

DOSH Critical Vacancies and Hiring Criteria

September 2, 2011

The table below summarizes the critical vacancies in the Division and the specific positions that need to be filled in groups of 30-35 new hires to streamline new employee training, orientation and mentoring¹. The attached pages provide specific details on the essential services provided by the units, the workloads and performance data related to the critical vacancies.

The vacancies listed in the table below are critical because they have a direct impact on the Division's ability to function at all, its ability to meet the Division's legal mandate and mission, and its ability to meet the benchmarks established by Federal OSHA. Units that protect both employees and the public, including rides, elevators, pressure vessels, and asbestos contractor and consultant registration have significant backlogs. Without hiring in the positions listed below, the Division will simply be unable to match Federal OSHA benchmarks, fulfill its legal obligations, and effectively protect California's public and work force.

Federal Benchmarks

DIR operates a "state plan" under the Federal Occupational Safety and Health Act. This program is audited quarterly by Federal OSHA in regards to several measures. In Federal FY 2011, California failed to meet several benchmarks that are directly related to staffing. For example, the state's "average number of days to initiate complaint inspections" was 21.3 days, compared to a federal benchmark of 5 days. This also does not meet the California Labor Code mandate to initiate an inspection on a serious complaint within 3 working days, and for other complaints within 14 days. A more detailed description of federal benchmarks is below.

Another key Federal OSHA benchmark affected by staffing vacancies is the number of days required to close an inspection. The Federal OSHA average for the 2011 state fiscal year (July 2010-June 2011) was 42 days for safety inspections and 54 days for health inspections. The DOSH averages statewide for the same period were 74.1 days to close safety inspections and 85.1 days to close health inspections.

Federal OSHA authorizes California to hire 236 enforcement compliance safety and health officers (CSHOs) under the state's 23(g) grant. In 2010, as part of the "EFAME" audit, Federal OSHA determined that DOSH had 44.5 vacancies in its enforcement staff. In August 2011, the latest DOSH census shows 188 filled CSHO positions and 18 vacancies, for a total of 206 state

¹ This is particularly necessary for enforcement safety engineers because there is an extensive training curriculum the Division must provide to new enforcement personnel.

authorized positions. This means that the total vacancies compared to the Federal OSHA 236 CSHO benchmark have grown to 48 positions.

In these key metrics, DOSH is simply not “at least as effective as” the Federal OSHA program, a requirement of all state plans and a prerequisite for federal funding.

Existing Enforcement Field Staff (August 2011)

DOSH Region	Number of Inspectors	Number of Counties Covered by Offices
<u>Region 1</u> (San Francisco)	37	11
<u>Region 2</u> (Sacramento)	35	38
<u>Region 3</u> (Anaheim/San Diego)	39	5
<u>Region 4</u> (Los Angeles)	35	4
<u>Region 5</u> (Mining & Tunneling)	9	58
<u>Region 6</u> (High Hazard, Process Safety Mgmt, EEEEC units)	33	58
Column Totals	188	

Source: DOSH’s “Organization Chart” for each region. This chart does not include DOSH equipment inspectors in the Elevator, Pressure Vessel and Rides-Tramway units, or professionals in the Consultation Service.

Critical Vacancies (September 2011)

DOSH Unit	Number of positions	Position Type
Enforcement Regions I-IV	3*	District Manager
	4*	Senior Safety Engineer

	21 plus 7**	Associate Safety Engineer
	22	Administrative (OT, OA, Steno)
Enforcement Region V (Mining & Tunneling)	1	Senior Safety Engineer
	6 plus 1**	Associate Safety Engineer
	1	Administrative (OT)
Enforcement Region VI (HHU – PSM – EEEEC)	2	Associate Safety Engineer
	3 plus 1**	Administrative (OT)
Public Safety Units (EV- PV – R&T)	1	Principal Safety Engineer
	1 plus 1**	Senior Safety Engineer
	12 plus 2**	Associate Safety Engineer
	7	Administrative (OT, OA)
Consultation Service	1*	Regional Manager
	2*	Area Managers
	1*	Senior Safety Engineer
	2 plus 4**	Associate Safety Engineer
	4	Administrative (MST, OT)
Headquarters – Legal	2	Industrial Relations Counsel III
	2	Legal Secretaries
	2	Special Investigator (BOI)
Headquarters – Medical	1	Public Health Officer III
	1	Nurse Consultant III

	2	Staff Toxicologist
	1	Administrative (APGA)
Headquarters – R&S Health/Safety	2	Senior Safety Engineer
	2	Administrative (OT)
Headquarters – Training Unit	2	Senior Safety Engineer
Headquarters -- Asbestos	1**	Associate Safety Engineer
	1	Administrative (SSA)
Headquarters – Chief’s Office	3	Administrative (IST, APGA, OT)
Headquarters – Administration	1*	Staff Services Manager III
	4	Administrative (SSMI, APGA, SSA, MST)

* = These vacancies are projected to be filled by promotion.

** = Projected vacancies due to promotions and/or separations.

Ratio of inspectors to workforce

In July 2011, the latest data available from EDD's *California Labor Market Review*, the state's civilian labor force totaled 18,015,000. With only 188 field compliance inspectors, the ratio of inspector to worker in California is currently 1 inspector to 95,824 workers. Federal OSHA has an inspector to worker ratio of 1:60,000, while neighboring states have ratios of 1:33,000 (Nevada), 1:27,000 (Washington) and 1:22,000 (Oregon).

