

# 2021 Annual Report



**Josh Dobson**  
*Commissioner of Labor*



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## Foreword

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

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

Josh Dobson  
Commissioner of Labor

## N.C. Department of Labor

### Overview

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

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



*Labor Commissioner Josh Dobson*

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

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

North Carolina's workforce contains more than 4 million workers in more than 270,000 private and public sector businesses. The laws and programs the department administers affect every worker—and virtually every person—in the state.

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

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

## Administration Division

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

### Statistical Highlights for 2021

#### Communications

- Released 58 news releases and media advisories.
- Managed the *Labor Ledger* database, which had 12,110 subscribers as of Dec. 31, 2021.
- Produced 1,213,007 printing impressions and processed 87,390 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 2021, which totaled \$40,547,254; revenue: \$21,223,117; appropriations: \$19,324,137.

#### Governmental Affairs

- On July 8, 2021, Senate Bill 208, the agency bill for the Department of Labor titled *Labor Law Changes*, was signed into law. This bill provides clarifying language and important changes to the department's general statutes.
- A two-year comprehensive budget was passed by the General Assembly on Nov. 18, 2021. The N.C. Department of Labor was able to secure funding for various departmental programs which includes over \$1.3 million in recurring funds for each year of the biennium.

#### Human Resources

- Managed HR functions for 332 employees as of Dec. 31, 2021.

#### Information Technology

- Monitored and responded to inquires submitted on the NCDOL website, which had 2,676,427 visits in 2021.
- Responded to a total of 3,939 internal telephone and email requests for assistance via IT Desktop Services.

#### Legal Affairs

- Responded to 647 AskLAD public inquiries seeking assistance from Legal Affairs.
- Responded to 39 direct public inquiries and 64 public records requests.
- Responded to 31 third-party litigation requests to include employee depositions and subpoenas duces tecum.
- Received notices of 28 bankruptcy filings and filed six proof of claim notifications.
- Completed an audit of 307 employees' driving records.
- The pandemic continued to have a detrimental impact on collection efforts, especially in relation to the increase in business closures and bankruptcy filings.

## Research and Policy

- Conducted the Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries. The 2020 nonfatal incident rate for private sector industry was 2.1 per 100 full-time employees, statistically lower than the total recordable rate of 2.3 per 100 full-time employees in 2019. The number of fatal occupational injuries increased in 2020 to 189 from 186 in 2019. The fatal incident rate increased to 4.4 from 4.0 per 100,000 full-time employees.

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## Communications

The Communications Division provides publications and information to the general public and media outlets. Information is handled in several ways—through direct telephone contact with 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 58 news releases and media advisories in 2021. Topics included SHARP and Star Program ceremonies, safety award recipients, and other events and programs.

Communications manages the department’s social media platforms on Facebook, YouTube, Instagram and Twitter, posting content for all NCDOL divisions and bureaus. The Facebook page increased from 1,499 likes at the beginning of the year to 1,716 likes at the end of the year. Communications continued to use the department’s Twitter account that began in May 2012. Communications tweeted 225 times during 2020. The department’s Twitter account grew from 1,848 followers at the beginning of the year to 2,062 at the end of the year. Since starting the Instagram page in October 2016, the platform increased from 513 followers at the beginning of 2021 to 649 followers by the end of 2021.

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 2021, the division recorded and released eight episodes. Due to COVID-19, the division recorded some episodes over the phone. Since the podcast launched in November 2018 it has accumulated 4,515 views on YouTube and 2,156 plays across eight platforms including Spotify, Apple Podcasts, Google Podcasts, Anchor, Breaker, Overcast, Pocket Casts and Radio Public.

Publications’ print shop produced 1,213,007 printing impressions and processed 87,390 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 Department of Information Technology, to maintain and publish material as needed to the NCDOL website. 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 13 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 2018 through FY 2021.

**Table 1**

### Financial Services Division Activities, FY 2018 Through FY 2021

	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Annual budget	\$38,521,042	\$39,093,235	\$39,226,843	\$40,547,254
Revenue	\$20,899,039	\$20,923,411	\$20,553,682	\$21,223,117
Appropriation	\$17,622,003	\$18,169,824	\$18,673,161	\$19,324,137
Average number of payments issued each month	308	276	229	197
Average amount of expenditures each month	\$2,966,894	\$3,048,139	\$2,993,336	\$3,098,752
Average number of purchase orders issued each month	65	63	59	60
Average amount of purchase orders issued each month	\$140,254	\$223,460	\$440,438	\$369,761
Average amount of civil fines and penalties collected each month*	\$372,444	\$380,292	\$380,330	\$378,516
Average amount of inspection fees collected each month	\$622,894	\$611,319	\$623,895	\$643,508
Average number of A/R invoices processed for inspection fees, fines and penalties each month	3,689	3,651	3,562	3,445

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

## Governmental Affairs

The N.C. State Legislature convened on Jan. 13, 2021. The NCGA has traditionally convened a regular session in January of each odd-numbered year and adjourn shortly after passing a budget. However, following the coronavirus pandemic in 2020, which demanded emergency legislation and multiple allocations of federal relief funds, General Assembly sessions have become longer. On Nov. 29, 2021, the legislature officially completed their committee actions and then began a series of skeletal sessions.



The following information summarizes the N.C. Department of Labor 2021 Agency Bill along with other important legislation tracked during the 2021 long session, including highlights of the biennial budget.

### **SB 208 – Labor Law Changes (S.L. 2021-82)**

#### **An Act Making Various Changes to the Labor Laws of North Carolina.**

This bill provides clarifying language and important changes to the department's general statutes. The bill makes changes to several of the laws enforced by the N.C. Department of Labor including the Occupational Safety and Health Act, the Wage and Hour Act and the Amusement Device Safety Act.

- **Section 1** - Under the Mine Safety Act, the Mine Safety and Health Advisory Council was charged with developing health and safety standards for mines. The Mine Safety and Health Advisory Council had not met since 2008 due to budget cuts and the council was eliminated under this section. The Mine and Quarry Bureau will continue to be a resource for all matters relating to training and health and safety in mines.
- **Section 2** – Amends the Amusement Device Safety Act by clarifying in statute that full-sized locomotives and trains are not classified as an amusement device and therefore are not subject to inspection and regulation by the N.C. Department of Labor.
- **Section 3** – Amends the Occupational Safety and Health (OSH) Act to clarify that the N.C. Department of Labor is authorized to obtain medical records in connection with the treatment of patients relating to workplace safety. This language defines the authority of the agency in relation to medical records needed to complete an OSH investigation that involves a severe injury or fatality.
- **Section 4** – Repeal of Article 5B of Chapter 95: Regulation of Job Listing Services. This statute was enacted in 1979. Today most job listing services have shifted to an online presence, therefore this article was eliminated.
- **Section 5** – In 2021, the process for issuing Youth Employment Certificates was updated to an electronic filing system. This section clarifies how the certificates are issued by the commissioner.
- **Section 6** – Under the Wage and Hour Act, this section clarifies in writing the process of a separated employee receiving their final paycheck. This would include requests by trackable mail if requested by the employee in writing.
- **Section 7** – Under the Wage and Hour Act, language was updated to require employers to notify employees in writing at the time of hire of the promised wages and the day and place for payment. This section also requires employers to give notice of reductions in pay at least one pay period in advance. Providing information in writing safeguards all parties as to what has been promised.
- **Section 8** – Under the Wage and Hour Act, this section updates the civil penalties for violations of recordkeeping to be consistent with the civil penalties under violations of youth employment.

The bill was signed into law by Gov. Cooper on July 8, 2021.

### **SB 105 – 2021 Appropriations Act (S.L. 2021-180)**

#### **An Act to Make Base Budget Appropriations for Current Operations of State Agencies, Departments and Institutions and for Other Purposes.**

The N.C. Department of Labor Base Budget was presented to the Joint Appropriations Committee on Agriculture, Natural and Economic Resources (AgNER) on Wednesday, March 10, 2021, by the Legislative Fiscal Research staff. At the conclusion of these presentations to the Appropriations Committees, the Senate Appropriations Chairs crafted a biennial budget, Senate Bill 105. Traditionally, the House and Senate alternate the process of creating a biennial budget. This year, the budget started in the Senate. The House then passed their version of the budget, which was rejected by the Senate on Aug. 12, 2021.

The budget bill, SB 105, then went to a conference committee with designated House and Senate members. Instead of voting on the Conference budget and sending it to the governor to be signed or vetoed, the Senate and House leaders negotiated with the governor to try and reach a compromise. Some of the key issues in dispute were raises for teachers and state employees, Medicaid expansion, school funding and tax cuts. After months of negotiations, SB 105 was signed into law by the governor on Nov. 18, 2021.

A list of budget priorities for the N.C. Department of Labor was submitted to the Office of State Budget Management and to the Legislative Fiscal Research staff for consideration by the Appropriations Chairs for this biennial budget. The Governmental Affairs team for the N.C. Department of Labor met with the AgNER Appropriations Chairs for both the House and Senate to answer any questions and advocate for the department's priorities.

The following is a list of budget priorities that were included in the 2021-2022 budget for the N.C. Department of Labor under SB 105.

- \$192,298 – Recurring state funding to create two OSH Agricultural Safety and Health (ASH) Compliance Officer positions.

Background: Due to rising inspection demands and staffing shortages, ASH has been required to issue an increasing number of provisional certificates in recent years. These positions are needed to optimize the migrant housing preoccupancy inspection process to limit or reduce the number of provisional occupancy notices issued in future years.

- \$291,561 – Recurring state funding for OSH legal services.

Background: By law, the N.C. Attorney General's (AG) Office is required to provide legal representation to the N.C. Department of Labor in proceedings in connection with Chapter 95 of the General Statutes. In the 2017-2019 legislative budget, there were significant reductions to the AG's Office and therefore forced to cut funding to the Legal Services Division, including the N.C. Department of Labor. The current contract for \$583,123 covers four labor section attorneys under the AG's Office that increases annually due to legislative salary increases and other inflationary costs. This budget item is to offset previously unbudgeted expenses associated with the AG's Office budget reduction. This new recurring funding will cover half of the cost of the contract.

- \$60,018 – Recurring state funding for the OSH Review Commission.

Background: Due to the current business and legal climate, cases heard by the OSH Review Commission are becoming more litigious and less likely to resolve without judicial guidance. This funding will provide additional resources for operating expenses to facilitate disposition of court cases and for staff development and training.

- \$776,932 – Recurring state funding for indirect cost receipts replacement.

Background: Full-time positions that are partially or fully funded by indirect costs are an unstable source of funding and fluctuate yearly. Funds requested were to offset indirect cost receipts that are currently being utilized to finance personnel costs.

- (\$105,254) – Elimination of funding for three vacant positions.

Background: Three vacant OSH Compliance Officer I positions that have been vacant for more than 18 months were eliminated under this budget act.

- Compensations and Bonuses:

- o Across-the-board salary increase of 2.5% for each year of the biennium.
- o \$1,000 one-time bonus for all full-time employees; additional \$500 bonus for employees with an annual salary of less than \$75,000.

- **Be Pro Be Proud** – \$5,000,000 non-recurring funds.

Background: Provides funding for the purchase of mobile workshop units to offer simulated virtual reality experiences with skilled professions. The project is designed to close the skills gap in North Carolina for “blue-collar” jobs with the goal of educating students and the public on the importance of these jobs for our economy. The N.C. Department of Labor shall allocate the \$5,000,000 to the North Carolina Home Builders Educational and Charitable Foundation for the 2021-2023 fiscal biennium for the Be Pro Be Proud pilot program to create, implement, operate and support the three-year mobile statewide workforce development pilot program.

