

# 2017 Annual Report



**Cherie Berry**  
*Commissioner of Labor*

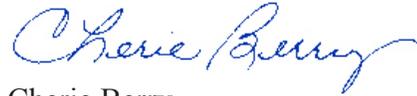


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## Foreword

I wish to acknowledge the cooperation of all the fine employees of the various divisions of the Department of Labor who made possible the many accomplishments and services to the people of North Carolina that are recorded in this report. The dedication shown by these employees helps make North Carolina a safe and healthy place to work and live.



Cherie Berry  
Commissioner of Labor

# N.C. Department of Labor

## Overview

The labor commissioner is a constitutional officer elected statewide by the people of North Carolina to serve a four-year term running concurrently with the governor and all other members of the Council of State. On Nov. 8, 2016, Cherie Berry became the first labor commissioner in the history of the state to be elected to a fifth four-year term.

The General Statutes provide the labor commissioner with broad regulatory and enforcement powers to achieve the objective of promoting the health, safety and general well-being of working North Carolinians. Foremost among her duties are the administration and enforcement of the occupational safety and health standards. Her duties also include enforcement of wage and hour laws, employment discrimination involving retaliation and the provision of free education, training and consultation to ensure safe and healthy working conditions for North Carolina's employers and employees. Mine safety and health training is also provided to owners, operators and contractors working in North Carolina's mining industry. The labor commissioner also ensures the public's safety through the administration of inspections of boilers, elevators, escalators, amusement rides and inflatable devices.



*Labor Commissioner Cherie Berry*

The N.C. Department of Labor's mission is to foster a safe, healthy, fair and productive North Carolina by:

- Providing responsive, effective and efficient services
- Providing and encouraging quality education and training
- Administering consistently and fairly our regulatory mandates
- Enhancing public confidence in the Department of Labor

North Carolina's workforce contains more than 4 million workers in more than 270,000 private and public sector businesses. The laws and programs the department administers affect every worker—and virtually every person—in the state.

Department of Labor history dates back to 1887, when the General Assembly created the Bureau of Labor Statistics. In a reorganization of labor functions in 1931, the General Assembly laid the groundwork for the department's transformation into an agency with laws and programs affecting most state citizens. Departmental divisions and bureaus carry out its principal regulatory, enforcement and informational programs.

The N.C. Occupational Safety and Health Review Commission operates independently from the department. The Review Commission, whose members are appointed by the governor, hears appeals of citations and penalties imposed by the Occupational Safety and Health Division.

## Administration Division

Administration provides support for Commissioner Berry's office and the entire N.C. Department of Labor. Administration comprises five divisions: Budget and Management; Communications; Governmental Affairs; Human Resources; Legal Affairs; and three bureaus: Information Technology; Publications; and Research and Policy.

### Statistical Highlights for 2017

#### Budget and Management

- Managed the annual budget for state fiscal year 2017, which was \$34,921,243; revenue: \$18,210,294; appropriations: \$16,710,949.

#### Communications

- Released 65 news releases and media advisories.
- Managed the *N.C. Labor Ledger* database, which has 16,983 subscribers as of Dec. 31, 2017.
- Produced more than 1.3 million impressions and processed nearly 94,000 pieces of outgoing mail for the department's Raleigh area offices through Publications.

#### Governmental Affairs

- Monitored the long session of the General Assembly.

#### Human Resources

- Managed HR functions for 347 employees as of Dec. 31, 2017.

#### Information Technology

- The NCDOL website had 3,898,984 visits in 2017.
- The IT Desktop Services responded to a total of 6,263 internal telephone and email requests for assistance.

#### Legal Affairs

- Distributed \$9,038.38 in outstanding wage collections and collected funds in the amount of \$1,253.08 for wage and hour cases.
- Finalized verbatim rule adoptions for the OSH Division, and continued the process for periodic review and expiration of rules for the Administration Division (Departmental Rules); Standards and Inspections Division (Conciliation and Arbitration, Elevator, Mine and Quarry, Boiler and Pressure Vessel Safety, Retaliatory Employment Discrimination, Job Listing Services, and Private Personnel Services); and the Agricultural Safety and Health Bureau as related to the Migrant Housing Act of North Carolina.

#### Research and Policy

- Conducted the Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries. The 2016 nonfatal incident rate for private sector industry is essentially unchanged from 2015. The number of fatal occupational injuries increased to 174 from 150. The fatal incident rate increased to 3.7 from 3.4 per 100,000 full-time employees.

## Budget and Management

Budget and Management's 13 employees are responsible for all fiscal-related areas of the agency. Budget and Management continues initiatives to streamline operations with creative uses of technology and more effective uses of our skilled staff.

Job responsibilities are separated into four categories: budget/accounts payable; purchasing; federal grant administration; and accounts receivable/collections. Reporting is done on a state fiscal year basis (July 1 through June 30). Table 1 provides data for each fiscal year beginning in state fiscal year 2014 through 2017.

**Table 1**

### Budget and Management Activities, FY 2014 Through FY 2017

	FY 2014	FY 2015	FY 2016	FY 2017
Annual budget	\$33,221,825	\$33,001,909	\$32,883,771	\$34,921,243
Revenue	\$16,559,295	\$17,044,163	\$16,689,234	\$18,210,294
Appropriations	\$16,662,530	\$15,957,746	\$16,194,537	\$16,710,949
Average no. of checks written/month	358	341	331	351
Average monthly expenses	\$2,289,040	\$2,289,040	\$2,239,132	\$2,362,829
Percentage of invoices received/paid within 5 days	99	99	99	99
Average number of purchase orders issued/month	34	39	41	51
Monthly average value of purchase orders issued	\$63,962	\$61,849	\$58,013	\$73,978
Percentage of purchase orders issued within 5 days	100	100	100	100
Average monthly inspection fees registrations & penalties collected	\$956,023	\$886,509	\$898,593	\$893,389
Average monthly caseload for collections	3,186	3,253	4,493	3,824

### Budget/Accounts Payable/Purchasing

For its part, Budget and Management continues to meet its internal benchmarks by paying for and ordering items within five working days from receipt, thereby enabling the department to continue its efforts to be fiscally responsible and prudent with available resources.

### Accounts Receivable/Collections

The Accounts Receivable/Collections section is responsible for collecting and depositing all revenue received by the department. Two departmental bureaus are fully receipt supported, which makes it important that all revenues are collected and deposited in a timely and accurate manner. In addition, collected penalties are remitted to the Civil Penalty and Forfeiture Fund, administered by the Office of State Budget and Management, for distribution to local school systems throughout the state in accordance with state law.

The responsiveness of the PayPoint application for our customers allows us to provide immediate receipts either through email or by fax, which benefits our customers as they no longer have to depend on personal check copies or bank statements. Whereas eight bureaus are now utilizing the PayPoint application, four of the eight now accept online payments directly through the Department of Labor website.

Budget and Management continues to work closely with the NCDOL Information Technology in developing the new Amusement Device Inspection Tracking System. This system allows customers to request inspections online 24 hours a day, eliminating the restriction of having to call the budget office during business hours. It provides a centralized location where information can be viewed by the budget staff, the amusement administrative team, field inspectors and customers, thus streamlining the information sharing process.

## Communications

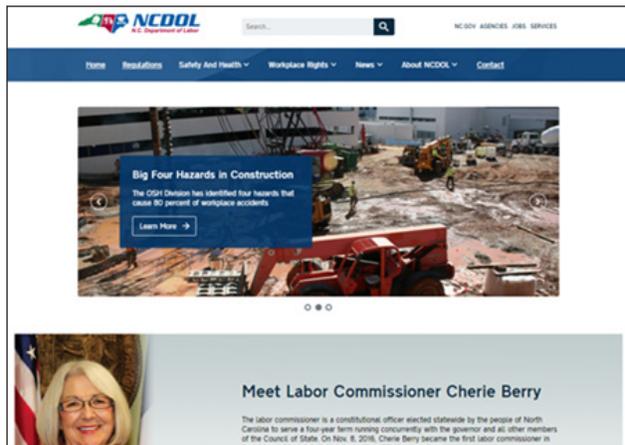
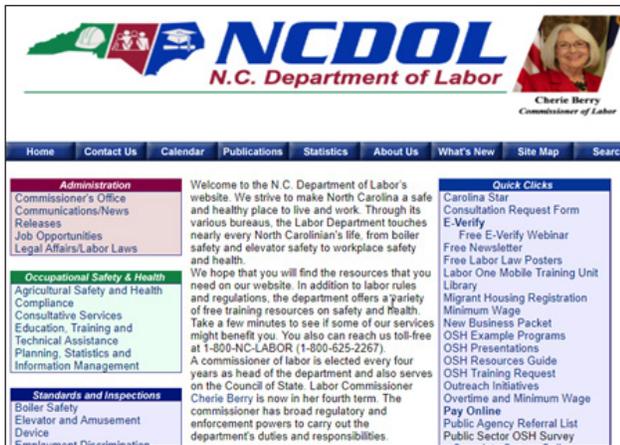
NCDOL Communications provides publications and information to the general public and media outlets. Information is handled in a number of ways—through direct telephone contact with the members of the media and general public, news releases, newsletters, social media, brochures, manuals and other publications. Communications also compiles the department's annual report, prepares talking points for NCDOL personnel, coordinates guests and prepares briefing materials for Commissioner Berry's monthly radio show on WSHA 88.9 FM and promotes the department's programs to the public. The Publications Bureau designs and prints workplace safety documents and other materials made available to the public.

Communications edits all materials printed by Publications and coordinates the posting of items on the department's website. Communications released 65 news releases and media advisories in 2017. Topics included SHARP and Star Program ceremonies, safety award winners and other events and programs.

Communications manages the department's social media platforms on Facebook, YouTube and Twitter, posting content for all NCDOL divisions and bureaus. An Instagram account was added in October. The Facebook page increased from 650 likes at the beginning of the year to 809 likes at the end of the year. Communications continued to use the department's Twitter account that began in May 2012. Communications tweeted 196 times during 2017. The department's Twitter account grew from 1,029 followers at the beginning of the year to 1,227 at the end of the year. Since starting the Instagram page in October of 2016, the platform increased to 121 followers by the end of 2017.

Communications produces and manages the department's external newsletter, the *Labor Ledger*, which has an electronic subscription base of 16,983 as of December 2017. Publications' print shop produces more than 1.3 million impressions and 1,090 electronic items, such as safety brochures, industry guides, logos and labor law posters, which are made available to the public. The print shop staff also processed 93,045 pieces of outgoing mail, in addition to distributing incoming mail for the department's Raleigh area offices.

In 2017, Communications spearheaded the launch of a new website. The site officially launched Nov. 13, featuring the new domain name of [www.labor.nc.gov](http://www.labor.nc.gov). A website redesign team formed that consisted of members from the department's three main divisions: Administration; Standards and Inspections; and Occupational Safety and Health. The website redesign team worked with Digital Services, a division of the Department of Information Technology, to design and develop the new website. The main template is consistent with the Digital Commons platform, which is used by many other state agencies. The NCDOL website is now mobile-friendly, which makes the site easier to navigate for those accessing the website from smart phones or tablets. The website also has a modern look and feel and is easier to navigate overall.



*An image of the former NCDOL homepage, left, compared to the new site. The new homepage contains a carousel with three images that rotate every 5 seconds and can be changed to promote various initiatives throughout the year.*

## Governmental Affairs

The 2017-18 General Assembly convened on Wednesday, Jan. 11, 2017, to officially commence the 2017 long session. The House and Senate concluded most of the long session work on Friday, June 30, and are scheduled to reconvene for the 2018 short session on Wednesday, May 16. However, the House and Senate have reconvened for several “special sessions” since the conclusion of the long session, and additional meetings are expected before the 2018 short session commences. During these special sessions, the legislature may consider matters including, but not limited to, veto overrides, appointments, adoption of conference reports, and redistricting. This document briefly summarizes the legislation that Governmental Affairs tracked during the long session.

### SB 257–Appropriations Act of 2017 (S.L. 2017-57)

This bill sets forth spending for the 2017-2019 biennium and became effective on July 1, 2017. The N.C. Department of Labor received \$200,000 in recurring funds for Information Technology and \$500,000 in recurring funds for Occupational Safety and Health Division salary increases. The final budget also provides for a \$1,000 salary increase and three bonus days of vacation leave for all state employees.

Additionally, several special provisions in the budget bill apply to the department.

