

# 2022 Annual Report



*Labor Building, Raleigh, N.C.*



**Josh Dobson**

*Commissioner of Labor*

## Historical Note About the Cover

The Labor Building is located on West Edenton Street across from the State Capitol. It was designed in 1885 by architect Gustavus Adolphus Bauer. Bauer also assisted in the design of the Executive Mansion, which is why the two buildings share similar architectural design features. The building was dedicated on March 5, 1888, and for the first 25 years housed the Supreme Court and State Library. The red brick building, once painted gray to blend in with the stone buildings around it, was stripped of the paint in the 1980s to reveal the true rich color of the original red brick, which was made by prison labor.

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**Josh Dobson**  
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## Foreword

I wish to acknowledge the cooperation of all the fine employees of the various divisions of the Department of Labor who made possible the many accomplishments and services to the people of North Carolina that are recorded in this report. The dedication shown by these employees helps make North Carolina a safe and healthy place to work and live.

A handwritten signature in black ink that reads "Josh Dobson". The signature is written in a cursive, flowing style.

Josh Dobson  
Commissioner of Labor

## N.C. Department of Labor

### Overview

The labor commissioner is a constitutional officer elected statewide by the people of North Carolina to serve a four-year term running concurrently with the governor and all other members of the Council of State. Josh Dobson was elected as the 18th labor commissioner in November 2020 and was sworn into office on Jan. 2, 2021.

The General Statutes provide the labor commissioner with broad regulatory and enforcement powers to achieve the objective of promoting the health, safety and general well-being of working North Carolinians. Foremost among his duties are the administration and enforcement of the occupational safety and health standards. His duties also include enforcement of wage and hour laws, employment discrimination involving retaliation and the provision of free education, training and consultation to ensure safe and healthy working conditions for North Carolina's employers and employees. Mine safety and health training is also provided to owners, operators and contractors working in North Carolina's mining industry. The labor commissioner also ensures the public's safety through the administration of inspections of boilers, elevators, escalators, amusement rides and inflatable devices.



*Labor Commissioner Josh Dobson*

The N.C. Department of Labor's mission is to foster a safe, healthy, fair and productive North Carolina by:

- Providing responsive, effective and efficient services.
- Providing and encouraging quality education and training.
- Administering consistently and fairly our regulatory mandates.
- Enhancing public confidence in the Department of Labor.

North Carolina's workforce contains more than 4.5 million workers in more than 344,000 private and public sector businesses. The laws and programs the department administers affect every worker—and virtually every person—in the state.

Department of Labor history dates back to 1887, when the N.C. General Assembly (NCGA) created the Bureau of Labor Statistics. In a reorganization of labor functions in 1931, the NCGA laid the groundwork for the department's transformation into an agency with laws and programs affecting most state citizens. Departmental divisions and bureaus carry out its principal regulatory, enforcement and informational programs.

The Occupational Safety and Health Review Commission operates independently from the department. The Review Commission, whose members are appointed by the governor, hears appeals of citations and penalties imposed by the Occupational Safety and Health Division.



## Administration Division

Administration provides support for the commissioner's office and the entire N.C. Department of Labor. Administration comprises six divisions: Communications; Financial Services; Governmental Affairs; Human Resources; Information Technology; Legal Affairs; and two bureaus: Publications; and Research and Policy.

### Statistical Highlights for 2022

#### Communications

- Released 69 news releases and media advisories.
- Managed the *Labor Ledger* database, which had 13,183 subscribers as of Dec. 31, 2022.
- Produced 1,300,232 printing impressions and processed 93,185 pieces of outgoing metered mail for the department's Raleigh area offices through its Publications Bureau.

#### Financial Services

- Managed the annual budget for state fiscal year 2022, which totaled \$46,813,155; revenue: \$25,398,690; appropriations: \$21,414,454.

#### Governmental Affairs

- Government Affairs' primary focus during 2022 was having two special provisions inserted into the budget. The first increased OSH penalties, indexed for inflation, and the second starts the clock running on the statute of limitations when OSH makes an initial inspection as opposed to when the violation occurs.
- The budget addressed unmet needs at the labor department. In addition to salary increases, additional money was secured for Consultative Services, Be Pro Be Proud and funds for four new attorney positions.

#### Human Resources

- Managed HR functions for 317 employees as of Dec. 31, 2022.

#### Information Technology

- Monitored and responded to inquiries submitted on the NCDOL website, which had 3,150,474 visits in 2022.
- Responded to a total of 3,990 internal telephone and email requests for assistance via IT Desktop Services.

#### Legal Affairs

- Responded to 713 AskLAD public inquiries seeking assistance from Legal Affairs.
- Responded to 58 direct public inquiries seeking intervention from Legal Affairs and 78 public records requests.
- Responded to 45 third-party litigation requests to include employee depositions and subpoenas duces tecum.
- Completed an audit of 275 employees' driving records.



## Research and Policy

- Conducted the Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries. The 2021 nonfatal incident rate for private sector industry was 2.2 per 100 full-time employees, statistically unchanged from the total recordable rate of 2.1 per 100 full-time employees in 2020. The number of fatal occupational injuries decreased in 2021 to 179 from 189 in 2020. The fatal incident rate decreased to 3.9 from 4.4 per 100,000 full-time employees.

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## Communications

The Communications Division provides publications and information to the general public and media outlets. Information is handled in several ways—through direct telephone contact with the members of the media and general public, news releases, newsletters, social media, brochures, manuals and other publications. Communications also compiles the department’s annual report and promotes the department’s programs and initiatives to the public. The Publications Bureau designs and prints workplace safety and health documents and other materials made available to the public.

The division edits all materials printed by the Publications Bureau and publishes pertinent information to the department’s website. Communications released 69 news releases and media advisories in 2022. Topics included SHARP and Star Program ceremonies, safety award winners, and other events and programs.

Communications manages the department’s social media platforms on Facebook, YouTube, Instagram and Twitter, posting content for all NCDOL divisions and bureaus. The Facebook page increased from 1,716 likes at the beginning of the year to 2,201 likes at the end of the year. Communications continues to use the department’s Twitter account that began in May 2012. Communications tweeted 221 times during 2022. The department’s Twitter account grew from 2,062 followers at the beginning of the year to 2,161 at the end of the year. Since starting the Instagram page in October 2016, the platform increased from 649 at the beginning of 2021 to 720 followers by the end of 2022.

In addition, the Communications Division launched a podcast called *Inside NC Labor* at the end of 2018. The podcast is designed to educate North Carolina residents on the role that the department plays in state government. The division develops topics and coordinates with guests to release monthly episodes. In 2022, the division recorded and released 11 episodes. Since the podcast launched in November 2018 it has accumulated 6,017 views on YouTube and 2,716 plays across eight platforms including Spotify, Apple Podcasts, Google Podcasts, Anchor, Breaker, Overcast, Pocket Casts and Radio Public.

Publications’ print shop produced 1,300,232 printing impressions and processed 93,185 pieces of outgoing metered mail for the department’s Raleigh area offices.

The Communications Division continues to work with its Information Technology Division and Digital Services, a division of the N.C. Department of Information Technology, to maintain and publish material as needed to the NCDOL website. A major redesign in 2017 made the website mobile-friendly and easier to navigate for those accessing the website from smart phones or tablets. The Communications Division houses a site administrator and serves as the owner representative for the agency.

## Financial Services

The Financial Services Division is staffed by 14 employees who are responsible for planning, directing and coordinating all fiscal-related areas of the agency. Financial Services ensures fiscal integrity and compliance with all applicable federal, state and agency laws, regulations and policies, while providing effective leadership for the safeguarding, tracking and utilization of all assets and resources for the agency.

The basic areas of expertise include, but are not limited to, budgeting, general accounting, accounts payable, accounts receivable, collections, federal grants administration and procurement. Financial Services is responsible for compiling and reporting to various groups such as employees, employers, state and federal officials, legislators and the general public. The financial operations of the agency are reported in a complete and concise manner. Because Financial Services staff work with so many different groups, it is essential that open and accurate channels of communication exist, and that the information is timely, accurate and easily understood. Financial Services continues with initiatives to streamline operations with creative uses of technology and more effective practices of its skilled staff.

Financial reporting is completed on a state fiscal year basis. Table 1 provides data for each fiscal year beginning in FY 2019 through FY 2022.

**Table 1**

### Financial Services Division Activities, FY 2019 Through FY 2022

	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>SFY 2022</b>
Annual budget	\$39,093,235	\$39,226,843	\$40,547,254	\$46,813,155
Revenue	\$20,923,411	\$20,553,682	\$21,223,117	\$25,398,690
Appropriation	\$18,169,824	\$18,673,161	\$19,324,137	\$21,414,465
Average number of payments issued each month	276	229	197	231
Average amount of expenditures each month	\$3,048,139	\$2,993,336	\$3,098,752	\$3,552,561
Average number of purchase orders issued each month	63	59	60	50
Average amount of purchase orders issued each month	\$223,460	\$440,438	\$369,761	\$169,290
Average amount of civil fines and penalties collected each month*	\$380,292	\$380,330	\$378,516	\$461,161
Average amount of inspection fees collected each month	\$611,319	\$623,895	\$643,508	\$637,930
Average number of A/R invoices processed for inspection fees, fines and penalties each month	3,651	3,562	3,445	3,541

*\*These funds are deposited into the Civil Penalty and Forfeiture Fund.*

## Governmental Affairs

The N.C. General Assembly (NCGA) convened the short session on May 18, 2022. They adjourned July 1, 2022, but they did not adjourn Sine Die until Dec. 13, 2022. The session was held open in case they needed to return for a veto override vote or action relating to redistricting.

The primary focus of the short session was to adjust the biennial budget passed in 2021. With a \$4 billion surplus going into the 2022-2023 Biennium, the NCGA was able to use this revenue to fund a number of unmet needs. The budget, House Bill (HB) 103 (S.L. 2022-74), passed on July 1, 2022, with a bipartisan vote of 82-25 in the House and 38-9 in the Senate.

A list of budget priorities for the N.C. Department of Labor (NCDOL) was submitted to the Office of State Budget and Management and the Legislative Fiscal Research staff for consideration by the Appropriations Chairs for the second year of the biennial budget. The Government Affairs team for the NCDOL met with the Agricultural, Natural and Economic Resources (AgNER) Appropriations Chairs for both the House and Senate to answer any questions and advocate for the department's priorities.

The following is a list of budget priorities that were funded for the NCDOL for the 2022-2023 Biennium under HB 103, S.L. 2022-74.

- \$445,881 – Occupational Safety and Health (OSH) Legal Services  
Recurring state funding to cover the cost of the department's Labor contract with the Attorney General's Office for services of Labor section attorneys.
- \$200,000 - OSH Consultative Services  
Recurring state funding to shift 1.92 Full Time Equivalent (FTE) positions in the Consultative Services Bureau to General Fund support. These positions were previously funded by a federal grant.
- \$1,500,000 - Be Pro Be Proud  
Non-recurring directed grant to the N.C. Home Builders Education and Charitable Foundation for mobile workshop units to offer simulated virtual reality experiences with skilled professions. The total state appropriation for this program since FY 2021-2022 is \$6.5 million.
- \$187,198 - Compensation Increase Reserve  
Recurring state funding for an additional 1% across-the-board salary increase for most employees, or an additional 2% across-the-board salary increase if the employee is paid based on an experience-based salary schedule or has a salary set in law. These increases are in addition to the 2.5% across-the-board salary increase already appropriated in S.L. 2012-180.
- \$187,198 - Labor Market Adjustment Salary Reserve  
Recurring state funding for labor market salary adjustments to positions that are not paid based on an experience-based salary schedule or have a salary set in law. The funds shall be used by agencies to address specific staffing issues by providing targeted salary increases to recruit and retain for hard-to-fill positions.

The Government Affairs team was successful in having two special provisions included in the budget. One provision increased OSH penalties to conform to the requirements of the U.S. Department of Labor (USDOL). This provision also indexes penalties to the Consumer Price Index (CPI) so that the NCDOL does not have to return to the NCGA for penalty increases in the future.

The second special provision starts the clock running on the statute of limitations when OSH makes an initial inspection of a violation as opposed to when the violation occurred. The six-month window to complete an investigation remains the same.

Noteworthy bills tracked by the NCDOL:

**HB 911, (S.L. 2022-75) Waterslide Dispatcher Change Section 13.(a) G.S. 95-111.3  
An Act To Provide Further Regulatory Relief To The Citizens Of North Carolina.**

The Regulatory Reform Act of 2022 created the definition of a “waterslide dispatcher.” The dispatcher is a person who is eligible to work at a waterslide once he reaches the age of 16. All other operators must be 18 years of age.

**HB 619, (S.L. 2022-56)  
An Act Imposing Safety Requirements For Elevators In Certain Residential Rental Accommodations, And Directing The Building Code Council To Amend The State Building Code.**

“Weston’s Law” created a new safety requirement for residential elevators used in rental properties. This new requirement is regulated by the N.C. Department of Insurance.

**Additional Bills Tracked That Did Not Become Law:**

- HB 991, Administrative Law Judge Authority to Void Rules.
- HB 1022, High School Trade Study.
- SB 853, Wage/Theft Funds.

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## Human Resources

The Human Resources (HR) Division supports the department through the administration and management of workplace services and the personnel policies and procedures established by the State Personnel Act (N.C. Gen. Stat. § 126). Human Resources chronicled new hires, separations from service, promotions within the department, job postings, applications received and total personnel actions processed. The Human Resources Division manages the receptionist position for the Labor Building, who is the first point of contact for visitors, members of the general public and deliveries to the building.

Working with a third-party administrator, Human Resources administers the department’s workers’ compensation program. There were five reported injury/illness claims during 2022. Table 2 provides a comparison of HR activity in calendar years 2019 through 2022.

**Table 2****Human Resources Activities, Calendar Years 2019 Through 2022**

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
New Hires	45	27	46	57
Separations	46	43	53	49
Promotions	28	20	15	27
Job Applications Received	9,875	6,381	7,269	5,165
Personnel Actions Processed	735*	631**	559***	823****
Total Positions on 12/31	386	381	378	371
Total Employees on 12/31	345	335	332	317
(includes part-time employees sharing one position)	2	2	0	0
Positions Posted for the Year				
(internal, external and repostings)	131	155	215	247
Average Employee's Age	50	51	52	50
Average Employee Service Months	146	152	241	238
EEODF Training/Refresher Course	6	0	9	2

\* Includes 334 legislative increase salary adjustments.

\*\*Includes 337 legislative increase salary adjustments and nine retired actions.

\*\*\*Includes 332 legislative increase salary adjustments.

\*\*\*\*Includes 320 legislative increase salary adjustments, 64 Labor Market adjustments, 219 in range salary adjustments.

## Information Technology

Information Technology (IT) provides the department with information technology services for the administration, design, engineering and acquisition of all software and hardware, while providing daily desktop services and support. It also supports a federal-level information system, OSHA Information System, which is used by the Occupational Safety and Health Division.

In 2022, Information Technology's accomplishments included:

- Monitored and responded to inquires submitted on the NCDOL website, which had 3,150,474 visits in 2022.
- Responded to a total of 3,990 internal telephone and email requests for assistance via IT Desktop Services.