### **SB 126 (S.L. 2021-90) – Clean Up Obsolete Boards**

#### **An Act to Abolish Obsolete Boards and Commissions That Are No Longer Functional and to Make Other Changes to Boards and Commissions.**

- **This bill adds the Commissioner of Labor or the Commissioner’s designee as a member of the State Board of Community Colleges.**

SECTION 25.2.(a) Article 1 of Chapter 115D of the General Statutes is amended by adding a new section to read:

“§ 115D-2.2. State Board of Community Colleges.

(a) The State Board of Community Colleges is established.

(b) The State Board of Community Colleges shall consist of 22 members, as follows:

(3) The Commissioner of Labor or the Commissioner’s designee shall be a member ex-officio.

SECTION 25.2.(f) This section is effective when it becomes law and applies beginning with the election or appointment of members to the State Board of Community Colleges to terms beginning on July 1, 2021.

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

- **HB 264 – Emergency Powers Accountability Act**

An Act to Clarify the Expiration of a Statewide State of Emergency and the Exercise of Certain Powers Under a Statewide State of Emergency, to Clarify the Abatement of Statewide Imminent Hazards and to Clarify Statewide Quarantines.

-The House concurred 65-45 with Senate Committee Substitute on Oct. 20, 2021.

-Presented to the governor on Oct. 22, 2021.

- o This bill would strengthen and clarify current emergency management laws to restore checks and balances over the governor’s executive powers during an extended emergency.
- o The legislation requires the governor to get concurrence from the Council of State for an emergency declaration lasting more than seven days and legislative approval for it to extend beyond 45 days.
- o Vetoed by Gov. Cooper on Nov. 1, 2021.

- **HB 694 – First Responders/Health Care POAs Required**

An Act Requiring That Employees Who Must Respond First to Emergencies Must Have Health Care Powers of Attorney.

SECTION 1. Article 3 of Chapter 95 of the General Statutes is amended by adding a new section to read:

“§ 95-28.5. First responder health care power of attorney required.

o Passed second reading in the House on May 12, 2021 with a vote of 113-0.

o Passed first reading in the Senate and referred to the Committee on Rules and Operations of the Senate on May 12, 2021.

## Human Resources

The Human Resources 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 four reported injury/illness claims during 2021. Table 2 provides a comparison of HR activity in calendar years 2018 through 2021.

**Table 2**  
**Human Resources Activities, Calendar Years 2018 Through 2021**

	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
New Hires	45	45	27	46
Separations	46	46	43	53
Promotions	19	28	20	15
Job Applications Received	7,302	9,875	6,381	7,269
Personnel Actions Processed	1182*	735**	631***	559****
Total Positions on 12/31	384	386	381	378
Total Employees on 12/31 (includes part-time employees sharing one position)	349	345	335	332
Positions Posted for the Year (internal, external and repostings)	119	131	155	215
Average Employee's Age	50	50	51	52
Average Employee Service Months	146	146	152	241
EEOI Training/Refresher Course	6	6	0	8

\* Includes 340 legislative increase salary adjustments, 341 reallocations due to classification pay plan change with class and comp system, 140 range revisions due to the reallocations with class and comp system and four salary adjustments to bring employees up to minimum of the new pay range.

\*\*Includes 334 legislative increase salary adjustments.

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

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

## Information Technology

Information Technology 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 2021, Information Technology's accomplishments included:

- The IT Desktop Services responded to a total of 3,939 internal telephone and email requests for assistance.
- The department continues to utilize and grow its Onbase document management system to enable the department to more efficiently provide services to the public.
- Monitored and responded to inquiries submitted via the NCDOL website, which had 2,676,427 visits in 2021.

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## Legal Affairs

The Legal Affairs Division advises the commissioner of labor and the entire agency as a whole 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 to include drafting and conducting legal reviews of policies and procedures; fielding a wide variety of constituent questions/issues on a daily basis; serving as liaison between NCDOL and the Occupational Safety and Health (OSH) Review Commission for the purpose of distributing contested case documents and coordinating compliance officers' availability for pending hearings before the OSH Review Commission; maintaining a comprehensive employee database and auditing employee compliance with the NCDOL State 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 liaison between NCDOL and attorneys representing third party litigants; representing NCDOL employees at depositions of agency personnel; serving as liaison with the AG's Office for contested case petitions filed at the Office of Administrative Hearings 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; housing the position of chief records retention officer for the department; housing the position of 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; housing the position of agency ethics liaison to field ethics questions, track ethics training and ensure conformance with the reporting requirements of the state ethics laws; and housing the position of agency business license coordinator to ensure conformance with reporting requirements of licenses/permits obtained from the department by the public.

## Wage and Hour Judgments/Settlement Disbursements

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



The division works actively with employers to collect monthly payments after any employer defaults on a settlement agreement the employer entered into with the Wage and Hour Bureau for payment of back wages. During 2021, the Legal Affairs Division assisted with collecting \$200 in wages for employees. 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 2021, Legal Affairs responded to 31 third-party litigation matters. When agency employees are subpoenaed for depositions in third party litigation, Legal Affairs attends the depositions as counsel for the employee.

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 2021, Legal Affairs responded to 647 AskLAD inquiries and to 39 direct public inquiries, many of which were related to COVID-19 and employment concerns.

The division files all proof of claim notices in bankruptcy proceedings for monies owed to NCDOL. Bankruptcy notices are initially received and reviewed by Legal Affairs, and confirmation is requested from other divisions regarding any outstanding debts owed to the agency or to individuals through agency investigations. If amounts are owed directly to the agency for inspection fees or penalties, or the agency has either a judgment, a confession of judgment, or a default judgment, Legal Affairs files a proof of claim with the appropriate bankruptcy court. In 2021, Legal Affairs received notices of 28 bankruptcy filings, and filed six proof of claim notifications.

The Legal Affairs Division is responsible for maintaining and auditing employee driving records in accordance with the NCDOL State-Owned Vehicle Use Policy. All NCDOL personnel who may have the potential to drive a state-owned vehicle during their course of employment with the department, or who are required to have a valid North Carolina driver's license for purposes of their employment, must agree to a DMV 10-year history review prior to authorization. In addition, all NCDOL employees who drive as part of their job duties or who are authorized to drive a state vehicle must report all traffic violation citations to Legal Affairs. A periodic audit of each division of the agency is also performed to confirm all employees continue to be eligible to drive a state-owned vehicle. The audit was completed in August 2021 and included a review of 307 employees.

Upon request and assignment by the Office of State Human Resources, 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. This does not include requests for OSH files, Wage and Hour files, Retaliatory Employment Discrimination files or requests from the media. In 2021, the division responded to 64 public records requests.

## Occupational Safety and Health Variances

In accordance with N.C. Gen. Stat. § 95-132, employers may apply to the commissioner of labor for a temporary, permanent or experimental variance from a promulgated occupational safety and health standard. The Legal Affairs Division works with the Education, Training and Technical Assistance Bureau to review variance applications and to ensure compliance with the N.C. General Statutes, N.C. Administrative Code and the Code of Federal Regulations. The division also prepares and files the paperwork necessary to process a variance request in accordance with Title 13, Chapter 07A, Section .0700 of the N.C. Administrative Code, Rules of Practice for Variances, Limitations, Variations, Tolerances and Exemptions. There were no variance requests filed in 2021.

## 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 G.S. 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 are adopted in accordance with N.C. Gen. Stat. § 150B-21.5(c), which states that the OSH Division is not required to publish a notice of text in the North Carolina Register or hold a public hearing when it proposes to adopt a rule that concerns an occupational safety and health standard and is identical to a federal regulation promulgated by the secretary of the U.S. Department of Labor.

### Occupational Safety and Health Standards, Revising the Beryllium Standard for General Industry – amendments – Jan. 8, 2021; and for Construction and Shipyard Sectors – Feb. 1, 2021.

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

*Construction (13 NCAC 07F .0201)*

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

The division adopted verbatim changes to Title 29 of the Code of Federal Regulations promulgated by federal OSHA, which included changes to Part 1910 – General Industry. This verbatim adoption became effective in North Carolina on Jan. 8, 2021. These amendments, published in the Federal Register on July 14, 2020 (85 FR 42582), amend the existing general industry standards for occupational exposure to beryllium and beryllium compounds to clarify certain provisions and simplify or improve compliance. The revisions in this final rule are designed to maintain or enhance worker protections overall by ensuring that the rule is well understood, and compliance is more straightforward. Federal OSHA's final rule was effective Sept. 14, 2020.

The division also adopted verbatim changes to Title 29 of the Code of Federal Regulations promulgated by federal OSHA, which included changes to § 1926 and § 1915– Construction and Shipyard Sectors. This verbatim adoption became effective in North Carolina on Jan. 8, 2021. These amendments, published in the Federal Register on Aug. 31, 2020 (85 FR 53910), amend existing construction and shipyard standards for occupational exposure to beryllium and beryllium compounds to clarify certain provisions and simplify or improve compliance. OSHA's final rule was effective Sept. 30, 2020.

### **Occupational Safety and Health Standards, Cranes and Derricks in Construction; Railroad Roadway Work – March 8, 2021.**

#### ***Construction*** (13 NCAC 07F .0201)

The division adopted verbatim changes to Part 1926 of Title 29 of the Code of Federal Regulations promulgated by federal OSHA. These amendments, published in the Federal Register on Sept. 15, 2020 (85 FR 57109), revise the standard for cranes and derricks in construction to provide specific exemptions and clarifications with regard to the application of the standard to cranes and derricks used for railroad roadway work. These exemptions and clarifications recognize the unique equipment and circumstances in railroad roadway work and reflect the preemption of some OSHA requirements to regulations promulgated by the Federal Railroad Administration (FRA). The revised standard provides a clearer understanding of which regulatory requirements are applicable, resulting in a more effective regulatory program and ultimately improved safety. This verbatim adoption became effective in North Carolina on March 8, 2021. Federal OSHA's final rule was effective Nov. 16, 2020.

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

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

The division adopted verbatim changes to Title 29 of the Code of Federal Regulations promulgated by federal OSHA, which included changes to Part 1910—General Industry. This verbatim adoption became effective in North Carolina on July 21, 2021. The final emergency temporary rule was published in the Federal Register on June 21, 2021 (86 FR 32376). The noted purpose was to protect healthcare and healthcare support service workers from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present. During the period of the emergency standard, covered healthcare employers must develop and implement a COVID-19 plan to identify and control COVID-19 hazards in the workplace. Federal OSHA's interim final rule was effective June 21, 2021, and remained in effect until Dec. 21, 2021. Because of conflicting timelines for adoption of emergency temporary standards under federal rulemaking versus the N.C. Administrative Procedures Act, Chapter 150B of the North Carolina General Statutes, the agency adopted the emergency temporary rule as a permanent rule and amended 13 NCAC 07F .0101 to repeal the Emergency Temporary Standard for Healthcare effective March 4, 2022.

