

DOL Leadership Team Meeting
October 1, 2013, 2:00 P.M.
6th Floor CR, ORB

Attendees: Commissioner Berry, Tina Morris-Anderson, Kevin Beauregard, John Bogner, Jack Brinson, Art Britt, Tom Chambers, Renathe Cotten, Gina Cullen, Mike Daniels, Val Eucare, Kisha Holmes, Andy Frazier, William Gerringer, Jane Gilchrist, Jennifer Haigwood, Phil Hooper, Felicia Hoover, Robby Jones, Wanda Lagoe, Tiffany Lathan, Nancy Lipscomb, Allen McNeely, Tommy Petty, Dean Strickland, Dolores Quesenberry, Steve Sykes, Anne Weaver and Britne Gleason

Absent: Kathryn Castellones, Cliff Dautrich, Jack Given, Gary Franks, Neal O'Briant, Nancy Swaney and Nick Vincelli

Scribe: Charity Locklear

Welcome:

Commissioner Berry welcomed members. She stated she has missed everyone since she hasn't had a staff meeting since April.

Within the last 6 months there have many changes in staff within the bureaus.

- 26 separations including retirements (also, the unfortunate death of retiree Nancy Wooten)
- 20 new hires
- 8 promotions

Apprenticeship will be transferred to the Department of Commerce in January 2014. With the transfer, Apprenticeship will become a part of Work Force Development which is employer focused. Apprenticeship will have access to industrial recruitment which will benefit the promotion of Apprenticeship.

This legislative session was one of the longest and hardest sessions. After several years of not asking for any expansion money, we asked for and received \$500,000 in expansion money. Jennifer stated we were one of the only departments that didn't receive a budget cut which is a really good thing.

Commissioner's Update

The Commissioner just completed her 13th year of Safety Award banquets. There are 30 banquets held across the state each year.

- 2,826 Workplaces received Outstanding Safety and Health Achievements included:
 - 86 Companies received the Million Hours Safety Award
 - One company received the 12 Million Hour Award for the number of employee work hours with no injuries or illnesses. The award was presented to Lenovo in Morrisville, N.C.

The Statewide Safety Initiative is being discussed by the State Personnel Director, Neal Alexander. The Commissioner met with him to share the department's thoughts on the Governor's new public sector safety initiative. She's not sure exactly how they are going to handle the statewide initiative with state employees in particular. Commissioner Berry stressed the fact at the meeting the department has so much knowledge to offer. If they will look at what we do and what resources we have to help, we can come up with the right direction for the whole initiative they are trying to create.

Fair season has started. The Commissioner attended the Mountain State Fair in Fletcher and the Pitt County Fair last night. She will be attending the Dixie Classic Fair this Thursday and the State Fair later this month.

DOL will not have the Employee Appreciation Banquet again this year due to the budget situation. Commissioner Berry will continue to present Service Awards to staff across the state at their staff meetings as she has for the past 5 years. There are 73 service awards and 10 superlative awards which are given out every year. Note: Of the 73 service awards to be presented this year, they will represent 1,175 total years of service. The Commissioner is very pleased to be able to continue to recognize people individually.

Agenda

Communications

Dolores Quesenberry stated Communications, Publications and IT are working on re-designing the NCDOL Website to gear it more towards the public. Leadership staff will be contacted by Communications for content. Most of the bureaus have already been assigned a content creator responsible for reviewing your bureau's pages to determine what will be removed and what will remain. The new website will be launched in the Spring and will have a great new look with updated photographs.

Commissioner Berry has completed 11 radio programs on WSHA Radio. John Bogner, OSH Consultative Services, was the guest today. William Gerring, Mine and Quarry, will be the guest in November and Val Eucare, Wage and Hour, will conclude the year. The radio show will continue as long as Commissioner Berry wishes. Dolores will continue to contact leadership staff to be the Commissioner's guest on the show.

N.C. State Fair will be held October 17-27. Mike Daniels will go into detail about the State Fair booth. We are going to bring the DOL Trivia Wheel back because it was a very popular addition last year. Mike will explain the changes made this year and about the new exciting gift give away. The Christmas Open House is scheduled for December 12 from 2-4 pm. Again this year, the Commissioner has invited the culinary apprentices from NCDOC to cater the event. Mark your calendars and encourage your staff to attend. Lee Peacock has volunteered to spearhead Toys for Tots Campaign again this year. He will be working with building coordinators and you will be hearing more about Toys for Tots in the upcoming months.

