DOL Leadership Team Minutes
June 8, 2010 10:30 a.m.
Conference Room 205, Labor Building

Attendees: Commissioner Berry, John Baldwin, Kevin Beauregard, John Bogner, Jack Brinson, Kathryn Castelloes, Tom Chambers, Tim Childers, Sarah Cook (intern), Mike Daniels, Andy Frazier, Jack Given, Caitlin Griffin (intern), Jennifer Haigwood, Tammy Higgins, Phil Hooper, Felicia Hoover, Wanda Lagoe, Tiffany Lathan, Nancy Lipscomb, Gina Luginbuhl, Allen McNeely, Mike Morrow, Neal O'Briant, Tommy Petty, Dolores Quesenberry, Frank Seiber, Nancy Swaney, Steve Sykes, Jim Taylor, and Anne Weaver,

Commissioner Berry welcomed team members. She asked Jennifer Haigwood to introduce summer intern Sarah Cook.

Jennifer stated Sarah is a rising junior at NC State University studying communication media. Sarah will be working as an intern with Art Britt and Jennifer Haigwood in the Office of Administration and Governmental Affairs.

Commissioner Berry asked Gina Luginbuhl to introduce summer intern Caitlin Griffin.

Gina stated Caitlin is a rising senior at Meredith College majoring in psychology and Spanish. Caitlin will be working as an intern with Agricultural Safety & Health.

Tom Chambers introduced Tommy Petty, new Assistant Bureau Chief of Elevator and Amusement Device Bureau to team members.

Jack Given stated Cliff Dautrich is the new Assistant Bureau Chief of Boiler Safety Bureau and is not present today since he is conducting field training.

Commissioner Berry stated Rhonda Fox of the Mine Safety & Health Academy, with assistance from her sister, wrote a song honoring the fallen miners. She thanked Neal O'Briant for his work showcasing the song with a slide show. She also thanked members for their dedication to their jobs and stated this drives home the importance of the work of the department.

Nancy Lipscomb gave an HR Update. Nancy stated attachment 101c—Supervisor's Employee Separation Checklist prompts supervisors on items necessary to closeout a separating employee's service with NCDOL. Form 101c must accompany all PAR

separation actions beginning June 1, 2010. However, Form 101c <u>should not</u> be used if an employee is transferring service within the department.

Nancy told members HR is working with Dawain Faison in IT to review their homepage on the intranet site to make it more user friendly to specific HR topics.

Nancy stated separating employees will not receive vacation/bonus leave payments until all liabilities due the department are cleared. Two examples: outstanding expense check has not been reconciled or equipment has not been turned in and accounted for on the inventory list.

Any vacation/bonus leave payments due separating employees will be paid the month after the employee separates which will allow for all liabilities to the department to be cleared.

Nancy thanked team members and their staffs in meeting the policy timesheet entry and approval stating the department is averaging about 15-20 non-entries or non-approvals per biweekly review period.

Nancy also thanked team members for complying with the deadline regarding completion of annual employee performance ratings. She said there are only a few outstanding and those are mostly due to impending disciplinary actions for specific employees.

Kevin Beauregard gave an OSH Update. The final FAME reports will be issued to the states after the June OSHSPA meeting which is scheduled June 21-24, 2010. All Region IV reports have been sent to the national office. The North Carolina report was mostly positive and noted items have been addressed. No systematic problems and no problems with the OSH Division's effectiveness were noted. Kevin stated items requested to be addressed were: clarification to Complaint letter; clarification of NOK, (next of kin) letter; Open Inspections; Injury/Illness documentation; discrimination interviews; requiring written discrimination notice; documentation of discrimination closing conference; and discrimination settlement policies. Kevin said a draft response has been written and will be submitted after the final FAME report is issued.

Kevin stated changes to the FOM, (field operations manual) has resulted in higher penalties. The OSH Division does not intend to adopt the new federal OSHA penalty structure that expects the average federal penalty to be between $3,000-$4,000.

Kevin said federal OSHA indicated they would require states to adopt federal NEPs, (national emphasis programs); however the states want input into the development process. Kevin stated we have concerns about NEPs for hazards not prevalent in North Carolina which would pull compliance officer resources from state-specific hazards.

Significant cases: ESA (Conagra contractor) and Conagra cases have been settled. Neil Grading - $140,000 trench willful. QSI (Smithfield Packing cleaning service); 2 inspections involving amputations and multiple willful violations with combined penalties of $488,600.

