

California's agency for protecting workers can't protect its own — even amid a pandemic, officials say

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Washington — <https://www.latimes.com/politics/story/2020-08-07/state-agency-tasked-with-protecting-california-workers-during-pandemic-cant-protect-its-own-insiders-say>

Staffers at California's [Division of Occupational Safety and Health](#) have been frantically trying to keep up with an avalanche of workplace safety complaints ushered in by the pandemic.

But even answering phones hasn't been easy. In one office with no bilingual speakers on staff, an employee has had to use Google Translate to try to decipher complaints in Spanish.

Six current and two former employees at the division, better known as Cal/OSHA, described a workforce rankled by years of vacancies and dysfunction that have compromised its mission to keep California workers safe.

A former employee, who resigned from the agency in February, said vacancies kept him and others inside the office instead of in the field investigating reports of amputated fingers and falls.

Depleted ranks, the staff members say, have caused the agency to largely abandon in-person inspections in favor of remote investigations by letter and phone.

Staffers throughout the agency spoke to The Times on condition of anonymity, citing fears of retaliation. Several shared internal emails suggesting the agency was failing to implement the very COVID-19 guidelines it recommends to employers, such as requiring employees to wear face coverings, social distance and notify staff promptly of positive cases.

They said the agency is also not providing testing for staffers, leaving them to wonder if they are spreading infection while carrying out inspections of workplaces stricken by outbreaks.

A spokesperson confirmed the agency does not provide testing, but said officials encourage employees to promptly notify management of pending or positive test results.

On July 20, Cal/OSHA told employees it had temporarily shuttered its Monrovia office after at least one staffer tested positive for COVID-19. The office has eight inspectors responsible for investigating complaints, inspecting workplaces and responding to reports of job-related injuries, illnesses and deaths. It is one of four offices covering the [southwest region](#) that stretches from San Luis Obispo to Los Angeles.

The closure came weeks after staff members had [visited thousands of businesses](#) statewide as part of a task force blitz led by Gov. Gavin Newsom. Cal/OSHA said the infected employee did not participate in the blitz.

As the pandemic unfolded, Christopher Casteel, who worked as a safety inspector for three years, resigned in March after he said management ignored his request to telework due to health concerns for himself and his wife.

“To have all those roadblocks and lack of support systems and failures at multiple layers all the way up to the top, it just becomes frustrating,” Casteel said.

In an email, spokeswoman Erika Monterroza disputed claims that the agency is not taking sufficient COVID-19 precautions for its staff. The agency, she wrote, is helping staffers connect with medical services as needed and making “reasonable” accommodations for those in high-risk groups. However, there are “limitations on how much telework is available for certain positions, particularly enforcement personnel,” she wrote.

In a May public meeting, Chief Doug Parker said that his agency was dealing with a surge in complaints, which would be handled under a new “triage system,” with most concerns addressed remotely by communication with employers via letter or phone.

Monterroza said the agency’s ability to fulfill its mission has not been compromised by vacancies, noting that it has been processing thousands of complaints as “expeditiously as possible.”

But Garrett Brown, a former veteran inspector who has been tracking the agency’s staffing decline since he retired in 2014, said he couldn’t see how the vacancies could be anything but “crippling.”

Brown regularly publishes staffing charts he receives through public records requests on his website, [Inside Cal/OSHA](#). Among the hardest-hit offices is the one in Fremont, which oversees the sprawling Tesla automotive factory and has just four inspectors despite being fully funded for 11, according to Brown. The Santa Ana office, which covers Orange County, is half-staffed with 6 out of 12 positions filled.

A Times review of staffing charts shows vacancies have been particularly severe across Southern California, with top leadership roles unfilled in the Santa Ana, San Bernardino, Van Nuys and Long Beach offices. Some of those vacancies have lasted years, employees said, causing enforcement cases to languish.

Cal/OSHA acknowledged “a high attrition rate” in a federal [report](#) last year and said getting “adequately staffed is a top priority.” A [staffing chart](#) published that month showed 91 vacancies agency-wide. Nearly a year later, a July staffing chart provided by Brown showed 135 vacancies agency-wide.

Alice Berliner, coordinator for the [Southern California Coalition for Occupational Safety and Health](#), said she was recently helping a group of workers file complaints against their employer to various Cal/OSHA offices with vacant leadership positions.

“I don’t know how in practice the agency can really function and respond to complaints when there’s not clear leadership on the ground,” she said.

Berliner and others who spoke to The Times all said Cal/OSHA’s problems go beyond understaffing.

Last year, state auditors publicly released the findings of a long-running investigation into the Department of Industrial Relations — the parent agency of Cal/OSHA — which detailed a culture of [nepotism, fraud and gross misconduct](#) dating to 2011.

Despite reforms, dysfunction has continued to beset agency ranks, said Casteel, the former employee. In 2018, Casteel’s district manager in Santa Ana was [arrested on bribery charges](#) involving a construction company facing safety violations. Then in November, an inspector in the same office was [convicted of embezzlement and fraud](#) in a case unrelated to his work for the agency.

Spokeswoman Monterroza declined to comment on why the agency hired someone with [pending](#) criminal charges as an inspector.

Casteel worries that Cal/OSHA’s depleted ranks and mismanagement may embolden employers to disobey laws and endanger workers, especially vulnerable immigrant workforces in areas such as Southern California.

“That’s the part that grinds me to the core,” said Casteel. “I’ve worked with these employees firsthand who are compromised on so many levels and struggling to survive, and one of the very few enforcement agencies whose sole damn function is to protect them is ignoring them.”