

2023 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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Contents

Foreword	iv
Overview	1
Administration Division	2
Communications	3
Financial Services	4
Governmental Affairs	5
Human Resources	6
Information Technology	7
Legal Affairs	7
Research and Policy	12
Occupational Safety and Health Division	15
Agricultural Safety and Health Bureau	16
Compliance Bureaus – East and West	18
Consultative Services Bureau	22
Education, Training and Technical Assistance Bureau	23
Planning, Statistics and Information Management Bureau	29
Standards and Inspections Division	32
Boiler Safety Bureau	34
Elevator and Amusement Device Bureau	35
Mine and Quarry Bureau	38
Retaliatory Employment Discrimination Bureau	39
Wage and Hour Bureau	42
Notes	45
Index of Acronyms	45

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. The N.C. General Assembly (NCGA) removed inflatable devices from the jurisdiction of the Amusement Device Safety Act effective Oct. 10, 2023.



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 4.6 million workers in more than 370,000 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 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 five divisions: Communications; Financial Services; Governmental Affairs; Human Resources; Legal Affairs; and three bureaus: Information Technology, Publications; and Research and Policy.

Statistical Highlights for 2023

Communications

- Released 37 news releases and media advisories.
- Managed the *Labor Ledger* database, which had 13,037 subscribers as of Dec. 31, 2023.
- Produced 1,299,762 printing impressions and processed 85,413 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 2023, which totaled \$45,437,221; revenue: \$20,783,922; appropriations: \$24,653,299.

Governmental Affairs

- The NCDOL's budget included funding of six new positions. These positions had previously been paid for from receipts. With this additional appropriation, it will no longer be necessary to divert these receipts to pay for employee salaries. The Elevator and Amusement Device Bureau can keep their funds and use this money to fund their needs.
- The "Be Pro Be Proud" initiative continued to enjoy broad support from the NCGA. They received \$750,000 each year for the next two years.

Human Resources

- Managed HR functions for 330 employees as of Dec. 31, 2023.

Information Technology

- Monitored and responded to inquires submitted on the NCDOL website, which had 3,176,095 visits in 2023.
- Responded to a total of 3,940 internal telephone and email requests for assistance via IT Desktop Services.

Legal Affairs

- Responded to 469 AskLAD public inquiries seeking assistance from Legal Affairs.
- Responded to 49 direct public inquiries seeking intervention from Legal Affairs and 72 public records requests.
- Responded to 48 third-party litigation requests to include employee depositions and subpoenas duces tecum.
- Completed an audit of 323 employees' driving records.

Research and Policy

- Conducted the Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries. The 2022 nonfatal incident rate for private sector industry was 2.2 per 100 full-time employees, unchanged from the total recordable rate of 2.2 per 100 full-time employees in 2021. The number of fatal occupational injuries increased in 2022 to 217 from 179 in 2021. The fatal incident rate increased to 4.6 from 3.9 per 100,000 full-time employees.

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 37 news releases and media advisories in 2023. Topics included SHARP and Star Program ceremonies, safety award winners and other events and programs.

Communications manages the department’s social media platforms by posting content for all NCDOL divisions and bureaus. These social media platforms include: Facebook, YouTube, Instagram, X (formerly known as Twitter) and LinkedIn. The Facebook page increased from 2,201 likes at the beginning of the year to 2,449 likes at the end of the year. Communications continues to use the department’s X account that began in May 2012. Communications tweeted 158 times during 2023. The department’s X account grew from 2,161 followers at the beginning of the year to 2,305 at the end of the year. Since starting the Instagram page in October 2016, the platform increased from 720 at the beginning of 2023 to 882 followers by the end of 2023. The department’s LinkedIn account was established in 2023 and has 284 followers.

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 2023, the division recorded and released nine episodes. Since the podcast launched in November 2018 it has accumulated 7,015 views on YouTube and 3,155 plays across eight platforms including Spotify, Apple Podcasts, Google Podcasts, Anchor, Breaker, Overcast, Pocket Casts and Radio Public.

Publications’ print shop produced 1,299,762 printing impressions and processed 85,413 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 2020 through FY 2023.

Table 1
Financial Services Division Activities, FY 2020 Through FY 2023

	FY 2020	FY 2021	FY 2022	SFY 2023
Annual budget	\$39,226,843	\$40,547,254	\$46,813,155	\$45,437,221
Revenue	\$20,553,682	\$21,223,117	\$25,398,690	\$20,783,922
Appropriation	\$18,673,161	\$19,324,137	\$21,414,465	\$24,653,299
Average number of payments issued each month	229	197	231	262
Average amount of expenditures each month	\$2,993,336	\$3,098,752	\$3,552,561	\$3,440,096
Average number of purchase orders issued each month	59	60	50	59
Average amount of purchase orders issued each month	\$440,438	\$369,761	\$169,290	\$349,328
Average amount of civil fines and penalties collected each month*	\$380,330	\$378,516	\$461,161	\$541,341
Average amount of inspection fees collected each month	\$623,895	\$643,508	\$637,930	\$699,967
Average number of A/R invoices processed for inspection fees, fines and penalties each month	3,562	3,445	3,541	3,700

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

Governmental Affairs

The N.C. General Assembly (NCGA) convened on Jan. 11, 2023, for its biennium long session. The session started off with GOP majorities in each chamber, but the GOP was one vote short of having a veto proof majority in the House. This changed early on when Rep. Tricia Cotham (D-Mecklenburg) switched parties and became a Republican. This provided the GOP with the 72 votes necessary to override any of the governor's vetoes.

The NCGA used their super majorities to pass numerous bills that were promptly vetoed by the governor. The governor vetoed a total of 19 bills, but each of them were overridden and became law despite his objections.

The Legislative Affairs team tracked several bills that affected the N.C. Department of Labor (NCDOL). House Bill (HB) 600, Regulatory Reform Act of 2023 was of particular interest. This bill contained a provision which exempted inflatable amusement devices (i.e. Bounce houses) from inspections.

Sen. Amy Galey (R-Alamance) filed our agency bill, Senate Bill (SB) 542, Department of Labor Omnibus Changes. This was our agency bill which contained NCDOL specific provisions. This bill passed the Senate rather quickly with a unanimous vote. However, it ran into headwinds in the House. The House leadership added several unrelated provisions to our agency bill which was met by stiff opposition in the Senate. To date, the conference committee has been unable to successfully negotiate a compromise. This legislation continues to be negotiated and we are optimistic that this bill will be ratified during the short session, which begins April 24, 2024.

Several bills were also filed which could affect the rule making process. HB 259 removed the provision allowing the OSH Division to adopt federal rules verbatim. The Legislative Affairs team was involved in several meetings with legislators and staff and ultimately, this bill did not receive a committee hearing. Nonetheless, a provision removing this OSH exemption was included in the budget. This change will place new burdens on OSH since they are now required to create a new state rule for every federal rule change.

The primary purpose of the long session is to write the biennial budget for the State of North Carolina. The budget started in the House this year and was sent to the Senate for their revisions. After many weeks of negotiation, the final budget was released on Sept. 18, 2023. The budget was delayed for many weeks by the insistence of the Senate that a provision be included which would allow for four casinos in North Carolina. There were not enough votes to pass a budget that included them. Once this provision was dropped, the budget was quickly adopted.

The budget included several major policy changes. Of interest to state employees was a 7% pay raise (4% in 2023 and 3% in 2024). Retirees received a 4% bonus in 2023. The budget also included cuts to the personal income tax rate. Specific to NCDOL, the budget included recurring funds to shift position funding from receipt supported to state appropriations for six new positions. These positions had previously been paid for from receipts within the Boiler Safety Bureau and the Elevator and Amusement Device Bureau.

Additionally, the "Be Pro Be Proud" initiative continued to enjoy broad support from the NCGA and received an additional \$750,000 each year of this biennium budget.

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 2023. Table 2 provides a comparison of HR activity in calendar years 2020 through 2023.

Table 2

Human Resources Activities, Calendar Years 2020 Through 2023

	2020	2021	2022	2023
New Hires	27	46	57	58
Separations	43	53	49	44
Promotions	20	15	27	14
Job Applications Received	6,381	7,269	5,165	5,108
Personnel Actions Processed	631*	559**	823***	750****
Total Positions on 12/31	381	378	371	371
Total Employees on 12/31	335	332	317	330
(includes part-time employees sharing one position)	2	0	0	0
Positions Posted for the Year				
(internal, external and repostings)	155	215	247	205
Average Employee's Age	51	52	50	51
Average Employee Service Months	152	241	238	235
EEODF Training/Refresher Course	0	9	2	1

* Includes 337 legislative increase salary adjustments and nine retirement actions.

**Includes 332 legislative increase salary adjustments.

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

**** Includes 323 legislative increase salary adjustments, 108 LMAR salary adjustments, 76 in range salary adjustments, 48 Sign on Bonuses and 195 Retention Bonuses.

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 2023, Information Technology's accomplishments included:

- Monitored and responded to inquiries submitted on the NCDOL website, which had 3,176,095 visits in 2023.
- Responded to a total of 3,940 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; 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 and the NCDOL Financial Services Division 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 2023, 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 2023, Legal Affairs responded to 48 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 2023, Legal Affairs responded to 469 AskLAD inquiries and to 49 direct public inquiries.

The division files all proofs of claim in bankruptcy proceedings for monies owed to NCDOL, to include penalties and fees. 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; however, the agency cannot pursue collection of individual employee's wages from an employer when the employer has filed for bankruptcy. In 2023, Legal Affairs received notices of 67 new bankruptcy filings and filed four proofs of claim.

The Legal Affairs Division is responsible for maintaining and auditing employee driving records in accordance with the NCDOL State-Owned Vehicle Use Policy (current edition 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 to confirm they remain eligible to drive a state-owned vehicle. 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 2023 and included a review of 323 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 2023, the division responded to 72 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 was one variance request filed in 2023 by McGee Brothers. The Notice of Filing of an Application for Permanent Variance was published in the N.C. Register on Dec. 15, 2023 (Issue 38:12).