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

Rule amendments were filed for multiple Boiler and Pressure Vessel Devices rules, including inspection fee increases for boilers, and the incorporation of additional industry standards. The fee increases for boilers will go into effect in 2022. The following rules were proposed for amendment:

13 NCAC 13 .0101	Definitions
13 NCAC 13 .0103	Incorporated Standards
13 NCAC 13 .0201	Name: Address
13 NCAC 13 .0202	Inspector Qualifications
13 NCAC 13 .0203	North Carolina Commission
13 NCAC 13 .0205	Owner-User Inspection Organization
13 NCAC 13 .0207	Inspection Reports
13 NCAC 13 .0210	Shop Inspections and National Board "R" Certificate Qualification Reviews
13 NCAC 13 .0211	Certificate Inspections
13 NCAC 13 .0213	Certificate and Inspection Fees
13 NCAC 13 .0214	Extended Pressure Equipment Operating Certificates
13 NCAC 13 .0303	Inspections Revealing Deficiencies



13 NCAC 13 .0401	Design and Construction Standards
13 NCAC 13 .0402	North Carolina Stamping and Registration
13 NCAC 13 .0405	Pressure Relief Devices
13 NCAC 13 .0406	High Pressure or Temperature Limit Control
13 NCAC 13 .0409	Automatic Low-Water Fuel Cutoff Controls and Water-Feeding Devices
13 NCAC 13 .0420	Firing Mechanism Controls
13 NCAC 13 .0422	Exhibition Boilers
13 NCAC 13 .0423	Model Hobby Boilers
13 NCAC 13 .0701	Standards

## Departmental Rules

Rule amendments were filed for several departmental rules to modernize the rules and bring them in compliance with the N.C. Administrative Procedures Act. The following rules were proposed for amendment or repeal:

13 NCAC 01B .0101  
 13 NCAC 01B .0102  
 13 NCAC 01B .0103

## Petition for Rulemaking – Emergency Temporary Standard for Occupational Safety and Health

In October 2020, the agency received a Petition for Rulemaking from the Episcopal Farmworker Ministry, the N.C. State AFL-CIO, N.C. Raise Up/Fight for \$15 and a Union, the Western North Carolina Workers Center, The Hispanic Liaison of Chatham County/El Vinculo Hispano and the North Carolina Conference of the NAACP, seeking adoption of an Occupational Safety and Health emergency rule or a permanent rule in relation to COVID-19. Then-Commissioner Cherie Berry researched the petition request and declined to adopt the proposed rule. In December 2020, the parties seeking the rule filed a Petition for Judicial Review in Wake County Superior Court requesting the court review NCDOL's denial of their rulemaking petition. The matter was heard in April 2021. The Court issued an order in August 2021 that required the agency to submit a Notice of Deficiencies found in the proposed permanent rule (revised by petitioners from an emergency rule) but made no findings as to the ultimate outcome of the review of the petition. In the response, the agency again provided petitioners with agency concerns about how the proposed rule was drafted, including potential conflicts with the federal Occupational Safety and Health Administration's COVID-19 Healthcare Emergency Temporary Standard.

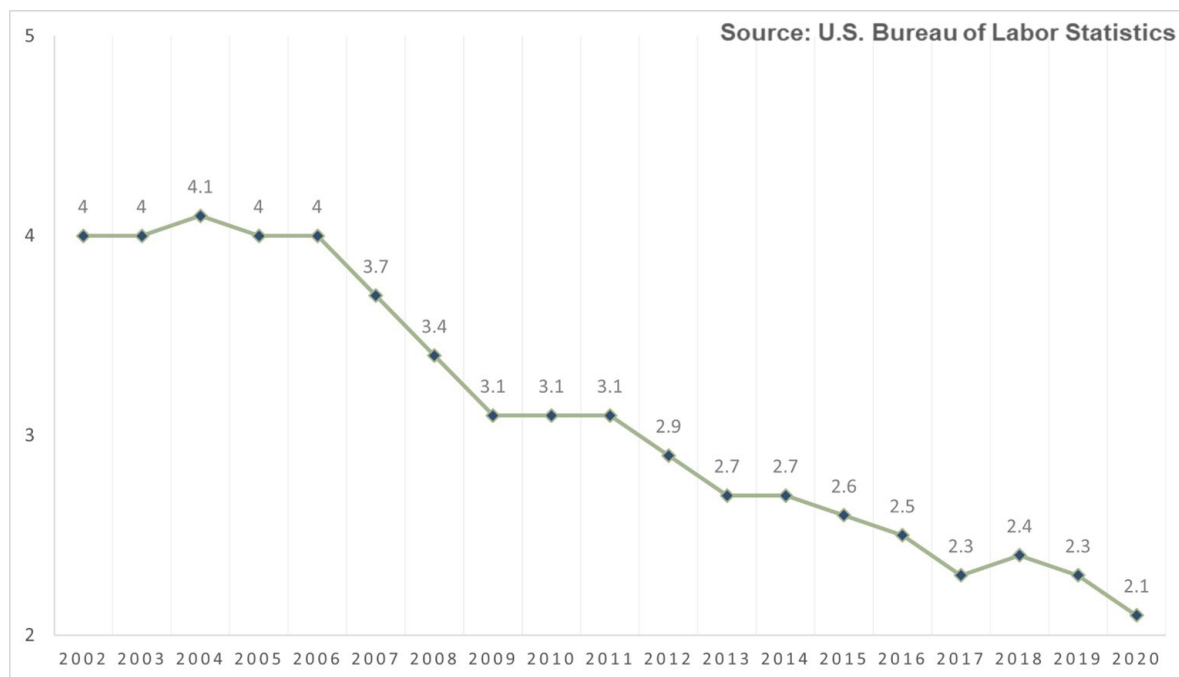
## Research and Policy

### Research

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

### Safety and Health Survey Section

The Safety and Health Survey Section collects, reviews, refines and publishes the Survey of Occupational Injuries and Illnesses data for certification to the U.S. Bureau of Labor Statistics (BLS). The data, used by both state and federal departments of labor, provides accurate estimates of North Carolina's work-related injury and illness rates and counts as well as details about demographic and case characteristics for injured workers. The state incidence rate for injuries and illnesses in the private sector was 2.1 for every 100 full-time employees in 2020, which was significantly below the national rate of 2.9. The 2020 nonfatal injury and illness rate for North Carolina dropped from 2.3 per 100 full-time employees in 2019 and sits at an all-time low. See Figure 1.

**Figure 1****Nonfatal Occupational Injury and Illness Rate for North Carolina,  
Private Sector, Calendar Years 2002 Through 2020**

Annually, North Carolina samples roughly 8,600 establishments for the Survey of Occupational Injuries and Illnesses. For the 2020 survey, collected during 2021, the state sampled 8,600 establishments, of which 7,323 remained collectable after accounting for business closures, sampled unit changes and duplicate sampled units. This total collectable number ranks as the fifth-highest total among all states and represents 19% more collectable 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 2021, 83% of sampled establishments responded to North Carolina's 2020 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.

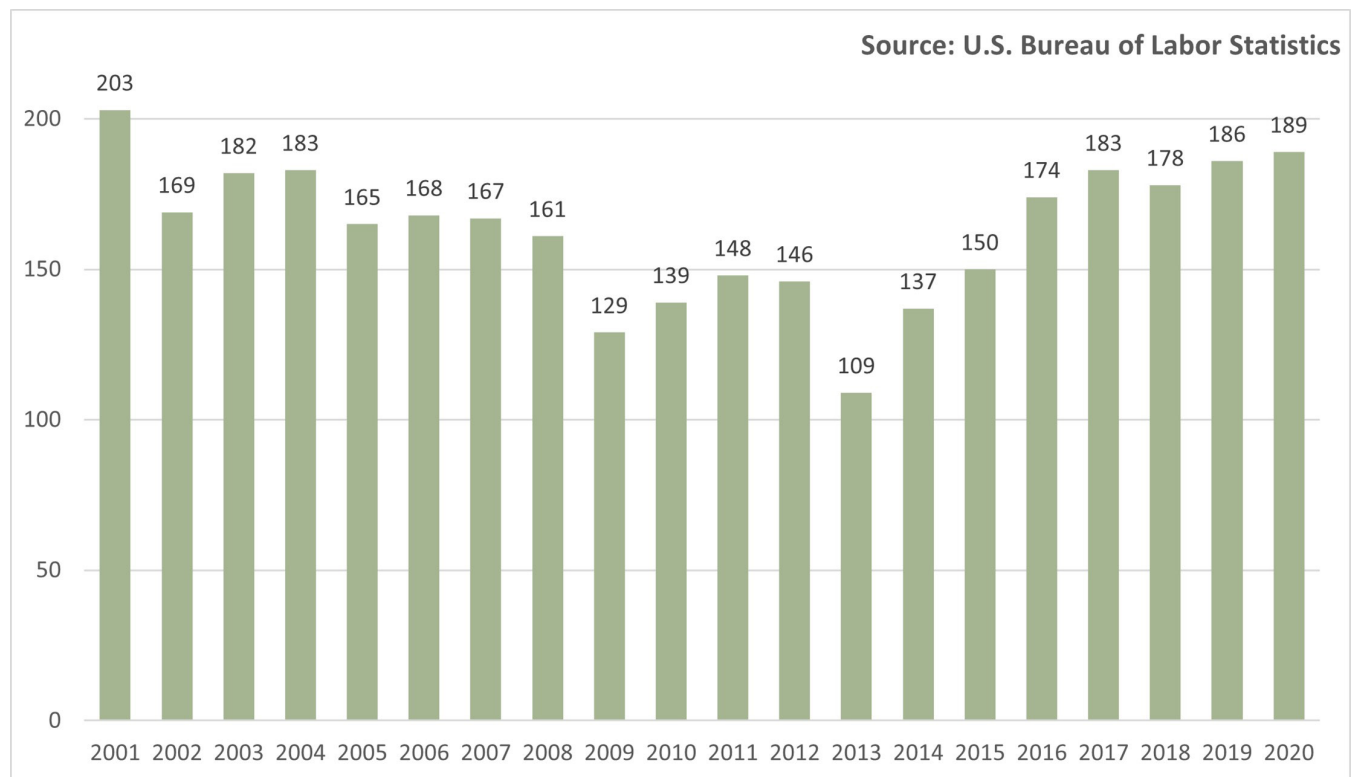
Many stakeholders use these data. The NCDOL Occupational Safety and Health (OSH) Division employs the data to target hazardous industries. Businesses in nearly every sector use the injury and illness data for benchmarking and to evaluate the relative safety of their workplaces. Academics also analyze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

The section also codes, analyzes and publishes statistical data on occupational fatalities in the state to build the BLS-sponsored Census of Fatal Occupational Injuries. The information is obtained from employers, death certificates, medical examiner reports and other sources. Fatal injury information enables NCDOL to better understand how and where accidents occur. The figures also are used to assist those industries with high rates of injuries and fatalities to target safety and health education and training where needed. BLS figures, from the Census of Fatal Occupational Injuries, show that North Carolina suffered 189 workplace injury deaths in 2020. This represents an increase from the 186 workplace injury deaths recorded in 2019. 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 2020, the fatality rate was 4.4 fatalities per 100,000 full-time workers. The 4.4 rate represents an increase from the 4.0 rate recorded for 2019 in North Carolina.

**Figure 2**

**Fatal Occupational Injury Count for North Carolina, Calendar Years 2001 through 2020**



## 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 2021

#### Agricultural Safety and Health Bureau

- The ASH Bureau completed 1,967 preoccupancy housing inspections of migrant farmworker housing and issued certificates to 1,944 sites.
- The bureau conducted 59 compliance inspections and issued 90 violations, with total current penalties amounting to \$88,020.
- Gold Star status was achieved by 194 growers.

#### Compliance Bureaus – East and West

- Compliance conducted 1,257 safety inspections and 961 health inspections, for a total of 2,218 compliance inspections.
- Compliance issued citations for 4,312 violations, with total current penalties amounting to \$7,123,571.

