

# Cal/OSHA Update – January 2014

By Garrett Brown

(20-year veteran of Cal/OSHA – 17½ years as a compliance officer and 2½ years in Cal/OSHA Headquarters)

## **Executive Summary:**

**Severe Understaffing:** In December 2013, Cal/OSHA had only 170 enforcement field inspectors (called Compliance Safety and Health Officers or CSHOs) for the state's 18.6 million workers. This is below the 190 CSHOs on board at the end of the Schwarzenegger Administration in 2011 and fewer than the 253 California Fish & Game Wardens in the field. The ratio of inspector to worker is worse in California (1 inspector to 109,000 workers) than Fed OSHA's ratio (1 to 66,000) and much worse than Washington State (1 to 33,000) or Oregon (1 to 28,000).

**Weakened Worker Protection:** Lack of enforcement staffing means Cal/OSHA has not been able to meet federal benchmarks for responding to worker complaints, closing inspections in a timely manner, and investigating non-fatal accidents in a timely manner. Cal/OSHA has not been able to conduct as many planned inspections of dangerous workplaces where injury rates are higher than average and workplaces where low-wage, non-union and immigrant workers are concentrated. Cal/OSHA has not been able to conduct the "follow-up" inspections required by state law of workplaces where "Serious" citations have been issued. Cal/OSHA has not been able to add enforcement inspectors who speak languages other than English.

**Funds Left Sitting Idle:** Cal/OSHA draws no funds from the state's General Fund but rather receives money from Fed OSHA and from special state funds collecting money from employers. The main state fund – the Occupational Safety and Health Fund – has registered positive balances of more than \$20 million every year for the last three years – money that could have been used to protect California workers, but has been left idle. The OSH Fund will receive an extra \$8 million in the current state fiscal year. The OSH Fund is collected automatically every year and is designated for the sole purpose of supporting Cal/OSHA and protecting workers.

**Why Cal/OSHA's "Starvation Diet."** The political decision to not provide Cal/OSHA with the existing funding and staffing levels it needs to do its job comes from Governor Brown's "small government, austerity forever" approach and DIR Director Baker's "new paradigm" that prioritizes "compliance assistance" and partnerships with employers over enforcement of workplace health and safety regulations. The Governor's proposed 2014/15 budget does not even reach the year 2000 levels of enforcement staffing, let alone match other states' programs or even the number of Fish & Game Wardens.

## **Section 1: Cal/OSHA's Current Staffing**

### **Key Summary Points**

- In December 2013, Cal/OSHA's enforcement units had only 170 field compliance officers (CSHO – compliance safety and health officer) for 18.6 million workers. There are 9 crane inspectors in the dedicated Crane Unit who occasionally assist in Enforcement inspections but spend the majority of their time inspecting cranes to issue operating permits.
- Cal/OSHA has fewer enforcement resources under Governor Brown (170 CSHOs) than during the Arnold Schwarzenegger administration – 190 CSHOs in January 2011.
- In November 2013, there were more California Fish and Game Wardens (253 field F&G Wardens and 49 additional Lieutenants doing field work) than the 166 CSHOs DOSH had in the field in November 2013.
- Cal/OSHA has one of the worst (highest) inspector to worker ratios in the country – 1 Cal/OSHA inspector to 109,447 workers. This compares to 1 : 66,000 for Federal OSHA; 1 : 33,000 for Washington State; and 1 : 28,000 for Oregon.
- Some areas of the California have inspector to worker ratios that are even worse (higher) than the statewide average. The most dramatic case is the Santa Rosa District Office that covers three counties (Marin, Napa and Sonoma) and has one (1) CSHO for the 487,000 workers in these counties.
- The current Cal/OSHA staffing levels are at historic lows. When Cal/OSHA was fully reactivated in September 1989, following the voter reversal of Deukemejian Administration's defunding of DOSH activities, Cal/OSHA had 185 CSHOs for a workforce of 14.6 million. In December 2013, Cal/OSHA had 170 CSHOs for a workforce of 18.6 million, or a decline of 8% in inspectors while the workforce grew by 28% since 1989. The December 2013 level is a 15% decline in inspectors from the year 2000.
- Here's what's needed to match other agencies and to have an effective worker health and safety protection program in California:
  - To match Calif Fish & Game: 253 CSHOs (1:73,500)
  - To match Fed OSHA: 282 CSHOs (1:66,000)
  - To match Washington State: 556 CSHOs (1:33,000)
  - To match Oregon: 658 CSHOs (1:28,000)

