

NCDOL Surveys of the Public Sector

The N.C. Department of Labor (NCDOL), Occupational Safety and Health Division (OSH), evaluated occupational injury and illness data for local government and state agencies and determined that a reduction of workplace injuries and illnesses is essential.

The OSH Division's Bureau of Planning, Statistics and Information Management (PSIM) conducts the annual North Carolina Public Sector Occupational Safety and Health Injury and Illness Survey each spring. Survey forms are mailed to public sector (state and local government) employers with 11 or more employees controlled by the employer as a whole. NCDOL uses the survey data to focus activities in areas such as consultation, training, technical assistance, inspections and other outreach programs to reduce workplace injuries and illnesses.

The survey requests employment information (average number of employees and total hours worked) and summary information from an employer's injury and illness log. These data are used to calculate a survey responder's days away, restricted or transferred (DART) rate, which is then compared to the survey responder's specific category calculated DART rate. A thorough explanation of this program can be found in Chapter 2 of the OSH Division's *Field Operations Manual (FOM)* and the *Operational Procedure Notice (OPN) 128*, which are available on the NCDOL Web site: www.nclabor.com.

Survey Questions and Answers

While conducting the annual public sector survey, the PSIM Bureau has noted questions that have been consistently raised by survey participants. The four most frequently asked questions are:

1. Is this an annual survey?

The public sector survey, administered by the PSIM Bureau, is an annual survey conducted in the spring of each year.

2. Is this the same survey as the one conducted by the U.S. Bureau of Labor Statistics (BLS)?

The public sector survey is very similar to the annual BLS survey, but they are two distinct surveys. The NCDOL conducts both surveys; however, the BLS survey is administered by the federal government and is considered confidential information.

3. Since it's similar to the BLS survey, why not use the information from that survey?

The BLS survey is conducted by the NCDOL Research and Policy Division, and it requests more detailed information

related to injuries and illnesses that occurred in the workplace. As previously mentioned, the public sector survey is conducted by the NCDOL Bureau of Planning, Statistics and Information Management.

4. Is our response to this survey mandatory?

Yes. Government agencies are required under North Carolina General Statute (NCGS) 95-148, "Safety and Health Programs of State Agencies and Local Governments," to respond to the public sector survey. Each public sector employer must participate in the survey.

Survey participants have the most difficulty completing the survey in two areas. These two areas are calculating the *average* number of employees and calculating the *total* employee hours. The DART rates are computed using both of these figures, and it is essential that these numbers are as accurate as possible.

The average number of employees includes all employees (full-time, part-time, temporary, seasonal, salaried and hourly) on the payroll during an entire calendar year. This number can be calculated by adding together the total number of employees on the payroll for each pay period during the year, then dividing that total by the number of pay periods in that year (including any pay periods with no employees). The total employee hours is the total number of hours worked by employees for an entire calendar year (not including vacation, sick leave, holidays or any other non-work time). For example, the average employee working 40 hours a week, 50 weeks per year, with two weeks of vacation, will work 2,000 hours per year.

What is NCDOL doing with the survey information?

Through coordinated efforts by the Bureau of Planning, Statistics and Information Management and the North Carolina Public Sector Advisory Group, PSIM has had a high response rate for the annual public sector survey. However, if a public sector employer decides not to respond to the PSIM Bureau requests for annual injury and illness information, the non-responding employers will be included on the next inspection assignment list.

Employers with a calculated DART rate at or above the target rate for their specific category will be included on the NCDOL inspection assignment list. These survey responders will be sorted into four groups or classes by their DART rate, from higher to lower, and will be divided in the targeting system database by specific employer categories (See OPN 128, Appendix A).

Compliance inspection assignments will be generated with a higher

priority placed on those survey responders with the highest DART rates within their specific category. Any public sector survey responder whose current rate is below the target rate may also be randomly assigned for inspection. Any site may be inspected at any time as a result of a work-related accident, fatality, complaint or referral.

