

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 994
HOUSE BILL 1390

AN ACT TO ESTABLISH A WORKPLACE REQUIREMENTS PROGRAM FOR
THE SAFETY AND HEALTH OF ALL STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 63.

"State Employees Workplace Requirements Program
for Safety and Health.

"§ 143-580. Definition.

As used in this Article, 'State agency' means any department, commission, division, board, or institution of the State within the executive branch of government and the Office of Administrative Hearings.

"§ 143-581. Program goals.

Each State agency shall establish a written program for State employee workplace safety and health. The program shall promote safe and healthful working conditions and shall be based on clearly stated goals and objectives for meeting the goals. The program shall provide managers, supervisors, and employees with a clear and firm understanding of the State's concern for protecting employees from job-related injuries and health impairment; preventing accidents and fires; planning for emergencies and emergency medical procedures; identifying and controlling physical, chemical, and biological hazards in the workplace; communicating potential hazards to employees; and assuring adequate housekeeping and sanitation.

"§ 143-582. Program requirements.

The written program required under this Article shall describe at a minimum:

- (1) The methods to be used to identify, analyze, and control new or existing hazards, conditions, and operations.
- (2) How managers, supervisors, and employees are responsible for implementing the program, controlling accident-related expenditures, and how continued participation of management and employees will be established, measured, and maintained.
- (3) How the plan will be communicated to all affected employees so that they are informed of work-related physical, chemical, or biological hazards, and controls necessary to prevent injury or illness.
- (4) How managers, supervisors, and employees will receive training in avoidance of job-related injuries and health impairment.

- (5) How workplace accidents will be reported and investigated and how corrective actions will be implemented.
- (6) How safe work practices and rules will be communicated and enforced.
- (7) The safety and health training program that will be made available to employees.
- (8) How employees can make complaints concerning safety and health problems without fear of retaliation.
- (9) How employees will receive medical attention following a work-related injury or illness.

"§ 143-583. Model program; technical assistance; reports.

(a) The State Personnel Commission, through the Office of State Personnel, shall:

- (1) Maintain a model program of safety and health requirements to guide State agencies in the development of their individual programs and in complying with the provisions of G.S. 95-148 and this Article.
- (2) Establish guidelines for the creation and operation of State agency safety and health committees.

(b) The Office of State Personnel shall:

- (1) Provide consultative and technical services to assist State agencies in establishing and administering their workplace safety and health programs and to address specific technical problems.
- (2) Monitor compliance with this Article.

(c) The State Personnel Commission shall report annually to the Joint Legislative Commission on Governmental Operations on the safety and health activities of State agencies, compliance with this Article, and the fines levied against State agencies pursuant to Article 16 of Chapter 95 of the General Statutes.

"§ 143-584. State agency safety and health committees.

Each State agency shall create, pursuant to guidelines adopted under subsection (a) of G.S. 143-583, safety and health committees to perform workplace inspections, review injury and illness records, make advisory recommendations to the agency's managers, and perform other functions determined by the State Personnel Commission to be necessary for the effective implementation of the State Employees Workplace Requirements Program for Safety and Health."

Sec. 2. G.S. 126-4(10) reads as rewritten:

- "(10) Programs of ~~safety, health,~~ employee assistance, productivity incentives, equal ~~opportunity~~ opportunity, safety and health as required by Article 63 of Chapter 143 of the General Statutes, and such other programs and procedures as may be necessary to promote efficiency of administration and provide for a fair and modern system of personnel administration. This subdivision may not be construed to authorize the establishment of an incentive pay program."

Sec. 3. The Legislative Services Commission and the Administrative Office of the Courts are authorized to separately establish safety and health programs for their employees. The Administrative Office of the Courts shall report annually to the Joint Legislative Commission on Governmental Operations on its safety and health activities with respect to its program.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 20th day of July, 1992.

Henson P. Barnes
President Pro Tempore of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives