

Meeting Minutes – February 1, 2012

The meeting began with a welcome given by Dennis Bruce. All were in attendance: Tiffany, Jamie, Dennis, Nancy, Don & Kathy. Field investigator Ellen joined in via tele-conferencing.

There was the introduction of newest Investigator, Kathy Woodford. Kathy will be working in the Raleigh office.

Field investigator Jeri Cruz unable to attend meeting, she is out on medical/disability leave indefinitely—effective today. It is not certain if she will be able to return to work with EDB at this time. Her position will be posted for a new investigator. The position will be a field position most likely in Winston-Salem. It will be required that the employee speaks Spanish so that he/she will be able to handle Spanish cases in EDB.

This is still in the beginning process more information will be given as it becomes available.

Jeri 's current cases (33 total) will be reassigned. If there is any help needed, Tiffany will make arrangements with Selenia and/or Blanca of Wage and Hour to help with translations.

Andy noted that EDB will not hire a new Information Officer. The vacant positions were filled as follows:

- Information Officer Position – Reclassified as Investigative Trainee Progression
- Phil Leslie 's Position – IS Position for Wage and Hour

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- Tom Gooding 's Position – Kathy 's position

EDB Operations will be handled as followed:

- LuJuana – Set up case files and retrieve and open daily mail
- Shannon – Disclosures
- IS – answer phones and send out complaints
- Screened out letters that come through the mail will be handled by Tiffany or the IOD.

Investigators are reminded to check Outlook Calendar for Information Officer of the Day (IOD). If you need to trade a day please contact Tiffany so that she can update the calendar. Messages can be checked on the 919-807-2831 line.

It was noted that that the 2831 number was till listed on the labor poster, front door of ORB building, and in the state phone book. This could be the reason why investigators are still receiving numerous calls. Tiffany will speak with Delores and Erin about having the numbers removed. Tiffany additionally reminded investigators to keep up with the numbers of calls received and submit them to her at the end of the day so that she may keep a record of the calls.

Legal Review with Jennifer

Questions regarding Federal OSH/EDB manual – target date for completion of first draft is March; Tiffany and Dennis working on updating

There are several of changes in progress:

- The way case are handled, to be in compliance may have to take OSH complaints over the phone

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- May have to start sending position statements from company to complainants before completion of case and/or complainant information to company
- OSH disclosures may have to be redacted from PSIM (Ann Weaver)
- When closing cases and issuance of RTS Letter – may have to implement a level appeal
- Settlements may have to go through a review process
- May have to go on site for investigations (Question – Will OSH support the expense of travel); Handled on Case by Case basis; Skye as an alternative

Question regarding workplace violence:

- Cases fall under the General Duty Clause (currently in discussions)
- Refer to complaint desk - If OSH sends a non-formal letter to company; we may have to investigate (because of contact made with company)
- If complaint is not accepted by OSH – no complaint
- Cases will be handled on a case by case basis; no definite answer
- No decision made by Kevin & Allen
- We will need to consult further with Jane

Questions regarding discharge under WC (duress):

- No laws in NC requiring an employer to retain an employee because of a work related injury
- No protection under WC Law; we do not enforce WC; only retaliation
- If employee is unable to return to work, employer can hire someone else
- We have no jurisdiction to force an employer to bring a person back to work

- NC is an “at will ” state

There has been an increase in the number of customer service complaints; Tiffany has received at least four this week alone. Even though we are short handed and are going through several changes, Investigators are reminded to not mention that we are short-staffed. There have been multiple phone calls where the complainant/respondent feels they have been brushed off. When speaking with complainant, respondent, witnesses, and/or attorneys make sure activity logs properly reflect “who, what, when, why, where ”.

Federal OSHA Review

- Representatives included: Kim Morton (Area Director); Bill Peterson; and Steve Sykes
- Federal Annual Monitoring Evaluation (FAME Report) - audit section discussing discrimination (see list of recommendations)
- Pending recommendations about appeals process; do not want to verbally tell complainants about federal appeals process in closing conference
- Complainants can still file an appeal within 30days; listed on their website
- Will send a copy of new statue to Steve Sykes for distribution
- Whistleblowers files last reviewed in 2009
- If reviewed would look at: letters mailed in timely fashion; activity log; IMIS; interviews conducted; evidence gathered; if manual procedures are being followed; make sure closing conferences are clearly stated in activity log that it is a closing conference

- Complaint about State Process (CASPA) - considered as a review of cases/ not an appeal/ appeal the process only – not the decision
- 11C complaints will be handled by NC
- Suggested a Regional 4 meeting with Anthony Rosa (Atlanta)

Strategic Plan changes were completed by Nancy and Jeri. Changes will be implemented on plan beginning April 1, 2012.

Nancy conducted safety training. The topics included: “Fire Drill Procedures ” and “Fire Extinguisher Training ”.

Currently there are 75 non-tolled cases over 90 days. Investigators are reminded to continue to toll cases whenever possible; this helps with the 90 day open/closed monthly statistics report. Investigators are additionally reminded that complainants can now request a 90 day right-to-sue letter instead of waiting for 180 days. Check with your case over 90 days and see if this is an option.

Cases are now being put in a file for self-assignment versus rotational assignment. Investigators must complete an average of 7 to 8 cases per month to comply with the 12% closed cases statistics. There are currently 154 cases that are not assigned. Cases date back to September.

Please complete time in Beacon weekly. Investigators are additionally reminded to turn in weekly reports weekly.

Next meeting: (date to be determined).