## **Filled Enforcement Field and Administrative Staff Positions**

December 19, 2013

### **January 2011 – December 2013**

<b>Enforcement</b>	<b>Field Personnel</b>			<b>Administrative Personnel</b>		
<b>Office</b>	<b>Jan 2011</b>	<b>Jan 2013</b>	<b>Dec 2013</b>	<b>Jan 2011</b>	<b>Jan 2013</b>	<b>Dec 2013</b>
San Francisco	7	5	4*	3	2	2
Fremont	8	8	7 [8 with 2 working 50% time]	2	2	2
Foster City	6	5	5	2	2	2
Oakland	11	10	10	2	2	2
Santa Rosa	6	4	2	2	2	1
Sacramento	15	12	13	4	4	4
Concord	5	5	4	2	2	2
Modesto	8	6	8	1	2	2
Fresno	9	7	7	3	2	2
Santa Ana	8	11	10* / 1 part-time	2	2	2
San Diego	10	8	9*	3	3	2
San Bernardino	10	9	10	2	2	2
Torrance	6	7	7*	2	2	2
Los Angeles	12	9	9	3	3	3
Monrovia	11	0 [closed]	--	--	--	--
Van Nuys	12	10	10	3	2	3
West Covina	9	10	9	3	2	2
Bakersfield	0	4	4	0	1	1
M&T Sacto	3	3	3	2	2	2
M&T Van Nuys	2	2	2	3	3	2
M&T San Bernardino	2	1	1	3	3	1
HHU- South	11	10	10	3	3	3
HHU-North	6	5	6	1	1	1
PSM	7	7	10	2	2	2
LETf – South	5	5	5	2	1	2
LETf - North	5	4	5	1	1	1
Crane Unit	0	9	9	0	1	1

<b>Staff on leave</b>	--	<b>6</b>	<b>4</b>	--	<b>2</b>	<b>0</b>
<b>Totals</b>	<b>195</b>	<b>178 / 172 available</b>	<b>179 / 175 available</b>	<b>61</b>	<b>57.5 / 55.5 available</b>	<b>51</b>

\*= includes staff on extended leave.

Data taken from official DOSH Organization Charts.

## **DOSH Compliance Safety and Health Officers By Area in California**

December 2013 Staffing Data and November 2013 Civilian Labor Force Data

### **Statewide**

<b>District Office</b>	<b>Number of CSHOs</b>	<b>Counties</b>	<b>Civilian Labor Force*</b>	<b>Ratio of CSHO : Workers</b>
25 District Offices	170 CSHOs	58 Counties	18,606,000	1 : 109,447

\* Total does not include migrant agricultural or forestry workers.

### **Central Valley**

<b>District Office</b>	<b>Number of CSHOs</b>	<b>Counties</b>	<b>Civilian Labor Force</b>	<b>Ratio of CSHO : Workers</b>
Modesto	8 CSHOs	10 counties	743,950	1 : 92,994
Fresno	7 CSHOs	5 counties	766,200	1 : 109,457
Bakersfield	4 CSHOs	2 counties	544,700	1 : 136,175

### Los Angeles Area

District Office	Number of CSHOs	Counties	Civilian Labor Force	Ratio of CSHO : Workers
Los Angeles Santa Ana Torrance Van Nuys West Covina	9 CSHOs 10 CSHOs 7 CSHOs 10 CSHOs 9 CSHOs	3 counties (Los Angeles, Orange and Ventura counties)	7,051,200	1 : 156,8693
Combined total	45 CSHOs [includes 2 CSHOs on extended leave; 1 CSHO working part-time]			
Van Nuys		Also covers Santa Barbara County	Additional 231,300 workers for a regional total of 7,282,500	1 : 161,833 for the 4 county region

### Inland Empire

District Office	Number of CSHOs	Counties	Civilian Labor Force	Ratio of CSHO : Workers
San Bernardino	10 CSHOs	2 counties	1,793,800	1 : 179,380

### Borderlands

District Office	Number of CSHOs	Counties	Civilian Labor Force	Ratio of CSHO : Workers
San Diego	9 CSHOs [includes 1 CSHO on extended leave]	2 counties	1,682,200	1 : 186,911

### Bay Area Cities

District Office	Number of CSHOs	Counties	Civilian Labor Force	Ratio of CSHO : Workers
San Francisco	4 CSHOs [includes 1 CSHO on extended leave]	1 county	483,700	1 : 120,925
Oakland	10 CSHOs	1 county	771,900	1 : 77,190
Fremont (covers San Jose)	7 CSHOs	Santa Clara County, plus all of Santa Cruz and Monterey counties, plus parts of Alameda and San Mateo counties	1,304,200 [including only Santa Clara, Santa Cruz and Monterey counties]	1 : 163,025

### Sacramento and Northern California

District Office	Number of CSHOs	Counties	Civilian Labor Force	Ratio of CSHO : Workers
Sacramento	13 CSHOs	22 counties	1,573,920	1 : 121,070

**Notes:**

- Number of CSHOs taken from the December 2013 DOSH Organization Chart.
- Civilian Labor Force data taken from EDD's "Report 400 C" for November 2013 at [www.labormarketinfo.edd.ca.gov](http://www.labormarketinfo.edd.ca.gov)
- Civilian Labor Force data does not include migrant agricultural and forestry workers.