#### Consultative Services Bureau

- The bureau conducted 1,204 initial visits, 135 training and assistance visits and 86 follow-up visits for a total of 1,425 visits during fiscal year 2021.
- A total of 5,545 hazards were identified and eliminated as a result of consultative visits. Of these, 5,068 were serious hazards, 414 were other-than-serious hazards and 63 were regulatory.
- The bureau has 111 private sector Safety and Health Achievement Recognition Program (SHARP) worksites. There were 45 public sector SHARP sites in the program, five construction sites and five pre-SHARP sites at the end of fiscal year 2021.

#### Education, Training and Technical Assistance Bureau

- The ETTA Bureau participated in 175 courses, forums and workshops, providing training for 3,663 employers and employees.
- The bureau distributed 21,284 hard copy publications and responded to 2,785 standards interpretation inquiries.
- The Safety Awards Program celebrated its 75th year, awarding 2,428 annual and 40 million-hour safety awards.
- The bureau recognized one new Carolina Star site and recertified 15 Star sites. There were 146 companies in the Star Program at the end of the federal fiscal year.

#### Planning, Statistics and Information Management Bureau

- PSIM Bureau completed the Public Sector Injury and Illness Survey for calendar year 2020 data with a 100% response rate at the conclusion of the survey.
- The bureau received 2,378 disclosure requests and processed 3,878 requests (2,139 from FFY 2021 and 1,739 from previous years).

## Agricultural Safety and Health Bureau

### Inspection Effort

In 2021, the Agricultural Safety and Health Bureau completed 1,967 preoccupancy housing inspections of migrant farmworker housing and 59 compliance inspections. Housing certificates were issued to 1,944 sites with total occupancy (beds) of 25,124. Sites in 100% compliance at the time of the inspection numbered 1,020 and were operated by 501 growers. Double Gold Star status was achieved by 120 growers and Single Gold Star status was achieved by 74 growers for a total of 194 in calendar year 2021.

### Gold Star Growers Meeting

Due to COVID-19, the 2021 annual Gold Star Growers' meeting was canceled. This would have marked the 28th annual conference for the Gold Star Grower Program.

### Compliance

ASH inspectors conducted 59 compliance inspections in calendar year 2021. These inspections included two accidents, five complaints, 13 referrals, three follow-ups, eight unprogrammed related and 28 programmed planned inspections. The bureau issued 90 violations. During this period, 37% of the inspections resulted in no citations. Total current penalties for citations issued amounted to \$88,020. In addition, one uncertified camp and four unregistered, uncertified camps were discovered in 2021.

### Workplace Safety Training and Outreach

In 2021, ASH collaborated with various sections of the N.C. Department of Health and Human Services (NCDHHS) including the N.C. Farmworker Health Program and the Division of Public Health's (DPH) Communicable Disease Branch, the N.C. Agromedicine Institute and the N.C. Community Health Center Association to develop COVID-19 training webinars for Gap Connections' annual grower training which was attended virtually by 1,589 growers.

The ASH Bureau partnered with the USDOL Wage and Hour Division and participated in a virtual training webinar for essential workers that discussed workers' rights and protections during the COVID-19 pandemic.

The ASH Bureau worked closely with various local and state agencies and other organizations to provide COVID-19 outreach, education, information and technical assistance to farmers and farmworkers in North Carolina.

### Inspector/Staff Training

ASH staff attended numerous online classes including Defensive Driving, Accident Investigations, Fall Protection, Sexual Harassment, Noise Monitoring, Introduction to Safety Standards and COVID-19.

In the NCDOL FY 2021 Budget, the ASH Bureau received funding for two additional inspector positions, and the bureau is in the process of creating and filling those positions.

### Partnerships, Associations and Collaborations With Groups

The ASH Bureau continues to strengthen partnerships and associations with other groups, such as: N.C. Cooperative Extension, N.C. Agromedicine Institute, N.C. Farmworker Health Program, N.C. Community Health Center Association, N.C. Farm Bureau, N.C. Agribusiness Council and the N.C. Growers Association. As a result of the COVID-19 pandemic, the ASH Bureau worked closely with various local and state agencies and other organizations to provide COVID-19 outreach, education, information and technical assistance to farmers and farmworkers in North Carolina.

The bureau also partnered with the N.C. Farmworker Health Program and distributed COVID-19 packets in English and Spanish to all growers with registered farmworker housing in North Carolina. The ASH bureau chief participated in several COVID-19 workgroups that included representatives from the N.C. Department of Agriculture and Consumer Services, N.C. Agromedicine Institute, N.C. Farmworker Health Program, N.C. Growers Association, N.C. Farm Bureau, N.C. Community Health Center Association, N.C. Cooperative Extension, N.C. Christmas Tree Association, N.C. Sweet Potato Commission and Legal Aid of N.C. to discuss COVID-19 challenges faced by growers and farmworkers and possible solutions. Discussion topics included transportation, housing, personal protective equipment, COVID-19 testing, vaccine distribution and training opportunities.

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### Compliance Bureaus – East and West

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

FFY 2021 compliance activities included:

- 2,218 compliance inspections. See Figure 3.
- 1,257 safety inspections.
- 961 health inspections.
- 1,190 construction inspections.
- 4,312 total violations.
- 3.2 average number of violations per inspection.
- \$7,123,571 in current penalties assessed.
- 49 average lapsed days from inspection date to when citations were issued.
- 564 informal conferences conducted.
- 3,312 serious hazards abated.
- 722 employer safety and health program improvements.
- 34 inspections associated with the Tree Felling Special Emphasis Program.
- 729 inspections in the Construction Special Emphasis Program counties.
- 46 inspections in long-term care facilities.

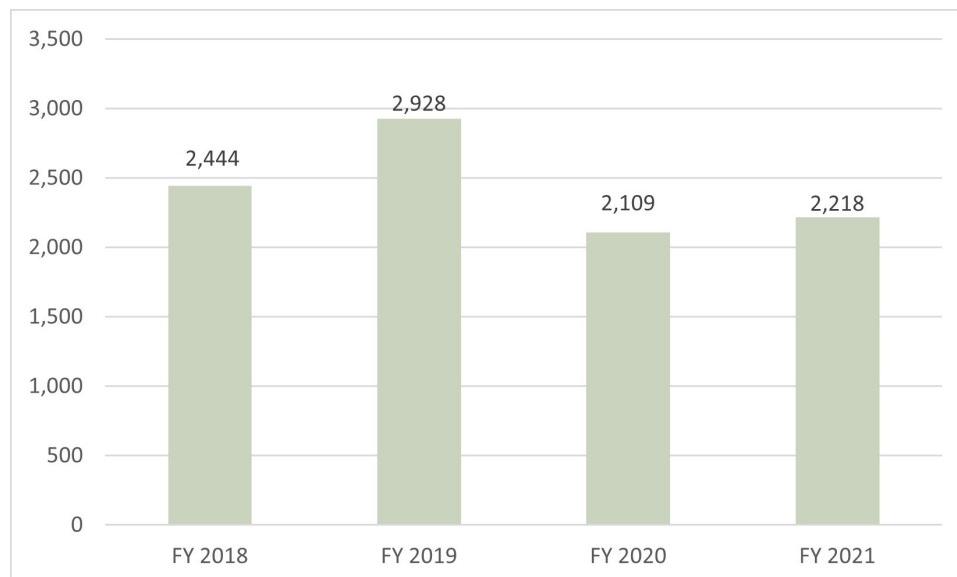


- 97 inspections associated with the Health Hazards Exposure Special Emphasis Program.
- 127 inspections associated with the public sector.
- 31 compliance interventions (includes speeches, training programs and program assistance).
- 85 fatality/accident inspections (data is based on open date of inspection) which were associated with 77 of the fatalities on the FY 2021 OFIR Report (OFIR data is based on event date).
- 427 complaint inspections.
- 744 referrals/accidents:
  - 225 referral/accident inspections.
  - 519 referral/accident investigations.
- 3,894 complaint investigations (2,442 related to COVID-19).
- 155 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 2018 through 2021. The number of compliance inspections in recent years continues to fluctuate due to a combination of factors including reduced federal and state funding, noncompetitive salaries, diverting resources to hurricane response and increased turnover rates. Additionally, in fiscal year 2020 and 2021, compliance inspection activities were significantly impacted by the COVID-19 pandemic. The department has taken a proactive approach to reduce 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.

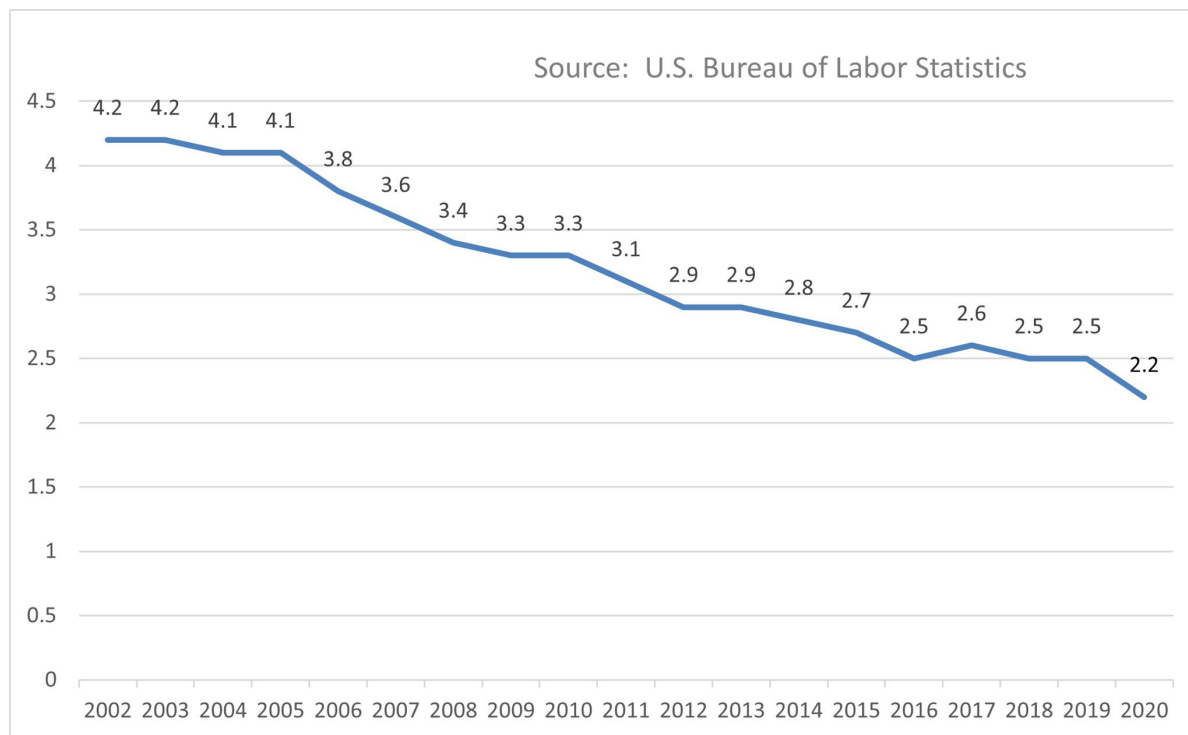
**Figure 3**

**Number of Compliance Inspections, FFY 2018 Through FFY 2021**



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

**Figure 4**  
**Occupational Injury and Illness Rate for North Carolina,  
Public and Private Sectors, Calendar Years 2002 Through 2020**



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 2021 include the following:

- The state's total recordable case rate released by the U.S. Bureau of Labor Statistics was one of the lowest in program history at 2.2 for calendar year 2020, which is the most current year available. The private sector TCR also was one of the lowest in program history at 2.1.
- 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 dropped to one of the lowest in program history at 1.3 for calendar year 2020, which is the most current year available. The private sector DART rate continued to be the lowest in program history at 1.3.



