

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1390*

Short Title: State Workplace Safety.

(Public)

Sponsors: Representatives Fitch, Barnes, Cunningham, Howard, Sam Hunt, McLaughlin, Payne, H. Hunter; Blue, Albertson, Anderson, Beard, Black, Bowen, Bowie, Bowman, Brown, Buchanan, Chapin, Colton, N.J. Crawford, Dawkins, DeVane, Dial, Diamont, Easterling, Ethridge, Fletcher, Fussell, Gardner, Gist, Gottovi, Green, Greenwood, Hackney, Hardaway, Hensley, R. Hunter, Jeffus, Jordan, Justus, Kennedy, Lilley, Lineberry, Luebke, McAllister, McLawhorn, Mercer, Michaux, Miller, Nesbitt, Oldham, Redwine, Stamey, Stewart, Wainwright, Warner, Wicker, Wilson, and Withrow.

Referred to: Appropriations.

May 28, 1992

A BILL TO BE ENTITLED

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. 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

1 biological hazards in the workplace; communicating potential hazards to employees;
2 and assuring adequate housekeeping and sanitation.

3 **"§ 143-581. Program requirements.**

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

- 5 (1) The methods to be used to identify, analyze, and control new or
6 existing hazards, conditions, and operations;
- 7 (2) How managers, supervisors, and employees are responsible for
8 implementing the program, controlling accident-related expenditures
9 and how continued participation of management and employees will
10 be established, measured, and maintained;
- 11 (3) How the plan will be communicated to all affected employees so that
12 they are informed of work-related physical, chemical or biological
13 hazards, and controls necessary to prevent injury or illness;
- 14 (4) How managers, supervisors, and employees will receive training in
15 avoidance of job-related injuries and health impairment;
- 16 (5) How workplace accidents will be reported and investigated and how
17 corrective actions will be implemented;
- 18 (6) How safe work practices and rules will be communicated and
19 enforced;
- 20 (7) The safety and health training program that will be made available to
21 employees;
- 22 (8) How employees can make complaints concerning safety and health
23 problems without fear of retaliation; and
- 24 (9) How employees will receive medical attention following a work-
25 related injury or illness.

26 **"§ 143-582. Model program; technical assistance; reports; definitions.**

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

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

34 (b) The Office of State Personnel shall:

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

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

43 (d) For purposes of this Article, 'State agency' means any department,
44 commission, division, board, or institution of the State."

1 **"§ 143-583. State agency safety and health committees.**

2 Each State agency shall create, pursuant to guidelines adopted under subsection (a)
3 of G.S. 143-582, safety and health committees to perform workplace
4 inspections, review injury and illness records, make advisory recommendations to the
5 agency's managers, and perform other functions determined by the State Personnel
6 Commission to be necessary for the effective implementation of the State Employees
7 Workplace Requirements Program for Safety and Health."

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

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

17 Sec. 3. This act is effective upon ratification.