## Legal Affairs

The Legal Affairs Division (LAD) advises the commissioner of labor and the entire agency on a wide variety of legal issues. The division monitors all legal issues related to the department. This includes reviewing and referring cases for litigation to the N.C. Attorney General's (AG) Office; advising the commissioner and the department on policy adoption and implementation; drafting and conducting legal reviews of policies and procedures; fielding a wide variety of constituent questions/issues on a daily basis; maintaining a comprehensive employee database and auditing employee compliance with the NCDOL State-Owned Vehicle Use Policy; tracking and initiating appropriate action on all bankruptcy matters affecting the department from filing proof of claims to recovery/distribution of outstanding wages, invoices and civil money penalties; handling distribution of outstanding wage payments on behalf of employees before and after the indebtedness has resulted in a civil judgment; serving as the liaison between NCDOL and the Occupational Safety and Health (OSH) Review Commission for the purpose of distributing contested case documents and coordinating compliance officers' availability for pending hearings before the OSH Review Commission; serving as the liaison between NCDOL and attorneys representing third party litigants; serving as the liaison with the AG's Office for contested case petitions filed at the Office of Administrative Hearings (OAH) under N.C. Gen. Stat. § 150B; conducting a variety of jurisdictional case file reviews and comprehensive reviews of potential litigation files for wage and hour/retaliatory employment discrimination complaints; serving as the service of process agent for service of all legal documents; serving as the chief records retention officer for the department; serving as the agency rulemaking coordinator, who is responsible for coordinating/conducting all administrative rulemaking activities for NCDOL and for preparing/filing all rulemaking reports required by N.C. Gen. Stat. § 150B; serving as the agency ethics liaison to field ethics questions, track ethics training and ensure conformance with the reporting requirements of the state ethics laws; and serving as the agency business license coordinator to ensure conformance with reporting requirements of licenses/permits obtained from the department by the public.

### Wage and Hour Judgments/Settlement Disbursements

The Legal Affairs Division works with the Wage and Hour Bureau to review investigations that result in findings of outstanding wage payments, which are then referred to the AG's Office for litigation. Legal Affairs also coordinates with the AG's Office on collection efforts related to wage and hour cases in which a judgment has been obtained.

The division works actively with employers to collect monthly payments after any employer defaults on a settlement agreement the employer entered with the Wage and Hour Bureau for payment of back wages. During 2022, the Legal Affairs Division directly assisted with collecting \$336 in wages for employees. The results of the pandemic continued to have a detrimental effect on collection efforts, especially in relation to the increase in business closures and bankruptcy filings.

### Division/Departmental Policies and Procedures

Legal Affairs is the service of process agent for the agency and responds to all litigation filings. This includes third-party litigation in which the agency is not a party, but in which those parties involved in litigation are seeking records or are seeking to contact inspectors and compliance officers, including issuance of subpoenas. In 2022, Legal Affairs responded to 45 third-party litigation matters.

Legal Affairs also responds to general questions through direct contact from the public and through the AskLAD email address; however, it is prohibited from providing legal advice to members of the public. In 2022, Legal Affairs responded to 713 AskLAD inquiries and to 58 direct public inquiries.



The division files all proof of claim notices in bankruptcy proceedings for monies owed to NCDOL. Bankruptcy notices are initially received and reviewed by Legal Affairs, and confirmation is requested from other divisions regarding any outstanding debts owed to the agency or to individuals through agency investigations. If amounts are owed directly to the agency for inspection fees or penalties, or the agency has either a judgment, a confession of judgment, or a default judgment, Legal Affairs files a proof of claim with the appropriate bankruptcy court. In 2022, Legal Affairs received notices of 30 new bankruptcy filings and filed six proof of claim notifications.

The Legal Affairs Division is responsible for maintaining and auditing employee driving records in accordance with the NCDOL State-Owned Vehicle Use Policy, which Legal Affairs updated on Nov. 1, 2022. All NCDOL personnel must agree to a DMV 10-year history review prior to receiving authorization from Legal Affairs to drive a state-owned vehicle. In addition, all NCDOL employees must report all traffic violation citations or any change in license status to Legal Affairs. A periodic audit of each division of the agency is also performed to confirm that all employees continue to be eligible to drive a state-owned vehicle. The annual audit was completed in August 2022 and included a review of 275 employees.

Upon request and assignment by the Office of State Human Resources (OSHR), members of the Legal Affairs Division provide mediation services to other state agencies as a part of OSHR's grievance procedure and to NCDOL's Retaliatory Employment Discrimination Bureau.

The division provides continuous support to the entire agency through legal interpretations, guidance in relation to the functional schedule (maintaining state agency records), guidance on the release of public records and enforcement/investigation of policy and procedure violations, including personnel investigations.

### **Public Records Requests**

The Legal Affairs Division is responsible for responding to various public records requests to the agency in relation to the Public Records Act, found in Chapter 132 of the N.C. General Statutes. In 2022, the division responded to 78 public records requests. This does not include requests for OSH files, Wage and Hour files, Retaliatory Employment Discrimination files or requests from the media.

### **Occupational Safety and Health Variances**

In accordance with N.C. Gen. Stat. § 95-132, employers may apply to the commissioner of labor for a temporary, permanent or experimental variance from a promulgated occupational safety and health standard. The Legal Affairs Division works with the Education, Training and Technical Assistance Bureau to review variance applications and to ensure compliance with the N.C. General Statutes, N.C. Administrative Code and the Code of Federal Regulations. The division also prepares and files the paperwork necessary to process a variance request in accordance with Title 13, Chapter 07A, Section .0700 of the N.C. Administrative Code, Rules of Practice for Variances, Limitations, Variations, Tolerances and Exemptions. There were no variance requests filed in 2022.



## Rulemaking

### Verbatim Adoptions: Occupational Safety and Health

The amendments to the Occupational Safety and Health Standards include verbatim adoptions of federal OSHA standards as required by 29 CFR 1902.4(a) and N.C. Gen. Stat. 95-131(a) in order for North Carolina's OSH program to be as effective as the federal program and to maintain North Carolina's state plan status under the federal Occupational Safety and Health Act of 1970. All verbatim rules are adopted in accordance with N.C. Gen. Stat. § 150B-21.5(c), which states that the OSH Division is not required to publish a notice of text in the North Carolina Register or hold a public hearing when it proposes to adopt a rule that concerns an Occupational Safety and Health Standard and is identical to a federal regulation promulgated by the Secretary of the USDOL.

### Occupational Safety and Health Standards, Miscellaneous corrections - Sept. 1, 2022.

*General Industry (13 NCAC 07F .0101)*

*Construction (13 NCAC 07F .0201)*

*Shipyard Employment (13 NCAC 07F .0501)*

The division adopted verbatim changes to Title 29 of the Code of Federal Regulations promulgated by federal OSHA, which included changes to Part 1910 – General Industry. These amendments, published in the Federal Register on June 1, 2022 (87 FR 32999), corrected errors that were only editorial or technical in nature regarding an equation in Section II of Appendix A of the OSHA standard on occupational noise exposure in General Industry, 29 CFR 1910.59. Federal OSHA's final rule was effective June 1, 2022. This verbatim adoption became effective in North Carolina on Sept. 1, 2022.

The division also adopted verbatim changes to Title 29 of the Code of Federal Regulations promulgated by federal OSHA, which included changes to § 1926 and § 1915 – Construction and Shipyard Sectors. The amendments to the Maritime Standard, Shipyard Employment, were published in the Federal Register on Oct. 4, 2021 (86 FR 54611) and made minor corrections to the Incorporation by Reference Section for Maritime due to inadvertent mistakes in three final rules: Updating OSHA Standards Based on National Consensus Standards, Personal Protective Equipment; Updating OSHA Standards Based on National Consensus Standards, Eye and Face Protection; and Standards Improvement Project – Phase IV. OSHA's final rule for 29 CFR 1915 was effective Oct. 4, 2021. The amendments to the Construction Standard, published in the Federal Register on June 29, 2022 (87 FR 38657), made a correction to an error that was editorial or technical in nature in the Safety and Health Regulations for Construction – 29 CFR 1926, and corrected inadvertent removal of regulatory text resulting from a notice of correcting amendments issued Feb. 18, 2022. It revises 29 CFR 1926.62(d)(2)(iv). Federal OSHA's final rule was effective June 30, 2022. The verbatim adoptions for Shipyard Employment and Construction became effective in North Carolina on Sept. 1, 2022.

## Occupational Safety and Health Standards, Emergency Temporary Standard, Occupational Exposure to COVID-19, General Industry, 29 CFR § 1910 (86 FR 32376, June 21, 2021).

### *General Industry (13 NCAC 07F .0101)*

The division adopted verbatim changes to Title 29 of the Code of Federal Regulations promulgated by federal OSHA, which included changes to Part 1910—General Industry. The final emergency temporary rule was published in the Federal Register on June 21, 2021 (86 FR 32376); the noted purpose was to protect healthcare and healthcare support service workers from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present. Federal OSHA’s interim final rule was effective June 21, 2021, and remained in effect until Dec. 21, 2021. This verbatim adoption became effective in North Carolina on July 21, 2021. Because the federal rule expired on Dec. 21, 2021, North Carolina’s adoption of the Emergency Temporary Standard, Occupational Exposure to COVID-19, General Industry, expired on Dec. 21, 2021. This rule is no longer in effect in North Carolina.

### **General Rulemaking: Boiler and Pressure Vessel Bureau**

Rule amendments were filed for multiple Boiler and Pressure Vessel Devices rules, including inspection fee increases for boilers, and the incorporation of additional industry standards. The rules were approved by OAH on March 17, 2022, and became effective April 1, 2022. The approved rules were published in the N.C. Register, Volume 36, Issue 21, on May 2, 2022. The following rules were amended:

13 NCAC 13 .0101	Definitions
13 NCAC 13 .0103	Incorporated Standards
13 NCAC 13 .0201	Name: Address
13 NCAC 13 .0202	Inspector Qualifications
13 NCAC 13 .0203	North Carolina Commission
13 NCAC 13 .0205	Owner-User Inspection Organization
13 NCAC 13 .0207	Inspection Reports
13 NCAC 13 .0210	Shop Inspections and National Board “R” Certificate Qualification Reviews
13 NCAC 13 .0211	Certificate Inspections
13 NCAC 13 .0213	Certificate and Inspection Fees
13 NCAC 13 .0214	Extended Pressure Equipment Operating Certificates
13 NCAC 13 .0303	Inspections Revealing Deficiencies
13 NCAC 13 .0401	Design and Construction Standards
13 NCAC 13 .0402	North Carolina Stamping and Registration
13 NCAC 13 .0405	Pressure Relief Devices
13 NCAC 13 .0406	High Pressure or Temperature Limit Control
13 NCAC 13 .0409	Automatic Low-Water Fuel Cutoff Controls and Water-Feeding Devices
13 NCAC 13 .0420	Firing Mechanism Controls
13 NCAC 13 .0422	Exhibition Boilers
13 NCAC 13 .0423	Model Hobby Boilers
13 NCAC 13 .0701	Standards

## **NCDOL Departmental Rules Regarding Petition for Rulemaking**

Clarifying amendments to the agency rules for petitions for rulemaking were submitted to the Rules Division of OAH in March 2022. The amendments addressed 13 NCAC 01B.0101, Instructions for Filing a Petition for Rulemaking; 13 NCAC 01B.0102, Mailing List; and 13 NCAC 01B.0103, Disposition of Petitions. The agency followed the rulemaking procedures, and the rules were approved on April 21, 2022, by the Rules Review Commission, and were published in the N.C. Register, Volume 36, Issue 23, on June 1, 2022. The petition for rulemaking amendments became effective May 1, 2022.

### **Petitions for Rulemaking – Airborne Infectious Diseases presenting as a public health emergency.**

In December 2022, the agency received two Petitions for Rulemaking from the Episcopal Farmworker Ministry, the N.C. State AFL-CIO, Union of Southern Service Workers, the Hispanic Liaison of Chatham County/El Vinculo Hispano, the Western N.C. Workers' Center and the N.C. Conference of the NAACP, seeking adoption of an Occupational Safety and Health Standard in relation to any airborne infectious agent or disease designated as presenting a public health emergency. The first petition sought adoption of a rule that would apply to every employer, employee and place of employment in North Carolina with the coverage of the OSH Act of North Carolina. The second petition sought adoption of a rule that would establish requirements for agricultural employers and migrant housing operators, as defined in N.C. Gen. Stat. § 95-223, to assess the risk of, prepare for, control, prevent and mitigate the spread of an airborne infectious disease to and among employees, employers, migrants and any migrant housing occupants. In addition, the proposed rules add additional requirements applicable to airborne infectious disease-related hazards. The deadline for a response to the petitioners is January 2023.

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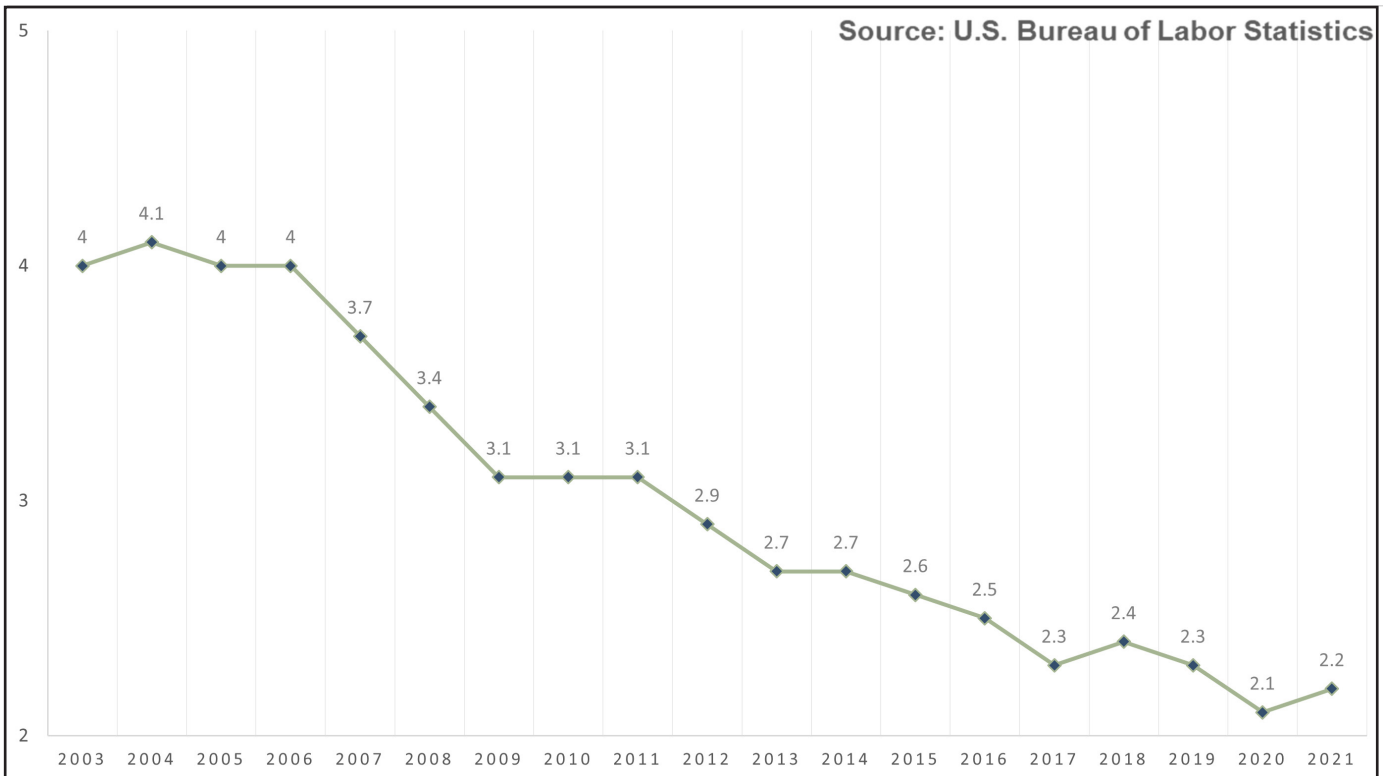
## **Research and Policy**

### **Research**

The research area of the division collects information and data for use by the commissioner of labor. The bureau develops and implements special programs and projects.

