

DOL Leadership Team Meeting
January 9, 2020 10:30 am
Commissioner's Conference Room, Labor Building

Attendees: Commissioner Berry, Kevin Beauregard, Art Britt, Nicole Brown, Tom Chambers, Renathe Cotten, Jill Cramer, Mike Daniels, Gary Franks, Jennifer Haigwood, Kisha Holmes, Phil Hooper, Harriet Hopkins, Don Kinney, Wanda Lagoe, Scott Mabry, Kevin O'Barr, Dolores Quesenberry, Beth Rodman, Jennifer Stackpole, Anne Weaver, Kent Woodson, Jeremy Smith, Karissa Sluss.

Commissioner Berry: Commissioner Berry welcomed the Leadership Team members and expressed her thoughts about the holidays. She shared how much she enjoyed spending time with her family. She hoped that everyone had a wonderful and happy Christmas also. Commissioner Berry stated that she looked forward to 2020 as Commissioner of Labor and with our help, we will make it the best year ever.

She said that some have asked her recently about the election process. From December 2 to December 20 of last year, filing for all 2020 elections was open. When filing closed, one Democrat and three Republicans filed to be the next Commissioner of Labor. Early voting begins February 3. Clearly the Democrat candidate for the general election is already decided and, hopefully, the March 3 primary should narrow the Republican field to one candidate. So, by March 4, we should know who the two candidates are for Commissioner of Labor. Barring any second primary, we will have to wait until the General Election, Tuesday, November 3, 2020, when we will elect a new Commissioner who will take office as early as January 1, 2021.

Budget Update: Jennifer Stackpole stated that we were at the half-way point and everything looks good. She asked if everyone was looking at their Budget Report and XTND Report. If not, she reminded them their passwords will expire. Jennifer distributed a copy of SFY-20 spending Forecast-Second Quarter to everyone.

Communications Update: Dolores stated that Mary Katherine Revels has accepted a position with a marketing firm and will be leaving the department on January 17. Neal O'Briant will return on a part-time contract basis to help the Communications Office out temporarily. One of his projects will be to update the Intranet. Dawain Faison, NCDIT, has been contacted for his assistance also as he is familiar with the older Drupal program which is the platform used for the Internet.

It is time to begin compiling the 2019 Annual Report. Each of you will receive an email from Natalie Bouchard today or tomorrow concerning updating your section and returning it to the Communications Office. The goal is to have the report ready to publish in April. Everyone will get a copy of the Annual Report at the April Leadership Team meeting.

Podcast, Episode 28, with Commissioner Berry was recently released. It was an overview of 2019 and she answers questions from the staff and the public. An episode with Harriet Hopkins will be recorded on Friday, January 10, regarding a new column "Retaliatory Rights" which will be introduced in the next edition of the Labor Ledger.

Communications is working on its annual release of the OFIR fatality figures and this should be ready to release by the end of this month.

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As a source of information, after many months of answering questions, Greg Gordon's articles are published. Currently, we are working with Kisha Holmes and Jill Cramer to answer Wage and Hour questions asked by Aaron Sanchez, N & O.

Art recognized and thanked Dolores for her involvement and coordination of the Christmas decorations and Open House. Commissioner Berry also thanked Anne Weaver for coordinating the care packages sent to military personnel.

HR Update: Renathe Cotten stated that Governor Cooper has issued a Safe Days Directive that is mandatory to cabinet agencies and optional to Council of State agencies. Commissioner Berry has opted to adopt the Safe Days Directive with DOL. The purpose is to ensure state agencies are supportive of employees who need time away from work due to domestic violence, sexual assault or stalking. They may use vacation or sick leave to receive services from a local domestic violence agency or other services organizations. Employees are not required to disclose the specific details but should give enough information for supervisors to understand that the absence is for a safe day. Requests can be denied if it is for an extended period of time and causes an undue hardship to the work unit. Denial can also occur if the employee fails to provide adequate information to support the absence. Employees will fill out a form that is kept by the supervisor when requesting a safe day. Information on this directive will be added to the newly revised time and attendance policy and placed on the Intranet. The time and attendance policy has been revised to include a section on punctuality especially pertaining to absenteeism and tardiness.