Shortage of Bilingual Personnel

In March 2011, DOSH had 59 employees receiving bilingual pay after passing a state fluency examination. An estimated 25% of the California work force – 4.5 million people – are immigrant workers with a majority of these being monolingual in their native languages. There are only 32 field enforcement inspectors who speak languages other than English (25 speak Spanish). There are 11 Consultation field personnel who speak languages other than English. Sixteen managers and administrative personnel speak more than one language (15 speak Spanish).

Shortage of Consultants for Small Employer Assistance

According to the EDD's Labor Market Information Division, there were 1,367,611 businesses in California in the fourth quarter of 2009 (latest available data). Of these businesses, 83% had less than 10 employees (1,135,000 businesses) and 91% had less than 20 employees (1,244,500 businesses). These businesses with limited resources and expertise in workplace health and safety are an important target for the Consultation Service's on-site assistance. The Consultation Service has critical manager vacancies (1 Region and 2 Area Managers), as well as field and administrative position vacancies, and currently has only 48 field personnel to address the needs of the state's million-plus small employers.

Loss of Specialized Expertise

The Division employs a relatively small number of technical experts on mining and tunneling, and tower cranes. Because equipment failures and other safety problems can result in multiple fatalities, the Division is required by the Labor Code to inspect, evaluate and permit these activities. These inspections require specific expertise that takes years to develop. Over the last several years, the Division has lost a number of key personnel and has not been able to replace them. There are currently only four full-time tower crane inspectors. Even with the decline in construction, this is an insufficient number of people to do these inspections, and the Division has incurred significant overtime costs. One of these four inspectors is going on leave and may not return.

As the economy improves, and construction returns to normal levels, the Division's inability to meet the demand for tower crane inspections may delay construction projects. Training tower crane inspectors is time-consuming, and also creates a need to fill the gaps left in enforcement and consultation with new associate safety engineers.

Similarly, as discussed in more detail on page 11, there is an increased demand for tunnel inspections due to significant public works projects, and an increase in mining activity is also anticipated. It is therefore critical that the Division hire mining engineers, and individuals with expertise in cranes immediately, as well as to implement internal training programs for tower crane inspections.

Specific Units and Critical Vacancies

Enforcement Units

Regions I – IV – Field Enforcement

Due to manager, field and administrative vacancies throughout the enforcement units, DOSH has not been able to meet several key Federal OSHA benchmarks. These deficiencies have been repeatedly noted in various Federal OSHA audits.

While the Federal OSHA benchmark for opening inspections is 5 days, DOSH’s statewide average for all enforcement offices is 21.3 days. This also does not meet the California Labor Code mandate to initiate an inspection on a serious complaint within 3 working days, and for other complaints within 14 days.

Another key Federal OSHA benchmark affected by staffing vacancies is the number of days required to close an inspection. The Federal OSHA average for the 2011 state fiscal year (July 2010-June 2011) was 42 days for safety inspections and 54 days for health inspections. The DOSH averages statewide for the same period were 74.1 days to close safety inspections and 85.1 days to close health inspections.

The table below lists the priority vacancies in the field enforcement offices and includes their current staffing levels and the offices’ performance data related to key benchmark activities.

DOSH Unit	Critical Vacancies	Work load and performance (State Fiscal Year 2011)
Region I Office 1 RM, 2 Senior SEs, 0 admin, 1 IMIS	1 Admin	
San Francisco DO 1 DM, 6 CSHOs, 2 Admin	1 ASE**	2 fatalities, 59 accidents, 187 inspections 16.7 days to open inspections 78.7 days to close safety inspections 93.0 days to close health inspections

Fremont/San Jose DO 1 DM, 8 CSHOs, 2 Admin	1 CSHO 1 Admin (OA)	10 fatalities, 115 accidents, 390 inspections 17.4 days to open inspections 100.9 days to close safety inspections 123.6 days to close health inspections
Foster City DO 0 DM (Acting), 8 CSHOs, 1 Admin	1 DM (or replace CSHO promoted to DM) 1 Admin (OT)	4 fatalities, 77 accidents, 209 inspections 14.9 days to open inspections 71.4 days to close safety inspections 63.3 days to close health inspections
Oakland DO 1 DM, 10 CSHOs, 2 Admin	1 CSHO 1 Admin	1 fatality, 59 accidents, 373 inspections 11.0 days to open inspections 67.0 days to close safety inspections 59.2 days to close health inspections
Santa Rosa DO 1 DM, 6 CSHOs, 2 Admin	1 ASE** (tower crane)	7 fatalities, 73 accidents, 202 inspections 11.6 days to open inspections 81.9 days to close safety inspections 47.9 days to close health inspections
Region II Office 1 RM, 2 Senior SEs, 1 Admin, 1 IMIS		
Sacramento DO / Redding Field 1 DM, 14 CSHOs, 4 Admin	1 CSHO (Sacto) 1 Admin (Redding)	16 fatalities, 266 accidents, 996 inspections 14.8 days to open inspections 86.2 days to close safety inspections 97.9 days to close health inspections

