

2020 Annual Report



Josh Dobson
Commissioner of Labor

Contents

Foreword	iv
Overview	1
Administration Division	2
Communications	3
Financial Services	3
Governmental Affairs	4
Human Resources	6
Information Technology	7
Legal Affairs	8
Research and Policy	11
Occupational Safety and Health Division	14
Agricultural Safety and Health Bureau	15
Compliance Bureaus – East and West	16
Consultative Services Bureau	21
Education, Training and Technical Assistance Bureau	22
Planning, Statistics and Information Management Bureau	29
Standards and Inspections Division	32
Boiler Safety Bureau	33
Elevator and Amusement Device Bureau	34
Mine and Quarry Bureau	36
Retaliatory Employment Discrimination Bureau	37
Wage and Hour Bureau	39
Notes	42
Index of Acronyms	42

Foreword

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

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

Josh Dobson
Commissioner of Labor

N.C. Department of Labor

Overview

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



Labor Commissioner Josh Dobson

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

The N.C. 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 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.

Please note that some of the department’s numbers may not be consistent with recent years’ figures due to COVID-19’s impact on NCDOL’s ability to perform its core functions.

Administration Division

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

Statistical Highlights for 2020

Communications

- Released 41 news releases and media advisories.
- Managed the *Labor Ledger* database, which had 14,887 subscribers as of Dec. 31, 2020.
- Produced 552,578 printing impressions and processed 91,489 pieces of outgoing metered mail for the department's Raleigh area offices through its Publications Bureau.

Financial Services

- Managed the annual budget for state fiscal year 2020, which totaled \$39,226,843; revenue: \$20,553,682; appropriations: \$18,673,161.

Governmental Affairs

- Monitored the short session of the General Assembly.

Human Resources

- Managed HR functions for 335 employees as of Dec. 31, 2020.

Information Technology

- Monitored and responded to inquires submitted on the NCDOL website, which had 2,424,783 visits in 2020.
- Responded to a total of 4,312 internal telephone and email requests for assistance via IT Desktop Services.

Legal Affairs

- Assisted in collecting \$23,000 in outstanding wages owed employees.
- Responded to 691 public inquiries and 47 public records requests.
- Responded to 25 third-party litigation requests.
- Completed an audit of 304 employees' driving records.

Research and Policy

- Conducted the Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries. The 2019 nonfatal incident rate for private sector industry was 2.3 per 100 full-time employees, statistically unchanged from 2.4 per 100 full-time employees in 2018. The number of fatal occupational injuries increased in 2019 to 186 from 178 in 2018. The fatal incident rate increased to 4.0 from 3.8 per 100,000 full-time employees.

Communications

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

The division edits all materials printed by the Publications Bureau and publishes pertinent information to the department’s website. Communications released 41 news releases and media advisories in 2020. Topics included SHARP and Star Program ceremonies, safety award recipients, and other events and programs.

Communications manages the department’s social media platforms on Facebook, YouTube, Instagram and Twitter, posting content for all NCDOL divisions and bureaus. The Facebook page increased from 1,294 likes at the beginning of the year to 1,499 likes at the end of the year. Communications continued to manage the department’s Twitter account that began in May 2012. Communications tweeted 225 times during 2020. The department’s Twitter account grew from 1,627 followers at the beginning of the year to 1,848 at the end of the year. Since starting the Instagram page in October 2016, the platform increased from 411 followers to 513 followers by the end of 2020.

In addition, the Communications Division launched a podcast called *Inside NC Labor* at the end of 2018. The podcast is designed to educate North Carolina citizens on the role that the department plays in state government. The division develops topics and coordinates with guests to release monthly episodes. In 2020, the division recorded and released 11 episodes. Due to COVID-19, the division began recording episodes over the phone. Since the podcast launched in November 2018 it has accumulated 3,860 views on YouTube and 1,508 plays across eight platforms including Spotify, Apple Podcasts, Google Podcasts, Anchor, Breaker, Overcast, Pocket Casts and Radio Public.

Communications also produces and manages the department’s external newsletter, the *Labor Ledger*, which has an electronic subscription base of 14,887, as of Dec. 31, 2020. Publications’ print shop produced 552,578 printing impressions and processed 91,489 pieces of outgoing metered mail for the department’s Raleigh area offices.

The Communications Division continues to work with its Information Technology Division and Digital Services, a division of the N.C. Department of Information Technology, to maintain and publish material as needed to the NCDOL website. A major redesign in 2017 made the website mobile-friendly and easier to navigate for those accessing the website from smart phones or tablets. Much of 2020 was spent preparing for the migration to Drupal 8, an updated version of the web content management system, that will take place in 2021. The Communications Division houses a site administrator and serves as the owner representative for the agency.

Financial Services

The Financial Services Division is staffed by 13 employees who are responsible for planning, directing and coordinating all fiscal-related areas of the agency. Financial Services ensures fiscal integrity and compliance with all applicable federal, state and agency laws, regulations, and policies, while providing effective leadership for the safeguarding, tracking, and utilization of all assets and resources for the agency.

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

Financial reporting is completed on a state fiscal year basis. Table 1 provides data for each fiscal year beginning in FY 2017 through FY 2020.

Table 1
Financial Services Division Activities, FY 2017 Through FY 2020

	FY 2017	FY 2018	FY 2019	FY 2020
Annual budget	\$34,921,243	\$38,521,042	\$39,093,235	\$39,226,843
Revenue	\$18,210,294	\$20,899,039	\$20,923,411	\$20,553,682
Appropriation	\$16,710,949	\$17,622,003	\$18,169,824	\$18,673,161
Average number of payments issued each month	301	308	276	229
Average amount of expenditures each month	\$2,596,535	\$2,966,894	\$3,048,139	\$2,993,336
Average number of purchase orders issued each month	51	65	63	59
Monthly average value of purchase orders issued	\$73,978	\$140,254	\$223,460	\$440,438
Average amount of civil fines and penalties collected each month*	\$307,806	\$372,444	\$380,292	\$380,330
Average amount of inspection fees collected each month	\$594,678	\$622,894	\$611,319	\$623,895
Average number of A/R invoices processed for inspection fees, fines and penalties each month	3,824	3,689	3,651	3,562

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

Governmental Affairs

The 2019-2020 General Assembly reconvened on Tuesday, April 28, 2020, to officially commence the 2020 short session. Due to the COVID-19 pandemic, this year’s short session was significantly different from typical short sessions, in that most of the legislature’s work focused specifically on COVID-19 relief and other associated needs. The biennial session adjourned for the year on Thursday, Sept. 4, 2020. This document briefly summarizes the legislation that the Governmental Affairs division tracked during the 2020 short session.

SB 704 – COVID-19 Recovery Act (S.L. 2020-3)

This bill represents the original “COVID recovery” legislation and includes numerous policy changes to state law covering education, health care, public safety, etc. Of interest to the department, the Continuity of Operations/State Government portion of the legislation makes many changes to state government operations including:

- **Section 4.38** which allows state agencies to exercise regulatory flexibility to protect the economic well-being of citizens and businesses. This regulatory flexibility includes delaying the collection of fees, fines and late payments, including the accrual of interest. Importantly, this section allows state agency flexibility, but it does not require it.

The bill passed both chambers unanimously and was signed into law by Gov. Cooper on May 4, 2020.

HB 1043 – 2020 COVID-19 Recovery Act (S.L. 2020-4)

This bill is the companion to S.L. 2020-3, as described above, and represents the financial portion of the recovery legislation, appropriating the state’s coronavirus relief funds received from the federal government. Of interest to the department, the legislation makes the following allocations:

- **Section 3.3 (3)** appropriates \$70 million to the Office of State Budget and Management (OSBM) for the continuity of state operation needs across state government.
- **Section 3.3 (4a)** appropriates \$20 million to OSBM for allocation to state agencies negatively impacted by the loss of anticipated receipts. This is especially important for NCDOL, as two of its bureaus rely solely on receipt revenue. However, at the time of this legislation, federal regulations prevented the use of coronavirus relief funds for lost revenue. This section included a caveat that agencies could not take advantage of this provision unless Congress changed the federal requirements.

The bill passed both chambers unanimously and was signed into law by the governor on May 4, 2020.

HB 1105 – Coronavirus Relief Act 3.0 (S.L. 2020-97)

This legislation further allocates coronavirus relief funds and makes additional policy changes related to COVID-19. Of interest to the department, the bill implements the following changes:

- **Section 1.2** deletes \$20 million in funding for state agencies negatively impacted by loss of anticipated revenue. These funds were initially included in S.L. 2020-4, as the General Assembly assumed that Congress would ultimately amend federal regulations by allowing federal funds to be used for this purpose. However, Congress never acted to change the regulations. Thus, this legislation removes that portion of the earlier session law, as it conflicts with federal regulations.
- **Section 4.14** allocates \$3.75 million to OSBM for a grant to the Carolinas Associated General Contractors Foundation. Part of that money is designated for subgrants to certain organizations for educational materials and job safety events related to COVID mitigation measures. This section directs OSBM to collaborate with NCDOL and the N.C. Department of Health and Human Services as necessary to implement the section.
- **Section 3.20** reauthorizes state agencies to exercise regulatory flexibility during the pandemic. This is an extension of language originally included in S.L. 2020-3 and provides that this section is effective until 30 days after the expiration of the current state of emergency. Consistent with the original language, this regulatory flexibility does not require agencies to act; it simply authorizes agencies to do so.

The bill was signed into law by the governor on Sept. 4, 2020.

Appropriations Update

In most years, the primary purpose of the legislative short session is to adjust the biennial budget adopted during the previous long session. As a reminder, the 2019 Appropriations Act (HB 966) was vetoed by the governor and the legislature was unable to override the veto. As a result, the legislature ultimately passed, and the governor signed into law, S.L. 2019-242, which essentially left NCDOL’s budget unchanged from the previous biennium. While the legislature considered several appropriations-related bills during the short session, those bills all related directly to COVID relief and other urgent, time-sensitive matters. The department’s budget was not directly affected by any of these bills.

Additional Bills Introduced That Did Not Become Law:

- Legislation related to the governor’s emergency management powers. The General Assembly passed numerous bills that would have limited the governor’s authority to close businesses during a state of emergency and would have granted certain authority to the Council of State. The governor vetoed each of those bills and the General Assembly was unable to override the vetoes.
- House Bill 400-Omnibus Labor Law Changes. This is the department’s “agency bill,” which passed the House during the 2019 long session. The bill did not receive a hearing in the Senate during the short session, partially due to the legislature’s focus on pandemic relief measures.
- Legislation that would require liability insurance for trampoline parks. The bill would require NCDOL to study the financial liability of trampoline parks operating in this state.