- **Section 6.12** requires all state agencies to report to the Office of State Budget and Management (OSBM) on the use of lapsed salaries for FY 2016-2017 and 2017-2018. OSBM is required to report FY 2016-2017 information by Oct. 1, and is required to report preliminary FY 2017-2018 information by Jan. 31, 2018, with the final report due Sept. 1, 2018.
- **Section 26.3** requires OSBM to consult with the Pew-McArthur Results First Initiative to implement a cost-benefit analysis model for use in crafting budget decisions. State agencies are required to provide any information requested by OSBM for purposes of implementing the program. OSBM’s first report to the legislature is due April 8, 2018.
- **Section 31.3** changes the method by which the N.C. Department of Administration charges state agencies for use of motor fleet vehicles.

**SB 16–Business Regulatory Reform Act of 2017 (S.L. 2017-211)**

This bill makes various changes related to state and local government regulation, business regulation, and environmental regulation. Most provisions of the department’s agency bills (HB 373 and HB 374) were rolled into this bill, as well as an additional exclusion to the Boiler and Pressure Vessel Safety Act.

The contents of the department’s agency bills are located in Sections 14 and 15, specifically:

- **Section 14(a)** amends the Wage and Hour Act by clarifying that only the commissioner of labor has the authority to review and approve Youth Employment Certificates.
- **Sections 14(b) and 14(c)** amend the Passenger Tramway Safety Act by adding definitions for “funicular” and “gondola” and adding a new section for civil and criminal penalties.
- **Sections 14(d) – 14(i)** update technical terminology throughout the Hazardous Chemicals Right to Know Act.
- **Section 15** codifies the existing Carolina Star workplace safety recognition program which honors employers that go above and beyond with regard to employee safety and health.

Unrelated to the department’s agency bills, following are additional sections of interest:

- **Section 1** makes a minor change to Chapter 150B regarding agency receipt of rulemaking petitions.
- **Section 6** prevents the Department of Administration from enforcing the testing requirements of G.S. 66-25 for equipment purchased by State agencies, departments and institutions.
- **Section 10** requires the Building Code Council to review electrical safety requirements for pools and to report its findings and recommendations by Dec. 1, 2017.
- **Section 18** amends the Boiler and Pressure Vessel Act by adding a new exemption for pressure vessels that do not exceed five cubic feet in volume when the pressure vessel is constructed and operated on the same real property zoned industrial and where its operations are undertaken using commercially acceptable safety precautions for the application. The department did not request or support this change. However, department staff worked with the bill sponsor to narrow the scope of the language.

This bill was vetoed by the governor Aug. 14, 2017. However, the House and Senate voted to override the veto on Oct. 5, 2017. Most provisions of the bill became effective immediately.

**HB 196–Zip Lines/Challenge Courses/Sanders’ Law (Rep. Davis, Howard)**

This bill is similar to legislation originally filed during the 2016 short session after the department completed a study of the zip line and challenge course industry in North Carolina as directed by S.L. 2015-152.

The bill would enact a new Article 14C to Chapter 95 known as the “Zip Line and Challenge Course Safety Act.” The bill governs the design, construction, installation, inspection, certification, operation, use, maintenance and investigation of accidents involving zip lines, aerial adventure parks, canopy tours, challenge courses, and other similar devices.

The bill received a favorable report in the House Judiciary I Committee, but was re-referred to the House Finance Committee where it remained without action for the duration of the session.

**SB 100–Aerial Adventure Financial Responsibility (S.L. 2017-118)**

This bill requires a specific amount of liability insurance for owners and operators of zip lines and challenge courses. The new requirements become effective June 1, 2018, and will be enforced by the N.C. Department

of Insurance. Government-owned zip line courses and private courses that are not open to the public are exempt from the requirement.

The department tracked this bill due to our work on the 2015-2016 legislatively-mandated study of zip line and challenge course operations which, in part, included a review of insurance requirements for the industry.

### **HB 487–National Guard Reemployment Rights/Definitions (S.L. 2017-156)**

This bill adds several definitions to the National Guard Reemployment Rights Act and requires employers to return employees who served on state duty to their previous positions within five days of the employee’s release from state duty. It also adds a new provision which permits an employee injured in the line of duty to apply for reemployment any time within two years while the employee recovers and allows a recovering employee to petition the commissioner of labor to extend the two-year period. The National Guard Reemployment Rights act is enforced under the Retaliatory Employment Discrimination Act by the Labor Standards Division. These provisions became effective July 21, 2017.

### **SB 82–Achieving Business Efficiencies (S.L. 2017-185)**

As filed, this bill made technical changes to the revenue laws. However, the final version of the bill removed all original content and instead inserted a change to the Wage and Hour Act. Specifically, Section 3 exempts an employee of a seasonal amusement or recreational establishment from state overtime and record keeping requirements and removes the authority of the commissioner of labor to allow these employees to be paid less than minimum wage. The bill became effective Jan. 1, 2018.

### **SB 131–Regulatory Reform Act of 2016-2017 (S.L. 2017-10)**

Section 1 of this bill amends the Wage and Hour Act by providing that neither a franchisee nor a franchisee’s employee shall be an employee of a franchisor for any employment law claims under state law. The clarifying language is in response to a decision by the National Labor Relations Board, *Browning-Ferris Industries v. Leadpoint* (2015), which revised the standard for determining joint-employer status under federal law. The change became effective on May 4, 2017.

### **SB 407–Employee Misclassification/IC Changes (S.L. 2017-203)**

This bill codifies the Employee Classification Section in the Industrial Commission. The language in the bill is similar to Executive Order 83, issued December 2015 by Gov. McCrory. The bill sets forth the duties and responsibilities of the section and provides for the exchange of information between the participating agencies, including the N.C. Department of Labor. The commissioner of labor is directed to designate an employee to serve as a liaison to the Employee Classification Section. Additionally, the labor law poster must be updated to include relevant information about misclassification and contact information for the section. The Communications Division finalized the poster update in November 2017.

### **Bills Introduced That Did Not Become Law**

- Legislation that would have lowered the number of employees to 15 (currently 25) before a business must use the federal E-Verify system. It would also remove the current exemption for employees who work less than nine months in a calendar year, replacing it with an exemption for farm workers, independent contractors, and household employees.
- Legislation that would require the N.C. Department of Labor to report to the Attorney General’s office any local government entities that are not in compliance with the contract requirements of E-Verify.
- Legislation that would amend the Wage and Hour Act by prohibiting employers from withholding employees’ wages for the purpose of paying a membership fee to certain organizations.

- Legislation that would increase the minimum wage, require paid sick days and ensure equal pay for equal work.

## Human Resources

Human Resources supports the department through the administration and management of workplace services and the personnel policies and procedures established by the State Personnel Act (N.C. Gen. Stat. § 126). Human Resources chronicled new hires, separations from service, promotions within the department, job postings, applications received and total personnel actions processed. In addition, the two part-time Human Resources receptionists in the Labor Building assisted the department by responding to 3,175 phone calls in 2017.

Working with a third-party administrator, Human Resources administers the department’s workers’ compensation program. There were seven reported injury/illness claims during 2017. Of these, four qualified as OSHA recordable injuries. Table 2 provides a comparison of HR activity in calendar years 2014 through 2017.

**Table 2**  
**Human Resources Activities, Calendar Years 2014 Through 2017**

	2014	2015	2016	2017
New Hires	40	42	59	43
Separations	38	49	48	53
Promotions	31	25	21	15
Job Applications Received	10,378	7,813	10,960	8,377
Personnel Actions Processed	712***	417	856****	898*
Total Positions on 12/31	384	382	382	382
Total Employees on 12/31 (includes part-time employees sharing one position)	355 4	340 4	352 4	347 4
Positions Posted for the Year (internal, external and repostings)	89	91	99	74
Average Employee’s Age	50	50	51	50
Average Employee Service Months	156	158	150	144
EEOI Training/Refresher Course			2	8

\*Includes 344 legislative increase salary adjustments and 169 salary adjustment fund actions.  
 \*\*\* Includes 357 legislative increase salary adjustments.  
 \*\*\*\*Includes 326 legislative increase salary adjustments and 143 salary adjustment fund actions.

## Information Technology

Information Technology provides the department with information technology services for the administration, design, engineering, and acquisition of all software and hardware, while providing daily desktop services and support. It also supports a federal-level information system, OSHA Information System, which is used by the Occupational Safety and Health Division.

In 2017, Information Technology’s accomplishments included:

- Completed the mandated migration of all servers located at NCDOL to be housed at the Department of Information Technology.

- OnBase document management system—OnBase has continued to grow to become part of the daily routine for the bureaus. The Desktop Services section has provided OnBase system support in the following areas:
  - Training design.
  - Reporting.
  - System enhancements.
  - Completed version upgrades of both the test and production environments. (Version 12 to Version 16)
  - Increased online access for Boiler Bureau – Allowing field inspectors access to location history along with the ability to reference historical location pictures.
  - Increased online access to ETTA to create a reference library based on the 1910 and 1926 OSH Standards.
  - Stored case files and progressed to complete standard letters for REDB.
- OSHA Express information management system—The Desktop Services section provided support for the installation of an interface module to allow the transfer of data between the NCDOL OSHA Express system and the federal OSHA Information System. In addition, desktop services provided the following OSHA Express support:
  - Daily support of OSHA Express users.
  - Support of the Citrix Server.
  - Applied OSHAExpress application upgrades.
  - Bridged OSH division inspection collection process with NCDOL collection to cut an average of 30 minutes off each inspection processed to budget collections.
- The IT Desktop Services responded to a total of 6,263 internal telephone and email requests for assistance.
- There were 23 PC, 18 laptops, 61 tablets and 40 printer refreshes for 2017.
- Monitored and responded to inquires submitted via the NCDOL website, which had 3,898,984 visits in 2017.

DOL application support:

- Upgraded ColdFusion from version 11 to version 2016.
- Worked with DIT to move Oracle from zLinux servers to Oracle Linux servers.
- Upgrade of OnBase database.
- Developed and deployed new supervisor assignment process for EAD Bureau supervisors.
- Developed program to replace Elevator client field operations running in Microsoft Access with web version.
- Deployed tablets to EAD Bureau staff members to increase mobility.
- Provided ongoing programming support and enhancements for ETTA, Mine and Quarry, Boiler, Wage and Hour, REDB and any other database level support.
- PSIM
  - Compiled the various annual targeting assignments.
  - Performed the quarterly ESC data updates.
  - Prepared the annual Public Sector Survey.
- ASH
  - Added PDF upload functionality.
  - Overhauled and corrected some of the reporting features.

## Legal Affairs

Legal Affairs advises the Commissioner of Labor and the department, as a whole, on a wide variety of legal issues. Legal Affairs monitors all legal issues related to the department. This includes reviewing and referring cases in need of litigation to the Attorney General's Office; advising the commissioner and the department when policy developments involve legal issues; drafting and conducting legal reviews of policies and procedures; fielding a wide variety of constituent questions/issues on a daily basis; serving as liaison between NCDOL and the Occupational Safety and Health Review Commission for the purpose of distributing contested case documents, and coordinating compliance officers' availability for pending hearings before the Review Commission; maintaining a comprehensive employee database and auditing employee compliance with the NCDOL State Vehicle Use Policy; tracking and initiating appropriate action on all bankruptcy matters affecting the department from initiation to recovery/distribution of outstanding wages, invoices and civil money penalties; handling distribution of outstanding wage and hour debts on behalf of employees before and after they have resulted in a civil judgment; serving as liaison between NCDOL and the N.C. Attorney General's Office for contested case petitions filed at the Office of Administrative Hearings under N.C. Gen. Stat. § 150B; conducting a variety of jurisdictional case file reviews and comprehensive reviews of potential litigation files for wage and hour/employment discrimination complaints; housing the position of chief records retention officer for the department; housing the position of agency rulemaking coordinator who is responsible for coordinating/conducting all administrative rulemaking activities for NCDOL and preparing/filing all rulemaking reports required by N.C. Gen. Stat. § 150B; housing the position of agency ethics liaison to field ethics questions, track ethics training, and ensure conformance with the reporting requirements of the state ethics laws; and housing the position of agency business license coordinator to ensure conformance with reporting requirements of licenses/permits obtained from the department by the public.