Compiled by Garrett Brown, January 2014



## Census of Filled Compliance Field Positions (CSHOs) in Regions I – VI, 1989 to 2013

Month and Year	Number of Filled CSHO Positions	California Civilian Labor Force	Ratio of CSHO : Workers
December 2013	170*	18,606,000	1 : 109,447
January 2013	167*	18,594,000	1 : 111,341
July 2012	177*	18,470,000	1 : 104,350
January 2012	181*	18,481,000	1 : 102,105
January 2011	195	18,376,000	1 : 94,236
February 2010	195	18,266,000	1 : 93,672
June 2009	187	18,231,000	1 : 97,492
March 2008	190	18,127,000	1 : 95,405
September 2006	187	17,728,000	1 : 94,802
January 2006	167	17,607,000	1 : 105,431
January 2005	181	17,468,000	1 : 96,508
September 2004	163	17,384,000	1 : 106,650
January 2004	176.5	17,348,000	1 : 98,289
July 2003	182	17,242,000	1 : 94,736
November 2001	200.5	17,197,000	1 : 85,770
March 1994	186	15,273,000	1 : 82,113
September 1989	185	14,572,000	1 : 78,786

\* = There are 9 dedicated Crane Unit inspectors who occasionally participate in compliance inspections, but the majority of their time is spent inspecting cranes to issue operating permits. Including the Crane Unit inspectors would not significantly reduce the high Cal/OSHA ratios: 179 CSHOs for a ratio of 1: 103,944 in December 2013; 176 CSHOs for a ratio of 1:105,648 in January 2013; 186 CSHOs for a ratio of 1:99,301 in July 2012; and 190 CSHOs for a ratio of 1:97,268 in January 2012.

### Sources:

These census totals are taken from the bi-monthly DOSH Organization Charts by counting filed Safety Engineer and Industrial Hygienist positions in DOSH Region I through Region VI. CSHO – compliance safety and health officer – includes both the current safety engineer designation of compliance field inspectors as well as the previous split classifications of safety engineer and industrial hygienist for DOSH compliance inspectors.

The civilian labor force totals are taken from the “Historical Labor Force and Unemployment Data” web page of the California Employment Development Department ([www.labormarketinfo.edd.ca.gov](http://www.labormarketinfo.edd.ca.gov)).

### **Comparisons of DOSH enforcement staff levels**

- In November 2013, the California Fish & Game Department had 253 Fish & Game Wardens in the field, and an additional 49 Lieutenants who also conduct field enforcement activities. The 253 F&G wardens compares to 166 CSHOs in DOSH in November 2013.
- The Brown Administration inherited DOSH field enforcement levels of 190 CSHOs (plus 5 Crane Unit inspectors in various Regions) from the Schwarzenegger Administration in January 2011. In December 2013, the 170 CSHOs in the field represent a decline of 20 CSHOs or 10.5%.
- At the time Cal/OSHA was fully reactivated in September 1989, following the voter reversal of Deukemejian Administration's defunding of DOSH activities, Cal/OSHA had 185 CSHOs for a workforce of 14.6 million. In the late 1990s, there were more than 200 CSHOs. In December 2013, Cal/OSHA had 170 CSHOs for a workforce of 18.6 million, or a decline of 8% in inspectors while the workforce grew by 28%. Compared to the 2000 staffing levels, the December 2013 CSHO roster represents a 15% decline.

### **Comparison with Fed OSHA and neighboring states in November 2013**

<b>Agency</b>	<b>Number of filled CSHO Positions</b>	<b>Civilian Labor Force Covered</b>	<b>Ratio: CSHO to Worker</b>
Federal OSHA	877	57,882,000	1 : 66,000
Washington State WISHA	104	3,481,000	1 : 33,471
Oregon OSHA	68	1,922,000	1 : 28,265
California DOSH	166	18,606,000	1 : 112,084

Sources: Information on the number of CSHOs was obtained directly from the agencies, and the civilian labor force data is from the U.S. Bureau of Labor Statistics.