Concord DO 1 DM, 4 CSHOs, 2 Admin	1 CSHO	4 fatalities, 81 accidents, 261 inspections 31.0 days to open inspections 107.1 days to close safety inspections 120.4 days to close health inspections
Modesto DO 1 DM, 8 CSHOs, 2 Admin		9 fatalities, 130 accidents, 393 inspections 49.1 days to open inspections 79.3 days to close safety inspections 76.6 days to close health inspections
Fresno DO 1 DM, 9 CSHOs, 2 Admin	1 Admin (OT)	16 fatalities, 123 accidents, 390 inspections 21.4 days to open inspections 56.3 days to close safety inspections 65.6 days to close health inspections
Bakersfield DO 0 DM, 0 CSHO, 0 Admin	1 DM, 6 CSHOs, 2 Admin (OT, OA)	BCP effective on July 1, 2010; never implemented
Region III Office 1 RM, 1 Senior SE, 1 Admin, 1IMIS	1 Senior SE 1 Admin (OT)	
Santa Ana DO 1 DM, 7 CSHOs, 1 Admin	1 CSHO 2 Admin (OTs)	22 fatalities, 158 accidents, 443 inspections 17.3 days to open inspections 64.9 days to close safety inspections 59.3 days to close health inspections
San Diego DO 1 DM, 10 CSHOs, 2Admin	1 Admin (OT)	16 fatalities, 142 accidents, 382 inspections 32.7 days to open inspections 81.3 days to close safety inspections

		69.2 days to close health inspections
San Bernardino DO 0 DM, 7 CSHOs, 2 Admin	1 DM, 3 CSHOs, 1 Admin (Steno)	21 fatalities, 207 accidents, 339 inspections 28.5 days to open inspections 121.2 days to close safety inspections 113.4 days to close health inspections
Torrance DO 0 DM, 6 CSHOs, 2 Admin	1 DM, 1 CSHO, 1 Admin (OT)	4 fatalities, 47 accidents, 169 inspections 41.4 days to open inspections 119.7 days to close safety inspections 111.1 days to close health inspections
West Covina DO 1 DM, 9 CSHOs, 2 Admin	1 CSHO 1 Admin (OT)	4 fatalities, 80 accidents, 218 inspections 15.0 days to open inspections 110.8 days to close safety inspections 65.6 days to close health inspections
Region IV Office 1 RM, 2 Senior SEs, 1 Admin, 1 IMIS	1 Admin (OA)	
Los Angeles DO 1 DM, 11 CSHOs, 3 Admin		17 fatalities, 134 accidents, 344 inspections 9.5 days to open inspections 82.6 days to close safety inspections 70.9 days to close health inspections
Monrovia DO 1 DM, 12 CSHOs, 3 Admin		11 fatalities, 85 accidents, 270 inspections 25.6 days to open inspections 113.3 days to close safety inspections 93.2 days to close health inspections

Van Nuys DO 1 DM, 12 CSHOs, 3 Admin	1 Admin (OT)	11 fatalities, 146 accidents, 366 inspections 23.5 days to open inspections 108.9 days to close safety inspections 116.6 days to close health inspections
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Region V – Mining & Tunneling

Senior Safety Engineer (M&T) – 1 projected (retirement 10/11)

Associate Safety Engineer(M&T) – 7 (2 Sac [1 projected], 2 Van Nuys, 2 San Bernardino, 1training)

Office Technician – 1 Sac

The Mining and Tunneling Unit is managed by a principal engineer. The unit currently has 4 senior engineers (one each in Sacramento, Van Nuys, San Bernardino, and the Training Group). The unit currently has 10 associate safety engineers (M&T), 6 OTs and 1 IMIS Coordinator. There are two vacant trainer positions in northern California, and those functions are provided by temporarily reassigning senior and field staff. The unit conducts inspections in mines and tunnels as mandated by law, and in response to complaints and accidents.

M&T also does technical assistance periodic inspections. M&T must prepare classifications for all mines and tunnels, and also prepares and issues permits for demolition, construction, and operation of diesel engines in mines and tunnels. Pre-job safety meetings are required for all mines and tunnels and may involve extensive discussions over periods of months.

M&T administers Blaster exams to 300-450 people per year, Gas Tester exams to 66-400 people per year, and Underground Safety Representatives to 51-400 people per year. The unit provides an annual training course for Gas Tester and Safety Representatives. The unit maintains and updates up to 20 types of examinations in the above categories. The unit receives a supplemental grant from the Federal Mine Safety and Health Administration to provide training to miners (estimated 1400 in 2011) and Mine Contractors (estimated 100 in 2011).

There are approximately 600-700 operating mines in California, and approximately 200 additional mines are awaiting environmental agency approval. There are currently 200-300 tunnels under construction including several major projects that are beginning or projected to start in the next two years. There are 50-75 tunnel construction companies currently operating in California, and that number is expected to increase to 200 when construction returns to the usual level of activity. Mining in other regions such as Colorado, Nevada and Montana are at very high

levels and it is likely that mining activity in California will also increase. This will severely impact both on the need for M&T engineers and on the Division's ability to recruit qualified candidates.

One senior safety engineer in Sacramento is projected to retire in October. This position will be filled by an associate safety engineer.

