

# OSHNC UPDATE

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# April 2022

## Ask the Director

**Question:** : With the increased price of gasoline, has there been any discussion about increasing the mileage rate for personal vehicle use?

**Answer:** The overall impact of inflation and particularly the recent significant increase in gas prices has been on a lot of our minds lately. There is little doubt that for those of us that travel on a regular basis, the rising gas prices have impacted on our personal budgets.

While NCDOL and OSH management are aware of the rising gas prices and have discussed the issue, there are limitations to what we can do about it to lessen the impact on employees. State Agencies, such as NCDOL, cannot adjust maximum mileage reimbursement rates. The allowable maximum travel reimbursement rates for state employees are set by the Office of State Budget and Management (OSBM), in accordance with North Carolina General Statute (NCGS) 138- 6(a)(1).

An Agency can choose to reimburse employees at a lower mileage rate but cannot reimburse employees at rate higher than authorized. The referenced NCGS adopts the IRS established business standard mileage rate, as the maximum rate that Agencies can reimburse their staff for the use of their personal vehicles to carry out business. Specifically, Section 5.21.13 of the NC Budget Manual indicates that “unless otherwise specified, the Office of State Budget and Management adopts the IRS rate annually. Effective January 1, 2022, the IRS modified the reimbursement rate to 58.5 cents a mile and NCDOL modified policies to reflect the new rate. It may be possible for the IRS to adjust rates mid-year, but I do not believe it is a common practice.

To my knowledge, the only way that NCDOL (or any other State Agency) can increase the mileage reimbursement rate is if either the Legislature amends the applicable NCGS and/or if the IRS increases their allowable reimbursement rates. Although, NCDOL cannot unilaterally adjust mileage reimbursement rates there are other actions that have already been taken that should lessen the financial impact on employees regarding gas price increases. For instance, many employees in OSH have chosen to drive their own vehicles for field related work activities. However, the OSH Division also has state vehicles that are available for use by staff for performing work duties. OSH pays Motor Fleet Management an established monthly minimum fee for the use of each of these vehicles and additional fees are paid for any vehicle that is driven over 1050 miles a month. OSH also cover the gas costs for MFM vehicles used. Over the past several years some Bureau returned vehicles to MFM, as



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# You Look Familiar, Have You worked Here Long?



Kevin McGuire joined the NCDOL family in February 2016 as an HCO for the OSH Compliance Division in the Winston-Salem field office. After serving District VI for four years, Kevin was promoted to HCO II in 2020. Kevin serves as the Co-chair of the Health Hazards SEP Committee as well as a Visual observer on the NCDOL Drone team. Kevin was also recently promoted to the position of District 5 Compliance supervisor.

Kevin grew up in Ruffin, NC; a small “no” stoplight town just north of Greensboro, NC. After graduating high school, Kevin went to NC State and earned a B.S. Degree in Industrial Engineering. Having graduated in 2008 during the housing market crash, Kevin spent the next four years bouncing between various jobs. From industrial pump sales to outdoor educator to sporting goods, he spent several years trying to find the right career for him. In 2012, Kevin began a career with a filter manufacturing company that quickly transitioned him into a role of Safety Manager and Lean Engineer. While there, Kevin fell in love with the search for hazards and their solutions and knew a job in Safety and Health was just what he needed.

When not inspecting, writing, or bothering his co-workers, Kevin spends most of his time with his spouse, Katrina, and their two children. Between his daughter’s AFJROTC activities and his son’s Scout (formerly Boy Scouts) meetings and outings, Kevin keeps a rather full schedule. When the family can find some free time, they try to spend it playing board games or venturing outdoors, such as hiking at Pilot Mountain. On the rare occasion he finds himself not busy, Kevin enjoys hiking, camping, reading, playing music, and simply enjoying life.

## Grain Safety Week 2022



Every year hundreds of employees are injured or die from preventable hazards while working in grain storage and handling. Safety doesn't need to be big to be effective.

This year commit to safety by making small changes in the workplace on how tasks are performed to make a positive safety impact.