The number of Cal/OSHA CSHOs needed to match the ratios above are: 282 CSHOs to match the Fed OSHA ratio; 556 CSHOs to match the WISHA ratio; and 658 CSHOs to match the Oregon OSHA ratio.

If DOSH had the same number of CSHOs as the California F&G Department has Wardens (253), the ratio of CSHO to worker would be 1 : 73,542.

Data compiled by Garrett Brown, January 2014.

## **Section 2: Weakened Worker Protections**

### **Key Summary Points**

- Cal/OSHA cannot open inspections in response to worker complaints fast enough to meet the Federal OSHA benchmark.
- Cal/OSHA cannot complete either safety or health inspections fast enough to meet the Federal OSHA benchmark.
- Cal/OSHA cannot open inspections of non-fatal accidents that result in serious worker injuries in a timely fashion.
- Cal/OSHA is forced to conduct fewer “health” inspections looking at exposures to toxic chemicals, noise, biological and ergonomic hazards.
- Cal/OSHA is forced to conduct fewer inspections of dangerous workplaces where low-wage, immigrant or non-union workers may not file complaints for fear of reprisals or loss of their jobs.
- Cal/OSHA’s High Hazard Unit is forced to conduct fewer pro-active inspections of designated “high hazard” industries and specific workplaces which have higher injury rates because it has to conduct complaint and accident inspections on behalf of understaffed District Offices to reduce the backlog of pending inspections.
- Cal/OSHA cannot conduct the number of “follow-up” inspections at workplaces where Serious citations have been issued that are required by law.
- Cal/OSHA cannot conduct the inspections of the state’s mining and tunneling projects that are required by law, and the Mining & Tunneling Unit has less than 25% of the field enforcement staff it did in 2003, and at a time when many new tunnel projects are starting.
- Cal/OSHA has not been able to increase the number of field inspectors that speak languages other than English.
- Cal/OSHA’s Research & Standards Unit has staff vacancies (4 of 12 or 33%) that have delayed the development of important new regulations and challenge the unit’s ability to evaluate hazards to workers arising from employers’ proposed variances from existing regulations.

### Detailed Information on weakened worker protections

-- According to the latest annual Fed OSHA “Federal Audit & Monitoring Evaluation” (FAME) reports for California in Federal Fiscal Year 2012:

- Cal/OSHA required an average of 14.9 days to open a worker complaint inspection, compared to the Federal benchmark of 5 days;
- Cal/OSHA required an average of 85.8 days to close a safety inspection, compared to the Federal benchmark of 55.9 days;
- Cal/OSHA required an average of 97.4 days to close a health inspection, compared to the Federal benchmark of 67.9 days.

-- Lack of enforcement field staffing means fewer “health” inspections – as opposed to “safety” inspections – to evaluate hazards like exposure to toxic chemicals, exposures to high noise levels, exposures to bloodborne pathogens and other contagious diseases, and exposures to repetitive motions and other ergonomic hazards. There are fewer health inspections because these inspections take longer to complete (worsening average time to close inspections) and because doing more health inspections would reduce the overall number of inspections.

-- Lack of enforcement field staffing means that Cal/OSHA’s High Hazard Unit can do fewer pro-active, planned inspections of high hazard industries and workplaces that have higher levels of worker injuries, illnesses and fatalities. Because of the lack of District Office field staff, High Hazard Unit inspectors have been assigned to conduct accident inspections and worker complaint inspections to reduce the backlog of inspections in District Offices.

-- California’s Labor Code Section 6320 requires Cal/OSHA to conduct a follow-up inspection where Serious citations have been issued and the employer had not corrected the hazard at the time the citations were issued; and additionally for at least 20% of all inspections where Serious citations were issued. In the period of January 1 to September 30, 2013, Cal/OSHA closed more than 750 inspections where Serious citations were issued (781 inspections resulted in Serious, Willful or Repeat citations). Twenty percent of 750 inspections with Serious cites figure is 150 inspections; but DOSH conducted only 30 follow-up inspections of employers issued Serious citations during this period.

-- California’s Labor Code requires Cal/OSHA to conduct investigations of non-fatal, work-related accidents that meet a certain threshold of severity. There is no time period established to open these inspections, but effective investigations of industrial accidents require on-site visits and employee interviews as soon as possible after the incident. From January 1 to September 30, 2013, Cal/OSHA opened 1,419 non-fatal accident investigations. Of this total, 128 inspections (9%) were opened more than 30 days after the employer reported the incident; and 8 inspections were opened more than 90 days after the incident report.