Human Resources

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

Working with a third-party administrator, Human Resources administers the department’s workers’ compensation program. There were no reported injury/illness claims during 2020. Table 2 provides a comparison of HR activity in calendar years 2017 through 2020.

Table 2
Human Resources Activities, Calendar Years 2017 Through 2020

	2017	2018	2019	2020
New Hires	43	45	45	45
Separations	53	46	46	46
Promotions	15	19	28	19
Job Applications Received	8,377	7,302	9,875	9,875
Personnel Actions Processed	898*	1182**	735***	631****
Total Positions on 12/31	382	384	386	381
Total Employees on 12/31 (includes part-time employees sharing one position)	347	349	345	335
Positions Posted for the Year (internal, external and repostings)	74	119	131	155
Average Employee's Age	50	50	50	51
Average Employee Service Months	144	146	146	152
EEOI Training/Refresher Course	8	6	6	0

*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.

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

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 2020, Information Technology's accomplishments included:

- The IT Desktop Services responding to a total of 4,312 internal telephone and email requests for assistance.
 - Continuing to utilize and grow its Onbase document management system to enable the department to more efficiently provide services to the public.
 - Monitoring and responding to inquiries submitted via the NCDOL website, which had 2,424,783 visits in 2020.
-

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 on policy adoption and implementation; drafting and conducting legal reviews of policies and procedures; fielding a wide variety of constituent questions/issues on a daily basis; serving as liaison between NCDOL and the Occupational Safety and Health (OSH) Review Commission for the purpose of distributing contested case documents and coordinating compliance officers' availability for pending hearings before the OSH Review Commission 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 payments 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 that result in findings of outstanding wage payments, which are then 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.

The division works actively with employers to collect monthly payments after any employer defaults on a settlement agreement the employer entered into with the Wage and Hour Bureau for payment of back wages. During 2020, the Legal Affairs Division assisted with collecting \$23,000 in wages for employees. The pandemic had a detrimental effect on collection efforts, especially in relation to the increase in business closures and bankruptcy filings.

Division/Departmental Policies and Procedures

Legal Affairs is the service of process agent for the agency and responds to all litigation filings. This includes third-party litigation in which the agency is not a party, but in which those parties involved in litigation are seeking records or are seeking to contact inspectors and compliance officers, including issuance of subpoenas. In 2020, Legal Affairs responded to 25 third-party litigation matters.

Legal Affairs also responds to general questions through direct contact from the public and through the AskLAD email address; however, it is prohibited from providing legal advice to members of the public. In 2020, Legal Affairs responded to 639 AskLAD inquiries and to 52 direct public inquiries, many of which were related to COVID-19 and employment concerns.

The division files all proof of claim notices in bankruptcy proceedings for monies owed to NCDOL. Bankruptcy notices are initially received and reviewed by Legal Affairs, and confirmation is requested from other divisions regarding any outstanding debts owed to the agency or to individuals through agency investigations.

If amounts are owed directly to the agency for inspection fees or penalties, or the agency has either a judgment, a confession of judgment, or a default judgment, Legal Affairs files a proof of claim with the appropriate bankruptcy court. In 2020, Legal Affairs received notices of 77 bankruptcy filings, which was an 85% increase over 2019 bankruptcies, and filed over 10 proof of claim notifications.

The Legal Affairs Division is responsible for maintaining and auditing employee driving records in accordance with the NCDOL State-Owned Vehicle Use Policy. All NCDOL personnel who may have the potential to drive a state-owned vehicle during their course of employment with the department, or who are required to have a valid North Carolina driver's license for purposes of their employment, must agree to a DMV 10-year history review prior to authorization. In addition, all NCDOL employees who drive as part of their job duties or who are authorized to drive a state vehicle must report all traffic violation citations to Legal Affairs. A periodic audit of each division of the agency is also performed to confirm all employees continue to be eligible to drive a state-owned vehicle. The audit was completed in August 2020 and included a review of 304 employees.

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

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

Public 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 2020, the division responded to 47 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 was one variance request filed in 2020.

Rulemaking

Verbatim Adoptions: Occupational Safety and Health

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

Additional Ambient Aerosol CNC Quantitative Fit Testing Protocols: Respiratory Protection Standard – Feb. 14, 2020

General Industry (13 NCAC 07F .0101)

The division adopted verbatim changes to Title 29 of the Code of Federal Regulations promulgated by federal OSHA, which included changes to Part 1910—General Industry. This verbatim adoption became effective in North Carolina on Feb.14, 2020. The final rule was published in the Federal Register on Sept. 26, 2019 (84 FR 50739). Federal OSHA approved two modified condensation nuclei counting (CNC) QNFT protocols, which were added to Appendix A of 29 CFR 1910.134 as alternatives to the four existing QNFT protocols: one for full-facepiece and half-mask elastomeric respirators, and the other for filtering facepiece respirators. Federal OSHA’s final rule was effective Sept. 26, 2019.

Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors – Feb. 14, 2020

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 1915 and 1926-Construction and Shipyard Employment. This verbatim adoption became effective in North Carolina on Feb. 14, 2020. These amendments, published in the Federal Register on Sept. 30, 2019 (84 FR 51377), delay compliance deadlines for almost all provisions of the beryllium standards for construction and shipyard. Compliance with the permissible exposure limit (PEL) and short-term exposure limit (STEL), which OSHA has been enforcing since May 11, 2018, remain in effect. In addition, OSHA did not revoke the ancillary provisions of these standards as previously proposed but will publish a new proposed rule for shipyards and construction. Federal OSHA’s final rule was effective Sept. 30, 2019.

Walking-Working Surfaces, Personal Protective Equipment (Fall Protection Systems), and Special Industries (Electric Power Generation, Transmission, and Distribution) – April 10, 2020

General Industry (13 NCAC 07F .0101)

The division adopted verbatim changes to Title 29 of the Code of Federal Regulations promulgated by federal OSHA, which included changes to Part 1910-General Industry. This verbatim adoption became effective in North Carolina on April 10, 2020. These amendments, published in the Federal Register on Dec. 17, 2019 (84 FR 68794), made corrections to several 1910 standards. 29 CFR 1910.23(d)(4) was corrected to state that 42 inches is the minimum, not the exact, measurement for fixed ladder side rail extensions. 29 CFR 1910.25(a) was corrected to state that articulated stairs are not covered by the current standard and Figure D-8 was corrected to add a title.

29 CFR 1910.27(b)(1)(i) was corrected to show the correct metric equivalent to 5,000 pounds (2268 kg). Figure D-11 in 29 CFR 1910.29 was corrected to add the labels for “top rail” and “end post.” 29 CFR 1910.140(c)(8) was corrected to ensure the gate strength provision is consistent with the national consensus standard. Finally, 29 CFR 1910.269(h)(2) was corrected to reference 29 CFR 1910.23(c)(4) and (9). Federal OSHA’s final rule and corrections to the standards were effective Dec. 17, 2019.

OSHA Standards and Regulations – Sept. 23, 2020

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, 1915 and 1926—General Industry, Construction, and Shipyard Employment. This verbatim adoption became effective in North Carolina on Sept. 23, 2020. These amendments, published in the Federal Register on Feb. 18, 2020 (85 FR 8726), corrected typographical errors, but did not affect the substantive requirements or coverage of the standards. Federal OSHA’s final rule on the correcting amendments was effective Feb. 18, 2020.

General Rulemaking: Elevator and Amusement Device Bureau

Rule amendments were adopted for multiple Elevator and Amusement Device rules, including inspection fee increases for elevators, amusement devices and passenger tramway devices, and the incorporation of additional industry standards. The fee increases for elevators went into effect Dec. 1, 2020, and the rules and fee increases for amusement devices and tramways went into effect Jan. 1, 2021. The following rules were amended:

Tramway Requirements (13 NCAC 15.0205)

Responsibility for Compliance (Amusement) (13 NCAC 15.0402)

Elevator Annual Inspection Fee Schedule (13 NCAC 15.0702)

Amusement Device Inspection Fee Schedule (13 NCAC 15.0703)

Passenger Tramway Inspection Fee Schedule (13 NCAC 15.0705)

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

In October 2020, the agency received a Petition for Rulemaking from the Episcopal Farmworker Ministry, the NC State AFL-CIO, NC Raise Up/Fight for \$15 and a Union, the Western North Carolina Workers Center, The Hispanic Liaison of Chatham County/El Vinculo Hispano, and the North Carolina Conference of the NAACP. The Petition sought the adoption of an Occupational Safety and Health Emergency Temporary Standard (ETS) in relation to COVID-19. Commissioner Berry researched the petition request and declined to adopt the proposed ETS. Commissioner Berry noted in her response that NCDOL had worked proactively with the N.C. Department of Health and Human Services (NCDHHS), which is the lead agency in public health matters, to educate employers on how to best mitigate the virus in the workplace. In addition, NCDOL, NCDHHS, and the N.C. Department of Agriculture and Consumer Services worked extensively with agricultural and meatpacking industries in North Carolina. Commissioner Berry chose to follow the lead of federal OSHA and enforce citations of hazards related to COVID-19 through the General Duty Clause and respiratory standards. In December 2020, a Petition for Judicial Review was filed by the above-named entities requesting the court review NCDOL’s denial of their rulemaking petition.

Research and Policy

Research

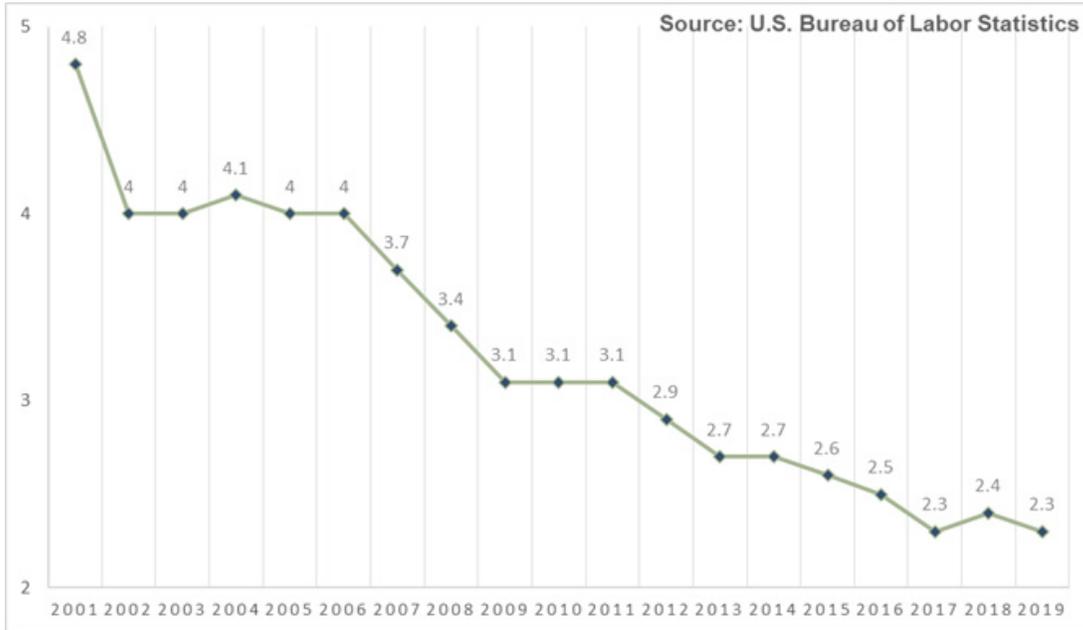
The research area of the division collects information and data for use by the commissioner of labor. The bureau develops and implements special programs and projects.

