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OSH Update

Ask the Director:

The N.C. General Assembly returned to Raleigh in January to begin the legislative long session. How will the legislature's work this year impact the OSH Division?

The General Assembly convened on Wednesday, Jan. 11 in Raleigh to kick off the biennial legislative session. Legislators took a short break after the ceremonial opening session and resumed work in earnest on Jan. 25. Odd numbered years (2023) are "long session" years, and a primary purpose of the long session is to adopt a biennial budget covering state fiscal years 2023-2025. As a reminder, the state fiscal year begins on July 1 and ends on June 30 of each year. Thus, the current state budget runs through June 30, 2023.



Though the **final** budget is not expected to be complete until later this summer, work on next year's budget is already underway. By law, the state budget process begins with the Governor and the Office of State Budget and Management (OSBM). Every year, the Governor and OSBM asks NCDOL (and all agencies) to provide a list of expansion budget requests – funding requests that the Commissioner and the department leadership believe are critical for meeting our goals and measures. The department submitted its initial list in December and followed up with additional documentation and justification language in January. The Governor is expected to release his recommended budget in March and will formally submit the recommendations to the General Assembly for further action.

The department's submission to OSBM includes several new funding items, but our highest priority request involves the ongoing efforts to increase salaries for many of our hard to fill positions. Despite recent initiatives to provide bonuses and increase pay, we recognize that our salaries still fall short of equivalent positions both in the private sector and in other government agencies. We are making every effort to ensure that the Governor and the legislative leadership understand these concerns and the need to significantly boost pay for new and existing staff in hard to fill positions.

Our Governmental Affairs team, Julie Ryan and Edgar Starnes, will be meeting with legislators and legislative staff in the coming weeks to further share and explain our budget priorities. Once the General Assembly officially receives the Governor's recommended budget, legislators will begin the public work of debating and drafting their own budget.

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Director's Message Continued-

Each chamber – the House of Representatives and the Senate – comes up with its own version, and ultimately a conference committee comprised of members of both chambers work out the differences and produce a final bill. Once both chambers pass the “conference report,” the bill is sent to the Governor for signature. In a perfect world, the entire budgetary process would be complete by June 30, just in time for the new fiscal year. Whether or not that happens this year remains to be seen, but we’ll keep you updated as we get further into the year.

While it is impossible to forecast what next year’s budget will contain, we do know that the state’s revenue collections are slightly ahead of projections, which means that additional one-time funding could be available. However, the better gauge of the state’s revenue outlook will come in mid-April, after the state tax-filing deadline. This will impact how much the state has available in one-time funds (ex. one-time bonuses) and recurring funds (ex. permanent salary increases). Another fact to consider is that many other state agencies are facing the same hiring challenges that we’re seeing at NCDOL which means that other agencies are making similar budget requests of the Governor and General Assembly.

In short, Commissioner Dobson and the Director’s Office are very well aware of our staffing challenges and the need to increase salaries to a level commensurate with the important work you do each day. We will continue to emphasize our concerns and priorities to the General Assembly as we get into the long session. Please feel free to call, email or come see me if you have any questions about the budget process.

In addition to budget work, the General Assembly will also consider hundreds of bills that members will file during the coming months. Julie and Edgar will monitor all of those bills and will notify the Director’s Office of any legislation that could potentially impact the OSH Division. Please keep in mind that even though a bill is filed, and may even make its way through a committee or a chamber, a bill does not become law until passed by both Chambers and signed by the Governor. It is a long process!

Happy New Year (one month late)! I hope your year is off to a wonderful start and I am grateful each day for the opportunity to work with you.

-Jennifer



Watch out for the 'Lunch & Learn' opportunities. The recent 'Lunch & Learn' seminar series has received positive reviews and feedback. Jill Warren kicked off the series with a presentation on lead. She later presented this to the Western Conference Safety School. The following 'Lunch & Learn' covered inspection programming. The goal was to provide a refresher for the OSH Division on the prioritization of inspection activity. The seminar discussed how the Division handles complaints (valid vs. non-valid, and formal vs. non-formal), accidents, referrals, and programmed planned inspections. This deep look into OSH’s programming provided insight into our local Special Emphasis Programs and how General Schedule lists are obtained from OSHA.