### Wage and Hour Judgments/Settlement Disbursements

Legal Affairs works with the Wage and Hour Bureau to review investigations, which results in findings of outstanding wage payments that are referred to the N.C. Attorney General's Office for litigation. Legal Affairs also coordinates with the Attorney General's Office on collection efforts related to wage and hour cases in which a judgment has been obtained. All outstanding judgments are in different stages of the collection process, as Legal Affairs continues to actively pursue collection of these wages for the employees to whom they are owed.

Legal Affairs has worked actively with employers to collect monthly payments when the employer defaults on any settlement agreement entered into with the Wage and Hour Bureau to pay back wages, plus interest, to one or more employees. Legal Affairs also continued to work with various employers to collect and distribute wages and interest that was owed to current and former employees. During 2017, Legal Affairs distributed previously collected wages to employees in the amount of \$9,038.38, as well as, collected funds in the amount of \$1,253.08 for wage and hour cases.

### Division/Departmental Policies and Procedures

Legal Affairs continues to collaborate with Elevator and Amusement Device Bureau to review and revise certain policies, practices and procedures, including 2017 legislative revisions to the Passenger Tramway Safety Act found in Article 15 of Chapter 95 of the N.C. General Statutes. These revisions are an effort to modernize inspection procedures, maximize the effectiveness of penalty assessment and collections, and conserve time for field and office staff alike through a variety of measures. Work on revising these policies and procedures will continue into 2018.

Legal Affairs is responsible for maintaining and auditing driving records in accordance with the NCDOL Vehicle Use Policy. All NCDOL personnel who may have the potential to drive a state-owned vehicle

during their course of employment with the department, or who are required to have a valid North Carolina driver's license, must submit a signed form to Legal Affairs Division and a DMV history search will be conducted. After review of the employee's driving record, an employee may be authorized to drive a state-owned vehicle. All employees with the department who drive as part of their job duties or who are authorized to drive a state vehicle, must report all traffic violation citations to their supervisor immediately upon being cited for a violation; the supervisor then notifies the chief of staff and the Legal Affairs Division. An annual audit of each division of the agency is also performed to confirm all employees continue to maintain a valid driver's license.

Upon request and assignment by the Office of State Human Resources, members of the Legal Affairs Division provide mediation services to other state agencies as a part of OSHR's grievance procedure. The division provides continuous support to the entire department through such things as administrative assistance, interpretations, guidance and assistance on specific matters and issues, and enforcement/investigation of policy and procedure violations.

### **Public Record Requests**

The Legal Affairs Division is responsible for responding to various public records requests to the agency in relation to the Public Records Act, found in Chapter 132 of the N.C. General Statutes.

### **Occupational Safety and Health Variances**

In accordance with N.C. Gen. Stat. § 95-132, employers may apply to the Commissioner of Labor for a temporary, permanent or experimental variance from a promulgated occupational safety and health standard. The Legal Affairs Division works with the Education, Training and Technical Assistance Bureau to review variance applications and to ensure compliance with the N.C. General Statutes, N.C. Administrative Code and the Code of Federal Regulations. The division also prepares and files the paperwork necessary to process a variance request in accordance with Title 13, Chapter 07A, Section .0700 of the N.C. Administrative Code, Rules of Practice for Variances: Limitations: Variations: Tolerances and Exemptions. There were no variance requests filed in 2017.

### **Rulemaking**

#### **Periodic Review and Expiration of Rules**

In the 2013 legislative session, the General Assembly enacted Session Law 2013-413. This law established N.C. Gen. Stat. § 150B-21.3A, "Periodic Review and Expiration of Existing Rules." This statute requires the Rules Review Commission to establish a process and schedule for those covered agencies to ensure compliance with the law. This schedule and process requires agencies to review all their active rules codified in the N.C. Administrative Code every 10 years.

As part of the process, agencies must classify each rule subject to review as:

1. "Necessary with substantive public interest," generally meaning the rule is needed but there is a known or suspected concern about it from the public;
2. "Necessary without substantive public interest," generally meaning the rule is needed and there is no known concern from the public; or
3. "Unnecessary," meaning the agency determined the rule is obsolete, redundant or otherwise no longer needed.

The review has been completed in stages, beginning in 2014. The agency's current periodic review process is to be completed in May of 2018 by a hearing before the Rules Review Commission. The Rules Review

Commission will be reviewing the rules related to the following: Departmental Rules (13 NCAC 01), Conciliation and Arbitration (13 NCAC 04), Elevator Wiring (13 NCAC 05), Mine and Quarry (13 NCAC 06), Boiler and Pressure Vessel (13 NCAC 13), Migrant Housing (13 NCAC 16), Private Personnel Services (13 NCAC 17), Job Listing Services (13 NCAC 18), and Retaliatory Employment Discrimination (13 NCAC 19).

### **Verbatim Adoptions: Occupational Safety and Health**

#### **Walking Working Surfaces – May 1, 2017**

##### ***General Industry*** (13 NCAC 07F.0101)

The division adopted verbatim, changes to Title 29 of the Code of Federal Regulations promulgated by federal OSHA, which included changes to Part 1910—General Industry. This verbatim adoption was effective May 1, 2017.

The final rule, published in the Federal Register on Nov. 18, 2016 (81 FR 82494), revises and updates its general industry standards on walking-working surfaces to prevent and reduce workplace slips, trips, and falls, as well as other injuries and fatalities associated with walking-working surface hazards. The final rule includes revised and new provisions addressing, for example, fixed ladders; rope descent systems; fall protection systems and criteria, including personal fall protection systems; and training on fall hazards and fall protection systems. In addition, the final rule adds requirements on the design, performance, and use of personal fall protection systems. OSHA's final rule was effective Jan. 17, 2017.

The amendment of 13 NCAC 07F .0101 is required by 29 CFR 1902.4(a)(1) and G.S. 95-131(a) in order for North Carolina's Occupational Safety and Health program to be as effective as the federal program and to maintain North Carolina's state plan status under the federal Occupational Safety and Health Act of 1970. This rule was adopted in accordance with 150B-21.5(c).

#### **Beryllium – July 1, 2017**

##### ***General Industry*** (13 NCAC 07F.0101)

##### ***Shipyard Employment*** (13 NCAC 07F.0501)

##### ***Construction*** (13 NCAC 07F.0201)

The division adopted verbatim, changes to Title 29 of the Code of Federal Regulations promulgated by federal OSHA, which included changes to Part 1910—General Industry, Part 1915 –Shipyard Employment and Part 1926-Construction. This verbatim adoption was effective July 1, 2017.

The final rule, published in the Federal Register on Jan. 9, 2017 (82 FR 2470), establishes new substance-specific standards governing occupational exposure to beryllium for general industry, maritime and construction. The new rule lowers the 8-hour time-weighted average (TWA) permissible exposure limit (PEL) to 0.2 micrograms per cubic meter, sets a short-term exposure limit of 2.0 micrograms per cubic meter over a 15-minute period and establishes an action level of 0.1 micrograms per cubic meter as an 8-hour TWA. OSHA's final rule was effective May 20, 2017.

The amendments of 13 NCAC 07F .0101, 13 NCAC 07F .0501, and 13 NCAC 07F .0201 are required by 29 CFR 1902.4(a)(1) and G.S. 95-131(a) in order for North Carolina's Occupational Safety and Health program to be as effective as the federal program and to maintain North Carolina's state plan status under the federal Occupational Safety and Health Act of 1970. This rule was adopted in accordance with 150B-21.5(c).

## Research and Policy

### Research

The research area of the division collects information and data for use by the commissioner of labor. Research and Policy develops and implements special programs and projects.

### Safety and Health Survey Section

The Safety and Health Survey Section collects, reviews, refines and publishes the Survey of Occupational Injuries and Illnesses data for certification to the U.S. Bureau of Labor Statistics. The data—used by both state and federal departments of labor—provides accurate estimates of North Carolina’s work-related injury and illness rates as well as details about demographic and case characteristics for injured workers. The state incidence rate for injuries and illnesses in the private sector was 2.5 for every 100 full-time employees in 2016, which was significantly below the national rate of 2.9. The 2016 nonfatal injury and illness rate for North Carolina was statistically unchanged from 2015 and remains at an all-time low. (See Figure 1.)

**Figure 1**  
**Occupational Injury and Illness Rate for North Carolina,  
 Private Sector, Calendar Years 2000 Through 2016**



Annually, North Carolina samples roughly 8,600 establishments for the Survey of Occupational Injuries and Illnesses. For the 2016 SOII (collected during 2017), the state sampled 8,600 establishments, of which 7,713 remained collectible after accounting for business closures, sampled unit changes and duplicate sampled units. This total collectible number ranks as the fifth highest total among all states and represents 29 percent more collectible units than the next closest state.

The sample selection process begins with North Carolina providing a list of important industries to BLS. When BLS randomly selects establishments for participation in the survey, it does so within those targeted industries in order both to ensure that SOII produces usable estimates for industries important to North Carolina and to guarantee that North Carolina’s sample reflects the business community generally. Within those targeted industries, BLS then draws a random sample of establishments using data obtained from the Quarterly Census of Employment and Wages.

The survey includes private, local and state entities sampled at the establishment level, not the business or corporate level. Thus BLS may sample one company more than once if it owns or operates multiple locations. BLS then mails survey participants a prenotification letter informing them about SOII and asking them to maintain injury and illness records for the following year. The mailing also provides all necessary documents such as copies of the OSHA 300A logs since federal regulations require all sampled establishments to participate regardless of whether or not they normally maintain annual OSHA logs.

Sampled units receive the actual survey in January following the surveyed year. In 2017, 86.7 percent of sampled establishments responded to North Carolina's 2016 SOII. NCDOL staff members refer any establishments that have failed to respond or have expressly refused to respond to the survey to the federal Bureau of Labor Statistics for further action.

After the survey collection period ends, the Bureau of Labor Statistics aggregates all the data. It then produces injury and illness rate and count estimates for each targeted industry as well as overall state injury and illness rates and counts, private sector injury and illness rates and counts, and local and public sector injury and illness rates and counts.

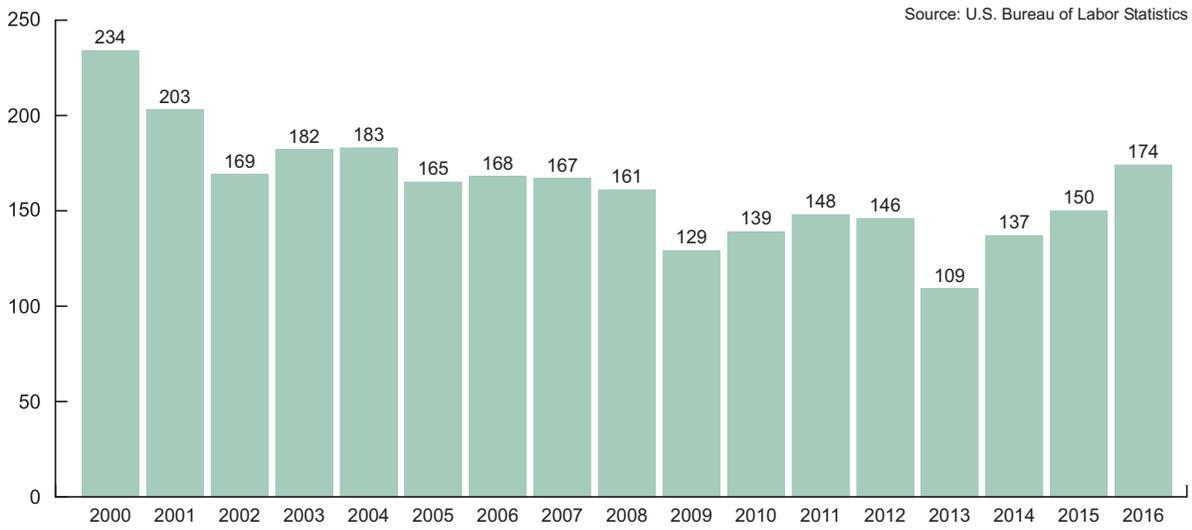
Many stakeholders use these data. The NCDOL OSH Division employs the data to target hazardous industries. Businesses in nearly every sector use the injury and illness data to benchmark themselves and to evaluate the relative safety of their workplaces. Academics also analyze the injury and illness data for safety trends, and even journalists have made use of the data to inform and support stories as well as pinpoint industries worth investigating.