Recordkeeping Questions and Answers

1. Our North American Industry Classification System (NAICS) code is on the exemption list. Why does 1904 apply to me?

Federal OSHA does not provide coverage for the public sector; however, the NAICS code exemption list in the 1904 standards contains public sector NAICS codes. In 1904.37(b)(3), federal OSHA requires state-plan states to gather injury and illness statistics from the public sector. Therefore, the public sector NAICS code exemptions apply only to states where federal OSHA has jurisdiction, but not in states such as North Carolina with state OSHA programs.

Additionally, NCGS 95-148, *Safety and Health Programs of State Agencies and Local Governments*, and NCGS 95-143, *Record Keeping and Reporting*, require public sector employers to maintain these records.

2. Can we have one 300 log for the entire city/county? Can we separate our 300 logs by division or department?

Yes and yes; however, you must be able to sort and print the information by "establishment." The standard requires you to maintain or make available a 300 log for each "establishment" that is expected to be in business for one year or longer. The standard defines an establishment as:

A single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.

3. May we keep the records for all our establishments at a central location so that we can ensure properly trained employees are making the entries?

Yes, you can keep the records at a central location as long as you can:

- Transmit the information about the injuries and illnesses

from the establishment to the central location within seven calendar days.

- Produce and send the records from the central location to the establishment within the time frames required by 1904.35 and 1904.40.

4. We would like to use a computer database or spreadsheet instead of paper forms, but all of our injuries and illnesses may be one file or database. Is this acceptable?

Yes, as long as you can sort and print the information by establishment.

5. An employee was visiting one of our sites and was injured. Where do we record the injury?

You must record the injury on the log of the establishment where the employee was injured.

6. How do we count the days away from work or days of restricted activity?

You are required to count every calendar day that the employee is not capable of working regardless of whether the employee was supposed to work. This includes weekends, holidays and scheduled vacations.

Training Questions and Answers

1. Is training available to help us understand the requirements?

Yes. The NCDOL's Occupational Safety and Health (OSH) Division, Bureau of Education, Training and Technical Assistance (ETTA), provides or hosts many types of training events. There are safety and health schools at locations across the state throughout the year. Additionally, ETTA provides training through the small business centers at many community college campuses.

ETTA conducts free 10-hour and 30-hour workshops in general industry and construction. These classes are conducted by NCDOL personnel.

More information about these classes and schools can be found at our Web site: www.nclabor.com, on the Occupational Safety and Health page or on the Calendar of Events page.

Health Hazards Special Emphasis Program Questions and Answers

1. In 2002, NCDOL conducted a special emphasis program in the public sector about lead exposure in firing ranges. Is this program still in effect?

No, this specific lead special emphasis program for the public sector has expired. NCDOL has implemented a special emphasis program for the private and public sector through the division's strategic management plan with a focus on substances below that give rise to serious health effects.

2. What substances are covered by the strategic plan?

The substances that fall under this special emphasis program are asbestos, lead, crystalline silica, chromium (VI) and isocyanates.

3. How can public sector employees be exposed to these substances?

Occupational exposures to asbestos, silica and lead in public sector are well documented. Certain building materials installed before 1980 are known to contain asbestos. These include, but are not limited to, pipe insulation, sprayed-on fireproofing or surfacing material, ceiling tiles, flooring materials and mastics, and roofing as well as some wall joint compounds.

Lead is often found in paint used to coat steel structures that are exposed to weather such as bridges and overpasses. Exposure can occur when workers are cutting, welding, grinding, or using abrasive blasting on steel surfaces such as bridges and tanks that are coated with lead-bearing paints.

Crystalline silica is silicon dioxide (SiO₂) and is a ubiquitous substance that is the basic compound of sand, quartz and granite rock. Occupational exposure to crystalline silica dust has long been known to produce silicosis, pneumoconiosis or dust disease of the lungs. Silica is present in almost every process where natural minerals are handled. Among its many sources for exposure, silica is prevalent in the manufacture and use of abrasives (e.g., sandblasting), in the construction industry in construction materials and/or as a byproduct of activities (e.g., concrete cutting on highways), and in the manufacture of glass and pottery.