### **Safety and Health Survey Section**

The Safety and Health Survey Section collects, reviews, refines and publishes the Survey of Occupational Injuries and Illnesses data for certification to the U.S. Bureau of Labor Statistics (BLS). The data, used by both state and federal departments of labor, provides accurate estimates of North Carolina's work-related injury and illness rates and counts, as well as details about demographic and case characteristics for injured workers. The state total recordable incidence rate for injuries and illnesses in the private sector was 2.2 for every 100 full-time employees in 2021, which was significantly below the national rate of 2.7. The 2021 nonfatal injury and illness rate for North Carolina is statistically unchanged from 2020 and remains at an all-time low. See Figure 1.

**Figure 1****Nonfatal Occupational Injury and Illness Rate for North Carolina,  
Private Sector, Calendar Years 2003 Through 2021**

Annually, North Carolina samples roughly 8,600 establishments for the Survey of Occupational Injuries and Illnesses. For the 2021 survey, collected during 2022, the state sampled 8,600 establishments, of which 7,436 remained collectible after accounting for business closures, sampled unit changes and duplicate sampled units. This total collectible number ranks as the fifth-highest total among all states and represents 23% more collectible units than the next closest state.

The sample selection process begins with North Carolina providing a list of important industries to BLS. When BLS randomly selects establishments for participation in the survey, it does so within those targeted industries in order both to ensure that the survey produces estimates for industries important to North Carolina and to guarantee that North Carolina's sample reflects the business community generally. Within those targeted industries, BLS then draws a random sample of establishments using data obtained from unemployment insurance and the Quarterly Census of Employment and Wages.

The survey includes private, local and state entities sampled at the establishment level, not the business or corporate level. As such, BLS may sample a single company more than once if it owns or operates multiple locations. BLS then mails survey participants a prenotification letter informing them about the survey and asking them to maintain injury and illness records for the following year. The mailing also provides all necessary documents, such as copies of the OSHA 300A logs, since federal regulations require all sampled establishments to participate regardless of whether they normally maintain annual OSHA logs.

Sampled units receive the actual survey in January following the surveyed year. In 2022, 83% of sampled establishments responded to North Carolina's 2021 survey. NCDOL staff members refer any establishments that have failed to respond or have expressly refused to respond to the survey to the federal BLS for further action.

After the survey collection period ends, the BLS aggregates all the data. It then produces injury and illness rate and count estimates for private industry, state government and local government generally, as well as rate and count estimates for hundreds of specific industries.

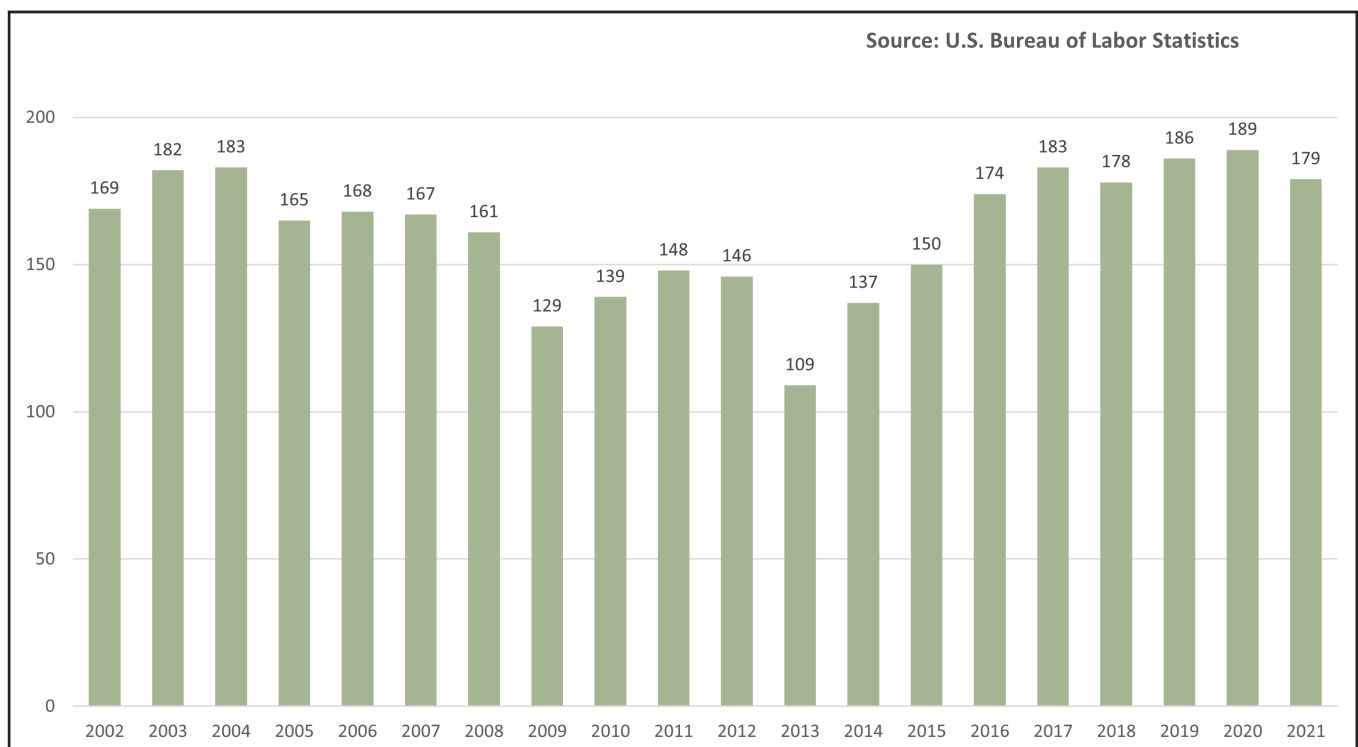
Many stakeholders use these data. The NCDOL OSH Division employs the data to target hazardous industries. Businesses in nearly every sector use the injury and illness data for benchmarking and to evaluate the relative safety of their workplaces. Academics also analyze the injury and illness data for safety trends and journalists have made use of the data to inform and support stories as well as pinpoint industries worth investigating.

The section also codes, analyzes and publishes statistical data on occupational fatalities in the state to build the BLS-sponsored Census of Fatal Occupational Injuries. The information is obtained from employers, death certificates, medical examiner reports and other sources. Fatal injury information enables NCDOL to better understand how and where accidents occur. The figures also are used to assist those industries with high rates of injuries and fatalities to target safety and health education and training where needed. BLS figures, from the Census of Fatal Occupational Injuries, show that North Carolina suffered 179 workplace injury deaths in 2021. This represents a decrease from the 189 workplace injury deaths recorded in 2020 and is the lowest number since 2018. See Figure 2.

Using census data, BLS also calculates the fatality rate for North Carolina as the number of fatal workplace injuries per 100,000 equivalent full-time workers. In 2021, the fatality rate was 3.9 fatalities per 100,000 full-time workers. The 3.9 rate represents a decrease from the 4.4 rate recorded for 2020 in North Carolina.

**Figure 2**

### Fatal Occupational Injury Count for North Carolina, Calendar Years 2002 through 2021



## Occupational Safety and Health Division

The Occupational Safety and Health Division comprises six bureaus of the N.C. Department of Labor: Agricultural Safety and Health; East Compliance; West Compliance; Consultative Services; Education, Training and Technical Assistance; and Planning, Statistics and Information Management.

### Statistical Highlights for 2022

#### Agricultural Safety and Health Bureau

- The ASH Bureau completed 2,061 preoccupancy housing inspections of migrant farmworker housing and issued certificates to 2,052 sites.
- The bureau conducted 42 compliance inspections and issued 61 violations, with total current penalties amounting to \$174,156.
- Gold Star status was achieved by 202 growers.

#### Compliance Bureaus – East and West

- Compliance conducted 1,174 safety inspections and 780 health inspections, for a total of 1,954 compliance inspections.
- Compliance issued citations for 3,562 violations, with total current penalties amounting to \$7,531,334.

#### Consultative Services Bureau

- The bureau conducted 1,257 initial visits, 128 training and assistance visits and 116 follow-up visits for a total of 1,501 visits during FY 2022.
- A total of 6,253 hazards were identified and eliminated as a result of consultative visits. Of these, 5,860 were serious hazards, 322 were other-than-serious hazards and 71 were regulatory.
- The bureau has 105 private sector Safety and Health Achievement Recognition Program (SHARP) worksites. There were 49 public sector SHARP sites in the program, six construction sites and four pre-SHARP sites at the end of FY 2022.

#### Education, Training and Technical Assistance Bureau

- The ETTA Bureau participated in 190 courses, forums and workshops, providing training for 3,466 employers and employees.
- The bureau distributed 52,591 hard copy publications and responded to 2,681 standards interpretation inquiries.
- The Safety Awards Program celebrated its 76th year, awarding 2,132 annual and 50 million-hour safety awards.
- The bureau recognized four new Carolina Star sites and recertified 26 Star sites. There were 147 companies in the Carolina Star Program at the end of FFY 2022.

#### Planning, Statistics and Information Management Bureau

- PSIM Bureau completed the Public Sector Injury and Illness Survey for calendar year 2021 data with a 100% response rate at the conclusion of the survey.
- The bureau received 1,090 disclosure requests and processed 971 requests (714 from FFY 2022 and 257 from previous years).



## Agricultural Safety and Health Bureau

### Inspection Effort

In 2022, the Agricultural Safety and Health (ASH) Bureau completed 2,061 preoccupancy housing inspections of migrant farmworker housing and 42 compliance inspections. Housing certificates were issued to 2,052 sites with total occupancy (beds) of 26,618. Sites in 100% compliance at the time of the inspection numbered 1,083 and were operated by 512 growers. Double Gold Star status was achieved by 119 growers and Single Gold Star status was achieved by 83 growers for a total of 202 in calendar year 2022.

### Gold Star Growers Meeting

Due to COVID-19, the annual Gold Star Growers' event was canceled in 2022.

### Compliance

ASH inspectors conducted 42 compliance inspections in calendar year 2022. These inspections included, five accidents, 11 complaints, 10 referrals, six unprogrammed related and 10 programmed planned inspections. The bureau issued 61 violations. During this period, 29% of the inspections resulted in no citations. Total current penalties for citations issued amounted to \$174,156. In addition, two uncertified camps and four unregistered, uncertified camps were discovered in 2022.

### Workplace Safety Training and Outreach

In 2022, the ASH Bureau distributed bilingual COVID-19 informational packets to all registered growers and migrant housing sites in North Carolina. ASH also partnered with the N.C. Agromedicine Institute and the N.C. Department of Health and Human Services' Farmworker Health Program to develop a COVID-19 training webinar for Gap Connections' annual grower training which was viewed by 775 growers.

In May 2022, ASH staff participated in an online forum for farmworkers. During the event, attendees were able to ask questions and share work-related concerns. Other participating agencies and organizations included the U.S. Equal Opportunity Employment Commission, USDOL Wage and Hour and AMEXCAN.

In June 2022, ASH staff participated in a Safety at Work Forum hosted by Univision 40 North Carolina to raise awareness in the Hispanic community about workplace hazards. The virtual forum was recorded and aired on Univision's Facebook page. The following topics were discussed: the employer's responsibility to provide a safe workplace; the employee's responsibility to maintain safety in their workplace; safety and health training requirements in the workplace; what to do if the workplace is not safe; how and who can file a complaint about unsafe working conditions; what an employee can do if they are fired or disciplined for reporting safety or health issues in the workplace; and what happens and what to do when an employee suffers an accident at work and the employer's responsibilities post-accident.

The ASH bureau presented at the 2022 Farm Safety and Compliance Event hosted by Gap Connections. ASH staff trained 124 farmworkers and 19 farmers/farm managers about the signs and symptoms of heat-related illnesses, prevention methods and emergency response. Farmers were provided with an example Heat Stress Prevention Program and inspectors discussed strategies for designing and implementing a customized program on the farm. Attendees were also given a variety of NCDOL publications in English and Spanish, including Green Tobacco Sickness, Injury/Illness reporting and ticks, spiders and venomous snakes in North Carolina. During the event, farmworkers and growers were also trained on wage and hour regulations, equipment safety, human trafficking, basic CPR/first aid, pesticide safety and green tobacco sickness.



In October 2022, ASH staff trained 29 farm labor contractors during two workshops hosted by N.C. Cooperative Extension. Training topics included migrant housing regulations, field sanitation requirements and heat-related illnesses and prevention methods

### **Inspector/Staff Training**

ASH staff attended numerous classes including Introduction to Safety Standards, Electrical Safety, Update for Construction Industry Outreach Trainers and Update for General Industry Outreach Trainers. In 2022, the ASH Bureau hired two new inspectors with the funding received in 2021.

### **Partnerships, Associations and Collaborations with Groups**

The ASH Bureau continues to strengthen partnerships and associations with other groups, such as: N.C. Cooperative Extension, N.C. Agromedicine Institute, N.C. Department of Health and Human Services, N.C. Farmworker Health Program, N.C. Community Health Center Association, N.C. Farm Bureau, N.C. Agribusiness Council and the N.C. Growers Association.

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## **Compliance Bureaus – East and West**

The Compliance Bureaus enforce occupational safety and health laws, rules and regulations and employee protection in workplaces throughout North Carolina through the use of professional industrial hygiene, safety engineering, administrative controls, training and technical services provided to all employers within the state of North Carolina. OSH Compliance identifies and analyzes workplace accidents, injuries and occupational illnesses; evaluates workplace safety methods, policies, procedures and programs; communicates workplace safety information to employees and employers; measures, analyzes and evaluates the effectiveness of safety programs, as well as effecting changes to programs to achieve optimum results in the various workplaces throughout North Carolina. The compliance activities are directly associated with the OSH Division's strategic plan. The data are reported on a federal fiscal year basis.

