

Meeting Minutes – September 28, 2011

The meeting began with a warm welcome given by Phil Leslie. All were in attendance: Tiffany, Jamie, Phil, Dennis, Nancy, & Don. Field investigators Jeri, and Ellen joined in via tele-conferencing.

There is a new Investigator, Jamie (formally the Information Officer). This is a Trainee Progression position. She will train for 18 months and will not be a full investigator until January 2013.

At this time we are unsure if the Information Officer position will be filled or remain vacant. Lujana Patterson and Charity Locklear will take over some of the IO duties. Wage and Hour Information Specialists are now answering EDB 's calls.

IT has set up an Information Officer of the Day (IOD) calendar in Outlook. 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.

Phil noted that when he was doing IOD duties her answered a total of 21 calls. It seems to him that all EDB calls are being transferred and not just the difficult calls. He wonders if the Information Specialists have had enough training. Tiffany said that she will speak with Shannon to see if the IS ' need more training.

Phil additionally suggested that the forms that are emailed are made into PDF forms so that they can not be changed in format when returned to us. Jamie will speak with publications to make that change.

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 statistic. This is an increase from the

Division/Bureau: Standards & Inspections/Employment Discrimination Bureau

Document Name: Meeting Minutes

Date Revised: 09/28/2011

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previous year of 11%. Additionally settlements have decreased to 8% this grading period.

OSHA cases will still be assigned on a rotational basis and will not be stored in the file for self-assignment.

Investigators are 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. Make sure you change your 180 right-to-sue letter to 90 days.

If you are working on a Wage and Hour complaint, please coordinate with the Wage and Hour Investigator (if complaint is still active) before you negotiate any wage payment settlements on their behalf.

There were 87 applications received for the Discrimination Investigator position. Human Resources have narrowed down the list to 15 applicants. Phil, Tiffany, and Dennis will be on the interview panel.

USDOL Wage & Hour Review with Carmen Otero-Infante, Assistant District Director

- There are 16 acts/laws that fall under the US Wage & Hour Act
- 48 Investigators
- Atlanta, GA – Regional office for North Carolina
- Take complaints regarding wage and hour issues against companies having 2 or more employees and make more than \$500,000 annually
- There is a retaliatory provision included in the FLSA- 15A3
- If need to refer, contact Rick Blalock, manager of the Raleigh District office or Carmen

- Hospitals, Daycares, Group Homes complaints in reference to: Minimum Wage and Over-time are handled by USDOL;
- If involves wage payments company do not need to make more than \$500,000
- They have an 800 number for translators in many different languages, can call number for teleconferencing (call Carmen or Rick for more information)

Legal Review with Jennifer

- Questions regarding new appeals process: we will continue to as before when service complaints submitted to Tiffany; Tiffany will send to legal. There will be no verbiage included in initial letters notifying employees of there right to appeal.
- Federal law contrary to state law; currently has no appeals process in place
- Will schedule a time to go through the differences in the federal manual and state manual
- Dennis, Tiffany, and Danny will meet with legal and federal OSH in reference to statues
- No legal definition to “as effective as ”
- There is no concurrent jurisdiction (either we have jurisdiction or federal have jurisdiction) – we should not investigate complaints where the feds have jurisdiction
- Waiting on a ruling or instructions from Victoria in reference to complaint filed by Tiffany Chandler; no OSH jurisdiction/ should not have taken complaint; complaint in reference to reusing pads on patients (patient safety/not employee safety); has a letter stating she was terminated for reporting company to OSH or make a determination to file once receives letter from complainant; Tiffany when there is more information

OSHA Conference Notes – Tiffany and Dennis

- OSHA Federal Conference held in Florida
- EDB representatives were Tiffany and Dennis
- There were no break-outs meetings this year regarding state issues
- Discussed new manual; noticed that their manual was has too many differences in the law; we will not be able to adopt their manual without changing our laws; we must adopt our own
- OSH takes oral complaints; our law states that our complaints must be written
- The investigators send position statements to the employee; our law states that the investigation must be closed before releasing any information
- OSHA is looking into creating a mediation program similar to EEOC; in a pilot program they settled 81% of their cases; we have no mediation program (may be a conflict of interest) informal conciliation

Nancy conducted safety training. The topic was: “Lightening Safety ”. We additionally reviewed in-house evacuation procedures, fire extinguisher safety and alarm locations. Lastly we were instructed to watch a PowerPoint training on ergonomic in the workplace. We must send Nancy an email notification confirming that the training is complete. Nancy needs a picture of Ellen ’ s and Jeri ’ s workspace to ensure area is safe.

Investigators are reminded to continue to type activity logs.

Please toll cases whenever possible; this helps with the 90 day open/closed monthly statistics report.

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

Next meeting: May (date to be determined).

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