

THE STATE WORKER

# California state auditors confirm former employees' Cal-OSHA staffing concerns

By William Melhado

Updated July 18, 2025 11:38 AM  Gift Article

'A dark place.' Former construction worker talks about struggles with health after injury



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Carlos Castro talks in December 2023 about how he thinks a more active Cal-OSHA agency could have helped prevent the construction injury that paralyzed him from the chest down. By Paul Kitagaki Jr.



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Understaffing at a division of the Department of Industrial Relations’ could be undermining protections for California workers, a new report from the California State Auditor found, echoing concerns raised by former employees about how vacancies at the agency have diminished its enforcement abilities.

One of the greatest concerns highlighted by state auditors was how the division lacked sufficient evidence to close workplace complaints. The [report published Thursday](#) noted auditors questioned nearly one third of the 30 complaints that were not inspected about whether the Division of Occupational Safety and Health, known as Cal-OSHA, had followed its own policies around whether to conduct an on-site inspection.

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Cal-OSHA is tasked with investigating allegations of unsafe work environments in California workplaces and enforcing standards set by state officials. When the division did conduct inspections, the case's documentation was, at times, insufficient, the auditors found.

"Cal/OSHA's process deficiencies and staffing shortages are root causes for many of the concerns we identified," California State Auditor Grant Parks wrote. Cal-OSHA's overall vacancy rate was 32% in fiscal year 2023-24, the report noted, which is higher than the state government's average of 20%.

In response to the audit, DIR spokesperson Daniel Lopez said the department has increased staffing levels in recent months. He said the division's overall vacancy has decreased from over 30% to 12% this year. Additionally, he said the division has begun modernizing Cal-OSHA's processes by building an electronic data management system. The total cost of that project, according to the [state's technology department](#), is nearly \$1 billion.

"The recommendations made in the audit report will help focus our future efforts to further Cal/OSHA's mission of protecting workers in our state from injury and illness and empowering employers and employees with necessary information about keeping workplaces safe," Lopez said in a statement.

Auditors additionally questioned Cal-OSHA's decision to not conduct on-site investigations.

In a review of seven workplace accidents, auditors raised concerns about why Cal-OSHA decided not to inspect six of those cases. The division didn't provide a clear rationale as to why they deemed inspections unnecessary, the audit reported, despite that the injuries in some cases required emergency medical treatment.

State law requires Cal-OSHA to investigate complaints of serious workplace safety violations, which are hazards that pose a realistic possibility of death or serious



physical injury, within three working days, or earlier if law enforcement makes the request.

Of the inspections Cal-OSHA does perform, some were not done effectively, auditors reported. The department took weeks, or in some cases, months, to initiate complaints. In some instances, the division did not document employers' efforts to safeguard workers from hazards.

The audit additionally noted that much of Cal-OSHA's documentation is paper-based, which auditors noted is both inefficient and can lead to errors.

Underpinning auditors' concerns about Cal-OSHA's ability to keep California workers safe are persistent staffing shortages that left the division's enforcement branch and several district offices with alarming vacancy rate.

Current and former DIR employees previously sounded the alarm over how understaffing has [put California workers in danger](#) and [prevented the department](#) from investigating grievous injuries and even deaths at workplaces.

Garrett Brown, a former Cal-OSHA official who regularly tracks the division's staffing levels, said his most recent review of the latest organizational charts from December show that 16 district offices had vacancy rates of 40% or greater.

"Clearly, the audit documents the chronic understaffing at Cal-OSHA, which leaves workers vulnerable to irresponsible employers and cripples the ability of the agency to enforce state law and meet its mission," Brown said.

While the department has faced staffing shortages in the past, many of those have been resolved, former Director Katie Hagen wrote in her written response to the audit's findings. As of May 31, she said the division had reduced its overall vacancy rate to 12%.

Additionally, she said DIR contracted with CPS HR Consulting to study the compensation and workload of Cal-OSHA employees.

Earlier this month, Hagen left her role as director to [become the CEO](#) of CPS HR Consulting, a joint powers authority, which is made up of several public entities that pool together resources to more efficiently provide consulting services to nonprofits and government agencies, such as DIR.

Hagen said the department has made reforms based on the consulting firm's recommendations and, as a result, "Cal/OSHA is experiencing the lowest vacancy rates in several years."

On Wednesday, Gov. Gavin Newsom announced Jennifer Osborn as DIR's new director. Osborn, who previously served as chief deputy director of the Department



of General Services, will receive a salary of \$236,052 if confirmed by the state Senate.

This story was originally published July 18, 2025 at 11:28 AM.

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