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 Occupational Safety and Health 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 have previously been adopted in accordance with N.C. Gen. Stat. § 150B-21.5(c), which until October 2023, provided that the OSH Division was not required to publish a notice of text in the N.C. Register or hold a public hearing when it proposes to adopt a rule regarding an occupational safety and health standard which is identical to a federal regulation promulgated by the Secretary of the U.S. Department of Labor (USDOL). Session Law 2023-134, Section 21.2(e) repealed that law effective Oct. 3, 2023, which now requires any amendment to the Occupational Safety and Health Standards go through the full rulemaking process for adopting a permanent rule under Chapter 150B of the N.C. General Statutes.

There were no 2023 amendments to the Occupational Safety and Health Standards to include General Industry, Construction, Shipyard Employment or Agriculture.

Occupational Safety and Health Penalties

Pursuant to N.C. Gen Stat. 95-138(a1) and 29 CFR 1903, which is incorporated by reference in 13 NCAC 07A .0301, the commissioner shall adjust minimum and maximum civil monetary penalties for violations of Occupational Safety and Health Standards based on the Consumer Price Index (CPI). Notification of the change was published in the Feb. 15, 2023, N.C. Register (Issue 38:16).

Repeal of Article 5B of Chapter 95, Regulation of Job Listing Services – Wage and Hour Bureau

The NCGA repealed Article 5B of Chapter 95 of the N.C. General Statutes, Job Listing Services, in Session Law 2021-82, Section 4.(a) and 4.(b).

In accordance with the repeal of the law, the following rules were repealed with an effective date of June 1, 2023:

- 13 NCAC 18 .0101 Introduction
- 13 NCAC 18 .0102 Definitions
- 13 NCAC 18 .0103 Licensing Procedures
- 13 NCAC 18 .0104 Surety Bonds
- 13 NCAC 18 .0105 Contracts
- 13 NCAC 18 .0106 Records
- 13 NCAC 18 .0107 Advertising
- 13 NCAC 18 .0108 Prohibited Acts
- 13 NCAC 18 .0109 Review of Job Listing Services
- 13 NCAC 18 .0110 Penalty

Repeal/Amendment of Amusement Device Rules on Inflatable Devices - Elevator and Amusement Device Bureau

The NCGA removed inflatable devices from the jurisdiction of the Amusement Device Safety Act effective Oct. 10, 2023. See Session Law 2023-137, Section 48.(a), which excluded from the definition of amusement devices all inflatable devices, including any air-supported device made of flexible fabric, inflated by one or more blowers, that relies upon air pressure to maintain its shape.

Pursuant to the legislative change, the following rules were repealed:

- 13 NCAC 15 .0430 Regulation of Inflatable or Air-Supported Amusement Devices
- 13 NCAC 15 .0431 Definitions
- 13 NCAC 15 .0432 Ride Design
- 13 NCAC 15 .0433 Anchorage or Tie-Down
- 13 NCAC 15 .0434 Operation of Inflatable or Air-Supported Amusement Devices
- 13 NCAC 15 .0435 Blowers
- 13 NCAC 15 .0436 Wind Speed
- 13 NCAC 15 .0437 Signs
- 13 NCAC 15 .0438 Operating Manual and Documentation

Pursuant to the legislative change removing inflatables, the following rule is in the process of amendment with a pending effective date of May 1, 2024: 13 NCAC 15 .00703 Fees (Removal of Inflatable Inspection Fee only).

Petitions for Rulemaking – Airborne Infectious Diseases

In December 2022, the agency received two Petitions for Rulemaking regarding airborne infectious diseases. A response was required in January 2023.

The Episcopal Farmworker Ministry, the N.C. State AFL-CIO, Western N.C. Workers' Center, the Hispanic Liaison of Chatham County/El Vinculo Hispano and the N.C. Conference of the NAACP, filed a petition seeking adoption of an Occupational Safety and Health Standard that would apply to every employer, employee and place of employment in North Carolina within the coverage of the OSH Act of North Carolina. The petitioned rules proposed new requirements applicable to airborne infectious disease-related hazards in the workplace.

The Episcopal Farmworker Ministry, the N.C. State AFL-CIO, Union of Southern Service Workers, the Western N.C. Workers' Center, the Hispanic Liaison of Chatham County/El Vinculo Hispano and the N.C. Conference of the NAACP, filed a second petition that sought adoption of rules that would establish requirements for agricultural employers and migrant housing operators, as defined in N.C. Gen. Stat. § 95-223. The petitioned rules required employers who used migrant workers to assess the risk of, prepare for, control, prevent and mitigate the spread of an airborne infectious disease to and among employees, employers, migrant workers and any migrant housing occupants.

The Commissioner of Labor provided a response to the petitioners on Jan. 12, 2023, and granted the rule-making petitions. The Legal Affairs Division formatted the petitions into the required rule format and submitted the Notice of Text to OAH on Dec. 6, 2023. The final Notice of Text is scheduled for publication in the N.C. Register on Jan. 2, 2024, and public hearings for both petitioned rules are scheduled for Jan. 23, 2024.

Research and Policy

Research

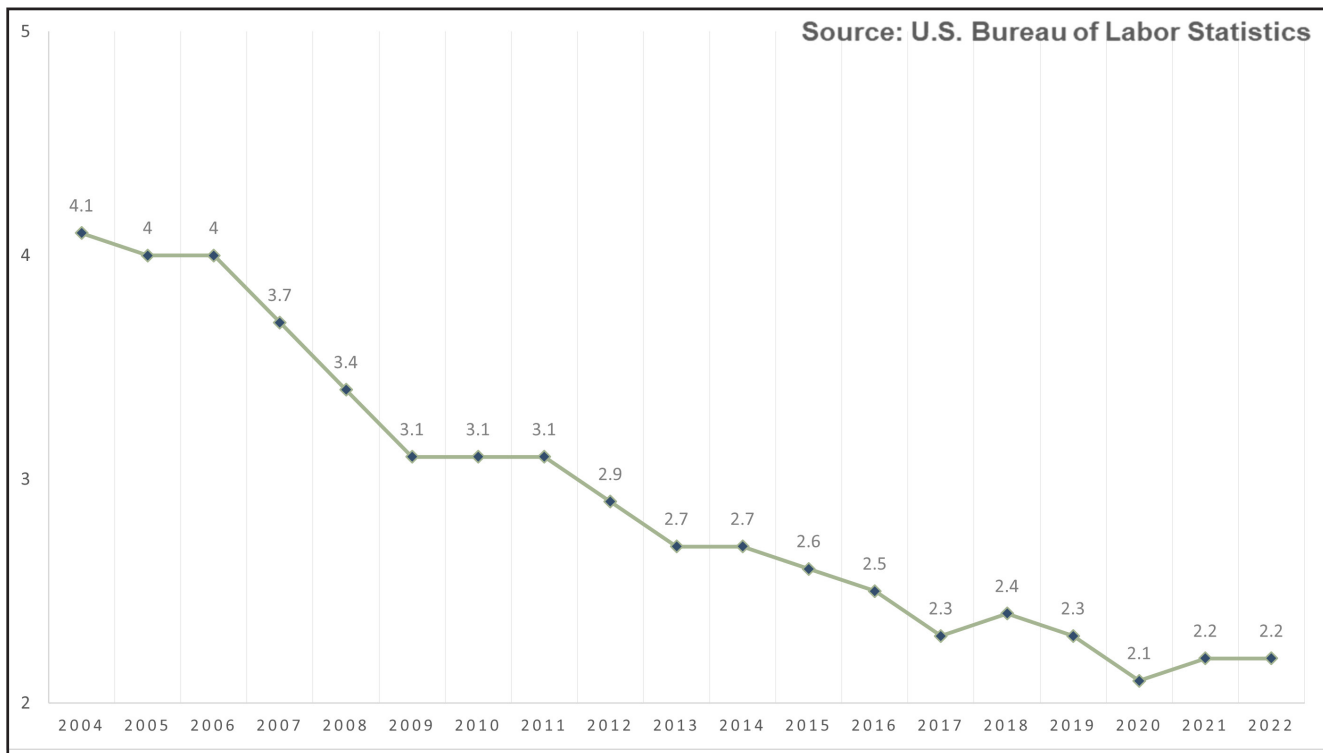
The research area of the division collects information and data for use by the commissioner of labor. The bureau develops and implements special programs and projects.

Safety and Health Survey Section

The Safety and Health Survey Section collects, reviews, refines and publishes the Survey of Occupational Injuries and Illnesses (SOII) 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 2022, which was significantly below the national rate of 2.7. The 2022 nonfatal injury and illness rate for North Carolina is statistically unchanged from 2021 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 2004 Through 2022



Annually, North Carolina samples roughly 8,600 establishments for the SOII. For the 2022 survey, collected during 2023, the state sampled 8,600 establishments, of which 7,428 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 2023, 86% of sampled establishments responded to North Carolina's 2022 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 (CFOI). 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 are also 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 CFOI, show that North Carolina suffered 217 workplace injury deaths in 2022. This represents an increase from the 179 workplace injury deaths recorded in 2021. 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 2022, the fatality rate was 4.6 fatalities per 100,000 full-time workers. The 4.6 rate represents an increase from the 3.9 rate recorded for 2021 in North Carolina.

Figure 2

Fatal Occupational Injury Count for North Carolina, Calendar Years 2002 through 2022



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 2023

Agricultural Safety and Health Bureau

- The ASH Bureau completed 2,141 preoccupancy housing inspections of migrant farmworker housing and issued certificates to 2,033 sites.
- The bureau conducted 40 compliance inspections and issued 123 violations, with total current penalties amounting to \$430,925.
- Gold Star status was achieved by 180 growers.

Compliance Bureaus – East and West

- Compliance conducted 1,105 safety inspections and 657 health inspections, for a total of 1,762 compliance inspections.
- Compliance issued citations for 3,314 violations, with total current penalties amounting to \$9,354,697.

