

# OSHNC Supervisor Meeting Discussion Topics



**February 21, 2023  
Asheboro, NC**

# Inspection Numbers FY2022

## Inspections

|            |      |            |      |
|------------|------|------------|------|
| Conducted: | 1955 | Attempted: | 2309 |
| Safety:    | 1174 | 60.1 %     |      |
| Health:    | 781  | 39.9 %     |      |

## Ownership

|          |      |        |
|----------|------|--------|
| Private: | 1861 | 95.2 % |
| Local:   | 73   | 3.7 %  |
| State:   | 21   | 1.1 %  |
| Federal: | 0    | .0 %   |

## Unprogrammed

|              |     |        |
|--------------|-----|--------|
| Fat/Cat:     | 73  | 3.7 %  |
| Complaint:   | 467 | 23.9 % |
| Referral:    | 78  | 4.0 %  |
| Monitor:     | 1   | .1 %   |
| Variance:    | 0   | .0 %   |
| Followup:    | 56  | 2.9 %  |
| Unp Related: | 192 | 9.8 %  |
| Other:       | 0   | .0 %   |
| Accident:    | 0   | .0 %   |
| Referral-ER: | 113 | 5.8 %  |

## Programmed

|               |     |        |
|---------------|-----|--------|
| Planned:      | 908 | 46.4 % |
| Prog Related: | 66  | 3.4 %  |
| Other:        | 0   | .0 %   |

# Citations FY2022

- Averaged 1.29 SWR items per inspections (1.25 in FY2021)
- Average penalty of \$3041 per SWR item (\$2450 in FY2021)
- IC rate of 39.0% is too high (36.5% in FY2021)
- Contestment rate of 3.9% is great (4.1% in FY2021)

## - Violations

Citations Issued: 3560

## Inspection Percentages

|                      |      |        |
|----------------------|------|--------|
| Without Violations:  | 763  | 39.0 % |
| S, W, R Violations:  | 1028 | 52.6 % |
| Citations Contested: | 76   | 3.9 %  |

## Citation Types

|              |       |        |
|--------------|-------|--------|
| Other:       | 1044  | 29.3 % |
| Serious:     | 2345  | 65.9 % |
| Willful:     | 10    | .3 %   |
| Repeat:      | 161   | 4.5 %  |
| Post Settle: |       |        |
| FTA's:       | 0     |        |
| Instances:   | 16872 |        |

## Penalties

Total Initial Penalty: \$8,482,224.40

Total Revised Penalty: \$7,651,303.84

Total Initial FTA Penalty: \$0.00

Total Revised FTA Penalty: \$0.00

Total Penalty Paid: \$3,276,454.56

Total FTA Penalty Paid: \$0.00

# Inspection Numbers FY2023

(thru 2/15/2023)

- Currently at 537 inspections thru 2/15/23. Extrapolates to 1432 for the year.
- Goal provided to Federal OSHA is 1900.

| Inspections  |     |            |     |
|--------------|-----|------------|-----|
| Conducted:   | 537 | Attempted: | 642 |
| Safety:      | 343 | 63.9 %     |     |
| Health:      | 194 | 36.1 %     |     |
| Unprogrammed |     |            |     |
| Fat/Cat:     | 29  | 5.4 %      |     |
| Complaint:   | 120 | 22.3 %     |     |
| Referral:    | 37  | 6.9 %      |     |
| Monitor:     | 1   | .2 %       |     |
| Variance:    | 0   | .0 %       |     |
| Followup:    | 12  | 2.2 %      |     |
| Unp Related: | 37  | 6.9 %      |     |
| Other:       | 0   | .0 %       |     |
| Accident:    | 1   | .2 %       |     |
| Referral-ER: | 36  | 6.7 %      |     |
| Misc         |     |            |     |
| Migrant:     | 12  | 2.2 %      |     |
| Union:       | 14  | 2.6 %      |     |
| Non-Union:   | 523 | 97.4 %     |     |

# APN 16L Revisions

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- Effective on February 17, 2023. Applies to all cases even if citations have not been issued.
- The following changes were made:
  - Multi-digit amputations where there is at least one proximate cause citation (e.g., machine guarding and/or LOTO) related to the accident are no longer CFR cases. It is still a CFR case if no proximate cause citations are recommended.
  - Private sector penalty CFR goes from \$50k to \$75k.
  - Public sector penalty CFR goes from \$10k to \$25k.
  - Inspections involving poultry have been removed from the CFR list.

