

# 2019 Annual Report



**Cherie Berry**  
*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.



Cherie Berry  
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. On Nov. 8, 2016, Cherie Berry became the first labor commissioner in the history of the state to be elected to a fifth four-year term. Labor Commissioner Cherie Berry is not seeking re-election in November 2020.

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 her duties are the administration and enforcement of the occupational safety and health standards. Her 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 Cherie Berry*

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 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 N.C. 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 Commissioner Berry's office and the entire N.C. Department of Labor. Administration comprises five divisions: Communications; Financial Services; Governmental Affairs; Human Resources; Legal Affairs; and three bureaus: Information Technology; Publications; and Research and Policy.

### Statistical Highlights for 2019

#### Financial Services

- Managed the annual budget for state fiscal year 2019, which totaled \$39,093,235; revenue: \$20,923,411; appropriations: \$18,169,824.

#### Communications

- Released 83 news releases and media advisories.
- Managed the *Labor Ledger* database, which had 14,999 subscribers as of Dec. 31, 2019.
- Produced more than 800,000 printing impressions and processed nearly 1.2 million pieces of incoming and outgoing mail for the department's Raleigh area offices through its Publications Bureau.

#### Governmental Affairs

- Monitored the short session of the General Assembly.

#### Human Resources

- Managed HR functions for 345 employees as of Dec. 31, 2019.

#### Information Technology

- Monitored and responded to inquiries submitted on the NCDOL website, which had 2,426,286 visits in 2019.
- Responded to a total of 4,485 internal telephone and email requests for assistance via IT Desktop Services.

#### Legal Affairs

- Collected and distributed \$3,453.40 in outstanding wages owed employees.
- Responded to 424 public inquiries and 50 public records requests.

#### Research and Policy

- Conducted the Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries. The 2018 nonfatal incident rate for private sector industry was 2.4 per 100 full-time employees, statistically unchanged from 2.3 per 100 full-time employees in 2017. The number of fatal occupational injuries decreased in 2018 to 178 from 183 in 2017. The fatal incident rate decreased to 3.8 from 3.9 per 100,000 full-time employees.

## Communications

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

Communications edits all materials printed by Publications and publishes pertinent information to the department’s website. Communications released 83 news releases and media advisories in 2019. Topics included SHARP and Star Program ceremonies, safety award winners, and other events and programs.

Communications manages the department’s social media platforms on Facebook, YouTube, Instagram and Twitter, posting content for all NCDOL divisions and bureaus. The Facebook page increased from 976 likes at the beginning of the year to 1,294 likes at the end of the year. Communications continued to use the department’s Twitter account that began in May 2012. Communications tweeted 268 times during 2019. The department’s Twitter account grew from 1,435 followers at the beginning of the year to 1,627 at the end of the year. Since starting the Instagram page in October 2016, the platform increased from 272 at the beginning of 2019 to 411 followers by the end of 2019.

In addition, the Communications Division launched a podcast called Inside NC Labor at the end of 2018. The division develops topics and coordinates with guests to generally release two episodes per month. In 2019, the division recorded and released 24 episodes. Since the podcast launched in November 2018 it has accumulated 3,081 views on YouTube and 784 plays across eight platforms including Spotify, Apple Podcasts, Google Podcasts, Anchor, Breaker, Overcast, Pocket Casts and Radio Public. The podcast is designed to educate North Carolina citizens on the role that the department plays in state government.

Communications also produces and manages the department’s external newsletter, the Labor Ledger, which has an electronic subscription base of 14,999 as of Dec. 31, 2019. Publications’ print shop produced more than 800,000 printing impressions. The print shop staff also processed nearly 1.2 million pieces of incoming and outgoing mail for the department’s Raleigh area offices.

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

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## 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 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 2016 through FY 2019.

**Table 1**

**Financial Services Division Activities, FY 2016 Through FY 2019**

	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
Annual budget	\$32,883,771	\$34,921,243	\$38,521,042	\$39,093,235
Revenue	\$16,689,234	\$18,210,294	\$20,899,039	\$20,923,411
Appropriation	\$16,194,537	\$16,710,949	\$17,622,003	\$18,169,824
Average number of payments issued each month	283	301	308	276
Average amount of expenditures each month	\$2,450,958	\$2,596,535	\$2,966,894	\$3,048,139
Average number of purchase orders issued each month	41	51	65	63
Monthly average value of purchase orders issued	\$58,013	\$73,978	\$140,254	\$223,460
Average amount of civil fines and penalties collected each month*	\$296,682	\$307,806	\$372,444	\$380,292
Average amount of inspection fees collected each month	\$593,410	\$594,678	\$622,894	\$611,319
Average number of A/R invoices processed for inspection fees, fines and penalties each month	4,493	3,824	3,689	3,651

\*These funds are deposited into the Civil Penalty and Forfeiture Fund (less cost of collections).

## Governmental Affairs

The 2019-2020 General Assembly convened on Wednesday, Jan. 9, 2019, for an organizational session to swear in members and elect officers. The General Assembly's long session began in earnest on Jan. 30, 2019. The long session did not officially adjourn until Jan. 14, 2020, though the Legislature recessed for extended periods of time during the fall of 2019. The Legislature will reconvene on April 28, 2020, for the short session. This document briefly summarizes the legislation that the Governmental Affairs division tracked during the short session.

### HB 966—2019 Appropriations Act (Vetoed)

This bill would set forth the state budget for FY 2019-2021 and would be retroactively effective July 1, 2019, if the General Assembly is able to override the governor's veto. The budget leaves the N.C. Department of Labor's budget largely unchanged but would provide an additional \$30,000 in new annual funding for the Occupational Safety and Health Review Commission.

The budget bill also includes the following provision of specific interest to the department:

- **Section 38.19B** would amend the State Personnel Act by allowing Council of State agencies (and other agencies) to classify or reclassify positions and to set salaries for employees within the established pay range without the approval of the Office of State Human Resources. This would expand and make permanent a similar provision included in the 2018 Appropriations Act.

The governor vetoed this bill on June 28, 2019, and the House voted to override the veto on Sept. 11, 2019. Unless the Senate takes action to override the veto, these provisions will not become law unless included in other legislation that was signed into law.



**HB 111—Base Budgets/Certain Agencies (S.L. 2019-242)**

In the absence of a traditional statewide budget bill, the General Assembly began adopting “mini-budgets” to fund necessary programs, agencies and other needs. This bill enacts a base budget covering FY 2019-2021 for numerous state agencies, including the N.C. Department of Labor. In short, this bill sets the department’s budget at the same rate as the previous fiscal year, with no reductions or increases (and without the \$30,000 increase to the Review Commission’s budget referenced in HB 966). The bill was signed into law on Nov. 6, 2019, and is retroactive to July 1, 2019.

**HB 226—Pay Increases/State Employees (S.L. 2019-209)**

This bill provides for a 2.5% salary increase, effective July 1, 2019, and an additional 2.5% salary increase effective July 1, 2020, for most state employees.

This bill also provides a one-time additional five days of annual leave credited on July 1, 2019, for most state employees. This leave must be used prior to separation or retirement and may not be cashed out.

**HB 400—Omnibus Labor Law Changes**

HB 400 is the N.C. Department of Labor’s biennial “agency bill,” and is comprised of various changes to Chapter 95 of the N.C. General Statutes as recommended by Commissioner Berry and agency leadership. These changes are mostly technical in nature, but also include substantive policy changes. The current version of the bill eliminates some of the changes included in the original bill due to significant opposition raised by some stakeholders. Following is a brief summary of the bill’s provisions:

- **Section 1.1, 1.2, 1.3 and 1.4** amend the Boiler Safety Act, the Elevator Safety Act, the Amusement Device Safety Act and the Passenger Tramway Act by adding language to clarify that files and records related to open investigations are not public record while those investigations are pending. This is similar to existing language in the Occupational Safety and Health Act.
- **Section 2** amends the Amusement Device Safety Act by adding an exemption for locomotives or trains that operate on U.S. standard railroad gauge tracks.
- **Section 3** amends the Occupational Safety and Health Act by clarifying that the Department of Labor is authorized to obtain medical records in connection with the treatment of patients relating to investigations of workplace safety.
- **Section 4** amends the Occupational Safety and Health Act related to confidential information in investigative files. Specifically, the amendment would affirm that redacted information such as a witness name is not admissible in court.

HB 400 passed the House on May 6 and is awaiting action in the Senate. The department will work to advance this legislation when the short session convenes in April 2020.

**SB 391—Expand Youth Internship Opportunities (S.L. 2019-166)**

This bill amends the youth employment section of the Wage and Hour Act by allowing youth who are at least 16 years of age to participate in a supervised practice experience in an occupation currently declared to be detrimental by the commissioner of labor. Certain criteria must be met in order for the youth to participate. Specifically, the employer must submit to the commissioner a written, signed agreement between the employer and school system with certain assurances regarding supervision and training of the youth. The commissioner must approve the agreement before the supervised practice experience may begin.

The department did not initiate or draft this legislation but did work with the bill sponsor to improve the legislation and recommend additional oversight measures. The bill was signed into law on July 26, 2019, and became effective immediately.

