

OSHNC UPDATE

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March 2022



Ask the Director

Question: When is NCDOL planning to stop requiring face masks (face coverings) be used in our offices? Also, is NCDOL planning to bring office-based employees back to the office anytime soon?

Answer: NCDOL and OSH have been closely monitoring the statewide daily number of reported COVID-19 cases and hospitalizations to determine the necessary precautions to take in our workplaces. Daily and weekly COVID-19 trends can be viewed on the [NCDHHS COVID-19 Dashboard](#). In addition, NCDOL has been monitoring the status of local face mask (face covering) rules and regulations in our state.

Over the past few weeks, the number of statewide cases and hospitalizations has decreased significantly. On February 17, 2022 Governor Roy Cooper and NCDHHS Secretary Kody Kinsley provided an [update](#) on COVID-19 metrics and trends. In their joint [statement](#), they recommended that schools and local governments end their mask mandates. Following this announcement, local government jurisdictions in the areas where OSH offices are located announced they were lifting their mask mandates, if they had not already done so. As of March 1, 2022, there are no longer mask mandates in New Hanover County, Wake County, Mecklenburg County, Forsyth County and Buncombe County. In addition, there are no remaining local government mask mandates in Wilmington, Raleigh, Winston-Salem, Charlotte, and Asheville.

The [CDC](#) has recently changed the criteria that they are using to make recommendations for face coverings. Their recommendations no longer focus on strictly on rates and are now also based on hospital beds being used, hospital admissions, and the total number of new COVID-19 cases in an area. Although this method is likely a better indicator than COVID rates, it can possibly skew community level data in counties with large cities that are also accepting COVID patients from other counties. Other factors to consider for face covering recommendations should include vaccination status and an individual's health status. The [CDC](#) continues to recommend that individuals get vaccinated to reduce the likelihood of serious illness or death from COVID-19. CDC continues to recommend that where community levels are classified as high that individuals wear masks indoors. CDC provides a [map](#) that is updated daily where you can view COVID community levels per their new criteria to



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help you decide what choice is right for your specific circumstances.

Effective March 1, 2022, NCDOL is lifting the mandatory face mask requirement in all NCDOL occupied office buildings. OSH will continue to provide face coverings and N95s for individuals that opt to continue to wear them on a voluntary basis. There are also still some counties and municipalities in NC that currently require wearing face coverings, so OSH employees will need to research local requirements prior to performing work duties in those areas. OSH employees are expected to comply with any local face covering requirements and any employer face covering requirements.

NCDOL has also determined that office-based employees can now begin to safely return to their assigned offices, as COVID-19 exposure and transmission risks have significantly declined in our workplaces. I have requested that the Bureau Chiefs (BC) begin transitioning office-based employees back to the offices effective March 1, 2022. Each BC will develop a plan to increase the number of employees in the offices each week of March until all office-based employees are back by April 1, 2022. If you have questions about your Bureau’s plan, please contact your supervisor or Bureau Chief. The OSH exposure control plan has been modified to account for these latest changes.

If an OSH employee has a weakened immune system and/or they are otherwise considered a high risk and they do not feel that they can safely return to their assigned office, they should work with their Bureau Chief and NCDOL HR to determine if alternative arrangements are feasible. NCDOL and OSH will continue to monitor COVID-19 cases and will change business practices, if necessary.

You Look Familiar. Have You Worked Here Long?



Meet James Washington. James started work on May 10, 2015, after leaving his position as a Senior Occupational Safety and Health Administration (OSHA) Compliance Officer for the Department of Workforce Services in Cheyenne, Wyoming. He has been with North Carolina Department of Labor (NC DOL) for 6 years currently working as a Safety Standards officer in the Education, Training and Technical Assistance (ETTA) division. Prior to working for Wyoming OSHA, James worked in Alexandria, Egypt as a Safety Training Specialist after retiring from the United States Navy.