The last installment with District IV Supervisor Laura Crawford, covered in depth what happens when an employer requests an informal conference. She discussed timelines, letters, and the process of conducting and documenting an informal conference. Through the informal conference process, OSH has several tools available to help settle cases and avoid contested cases. Laura highlighted those tools while providing some examples of hard lines OSH takes on certain violations.

Please join us for future 'Lunch & Learn' installments. We look forward to seeing you there.

**If you have ideas or would like to present a 'Lunch & Learn' installment please contact Grant Quiller.*

New One Stop Shop!

On December 15, the new One Stop Shop (OSS) was launched to the OSH Division by the Education, Training and Technical Assistance (ETTA) Bureau. After many months of working on the design with Atlantic BT, a Raleigh -based company, and uploading hundreds of documents to the new platform, the new OSS became available for staff to use. Each employee must first register at the link: http://10.35.133.8/one_stop_shop/ to gain access to the platform. Once you gain access, you will notice that the tabs are similar to the old OSS with tabs for "Home," "State Resources," "Federal Resources," "FIS," "Inspection Guidance," "OSH Division" and "Training and Education."

On the "Home" page, you will see the "Recently Uploaded" documents page which replaces the weekly FIS updates that were sent out by the Standards section. You can also save documents to your "Home" page by clicking on the "Star" icon that is next to most documents. Once you no longer need quick access to the document, click the "Star" icon again and the document will no longer be saved to your "Home" page.

"State Resources" and "Federal Resources" are similar to what was housed on the old OSS. On the "FIS" tab, you will find the CPLs, OPNs and similar compliance documents under the heading "Policy and Guidance." However, ETTA added a heading for "Compliance Resources" which houses compliance-related documents such as APNs, MOUs, IDRs, SOS and the Variance Log.

The "Inspection Guidance" tab contains "Compliance Job Aids," "Contested Cases," "Exemptions and Deferrals," "Targeting" and other similar guidance for conducting inspections. The "OSH Division" tab provides an "Employee Hub" for employees and supervisors which provides quick access to documents and other resources such as HR contacts, Injury Reporting, ordering safety shoes, secondary employment forms and many quick reference guides (i.e., Lifesize, Cisco Phone System). It also provides access to "Bureau Policies and Procedures," "Bureau Phone Numbers," "Reports and Surveys," and the "Strategic Management Plan and Committee" information. Lastly, the "Training and Education" tab provides registration for "Internal Core Courses," "Continuing Education Courses," "Internal Presentations," "CSHO Progression Notebook" and other "Training Resources."

The new OSS also offers a new search function which was missing on the old OSS. Staff can search the whole OSS from the "Search" function at the very top of each page or

the "Search" function that is provided under the heading for each page. This particular search function allows users to "show" from 10 - 300 related documents at a time. Please note that the search functions will search on each word, so in order to search on two words or more, you will need to put them in quotations such as "fall protection."

We hope that everyone will find the new OSS easier to use, but if you do have any recommendations, please feel free to send a comment via the "Quick Access" located to the left of each page using "Contact Us." We will be happy to consider any recommendations to make the site better for each of you.

Mileage Rate Increase

The IRS mileage rate has increased to 65.5 cents per mile for calendar year 2023 effective January 1. Please remember *this rate change will not affect December mileage reimbursements requests*. The Financial Services Division has updated the Employee Travel Reimbursement Request Form and posted it to the NCDOL Intranet where it can be found under NCDOL Travel Forms.



You Look Familiar, Are You New Around Here?

Meet Morgan Brown. Morgan began her NCDOL career as a Health Compliance Officer in District 8 under Kaye Thibodeaux on March 20, 2017. Less than a month into her position, Morgan endured a terrible house fire that took the lives of two pets, Bently and Maggie, and resulted in the complete loss of her home. During this life altering event, she was able to see the true heart and soul of the NCDOL when offices from across the state sent items to aid in her recovery. Most people who sent donations didn't even know who she was yet, but it showed the true spirit of all the amazing folks who work with the department.



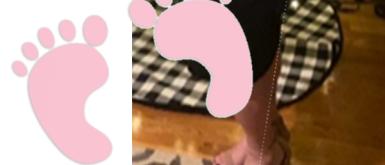
On November 1, 2017, Morgan had the opportunity to join the Recognition Program as a Star Program Consultant. Through this position, she works alongside companies and entities who truly value employee health and safety. She serves as an advisory board member for the Carolina Star Safety Conference where she has worked many hours to help improve the website and registration process. She is honored to be a part of the Recognition Program team who are more like a second family than co-workers.

