

STATE OF CALIFORNIA
Department of Industrial Relations
Division of Occupational Safety and Health

Date: November 28, 2011

To: All DOSH Staff

Via: Ellen Widess, DOSH Chief

From: Garrett Brown, Senior Safety Engineer, DOSH Headquarters

Re: Listening Tour – Summary Report

The following is a summary report from one-on-one interviews with 374 DOSH staff members – headquarter staff, office managers, field inspectors and consultants, and office administrative personnel – conducted in May and June 2011 by Garrett Brown, then a compliance officer in the Oakland District Office, and Peter Riley, District Manager of the High Hazard Unit – South office in Santa Ana. These interviews, averaging 25-30 minutes in length, made up the six-week “Listening Tour” initiated by Chief Ellen Widess as part of the transition of leadership in the Division.

The most significant findings and recommendations occur in five areas – communications; internal atmosphere; accountability; organizational structure; and policies and procedures. This summary includes key recommendations from DOSH staff, as received by the two interviewers, and specifies areas where changes have already been implemented and where others are contemplated.

In order to systematically follow-up on the staff recommendations captured in the Listening Tour, a Working Group has been formed at DOSH Headquarters consisting of interviewers Brown and Riley, Deputy Chief for Health Deeg Gold and Administrative Unit manager Lynda Christy. The Working Group will meet regularly, starting this month, to put in place as many of the staff recommendations as are feasible and that the Division has resources to undertake. The Working Group will report back to Chief Widess in the first quarter of 2012 with a progress report on the new initiatives implemented and those that are pending.

KEY FINDINGS

Many of the findings and recommendations in this report are longstanding issues within the Division, going as far back as the “disengagement” and “reengagement” processes at the end of the 1980s. In 1999, then Chief Dr. John Howard responded to a letter from DOSH staff concerned about the Division’s functioning by establishing “EGIP,” the “Employee Generated Improvement Project,” which resulted in a series of staff focus-group meetings, and a report containing many of the same issues raised below. Similar

concerns were identified in a second EGIP-style process and report, coordinated by representatives of CAPS (California Association of Professional Scientists) and PECG (Professional Engineers in California Government) in 2002.

The key underlying factor of the issues identified below is a lack of resources (financial, human and technical), and without additional resources it will be difficult, if not impossible, to make significant progress in correcting deficiencies in the Division. Earlier this month, DOSH was authorized to begin hiring 43 new staff to fill some of the 118 recognized vacancies. This important start will need to continue if all critical vacancies are to be eliminated.

The Division is no longer funded from the state's General Fund, but rather by a combination of Federal OSHA grants and a surcharge on California employers' workers compensation premiums. This independent funding will "sunset" in July 2013 unless renewed.

In theory, this funding mechanism should not be affected by the status of California's budget, but political considerations over the last several administrations have left the agency significantly under-resourced and under-staffed ever since "re-engagement" in 1989.

In April 2011, the Division had the same number of field compliance officers (196) as it did in April 1994 – despite an 18% growth in the state's workforce (2.8 million workers) during the same time period. Moreover, there are currently critical vacancies throughout the Division – field personnel, administrative staff, managers, and legal and medical professionals – which must be addressed if lasting solutions for the deficiencies described below are to be implemented.

An inspiring aspect of the interviews we conducted was the large number of DOSH employees, especially field personnel and administrative staff, who take their jobs seriously and work hard to meet the Division's mission and legal mandate in spite of the many limitations and difficulties. DOSH employees at all levels are committed to, and draw satisfaction from, "making a difference" in preventing injuries and saving lives, and "being a catalyst for positive change" in workplaces throughout the state.

This dedicated workforce is clearly the most important asset and resource the Division has at its command. Ensuring that this asset is able to perform at its highest potential – with the resources, support and training DOSH staff need to do their job – is the most effective way state government can protect worker health and safety in California.

To that end, the Listening Tour interviews indicated serious short-comings in five key areas that should be at the center of the Division's internal corrective action plan – communications; internal atmosphere; accountability; organizational structure; and policies and practices.

While some organizational issues are insurmountable without additional resources, many issues below can be effectively addressed by revised policies and pro-active leadership at all levels of the Division. Reinvigorated leadership has no cost associated with it, and key policy revisions can be implemented in a deliberate step-by-step manner in the coming months.

