

NAGLO News

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Dave Neil, *President*

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NAGLO News is a monthly newsletter of the
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A Message From Our President

Season's Greetings to everyone.



Dave Neil, *President*

It is time to mark your calendars as the 2010 Annual Meeting of NAGLO will be held July 25, 26, 27, concluding on the 28th, at the Omni Hotel in Richmond, VA. The Executive Board has been meeting by phone, putting together an agenda. So far, the issues we will be addressing are: Workers' Compensation, employee misclassification, effective ways to handle budget reductions and reports and discussion from each State of issues facing Labor Commissioners. In addition, we will be inviting the Secretary of Labor and the new Under Secretary of Labor in charge of OSHA. We are in the process of securing presenters on each of these issues.

The sharing of concerns and ideas has always been beneficial to the attendees, and is one that I find the most informative.

If any members have ideas for additional issues they would like to see discussed, please let us know.

I know budgets are tight; however, I believe the value I receive from our membership in NAGLO is worth the \$1,500 a year. States who haven't remitted their FY2010 dues, please do so as soon as possible. These are challenging times, and learning from another who walks in the same shoes is value you can't purchase anywhere else.

Look forward to hearing from you and seeing everyone at our 2010 Annual Meeting in the great State of Virginia.



Dave Neil
President

For more information, go to <http://www.naglo.org>

2009 Annual Meeting Highlights

The Program Committee consisting of Lori Torres, Commissioner of Indiana; Brad Avakian, Commissioner of Oregon; JR Gray, Secretary Kentucky Labor Cabinet; William Peabody, Director, Maine; and Host Commissioner Sherrie Hayashi of Utah combined talents to provide a very educational and interesting Annual Meeting. The following is a report on just some of the information presented and activities which made the meeting of value.



Following an optional event of attending a presentation of the Mormon Tabernacle Choir and a tour of Salt Lake City, attendees gathered Sunday evening for a meet and greet session which concluded with a dinner in the hotel.

Monday, President Neil welcomed the attendees. Earl Everett, Secretary/Treasurer and Director-Safety Engineering, Georgia, gave a brief overview of the history of the NAGLO organization and the benefits of belonging and attending the Meetings. Commissioner Hayashi arranged a presentation from the Director of Utah State History. Howard McMillian, Chief of National Security and Records Verification

Directorate, Verification Division of the US Citizens and Immigration Service presented the E-Verify system of the federal government. He explained how the system works and talked about the states that have entered into partnerships with them in using the system to verify workers citizenships. South Carolina representative Jim Knight reported on the new state law requiring enforcement of the e-verify program on employers and the fact that investigators for the state are enforcing the system. A panel discussion on the Employee Free Choice Act followed with Eugene Scalia, former Solicitor of the U.S. Department of Labor and Matt McKinnon, representative of the Machinist Union debating the pros and cons of the change in the law. Both agreed the card check provision most likely was dead. According to Mr. Scalia no change in the law was needed, while Mr. McKinnon felt change needed to be made. Both discussed the merits and the non merits of mandatory arbitration and other suggested items for reform for workers to seek to form a union. Monday's Luncheon Speaker was Jordon Barab, Acting Assistant Secretary of Labor for OSHA. Mr. Barab pointed out that OSHA wants to create a more diverse OSHA reflective of the diverse U.S. work force and also wants to visit the penalty structure and consider increased penalties. He also pointed out that the consultation program is under review to determine if the country is getting the best bang for the buck. State reports followed and then a tour was held of the Kennecott Copper Mine. The tour was arranged by the Utah Labor Commission and was far more involved than the general public sees. It involved going down into the mine to view one of the large trucks that hauls the rock to a point where it is loaded on a five mile conveyor belt delivering the rock to the concentrator. We then toured the concentrator, which separates the metals from the rock through a grinding process and mixing with fluids to float off the metals for the market.



Tuesday started with a presentation by a Vice President of Solarworld explaining what a green company needs in a workforce. In his presentation, he explained the different skills needed in the manufacture and installations of solar panels and pointed out how the educational community needs be involved in creating the work force for the renewable fuels economy. This was followed by a presentation on Innovation in Workforce Development for the 21st century by Robert Mejia of the South Bay Workforce Investment Board of California, a Green Workforce Coalition.

Utah, recognized as one of the best managed states in the country, is trying new ways of serving its citizens. Utah has implemented a pilot program of a four day work week. Jeff Herring, Director of Utah Department of Human Resource Management, walked the attendees through the process they used in piloting a four day work week with the government being shut down on Fridays, which departments were essential, the measurement systems used to track employee and citizen satisfaction, and allowing flexibility with accountability. While the pilot is not complete, early polling of employees show about 80 percent approve and the savings appear to be in the 13 to 18 percent range.

