



Report Outlining the Activities and Accomplishments of the Office of State Human Resources' (OSHR) Safety, Health and Workers' Compensation Division (SHWC) for FY2019

Pursuant to NCGS §143-583



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Members of the North Carolina General Assembly,

I am pleased to provide this report outlining the activities and accomplishments of the Office of State Human Resources (OSHR) Safety, Health and Workers' Compensation Division (SHWC) for fiscal year 2019. This report is submitted pursuant to NCGS §143-583.

OSHR is proud to highlight the SHWC Division's initiatives and ongoing statewide outreach and partnership with state agency and UNC System safety and workers' compensation professionals. New workers' compensation claim filings declined during FY2019 after a slight uptick in FY2018 evidencing the effectiveness of the Division's efforts to increase identification and elimination of workplace hazards before injuries occur. This decrease also signifies the positive effects of comprehensive statewide and agency specific safety engagement programs for employees and employers.

The State Workers' Compensation Program (SWCP) administered by OSHR covers approximately 170,000 state employees in Cabinet and Council of State agencies, the UNC System, and Community Colleges; thus, constant vigilance to reduce hazards, ongoing safety training, and continuing management commitment to a strong safety culture are necessary to continue reducing the number of injuries that occur each year.

OSHR's SHWC Division will continue its proactive efforts to reduce injuries and claim costs via ongoing communication and training for state agencies addressing best practices, robust employee engagement, and ongoing collaboration with agencies and universities.

If you have any questions or need further information, please do not hesitate to let us know.

Sincerely,

Barbara Gibson, Director
Office of State Human Resources



NORTH CAROLINA Office of
State Human Resources

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Introduction



NCGS §143-583 requires the Office of State Human Resources (OSHR) annually report to the Joint Legislative Commission on Governmental Operations on the safety, health, and workers' compensation activities of State agencies, compliance with Chapter 143, Article 63, and fines levied against state agencies pursuant to Chapter 95, Article 16 of the General Statutes. Pursuant to NCGS §143-584, the OSHR Safety Health and Workers' Compensation (SHWC) Division engages in the following:

- Outreach programs to state agencies to assess workplace safety and identify hazards;
- Reviews injury and illness records and generates statewide and agency specific performance metrics;
- Makes advisory recommendations to state agency human resources staff and safety leaders;

- Provides updates and ongoing education on important legal and regulatory developments; and
- Performs other functions necessary for effective implementation of the State Employees Workplace Requirements Program for Safety and the State's self-insured workers' compensation program.

Summary of SHWC Division Functions:

Oversight of statewide safety and health programs

- Consults with state agencies in the areas of safety, health, and industrial hygiene.
- Reviews and assists with development of agency safety policies/programs.
- Researches and advises agencies on safety-related matters.
- Reviews agency, university and vendor performance adherence to safety programs and policies and identifies trends for future injury prevention.
- Develops model programs, guidelines, best practices, and other technical resources to help agencies meet safety standards.
- Works in partnership with statewide safety professionals as part of the OSHR Hazard Prevention Network.
- Administers OSHR's ongoing hazard awareness campaign, Flag The Hazard.
- Maintains OSHR SHWC SharePoint site to communicate and maintain a virtual library of resources.
- Maintains web tool for state employees to report observed hazard reports that are automatically forwarded to respective state agency safety leaders for correction and response.
- Oversees OSHR's new pedestrian safety initiative. The multi-agency collaboration focuses on development of replicable best practices, training, and education to improve driver awareness and pedestrian safety. Inaugural focus will be on the Downtown State Government Complex, with later expansion statewide.

Oversight of State Workers' Compensation Program (SWCP)

- Administers all vendor contracts for workers' compensation claims services.
- Provides guidance on claims administration practices by establishing business processes for state agencies and vendors.
- Monitors vendors' adherence to contractual requirements.
- Monitors state agency and vendor compliance with NCGS § Chapter 97, the NC Workers' Compensation Act.
- Assists state agencies with ongoing claim status assessment and proper claims handling.
- Provides claims management guidance and training to agency and university employees.
- Serves as the on-call information resource for agency and university workers' compensation administrators.
- Monitors claim litigation and settlements.
- Identifies ongoing claims for improved claims outcome and cost containment opportunities.

Summary of FY2019 Safety Activities

A. Workplace Requirements for Safety and Health Outreach Program

Pursuant to NCGS §143-581, OSHR provides state agencies with model safety and health programs based on federal and state law to ensure protection of employees from job-related injuries and health impairment.

In FY2017, OSHR developed an Outreach Program to simultaneously build partnerships and assist state agencies with achieving adherence to the model

programs. The Outreach Program continued in FY2019 and to date, site visits have been conducted at 15 UNC System institutions and eight Cabinet agencies.

Outreach visits include a review of the agency's selected safety and health programs, policies, procedures, documentation of safety reports, training programs and records, safety goals, injury analysis, hazard assessments, and safety committee meeting minutes. When applicable, outreach visits also include a comprehensive tour of high-risk facilities such as shops, grounds, or laboratories.

OSHR is not a regulatory agency that issues citations or fines. The Outreach Program provides state agencies with a no-risk assessment of potentially hazardous conditions that could result in future injury or assessment of regulatory fines.

On July 22, 2019, Session Law 2019-152 went into effect which amended NCGS §143-583 to affirmatively state that OSHR will 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. OSHR SHWC staff are already fulfilling this provision by providing technical assistance to agencies upon request or in relation to hazards identified during annual outreach visits. This ongoing technical assistance is a further opportunity for OSHR to collaborate with state agencies to prevent hazards and reduce injuries.