Communications. By far the largest concern of DOSH staff was the lack of effective communications between different levels, as well as between different offices at the same level of the organization. DOSH staff at almost all levels indicated they have not been involved in, or even informed of, the deliberations and decisions made by Headquarters staff, despite the impact these activities have on DOSH offices and personnel. Many interviewed employees felt that Headquarters had “no idea” of what their unit does and the challenges it faces, had not made any effort to find out, and this lack of information contributed to decisions made at HQ that are often unworkable or counterproductive.

In addition, many interviewed staff felt there was a lack of communications between units at the same level, both in compliance and consultation, which prevent the sharing of useful information and experiences, and which result in markedly different policies and practices on the same issue within the Division.

Overall, most interviewed staff felt there has been no consistent and effective explanation from Headquarters of the Division’s mission, overall goals and objectives, and the short-, medium- and long-term plans to reach these goals. Many staff reported feeling as if their particular work unit, and even themselves personally, are “on their own” trying to figure out how best to determine and implement the Division’s policies and, most importantly, protect workers on the job.

Since April 2011, the new leadership team in Headquarters has conducted or started to implement the following measures in the area of internal communications:

- The Chief, Deputy Chiefs and Regional Managers have begun regular visits to DOSH offices throughout the state;
- A regular sequence of staff meetings starting with Headquarters meetings with regional managers and unit managers; to regional manager meetings with their district managers; and district manager meetings with staff – all on a monthly cycle – has been established;
- “This Week @ Headquarters,” a weekly newsletter from headquarters has been established to report of key meetings, decisions and activities, not only in headquarters but throughout the Division;
- District Managers have been provided with copies of the DOSH-wide “Daily Report” so they can learn what other offices are doing and better share experiences and exchange information about common employers, industries and inspections;
- “Listening Tour” interviews were conducted with 375 DOSH staff throughout the state.

Among the issues that the Working Group will consider in the coming months are:

- How to conduct annual meetings with all segments of the DOSH staff, including managers, Compliance and Consultation field staff, and administrative staff. The meetings will include headquarters updates on key policy and regulatory changes, and staff presentations on best practices in field work, management and administrative issues;
- How to conduct regular 30-60 minute webinars for all DOSH staff with updates on new organizational policies, regulations or initiatives;
- How to expand use of the DOSH intranet to exchange information and technical assistance through such things as an “electronic suggestion box,” moderated “chat rooms,” and a “who’s who” listing of key personnel in headquarters;
- How to renew the DOSH office subscriptions to the *Cal/OSHA Reporter*, if permitted by the publisher.

Internal atmosphere. Perhaps the most corrosive belief revealed in the interviews was the widespread opinion that Division staff, in the past, have been routinely treated with disrespect, severely criticized, and almost never supported or appreciated by managers and staff at higher levels in the organizational structure. That is, district office personnel felt this way about regional and headquarters staff; regional staff felt this way about headquarters staff, while simultaneously feeling they are distrusted and disrespected by district level personnel.

Interviewed staff reported they felt a lack of confidence in them from higher levels that resulted in “micro-managing” from above, paradoxically at the same time lower levels were blamed, or abandoned altogether, whenever problems develop. Interactions with regional and HQ staff were described as “almost always negative, accusatory and fault-finding,” to the point that “good” managers were described as those “who protect their staff from what comes raining down on us from above.”

In addition to lack of positive feed-back, supportive and professional interactions, many interviewed employees described an atmosphere of constant “crisis management” at higher levels, indicating a lack of planning at region or headquarters that results in disruptive “wild goose chases” or frequent “by the end of business today” emergencies.

Since April 2011, the new leadership team in Headquarters has conducted or started to implement the following measures in the area of internal atmosphere:

- Headquarters has begun to set a tone of respect, courtesy, recognition and appreciation of good work, and professionalism within the Division; and is working to spread this tone throughout the organization;
- Headquarters is working to develop an esprit de corps based on mutual support for the important mission of the Division, mutual support among all units to achieve that mission, and recognition of milestones and individual and unit accomplishments;

Among the issues that the Working Group will consider in the coming months are:

- What should be the Division's standardized policies related to telecommuting, alternative work schedules, state car assignment and home storage permits, criteria for staff promotions, development of a career path for administrative personnel, so as to avoid inconsistent application of these policies by regional and district managers which has generated staff unhappiness and concerns of "favoritism" or discrimination;
- How to use of existing state-sponsored employee recognition awards, and/or developing our own set of awards or means of recognizing outstanding work by staff in all units and levels of DOSH;
- How to reduce – as much as possible – the "crisis management style" that has characterized the Division in recent years; with more planning (medium and long term) so as to avoid inefficient and ineffective last-minute decisions, "wild goose chases" and "COB today" emergencies.

