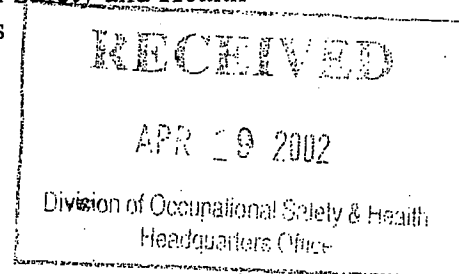


PROFESSIONAL ENGINEERS
IN CALIFORNIA GOVERNMENT

April 18, 2002

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Gentlemen:

Per our proposal and discussions 60 days ago, PECG and CAPS are providing you with the following report of what our members, your technical staff, suggested for making the Cal-OSHA program more effective and efficient.

If one thing stands out, it is that garnering more political support for the program is essential, as the improvements noted in most cases require funding commitments.

We would like to convene a meeting with you both to discuss the findings, and answer any questions you may have regarding the recommendations. Please contact me and we can arrange a mutually convenient date.

Very truly yours,

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I. Introduction

Following a meeting with Stephen Smith, DIR's Department Director, CAPS and PECG undertook to assess our members' thoughts on the organizational effectiveness and efficiency of the Cal-OSHA program. Special thanks should be given for the support and assistance in arranging the details which was provided by Cal-OSHA's program chief, Dr. John Howard.

We initiated the process as follows: we reviewed the results of the former Employee Generated Improvement Program (EGIP), and discussed the level of implementation of these suggestions with a group of volunteer employees, which included both line-level bargaining unit employees, lead employees, and supervisory members. Then, we conducted four on-site meetings with groups of rank-and-file employees who were solicited via email to come on state release time to a meeting for the purposes of going "Beyond EGIP," and developing proposals and critiques for both effectiveness and efficiency in delivering on the division's mission. The meetings were conducted in Oakland, Anaheim, Van Nuys, and Sacramento. Approximately 55 employees participated overall, from both the Safety Engineering and Industrial Hygiene disciplines, from Consultation and Compliance, and from the more specialized areas such as the High Hazard Unit, Mining & Tunneling and Elevators. If there was a deficiency here, it was that there was no one in the process from Pressure Vessels. Otherwise, the participants were quite representative of the technical workforce.

II. Discussion of Methodology

At each meeting, participants were brought up-to-date on the origins of the request for their input from Director Smith, and the support for the process by Dr. Howard. They were provided with copies of the EGIP report and an agenda based on input from CAPS and PECG staff derived from individual employee discussions, and then they were asked to help us by brainstorming in no particular order any and all suggestions for improvement in either the areas of efficiency or effectiveness for the program. Employees were asked for specific ideas on "How could we make Cal-OSHA more effective in carrying out its mission?" and "What ideas can provide Cal-OSHA with more efficiency in delivering its mission?" Following the general brainstorming, we attempted to classify each of the suggestions into a "high, medium, or low cost" solution and a "high, medium, or low impact" proposal. We also attempted to rank-order, within meetings, the suggestions to reflect importance.

III. Results – Full Consensus

A. *Staffing Levels:* It was clear from the first meeting that the number one, two and three suggestions related to staffing. The impression of the employees is that Cal-OSHA has an extremely broad mission which has only grown over the last 15 years since the disastrous disengagement and subsequent re-staffing under the Deukmejian

administration. Their impression is that the division is still not significantly staffed up to the levels of 15 years ago, while in the meantime, the population of California and the number of employees working in industries regulated by Cal-OSHA has expanded by double digit percentages. Management should examine the personnel data and compare California's population and workforce data, and publish some sort of study to use in searching for more resources. It is clear to us that adding additional inspectors would be the single most effective thing that could be done to improve workplace safety.

We recognize that adding additional staff poses major questions for management. It is one of the highest cost measures identified, but CAPS and PECG believe that it also poses the greatest possible benefit in terms of both effectiveness and efficiency. Numerous examples were cited which provided anecdotal evidence of whole areas of industry which remain effectively unregulated due to staff shortages, since the best that can be done in many compliance offices is to barely keep up with accidents or potentially serious violations and the occasional sweep or mandated inspection. In summary, quite a number of potential areas in which inspectors could make a real difference in safety in the California workplace are left wanting, due to staffing levels.