# APN 16L Revisions

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- Added some language about file review comments added to OE:

For the purpose of encouraging transparent communications between CSHOs, district supervisors, assigned attorneys, bureau chiefs, and the director's office, notes shall be shared between all parties. **CSHOs are required to address all comments prior to proceeding to the next step of the CFR process. This should be done by making the appropriate revisions in the case file and not by adding written replies to comments in OE Notes.** If a reviewer's comment(s) cannot be addressed as directed, the CSHO should discuss it with them in person or by phone.

# APN 16L Revisions

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- That said...CSHOs and supervisors are encouraged to seek a “non-CFR consultation” on cases with questions or where contestment is likely.
  - The more folks that review the case, the stronger it will be.
  - Depending on the particular questions/concerns, it can be routed to either the AG’s Office, the BC, or the Director’s Office. It doesn’t have to be all three or in any order.

# Fatality Meetings

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- Fatality meetings must be scheduled within 30 days of the opening conference and conducted within 45 days. There are no exceptions.
- A PowerPoint presentation must be completed and shared during the meeting. It doesn't need to be anything elaborate.
  - Text slides with a summary of the events and victim information
  - A few photos of the inspection site
  - A list of recommended citations

# APN 16L Revisions

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- Some changes are being made and our current procedures enforced to reduce the lapse time on these CFR cases. There are way too many cases being submitted for review at day 175.
  - Fatality meetings must be conducted NTL 45 days after opening.
  - For CFR cases that appear on the 60-day lapse time report, a *weekly* meeting shall be held between the CSHO and supervisor to determine progress of the case. That date of that meeting must be included on the 60-day lapse report.
  - The 60-day lapse report will now be completed every two week, but the comments must include the expected date the current step will be completed (e.g., submitted for review, review completed) or when it was routed to the AG, BC, or DO for review.

# APN 16L Revisions

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- For cases with a lapse time of 90 days or greater, a weekly email shall be sent to the bureau chief and the Assistant Director's Office by the CSHO or supervisor explaining delays in completion of the case file. The email shall include the expected date the current step of case file development/review will be completed. A meeting may be scheduled between the CSHO, supervisor, bureau chief, and an Assistant Director's Office representative to discuss case progression.

# APN 16L Revisions

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To all:

This one is now at 97 days.

I have a final request for information to Mr. Pierce and Mr. Wallace due this Wednesday. The casefile is written outside of this info and just waiting to see what's provided changes anything; at the very least I can tie up some loose ends.

Spoke with Mr. Pierce Friday; he had some clarifying questions and stated that his client was wondering why we were asking for certain information – we talked through it and he was confident that having the info by Wednesday would not be an issue.

The hope is I can route is for review this week or early next week.

Thanks

# Complaint Desk Changes

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- Due to the very high number of complaints and accidents being received, we need additional help for the CD staff – the same as we did during COVID.
- Will be utilizing CSHO trainees to handle email complaints and some phone complaint voice mail messages.
  - CSHO trainees will typically be in months 6-11 of their training period.
  - Two CSHO trainees will be assigned for a given week.
- District supervisors or CSHO IIs will need to provide guidance regarding the allegations, valid vs. non-valid, and formal vs. non-formal.