FFY 2022 compliance activities included:

- 1,954 compliance inspections. See Figure 3.
- 1,174 safety inspections.
- 780 health inspections.
- 1,050 construction inspections.
- 3,562 total violations.
- 3.0 average number of violations per inspection.
- \$7,531,334 in current penalties assessed.
- 56 average lapsed days from inspection date to when citations were issued.
- 528 informal conferences conducted.
- 3,472 serious hazards abated.
- 518 employer safety and health program improvements.
- 30 inspections associated with the Tree Felling Special Emphasis Program.
- 612 inspections in the Construction Special Emphasis Program counties.
- 32 inspections in long-term care facilities.

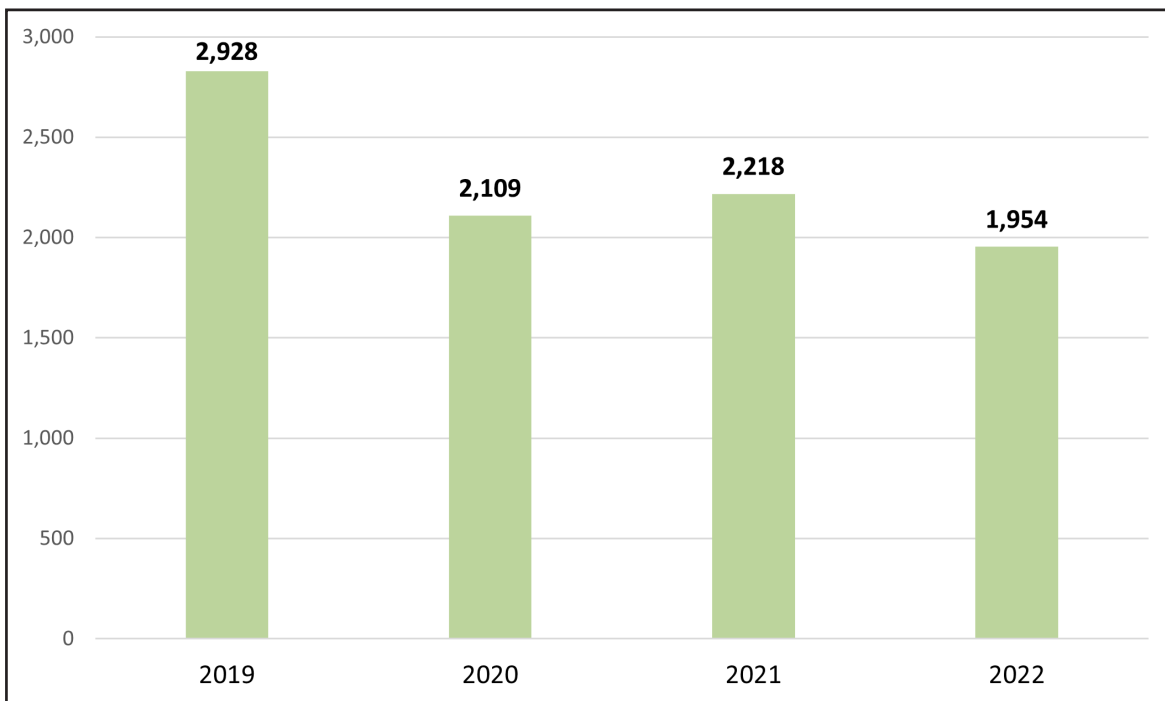
- 91 inspections associated with the Health Hazards Exposure Special Emphasis Program.
- 93 inspections associated with the public sector.
- 174 compliance interventions (includes speeches, training programs and program assistance).
- 72 fatality/accident inspections (data is based on open date of inspection) which were associated with 65 of the fatalities on the FY 2022 OFIR Report (OFIR data is based on event date).
- 468 complaint inspections.
- 775 referrals/accidents:
  - 191 referral/accident inspections.
  - 584 referral/accident investigations.
- 3,107 complaint investigations (712 related to COVID-19).
- 290 retaliatory employment discrimination investigations which were received by the Retaliatory Employment Discrimination Bureau and were associated with occupational safety and health.

Figure 3 depicts the total number of compliance inspections conducted in North Carolina for federal fiscal years 2019 through 2022. The number of compliance inspections in recent years continues to fluctuate due to a combination of factors including inconsistent federal and state funding, salaries that have not kept pace with the private sector and increased turnover rates. Additionally, in fiscal years 2019 through 2021, compliance inspection activities were significantly impacted by the COVID-19 pandemic. The department has taken a proactive approach to reduce vacancy and turnover rates and will continue to address concerns through ongoing discussions with the Office of State Human Resources, the Office of State Budget and Management and the Legislature.

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**Figure 3**

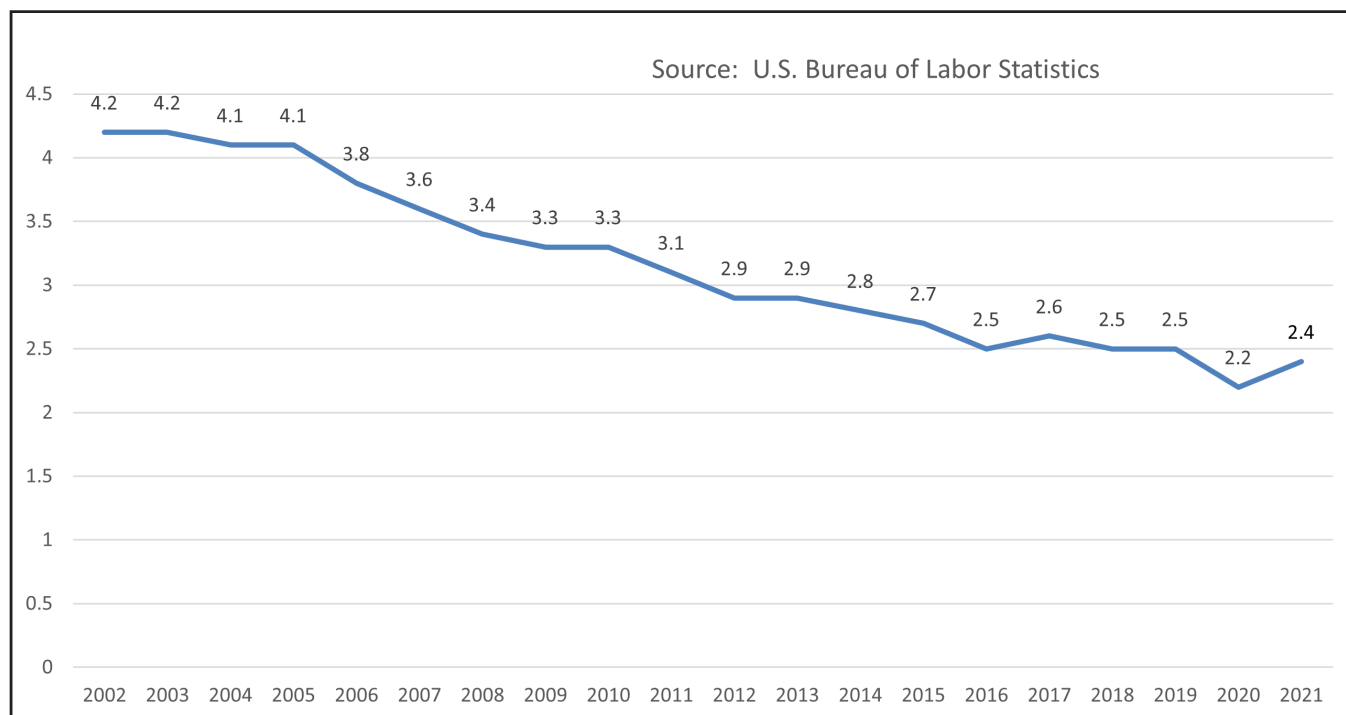
**Number of Compliance Inspections, FFY 2019 Through FFY 2022**



Several tools, in addition to the statewide injury and illness rates, are used to monitor inspection quality and operational efficiency. Figure 4 represents the total recordable case rate per 100 full-time public and private sector workers. Internal case file audits, field audits, employer/employee feedback and informal conferences are some of the tools used to measure quality and consistency of the statewide work product.

**Figure 4**

**Occupational Injury and Illness Rate for North Carolina,  
Public and Private Sectors, Calendar Years 2002 Through 2021**



In addition to inspection/investigation activity, OSH Compliance provides technical assistance and outreach training to as many employers and employees as resources will permit. Additional significant activities that occurred in OSH Compliance or involved OSH Compliance participation during FY 2022 include the following:

- The state's total recordable case rate (TCR) released by the U.S. Bureau of Labor Statistics (BLS) was one of the lowest in program history at 2.4 for calendar year 2021, which is the most current year available. The private sector TCR also was one of the lowest in program history at 2.2.
- The state's DART rate, which includes days away from work, restricted activity or job transfer, released by the U.S. BLS was one of the lowest in program history at 1.4 for calendar year 2021, which is the most current year available. The private sector DART rate continued to be one of the lowest in program history at 1.3.
- Stakeholder input was realized through two hybrid (virtual and in-person) meetings of the OSH Advisory Council held in 2022 and hosted in Raleigh. OSH Division staff met with the members of the council, who represent a cross section of employers, advocacy groups and the public sector. Members heard an update from OSH staff and offered their thoughts and opinions on how the department is working.

- Three change requests were submitted for the OSHA Express (OE) data management system in 2022, which included changes to the penalty structure and other program enhancements. The scanner capabilities at each office have allowed the OSH Division to achieve the goal of becoming fully paperless. The most recent FAME review was conducted via the paperless process. This process received strong, positive feedback from federal OSHA. North Carolina is one of several states to use the OE system, rather than federal OSHA's Occupational Safety and Health Information System (OIS). In FFY 2022, OSH continued to transmit data daily from OE to OIS via the interface. OSH and the OE vendor continue to work together to ensure that the systems, State Activity Mandated Measures and State Information Report are providing accurate data.
- During 2022, ongoing revisions were made to the Field Operations Manual and Operational Procedure Notices as a result of program improvement opportunities identified by customers, division employees and other stakeholders.
- OSH continues to provide administrative support for the OSHA Legacy Data system to clean up all open inspections that were transferred to this database. This system was rolled out in late FFY 2016 and early FFY 2017, and additional features were added to allow OSHA and State Plans to access and modify pre-OIS inspection files, as necessary. Progress continues to be made, with a goal of having all open legacy cases closed as soon as possible.
- OSH Compliance received a variety of training during FFY 2022.
- The OSH director and assistant director continued to participate in meetings with the Occupational Safety and Health State Plan Association (OSHSPA). The OSHSPA group meets with OSHA leadership three times a year in an effort to better ensure consistency among OSHA programs nationwide. The FFY 2022 OSHSPA meetings were held in Louisville, Kentucky and Roanoke, Virginia.

The OSH Division maintained two partnerships and added one new partnership during the year. The existing partnerships are with Holder-Edison Foard-Leeper, which is a joint venture project located at the Charlotte Douglas International Airport/Terminal Lobby Expansion, and Barringer Construction located in Oakboro, which is the future site of Charlotte Pipe and Foundry. Both of those projects are scheduled for completion in 2023. A new partnership with Jacobs Engineering Group was signed in April 2022 and covers construction of FUJIFILM Diosynth Biotechnologies' manufacturing facility and campus in Holly Springs. These employers voluntarily entered a partnership to improve their safety and health performance. The OSH Division provided incentives to these participants such as deferment from programmed inspections, technical assistance, partnership team quarterly walkthroughs and safety and health training assistance. The Compliance, Consultative and ETTA bureaus all work collectively to conduct the quarterly consultative walk throughs to identify hazards, promote best practices and educate employees and OSH Division personnel.

- The Amputations SEP completed its third year of formal activity. The program was added to the OSH Division’s five-year Strategic Management Plan (SMP) for federal fiscal years 2019-2023, with the first year serving as planning and outreach. Throughout the year, the division focused resources from the different bureaus to address amputation hazards with the goal of reducing workplace amputations. Compliance conducted 163 inspections.
- In order to address a finding regarding OSH penalties in the most recent FAME report, the department submitted a statutory change request to the N.C. General Assembly that would allow the division to increase penalties in line with federal OSHA. The 2022 Appropriations Act included the requested change, and North Carolina OSH penalties increased on Oct. 1, 2022. Going forward, OSH penalties will increase annually on July 1, in accordance with the federal cost-of-living adjustment. North Carolina was required to pursue this change in order to remain “at least as effective as” federal OSHA and to not endanger its state-plan status.
- The OSH Division tracked activity related to the COVID-19 pandemic through Sept. 30, 2022. Since March 2020, the division responded to 10,178 calls and emails related to COVID-19 and received and processed over 5,500 COVID-19 complaints. The division held 244 meetings, PSIM handled over 3,000 disclosure requests and all bureaus conducted countless activities related to COVID-19.
- The OSH Lab completed 358 in-house equipment calibrations. An additional 103 pieces of equipment were sent to the manufacturer for calibration or repair.
- The OSH Division’s leadership team experienced significant transition at the end of FFY 2022. Director Kevin Beauregard retired Sept. 30, 2022, and Jennifer Haigwood was appointed as the new director of the OSH Division effective Oct. 1, 2022. Scott Mabry, assistant director, was promoted to chief of staff on Aug. 1, 2022. Paul Sullivan was appointed as the new assistant director effective Aug. 1, 2022.

## Consultative Services Bureau

The Consultative Services Bureau continued to provide services to the employers and employees in both the private and public sectors during FFY 2022. The bureau conducted 1,501 total consultative visits. See Table 3.

- 919 (61%) safety visits; 582 (39%) health visits.
- 1,257 (84%) initial visits; 128 (8%) training/assistance visits; 116 (8%) follow-up visits.
- 1,254 (84%) private sector visits; 247 (16%) public sector visits.
- 356 (24%) manufacturing visits; 576 (38%) construction visits; 322 (21.45%) other industry type visits; 247 (16.45%) public sector visits.
- Hazards identified and eliminated as a result of consultative visits totaled 6,253. Of these, 5,860 (94%) were serious hazards, 322 (5%) were other-than-serious hazards and 71 (1%) were regulatory.

Consultants conducted 227 safety and health interventions with employers, which included speeches, training programs, safety and health program assistance, interpretations, conference presentations and hazard abatement assistance.

The bureau continues to focus on small and high hazard employers and encourages participation in the Safety and Health Achievement Recognition Program (SHARP). During 2022, total participation in SHARP was 160 employers (105 general industry, 49 public sector, six construction and four pre-SHARP).

The bureau met all of its target goals for the OSH Division strategic plan by visiting employers in the Special Emphasis Programs.

**Table 3**

### Consultative Services Bureau Program, FFY 2019 Through FFY 2022

Comparisons	FY 2019	FY 2020	FY 2021	FY 2022
<b>Total Visits by Category</b>				
Safety	1,056	836	862	919
Health	647	435	563	582
<b>Total Visits by Type</b>				
Initial	1,419	1,070	1,204	1,257
Training and Assistance	150	129	135	128
Follow-up	134	72	86	116
<b>Total Visits by Industry Type</b>				
Manufacturing	410	264	322	356
Construction	638	479	536	576
Other	405	313	341	322
Public Sector	250	215	226	247
Total Visits	<b>1,703</b>	<b>1,271</b>	<b>1,425</b>	<b>1,501</b>

## Education, Training and Technical Assistance Bureau

### 2022 Accomplishments

The Education, Training and Technical Assistance (ETTA) Bureau continued to focus on increasing efficiency and effectiveness in providing outreach and technical services to the public. The work of the bureau included library services, recognition programs, such as Safety Awards and Carolina Star, publications, rulemaking, alliances, training and outreach and promoting OSH certifications amongst the OSH Division.