James accepted a position with NC DOL Compliance department during a significant transfer of supervisors. During the initial acceptance of the position in North Carolina, he was working under Nicole Brown. When he arrived on his first day of work, he found out that she had been appointed Bureau Chief of the East, and he would be working under Kaye Thibodeaux in District 9. James wanted to give a special thank you to John Jaskolka who made the transition from Wyoming OSHA to NC DOL much easier by taking him under his wing and teaching him how things were done in North Carolina. Also, all the great conversations had with Kaye Thibodeaux and Chris Moore. After about a year, there was an opening as an Education Training Specialist where he worked under Marcy Collyer before transferring over to his current position as a Safety Standards Officer working under Hollis Yelverton.

When asked what the key differences were between working for NC DOL, Wyoming, and in Egypt James volunteered that NCDOL has structured requirements established in the Field Operations Manual which he likes but he also liked the more simplistic approach that Wyoming had back when he worked for them.

When he worked as a Compliance Officer in Wyoming the burden of proof fell on the employer. For example, if an electrical outlet was missing its cover, the emphasis is not specific to employee exposure. The evidence is that the cover was missing, and the employer should have known through daily inspections and knowledge of his workplace that a missing cover is required on all electrical outlets where exposed wires may be present. The compliance officer would take a picture and identify the location of the outlet, which was then sufficient documentation for a violation.

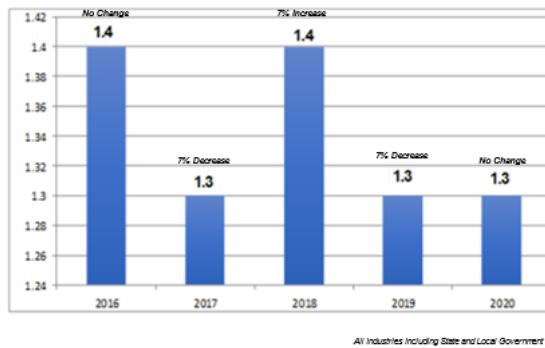
In Egypt, there is no Occupational Safety and Health organization in the country; therefore, there is no one to protect the workers. People do whatever they need to do to get a job done. For example, James observed a shoeless man swinging from the side of a building on a rope ladder trying to install a 40 ft metal sign on the side of a building. While he was there, he coined a phrase: “only in Egypt!!!“.

Outside of work, you will find James either riding his motorcycle or at the gun range. Most of his weekends are spent hanging out with his wife just enjoying country life, especially his backyard chickens.

TRC's and DART Rate

N.C. Workplace Safety and Health

Days Away, Restricted or Transferred (DART) FFY 2021—4th Qtr.



All Industries Including State and Local Government
Based on Calendar Year

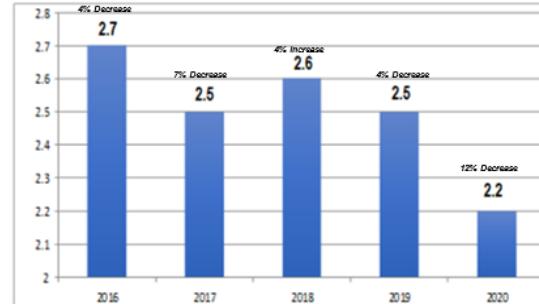


For Public Official's Use Only

N.C. Workplace Safety and Health

Total Recordable Cases (TRC)

FFY 2021—4th Qtr.



All Industries Including State and Local Government
Based on Calendar Year



For Public Official's Use Only

At 2.2, the State's total recordable case (TRC) rate for Calendar Year (CY) 2020, for all industries including State and Local government, was the lowest in program history. At 1.3, the State's days away, restricted or transferred (DART) rate for CY 2020 was tied for being the lowest in program history. This data was released by the Bureau of Labor Statistics (BLS) in November 2021, and it is the most current data available.

Thank you for all the good work you do!