OSH Update

Allen McNeely stated the OSHA Express, which is the replacement for the outdated NCR information system, is on-track to go live this Spring. Consultation and Compliance have been working with the vendor.

A great number of the 26 employees leaving the department were working in OSH positions. With retirements and the public sector employers offering salaries of \$25,000 or more over what we can pay a compliance officer or a trainee, we just can't compete. However, we are trying to slow that down. We have been hiring, but there is a hiring freeze in place right now. We train our staff so well they become commodities and the employees move on to better paying jobs.

There were 21 fatalities for the calendar year unofficially.

- #1 cause of fatalities is being struck by something
- #2 cause of fatalities is falls

In 2011 by this time there were 38 fatalities and 2012, 24 fatalities. We are below the past years and that is a good sign.

For the Federal FY which starts October 1 and goes thru June 30, we have 35 fatalities reported right now. In 2012, there were 36 and in 2011 there were 54 by this time for those past years. It's an unofficial number but it's good they have come down that much over the past years.

OSH signed a Memorandum of Understanding with the Mexican Consulate in August. This is something they are doing in a number of states, as well as, OSHA States and State Plan states. Allen did that alongside the U.S. Department of Labor. Wage and Hour folks have another agreement with them. It wasn't a normal Memorandum of Agreement that we would put out. They were asking that we help them with training venues for the Mexican Nationals and any other Spanish speaking people who come from Central and South America. They will let us know when they have certain training events going on and would like our help if we have staff available. He thinks it's a nice thing to do since other states are doing it. We took the template and the Commissioner made a few changes we felt were appropriate. They didn't want to change their template because they said that the template was what OSHA already agreed to. We explained that we are not OSHA.

The Star Conference held in September was a great success and there were 660 attendees. The majority of people there were new. So, industries and companies are interested in making safe programs for their employees.

The OSH State Plan states (OSHPA) are meeting in a couple of weeks in (Region 4) Nashville this year. It's nice to have it in our Region (Region 4) which will have a very good attendance from the State, as well as the Feds.

Allen expressed his concerns about parts of the federal government being closed. Commissioner Berry stated Jack Brinson, Nancy Lipscomb, Art and Jennifer will address those issues.

Kevin Beauregard added OSH was fortunate to receive a little money last month, but not as much as we generally get, but more than expected. A lot of the other states couldn't utilize their money so they had to return money back to the feds. There were some restrictions on what could be ordered. They could order IHL Safety Equipment.

The Fame Report OSH received gave them a good report. The items they listed as deficiencies last go round whether we agreed with them or not, we addressed them. They said we adequately addressed

all of them. At first they didn't, but they came around to our way of thinking. It is posted for everyone to see. We didn't have any trouble with the local or regional people --they actually cleared everything originally. But, when it went to the national office they told them to put some things back on and we were able to get them removed. Commissioner stated that was good and they should be proud.

HR Update

Nancy Lipscomb stated she was extremely happy Renathe Cotten is the new Assistant HR Director. It is positive for the HR office and the agency. Renathe replaced Lee White last month. Human Resources is in the process of recruiting for Renathe's old position.

Legislation has changed due to this past legislative session in regard to the State Human Resources Act. The probationary period for new employees changed from 10 months to 24 months. It was changed from the 1st day of the 10th month to the 1st day of the 25th month. The act basically combined the permanent status and the career status to be the same date. The change has been reflected in the appointment letters for new hires. It doesn't apply to employees that are already employed and are just transferring or moving. They don't serve that probationary period. The change may require some tweaking in a couple of places in terms of training plans that somebody has met the full expectations so they can start doing their job at a full-time status but still be technically probationary in the system. For example: If you have somebody testifying in court or doing some other things that might be called into question of whether they should do that when they are in probationary status. Nancy will be reaching out to the Deputy Commissioners and Bureau Chiefs on that issue. The effective date for the probationary status change was enacted right at the end of August.

In terms of agency perspective about the Federal government shutdown, it may have an impact on some employees as we move forward. Nancy thinks the NCDOL has some coverage thru a certain time period for those people. However, you may have colleagues in other agencies that didn't have money on the books to cover positions. So, you may hear of some of your friends or family telling you they were told to go home today. Because anyone in a 100% federally funded position technically had no way to be paid as of 12:01 A.M. this morning. This certainly can be problematic going forward. We will be trying to get as much communication out to the agency and employees as we move forward in this process. Hopefully, we will not have to take other types of measures.