### Library

The NCDOL Charles H. Livengood Jr. Memorial Library loaned out 274 items including consensus standards, safety videos and certification exam preparation workbooks to NCDOL employees and registered public patrons. Additionally, the library responded to 631 information requests and 262 reference questions, provided streaming safety and health video access via Streamery to 74 patrons, served 247 visitors, acquired 151 items for the collection and cataloged 134 items. The librarian alerted staff to webinars and online publications, referred patrons to online resources and assisted NCDOL OSH employees in their investigations and preparation for professional certification examinations via books and software access.

### Recognition Program

The Safety Awards Program celebrated its 76th year with another successful season. The gold award was presented to employer sites with days away, restricted or transferred case rate of at least 50% below the state average for its industry. The silver award went to employer sites with a lost workday case rate at least 50% below the state average. There were 28 Safety Awards banquets held with a total banquet attendance of 1,983 attendees. The program distributed 2,132 annual awards including 1,801 gold, 331 silver and 50 million-hour safety awards.

In terms of the number of participating worksites, the Carolina Star Program is ranked first among all State-Plan states and second among all states (i.e., State-Plan and Federal) that participate in the Voluntary Protection Program. The Carolina Star Program enjoyed another year of success with four new Star sites recognized, 26 Star sites recertified and 166 Star interventions conducted. There were 147 companies participating in the Carolina Star Program at the end of FFY 2022.



Star Site Name and Location	Site Approval Date	Re-Certification Date
City of Charlotte – Aviation Department – Division of Administration, Charlotte		10/1/2021
City of Charlotte – Aviation Department – Division of Development and Operations, Charlotte		10/1/2021
Cintas Corp. – Location No. 230, Statesville		10/18/2021
Roanoke Rapids Sanitary District, Roanoke Rapids		10/20/2021
Cintas Corp. – Location No. 223, Fletcher		11/22/2021
Avient Protective Materials – DSM Protective Materials, Greenville		12/15/2021
LANXESS Corp., Dallas	12/15/2021	
Butterball LLC, Mount Olive		1/3/2022
Cintas Corp. – Location No. F99, Durham	1/3/2022	
Cintas Corp. – Location No. 410, Greenville		1/21/2022
Biogen Drug Substance, Durham		1/21/2022
Novartis Technical Operations, Wilson		1/24/2022
Messer Construction Co., Charlotte	1/28/2022	
Monteith Construction Corp., Wilmington		1/31/2022
Avista Pharma Solutions, Durham		2/7/2022
Bridgestone Bandag LLC, Oxford		2/17/2022
InServ Corp., Fuquay-Varina	2/17/2022	
Huntsman International LLC, Charlotte		2/23/2022
Honeywell International LLC, Rocky Mount		4/18/2022
Shawmut Park Avenue LLC, Burlington		5/23/2022
City of Mount Airy, Mount Airy		6/14/2022
Metcon Inc., Raeford		7/8/2022
Cintas Corp. – Location No. 936, Fayetteville		7/13/2022
Cintas Corp. – Location No. J77, Castle Hayne		9/2/2022
RGD Project Management, Cary		9/8/2022
Veolia ES Technical Solutions LLC, Mooresville		9/8/2022
Sonoco Recycling LLC, Jacksonville		9/20/2022
Sonoco Recycling LLC, Wilmington		9/20/2022
City of Charlotte – Aviation Department – Division of Facilities, Charlotte		9/20/2022
Davidson County Integrated Solid Waste, Thomasville		9/29/2022

The annual Carolina Star Safety Conference was held Sept. 14-16, 2022. Although FFY 2022 represented the 26th year of conference existence, due to the global pandemic, the 2020 conference was canceled. Therefore, the 2022 conference was officially recognized and celebrated as the 25th Anniversary of the Carolina Star Safety Conference. Total attendance for this event was 724.

During the 2022 Carolina Star Conference, one Star site was recognized for achieving 25 years in the Star Program. There are now nine Star designated worksites that have achieved the status of 25 years as a Carolina Star Program participant.

The Carolina Star Program hosted its 3rd annual Building Star Best Practices Workshop in November 2021. The workshop was virtual with a total of 44 people in attendance.

Through a Special Star Team Member (SSTM) Program, OSH leverages its limited resources by using specially trained Star site employees and independent private sector safety and health professionals for on-site Star evaluations. During FFY 2022, 19 SSTMs received initial training during one training event. Currently, there are 76 SSTMs eligible to assist with Star evaluations.

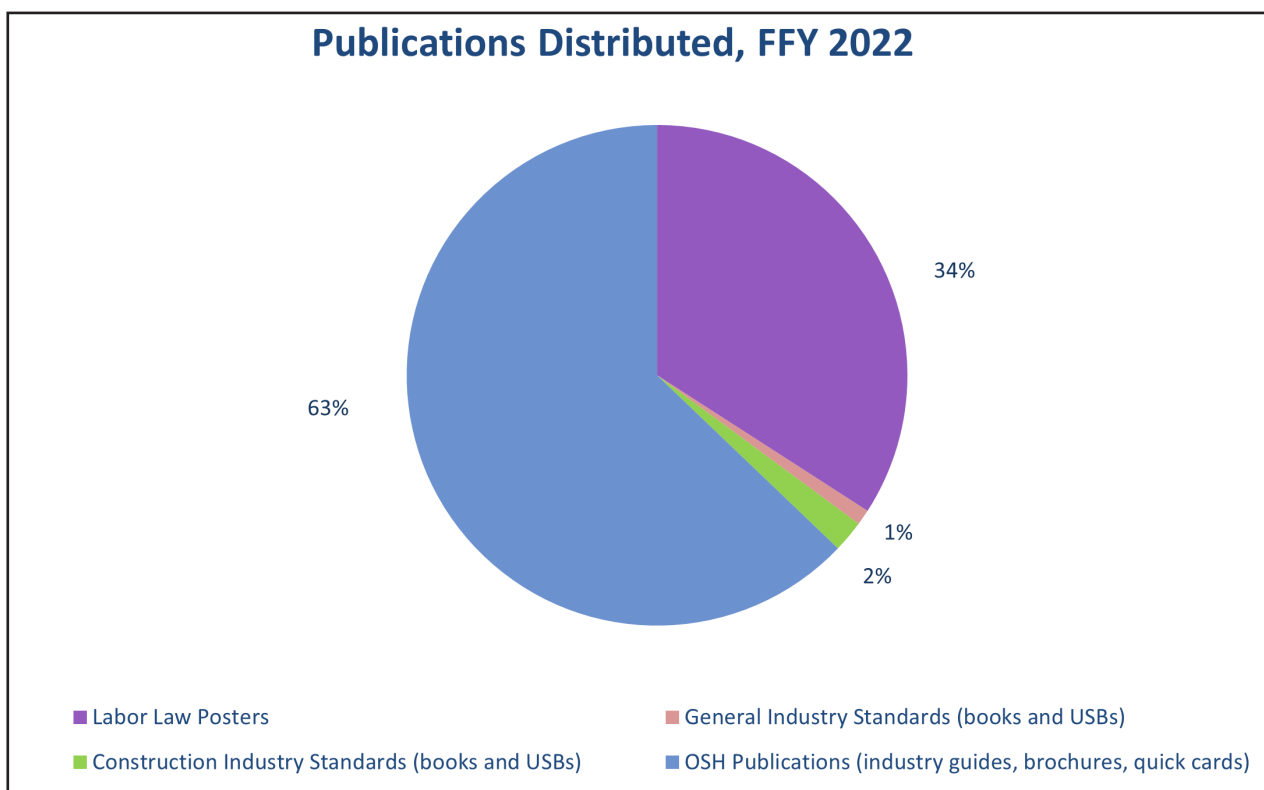
The SSTM program also includes the use of specially trained OSH Star Team Members (OSTM) from the bureau (bureau chief, supervisors, standards officers and trainers). Currently, there are 19 OSTMs eligible to assist with Star evaluations including two OSTMs that received initial training during FFY 2022.

## Publications

ETTA Publications Sales Desk served 2,425 customers via email, fax, telephone or walk-in. The bureau distributed 52,591 publications in support of the division's outreach and regulatory goals to promote a safe and secure work environment across the state.

**Figure 5**

### Publications Distributed by ETTA, FFY 2022



Publication highlights include:

- The Standards Section reviewed and edited existing safety and health topic pages on the NCDOL website to ensure that content was up to date.
- Frequently Asked Questions on COVID-19 were updated on the Coronavirus safety and health topic page on the NCDOL website. The information was available in English and Spanish and included questions related to personal protective equipment, wage and hour, recordkeeping and COVID-19 vaccinations.

- The Standards Section made several revisions to existing publications including brochures on the NCDOL Library, Spanish Toolbox Reviews, Labor One and the Top 10 Serious Standards Cited in FFY 2021.
- A letter and outreach materials regarding OSH outreach services and publications were mailed to 40 construction employers with five or more serious violations. This letter is an outreach strategy used by the Construction Special Emphasis Program (SEP) committee to lower injury and illness rates in construction.
- Through an alliance with Lamar Advertising, five billboards were posted across the state. The billboards pertained to the Grain Safety Stand Up, Fall Prevention Stand-Down, Safe + Sound Week, Trench Safety Stand-Down and Heat Prevention.



*Through an alliance with Lamar Advertising, a billboard announcing the Fall Prevention Stand-Down was posted around the state.*

### Rulemaking

The Standards Section answered 2,681 inquiries for standards interpretation by phone or written correspondence for employers and employees across the state. The Standards Section added 20 documents to the Field Information System including updates to the Field Operations Manual, revised OSH Division policies and adoption of multiple federal OSHA Instructions and Final Rules. Final Rules adopted in North Carolina included four technical corrections to standards affecting: 29 CFR 1926, Safety and Health Regulations for Construction; 29 CFR 1910, Occupational Safety and Health Standards for General Industry; and 29 CFR 1915, Occupational Safety and Health Standards for Shipyard Employment.

## Alliances

In North Carolina, alliances typically focus on specialized industry outreach and training. Through an alliance agreement, organizations that are committed to safety and health work closely with the OSH Division to prevent injuries, illnesses and fatalities in the workplace. Current alliances include Carolinas Associated General Contractors, Lamar Advertising Co., Mexican Consulate, National Utility Contractors Association of the Carolinas, N.C. State Industry Expansion Solutions, the Safety and Health Council of North Carolina and the N.C. Association of Local Governmental Employee Safety Officials. A new alliance with the Tree Care Industry Association was signed in November 2022.

## Training and Outreach

The bureau offers a wide variety of safety and health training and outreach services to employers and employees across North Carolina. The services include a speaker's bureau, free training and technical assistance, along with outreach support for safety and health schools, conferences and workshops. Training is offered on demand, as well as through a regularly scheduled training series, which can be accessed through the online training calendar. Training is offered at employers' worksites, the OSH Division field offices, select community colleges and other sites throughout the state. In addition to traditional leader-led instruction, ETTA provides a webinar series as well. To keep the public informed of upcoming courses, ETTA sends periodic newsletters to more than 11,000 employers and employees every year, as well as promoting its services through the department's social media platforms.

Highlights include:

- The bureau hosted and/or participated in 190 courses and events providing training to 3,466 employers and employees. Additionally, the Consultative Services Bureau trained an additional 3,775 employers and employees which brought an overall total of 7,221 workers trained by the OSH Division. Training included four 10-hour and two 30-hour general industry awareness courses, five 10-hour and two 30-hour construction industry awareness courses, 84 speaker's bureau events, 86 webinars and 11 booth events/safety and health fairs. The Labor One mobile training unit was also used for six additional training events.
- The OSH Division participated with federal OSHA in the National Safety Stand-Down to Prevent Falls in Construction. ETTA hosted five webinars: one on fall protection, two on scaffolds, one on steel erection and one on stairways and ladders. ETTA also participated in two Labor One events at partnership sites, including the Charlotte Pipe and Foundry in Oakboro and the 400 H Tower project in Raleigh. A total of 280 employees were trained during these webinars and events. During Safe + Sound Week, ETTA hosted two webinars on Safety and Health Management Systems that provided training for 19 employees.
- The Training Section participated in Labor Rights Week (Aug. 29-Sept. 2, 2022) as part of the alliance with the Mexican Consulate. During this event, staff hosted a booth and distributed Spanish-language publications.
- State-authorized trainers provided 10- and 30-hour training courses for an additional 93 employers and employees through the OSH Train-the-Trainer Program. This program supports the Training Section's outreach efforts, thereby increasing the total number of employees and employers trained across the state.

- The bureau hosted internal safety and health training for staff including 181 hours of formal training, 100 hours of continuing education and 19 hours of other job-related training.
  - o Courses included: OSH 100 Initial Compliance Course, OSH 125 Introduction to Health Standards for Health Officers, OSH 141 Legal Aspects, Technical Writing/ OSHA Express, OSH Construction Safety Specialist (OCSS) Confined Space Entry, OCSS Trenching and Excavation, Combustible Dust, Engineering Controls, Electrical Safety, Long Term Care Special Emphasis Program (SEP), Food Manufacturing SEP, Logging SEP, Grocery SEP, Bloodborne Pathogens and a variety of individual safety and health webinars.