The section also codes, analyzes and publishes statistical data on occupational fatalities in the state to build the BLS-sponsored Census of Fatal Occupational Injuries. The information is obtained from employers, death certificates, medical examiner reports and other sources. Fatality and injury and illness information enables NCDOL to better understand how and where accidents occur. The figures also are used to assist those industries with high rates of injuries and fatalities to target safety and health education and training where needed. Bureau of Labor Statistics figures (from the Census of Fatal Occupational Injuries) show that North Carolina suffered 174 workplace deaths in 2016. This represents an increase from the 150 workplace deaths recorded in 2015. (See Figure 2.)

Using census data, BLS also calculates the fatality rate for North Carolina as the number of fatal workplace injuries per 100,000 equivalent full-time workers. In 2016, the fatality rate was 3.7 fatalities per 100,000 full-time workers—above the 3.6 fatality rate among all states participating in the CFOI program. In addition, the 3.7 rate represents an increase from the 3.4 rate recorded for 2015 in North Carolina.

Figure 2

Census of Fatal Occupational Injuries Data, Calendar Years 2000 through 2016



## Occupational Safety and Health Division

The Occupational Safety and Health Division comprises six bureaus of the N.C. Department of Labor: Agricultural Safety and Health; East Compliance; West Compliance; Consultative Services; Education, Training and Technical Assistance; and Planning, Statistics and Information Management.

### Statistical Highlights for 2017

#### Agricultural Safety and Health Bureau

- The ASH Bureau completed 1,809 preoccupancy housing inspections of migrant farmworker housing and issued certificates to 1,789 sites.
- The bureau conducted 100 compliance inspections and issued 127 violations, with total current penalties amounting to \$114,627.50.
- Gold Star status was achieved by 240 growers.

#### Compliance Bureaus

- Compliance conducted 1,628 safety inspections and 1,093 health inspections, for a total of 2,721 compliance inspections.
- Compliance issued citations for 5,248 violations, with total current penalties amounting to \$5,462,121.

#### Consultative Services Bureau

- The bureau conducted 1,349 initial visits, 149 training and assistance visits, and 120 follow-up visits for a total of 1,618 visits during FY 2017.
- A total of 9,048 hazards were identified and eliminated as a result of consultative visits. Of these, 8,479 were serious hazards, 442 were other-than-serious hazards, and 127 were regulatory.
- The bureau has 162 private sector Safety and Health Achievement Recognition Program worksites. There were 42 public sector SHARP sites in the program and four construction sites at the end of FY 2017.

#### Education, Training and Technical Assistance Bureau

- The ETTA Bureau participated in 257 courses, forums and workshops, providing training for 8,673 employers and employees.
- The bureau distributed 44,400 hard copy publications and responded to 3,588 standards interpretation inquiries.
- The Safety Awards Program celebrated its 71st year, awarding 3,414 annual and 110 million-hour safety awards.
- The bureau recognized five new Carolina Star sites, promoted one Rising Star Site to Carolina Star status, and recertified 23 Star sites. There were 141 companies in the Star Program at the end of the fiscal year.

#### Planning, Statistics and Information Management Bureau

- The PSIM Bureau completed the Public Sector Injury and Illness Survey for calendar year 2016 data with a 100 percent response rate at the conclusion of the survey.
- The bureau received 705 disclosure requests and processed 665 requests.

## Agricultural Safety and Health Bureau

### Inspection Effort

In 2017 the Agricultural Safety and Health Bureau completed 1,809 preoccupancy housing inspections of migrant farmworker housing and 100 compliance inspections. Housing certificates were issued to 1,789 sites with total occupancy (beds) of 22,156. Sites in 100 percent compliance at the time of the inspection numbered 1,169 and were operated by 609 growers. Double Gold Star status was achieved by 134 growers and Single Gold Star status was achieved by 106 growers for a total of 240 in calendar year 2017. These growers were recognized for their efforts on Jan. 31 and Feb. 1, 2018, at the 24th Annual Gold Star Growers meeting. Cone's Folly Blueberries Inc. received an award for "Best New Housing" and Scott Farms Inc. received an award for "Most Improved Housing."



*Cone's Folly Blueberries Inc. receives an award for "Best New Housing" at the Gold Star Grower Luncheon, Jan. 31, 2018. (L-R): Scott Barefoot, farm manager; Elizabeth Cone, owner; Labor Commissioner Cherie Berry; and ASH inspector Alan Fortner.*

### Gold Star Growers Meeting

The 24th Annual Gold Star Growers meeting was held at the Gov. James G. Martin Building on the N.C. State Fairgrounds on Jan. 31 and Feb. 1, 2018. Growers were recognized for the 2017 calendar year. Francisca Rios, Benji Leggett, and Victor Garcia with the N.C. Department of Commerce gave the keynote address. The topic was "Agricultural Employment Services." They discussed services provided by the N.C. Department of Commerce, their partnership with NCDOL's ASH Bureau, and the Gold Star Grower Program. Rios and Garcia shared their personal experiences living in migrant housing as youth and expressed their gratitude to North Carolina Gold Star growers for setting such high standards for migrant housing in North Carolina.

### Compliance

ASH inspectors conducted 100 compliance inspections in calendar year 2017. These inspections included twelve complaints, 61 referrals and 27 unprogrammed related inspections. The bureau issued 127 violations. During this period, 44 percent of the inspections resulted in no citations. Total current penalties for citations issued amounted to \$114,627.50. In addition, 11 unregistered, uncertified camps were discovered in 2017.

### Workplace Safety Training and Outreach

In 2017, ASH personnel participated in two training events hosted and organized by GAP Connections. A total of 551 Spanish-speaking farm workers and 119 growers were trained in agricultural safety issues. The training took place in Oxford and Smithfield and consisted of eight stations that included: basic CPR, equipment safety; basic first aid and emergency protocol, wage and hour regulations, pesticide safety, green tobacco sickness and heat illness, housing and field sanitation requirements, and human trafficking. Training stations were staffed by the USDOL Wage and Hour division, Greene County Health Care Inc., Project NO Rest, NC Farmworkers Project, N.C. Department of Agriculture, and ASH.



*Farm workers practice administering CPR during an onsite safety training session in Oxford in June 2017.*

### **Inspector/Staff Training**

ASH staff attended numerous classes, including OSH compliance courses, technical writing and OSH Express data base training. The bureau’s Lauren Norton, compliance safety and health officer II, obtained her ASP certification in December 2017. The ASH bureau hired a new bureau chief, Beth Rodman, and one new inspector, Gerold Miller, in 2017. The new bureau chief was a previous compliance officer for the bureau and returned after Regina Cullen retired in September 2017. Miller came from the N.C. Department of Commerce with experience working with growers and farm labor contractors.

### **Partnerships, Associations and Collaborations With Groups**

The ASH Bureau continues to strengthen partnerships and associations with other groups, such as NCSU Cooperative Extension agents, the ECU Agromedicine program, and GAP Connections. In September 2017, ASH staff participated in a Farm Labor Contractor workshop hosted by NCSU Cooperative Extension in Johnston County. The ASH Bureau presented information regarding migrant housing inspections and field sanitation requirements in North Carolina.

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## **Compliance Bureaus**

The Occupational Safety and Health Compliance Bureau enforces occupational safety and health laws, rules and regulations, and employee protection in workplaces throughout North Carolina through the use of professional industrial hygiene, safety engineering, administrative, training and technical services provided to all employers within the state of North Carolina. OSH Compliance identifies and analyzes workplace accidents, injuries and occupational illnesses; evaluates workplace safety methods, policies, procedures and programs; communicates workplace safety information to employees and employers; measures, analyzes and evaluates the effectiveness of safety programs, as well as affecting changes to programs to achieve optimum results in the various workplaces throughout North Carolina. The compliance activities are directly associated with the OSH Division’s strategic plan.

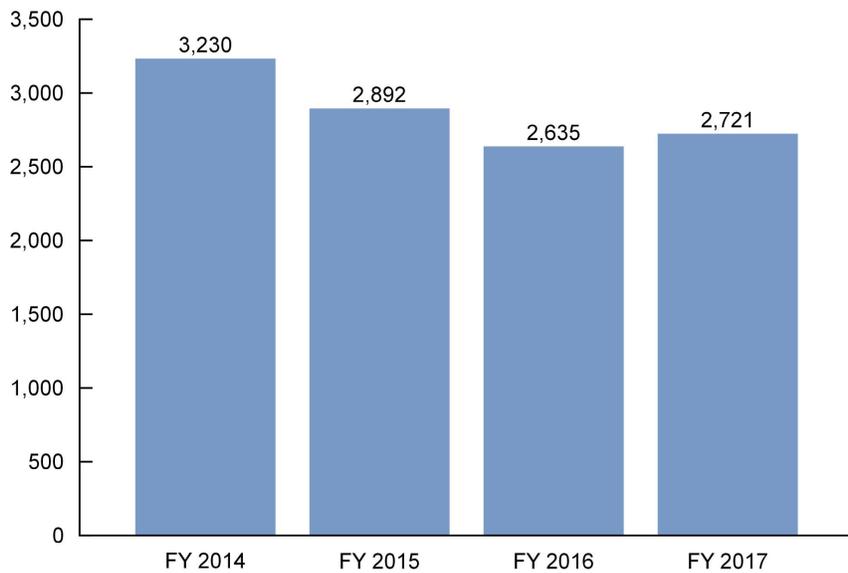
FY 2017 compliance activities included:

- 2,721 compliance inspections (See Figure 3).
- 1,628 safety inspections.
- 1,093 health inspections.
- 1,305 construction inspections.
- 5,248 total violations.
- 3.12 average number of violations per inspection.
- \$5,462,121 in current penalties assessed.
- 31 average lapsed days from inspection date to when citations were issued.
- 754 informal conferences conducted.
- 3,910 serious hazards abated.
- 660 employer safety and health program improvements.
- 53 inspections associated with the Tree Felling Special Emphasis Program.
- 573 inspections in the Construction Special Emphasis Program counties.
- 70 inspections in long-term care facilities.
- 134 inspections associated with the Health Hazards Exposure Special Emphasis Program.
- 116 inspections associated with the public sector.
- 139 compliance interventions (includes speeches, training programs and program assistance).
- 36 fatality/accident inspections, including 35 fatality inspections (OFIR).
- 778 complaint inspections.
- 831 referrals/accidents:
  - 311 referral/accident inspections.
  - 520 referral/accident investigations.
- 1,748 complaint investigations.
- 91 employment discrimination investigations received associated with occupational safety and health.

Figure 3 depicts the total number of compliance inspections conducted in North Carolina for federal fiscal years 2014 through 2017. The reduction in compliance inspections in recent years is the result of a combination of factors including reduced federal and state funding, noncompetitive salaries and increased turnover rates. The department is proactively seeking ways to address these concerns through ongoing discussions with the Office of State Human Resources, the Office of State Budget Management and the Legislature.

**Figure 3**

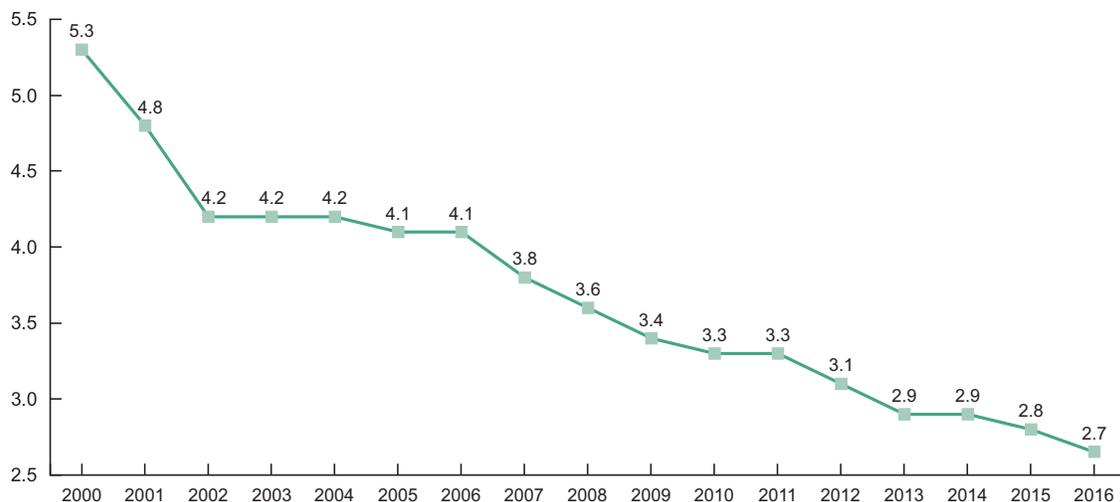
**Number of Compliance Inspections, FY 2014 Through FY 2017**



Several tools, in addition to the statewide injury and illness rates, are used to monitor inspection quality and operational efficiency. Figure 4 represents the total recordable case rate per 100 full-time public and private sector workers. Internal case file audits, field audits, employer/employee feedback and informal conferences are some of the tools used to measure quality and consistency of the statewide work product.