M&T is mandated to conduct periodic inspections in every active mine and tunnel, as well as to respond to accidents and complaints. At the current level the unit is unable to sustain the mandated level of activity. In addition, the retirement of the SSE in Sacramento is going to create a critical loss of expertise in the unit. In the previous fiscal year a BCP was proposed, but not approved to increase the staffing level to 2001 levels in anticipation of increased activity.

Region VI – HHU, PSM, EEEEC

High Hazard Unit (HHU)

- 2 Office Technicians (OT) – Oakland HHU
- 1 Associate Safety Engineer – Santa Ana HHU

The High Hazard Unit operates out of two offices, Santa Ana and Oakland, to dispatch field enforcement CSHO's on targeted inspections for industries identified as 'high hazard' based on actual work injury and illness data drawn from employer 'experience modification' rates. To be targeted the industry ex mod must exceed 125% of the average.

The 2011/2012 high hazard industry list includes agriculture [vegetable and melon farming], roofing contractors [over 2300 contractors having 18,000 employees], sugar refineries, dairy product manufacturing, slaughterhouses, structural metal manufacturers [over 1300 entities having over 27,000 employees], wood product manufacturing [over 1,000 with 22,400 employees], foundries, structural metal fabricators, ship and boat building, air transportation [over 560 entities with over 42,500 employees], messenger services, warehousing [over 1700 establishments with over 14,000 employees], waste treatment and disposal, nursing homes and residential care facilities [over 7,600 facilities with 242,700 employees], dry cleaning and laundry services [over 4000 entities with almost 35,000 employees].

This Oakland office has no clerical support for the 5 full time Associate Safety Engineers doing field inspections, writing reports, orders, citations, assessing penalties, doing follow up inspections, and correspondence required to respond to employer appeals. The typing, filing, mailing, sorting, faxing, phone coverage and related work handled by two OTs until recently is done by ASEs and the District Manager, which takes time from inspection, investigation and enforcement work.

The Associate Safety Engineer vacancy in Santa Ana is expected to be filled by a lateral transfer of an ASE from the EEEEC-south office, which will create an ASE vacancy there.

Process Safety Management (PSM)

- 1 Associate Safety Engineer – Torrance
- 1 Office Technician – Torrance – retiring in December 2011

Process Safety Management (PSM) is the only PSM program in the U.S. dedicated to oversight of refineries and other facilities handling large volumes of chemicals. Working from two offices, in Torrance and Concord, CSHOs inspect petroleum refineries, chemical plants, plants with ammonia refrigeration, chlorine facilities, alcohol and beverage manufacturers and explosives manufacturers.

Economic & Employment Enforcement Coalition (EEEC)

- 1 Office Technician – Santa Ana

DOSH has two EEEEC offices, Santa Ana and Oakland, of Associate Safety Engineers who coordinate with enforcement investigators from the Labor Commissioner's office, Employment Development Department, California Contractors' State License Board and the U.S. Department of Labor to target and inspect businesses identified with the underground economy because of practices including cash pay, failure to provide a safe and health workplace and required safety and protective equipment, violations of minimum wage and hours laws, employment of monolingual immigrants unaware of US labor laws, failing to carry workers' compensation insurance, and other violations that create a competitive disadvantage for California businesses that comply with such laws.

1 ASE vacancy will be created upon pending ASE transfer to HHU-Santa Ana.

Public Safety Units

Elevator Unit

- 1 Senior Safety Engineer (SSE) [Oakland-to be filled by promotion]
- 9 Associate Safety Engineers (ASE) [1 created by promotion above]

The Elevator Unit is responsible for the annual inspection of over 100,000 elevators, escalators and other conveyances located in buildings throughout California. The California Labor Code requires building owners and managers to obtain a valid DOSH elevator permit to operate. Due to past inability to hire, there is an ongoing inspection backlog approaching 28-30% of expired permits and new elevators/escalators/conveyances needing permits (i.e. leaving 24,000 uninspected). This DOSH unit is financially self-supporting by fees collected and revenue generating, with all permit fees deposited in the Elevator Fund.

ASEs perform inspections to ensure elevators, escalators and conveyances are safe, investigate accidents throughout the state on these conveyances, serve approximately 3,000 Orders Prohibiting Use per year, investigate complaints about conveyances and maintain the state's records on conveyance permit inspections and safety.

The Elevator Unit will be promoting 1 Associate Safety Engineer (ASEs) to vacant a position Senior SE position, creating 1 new vacancy in addition to the 8 Associate Safety Engineer positions now vacant. Testing is currently planned for September from a large pool of candidates. Training newly hired ASEs takes 3 to 5 months before the ASE can inspect on a solo basis.

4 Office Technicians (OT) [Oakland and San Bernardino]

The clerical shortage in various offices has resulted in ASE field staff performing clerical work (opening mail; filing; copying and mailing notices). This was necessary to keep the Unit moving forward, but impacts meeting the Labor Code mandate by adding to the backlog of inspections, adding to SSE coordination time, and slows our ability to issue timely notices of expired permits and to collect fees.

Pressure Vessel Unit

Senior Safety Engineer (PV) – 1 Santa Ana [filled by promotion within unit]

Associate Safety Engineer (PV) – 1

Office Technician – 1 (Oakland)

Currently the Pressure Vessels Unit has 11 Associate Safety Engineers and 4 SSEs in Oakland. One person in each job classification is a retired annuitant. PV has 11 Associate Safety Engineers and two SSE in Santa Ana; one SSE is a retired annuitant. There are two OTs each in Santa Ana and Oakland offices, and Oakland also has a stenographer and a word processing technician. The Current vacancies are:

The three retired annuitants should also be considered as potential vacancies. So potentially there are 5 ASE's needed in PV.