### OSH Division Certifications

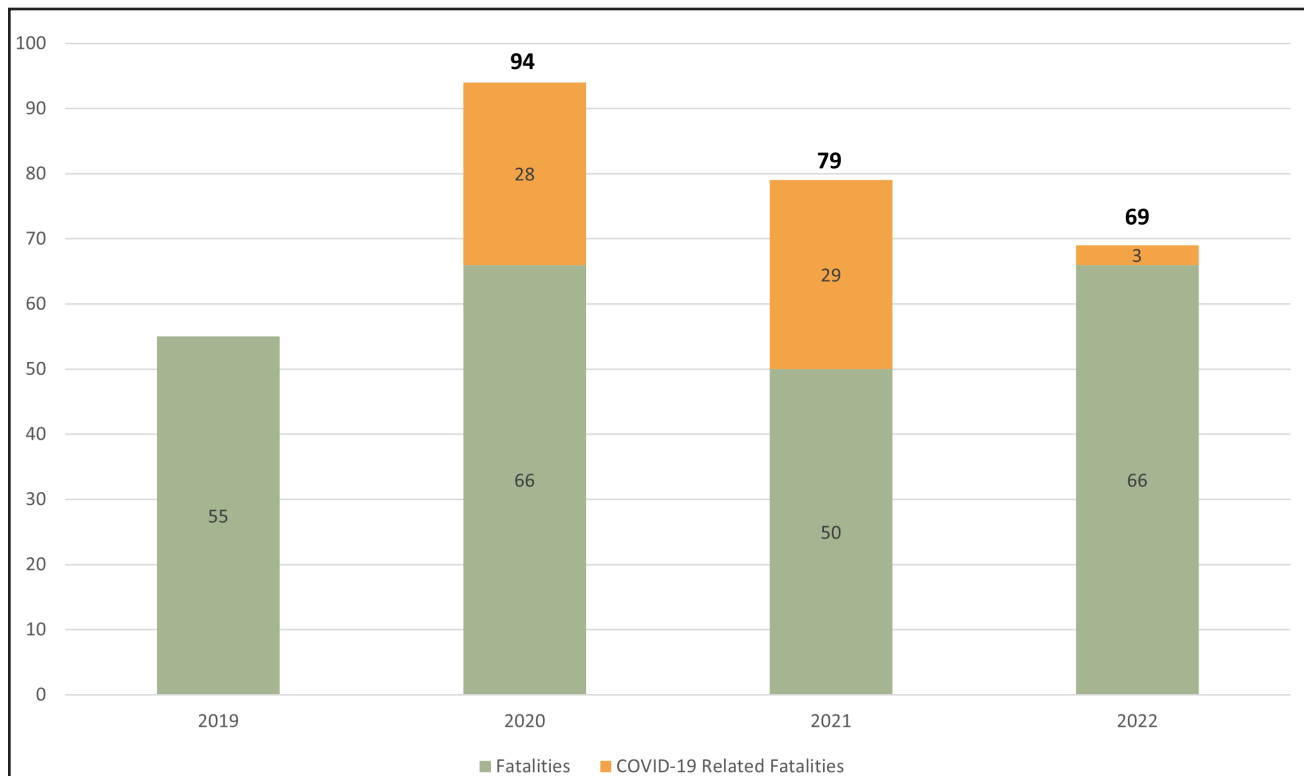
- Three OSH Division employees attained the Certified Safety Professional (CSP) certification. A CSP is a safety and/or health professional who has met education and experience requirements, has demonstrated by examination the knowledge that applies to professional safety practice, continues to meet recertification requirements established by the Board of Certified Safety Professionals (BCSP) and is authorized by BCSP to use the CSP designation.
- One OSH Division employee attained the OCSS designation. The OSH Division OCSS Program was established by the Construction SEP committee to encourage employees to expand their construction expertise. The program consists of 12 advanced construction modules scheduled through ETTA on an ongoing basis. By completing OCSS modules, employees can work toward the OCSS designation while expanding their expertise in the construction field. Employees must complete a minimum of six modules, have completed all of the OSH core courses and be a career state employee at the time of completion. Once an employee has completed all requirements, they will receive a certificate recognizing their achievement in completing the program.
- Three OSH Division employees attained the OSHA Training Institute (OTI) 500 and/or OTI 501 Train-the-Trainer authorization. To be eligible for this program, the employee must be recommended by their supervisor and/or bureau chief. This authorization allows an employee to teach State and Federal 10- and 30- hour courses. In addition, four OSH employees attended the OTI 502 and/or 503 refresher courses to be reauthorized as Train-the-Trainers.

## Planning, Statistics and Information Management Bureau

The Planning, Statistics and Information Management (PSIM) Bureau responds to requests for statistical data and requests for the redaction and release of OSH Division inspection file documents and Retaliatory Employment Discrimination Bureau (REDB) safety and health related investigative file documents. PSIM also gathers and analyzes injury and illness data by conducting the annual Public Sector Survey. Data are also gathered and analyzed to publish the OSH Division's Annual Program Statistics Report and several other annual department, division and legislative reports. The bureau archives all OSH Compliance inspection files (those still in paper copy format). The PSIM Bureau maintains the OSH Division's private and public sector employer databases, the inspection targeting system and statistical data related to workplace fatalities, all in support of the OSH Division's Strategic Management Plan.

- A total of 3,293 surveys were mailed to public sector employers (collection of calendar year 2021 injury and illness data). As of the end of FFY 2022, 2,990 survey responses were received with a 90.8% response rate and a 100% clean rate. However, all survey responses were collected by the end of calendar year 2022 for a 100% response rate at the conclusion of the survey.
- Completed an analysis of data collected from the 2018, 2019 and 2020 Public Sector Surveys, resulting in updated, established target rates for employer specific categories.
- Coordinated discussions for all bureaus in the OSH Division to prepare the FFY 2023 Annual Performance Plan in relation to the five-year Strategic Management Plan for FFY 2019-FFY 2023.
- Worked in conjunction with ETTA, Compliance East and West Bureaus and Legal Affairs Division staff to update and revise several Field Operation Manual chapters and Operational Procedure Notices. PSIM staff updated Operational Procedure Notice 128 and Administrative Procedures Notice 19 for FFY 2022.
- PSIM bureau chief continued to perform duties associated with the responsibility of being the medical records coordinator for the OSH Division.
- Analyzed public sector inspection activities for FFY 2017-FFY 2021.
- Analyzed construction inspection activities for FFY 2021.
- Completed FFY 2021 Occupational Fatalities Comparison Report using Occupational Fatality Inspection Review (OFIR) data.
- Analyzed and verified CY 2021 fatality data for Communications Division's annual news release. See Figure 6 for OSH fatality inspection data.



**Figure 6****Fatalities Included in the Occupational Fatality Inspection Review, Calendar Years 2019 Through 2022\****\*Preliminary Data*

- Continued refinement of the OSH private and public sector establishment databases to supplement the bureau's exclusive use of the Division of Employment Security database.
- Received, researched and processed 973 requests for revisions/changes to the private and public sector databases, which helps to enhance the accuracy of these site databases and the OSH Division Targeting System.
- Received and processed 897 requests from the public sector for revisions or changes to the Public Sector Injury and Illness Survey database.
- Various targeting schedules were updated and assignments were released:
  - Public Sector Schedule.
  - General Industry Schedules (Safety and Health).
  - ASH Schedule.
  - Health Hazards Schedules (Asbestos, Lead and Isocyanates).
  - Fatality Reinspection Schedule.
  - Communication Tower Schedule.
  - Amputations Schedule.
- Continued as active Strategic Management Plan (SMP) Committee members and participated in all SMP meetings, discussions and activities, which were essential functions directly related to the success of OSH Division SMP goals.



- Participated as a representative from the OSH Division to the Occupational Surveillance Advisory Group.
- Compilation of OSH data was initiated for the NCDOL Annual Report, and various other annual department, division and legislative reporting requirements.
- Completed analysis of data collected and published the N.C. Occupational Safety and Health Program Statistics (aka the OSH Annual Comparison Report) for FFY 2021.
- Received a total of 291 closed inspection files (those still in paper copy format) from the field offices for archiving.
- Prepared 245 inspection files for scanning and scanned 46 of those files for archiving into the department's file content management system (OnBase).
- The project of quality control review is ongoing for OSH inspection files, which have been archived through the imaging and file conversion processes.
- Received 1,090 disclosure requests during FFY 2022 and processed 971 requests (714 from FFY 2022 and 257 from previous years) during this fiscal year, which resulted in an 89% response rate. PSIM has continued to receive an unprecedented number of disclosure file requests. Some of the disclosure requests received this fiscal year were COVID-19 related; however, we continue to see a substantial increase in the number of non-COVID related requests for contestments, fatalities, court orders, subpoenas, etc.
- REDB requested to begin redacting the position statements and complaints associated with their occupational safety and health related cases. PSIM is training two members of their staff to process the redaction and release of this information. Training will continue in the upcoming year until REDB staff are proficient in the redaction process.
- Provided notifications of workplace accidents and fatalities to the N.C. Department of Commerce, N.C. Industrial Commission, Criminal Investigations and Employee Classification Division.
- Assisted ETTA Bureau by reviewing photos and graphics within various PowerPoint presentations to verify adherence to copyright, privacy, ownership and brand name restrictions

## Standards and Inspections Division

The Standards and Inspections Division comprises five bureaus of the N.C. Department of Labor: Boiler Safety; Elevator and Amusement Device; Retaliatory Employment Discrimination; Mine and Quarry; and Wage and Hour.

### Statistical Highlights for State Fiscal Year 2022

#### Boiler Safety Bureau

- Investigated eight incidents during the fiscal year.
- Conducted 50,399 inspections of pressure equipment.
- Identified 3,303 violations.
- The average backlog for state inspectors was 0.57%. The average combined backlog for both state and insurance company inspectors was 1.07%.
- Inspected 4,337 new items.
- Conducted 527 half-day inspections and audits in new construction and repair shops.

#### Elevator and Amusement Device Bureau

- Completed 22,890 routine elevator inspections, 1,015 new elevator inspections and 1,729 alteration or repair inspections.
- Inspected 5,857 amusement devices at 906 locations.

#### Mine and Quarry Bureau

- Conducted 294 on-site training programs and trained 3,499 miners and contractors.
- Conducted two Part 48 instructor classes, certifying 22 people as MSHA instructors.
- Conducted 21 first aid classes and 14 CPR classes certifying 393 miners and contractors.
- The injury and illness rate of the North Carolina minerals industry was 1.88 per 100 full-time employees during the 2022 calendar year.

#### Retaliatory Employment Discrimination Bureau

- Responded to 4,360 telephone inquiries from the public.
- 538 complaints were filed.
- 518 complaints were investigated and closed.
- Of closed complaint files, 31.47% alleged violations under the N.C. Workers' Compensation Act, 19.31% alleged violations of the N.C. Wage and Hour Act, 47.3% alleged safety and health violations under the N.C. Occupational Safety and Health (OSH) Act or Section 11(c) of the federal Occupational Safety and Health Act and 1.92% alleged retaliation under other protected activity statutes.
- 33 complaints were settled at mediation or through conciliation, with total gross proceeds in the amount of \$455,544.
- Of closed complaint files, the bureau closed 83% within 120 days of assignment to an investigator and 94% within 180 days of assignment.

## **Wage and Hour Bureau**

- Substantiated more than \$670,000 due to employees.
- Recovered more than \$1.1 million in wages for more than 1,000 workers.
- Opened 2,517 complaints from employees.
- Closed 2,302 cases.
- Issued 78,186 youth employment certificates online using YEC Auto.
- Youth employment certificates issued through YEC Auto reached 100% of all certificates issued.
- Answered 99.9% of 34,799 calls received on the first attempt.

## Boiler Safety Bureau

During state fiscal year 2022, the Boiler Safety Bureau employed 12 field inspectors, two field supervisors, five administrative staff and two senior staff to support more than 50,000 inspections. State inspectors, along with 13 insurance company partners, conducted in-service inspections on boilers, historical exhibition boilers, model/hobby boilers, various types of pressure vessels, repair inspections and pressure equipment accident investigations. The Boiler Safety Bureau is a receipt-supported bureau; the fees collected pay for the operation of the bureau and the salaries of the bureau staff.

Commissioned inspectors conducted third-party authorized inspector duties at companies where boilers and pressure vessels are manufactured. The bureau’s support staff processed and conducted quality control functions on all inspection reports received by hard copy or electronically.

### Programs

Periodic inspection continues to be the primary focus of the Boiler Safety Bureau. The bureau also provides education and promotes voluntary safety. The bureau’s inspection program for boilers and pressure vessels covers a wide array of businesses and industries. Table 4 below shows the number of inspections and violations for FY 2019 through FY 2022. The 50,399 inspections conducted in FY 2022 included inspection of 4,337 new items. The bureau investigated eight accidents due to boiler or pressure vessel failures. One case involved injuries, and others involved significant property damage. No fatalities were reported involving jurisdictional pressure equipment.

**Table 4**  
**Number of Inspections and Violations, FY 2019 Through FY 2022**

Fiscal Year	Number of Inspections	Number of Violations
2019	52,541	3,596
2020	50,067	3,279
2021	56,234	3,462
2022	50,399	3,303

### Backlogs

Any inspection program can have a backlog of items past-due for inspection. The combined average backlog of state and insurance objects was 1.07% in FY 2022. The average backlog for state inspectors was 0.57%. The bureau works diligently to maintain a very low rate of overdue inspections.

### Other Duties

In addition to the inspections of equipment in businesses and institutions throughout the state, inspectors with special training, commissions and endorsements carried out 527 half days of third-party inspections, reviews and audits at ASME Boiler and Pressure Vessel Code manufacturing facilities that construct boilers and pressure vessels, as well as at pressure equipment repair firms known as National Board “R” Certificate holders.

The bureau has specially trained and qualified review team leaders who are charged with conducting quality program reviews of “R” Certificate holders. This service typically saves these North Carolina businesses considerable money.

The bureau's support staff entered the collected data from hard copy reports into the data system and conducted quality reviews of the data entered directly by inspectors. They printed and mailed invoices and certificates and answered questions from inspectors and the public.

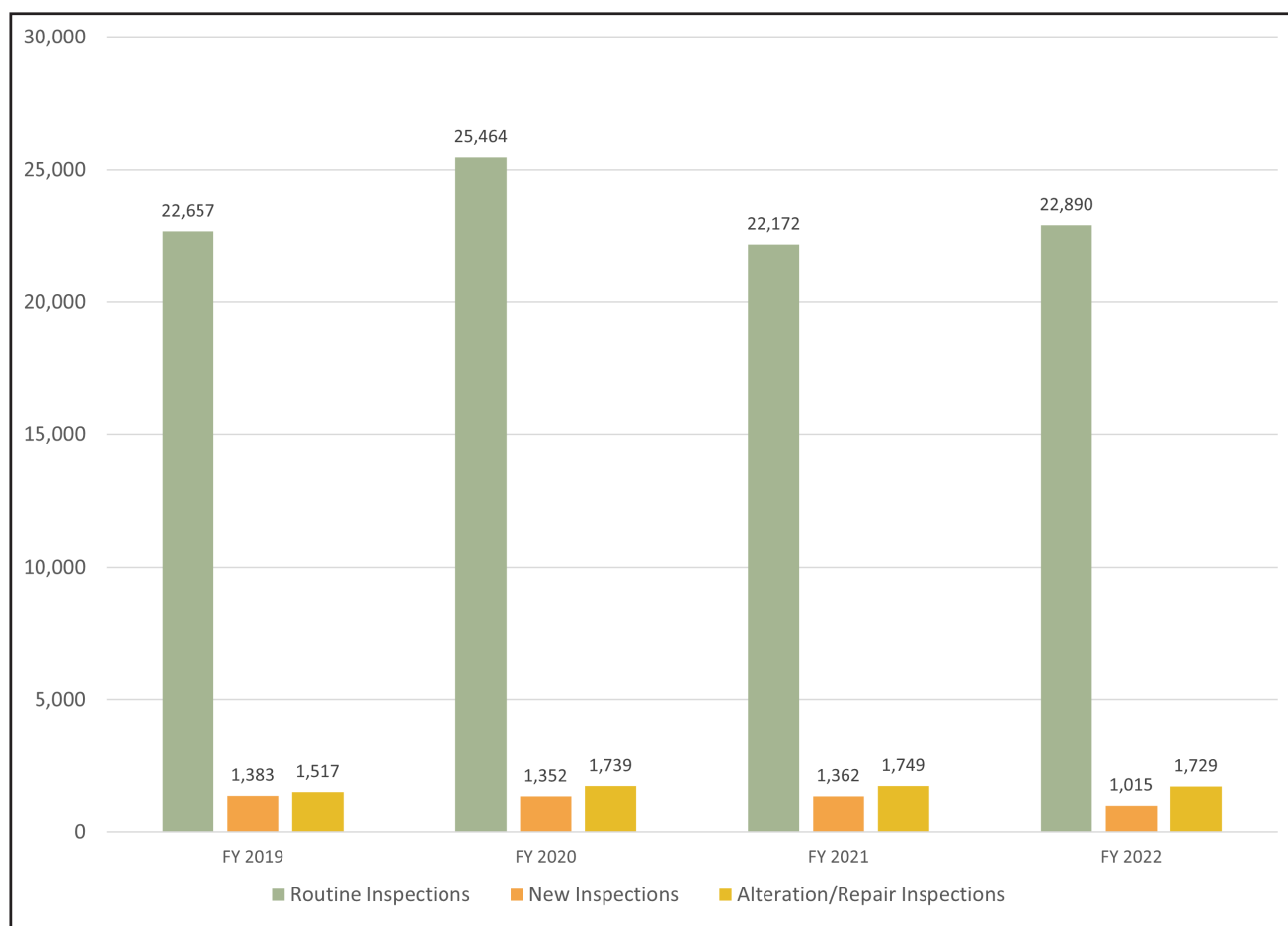
## Elevator and Amusement Device Bureau

The Elevator and Amusement Device Bureau is responsible for the proper installation and safe operation of all elevators, escalators, workman's hoists, dumbwaiters, moving walks, lifting devices for people with disabilities, aerial passenger tramways, amusement rides and incline railways that operate in public establishments. Devices in federally owned properties and single-family dwellings are exempt. Elevators are inspected annually by the bureau. The bureau also inspects all amusement devices each time they are assembled for operation in the state. The bureau inspects all inflatable amusement devices and portable rock walls. The bureau conducted 22,890 routines, 1,015 new elevator inspections and 1,729 alteration or repair inspections, as well as 5,857 amusement device inspections at 906 locations.