Consultative Services Bureau

- The bureau conducted 1,287 initial visits, 99 training and assistance visits and 112 follow-up visits for a total of 1,498 visits during FY 2023.
- A total of 6,683 hazards were identified and eliminated as a result of consultative visits. Of these, 6,331 were serious hazards, 287 were other-than-serious hazards and 65 were regulatory.
- The bureau has 102 private sector Safety and Health Achievement Recognition Program (SHARP) worksites. There were 45 public sector SHARP sites in the program, three construction sites and four pre-SHARP sites at the end of FY 2023.

Education, Training and Technical Assistance Bureau

- The ETTA Bureau participated in 206 courses, forums and workshops, providing training for 5,562 employers and employees.
- The bureau distributed 64,242 hard copy publications and responded to 2,247 OSH standard inquiries
- The Safety Awards Program celebrated its 77th year, awarding 2,151 annual and 58 million-hour safety awards.
- The bureau recognized six new Carolina Star sites and recertified 33 Star sites. There were 150 companies in the Carolina Star Program at the end of FFY 2023.

Planning, Statistics and Information Management Bureau

- PSIM Bureau completed the Public Sector Injury and Illness Survey for CY 2022 data with a 100% response rate at the conclusion of the survey.
- The bureau received 1,336 disclosure requests and processed 1,021 requests (710 from FFY 2023 and 311 from previous years).

Agricultural Safety and Health Bureau

Inspection Effort

In 2023, the Agricultural Safety and Health (ASH) Bureau completed 2,141 preoccupancy housing inspections of migrant farmworker housing and 40 compliance inspections. Housing certificates were issued to 2,033 sites with total occupancy (i.e. beds) of 26,014. Sites in 100% compliance at the time of the inspection numbered 1,201. Double Gold Star status was achieved by 65 growers and Single Gold Star status was achieved by 115 growers for a total of 180 in 2023.

**The ASH bureau started using a new preoccupancy inspection program in the fall of 2023. Preoccupancy inspection data included in this report is preliminary and subject to change.

Gold Star Growers Meeting

The 29th Annual Gold Star Growers' meeting was held at the N.C. State University McKimmon Conference and Training Center in Raleigh on Feb. 2, 2023. Growers were recognized for the 2022 calendar year. 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 2022. During the event, NCDOL's Health and Safety Education Specialist Andy Sterlen trained growers on Forklift Safety. Since there was no event held in 2022 due to COVID-19, awards were given to growers for the 2021 and 2022 seasons. The following awards were given for the 2021 season: AMD Farms, Most Improved Housing; Sandy Plain Sod LLC, Best Maintained Housing; and WF Partnership, Best New Housing. Costa Farms LLC received an award for 2022 Housing of the Year.



Labor Commissioner Josh Dobson and ASH Bureau Chief Beth Rodman congratulate Costa Farms LLC for winning the award for 2022 Housing of the Year at the 29th annual Gold Star Growers' meeting held on Thursday, Feb. 2, 2023 at N.C. State's McKimmon Center.

Compliance

ASH inspectors conducted 40 compliance inspections in the calendar year 2023. These inspections included two accidents, three complaints, seven referrals, 12 unprogrammed related and 16 programmed planned inspections. The bureau issued 123 violations. During this period, 30% of the inspections resulted in no citations. Total current penalties for citations issued amounted to \$430,925 . In addition, nine unregistered, uncertified camps were discovered in 2023.

Workplace Safety Training and Outreach

During annual preoccupancy inspections, the ASH Bureau distributed 5,821 safety and health publications to farmers and farmworkers. Topics included human trafficking, heat stress prevention, injury/illness recording and reporting, venomous snakes, ticks, and spiders in North Carolina and migrant housing regulations.

In August 2023, the ASH Bureau Chief presented at an H2A stakeholder event that was attended by 274 farmers, Farm Labor Contractors (FLC), H2A agents and other stakeholders. Training topics included migrant housing regulations, field sanitation requirements and Heat Stress prevention.

In October and November 2023, ASH staff trained 27 farm labor contractors during three workshops hosted by N.C. Cooperative Extension. Training topics included migrant housing regulations, field sanitation requirements and heat-related illnesses and prevention methods.

In December 2023, the ASH Bureau Chief presented at the N.C. Agriculture Labor Forum and discussed migrant housing registration, regulations and best practices.

Throughout the year, ASH staff educated farmers, farmworkers and farm labor contractors about injury and illness recording and reporting requirements, Heat Stress prevention, forklift safety and field sanitation requirements.

Inspector/Staff Training

ASH staff attended numerous classes including Electrical Safety, Combustible Dust, Occupational Noise, Human Trafficking and Heat Stress. In 2023, the ASH Bureau hired one new inspector. The ASH bureau's new preoccupancy inspection program went live in the fall of 2023. ASH inspectors spent several days working with the vendor and NCDOL's IT department to learn the new program.

Partnerships, Associations and Collaborations with Groups

In partnership with the N.C. Human Trafficking Commission, the ASH Bureau distributed bilingual human trafficking prevention posters to migrant housing sites throughout the state.

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.

Compliance Bureaus – East and West

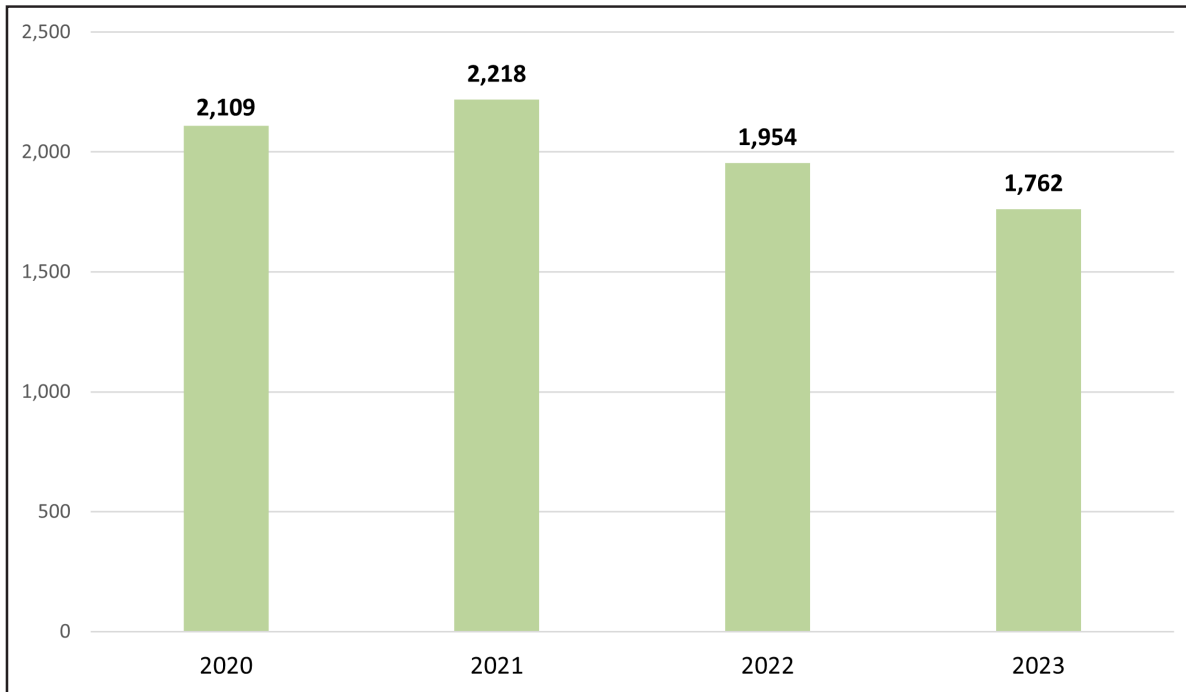
The Compliance Bureaus enforce occupational safety and health laws, rules and regulations and employee protection in workplaces throughout North Carolina through the use of professional industrial hygiene, safety engineering, administrative controls, training and technical services provided to all employers 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 2023 compliance activities included:

- 1,762 compliance inspections. See Figure 3.
- 1,105 safety inspections.
- 657 health inspections.
- 915 construction inspections.
- 3,314 total violations.
- 3.1 average number of violations per inspection.
- \$9,354,697 in current penalties assessed.
- 60 average lapsed days from inspection date to when citations were issued.
- 530 informal conferences conducted.
- 3,208 serious hazards abated.
- 23 inspections associated with the Tree Felling SEP.
- 630 inspections in the Construction SEP counties.
- 34 inspections in long-term care facilities.
- 99 inspections associated with the Health Hazards Exposure SEP.
- 118 inspections associated with the public sector.
- 170 compliance interventions (includes speeches, training programs and program assistance).
- 76 fatality/accident inspections (data is based on open date of inspection) which were associated with 69 of the fatalities on the FY 2023 OFIR Report (OFIR data is based on event date and this specific comparison is based on inspection open date).
- 334 complaint inspections.
- 707 referrals/accidents:
 - 198 referral/accident inspections.
 - 509 referral/accident investigations.
- 3,241 complaint investigations (80 related to COVID-19).
- 334 retaliatory employment discrimination investigations which were received by the Retaliatory Employment Discrimination Bureau and were associated with occupational safety and health.

