

**North Carolina Department of Labor
Occupational Safety and Health Division**

Administrative Information System

Administrative Procedure Notice 20B

Subject: Memorandum of Understanding and Memorandum of Agreement

A. Purpose.

This Administrative Procedure Notice (APN) describes and implements the NC Department of Labor Memorandum of Understanding (MOU) and Memorandum of Agreement (MOA) Program for Occupational Safety and Health. MOU/MOA is designed to enhance the ability of the Occupational Safety and Health Division (OSH) to meet its strategic management plan goals and statutory requirement to help prevent injuries, illnesses and fatalities.

B. Scope.

This APN applies throughout the OSH Division for each Memorandum of Understanding and Memorandum of Agreement as defined in this procedure. It does not apply to compliance settlement agreements, agreements that are part of recognition programs, consultative assistance, or agreements to support outreach activities such as regional safety and health schools. Additionally, MOU/MOA shall not be used as a vehicle for deferring compliance inspections.

C. Definitions.

1. Memorandum of Understanding/Memorandum of Agreement is a written agreement or understanding between agencies to set forth the principles of their working relationship.
Note: The two terms, MOU and MOA, are interchangeable.

The purpose of a Memorandum of Understanding and a Memorandum of Agreement are to delineate policies, procedures and responsibilities which will guide the working relationship of the NC Department of Labor Occupational Safety and Health Division with another Agency. The MOU/MOA will establish a process and framework that each agency will abide by to work cohesively toward workplace safety and health.

D. Roles and Responsibilities.

1. The State Plan Coordinator will:
 - a. Submit a plan change with documentation of new MOU/MOA to the Area Director.
 - b. Include an assessment of the effectiveness of each MOU/MOA in the State OSHA Annual Report (SOAR).
2. ETTA will:
 - a. Ensure that the types of understandings and agreements support the OSH mission and Strategic Management Plan;
 - b. Cultivate relationships with public sector entities to improve safety and health and where applicable, formalize through written agreements those relationships that most benefit the mission and strategic goals of OSH;

- c. Designate a person to monitor specific agreements and required activity and provide a point of contact for each MOU or MOA. Circumstances may dictate that the monitor come from a Bureau other than ETTA. The designation will be coordinated with the affected Bureau Chief.
 - d. Post each MOU/MOA with a brief descriptor on the One Stop Shop for OSH personnel;
 - e. Include support for each MOU/MOA in the Strategic Management Plan where appropriate;
 - f. Prepare a brief annual summary of the status of each current MOU/MOA to the State Plan Coordinator;
 - g. Provide training to MOU/MOA agencies when applicable;
 - h. Request and schedule training from MOU/MOA agencies as applicable;
 - i. Maintain all records associated with each MOU/MOA;
 - j. Review and coordinate with each MOU/MOA participant on updating the MOU/MOA as needed;
 - k. Provide information and advice to the OSH Director regarding each MOU/MOA upon request.
- 3. The Compliance Bureaus and the Agricultural Safety and Health Bureau will support MOU/MOA when requested. This may include conducting joint inspections with MOU/MOA agency, responding to referrals, or providing technical assistance.
 - 4. The Consultative Services and Planning, Statistics, and Information Management Bureaus will provide support for MOU/MOA as needed.
 - 5. The OSH Director's Office will:
 - a. Support each MOU/MOA with the resources of the OSH division;
 - b. Promote MOU/MOA during speeches and other outreach activities where applicable; and
 - c. Sign all MOU/MOA documents for the division.

E. Memorandum Development Process.

- 1. A proposal with recommendations for an MOU/MOA will be presented by the ETTA Bureau Chief to the OSH Director unless originated in the Director's Office.
- 2. If the Director approves the concept, a written MOU/MOA will be drafted by ETTA in cooperation with the participating agency. Each MOU/MOA will be in writing.
- 3. ETTA shall coordinate preparation of the draft document with affected Bureau Chiefs and agencies.
- 4. The final document will be sent to the Director for approval.
- 5. ETTA will coordinate the signing to formalize the MOU/MOA.

F. Format and Content of Memorandums.

- 1. An MOU/MOA is an agreement or understanding between agencies regarding their working relationship in promoting safety and health in the workplace.
- 2. The MOU/MOA will clarify authorities and responsibilities.
- 3. The provisions of the MOA/MOU shall be in writing and describe the activity outcome to be pursued such as procedures for joint inspections, sharing of inspection information, referrals, training and education initiatives, and outreach and communication goals.

4. The MOU/MOA will include a communication component such as meeting annually to discuss and share information on activities dictated by the MOU/MOA.
5. A periodic evaluation (e.g., annual, bi-annual) component shall be included in each MOU/MOA.
6. The MOU/MOA will remain in effect unless terminated by either participant by providing a 30 day written notice.

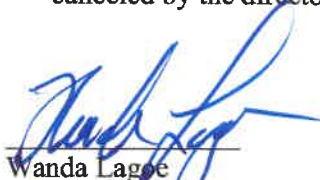
G. Annual Activity


1. The ETTA employee assigned to monitor the MOU/MOA will prepare a brief annual summary of the agreement/understanding status. This information will be sent to the State Plan Coordinator for the SOAR.
2. The periodic evaluation of the MOU/MOA and related meetings will be coordinated by ETTA, as well as any changes to the MOU/MOA document.

H. Termination of Memorandums.

If an MOU/MOA is terminated, the signed MOU/MOA will be archived on the One Stop Shop for historical purposes. Training records will be maintained All other records pertaining to the MOU/MOA will be maintained by ETTA per the retention schedule.

- I. Expiration.** This APN is effective on the date of signature. It will remain in effect until revised or canceled by the director.


Wanda Lagoe
ETTA Bureau Chief


Kevin Beauregard
Director

9/12/19
Date