### **HB 380—Aerial Adventure Courses/Sanders’ Law**

This bill is similar to legislation originally filed during the 2016 short session and the 2017 long session after the department completed a study of the zip line and challenge course industry in North Carolina as directed by S.L. 2015-152.

The department did not initiate this legislation but has worked with the bill sponsor over several years to improve its contents. Following is a summary of key requirements:

- Requires most aerial adventure courses, including zip lines and challenge courses, to be regulated under this law
- Identifies specific standards to which courses must adhere
- Requires annual registration with the Department of Labor
- Requires annual inspections in accordance with the applicable standards (Department of Labor inspectors would not conduct inspections)
- Requires liability insurance, operator training, periodic testing, accident reporting, etc.
- Sets forth civil and criminal penalties for violations of the law

The bill passed the House on May 6, 2019, but did not advance in the Senate. The bill is eligible for consideration in the 2020 short session.

### **HB 395—Regulate Challenge Courses**

This bill was filed as an alternative measure to HB 380 as summarized above. Of significant difference, HB 395 would exempt any device in use before the effective date of the legislation and would not include any civil or criminal penalties.

The department also worked with this bill sponsor to refine the contents of the legislation. The bill was referred to the House Judiciary Committee but did not advance. It is not eligible for consideration in the 2020 short session.

### **HB 590—Amend Administrative Procedures Law (S.L. 2019-140)**

This bill amends the Administrative Procedures Act as it relates to agency rulemaking. Of interest to the department, the bill allows agencies to make certain technical changes to its administrative rules without submitting the changes to the Rules Review Commission.

This bill was signed into law on July 19, 2019, and became effective immediately.

### **HB 770—Freedom to Work/Occupational Licensing Board Reform (S.L. 2019-91)**

This bill amends Chapter 93B of the N.C. General Statutes (Occupational Licensing Boards) by adding a definition for “state agency licensing board,” which includes the Department of Labor’s Boiler Safety Bureau. Specifically, this legislation subjects the bureau to certain new requirements when considering whether to approve or deny an application of an individual seeking to become a commissioned boiler inspector.

The bill also requires state agencies, including the Department of Labor, to report by Oct. 31 of each year information regarding the number of applicants and whether those applicants were granted a license.

The bill was signed into law on July 8, 2019, and became effective Oct. 1, 2019.

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

- Legislation that would have lowered the number of employees to five (currently 25) before a business must use the federal E-Verify system. It would also remove the current exemption for employees who work less than nine months in a calendar year, replacing it with an exemption for farm workers, independent contractors and household employees.

- Legislation that would require the N.C. Department of Labor to report to the Attorney General's Office any local government entities that are not in compliance with the contract requirements of E-Verify.
- Legislation that would increase the minimum wage, eliminate the tip wage credit, require paid sick days and ensure equal pay for equal work.

## 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. In addition, the two part-time Human Resources Division receptionists in the Labor Building assisted the department by responding to 451 phone calls in 2019.

Working with a third-party administrator, Human Resources administers the department's workers' compensation program. There were seven reported injury/illness claims during 2019. Of these, three qualified as OSHA recordable injuries. Table 2 provides a comparison of HR activity in calendar years 2016 through 2019.

**Table 2**

### Human Resources Activities, Calendar Years 2016 Through 2019

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
New Hires	59	43	45	45
Separations	48	53	46	46
Promotions	21	15	19	19
Job Applications Received	10,960	8,377	7,302	9,875
Personnel Actions Processed	856*	898**	1182***	735****
Total Positions on 12/31	382	382	384	386
Total Employees on 12/31	352	347	349	345
(includes part-time employees sharing one position)	4	4	2	2
Positions Posted for the Year	99	74	119	131
(internal, external and repostings)				
Average Employee's Age	51	50	50	50
Average Employee Service Months	150	144	146	146
EEOI Training/Refresher Course	2	8	6	6

\*Includes 326 legislative increase salary adjustments and 143 salary adjustment fund actions.

\*\*Includes 344 legislative increase salary adjustments and 169 salary adjustment fund actions.

\*\*\*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.

## 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 2019, Information Technology's accomplishments included:

- The IT Desktop Services responded to a total of 4,485 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 2,426,286 visits in 2019.
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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 Office; advising the commissioner and the department when policy developments involve legal issues; 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 Review Commission for the purpose of distributing contested case documents and coordinating compliance officers' availability for pending hearings before the Review Commission and for third party litigation; 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 and hour debts on behalf of employees before and after the indebtedness has resulted in a civil judgment; serving as liaison between NCDOL and the Attorney General'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, which result in findings of outstanding wage payments that are referred to the Attorney General's Office for litigation. Legal Affairs also coordinates with the Attorney General's Office on collection efforts related to wage and hour cases in which a judgment has been obtained. All outstanding judgments are in different stages of the collection process, as the division continues to actively pursue collection of these wages for the employees to whom they are owed.

The division works actively with employers to collect monthly payments after the employer defaults on any settlement agreement the employer entered into with the Wage and Hour Bureau to pay back wages, plus interest, to one or more employees. The Legal Affairs Division also continues to work with various employers to collect and distribute wages and interest that was owed to current and former employees. During 2019, the Legal Affairs Division collected and distributed wages to employees in the amount of \$3,453.40.

## 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 2019, Legal Affairs responded to 21 third-party litigation matters.

Legal Affairs responds to general questions regarding NCDOL 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 2019, Legal Affairs responded to 17 direct public inquiries and 393 AskLAD inquiries. In addition, Legal Affairs responded to 14 referrals from the Consumer Protection Division of the N.C. Attorney General's Office.

In 2019, the division took over from the Attorney General's Office the responsibility for filing 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. Legal Affairs received notices of 42 bankruptcy filings and filed two 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 submit a signed form to Legal Affairs, and a DMV history search will be conducted. After review of an acceptable minimum 10-year history of the employee's driving record, an employee may be authorized to drive a state-owned vehicle. In addition, all employees with the department who drive as part of their job duties or who are authorized to drive a state vehicle must report all traffic violation citations to their supervisor immediately upon being cited for a violation. The supervisor then notifies the chief of staff and the Legal Affairs Division. 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 September 2019 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.

The division provides continuous support to the entire department through such things as administrative assistance, interpretations, guidance and assistance on specific matters and issues, and enforcement/investigation of policy and procedure violations.

## Public Record 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 or requests from the media. In 2019, the division responded to 46 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 2019.

### **Rulemaking**

#### **Verbatim Adoptions: Occupational Safety and Health**

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 United States Department of Labor.

#### **Cranes and Derricks in Construction: Operator Certification Extension – May 3, 2019**

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

The division adopted verbatim changes to Title 29 of the Code of Federal Regulations promulgated by federal OSHA, which included changes to Part 1926—Construction. This verbatim adoption became effective in North Carolina on May 3, 2019.

The final rule, published in the Federal Register on Nov. 9, 2018 (83 FR 56198), updates the construction standards on Cranes and Derricks in Construction by clarifying each employer's duty to ensure the competency of crane operators through training, certification or licensing, and evaluations. It also alters a provision that required different levels of certification based on the rating capacity of equipment. While testing organizations are not required to issue certifications distinguished by rated capacities, they are permitted to do so, and the employers may accept the certifications or continue to rely on certifications based only on crane type. In addition, this rule establishes minimum requirements for determining operator competency. Federal OSHA's final rule became effective on Dec. 10, 2018, except for the amendments to 29 CFR 1926.1427(a) and (f) (evaluation and documentation requirements), which became effective on Feb. 7, 2019.

The amendment of 13 NCAC 07F .0201 is required by 29 CFR 1902.4(a)(1) and N.C. Gen. Stat. § 95-131(a) for North Carolina's occupational safety and health program to be as effective as the federal OSHA program and to maintain North Carolina's state plan status under the federal Occupational Safety and Health Act of 1970.

#### **Revising the Process Safety Management of Highly Hazardous Chemicals and Slings – June 3, 2019**

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

The division adopted verbatim changes to the General Industry Standards at Title 29, Part 1910 of the Code of Federal Regulations, which were promulgated by federal OSHA. This verbatim adoption became effective in North Carolina on June 3, 2019.

The final rule, published in the Federal Register on April 15, 2019 (84 FR 15102), issued technical amendments for minor corrections. The first was to the General Industry standards for Process Safety Management of Highly Hazardous Chemicals under 1910.119, regarding a typographical error in the Chemical Abstract Service number for methyl vinyl ketone. The second was in Subpart N, Materials Handling and Storage, Slings, 1910.184, which was to restore two explanatory figures that were inadvertently removed in amendments published on June 8, 2011. Federal OSHA's final rule became effective on April 15, 2019.

The amendment of 13 NCAC 07F .0101 is required by 29 CFR 1902.4(a)(1) and N.C. Gen. Stat. § 95-131(a) for North Carolina’s occupational safety and health program to be as effective as the federal OSHA program and to maintain North Carolina’s state plan status under the federal Occupational Safety and Health Act of 1970.

**Reduction of Regulatory Burden While Maintaining or Enhancing Worker Safety and Health and Improving Privacy Protections Pursuant to Presidential Executive Orders 13563, Improving Regulations and Regulatory Review, and 13777, Enforcing the Regulatory Reform Agenda. Revisions Made in Part 1910—General Industry, Part 1926—Construction, and Part 1915—Shipyard Employment. (Final Rule) – Oct. 7, 2019**

**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, Part 1926—Construction, and Part 1915—Shipyard Employment. This verbatim adoption became effective in North Carolina on Oct. 7, 2019.