Morgan was born in Asheboro to two loving parents and a not so excited big sister who asked their parents to "take her back" when arriving home from the hospital with baby Morgan. Plot twist – they kept her, and she was the favorite / best child. She graduated from Eastern Randolph High School in 2009 and journeyed to East Carolina University in the fall. Going into college as an undeclared major allowed Morgan to take intro classes in various topics to find where she was being called. After dropping a philosophy class, she added a once a week, night class – Intro to Environmental Health Science. The first night the professor discussed the numerous areas of study available to EHS students and one struck a chord – Occupational Health and Safety. The phone call with her construction worker dad was less than encouraging as he said, "OSHA?!?! Morgan, we hate those people!" By the end of the call, she had his full blessing and, of course, the desire to prove him wrong by being a safety person people liked. She was inducted into Phi Sigma Pi National Honor Fraternity, making lifelong connections and friendships. Balancing classwork and social time, Morgan graduated Magna Cum Laude with a Bachelor of Science degree in Environmental Health Science in May 2013.

She began her career at a pharmaceutical company in Greenville, N.C. as a Safety Specialist a month after graduation. With her employer's encouragement she returned to ECU part-time and virtually to advance her degree. The degree completion required a practicum project. After discussions with her advisor, Dr. Mike Behm, and friend, Dr. David Batts, Morgan decided to present a short speech on the topic of home fire survival and lessons learned. Morgan was blessed to have then-Labor Commissioner Cherie Berry serve as her practicum project mentor. Morgan graduated in December 2017 with a Master of Science degree in Occupational Safety. In May 2019, she sat for and successfully obtained the credential of Certified Safety Professional. Morgan also serves as a member of the NCDOL Drone Team and is a Part 107 Pilot.

Morgan has a love for travelling and has been to Ireland, England, France, Italy, Hawaii, and numerous Caribbean Islands. She is a true Pirate who bleeds PURPLE AND GOLD – having travelled to Washington DC, New Orleans, and Birmingham for bowl games. In 2020, she moved back to Asheboro to be closer to family including her mom, sister (she finally came around), and cousin/best friend. She has a very close relationship with her niece, Jesse'Ann (8), and nephew, Tucker (1). She is a VERY proud fur mom to Zoey (calico cat – 5 years old), Cheddar Beau Biscuit (orange tabby – 2 years old), and Delilah (Yorkie dog – 1 year old).

And in April 2023, Morgan's world will never be the same when she welcomes her baby girl. (Photos and details will be announced)



Lafayette Retires from the Wilmington Office

Lafayette Atkinson has worked in North Carolina state government over the past 36 years in the fields of Radiation Protection, Hazardous Waste, and Occupational Health and Safety.

Lafayette has been employed at the North Carolina Department of Labor—OSH Compliance Bureau since August 1993. He has worked in several positions at the department to include a Safety Compliance Officer I/II, Health Compliance Officer I/II, and as District Supervisor in the Raleigh and Wilmington field offices.

Prior to working with the OSH Division, Lafayette worked with the N.C. Department of Environment and Natural Resources, Hazardous Waste Division as a Safety Consultant



Nicole presenting Lafayette with the 'Long Leaf Pine' award from the Governor's office. He also received a "Certificate of Appreciation" from NCDOL.

and at the N.C. State University, Radiation Department as a Radiation Technician. Lafayette received his Bachelor's Degree in Occupational Safety and Health from Eastern Washington University in Cheney, WA.

Lafayette is married with three adult kids and four grandkids. His favorite pastimes are hanging out with the grandma and the grandkids, saltwater fishing, and channel-surfing.

Congratulations!



Retired Wilmington field office staff, L-R: Richard Teachey, Howard Laurie, Willie Brown, Rick Barton, Lafayette Atkinson, Tim Juneau.