B. Flag The Hazard Campaign



The SHWC Division proactively partners with state agencies to improve hazard recognition and control. OSHR's new Flag The Hazard campaign is comprised of a 12-month cycle of events with an annual observance of June Safety Month including direct communications with all state agency employees, safety stand downs, hazard hunts, specific seasonal hazards, and cross-agency social media campaigns addressing both general and workplace safety and health topics. OSHR partners with state agency safety leaders and communications staff to widely publicize these messages and events via print, email, and social media.

Governor Cooper's proclamation declaring June 2019 as State Safety Month and accompanying video message introduced OSHR's new Flag The Hazard web-based reporting tool, available at: hazard.nc.gov. The tool permits state employees to report workplace hazards or safety concerns for any state agency. The Flag The Hazard tool automatically notifies each agency's designees when a hazard report is received. Agency designees are then automatically prompted to provide information on corrective actions that also is relayed via email to the employee that reported the hazard.

The system also tracks all reported hazards enabling OSHR to analyze detailed data and agency responses to identify trends and highlight successes.

Many state agencies and universities observed State Safety Month in June 2019 via a variety of safety awareness stand downs and other events in partnership with law enforcement, emergency management, and other community educational events. OSHR provided state agencies with detailed instructions on performing safety stand downs and reporting safety concerns via the Flag The Hazard reporting tool.

C. Hazard Prevention Network

The SHWC Division works in partnership with the entire network of state agency safety leaders and professionals via its newly created Hazard Prevention Network which replaced the former Statewide Safety and Health Steering Committee. The Network's activities are focused on collaborating with agency safety professionals statewide to accomplish a variety of tasks and projects that will positively impact workplace safety and health and build the state's safety culture.

D. Safety and Hazard Education and Training

SHWC Division staff conducts safety-related training and assessments for various state agencies upon request or in response to an identified need. Training provided in FY2019 included CPR, first aid, and emergency evacuation procedures.



Safety partners simulate a smoke-filled office for a safety training at the Black Mountain Neuromedical Treatment Center.

Preventive ergonomic assessments are conducted upon request. SHWC Division staff also help agencies establish their own ergonomic evaluation programs by providing training on proper ergonomic assessment methods and sample documentation.

In May 2019, nine employees from the N.C. Department of Public Safety were trained by OSHR to independently conduct ergonomic assessments, document findings, and report recommendations.

The SHWC Division established a SharePoint site for agency safety leaders and workers' compensation administrators where they can communicate, share resources, identify and eliminate workplace hazards and promote best practices.

E. OSHR Pedestrian Safety Initiative

OSHR, in collaboration with other state agencies and stakeholders, has implemented WalkSmartNC, a new pedestrian safety initiative to improve driver awareness and pedestrian safety. Inaugural focus will be on the Downtown State Government Complex, with later expansion statewide. This initiative will result in creating replicable best practices at any location with traffic and pedestrian congestion. OSHR will assist in developing and refining policies related to safe operation of state-owned vehicles, as well as establishing a web-based repository of virtual training materials, plus create a positive messaging campaign to increase awareness of pedestrian hazards.

F. The N.C. Department of Labor (DOL) Inspection Activity regarding citations and fines for State Agencies in FY2019

The N.C. Department of Labor, Division of Occupational Safety and Health conducted inspections or responded to complaints in state government facilities.

Description	Totals
Total Inspections Listed	34
Total Inspections Conducted	26
Total Inspections with Citations	14
Total Inspections without Citations	12
Total Citations Issued	34
Total Initial Penalties Assessed	\$43,700
Total Current Penalties Assessed	\$37,548



State Safety and Health Manager Heather Banta discusses the Pedestrian Safety Initiative at the Hazard Prevention Network meeting in July.

State Agency Citation and Fines Activity - FY2019

Open Date	Company Name	No Citations	Total Violations	Serious Violations	Willful Violations	Repeat Violations	Other Violations	Initial Penalty	Current Penalty	Paid Penalty	Close Date
7/12/2018	NC DOT Ferry Division		2	2	0	0	0	\$2,700	\$2,700	\$0	OPEN
7/17/2018	NC DPS - Central Prison	X	0	0	0	0	0	\$0	\$0	\$0	11/14/2018
7/25/2018	NC DOT Division 4 Wayne Bridge	X	0	0	0	0	0	\$0	\$0	\$0	9/6/2018
8/1/2018	NC Wildlife Resources Commission		1	0	0	0	1	\$1,625	\$1,056	\$1,056	1/15/2019
8/23/2018	NC DOT Ferry Division		2	0	0	0	2	\$0	\$0	\$0	1/22/2019
9/19/2018	NC DHHS - Longleaf Neuro-Medical Center	X	0	0	0	0	0	\$0	\$0	\$0	11/28/2018
9/21/2018	North Carolina State University	X	0	0	0	0	0	\$0	\$0	\$0	9/24/2018
9/27/2018	NC DOT Safety & Risk MGMT-DIV 10 Equipment		3	1	0	0	2	\$4,500	\$3,150	\$3,150	12/19/2018
10/17/2018	NC DOT Safety & Risk Mgmt.-Maintenance-Jackson Cty.	X	0	0	0	0	0	\$0	\$0	\$0	10/30/2018
10/17/2018	NC DOT Safety & Risk Mgmt-Bridge Maint.-Jackson Cty		1	1	0	0	0	\$1,125	\$732	\$732	1/16/2019
10/17/2018	NC DPS LAW ENFORCEMENT - State Highway Patrol	X	0	0	0	0	0	\$0	\$0	\$0	12/7/2018

