

North Carolina Department of Labor
Occupational Safety and Health Division
Raleigh, North Carolina

Field Information System

Operational Procedure Notice #102
SN/OPN

Subject: NCGS 95-250, et al. Safety and Health Programs and Committee Legislation

A. Purpose: The purpose of this OPN is to provide guidance for CSHOs conducting inspections based on the safety and health programs and committees legislation as to when such inspections will be conducted.

B. Discussion: In 1992, the North Carolina General Assembly passed the Safety and Health Programs and Committees Act (NCGS 95-250, et. al.). This law requires employers who have a workers' compensation experience modification rate of 1.5 or greater to have a written safety and health program. In addition to the written program, if the company has 11 or more employees, a safety and health committee must be established. The North Carolina Department of Labor, Occupational Safety and Health Division was given enforcement responsibility for this law. Due to questions posed from CSHOs and Supervisors as a result of inspections based on this legislation, we are revising instructions to CSHOs on how to prepare for the inspection. This OPN clarifies the new procedure for verifying inspection assignments.

C. Action: This is an internal document for reference by CSHOs, and their supervisors. Citations should be issued and penalties calculated in accordance with OPN 87. Please place this OPN in the appropriate FIS notebook. This OPN will become effective immediately.

(Signed on Original)
Susan E. Van Arnam
Health Standards Officer

(Signed on Original)
Charles Jeffress
Director

January 11, 1996
Date

Safety and Health
Programs and Committees
NCGS 95-250, et al.

The Safety and Health Programs and Committees legislation requires that the North Carolina Department of Labor notify every employer who is required to comply with this law. Attached you will find a copy/example of the information packet sent to each employer. The packets are sent Certified Mail so that the DOL can verify receipt by each employer. Each employer is required to return to MIE a postcard verifying that they are in compliance with the legislation. The postcards and certified receipts are returned to and maintained in the MIE Bureau.

Inspection assignments for Safety and Health Programs and Committees will be forwarded to the Compliance Supervisor by MIE. The inspection sheet will be similar to a general schedule assignment sheet and will include the North Carolina Rate Bureau (NCRB) ID#, the company Experience Modification Rate (EMR) and the effective date of the EMR.

The rates provided to the Department of Labor by the NCRB are put on a computer tape one day during the year. Therefore, we have rates which were current on that day only. An employer renews workers' compensation insurance once each year on the month and day the policy was originally issued. So once a year the EMR could change. Because the NCRB calculates rates for many companies (all of whom have different renewal dates) the NCRB database will also change on a continuous basis.

Therefore, **after the CSHO receives** a Safety and Health Programs and Committees **assignment**, the CSHO will **contact Ellen Danielle at the NCRB at (919) 783-9790 to verify the current EMR** for the company. The CSHO will need to identify him/herself as a Compliance Officer with the North Carolina Department of Labor and provide the NCRB ID# from the assignment sheet.

If the EMR has dropped below 1.5, the CSHO should note the current EMR on the assignment sheet and return it to their supervisor. **No inspection will be conducted.**

If the CSHO finds that the current EMR is 1.5 or higher, the CSHO will verify with MIE that the company has received the packet and returned the postcard. If no certified receipt is on file with the MIE, the CSHO should note this on the assignment sheet and return it to their supervisor. **No inspection will be conducted** unless we can verify that the company received the information packet.

In the event the NCRB does not have their computer updated (which is highly likely) and the CSHO goes to the site to conduct an inspection, the CSHO will verify the

current EMR with the employer. If the EMR has dropped below 1.5, the CSHO will make a photocopy of the current EMR and return the copy and assignment sheet to the supervisor. **No inspection will be conducted.**

If the current EMR is 1.5 or higher and no other exemption applies, the CSHO will conduct a comprehensive safety and health inspection to include S&H Programs and Committees.

If the CSHO determines that the company is exempt from OSHA inspections per OPN 26, then only an inspection for the Safety and Health Programs and Committees legislation will be conducted (because this is a NCGS and not an OSHA standard).