January 1, 2020, state government has a new workers' compensation vendor (CCMSI). The employee report of injury form will remain the same. The supervisor report of injury form has changed and will be placed on the Intranet. The main change in procedure requires the supervisor to generate an authorization form and instruct the employee where to go to seek treatment. This takes HR out of the initial loop in assigning a treatment facility. Crystal Williams will email details of the changes to supervisors on Monday, January 13. The new vendor will take over open claims.

NCVIP-interim reviews begin January 13. The reviews start with the employee, go to supervisor, then back to the employee. Each step due date ends at 11:59 pm on that date and moves to the next step. Please start and complete each task before the last day. Terri Harris has created a performance management manual with instructions, templates, and examples and is always available to assist. Terri will email all employees performance management updates at the first of next week.

Nominations are being accepted for the Certified Public Managers program. Please send your nominations to Terri Harris.

The Department of Labor is required to have an EEO Advisory Committee. The committee which will meet twice a year will serve as a link between management and employees and the EEO Officer on aspects of the EEO plan and program as well as promote diversity awareness in matters concerning equity and inclusion. Terri Harris will send a request on January 21 to division directors to nominate employees for the advisory committee

Legislative Update: Jennifer Haigwood stated the 2019 legislative long session will resume on Tuesday, January 14. Hopefully, this will be a one-two day session to address items of immediate concern (possibly including the Senate voting to override the Governor's veto of the FY 2019-2021 budget). Once next week's session adjourns, the legislature will not return until the spring for the "short session." Despite the lack of a comprehensive state budget, OSBM is moving forward on the Governor's budget for FY 2020-2021. Jennifer stated that the department's preliminary list of expansion items is due by January 31. Agency leadership is working on compiling the list which will ultimately be approved by Commissioner Berry.

Carter Grimes' last day was Wednesday, January 8. Jennifer will be handling Carter's work (parking, Labor Building management, Commissioner's logistics, etc.) until further notice. A new employee, Sarah Carr Barnes, has been hired to fill this position and will start on Tuesday, January 21.

Jennifer announced the date for this year's Employee Recognition Banquet is Thursday, October 9, at the McKimmon Center.

OSH Update: Kevin Beauregard stated the following budget items: Financial Services closed out the FY2019 23G and 21D Grants in December. All federal funds were expended. Both grants are receiving increases for FY2020 as a result of the federal budget that was signed into law 12/20. OSH 23G should be receiving approximately \$360,000 per our revised funding formula. Overall 21D Consultation programs are receiving \$2M in additional funds per funding formula. Still not sure what North Carolina is getting.

Gold Star event is scheduled for Friday, February 7, at the McKimmon Center. Single and double gold stars will be recognized on one day; one event for all program participants.

PSIM accomplished a 100% response rate for the 2019 Public Sector Injury and Illness Survey. This was a first where PSIM did not have to refer any non-responders to Compliance to assist with the collection of the survey data.

The Federal Annual Monitoring and Evaluation (FAME) was conducted from December 9-17. This review of approximately 140 files for all OSH related activities including 13 WB casefiles indicated that everything looked good, no negative findings or observations.

Both OSH Compliance Bureaus lost multiple CSHOs in December and early January. Compliance continues to have difficulty getting qualified candidates to apply for the positions plus an issue in retaining newly hired CSHOs.

Citations were issued on November 25 for the North Carolina Zoo fatality. A settlement has been offered and based on the discussion at an informal conference on December 18, there is a good chance the settlement terms will be accepted.

Standards & Inspections Update: Phil Hooper gave the following updates:

Boiler: The independent audit for the ASME/National Board program is scheduled for January 27, 2020. The triennial ASME/NB review for renewal of ASME and NB accreditation is scheduled for March 24, 2020. Emily Fish, the newest inspector, is going to Columbus, Ohio, in February to begin her National Board training and certification.

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Elevator: The bureau continues to experience manpower issues and retention. The bureau continues to use outreach in national publication to recruit inspectors.

Mine & Quarry: Many training classes are scheduled. NC Mine Safety & Health Conference scheduled March 18-20, 2020. Three NC Mine Safety & Health Law Seminars are added for 2020.

REDB: We are fully staffed; four investigators are in training status. Our bureau will have a column in the Labor Ledger starting in 2020 called "Retaliatory Rights". The goal is to provide some concrete examples of what is and is not covered by REDA.

Wage & Hour: We continue to work toward being fully staffed. We hope to interview for the supervisor position in Charlotte by the end of January. LaKisha Cameron, deputy administrator, is now working from the Raleigh office. We concluded the 2019 calendar year with 2,781 cases closed and collected over \$1.4M for complainants/employees.