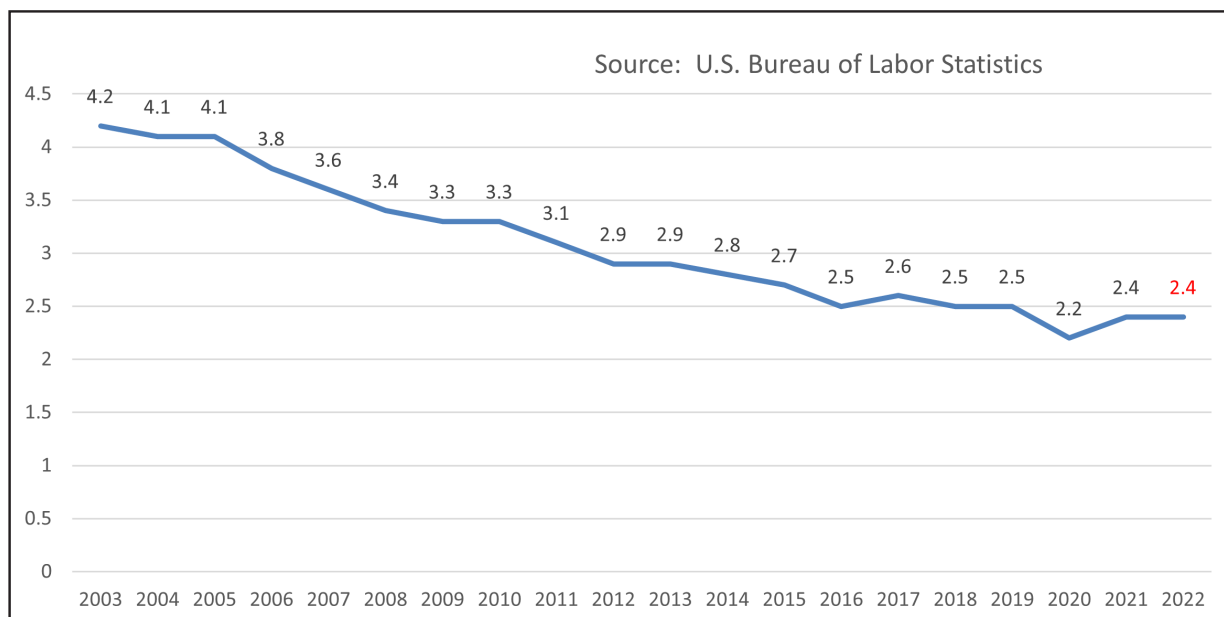
Figure 3 depicts the total number of compliance inspections conducted in North Carolina for federal fiscal years 2020 through 2023. The number of compliance inspections in recent years continues to fluctuate due to a combination of factors including inconsistent federal and state funding, salaries that have not kept pace with the private sector and increased turnover and vacancy rates. Additionally, in fiscal years 2020 through 2023, 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.

Figure 3
Number of Compliance Inspections, FFY 2020 Through FFY 2023



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 2003 Through 2022



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 2023 include the following:

- The state's total recordable case rate (TRC) released by the U.S. Bureau of Labor Statistics continued to be one of the lowest in program history at 2.4 for calendar year 2022, which is the most current year available. The private sector TRC also remained as 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. Bureau of Labor Statistics continued to be one of the lowest in program history at 1.4 for calendar year 2022, which is the most current year available. The private sector DART rate continued to be one of the lowest in program history at 1.4.
- Stakeholder input was realized through two meetings of the OSH Advisory Council held in 2023, hosted in Raleigh and Asheboro. Commissioner Dobson and 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 updates from OSH staff and offered their thoughts and opinions on how the department is working.
- Four change requests were submitted for the OSHA Express (OE) data management system in 2023. 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 2023, 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 2023, 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 (OLD) 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. At the end of 2023, OSH had five cases remaining in the OLD system.
- OSH Compliance received a variety of training during FFY 2023. This training was provided by both the Division's internal training staff as well as external training personnel and organizations.
- 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 2023 OSHSPA meetings were held in Vancouver, Washington; Honolulu, Hawaii and Saratoga Springs, New York.

The OSH Division maintained two partnerships and concluded one 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 Jacobs Engineering Group which covers construction of FUJIFILM Diosynth Biotechnologies' manufacturing facility and campus in Holly Springs. The OSH Division's partnership with Barringer Construction, covering the construction of Charlotte Pipe and Foundry in Oakboro, successfully concluded in spring 2023. 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 fourth 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 173 inspections.
- In order to address a finding regarding OSH penalties in the 2021 FAME report, the department submitted a statutory change request to the NCGA in 2022 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, and again on July 1, 2023. 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 Complaint Desk processed 3,528 complaints and 706 referrals and received an additional 3,934 unprocessed complaints. The average number of complaints received by the Complaint Desk has averaged 1,000 more each year than in the years prior to COVID-19 and the number of unprocessed complaints continued to steadily climb as well. To alleviate the complaints not under OSH jurisdiction, an online web form was developed in question-and-answer format and directs online complainants toward the appropriate agency.
- The OSH Lab completed 348 in-house equipment calibrations. An additional 96 pieces of equipment were sent to the manufacturer for calibration or repair.

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 2023. The bureau conducted 1,498 total consultative visits. See Table 3.

- 902 (60%) safety visits; 596 (40%) health visits.
- 1,287 (86%) initial visits; 99 (7%) training/assistance visits; 112 (7%) follow-up visits.
- 1,243 (83%) private sector visits; 255 (17%) public sector visits.
- 327 (22%) manufacturing visits; 633 (42%) construction visits; 283 (19%) other industry type visits; 255 (17%) public sector visits.
- Hazards identified and eliminated as a result of consultative visits totaled 6,683. Of these, 6,331 (95%) were serious hazards, 287 (4%) were other-than-serious hazards, 65 (1%) were regulatory.

Consultants conducted 276 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 2023, total participation in SHARP was 150 employers (102 general industry, 45 public sector, three 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 2020 Through FFY 2023

Comparisons	FY 2020	FY 2021	FY 2022	FY 2023
Total Visits by Category				
Safety	836	862	919	902
Health	435	563	582	596
Total Visits by Type				
Initial	1,070	1,204	1,257	1,287
Training and Assistance	129	135	128	99
Follow-up	72	86	116	112
Total Visits by Industry Type				
Manufacturing	264	322	356	327
Construction	479	536	576	633
Other	313	341	322	283
Public Sector	215	226	247	255
Total Visits	1,271	1,425	1,501	1,498

Education, Training and Technical Assistance Bureau

2023 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 within the OSH Division.

Library

The NCDOL's Charles H. Livengood Jr. Memorial Library loaned out 312 items including consensus standards, safety and health-related books and videos and certification exam preparation workbooks to NCDOL employees and registered public patrons. Additionally, the library responded to 610 information requests and 296 reference questions, provided streaming safety and health video access (via the library's subscription to Training Network NOW's Streamery) to 90 patrons, served 352 visitors, acquired 129 items for the collection and cataloged 62 items. The librarian alerted staff to webinars and online publications, referred patrons to online resources and assisted NCDOL employees in their investigations and preparation for professional certification examinations via books and software access.

Recognition Program

The Safety Awards Program celebrated its 77th 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 25 Safety Awards banquets held with a total banquet attendance of 2,021 attendees. The program distributed 2,151 annual awards including 1,860 gold, 291 silver and 58 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 six new Star sites recognized, 33 Star sites recertified and 147 Star interventions conducted. There were 150 companies participating in the Carolina Star Program at the end of FFY 2023.

Star Site Name and Location	Site Approval Date	Re-Certification Date
Samet Corp., Greensboro		10/5/2022
General Electric Aviation, Durham		12/2/2022
Hendrick Construction Inc., Charlotte		12/2/2022
Burlington Fire Department, Burlington		12/19/2022
NCDA&CS Metrology Lab, Raleigh		12/19/2022
Clayco Inc., Charlotte	12/19/2022	
Leggett and Platt Inc. Branch ON64, High Point		12/21/2022
General Electric Hitachi Nuclear, Wilmington		12/21/2022
The Sherwin-Williams Co. - Howard Street, Greensboro		12/21/2022
Berry Global, Ahoskie		12/22/2022
Acme Smoked Fish of North Carolina, Wilmington		1/20/2023
Metal Tech of Murfreesboro Inc., Murfreesboro		1/20/2023
GXO, Durham	1/20/2023	
John Deere Turf Care, Fuquay-Varina		2/10/2023
Regulator Marine Inc., Edenton		3/29/2023
Amentum, Durham		3/29/2023
Cube Hydro Carolinas LLC - Yadkin Generation, Badin		4/5/2023
Kellanova, Cary		4/17/2023
BSH Home Appliances Corp., New Bern		4/17/2023
Sonoco Recycling LLC, Winston Salem		5/1/2023
International Paper Co. - Cape Fear Woodyard, Riegelwood		5/30/2023
Cintas Corp., Location 79H, Garner	6/2/2023	
Choate Construction Co., Raleigh		6/15/2023
Glen Raven Custom Fabrics LLC, Burlington		7/27/2023
Catawba County Public Health, Hickory		7/27/2023
The Sherwin-Williams Co. - Stage Coach Trail, Greensboro		7/27/2023
Holder Construction Group LLC, Charlotte		7/27/2023
Danis Construction, Raleigh		7/27/2023
OPW Retail Fueling, Smithfield		8/30/2023
Pactiv Evergreen, Kinston	8/30/2023	
Skanska USA Building Inc., Durham		9/11/2023
Clean Harbors Environmental Services Inc., Archdale	9/11/2023	
Safety Kleen, Archdale	9/11/2023	
TE Connectivity Ltd., Greensboro		9/11/2023
American Chrome and Chemicals Inc., Castle Hayne		9/14/2023
Mundy Maintenance and Services LLC, Castle Hayne		9/14/2023
Allied Security Services, Wilmington		9/15/2023
Rodgers Builders, Fayetteville		9/15/2023
Roanoke Cooperative, Aulander		9/19/2023

The annual Carolina Star Safety Conference was held Sept. 20-22, 2023, which represented the 26th year of conference existence. During the conference, one Star site was recognized for achieving 25 years in the Carolina Star Program, bringing the total to 10 Star designated worksites that have achieved the status of 25 years as a Carolina Star Program participant. The conference had 627 people in attendance.

The Carolina Star Program hosted its 4th annual Building Star Best Practices Workshop in January 2023. The workshop was hosted in Charlotte with a total of 33 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 2023, 21 SSTMs received initial training during two training events. Additionally, four SSTMs were recertified for a total of 112 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 18 OSTMs eligible to assist with Star evaluations including one OSTM that received initial training during FFY 2023.

Publications

The bureau distributed 64,242 publications in support of the division's outreach and regulatory goals to promote a safe and healthy work environment across the state.