- 1 Turn off and lockout equipment before entering bins or performing maintenance
- 2 Never walk down grain to make it flow
- 3 Place a trained observer outside of the bin in case of an emergency
- 4 Test the air in the bin before entering
- 5 Control the accumulation of grain dust through housekeeping
- 6 Do not enter a bin where grain is built up on the side
- 7 Use a safety harness and anchored lifeline when entering a bin

## National Stand-Down to Prevent Struck-By Incidents is expanding

Set to take place April 11-15, the stand-down is a collaborative effort led by NIOSH's National Occupational Research Agenda Construction Sector Council. The event, scheduled in conjunction with National Work Zone Awareness Week, is aimed at raising awareness of struck-by hazards and ways to prevent them.

Struck-by injuries occur when a worker comes into forcible contact with a flying, falling, swinging, or rolling object. Of the Fatal Four hazards, struck-by hazards are the second highest cause of fatalities among construction workers.

In 2019, nearly half (47.1%) of struck-by fatalities\* in construction involved transport vehicles, such as trucks. Objects or equipment were responsible for the remaining struck-by deaths, in particular falling objects or equipment (26.5%) and powered, non-transport vehicles such as forklifts (17.6%).

\*Numbers for fatal injuries were obtained from the online database of the Census of Fatal Occupational Injuries (CFOI), updated, and maintained by the U.S. Bureau of Labor Statistics (BLS).



they were not getting close to the minimum miles on the vehicles needed to justify the costs. Bureau Chiefs are authorized to request additional vehicles from MFM, if needed. If MFM has vehicles available, the Bureaus should be able to get additional vehicles for use. State vehicles cannot be used for commuting purposes.

Several Bureaus within the OSH Division also have teleworking policies that allow identified groups of office-based employees, that are meeting established performance criteria, to telework 4-5 days a month from home. Teleworking under these policies is dependent on many factors, including feasibility of performing work at home and maintaining customer service. These policies were designed to allow some flexibility, which would include reducing work-related commuting time and associated costs.

Additionally, many OSH office-based positions also include a requirement that an employee must live within 50 miles of their assigned office. This was instituted for several reasons, but primarily because history has shown that if an employee regularly commutes over 50 miles from their assigned office that they are less likely to have long-term job satisfaction due to the impact that commuting has on their time, personal life, and finances.

Finally, over the past several months the State and NCDOL provided several bonuses to employees that should be helpful in covering some of the increased costs associated with inflation. I know this doesn't resolve all the financial issues that OSH employees may be encountering, but hopefully it has lessened the impact. NCDOL/OSH will continue to look at other feasible business changes that can be made to reduce the impact of inflationary costs for employees. Gas prices have historically fluctuated over time due to supply and demand, so hopefully the current price increase won't be long lasting.

## Welcome Back to the Office



**WELCOME BACK  
TO THE OFFICE!**

Your Bureau Chiefs and supervisors have been rolling out a return-to-work plan over the last month. April 1<sup>st</sup> is the first day since March 2020 that all office-based staff will be reporting to the office full-time. In each office there is a supply of masks, sanitizing wipes and hand sanitizer for those of you who want them. If you have any issues with equipment, please advise your supervisor and get the assistance you need.

The NCDOL Helpdesk\Desktop Support returned to their offices on March 14th in preparation for everyone's return on the 1<sup>st</sup>. Anyone having issues\concerns while getting settled back into the office should contact the Helpdesk at: (919)707-7777 or [dol.helpdesk@labor.nc.gov](mailto:dol.helpdesk@labor.nc.gov). Support hours 8:00 am to 5:00 pm M-F. Most needs can be addressed by phone or remote access, if an onsite visit is required it can be scheduled at the time of the call.

## Annual Physicals

All annual physicals need to be completed by May 31<sup>st</sup>, 2022. If you haven't scheduled your physical yet, please do so. If you have any issues or questions, please let your supervisor know.



## Powered Industrial Truck Update

OSHA has issued a proposed rule to update design and construction requirements in its powered industrial trucks standards for general industry and construction.

The agency says the proposed rule, published in the Feb. 16 *Federal Register*, will incorporate "the most relevant national consensus standards from the American National Standards Institute/Industrial Truck Standards Development Foundation (ANSI/ITSDF)."

OSHA adopted its powered industrial trucks standards in 1971, based on consensus standards from 1969. The *Federal Register* notice states those consensus standards have been updated 12 times since then, most recently in 2020.

