

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

**Raleigh, North Carolina**

Field Information System

Operational Procedure Notice 128D

**Subject:** Public Sector Surveys and Inspections

**A. Purpose.**

This Operational Procedure Notice (OPN) establishes and implements a public sector survey process and special emphasis inspection program as authorized by North Carolina General Statutes 95-133 and 95-148 to target for inspection those public sector employers with a high rate of recordable work-related illnesses or injuries. Specifically, those employers with high Lost Workday Injury and Illness (LWDII) Case Rates or Days Away, Restricted, or Transferred Rates (DART), as reported through the Public Sector Injury and Illness Survey and further defined by this OPN, are those that may be targeted for inspection. The North Carolina Department of Labor, Division of Occupational Safety and Health (OSHNC) has also included the public sector as an area of emphasis as described in the FY2004-2008 Strategic Plan with intervention which may include inspections, consultations, education, and training.

**B. Scope.**

This OPN applies to all survey activity and inspection assignments included in this special emphasis inspection program.

**C. Discussion.**

OSHNC's public sector inspection targeting plan is based on public sector employer LWDII/DART data obtained through the Public Sector Injury and Illness Survey and those who do not respond to the survey. OSHNC collects data on public sector establishments or departments as identified from the Unemployment Insurance (UI) database file of the N.C. Employment Security Commission (ESC) and the division's database file. Public Sector employers with 11 or more employees controlled as a whole are included in the database. The Public Sector Injury and Illness Survey (a.k.a. the North Carolina Public Sector Data Collection System) is a statewide annual collection of state and local government injury and illness data. A survey form (s) is completed by public sector employers with the data provided used to calculate the LWDII/DART rate for the specific establishment or department. Public sector employers controlling, as a whole, less than 11 employees will not be included in this survey process or targeting schedule, however, could be assigned for inspection as a result of an accident, complaint or referral.

**D. Objectives.**

This public sector special emphasis inspection program has been initiated to target for inspection, specific public sector establishments or departments in which the LWDII/DART rate is at or above the annual target rate [which is the most recently published Bureau of Labor Statistics (BLS) data for North Carolina, State, and Local Government Injury and Illness, Total Case Rate or Total Cases with Days Away from Work, Job Transfer or Restrictions]. The target rate and

each survey responder's rate will be reflected on the targeting schedule. The survey results will be sorted by the calculated LWDII/DART rate higher to lower, with non-responders being included with the higher rated survey responders, and will be separated into four classifications. Of the survey responders that may be assigned, the top 25% will be Class I, the second 25% will be Class II, etc. Survey responders whose current rate is below the target rate may also be randomly assigned for inspection, using a random number generator to produce an assignment listing.

E. **Inspection Procedures.**

1. The Compliance Field Operations Manual shall be used as the reference document for all issues related to inspection procedures. Chapter II of the Manual describes compliance programming procedures including public sector programmed inspections, calculation of injury and illness rates, and specific Compliance Safety or Health Officer (CSHO) responsibilities at F. 3. f. This OPN should be used only in conjunction with requirements contained in the Field Operations Manual. Permanent inspection procedures initially distributed in an Operational Procedure Notice could be incorporated into the Operations Manual when it is revised.
2. Each assignment listed on the assignment sheet shall be inspected. Inspections conducted under the authority of this OPN shall be a comprehensive special emphasis programmed inspection except for situations described in E.3. and E.4. below.
3. A comprehensive inspection will be conducted based on how the survey information was presented by the survey provider. However, if the assignment listing is by employer name with multiple establishments, a comprehensive inspection of the entire assignment may be impractical. The District Supervisor and the CSHO should use their expertise and experience to determine which establishments within the assignment to inspect. This decision shall be documented on the targeting schedule, in an inspection plan, and included in the case file. A hazard assessment shall be conducted which includes a review of injury and illness records, the safety and health program including minutes from any committee meetings and internal safety and health audit records, and employee interviews. This analysis may help to identify high hazard establishments or areas that should be included in the inspection. Review of previous inspection case files may also help to identify high hazard establishments or areas that should be inspected.
4. If an assignment for inspection is primarily an administrative or academic establishment or department, a partial inspection may be conducted. A review of injury and illness records should confirm the absence of any high hazard establishments or areas, and shall be supported by employee interviews and review of safety and health program information. The reason for a partial inspection should be documented in the case file since the assignment was due to the reported injury and illness rate.
5. On all public sector inspections, consideration should be given to all potentially hazardous areas, or operations. At a minimum, the following operations or processes shall be evaluated for each assignment if applicable to the establishment or department

assigned for inspection: public works operations, cemetery and grounds, warehouses, waste water treatment plants, landscaping, sanitation and trash removal, street department including work zones, pumping stations, utilities, housing authority, city pools, animal control, electrical/mechanical, maintenance, fire, police, EMS, bus garage or other transportation, bridge maintenance, and storage and distribution.

6. The inspection process shall be organized in a manner that causes the least amount of disruption for the inspected employer. If multiple assignments exist for the same Public Sector employer, concerted attempts should be made to hold consolidated opening conferences and to provide tight scheduling of the on-site inspections.
7. Each assignment listed on the primary assignment list will constitute a separate inspection and case file number.
8. When there are multiple assignments for the same employer, an attempt should be made to conduct one opening and closing conference with a top management official. In the case of a city, county, or town, this could be the manager. Inspection related discussions (such as informal conferences) should be addressed in one conference or items submitted to the employer, including any citations issued from all inspections, should be consolidated into one mailing.
9. All inspections should be initiated at the primary assignment address.
10. While Part 1904 Recording and Reporting Occupational Injuries and Illnesses requires that all employers maintain their records by "establishment" as defined at 1904.46, Federal OSHA has recognized the wide differences within and among the States in the organization of State and local government. For this reason, Federal OSHA has determined that no single definition of the "establishment" where a particular set of records must be kept, is necessary in the public sector. As long as all cases are recorded as required, no citation will be issued if the cases are recorded by either establishment or department.