Accountability. A frequently offered opinion at all levels of the organization was the belief that "there is no recognition or reward for good work, and no consequences for bad work, or work that not's done at all." Many interviewed employees said that "competent, hard-working" staff are perversely "rewarded" with extra work and expectations, while "incompetent or lazy" staff are assigned less work and "allowed to coast."

The common theme for correcting this imbalance was to "establish real accountability" throughout the organization – staff should be empowered and supported to do their job while also held accountable for their assigned tasks with consequences for poor performance. The consequences, according to many interviewed staff, should be consistent, ongoing efforts to improve the employee's performance – rather than just belated efforts to terminate the DOSH employee.

Interviewed employees also said the Division needs to hire capable people who have a genuine commitment to our mission, and then actually evaluate employees at the end of their probationary periods (both new and promoted), including rejecting under-performing employees rather than simply "passing everyone along."

Another widespread concern emerging from the interviews was an "unequal assignment" of work in offices. Employees felt that both field and administrative tasks should be "standardized within offices so that everyone does their fair share." In particular, field personnel wanted a "fair assignment of big cases" (fatalities, major accidents, high-profile inspections) that typically result in more scrutiny, intense work and time pressures during the inspection, and then the greater likelihood of appeals-related work later on.

Since April 2011, the new leadership team in Headquarters has conducted or started to implement the following measures in the area of accountability:

- Headquarters has developed and publicized other job task assignments within Headquarters staff so that field and regional offices know exactly who is responsible for different areas of work;
- Headquarters has realigned responsibilities of HQ staff to assign a senior manager (Region I Manager Cora Gherga) to provide direct assistance to the field with high profile cases and to handle all high profile cases reviews at Headquarters.

Among the issues that the Working Group will consider in the coming months are:

- What are the best performance criteria and metrics for evaluating individual staff, the various DOSH work units, and the Division itself;
- How to conduct genuine evaluations, using the “same yardstick” and with the goal of identifying and eliminating the root causes of poor performance, with both individual staff and work units;
- How to best empower individuals and work units to take the initiative in doing their jobs while also maintaining the necessary oversight and guidance down the chain of command;
- How best to standardize a “fair distribution” of work within offices (complaints, accidents, fatalities,” high profile” cases, permits, duty days) and to establish standardized policies in the approval of length of breaks, vacation scheduling, home storage of state cars, and the like.

Organizational deficiencies. An overwhelming concern of interviewed employees was the understaffing and critical vacancies throughout the Division, including administrative staff, attorneys and medial personnel as well as field personnel and managers. Vacant cubicles can cripple the ability of an office to function, no matter how dedicated the remaining staff are. In addition, some job classifications – such as senior safety engineers – were viewed as being misused or under-utilized; while administrative staff universally decried the lack of a career path and promotional opportunities for them within the Division.

A widely noted deficiency in the interviews was the lack of consistent mentoring of new employees and those promoted to managerial positions. These staff members rarely receive training prior to or immediately after their appointment and are not assigned ongoing mentoring or technical assistance. As one interviewee said, “they are basically thrown into the deep end and have to fend for themselves, which is bad for everyone in the office.”

The lack of professional training (until recently), especially the near-zero training of any kind for administrative personnel, was frequently noted in interviews. Many staff reported severe and ongoing problems getting equipment and services from the CALICO lab. Problems were widely reported related to the lack of technical resources, as well as the lack of electronic resources such as specific software programs and equipment. Key policies, ostensibly generated by Headquarters, concerning individual and office performance metrics (production quotas, citation type quotas, inspection opening time, case lapse time) were reported to be extremely variable within different DOSH units.

These high production “goals” and short lapse time deadlines actually undercut the Division’s ability to protect workers as rushed, *pro forma* inspections are not capable of effectively identifying, characterizing and correcting the full range of hazards in the workplace, especially health-related hazards.

