

DEPARTMENT OF INDUSTRIAL RELATIONS

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Date: March 1, 2010
To: DOSH Professional Staff
From: Frank Dickey, Senior Special Investigator
Department of Industrial Relations
Office of the Director-Legal Unit
Subject: OD Legal Investigation

As you are aware from the February 24, 2010, memorandum from Division of Occupational Safety and Health ("DOSH") Chief Len Welsh, Department Director John Duncan has directed Chief Counsel Vanessa Holton and me to conduct an internal investigation into the teaching, training and presentation activities performed by DOSH professional staff. Chief Welsh has directed you to cooperate fully and expeditiously with any and all inquiries from Ms. Holton or me.

Attached please find a set of questions that you must answer and submit to me in writing by **5:00 PM, Monday, March 15, 2010** at Department of Industrial Relations, Office of the Director - Legal Unit, 455 Golden Gate Avenue, Ste. 9516 San Francisco, CA 94102. All responses to this questionnaire must be answered honestly, accurately and thoroughly.

You are also directed to provide to me along with your responses to the attached questions any and all documents as well as electronic information related to your teaching, training or presentation activities. You are directed to preserve and not to destroy or alter any documents or other information kept in any form concerning these activities. Please note that electronic information includes emails, voicemail messages, cell phone and PDA chips, portable electronic storage-devices and all types of information that is commonly created, stored, and transferred by computer or electronically. This includes any electronic information you may have created on home computers and other personal electronic devices.

When answering or preserving documents and information, please be overly inclusive; do not make any assumptions about the scope of the information we require. Further, you must undertake retention of this information regardless of the Department's retention policies or any other policies applicable to your unit.

If you have any questions, please contact me at (415) 703-4236.

DOSH AUDIT

Name:

Classification:

Date of Hire:

Assigned DOSH office address:

Work telephone number at which you can be reached:

Direct supervisor:

In responding to the follow questions, do not include teaching, presentations and training performed by you in the course of your normal work duties and work hours, within your job description as an employee of DOSH, compensated by only your state salary and approved by a DOSH supervisor or manager.

1	During your tenure with the Division of Occupational Health and Safety (DOSH), have you conducted teaching, training or presentations in any form? This includes those for which you were compensated in any form or not and performed during work hours or not.
2	If your answer to this question is yes, please list each teaching, presentation and training (“activity”), and for each:
(a)	The date, time and location of the activity
(b)	For whom the activity was performed
(c)	The subject matter of the activity
(d)	Whether you were compensated, including the form and amount of any compensation
(e)	Whether you received approval to perform the activities or their content and if so, from whom, when and in what form
(f)	Whether you represented yourself in any way as a DOSH employee
(g)	Whether you used any State resources ¹ in connection with the activity and if so, describe the State resource(s) you used

¹ State resources definition: the use of any State resource includes State property, funds, equipment, supplies, phones, computers, vehicles, travel, and work time.

2	What is your understanding of DOSH's current or past policy and or practice regarding DOSH employee teaching, training and presentation activities?
3	If required, did you disclose on Form 700 Statement of Economic Interests include income from your teaching, training and presentation activities on your Form 700? If so, for which years?
4	Have you ever submitted to any DOSH supervisor or manager a DIR Incompatible Activities Request for Determination or otherwise requested approval to engage in teaching, training and presentation activities? If yes, when and what was the result of your request? If not, why not?

I certify under penalty of perjury that the above answers are true and correct.

Signature

Date

Printed Name

City and State

STATE OF CALIFORNIA
Department of Industrial Relations
Office of the Director
455 Golden Gate Ave, 10th Floor
San Francisco, CA 95825
(415) 703-5067 phone
(415) 703-5058 fax



Memorandum

TO: DOSH Professional Staff

FROM: David Rowan
Chief Deputy Director

A handwritten signature in black ink, appearing to read "D. Rowan". The signature is written in a cursive style and is positioned to the right of the typed name "David Rowan".

DATE: March 15, 2010

SUBJECT: Questionnaire

On March 1, 2010, on behalf of Director of the Department of Industrial Relations, a questionnaire concerning teaching, training, and presentation activities was sent to you and other Cal-OSHA professional employees. The questionnaire was prompted by a mandated investigation after inappropriate activities in this area were brought to Cal-OSHA's attention.

First of all, I wish to make it absolutely clear that the intent of this inquiry is not to seek information on your purely personal activities. The sole purpose is to determine whether state resources have been or are being misused.

Second, a positive response to any of these questions does not automatically mean that you are considered to be in violation of any DIR policy. It does mean that we need the details we have requested to be sure that what you are doing comports with DIR policy and the law. In the end, having these questions answered will protect those of you who are in full conformance.

Third, I would like to provide specific clarification here on the information we wish to obtain from you. You may limit your response to activity that has taken place in the three years prior to March 1, 2010. In addition, you need not sign under penalty of perjury, and may line out those words before you sign. However, please understand that you are expected to answer truthfully whether you sign under penalty of perjury or not.

Regarding the specific questions being asked of you, if your answer to question 1 is "no", you are finished with the questionnaire. You need not answer any other questions.

If your answer to question 1 is "yes", you will need to proceed to answer the other questions only if you have used state resources, to prepare for, participate in, or conduct the teaching, training or presentations. By "state resources" we mean property that belongs to the State, State paid work time, funds, equipment, supplies, phones, computers, vehicles, or compensation for travel. We do not mean publicly available material free of charge such as free pamphlets or information that might be obtained from a State website or other similar materials.

I appreciate that that many of you have submitted your responses to the questionnaire well in advance of the March 15, 2010 deadline. For those of you have not, or for those who would like to submit a revised questionnaire in light of this clarification, we are extending the response deadline until March 31, 2010.

I hope this clarification is helpful; we regret any misunderstandings that may have been caused by the phrasing of the questions. If you have any further questions, please feel free to contact Frank Dickey at (415) 703-4240.