**Figure 4**

**Occupational Injury and Illness Rate for North Carolina, Public and Private Sectors, calendar years 2000 Through 2016**



Source: U.S. Bureau of Labor Statistics

In addition to inspection/investigation activity, OSH Compliance provides technical assistance and outreach training to as many employers and employees as resources will permit. Additional significant activities that occurred in OSH Compliance or involved OSH Compliance participation during FY 2017 include the following:

- The state’s total recordable case rate released by the U.S. Bureau of Labor Statistics was the lowest in program history at 2.7 for FY 2016, which is the most current year available. The private sector TCR also was the lowest in program history at 2.5.
- The state’s DART rate, Days Away from Work, Job Transfer or Restriction, released by the U.S. Bureau of Labor Statistics continued to be the lowest in program history at 1.4 for FY 2016, which is the most current year available. The private sector DART dropped once again to be the lowest in program history at 1.3.
- Thirteen staff members attained professional certifications and 60 staff members attained various credentials in 2017. The staff certifications and credentials strengthen the ratios associated with professionalism in the department and is showing movement toward the overall strategy to retain experienced safety and health professionals.
- Customer input was realized through two meetings of the OSH Advisory Council held in 2017, one in Raleigh, and the other in Asheboro. OSH Division staff met with the members of the council, who represent a cross section of employers, advocacy groups and the public sector. Members hear an update from OSH and offer their thoughts and opinions on how the department is working.
- Six change requests were submitted for the new OSHA Express data management system along with numerous enhancements this past year.
- In 2017 OSH transmitted a full year of fiscal year data from OSHA Express to the OSHA Information system (OIS) via an interface.
- A modification was made to OSHA Express in FY 2017 to the Reports section of the system. The “Serious/Fatal Investigations” report were updated in the OSHA Express system so that data output for fatalities and accidents involving serious injury that are inspected/investigated can be utilized by OSH Management in a more effective manner. Previously this was hand counted each month from the main report.
- A total of 16 action requests were processed by the Compliance Bureaus. This quality program activity provides opportunities for program improvement identified by customers, division employees or as a result of internal audits and federal OSHA audits. Ongoing revisions are made to the Field Operations Manual and Operational Procedure Notices as a result of the quality program action items.
- OSH compliance continues to close out all open inspections in the Old Legacy Data (OLD) system that were transferred over after the IMIS system and the NCR’s were decommissioned. In 2016 OSH Compliance had 3,200 open inspections that transferred over. Currently OSH Compliance has 369 open inspections in the OLD System.
- OSH Compliance had annual training Sept. 11-13, 2017. Training topics included construction hazard identification, electrical hazards, cranes, long term care facilities, handling of antineoplastic agents, silica standards overview, asbestos awareness, industrial hygiene case studies, combustible dust, welding and cutting, heat stress, grain bin safety, spray finishing, confined space, scaffolding safety, pesticides, sampling techniques, noise, logging and arboriculture, respiratory protection, construction and machine guarding.
- OSH Compliance conducted Logging Camp training for compliance officers July 31 - Aug. 4 in Four Oaks at Howell Woods, a Johnston Community College facility. This training helps compliance officers better understand logging operations as they inspect companies per the Logging Emphasis Program.

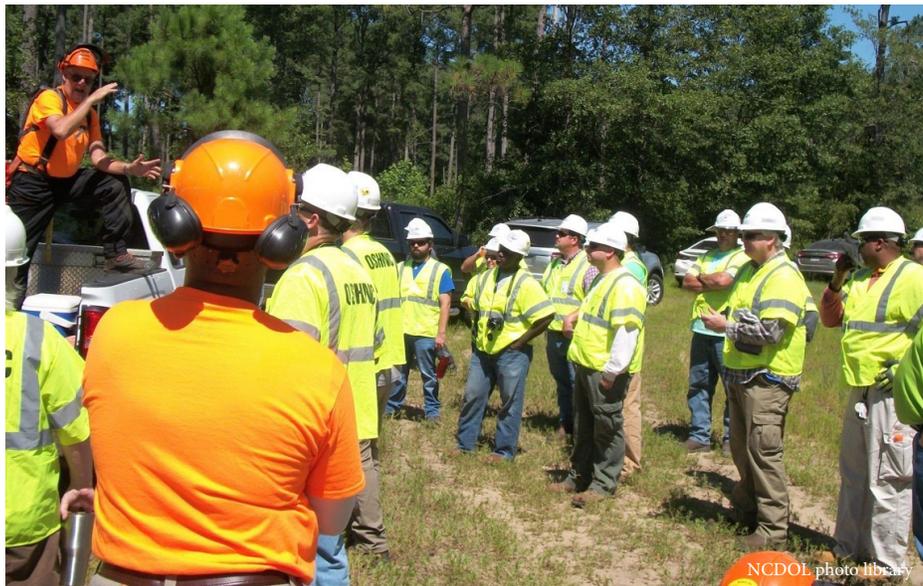


*NCDOL compliance officers inspect a properly shored trench at a construction site on Lead Mine Rd. in Raleigh in October 2017.*



*NCDOL compliance officers observe the difference between a trench and an excavation at a construction site off of Laura Duncan Rd. in Apex in October 2017.*

- OSH Compliance conducted Logging Camp training for compliance officers July 31-August 4 in Four Oaks, NC at Howell Woods, a Johnston Community College facility. This training helps compliance officers better understand logging operations as they inspect companies per the Logging Emphasis Program.



*NCDOL compliance officers attend "Logging Camp," a week-long course on safe logging activities in Four Oaks in July. NCDOL has an ongoing alliance with the North Carolina Forestry Association (NCF), Forestry Mutual Insurance Co. (FMIC), and Carolina Loggers Association (CLA).*

- The OSH director served on the Board of OSHSPA as the vice chair for FY 2017 and serves as chair for FY 2018. The OSHSPA Board meets with OSHA leadership three times a year to plan and coordinate OSHSPA meetings in an effort to better ensure consistency amongst OSHA programs nationwide.

- Labor Commissioner Cherie Berry joined senior OSH Division staff on April 6, 2017, to help celebrate a new partnership with Fluor Enterprises Inc. at its DAPI US Project, which is located at the Novo Nordisk facility in Clayton. The goal of this partnership is to improve the safety and health of the employees working at this construction site. The partnership will provide incentives to participating contractors to voluntarily improve their safety and health performance such as deferment from programmed inspections, technical assistance, partnership team quarterly walk-throughs, and safety and health training assistance. Commissioner Berry delivered remarks and gave a brief overview. They then gathered with representatives of Fluor to complete the partnership signing and toured the facility. This project is one of the largest private construction projects in North Carolina history.
- Federal OSHA published a new standard for walking-working surfaces in general industry on Nov. 18, 2016, with an effective date of Jan. 17, 2017. The standard, which is located in 29 CFR 1910 Subpart D—Walking-Working Surfaces—closely resembles standards for fall protection and scaffolding in construction and is consistent with much of the previous general industry walking-working surfaces standard. However, there are some notable differences:
  - The new walking-working surfaces standard provides fall protection requirements and flexibility similar to that found in the construction standard, 29 CFR 1926 Subpart M—Fall Protection.
  - Scaffolds must meet the requirements of the construction standard, 29 CFR 1926 Subpart L—Scaffolds.
  - There is a phase-in of ladder safety systems or personal fall arrest systems on fixed ladders.
  - There is a phase-out of qualified climbers on outdoor advertising structures.
  - Rope descent systems have been added to the standard.
  - Employees are to be trained on fall and equipment hazards with training presented in a manner that employees understand.
- The effective date of the new standard for employers working in states under federal OSHA jurisdiction was Jan. 17, 2017. The standard became effective in North Carolina May 1, 2017. North Carolina will follow the subsequent effective dates for the remaining provisions in the final rule. However, there was a delay of enforcement on the employee training provisions of the standard until Sept. 1, 2017.
- The OSH Director’s Office issued a turnover report in January 2016. This report linked an increasingly high turnover rate the past several years among safety and health compliance officers, to low salaries. Following this report, a request was made to the legislature for additional funding to address the issue. The legislature approved an increase to target this problem. A 5 percent salary increase adjustment was provided to the majority of compliance officers in FY 2017 with this additional funding.
- As part of the OSH quality program, 24 internal inspection report audits were conducted by the OSH Director’s Office that covered FY 2017. The purpose of the audits was to ensure that inspection activities were being conducted in accordance with established policies and procedures. The findings of these audits were posted internally and feedback was provided to the compliance bureau chiefs, supervisors and compliance officers.
- The OSH complaint desk processed 2,526 complaints and 831 referrals in FY 2017. This was an increase over the 2,386 complaints and 820 referrals in FY 2016. Over 2,728 additional contacts were made with the public that did not result in a valid complaint.

- The OSH Lab completed 778 in-house equipment calibrations. An additional 98 pieces of equipment were sent to the manufacturer for calibration or repair.

## Consultative Services Bureau

The Consultative Services Bureau continued to provide services to the employers and employees in both the private and public sectors during federal fiscal year 2017. The bureau conducted 1,618 total consultative visits. (See Table 3.)

- 956 (59 percent) safety visits; 662 (41 percent) health visits.
- 1,349 (83 percent) initial visits; 149 (9 percent) training/assistance visits; 120 (7 percent) follow-up visits.
- 1,395 (86 percent) private sector visits; 223 (14 percent) public sector visits.
- 433 (27 percent) manufacturing visits; 512 (32 percent) construction visits; 450 (28 percent) other industry type visits; 223 (14 percent) public sector visits.
- Hazards identified and eliminated as a result of consultative visits totaled 9,048, a 20 percent increase over the previous year. Of these, 8,479 (94 percent) were serious hazards, 442 (5 percent) were other-than-serious hazards, 127 (1 percent) were regulatory.

Consultants conducted 297 safety and health interventions with employers which included speeches, training programs, safety and health program assistance, interpretations, conference presentations and hazard abatement assistance.

The bureau continues to focus on small and high hazard employers and encourage participation in the Safety and Health Achievement Recognition Program. During 2017, total participation in SHARP was 208 employers (162 general industry, 42 public sector, 4 construction).

The bureau met all of its target goals for the OSH Division strategic plan by visiting employers in the Special Emphasis Programs, in addition to other strategies.

**Table 3**  
**Consultative Services Bureau Program, FY 2014 Through FY 2017**

Comparisons	FY 2014	FY 2015	FY 2016	FY 2017
<b>Total Visits by Category</b>				
Safety	808	891	838	956
Health	613	522	561	662
<b>Total Visits by Type</b>				
Initial	1,179	1,178	1,180	1,349
Training and Assistance	136	134	123	149
Follow-up	106	101	96	120
<b>Total Visits by Industry Type</b>				
Manufacturing	447	403	412	433
Construction	308	362	402	512
Other	459	444	374	450
Public Sector	269	204	211	223
<b>Total Visits</b>	<b>1,421</b>	<b>1,413</b>	<b>1,399</b>	<b>1,618</b>

## Education, Training and Technical Assistance Bureau

### FY 2017 Accomplishments

The Education, Training and Technical Assistance Bureau continued to focus on increasing efficiency and effectiveness in providing outreach and technical services to the public. The work of the bureau included library services, recognition programs (Safety Awards and Carolina Star), publications, rulemaking and alliances, along with training and outreach.

#### Library

The NCDOL library loaned out 1,045 safety videos (including 51 in Spanish) and 330 print volumes. Additionally, the library responded to 1,395 requests, served 488 walk-ins, acquired 291 volumes, and began a subscription to a streaming safety video service via Training Network NOW (a Durham-based video distributor). The librarian alerted staff to OSHA-related webinars, referred patrons to online resources, and assisted NCDOL OSH employees in their investigations.

#### Recognition Program

The Safety Awards Program celebrated its 71st year with another successful season. The Gold Award was presented to employer sites with a total lost workday case rate (lost and restricted workdays included) at least 50 percent below the state average for its industry. The Silver Award went to employer sites with a lost workday rate at least 50 percent below the state average. This year 33 safety award banquets were held, with a total of 3,994 in attendance. The program distributed 3,414 annual awards (2,823 Gold and 591 Silver) and 110 million-hour awards.

