

**North Carolina Department of Labor
Occupational Safety and Health Division**

Administrative Procedure Notice 28A

Administrative Information System

Subject: Ombudsman's Interactions With Next of Kin

- A. **Purpose.** This Administrative Procedure Notice (APN) describes the procedures for interactions by the Next of Kin (NOK) Ombudsman with the families of workers who are killed on the job. The NOK Ombudsman is the State Plan Coordinator (SPC) located in the Occupational Safety and Health (OSH) Division Director's Office. As the NOK Ombudsman, the SPC will provide assistance to family members with issues relating to the Division's investigation of a workplace fatality.
- B. **Discussion.** The NOK is usually interested in the status of the fatality inspection and when the OSH investigation and report will be completed. Providing assistance to the NOK is a high priority for the OSH Division. At the same time, the employer's rights must also be protected.

The Division's goal is to complete fatality investigations within 90 calendar days, but the inspection process can extend up to six months. This APN contains procedures to ensure NOK is kept informed of the process.

C. **Procedures.**

1. The NOK will be sent a letter by the Compliance Safety and Health Officer (CSHO) or District Supervisor who is conducting the fatality investigation early in the fatality investigation, per FOM Chapter VIII – Fatality and Catastrophe Investigations, paragraph B.2.i., Families of Fatality Victims/Next of Kin. The SPC contact information will be contained in the letter as the NOK may feel more comfortable interacting with someone other than the CSHO. ***Note: All NOK letters are in the OSHA Express.***
 - a. If there is no response to the initial letter from the NOK, no further contact is required until the results of the inspection are completed, and the case file is closed. At that time, a letter will be sent to the NOK regarding the results of the investigation.
 - b. If the NOK contacts the SPC by telephone or email, the SPC can respond to generic questions. If the question is specific, the SPC will take the NOK's name, telephone number, and ask for the inspection number and will state that they will get back to them.

2. The SPC will refer to the inspection case file in OSHA Express (OE) and make sure the NOK's name matches with the information in OE. *Note: The SPC can only communicate with the listed NOK.*
3. The SPC should review the inspection case file in OE and determine the inspection stage (i.e., open, closed).
 - a. If the inspection is open, the SPC cannot share specific OSH inspection information with the NOK. The SPC will be able to provide general information about the inspection process, the employer's ability to request an informal conference, and that an employer has the right to contest citations. The case file will be sent from the district office to the Planning, Statistics and Information Management (PSIM) bureau where it will be processed before being able to be released. This explanation can be helpful in the NOK understanding potentially protracted time frames. *Note: If a case file is open, disclosure is restricted even to the NOK. There must be no release of information relating to a fatality investigation until the inspection is closed out.*
 - b. If the inspection case file is closed, the SPC can assist the NOK in securing information about a completed investigation. Requests for copies of closed case files must be sent, in writing, to PSIM. The NOK can get a copy free of charge. *Note: If a case file is closed, it can be released to anyone.*
4. When the SPC has been in contact with the NOK, documentation needs to be added under "Notes" tab in the "Communication Log" section in the case file, in OE. An email should also be sent to the District Supervisor and lead CSHO, with a "cc" to the applicable Bureau Chief indicating that the NOK has been in touch. The SPC should state the nature of the interaction and that a note was made in OE regarding the interaction. *Note: All SPC interactions with the NOK needs to be logged into the case file.*
5. The NOK may ask questions about issues that are not under the jurisdiction of the OSH Division. This may include questions regarding if there will be an Industrial Commission (IC) hearing. *Note: If NOK has questions regarding the IC, they should be provided the following phone#: 1-800-688-8349.*
6. The SPC should reassure the NOK during all interactions that they are available to them if they have further questions or require further assistance.
7. A NOK may be emotional and/or angry. The SPC should show compassion and if they feel it necessary, refer the NOK to a support group. Several private groups are available to assist the NOK.

These groups include:

The FIGHT Project (Families in Grief Hold Together)
Ron Hayes

P.O. Drawer 1555
Fairhope, Alabama
1-251-391-8560 and 1-251-307-2017
rhfight@att.net

United Support & Memorial for Workplace Fatalities
Tammy Miser
2837 Yellowstone Parkway
Lexington, Kentucky 40517
1-859-338-9144 and 1-858-266-5646
info@usmwf.org
usmwf.org

8. The SPC will report all NOK contact during the bi-weekly Bureau Chief Meetings.

- D. Expiration.** APN 28 is canceled. APN 28A is effective on the date of signature and will remain in effect until revised or canceled by the OSH Director.



State Plan Coordinator



OSH Director

7/13/2023
Date