- Eight OSH employees attained professional certifications, and 11 OSH employees attained various credentials in FFY 2021. The staff certifications and credentials strengthen the knowledge and professionalism in the department and show improvement in the overall strategy to retain experienced safety and health professionals.
- Stakeholder input was realized through one virtual meeting of the OSH Advisory Council held in 2021, hosted in Raleigh. OSH Division staff met with the members of the council, who represent a cross section of employers, advocacy groups and the public sector. Members heard an update from OSH staff and offered their thoughts and opinions on how the department is working.
- Four change requests were submitted for the OSHA Express (OE) data management system this past year, which included additions and modifications to the new Document Management System using the scanner data module for the OE. The scanner capabilities at each office have allowed the OSH Division to move closer toward the goal of having a paperless system in 2021. OSH is in the last phase of testing and integrating the system.
- In FFY 2021, OSH transmitted a full year of data from OE to OSHA's Occupational Safety and Health Information System 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.
- A total of nine action requests were processed by the OSH Division's Compliance East and West Bureaus. This quality program activity provides opportunities for program improvement identified by customers, division employees or as a result of internal audits and federal OSHA audits. Ongoing revisions are made to the Field Operations Manual and Operational Procedure Notices as a result of the quality program action items.
- OSH continues to provide administrative support for the OSHA Legacy Data system to clean up all open inspections that were transferred to this database. This system was rolled out in late FFY 2016 and early FFY 2017, and additional features were added to allow OSHA and State Plans to access and modify pre-OIS inspection files, as necessary. Progress continues to be made with a goal of having all open legacy cases closed, as soon as possible.
- OSH Compliance received a variety of training during FFY 2021. Virtual topics included the OSH 100 - Initial Compliance Course, OSH 105 - Introduction to Safety Standards for Safety Officers, OSH 123/131 Accident Investigation and Interviewing Techniques, Technical Writing, eight-hour Hazardous Waste Operations and Emergency Response, Defensive Driver, 10-hour general and construction industry awareness courses, Fall Protection, Long Term Care SEP, Food Manufacturing SEP, Health Hazards SEP, Lockout-Tagout, Machine Guarding, COVID-19 training and a variety of individual safety and health webinars.

In addition to virtual events, compliance officers were able to attend advanced construction courses for Confined Space Entry and Trenching and Excavation. Each of these courses included a site visit to help students better understand the processes and hazards associated with these activities.



*The OSH Division received Confined Space Entry Safety training from McCain Special Projects Services Inc. This two-day course was hosted as part of the Division's OCSS advanced construction program. The course was hosted in Raleigh on Dec. 16-17, 2021, and in Charlotte on Oct. 25-26, 2021.*

- 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 to plan and coordinate OSHSPA meetings in an effort to better ensure consistency among OSHA programs nationwide.
- The OSH Division maintained two partnerships throughout the year. Those were with Holder-Edison Foard-Leeper, which is a joint venture project located at the Charlotte Douglas International Airport/Terminal Lobby Expansion and Barringer Construction located in Oakboro, which is the future site of Charlotte Pipe and Foundry. The group successfully completed another partnership with Sanders Utility Construction Co. Inc. for the sanitary sewer project at Irwin Creek Tributary to Irwin Creek Interceptor in Charlotte. Each of these employers voluntarily entered into 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 second year of formal activity. The program was added to the OSH Division's five-year Strategic Management Plan (SMP) for federal fiscal years 2019-2024 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 162 inspections.
- As part of the OSH quality program, 10 internal inspection report audits were conducted by the OSH Compliance staff industrial hygienist and OSH program analyst that covered FY 2021. The purpose of the audits was to ensure that inspection activities were being conducted in accordance with established policies and procedures. The findings of these audits were posted internally, and feedback was provided to the compliance bureau chiefs, supervisors and compliance officers.
- Due to the ongoing COVID-19 pandemic the OSH Complaint Desk received an unprecedented number of COVID-19-related complaints. The OSH complaint desk and field offices processed 4,321 complaints and 744 referrals in FY 2021. In addition, 3,233 contacts were made with the public that did not result in a valid complaint, along with 196 reports of injuries that were not processed due to the incidents not being reportable to OSH.
- The OSH Lab completed 421 in-house equipment calibrations. An additional 101 pieces of equipment were sent to the manufacturer for calibration or repair.
- The OSH Division assistant director participated on an interagency task force with the N.C. Department of Health and Human Services, N.C. Department of Agriculture and Consumer Services and the Centers for Disease Control and Prevention. The purpose of the task force was to evaluate efforts by meat and poultry companies in the state to comply with recommendations by various government entities due to the COVID-19 pandemic. This included conducting in-person site visits to companies during the year.

## 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 2021. The bureau conducted 1,425 total consultative visits. See Table 3.

- 862 (60%) safety visits; 563 (40%) health visits.
- 1,204 (84%) initial visits; 135 (10%) training/assistance visits; 86 (6%) follow-up visits.
- 1,199 (84%) private sector visits; 226 (16%) public sector visits.
- 322 (22%) manufacturing visits; 536 (38%) construction visits; 341 (24%) other industry type visits; 226 (16%) public sector visits.
- Hazards identified and eliminated as a result of consultative visits totaled 5,545. Of these, 5,068 (91%) were serious hazards, 414 (8%) were other-than-serious hazards and 63 (1%) were regulatory.

Consultants conducted 260 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 2021, total participation in SHARP was 161 employers (111 general industry, 45 public sector, five construction and five 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 2018 Through FFY 2021

Comparisons	FFY 2018	FFY 2019	FFY 2020	FFY 2021
<b>Total Visits by Category</b>				
Safety	1,044	1,056	836	862
Health	647	647	435	563
<b>Total Visits by Type</b>				
Initial	1,421	1,419	1,070	1,204
Training and Assistance	152	150	129	135
Follow-up	118	134	72	86
<b>Total Visits by Industry Type</b>				
Manufacturing	448	410	264	322
Construction	609	638	479	536
Other	395	405	313	341
Public Sector	239	250	215	226
Total Visits	<b>1,691</b>	<b>1,703</b>	<b>1,271</b>	<b>1,425</b>

## Education, Training and Technical Assistance Bureau

### 2021 Accomplishments

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

#### Library

The NCDOL Charles H. Livengood Jr. Memorial Library loaned out 407 items including consensus standards, safety videos and certification exam preparation workbooks to NCDOL employees and registered public patrons. Additionally, the library responded to 647 information requests and 250 reference questions, provided streaming safety and health video access via Streamery to 60 patrons, served 210 visitors, acquired 160 items for the collection and cataloged 201 items. The librarian alerted staff to webinars and online publications, referred patrons to online resources, and assisted NCDOL OSH employees in their investigations and preparation for professional certification examinations via books and software access.

#### Recognition Program

The Safety Awards Program celebrated its 75th 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. Twenty-seven Safety Awards banquets were conducted with a total banquet attendance of 1,263 attendees. As a result of COVID-19, five virtual Safety Awards presentations were conducted in lieu of in-person banquets. The program distributed 2,428 annual awards including 2,046 gold, 382 silver and 40 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 one new Star site recognized, 15 Star sites recertified and 134 Star interventions conducted. There were 146 companies in the Carolina Star Program at the end of FFY 2021.



Star Site Name and Location	Site Approval Date	Re-Certification Date
BE&K Building Group, Durham		10/7/2020
Amentum, Durham	11/4/2020	
Marathon Petroleum Co., Selma Buffalo Terminal, Selma		11/4/2020
Marathon Petroleum Co., Selma Oak Terminal, Selma		11/4/2020
Choate Construction Co., Charlotte		12/15/2020
EnviroVac Holdings LLC, Aurora		12/30/2020
N.C. Department of Environmental Quality, Division of Waste Management, Raleigh		12/30/2020
Pentair Aquatics Pool and Spa, Sanford		2/19/2021
WestRock, Conover Folding, Conover		2/23/2021
Robins & Morton, Charlotte		4/13/2021
Town of Hillsborough, Hillsborough - PROVISIONAL		6/8/2021
3M Scott Fire and Safety, Monroe		6/28/2021
Cintas Corp., Location No. 249, Charlotte		6/28/2021
Mallard Creek Polymers Inc., Charlotte		8/26/2021
SELEE Corp., Henderson		8/26/2021
Vesuvius USA, Graham		9/13/2021

The Annual Carolina Star Safety Conference was held Sept. 15-17, 2021. Due to COVID-19, Star site participants had the option of attending in-person or virtually. Total attendance for this event was 305, with 217 attending in-person while 88 attended virtually.

The Carolina Star Program hosted its 2nd Annual Building Star Program Best Practices Workshop in November 2020. A total of 42 people attended with the majority attending virtually.

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 2021, one SSTM received initial training during one training event. Currently, there are 92 SSTMs eligible to assist with Star evaluations.

The 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 16 OSTMs eligible to assist with Star evaluations, including three OSTMs receiving initial training during this fiscal year.

## **Publications**

ETTA Publications Sales Desk served 2,933 customers via email, fax, telephone or walk-in. The bureau distributed 21,284 publications in support of the division's outreach and regulatory goals to promote a safe and secure work environment across the state of North Carolina.

**Figure 5****Publications Distributed by ETTA, FFY 2021****Publication highlights include:**

- The Standards Section reviewed and edited existing safety and health topic pages.
- A new example Heat Stress Prevention Program for Agriculture in English and Spanish was developed.
- The Standards Section made 33 revisions to existing publications including brochures, industry guides, hazard alerts and frequently asked questions, covering multiple safety and health topics. This included brochures on the following: Public Sector Survey, Top Ten Cited Serious Standards, Green Tobacco Sickness, Manager of Environmental Safety and Health Programs, Medical-Dental Industry, Safety Briefings for General Industry, Toolbox Reviews for the Construction Industry and Safety Awards.
- Industry guides included: Standards Requiring Programs, Inspections, Procedures, Records and/or Training in General Industry, Construction, Marine Terminals, Shipyards and Agriculture, as well as industry guides on OSHA for Small Businesses in North Carolina and Occupational Safety and Health Standards for Agriculture.
- Hazard alerts on COVID-19 Safety and Health Guidelines for the Construction Industry and COVID-19 Safety and Health Guidelines for the Agriculture Industry were also revised.

- Frequently asked questions on COVID-19 in English and Spanish were revised several times.
- A letter and outreach materials were mailed to 40 construction employers with five or more serious violations regarding OSH outreach services and publications. This letter is an outreach strategy used by the Construction Special Emphasis Program (SEP) committee to lower injury and illness rates in construction.
- Through an alliance with Lamar Advertising, two digital billboards were posted across the state to announce the effective date of the COVID-19 emergency temporary standard for healthcare in North Carolina. An additional four billboards were located on prominent highways in the state advertising the fall prevention stand-down, Safe + Sound Week, the Grain Stand Up Week and heat stress prevention.

### **COVID-19 Emergency Temporary Standard for Healthcare Effective July 21, 2021**

Visit **[www.labor.nc.gov](http://www.labor.nc.gov)**



- **FREE Training**
- **OSHA Guidance**
- **Example Programs**

*Through an alliance with Lamar Advertising, a billboard announcing the effective date of the COVID-19 Emergency Temporary Standard for Healthcare was posted around the state. The ETS for Healthcare was repealed by NCDOL effective March 4, 2022.*

### **Rulemaking**

The Standards Section answered 2,785 inquiries for standards interpretation by phone or written correspondence for employers and employees across the state. Twenty-seven documents were added to the Field Information System including updates to the Field Operations Manual, new OSH Division policies and adoption of multiple federal OSHA Instructions. Final rules adopted in North Carolina included the Emergency Temporary Standard for Occupational Exposure to COVID-19 in the Healthcare Industry (29 CFR 1910 Subpart U), Cranes and Derricks in Construction: Railroad Roadway Work (29 CFR 1926 Subpart CC), and the revised rules for Occupational Exposure to Beryllium and Beryllium Compounds in General Industry, Construction and Shipyard Sectors (29 CFR 1910.1024, 29 CFR 1926.1124 and 29 CFR 1915.1024).



