

April 22, 2022

Cal/OSHA Enforcement Hiring Remains Anemic

I have crunched the numbers for CSHO staffing at Cal/OSHA as of February 1, 2022, and have the following to report. **One take-away is that between December 1st and February 1st the net increase in field compliance safety and health officers (CSHO) at Cal/OSHA was only two (2).**

DIR continues to delay release of the staffing charts for 10 weeks after they have been compiled. So the February 1st charts were only made available in mid-April. Looking at the “Cal/OSHA Recruitment and Hiring” charts posted on the DOSH website – which I have found to systematically undercount CSHO vacancies – the website chart for February 28th indicates 47 CSHO vacancies and the March 31st chart indicates 46 vacancies.

The position-by-position count of vacant CSHO positions as of February 1st shows the Division had 56 CSHO vacancies, for a vacancy rate of 22%. Mysteriously, between the December 1, 2021, charts and the February 1st charts, 24 CSHO positions have vanished from the DIR list of authorized DOSH positions (going from 283 CSHO positions to 259). If these 24 missing CSHO positions were added to the February totals, then the number of CSHO vacancies would be 80, with a vacancy rate of 28%.

Cal/OSHA after years of understaffing continues to be riddled with vacant positions that seriously undermines its ability to protect working people in California:

- District Offices continue to have gaping holes in personnel, with both Fremont and Santa Ana with 50% vacancies for field inspectors;
- District Offices continue to have serious leadership challenges as seven offices have no District Manager, several of these for more than a year;
- Senior Safety engineer positions in both District Offices and Region Offices – who are assigned key leadership and mentoring roles – continue to be empty. Seven of the 16 SSE positions (44%) in District Offices are vacant; and 9 SSE positions in Regional offices are empty, with all three of the SSE positions in Region 1 and Region 2 being vacant.

Other critical units for an effective worker protection agency continue to have significant vacancies. The Legal Unit has 15 of 31 positions empty (48%) at a time of mounting employer challenges to worker protections against Covid.

The Consultation Service has not had a Program Manager (top position) since 2016, nor the Regional Manager (#2 position) since 2020. The current Acting Program Manager is doing three jobs – Program Manager, Region Manager, and Area Manager of the Fresno office – for years now. The Consultation Service’s field staff has a vacancy rate of 21%.

One would think the employer organizations, who have professed undying love for the consultation approach over effective enforcement, would be up in arms about the sorry state of the Consultation Service. Perhaps their PR concerns for worker health and safety, and assisting small employers, are just for show.

There are a couple of troubling budget-related issues that also undermine Cal/OSHA's effectiveness.

Every year, as part of revenue collected in the OSH Fund, California oil refineries pay a fee on production to support the Process Safety Management unit of Cal/OSHA. In recent years, the fee has amounted to \$4.3 million annually. However, there are only 11 CSHOs assigned to cover the state's 15 refineries, and 3 of those positions were vacant (27%) in February.

With the funds available from the refinery fee, there could be a much more robust PSM program at Cal/OSHA, as was the intention of the state legislature in establishing the refinery fee after the 2012 fire at the Chevron Richmond refinery. Also what happens to the unused portion of the refinery fee? Is it refunded to the oil companies instead of being used to protect refinery workers?

Similarly, DIR has been holding a significant amount of DOSH funds as an unspent "reserve for economic uncertainties" year after year (see attached file):

- In budget year 2019/20 (ended on June 30, 2020), DIR kept an unspent reserve of DOSH funds totaling \$50,066,000, or 47% of the revenue received during the year;
- In budget year 2020/21 (ended on June 30, 2021), DIR kept an unspent reserve of \$54,299,000, or 55% of the DOSH revenue received during the year; and
- In the current budget year (ending on June 30th), DIR projects an unspent reserve of \$49,083,000, or 44% of DOSH's revenue for the year.

Why aren't these funds being used to protecting working people in California? Why is DIR holding back \$50 million of DOSH's funding every year? Is this the intention of the state legislature when it appropriates the DIR budget every year?

Between chronically vacant field inspector and leadership positions, and withholding half of DOSH's funding, it is a wonder that Cal/OSHA functions at all. And this under a Democratic party Governor and a state legislature with a Democratic party super majority.

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