- The Standards Section reviewed and edited existing safety and health topic pages on the NCDOL website, including pages on COVID-19, Logging and Arboriculture, and the Logging and Arboriculture Special Emphasis Program (SEP), to ensure that content was up to date.
- The Standards Section created several new publications including a brochure on injury reporting and quick cards on forklifts, safety data sheets, hazard communication labels and hazard communication pictograms. Additionally, ETTA revised the Top 10 Serious Standards Cited in FFY 2022 brochure and Industry Guide 114 – Introduction to Migrant Housing Inspections in N.C.
- A letter and outreach materials regarding OSH outreach services and publications were mailed to 51 construction employers with five or more serious violations. This letter is an outreach strategy used by the Construction SEP committee to lower injury and illness rates in construction.
- Through an alliance with Lamar Advertising, six billboards were posted across the state. The billboards promoted the NCDOL Safety Awards Program, Fall Prevention Stand-Down Week, Safe + Sound Week, Trench Safety Stand-Down, the Construction Forum and Heat Illness Prevention.



Through an alliance with Lamar Advertising, a billboard announcing the NCDOL annual Construction Forum was posted around the state.

Rulemaking

The Standards Section answered 2,247 inquiries on OSHA standards by phone or written correspondence for employers and employees across the state. The Standards Section added 21 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 the 29 CFR 1903 Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2023 and the revised 29 CFR 1904 rule to Improve Tracking of Workplace Injuries and Illnesses.

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 University Industry Expansion Solutions, the Safety and Health Council of North Carolina, the N.C. Association of Local Governmental Employee Safety Officials, the Tree Care Industry Association, the Plumbing, Heating, Cooling Contractors Association and the N.C. Masonry Contractors Association. The Plumbing, Heating, Cooling Contractors Association and the N.C. Masonry Contractors Association were new alliances that were signed in FFY 2023.

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 and 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 9,000 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 206 courses and events providing training to 5,562 employers and employees. Additionally, the Consultative Services Bureau trained an additional 4,375 employers and employees which brought an overall total of 9,937 workers trained by the OSH Division. Training included six 10-hour and two 30-hour general industry awareness courses, seven 10-hour and two 30-hour construction industry awareness courses, 82 speaker's bureau events, 93 webinars and 18 booth events/safety and health fairs. The Labor One mobile training unit was also used for four additional training events.

- The OSH Division participated with federal OSHA on four Stand-Downs. For the National Safety Stand-Down to Prevent Falls in Construction, ETTA hosted four webinars: one each on fall protection, scaffolds, steel erection and stairways and ladders. ETTA also participated in three Labor One events at partnership sites, including the FUJIFILM Diosynth Biotechnologies/Jacobs Engineering site in Holly Springs, Douglas International Airport/Holder-Edison Foard-Leeper site in Charlotte and the Wolfsped/Whiting-Turner Contracting Co. site in Siler City. A total of 1,709 employees were trained during these webinars and events. For Safe + Sound Week, ETTA hosted one webinar on Safety and Health Management Systems that provided training for 21 employees. During the summer months, Heat Stress webinars provided training to 105 employees. In addition, webinars on trenching and excavation were conducted during Trench Safety Stand-Down week training 37 employees.
- The 2023 annual Construction Forum was held Sept. 7, 2023, at Statesville Civic Center with the theme: Concrete, the world's foundation, hosted by ETTA. Topics included manufacturing, installation and safety processes of concrete construction, concrete and masonry construction safety and net zero emissions for concrete. Other topics included municipal applications of concrete and the importance of safe digging via the 811 system. At the forum, there were 78 in attendance.
- The Training Section participated in Labor Rights Week (Aug. 28–Sept. 1, 2023) 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 260 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 278 hours of formal training, 148 hours of continuing education and 37 hours of other job-related training.
 - o Courses included: OSH 100 - Initial Compliance Course; OSH 125 - Introduction to Health Standards for Industrial Hygienists; OSH 105 - Introduction to Safety Standards for Safety Officers; Technical Writing and OSHA Express; Investigative Interviewing Techniques; OSH Construction Safety Specialist (OCSS) Confined Space Entry; OCSS Trenching and Excavation; Heat Stress; CPR, AED and First Aid; Machine Guarding and Lockout/Tagout; Process Safety Management, Using Toxicology to Determine Sampling Priorities; Significant Cases; How to Document a Willful Trench Violation in Five Minutes or Less; Long Term Care SEP; ASH Preoccupancy Inspection System; Food Manufacturing SEP; Logging and Arboriculture SEP; Grocery and Related Merchant Products SEP, Bloodborne Pathogens and a variety of individual safety and health webinars.

OSH Division Certifications

- Two 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 occupational construction safety specialist (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 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.
- Seven OSH Division personnel attained the Manager of Environmental Safety and Health (MESH) certificate; two received the General Industry MESH certificate, one received the Construction Industry MESH certificate, two received the Industrial Hygiene MESH certificate, one received the Environmental MESH certificate and one received the Emergency Preparedness MESH certificate as a result of receiving 100 hours of safety and health training. These certificates are offered in collaboration with N.C. State University Industry Expansion Solutions and the Safety and Health Council of North Carolina.
- Two OSH Division personnel attained the Certified Hazardous Materials Manager (CHMM) certification. The CHMM, established by the Institute of Hazardous Materials Management, is held by those that have demonstrated professional competency in hazardous materials pertaining to standards, regulations, management and occupational safety and health.
- Two OSH Division personnel obtained the Construction Health and Safety Technician (CHST) certification. The CHST is a certification awarded to safety practitioners who meet all requirements established by the BCSP. BCSP awards CHST certification to individuals who demonstrate competency and work part-time or full-time in health and safety activities devoted to the prevention of construction illness and injuries.
- One OSH Division staff member obtained the Occupational Health and Safety Technologist (OHST) certification. The OHST is a certification awarded to safety practitioners who meet all requirements established by the BCSP.
- Three OSH Division employees attended the Federal OSHA Training Institute 502 and/or 503 refresher courses to be reauthorized as Authorized Trainers. 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.

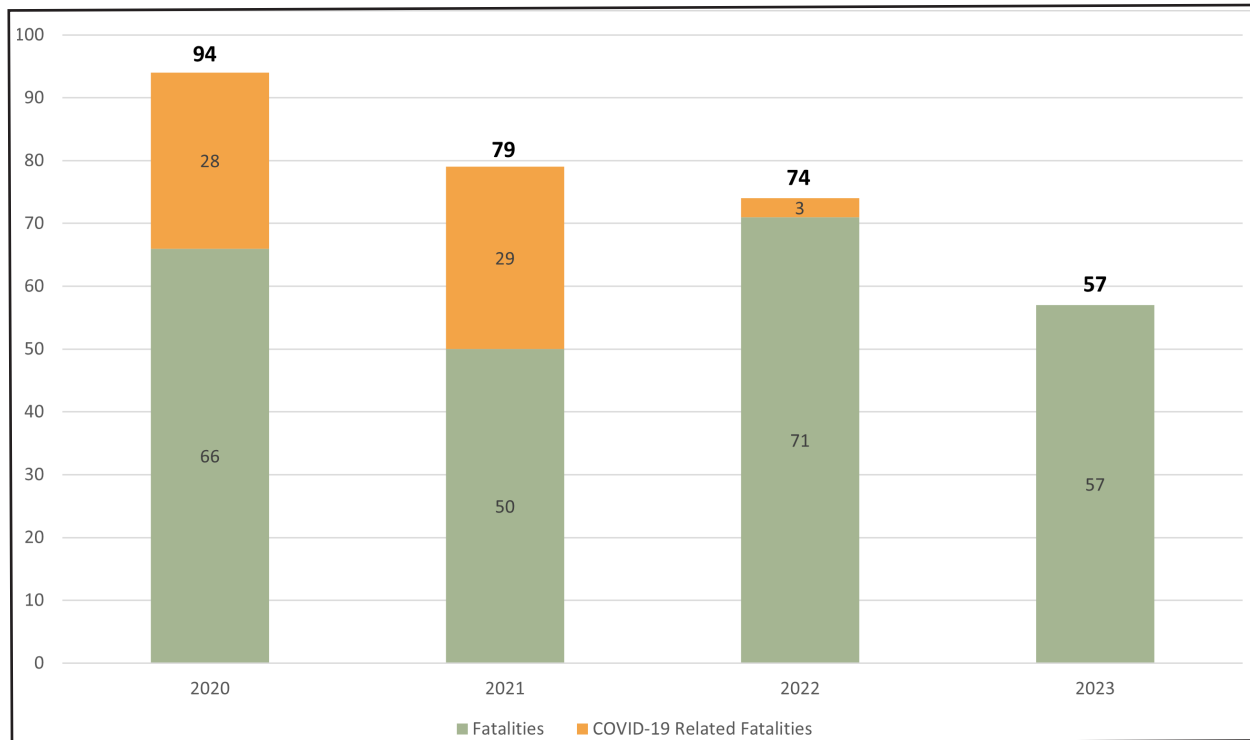
Planning, Statistics and Information Management Bureau

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 for the NCDOL Annual 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 3,287 surveys were mailed to public sector employers (collection of 2022 injury and illness data). As of the end of FFY 2023, 2,995 survey responses were received for a 91% response rate and a 100% clean rate. Efforts continued through the end of the calendar year with 100% of the surveys collected.
- Completed an analysis of data collected from the 2019, 2020 and 2021 Public Sector Surveys, resulting in updated, established target rates for employer-specific categories.
- Coordinated discussions with all bureaus in the OSH Division to prepare the FFY 2024 Annual Performance Plan in relation to the five-year Strategic Management Plan for FFY 2024-FFY 2028.
- 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 2023.
- PSIM bureau chief continued to perform duties associated with the responsibility of being the medical records coordinator for the OSH Division.
- Analyzed construction inspection activities for FFY 2022.
- Completed FFY 2022 Occupational Fatalities Comparison Report using Occupational Fatality Inspection Review (OFIR) data.
- Analyzed and verified CY 2022 fatality data for Communications Division's annual news release. See Figure 5 for OSH fatality inspection data.