-- After the Sylmar Tunnel tragedy in 1971, where 17 workers were killed, the Legislature established new requirements for frequent inspections of mines and tunnels in California. In 2003, Cal/OSHA's Mining & Tunneling Unit had 18 enforcement personnel, but currently has only 4 enforcement personnel covering the entire state. As a result of this understaffing, approximately 50% of the tunnels under construction are not being inspected six times a year as required by law; and 80% of the 395 currently active mines in California have not been inspected in the last 12 months, as required by law, and some have not been inspected for 2-3 years. Currently there are 75-100 tunnels in construction in California and, within the next three years, an additional 16 major tunnels are scheduled for construction. Cal/OSHA does not have the capacity to conduct the inspections required by state law for these new tunnels.

-- The understaffing has also meant no progress has been made in increasing the number of bilingual DOSH staff as there are only 25 field compliance inspectors (December 2013 roster) who speak languages other than English when the state's non-English-speaking workforce is estimated to be greater than 4 million workers.

-- Currently 33% of the R&S Unit positions are vacant (4 of 12 positions), meaning that important new standards like those proposed to protect hotel room cleaners and hospital staff handling patients are being delayed, and others cannot even begin work. There is a backlog of employer requests for variances, or exceptions, from California's regulations which all have to be reviewed by R&S Unit staff to ensure that workers are not put in danger by these variances. The lack of field enforcement staff means vacancies in the Research & Standards Unit cannot be filled because promoting field staff to the HQ positions would further deplete the District Office staffs.

R&S staff are responsible for engineering reviews, such as the systems installed in tall buildings for window washing and other exterior building maintenance to prevent employee falls. R&S staff also provide technical support to field staff, other agencies, and the public on issues such as infectious diseases, pandemic preparedness, chemical exposures, hazardous waste, and correct respirator use.

### **Section 3: Cal/OSHA funding resources left unused**

#### **Key Summary Points**

- Cal/OSHA draws no money from the state's General Fund. It is funded by grants from Federal OSHA and state funds generated by user fees or a small surcharge on employers' workers compensation insurance premiums. The Occupational Safety and Health Fund – the main enforcement funding – is automatically collected from employers and designated solely for protecting workers' health and safety in California. No General Fund tax money is used for Cal/OSHA.
- Cal/OSHA Headquarters does not control either its budget or its hiring – the DIR Director does.
- In state Fiscal Year 2012/13 (July 2012 to June 2013), the OSH Fund spent only \$39.4 million on Cal/OSHA operations – when the OSH Fund's cap on revenue collection was \$52 million.
- Starting with the current Fiscal year 2013/14 (July 2013 to June 2014), the OSH Fund does not have a cap on revenues or expenses if the legislature allocated more expenditures on its own or at the request of the Governor.
- In the current FY 2013/14, the OSH Fund will receive a transfer of \$13.3 million from another fund that is being eliminated. Five million dollars are being loaned to another fund, but there will be an additional \$8.3 million collected for Cal/OSHA operations. If the OSH Fund can lend \$5 million for wage and hour enforcement, why can't all available OSH Funds be used for workplace safety enforcement? Moreover, in the next state fiscal year, the \$5 million loan should be returned to the OSH Fund.
- The Governor's proposed budget for FY 2014/15 projects that the OSH Fund will have a positive balance of \$26.1 million in June 2014, and this will grow to \$29.5 million by June 2015.

#### **Detailed information on unused resources**

\* See attached charts from Governor Brown's proposed FY 2014/15 budget, posted at [www.ebudget.ca.gov](http://www.ebudget.ca.gov)