The Carolina Star Program is ranked No. 1 as a state plan state and is ranked second of all states that participate in the VPP/Star Program. The Star Program enjoyed another year of growth and success: Five new Star sites were recognized, one Rising Star Site was promoted to Carolina Star status, 23 Star sites were recertified, and 170 Star interventions were conducted. There were 141 companies in the Star Programs at the end of FY 2017.

#### Publications

ETTA Publications Sales Desk served 5,325 customers via email, fax, telephone, or walk-in. The bureau distributed 44,400 publications in support of the division's outreach and regulatory goals to promote a safe and secure work environment across the state of North Carolina. Sixteen publications were updated and one outreach letter was mailed during FY 2017. Highlights include the following:

- A hazard alert on swimming pool electrical hazards was created and distributed electronically throughout the state.
- 39 new or revised safety and health topics were added to the newly designed NCDOL website.
- A letter and outreach materials were mailed to 25 construction employers with five or more serious violations regarding OSH outreach services and publications.

The following publications were revised:

- Quick Cards:
  - *Mold*
- Brochures:
  - *Medical and Dental Offices*
  - *A brochure for the 10 most frequently cited serious violations in 2016 was created.*

- Industry Guides (New Rules):
  - *OSHA General Industry Standards Requiring Programs, Inspections, Procedures, Records and/or Training*
  - *OSHA Construction Standards Requiring Programs, Inspections, Procedures, Records and/or Training*
- Example Programs:
  - *First aid/CPR/AED*
  - *Hazard Communication for General Industry*
  - *Hazard Communication for Agriculture*
  - *Bloodborne Pathogen Hepatitis B Declination Form*
  - *Chain Saw Safety*
  - *Tree Trimming*
  - *Hearing Conservation Program for General Industry*
  - *Hearing Conservation Baseline Form*
  - *General Industry Training Roster*
  - *Personal Protective Equipment Hazard Assessment*
  - *Control of Hazardous Energy (Lockout/Tagout)*

### Rulemaking

The Standards Section answered 3,588 inquiries for standards interpretation by phone or written correspondence for employers and employees across the state. Forty-two documents were added to the Field Information System including updates to the Field Operations Manual, new OSH Division policies, and adoption of multiple federal OSHA Instructions. Final rules adopted in North Carolina included the reporting and recording final rule, the final rule on walking-working surfaces, and the final rule on occupational exposure to beryllium.

### Alliances

In North Carolina, alliances typically focus on specialized industry outreach and training. Through an alliance agreement, organizations that are committed to safety and health work with the OSH Division to prevent injuries, illnesses and fatalities in the workplace. Current alliances include Carolina Loggers Association, Carolinas Associated General Contractors, Carolina Forestry Mutual Insurance Co., Lamar Advertising Co., Mexican Consulate, N.C. Forestry Association, N.C. State—Industry Expansion Solutions, National Utility Contractors Association of the Carolinas, and the Safety and Health Council of North Carolina. The Carolina Loggers Association was a new alliance in FY 2017. Forestry Mutual Insurance Co., N.C. Forestry Association, Carolina Loggers Association and the North Carolina OSH Division created a four-party alliance to maximize resources for outreach efforts in the logging industry.

### Training and Outreach

The ETTA bureau offers a wide variety of safety and health training and outreach services to employers and employees across North Carolina. The services include a speaker's bureau, free OSHA training, and technical assistance and outreach support for safety and health schools, conferences and workshops. Training is offered on demand, as well as through a regularly scheduled training series, which can be accessed through the online calendar. Training is offered at employers' worksites, the OSH Division field offices, and select community colleges and other sites throughout the state. In addition to traditional leader-led instruction, ETTA provides a webinar series as well. To keep the public informed of upcoming courses, ETTA sends periodic newsletters to over 11,664 employers/employees every year as well as promoting their services through the department's social media platforms.

In FY 2017, ETTA hosted and/or participated in 257 courses and events, providing training to 8,673 employers and employees. Additionally, the Consultative Services Bureau trained 4,073 employers/employees which brought an overall total of 12,455 workers trained by the OSH Division. Training included five 10-hour and two 30-hour general industry awareness courses, nine 10-hour and two 30-hour construction awareness courses, two long-term care workshops, 155 speaker's bureau events, 76 webinars and 21 booth events/safety and health fairs. The Labor One mobile training unit was also used for an additional eight training events at various industrial conferences and "Safety Stand Downs." The ETTA Training Section participated with Federal OSHA in the National Safety Stand Down to Prevent Falls in Construction. As such, four large training events were held at construction projects in Charlotte and Raleigh. Labor One was also on site for one Raleigh event to provide tailgate safety training and personal protective equipment demonstrations. Training and demonstrations were offered in both English and Spanish. In addition, ETTA offered five webinars throughout the Stand Down week on various fall protection topics in construction.

The Training Section continued to provide Spanish Outreach services in FY 2017. They hosted 17 Spanish outreach events, to include a booth during the Mexican Consulate Labor Week. The OSH Director was a keynote speaker for the event and training staff distributed outreach materials and were available for questions on a variety of safety and health topics. In addition, two public service announcements relating to construction workplace hazards were broadcast on Curtis Media's La Ley Radio across the state. The topics included heat stress and respiratory protection.

The Training Section also offered its third series of NC 502 and NC 503 refresher courses for the Train the Trainer Program that was implemented in 2010. For FY 2017, state-authorized trainers provided 10 and 30-hour training courses for an additional 231 employers and employees in North Carolina. The Train the Trainer Program supports the Training Section's outreach efforts thereby increasing the total number of employees/employers trained.

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## Planning, Statistics and Information Management Bureau

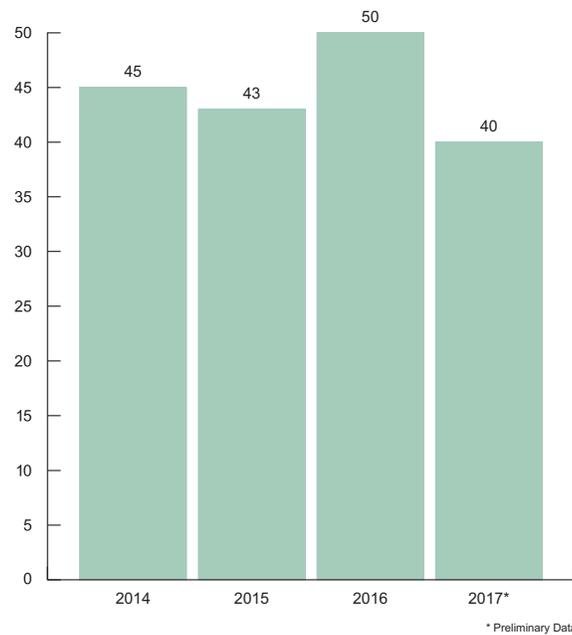
The Planning, Statistics and Information Management Bureau responds to request for statistical data and requests for the redaction and release of OSH Division inspection file documents and Retaliatory Employment Discrimination Bureau safety and health related investigative file documents. PSIM also gathers and analyzes injury and illness data by conducting the annual Public Sector Survey. Data are also gathered and analyzed to publish the OSH Division's Annual Program Statistics Report and several other annual department, division and legislative reports. The bureau archives all OSH Compliance inspection files. The PSIM Bureau maintains the OSH Division's private and public sector employer databases, the inspection targeting system, and statistical data related to workplace fatalities, all in support of the OSH Division's Strategic Management Plan.

- There were a total of 3,168 surveys mailed to public sector employers (collection of calendar year 2016 injury and illness data). As of the end of federal fiscal year 2017, 3,115 survey responses were received with a 98.3 percent response rate and a 100 percent clean rate. However, all survey responses were collected by the end of calendar year 2017 for a 100 percent response rate at the conclusion of the survey.
- Completed an analysis of data collected from the 2013, 2014, and 2015 Public Sector Surveys, resulting in updated, established target rates for employer specific categories.
- Worked in conjunction with ETTA Bureau, Compliance Bureaus and Legal Affairs Division staff to update and revise several Field Operation Manual chapters and OPNs. PSIM staff updated OPN 128 and APN 19 for FY 2017.

- PSIM bureau chief continued to perform duties associated with the responsibility of being the medical records coordinator for the OSH Division.
- Analyzed public sector inspection activities for FY 2012 through 2016.
- Analyzed construction inspection activities for FY 2016.
- Completed FY 2016 Occupational Fatalities Comparison Report using OFIR data.
- Analyzed and verified CY 2017 fatality data for Communications Division’s annual news release. See Figure 5.

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**Figure 5**  
**Fatalities Included in the Occupational Fatality Inspection Review**  
**Calendar Years 2014 Through 2017**



- 
- Continued refinement of the OSH private and public sector databases to supplement our exclusive use of the Division of Employment Security database.
  - Received, researched and processed 1,114 requests for revisions/changes to the private and public sector databases, which helps to enhance the accuracy of these site databases and the OSH Division Targeting System.
  - Received and processed 1,488 requests from the public sector for revisions or changes to the Public Sector Injury and Illness Survey database.
  - Various targeting schedules were updated and assignments released:
    - Public Sector Schedule.
    - General Industry Schedules (Safety and Health).
    - ASH Schedule.
    - Health Hazards Schedules (Asbestos, Lead, and Isocyanates).
    - Fatality Reinspection Schedule.
    - Communication Tower Schedule.

- PSIM staff members continued as active Strategic Management Plan Committee members and participated in all SMP meetings, discussions, and activities, which were essential functions directly related to the success of OSH Division Strategic Management Plan goals.
- PSIM staff participated as a representative from the OSH Division to the Occupational Surveillance Advisory Group.
- Compilation of OSH data was initiated for the NCDOL Annual Report, the OSH Annual Program Statistics Report and various other annual reporting requirements.
- The PSIM Bureau received closed inspection files for FY 2015 (and older) from the field offices.
- The PSIM Bureau prepared 632 inspection files for scanning and scanned 432 of those files for archiving into the department's file content management system (OnBase).
- The project of quality control review is continuing and ongoing for OSH inspection files, which have been archived through the imaging and file conversion processes.
- Received 705 disclosure requests during FY 2017 and processed 665 requests (586 from FY 2017 and 79 from previous years) during this fiscal year, which resulted in a 94.3 percent response rate.
- PSIM bureau chief participated in the OSHA Injury Tracking Application Workgroup to provide input to Federal OSHA from a State Plan perspective relative to the upcoming changes to the 1904 Recordkeeping Standard.
- PSIM provided notifications of workplace accidents and fatalities to the N.C. Department of Commerce, N.C. Industrial Commission Fraud Investigations Unit of the Insurance Compliance and Fraud Investigation Section.

## Standards and Inspections Division

The Standards and Inspections Division comprises five bureaus of the N.C. Department of Labor: Boiler Safety; Elevator and Amusement Device; Employment Discrimination; Mine and Quarry; and Wage and Hour.

### Statistical Highlights for State Fiscal Year 2017

#### Boiler Safety Bureau

- Investigated eight incidents during the year.
- Inspected 53,680 items of pressure equipment.
- Identified 4,187 violations.
- The average backlog for state inspectors was 0.41 percent. The average combined backlog for both state and insurance company inspectors was 1.40 percent.
- Inspected 6,052 new items.
- Conducted 622 half-day inspections in ASME Code manufacturing shops.

#### Elevator and Amusement Device Bureau

- Completed 23,114 routine elevator inspections, with 89 percent inspected within 30 days of the inspection due date.
- Inspected 7,417 amusement devices at 1,254 locations.

#### Mine and Quarry Bureau

- Conducted 192 on-site training programs and trained 5,467 miners and contractors.
- Conducted four Part 48 instructor classes, certifying 36 people as MSHA-approved instructors.
- The injury and illness rate of the North Carolina minerals industry was 1.76 per 100 full-time employees during the 2017 calendar year.

#### Retaliatory Employment Discrimination Bureau

- Answered 3,785 telephone calls from the public.
- Opened 410 complaint files.
- Completed and closed 398 complaint files.
- The number of complaint files completed and closed increased 11.8 percent over FY 2015-16.
- Of cases completed, 82 percent were completed and closed within 90 days, 86 percent within 120 days, and 95 percent within 180 days of assignment to an investigator.