### Elevator Inspections

Inspections of elevators, dumbwaiters, escalators and handicapped lifts consist of routine inspections of existing devices, new inspections and alteration or repair inspections. As shown in Figure 7, the number of routine inspections increased, the number of new inspections decreased from the previous fiscal year and the number of alteration or repair inspections also decreased slightly.

**Figure 7**  
**New, Routine and Alteration/Repair Inspections, FY 2019 Through FY 2022**



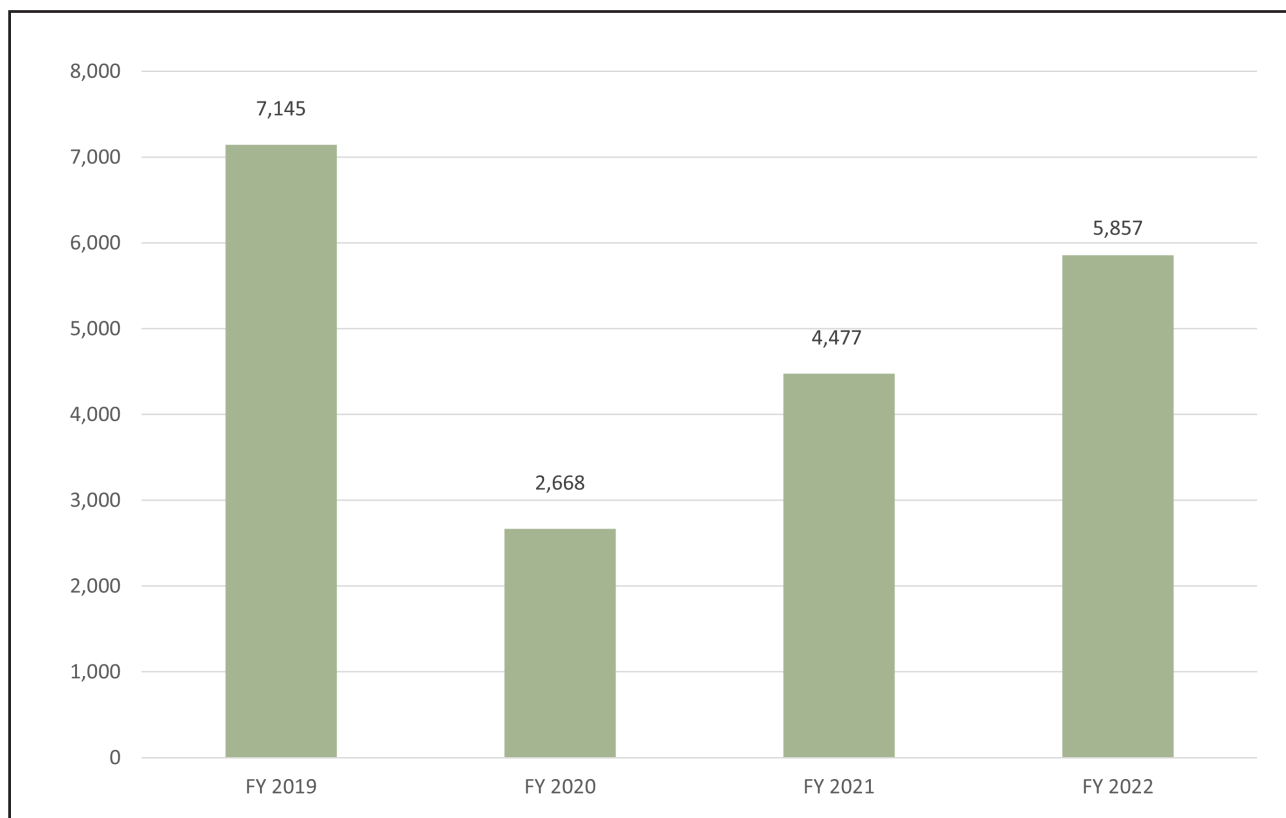
## Amusement Device Inspections

Amusement device inspections consist of mechanical rides, inflatable rides, go-karts and rock-climbing walls. Tramways and ski lifts are also included in this inspection category. While mechanical rides at permanent parks are inspected once annually, mechanical rides with traveling amusement companies are inspected each time they are assembled for operation at fairs, festivals, carnivals and other amusement events. The bureau also conducts operational inspections at least once during the operating season for permanent parks and at least once during the operation at a traveling show. The bureau inspects all inflatable amusement devices and portable rock walls that operate in the state on an annual basis.

Figure 8 indicates the total number of amusement devices inspected in FY 2019 through FY 2022. The number of individual amusement rides inspected increased.

**Figure 8**

**Number of Amusement Rides Inspected, FY 2019 Through FY 2022**





## Accident or Incident Investigations

Accident investigations are conducted according to N.C. Gen. Stat. § 95-110.9. *Reports required.*

(a) The owner of any device or equipment regulated under the provisions of this Article, or his authorized agent, shall within 24 hours notify the commissioner of each and every occurrence involving such device or equipment when:

- (1) The occurrence results in death or injury requiring medical treatment, other than first aid, by a physician. First aid means the one-time treatment or observation of scratches, cuts not requiring stitches, burns, splinters and contusions or a diagnostic procedure, including examination and x-rays, which does not ordinarily require medical treatment even though provided by physician or other licensed personnel; or
- (2) The occurrence results in damage to the device indicating a substantial defect in design, mechanics, structure, or equipment, affecting the future safe operation of the device. No reporting is required in the case of normal wear and tear. The owner of the equipment is required to contact the bureau.

An inspector is sent to the location and completes a report that is kept on file. As Table 5 reflects, the number of accident investigations for elevators and related equipment stayed the same and amusement rides increased in FY 2022. Patron error accounted for 82.75% of elevator accidents and 85% of the amusement accidents.

**Table 5**

### Number of Elevator and Amusement Device Accidents, FFY 2019 Through FFY 2022

Fiscal Year	Elevators and Related Equipment					Amusement Rides				
	Total	Patron Error	Mechanical Error	Reportable	Non- Reportable	Total	Patron Error	Mechanical Error	Reportable	Non- Reportable
2019	84	75	9	66	18	10	9	1	6	4
2020	54	38	16	38	16	0	0	0	0	0
2021	53	44	9	25	28	18	14	4	12	6
2022	58	48	10	31	27	20	17	3	17	3

## Mine and Quarry Bureau

The Mine and Quarry Bureau is one of the earliest established units of the N.C. Department of Labor, having administered state mining laws since 1897. The bureau administers laws concerning the operation and inspection of mines and quarries. Bureau staff consists of a bureau chief, an office assistant and three mine safety and health field representatives. Funding for mandatory safety training is provided by a federal grant from the U.S. Mine Safety and Health Administration (MSHA).

The Mine and Quarry Bureau continues to provide a wide assortment of mine safety and health services such as complete safety evaluations of the workplace, consultations, technical assistance, education and training, health surveys, safety meetings, investigations and training plan assistance. Currently there are 398 surface mines with 3,509 employees. Instructor fundamentals, health and safety laws and supervisory training are offered through the Mine and Quarry Bureau's seminars and institutes. See Table 6.

**Table 6**

### Mine and Quarry Training and Inspection Activities, FY 2019 Through FY 2022

	FY 2019	FY 2020	FY 2021	FY 2022
Number of Mine Safety and Health Instructors Trained	42	15	0	22
Number of Education and Training Programs Provided	396	399	474	294
Number of Miners and Contractors Trained in Parts 46 and 48	5,805	5,173	3,978	3,509

## Retaliatory Employment Discrimination Bureau

The Retaliatory Employment Discrimination Bureau (REDB) enforces the Retaliatory Employment Discrimination Act (REDA), N.C. Gen. Stat. §§ 95-240 through 245. The N.C. General Assembly enacted REDA in 1992 in response to a tragic fire at the Imperial Food Products chicken processing plant in Hamlet, N.C., in which 25 employees lost their lives and dozens more were injured. The purpose of REDA was to establish policies and procedures to encourage rather than discourage employees from reporting good faith concerns about potentially unsafe, unhealthy or illegal activities at their workplaces. To that end, REDA protects employees from adverse employment action by their employers in retaliation for exercising rights enumerated in the act, specifically incorporating 11 North Carolina statutes. REDA protects employees from retaliation for exercising their rights under the N.C. Workers' Compensation, Wage and Hour, Occupational Safety and Health and Mine Safety and Health acts. It also protects hemoglobin C and sickle cell carriers, employees subject to genetic testing, employees called to National Guard service and employees (parents) court-ordered to participate in the juvenile justice system. Also protected are employees who exercise certain rights under North Carolina's domestic violence statutes. The majority of filed complaints alleged violations of the N.C. Workers' Compensation, Wage and Hour and Occupational Safety and Health acts.

The bureau maintains a helpline to respond to inquiries from the public, provide information to potential complainants and make referrals to other agencies when appropriate. Complaints alleging a violation of REDA must be made in writing and filed within 180 days of the last adverse employment action by the employer. The bureau's role is to apply the provisions of REDA in a fair, consistent and impartial manner, and, by so doing, effectuate the legislative intent to protect workers from unlawful retaliation in their workplaces and protect the integrity of the process. REDA's specific protections from retaliation are exceptions to North Carolina's "at will" doctrine of employment.

After a complete investigation, a determination is made as to whether "there is reasonable cause to believe" that the complainant's allegations are true and that the employer may have violated REDA. If yes, a "merit" determination is reached. If no, a "no merit" determination is issued. After determination, the complainant is issued a merit or no merit 90-Day Right-to-Sue letter which permits the complainant to pursue remedies against the employer under REDA in superior court. Prior to the issuance of the letter in a merit case, a referral is made to the bureau's Alternative Dispute Resolution (ADR) program, as noted below.

REDA provides that the bureau assist the parties in the possible resolution of their complaint if, after investigation, merit is found. To address this statutory charge, the bureau created and administers a robust ADR program. It offers mediation or informal conciliation to the parties after a merit determination is reached. And, at the parties' request, the bureau also offers either program prior to an investigation as an early resolution tool. The Mediated Settlement Conference Program was created in July 2020. The program is voluntary and is served by more than 30 mediators certified by the N.C. Dispute Resolution Commission who volunteer their time at no charge to the parties. Conciliation is facilitated by the Administrator or her designee.

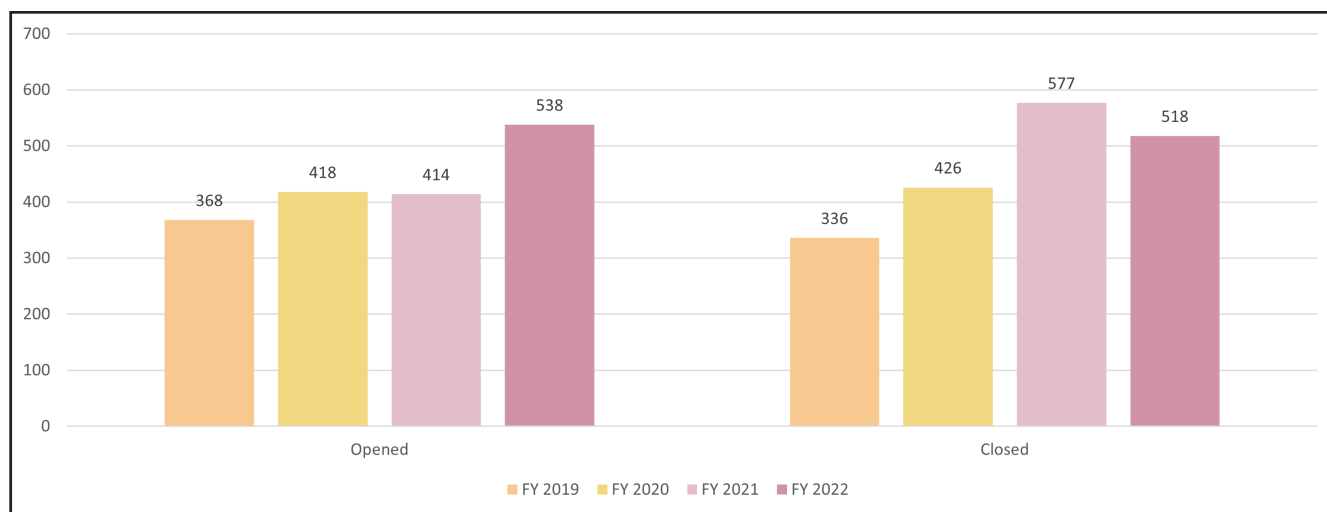
Fiscal year 2022 was a successful year for settlement of REDA complaints. Out of 44 mediations conducted, 57% resulted in settlement with gross settlement proceeds in the amount of \$425,000. Out of nine conciliations, 89% resulted in settlement with gross settlement proceeds in the amount of \$30,544.

Federal OSHA also refers whistleblower complaints filed under Section 11(c) of the federal Occupational Safety and Health Act to the NCDOL for review. North Carolina is one of 28 states with a “State Plan” in place to accept referrals of federal OSHA 11(c) referrals. Upon receipt of a federal referral, the bureau informs the complainant that he or she may also have a claim under REDA arising out of the N.C. Occupational Safety and Health Act and provides them with a copy of the REDA complaint form and other related documents. As part of the State Plan agreement, the bureau’s procedures and protections must be “as effective” as federal OSHA’s 11(c) whistleblower procedures and protections. Federal OSHA conducts annual audits to ensure that the agency is meeting this condition.

