

Appendix A
North Carolina State Plan
FY 2010 Enhanced FAME Follow-up Report Prepared by Region IV
Summary of New and Continuing Findings and Recommendations

Rec #	Findings	Recommendations	Related FY 09 Rec #
10-1	Supporting documentation is purged from (most) case files.	North Carolina should revise their records retention policy with respect to OSHNC inspection case file documentation. *NOTE: Federal OSHA and the State were not able to reach a resolution regarding this matter. Photos are maintained for fatalities and other significant case files. Purging of photos saves costs, and does not adversely affect the program. They will work with Area Director when retention policy is reviewed in the future to consider a policy that meets competing needs. This issue will continue to be evaluated during monitoring activities in FY 2011.	09-01
10-2	State-specific violation classification guidelines result in a lower percentage of serious violations. Several of the violations in the case files were not classified as serious or as severe as Federal OSHA would have classified them.	NC should review and revise its internal violation classification guidance and assure that the resultant violation classifications are consistent with federal procedures and practice. * NOTE: NC has no current plans to revise the violation classification procedures or severity assessment procedures as they are similar to Federal OSHA's. NC requested opportunity to review federal inspection files that are properly classified and to discuss specific cases where NC violations were not correctly classified. Completion of violation documentation training for all compliance personnel should increase consistency in assessing violation severity. North Carolina has reviewed their serious violation guidelines and they are similar to Federal OSHA.	09-05
10-3	The report noted deficiencies in North Carolina's discrimination program, including State policy that complaints must be received in writing, all interviews are conducted by phone, not in person, the lack of closing information in case files, and guidance on settlement requirements that is not as detailed as OSHA's Whistleblower Investigation Manual.	This recommendation is from the FY 2009 EFAME and has not been completed. North Carolina has already begun a review of the Fed OSHA Whistleblower manual. The Bureau has assigned staff to specific issues. We recommend that the State and Fed OSHA continue to work toward the necessary modifications to their program to ensure procedures are at least as effective as the Federal procedures.	09-09A-D