

**MINUTES FROM CHSWC PUBLIC MEETING**  
**Friday, December 13, 2024**  
**Elihu Harris State Building**  
**1515 Clay Street,**  
**2<sup>nd</sup> Floor, Rooms 1-2 (and virtual)**  
**Oakland, CA**

**In Attendance**

Chair: Mitch Steiger.

Commissioners: Jen Hamelin, Shelley Kessler, Kristi Montoya, Chris Pedroza  
Nicholas Roxborough, and Meagan Subers.

**Absent:** Sidharth Voorakkara

**I. Welcome and Introductions of the New Commissioners Appointed by the Governor's Office**

Chair Steiger welcomed the new Commissioners: Jen Hamelin, Kristi Montoya, and Chris Pedroza.

**II. Approval of the Minutes from September 27, 2024.**

Minutes of September 27, 2024, meeting minutes were approved by all Commissioners.

**III. Presentations**

**1. Update on Department of Industrial Relations (DIR) hiring efforts, with emphasis on the Division of Occupational Safety and Health (DOSH; Cal/OSHA) and the Division of Workers Compensation (DWC)**

**Katie Hagen, Director, DIR.**

<https://www.dir.ca.gov/chswc/meetings/2024/CHSWC-Presentation-Director-2024.pdf>

Director Katie Hagen focused on the vacancy rates at DIR and specifically the vacancies at Division of Workers' Compensation (DWC) and Division of Occupational Safety and Health (DOSH) and the hiring progress for DWC and DOSH. The current vacancy rate for DOSH was approximately 21 percent while DWC was approximately 8 percent. Turnover is very low at DIR where the Statewide average is 8 percent DIR is 2 percent. Director Hagen said they were working with Cal/HR on classifications.

Director Hagen described challenges and strategies for hiring at DOSH and other agencies. Director Hagen also discussed DIR's marketing campaign for hiring. She stated that DIR received its hiring authority again in 2021. She discussed how DIR was automating the hiring process. She also discussed other infrastructure investments at DIR including several automation processes. She is also reviewing where the biggest hiring challenges were.

### **Questions or Comments from Commissioners**

Commissioner Kessler had questions and suggestions for Director Hagen about the apprenticeship program, hiring, and recruitment processes at DIR. Director Hagen said they were still developing processes for apprentices who were new to the State government. She also said DIR had developed a webinar about its hiring process and discussed DIR's recruitment campaigns.

Commissioner Hamelin asked about a college degree as a minimum requirement for State of California employment as well as salaries at DIR. Director Hagen replied that approximately a year ago the Governor had a mandate for State agencies and Cal HR to see if a college degree is required for certain job classifications. Director Hagen said they will have a salary review in the future when data becomes available. Commissioner Hamelin also asked if Director Hagen anticipated any of those vacancies to be cut with the upcoming budget. Director Hagen said it is unknown at this point.

Chair Steiger asked since DIR is funded through a special fund, was it less likely that DIR was going to be a part of budget cuts. Director Hagen said it did not appear to make a difference in the ultimate decision. Chair Steiger also asked about the length of time it took to be hired. Director Hagen replied that the automation project would provide that information. Chair Steiger also discussed details about the emergency hiring process as well as the hiring process. He recommended DIR include rank-and-file workers and their representatives to be involved in job analysis.

Commissioner Roxborough asked if CHSWC could conduct any studies for DIR. Director Hagen replied not at this time.

### **Public Comments**

There were no public comments.

## **2. Office of Legislative and Regulatory Affairs (OLRA) Sulma Guzman, Deputy Director of DIR's Director's Office of Legislative and Regulatory Affairs (OLRA)**

[https://www.dir.ca.gov/chswc/meetings/2024/OLRA-Leg2024\\_access.pdf](https://www.dir.ca.gov/chswc/meetings/2024/OLRA-Leg2024_access.pdf)

Ms. Guzman, Deputy Director of DIR's Director's Office of Legislative and Regulatory Affairs (OLRA) Unit gave an overview of the 2024 Legislative Session. The presentation document can be found at [https://www.dir.ca.gov/chswc/meetings/2024/OLRA-Leg2024\\_access.pdf](https://www.dir.ca.gov/chswc/meetings/2024/OLRA-Leg2024_access.pdf)

She explained that they are the legislative liaison between the Divisions, programs, the Labor Workforce Development Agency (LWDA) and the Governor's Office. She reviewed 9 health and safety bills and 3 workers' compensation bills most relevant to the Commission. Ms. Guzman referred people to Legislature's website for further information on bills and laws at <https://leginfo.legislature.ca.gov/faces/home.xhtml>

### **Comments from Commissioners**

In the Commissioner comments portion of the meeting, Commissioner Subers expressed interest in more regular legislative updates at the public meetings. Commissioner Subers commented that there already is a thorough study being conducted for the Commission about janitor safety. Ms. Guzman explained that she believes the AB 2364 janitor study by UCLA would build on the present work for the Commission.

Commissioner Roxborough expressed a desire to get a legislative update during the summer as well to help inform or guide CHSWC in relevant subject areas; therefore, he expressed an interest in twice a year updates. Chair Steiger asked for an update on the report on indemnity benefit payment debit cards and for a better understanding of the contracts and fee schedule for them which can be predatory. He asked that a summary or update on the report be added as an agenda item for the next meeting.

### **Public Comments**

Chair Steiger asked for any comments from the public on either the DIR hiring efforts or the legislation. Bruce Wick commented on the financial participation of employers who expect in return that DIR positions be filled and candidates hired.