Around the Room:

Jill Cramer: Legal Affairs has done a lot of behind the scenes work over the past few months assisting HR with various policies, and ASH and ETTA with MOU's. Based on a legislative change in 2019 information that is "readily available to the public" may be corrected in the rules without going through formal rulemaking; pursuant to that change, LAD submitted updates to certain departmental rules, and rules for OSH, Boiler and EDB. LAD is also in the process of submitting new EAD rules to the Rules Review Commission. LAD continues to handle bankruptcy filings, public complaints and public record requests. Next week Jill will attend the OSH SOLO conference.

Anne Weaver: The PSIM Bureau is currently running reports and analyzing data for various NCDOL and OSH annual reporting requirements. The Bureau was very successful this past year by receiving all Public Sector Injury and Illness Surveys without having to request assistance from Compliance. This is the first year PSIM did not forward any non-responders to Compliance for their staff to take their time to try to collect the injury and illness data. Thanks, and appreciation were given to Jennifer Haigwood for allowing Pam Short to help PSIM with the Public Sector Survey and the OSH inspection file archiving process. The NCDOL Honoring Military Family Members project was a great success again this year. A total of six care packages was sent, with one of those being to a co-worker, Jermaine Dennis who is stationed in Kuwait.

Mike Daniels: Postage increase to be effective on January 26. Not sure how it will be implemented, however, there will be changes in measurements in order to compete with FedEx and UPS. Mike stated that a new postage machine would cost approximately \$10,000-\$12,000 but would save thousands of dollars. He will investigate the cost etc. to purchase. Mike relayed the following information: One set of posters cost \$1.15 to mail in 10x13 envelope; 1000-1200 posters mailed/month; cost to send certified is \$6.80 with 7-10% of those returned. A new postage machine would save \$2.80 of that cost.

Gary Franks: The contract renewal for Onbase has been completed. IT is now working on the Wage and Hour Case Management Module in Onbase. Gary stated the phone system in Wilmington was delayed from December until January and they are waiting to hear back from DIT on the schedule. A list was sent

to DIT of users who will be able to send emergency notifications on the new system. Once information regarding the training is received then we will train the trainer on its use at each DOL location. The Help Desk answered a total of 4,885 service calls for year 2019. Gary also said that we should be diligent and on high alert regarding cyber-attack issues.

Don Kinney: The Tri-annual ASME audit is scheduled in March. Don discussed the McDougal Terrace issue with water heaters. However, based on the size, there is no DOL involvement.

Karissa Sluss: Karissa stated there has been a small increase in contestments.

Beth Rodman: Preoccupancy Inspection MOU has been signed by NC Department of Commerce and has been returned to the department for Commissioner Berry's signature. ASH is working through issues with the IT upload. The Gold Star Meeting is scheduled for February 7 at the McKimmon Center. Single and double GS will be recognized on the same day. 165 attendees so far but are still receiving RSVPs. NC Agromedicine will be keynote speaker and present on heat stress prevention on the farm. The Farm Labor Organizing Committee (FLOC) has requested training with federal OSHA.

Nicole Brown: Packers Sanitation Services, Inc. (PSSI) , Travis Vance pled the 5th. An inspection at the New Hanover correctional Center in Wilmington detected lead paint and asbestos. The facility has been closed. The inmates and guards have been removed.

Wanda Lagoe: Safety Vision in 2020. 2020 Star Conference; Jeff to do a logo. Working on 27 Safety Award banquets. New recognition program, interviews on Monday, two applicants for standards position. 105 classes being audited, 4 OTI's. Thanked Britne.

Kisha Holmes: working on youth internship program written agreement and Youth Employment Certificate online. Employer to fill out first before youth.

Tom Chambers: Tom discussed the Alpine Roller Coaster at Sugar Mountain. It is the only one in the state, gravity-fed and travels 20-24 miles per hour. There are multiple issues seen: brake design; it may come in contact with wildlife; manufacturer objecting.

Scott Mabry: Scott announced Jordan Hines is the new administrative assistant in Charlotte. Commissioner Berry and Scott attended all the office Christmas parties in December.

Kent Woodson: Kent stated there are two new employees in Financial Services Bureau: Kathy Dale and Margaret Harris.

Kevin O'Barr: Kevin announced that 10 companies will receive 10-year SHARP Awards in 2020.