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, provides accurate estimates of North Carolina’s work-related injury and illness rates and counts as well as details about demographic and case characteristics for injured workers.

The state incidence rate for injuries and illnesses in the private sector was 2.3 for every 100 full-time employees in 2019, which was significantly below the national rate of 2.8. The 2019 nonfatal injury and illness rate for North Carolina is statistically unchanged from 2.4 per 100 full-time employees in 2018 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 2019



Annually, North Carolina samples roughly 8,600 establishments for the Survey of Occupational Injuries and Illnesses. For the 2019 survey, collected during 2020, the state sampled 8,600 establishments, of which 7,392 remained collectible after accounting for business closures, sampled unit changes and duplicate sampled units. This total collectible number ranks as the fifth highest total among all states and represents 23% more collectible units than the next closest state.

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

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

Sampled units receive the actual survey in January following the surveyed year. In 2020, 82% of sampled establishments responded to North Carolina’s 2019 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.

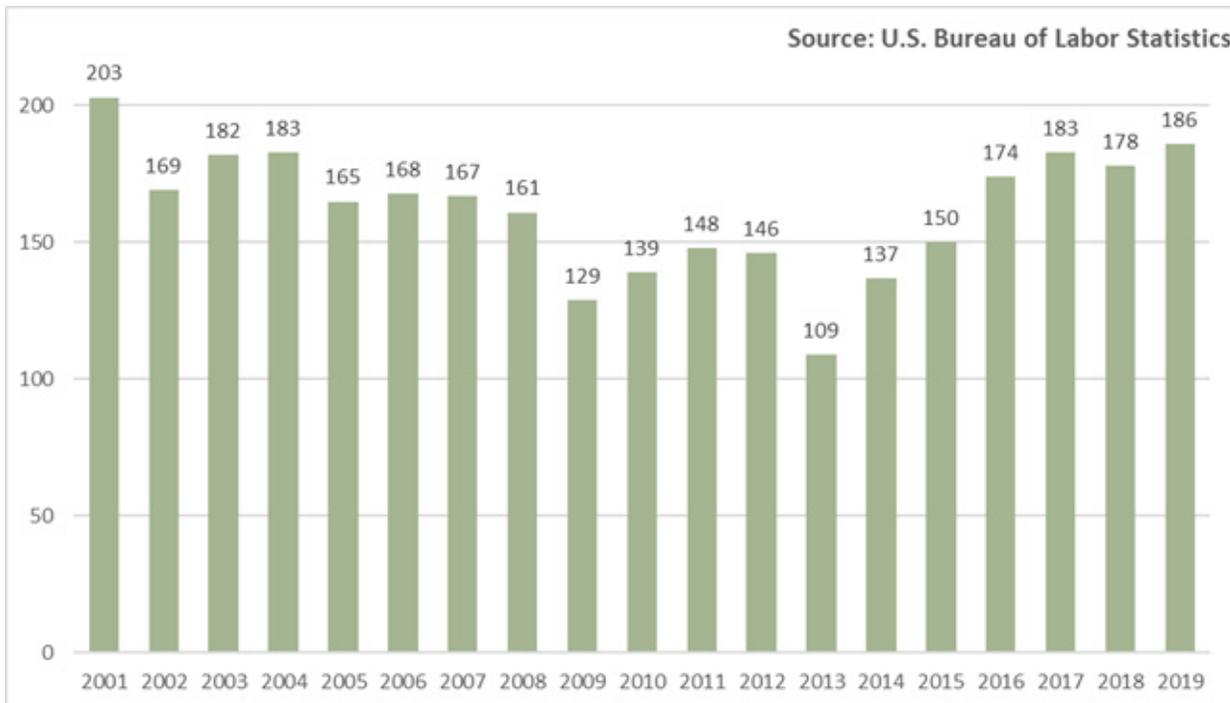
After the survey collection period ends, the Bureau of Labor Statistics aggregates all the data. It then produces injury and illness rate and count estimates for private industry, state government and local government generally as well as rate and count estimates for hundreds of specific industries.

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 186 workplace deaths in 2019. This represents an increase from the 178 workplace deaths recorded in 2018. See Figure 2.

Using census data, BLS also calculates the fatality rate for North Carolina as the number of fatal workplace injuries per 100,000 equivalent full-time workers. In 2019, the fatality rate was 4.0 fatalities per 100,000 full-time workers. The 4.0 rate represents an increase from the 3.8 rate recorded for 2018 in North Carolina.

Figure 2
Fatal Occupational Injury Count for North Carolina, Calendar Years 2001 through 2019



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 2020

Agricultural Safety and Health Bureau

- The ASH Bureau completed 1,638 preoccupancy housing inspections of migrant farmworker housing and issued certificates to 1,793 sites.
- The bureau conducted 38 compliance inspections and issued 48 violations, with total current penalties amounting to \$63,350.
- Gold Star status was achieved by 228 growers.

Compliance Bureaus – East and West

- Compliance conducted 1,297 safety inspections and 812 health inspections, for a total of 2,109 compliance inspections.
- Compliance issued citations for 3,982 violations, with total current penalties amounting to \$6,572,032.

Consultative Services Bureau

- The bureau conducted 1,070 initial visits, 129 training and assistance visits and 72 follow up visits for a total of 1,271 visits during fiscal year 2020.
- A total of 5,335 hazards were identified and eliminated as a result of consultative visits. Of these, 4,819 were serious hazards, 442 were other-than-serious hazards, and 74 were regulatory.
- The bureau has 121 private sector Safety and Health Achievement Recognition Program (SHARP) worksites. There were 40 public sector SHARP sites in the program, six construction sites and six pre-SHARP at the end of fiscal year 2020.

Education, Training and Technical Assistance Bureau

- The ETTA Bureau participated in 243 courses, forums and workshops, providing training for 5,635 employers and employees.
- The bureau distributed 20,621 hard copy publications and responded to 3,379 standards interpretation inquiries.
- The Safety Awards Program celebrated its 74th year, awarding 2,737 annual and 96 million-hour safety awards.
- The bureau recognized three new Carolina Star sites, promoted one Rising Star site to Carolina Star status and recertified 27 Star sites. There were 151 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 2019 data with a 100% response rate at the conclusion of the survey.
- The bureau received 2,692 disclosure requests and processed 1,291 requests.

Agricultural Safety and Health Bureau

Inspection Effort

In 2020, the Agricultural Safety and Health Bureau completed 1,638 preoccupancy housing inspections of migrant farmworker housing and 38 compliance inspections. Housing certificates were issued to 1,793 sites with total occupancy (beds) of 23,671. Sites in 100% compliance at the time of the inspection numbered 1,131 and were operated by 528 growers. Double Gold Star status was achieved by 174 growers and Single Gold Star status was achieved by 54 growers for a total of 228 in calendar year 2020. Due to the COVID-19 pandemic, the ASH bureau did not have a Gold Star Grower meeting.

Gold Star Growers Meeting

Due to COVID-19, the 2020 annual Gold Star Growers' meeting was canceled. This would have marked the 27th annual conference for the Gold Star Grower Program.

Compliance

ASH inspectors conducted 38 compliance inspections in calendar year 2020. These inspections included five accidents, five complaints, 20 referrals, and eight unprogrammed related inspections. The bureau issued 48 violations. During this period, 37% of the inspections resulted in no citations. Total current penalties for citations issued amounted to \$63,350. In addition, 10 unregistered, uncertified camps were discovered in 2020.

Workplace Safety Training and Outreach

In 2020, ASH collaborated with various sections of the N.C. Department of Health and Human Services (NCDHHS) including the NC Farmworker Health Program and the Division of Public Health's Communicable Disease Branch, the NC Agromedicine Institute, and the NC Community Health Center Association to develop and provide two online COVID-19 training webinars for the agricultural community. The workgroup also worked with USDOL's Wage and Hour Division to provide an online webinar for North Carolina growers explaining the requirements of the Families First Coronavirus Response Act.

The ASH Bureau also presented during a COVID-19 training webinar for growers hosted by the NC Cooperative Extension in Henderson County. The ASH Bureau developed COVID-19 guidance for migrant housing facilities that was disseminated to all registered growers in North Carolina.

Inspector/Staff Training

ASH staff attended numerous online classes on topics including fall protection, hazard communication, heat stress, electrical safety and respiratory protection. The bureau's CSHO II retired in August 2020 and a CSHO I was promoted to the position. One trainee was released to perform compliance inspections and two CSHOs received MESH certifications.

Partnerships, Associations and Collaborations With Groups

The ASH Bureau continues to strengthen partnerships and associations with other groups, such as: NC Cooperative Extension, NC Agromedicine Institute, N.C. Farmworker Health Program, N.C. Community Health Center Association, N.C. Farm Bureau, NC Agribusiness Council, and the NC Growers Association (NCGA). As a result of the COVID-19 pandemic, the ASH Bureau worked closely with various local and state agencies and other organizations to provide COVID-19 outreach, education, information and technical assistance to farmers and farmworkers in North Carolina. The bureau partnered with the NCDHHS, NC Cooperative Extension, N.C. Department of Agriculture and the NC Agromedicine Institute to expediate delivering 900,000 masks and infection control supplies to protect the health and safety of farmers and agricultural workers across the state. The bureau also partnered with the NC Farmworker Health Program and began distributing COVID-19 packets in English and Spanish to all growers with registered farm worker housing in NC.

The ASH bureau chief joined several COVID-19 workgroups that included representatives from the N.C. Department of Agriculture and Consumer Services, NC Agromedicine Institute, N.C. Farmworker Health Program, NCGA, N.C. Farm Bureau, N.C. Community Health Center Assoc., NCSU Cooperative Extension, N.C. Christmas Tree Association, N.C. Sweet Potato Commission, and Legal Aid of N.C. to discuss COVID-19 challenges faced by growers and farmworkers and possible solutions. Discussion topics included transportation, housing, personal protective equipment, COVID-19 testing, vaccine distribution and training opportunities.

