Meeting Minutes – April 22, 2010

In attendance: Jamie, Tiffany, Phil, Don, Nancy, Dennis, & Jim. Tom Gooding, Jeri Cruz and Ellen Allbritton joined meeting via tele-conference.

It was questioned: How do you handle a case when the respondent refuses to submit a position statement? Ellen noted that she normally sends a letter to the respondent stating that they agree that they have violated the law. And that the determination will be made based on the information in the file. She will email a copy of the letter to all investigators to use as a reference. Phil normally sends a subpoena. Nancy questioned what if the company is no longer in business? Or if the complainant has no company information? In this case a merit right to sue letter would be issued.

Don recently had a complainant send him an email containing more than 100 pages. What is considered reasonable? It was determined that 20 pages or less would be considered reasonable. If a complainant/respondent would like to submit an emailed or faxed response please ask them to mail a hard copy, this is due to printing budget.

Tiffany has not heard back from Federal OSHA in reference to the audit. It has been submitted to Washington for review. Some concerns mentioned to her from auditor were: (1) complainants attorney does not sit in on interview and (2) we need more investigators. When Tiffany hears any information she let everyone know of the outcome.

Tiffany noted that some investigators have not been including tolling reasons in ORACLE when cases have been tolled. Investigators are reminded to add an entry appropriate box at the bottom of the complainant/respondent page in ORACLE. Cases over 90 days as well as tolling reasons must be reported during monthly statistical meeting with Andy and John.

Investigators are reminded to continue to type activity logs. During review of files Tiffany has noticed that some logs were still written rather than typed. This makes notes/logs easier to read when being reviewed. Instigators should also be notating closing conferences in activity logs.

Tom reported that EDB's budget is looking good. We still have more than $11,000 to spend. Jim, Phil, and Tom will look ordering new printers and larger monitors for everyone. We will also stock up on supplies. Cell phones usage for investigators will end on June 30th. Tiffany will have the only cell phone. Investigator's needing to call a complainant/respondent from home can use credit card or *67 on your phone feature to not reveal home phone number.

After Jim's retirement, all unclosed cases will be redistributed to all investigators. Jim noted that he currently has 30 open cases. He will try to close as many as he can.

Additionally, Phil will be taking over Jim's extra-duty of inventory and computer equipment.

Legal Review – John Hoomani

- If USDOL conducts a wage and hour investigation, should EDB handle the retaliation portion of the complaint – Because USDOL have whistle blowing protection, their regional director should be contacted to see if it is within their jurisdiction, federal should investigate if terminated because of their investigation.
- Geln Shults, an attorney, filed a complaint in reference to STAA. It was referred to federal but Mr. Shults wanted EDB to conduct an investigation as well. Should filing be concurrent or conclusive? Would this become a jurisdictional issue? Jim pointed out that if we accept STAA complaints, asbestos in elementary schools, etc. (to name a few). John will check with Suzanne Street.
- Should medical records be released in disclosures? Only if there is a medical release form signed by complainant. Medical release statement on complaint form is for case only-not a general release. A separate form must be submitted. Medicals records can be sent to complainant (their own records).Form 18/19 and/or incident reports are not considered medical records.
- All service complaints should be forwarded to John Hoomani.

Personnel Review – Andy

- A 7% reduction is expected this year from state government.
- Last year's reduction was 8%.
- NCDOL may have to cut a few positions this year. (Jim's position has been frozen to balance budget)
- OSHA may help with any administrative costs we may need (i.e. supplies). If needed, should contact Tammy their budget officer.

Safety – Nancy

- Safety topics – General Safety review
- Do not allow visitors in build without visible state id
- Staying calm – what to do when the elevator becomes stuck
- Falling – hold on to railing when using the stairs
- Securing personal items. Ladies are reminded to secure purses at all times. Dennis reported that someone stole his cd's off of his desk
- Clearing clutter from your work area
- Safe driving

Jeri suggested that everyone should learn to use the fire extinguishers in case of a fire, particularly those who work from home.

Don and Ellen have completed initial changes to the strategic plan. Tiffany and Don will be meeting with Andy next week to finalize changes. Investigators are asked to review the plan and make changes or suggestions as needed.

Jeri had carpal tunnel surgery on her left wrist and is recovering well. Voice recognition software was offered, however Jeri declined. Ellen stated that the voice recognition software works okay for her.

EDB 2009 Employee of the Year was Don Turnham. Congratulations to Don!

Next proposed meeting: July 13th.