Figure 5

Fatalities Included in the Occupational Fatality Inspection Review, Calendar Years 2020 Through 2023*



**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 961 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 709 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.
- Received a total of 585 closed inspection files (those still in paper copy format) from the field offices for archiving.
- Received 1,336 disclosure requests during FFY 2023 and processed 1,021 requests (710 from FFY 2023 and 311 from previous years) during this fiscal year, which resulted in a 76% response rate. PSIM has continued to receive an unprecedented number of disclosure file requests. We continue to see a substantial increase in the number of requests for contestments and fatalities, and we are receiving an increasing number of court orders, subpoenas, etc.
- PSIM trained two members of the REDB staff to process for redaction and release position statements and complaints associated with their occupational safety and health related cases. Training continued in FFY 2023 until one of the REDB employees was considered proficient in the redaction process. REDB is now processing all these types of public records requests.
- 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 the 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 2023

Boiler Safety Bureau

- Investigated three incidents during the fiscal year.
- Conducted 53,298 inspections of pressure equipment.
- Identified 3,646 violations.
- The average backlog for state inspectors was 0.68%. The average combined backlog for both state and insurance company inspectors was 2.42%.
- Inspected 4,345 new items.
- Conducted 431 half-day inspections and audits in new construction and repair shops.

Elevator and Amusement Device Bureau

- Completed 20,406 routine elevator inspections, 1,548 new elevator inspections and 1,660 alteration or repair inspections.
- Inspected 6,033 amusement devices at 965 locations.

Mine and Quarry Bureau

- Conducted 457 classes on-site programs and trained 4,610 miners and contractors.
- Conducted two Part 48 Instructor classes, certifying 23 people as MSHA Instructors.
- Conducted 77 First Aid/CPR classes certifying 1,040 miners and contractors.
- Conducted 16 MSHA Law classes with a total of 326 miners and contractors attending.

*The injury and illness rate of the North Carolina minerals industry was 0.97 per 100 full-time employees during the 2023 calendar year.**

**The injury and illness rate of 0.97 was obtained from the Mine Safety and Health Administration. Previous years the number of Nontfatal Days Lost (NFDL) rate was calculated internally by the Mine and Quarry Bureau. For better accuracy and consistency, the decision to use MSHA statistical data was determined best for this report. There were zero fatalities in 2023.

Retaliatory Employment Discrimination Bureau

- Responded to 5,779 telephone inquiries from the public.
- 680 REDA complaints were filed.
- 584 REDA complaints were investigated and closed.
- Of closed complaint files, 19.69% alleged violations under the N.C. Workers' Compensation Act, 28.6% alleged violations of the N.C. Wage and Hour Act, 44.99% 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, 0.51% alleged retaliation under other protected activity statutes and 6.21% failed to prove a specific protected activity under REDA.
- 37 of 52 cases referred to mediation or conciliation were settled, or 71%. Total gross settlement proceeds were \$456,682.

- Of closed complaint files, the bureau closed 92% within 120 days of assignment to an investigator and 98% within 180 days of assignment.

Wage and Hour Bureau

- Substantiated more than \$1.3 million due to employees.
- Recovered more than \$1.6 million in wages for over 2,800 workers.
- Opened 2,816 complaints from employees.
- Closed 2,812 cases.
- Issued 83,635 youth employment certificates online using YEC Auto.
- Youth employment certificates issued through YEC Auto reached 100% of all certificates issued.
- Answered 99.9% of 28,487 calls received on the first attempt.

Boiler Safety Bureau

During the state fiscal year 2023, 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 via 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 2020 through FY 2023. The 53,298 inspections conducted in FY 2023 included inspection of 4,345 new items. The bureau investigated three 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 2020 Through FY 2023

Fiscal Year	Number of Inspections	Number of Violations
2020	50,067	3,279
2021	56,234	3,462
2022	50,399	3,303
2023	53,298	3,646

Backlogs

Any inspection program can have a backlog of items past due for inspection. The combined average backlog of state and insurance objects was 2.42% in FY 2023. The average backlog for state inspectors was 0.68%. 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 431 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.

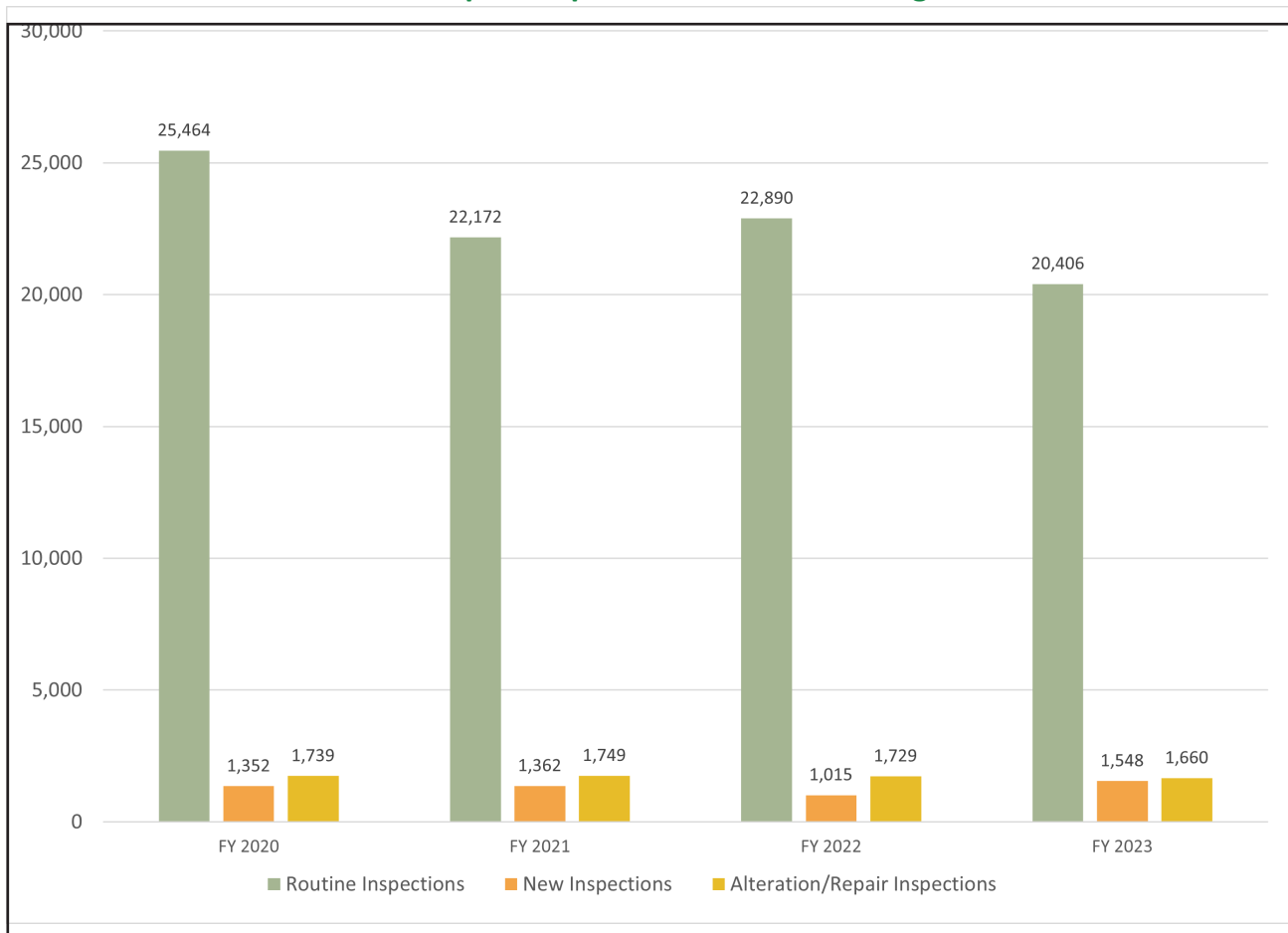
Elevator and Amusement Device Bureau

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 the amusement devices each time they are assembled for operation in the state. The bureau inspects all inflatable amusement devices and portable rock walls. The NCGA removed inflatable devices from the jurisdiction of the Amusement Device Safety Act effective Oct. 10, 2023. The bureau conducted 20,406 routines, 1,548 new elevator inspections and 1,660 alteration or repair inspections, as well as 6,033 amusement device inspections at 965 locations.

Elevator Inspections

Inspections of elevators, dumbwaiters, escalators and handicapped lifts consist of routine inspections of existing devices and new inspections. As shown in Figure 6, the number of routine inspections decreased, and the number of new inspections increased from the previous fiscal year. The number of alteration or repair inspections decreased.