The participants in both Southern California meetings were concerned regarding the vast expansion of the Southern California work force and a perception that Cal-OSHA's resources in terms of inspectors and district offices were not keeping up. It is recommended that the study of the last decade's population and employment demographics be designed also to determine specifically whether there are sufficient district offices in Southern California to handle the load.

Hiring difficulties are usually cited as one reason for the current staffing levels in the District Offices. Employees felt that the division could vastly improve its efforts in recruiting new safety engineers and industrial hygienists by participating in job fairs and other recruitment events, which could alleviate part of the staffing difficulties. It was also felt that by having more visibility the agency would be more likely to attract excellent prospects.

Numerous participants noted that when vacancies develop, they go many months without replacement inspectors, or support staff. This severely hampers the efficiency of the offices, as technical employees spend more time on clerical duties, and obviously the number of inspections drops until the refilling of an IH or SE slot. Management should give direction to the Personnel Office to stop using these retirement/vacancies as opportunities for "salary savings," and consider the mission of the division impacted for so long as these vacancies are maintained, and held responsible.

B. Supervisory Organization and Technical Support: This seemed to follow closely behind as a topic of concern. There is a great deal of agreement that for either inspectors or consultants to be maximally productive, a span of control for their supervision can be no more than 7 or 8 inspectors per manager. In larger compliance offices, for example, there is the feeling that the District Manager is just too overwhelmed with the details of hiring and managing the workforce for appropriate technical attention to the cases which

pass through the staff's hands. In the past, Cal-OSHA attempted a practice of having two senior-level employees at each office (a District Manager of one discipline and a Senior from the other discipline), but it appears that this was abandoned in favor of a "Regional Senior" program, augmenting the DMs with these "shared" resources. In any case, it is the clear impression of the employees that something needs to be done to further augment in this area: there is just not enough technical expertise, guidance in handling the cases (especially complex cases) and supervision to go around.

A solution has been suggested of splitting District Offices in order to rearrange the workload and augment the number of supervisory staff. This is a welcomed move as it would reduce the span of control, but staff still believe that adding additional regional seniors of both disciplines, with well-publicized specialty knowledge, as resources for the consulting and compliance inspectors will make the program more efficient, requiring less "reinvention of the wheel" as technical staff grapple with complex cases.

There's a general perception that management thinks each inspector should be expert in all disciplines and areas which Cal-OSHA regulates. This defies reality; different individuals have different skill sets and experiences. Ideally, an inspector faced with a new or complex problem in the field would know exactly who to turn to among his colleagues and supervisors in order to receive any necessary guidance. Perhaps the development of a "skills inventory" system, where employees could query other designated "experts" on the subject/machine/chemical/process should be developed. With today's wired "mobile" technologies, expertise could be instantly available from others who volunteered to assist their colleagues, based upon their specific expertise.

In the view of the participants, it would be highly desirable to expand the role and number of Senior Industrial Hygienists and Senior Safety Engineers, and utilize these individuals as this sort of expert. It was felt that by developing these individuals as consulting resources and/or "team leaders," a great deal of efficiency could be obtained.

Staff at most meetings felt that there was a need for optional specific training seminars in the finer points of today's hazards in the construction, manufacturing, office (and perhaps other) industries.

C. *Creating Better Paperwork and Data Control:* This is clearly near the top of many lists as well. A general frustration with the existing IMIS data system is present throughout. Most employees are discouraged that the system of inputting data and reports cannot be changed because of the Federal Government's intransigence, but staff believes that Cal-OSHA management should make a new effort to see if the entire system of reports and data management can't be re-done to conform both to today's hardware/software capabilities AND Cal-OSHA's and Fed-OSHA's own systems. For example, the Feds may grant state programs stipends for just such development if an appropriate proposal is generated and lobbied, but will not on their own call for proposals. As this is a major source of frustration and inefficiency (for example, constantly replicating data from form to form; having poor compatibility with Windows),

and the cost of making a major effort here, if successful in lobbying the Feds for a grant, could be quite low, this offers substantial opportunity.