Legislative Update

Jennifer stated the two biggest things were:

1. Budget - For the first time since 2008, NCDOL received new money which really benefited OSH. They received \$500,000 and also for the first time since 2008 there were no budget reductions. Almost all of the other agencies saw their budgets cut in some way. We have to credit the Commissioner for getting on the phone with the right people, meeting with the right people and also the fact that we have a reputation with the General Assembly for not asking for things we don't need.

2. The other big thing is the Apprenticeship Bureau. The Commissioner has talked about the Apprenticeship Bureau moving from DOL to the Department of Commerce. The process for that is underway. The effective date on that is January 1, 2014. We are sad to see them go.
 - E-Verify – There was a very minor change to E-Verify. Basically the way the bill was written: If you worked 90 days or fewer, you are exempt from e-verify requirements. This year it was changed to: If you work 9 months or fewer in a year, you're exempt. That was actually a huge change. What seemed to be a minor bill became a fairly big thing. The Governor used 1 of his 2 vetoes this session to veto that. The legislature then over-rode the veto. We are all just trying to figure out how to implement the changes and determine potential consequences. We have talked to the Governor's office about some possible changes to E-Verify that just make it easier to enforce.
 - Another issue we spent a lot of time on this session was historical boilers. Jennifer stated she greatly appreciates the Boiler staff and thanked them for all the help they gave her in working through that issue and ultimately resolving in the best case scenario.
 - There were several bad ideas this session about changes for OSH. Fortunately, none of them came to fruition. The OSH staff is always available to answer questions that have been asked many times.
 - The session is over. The next session begins in May, 2014. If anyone has any questions on the long session, Jennifer is always available.

The Employee Recognition Program

We are already in that season of giving out employee recognition awards. The Commissioner has already presented service awards to the Apprenticeship Bureau. We have 73 Service Awards and 10 Superlative Awards. Thanks to all of you that submitted nominations for all of the superlative awards. The Commissioner has selected her 9 and the Employee of the Year has been selected by the selection committee. Jennifer has reached out especially to S&I to set-up times for the Commissioner to present awards and hopefully within a week or so the rest of the bureaus will all hear from Jennifer to set up times for their staff's Service Award presentations.

Budget

Jack Brinson passed out the Report on Expenditure Status on 9/30/2013. Jack stated most everyone should be familiar with this report. It is a financial summary of your expenditure status by 9/30/2013 for your division.

We have a federal shutdown situation. The Commissioner, Nancy, Art, Jennifer and Jack have been communicating trying to make sense out of all of the different memos received from State HR and State Budget and Management, some from dual sources. State Budget is scheduled to have a conference call with the White House at 1:30 this afternoon to get more clarification. We are trying to make good sense of it before we give you a lot of misinformation so we can make an informed decision. Jack printed out a 63-page document from the federal system on their contingency plan of what they do when something like this happens. As soon as we know anything that makes sense and we can share with you we will do quickly.

Jack reviewed the Excel spreadsheet for the Expenditures thru the 9/30/2013. We are already done with ¼ of the State FY year. Everyone is doing a great job. The bottom-line is everything is equal. If

you are spending 1/12 of your budget up to now, you should have 75% left for the year. As a state agency, we have 77% left for the remaining year. Everyone is to be congratulated on their expenditure levels.

Inventory of State-owned vehicles needs to be updated throughout the year when changes are made. The changes need to be made using the FM-30 form. Jack will submit the FM-30 form to Motor Fleet Management. Also, Mobile Electronic Device Inventory changes such as new devices or changes/upgraded devices need to be reported to Jack. The master list needs to be current at all times because the General Assembly requires a list of these records. Jennifer – we have to submit this information quarterly to the General Assembly reflecting cost and changes.

Art Britt gave an update on the Labor Building HVAC Repair Update. The 4th floor is in the eighth week of repair. The repair project should last 6 months and be completed by February, 2014. If you have any questions about this project, please contact Jennifer or Art.

Around the Room

Anne Weaver

- Public Services Report
- Transition from FileNet to On-Base
- Positive working relationship with OSH Administration and building a relationship with Commerce.

Robbie Jones

- Robbie Jones replaced Tim Childers.
- Lee Peacock is the new OSH supervisor in Charlotte replacing Robbie Jones.
- Jennie Cagle is the new supervisor in Asheville replacing Rick Cruz.
- A lot of positions need to be advertised and filled.

Phil Hooper

- The complaint intake desk is fully staffed.
- The Lake Boone Trail office stairs are in construction, if you are visiting be careful.

Val Eucare

- Deputy Administrator position has been filled by Kisha Holmes. Kisha's focus will be enforcement of quality, accuracy and consistency across the state for Wage and Hour investigators.
- Wage and Hour was responsible for putting 1.79 million dollars back into N.C. economy last FY.