There are 121,098 boilers and pressure vessels assigned to that unit. 21, 595 (18%) are at least one year overdue. Each ASE does approximately 1400 inspections per year. One priority is an inspector to cover SF/San Mateo counties.

Some objects may have been removed from service. The OT position is needed in order to contact PV customers to determine whether some of the outstanding vessels

Ride and Tramway Unit

Principal Engineer (ERT)

Senior Safety Engineer (ERT) – created by filling the Principal Engineer position

Associate Safety Engineer (ERT – Rides) – 1 existing, 1 to replace promoted employee

Support Staff – 1 OA, 1 MST

Currently the Rides and Tramway Unit, has 3 senior safety engineers (1 Sacramento, 1, Santa Ana, and 1 Tramway SSE in Truckee). The unit is being managed by an SSE who is being promoted to Principal Engineer. This will create a vacancy for an SSE in Sacramento. There are 3 ASE (ERT) in Sacramento, 5 ASE in Santa Ana, and two Tramway ASEs in Truckee. There are three OTs and two OAs (one OT from Sacramento Rides is temporarily filling the OT vacancy in Tramways). Certification is done by a Certification Unit shared by the Elevator and Rides Units, consisting of an SSE, an OT, and an OA.

The R&T unit conducts initial and periodic inspections for permanent rides and temporary rides. As a result of these inspections, invoices and permits are issued, and must be processed by the OA's and OTs. The unit investigates over 300 reported accidents per year. Because this is a public safety unit, the investigation records are often subpoenaed in the course of civil litigation. The unit is fee supported, and conducts billing and collection activities. The unit must also prepare periodic activity reports. In addition, an injunction regarding the new fee increase requires recalculation and re-invoicing for 600 activities. For these reasons the existing OA and MST vacancies must be filled.

Key Headquarters Units

Legal Unit

2 Industrial Relations Counsel, III (IRC 3)

DOSH needs an IRC-3 in each of the Oakland and the L.A. offices of Legal/BOI to provide prosecutorial support for case referrals for criminal prosecution and for legal representation of DOSH enforcement at employer appeal hearings before the California OSH Appeals Board instead of DOSH District Managers (DMs). The 24 DMs currently handle more than 1500 appeal cases per year, which results in using 60% of their time on legal tasks instead of the supervision and management of field enforcement staff in their offices. Due to increased employer representation, non-attorneys making legal errors in DOSH case presentation and

argument results in lower rates of sustained serious, repeat, and willful citations. These errors cannot be corrected at the reconsideration stage.

It is necessary to fill these vacancies in order to: 1) enable the Legal Unit to resume pre-citation review of all willful, repeat and high value failure to abate citation packages to ensure wording and evidence will result in sustained violations; 2) resume rulemaking needed to update all fee regulations and to provide legal opinions on proposals to amend safety and health standards requiring clarification; 3) advise fee-generating permit units on range of legal issues now not being addressed; 4) defending Division citations in appeal hearings whenever the employer is represented by counsel; 5) handling preparation of search warrants, declarations, orders, briefs and other legal documents; 6) defending CSHOs in third party litigations; 7) assisting with legislative analysis and public records requests; and providing advice to field inspectors, supervisors and managers in the enforcement, consultation and public safety units of DOSH.

One form 1 for an IRC 3 was sent to DIR Personnel 8/3/2011.

2 Senior Special Investigators (SrSI)

Senior Special Investigators are needed to meet the statutory mandate to review every workplace fatality for further investigation. Each SrSI is required to be knowledgeable and experienced in evidence preservation and collection for possible criminal prosecution, and may be the first DOSH representative at the worksite of a fatality to direct the accident investigation. SrSIs represent DOSH at accident and investigation scenes in coordinating with first responders and other police agency jurisdictions; assist DOSH safety engineers in collection and preservation of evidence; and consult and act as DOSH liaison with local and state prosecutors' offices to present and discuss referred cases. The SrSI assists the Bureau administrative chief in compiling reports and data used in producing the annual report. The BOI is currently staffed with four investigators and one supervisor, which is far below the prior staffing of eight investigators and one supervisor.

The BOI is required, on behalf of the Chief and the Director of DIR, to investigate all fatality and all serious injury or exposure cases involving five or more employees. BOI also reviews any case recommended by DOSH civil compliance staff for criminal referral. BOI refers these cases where there is legally sufficient evidence for criminal prosecution to appropriate District Attorneys, County or City Counsel. The BOI is also charged with reviewing all DOSH inspection reports involving serious violations where there have been serious injuries to one to four employees. The BOI must report its investigation and referral activities to the Legislature annually. The SrSIs assist the Bureau administrative chief in compiling reports and data used in producing the annual report.

2 Legal Secretaries

Each Legal Secretary is responsible for handling the needed typing, proofing, mailing and filling correspondence, pleadings, briefs, search warrants, declarations, lists of exhibits, legislative bill analysis, opinion memos, rulemaking files and related records required of the Legal Unit attorneys. Legal Secretaries handle and track paperwork from field to Legal during attorney review of willful, repeat and ‘jumbo’ penalty citation records before citations are issued.