## Status of FY Compliance Inspection Goals

Type of Inspection	Five Month Goal	Five Month Actual	FY Goal	% of FY Goal
East Safety Inspections	287	144	688	50%
West Safety Inspections	396	305	950	77%
East Health Inspections	168	52	404	31%
West Health Inspections	233	264	558	114%
Compliance Inspections Total	1083	765	2600	71%
East Construction Inspections	175	91	420	52%
West Construction Inspections	263	322	630	123%
Construction Inspections Total	438	413	1050	94%
East Logging/Arborist Inspections	9	1	12.5	11%
West Logging/Arborist Inspections	9	5	12.5	53%
Logging/Arborist Inspections Total	19	6	25	32%
East Health Hazards Inspections	13	9	30	69%
West Health Hazards Inspections	13	13	30	100%
Health Hazards Inspections Total	25	22	60	88%
East LTC Inspections	10	3	24	30%
West LTC Inspections	10	7	24	70%
LTC Inspections Total	20	10	48	50%
Public Sector Inspections Targeted Total	54	37	130	68%
East Grocery & Related Product Wholesalers	4	4	10	96%
West Grocery & Related Product Wholesalers	4	7	10	168%
Grocery & Related Product Wholesalers Total	8	11	20	132%
Food Manufacturing Compliance Inspections	10	11	25	110%

## Status of FY Compliance Strategic Goals

Strategic Goal	Five Month Goal	Five Month Actual	FY Goal	% of FY Goal
Program Improvements	438	202	1050	46%
Serious Hazards Eliminated	1708	1325	4100	78%
Total Health Lapse Days	33	53.53	33	62%
Total Safety Lapse Days	30	57.41	30	52%
On-Site Hours/Week HEALTH	2737	1358.5	6569	50%
On-Site Hours/Week SAFETY	3177	1438.9	7625	45%
Logging Fatality Rate Baseline .02623	Goal Rate: .02623 (7 fatalities average during baseline years)	<b>Fatality Rate: 0.0</b> Logging Fatalities: 0	Reduce Rate by .4%	<b>On pace for 0 fatalities</b>
Construction Fatality Rate Baseline .00088	Goal Rate: .00088 (32 Fatalities average during baseline years)	<b>Fatality Rate: .0014</b> Construction Fatalities: 9	Reduce Rate by .4%	
		In Emphasis Counties: 5		

**Key:** Green = meeting or exceeding goal    Blue= within 10% of goal    Orange= less than 90% of goal met

\*Total lapse days is determined by the total number of working days from the opening conference to citation issuance.

## Status of FY ASH Compliance Strategic Goals

Strategic Goal	Five Month Goal	Five Month Actual	FY Goal	% of FY Goal
Pre-Occupancy Camps Inspected	750	638	1800	85%
Certificates Issued	667	463	1600	69%
Education Material Distributed	1000	1349	2400	135%
Outreach to Hispanic farm workers	83	0	200	0%

## Status of FY Consultation Strategic Goals

Strategic Goal	Five Month Goal	Five Month Actual	FY Goal	% of FY Goal
PRIVATE Consultative Visits	465	480	1115	103%
Hazards Eliminated	2000	2039	4800	102%
Construction Visits	104	170	250	163%
LTC Visits	15	13	35	89%
Documentation of Health Hazards Inspections	52	77	125	148%
Program Improvements	313	551	750	176%
Logging Visits	6	4	15	64%
Food Inspections	5	9	12	180%

## Status of FY ETTA Strategic Goals

Strategic Goal	Five Month Goal	Five Month Actual	FY Goal	% of FY Goal
Total Persons Trained by ETTA	2229	2757	5350	124%
Total Persons Trained in identified areas	625	839	1500	134%
Publications Distributed	14583	19901	35000	136%
Program Improvements	25	42	60	168%
Construction SEP 30 Hour Course	0	2	1	480%
Construction SEP 10 Hour Course	2	3	5	144%
Logging/ Arborist Events	1	4	3	320%
LTC Events	1	0	2	0%
Health Hazards Events	8	9	20	108%
Public Sector Training Events	2	7	5	336%
Total Star Program Interventions	42	56	100	134%
Total Star Sites (new/recertifications)	8	8	20	96%

**Key:** Green = meeting or exceeding goal   Blue= within 10% of goal   Orange= less than 90% of goal met

\*Total lapse days is determined by the total number of working days from the opening conference to citation issuance.



Thanks for all you do!  
-Scott M