Numerous of the participants are under the impression that their **access to data sources** for purposes of researching and/or filing complaints are barely adequate. It is the feeling that inspector efficiency could be dramatically improved by making sure each district or area office is equipped with access to ALL necessary data sources. Particular deficiencies which were cited were inability to access ANSI standards which are referred to within various safety order; access to the Fed-OSHA accident database, NIOSH TIC, Title 24 enforcement for 8 CCR 5142, up-to-date Uniform Building Codes, UMC, UEC, UPC, and ISO. Also discussed was the utility of adding limited access to the various commercial databases and searching services provided by such vendors as Dialog, which could greatly improve the efficiency of research for inspectors (an example might be finding the parent company of a firm where a complaint was received).

It was clear from the meetings that there is a general feeling that the program's integration of computers and technology are not serving efficiency well. For example, aside from IMIS, numerous of the younger inspectors also complained about the quality or working order of the computers which were assigned to them, and one inspector complained that she had no access to a computer at all.

It is clear to us that not everyone adapts well to using computers in their work, but for those inspectors who request equipment, it appears the system of providing it also needs to be reworked.

D. Staff Morale, Cal-OSHA's Visibility and Political Support: This showed up as a concern in each meeting. There is a generalized feeling that the division has spent many years leaning away from aggressively pursuing its mission, especially in compliance but also in the consultation area, and is just now slowly moving toward more aggressive and proactive regulation. Employees find this strange since their impression is that in the big picture, effective regulation by Cal-OSHA should be generally supported by all but the most ideologically anti-government stakeholders, since the cost of accidents and injuries is so significant to workers, employers and society.

Of great importance, there is an impression that management has been too hesitant to seek out and promote the division's mission on the political front, and this again relates back to the inability to expand staffing to address the needs of today's larger and more diversified workforce. A number of comments relating to the idea that there are significant stakeholders in the Cal-OSHA program's success who have not been tapped for support were noted, and it is the general impression that Cal-OSHA does not sell itself well to outside publics. It is thought that much of the morale issue is related to the overwhelming nature of the regulatory mission compared to limited staff resources, and a lack of support the employees encounter from the public, workers, the press, and society. A reinvigorated effort to "sell" Cal-OSHA as worthy of support, both politically and societally, appeared often.

It was clear from the comments made at all of the meetings that management should consider improving and increasing its efforts toward public relations for both the Cal-OSHA compliance and consultation programs. Specifically, the division should conduct a more pro-active public relations effort with the mass media centered on the results of enforcement actions, including increased outreach to employer and employee organizations. For example, the division should actively publicize the results of programmed sweeps (ASHIP, BSHIP, CSHIP, etc.), as well as cases involving large fines and/or numerous citations, especially accident-related or already publicized incidents.

The purpose of a more aggressive public relations effort would be:

- 1) Enhance the deterrent impact of DOSH's activities by publicizing the results of noncompliance and increasing employer awareness of DOSH's field activities and willingness to investigate and penalize noncompliance.

- 2) Increase public awareness of and support for DOSH's activities to protect the health and safety of working people in California, specifically increasing the division's ability, support and funding in and from the state Legislature.

We would propose that management issue regular press releases to the media highlighting programmed inspections and major cases, specifically outlining the benefits both to the working people involved and to the industry's accident prevention efforts, as well as highlighting how the California economy and society benefit. Much of this, we feel, can be accomplished by using public service announcements and public relations techniques, rather than advertising. Secondly, an effort should be made at the very highest levels of DOSH and DIR to increase contact with employer groups and trade associations, including offering DOSH speakers to address meetings of such organizations regarding their responsibilities under the law, recent changes in regulations, enforcement priorities, and how all of California benefits from an effective Cal-OSHA.