Medical Unit

PHMO III – 1

Nurse Consultant III – 1

Staff Toxicologist – 2

AGPA – 1

The Cal/OSHA Medical Unit (MU) currently provides medical support for all compliance and consultative investigations where a medical determination needs to be made in order to support the issuance of citations and/or recommendations. This support can become extensive and time-consuming when dealing with emphasis programs or enforcement of new regulatory efforts, such as occurred with food flavorings illness, heat illness and aerosol transmissible disease prevention. For example:

- Between 2005 and 2009 the MU was requested to review medical records and made medical determinations in over 180 heat illness investigations. This requires extensive interface with medical facilities, medical professionals, coroner’s offices, medical records departments, insurance carriers, injured employees, and DOSH legal staff.
- Every investigation regarding repetitive motion injuries (Title 8 CCR 5110) requires a medical determination to be made regarding whether two qualifying injuries occurred in the establishment in order to trigger the standard. Each case investigated under this standard involves the review of a minimum of two injuries and as many as 15 injuries.
- Physician testimony has been requested in more than 30 cases per year that were not initially investigated by the medical unit. MU testimony is also required in the context of variance hearings and rulemaking.
- Medical surveillance protocols may be developed and implemented for newly recognized hazards, such as the recent project in the flavorings industry.
- In the past five years Cal/OSHA has developed new regulations that lead the nation on aerosol transmissible diseases, protection of workers in biological laboratories, flavorings and outdoor heat. All of these regulations required substantial medical input. In order to further develop and implement these regulations, as well as to address current proposals such as updating and improving the standards protecting employees from exposure to lead, additional MU resources are required.

Currently, the Cal/OSHA Medical Unit has one full-time nurse consultant and one half-time public health medical officer. An OT provides part time clerical services to the nurse consultant. There is no administrative support for the unit, so the physician and nurse consultant spend time requesting and following up on requests for medical records etc. It is therefore necessary to fill the PHMO, nurse consultant, and AGPA vacancies in this unit which were created and funded through a BCP.

Two staff toxicology vacancies were also created as a result of a BCP approved last year. The purpose of these toxicologists is to provide support for rulemaking regarding toxic substances, and to provide support to the field on toxicological issues. There are over 20 toxic substances awaiting consideration by the health effects advisory committee to develop or revise permissible exposure limits. This work is currently being done by a senior safety engineer after consulting with the advisory committee. The committee's work is backlogged. In addition, the Division has failed to prosecute a number of cases due to the lack of toxicological testimony. In addition, toxicologists will be needed to review and adopt the planned federal regulation change to the "Globally Harmonized System" which will revise the hazard communication standard, and may pose conflicts with the Labor Code.

Asbestos Unit (Certification and Registration)

Associate Safety Engineer (Sac) – 1 anticipated in October

Support Services Analyst (Oakland) – 1

Currently the Asbestos Unit is managed by a senior industrial hygienist. There are two associate safety engineers, one of whom is retiring in October. Support staff includes an AGPA, an OA, an OT, a Student Aide, and a Stenographer, Range B. The only remaining ASE in this unit in Sacramento has announced her retirement in October. (Another safety engineer vacancy in unit was abolished last year. There is one existing OT vacancy.

The unit reviews 50 new applications and 320 renewals applications from asbestos contractors per year, 240 initial applications and 1200 renewal applications for consultants and site surveillance technicians per year, and administers monthly examinations for prospective consultants and technicians. The unit approves 48 new AHERA courses/disciplines per year and provides oversight on 320 approved AHERA training courses from 107 approved course providers. Data for 16,000 students from student rosters from each AHERA class offered is inputted into the Asbestos training unit's data per year along with course notifications/cancellations and student roster fees.

The Unit also inputs training data from every asbestos worker employed by every registered abatement contractor. This data is used as part of the Asbestos Unit's responsibility to audit

training providers. The Unit also participates in multi-agency activities with Cal/EPA and US/EPA and receives 2000 phone enquiries through USEPA per year as the designated California asbestos coordinator. The Unit is also responsible for inputting data on each carcinogen use report submitted to the Division. Currently approvals for four AHERA classes is backlogged, data input for 12 training providers is backlogged, and the unit has ceased doing certain oversight functions including on-site training provider audits and on-site audits for registered contractors. Filling these two existing and one imminent vacancies is necessary to permit this unit to accomplish its required functions. The unit is partially fee supported and collects \$650,000 per year.

Consultation Service

SSA, Consultation headquarters
Regional Manager, Regional headquarters
Area Manager (2)
Senior Safety Engineer
Associate Safety Engineer (3), plus 2 pending retirements
MST, Oakland VPP Unit
Office Technician (2)

The Cal/OSHA Consultation Program supports DOSH's mission of providing safe and healthful workplaces to employees in California via the provision of multi-dimensional occupational safety and health on-site consultative services to motivated, pro-active employers. In addition, Cal/OSHA Consultation annually reaches thousands of employers and workers through the provision of outreach and training, the development of educational materials, and via strategic partnerships.

