

Appendix A

FY 2009 North Carolina State Plan (OSHNC) Enhanced FAME Report prepared by Region IV Summary of Findings and Recommendations

Italics = paraphrase

	Findings	Recommendations
1	<i>Except for fatality, catastrophe and other significant case files, some supporting documentation (photos, interviews) is purged once the inspection is closed. (p. 9-10)</i>	North Carolina should revise their records retention policy with respect to OSHNC inspection case file documentation.
2	<i>The report indicates that for complaints handled by letter, insufficient information was provided to complainant due to a decision to no longer provide a copy of the employer's response. (p. 10-11)</i>	North Carolina should assure that written responses to complainants following investigation of complaints include clear and informative responses to their allegations. (The state has responded to this recommendation by submitting changes to its Field Operations Manual.)
3	<i>The next of kin form letter was found to be somewhat confusing and lacked explanation of the cause of the accident. In addition, these letters were usually signed by the compliance officer. (p. 11-12)</i>	North Carolina should revise the letter sent to the next of kin at the close of their investigation to improve its clarity and include a description of the findings. (The state has submitted revised letters for the family of deceased workers.)
4	<i>Case files contained insufficient information about the operations or potential hazards at the site, any safety or health programs in place, or what the inspection covered and some case files did not include injury or illness data from the 300 log. (p. 13-14).</i>	North Carolina should assure that each case file includes documentation of the company's injury and illness experiences, safety and health programs, and a description of the processes inspected.
5	<i>State-specific CSHO 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. (p. 14-15)</i>	North Carolina should review and revise its internal violation classification guidance and assure that the resultant violation classifications are consistent with federal procedures and practice.
6	<i>State penalty calculation and adjustment policies result in lower penalties for serious violations. Violations are misclassified and willful violations were not cited. More follow-up visits should be conducted. (p. 15-16)</i>	North Carolina should monitor the results of its recently revised penalty calculation procedures and its penalty reduction policies to assure that penalties are appropriate for the violations cited. The State should also review its practices on the citing of willful violations and conducting follow-up inspections.
7	<i>The report found untimely closing of inspections in IMIS. (p. 16-17)</i>	North Carolina should review the status of all inspections on the IMIS Open Inspections Report and take any needed action to assure that activities related to the case have been taken and correctly entered into IMIS. In addition, procedures for routine review of data should be revised to take into account changes in staffing so that all IMIS data is subject to regular review. (The state has initiated a review of all open cases, and reports associated with previous supervisors have been assigned to current personnel for resolution.)
8	<i>Many penalties remain uncollected. Due to internal procedures for collections, debt collection status is not entered into IMIS so standard IMIS debt collection reports cannot be used to regularly track overdue penalties. (p. 17-18)</i>	North Carolina should review and revise its debt collection procedures to assure appropriate collection actions, recording of information, and timely closing of cases
9	<i>The report noted deficiencies in North Carolina's discrimination program, including the state policy that complaints must be received in writing, all interview are conducted by phone not in persons, the lack of closing conference information in case files, and guidance on settlement requirements that is not as detailed as OSHA's Whistleblower Investigation Manual. (p.20-24)</i>	A. North Carolina should review their retaliatory discrimination laws and procedures and discontinue the practice of requiring that safety and health discrimination complaints be submitted in writing. Complaints should be docketed on the date that the complainant contacts the Employment Discrimination Bureau (EDB) and provides information establishing a prima facie case. B. North Carolina discrimination investigators should conduct interviews in person when possible to assure that the quality of EDB investigations is not negatively impacted by conducting interviews by telephone. (North

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		<p>Carolina OSHNC management stated that they were not made aware of budgetary reasons for this practice and they have not been asked for additional travel funds. They have discussed this issue with the EDB Administrator and agreed that interviews will be conducted in person when it will promote the quality of the investigation.)</p>
		<p>C. North Carolina should assure that safety and health discrimination files include details about the closing conference.</p>
		<p>D. North Carolina should review its settlement policy for safety and health discrimination cases and consider adding criteria consistent with current federal OSHA guidelines.</p>