State Agency Citation and Fines Activity - FY2019

Open Date	Company Name	No Citations	Total Violations	Serious Violations	Willful Violations	Repeat Violations	Other Violations	Initial Penalty	Current Penalty	Paid Penalty	Close Date
10/18/2018	NC DOT Safety & Risk Management		2	0	0	0	2	\$0	\$0	\$0	OPEN
10/25/2018	NC DOT Safety & Risk MGMT-Const. Office Rowan CTY	X	0	0	0	0	0	\$0	\$0	\$0	11/13/2018
11/27/2018	NC Dept. of Public Instruction		4	4	0	0	0	\$9,100	\$6,100	\$6,100	2/28/2019
11/30/2018	NC DOT - Div. of Highways #9 - Bridge Maintenance		5	5	0	0	0	\$13,500	\$13,500	\$0	OPEN
12/13/2018	NC DOT Safety & Risk MGMT- Division 9 Equip Shop		2	1	0	0	1	\$1,200	\$780	\$780	1/18/2019
12/13/2018	NCDPS Adult Correction	X	0	0	0	0	0	\$0	\$0	\$0	12/27/2018
1/18/2019	North Carolina Dept. Health and Human Services	X	0	0	0	0	0	\$0	\$0	\$0	1/24/2019
1/28/2019	NC DOT Safety & Risk MGMT Maintenance - Scotland		3	0	0	0	3	\$1,200	\$780	\$0	OPEN
1/30/2019	NC DOT Safety & Risk MGMT - Roadside Unit - Cleveland		2	0	0	0	2	\$0	\$0	\$0	4/22/2019
2/1/2019	North Carolina Dept. Administration	X	0	0	0	0	0	\$0	\$0	\$0	5/17/2019
2/1/2019	NC DOT Safety & Risk Mgmt - Maintenance - Iredell		1	0	0	0	1	\$0	\$0	\$0	4/5/2019

State Agency Citation and Fines Activity - FY2019

Open Date	Company Name	No Citations	Total Violations	Serious Violations	Willful Violations	Repeat Violations	Other Violations	Initial Penalty	Current Penalty	Paid Penalty	Close Date
2/6/2019	NC DPS Caldwell Correctional	X	0	0	0	0	0	\$0	\$0	\$0	3/11/2019
2/26/2019	Maintenance S Franklin CTY NCDOT	X	0	0	0	0	0	\$0	\$0	\$0	3/1/2019
2/26/2019	UNC- Greensboro	X	0	0	0	0	0	\$0	\$0	\$0	3/11/2019
3/5/2019	NC Dept. Agriculture & Consumer Services	X	0	0	0	0	0	\$0	\$0	\$0	5/22/2019
3/7/2019	NC Dept. of Public Instruction - Governor Morehead	X	0	0	0	0	0	\$0	\$0	\$0	6/20/2019
4/12/2019	North Carolina Dept of Transportation	X	0	0	0	0	0	\$0	\$0	\$0	4/17/2019
4/22/2019	NC DOT Alleghany County Maintenance	X	0	0	0	0	0	\$0	\$0	\$0	4/24/2019
6/10/2019	NC DOT Safety & Risk Mgmt-Bridge Maint. Anson Cty		4	1	0	1	2	\$2,450	\$2,450	\$0	OPEN
6/14/2019	NC OSHR, Temporary Solutions	X	0	0	0	0	0	\$0	\$0	\$0	6/26/2019
**6/25/2019	NCDPS Pender Correction		2	1	0	0	1	\$6,300	\$6,300	\$0	OPEN
6/26/2019	NC DOT Risk & Safety Mgmt - Cleveland Cty Maint.	X	0	0	0	0	0	\$0	\$0	\$0	7/11/2019
Totals			35	16	0	1	18	\$43,700	\$37,548	\$11,818	

Summary of FY2019 Workers' Compensation Activities

A. Administration of Self-Insured Workers' Compensation Program

The OSHR State Workers' Compensation Manager and Workers' Compensation Consultants work directly with state agency human resources staff, contracted vendors, and the N.C. Department of Justice-Workers' Compensation Section to administer all state workers' compensation program claims in accordance with NCGS § Chapter 97, the Workers' Compensation Act, accompanying administrative rules, and case law.

The SHWC Division seeks to help injured employees and support state agencies throughout all workers' compensation claims whose duration varies from one day through the remainder of the injured employee's life. Effective claims management is achieved by adherence to best practices throughout the entire process that promotes the best possible outcome for the injured employee while containing lost wages, medical and other related costs.

Performance metrics reveal ongoing improvement in claim outcomes, cost containment, and future cost avoidance. The charts herein highlight several quantifiable trends attributable to increased OSHR and agency hands-on involvement in daily claims management working in collaboration with contracted vendors and the Attorney General's office.