Compliance Bureaus – East and West

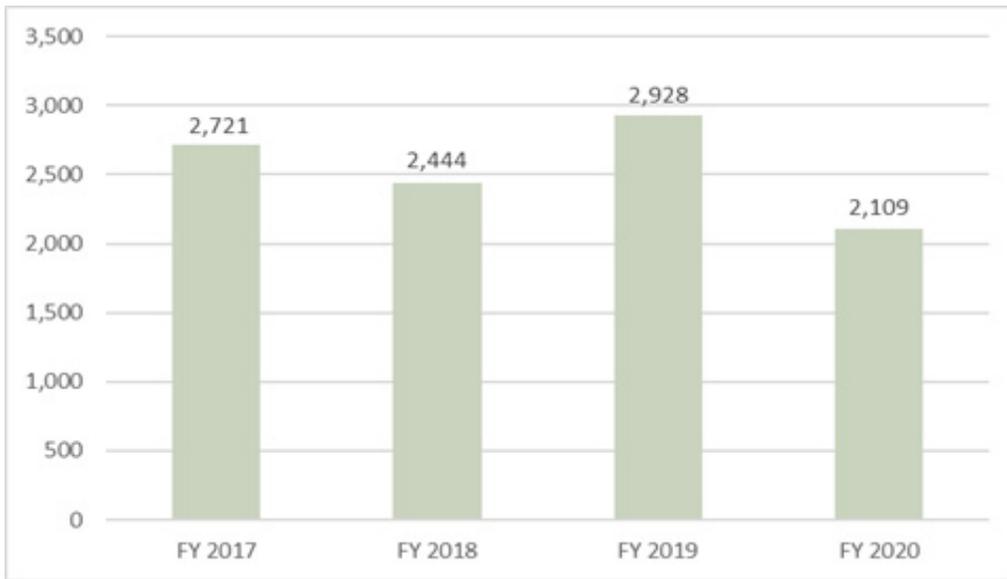
The Compliance Bureaus enforce occupational safety and health laws, rules and regulations, and employee protection in workplaces throughout North Carolina through the use of professional industrial hygiene, safety engineering, administrative controls, training and technical services provided to all employers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

FY 2020 compliance activities included:

- 2,109 compliance inspections. See Figure 3.
- 1,297 safety inspections.
- 812 health inspections.
- 1,285 construction inspections.
- 3,982 total violations.
- 3.0 average number of violations per inspection.
- \$6,572,032 in current penalties assessed.
- 48 average lapsed days from inspection date to when citations were issued.
- 692 informal conferences conducted.
- 3,383 serious hazards abated.
- 636 employer safety and health program improvements.
- 30 inspections associated with the Tree Felling Special Emphasis Program.
- 740 inspections in the Construction Special Emphasis Program counties.
- 28 inspections in long-term care facilities.
- 86 inspections associated with the Health Hazards Exposure Special Emphasis Program.
- 99 inspections associated with the public sector.
- 37 compliance interventions (includes speeches, training programs and program assistance).
- 72 fatality/accident inspections (data is based on open date of inspection) which were associated with 70 of the fatalities on the FY 2020 OFIR Report (OFIR data is based on event date).
- 366 complaint inspections.
- 704 referrals/accidents:
 - 181 referral/accident inspections.
 - 523 referral/accident investigations.
- 3,754 complaint investigations (2,437 related to COVID-19).
- 165 retaliatory employment discrimination investigations which were received by the Retaliatory Employment Discrimination Bureau and were associated with occupational safety and health.

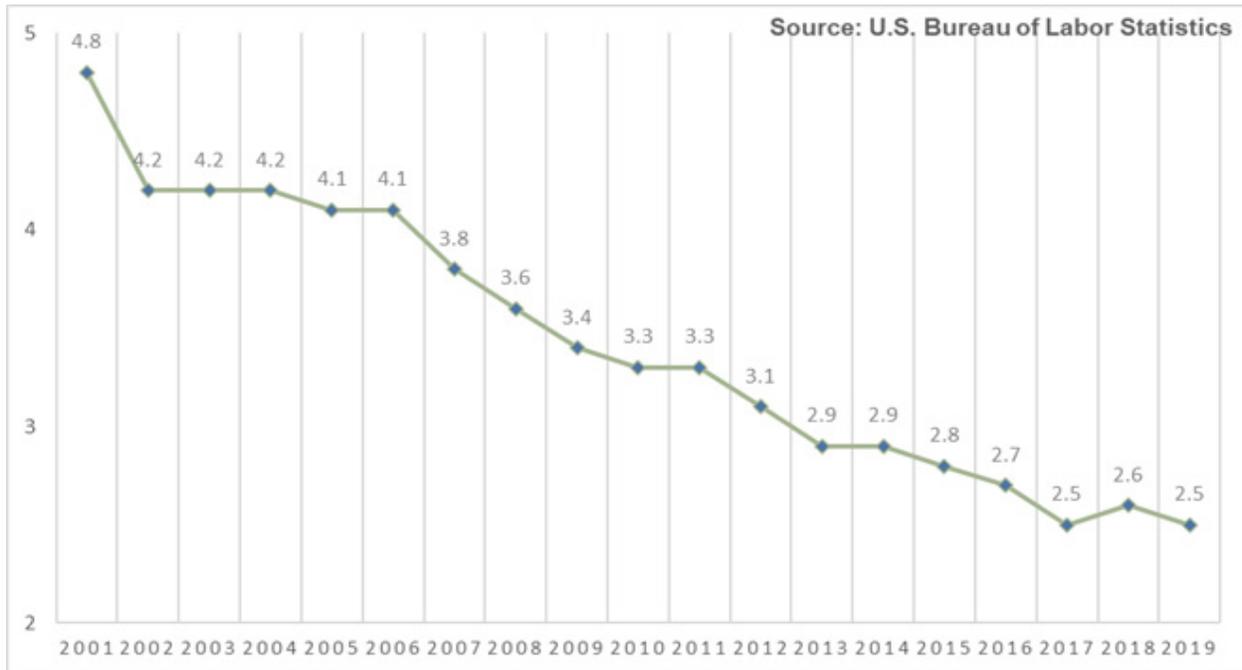
Figure 3 depicts the total number of compliance inspections conducted in North Carolina for federal fiscal years 2017 through 2020. The number of compliance inspections in recent years continues to fluctuate due to a combination of factors including reduced federal and state funding, noncompetitive salaries, diverting resources to hurricane response and increased turnover rates. Additionally, in fiscal year 2020, compliance inspection activities were significantly impacted by the COVID-19 pandemic. The department has taken a proactive approach to reduce turnover rates and will continue to address concerns through ongoing discussions with the Office of State Human Resources, the Office of State Budget and Management and the Legislature.

Figure 3
Number of Compliance Inspections, FY 2017 Through FY 2020



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 2019**



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 2020 include the following:

- The state’s total recordable case rate released by the U.S. Bureau of Labor Statistics was one of the lowest in program history at 2.5 for calendar year 2019, which is the most current year available. The private sector TCR also was one of the lowest in program history at 2.3.
- The state’s DART rate, which includes days away from work, restricted activity or job transfer, released by the U.S. Bureau of Labor Statistics dropped to one of the lowest in program history at 1.3 for calendar year 2019, which is the most current year available. The private sector DART rate continued to be the lowest in program history at 1.2.
- Five OSH employees attained professional certifications, and 20 OSH employees attained various credentials in FY 2020. The staff certifications and credentials strengthen the knowledge and professionalism in the department and show improvement in the overall strategy to retain experienced safety and health professionals.
- Customer input was realized through one virtual meeting of the OSH Advisory Council held in 2020, hosted in Raleigh. OSH Division staff met with the members of the council, who represent a cross section of employers, advocacy groups and the public sector. Members heard an update from OSH staff and offered their thoughts and opinions on how the department is working.

- Four change requests were submitted for the OSHA Express (OE) data management system this past year, which included additions and modifications to the new Document Management System using the scanner data module for the OE. The scanner capabilities at each office have allowed the OSH Division to move closer toward the goal of having a paperless system in 2020. OSH is in the last phase of testing and integrating the system.
- In FY 2020, 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 six action requests were processed by the OSH Division's Compliance East and West Bureaus. This quality program activity provides opportunities for program improvement identified by customers, division employees, or as a result of internal audits and federal OSHA audits. Ongoing revisions are made to the Field Operations Manual and Operational Procedure Notices as a result of the quality program action items.
- OSH continues to provide administrative support for the OSHA Legacy Data system to clean up all open inspections that were transferred to this database. This system was rolled out in late 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 40 open legacy cases closed, as soon as possible.
- OSH Compliance received a variety of training during FY 2020. Topics included electrical standards, safety and health management systems and advanced construction topics to include scaffolds, cranes, and concrete and masonry. In addition, staff received training on the Food Manufacturing Special Emphasis Program (SEP), Grocery SEP, Construction SEP, Health Hazards SEP and the Long-Term Care SEP. This training helps compliance officers better understand safety and health concepts as they inspect companies per the various SEPs the department has in place.



The OSH Division received Workzone Flagger Safety training from the Safety and Health Council of North Carolina. The one-day course was hosted as part of the division's OCSS advanced construction program. The course was hosted in Raleigh on Nov. 26, 2019, and Charlotte on Dec. 13, 2019. The OCSS program focuses on advanced construction topics to include, but not limited to excavations and trenching, cranes and derricks, fall protection, steel erection, electrical safety, scaffolding, residential construction (i.e., frames, trusses and roofing), health hazards, concrete and masonry, materials handling equipment (i.e., loaders, bulldozers) and work zone safety. Each course contains a field portion with an emphasis on OSH inspection procedures.

- The OSH director served on the board of the Occupational Safety and Health State Plan Association (OSHSPA) as the past chair for FY 2020. 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 two partnerships throughout the year with Sanders Utility Construction Co. Inc. for the sanitary sewer project at Irwin Creek Tributary to Irwin Creek Interceptor in Charlotte and Flatiron Blythe at 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 ETTA bureaus all work collectively to conduct the quarterly consultative walk throughs to identify hazards, promote best practices and educate employees and OSH Division personnel.
- The Amputations SEP completed its first year of formal activity. The program was added to the OSH Division's five-year Strategic Management Plan for federal fiscal years 2019-2024 with the first year serving as planning and outreach. Throughout the year, the division focused resources from the different bureaus to address amputation hazards with the goal of reducing workplace amputations. Compliance conducted 129 inspections; Consultative Services conducted 124 visits; and ETTA held 18 related training events with 365 total persons trained.