#### Wage and Hour Bureau

- Substantiated more than \$1.8 million due to employees (\$1,836,250).
- Recovered more than \$1.3 million in wages due for over 1,500 workers (\$1,335,919 for 1,520 workers).
- Opened 2,886 complaints from employees.
- Closed 3,216 cases as a result of complaints filed.
- Issued 76,351 youth employment certificates online using YEC Auto.
- Increased number of youth employment certificates issued online through YEC Auto to 94 percent of all certificates issued.
- Answered 99.7 percent of 49,292 calls received on the first attempt.

## Boiler Safety Bureau

During state fiscal year 2017, the Boiler Safety Bureau employed 13 field inspectors, two field supervisors, five administrative staff and two senior staff to support more than 53,600 inspections. State inspectors, along with 14 insurance company partners, conducted in-service inspections on boilers, antique boilers, model/hobby boilers, various types of pressure vessels, repair inspections and pressure equipment accident investigations. The Boiler Safety Bureau is a receipt-supported bureau; the fees collected pay for the operation of the bureau and the salaries of the bureau staff.

Commissioned inspectors performed third-party authorized inspector duties at companies where boilers and pressure vessels are manufactured. The bureau's support staff processed and conducted quality control functions on all inspection reports received by hard copy or electronically.

### Programs

Periodic inspection continues to be the primary focus of the Boiler Safety Bureau. The bureau also provides education and promotes voluntary safety. The bureau's inspection program for boilers and pressure vessels covers a wide array of businesses and industries. Table 4 shows the number of inspections and violations for FY 2014 through FY 2017. The 53,680 inspections conducted in FY 2017 included inspection of 6,052 new items. The bureau investigated eight incidents due to boiler/pressure vessel failures. There was one fatality, as well as significant property damage.

**Table 4**  
**Number of Inspections and Violations, FY 2014 Through FY 2017**

Fiscal Year	Number of Inspections	Number of Violations
2014	50,284	2,970
2015	50,567	2,933
2016	52,077	3,024
2017	53,680	4,187

### Backlogs

Any inspection program can have a backlog of items past-due for inspection. The combined average backlog of state objects and insurance objects was 1.40 percent in FY 2017, one of the lowest backlog rates among states inspecting boilers and pressure vessels. The average backlog for North Carolina state inspectors was 0.41 percent.

### Other Duties

In addition to the inspections of equipment in businesses and institutions throughout the state, inspectors with special training and endorsements carried out 622 half days of ASME Boiler and Pressure Vessel Code third-party inspections in manufacturing facilities that construct boilers and pressure vessels as well as pressure equipment repair firms known as National Board "R" Stamp holders. The bureau also has specially trained qualified review team leaders who are charged with conducting quality reviews of "R" Stamp holders.

The bureau's support staff entered the collected data from hard copy reports into the data system and conducted quality reviews of the data entered directly by inspectors. They printed and mailed invoices and certificates and answered many questions from inspectors and the public.

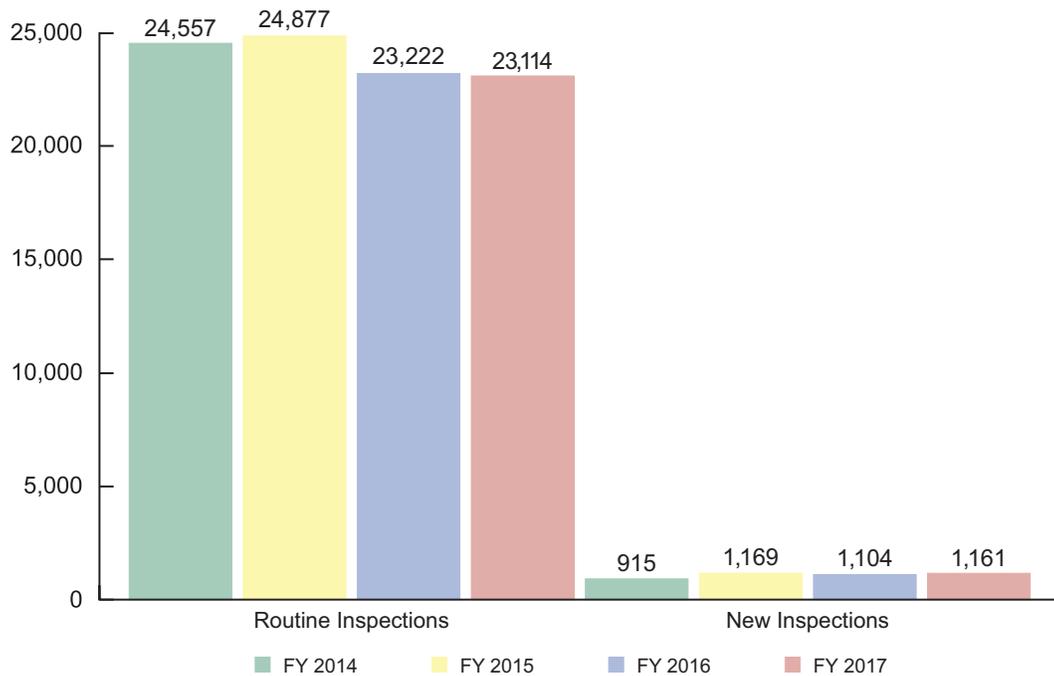
## Elevator and Amusement Device Bureau

The Elevator and Amusement Device Bureau is responsible for the proper installation and safe operation of all elevators, escalators, workman’s hoists, dumbwaiters, moving walks, lifting devices for persons with disabilities, aerial passenger tramways, amusement rides and incline railways that operate in public establishments. Devices in federally-owned properties and single-family dwellings are exempt. Elevators are inspected annually by the bureau. The bureau also inspects all of the amusement devices each and every time they are set up for operation in the state. The bureau inspects all inflatable amusement devices and portable rock walls. The bureau conducted 23,114 routine and 1,161 new elevator inspections as well as 7,417 amusement device inspections at 1,254 locations.

### Elevator Inspections

Inspections of elevators, dumbwaiters, escalators and handicapped lifts consist of routine inspections of existing devices and new inspections. As shown in Figure 6, the number of routine inspections decreased and the number of new inspections increased from the previous fiscal year.

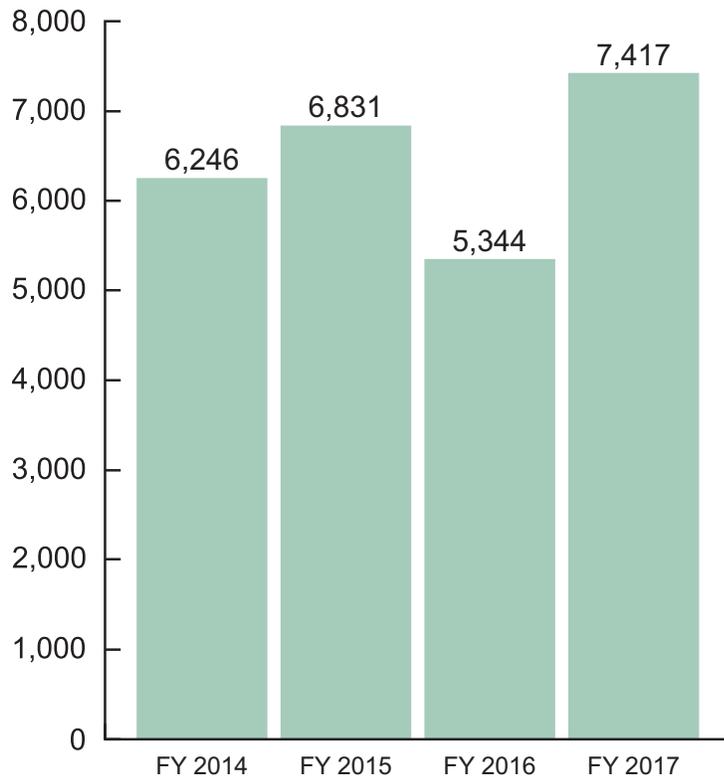
**Figure 6**  
**Routine Inspections and New Inspections, FY 2014 Through FY 2017**



### Amusement Device Inspections

Amusement device inspections consist of mechanical rides, inflatable rides, go-karts and rock-climbing walls. Tramways and ski lifts are included in this inspection category. While mechanical rides at permanent parks are inspected once annually, mechanical rides with traveling amusement companies are inspected every time they are set up for operation at fairs, festivals, carnivals and other amusement events. The bureau also conducts operational inspections at least once during the operating season for permanent parks and at least once during the operation at a traveling show. The bureau inspects all inflatable amusement devices and portable rock walls that operate in the state on an annual basis.

Figure 7 indicates the total number of amusement devices inspected in FY 2014 through FY 2017. The number of individual amusement rides inspected increased from FY 2016 to FY 2017.

**Figure 7****Number of Amusement Rides Inspected, FY 2014 Through FY 2017****Accident or Incident Investigations**

Accident investigations are conducted according to N.C. Gen. Stat. § 95-110.9. *Reports required.*

- (a) The owner of any device or equipment regulated under the provisions of this Article, or his authorized agent, shall within 24 hours notify the commissioner of each and every occurrence involving such device or equipment when:
  - (1) The occurrence results in death or injury requiring medical treatment, other than first aid, by a physician. First aid means the one time treatment or observation of scratches, cuts not requiring stitches, burns, splinters and contusions or a diagnostic procedure, including examination and x-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed personnel; or
  - (2) The occurrence results in damage to the device indicating a substantial defect in design, mechanics, structure or equipment, affecting the future safe operation of the device. No reporting is required in the case of normal wear and tear. The owner of the equipment is required to contact the bureau.

An inspector is sent to the location and completes a report that is kept on file. As Table 5 reflects, the number of accident investigations for elevators and related equipment decreased while the number for amusement rides increased in FY2017. Patron error accounted for 81 percent of elevator accidents and 95 percent of amusement ride accidents.

**Table 5**

**Number of Elevator and Amusement Device Accidents, FY 2014 Through FY 2017**

Fiscal Year	Elevators and Related Equipment					Amusement Rides				
	Total	Patron Error	Mechanical Error	Reportable	Non-Reportable	Total	Patron Error	Mechanical Error	Reportable	Non-Reportable
2014	70	62	8	55	7	21	16	5	19	2
2015	70	60	10	56	14	12	9	3	12	0
2016	68	53	15	59	9	12	11	1	11	1
2017	63	51	12	53	10	19	18	1	12	7

**Mine and Quarry Bureau**

The Mine and Quarry Bureau is one of the earliest established units of the N.C. Department of Labor, having administered state mining laws since 1897. The bureau administers laws concerning the operation and inspection of mines and quarries. Bureau staff consists of a bureau chief, an office assistant, and three mine safety and health field representatives. Funding for mandatory safety training is provided by a federal grant from the U.S. Mine Safety and Health Administration.

The Mine and Quarry Bureau continues to provide a wide assortment of mine safety and health services such as complete safety evaluations of the workplace, consultations, technical assistance, education and training, health surveys, safety meetings, investigations, and training plan assistance. Currently there are 387 surface mines with 3,572 employees. Instructor fundamentals, health and safety laws, and supervisory training are offered through the Mine and Quarry Bureau’s seminars and institutes. (See Table 6.)

**Table 6**

**Mine and Quarry Training and Inspection Activities, FY 2014 Through FY 2017**

	FY 2014	FY 2015	FY 2016	FY 2017
Number of Mine Safety and Health Instructors Trained	31	72	73	36
Number of Education and Training Programs Provided	620	618	495	192
Number of Miners and Contractors Trained in Parts 46 and 48	5,150	5,052	4,535	5,072

**Retaliatory Employment Discrimination Bureau**

The Retaliatory Employment Discrimination Bureau enforces the Retaliatory Employment Discrimination Act (REDA). N.C. Gen. Stat. §95-240 through 245. The N.C. General Assembly enacted REDA in 1992 in response to a tragic fire at a chicken processing plant in Hamlet, in which 25 employees lost their lives and dozens more were injured. REDA protects employees from adverse employment action by their employers in retaliation for exercising rights enumerated in the Act. In particular, REDA protects employees from retaliation for exercising their rights under the N.C. Workers’ Compensation, Wage and Hour, Occupational Safety and Health, and Mine Safety and Health Acts. It also protects hemoglobin C and sickle cell carriers, employees subject to genetic testing and National Guard service, and employees who participate in the juvenile justice system. Also protected from retaliatory employment discrimination are employees who exercise their rights under North Carolina’s domestic violence statutes and those who complain under pesticide regulation statutes. To meet its statutory charge, the Retaliatory Employment Discrimination Bureau provides

informational and investigative services to the public. It receives, screens, investigates, and makes determinations on complaints filed by employees who allege adverse employment action against them by their employers in retaliation for engaging in protected activity as prohibited by REDA.

