

North Carolina Department of Labor
Division of Occupational Safety and Health

Raleigh, North Carolina

Field Information System

Operational Procedure Notice 128B

Subject: Public Sector Targeting of Inspection Assignments

A. Purpose:

This Operational Procedure Notice (OPN) establishes and implements a public sector 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 the Days Away, Restricted, or Transferred Rate (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) intervention may include inspections, consultations, education, and training.

B. Scope:

This OPN applies to all assignments included in this emphasis inspection program.

C. Discussion:

OSHNC has elected to administer a public sector inspection targeting plan. The plan is based on public sector employer LWDII/DART data obtained through the Public Sector Injury and Illness Survey. OSHNC collects data on public sector establishments 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 establishments' injury and illness data. A random selection of 1,000 public sector establishments (as establishment is defined in the 29 CFR Part 1904, Recordkeeping Standard) are selected annually to be surveyed. A survey form will be completed by each selected establishment, with the data provided for the establishment used to calculate the LWDII/DART rate for the specific establishment. Establishments with a calculated rate 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 Governments Injury and Illness, Total Case Rate] will be notified by PSIM that they meet the aforementioned criteria. These reporting establishments will then be given the opportunity to request safety and health assistance. Public sector employers controlling, as a whole, less than 11 employees will not be included in this targeting system, however, could be assigned for inspection as a result of an accident, complaint or referral.

D. Objectives:

This public sector emphasis inspection program has been initiated to target for inspection, specific public sector establishments where the LWDII/DART rate is at or above the annual target rate. The target rate is derived from the BLS Survey of Occupational Injuries and Illnesses, which is published on a yearly basis. The list of surveyed establishments will be sorted into two employment level groups (10 or less employees on site and 11 or more employees on site) by the calculated LWDII/DART rate for each group, higher to lower, and each group will be separated into four classifications. Of the establishments that may be assigned, the top 25% will be Class I, the next 25% will be Class II, etc. An establishment 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 public sector establishments targeted for inspection will be assigned on a fiscal year basis and will be available for assignment to the East and West Compliance Bureaus through the Targeting System web page.
2. Inspections conducted under this plan will be comprehensive programmed-planned safety and health inspections as defined by the Compliance Field Operations Manual and conducted in accordance with the procedures described there and in other guidance documents. Targeted inspections under this inspection program will receive inspection priority based on the amount of resources to be expended and strategic plan goals as determined by the Compliance Bureau Chiefs. Compliance Bureau management will determine the appropriate strategy for meeting inspection activity levels for public sector. Consultation deferrals will apply to establishments selected for inspection under this OPN.
3. Once an inspection is planned, the Compliance Supervisor should insure the development of an intervention strategy to address those safety and health problem areas identified through review of public sector specific data included in the IMIS database.
4. 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.
5. Inspections under the public sector emphasis inspection plan may be conducted either as one 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. Establishments 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.

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 will be reviewed. The LWDII/DART rate for all three years will be recalculated and recorded on the OSHA-1 Form.
2. The LWDII/DART rate (calculated by the Compliance Officer) is to be compared to the LWDII/DART rate (for the same year) as reported for the assigned establishment 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. Compliance Officers 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 assigned establishment. If records are not available for Compliance Officers to make this determination, the workplace comprehensive safety and health inspection will proceed and appropriate citations under 29 CFR 1904 will be considered.
4. If the recalculated rate (for the same year) for the assigned establishment is below the annual target LWDII/DART rate, but the following year is at or above the target rate, the Compliance Officer will proceed with the inspection. If not, the decision will need to be made between the Compliance Officer 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. Compliance Officers must verify that the assigned establishment has the correct Unemployment Insurance number (UI). Questions regarding UI numbers will be directed to PSIM. Compliance Officers will enter the public sector establishment 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 identifies an employer's site-specific establishment.
2. Compliance Officers 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 or by division, therefore, one assignment would be made for inspection of all establishments reported. If a public sector employer reported injury and illness data as requested, by establishment, the Public Sector targeting program is designed to calculate an LWDII/DART rate for each reporting establishment. CSHO's and supervisors will use their expertise and experience to determine if all or specific establishments will be inspected. [A citation for failure to maintain a separate log for each establishment per the requirements of 29 CFR 1904.30 (a) may also be issued.]

H. Managing the Inspection Assignment List:

1. The PSIM Bureau will provide the East and West Compliance Bureau's access to an assignment list (through the Targeting web page) of eligible assignments generated by a database supported by the Information Technology (IT) Division to calculate an LWDII/DART rate. This database contains public sector establishments (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 2.
2. The public sector inspection-targeting list will be based on consideration of available resources, competing strategic plan priorities, geographic range of the office, and the number of establishments in the database that are at or above the annual target LWDII/DART rate. Within an assignment list, the establishments 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 establishments on the public sector inspection-targeting list that should be skipped or deleted from the assignment list of sites planned for inspection. For example, 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 public sector targeting page why an assignment should be skipped or deleted and the reason for the requested deletion. All requested changes to this targeting system must be in writing to the PSIM Bureau.

I. Administration:

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

J. Expiration:

OPN 128A 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

9/23/03
Date of Signature