NCDOL loses former Employee of the Year



On behalf of Commissioner Dobson, Kevin O'Barr and Mark Luniewski presented a certificate of appreciation to Robbie Zimmerman in recognition of his service and in honor of his retirement. Robbie worked for OSH since January 2005. He spent ten years in compliance and seven with consultative services and was the NCDOL Employee of the Year in 2011. His retirement plans include a list of projects at home and shopping for a beach house that will support his fishing habit and lure his four daughters and seven grandkids to visit. While we are happy for him, we are sad to see such a dedicated employee move on to the next chapter. We all wish him, his wife, and his whole family the very best.

Pictured from left to right – Kevin O'Barr, CSB Bureau Chief; Robbie Zimmerman, Safety Consultant; Mark Luniewski, CSB Central District Supervisor.
Photo credit – Kirby Atwood

New Members of the OSH Advisory Council

The 11-member OSH Advisory Council is composed of safety and health professionals who advise, consult with, and make recommendations to the Commissioner of Labor on matters associated with the administration of the Occupational Safety and Health Act of North Carolina. The members include three representatives from management, three representatives from labor, four representatives of the public sector and one representative of the public sector with knowledge of migrant labor. Meetings are held Bi-annually.

There were two new appointments (in blue) and several reappointments to the committee that were made by the Commissioner at the beginning of the year.

Debbie Rogers-Lowery (Chair Person) - Compliance Training Associates, Inc. Consultant, **Jessica C. Foster**- DPR Construction, **Gloria Bone Gunther** - Owner/Broker Gunther Properties, Inc, **Roger Richards** - Sanders Utility Construction Co., Inc, **Linda Andrews** - NC Farm Bureau, National Legislative Director, **Robert Carruth** - Risk Control Manager, NC Association of County Commissioners , **Russell McCue** - Risk Control, City of Charlotte & Mecklenburg County, **Brian N. Polk**- Safety & Risk Management ,NC Dept. of Environmental Quality Waste Mgmt. **Terry Brewington** - United Steelworkers, **Corey Hill** - Local President ,Organized Labor, **Ron Ingerick** - State Legislative Director, SMART Union,

Congratulations NCDOL staff that received promotions over the last nine months

Midyette	Jerry	12/1/2021	East Compliance - SCO I - District 9	East Compliance - HCO Trainee - District 7
Perry	Katie	12/15/2021	East Compliance - SCO I - District 11	East Compliance - HCO Trainee - District 11
Short	Pamela	11/1/2021	Research & Policy	ETTA - Office Specialist
Cronley	James	9/13/2021	EDB - Administrative Assistant	ETTA - Office Specialist
Chevere	Millie	9/27/2021	West Compliance - Admin Assoc	West Compliance - Admin Specialist
Waller	Todd	9/27/2021	East Compliance - SCO I - District 7	ETTA - Training Specialist
Wiggins	Jacopo	6/14/2021	East Compliance - HCO II - District 11	ETTA - Health Standards Officer
Morgan	Betty	6/14/2021	ETTA - Office Specialist	OSH Administration - Executive Assistant

FY 2021 SOAR Submitted

The Division submitted its State OSHA Annual Report (SOAR) to Federal OSHA on December 15, 2022. This report is required by Federal OSHA and is part of the state plan monitoring process. The report must include an explanation of the progress the State is making toward meeting the annual performance goals contained in the Strategic Management Plan. The SOAR also includes information related to mandatory activity such as responding to complaints, and special accomplishments during FY 2021. Federal OSHA makes their decision on State Plan effectiveness and federal funding based on our performance. In December, the Area Administrator and staff came out to do the FAME review. The draft FY21 FAME written report will be submitted to NCDOL in March. Some of the information submitted in the SOAR will be used in the FAME. Once NCDOL has had a chance to discuss the report and provide feedback the area administrator will send the FAME report along with the State's SOAR report to Region 4 where it will be reviewed and then sent on to the OSHA National Office. The SOAR report will not be attached to the FAME report this year, as it has in the past. It will be posted separately.