F. **Calculation of LWDII/DART Rates.**

1. During inspections under this notice, the OSHA injury and illness logs for three previous years related to the assigned establishment or department shall be reviewed. The LWDII/DART rate for all three years will be recalculated (as described in Chapter II, F.3.c. of the FOM) and recorded on the OSHA-1 Form.
2. The LWDII/DART rate (calculated by the CSHO) is to be compared to the LWDII/DART rate (for the same year) as reported through the Public Sector Injury and Illness Survey. A recalculation will not be performed if, for any reason, the relevant records are not available.
3. The CSHO will check OSHA 101/301 Forms, Form 19's, (or equivalent), as they deem appropriate to validate the OSHA 200/300 injury and illness logs related to the

assignment. If records are not available for CSHOs to make this determination, the workplace comprehensive safety and health inspection shall proceed and appropriate citations under 29 CFR 1904 shall be considered.

4. If the recalculated rate (for the same year) for the assignment is below the annual target LWDII/DART rate, but the following year is at or above the target rate, the CSHO will proceed with the inspection. If not, the decision will need to be made between the CSHO and Supervisor whether or not to continue with the inspection or do a “records only” inspection.
5. If recordkeeping violations are discovered, they will be cited in accordance with OSHNC policy. A partial walkthrough may be conducted to interview workers in order to confirm and verify the injury and illness experience. Any serious violations that are observed in the vicinity or brought to the attention of the compliance officer will be investigated and may be cited.

**G. Recording and Tracking.**

1. CSHOs must verify that the assignment has the correct Unemployment Insurance Number (UI). Questions regarding UI numbers will be directed to the Planning, Statistics and Information Management (PSIM) Bureau. CSHOs will enter the applicable public sector UI number on the OSHA-1 in the Employer ID field within the establishment processing area on the form. A UI number contains 12 total digits (1234567-12345), which specifically identify an employer's establishment.
2. CSHOs need to be aware of the possibility of assignments that may or may not be site-specific (by establishment). Some public sector employers may have reported through the Public Sector Injury and Illness Survey that injury and illness data was maintained on one log for the employer, as a whole, by division/department or by establishment, therefore, one assignment may be made for inspection of several establishments combined or an assignment may be for one establishment. The Public Sector targeting schedule is designed to calculate an LWDII/DART rate by survey.

**H. Managing the Inspection Assignment List.**

1. The Planning, Statistics and Information Management Bureau will provide the East and West Compliance Bureau's access to an assignment list (through the Targeting System web page) of eligible assignments generated by a database supported by the Information Technology (IT) Division to calculate an LWDII/DART rate. This database of eligible assignments contains public sector survey responders (with 11 or more employees controlled by the public sector employer as a whole) that participated in the Public Sector Injury and Illness Survey with LWDII/DART rates at or above the annual target rate, and based on criteria stipulated in FOM Chapter II. The primary assignment list will list the survey responder and the secondary list linked to that primary list will show all establishments covered by the assignment.

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2. The public sector inspection targeting schedule will be based on consideration of available resources, competing strategic plan priorities, geographic range of the office, and the number of survey responders in the database that are at or above the annual target LWDII/DART rate. Within an assignment list, the establishments or departments may be scheduled and inspected in any order that makes efficient use of available resources.
3. Compliance Supervisors along with the Compliance Bureau Chiefs will be responsible for making recommendations regarding specific establishments on the public sector inspection targeting schedule (primary or secondary list) that should be skipped or deleted from the sites planned for inspection. For example, specific establishments that have received a recent comprehensive safety and health inspection may be skipped (deleted) from the current inspection assignment list/cycle. Supervisors will document in the comments column of the public sector targeting page why an establishment or department should be skipped or deleted and the reason for the requested deletion. All requested changes to this targeting schedule must be in writing to the PSIM Bureau.
4. The public sector establishments or departments targeted for inspection will be assigned on an annual basis and can be carried over from year to year. Assignments will be available for assignment to the East and West Compliance Bureaus through the Targeting System web page.
5. Compliance Bureau management will determine the appropriate strategy for meeting inspection activity levels for public sector.
6. Compliance Supervisors will review the public sector assignment list and determine whether an assignment is to be conducted as a safety inspection, health inspection, or joint inspection.
7. Inspections under the public sector emphasis inspection plan may be conducted either as combined safety and health inspection by a cross-trained compliance officer (as established through specific training or demonstrated ability), or as separate safety and health inspections, or as joint safety and health inspections by multiple compliance officers. Establishments or departments with an LWDII/DART rate at or above the target rate that have received a comprehensive safety and health inspection within the previous three years (opening conference date to date assigned for inspection) should be deleted from the inspection list. For example, if one assignment on the primary list covers four establishments (as indicated on the secondary list) and one of the establishments has had a comprehensive safety and health inspection within the previous three years or is deferred by the Consultative Services Bureau, only three of the establishments covered by that public sector survey will be eligible for inspection.

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**I. Administration.**

The OSHNC Public Sector Inspection Targeting Schedule of Assignments set forth in this operational procedure notice will be administered through the PSIM Bureau.

**J. Expiration.**

OPN 128C is canceled. This OPN is effective on the date of signature. It will remain in effect until revised or canceled by the Director.

Signed on Original

Kevin Beauregard  
Assistant Director

Signed on Original

Allen McNeely  
Director

10/10/05

Date of Signature