The final rule, published in the Federal Register on May 14, 2019 (84 FR 21416), removed or revised outdated, duplicative, unnecessary and inconsistent requirements in its safety and health standards pursuant to Executive Order 13563, “Improving Regulations and Regulatory Review,” and Executive Order 13777, “Enforcing the Regulatory Reform Agenda.” The rule also incorporated by reference standards published by the following entities under 5 U.S.C. 552(a) and 1 CFR Part 51: the American Thoracic Society required in 29 CFR Part 1910, Subpart Z; the Federal Highway Administration required in 29 CFR Part 1926, Subpart G; the International Labour Organization required in 29 CFR 1910, Subpart Z, 29 CFR Part 1915, Subpart Z; and 29 CFR Part 1926, Subpart Z; the International Organization for Standardization required in 29 CFR Part 1926, Subpart W; and the Society of Automotive Engineers required in 29 CFR Part 1926, Subpart W. The federal review is part of the ongoing Standards Improvement Project. Federal OSHA’s final rule became effective on July 15, 2019.

The amendments to 13 NCAC 07F .0101, 13 NCAC 07F.0201 and 13 NCAC 07F.0501 are required by 29 CFR 1902.4(a)(1) and N.C. Gen. Stat. § 95-131(a) for North Carolina’s occupational safety and health program to be as effective as the federal OSHA program and to maintain North Carolina’s state plan status under the federal Occupational Safety and Health Act of 1970.

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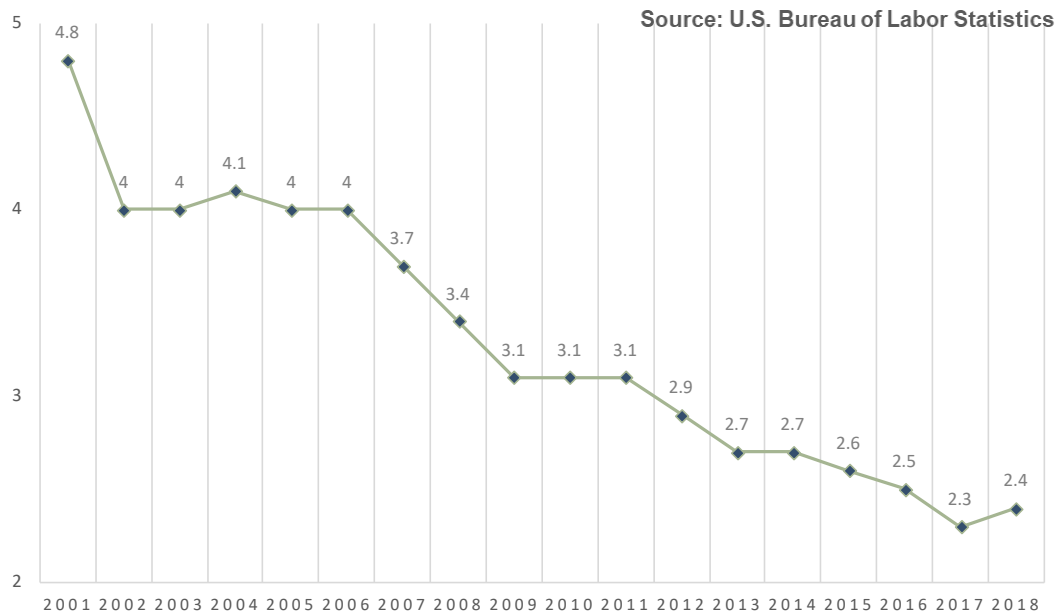
## Research and Policy

### Research

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

### Safety and Health Survey Section

The Safety and Health Survey Section collects, reviews, refines and publishes the Survey of Occupational Injuries and Illnesses data for certification to the U.S. Bureau of Labor Statistics. The data, used by both state and federal departments of labor, provide 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 2.4 for every 100 full-time employees in 2018, which was significantly below the national rate of 2.8. The 2018 nonfatal injury and illness rate for North Carolina is statistically unchanged from 2.3 per 100 full-time employees in 2017 and remains at all all-time low. (See Figure 1.)

**Figure 1****Nonfatal Occupational Injury and Illness Rate for North Carolina,  
Private Sector, Calendar Years 2001 Through 2018**

Annually, North Carolina samples roughly 8,600 establishments for the Survey of Occupational Injuries and Illnesses. For the 2018 survey (collected during 2019), the state sampled 8,600 establishments, of which 7,370 remained collectible after accounting for business closures, sampled unit changes and duplicate sampled units. This total collectible number ranks as the fifth highest total among all states and represents 21% more collectible units than the next closest state.

The sample selection process begins with North Carolina providing a list of important industries to BLS. When BLS randomly selects establishments for participation in the survey, it does so within those targeted industries in order both to ensure that the survey produces estimates for industries important to North Carolina and to guarantee that North Carolina's sample reflects the business community generally. Within those targeted industries, BLS then draws a random sample of establishments using data obtained from 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 2019, 87% of sampled establishments responded to North Carolina's 2018 survey. NCDOL staff members refer any establishments that have failed to respond or have expressly refused to respond to the survey to the federal Bureau of Labor Statistics for further action.

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



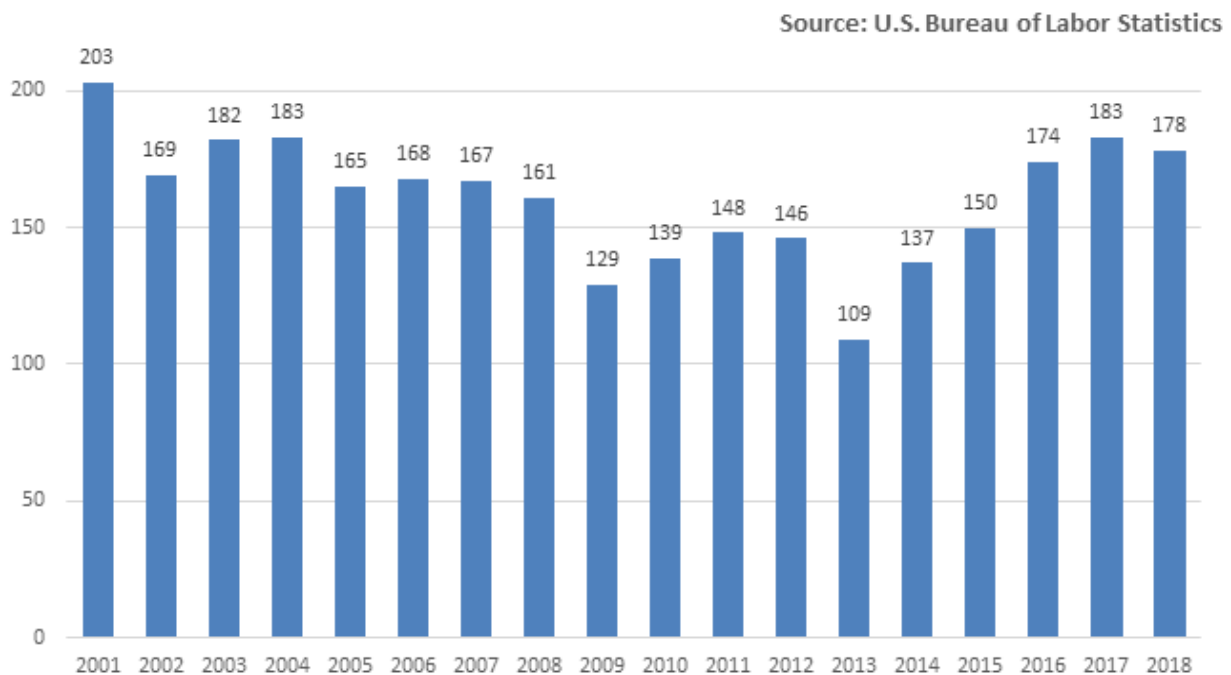
Many stakeholders use these data. The NCDOL OSH Division employs the data to target hazardous industries. Businesses in nearly every sector use the injury and illness data for benchmarking and to evaluate the relative safety of their workplaces. Academics also analyze the injury and illness data for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

The section also codes, analyzes and publishes statistical data on occupational fatalities in the state to build the BLS-sponsored Census of Fatal Occupational Injuries. The information is obtained from employers, death certificates, medical examiner reports and other sources. Fatal injury information enables NCDOL to better understand how and where accidents occur. The figures also are used to assist those industries with high rates of injuries and fatalities to target safety and health education and training where needed. Bureau of Labor Statistics figures (from the Census of Fatal Occupational Injuries) show that North Carolina suffered 178 workplace deaths in 2018. This represents a decrease from the 183 workplace deaths recorded in 2017. (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 2018, the fatality rate was 3.8 fatalities per 100,000 full-time workers. The 3.8 rate represents a decrease from the 3.9 rate recorded for 2017 in North Carolina.