# Valid vs. Non-valid

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- To constitute a valid complaint the notice must allege that a **hazard exists or could recur in the workplace** or that **the act (meaning a standard, regulation, or general duty clause) is violated**.
  - A) If the notice is so vague and unsubstantiated that the complaint desk or a CSHO is unable to make a reasonable judgment as to the existence of the alleged workplace hazard that threatens physical harm, there is no valid complaint. In such a case, however, every reasonable attempt should be made to contact the person giving the notice to obtain more specific information.
  - B) If, as a result of a recent inspection or on the basis of other knowledge of the worksite, it has been determined that the hazard which is the subject of the notice is not present; e.g., it has already been corrected, such a notice is not a valid complaint.

# Valid vs. Non-valid

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- The vast majority of complaints we receive are **valid**, since they allege either: (1) a hazard to workers or (2) a violation of OSHA standards (or the GDC).
- It's important to identify which is being alleged, as there needs to be some sort of a feasible abatement.

# Valid vs. Non-valid Examples

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- Allegation of a hazard to workers:
  - Employees are exposed to the threat of workplace violence and the employer is not taking adequate precautions to protect employees...This is a VALID complaint.
- Allegation of an OSHA violation
  - Employees are exposed to the threat of workplace violence since the employer has not hired security officers or installed metal detectors at the door...This is NOT a valid complaint.

# Formal vs. Non-formal

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- As mentioned before, the vast majority of complaints are considered valid. After that, we need to determine if the complaint meets the criteria of NCGS 95-136(d)(1) and the FOM for a *formal* complaint:
  - Filed by a current employee (CONFIRMED) or an EE representative
  - In writing
  - Signed
  - Alleged hazard(s) provide *reasonable grounds* of an OSHA violation or an imminent danger

# Formal vs. Non-formal Examples

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- Allegations on a *formal* complaint are ones where OSH Compliance would be able to issue citations.
  - Machine guarding, LOTO, lack of fall protection
- Examples where there are no reasonable grounds of an OSHA violation or imminent danger:
  - Anything related to COVID
  - Exposure to airborne mold
  - Incompatible chemical storage
  - Nearly all workplace violence complaints

These would ALL be considered *non-formal* complaints, even when filed in writing and signed by a current employee.

# SCO/HCO Recruiting

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- As of 1/31/2023, we had 34 vacancies in OSH Compliance (including ASH)...or 32.7%.
- Many of our CSHO applicant pools come back with zero qualified applicants. At most we have one or two qualified applicants.

# New Recruiting Plan

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- Some (but not all) postings will have language stating the position will be evaluated for trainee candidates **if there are no fully qualified candidates.**

## DESCRIPTION OF WORK:

This position may be filled as Health Compliance Officer (HCO) Trainee if there are no fully qualified HCO I candidates in the applicant pool. The hiring salary for an HCO Trainee is \$55,518. The hiring salary for a fully qualified HCO I is \$60,900.

\$7,000 Sign-On Bonus to Eligible Candidates (Fully qualified HCO I's)

\$4,400 Sign-On Bonus to Eligible Candidates (HCO Trainees)

# HCO Education/Experience

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- E/E for a trainee is included on these postings, in addition to the fully qualified E/E language.

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## MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS:

### For fully qualified HCOI:

Master's degree in industrial hygiene with a bachelor's degree in chemistry, physics, mechanical engineering, or a closely related curriculum from an appropriately accredited institution; or Bachelor's degree in chemistry, physics, industrial hygiene, mechanical engineering, or a closely related curriculum from an appropriately accredited institution and one year of experience in industrial hygiene inspections; or an equivalent combination of education and experience.

### For HCO Trainee:

Bachelor's degree in chemistry, physics, industrial hygiene, mechanical engineering, or a closely related curriculum from an appropriately accredited institution or an equivalent combination of education and experience. No industrial hygiene experience is required.

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# SCO Education/Experience

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- OSHR just approved an experience change for the SCO I position reducing the *safety inspection* experience requirement (for an applicant with a bachelor's degree) from three years to two years.
- This is important for two reasons:
  1. It should result in more fully qualified candidates without significantly reducing their level of experience.
  2. It will allow the positions to be posted as an SCO trainee with a *two-year* training progression to be fully qualified (instead of three as before).