*Chair Steiger asked to re-order the agenda a little and the following order represents the change.*

### **3. Cal/OSHA's Off-Site "Letter Inspections" Discussed During the September 27, 2024 Meeting (Chris's section)**

**Zulfiquar (Ali) Merchant, Senior Safety Engineer, Santa Ana Enforcement Office, Cal/OSHA**

<https://www.dir.ca.gov/chswc/meetings/2024/Off-Site-letter-Inspections.pdf>

Mr. Merchant described the Cal/OSHA Digital Management System (DMS) which is linked to the Federal OIS system and which will help Cal/OSHA be efficient. He said Cal/OSHA is also updating its complaint policy and procedures.

He explained that Cal/OSHA responds to complaints with on-site inspections and off-site investigations, also known as a "phone/fax letter investigation." On-site inspections are prioritized when there is a fatality, an employee has serious physical harm, disfigurement or hospitalization, imminent hazards/dangerous situations, or when an employer provides an inadequate response to a phone/fax letter investigation. He gave examples of hazards like cave-ins in confined spaces like trenches where an on-site inspection would be necessary; he gave examples of machine guarding and lock out/tag out hazards that would also require an on-site inspection. Likewise, fall hazards warrant on-site inspections, as does heat illness.

Off-site letter inspections were explained, where the Cal/OSHA District Manager either calls or sends a letter to the employer. The employer must post the letter at the workplace

until the hazard is corrected. Cal/OSHA Staff review the employer response. If a satisfactory response is received, that letter is mailed to the complainant. If not, the employer is contacted or an on-site inspection is conducted. A question was asked whether the resolution of the complaint is also posted or just the complaint/inquiry letter; Mr. Merchant said only the original hazard inquiry was posed, but offered to verify that for the Commission.

Cal/OSHA Chief Debra Lee stepped up and explained that the letter is supposed to be posted near where the hazard is located. She said that the point of the letter is to get the hazard corrected. A point of clarification included that letter investigations do not result in a citation, rather an on-site investigation would produce any definitive citations that needed to be corrected. If the hazard is not corrected, the citations would escalate to willful and repeat violations. If uncorrected, these types of violations become criminal charges and would involve District Attorneys.

#### **Comments from Commissioners**

Questions by Commissioners were addressed during the presentation.

#### **Public Comments**

There were no public comments.

#### **IV. Follow Up Discussion on Potential Changes to Frequency of CHSWC Meetings, Topics Covered in Meetings, and Goals of the Commission**

Chair Steiger indicated that CHSWC has made progress by deciding to expand the number of yearly meetings to six (6), with alternating themes of focusing on a specific issue and of presentations from agency officials and presentations on research. Mr. Steiger then asked for ideas about issues for future meetings. Commissioner Kessler requested a repeat training of the Request for Proposal (RFP) process. Commissioner Roxborough requested an update on the studies in progress. Later on, Director Hagen suggested that in addition to the RFP process, attention should also be paid to contract management. Chair Steiger offered that in the overall mission of CHSWC, the one area he believes has not been fully addressed is recommending reforms; he said that they will address more attention to that area of focus. Additional discussion moved to the Annual Report and possible changes in length with summaries.

#### **Questions or Comments from Commissioners**

Commissioner comments were addressed during the presentation.

#### **Public Comments**

There were no public comments.

**V. Executive Officer Presentation**

**David Botelho, Acting Executive Officer, CHSWC**

Acting Executive Officer Botelho said that four Commissioners had volunteered for the interview panel, and they will be interviewing candidates in January. They will have an open meeting and then will have a closed meeting to interview the candidates.

The next CHSWC meeting in February 2025 will be in Oakland.

**Questions or Comments from the Commissioners**

The CHSWC Commissioners were open to meetings in other locations in California.

Selection of CHSWC Commissioners chair will be on the next agenda item.

Commissioner Subers asked about the Request For Information (RFI) for the Senate Bill (SB) 863 study and why it was extended.

**Public Comments**

There were no public comments.

**VI. Other Business / Proposals/Public Questions and Comments**

Acting Executive Officer proposed the following motions:

- **Motion:** Post the draft CHSWC Annual Report.  
**Approve:** Mitch Steiger, Nicholas Roxborough, Meagan Subers, Jen Hamelin, Kristi Montoya, and Chris Pedroza.  
**Abstain:** Commissioner Kessler.  
Motion carried to post the draft report CHSWC Annual Report.
- **Motion:** Post the draft WOSHTEP Annual Report  
**All approved.** None opposed.  
Motion carried to post the draft WOSHTEP Annual Report.

Acting Executive Officer Botelho stated that a formal vote was needed for Mitch Steiger to remain Chairperson for 2025.

- **Motion:** Elect Mitch Steiger to be 2025 CHSWC Chair.
- **Approved:** All.
- **Opposed:** None.
- **Motion carried:** Mitch Steiger was elected Chair for 2025

**Questions or Comments from the Commissioners**

Commissioner Hamelin stated that the CHSWC Annual Report should be streamlined. Chair Steiger said it has been discussed in the past and they will have a thorough analysis of the CHSWC Annual Report. Acting Executive Officer Botelho said that Staff has discussed ways to present the

information in a summary form. Commissioner Kessler also wanted to review the CHSWC Annual Report.

**Adjournment**

The meeting was adjourned at 12:55 p.m.

**Approved:** \_\_\_\_\_  
Mitch Steiger, Chair Date

Respectfully submitted:

\_\_\_\_\_  
David Botelho, Acting Executive Officer, CHSWC Date