The REDB consists of an administrator, an information officer, an administrative assistant and seven discrimination investigators. The team works diligently and cooperatively in a congenial environment and strives to provide exemplary customer service to complainants, respondents and the public at large.

**Figure 9**

**Retaliatory Employment Discrimination Complaint Files Opened and Closed, FY 2019 through FY 2022**



**Figure 10**  
**Closed REDA Cases by Act Type, FY 2022**



## Wage and Hour Bureau

The Wage and Hour Bureau administers the N.C. Wage and Hour Act, which includes the minimum wage, overtime pay and wage payment. This includes promised wages and wage benefits, such as vacation pay, sick leave, holiday pay, bonuses and commissions. The bureau ensures employers make, keep and preserve records of hours worked, wages paid and other conditions and practices of employment necessary for the enforcement of wage and hour laws.

The bureau issues youth employment certificates to protect the health and safety of minors and to preserve young workers' rights. The bureau also enforces the statutes that regulate the licensure and reporting requirements of expungement, E-Verify, medical payments, private personnel services and the Controlled Substance Examination Regulation Act. The bureau is responsible for the department's toll-free telephone system. Bureau staff consists of an administrator, a deputy administrator, two district supervisors, an administrative supervisor, an administrative assistant, 15 investigators and eight case analysts.

### Call Center

The bureau's call center is staffed by eight case analysts who are the first point of contact to the department for most customers. Their primary job duties are to gather information relative to alleged violations of laws enforced by the bureau and to enter appropriate data into an electronic database that is used for assignment and tracking of complaints received. Additionally, they refer callers to other sections within the department, other state or federal agencies or civic/charitable organizations that may provide assistance.

Call centers are often characterized as "high volume" centers, as seen in Table 7. Five of the eight employees are bilingual and provide assistance to callers who speak Spanish. They also assist investigators and other departmental employees when communicating with Spanish speakers as the need arises.

**Table 7**

### Wage and Hour Call Center Activity, FY 2019 Through FY 2022

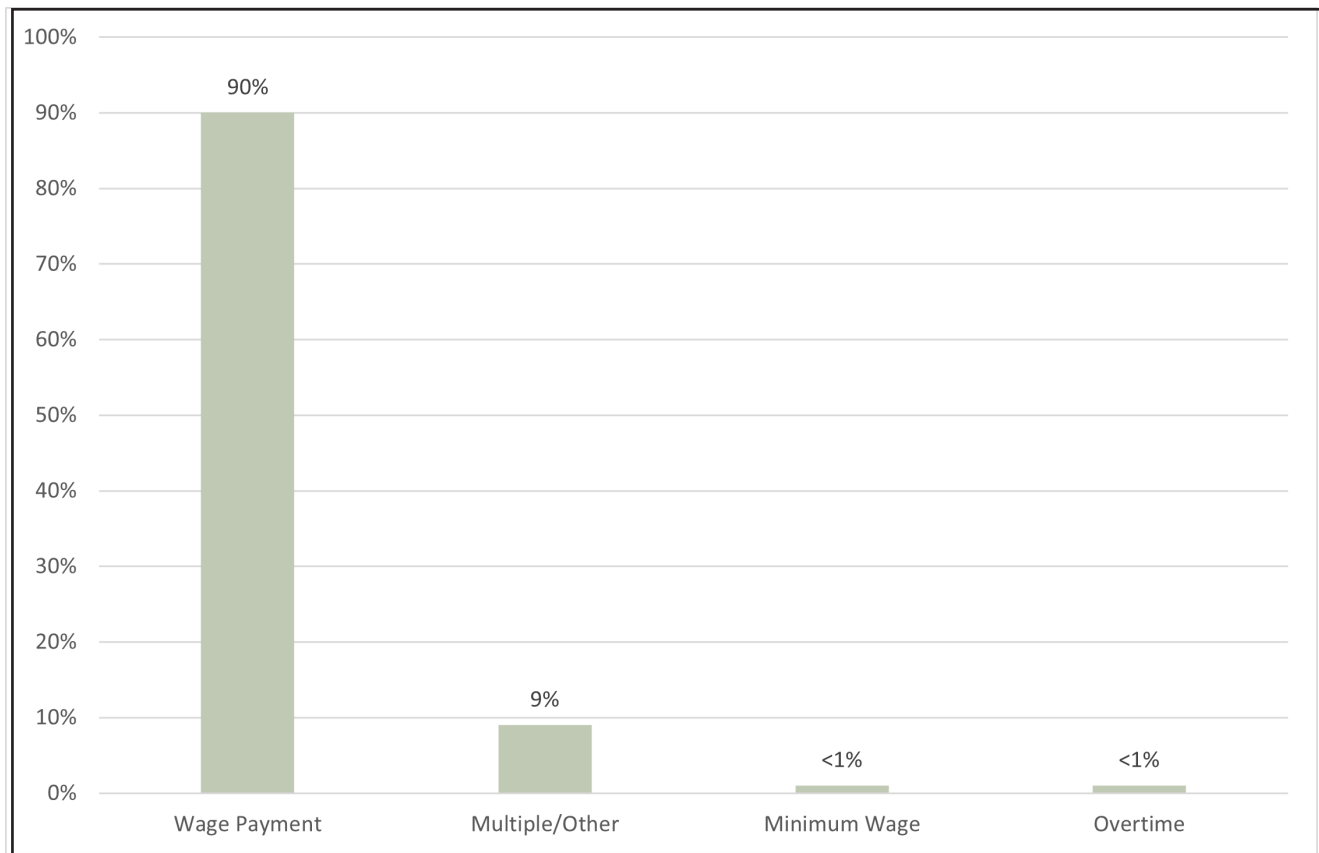
Fiscal Year	Calls Received	Calls Answered	Percent Answered
2019	40,627	40,508	99.7
2020	38,236	38,039	99.5
2021	38,180	34,076	99.7
2022	34,841	34,799	99.9

### Wage and Hour Investigations

The majority of the bureau's investigations stem from employee complaints. The bureau also conducts non-complaint investigations and industry-specific investigations to determine compliance with assigned laws.

The data in Figure 11 indicate that 90% of the investigations closed during FY 2022 were wage payment claims such as final paychecks, vacation/sick pay, bonuses, commissions and holiday pay. Minimum wage claims accounted for less than 1% of investigations closed; overtime accounted for less than 1%; and multiple claims, youth employment, recordkeeping, controlled substance, E-Verify and private personnel accounted for about 9%.



**Figure 11****Types of Wage and Hour Investigations Closed, FY 2022**

More than 1,000 employees were paid an estimated \$1.1 million without the time and expense involved with litigation. Table 8 compares the bureau's performance in FY 2022 with previous years. The bureau started with 281 investigations open at the start of FY 2022 and 689 open at the end of the fiscal year.

**Table 8****Wage and Hour Investigations Opened and Investigations Closed, FY 2019 Through FY 2022**

Fiscal Year	Investigations Opened	Investigations Closed
2019	3,162	2,475
2020	2,603	3,278
2021	2,099	2,574
2022	2,517	2,302

## Youth Employment Certificates

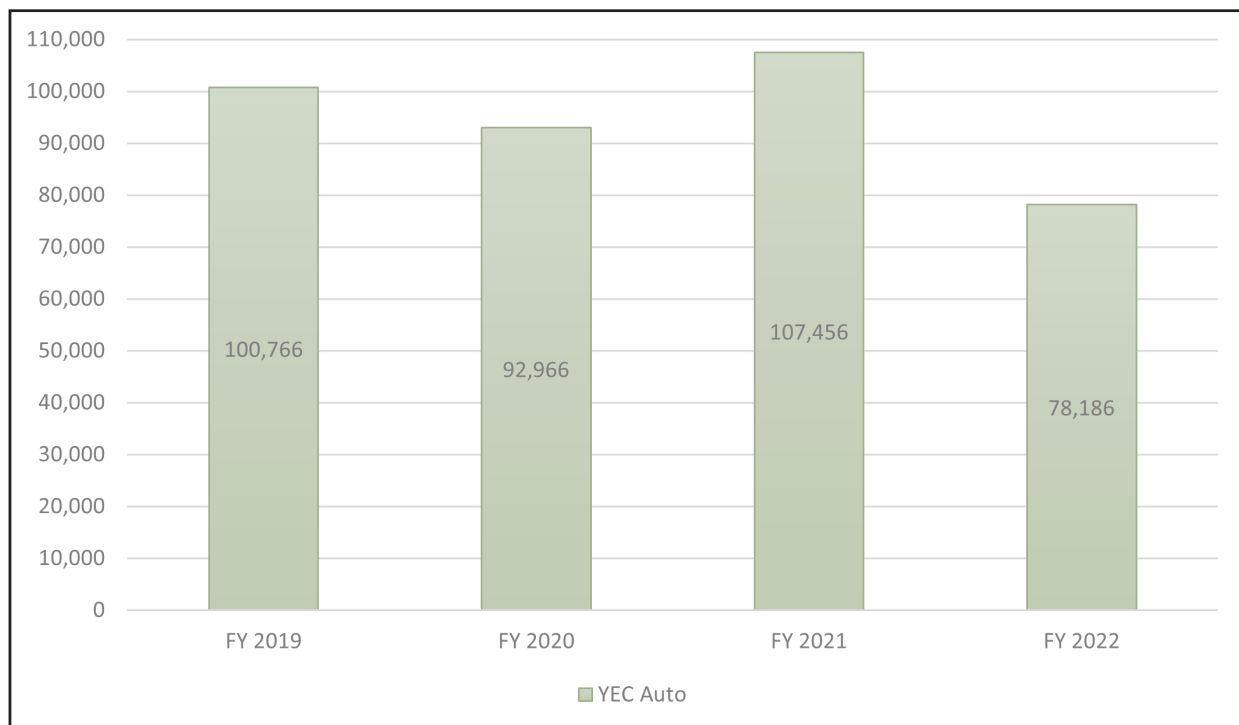
Protecting young workers from inappropriate or unsafe jobs is the cornerstone of the Youth Employment Certificate (YEC) Program. The timely review of certificates issued continues to be a key element in our efforts to protect young workers. The data in Figure 12 indicates that 78,186 youth employment certificates, also known as work permits, were issued in FY 2022, a 27% decrease from the previous fiscal year's total of 107,456.

Of the certificates issued during FY 2022, 100% were issued online. Online issuance of certificates is the safest and most efficient method, as they provide immediate feedback to employers and applicants when the age and proposed job duties place the employer in jeopardy of violating state or federal child labor laws. As of Oct. 1, 2017, NCDOL's online method became the only option for obtaining youth employment certificates due to a legislative change. The online application is prominently displayed on the homepage of the NCDOL website.

In April 2021, the bureau implemented a three-step process for obtaining a youth employment certificate online. In order to receive a valid youth employment certificate, the youth, the youth's parent or guardian and the employer must enter their information through the online portal. Each party must individually and electronically sign the youth employment certificate prior to the youth's first day of work. This step-by-step process with electronic signature capabilities has been effective in streamlining youth employment certificates.

**Figure 12**

**Youth Employment Certificates Issued, FY 2019 Through FY 2022**



## Notes

Fiscal years are designated by the year they end. The state fiscal year begins July 1 and ends June 30. State Fiscal Year 2022 thus began July 1, 2021, and ended June 30, 2022. The federal fiscal year begins Oct. 1 and ends Sept. 30. Federal Fiscal Year 2022 thus began Oct. 1, 2021, and ended Sept. 30, 2022.

All of the bureaus of the Standards and Inspections Division report data based on the state fiscal year. Most of the bureaus of the Occupational Safety and Health Division report data based on the federal fiscal year. The Agricultural Safety and Health Bureau is the exception. It uses the calendar year as the basis for reporting its data.

Within the Administration Division, the Financial Services Division uses the state fiscal year for reporting its data, while the remaining divisions report data on a calendar year basis. Some of the data are reported for the bureaus and divisions on a preliminary basis and are subject to change in subsequent annual reports.

### Reporting Years for NCDOL Divisions and Bureaus

#### Calendar Year (Jan. 1 through Dec. 31)

Agricultural Safety and Health Bureau  
Communications Division, including Publications  
Governmental Affairs Division  
Human Resources Division  
Information Technology  
Legal Affairs Division  
Research and Policy

#### State Fiscal Year (July 1 through June 30)

Boiler Safety Bureau  
Financial Services Division  
Elevator and Amusement Device Bureau  
Employment Discrimination Bureau  
Mine and Quarry Bureau  
Wage and Hour Bureau

#### Federal Fiscal Year (Oct. 1 through Sept. 30)

Compliance Bureaus – East and West  
Consultative Services Bureau  
Education, Training and Technical Assistance Bureau  
Planning, Statistics and Information Management Bureau

### Index of Acronyms

ADR—Alternative Dispute Resolution  
AFL-CIO—American Federation of Labor and Congress of Industrial Organizations  
AG—Attorney General's Office  
AgNER—Agricultural, Natural and Economic Resources  
ASH—Agricultural Safety and Health  
ASME—American Society of Mechanical Engineers  
BCSP—Board Certified Safety Professional  
BLS—Bureau of Labor Statistics  
CPI—Consumer Price Index  
CSP—Certified Safety Professional  
CY—Calendar Year  
ETTA—Education, Training and Technical Assistance  
FFY—Federal Fiscal Year  
FTE—Full-Time Equivalent  
FY—Fiscal Year  
GAP—Good Agricultural Practices  
HB—House Bill  
HR—Human Resources  
IT—Information Technology  
LAD—Legal Affairs Division  
MSHA—Mining Safety and Health Administration  
NCAC—N.C. Administrative Code  
NCDOL—N.C. Department of Labor

NCGA—N.C. General Assembly  
OAH—Office of Administrative Hearings  
OCSS—OSH Construction Safety Specialist  
OE—OSHA Express  
OFIR—Occupational Fatality Inspection Review  
OIS—OSHA Information System  
OSHA—Occupational Safety and Health Administration  
OSH—Occupational Safety and Health  
OSHR—Office of State Human Resources  
OSHSPA—Occupational Safety and Health State Plan Association  
OSTM—OSH Star Team Members  
OTI—OSHA Training Institute  
PSIM—Planning, Statistics and Information Management  
REDA—Retaliatory Employment Discrimination Act  
REDB—Retaliatory Employment Discrimination Bureau  
SB—Senate Bill  
SEP—Special Emphasis Program  
SHARP—Safety and Health Achievement Recognition Program  
S.L.—Session Law  
SMP—Strategic Management Plan  
SSTM—Special Star Team Member  
TRC—Total Recordable Case Rate  
USDOL—U.S. Department of Labor  
YEC—Youth Employment Certificate

## Notes

## Notes

## Notes





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*Physical Address*

4 W. Edenton St.  
Raleigh, NC 27601

*Mailing Address*

1101 Mail Service Center  
Raleigh, NC 27699-1101

**1-800-NC-LABOR**  
**(1-800-625-2267)**

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