Kevin said North Carolina's rule for OSHA access to employee medical records became effective in March 2010.

Record Keeping NEP: training is complete and NEP inspections will proceed soon. He stated compliance will be inspecting 6 sites per federal CPL to check accuracy of reported injuries and illnesses. Inspections will include record review, interviews of employees and medical professionals.

The field office move from Chapanoke to the Lake Boone location will be completed in August.

Kevin said Agriculture Safety and Health is completing a DVD on hazardous chemicals and green tobacco which will available when the RJR attorney approves.

Frank Seiber gave an IT Update. Frank told team members ITS is looking at an e-mail archiving system. Plans are for all agencies to migrate to this system in August or September if funds are available. All e-mails that pass the spam filter will be archived immediately. He asked members to have their employees review old e-mails and delete.

Frank reminded team members copiers have hard drives that store information. He requested IT be notified when a service call is placed on a copier for repair or when a copier leaves NCDOL possession.

IT has met with many vendors regarding replacement of FileNet. Before final selection of a vendor, IT will be requesting some involvement from team members to make sure their needs will be met.

Commissioner Berry briefly discussed the budget situation. She stated she had been told the state will barely be able to meet payroll at the end of this month/fiscal year. The state is looking at an $800 million hole. NCDOL is facing a cut somewhere between 5.1 & 8.1% and the year after doesn't look any better. The problem is not going away when the General Assembly passes this budget. She stated the Governor will probably call for mandatory reversions again or withhold allotments. She said we have not heard anything about pay cuts or furloughs. She asked team members to continue to monitor their budgets and look for ways to reduce. Again she thanked members for a great job for the past couple of years and stated they need to continue to watch every dollar.

Jack Brinson gave a Budget Update. Jack provided team members with a handout of the status of their budgets and stated the department is on target with where we

need to be. He asked team members to submit invoices for payment in a timely manner in order to pay as many as possible by June 30th.

Jack stated the report from the internal audit looks good with no issues.

Jennifer Haigwood gave a Legislative Update. Jennifer provided team members with a handout of the FY10-11 Senate House Budget Proposals for NCDOL. She stated the highlighted columns showed the difference between the Senate and House budget versions.

John Baldwin stated the department will continue with the hiring freeze. He told members all requests to post vacancies must be submitted to his office for approval. John said the employee service awards will be handled as they were last year. Bureau chiefs should coordinate any scheduled staff meetings, training session, etc. with JJ, Art or Jennifer to enable the Commissioner to present as many service awards as possible at these meetings.

Gina Luginbuhl stated she is glad to have Caitlin as a summer intern. Caitlin is working on a calendar for Gold Star Growers and various other projects.

Dolores Quesenberry thanked team members and their employees who have contributed to stories published in the Labor Ledger.

Felicia Hoover stated the Review Commission has 134 open cases. She stated the interns might like to attend a future hearing.

Tiffany Lathan stated she, Tom Chambers and Cliff Dautrich were completing the Certified Managers Program.

Anne Weaver said the Public Sector Survey was sent out the end of May and it is the first year it has been made available online. The ODI Survey will go out the end of June. Anne and Susan Haritos have completed medical records training.

Mike Morrow told members Wage and Hour has cut their compliant backlog to under 1,000 complaints. He stated Boiler & Elevator contact information has been added to rotation on the 800 telephone line to enable better more direct contact information of departmental services.

Mike said the Wage and Hour Bureau has received over 700 complaints against Home Health Care businesses. In an effort to be of assistance to DHHS officials, Commissioner Berry sent a letter offering Wage and Hour's assistance educating them on Home Health Care businesses lawful responsibilities. As a result, DHHS and Wage and Hour employees have setup a study committee to work on this issue.

Kathryn Castelloes stated she was glad the House version of the budget bill passed leaving Apprenticeship in tack. She thanked Dolores and Neal for input on the first

Apprenticeship Newsletter. Kathryn stated the Regional Apprenticeship Forums have been held and the Lineman's Rodeo went well. She said Apprenticeship is getting ready for the State Fair.

John Bogner thanked Commissioner Berry for her continued participation in the Safety Awards Program.

John said the federal audit had been postponed for the time being because of the oil spill in the Gulf.

Phil Hooper told team members the Chapanoke field office move is a huge undertaking and will take place in late August.

The meeting adjourned at 11:40.