B. Partnership with State Agencies

OSHR State Workers' Compensation Manager works alongside the Workers' Compensation Consultants who are assigned to individual state agencies and engage in the following activities to provide subject matter expertise and technical support for all workers' compensation-related matters:

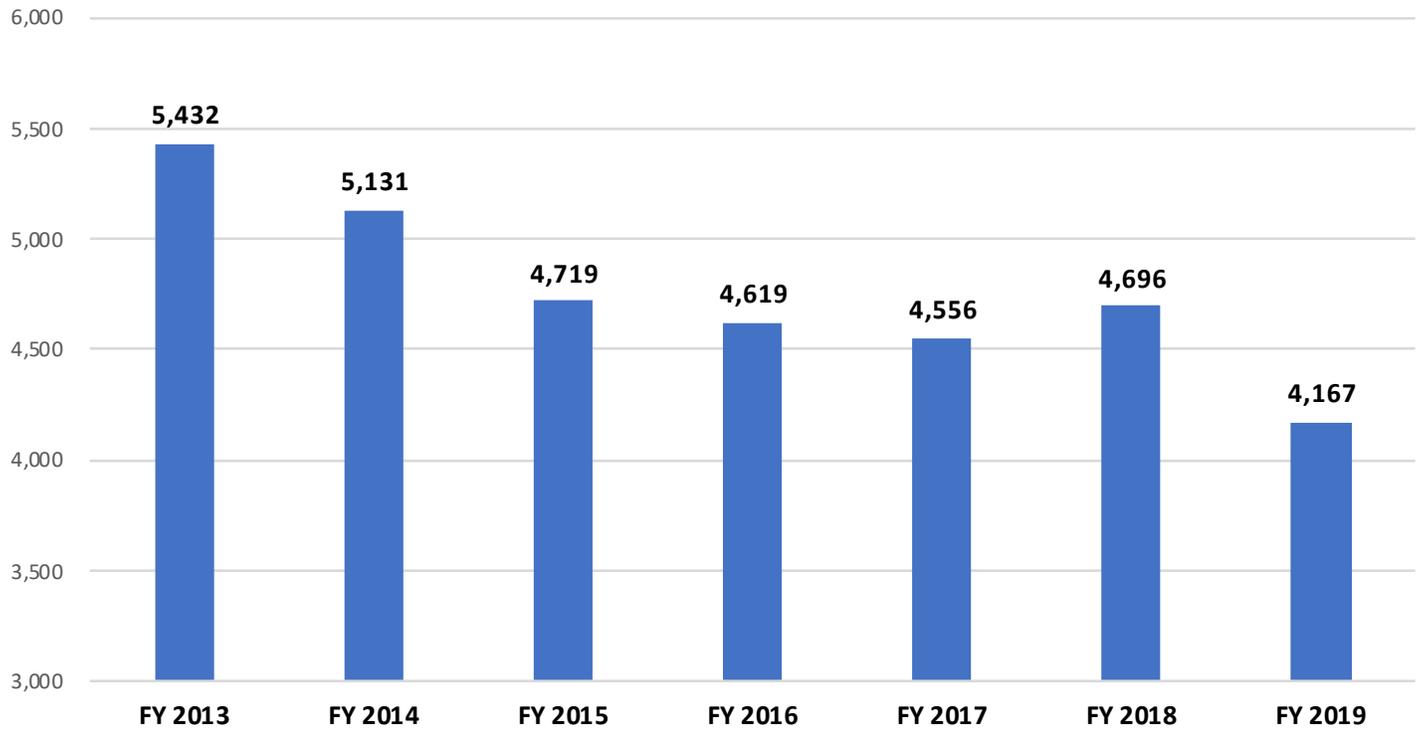


- a. Serve as an information resource for agency workers' compensation administrators and legal staff including online resources.
- b. Assess open claims for appropriate claims handling.
- c. Communicate with contracted vendors, the N.C. Department of Justice-Workers' Compensation Division, and others regarding claims management issues.
- d. Work in partnership with contracted vendors to address claim issues or concerns raised by injured employees and state agency workers' compensation administrators.
- e. Work directly with vendors to ensure contract compliance and continuous performance improvement.
- f. Provide classroom and online training resources for employees, supervisors, and agency workers' compensation administrators.
- g. Participation in professional organizations serving the workers' compensation community to stay abreast of current trends, cost saving measures, and return-to-work strategies which can be utilized to improve the State's Worker's Compensation Program.