- As part of the OSH quality program, 12 internal inspection report audits were conducted by the OSH Compliance East and West bureaus' staff industrial hygienist that covered FY 2020. The purpose of the audits was to ensure that inspection activities were being conducted in accordance with established policies and procedures. The findings of these audits were posted internally, and feedback was provided to the compliance bureau chiefs, supervisors and compliance officers.
- Due to the ongoing COVID-19 pandemic the OSH Complaint Desk received an unprecedented number of COVID-19-related complaints. The OSH complaint desk and field offices processed 3,754 complaints and 704 referrals in FY 2020. In addition, 3,766 contacts were made with the public that did not result in a valid complaint, along with 121 reports of injuries that were not processed due to the incidents not being reportable to OSH.
- The OSH Lab completed 492 in-house equipment calibrations. An additional 101 pieces of equipment were sent to the manufacturer for calibration or repair.
- The OSH Division assistant director participated on an interagency task force with the N.C. Department of Human Services, N.C. Department of Agriculture and Consumer Services and the Centers for Disease Control and Prevention. The purpose of the task force was to evaluate efforts by meat and poultry companies in the state to comply with recommendations by various government entities due to the COVID-19 pandemic. This included conducting in-person site visits to companies during the year.

Consultative Services Bureau

The Consultative Services Bureau continued to provide services to the employers and employees in both the private and public sectors during federal fiscal year 2020. The bureau conducted 1,271 total consultative visits. See Table 3.

- 836 (66%) safety visits; 435 (34%) health visits.
- 1,070 (84%) initial visits; 129 (10%) training/assistance visits; 72 (6%) follow-up visits.
- 1,056 (83%) private sector visits; 215 (17%) public sector visits.
- 264 (21%) manufacturing visits; 479 (37%) construction visits; 313 (25%) other industry type visits; 215 (17%) public sector visits.
- Hazards identified and eliminated as a result of consultative visits totaled 5,335. Of these, 4,819 (90%) were serious hazards, 442 (8%) were other-than-serious hazards and 74 (2%) were regulatory.

Consultants conducted 268 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 2020, total participation in SHARP was 173 employers including 121 general industry, 40 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 2017 Through FY 2020**

Comparisons	FY 2017	FY 2018	FY 2019	FY 2020
Total Visits by Category				
Safety	956	1,044	1,056	836
Health	662	647	647	435
Total Visits by Type				
Initial	1,349	1,421	1,419	1,070
Training and Assistance	149	152	150	129
Follow-up	120	118	134	72
Total Visits by Industry Type				
Manufacturing	433	448	410	264
Construction	512	609	638	479
Other	450	395	405	313
Public Sector	223	239	250	215
Total Visits	1,618	1,691	1,703	1,271

Education, Training and Technical Assistance Bureau**FY 2020 Accomplishments**

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

Library

The NCDOL Charles H. Livengood Jr. Memorial Library loaned out 498 items including consensus standards, safety videos, certification exam preparation workbooks to NCDOL employees and registered public patrons. Additionally, the library responded to 761 information requests and 329 reference questions, provided streaming video access via The Training Network NOW to 82 patrons, served 261 visitors, acquired 241 items for the collection and cataloged 408 items. The librarian alerted staff to webinars and articles, referred patrons to online resources, and assisted NCDOL OSH employees in their investigations and preparation for professional certification examinations via books and software access.

Recognition Program

The Safety Awards Program celebrated its 74th year with another successful season. The Gold Award was presented to employer sites with days away, restricted, or transferred case rate of at least 50% below the state average for its industry. The Silver Award went to employer sites with a lost workday case rate at least 50% below the state average. As a result of the global pandemic, 28 virtual safety award presentations were conducted in lieu of in person safety award banquets. The program distributed 2,737 annual awards including 2,251 gold, 486 silver and 96 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 success: three new Star sites were recognized, one Rising Star site was promoted to Carolina Star status, 27 Star sites were recertified, and 124 Star interventions were conducted. There were 151 companies in the Star Program at the end of FY 2020.

STAR SITE - NEW	APPROVAL DATE
Choate Construction Co., Raleigh	10/25/2019
Thermo Fisher Scientific LLC, Asheville	6/2/2020
Biogen Inc., Drug Product Division, Research Triangle Park	7/28/2020
STAR SITE - PROMOTION	APPROVAL DATE
Cintas Corp., Location No. J77, Castle Hayne	7/28/2020
STAR SITE - RECERTIFICATION	RECERTIFICATION DATE
ABB Industrial Connections and Solutions LLC, Mebane	10/25/2019
Corning Optical Communications LLC, Hickory	10/25/2019
Hyster-Yale Group Inc., Greenville	10/25/2019
Metal Tech of Murfreesboro Inc., Cofield	10/25/2019
Celanese - Shelby Facility, Grover	11/22/2019
LeChase Construction Services, Durham	11/22/2019
Mecklenburg County Park & Recreation - Park Operations Division, Charlotte	11/22/2019
Mount Olive Pickle Co. Inc., Mount Olive	11/22/2019
Eaton Corp., Vehicle Group Transportation Division, Kings Mountain	12/28/2019
Cintas Corp., Location No. 200, Charlotte	1/30/2020
Facility Logistic Services - Corporate Office/Warehouse, Lexington	1/30/2020
Facility Logistic Services - Lexington Mill, Lexington	1/30/2020
Nucor Steel - Hertford County, Cofield	1/30/2020
Caterpillar Inc., Sanford	2/4/2020
Archer Western Contractors LLC - Walsh Group, Cary	2/25/2020
Cintas Corp., Location No. 205, Durham	2/25/2020
Southern Industrial Constructors - GE Wilmington Site, Wilmington	2/25/2020
Resolute Building Co., Chapel Hill	2/25/2020
Firestone Fabrics & Textiles Co. LLC, Kings Mountain	6/2/2020
Eaton Corp. - Asheville Plant, Arden	6/2/2020
Cataler - North America, Lincolnton	6/2/2020
Energizer Holdings Inc. - Plant No.1, Asheboro	6/2/2020
The Timken Co., Asheboro Plant, Randleman	7/28/2020
Old Castle Infrastructure, Concord	7/28/2020
Bridgestone America's Tire Operations, Wilson	8/4/2020
Louisiana - Pacific Corp., Roaring River	9/10/2020
Veolia ES Technical Solutions LLC, Creedmoor Facility, Creedmoor	9/24/2020

Due to COVID-19, the 2020 annual Carolina Star Safety Conference was canceled. This would have marked the 24th annual conference for the Carolina Star Program.

Through the Carolina Star Program, an inaugural Building Star Program Best Practice Workshop was held in November of 2019 and had a total of 31 in attendance.

Through a Special Star Team Member (SSTM) Program, OSH is able to leverage its limited resources by using specially trained Star site employees and independent private sector safety and health professionals for on-site Star evaluations. During FFY 2020, 10 new SSTMs were trained during one training event. Currently, there are 92 SSTMs eligible to assist with Star evaluations.

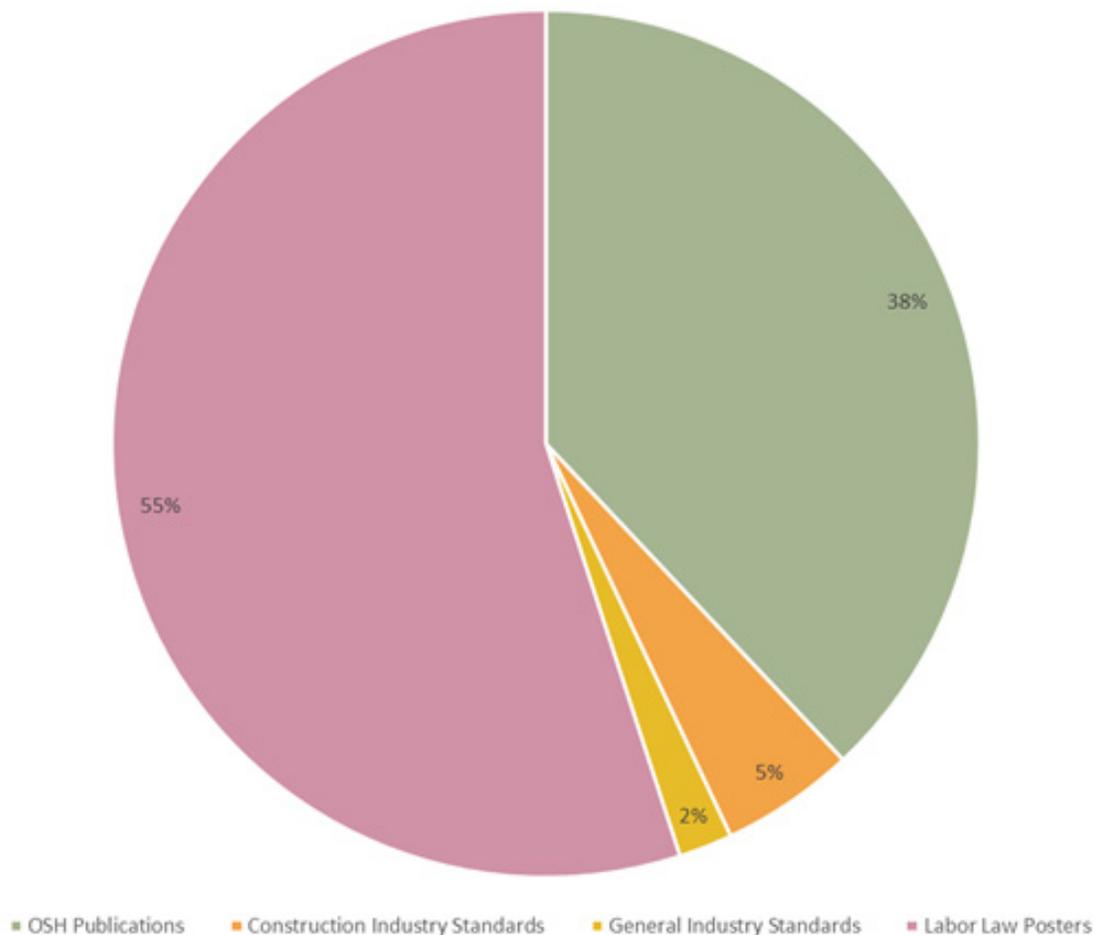
The program also includes the use of specially trained OSH Star Team Members (OSTM) from the bureau. There are 16 OSTMs eligible to assist with Star evaluations.

Publications

ETTA Publications Sales Desk served 3,831 customers via email, fax, telephone or walk-in. The bureau distributed 20,621 publications in support of the division’s outreach and regulatory goals to promote a safe and secure work environment across the state of North Carolina.

