

## DEPARTMENT OF INDUSTRIAL RELATIONS

**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

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**Date:** January 11, 2013

**To:** Christine Baker, Director, DIR

**From:** Ellen Widess, Chief, DOSH

**Re:** Current and future vacancies in DOSH

A year ago, we were able to hire 68 new staff to meet critical vacancies. However, with retirements, promotions and separations, the net increase in Cal/OSHA staff was only 32 a year later. DOSH began the new year (2013) with 51 vacancies throughout the Division (see attached one-page summary sheet), including units conducting mission critical activities in field inspections, consultation, public safety unit inspections, and in Headquarters units like Legal, Medical, and Research & Standards. All of these vacancies were created in existing funded positions by retirements, promotions and separations. Additional vacancies will be created in the first quarter of 2013.

The sad fact is that today we have only 177 field inspectors--- 5 fewer than when I became Chief in April 2011. That is in part due to retirements, promotions, deaths, and separations. There are critical vacancies now in Enforcement District Offices, the Process Safety Management unit, the Mining & Tunneling unit, public safety units, LETF, and Consultation area offices.

The current vacancies are occurring in the midst of major case investigations, such as the three inspections related to the Chevron Richmond fire (which have already consumed 2,300 hours of inspector time to date and will lead to countless hours in the appeal process) as well as four ongoing inspections at Chevron El Segundo. The UFW-generated 19 heat-related inspections in Bakersfield occurred at the same time as a multi-employer confined space fatality—all demanding significant time from the four inspectors of the Bakersfield office. Critical current vacancies adversely affect our mandated oversight of four major tunneling projects now underway and additional huge public works projects that are imminent throughout the state and all highly dangerous. For all these projects, our prompt response keeping the projects on track will save millions of dollars and many lives.

At present, two of the seven Consultation area offices are without managers and six field positions are open – all undermining our ability to provide critical services provided to employers and their associations to *prevent* worker injuries and illnesses. Failing to prevent these injuries will lead to increased workers' comp costs to businesses. The Haas/Harvard Business School's report underscores the savings to businesses, the reduced injury rates as a result of inspections and prevention. The Legal and BOI offices are short-handed at a time of increasing number of appeal hearings scheduled by the Appeals Board, and increased interest on the part of district attorneys around the state to work with Cal/OSHA in criminal prosecutions of egregious cases.

The Research & Standards unit is understaffed at a time of major standards development, including regulations addressing safe patient handling, hotel housekeeping hazards, lead, oil and

gas code updates to keep up with new technologies, and ongoing efforts to update chemical permissible exposure limits. The Asbestos Unit is now at a critical threshold of being unable to conduct its legally mandated work related to controlling exposures to a known human carcinogen.

Hiring is needed now to fill current vacancies in district offices in agricultural areas – Bakersfield, Fresno, Modesto, Sacramento, San Bernardino, San Diego, Santa Rosa, and Van Nuys (Oxnard) – to prepare for the 2013 heat season. Heat illness prevention has become a permanent special emphasis program for the Division, which requires a huge investment of resources every year. Having a complete Medical Unit with personnel in the Central Valley, along with fully-staffed enforcement offices, is essential for Division's illness prevention efforts, especially in light of the Bautista litigation.

The public safety units, which generate considerable fees for the state, also have critical vacancies that have already begun to cause delays in services important to the regulated public. Vacancies in these units result in a loss of revenue to fund the division's mandated work. Critically needed updates in codes and regulations for elevators, rides, tramways and pressure vessels are delayed due to vacancies in these units. Backfilling here will not only keep California current and protective of the public and workers, but also allow us to provide timely and competent service to fee-paying entities.

The attached workload chart indicates the work of DOSH units during Federal Fiscal Year 2012 (October 2011-September 2012) prior to the current vacancies that occurred primarily in the last quarter of calendar year 2012. If the vacancies are not filled, then workloads will increase, in some cases beyond the resource levels of the units involved.

In addition to the positions already open, there is a pending wave of retirements of key personnel throughout the Division. In order to ensure a smooth transition, the Division must backfill vacancies now to allow for the necessary training and mentoring of the next generation of DOSH staff. We also need to maintain and develop specialized skill sets within the Division, such as refinery safety in the PSM unit, laboratory safety, agricultural safety, and mining and tunneling. Efforts to increase the number of multi-lingual personnel in the Division can be advanced with hiring of new bilingual personnel to fill existing vacancies.

The Division has immediate and pending vacancies that are essential to backfill as soon as possible to be able to carry on high profile investigations, successfully defend enforcement actions under appeal, maintain essential services to employers and the public, and develop new and revised standards and codes. Filling existing vacancies does *not* increase the Division's overall expenses and is critical to fulfilling DOSH's legal mandate and mission.