# SCO I Positions

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- As with the HCO positions, some SCO positions are now being posted with the “trainee” language. The number posted will be monitored to ensure we don’t have too many “full trainees” at once.

**This position may be filled as Safety Compliance Officer (SCO) Trainee if there are no fully qualified SCO I candidates in the applicant pool. The hiring salary for an SCO Trainee is \$52,875. The hiring salary for a fully qualified SCO I is \$58,000.**

**\$7,000 Sign-On Bonus to Eligible Candidates (Fully qualified SCO I's)**

**\$4,400 Sign-On Bonus to Eligible Candidates (SCO Trainees)**

# SCO Education/Experience

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## **MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS:**

### **For a fully qualified SCOI:**

Bachelor's degree preferably with a major in occupational safety, industrial management or technology, industrial engineering, industrial arts, engineering operations, or a closely-related curriculum from an appropriately accredited institution and two years of experience in occupational safety and health inspections; or Associate's degree in industrial safety and health technology, or a closely-related curriculum from an appropriately accredited institution and four years of experience in occupational safety and health inspections; or an equivalent combination of education and experience.

### **For an SCO Trainee:**

Bachelor's degree preferably with a major in occupational safety, industrial management or technology, industrial engineering, industrial arts, engineering operations, or a closely-related curriculum from an appropriately accredited institution; or Associate's degree in industrial safety and health technology, or a closely-related curriculum from an appropriately accredited institution and two years of experience in occupational safety and health inspections.

# Handshake Website

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**North Carolina A&T State University**

#7 in Historically Black Colleges and Universities



**Slippery Rock University of Pennsylvania**

Top 100 Regional Universities (North)



**The University of North Carolina at Pembroke**



**University of North Carolina - Chapel Hill**

#5 Top Public Schools



**Appalachian State University**

#5 in Best Colleges for Veterans, #9 in Regional



**Davidson College**

#9 National Liberal Arts Colleges



**Millersville University of Pennsylvania**

Millersville University of Pennsylvania

# Handshake Website



## OSHA Industrial Hygienist (OSHA Health Compliance Officer I) Trainee

NC Dept. of Labor/OSHA

Charlotte, North Carolina, United States and 1 more

Full-Time Job

\$55518.00 per year

Government - Local, State & Federal

25,000+ employees

No on-campus interviews

Applications close on March 21st, 2023 at 12:00 am i

[Apply Externally](#)

### Job Description

These positions may be filled as Health Compliance Officer (HCO) Trainee if there are no fully qualified HCO I candidates in the applicant pool. The hiring salary for an HCO Trainee is \$55,518. The hiring salary for a fully qualified HCO I is \$60,900. \$7,000 Sign-On Bonus to Eligible Candidates (Fully qualified HCO I's). \$4,400 Sign-On Bonus to Eligible Candidates (HCO Trainees).

The Occupational Safety and Health Division (OSH Division or OSHNC) of the Department of Labor, under the direction of the North Carolina Deputy Commissioner of Labor, is the lead state agency with the responsibility of fostering safe and healthy workplaces for more than four million employees and migrant workers in more than two hundred seventy-five thousand workplaces in North Carolina by educating, developing, and enforcing compliance to safety, health, and agriculture laws, regulations, and standards. OSHI Compliance, comprised of the East and

### Share Job



# HCO/SCO Interviews

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- For CSHO positions posted as a “trainee if no fully qualified candidates,” you need to know if the applicant pool referred by HR is a fully qualified pool...or a trainee pool.
- The pools will require *completely different* interview questions.
- Fully qualified HCO or SCO pools will have detailed technical questions about safety and/or IH issues, OSHA standards, hazard recognition, scenarios, etc.

# HCO/SCO Trainee Interview Questions

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- Since there is no experience requirement, we need to focus on the “Knowledge, Skills, and Abilities / Competencies” listed in the job description:

## **KNOWLEDGE, SKILLS AND ABILITIES / COMPETENCIES:**

The HCO must have the ability to apply inspection and compliance procedures with consistency and to write detailed reports to document inspection results, and apply principles associated with public health and safety incorporated in the federal and state occupation safety and health standards. Contacts and interviews employees and places personal monitoring equipment on such; observes employee work practices and ensures proper operation of monitoring equipment.