Figure 6
New, Routine and Alteration/Repair Inspections, FY 2020 Through FY 2023

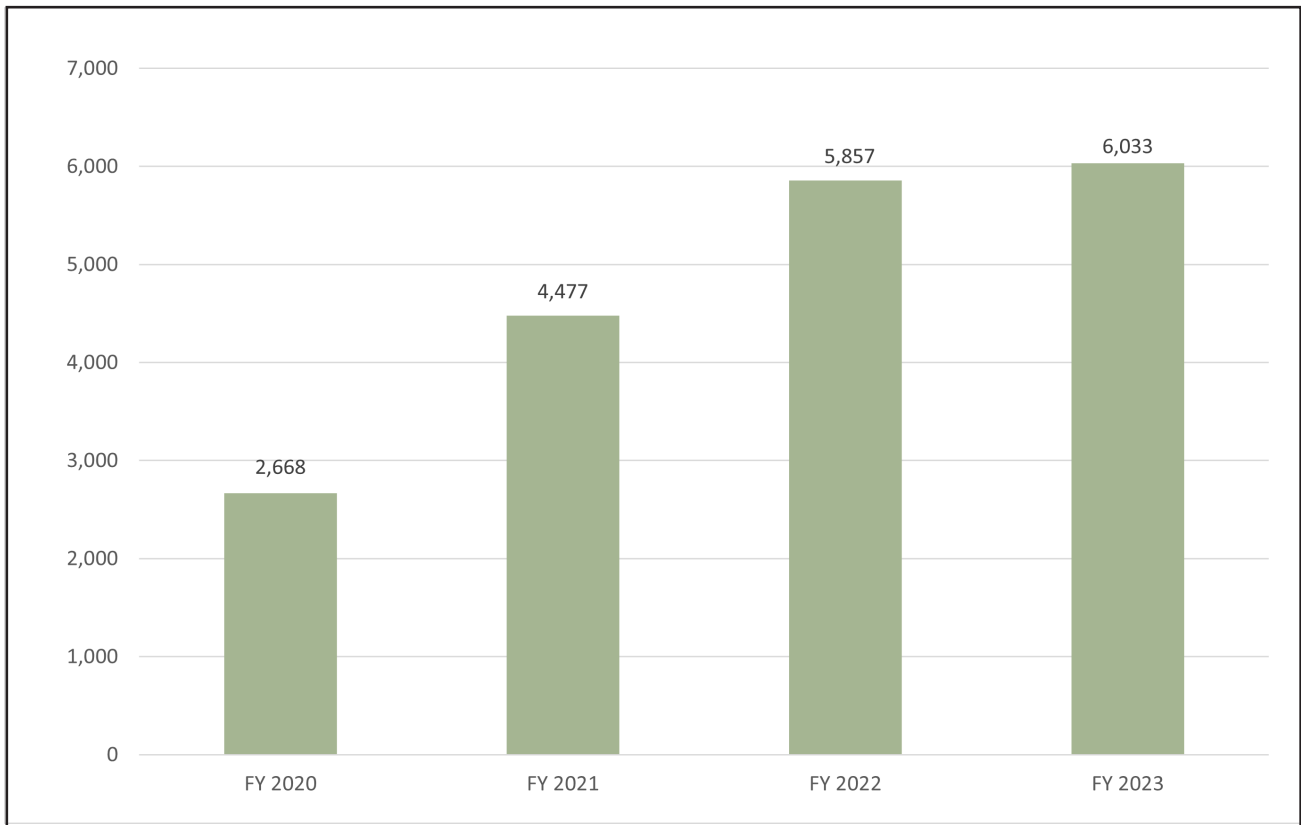


Amusement Device Inspections

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. The NCGA removed inflatable devices from the jurisdiction of the Amusement Device Safety Act effective Oct. 10, 2023.

Figure 7 indicates the total number of amusement devices inspected in FY 2020 through FY 2023. The number of individual amusement rides inspected increased.

Figure 7
Number of Amusement Rides Inspected, FY 2020 Through FY 2023



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 decreased and amusement rides increased in FY 2023. Patron error accounted for 79.63% of elevator accidents and 61.5% of the amusement accidents.

Table 5
Number of Elevator and Amusement Device Accidents, FFY 2020 Through FFY 2023

Fiscal Year	Elevators and Related Equipment					Amusement Rides				
	Total	Patron Error	Mechanical Error	Reportable	Non-Reportable	Total	Patron Error	Mechanical Error	Reportable	Non-Reportable
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
2023	54	43	11	45	9	26	16	10	24	2

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 the state mining laws since 1897. The bureau administers laws concerning the operations and inspections of mines and quarries. The bureau staff consists of a bureau chief, one office assistant and three mine safety and health 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 approximately 3,509 employees. Instructor fundamentals, health and safety laws and supervisory training are offered through the Mine and Quarry Bureau's seminars and institutes.

Table 6

Mine and Quarry Training and Inspection Activities, FY 2020 Through FY 2023

	FY 2020	FY 2021	FY 2022	FY 2023
Number of Mine Safety and Health Instructors Trained	15	0	22	23
Number of Education and Training Programs Provided	399	474	294	457
Number of Miners and Contractors Trained in Parts 46 and 48	5,173	3,978	3,509	4,610

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 NCGA 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, if reasonable cause to believe is found, the bureau shall attempt to assist the parties in the possible resolution of their complaint. 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 approximately 40 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 designee.

Fiscal year 2023 was a successful year for settlement of REDA complaints. Out of 45 mediations conducted, 67% resulted in settlement with gross settlement proceeds in the amount of \$412,452. Out of nine conciliations, 100% resulted in settlement with gross settlement proceeds in the amount of \$44,230. Overall, the settlement rate at ADR was 71% and total proceeds were \$456,682.

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. OSH 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. During 2023, the bureau experienced a sharp increase in complaints filed as compared to prior years. See Figure 8.

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 8
Retaliatory Employment Discrimination Complaint Files Opened and Closed, FY 2020 through FY 2023

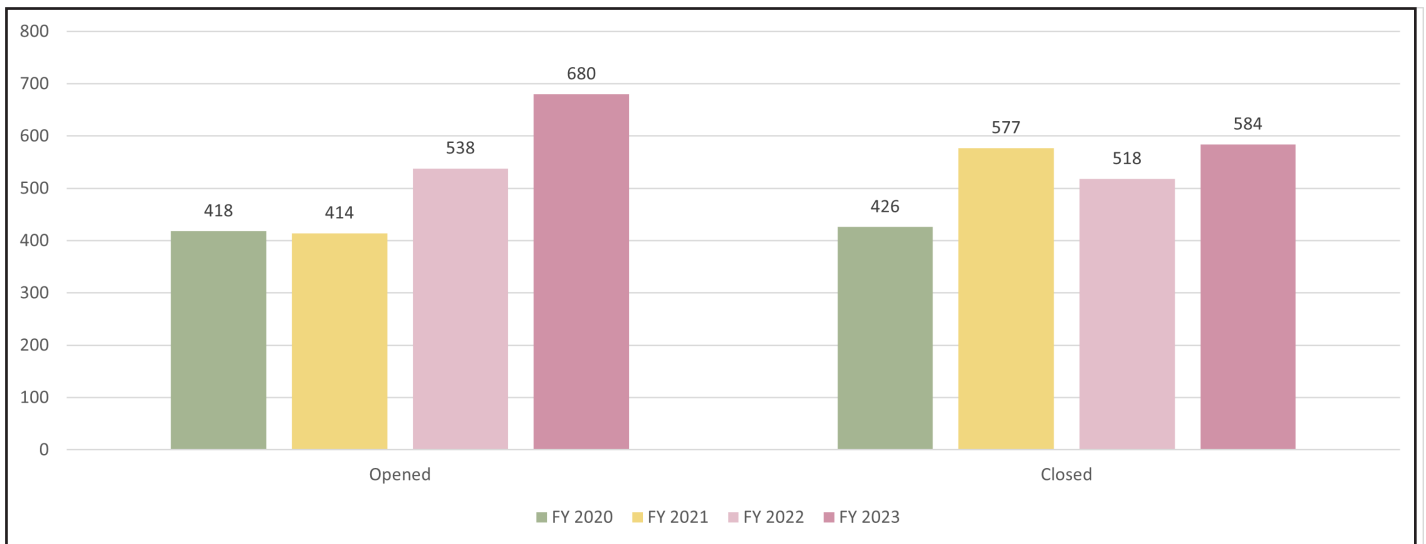
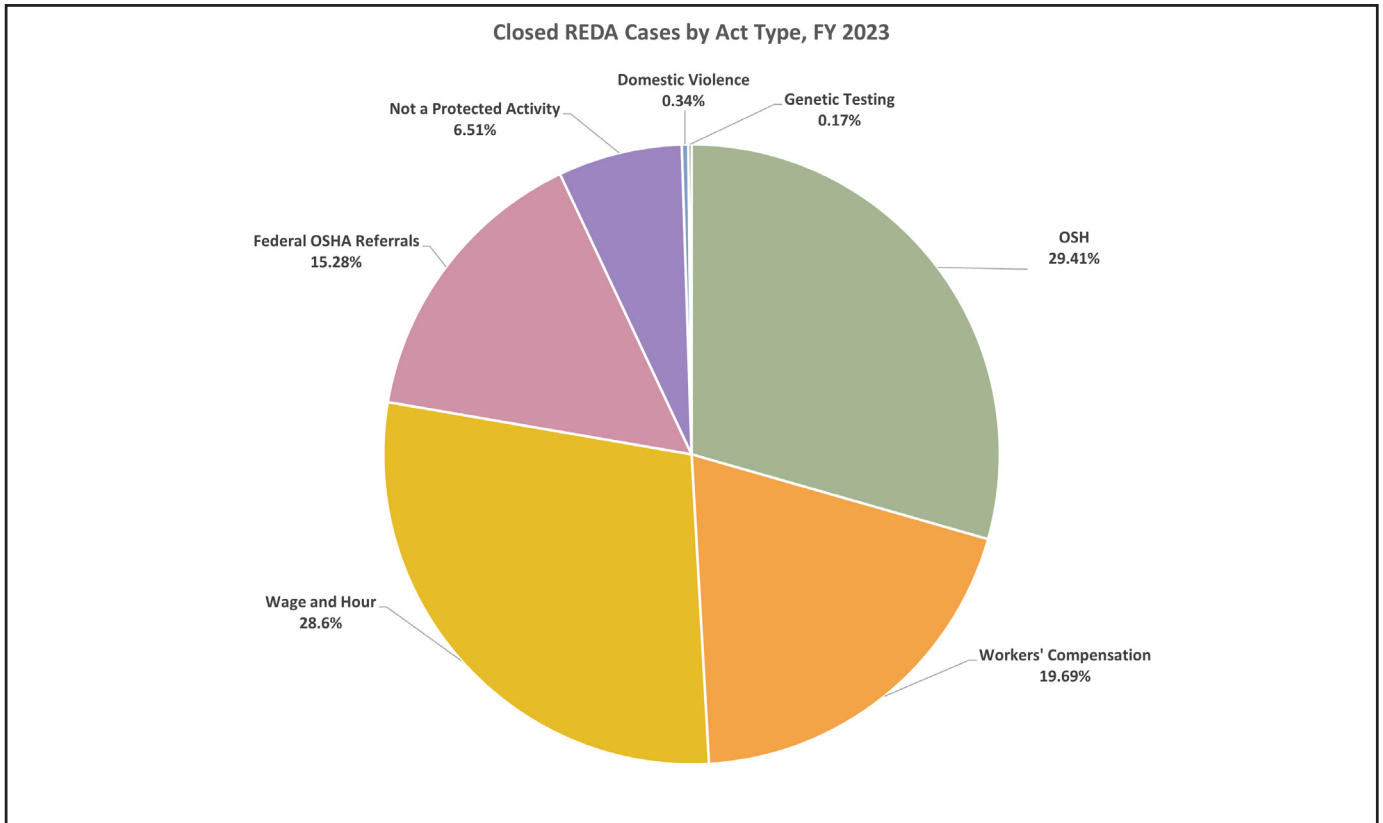