Figure 5

Publications Distributed by ETTA, FY 2020



Publication highlights include:

- The Standards Section developed three new safety and health topic pages for the NCDOL website including pages on the following topics: laser safety, amputations SEP and coronavirus. Additionally, all existing safety and health topic pages were reviewed and edited.
- Nine hazard alerts were created on COVID-19 safety and health guidelines for general industry, construction, agriculture, food processing and retail. Alerts were also developed for Respiratory Protection for Healthcare Workers, Respiratory Protection for Long Term Care, Face Coverings vs. Respirators, and Risk Considerations for Face Coverings.
- Frequently asked questions on COVID-19 were developed and posted to the coronavirus safety and health topic page and are available in English and Spanish. They include questions related to personal protective equipment, wage and hour, recordkeeping and the COVID-19 vaccination. The questions are routinely updated as needed.
- An example COVID-19 Preparedness and Response for Low and Medium Risk Employers Program was developed to assist employers.
- Six quick cards were translated into Spanish: Injury Reporting, Hazardous Animals, Lockout/Tagout, Vehicle Safety, Process Safety Management and Portable Ladders. The OSH Division now has 33 quick cards available in English and Spanish.
- The Standards Section made 12 revisions to publications including brochures, industry guides and hazard alerts, covering multiple safety and health topics. This included brochures on Labor One (Mobile Training Unit), Public Sector Surveys and the Top 10 Most Frequently Cited Serious Violations. Industry guides included Standards Requiring Programs, Inspections, Procedures, Records and/or Training for General Industry, Construction, Marine Terminals and Agriculture.
- A letter and outreach materials were mailed to 55 construction employers with five or more serious violations regarding OSH outreach services and publications. This letter is an outreach strategy used by the Construction SEP committee to lower injury and illness rates in construction.
- The bureau distributed a letter announcing the new Amputations SEP and listing resources to assist employers in reducing amputation hazards in the workplace. The letter was mailed to 1,700 employers in target industries located in North Carolina with high amputation rates.
- Through an alliance with Lamar Advertising, two digital billboards were posted across the state to advertise the NCDOL resources related to COVID-19 including free training, guidance documents and example programs. Additional billboards were located on prominent highways in the state advertising the fall prevention stand-down, the upcoming safety awards season and one was posted during the summer months regarding heat stress prevention.



Through an alliance with Lamar Advertising, a billboard promoting National Fall Prevention Stand-Down Week is posted in Rocky Mount.

Rulemaking

The Standards Section answered 3,379 inquiries for standards interpretation by phone or written correspondence for employers and employees across the state. The section added 51 documents to the Field Information System including updates to the Field Operations Manual, new OSH Division policies and adoption of multiple federal OSHA Instructions. Final rules adopted in North Carolina included Technical Corrections (29 CFR 1904, 29 CFR 1910, 29 CFR 1915 and 29 CFR 1926), Corrections to the Walking-Working Surfaces, Personal Protective Equipment, and Special Industries standards (29 CFR 1910.23, 29 CFR 1910.25, 29 CFR 1910.27, 29 CFR 1910.29, 29 CFR 1910.140, and 29 CFR 1910.269), the revised rule for Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors (29 CFR 1926.1124 and 29 CFR 1915.1024), revisions to the Respiratory Protection Standard (29 CFR 1910.134, Appendix A), and two revisions to the rule on Occupational Exposure to Beryllium and Beryllium Compounds in General Industry (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 N.C. Association of Local Governmental Employee Safety Officials.

Training and Outreach

The ETTA Bureau offers a wide variety of safety and health training and outreach services to employers and employees across North Carolina. The services include a speaker's bureau, free OSHA training, and technical assistance and outreach support for safety and health schools, conferences, and workshops. Training is offered on demand, as well as through a regularly scheduled training series, which can be accessed through the online training calendar. Training is offered at employers' worksites, the OSH Division field offices, and select community colleges and other sites throughout the state. In addition to traditional leader-led instruction, ETTA provides a webinar series as well. To keep the public informed of upcoming courses, ETTA sends periodic newsletters to 10,207 employers and employees every year as well as promoting its services through the department's social media platforms. Highlights include:

- ETTA hosted and/or participated in 243 courses and events providing training to 5,635 employers and employees. Additionally, the Consultative Services Bureau trained 2,937 employers and employees, which brought an overall total of 8,572 workers trained by the OSH Division. Training included two 10-hour and one 30-hour general industry awareness courses, three 10-hour construction awareness courses, 41 speaker's bureau events, 187 webinars, and four booth events/safety and health fairs. The Labor One mobile training unit was also used for an additional five training events.
- The OSH Division participated with federal OSHA in the National Safety Stand Down to Prevent Falls in Construction. The training section hosted three webinars covering fall protection, scaffolds, and stairways and ladders which provided training to 56 employees. During Safe + Sound Week, a webinar on Safety and Health Management Systems was conducted to provide training to 55 employees.
- The Training Section continued to provide Spanish outreach services in FY 2020. The bureau hosted three Spanish outreach events with a total of 162 employees trained.
- State-authorized trainers provided 10- and 30-hour training courses for an additional 70 employers and employees through the OSH Train the Trainer Program. This program supports the Training Section's outreach efforts, thereby increasing the total number of employees and employers trained in North Carolina.



The Safety and Health Council of North Carolina conducts Workzone Flagger Safety training for OSH personnel in 2020.

The bureau also hosted internal safety and health training for staff during FFY 2020. This included:

- Providing 225 hours of formal training, 271 hours of continuing education and three hours of other job-related training to internal personnel.
- Courses included the OSH 100-Initial Compliance Course, OSH 12-Introduction to Health Standards for Industrial Hygienists, OSH 105-Introduction to Safety Standards for Safety Officers, Technical Writing, CPR/AED, OSHA Training Institute (OTI) 2450 - Safety and Health Management Systems, OSH Construction Safety Specialist (OCSS) Concrete and Masonry, OCSS Crane Safety, OCSS Scaffolds, Health Hazards in Construction, Excavation and Trenching, eight-hour Hazardous Waste Operations and Emergency Response, Fall Protection, Long Term Care, Lockout-Tagout, OCSS Workzone Flagger Safety, Machine Guarding, COVID-19 awareness training, and a variety of individual safety and health webinars.

Training and Outreach

- Two OSH personnel attained the Certified Safety Professional (CSP) credential. The CSP is a safety and/or health professional who has met education and experience requirements, has demonstrated by examination the knowledge that applies to professional safety practice, continues to meet recertification requirements established by the Board of Certified Safety Professionals (BCSP), and is authorized by BCSP to use the CSP credential.
- One OSH Division staff member attained the Certified Industrial Hygienist (CIH) certification. CIH is a safety and/or health professional who has met education and experience requirements, has demonstrated by examination the knowledge that applies to the professional practice of industrial hygiene, continues to meet recertification requirements established by the American Board of Industrial Hygiene (ABIH), and is authorized by ABIH to use the CIH designation.

- Two OSH personnel attained the Associate Safety Professional (ASP) credential. The ASP is an independent certification awarded by BCSP. This certification denotes that an individual has met academic requirements and has passed the Safety Fundamentals Examination, the first of two examinations leading to the CSP.
- ETTA graduated 18 OSH personnel from the OCSS program. To be eligible for the program, employees must be recommended by their supervisor and/or bureau chief. This program focuses on advanced construction topics that include but are not limited to excavations and trenching, cranes and derricks, fall protection, steel erection, electrical safety, scaffolding, residential construction (i.e., frames, trusses and roofing), health hazards, concrete and masonry, materials handling equipment (i.e., loaders, bulldozers) and work zone safety. Each course contains a field portion with an emphasis on OSH inspection procedures.
- Two OSH staff members attained the OTI 500 and/or OTI 501 Train the Trainer authorization from the OTI at N.C. State University. In addition, four OSH personnel attended the OTI 502/503 refresher courses and were reauthorized as trainers. To be eligible for the program, employees must be recommended by their supervisor and/or bureau chief. This authorization allows an employee to teach state and federal OSHA 10-hour and 30-hour courses.
- In collaboration with N.C. State Industry Expansion Solutions and the Safety and Health Council of North Carolina, ETTA graduated two OSH personnel from the Manager of Environmental Safety and Health (MESH), Construction MESH, Public Sector MESH, Emergency Preparedness MESH, and/or Industrial Hygiene MESH certificate programs. Participants receive a certificate after receiving 100 hours of safety and health training.

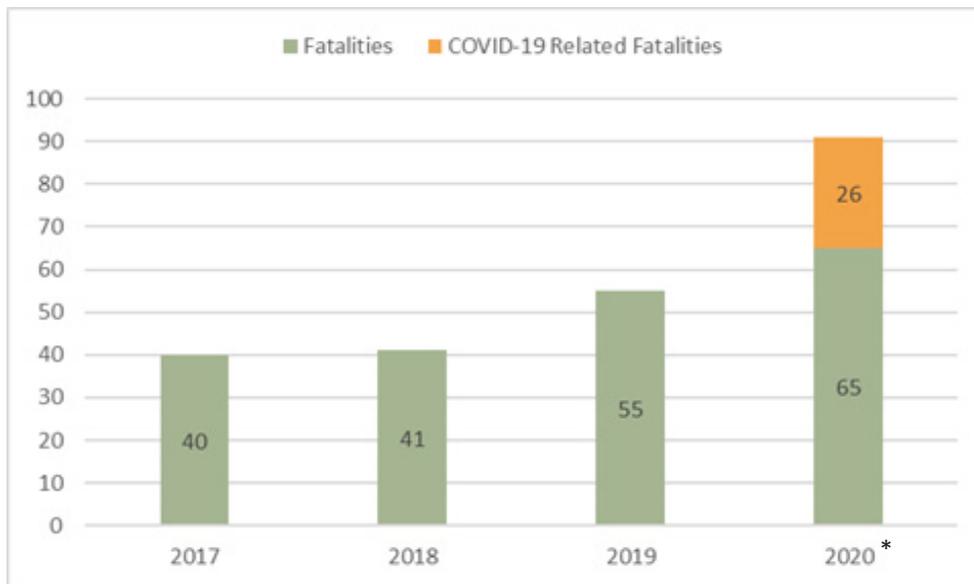
Planning, Statistics and Information Management Bureau

The Planning, Statistics and Information Management Bureau responds to requests for statistical data and requests for the redaction and release of OSH Division inspection file documents and Retaliatory Employment Discrimination Bureau safety and health related investigative file documents. PSIM also gathers and analyzes injury and illness data by conducting the annual Public Sector Survey. Data are also gathered and analyzed to publish the OSH Division's Annual Program Statistics Report and several other annual department, division and legislative reports. The bureau archives all OSH Compliance inspection files. 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 3,110 surveys were mailed to public sector employers (collection of calendar year 2019 injury and illness data). As of the end of federal fiscal year 2020, 2,696 survey responses were received with an 86.7% response rate and a 100% clean rate. However, all survey responses were collected by the end of calendar year 2020 for a 100% response rate at the conclusion of the survey.
- Completed an analysis of data collected from the 2016, 2017 and 2018 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 FY 2021 Annual Performance Plan in relation to the five-year Strategic Management Plan for FFY 2019-FFY 2023.
- Analyzed and drafted a report for all transportation and service industry fatalities for a five-year period (FFY 2015-FFY 2019).
- 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 2020.
- 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 2015 through 2019.
- Analyzed construction inspection activities for FY 2019.
- Completed FY 2019 Occupational Fatalities Comparison Report using Occupational Fatality Inspection Review (OFIR) data.
- Analyzed and verified CY 2019 fatality data for Communications Division’s annual news release. See Figure 6 for OSH fatality inspection data.