FIS Updates

CPL

CPL 02-01-063: Compliance Directive for Cranes and Derricks in Construction Standard

Effective date 11/3/2022

This instruction provides guidelines for enforcement procedures and inspection guidance conducted for equipment covered by Subpart CC. This version of the compliance directive replaces "R. Operator Certification from CPL 02-01-057" with "R. Operator Training, Certification, and Evaluation." The new section includes inspection guidance and citation policy that reflects changes to 29 CFR 1926 Subpart CC – Cranes and Derricks in Construction that were made in the final rule, Cranes and Derricks in Construction: Operator Qualification, 83 FR 56198.

MOU

MOU DEQ-MOU4: NCDEQ – Air Quality Division

Effective date 11/7/2022

Memorandum of Agreement between the NCDOL, OSH Division and the NCDEQ (formerly NCDENR), Air Quality Division.

OPN

OPN 145D: SEP: Grocery and Related Product Merchant Wholesalers

Effective date 11/8/2022

This OPN establishes an SEP for Grocery and Related Product Merchant Wholesalers. Revisions include updated statistics and other minor edits.

Standard Notices

SN 78: Pump Jack Scaffold Systems – Workbench Used as a Top Rail

Effective 12/13/2022

This standard notice was created to provide additional clarification on when the use of workbenches as top rails on pump jack scaffolds is acceptable.

Status of Fiscal Year Compliance Strategic Goals

Strategic Goal	Goal	Actual to Date
In-Compliance Rate (all inspections in FY2023)	<35%	37.9%
SAMM In-Compliance Rate—Safety (based on closed/issued cases)	<35%	27.8%
SAMM In-Compliance Rate—Health (based on closed/issued cases)	<35%	31.6%
SAMM Lapse Time —Safety	<40 days	60.5 days
SAMM Lapse Time —Health	<40 days	58.3 days
Follow-up Inspections (%)	5%	2.5%
Logging Fatalities	7 fatalities during baseline year	1— (on pace for 4 fatalities)
Construction Fatalities	32 fatalities in baseline year	2—(though there have been 4 so far in January 2023)

Status of Fiscal Year Compliance Inspection Goals

Type of Inspection	FY2023 Goal	3-Month Goal	3-Month Actual	% of FY Goal to date
Total Compliance Inspections	1,900	475	319	67%
Construction Inspections	800	200	137	69%
Public Sector Inspections	95	24	22	92%
Logging/Arborist SEP Inspections	20	5	4	80%
Health Hazard SEP Inspections	60	15	13	87%
Long Term Care SEP Inspections	24	6	6	100%
Grocery & Related Products SEP Inspections	20	5	2	40%
Food Manufacturing SEP Inspections	25	6	5	83%
Amputation SEP Inspections	150	38	34	89%

Status of Fiscal Year ASH Compliance Strategic Goals

Strategic Goal	FY 2023 Goal	3-Month Goal	3-Month Actual	% of FY Goal to date
Pre-Occupancy Camps Inspected	1,875	469	270	58%
Certificates Issued	1,750	437	180	41%
Education Material Distributed	2,400	600	1,018	170%
Outreach to Hispanic Farm Workers	100	25	29	116%

Status of Fiscal Year Consultation Strategic Goals

Strategic Goal	FY2023 Goal	3-Month Goal	3-Month Actual	% of FY Goal to date
Hazards Eliminated	4,800	1,200	1,647	137%
PRIVATE Consultative Visits	1,125	281	296	105%
Construction Visits	290	73	93	127%
Logging Visits	15	4	5	125%
LTC Visits	30	8	9	113%
Documentation of Health Hazard Inspections	125	31	48	155%
Food Inspections	12	3	7	233%
Program Improvements	750	188	294	156%

Status of Fiscal Year ETTA Strategic Goals

Strategic Goal	FY2023 Goal	3-Month Goal	3-Month Actual	% of FY Goal to date
Construction SEP 10 Hour Course	5	1	2	200%
Construction SEP 30 Hour Course	1	1	1	100%
Logging/Arborist Events	5	1	2	200%
LTC Events	2	1	0	0%
Health Hazard Events	20	5	5	100%
Public Sector Training Events	5	1	2	200%
Program Improvements	60	15	29	190%
Total Star Sites (new/recertifications)	20	5	4	80%
Total Star Program Interventions	100	25	22	88%
Total Persons Trained by ETTA	5,350	1,337	1,530	114%
Total Persons Trained in Identified Areas	1,500	375	520	139%
Publications Distributed	45,000	11,250	8,840	79%

Thanks for all you do!

Jennifer &
Paul