## 7350 Department of Industrial Relations

## FUND CONDITION STATEMENTS

	2012-13*	2013-14*	2014-15*
<b>0023 Farmworker Remedial Account <sup>s</sup></b>			
BEGINNING BALANCE	\$767	\$767	\$906
Prior year adjustments	-197	-	-
Adjusted Beginning Balance	\$570	\$767	\$906
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
122700 Employment Agency License Fees	248	240	240
150300 Income From Surplus Money Investments	1	1	1
164300 Penalty Assessments	6	-	-
Total Revenues, Transfers, and Other Adjustments	\$255	\$241	\$241
Total Resources	\$825	\$1,008	\$1,147
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
7350 Department of Industrial Relations (State Operations)	58	102	102
Total Expenditures and Expenditure Adjustments	\$58	\$102	\$102
FUND BALANCE	\$767	\$906	\$1,045
Reserve for economic uncertainties	767	906	1,045
<b>0096 Cal-OSHA Targeted Inspection and Consultation Fund <sup>s</sup></b>			
BEGINNING BALANCE	\$26,802	\$18,311	-
Prior year adjustments	-353	-	-
Adjusted Beginning Balance	\$26,449	\$18,311	-
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
150300 Income From Surplus Money Investments	62	-	-
Transfers and Other Adjustments:			
TO3121 To Occupational Safety and Health Fund per Labor Code Section 62.5(d)(2)	-	-13,311	-
TO3150 To State Public Works Enforcement Fund loan per Labor Code Section 62.8	-	-5,000	-
Total Revenues, Transfers, and Other Adjustments	\$62	-\$18,311	-
Total Resources	\$26,511	-	-
EXPENDITURES AND EXPENDITURE ADJUSTMENTS			
Expenditures:			
0840 State Controller (State Operations)	6	-	-
7350 Department of Industrial Relations (State Operations)	8,150	-	-
8880 Financial Information System for California (State Operations)	44	-	-
Total Expenditures and Expenditure Adjustments	\$8,200	-	-
FUND BALANCE	\$18,311	-	-
Reserve for economic uncertainties	18,311	-	-
<b>0132 Workers' Compensation Managed Care Fund <sup>s</sup></b>			
BEGINNING BALANCE	\$599	\$598	\$525
Prior year adjustments	3	-	-
Adjusted Beginning Balance	\$602	\$598	\$525
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS			
Revenues:			
122700 Employment Agency License Fees	5	5	5
150300 Income From Surplus Money Investments	2	2	2
Total Revenues, Transfers, and Other Adjustments	\$7	\$7	\$7
Total Resources	\$609	\$605	\$532

\* Dollars in thousands, except in Salary Range.

Governor's Proposed 2014/15 Budget

**7350 Department of Industrial Relations**

	2012-13*	2013-14*	2014-15*
<b>EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>			
Expenditures:			
7350 Department of Industrial Relations (State Operations)	50	80	80
Total Expenditures and Expenditure Adjustments	<u>\$50</u>	<u>\$80</u>	<u>\$80</u>
FUND BALANCE	\$2,481	\$2,717	\$2,953
Reserve for economic uncertainties	2,481	2,717	2,953
<b>3072 Car Wash Worker Fund <sup>s</sup></b>			
BEGINNING BALANCE	\$2,960	\$3,310	\$3,548
Prior year adjustments	56	-	-
Adjusted Beginning Balance	<u>\$3,016</u>	<u>\$3,310</u>	<u>\$3,548</u>
<b>REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS</b>			
Revenues:			
122700 Employment Agency License Fees	257	240	240
150300 Income From Surplus Money Investments	9	10	10
164300 Penalty Assessments	226	190	190
Total Revenues, Transfers, and Other Adjustments	<u>\$492</u>	<u>\$440</u>	<u>\$440</u>
Total Resources	<u>\$3,508</u>	<u>\$3,750</u>	<u>\$3,988</u>
<b>EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>			
Expenditures:			
7350 Department of Industrial Relations (State Operations)	197	201	209
8880 Financial Information System for California (State Operations)	1	1	-
Total Expenditures and Expenditure Adjustments	<u>\$198</u>	<u>\$202</u>	<u>\$209</u>
FUND BALANCE	\$3,310	\$3,548	\$3,779
Reserve for economic uncertainties	3,310	3,548	3,779
<b>3121 Occupational Safety and Health Fund <sup>s</sup></b>			
BEGINNING BALANCE	\$24,010	\$24,883	\$26,191
Prior year adjustments	340	-	-
Adjusted Beginning Balance	<u>\$24,350</u>	<u>\$24,883</u>	<u>\$26,191</u>
<b>REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS</b>			
Revenues:			
125600 Other Regulatory Fees	39,877	35,390	57,082
127600 Refinery Fees	-	5,412	5,412
150300 Income From Surplus Money Investments	46	60	60
Transfers and Other Adjustments:			
FO0096 From Cal-OSHA Targeted Inspection and Consultation Fund per Labor Code Section 62.5(d)(2)	-	13,311	-
Total Revenues, Transfers, and Other Adjustments	<u>\$39,923</u>	<u>\$54,173</u>	<u>\$62,554</u>
Total Resources	<u>\$64,273</u>	<u>\$79,056</u>	<u>\$88,745</u>
<b>EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>			
Expenditures:			
0840 State Controller (State Operations)	27	2	-
7350 Department of Industrial Relations (State Operations)	39,165	52,636	59,149
8880 Financial Information System for California (State Operations)	198	227	42
Total Expenditures and Expenditure Adjustments	<u>\$39,390</u>	<u>\$52,865</u>	<u>\$59,191</u>
FUND BALANCE	\$24,883	\$26,191	\$29,554
Reserve for economic uncertainties	24,883	26,191	29,554
<b>3150 State Public Works Enforcement Fund <sup>s</sup></b>			
BEGINNING BALANCE	\$2,006	\$2,362	\$4,715

\* Dollars in thousands, except in Salary Range.