Total New Reported Claims

FY2013-FY2019 Total New Reported Claims

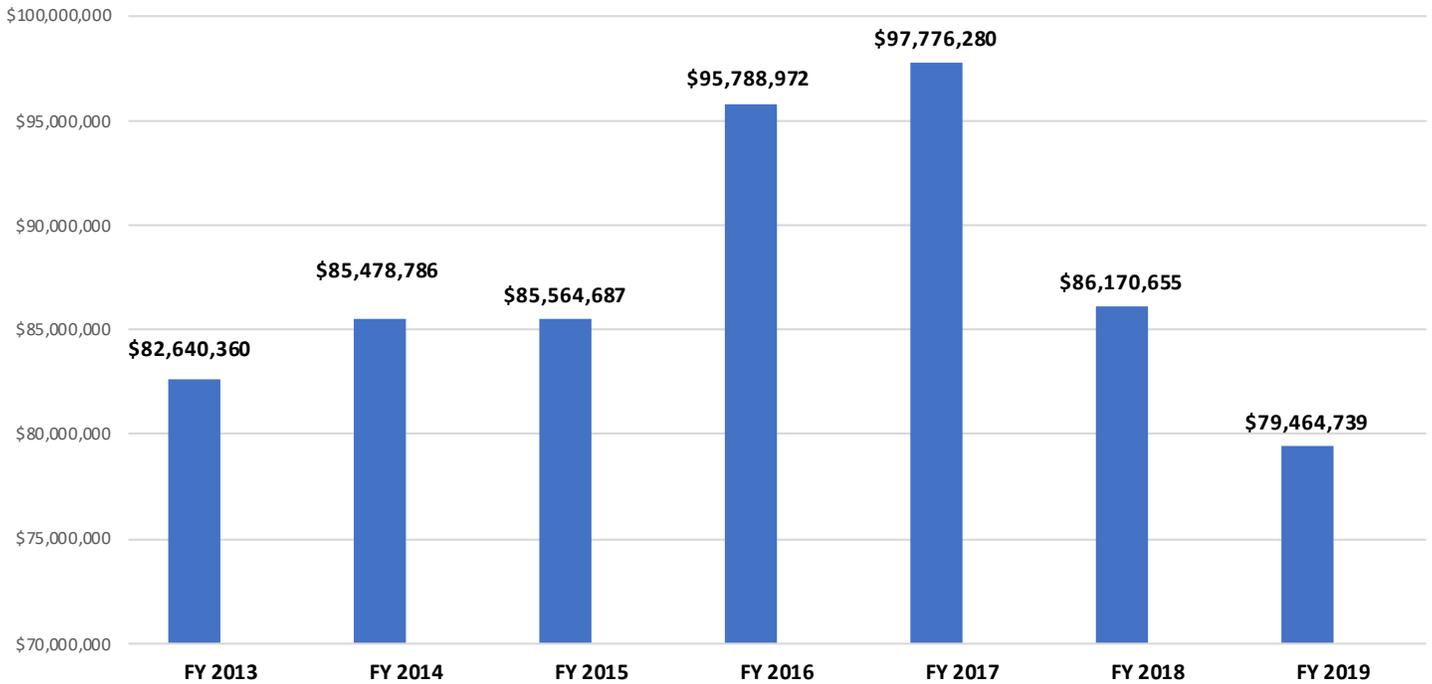
Data as of 6/30/2019



After a slight increase in new claim filings in FY2018, claim filings again declined for the fifth time in the past six fiscal years in FY2019. The steady downward trend in new claim filings indicates an increased awareness of workplace hazards and the importance of addressing them before an injury occurs. As of June 30, 2019, the State Workers' Compensation Program covers approximately 170,000 state employees in Cabinet and Council of state agencies, the UNC System, and Community Colleges. Constant vigilance on the part of management, supervisors, and employees is imperative to continue reducing workplace risks and resulting injury claims.

Total Workers' Compensation Claims Cost

FY2013-FY2019 Total Claims Cost Including Settlements Data as of 6/30/2019

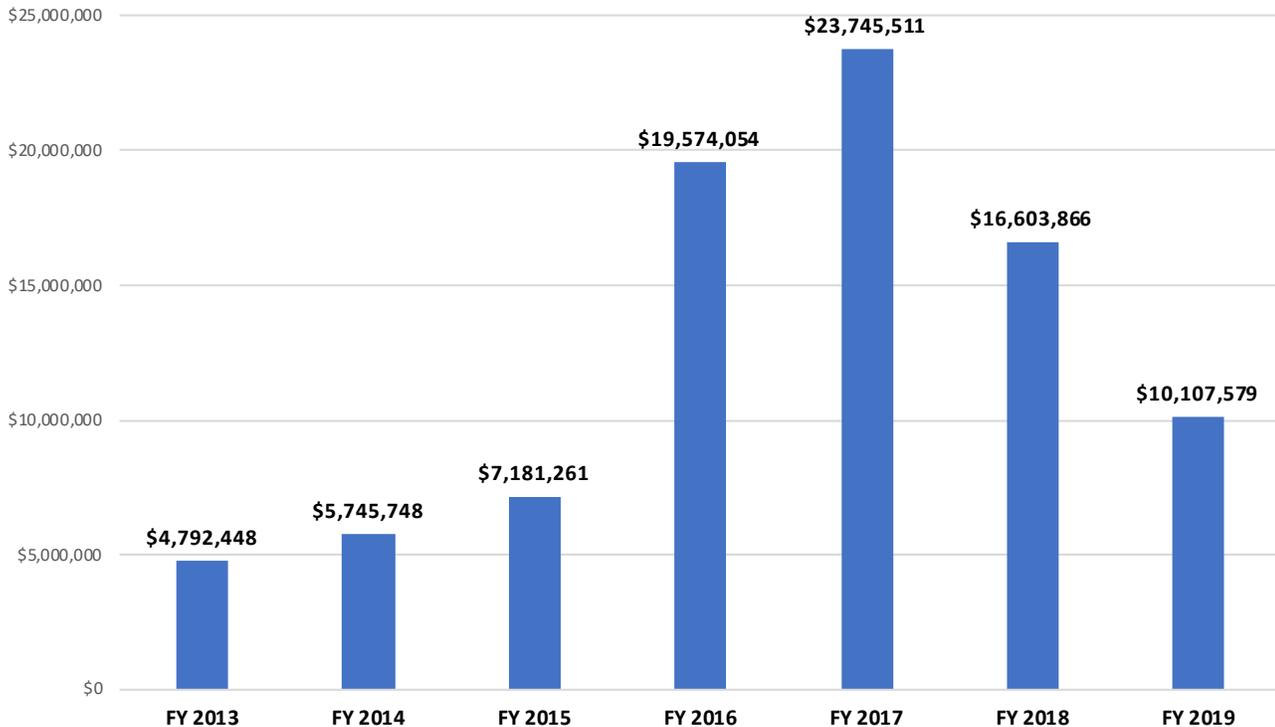


Total workers' compensation claim costs including settlements decreased from \$86,170,655 in FY2018 to \$79,464,739 in FY2019, representing an overall savings of \$6,705,916 or approximately 7.78%. This decline may be attributed to approximately \$6.5 million less expended for full and final claim settlements along with an ongoing commitment by state agencies to reduce lost time from work via comprehensive return to work programs and reduction in ongoing medical treatment cost due to a smaller overall claims inventory.