**Figure 2**

**Fatal Occupational Injury Count for North Carolina, Calendar Years 2001 through 2018**



## 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 2019

#### Agricultural Safety and Health Bureau

- The ASH Bureau completed 1,876 preoccupancy housing inspections of migrant farmworker housing and issued certificates to 1,841 sites.
- The bureau conducted 64 compliance inspections and issued 64 violations, with total current penalties amounting to \$64,515.
- Gold Star status was achieved by 283 growers.

#### Compliance Bureaus – East and West

- Compliance conducted 1,943 safety inspections and 985 health inspections, for a total of 2,928 compliance inspections.
- Compliance issued citations for 6,025 violations, with total current penalties amounting to \$8,425,934.

#### Consultative Services Bureau

- The bureau conducted 1,419 initial visits, 150 training and assistance visits, and 134 follow-up visits for a total of 1,703 visits during fiscal year 2019.
- A total of 8,162 hazards were identified and eliminated as a result of consultative visits. Of these, 7,583 were serious hazards, 480 were other-than-serious hazards, and 99 were regulatory.
- The bureau has 132 private sector Safety and Health Achievement Recognition Program worksites. There were 47 public sector SHARP sites in the program and six construction sites and six pre-SHARP at the end of fiscal year 2019.

#### Education, Training and Technical Assistance Bureau

- The ETTA Bureau participated in 210 courses, forums and workshops, providing training for 7,176 employers and employees.
- The bureau distributed 70,627 hard copy publications and responded to 3,159 standards interpretation inquiries.
- The Safety Awards Program celebrated its 73rd year, awarding 3,116 annual and 84 million-hour safety awards.
- The bureau recognized seven new Carolina Star sites, promoted one Rising Star Site to Carolina Star status, and recertified 28 Star sites. There were 153 companies in the Star Program at the end of the fiscal year.

#### Planning, Statistics and Information Management Bureau

- PSIM Bureau completed the Public Sector Injury and Illness Survey for calendar year 2018 data with a 100% response rate at the conclusion of the survey.
- The bureau received 1,141 disclosure requests and processed 1,002 requests.

## Agricultural Safety and Health Bureau

### Inspection Effort

In 2019, the Agricultural Safety and Health Bureau completed 1,876 preoccupancy housing inspections of migrant farmworker housing and 64 compliance inspections. Housing certificates were issued to 1,841 sites with total occupancy (beds) of 23,641. Sites in 100% compliance at the time of the inspection numbered 1,263 and were operated by 622 growers. Double Gold Star status was achieved by 197 growers and Single Gold Star status was achieved by 86 growers for a total of 283 in calendar year 2019. These growers were recognized for their efforts Feb. 7, 2020, at the 26th Annual Gold Star Growers' meeting. Harris Farms received an award for "Best Maintained Housing—East," Robertson Family Farm received an award for "Best Maintained Housing—West," Byrd Family Farms LLC received an award for "Most Improved Housing," and Quincy Farms Inc. received an award for "Best New Housing."



*Quincy Farms Inc. receives an award for "Best New Housing" at the Gold Star Growers' Meeting Friday, Feb. 7, 2020. (L-R): OSH Director Kevin Beauregard, Hunter Quincy and son, Holton Quincy, ASH inspector Kathy Capps, and ASH Bureau Chief Beth Rodman.*

### Gold Star Growers Meeting

The 26th Annual Gold Star Growers' meeting was held at the NCSU McKimmon Conference and Training Center in Raleigh on Feb. 7, 2020. Growers were recognized for the 2019 calendar year. Director Robin Tutor-Marcom and Associate Director LaMar Grafft of the N.C. Agromedicine Institute provided the keynote address. Their topic was "Heat Stress Less: Rethinking Field Practices." They discussed the signs and symptoms of heat stress, practical ideas to prevent and reduce heat stress injuries and illnesses on the farm, and the importance of emergency preparedness.

### Compliance

ASH inspectors conducted 64 compliance inspections in calendar year 2019. These inspections included five complaints, 41 referrals, 11 unprogrammed related and seven programmed related inspections. The bureau issued 64 violations. During this period, 44% of the inspections resulted in no citations. Total current penalties for citations issued amounted to \$64,515. In addition, 16 unregistered, uncertified camps were discovered in 2019.

### Workplace Safety Training and Outreach

In 2019, ASH personnel participated in two on-farm training events hosted and organized by GAP Connections. A total of 57 growers and 302 Spanish-speaking farmworkers were trained in agricultural safety and health issues. Farmworkers received training on migrant housing regulations, field sanitation requirements, and venomous snakes and spiders found in North Carolina. Growers received training on the most frequently cited standards, injury reporting requirements and emergency action plans. ASH staff also participated in several training events for farm labor contractors (FLCs) and provided training to 29 FLCs on migrant housing regulations, field sanitation requirements, injury and illness logs, and worker training requirements.

ASH staff attended and presented at the N.C. Christmas Tree Association's summer meeting held in August 2019. A total of 75 Christmas tree growers received training on OSH standards applicable to agriculture and chainsaw safety.



*ASH inspector Alan Fortner teaches farmworkers about venomous snakes and spiders during an on-site training event in June 2019.*

### **Inspector/Staff Training**

ASH staff attended numerous classes including OSH compliance courses, technical writing and OSH Express database training. The ASH Bureau hired a new administrative office specialist in 2019.

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

The ASH Bureau continues to strengthen partnerships and associations with other groups, such as the N.C. Agribusiness Council, NCSU Cooperative Extension, the N.C. Agromedicine Institute, GAP Connections and various farmworker advocate groups.

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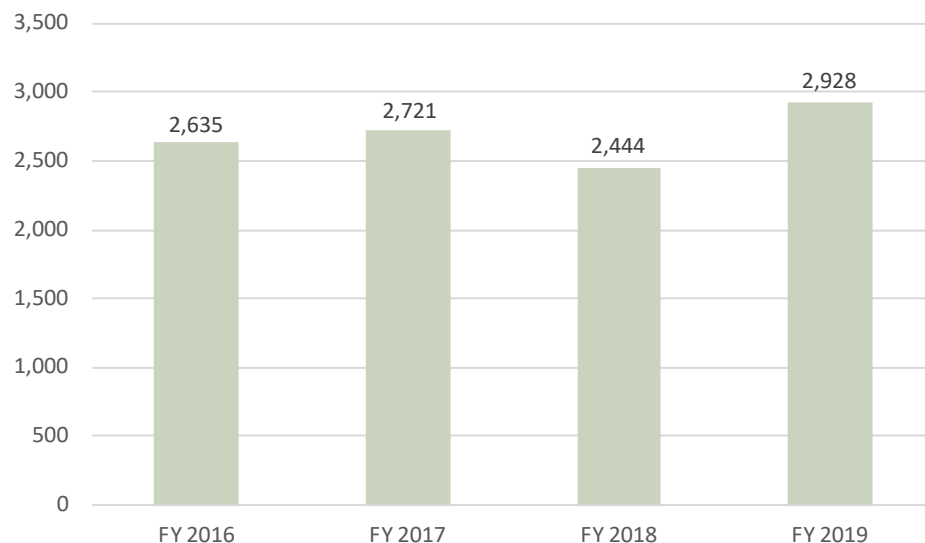
## Compliance Bureaus – East and West

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 (Oct. 1 through Sept. 30).

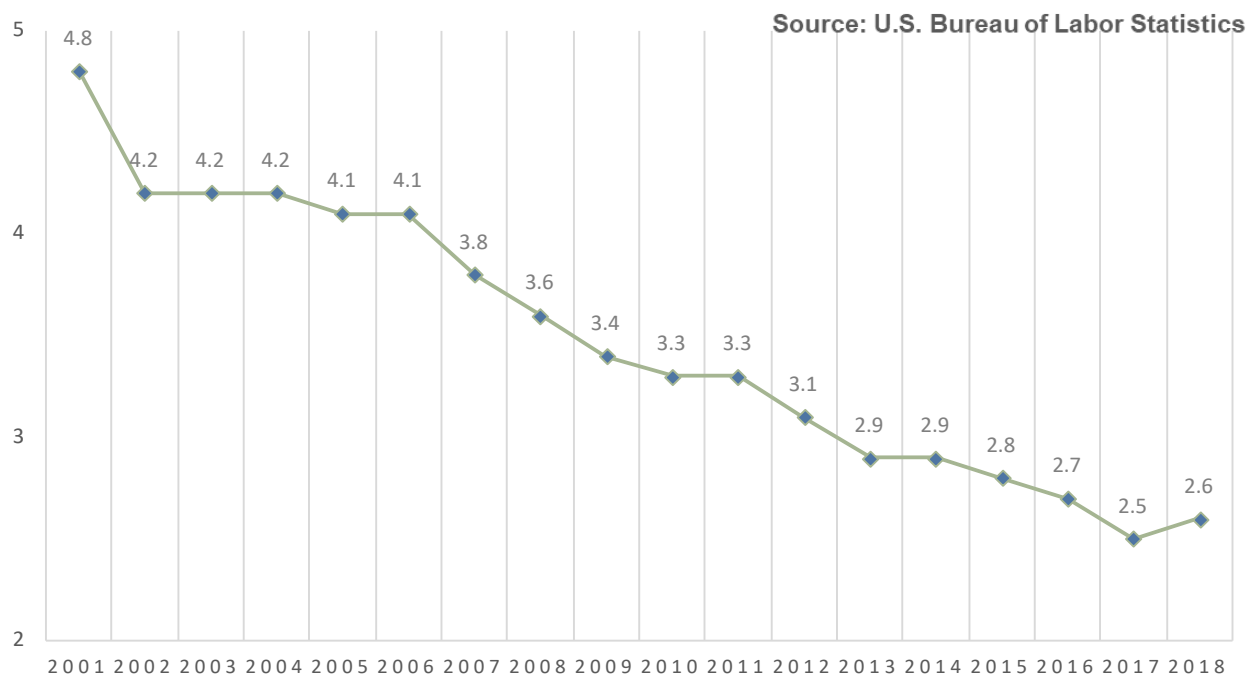
FY 2019 compliance activities included:

- 2,928 compliance inspections. (See Figure 3.)
- 1,943 safety inspections.
- 985 health inspections.
- 1,681 construction inspections.
- 6,025 total violations.
- 3.22 average number of violations per inspection.
- \$8,425,934 in current penalties assessed
- 38 average lapsed days from inspection date to when citations were issued.
- 906 informal conferences conducted.
- 4,980 serious hazards abated.
- 833 employer safety and health program improvements.
- 39 inspections associated with the Tree Felling Special Emphasis Program.
- 1,078 inspections in the Construction Special Emphasis Program counties.
- 58 inspections in long-term care facilities.
- 145 inspections associated with the Health Hazards Exposure Special Emphasis Program.
- 186 inspections associated with the public sector.
- 107 compliance interventions (includes speeches, training programs and program assistance).
- 54 fatality/accident inspections, that included 54 fatalities documented on the OFIR Report.
- 587 complaint inspections.
- 911 referrals/accidents:
  - 259 referral/accident inspections.
  - 652 referral/accident investigations.
- 1,992 complaint investigations.
- 131 retaliatory employment discrimination investigations received associated with occupational safety and health.

Figure 3 depicts the total number of compliance inspections conducted in North Carolina for federal fiscal years 2016 through 2019. 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. 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, FY 2016 Through FY 2019**

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 2001 Through 2018**



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 2019 include the following:

- The state's total recordable case rate released by the U.S. Bureau of Labor Statistics was the one of the lowest in program history at 2.6 for calendar year 2018, which is the most current year available. The private sector TCR also was one of the lowest in program history at 2.4.
- 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 1.4 for calendar year 2018, which is the most current year available. The private sector DART rate continued to be the lowest in program history at 1.3.
- Seventeen OSH employees attained professional certifications, and 31 OSH employees attained various credentials in 2019. The staff certifications and credentials strengthen the ratios associated with professionalism in the department and show movement toward the overall strategy to retain experienced safety and health professionals.
- Customer input was realized through two meetings of the OSH Advisory Council held in 2019, one in Raleigh, and the other in Asheboro. OSH Division staff met with the members of the council, who represent a cross section of employers, advocacy groups and the public sector. Members hear an update from OSH staff and offer their thoughts and opinions on how the department is working.
- Three 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 2020. OSH is in the last phase of testing and integrating the system.
- In FY 2019, OSH transmitted a full year of data from OE to OSHA's Occupational Safety and Health Information System via the interface. OSH and the OSHA Express 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 14 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 (FOM) 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 FY 2016 and early FY 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 107 open legacy cases closed, as soon as possible.
- OSH Compliance had annual training Oct. 7–9, 2019. Training topics included concrete and masonry, cranes and derricks, farm guarding and safety and home inspections. The staff also received an update on the department's drone program.

- OSH Compliance received OSHA Technical Institute (OTI) training on Electrical Standards and Safety and Health Management Systems during FY 2019. In addition, classes were held on lockout-tagout and machine guarding, just to highlight a few. This training helps compliance officers better understand safety and health concepts as they inspect companies per the various Special Emphasis Programs the department has in place.



*The OSH Division received Concrete and Masonry training during their annual training event held at NCSU's McKimmon Center, Oct. 7–9, 2019. Left: OSH Division employees listen as best practices are discussed. Right: OSH Division employees get some hands-on experience laying brick and block.*



*Classroom training is an important part of keeping the department's staff up to date on what is going on in various industries here in North Carolina. Above are training sessions on cranes and derricks (left) and an OSH 100 course for new compliance officers focuses on rules and regulations (right).*



- The OSH director served on the board of the Occupational Safety and Health State Plan Association (OSHSPA) as the chair for FY 2018/2019. The OSHSPA Board 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 three partnerships throughout the year with Fluor Enterprises Inc. at Novo Nordisk facility in Clayton, Flatiron Blythe at Charlotte Douglas International Airport, and Turner-Rogers (a joint venture) also at the Charlotte Douglas International Airport. These employers have 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 the Education and Training 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 OSH Division began work on a new Special Emphasis Program (SEP) to address the growing number of amputations in the workplace. 2019 was a planning and outreach year with the compliance initiative fully in place Oct. 1, 2019.
- As part of the OSH quality program, 17 internal inspection report audits were conducted by the OSH Compliance East and West bureaus' staff industrial hygienist that covered FY 2019. 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.
- The OSH complaint desk and field offices processed 2,579 complaints and 911 referrals in FY 2019. In addition, 2,784 contacts were made with the public that did not result in a valid complaint, along with 120 reports of injuries that were not processed due to the incidents not being reportable to OSH.
- The OSH Lab completed 632 in-house equipment calibrations. An additional 90 pieces of equipment were sent to the manufacturer for calibration or repair.

## Consultative Services Bureau

The Consultative Services Bureau continued to provide services to the employers and employees in both the private and public sectors during federal fiscal year 2019. The bureau conducted 1,703 total consultative visits. (See Table 3.)

- 1,056 (62%) safety visits; 647 (38%) health visits.
- 1,419 (83%) initial visits; 150 (9%) training/assistance visits; 134 (8%) follow-up visits.
- 1,453 (85%) private sector visits; 250 (15%) public sector visits.
- 410 (24%) manufacturing visits; 638 (37%) construction visits; 405 (24%) other industry type visits; 250 (15%) public sector visits.
- Hazards identified and eliminated as a result of consultative visits totaled 8,162. Of these, 7,583 (93%) were serious hazards, 480 (6%) were other-than-serious hazards, 99 (1%) were regulatory.

Consultants conducted 269 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 encourage participation in the Safety and Health Achievement Recognition Program. During 2019, total participation in SHARP was 191 employers (132 general industry, 47 public sector, six construction and six 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, FY 2016 Through FY 2019

Comparisons	FY 2016	FY 2017	FY 2018	FY 2019
<b>Total Visits by Category</b>				
Safety	838	956	1,044	1,056
Health	561	662	647	647
<b>Total Visits by Type</b>				
Initial	1,180	1,349	1,421	1,419
Training and Assistance	123	149	152	150
Follow-up	96	120	118	134
<b>Total Visits by Industry Type</b>				
Manufacturing	412	433	448	410
Construction	402	512	609	638
Other	374	450	395	405
Public Sector	211	223	239	250
Total Visits	<b>1,399</b>	<b>1,618</b>	<b>1,691</b>	<b>1,703</b>

## Education, Training and Technical Assistance Bureau

### FY 2019 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 (Safety Awards and Carolina Star), publications, rulemaking, alliances, along with training and outreach.

#### Library

The NCDOL (Charles H. Livengood Jr. Memorial) Library loaned out 886 items (e.g., consensus standards, safety videos, certification exam preparation workbooks) to public and internal patrons, responded to 1,063 information requests, served 476 visitors, and acquired 230 items for the collection. Additionally, the Library registered 129 new users for the Training Network NOW streaming safety video service. The librarian also alerted staff to webinars and articles, facilitated access to online resources, and assisted NCDOL OSH employees in their research and investigations.

## Recognition Program

The Safety Awards Program celebrated its 73rd year with another successful season. The Gold Award was presented to employer sites with a total lost workday case rate (lost and restricted workdays included) at least 50 percent below the state average for its industry. The Silver Award went to employer sites with a lost workday rate at least 50 percent below the state average. This year 33 safety award banquets were held with a total of 4,193 in attendance. The program distributed 3,116 annual awards (2,629 Gold and 487 Silver) and 84 million-hour awards.

The Carolina Star Program is ranked first as a State-Plan state and is ranked second of all states that participate in the Voluntary Protection Program/Star Program. The Carolina Star Program enjoyed another year of growth and success: seven new Star sites were recognized, one Rising Star Site was promoted to Carolina Star status, 28 Star sites were recertified, and 166 Star interventions were conducted. There were 153 companies in the Star Program at the end of FY 2019.

## Publications

ETTA Publications Sales Desk served 4,531 customers via email, fax, telephone or walk-in. The bureau distributed 70,627 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. Highlights include the following:

- 13 safety and health topic pages were added to the NCDOL website including pages on the following: hand and power tools, benzene, carbon monoxide, amputations, zoonotic diseases, overhead and gantry cranes, organic solvents, materials handling and storage, excavations and trenching, acids and bases, abrasive blasting, concrete and masonry, and boat manufacturing.
- 29 publications were revised including brochures, quick cards and booklets, covering multiple safety and health topics. In addition, ETTA developed a new quick card covering the requirements under 29 CFR 1910.134 Appendix D—Information for Employees Using Respirators When Not Required Under Standard.
- A letter and outreach materials were mailed to 46 construction employers with five or more serious violations regarding OSH outreach services and publications.
- ETTA contributed to the designs of three billboards located on prominent highways in North Carolina. The billboards advertised the Fall Stand Down, the Grain Safety Stand Up, and Safe + Sound Week.

