Meeting Minutes – May 23, 2012

The meeting began with a welcome given by Ellen Allbritton. All were in attendance: Tiffany, Jamie, Dennis, Nancy, Don, Kathy, Ellen, and Irene.

There was the introduction of newest Investigator, Irene Diaz-Clark. Irene was hired in April (Jeri's position). Irene will be handling Spanish cases. If anyone needs help with any current cases transferred from Jeri, Irene can help with translation. (Irene has already closed two cases!)

If you need help with any Spanish translation here in Raleigh office, please speak with Shannon first before asking the Information Specialists to help, particularly if it is taking them away from the phones during peak time.

Legal Review with Jennifer & Jane

- Legal is now requiring investigators to copy and submit the complete file or documents on hand when asking a question regarding a file. This is even for rhetorical questions; each case is different and they would like to answer any questions regarding REDA as it pertains to the specific case. Tele- work Investigators can fax the files if necessary.
- Legal has no problem with putting things in writing as a response but want to avoid making "blanket statements".
- It was questioned should Complainants file against the temp agency or should they file against the company; Clarification of employer-employee relationship – in the past have been told that temp agency is the employer; however law states that "no person" shall discriminate; again a case by case situation; look at situation for example temp to perm position or day to day assignment; Complainant can file against both (as they have done in the past); look at what role each played in retaliation.
- All medical records fall under HIPPA; if you receive medical records from the Industrial Commission- they cannot be released; there is no other law that states that medical records should be handled such as Federal OSHA indicates.
- ESC information cannot use their findings as part of the judgment for REDA; can use information to ask questions and look-up additional information but REDA decisions cannot be based solely on ESC findings.

Guest Speaker - Kevin Beauregard – EDB's role with OSHA

- See attached PowerPoint presentation
- If need to travel on site for OSHA complaints, OSHA will pay for travel (on a as needed basis only)
- Will try to schedule time for Ric Shuman to come and speak with EDB about OSH complaint desk procedures
- Will also try to schedule time to speak about workplace violence
- Federal OSH has not adopted a directive in regards to workplace violence; case by case basis

- Usually send out a generic letter under the General Duties Clause 95-129; this is a catch-all letter notifying employer of a “recognized hazard (such as second hand smoke)

The Information Office of the day (IOD) calendar has been completed up to July. Please remember to check the calendar for your scheduled time. If you need to change dates with someone, please notify Tiffany and she will make the changes accordingly.

Kathy and Dennis are currently working on (finishing) the new OSH Manual. Once finalized and approved, a copy will be submitted to everyone. There will be training at the end of July. Afterwards, new procedures will be implemented.

Kathy’s special duty is to update EDB’s non- OSH operational manual. This will require everyone’s input.

Everyone will be getting their computer software updated soon. It has been ordered and received. We will have to wait for IT to schedule time to put the new software on everyone’s computer. It is Microsoft Office 2010.

Investigators are reminded to continue to discuss early resolution with Respondents. Additionally file activity logs must be specific and more detailed. In the event cases must be transferred to other investigators this will help in the investigation process. If using shorthand or an abbreviation make sure it is clear what the abbreviation is meant to represent.

Currently there are 41 cases over 90 days; 335 in inventory and 229 unassigned cases. Investigators are reminded to not keep investigations pen for settlement longer than six months. Tiffany asked thoughts of getting unassigned case number down. It was suggested and determined that each investigator will pull (at the very least) five cases per month. Investigators are reminded to check totals monthly to make sure they are adhering to work plan percentage of completing 12% of cases. This will start June 1, 2012.

Dennis suggested that we should also review all cases in assignment file to check if they are over 90 days. If so, we should prepare a letter asking Complainants if they would like to request a 90 day right to sue letter in lieu of an investigation. A generic letter will be drafted to include Tiffany’s contact information. IOD will pull at five cases a day.

It was noted that the REDA that we currently send out to Complainants and Respondents does not have the information informing them of their right to reopen an investigation for good cause. This is under 95-242 (Complaint; Investigation; Conciliation). It should be listed under b as subsection (b1). Tiffany will contact publications to make the changes. It also needs to be replaced in the forms submitted from Outlook. New forms will be printed to replace packages.

Nancy conducted safety training. The topic was: Stress in the Workplace. Discussions included recognizing the difference between acute and chronic stress. Dennis was reminded to set up and schedule a time to renew CPR Training for EDB.

EDB SWOT ANALYSIS

STRENGTHS	WEAKNESSES
• NEW INVESTIGATORS • NEW OSHA MANUAL • SPANISH SPEAKING INVESTIGATOR • INVESTIGATIVE EXPERIENCE • SELF-MANAED WORK TEAM • TEAMWORK/COOPERATION	• NEW INVESTIGATORS/TRAIN • BUDGET • NO CENTRAL ADMINISTRATIVE SUPPORT • 1 LESS INVESTIGATOR • SCATTERED EDB DUTIES • LACK OF CONTINUITY • INVENTORY • LACK OF OSHA TRAINING
OPPORTUNITIES	**THREATS**
• NEW OSHA MANUAL • NEW INVESTIGATIVE TECHNIQUES • NEW REPORT OF INVESTIGATION • OSHA CONVENTIONS • OSHA TRAINING	• RETIREMENTS • BUDGET • LONG DISTANCE TRAINING • OFFICE SECURITY • FILE SECURITY • NEW INVESTIGATIVE PROCEDURES • ELECTIONS

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

Next meeting: (date to be determined).
Addendum (meeting Minutes May 23, 2012) -

Don noted: that during a recent closing conference a Complainant asked why he did not include on the right-to-sue letter the date that her 90 would expire; he thought this was a valid question; it is suggested that we insert the expiration date on the Complainant right-to-sue letter and include it in the closing conference and on the activity log. This helps the Complainant know exactly when the right-to-sue letter expires.