Tina Morris-Anderson

- BLSA is shutdown. Tina's staff is working part-time but there is no access to the injury reporting system.
- OSH Express is moving forward.
- The On-Base conversion from FileNet is complete. The FileNet shutoff date will be sometime in November.
- IT is working with Apprenticeship to determine how NCDOL will support NCRAN.

- IT is working on revisions and revamping the NCDOL internet site.

Tina thanked everyone for their patience and compliments to her staff.

Renathe Cotten

- Stated she has good relationships with everyone and looks forward to working with everyone on the next level.
- Renathe has moved offices, but has the same phone number

Art Britt

- Thanked Charity for taking minutes.

William Gerring

- Back in July William and Commissioner Berry attended a 5 Star Safety event in Spruce Pine for Unimin Corporation. They received the Five years without an accident including lost time etc.
- In August a Tri-State meeting was held in Greensboro. Tri-State includes the Trade Associations from N.C., Va. And S.C. Virginia being the Virginia Transportation Construction Alliance, N.C. Aggregates Association and South Carolina Mining Association. We had a joint meeting with colleagues from MSHA folks from Arlington and Birmingham.
- In September Mine and Quarry held an instructor class in Greensboro and two supervisory training classes for the month.
- William still doesn't know about the future budget for M&Q .
- Commissioner Berry complemented William on the mining training program in N.C. She is going to go to a mine in Aurora in November.

Regina Cullen

- Getting ready for their 5th safety video to roll out. All of the videos are in English and Spanish.
- There have been a few interesting contested cases that have brought some interest from the legislators that the Commissioner is aware of.
- Recently there were a couple of fatalities in tobacco. Those investigations have been taken care of.
- There was an Agriculture Leaders conference at the beach last week. Erica Peterson showed a housing DVD that was excellent.
- Agriculture Safety and Health is getting ready for the 20th Gold Star Growers conference.

Dean Strickland

- Dean introduced himself and stated he was sitting in for Jack Given and Cliff Dautrich.
- Jack and Cliff are in Miami at a National Board Convention and will return next week.
- Antique and Historical Boilers – The reason there is so much discussion about boilers is we implemented National Board Inspection procedures for antique and historical boilers. We have been trying to meet with each owner to discuss the purpose of why we are doing the inspections. We are not there to shut them down, we are there to help. We want a footprint of the boiler as it exists now and each year that goes by we will do a little something different during the inspection. This year we are trying to get the measurements and the thickness readings throughout the boilers. Next year, it will be a matter of maybe an external pressure

test. Each year it will be a little something different based on a 7-year rotation cycle. We are trying to get the footprint until we learn more in the future on how each boiler is reacting. NCDOL is not charging them for the full-time service the owners are receiving. It takes about 1 ½ days to do a full boiler inspection.

- Jerome Evers retired.
- Derek Bailey took over Jerome's old position. Derek came over from the Department of Corrections and is currently in training.
- Once Derek gets his commission, there will be some changes in the districts in the near future.
- Commissioner Berry – Have you inspected all of the antique boilers? Dean – Not yet, in fact we have 11 more next week in Carthage. Mid-South Railroad is the name and they have their show towards the middle or end of October.
- Three inspectors are back at Denton today inspecting an antique boiler that the company wants to show at the State Fair next week.
- Commissioner – We try to be proactive with them. Commissioner Berry had to deal with a Senator who was complaining about the number of inspectors that were at a Farm Park inspecting antique boilers. Commissioner Berry told him the inspectors were there to help the owner get his Farm Park open on time. We were doing him a favor by coming in and getting them all inspected quickly. So that's how rumors got started about the Antique Boiler industry.
- There are only about 40 devices in the State and only about 12 owners. Think about this: There are 40 units 12 owners and what the General Assembly wanted to do was to take one of our inspectors from the Boiler Bureau and put them in Agriculture. Give him \$100,000 of our money and let him inspect antique boilers. What is this inspector going to do the rest of the year once he does these 40? It was to the point the House budget had a provision in it about our antique boilers. The Commissioner made a phone call and they removed it from the budget. All we wanted to do this year was create a birth certificate for the antique boiler. The metal is 100 years old and we wanted to map it out to make sure every inch of it was operational.