NOTE: These amounts do not include salary continuation payments.

Total Claim Settlement Costs

FY2013-FY2019 Total Settlement Costs Including Medicare Set Asides (MSAs) Data as of 6/30/2019



In the past three fiscal years OSHR has been allocated a total of \$8,380,000 to proactively assist and incent agencies to settle workers' compensation claims to minimize future liability. Unfortunately no funds were appropriated in FY2019 by the N.C. General Assembly to OSHR to aid in closure of existing workers' compensation claims. Concurrently, fiscal constraints in multiple state agencies resulted in a substantial decrease in the amount spent on claim settlements from \$16,603,866 in FY2018 to \$10,107,579 in FY2019. While the decrease in settlement expenditures resulted in decreased total workers' compensation claim costs during FY2019, this decrease will likely

result in higher total claim expenditures due to future costs that could be avoided when claims are timely settled.

Projected future cost avoidance is the additional estimated amount of claim costs that likely will be spent throughout the remainder of the lifetime of a claim if it is not settled. The Governor's proposed FY2020 budget included \$2,000,000 in funds to assist with closure of workers' compensation claims. The General Assembly unfortunately did not include these funds in any budget drafts published or in the conference budget as of the date of this publication.

Workers' Compensation Settlement Reserve Funds 2016-2018

FY2016 – allocation distributed by OSHR - \$2,000,000

Claims settled that were allocated funds	Total cost of settlements	Total FY2016 OSHR funds allocated and used in settlements	Actual cost of settlements for state agencies	Projected future claim costs saved due to settlements
55	\$5,573,458	\$2,000,000	\$3,573,458	\$37,530,971

FY2017 – allocation distributed by OSHR - \$4,380,000

Claims settled that were allocated funds	Total cost of settlements	Total FY2017 OSHR funds allocated and used in settlements	Actual cost of settlements for state agencies	Projected future claim costs saved due to in settlements
137	\$13,570,917	\$4,380,000	\$9,190,917	\$70,151,865

FY2018 – allocation distributed by OSHR - \$2,000,000

Claims settled that were allocated funds	Total cost of settlements	Total FY2018 OSHR funds allocated and used in settlements	Actual cost of settlements for state agencies	Projected future claim costs saved due to in settlements
81	\$6,889,740	\$2,000,000	\$4,889,740	\$36,294,267

Session Law 2015-241 appropriated \$2,000,000 in FY2016 and reserved additional funds if available in FY2017 to assist in closing existing workers' compensation claims. Session Law 2017-57 also appropriated \$2,000,000 for the same purpose in FY2018. OSHR, in conjunction with the Office of State Budget and Management and the Office of the State Controller, developed a detailed administrative process for allocating these funds with the goal of settling claims with the greatest potential future cost savings. OSHR allocated these funds to state agencies and universities after reviewing detailed applications and supporting documentation on a per claim basis. OSHR funded approximately 25%-35% of the projected settlement cost of each claim,

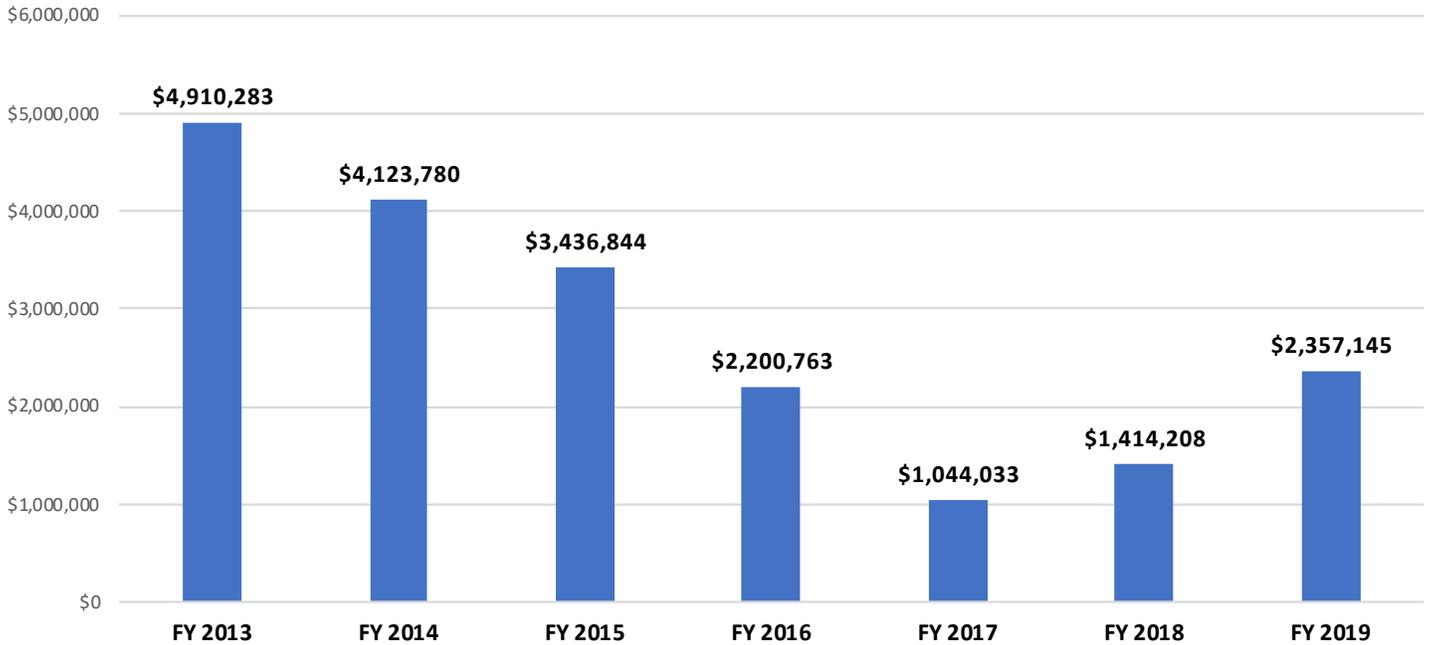
thereby allowing agencies to settle more claims than they would have otherwise settled, especially claims with high settlement value.

