safety. However, if tragedy occurs, we will be better prepared to respond effectively and efficiently using the procedures outlined above.