OSHA contracts with the N.C. Department of Labor to develop procedures for occupational safety and health discrimination protection and to investigate all occupational safety and health complaints alleging retaliatory employment discrimination under REDA. The bureau must be “as effective” as OSHA in enforcing the occupational safety and health whistleblower protections of REDA. An annual audit is conducted by OSHA and the bureau has met this standard every fiscal year. The FY 2016-2017 audit was recently completed and this standard was met.

The Retaliatory Employment Discrimination Bureau consists of a deputy administrator, an information officer, and six discrimination investigators, each of whom is expected to exercise the highest level of professionalism in his or her work for the bureau and NCDOL. The Team works cooperatively in a collegial environment and strives to provide exemplary customer service to complainants, respondents and the public at large.

In FY 2016-2017, the bureau answered 3,785 calls from the public, and received and opened 410 complaint files. Of the cases opened, the alleged protected activity involved concerns related to workers’ compensation (47 percent), occupational safety and health (28 percent), wage and hour (24 percent), and other protected activities (1 percent).

In FY 2016-2017, the bureau completed investigations in and/or closed 398 complaint files. This represents an increase of 11.8 percent over FY 2015-2016. Of the 398 cases completed and closed in FY 2017, 53 percent involved workers’ compensation, 28 percent involved Occupational Safety and Health, and 19 percent involved wage and hour matters. Of the cases completed 82 percent were completed within 90 days of assignment to a discrimination investigator, 86 percent within 120 days, and 95 percent within 180 days.

**Figure 8**  
**Employment Discrimination Cases Opened and Closed, FY 2014 Through FY 2017**



## Wage and Hour Bureau

The Wage and Hour Bureau administers the N.C. Wage and Hour Act, which includes the minimum wage, overtime pay and wage payment (promised wages including wage benefits, such as vacation pay, sick leave, holiday pay, bonuses and commissions). The bureau ensures employers make, keep and preserve records of hours worked, wages paid, and other conditions and practices of employment necessary for the enforcement of wage and hour laws.

The bureau issues youth employment certificates to protect the health and safety of minors and to preserve young workers’ rights. The bureau also enforces the statutes that regulate the licensure and reporting requirements of private personnel services, job listing service agencies and the Controlled Substance Examination Regulation Act. The bureau is responsible for the department’s toll-free telephone system. Bureau staff consists of an administrator, a deputy administrator, three supervisors, an office manager, 19 investigators, three investigative assistants and four information specialists.

### Call Center

The bureau’s call center is staffed by four information specialists who are the first point of contact to the Department of Labor for most customers. Their primary job duties are to gather information relative to alleged violations of laws enforced by the bureau and to enter appropriate data into an electronic database that is used for assignment and tracking of complaints received. Additionally, they refer callers to other sections within the department, other state or federal agencies, or civic/charitable organizations that may provide assistance.

Call centers are often characterized as “high volume” centers, as seen in Table 7 below. Three of the four employees are bilingual and provide assistance to callers who speak Spanish. They also assist investigators and other departmental employees when communicating with Spanish speakers as the need arises.

**Table 7**  
**Wage and Hour Call Center Activity, FY 2014 Through FY 2017**

Fiscal Year	Calls Received	Calls Answered	Percent Answered
2014	61,527	61,451	99.9
2015	61,275	61,179	99.8
2016	56,010	55,960	99.9
2017	49,292	49,181	99.7

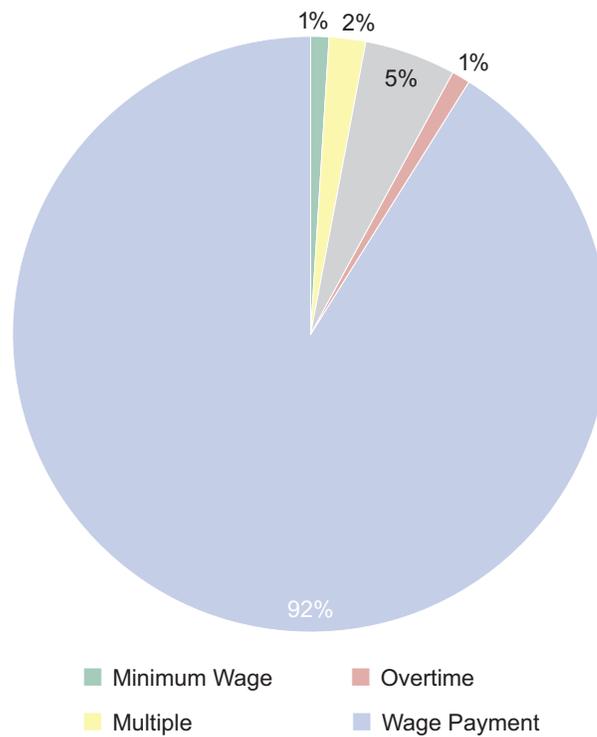
### Wage and Hour Investigations

The majority of the bureau’s investigations stem from employee complaints. The bureau also conducts non-complaint investigations and industry-specific investigations to determine compliance with assigned laws.

The data in Figure 9 indicate that 92 percent of the investigations closed during FY 2017 were wage payment claims such as final paychecks, vacation/sick pay, bonuses, commissions and holiday pay. Minimum wage claims accounted for 1 percent of investigations closed; overtime accounted for 1 percent; and other (i.e., youth employment, recordkeeping, controlled substance and private personnel) accounted for about 5 percent.

**Figure 9**

**Types of Wage and Hour Investigations Closed, FY 2017**



The investigators first try to substantiate the complaint. If substantiated, they seek recovery of the unpaid wages for the complainant. As a result of these investigations, over 1,500 employees were paid an estimated \$1.3 million without the time and expense involved with litigation. Table 8 compares the bureau’s performance in FY 2017 with previous years. The inventory of open investigations continued to decrease in FY 2017, pursuant to a focus on addressing the backlog and streamlining investigative processes. As a result, the bureau started with 794 investigations open at the start of FY 2017 and 460 open at the end of FY 2017.

**Table 8**

**Wage and Hour Investigations Opened and Investigations Closed, FY 2014 Through FY 2017**

Fiscal Year	Investigations Opened	Investigations Closed
2014	4,096	3,695
2015	3,258	3,233
2016	3,049	3,722
2017	2,886	3,216

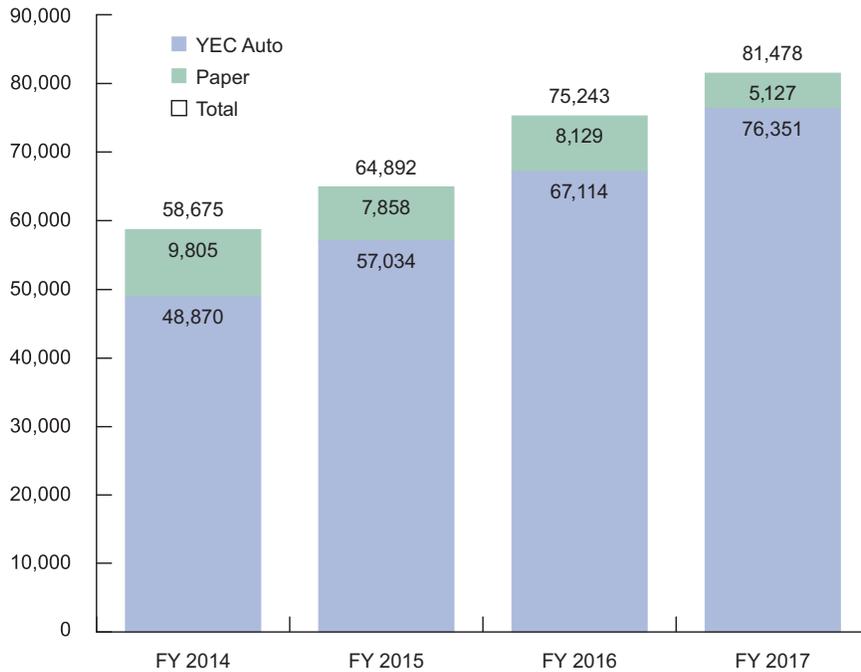
**Youth Employment Certificates**

Protecting young workers from inappropriate or unsafe jobs is the cornerstone of the Youth Employment Certificate Program. The timely review of certificates issued continues to be a key element in our efforts to protect young workers. The data in Figure 10 indicate that there were 81,478 youth employment certificates (work permits) issued in FY 2017, roughly an 8 percent increase from the previous fiscal year total of 75,243. Of the certificates issued during FY 2017, 94 percent were issued online. Online issuance of certificates is the safest and most efficient method. Certificates issued online provide immediate feedback to employers and applicants when the age and proposed job duties place the employer in jeopardy of violation of state or

federal child labor laws. Additionally, certificates issued online are reviewed the next business day, whereas the review of certificates issued by the Department of Social Services or designees may lag by several months. During this year, the Wage and Hour Bureau sent a notification to all social services offices about the availability of the online option for youth employment certificates. In August of 2017, the Wage and Hour Act was amended by the N.C. General Assembly to eliminate the option for local Departments of Social Services to review youth employment certificates/work permits. As of Oct. 1, NCDOL's online method became the only option for obtaining youth employment certificates. The application is prominently displayed on the home page of the NCDOL website.

**Figure 10**

**Youth Employment Certificates Issued, FY 2014 Through FY 2017**



## Notes

Fiscal years are designated by the year they end. The state fiscal year begins July 1 and ends June 30. State Fiscal Year 2017 thus began July 1, 2016, and ended June 30, 2017. The federal fiscal year begins Oct. 1 and ends Sept. 30. Federal Fiscal Year 2017 thus began Oct. 1, 2016, and ended Sept. 30, 2017.

All of the bureaus of the Standards and Inspections Division report data based on the state fiscal year. Most of the bureaus of the Occupational Safety and Health Division report data based on the federal fiscal year. The Agricultural Safety and Health Bureau is the exception. It uses the calendar year as the basis for reporting its data.

Within the Administration Division, the Budget and Management Division uses the state fiscal year for reporting its data, while the remaining divisions report data on a calendar year basis. Some of the data are reported for the bureaus and divisions on a preliminary basis and are subject to change in subsequent annual reports.

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### Reporting Years for NCDOL Divisions and Bureaus

#### Calendar Year (Jan. 1 through Dec. 31)

Agricultural Safety and Health Bureau  
 Communications Division, including Publications Bureau  
 Governmental Affairs Division  
 Human Resources Division  
 Legal Affairs Division  
 Research and Information Technology Division

#### State Fiscal Year (July 1 through June 30)

Boiler Safety Bureau  
 Budget and Management Division  
 Elevator and Amusement Device Bureau  
 Employment Discrimination Bureau  
 Mine and Quarry Bureau  
 Wage and Hour Bureau

#### Federal Fiscal Year (Oct. 1 through Sept. 30)

Compliance Bureaus  
 Consultative Services Bureau  
 Education, Training and Technical Assistance Bureau  
 Planning, Statistics and Information Management Bureau

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### Index of Acronyms

AFL-CIO—American Federation of Labor and Congress of Industrial Organizations  
 ANSI—American National Standards Institute  
 APO—Administrative Procedure Oversight  
 ASH—Agricultural Safety and Health  
 BLS—Bureau of Labor Statistics  
 CFOI—Census of Fatal Occupational Injuries  
 ETTA—Education, Training and Technical Assistance  
 GAP—Good Agricultural Practices  
 HR—Human Resources  
 IMIS—Integrated Management Information System  
 IT—Information Technology  
 NCAC—North Carolina Administrative Code

NCDOL—N.C. Department of Labor  
 OFIR—Occupational Fatality Inspection Review  
 OIS—OSHA Information System  
 OSHA—Occupational Safety and Health Administration  
 OSH—Occupational Safety and Health  
 OSHSPA—Occupational Safety and Health State Plan Association  
 PSIM—Planning Statistics and Information Management  
 REDA—Retaliatory Employment Discrimination Act  
 SHARP—Safety and Health Achievement Recognition Program  
 SOII—Survey of Occupational Injuries and Illnesses  
 YEC—Youth Employment Certificate