Wanda Lagoe

- Thanked Tammy for doing the supplemental purchasing --saving Wanda's bureau's staff time.
- The training section has had quite a bit of turnover recently. The bureau is in the process of hiring new people with interviews being held on Monday to replace the vacant grade 75 position which is the Hispanic Outreach trainer.
- The training calendar should be updated shortly. There is a lot of stuff on GHS going on and a lot of webinars to get people educated.
- Working on gradually updating all of the standards and all of the changes on GHS.
- Recognition Program Star conference is over and it was very successful. The video Neal O'Briant did was awesome. The song the Commissioner selected "It's Your Life" was the perfect song for the video.

- There are two new courses. 1. Beginner level course: Complying with OSHA standards –One will be held in October, the other in December. The classes are filling up fast, we capped classes at 15.

Tiffany Lathan

- EDB investigator came off of probation in August.
- Thanked OSH and Tammy for the supplemental money to assist EDB with their new Federal mandates and procedures.
- Three investigators attended the Whistle Blowers conference in June.
- Still working on the Annual Report for Andy.

Jane GilChrist

- Introduced Britne Gleason, the new Deputy General Counsel, for NCDOL.

Britne Gleason

- Stated she was happy to be here.

John Bogner

- OSHA Express is taking up a lot of time with consultation like it is with compliance and the rest of the OSH division.
- Dennie Brooks retired yesterday. She was a great asset to us and will be missed. Shirley Curtis has been promoted into Dennie's old position. They have been cross-training for several years. Shirley's position will not be filled at this time.
- Sharps continue to grow over 132 Sharps in general industry. In the Sharp public sector we have 7 local agencies with 20 sites. There were 4 sites and just completed 2. One with Tomlin Construction. They had 17 subcontractors and we drilled down all 17 subcontractors and D.H. Griffin they had 18 subcontractors we drilled down. Both sites though they weren't big sites lasted about 8 months approximately. There were no OSHA reportable injuries.
- John stated that he joined the radio show today. Commissioner Berry thanked him for joining the show and telling everyone about Consultative Services.

Felicia Hoover

- In the Review Commission, we have a new Commissioner, Arlene Edwards.

Mike Daniels

- Thanked everyone for letting their staff volunteer to help at the fair booth.
- Thanks to Administration we will have a new little gift to give out at the spinning wheel of trivia questions. We will give out magnets to the adults and we will still have notepads. The coloring books have been made for the Governor's office.
- Commissioner Berry asked if there were any empty time slots. Mike – No.
- Mike is having a training session tomorrow at 2:00 in the 3rd floor Conference Room of the ORB.

Tom Chambers

- Alvis Chapman and Gary Moore have retired. We anticipate losing another 2-3 inspectors to retirement next year. Doug Lukas a western supervisor has given notice he will retire next October or November.
- We have two new inspectors. We are getting them trained.
- State Fair – With regard to the State Fair, we anticipate a few issues with regard to how we are going to operate this year. \$7,900 is generated at the State Fair in receipts each year. The bureau spends close to \$83,000 to get the State Fair open. NCDOL has decided to cut back our workforce at the State Fair. The contractors have been put on notice they are responsible for developing a supervisory structure with their staff. The bureau is limiting the number of hours the inspectors will be working at the State Fair. Commissioner Berry – Good. It needs to be their responsibility. We are looking at reducing cost and being more effective in how the bureau conducts business.
- We are having construction on our roof in this building (ORB).

Tommy Petty

- 6 county fairs are going out of business. Six fairs will be looking at a new set of rides for somebody.
- Carowinds announced a new roller coaster ride for N.C.
- Panther Stadium is putting in sixteen 38-foot escalators. The City of Charlotte is giving them \$230 million for the project. They are trying to get a Super Bowl held in Charlotte.
- A few rides were sent home this year that didn't pass inspection.

Kevin Beauregard

- The Bartlett Milling Company was issued a citation. The company has a flour processing facility that had an explosion. There was one person injured that did get some burns, but he's healing. The processing facility was in the basement of their building and when the explosion occurred it went up about 4 or 5 stories. It pretty much obliterated the building to the point where no one could enter it. We had a team on-site during the entire demolition. We sent Labor One up there and videotaped a big portion of it. OSH had some people from Salt Lake City Technical Center out there filming it. The team put a lot of hours into it and did a pretty good job. The employer didn't say anything about the citation. We sent a letter to them and they didn't like the letter either. OSH found some ergo issues, but we didn't issue an Ergo citation. However, it was mentioned in the letter.

Commissioner Berry

- Thanked the staff for everything they do and for making this a delightful place to work and stated all of you are such productive people and have the best interest of the citizens of the State at heart. Thank you.

Meeting Adjourned