The Consultation program provides over 2,500 onsite visits per year to small workplaces (less than 250 employees on site) that are considered to be high hazard by virtue of Injury and Illness rates or Experience Modification (CFR Part 1908 and California Labor Codes 6354 and 6314.1). Seven consultation area offices conduct an average of 350 onsite visits each per year, as well as participate in an average of 80-100 training/seminar/speech opportunities annually. In addition, the Consultation program distributes hundreds of training materials developed in-house to provide specific guidance to employers of regulatory requirements.

Each office is supervised by an Area Manager, whose primary duties include the following: a) ensuring the consultative work product meets Federal OSHA mandates and requirements with respect to mandatory time frames, report content and targeting criteria; b) qualitative review of written reports to the employer; c) qualitative evaluation of public speaking expertise of staff; d) ensuring accurate data entry; e) participating in and assisting field consultants with complex

occupational safety and health evaluations; f) conducting outreach and/or training to individual employers, employer groups, employee groups, professional organizations and industry organizations; g) responding to telephonic technical queries and h) general office management. Each area manager is supported by a minimum of two (2) clerical staff who perform support staff duties such as filing, phone work, copying, data entry, running performance monitoring reports and assist in the maintenance of computer and technical equipment inventories.

The Consultation Program is also supported by 4 Senior Safety Engineers whose primary duties are to conduct mandatory internal program audits (CFR 1908) that include random case file review, accompanied visits to verify consultant technical knowledge and communication skills. This group is also tasked with providing consultation-specific training (consultation policies, data entry requirements) and regulatory technical updates, as well as providing expert guidance on technically difficult or complicated health and safety issues. This unit also is responsible for the evaluation of employers who have applied for participation in a partnership program, such as the Safety and Health Achievement Recognition Program (SHARP) in both general industry and construction.

Continued vacancies in the Safety Engineering classification will exacerbate the current 6-8 week backlog of onsite requests from small, high hazard employers. Filling those vacancies that currently exist or are anticipated to exist with impending retirements, would, at a minimum, maintain the current production level of 2500 on sites per year. Additional positions would enable the Consultation Unit to service additional small, high hazard employers on the WCIRB Ex-Mod list that currently cannot be serviced due to resource limitations.

Consultation also houses the Voluntary Protection Program, which enrolls and/or re-evaluates 20+ member employers per year. The Safety Engineer (5) and MST (1) vacancies have had a dramatic impact on the ability of the program to process new applicants.

The Regional Manager is responsible for directly co- managing the on-site consultation program with the Consultation Program Manager. The Consultation Program Manager is responsible for all of the consultation unit functions and activities, including on-site consultation, Research and Education, Public Information, Technical Assistance and Auditing, and general administrative functions such as inventory control, policy and procedure update, internal information sharing and communication, personnel, and data and performance tracking.

The vacancies that exist at the Regional Manager, Area Manager, Senior Safety Engineer, SSA and other clerical support positions must be filled in order to meet functional and programmatic requirements and activities as described above. Currently, existing staff must cover the functions of the vacant positions, thereby creating backlogs in scheduling on-sites, fulfilling speaking/training requests, fulfilling mandatory internal auditing/training requirements, etc.

Headquarters Units

Research & Standards Units

R&S Health Unit

Senior Safety Engineer – 1

Office Technician – 1

Currently the Research and Standards Health Unit, has four full-time senior safety engineers. One senior safety engineer spends over 50 percent of her time developing heat outreach materials and training for the Division and various employers, employees and industry and employee organizations. That leaves three senior safety engineers to handle all variance requests and petitions for changes in regulations, as well as to carry on the Labor Code mandate to provide surveillance of workplace hazards and propose regulations. The Division is required to respond to variance applications and petitions within 60 days, however, the lack of available staff has resulted in over 50 percent of these responses being late.

In addition to delays in developing permissible exposure limits, the Division has been unable to develop outreach materials on important standards with broad impact such as the aerosol transmissible disease standard. There is also an important package requiring revisions to the lead regulations that has been delayed due to a lack of staff.

Federal OSHA will adopt a major change to hazard communications this fall, and it will require considerable work on the part of Division staff to address differences between California's Hazardous Substances law, Proposition 65, and the state and federal hazard communications standards. There are bills that if passed will also require rulemaking by the Division to make the provisions enforceable, including a bill on lifting in hospitals. This unit also provides technical support to field activities regarding sampling for hazardous substances, evaluation of health hazards, and may conduct or participate in inspections. Due to a lack of availability of staff, several inspections have not been opened in the adult film industry.

There is no clerical support for this unit, so senior safety engineers devote a considerable fraction of their time to clerical duties.

R&S Safety Unit

Principal Engineer – 1 (Senior Safety Engineer vacancy to result from promotional filling Principal Engineer position)

Office Technician – 1

Currently the Research and Standards Safety Unit has a senior safety engineer acting in the position of principal safety engineer. There are 5 additional senior safety engineers, some of whom spend part of their time on tower crane activities. There is one full time secretary. Senior safety engineers in this unit also consult with building owners on exterior building maintenance requirements, and assist district offices on permits involving construction personnel hoists. This unit also provides technical assistance to field staff on complex safety matters.