In summary, state agencies settled 273 claims utilizing in part appropriated funds in FY2016, FY2017 and FY2018 yielding projected future claim costs savings exceeding \$143,000,000. The lack of appropriated funds in FY2019 limited many state agencies' ability to settle claims. The State's claims inventory still has many open claims with projected future cost savings exponentially greater than the current settlement cost. However, if these claims are not expeditiously settled, this cost savings opportunity will be lost.

Salary Continuation Payments per NCGS §143-166.14

FY2013 - FY2019 Total Salary Continuation

Data as of 6/30/2019



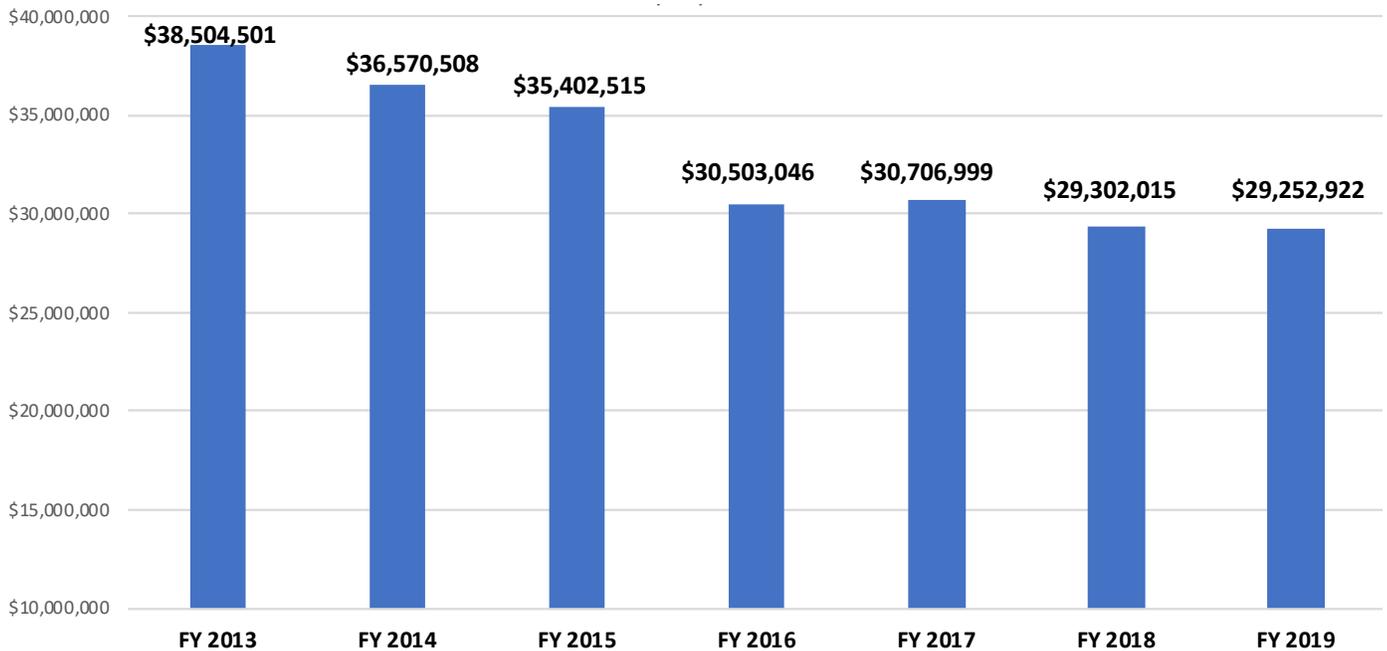
Salary continuation is available only when an eligible employee as defined in NCGS §143-166.13 is unable to work due to an injury resulting from or rising out of an episode of violence, resistance, or due to other special hazards that occur while the eligible employee is performing official duties as described in NCGS §143-166.14. Salary continuation payments rapidly decreased after statutory changes enacted in 2014 and 2015 limited salary continuation benefits to specific types of

injuries. Salary continuation payments increased in FY2018 and FY2019 due largely to one specific incident that resulted in multiple claims. Qualified injured employees are eligible for salary continuation for two years from their first date of disability. The multiple claims resulting from the FY2018 incident continues to impact salary continuation expenditures and will likely continue to do so in FY2020.

NOTE: This data is subject to change due to pending salary continuation decisions that may include retroactive payments.