Governor's Proposed 2014/15 Budget



## **Section 4: Why the starvation diet and what can be done about it**

### **Key Summary Points**

- Governor Brown's philosophy of government is a "small government" and his motto is "austerity today, austerity tomorrow and austerity forever."
- DIR Director Baker has frequently explained the "new paradigm" she wants to implement at Cal/OSHA in the following terms:

The vast majority of employers either do the right thing, or would do the right thing if they knew how. Cal/OSHA's primary role is to provide compliance assistance, partnerships and consultations with these employers. For the few "low road," "bad actor" employers we have enforcement like the Labor Enforcement Task Force in the "underground economy." But with responsible employers who are making a good faith effort and who make an honest mistake, we should not be issuing "gotcha" citations.

There is nothing "new" about this approach – it is the standard Republican policy strongly promoted by the Chamber of Commerce and other employer organizations.

- DIR has been taking an ever-larger share of Cal/OSHA's funding and DIR Office of the Director staff has increased while Cal/OSHA's field staff has decreased. DIR's fee for administering DOSH's budget – called "distributed administration" – has increased under Director Baker from 7.8% in fiscal year 2011/12, to 9.8% in fiscal year 2012/13, and has increased again in the current fiscal year 2013/14.
- Director Baker's repeated statements that DIR will "fill available vacancies" has never been clarified as to how many vacancies there are in Cal/OSHA's roster and exactly how many of these will actually be filled. Governor Brown's proposed 2014/15 budget will bring the total of field Compliance Safety and Health Officers to less than 200 while at the same time abolishing at least 6 Medical Unit and administrative positions. This hiring is completely inadequate to meet Cal/OSHA's legal mandates and provide effective workplace protections enjoyed by other states.
- Demand that all available resources be utilized – as collected and intended – to protect California workers.
- Work with others to ensure that the Governor's appointees and the Legislature make full use of these resources, particularly in the areas of enforcement, regulatory rule making, internal training of Cal/OSHA field staff, and consultative support for employers and worker organizations.

## Detailed information on the Governor's Proposed FY 2014/15 budget

### **"All Available vacancies"**

- April 2011: DIR recognized 706 positions for DOSH.
- July 2012: DIR abolished 41.4 positions, leaving 664 recognized positions for DOSH.
- November 2013: DIR recognized 664 DOSH positions with 69.5 vacancies – of these vacancies, 7.8 vacancies are held open for "forced savings," 21 positions are held open for "Federal sequester," and the "available to fill" positions total 40.7 positions.
- January 2014: Governor Brown's Proposed FY 2014/15 projects the number of DOSH positions will be 722.4 for the current fiscal year and 726.9 next fiscal year. This means the number of DOSH vacancies this year are 127.9 positions, based on the number of filled positions in November 2013.
- January 2014: Governor Brown's Proposed FY 2014/15 would fund 26 Cal/OSHA positions and abolish 5.5 Cal/OSHA positions of the "31.5 existing, unfunded positions". It is not clear why there are only 31.5 vacancies to be filled in DOSH when there were 40.7 DIR-recognized vacancies in November 2013 and 127.9 vacant positions in the proposed 2014/15 budget itself.
- Enforcement staffing increase: maximum of 10 Compliance Safety and Health Officers for general enforcement; 3 field inspector positions for Mining & Tunneling; DOSH's Process Safety Management unit will gain 12 CSHO positions. 5.5 other DOSH positions will be abolished.

### **Cal/OSHA positions to be filled or abolished**

#### Enforcement – Vacant Positions to be Filled:

- 1 Deputy Chief for Enforcement
- 3 Senior Safety Engineers (promotions will create 3 ASE vacancies)
- 7 Associate and Assistant Safety Engineers
- 3 Office Technicians and Office Assistant

#### Enforcement – Vacant Positions to be Abolished

- 1 Nurse Consultant (Medical Unit)
- 1 Special Assistant
- 1 Associate Government Program Analyst
- 1 Office Technician
- 0.5 Student Assistant

Mining & Tunneling – Vacant Positions to be Filled

- 1 Senior Safety Engineer (promotion will create 1 ASE vacancy)
- 1 Associate Safety Engineer
- 2 Office Technician

