

## NORTH CAROLINA DEPARTMENT OF LABOR

### Administrative Information System

### Administrative Procedure Notice 20

### Subject: Memorandum of Understanding and Memorandum of Agreement

#### 1. Purpose.

This Administrative Procedure Notice (APN) describes and implements the NC Department of Labor Memorandum of Understanding (MOU) and Memorandum of Agreement (MOA) Program for Occupational Safety and Health. MOU/MOA is designed to enhance the ability of the Occupational Safety and Health Division (OSH) to meet its strategic goals and statutory requirement to help prevent injuries, illnesses and fatalities.

#### 2. Scope.

This APN applies throughout the Division for all Memorandum of Understanding and Memorandum of Agreement as defined in this procedure. It does not apply to Compliance Settlement Agreements, agreements that are part of Consultative Services Bureau's Recognition Programs, Gold Star Growers' programs or agreements to support regional safety and health schools. Additionally, MOU/MOA shall not be used as a vehicle for deferring compliance inspections.

#### 3. Definitions.

- a. **Memorandum of Understanding/Memorandum of Agreement** is a written agreement or understanding between agencies to set forth the principles of their working relationship.

The purpose of a Memorandum of Understanding and a Memorandum of Agreement are to delineate policies, procedures and responsibilities which will guide the working relationship of the NC Department of Labor Occupational Safety and Health Division with another Agency. The MOU/MOA will establish a process and framework that each agency will abide by to work cohesively toward workplace safety and health.

#### 4. Roles and Responsibilities.

- a. The State Plan Coordinator will:
- i. Submit a plan change with documentation of this program to Federal OSHA.
  - ii. Include an annual assessment of MOU/MOA effectiveness in the State OSHA Annual Report (SOAR) and provide information about new understandings and agreements to the Area Director.
- b. ETTA will:
- i. Ensure that the types of understandings and agreements support the OSH mission and Strategic Management Plan;
  - ii. Cultivate relationships with public sector entities to improve safety and health;
  - iii. Formalize through written agreements those relationships that most benefit the mission and strategic goals of OSH;
  - iv. Designate a person to monitor specific agreements and required activity and provide a point of contact for each MOU or MOA. Circumstances may dictate that the monitor come from a Bureau other than ETTA. The designation will be coordinated with the affected Bureau Chief.
  - v. Post information pertinent to MOU/MOA on the intranet for OSH personnel;
  - vi. Maintain a listing of active MOA/MOU;
  - vii. Include support for MOU/MOA in the Strategic Management Plan where appropriate;

- viii. Prepare an annual summary description of the status of each current MOU/MOA to the State Plan Coordinator;
    - ix. Provide training to MOA/MOU agencies as required;
    - x. Provide information and advice to the Director regarding MOU/MOA.
  - c. Compliance Bureaus will include support for MOU/MOA in their annual work plans and support MOU/MOA when requested. This could include conducting joint inspections with MOU/MOA agency or providing technical expertise
  - d. The Consultative Services, Agriculture Safety and Health, and Planning, Statistics, and Information Management Bureaus (PSIM) will include support for MOU/MOA when requested.
  - e. OSH Director's Office will:
    - i. Support formalized MOU/MOA with the resources of the Division;
    - ii. Promote MOU/MOA during speeches and other outreach activities; and
    - iii. Sign all MOU/MOA documents for the Division.
5. Agreement/Memorandum Development Process.
- a. A proposal with recommendations for an MOU/MOA shall be presented by the ETTA Bureau Chief to the OSH Director unless originated in the Director's Office.
  - b. If the Director approves the concept, a written MOU/MOA will be drafted by ETTA in cooperation with the participating agency. All MOU/MOA will be in writing.
  - c. ETTA shall coordinate preparation of the draft document with affected bureau chiefs.
  - d. The final document is sent to the Director for approval.
  - e. If approved, a signing ceremony or alternate activity will be conducted to formalize the MOU/MOA.
  - f. The ETTA staff person assigned to monitor the agreement/memorandum shall prepare a annual summary the status of the MOU/MOA for inclusion in the summary description and posting to the Intranet.
  - g. The annual evaluation of the MOU/MOA and related meetings will be coordinated by ETTA, as well as any changes to the MOU/MOA document.
6. Format and Content of Memorandum of Agreement/Memorandum of Understanding
- a. An MOU/MOA is an agreement or understanding between agencies regarding their working relationship in promoting safety and health in the workplace.
  - b. The MOU/MOA will clarify authorities and responsibilities and may include procedures for joint inspections and sharing of inspection information.
  - c. It may include training and education initiatives, along with outreach and communication goals.
  - d. The provisions of the MOA/MOU shall be in writing and describe the activity outcome to be pursued.
  - e. The participants may meet at least annually to monitor and share information on activities as dictated by the MOU/MOA.
  - f. An evaluation component shall be included in each MOU/MOA.

- g. The MOU/MOA will remain in effect unless terminated by either participant providing a 30 days written notice.

7. Terminated Memorandum of Agreement/Memorandum of Understanding

If an MOU/MOA has been terminated, the signed MOU/MOA will be removed from the intranet and placed on the F Drive for historical purposes. All other records pertaining to the MOU/MOA will be maintained by ETTA per the following schedule:

**Terminated:** For a period of one year except pertinent records such as inspection documents, meeting minutes, and other relevant information (correspondence) pertaining to the MOU/MOA commitments. These records will be maintained until the end of the five year strategic plan. Training records pertaining to the MOU/MOA will be maintained indefinitely in the DOL training database.

8. Revision. This APN will be reviewed at least annually and revised as needed.

ETTA Bureau Chief	Date	Director	Date
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