Figure 6
Fatalities Included in the Occupational Fatality Inspection Review, Calendar Years 2017 Through 2020



* Preliminary Data

- Continued refinement of the OSH private and public sector establishment databases to supplement the bureau's exclusive use of the Division of Employment Security database.
- Received, researched and processed 945 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 705 requests from the public sector for revisions or changes to the Public Sector Injury and Illness Survey database.
- Various targeting schedules were updated and assignments were released:
 - Public Sector Schedule.
 - General Industry Schedules (Safety and Health).
 - ASH Schedule.
 - Health Hazards Schedules (Asbestos, Lead and Isocyanates).
 - Fatality Reinspection Schedule.
 - Communication Tower Schedule.
 - Amputations Schedule.
- PSIM staff members continued as active Strategic Management Plan Committee member 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 from the field offices.
- The PSIM Bureau prepared 694 inspection files for scanning and scanned 163 of those files for archiving into the department's file content management system (OnBase).
- The project of quality control review is ongoing for OSH inspection files, which have been archived through the imaging and file conversion processes.
- Received 2,692 disclosure requests during FY 2020 and processed 1,291 requests (1,079 from FY 2020 and 212 from previous years) during this fiscal year, which resulted in a 48% response rate. As a result of the COVID-19 pandemic, PSIM realized an unprecedented increase in the number of disclosure file requests compared to last year, with an overwhelming 58% increase. PSIM Bureau staff worked diligently to process disclosure requests, which resulted in a 22% increase in the actual number of files processed compared to last fiscal year.
- PSIM continued to provide notifications of workplace accidents and fatalities to the N.C. Department of Commerce, N.C. Industrial Commission, Fraud Investigation Section of the Criminal Investigations and Employee Classification Division.
- PSIM bureau chief assisted ETTA Bureau by reviewing photos and graphics within various PowerPoint presentations to verify adherence to copyright, privacy, ownership and brand name restrictions.

Standards and Inspections Division

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

Statistical Highlights for State Fiscal Year 2020

Boiler Safety Bureau

- Investigated 6 incidents during the year.
- Conducted 50,939 inspections of pressure equipment.
- Identified 3,336 violations.
- The average backlog for state inspectors was 1.20%. The average combined backlog for both state and insurance company inspectors was 3.53%.
- Inspected 4,662 new items.
- Conducted 438 half-day inspections in new construction and repair shops.

Elevator and Amusement Device Bureau

- Completed 25,464 routine elevator inspections and 1,352 new elevator inspections.
- Inspected 2,668 amusement devices at 367 locations.

Mine and Quarry Bureau

- Conducted 261 on-site training programs and trained 3,420 miners and contractors.
- Conducted three Part 48 instructor classes, certifying 15 people as MSHA-approved instructors.
- Conducted 60 first aid classes and 72 CPR classes certifying 1,702 miners and contractors.
- The injury and illness rate of the North Carolina minerals industry was 2.06 per 100 full-time employees during the 2020 calendar year.

Retaliatory Employment Discrimination Bureau

- Responded to more than 2,800 telephone inquiries from the public.
- Opened 418 complaint files and investigated, or otherwise closed, 426 complaint files.
- Of closed complaint files, 41% alleged violations under the N.C. Workers' Compensation Act, 32% alleged violations of the N.C. Wage and Hour Act, and 25% alleged safety and health violations under the N.C. Occupational Safety and Health (OSH) Act.
- Of closed complaint files, the bureau closed 91% within 120 days of assignment to an investigator and 98% within 180 days of assignment.

Wage and Hour Bureau

- Substantiated more than \$700,000 due to employees.
- Recovered more than \$1.3 million in wages for over 1,400 workers.
- Opened 2,603 complaints from employees.
- Closed 3,278 cases.
- Issued 92,966 youth employment certificates online using YEC Auto.
- Youth employment certificates issued through YEC Auto reached 100% of all certificates issued.
- Answered 99.5% of 38,039 calls received on the first attempt.

Boiler Safety Bureau

During state fiscal year 2020, the Boiler Safety Bureau employed 12 field inspectors, two field supervisors, five administrative staff and two senior staff to support more than 50,000 inspections. State inspectors, along with 13 insurance company partners, conducted in-service inspections on boilers, historical exhibition boilers, model/hobby boilers, various types of pressure vessels, repair inspections and pressure equipment accident investigations. The Boiler Safety Bureau is a receipt-supported bureau; the fees collected pay for the operation of the bureau and the salaries of the bureau staff.

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

Programs

Periodic inspection continues to be the primary focus of the Boiler Safety Bureau. The bureau also provides education and promotes voluntary safety. The bureau's inspection program for boilers and pressure vessels covers a wide array of businesses and industries. Table 4 shows the number of inspections and violations for FY 2017 through FY 2020. The 50,939 inspections conducted in FY 2020 included inspection of 4,662 new items. The bureau investigated six accidents due to boiler or pressure vessel failures. One case involved injuries, and others involved significant property damage. No fatalities were reported involving jurisdictional pressure equipment.

Table 4

Number of Inspections and Violations, FY 2017 Through FY 2020

Fiscal Year	Number of Inspections	Number of Violations
2017	53,680	4,187
2018	53,464	3,952
2019	52,541	3,596
2020	50,939	3,336

Backlogs

Any inspection program can have a backlog of items past-due for inspection. The combined average backlog of state and insurance objects was 3.53% in FY 2020. The average backlog for state inspectors was 1.20%. Traditionally, North Carolina has one of the lowest backlog rates among states inspecting boilers and pressure vessels, however the COVID-19 pandemic made it extremely difficult for the bureau to meet its normal goals this fiscal year.

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 438 half days of third-party inspections, reviews and audits at ASME Boiler and Pressure Vessel Code manufacturing facilities that construct boilers and pressure vessels, as well as at pressure equipment repair firms known as National Board "R" Certificate holders.

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

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

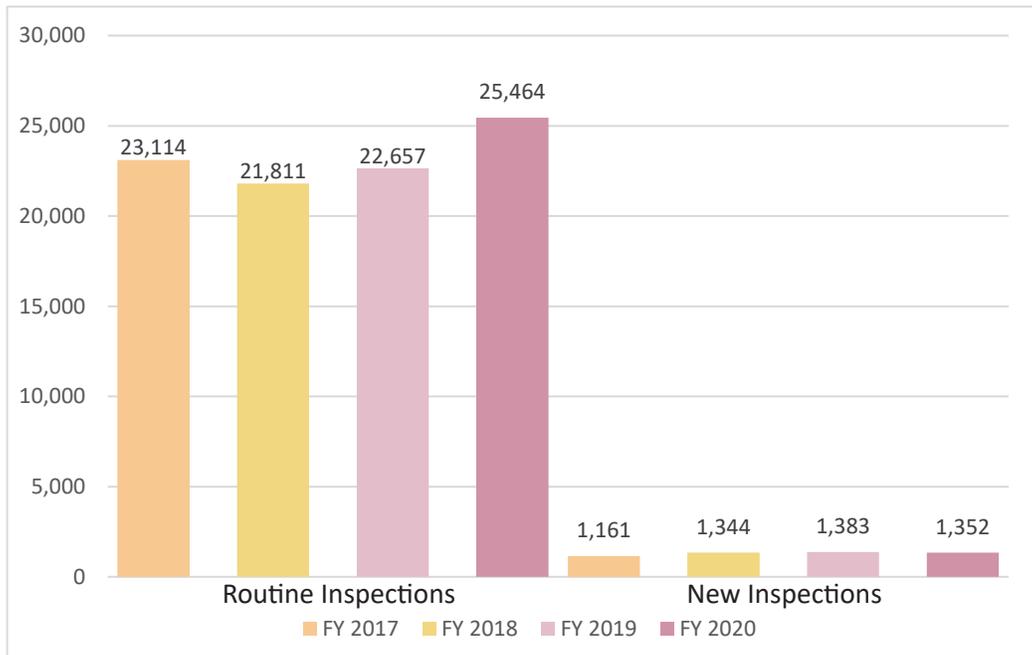
Elevator and Amusement Device Bureau

The Elevator and Amusement Device Bureau is responsible for the proper installation and safe operation of all elevators, escalators, workman’s hoists, dumbwaiters, moving walks, lifting devices for people with disabilities, aerial passenger tramways, amusement rides and incline railways that operate in public establishments. Devices in federally owned properties and single-family dwellings are exempt. Elevators are inspected annually by the bureau. The bureau also inspects all 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 25,464 routine and 1,352 new elevator inspections as well as 2,668 amusement device inspections at 367 locations.

Elevator Inspections

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

Figure 7
Routine Inspections and New Inspections, FY 2017 Through FY 2019

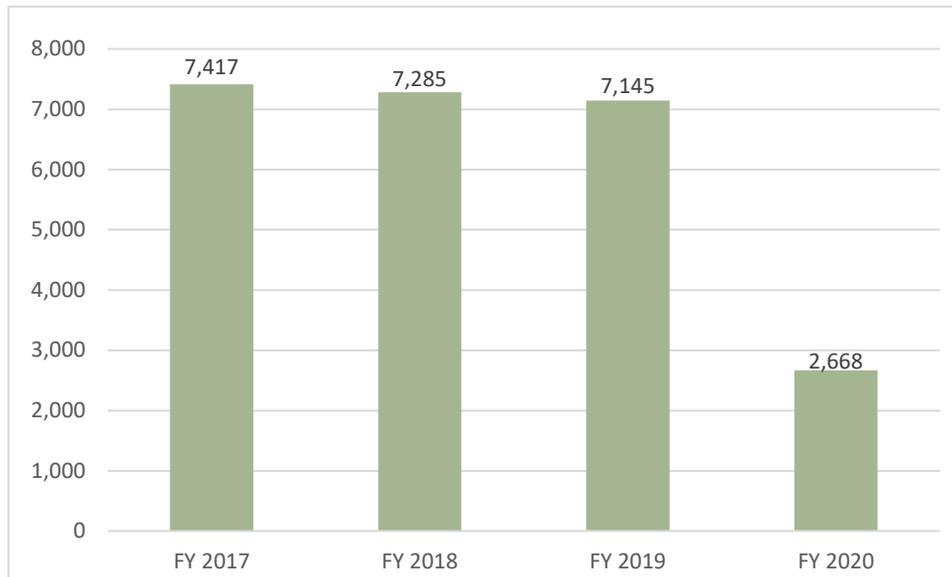


Amusement Device Inspections

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

Figure 8 indicates the total number of amusement devices inspected in FY 2017 through FY 2020. The number of individual amusement rides inspected decreased from FY 2019 to FY 2020 due to COVID-19.