The Research and Standards safety unit initiates safety rulemaking by completing form 9's which are subsequently reviewed and developed by Standards Board staff. This unit researches complicated safety issues to develop policy initiatives and rulemaking proposals. R&S staff also are required to respond to variances and petitions for new rulemaking. Due to a lack of personnel, over 25 percent of these responses are completed later than the 60 day statutory requirement. Additional clerical support is necessary to accomplish the unit's mission efficiently.

Training Unit

2 Senior Safety Engineers (SSE)

There are longstanding, critical training needs for existing DOSH field inspection staff (CSHOs) in both the enforcement offices and in consultation. The Chief has scheduled over 26 in house training sessions to be held throughout this fiscal year, based on recent specific staff surveys of job critical training needs and on Federal OSHA requirements. These two Senior SE positions are the basic staff necessary to re-establish the DOSH Training program and to provide the training and follow up advising of DOSH staff authorized for the planned courses. Internal training courses are the most efficient and cost effective means to provide field inspectors with essential knowledge and techniques that will result in higher levels of sustained citations and penalties.

Training new hire CSHOs in groups also provides the most effective education and provides job critical training in the most efficient and cost effective manner. For internal courses, DOSH currently has job critical training sessions on accident investigations, field interview techniques, introduction to construction and electrical safety orders, industrial hygiene sampling techniques, essentials for direct reading instruments, citation writing, manager case review essentials, noise hazards and monitoring, essentials on scaffolds/cranes/excavations, and agricultural safety issues.

The two SSEs responsible for DOSH training also must coordinate arrangements including course completion recordkeeping for DOSH staff authorized to complete four announced courses provided by outside organizations. The Federal OSHA Region IX has provided spaces for Cal/OSHA CSHOs in 'mast climbing', and the other courses include exam preparation for the Certified Safety Professional exam, and essential computer software training for administrative and clerical staff. DOSH also has authorized a select group of staff to expand DOSH bilingual

capability by taking Spanish classes through community colleges, which will require completion recordkeeping and oversight by the SSEs.

Chief's Office

1 Associate Government Program Analyst (AGPA)

The AGPA supports the Chief and 2 Deputy Chiefs and other headquarters staff by preparing and updating organizational charts; collecting, analyzing and summarizing statistical performance information; assisting in the preparation and organization of various Department, Labor Agency, state and federal reporting requirements, including two annual federal grant applications and federal quarterly and supplemental reports and by assisting in the preparation of public presentation materials.

1 Staff Services Manager III (SSM 3)

The SSM 3 will be assigned responsibilities resulting from reorganization and will be responsible for managing, coordinating and evaluating the operations and work of DOSH staff handling personnel transactions, facilities management and changes, coordination with other DOSH units such as Information Systems, and coordinating activities relating to the federal grant. The SSM3 also assists the Chief and deputies with program evaluation, structure and staffing, and assists in development of long range plans to improve DOSH functions and output.

1 Staff Services Manager I (SSM 1)

The SSM 1 will manage, oversee and coordinate daily operations and activities of the DOSH HQ personnel unit, which oversees the recruitment, hiring, promotion, transfers, status changes (i.e. medical leave), time reporting and payroll reporting functions of over 600 DOSH staff working from over 17 locations state wide.

1 Information Services Technician (IST)

The IST researches, analyzes and compiles data used to evaluate, monitor and report on DOSH Enforcement programmed initiatives in agriculture, construction, ergonomics and blood borne pathogens. Work includes compiling data on the number of residential building permits, population changes by county, agricultural crop information by county. Also helps prepare quarterly SOAR report sent to Federal OSHA, among other assigned duties.

1 Office Technician (OT) HQ

The current OT is transferring to a vacancy in a regional office. The headquarters position provides clerical support for the Special Counsel and other HQ staff needing clerical help. The OT answers multiple DOSH general HQ phone lines (the public face of the agency) and answers

questions of the public or redirects complaints and technical questions to the appropriate DOSH office or staff; receives, sorts, distributes and dispatches sensitive and general HQ mail; maintains office logs; types correspondence; assists in review and handling TECs (travel expense claims) and checks for all DOSH employees; assists Oakland Bureau of Investigations in compiling files, copying documents, photos, exhibits and reports; maintains HQ inventory and orders supplies; and does other duties as assigned.

Administration

1 Staff Services Analyst (SSA)

1 Management Services Technician (MST)

The Procurement Unit in DOSH HQ interacts daily with vendors for DOSH contracts for goods and services, DGS, and DIR Accounting and Business Management to initiate all new and renewed contracts and to process purchase orders and invoices received for payment from DOSH's enforcement, consultation, permit unit and headquarters' units. DOSH processes over 87 contracts and multiple purchase orders annually. The unit receives a few rush contracts per month and resolves problem invoices forwarded from district offices.

The SSA develops appropriate contract language, specifies timely performance requirements, coordinates timely contract processing with DIR contracts and budget staff and DGS; coordinates and oversees procurement, equipment maintenance and repair, works with vendors and DIR accounting to assure timely invoice payments, monitors contract processing to alert manager of procurement problems; oversees maintenance and timeliness of administrative reports and activities for DOSH telephones, cars, purchasing, contracts, inventory and develops reports on these for chief as needed.

The MST prepares contract documents, monitors expenditures, reviews and process invoices for DOSH, serves as primary liaison with Accounting on penalty payments, maintains and distributes monthly penalty lists to DOSH district offices, resolves questions from vendors and DOSH on invoices and contracts.