Figure 9
Closed REDA Cases by Act Type, FY 2023



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 executive 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. Three 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 2020 Through FY 2023

Fiscal Year	Calls Received	Calls Answered	Percent Answered
2020	38,236	38,039	99.5
2021	38,180	34,076	99.7
2022	34,841	34,799	99.9
2023	28,487	28,473	99.9

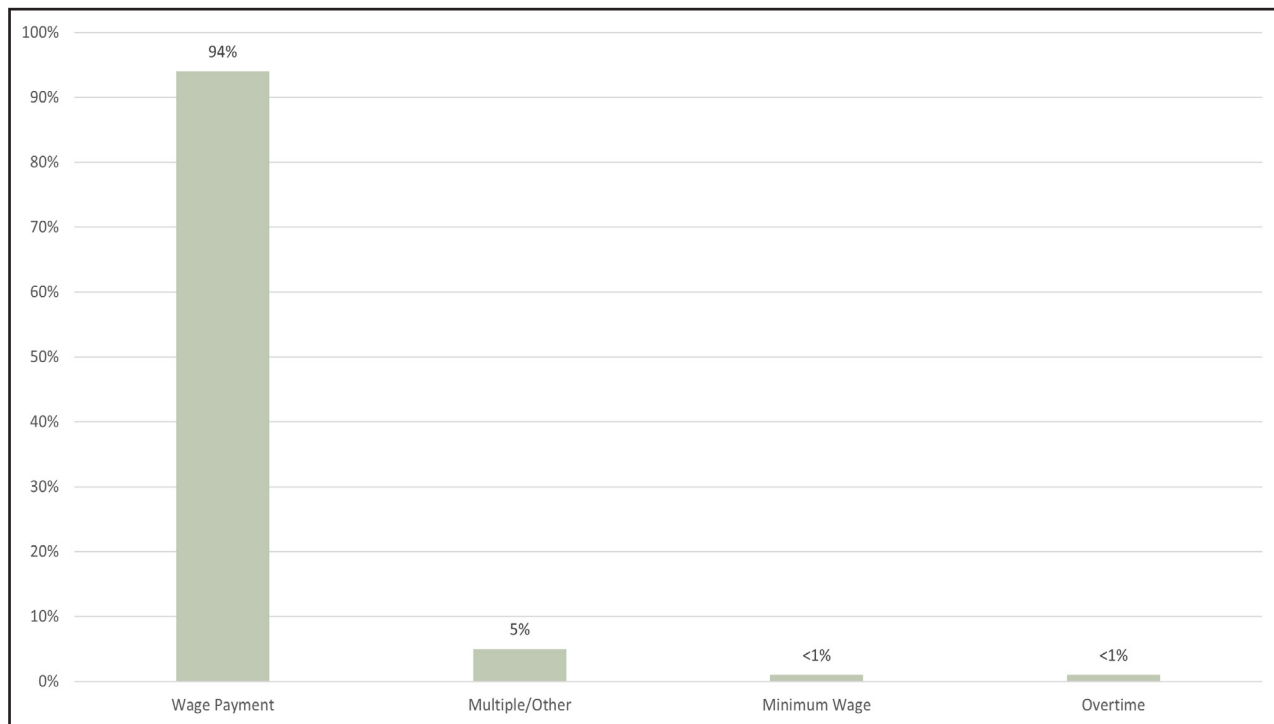
Wage and Hour Investigations

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 10 indicate that 94% of the investigations closed during FY 2023 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 5%.

Figure 10

Types of Wage and Hour Investigations Closed, FY 2023



More than 2,800 employees were paid an estimated \$1.6 million without the time and expense involved with litigation. Table 8 compares the bureau’s performance in FY 2023 with previous years. The bureau started with 689 investigations open at the start of FY 2023 and 745 open at the end of the fiscal year.

Table 8

Wage and Hour Investigations Opened and Investigations Closed, FY 2020 Through FY 2023

Fiscal Year	Investigations Opened	Investigations Closed
2020	2,603	3,278
2021	2,099	2,574
2022	2,517	2,302
2023	2,816	2,812

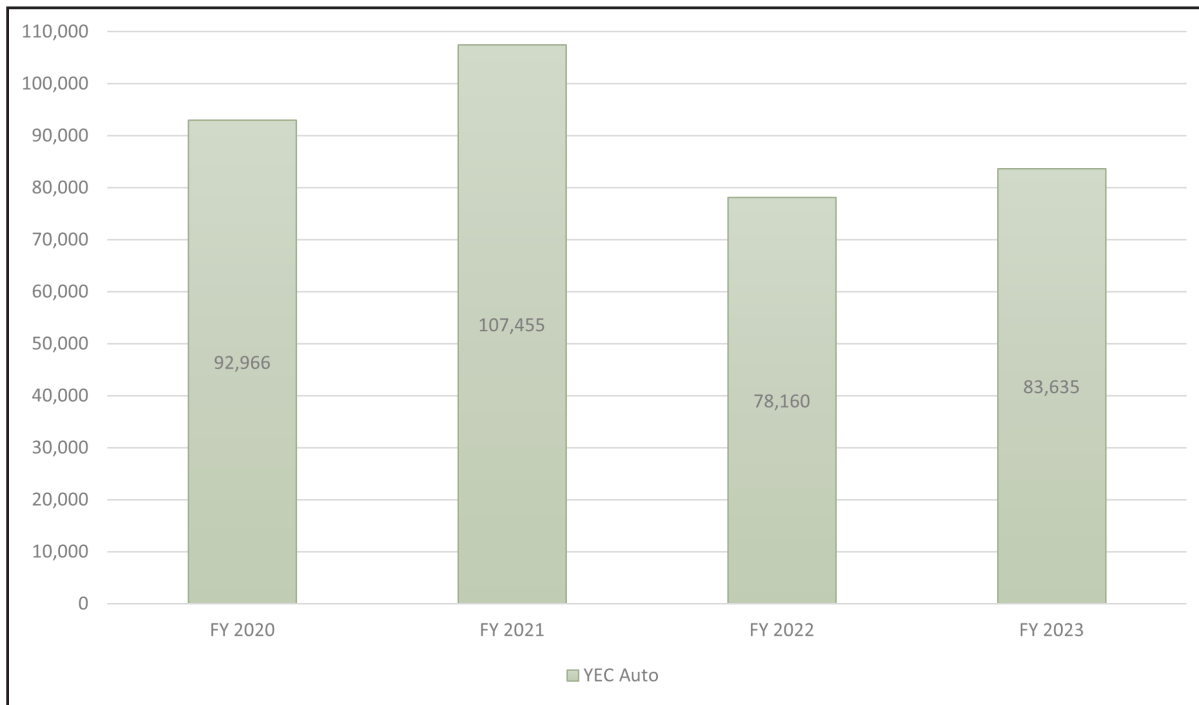
Youth Employment Certificates

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 11 indicates that 83,635 youth employment certificates, also known as work permits, were issued in FY 2023, a 7% increase from the previous fiscal year's total of 78,160.

Of the certificates issued during FY 2023, 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 11
Youth Employment Certificates Issued, FY 2020 Through FY 2023



Notes

Fiscal years are designated by the year they end. The state fiscal year begins July 1 and ends June 30. State Fiscal Year 2023 thus began July 1, 2022, and ended June 30, 2023. The federal fiscal year begins Oct. 1 and ends Sept. 30. Federal Fiscal Year 2023 thus began Oct. 1, 2022, and ended Sept. 30, 2023.

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	NCDOL - N.C. Department of Labor
AFL-CIO - American Federation of Labor and Congress of Industrial Organizations	NFDL - Nonfatal Days Lost
AG - Attorney General's Office	NCGA - N.C. General Assembly
ASH - Agricultural Safety and Health	OAH - Office of Administrative Hearings
ASME - American Society of Mechanical Engineers	OCSS - OSH Construction Safety Specialist
BCSP - Board of Certified Safety Professionals	OE - OSHA Express
BLS - Bureau of Labor Statistics	OFIR - Occupational Fatality Inspection Review
CFOI - Census of Fatal Occupational Injuries	OHST - Occupational Health and Safety Technologist
CHMM - Certified Hazardous Materials Manager	OIS - Occupational Safety and Health Information System
CHST - Construction Health and Safety Technician	OLD - OSHA Legacy Data
CPI - Consumer Price Index	OSH - Occupational Safety and Health
CSP - Certified Safety Professional	OSHA - Occupational Safety and Health Administration
CY - Calendar Year	OSHR - Office of State Human Resources
EEODF - Equal Employment Opportunity Diversity Fundamentals	OSHSPA - Occupational Safety and Health State Plan Association
ETTA - Education, Training and Technical Assistance	OSTM - OSH Star Team Members
FFY - Federal Fiscal Year	PSIM - Planning, Statistics and Information Management
FLC - Farm Labor Contractor	REDA - Retaliatory Employment Discrimination Act
FY - Fiscal Year	REDB - Retaliatory Employment Discrimination Bureau
HB - House Bill	SB - Senate Bill
HR - Human Resources	SEP - Special Emphasis Program
IT - Information Technology	SHARP - Safety and Health Achievement Recognition Program
LAD - Legal Affairs Division	SMP - Strategic Management Plan
LMAR - Labor Market Adjustment Rate	SOII - Survey of Occupational Injuries and Illnesses
MESH - Manager of Environmental Safety and Health	SSTM - Special Star Team Member
MSHA - Mine Safety and Health Administration	TRC - Total Recordable Case Rate
NCAC - N.C. Administrative Code	USDOL - U.S. Department of Labor
	YEC - Youth Employment Certificate

Notes

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