## Rulemaking

The Standards Section answered 3,159 inquiries for standards interpretation by phone or written correspondence for employers and employees across the state. Fifty 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. The OSH Division adopted final rules including technical amendments to Process Safety Management of Highly Hazardous Chemicals (29 CFR 1910.119) and Slings (29 CFR 1910.184), the revised rule for Cranes and Derricks in Construction: Operator Qualification (29 CFR 1926, Subpart CC), revisions to Electronic Submission of Employer Identification Number and Injury and Illness Records to OSHA (29 CFR 1904.41), and two revisions to the rule on Beryllium (29 CFR 1910.1024).

### **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 North Carolina Association of Local Governmental Employee Safety Officials (NCALGESO).

### **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 speakers 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 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 11,042 employers and employees every year as well as promoting its services through the department's social media platforms.

In FY 2019, ETTA hosted and/or participated in 210 courses and events providing training to 7,176 employers and employees. Additionally, the Consultative Services Bureau trained 4,107 employers and employees, which brought an overall total of 11,283 workers trained by the OSH Division. Training included five 10-hour and two 30-hour general industry awareness courses, seven 10-hour and two 30-hour construction awareness courses, two long-term care workshops, 102 speakers bureau events, 84 webinars, and 25 booth events/safety and health fairs. The Labor One mobile training unit was also used for an additional 12 training events at various industrial conferences and "Safety Stand-Downs."

The ETTA Training Section participated with federal OSHA, Builders Mutual Insurance Co., Carolinas Associated General Contractors, Lamar Advertising Co., National Utility Contractors Association of the Carolinas, N.C. State—Industry Expansion Solutions, the Safety and Health Council of North Carolina, and NCALGESO in the National Safety Stand Down to Prevent Falls in Construction. ETTA hosted two construction forums to support fall stand down activities. Construction forums were hosted in Wake and Cabarrus counties and covered various topics, including electrical hazards, excavation and trenching, fall protection, and struck-by/caught between hazards. Labor One was also on site in New Hanover County to provide tailgate safety training and personal protective equipment demonstrations. Training and demonstrations were offered in both English and Spanish. In addition, ETTA offered one live webinar to kick off the stand down week.

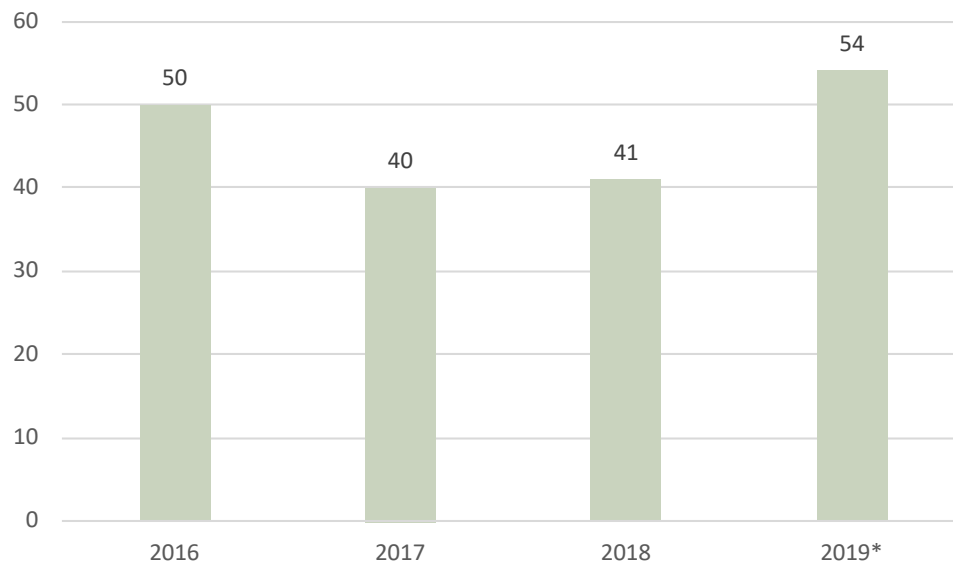
The Training Section continued to provide Spanish outreach services in FY 2019. The bureau hosted two Spanish outreach events, including a booth during the Mexican Consulate Labor Week. The staff from ETTA and the Agricultural Safety and Health Bureau distributed outreach materials and were available for questions on OSH services and a variety of safety and health topics.

The Training Section also offered a blended initial and refresher course that included OSH 500 (Trainer Course for Construction), OSH 501 (Trainer Course for General Industry), OSH 502 (Update for Construction Outreach Trainers), and OSH 503 (Update for General Industry Outreach Trainers) for the OSH Train-the-Trainer Program that was implemented in 2010. For FY 2019, state-authorized trainers provided 10- and 30-hour training courses for an additional 228 employers and employees in North Carolina. The Train-the-Trainer Program supports the Training Section's outreach efforts, thereby increasing the total number of employees and employers trained.

## 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. 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 3,117 surveys were mailed to public sector employers (collection of calendar year 2018 injury and illness data). As of the end of federal fiscal year 2019, 2,998 survey responses were received with a 96.2% response rate and a 100% clean rate. However, all survey responses were collected by the end of calendar year 2019 for a 100% response rate at the conclusion of the survey.
- Completed an analysis of data collected from the 2015, 2016 and 2017 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 Strategic Management Plan for FY 2020.
- Worked in conjunction with ETTA Bureau, 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 FY 2019.
- 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 FY 2014 through 2018.
- Analyzed construction inspection activities for FY 2018.
- Completed FY 2018 Occupational Fatalities Comparison Report using Occupational Fatality Inspection Review (OFIR) data.
- Analyzed and verified CY 2018 fatality data for Communications Division's annual news release issued January 2019. See Figure 5 for OSH fatality inspection data.

**Figure 5****Fatalities Included in the Occupational Fatality Inspection Review  
Calendar Years 2016 Through 2019**

\* Preliminary Data

- Continued refinement of the OSH private and public sector databases to supplement the bureau's exclusive use of the Division of Employment Security database.
- Received, researched and processed 1,200 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 671 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 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.
  - Site Specific Targeting (SST) Schedule.
  - Amputations Schedule.
- PSIM staff members 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.
- PSIM staff 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.
- The PSIM Bureau received closed inspection files for FY 2017 (and older) from the field offices.
- The PSIM Bureau prepared 1,328 inspection files for scanning and scanned 265 of those files for archiving into the department's file content management system (OnBase).
- The project of quality control review is ongoing for OSH inspection files, which have been archived through the imaging and file conversion processes.
- Received 1,141 disclosure requests during FY 2019 and processed 1,002 requests (564 from FY 2019 and 438 from previous years) during this fiscal year, which resulted in an 87.8% response rate.
- PSIM provided notifications of workplace accidents and fatalities to the N.C. Department of Commerce, N.C. Industrial Commission Fraud Investigations Unit of the Insurance Compliance and Fraud Investigation Section.
- PSIM was the point of contact and provided assistance to employers who participated in the OSHA Injury Tracking Application.



## 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 2019

#### Boiler Safety Bureau

- Investigated 10 incidents during the year.
- Inspected 52,541 items of pressure equipment.
- Identified 3,596 violations.
- The average backlog for state inspectors was 0.59%. The average combined backlog for both state and insurance company inspectors was 1.21%.
- Inspected 5,377 new items.
- Conducted 683 half-day inspections in new construction and repair shops.

#### Elevator and Amusement Device Bureau

- Completed 22,657 routine elevator inspections and 1,383 new elevator inspections.
- Inspected 7,145 amusement devices at 1,249 locations.

#### Mine and Quarry Bureau

- Conducted 382 on-site training programs and trained 5,597 miners and contractors.
- Conducted five Part 48 instructor classes, certifying 42 people as MSHA-approved instructors.
- The injury and illness rate of the North Carolina minerals industry was 1.86 per 100 full-time employees during the 2019 calendar year.

#### Retaliatory Employment Discrimination Bureau

- Responded to more than 4,900 telephone inquiries from the public.
- Opened 368 complaint files and investigated or otherwise closed 336 complaint files.
- Of closed complaint files, 46% alleged violations under the N.C. Workers' Compensation Act, 30% alleged violations of the N.C. Wage and Hour Act and 22% alleged safety and health violations under the N.C. Occupational Safety and Health Act.
- Of closed complaint files, the bureau closed 90% within 120 days of assignment to an investigator, and 95% within 180 days of assignment.

#### Wage and Hour Bureau

- Substantiated more than \$600,000 due to employees.
- Recovered more than \$1.1 million in wages for over 1,100 workers.
- Opened 3,162 complaints from employees.
- Closed 2,475 cases as a result of complaints filed.
- Issued 100,766 youth employment certificates online using YEC Auto.
- Youth employment certificates issued through YEC Auto reached 100% of all certificates issued.
- Answered 99.7% of 40,627 calls received on the first attempt.