Status of FY Compliance Inspection Goals				
Type of Inspection	Four Month Goal	Four Month Actual	FY Goal	% of FY Goal
East Safety Inspections	229	124	688	54%
West Safety Inspections	317	234	950	74%
East Health Inspections	135	32	404	24%
West Health Inspections	186	214	558	115%
Compliance Inspections Total	867	604	2600	70%
East Construction Inspections	140	71	420	51%
West Construction Inspections	210	257	630	122%
Construction Inspections Total	350	328	1050	94%
East Logging/Arborist Inspections	8	1	22.5	13%
West Logging/Arborist Inspections	8	4	22.5	53%
Logging/Arborist Inspections Total	15	5	45	33%
East Health Hazards Inspections	17	4	50	24%
West Health Hazards Inspections	17	8	50	48%
Health Hazards Inspections Total	33	12	100	36%
East LTC Inspections	8	2	24	25%
West LTC Inspections	8	6	24	75%
LTC Inspections Total	16	8	48	50%
Public Sector Inspections Targeted Total	43	22	130	51%
East Grocery & Related Product Wholesalers	3	2	10	60%
West Grocery & Related Product Wholesalers	3	5	10	150%
Grocery & Related Product Wholesalers Total	7	7	20	105%
Food Manufacturing Compliance Inspections	13	9	40	68%

Status of FY Compliance Strategic Goals				
Strategic Goal	Four Month Goal	Four Month Actual	FY Goal	% of FY Goal
Program Improvements	350	157	1050	45%
Serious Hazards Eliminated	1367	763	4100	56%
Total Health Lapse Days	33	56.04	33	59%
Total Safety Lapse Days	30	56.28	30	53%
On-Site Hours/Week HEALTH	2190	1159	6569	53%
On-Site Hours/Week SAFETY	2542	1147.9	7625	45%
Logging Fatality Rate Baseline .02623	Goal Rate: .02623 (7 fatalities average during baseline years) Goal Rate: .00088 (32 Fatalities average during baseline years)	Fatality Rate: 0.0 Logging Fatalities: 0 Fatality Rate: .0013 Construction Fatalities: 3 In Emphasis Counties: 2	Reduce Rate by .4%	On pace for 0 fatalities
Construction Fatality Rate Baseline .00088	Goal Rate: .00088 (32 Fatalities average during baseline years)	Fatality Rate: .0014 Construction Fatalities: 6 In Emphasis Counties: 5	Reduce Rate by .4%	On pace for 18 fatalities

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

Status of FY ASH Compliance Strategic Goals

Strategic Goal	Four Month Goal	Four Month Actual	FY Goal	% of FY Goal
Pre-Occupancy Camps Inspected	600	638	1800	106%
Certificates Issued	533	463	1600	87%
Education Material Distributed	800	1349	2400	169%
Outreach to Hispanic farm workers	67	0	200	0%

Status of FY Consultation Strategic Goals

Strategic Goal	Four Month Goal	Four Month Actual	FY Goal	% of FY Goal
PRIVATE Consultative Visits	372	368	1115	99%
Hazards Eliminated	1600	1552	4800	97%
Construction Visits	83	126	250	151%
LTC Visits	12	6	35	51%
Documentation of Health Hazards Inspections	42	59	125	142%
Program Improvements	250	415	750	166%
Logging Visits	5	4	15	80%
Food Inspections	4	6	12	150%

Status of FY ETTA Strategic Goals

Strategic Goal	Four Month Goal	Four Month Actual	FY Goal	% of FY Goal
Total Persons Trained by ETTA	1783	2068	5350	116%
Total Persons Trained in identified areas	500	639	1500	128%
Publications Distributed	7667	12055	35000	157%
Program Improvements	20	26	60	130%
Construction SEP 30 Hour Course	0	1	1	300%
Construction SEP 10 Hour Course	2	2	5	120%
Logging/ Arborist Events	1	2	3	200%
LTC Events	1	0	2	0%
Health Hazards Events	7	7	20	105%
Public Sector Training Events	2	4	5	240%
Total Star Program Interventions	33	39	100	117%
Total Star Sites (new/recertifications)	7	7	20	105%

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!
-Kevin B.