

Employment Discrimination Bureau  
Quarterly Performance Review  
6<sup>th</sup> floor CR, Old Revenue Building  
February 2, 2016 at 1:00 PM

Attendees: Art Britt, Phil Hooper, Tiffany Lathan and Jessica McBride  
Scribe: Charity Locklear

**Tiffany Lathan reviewed EDB's FY Strategic Plan Report and statistics.**

All standards were met for FY 2015-2016 except:

- 1.2 – Complete 100% of all complaints within 180 days of date assigned.
  - Goal was not met for the 2<sup>nd</sup> Quarter
  - This objective is in the investigators performance evaluation.
- 1.4 – Each investigator will complete 80 REDA investigations by June 30, 2016.
  - All investigators are on target to meet the goal except one.
- 2.3 – Number of open cases in inventory. (The standard is 275)
  - YTD Actual is 338.

**Reviewed Bureau Performance Charts**

**Complaints Received**

Complaints received this FY are down from the past two years FYs during the same months.

**Complaints Completed 2013-2016**

EDB's completed cases has increased the past 3 months. Art – Does complaints completed mean the file is completely finished? Tiffany – Yes.

**Monthly Inventory**

Inventory includes files on desk and in file cabinets unassigned.

**Percent Closed In 90 Days Rating Period**

The percentage closed is about average for the past three months. Phil – However, in 2013 when EDB had 3 additional staff members more cases were closed.

**Settled Percentage**

The settled percentage is the highest it has been in 2015 than 2014 or 2013.

- Settlements may include getting the complainants job back, monetary compensation or a neutral referral letter from the company. Investigators try to negotiate with both sides to get a settlement at the beginning of the investigation.

Art – What do you call a case that the complainant and the company can't come together with an agreement on a settlement? Tiffany – A Right to Sue letter is given to the complainant. Art – Is there a settlement percentage goal? Tiffany – Yes, 5% from the TEAM. To date 27.2. Phil – Do you have a process? Tiffany – Yes. It is to get the best possible resolution to every complaint and try to settle the complaint through early resolution.

Tiffany does OSHA investigations to help with the shortage of EDB investigators to complete OSHA cases. Outcomes present employees to go back to their jobs.

#### **Omit chart number 8 (Cases Over 180 Days by Investigator)**

This chart is redundant because this information is found in chart number 10.

#### **Percent Completed By Investigator**

Four investigators are on target to reach the 80 cases objective during the second quarter.

#### **OSHA Training**

Ellen and Ana are scheduled to take the OSHA training 1420 class beginning on June 16, 2016. Art – Is the training required? Tiffany – Yes. Whistleblower is the first class they have to take. Art – Is the training contrary to their workplan? Tiffany – No. Art – Go ahead and get the 2 investigators committed to going to the mandatory training 6 months in advance. Phil – The airline tickets have already been purchased by OSH. Ellen and Ana have to make arrangements. Tiffany – The class has been shortened from 16 days to 10 days.

#### **Extensions**

Tiffany presented a letter requesting a 4 week extension from Salt Life's attorney as an example to show why cases are tied up and not closed within 180 days. Extensions and additional extensions are being asked for by the respondents/lawyers. The 180 days starts when it is assigned to an investigator. Phil – We don't have to honor the extension. Tiff – It is best customer practices to give the extension.

#### **Elapsed Days from Assigned to Complete by Investigator (Chart 11) \* Omit: Min.**

Art – What is lapsed time of 4-6 months mean? Tiffany – The assignment of a case depends on the backlog. Phil – Is there a way to screen the cases prior to assigning them? Tiffany – Yes, Jessica McBride is auditing each case in the inventory. She is looking for missing position statements and various other documentation required in a casefile along with looking at each case to see if it can be closed or possibly settled. Jessica is the Information Officer and provides more layers of screening and she keeps a log and enters all calls she makes on each case file.

#### **OSHA Cases**

OSHA cases are inquiries or complaints made to OSHA by an employee and in turn is terminated or retaliated for reporting an unsafe work condition such as unsafe machinery, E.coli, and various other unsafe work conditions.

Phil – Do you distribute OSHA cases evenly? Tiffany - Yes, each case is assigned on a rotation basis to the investigators.

#### **Performance Chart for Objectives and Goals**

Phil – In June, 2016 change obj. 1.2 from 100% to 95% in next year's workplan. Tiffany – The statute suggests that EDB has to attempt to close the case within 90 days.

Phil wants to sit down with Tiffany within the next couple of weeks to review the EDB Statutes.

### **Interims**

Phil – Are EDB’s staff interims completed? Tiffany – Yes, numbers can be adjusted for FMLA. Update on-line, sit down interim review, uploaded in NCVIP. Tiffany has completed all interim requirements.

### **Federal OSHA Audit**

Federal OSHA has completed the audit of EDB’s OSHA cases and Tiffany will let Phil know once she receives the results. EDB had some 90 Day RTs that needed to be labeled withdrawals in the Federal database.

OSHA asked how many cases EDB has litigated to date. NCDOL had not litigated any cases.

OSHA overall looked at 18 case files

### **City of Charlotte**

PSIM has completed 3 redaction disclosure requests for the City of Charlotte file.

### **Disclosure Requests**

EDB receives 4-6 disclosure request per week. The investigators complete the disclosure request and the Bureau Chief signs off on it. In past years, EDB would only receive about 5 disclosure requests per year. PSIM completes the redaction process for all OSHA cases.

### **Operations Manual**

Jane and Tiffany have to set up remedies and alternate resolution distribution.

### **Field Visit**

Phil is going to go out on a field visit with an EDB investigator in the near future.

Art – Good job.

### **Annual Report**

Tiffany is finalizing EDB’s Annual report. Art – Phil can review your annual report.

The next EDB Quarterly Performance Review meeting will be held on April 26, 2016 at 3:00 P.M. in the 6<sup>th</sup> floor CR, ORB.