Many interviewed staff described highly centralized compliance case review policies which, combined with extensive delays at the regional and headquarters levels, have resulted in long delays (up to the drop-dead date) in issuing important citations. The Division-wide reporting requirements (daily, week-ahead, month-ahead) – combined with lack of communication and coordination among those requesting this information – are seen as highly inefficient practices that also undermine the Division’s effectiveness.

Since April 2011, the new leadership team in Headquarters has conducted or started to implement the following measures in the area of organizational structure, policies and procedures:

- Headquarters has generated extensive justifications on multiple occasions to exempt the Division from mandatory state-wide reductions in travel, state cars and cellular telephones, which has resulted in saving some equipment marked for elimination and maintaining the ability of DOSH staff to travel in performance of their jobs;
- Headquarters has generated extensive justifications for filling critical vacancies, and was authorized earlier this month to hire 43 new staff out of the 118 recognized vacancies. The Personnel Unit is working intensely to accelerate the hiring process. Headquarters also has developed a specific hiring plan for an additional 30 staff to be executed when authorization to hire is received;
- A Deputy Chief for Health has been appointed for the first time in 12 years;
- The CALICO laboratory has been reorganized and new staff assigned to improve its support for field personnel. The DOSH Technology unit also has been reorganized to eliminate duplication with existing DIR units performing the same functions;
- Headquarters renewed the subscriptions for all DOSH work units of the Barclay’s Title 8 service;
- Headquarters has reduced the number of categories of mandatory case review at HQ for high profile cases, and streamlined the reporting requirements;
- The Training Unit has restarted training for DOSH employees, including two new health-related classes for field inspectors, as well as three Federally-mandated courses for all CSHOs and some consultants. All DOSH administrative staff are receiving training on several computer software programs, with some staff receiving their first-ever DOSH-sponsored training;
- Headquarters staff and southern California representatives conducted an all-day, off-site planning meeting on October 28th to begin the process of medium- and long-term planning for the Division;

Among the issues that the Working Group will consider in the coming months are:

- How to eliminate all critical vacancies in DOSH and where to expand the work force, if and when the necessary resources become available, especially in the areas of industrial hygiene and multi-lingual capacity;
- How to best train and provide ongoing mentoring to new employees, through mechanisms like a “DOSH Academy” or structured mentoring assignments for all new and promoted personnel;
- How to reorganize DOSH’s structure statewide, as appropriate, to maximize efficiency and effectiveness, including such issues as “span of control” within units, additional support for field unit managers (such as assistants, retired annuitants, paralegals), new or expanded offices in agricultural areas and the logistics industry, realigned boundaries of field offices to equalize work loads, and the best structure for tower crane inspectors;
- How to establish uniformity throughout all units of the Division in both policies and activities, through vehicles like updated P&P manuals, regular management and staff meetings, training, and clear policy directives from Headquarters;
- How to establish an internal health and safety program for DOSH employees, including an effective IIPP, and a comprehensive training on DOSH employees’ rights as workers in California;
- What is the best role and use of skilled personnel, such as regional senior safety engineers, staff from the Research and Standards, Legal, Medical and Asbestos units, and how to make the District Manager position more functional and attractive;
- How to develop a career path and promotional opportunities for administrative staff;
- How to make better use of electronic and intranet resources; how to provide key technical resources and support for the field, and how to reduce paperwork and “busywork” tasks;
- How to move towards a planned, long-term management from a reactive, “response to immediate emergency” style of management;

Other issues and recommendations. Within, or related to, each of the categories above, DOSH staff made many more detailed and specific proposals and suggestions for changes in the Division during their interviews. All of these ideas will be available to the Listening Tour follow-up Working Group, which includes the two people who conducted the interviews.

Nonetheless, any DOSH staff who wish to renew their previous recommendations, or make new suggestions, should contact members of the Listening Tour follow-up Working Group: Garrett Brown, Lynda Christy, Deeg Gold or Peter Riley.

Finally, on behalf of Peter Riley and myself, I would like to thank the interviewed DOSH staff for their time and candor. Our co-workers’ dedication to their job and our agency’s mission, in the face of dispiriting obstacles and huge challenges, is a source of hope for improving our ability to protect all workers in California.