## Alliances

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

## Training and Outreach

The ETTA 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 OSHA training, and technical assistance and 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 over 11,000 employers and employees every year and promotes its services through the department's social media platforms.

Highlights include:

- ETTA hosted and/or participated in 175 courses and events providing training to 3,663 employers and employees. Additionally, the Consultative Services Bureau trained 3,934 employers and employees, which brought an overall total of 7,597 workers trained by the OSH Division. Training included seven 10-hour and one 30-hour general industry awareness courses, five 10-hour construction awareness courses, 35 speaker's bureau events, 104 webinars and four booth events/safety and health fairs. The Labor One mobile training unit was also used for an additional training event.
- The OSH Division participated with federal OSHA in the National Safety Stand Down to Prevent Falls in Construction. The training section hosted seven webinars covering fall protection, scaffolds, and stairways and ladders which provided training to 76 employees. During Safe + Sound Week, a webinar on Safety and Health Management Systems was conducted to provide training to 30 employees.
- The Training Section continued to provide Spanish outreach services in FFY 2021. The bureau hosted three Spanish outreach events with a total of 38 employees trained.
- State-authorized trainers provided 10-hour and 30-hour training courses for an additional 53 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 in North Carolina.

The bureau also hosted internal safety and health training for staff during FFY 2021. This included:

- Providing 149 hours of formal training, 179 hours of continuing education and four hours of other job-related training to internal personnel.



*The Virtual Education and Training Studio allows the trainers to provide more flexibility in meeting the bureau's training goals.*

ETTA created a Virtual Education and Training Studio (Virtual E.A.T.S) to expand outreach during the pandemic. The Virtual E.A.T.S allows ETTA to create a more interactive virtual training experience such as improved attendee interaction, trainer collaboration as well as equipment and practical demonstrations.

In FFY 2021, the studio was used to teach multiple individual topic webinars, 10- and 30-hour awareness courses and the OSH 502/503 - Authorized Trainer refresher course. Future refinements will include filming and post-production work to create stand-alone video content as well as video content for educational platforms.

Additionally, staff continues to learn the Adobe Captivate software to use for training purposes. The software is an authoring tool that is used for creating both passive and interactive eLearning content which will be used for internal training, and in the future, external training as well. Staff are currently working on interactive training for safety and health management systems, machine guarding, electrical safety and site basics for construction and logging.

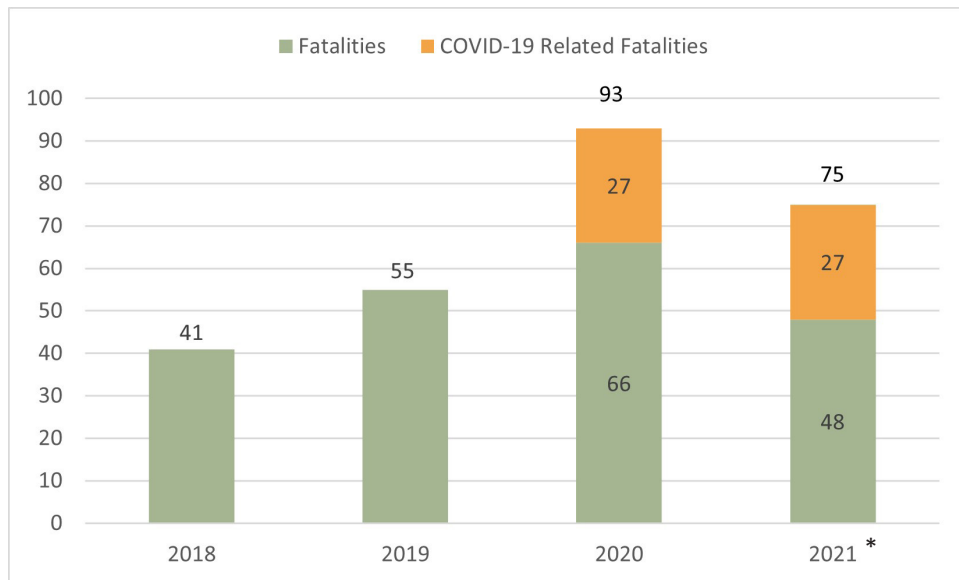
### OSH Division Certifications

- Seven OSH personnel attained the Certified Safety Professional (CSP) credential. The 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 credential.
- One OSH Division personnel attained the Certified Industrial Hygienist (CIH) certification. CIH is a safety and/or health professional who has met education and experience requirements, has demonstrated by examination the knowledge that applies to the professional practice of industrial hygiene, continues to meet recertification requirements established by the American Board of Industrial Hygiene (ABIH) and is authorized by the ABIH to use the CIH credential.
- Four OSH personnel attained the Associate Safety Professional (ASP) credential. The ASP is an independent certification awarded by BCSP. This certification denotes that an individual has met academic requirements and has passed the Safety Fundamentals Examination, the first of two examinations leading to the CSP.
- Three OSH personnel attained the OSHA Training Institute (OTI) 500 and/or OTI 501 Train the Trainer authorization from the Southeastern OTI Education Center at N.C. State University. In addition, one OSH personnel attended the OTI 502/503 refresher courses and was reauthorized as a trainer. To be eligible for the program, employees must be recommended by their supervisor and/or bureau chief. This authorization allows an employee to teach state and federal OSHA 10-hour and 30-hour courses.
- In collaboration with N.C. State - Industry Expansion Solutions and the Safety and Health Council of North Carolina, ETTA graduated four OSH personnel from the Manager of Environmental Safety and Health (MESH) certificate programs. The MESH certificate programs include regular MESH (general industry), Construction MESH, Public Sector MESH, Emergency Preparedness MESH and/or Industrial Hygiene MESH with a new MESH certificate for Environmental being implemented during FFY 2022. Participants receive a certificate after receiving 100 hours of safety and health training.

## Planning, Statistics and Information Management Bureau

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

- A total of 3,108 surveys were mailed to public sector employers (collection of calendar year 2020 injury and illness data). As of the end of FFY 2021, 3,044 survey responses were received with a 97.9% response rate and a 100% clean rate. However, all survey responses were collected by the end of calendar year 2020 for a 100% response rate at the conclusion of the survey.
- Completed an analysis of data collected from the 2017, 2018 and 2019 Public Sector Surveys, resulting in updated, established target rates for employer specific categories.
- Coordinated discussions for all bureaus in the OSH Division to prepare the FFY 2022 Annual Performance Plan in relation to the five-year Strategic Management Plan for FFY 2019-FFY 2023.
- Analyzed and drafted a report for all caught-in/between, struck by and falls fatalities for a five-year period (FFY 2016-FFY 2020).
- 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 2021.
- PSIM bureau chief continued to perform duties associated with the responsibility of being the medical records coordinator for the OSH Division.
- Analyzed public sector inspection activities for FFY 2016 through 2020.
- Analyzed construction inspection activities for FFY 2020.
- Completed FFY 2020 Occupational Fatalities Comparison Report using Occupational Fatality Inspection Review (OFIR) data.
- Analyzed and verified CY 2020 fatality data for Communications Division's annual news release. See Figure 6 for OSH fatality inspection data.

**Figure 6****Fatalities Included in the Occupational Fatality Inspection Review, Calendar Years 2018 Through 2021**

\* 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 957 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 699 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 Committee members and participated in all SMP meetings, discussions and activities, which were essential functions directly related to the success of OSH Division Strategic Management Plan 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, the OSH Annual Program Statistics Report and various other annual reporting requirements.
- Received closed inspection files (those still in paper copy format) from the field offices.
- Prepared 790 inspection files for scanning and scanned 686 of those files for archiving into the department's file content management system (OnBase).
- The project of quality control review is ongoing for OSH inspection files, which have been archived through the imaging and file conversion processes.
- Received 2,378 disclosure requests during FFY 2021 and processed 3,878 requests (2,139 from FFY 2021 and 1,739 from previous years) during this fiscal year, which resulted in a 163% response rate. PSIM has continued to receive an unprecedented number of disclosure file requests. PSIM Bureau staff worked diligently to process disclosure requests, which resulted in a 67% increase in the actual number of files processed compared to last fiscal year. Many of the disclosure requests were COVID-19 related; however, we have also seen a major increase in non-COVID related requests related to contestments, fatalities, court orders, subpoenas, etc. A position within the Commissioner's Office was assigned to PSIM to help with the disclosure backlog. This staff person is in training and continues to redact files under the guidance of experienced PSIM staff.
- Provided notifications of workplace accidents and fatalities to the N.C. Department of Commerce, N.C. Industrial Commission, Fraud Investigation Section of the Criminal Investigations and Employee Classification Division.
- Assisted ETTA Bureau by reviewing photos and graphics within various PowerPoint presentations to verify adherence to copyright, privacy, ownership and brand name restrictions.



## Standards and Inspections Division

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

### Statistical Highlights for State Fiscal Year 2021

#### Boiler Safety Bureau

- Investigated six incidents.
- Conducted 56,234 inspections of pressure equipment.
- Identified 3,462 violations.
- The average backlog for state inspectors was 0.68%. The average combined backlog for both state and insurance company inspectors was 1.62%.
- Inspected 4,660 new items.
- Conducted 477 half-day inspections, reviews and audits in new construction and repair shops.

#### Elevator and Amusement Device Bureau

- Completed 22,172 routine elevator inspections, 1,362 new elevator inspections and 1,749 alteration or repair inspections.
- Inspected 4,477 amusement devices at 725 locations.

#### Mine and Quarry Bureau

- Conducted 327 on-site training programs and trained 2,880 miners and contractors.
- Conducted one Part 48 instructor class, certifying 10 people as MSHA-approved instructors.
- Conducted 57 first aid classes and 47 CPR classes certifying 1,036 miners and contractors.
- The injury and illness rate of the North Carolina minerals industry was 1.58 per 100 full-time employees during the 2021 calendar year.

#### Retaliatory Employment Discrimination Bureau

- Responded to more than 2,600 telephone inquiries from the public.
- Opened 414 complaint files and investigated, or otherwise closed, 577 complaint files.
- Of closed complaint files, 37% alleged violations under the N.C. Workers' Compensation Act, 29% alleged violations of the N.C. Wage and Hour Act and 32% 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.
- Of closed complaint files, the bureau closed 89% 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 \$1.1 million in wages for over 1,100 workers.
- Opened 2,099 complaints from employees.
- Closed 2,574 cases.
- Issued 107,456 youth employment certificates online using YEC Auto.
- Youth employment certificates issued through YEC Auto reached 100% of all certificates issued.
- Answered 99.7% of 34,180 calls received on the first attempt.

## Boiler Safety Bureau

During state fiscal year 2021, the Boiler Safety Bureau employed 12 field inspectors, two field supervisors, five administrative staff and two senior staff to support more than 55,000 inspections. State inspectors, along with 13 insurance company partners, conducted in-service inspections on boilers, historical exhibition boilers, model/hobby boilers, various types of pressure vessels, repair inspections and pressure equipment accident investigations. The Boiler Safety Bureau is a receipt-supported bureau. The fees collected pay for the operation of the bureau and the salaries of the bureau staff.