E. *Eliminating the Safety Engineer/Industrial Hygienist Salary Inequity:* This matter has now again been brought to the forefront: there is simply no reason why the Technical staff should experience an artificial disparity between the disciplines, which serves only to demoralize the staff. Likewise, hiring in the Industrial Hygiene specialty will suffer both from the absolute disparity in that discipline's hire-in rate, and from the effect over time of relegating the Junior and Assistant to second class status behind the Safety Engineers with whom they work. With the Associate Industrial Hygienists falling behind their Safety Engineer counterparts once again, Cal-OSHA risks serious "brain drain" loss-of-resources uniquely (and unnecessarily) attributable to failure of the salary-setting mechanism, and dissatisfaction apparently created by inability to communicate this critical need for parity to the Department of Personnel Administration for use in collective bargaining.

Employees also indicated that a recurring cause of poor morale among the employees is the artificial barriers to normal career progression established by the junior-assistant-

associate-senior class series utilized for technical professionals. It was noted that other agencies have steadily progressed toward a deep class structure, which provides efficiencies in personnel management costs (fewer examinations, fewer classes), and orderly career progression (promotions as justified, without need for extended exam waiting, vacancy identification, etc.).

IV. Results- Other heavily-supported issues:

A. Coordinating Cal-OSHA Enforcement Efforts with Other Enforcement Agencies:

A number of participants in the meetings felt there were considerable improvements that could be made here. At some of the meetings, suggestions were made that OSHA coordinate more closely with county environmental health departments. At others, the utility of coordinating each "sweep" with DLSE was questioned because at certain employers (restaurants, etc.), DLSE's efforts were fruitful while DOSH's showed few citations.

It was pointed out that CSHO's also spend a great deal of time referring complainants to other agencies, without a simple and reliable method of doing so (examples are DTSC, EDD, DFEH, DHS). A list of governmental and non-governmental agencies containing each agency's jurisdiction and contact information could save considerable time. It was also suggested that a computer-based search mechanism would be particularly saving, whether web or spreadsheet-based.

B. Field Issuance of Citations: A couple of inspectors questioned their inability to write citations in the field for items on which there is little or no dispute; perhaps management should engage in a trial study in a district or two, using experienced inspectors to see if this would simplify citation issuance and improve efficiency.

C. Reversing Creeping Legality of the Appeals Board Process: Inspectors generally felt that there was too much of a backlog at the appeals board, and that the growing prevalence of the use of attorneys to fight Cal-OSHA citations was giving the agency a bad name. Ideally, employers would accept citations and make the necessary changes, complying with safety orders, rather than resorting to high priced legal help to stall or "beat" the charges. The idea of giving inspectors expanded power to issue warnings was not universally popular, but no other ideas were generated.

D. Improve the Consultation Service's Ability to Deliver: As one inspector put it, "going to a business where consultation has been there before is like night and day" in terms of a business' safety and health practices. As such, expanding consultation's ability to respond to employer requests would have a great impact on the overall effectiveness of the Cal-OSHA program.

Lobbying the federal government for more resources for Consultation, and/or working with the Legislature to get additional state money dedicated will, we think, pay off handsomely in reduced injury, illness and accident rates.

E. *Development of an "800 Number" for Agency Questions:* Although not universally supported, it seemed clear that providing additional access to the public, perhaps through an 800 number, might go a long way toward generating public access to the benefits of Cal-OSHA, and to generate support among labor unions and some legislators.

F. *More Rigorous Screening of Matters Assigned to the HHU:* It was reported that a number of current inquiries and inspections assigned to the HHU end up there solely because of the firm that they concern is in an industry SIC code, when the actual hazard itself turns out to be routine. A rethinking of this process may help focus the HHU its core business.

G. *Improving DOSH's Ability to Handle its Own Personnel Matters:* Considerable frustration in dealing with the current structure of DIR's organization was expressed, including a feeling that promotional exams are not scheduled properly, that hiring is inefficient and unfocused, and that various aspects of the benefits administration process were less efficient than standard. It was suggested that DOSH be permitted additional independence in handling the personnel functions, so that these matters would be under closer managerial control of the division.