## Boiler Safety Bureau

During state fiscal year 2019, the Boiler Safety Bureau employed 13 field inspectors, two field supervisors, five administrative staff and two senior staff to support more than 52,500 inspections. State inspectors, along with 14 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 2016 through FY 2019. The 52,541 inspections conducted in FY 2019 included inspection of 5,377 new items. The bureau investigated 10 accidents due to boiler/pressure vessel failures. Three 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 2016 Through FY 2019

Fiscal Year	Number of Inspections	Number of Violations
2016	52,077	3,024
2017	53,680	4,187
2018	53,464	3,952
2019	52,541	3,596



*In 2019, the bureau saw two retirements. Cliff Dautrich (pictured left with Deputy Commissioner Phil Hooper) served the bureau for more than 24 years as a deputy inspector, supervisor and assistant bureau chief. Cliff was also appointed bureau chief in 2014 and retired from that position. Don Kidd, with Deputy Commissioner Phil Hooper, served the bureau for more than 18 years as a deputy inspector and supervisor.*

### Backlogs

Any inspection program can have a backlog of items past-due for inspection. The combined average backlog of state objects and insurance objects was 1.21% in FY 2019, one of the lowest backlog rates among states inspecting boilers and pressure vessels. The average backlog for state inspectors was 0.59%.

### 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 683 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.

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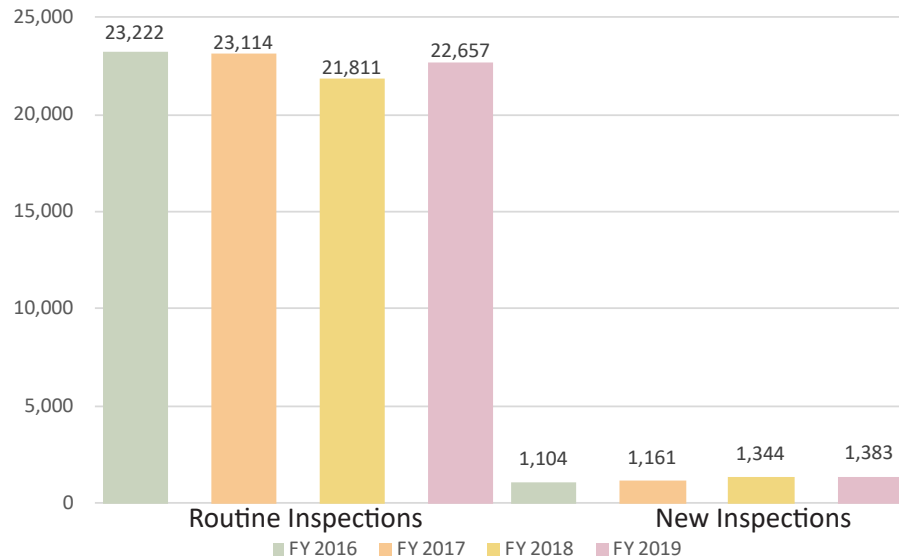
## Elevator and Amusement Device Bureau

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 of the amusement devices each time they are assembled for operation in the state. The bureau inspects all inflatable amusement devices and portable rock walls. The bureau conducted 22,657 routine and 1,383 new elevator inspections as well as 7,145 amusement device inspections at 1,249 locations.

### Elevator Inspections

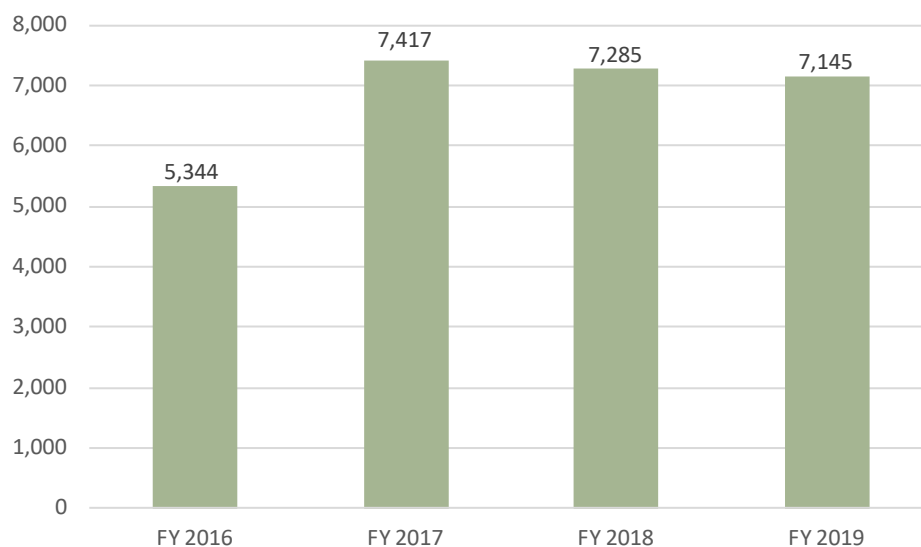
Inspections of elevators, dumbwaiters, escalators and handicapped lifts consist of routine inspections of existing devices and new inspections. As shown in Figure 6, both the number of routine inspections and the number of new inspections increased from the previous fiscal year.

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**Figure 6****Routine Inspections and New Inspections, FY 2016 Through FY 2019****Amusement Device Inspections**

Amusement device inspections consist of mechanical rides, inflatable rides, go-karts and rock-climbing walls. Tramways and ski lifts are 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 7 indicates the total number of amusement devices inspected in FY 2016 through FY 2019. The number of individual amusement rides inspected decreased from FY 2018 to FY 2019.

**Figure 7****Number of Amusement Rides Inspected, FY 2016 Through FY 2019**

## Accident or Incident Investigations

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

- (a) The owner of any device or equipment regulated under the provisions of this Article, or his authorized agent, shall within 24 hours notify the commissioner of each and every occurrence involving such device or equipment when:
  - (1) The occurrence results in death or injury requiring medical treatment, other than first aid, by a physician. First aid means the one time treatment or observation of scratches, cuts not requiring stitches, burns, splinters and contusions or a diagnostic procedure, including examination and x-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed personnel; or
  - (2) The occurrence results in damage to the device indicating a substantial defect in design, mechanics, structure or equipment, affecting the future safe operation of the device. No reporting is required in the case of normal wear and tear. The owner of the equipment is required to contact the bureau.

An inspector is sent to the location and completes a report that is kept on file. As Table 5 reflects, the number of accident investigations for elevators and related equipment increased and amusement rides decreased in FY 2019. Patron error accounted for 89 percent of elevator accidents and 90 percent of amusement ride accidents.

**Table 5**

### Number of Elevator and Amusement Device Accidents, FY 2016 Through FY 2019

Fiscal Year	Elevators and Related Equipment					Amusement Rides				
	Total	Patron Error	Mechanical Error	Reportable	Non- Reportable	Total	Patron Error	Mechanical Error	Reportable	Non- Reportable
2016	<b>68</b>	53	15	59	9	<b>12</b>	11	1	11	1
2017	<b>63</b>	51	12	53	10	<b>19</b>	18	1	12	7
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

## 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 387 surface mines with 3,874 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 2016 Through FY 2019**

	FY 2016	FY 2017	FY 2018	FY 2019
Number of Mine Safety and Health Instructors Trained	73	36	35	42
Number of Education and Training Programs Provided	495	192	131	382
Number of Miners and Contractors Trained in Parts 46 and 48	4,535	5,467	4,449	5,585

**Retaliatory Employment Discrimination Bureau**

The Retaliatory Employment Discrimination Bureau enforces the Retaliatory Employment Discrimination Act, 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 help line 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.

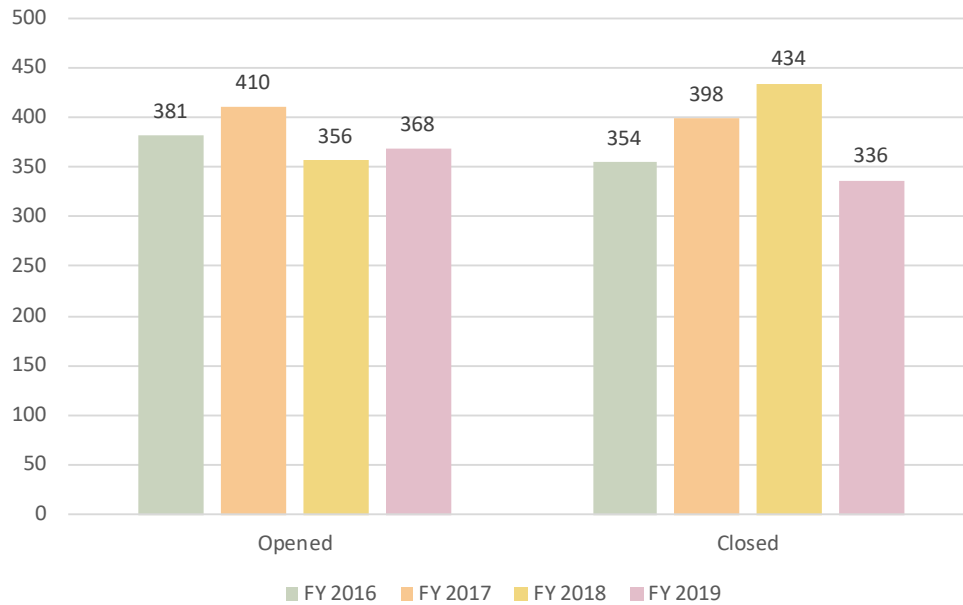
The federal Occupational Safety and Health Administration also refers whistleblower complaints filed under Section 11(c) of the federal Occupational Safety and Health Act to the N.C. Department of Labor for investigation. North Carolina is one of 28 states with a "State Plan" in place to accept and investigate 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. The bureau receives about 20–25 11(c) referrals annually. 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 six 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.