Figure 8
Number of Amusement Rides Inspected, FY 2017 Through FY 2020



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 2020. Patron error accounted for 70% of elevator accidents.

Table 5
Number of Elevator and Amusement Device Accidents, FY 2017 Through FY 2020

Fiscal Year	Elevators and Related Equipment					Amusement Rides				
	Total	Patron Error	Mechanical Error	Reportable	Non-Reportable	Total	Patron Error	Mechanical Error	Reportable	Non-Reportable
2017	63	51	12	53	10	19	18	1	12	7
2018	61	54	7	46	15	11	4	7	10	1
2019	84	75	9	66	18	10	9	1	6	4
2020	54	38	16	38	16	0	0	0	0	0

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 392 surface mines with 3,455 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 2017 Through FY 2020

	FY 2017	FY 2018	FY 2019	FY 2020
Number of Mine Safety and Health Instructors Trained	36	35	42	15
Number of Education and Training Programs Provided	192	131	382	393
Number of Miners and Contractors Trained in Parts 46 and 48	5,467	4,449	5,585	5,122

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. 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 2020, the bureau responded to more than 2,800 inquiries from the public on the help line and opened 418 complaint files. The bureau completed investigations in and/or closed 426 complaint files. Of the closed complaints, 41% alleged violations of the Workers' Compensation Act, 32% alleged violations of the Wage and Hour Act, and 25% alleged safety and health violations under the OSH Act. The other 2% included alleged protected activities under the domestic violence and National Guard service statutes.

Of the closed complaint files, 91% were closed within 120 days of assignment to an investigator, and 98% were closed within 180 days of assignment.

Figure 9
Retaliatory Employment Discrimination Complaint Files Opened and Closed, FY 2017 through FY 2020

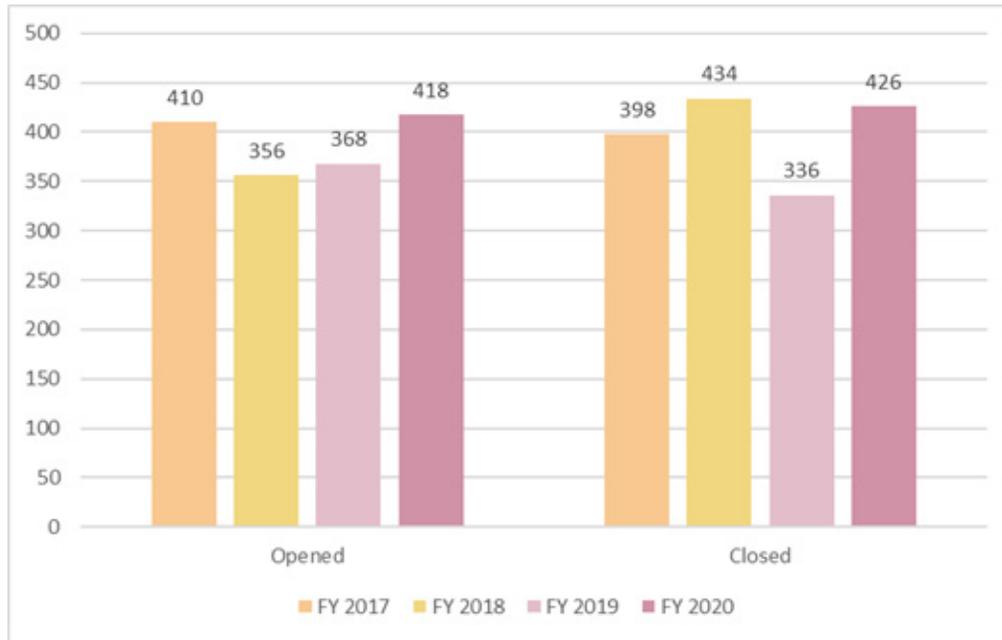
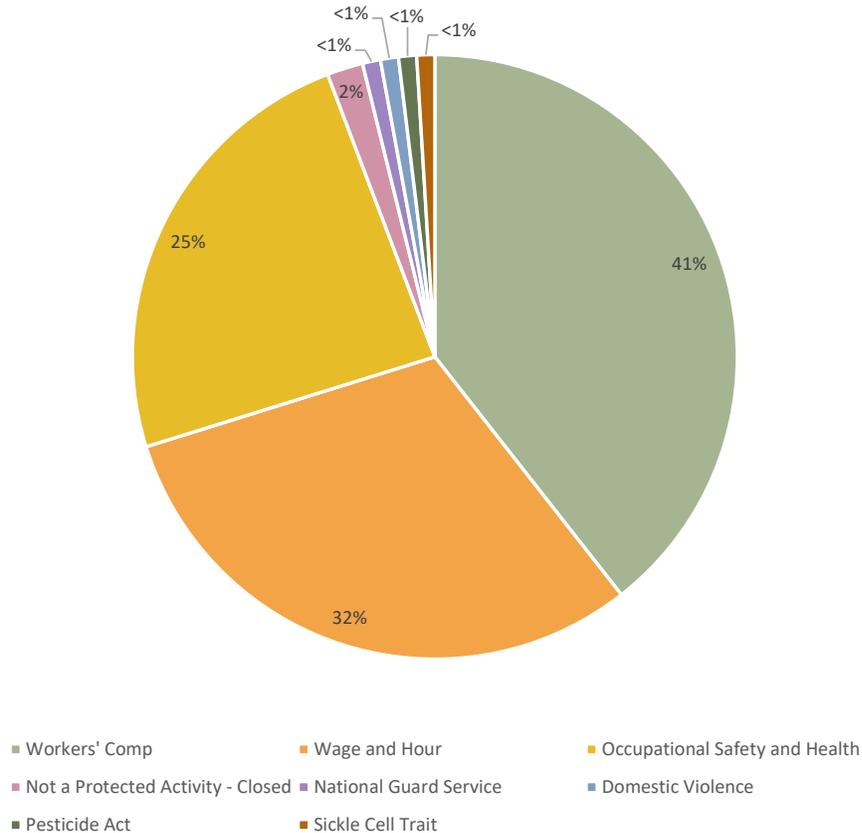


Figure 10
Closed REDA Cases by Act Type, FY 2020



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 2017 Through FY 2020

Fiscal Year	Calls Received	Calls Answered	Percent Answered
2017	49,292	49,181	99.7
2018	39,648*	39,526	99.7
2019	40,627	40,508	99.7
2020	38,236	38,039	99.5

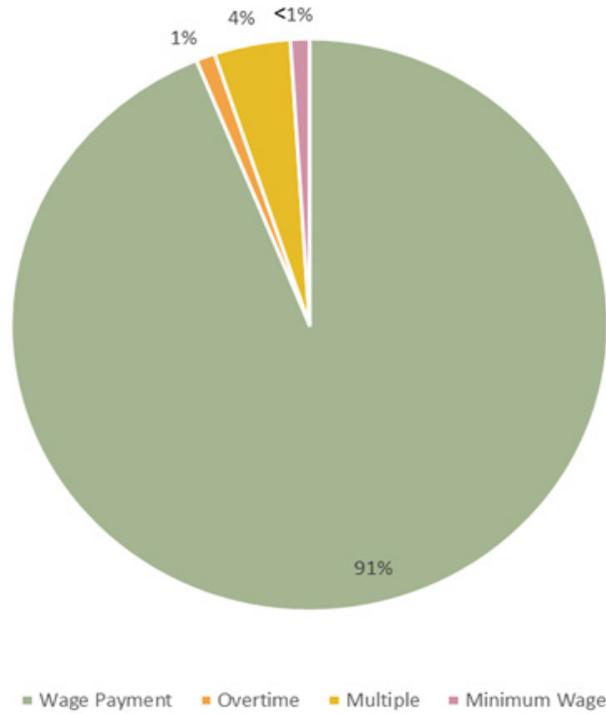
*Data lost due to computer issue.

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 11 indicate that 91% of the investigations closed during FY 2020 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 and private personnel accounted for about 4%.

Figure 11
Types of Wage and Hour Investigations Closed, FY 2020



Over 1,400 employees were paid an estimated \$1.3 million without the time and expense involved with litigation. Table 8 compares the bureau’s performance in FY 2020 with previous years. The bureau started with 1,439 investigations open at the start of FY 2019 and 755 open at the end of FY 2020.

Table 8
Wage and Hour Investigations Opened and Investigations Closed, FY 2017 Through FY 2020

Fiscal Year	Investigations Opened	Investigations Closed
2017	2,886	3,217
2018	3,066	2,782
2019	3,162	2,475
2020	2,603	3,278

Youth Employment Certificates

Protecting young workers from inappropriate or unsafe jobs is the cornerstone of the Youth Employment Certificate Program. The timely review of certificates issued continues to be a key element in our efforts to protect young workers. The data in Figure 12 indicate that 92,966 youth employment certificates, also known as work permits, were issued in FY 2020, roughly an 8% drop from the previous fiscal year’s total of 100,766. Youth employment certificates issued between March and June 2020 declined compared to the same period last year. The majority of youth employment certificates issued are for service and retail occupations, which were the industries most affected by the COVID-19 shutdowns.

Of the certificates issued during FY 2020, 100% were issued online. Online issuance of certificates is the safest and most efficient method, as they provide immediate feedback to employers and applicants when the age and proposed job duties place the employer in jeopardy of violating state or federal child labor laws. As of Oct. 1, 2017, NCDOL’s online method became the only option for obtaining youth employment certificates due to a legislative change. The online application is prominently displayed on the homepage of the NCDOL website.

Figure 12
Youth Employment Certificates Issued, FY 2017 Through FY 2020



Notes

Fiscal years are designated by the year they end. The state fiscal year begins July 1 and ends June 30. State Fiscal Year 2020 thus began July 1, 2019, and ended June 30, 2020. The federal fiscal year begins Oct. 1 and ends Sept. 30. Federal Fiscal Year 2020 thus began Oct. 1, 2019, and ended Sept. 30, 2020.

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

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

Reporting Years for NCDOL Divisions and Bureaus

Calendar Year (Jan. 1 through Dec. 31)

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

State Fiscal Year (July 1 through June 30)

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

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

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

Index of Acronyms

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