Total Medical Costs

FY2013-FY2019 Total Medical Costs excluding Medicare Set Asides (MSAs) Data as of 6/30/2019



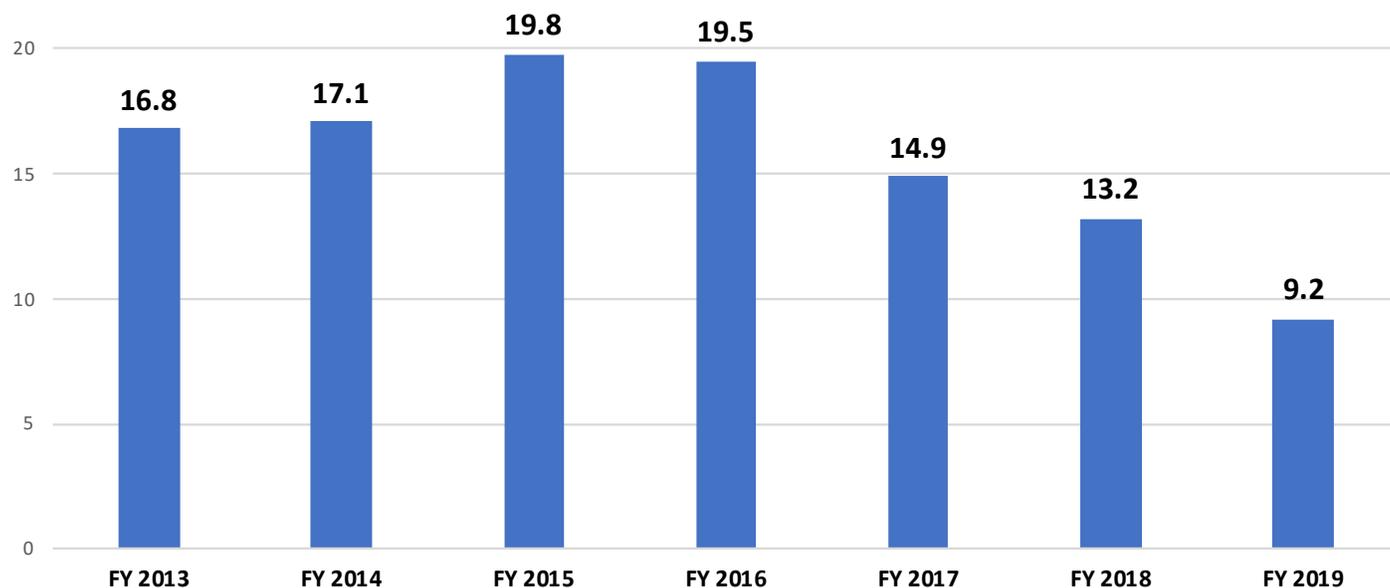
Workers' compensation covers injury-related medical costs including hospital and outpatient treatment, physician visits, prescription drugs, diagnostics, physical and other therapies, attendant care, medical travel, and other ancillary services. Medical costs (excluding Medicare Set Asides (MSA)) for FY2019 basically remained flat due to several ongoing catastrophic claims which required considerable ongoing medical expenditures. The overall decrease between FY2013 and FY2019 may be attributed

to revisions in the N.C. Industrial Commission Fee Schedule that were implemented beginning in FY2015. This Fee Schedule establishes maximum charges for workers' compensation related medical treatment. The decrease in new claims filed along with the number of claims settled in FY2016, FY2017, and FY2018 have enabled the State to reduce its overall medical costs since implementation of the new fee schedules.

Injury Reporting Lag Time

Average Days from Date of Injury Until Injury Report is Complete for New Injuries that Occurred During that Fiscal Year

Data as of June 30 of each fiscal year



Claim reporting lag time for all state agencies has decreased approximately 45% from FY2013 to FY2019. This indicates state employees and supervisors are reporting workplace injuries sooner after they occur. Early claim reporting allows the third-party administrator to more quickly investigate injury reports, make compensability determinations, and ensure all injured employees receive necessary, prompt medical care for work-related injuries. Faster claim reporting enables assigned claim adjusters

to communicate with injured employees earlier in the claims handling process, to provide them with needed information and address questions about the claim process. Developing a positive employee-adjuster working relationship is instrumental to generating the best possible claim outcome and to increasing employee satisfaction with claim handling. This substantially reduces the risk of claim related litigation and can reduce overall claim cost.

Conclusion

Effective workplace safety programs include: hazard identification and assessment, hazard prevention and control, appropriate training, program evaluation, and continuous improvement. Management's commitment and employee involvement along with these technical components will ensure success. OSHR's goal is to collaborate with state agencies to ensure effective programs are implemented to prevent hazards and reduce injuries.

The SHWC Division established a SharePoint site for OSHR staff, agency safety leaders, and workers' compensation administrators to facilitate communication of resources, educational materials, and collaboration amongst safety leaders to identify and eliminate workplace hazards and promote utilization of best practices.

OSHR will continue to utilize available resources to ensure state agencies comply with model safety and health and workers' compensation program requirements. OSHR is working in partnership with vendors and all state agencies to ensure that program goals are met while simultaneously lowering claim costs and improving claim outcomes.

OSHR looks forward to providing ongoing guidance and direction in coordinating these efforts with all state agencies by overseeing program implementation, tracking accountability via performance measures, and providing training opportunities and online resources for employees at all levels.

This FY2019 report was prepared by the Office of State Human Resources,
Division of Safety, Health and Workers' Compensation

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