In FY 2019, the bureau responded to more than 4,900 inquiries from the public on the help line and opened 368 complaint files. The bureau completed investigations in and/or closed 336 complaint files. Of the 336 closed complaints, 46% alleged violations of the Workers' Compensation Act, 30% alleged violations of the Wage and Hour Act, and 22% alleged safety and health violations under the OSH Act. The other 2% included alleged protected activity under the domestic violence, genetic testing and National Guard service statutes. Of the closed complaint files, 90% were closed within 120 days of assignment to an investigator, and 95% were closed within 180 days of assignment.

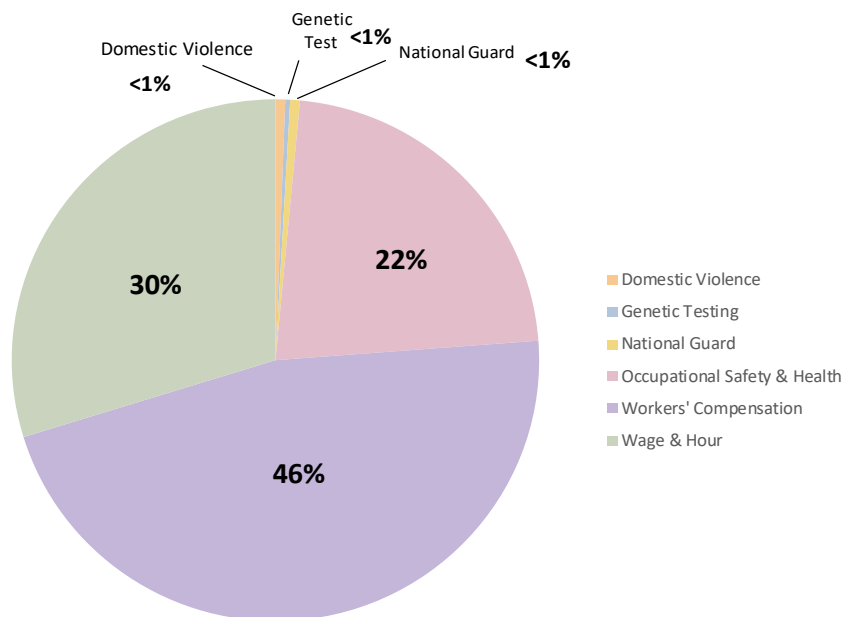
**Figure 8**

**REDB Complaint Files Opened and Closed, FY 2016 through FY 2019.**



**Figure 9**

**Closed REDA Cases by Act Type, FY 2019**





## 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, job listing service agencies 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, 15 investigators, five case analysts and four information specialists.

### Call Center

The bureau's call center is staffed by four information specialists 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. Two of the four 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 2016 Through FY 2019

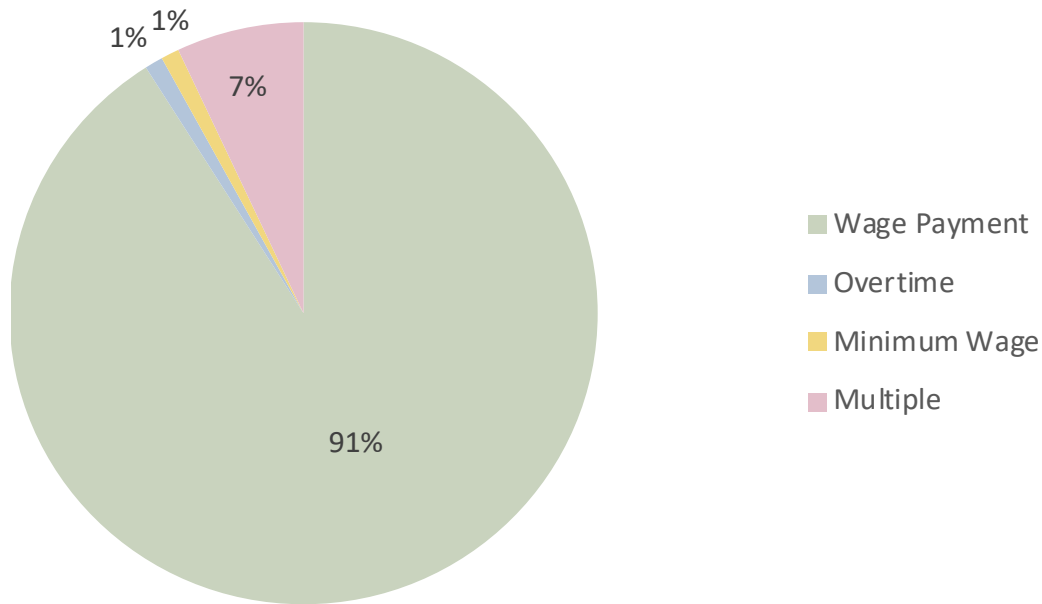
Fiscal Year	Calls Received	Calls Answered	Percent Answered
2016	56,010	55,960	99.9
2017	49,292	49,181	99.7
2018	39,648*	39,526	99.7
2019	40,627	40,508	99.7

\*Data lost fiscal year 2018 due to computer issue.

### 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 9 indicate that 91% of the investigations closed during FY 2019 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 1%; and multiple claims, youth employment, recordkeeping, controlled substance, EVerify and private personnel accounted for about 7%.

**Figure 9****Types of Wage and Hour Investigations Closed, FY 2019**

The investigators first try to substantiate the complaint. If substantiated, they seek recovery of the unpaid wages for the complainant. As a result of these investigations, 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 2019 with previous years. The bureau started with 743 investigations open at the start of FY 2018 and 1,430 open at the end of FY 2019. This was the result of several departures of experienced investigators.

**Table 8****Wage and Hour Investigations Opened and Investigations Closed, FY 2016 Through FY 2019**

Fiscal Year	Investigations Opened	Investigations Closed
2016	3,049	3,721
2017	2,886	3,217
2018	3,066	2,782
2019	3,162	2,475

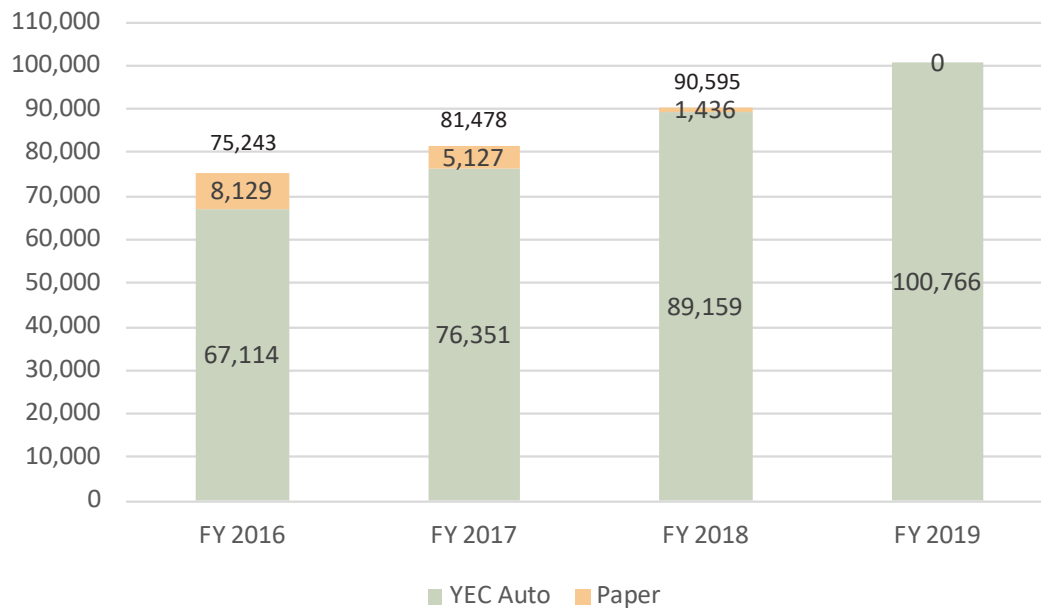


## Youth Employment Certificates

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 10 indicate that there were 100,766 youth employment certificates, also known as work permits, issued in FY 2019, roughly an 11% increase from the previous fiscal year total of 90,595. Of the certificates issued during FY 2019, 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 violation of 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.

**Figure 10**

### Youth Employment Certificates Issued, FY 2016 Through FY 2019



\*Data as of March 2020 and subject to change.

## Notes

Fiscal years are designated by the year they end. The state fiscal year begins July 1 and ends June 30. State Fiscal Year 2019 thus began July 1, 2018, and ended June 30, 2019. The federal fiscal year begins Oct. 1 and ends Sept. 30. Federal Fiscal Year 2019 thus began Oct. 1, 2018, and ended Sept. 30, 2019.

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