The HCO must have excellent verbal and written communication skills and have the ability to work with individuals at all levels of any organization and must be proficient in keyboarding using word processing programs, i.e., Microsoft Word and Excel. The HCO will be required to evaluate and make recommendations on unusual problems.

The ability to speak and understand Spanish is an asset, but not required for the position.

# HCO/SCO Trainee Interview Questions

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## **KNOWLEDGE, SKILLS AND ABILITIES / COMPETENCIES:**

- The SCO with an understanding of industrial engineering concepts, must be knowledgeable and decisive in consistently applying the OSHNC standards.
- The SCO must be a self-motivated professional who has outstanding time management and database management skills.
- The SCO must be physically, mentally and emotionally capable of conducting independent inspections.
- The SCO must have excellent documentation and writing skills to write legally defensible reports and must be proficient in keyboarding using word processing programs, i.e. Wordperfect and Microsoft Word.
- The SCO will be required to evaluate and make recommendations on unusual problems.
- The SCO will have excellent verbal communication skills. Duties include speaking with complainants, employers, state and local agencies (including law enforcement) and NCDOL personnel.

# HCO/SCO Trainee Interview Questions

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- Evaluate trainee candidates primarily on four elements:
  1. Knowledge of the overall job and the general duties – and especially their excitement level.
    - » Did they ask a lot of good questions in the interview?
  2. How applicable is their degree program (or limited experience) to the job?
  3. Do they demonstrate excellent *verbal* communication skills?
  4. Do they demonstrate excellent *written* communication skills?
    - » They should be given 45-60 minutes to complete a written exercise. Writing skills can't be evaluated in 15 minutes. Also, give them some privacy to write.

# HCO Trainee Example Interview Questions

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- **Please list the chemistry classes you took in college and describe some of the topics covered in each. Please provide some examples of how those concepts may apply to employee exposures in the workplace.**

This is where they can talk about acid/base chemistry learned in general chemistry – and how the pH plays a role in determining a hazard for workers using those chemicals. Organic chemistry would be most applicable, so they understand the chemicals and have a basis for calculating parts per million in the air. Physical chemistry covers thermodynamics and kinetics, which would be applicable for highly hazardous chemicals used in some manufacturing plants – and covered under PSM. We're just looking to see if they can apply some of the concepts learned to some possible real-world situations. Basically - did they go to class and pay attention?

# HCO Trainee Example Interview Questions

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- Please list the physics classes you took in college and describe some of the topics covered in each. Please provide some examples of how those concepts may apply to employee exposures in the workplace.

There are a bunch of physics concepts that could be discussed here – noise & vibration (amplitude and frequency of the sound wave), non-ionizing radiation, electricity, etc. Same thing as before - can they apply the physics concepts they learned in school to real world workplace hazard situations?

# HCO Trainee Example Interview Questions

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- The field of industrial hygiene requires a lot of calculations to evaluate exposure to chemical, biological, and physical agents. Our HCO trainees must be familiar with the use of mathematical concepts like algebra, logarithms, geometry, and statistics. Please describe the math classes taken in college and assess your competency for each of those concepts.

We don't teach math to our staff, so we need to know that they have a working knowledge of concepts like logarithms for noise calculations and statistics for sampling confidence limits.

# HCO Trainee Example Written Question

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- Please describe a time you conducted an investigation. What was the issue? What steps were taken in conducting the investigation? What tools or equipment were used? What were the findings or conclusions?

It doesn't matter what they investigated (e.g., a smell in the attic, who ate the last donut, etc.), the goal is to see how well they can write (e.g., amount, thought flow, grammar, etc.). You should give the applicant 45-60 minutes to complete the written exercise and they should be in a cube or alone in the conference room, so our staff is not hovering over them.