Consultation Service – Vacant Positions to be Filled

- 2 Area Managers (promotions will create 2 ASE vacancies)
- 3 Associate Safety Engineers
- 1 Office Technician

Consultation Service – Vacant Positions to be Abolished

- 1 Office Technician

Targeted Inspection & Consultation – Positions to be Filled

- 2 Office Technicians

PSM Unit – New positions to be filled

- 10 Associate Safety Engineers
- 1 Associate Government Program Analyst

PSM Unit – Positions to be “redirected” from other DOSH units

- 4 positions will be eliminated in other DOSH units – unclear if they will be replaced with new hires – to create 1 District Manager and 2 Associate Safety Engineer positions in the PSM Unit and 1 Career Executive Assignment II position in DIR.

**7320 Public Employment Relations Board - Continued**

	Positions			Expenditures		
	2012-13	2013-14	2014-15	2012-13*	2013-14*	2014-15*
Legal Secretary	-	1.0	-	3,038-3,994	42	-
<b>Totals, Workload &amp; Admin Adjustments</b>	-	2.0	-	\$-	\$205	\$74
<b>Proposed New Positions:</b>						
Administrative Law Judge	-	-	1.0	7,499-9,340	-	101
Attorney	-	-	1.0	5,638-7,023	-	76
Legal Secretary	-	-	2.0	3,038-3,994	-	84
<b>Totals, Proposed New Positions</b>	-	-	4.0	\$-	\$-	\$261
<b>Total Adjustments</b>	-	2.0	4.0	\$-	\$205	\$335
<b>TOTALS, SALARIES AND WAGES</b>	45.7	55.1	57.1	\$4,003	\$4,767	\$4,975

**7350 Department of Industrial Relations**

The Department of Industrial Relations protects the workforce in California, improves working conditions, and advances opportunities for profitable employment. The Department is responsible for enforcing workers' compensation insurance laws, adjudicating workers' compensation claims, and working to prevent industrial injuries and deaths. The Department also promulgates regulations and enforces laws relating to wages, hours, and conditions of employment, promotes apprenticeship and other on-the-job training, and analyzes and disseminates statistics which measure the condition of labor in the state.

**3-YR EXPENDITURES AND POSITIONS**

		Positions			Expenditures		
		2012-13	2013-14	2014-15	2012-13*	2013-14*	2014-15*
10	Self-Insurance Plans	21.9	27.1	27.1	\$3,153	\$6,312	\$6,211
30	Division of Workers' Compensation	959.4	1,077.8	1,077.8	160,154	200,697	197,020
36	Commission on Health and Safety and Workers' Compensation	6.8	8.1	8.1	2,373	3,484	3,416
40	Division of Occupational Safety and Health	668.8	722.4	726.9	107,768	120,239	127,106
50	Division of Labor Standards Enforcement	430.5	516.9	509.4	56,860	68,479	72,250
60	Division of Apprenticeship Standards	54.6	55.3	55.3	9,854	10,476	10,511
80	Claims, Wages, and Contingencies	-	-	-	59,232	61,182	181,182
94.01	Administration	330.1	384.0	385.0	40,773	54,766	49,905
94.02	Distributed Administration	-	-	-	-40,773	-54,766	-49,905
<b>TOTALS, POSITIONS AND EXPENDITURES (All Programs)</b>		<b>2,472.1</b>	<b>2,791.6</b>	<b>2,789.6</b>	<b>\$399,394</b>	<b>\$470,869</b>	<b>\$597,696</b>

**FUNDING**

		2012-13*	2013-14*	2014-15*
0001	General Fund	\$2,068	\$2,512	\$-
0016	Subsequent Injuries Benefits Trust Fund	26,363	27,000	27,000
0023	Farmworker Remedial Account	58	102	102
0096	Cal-OSHA Targeted Inspection and Consultation Fund	8,150	-	-
0132	Workers' Compensation Managed Care Fund	11	80	79
0216	Industrial Relations Construction Industry Enforcement Fund	62	-	-
0223	Workers' Compensation Administration Revolving Fund	161,944	192,227	308,374
0368	Asbestos Consultant Certification Account, Asbestos Training and Consultant Certification Fund	363	398	405
0369	Asbestos Training Approval Account, Asbestos Training and Consultant Certification Fund	134	141	144
0396	Self-Insurance Plans Fund	3,153	3,933	3,949
0452	Elevator Safety Account	19,480	21,895	21,992
0453	Pressure Vessel Account	3,785	5,190	5,242
0481	Garment Manufacturers Special Account	167	500	500

\* Dollars in thousands, except in Salary Range.

*Governor's Proposed 2014/15 Budget*