Chromium (VI) compounds, often called hexavalent chromium, exist in several forms. Industrial uses of hexavalent chromium compounds include chromate pigments in dyes, paints, inks and plastics; chromates added as anticorrosive agents to paints, primers and other surface coatings; and chromic acid electroplated onto metal parts to provide a decorative or protective coating. Hexavalent chromium can also be formed when performing "hot work" such as welding on stainless steel or melting chromium metal. In these situations the chromium is not originally hexavalent, but the

high temperatures involved in the process result in oxidation that converts the chromium to a hexavalent state.

Because isocyanates exposure is most often linked to manufacturing of foams, exposure of public sector employees to these substances is not considered to be significant.

4. How will we know if this special emphasis program applies to us?

Health hazard SEP inspections will be generated through accidents, complaints, referrals and general industry programmed criteria in both construction and general industry.

5. Can I view and access information about this special emphasis program?

Yes, the directive describing the inspection scheduling and enforcement guidelines for this special emphasis program is designated as Operational Procedure Notice (OPN) 135. This document can be accessed through the N.C. Department of Labor Internet site by going to www.nclabor.com/osha/compliance/publicopn/opnindex.htm.

6. What do we need to do?

The OSH Division enforces separate standards for occupational exposure to lead in general industry (29 CFR 1910.1025) and in construction activities (29 CFR 1926.62). Both of these standards require employers to conduct "initial monitoring" of a representative number of employees for exposure to lead to determine what other requirements of these standards may apply. In addition, employers of employees engaged in certain construction-related activities must assume a certain level of lead exposure and provide the appropriate type of respirator unless initial monitoring indicates that a less protective respirator—or no respirator—is appropriate.

There are also distinct standards for occupational exposure to asbestos in general industry (29 CFR 1910.1001) and construction (29 CFR 1926.1101). Both of these standards require employers who have employees exposed to asbestos through work activities to conduct an initial exposure assessment to determine what other parts of the standard apply. In addition, each of these standards requires the building owner or facility owner to conduct a survey of their buildings to identify the presence, location, type and approximate amount of asbestos-containing materials in their buildings. This information must be conveyed to their employees, to tenant employers and to contractors doing work in those buildings where contact with or disturbance of asbestos-containing material may occur.

Additionally, the OSHA standards for chromium (VI), 29 CFR 1910.1026 and 29 CFR 1926.1126, provide information on hazard recognition and controls in general industry and construction, respectively. These standards also require "initial monitoring" of a representative numbers of employees to determine what other requirements of the standard apply. Additional information can be found at: www.osha.gov/SLTC/hexavalentchromium.

For the other two substances (isocyanates and silica), there are no substance-specific standards. However, the air contaminant standard (29 CFR 1910.1000) requires employers to maintain exposures to or below the permissible exposure limit (PEL) specified for each of these substances. Whenever engineering and administrative controls are not sufficient to maintain worker exposure below these levels, the employer must supplement with respirators and ensure that they are used in accordance with the OSHA respiratory protection standard, 29 CFR 1910.134.

Contacting Us

You may contact us at:

1-800-625-2267 (1-800-NC-LABOR) or directly:

Occupational Safety and Health Division:
(919) 807-2900

Safety and Health Compliance
Eastern Office: (919) 779-8570
Western Office: (336) 776-4420

Consultative Services:
(919) 807-2899

Education, Training and Technical Assistance:
(919) 807-2875

Planning, Statistics and Information Management:
(919) 807-2950

Agricultural Safety and Health:
(919) 807-2923

Our central mailing address is:

Occupational Safety and Health Division
N.C. Department of Labor
1101 Mail Service Center
Raleigh, NC 27699-1101

Information for the Public Sector



Occupational Safety and Health Division

Cherie Berry
Commissioner of Labor