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

### Programs

Periodic inspection continues to be the primary focus of the Boiler Safety Bureau. The bureau also provides education and promotes voluntary safety. The bureau's inspection program for boilers and pressure vessels covers a wide array of businesses and industries. Table 4 shows the number of inspections and violations for FY 2018 through FY 2021. The 56,234 inspections conducted in FY 2021 included inspection of 4,660 new items. The bureau investigated six accidents due to boiler or pressure vessel failures. Two cases involved injuries, and others involved significant property damage. No fatalities were reported involving jurisdictional pressure equipment.

**Table 4**

#### Number of Inspections and Violations, FY 2018 Through FY 2021

Fiscal Year	Number of Inspections	Number of Violations
2018	53,464	3,952
2019	52,541	3,596
2020	50,067	3,279
2021	56,234	3,462

### Backlogs

Any inspection program can have a backlog of items past-due for inspection. The combined average backlog of state and insurance objects was 1.62% in FY 2021. The average backlog for state inspectors was 0.68%. Traditionally, North Carolina maintains 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 477 half days of third-party inspections, reviews and audits at ASME Boiler and Pressure Vessel Code manufacturing facilities that construct boilers and pressure vessels, as well as at pressure equipment repair firms known as National Board "R" Certificate holders.

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

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



## Elevator and Amusement Device Bureau

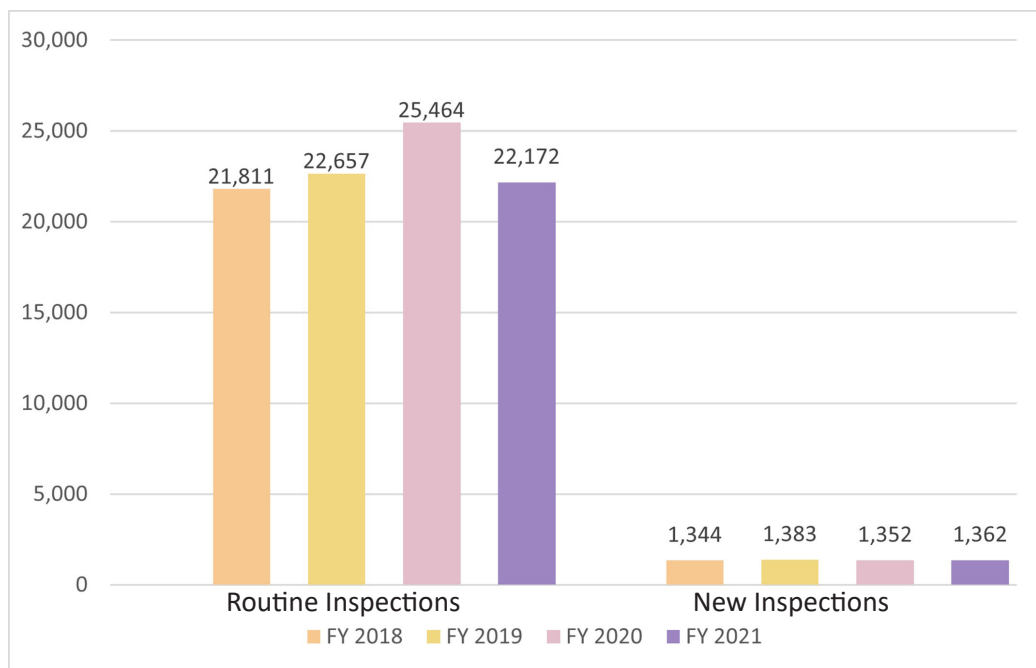
The Elevator and Amusement Device Bureau is responsible for the proper installation and safe operation of all elevators, escalators, workman's hoists, dumbwaiters, moving walks, lifting devices for people with disabilities, aerial passenger tramways, amusement rides and incline railways that operate in public establishments. Devices in federally owned properties and single-family dwellings are exempt. Elevators are inspected annually by the bureau. The bureau also inspects all amusement devices each time they are assembled for operation in the state. The bureau inspects all inflatable amusement devices and portable rock walls. The bureau conducted 22,172 routine, 1,362 new elevator inspections and 1,749 alteration or repair inspections as well as 4,477 amusement device inspections at 725 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 7, the number of routine inspections decreased, and the number of new inspections increased from the previous fiscal year.

**Figure 7**

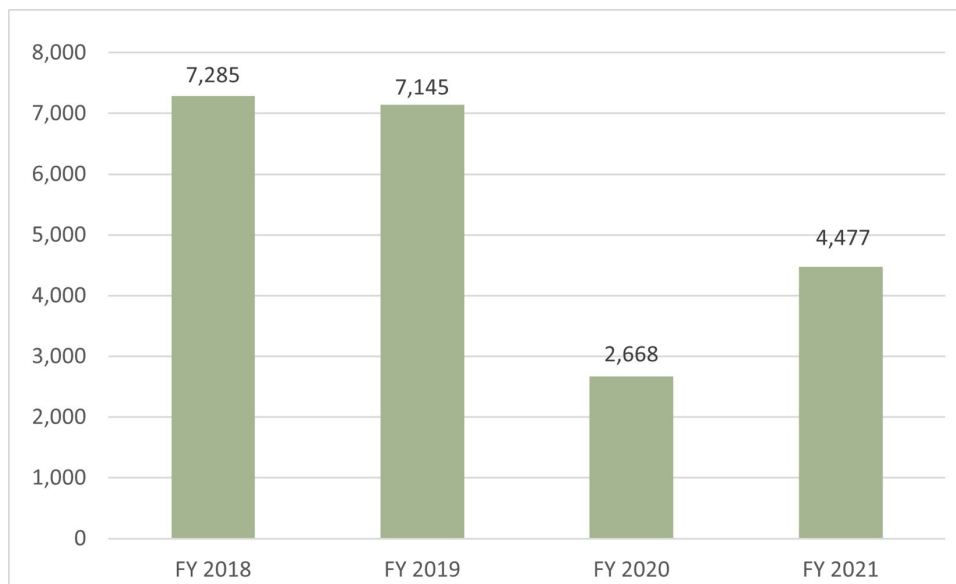
#### Routine Inspections and New Inspections, FY 2018 Through FY 2021



### Amusement Device Inspections

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

Figure 8 indicates the total number of amusement devices inspected in FY 2018 through FY 2021. The number of individual amusement rides inspected increased.

**Figure 8****Number of Amusement Rides Inspected, FY 2018 Through FY 2021****Accident or Incident Investigations**

Accident investigations are conducted according to N.C. Gen. Stat. § 95-110.9 and § 95-111.10. *Reports required.*

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 2021. Patron error accounted for 83% of elevator accidents and 77.7% of amusement accidents.

**Table 5****Number of Elevator and Amusement Device Accidents, FY 2018 Through FY 2021**

Fiscal Year	Elevators and Related Equipment					Amusement Rides				
	Total	Patron Error	Mechanical Error	Reportable	Non-Reportable	Total	Patron Error	Mechanical Error	Reportable	Non-Reportable
2018	<b>61</b>	54	7	46	15	<b>11</b>	4	7	10	1
2019	<b>84</b>	75	9	66	18	<b>10</b>	9	1	6	4
2020	<b>54</b>	38	16	38	16	<b>0</b>	0	0	0	0
2021	<b>53</b>	44	9	25	28	<b>18</b>	14	4	12	6

## Mine and Quarry Bureau

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

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 397 surface mines with 3,406 employees. Instructor fundamentals, health and safety laws and supervisory training are offered through the Mine and Quarry Bureau's seminars and institutes. See Table 6.

**Table 6**

### Mine and Quarry Training and Inspection Activities, FY 2018 Through FY 2021

	FY 2018	FY 2019	FY 2020	FY 2021
Number of Mine Safety and Health Instructors Trained	35	42	15	10
Number of Education and Training Programs Provided	131	382	393	431
Number of Miners and Contractors Trained in Parts 46 and 48	4,449	5,585	5,122	3,916

## Retaliatory Employment Discrimination Bureau

The Retaliatory Employment Discrimination Bureau enforces the Retaliatory Employment Discrimination Act (REDA), N.C. Gen. Stat. §§ 95-240 through 245. The N.C. General Assembly enacted REDA in 1992 in response to a tragic fire at the Imperial Food Products chicken processing plant in Hamlet, in which 25 employees lost their lives and dozens more were injured. REDA protects employees from adverse employment action by their employers in retaliation for exercising rights enumerated in the act. The purpose of REDA was to establish policies and procedures to encourage rather than discourage employees from reporting in good faith concerns about potentially unsafe, unhealthy or illegal activities at their workplaces. REDA specifically incorporates 11 North Carolina statutes and defines what constitutes protected activity under each of those statutes. For instance, 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) who are court-ordered to participate in the juvenile justice system. Also protected are employees who exercise certain rights under North Carolina's domestic violence statutes. Most complaints filed with the bureau allege violations of the N.C. Workers' Compensation, Wage and Hour, and OSH 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. The bureau receives, reviews and investigates complaints filed by employees alleging violations of REDA. Complaints 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.

The federal Occupational Safety and Health Administration also refers whistleblower complaints filed under Section 11(c) of the federal Occupational Safety and Health Act to the N.C. Department of Labor for investigation. North Carolina is one of 28 states with a "State Plan" in place to accept and investigate federal OSHA 11(c) referrals. As part of the State Plan agreement, the bureau's procedures must be "as effective as" OSHA's procedures in enforcing the occupational safety and health 11(c) whistleblower protections. Upon receipt of a referral, the bureau informs the complainant that he or she may also have a claim under REDA arising out of the N.C. Occupational Safety and Health Act.

The Retaliatory Employment Discrimination Bureau 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.

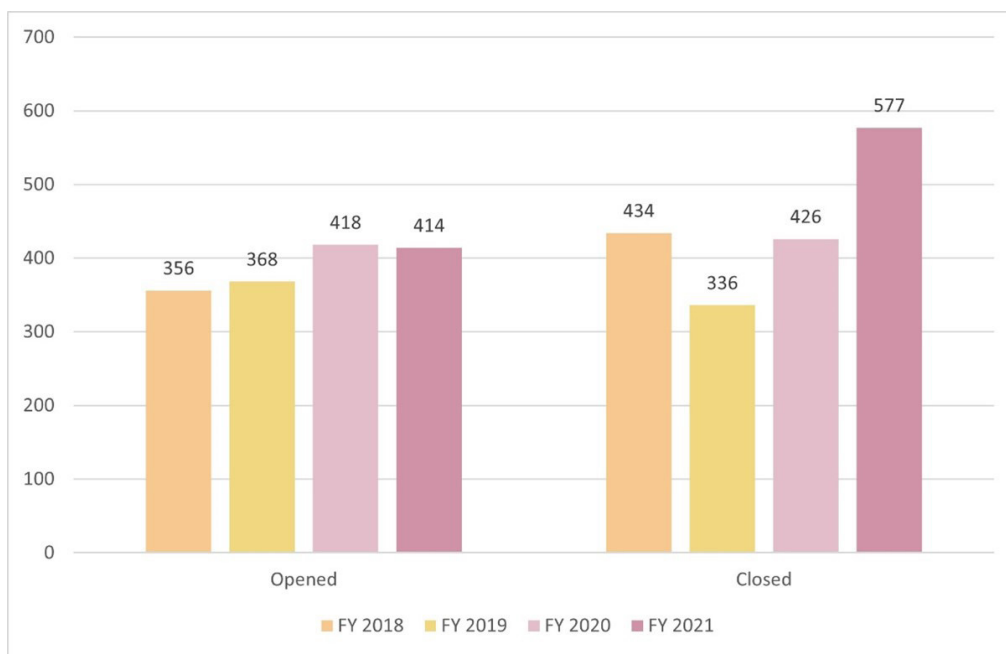
The bureau has a robust alternative dispute resolution program. It offers mediation or informal conciliation as both an early resolution process or after a "merit" determination is reached following an investigation. The bureau implemented the Mediated Settlement Conference Program in July 2020. The program is voluntary and is served by more than 30 volunteer mediators certified by the N.C. Dispute Resolution Commission. During the first year of the program 23 mediations were held and 52% settled at or after mediation. The total of all settlements was approximately \$96,000. Eleven complaints were referred to conciliation facilitated by the assigned investigator or the administrator and resulted in approximately \$46,000 in total settlement dollars.

In FY 2021, the bureau responded to more than 2,600 inquiries from the public on the helpline and opened 414 complaint files. The bureau completed investigations in and/or closed 577 complaint files. Of the closed complaints, 37% alleged violations of the Workers' Compensation Act, 29% alleged violations of the Wage and Hour Act and 32% alleged safety and health violations under the OSH Act. The other 2% included alleged protected activities under the domestic violence and National Guard service statutes.

Of the closed complaint files, 89% were closed within 120 days of assignment to an investigator, and 98% were closed within 180 days of assignment.

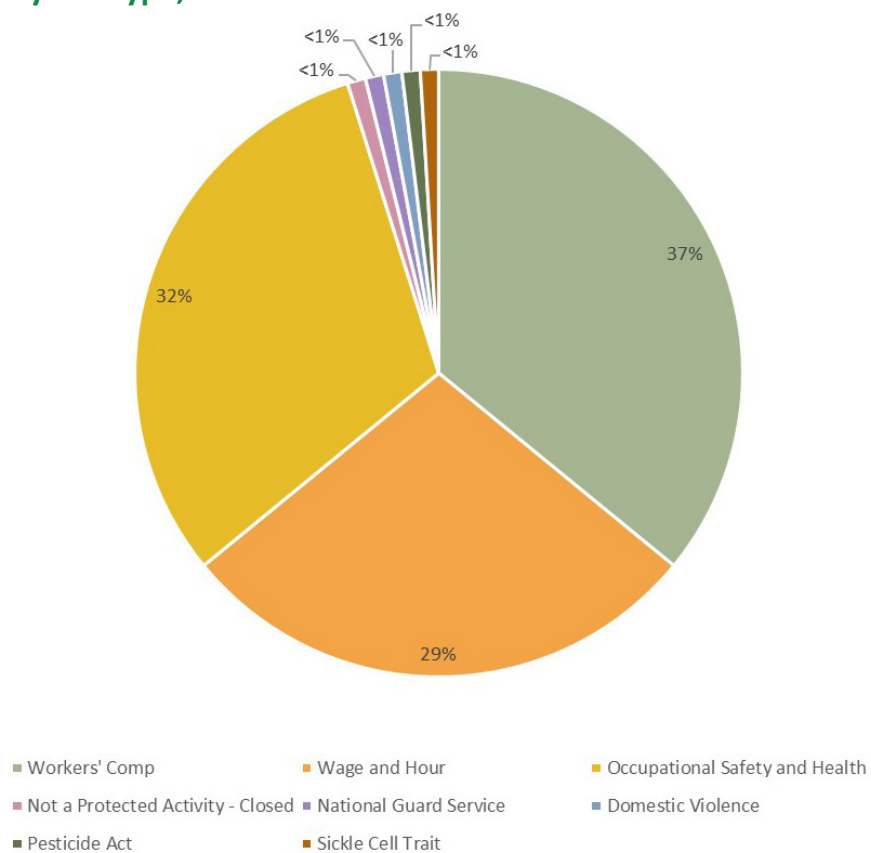
**Figure 9**

**Retaliatory Employment Discrimination Complaint Files Opened and Closed, FY 2018 through FY 2021**



**Figure 10**

**Closed REDA Cases by Act Type, FY 2021**





## 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 supervisors, an office manager, an administrative assistant, 15 investigators and eight case analysts.

### Call Center

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

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

**Table 7**

### Wage and Hour Call Center Activity, FY 2018 Through FY 2021

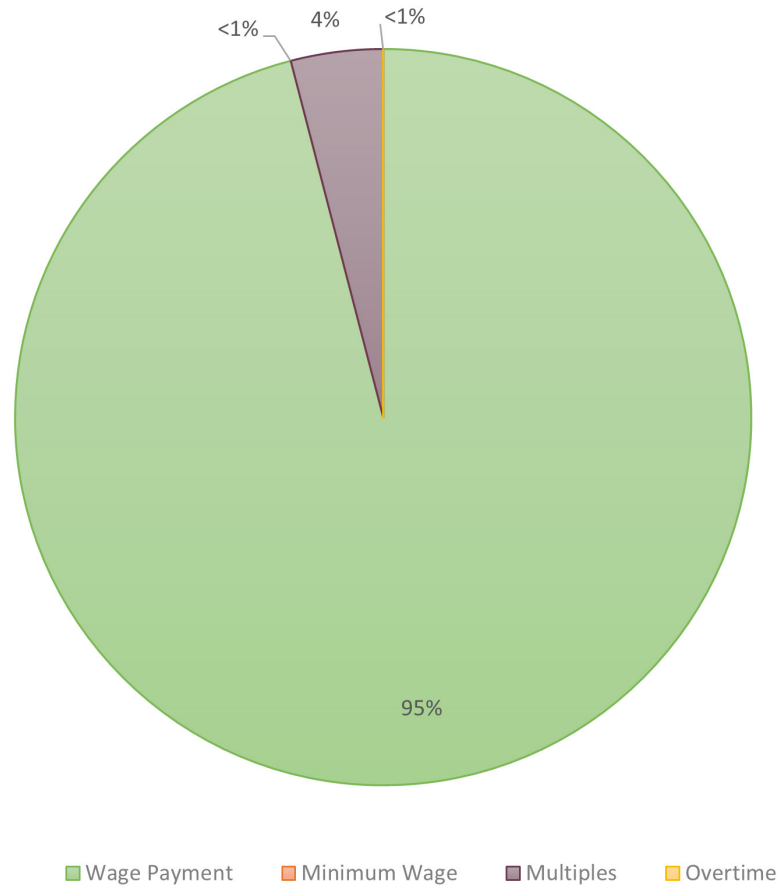
Fiscal Year	Calls Received	Calls Answered	Percent Answered
2018	39,648*	39,526	99.7
2019	40,627	40,508	99.7
2020	38,236	38,039	99.5
2021	34,180	34,076	99.7

\*This number is an estimate due to computer reliability issues during fiscal year.

### Wage and Hour Investigations

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

The data in Figure 11 indicate that 92% of the investigations closed during FY 2021 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 and private personnel accounted for about 8%.

**Figure 11****Types of Wage and Hour Investigations Closed, FY 2021**

Over 1,100 employees were paid an estimated \$1.1 million without the time and expense involved with litigation. Table 8 compares the bureau's performance in FY 2021 with previous years. The bureau started with 756 investigations open at the beginning of FY 2020 and 281 open at the end of FY 2021.

**Table 8****Wage and Hour Investigations Opened and Investigations Closed, FY 2018 Through FY 2021**

Fiscal Year	Investigations Opened	Investigations Closed
2018	3,066	2,782
2019	3,162	2,475
2020	2,603	3,278
2021	2,099	2,574

## Youth Employment Certificates

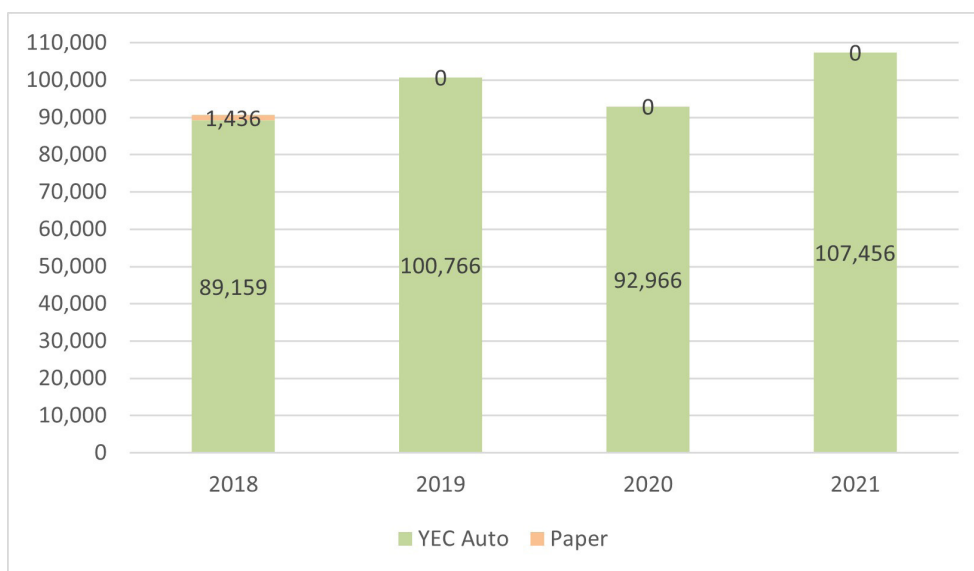
Protecting young workers from inappropriate or unsafe jobs is the cornerstone of the Youth Employment Certificate Program. The timely review of certificates issued continues to be a key element in our efforts to protect young workers. The data in Figure 12 indicate that 107,456 youth employment certificates, also known as work permits, were issued in FY 2021, roughly a 16% increase from the previous fiscal year's total of 92,966.

Of the certificates issued during FY 2021, 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.

The bureau introduced a new method for obtaining a youth employment certificate in April 2021. The new YEC process is completely electronic. In order for the youth employment certificate to be valid, the youth, the youth's parent/guardian and the employer must all complete the information through the online portal and electronically sign the youth employment certificate before the youth's first day of work.

**Figure 12**

### Youth Employment Certificates Issued, FY 2018 Through FY 2021



## Notes

Fiscal years are designated by the year they end. The state fiscal year begins July 1 and ends June 30. State Fiscal Year 2021 thus began July 1, 2020, and ended June 30, 2021. The federal fiscal year begins Oct. 1 and ends Sept. 30. Federal Fiscal Year 2021 thus began Oct. 1, 2020, and ended Sept. 30, 2021.

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.

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## 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

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## Index of Acronyms

AFL-CIO—American Federation of Labor and Congress of Industrial Organizations  
 ANSI—American National Standards Institute  
 APO—Administrative Procedure Oversight  
 ASH—Agricultural Safety and Health  
 ASME—American Society of Mechanical Engineers  
 BLS—Bureau of Labor Statistics  
 CFOI—Census of Fatal Occupational Injuries  
 CSHO—Compliance Safety and Health Officer  
 ETTA—Education, Training and Technical Assistance  
 GAP—Good Agricultural Practices  
 HB—House Bill  
 HR—Human Resources  
 IMIS—Integrated Management Information System  
 IT—Information Technology  
 NCAC—N.C. Administrative Code

NCDOL—N.C. Department of Labor  
 NCGA—N.C. General Assembly  
 OFIR—Occupational Fatality Inspection Review  
 OIS—OSHA Information System  
 OSHA—Occupational Safety and Health Administration  
 OSH—Occupational Safety and Health  
 OSHSPA—Occupational Safety and Health State Plan Association  
 PSIM—Planning, Statistics and Information Management  
 REDA—Retaliatory Employment Discrimination Act  
 SB—Senate Bill  
 SHARP—Safety and Health Achievement Recognition Program  
 S.L.—Session Law  
 SOII—Survey of Occupational Injuries and Illnesses  
 YEC—Youth Employment Certificate