Richard Gates, Manager of District 11 MSHA, reviewed with attendees the investigation of two of the nation's recent mine accidents -- the Crandall Canyon mine accident in Utah and the Sago mine accident in West Virginia, which involved fatalities in using 21st century technology. The Deputy Minister of Labor of Taiwan, Kuo Fang-Yu, addressed the attendees and explained the new retirement system in Taiwan and the improvements in safety and health. Margaret McDonald, Deputy Minister of Labour and Workforce for the province of Nova Scotia, addressed the group on issues facing workers in Canada on behalf of the Canadian labor ministers. The state reports covered many issues such as misclassification of workers and what states are doing to correct the problem, problems with the workers' compensation programs in different states and issues involved in correcting the problems, e-verify programs,

second injury fund problems, and many other issues that face Commissioners on a daily basis.

Wednesday the Business Meeting was held in which a resolution was passed to allow the board to incorporate into a 501(c)3 organization and the election of officers for the coming year: President - Dave Neil, 1st VP - Ray Davenport, Secretary/Treasurer - Earl Everett, Eastern Region - Ron DeJuliis, Mid-Western Region - Steve Sviggum, Southern Region - J. R. Gray and Western Region - Sherrie Hayashi. We had several offers to host next year's meeting: Virginia, Maryland, and Missouri all volunteered. The board will choose a location in the coming months. Possible topics for next year's meeting were discussed and are as follows: ASSE, American Hygiene Association, E-Verify, wind energy, misclassification of employees, and national leaders from labor and business.

I hope that if we didn't see you this year you are with us next year, there is no better learning opportunity than the sharing of ideas between Commissioners.

Earl Everett Passes



Earl Everett, as the original and only Director of Safety Engineering for the Georgia Department of Labor, had oversight of development and enforcement of various Codes and Standards. In Georgia, he was responsible for the inspection and certification of all elevators, escalators, pressure vessels and amusement rides. Under his leadership, Georgia has attained one of the best records for safety and inspector training on these conveyances and equipment. Earl held a Business Administration Degree from Orlando College in Florida. He served in the U.S. Navy from 1962 until 1974. Prior to joining the Georgia Department of Labor, Earl was the Assistant Regional Manager in the Southeast for Hartford Steam Boiler Inspection & Insurance Company.

Earl's extensive resume included, but was not limited to, participation in the following Professional Boards, Commissions and Associations: Past president, *National Board of Boiler and Pressure Vessel Inspectors* with a Commission for the inspection of boilers and pressure vessels with a nuclear endorsement; *American National Standards Institute*, Government Member- Council for Safety & Health; *American Society of Mechanical Engineers*, serves on Codes & Standards Committees; *American Society of Safety Engineers*; *National Association of Government Labor Officials*, Past President and was currently serving on the Executive Board; *Georgia Interagency Safety Advisory Council - Charter Member*, the Governor's Task Force on Safety in the Workplace for State Employees; *National Association of Amusement Ride Safety Officials*; *National Association of Elevator Safety Authorities*; *National Fire Protection Association*, International; *Southern Building Code Congress International*.

He was a founding member and administrator of *Project Safe Georgia*, a coalition of thousands of volunteers from the safety, health, environmental, industrial hygiene, human resources, workers' compensation and transportation fields. He produced the first and subsequent fifteen annual *Georgia Safety, Health and Environmental Conferences*. In these capacities, he has implemented ways to enhance education and training, provide solutions to existing problems and provide a venue for Georgia's employers to improve on or develop comprehensive programs to protect life and property. For the past five years, the conference has been the home of an annual Silent Auction to benefit *Kids' Chance* and Earl was excited about this year's conference being the first one to present what is hoped to become an annual *Golf Tournament for Kids' Chance*. Through the Georgia Department of Labor's *Awards Program*, he provided a way to recognize and show appreciation for employers and employees for a job well done. Over the past twelve years, over 3,000 Georgia employers have received awards to share with their employees. As a senior member of the executive board of the *National Association of Government Labor Officials*, (NAGLO), he impacted safety within other states and U. S. territories. He was on the board of the annual *Georgia Labor Management Conference*, ensuring sessions were included which promoted workplace safety and accountability for results.

He hosted and was always willing to host meetings of the ASSE, the Small Business Alliance of Georgia Tech Research Institute and OSHA, the Hispanic Safety Fair, the Network of Employers for Traffic Safety, Georgia Motor Trucking Association, National Institute for Traffic Safety and other professional associations and causes. As the state's chief inspector and member of the National Board, he provided a training and certification course for National Board of Boiler and Pressure Vessel Inspectors, hosting applicants from not only the United States, but from several foreign countries, as well.

Earl Everett was, indeed, a giant among men. In the safety, health and environmental fields, his legacy will be realized for years to come. Because of his involvement and leadership, people are safer, more knowledgeable, more productive and more secure both at work and at home.

Earl passed away Friday, August 14, 2009. He is survived by Jonnie Everett, his wife of 48 years and who is retired from the Gainesville office of the Georgia Department of Labor.

REPORT TO THE NATIONAL ASSOCIATION OF GOVERNMENT LABOR OFFICIALS (NAGLO) BOARD AND MEMBERSHIP

Recently I had the opportunity to attend the Canadian Association of Administrators of Labour Legislation (CAALL) in Saskatoon, Saskatchewan, Canada on September 22 & 23, 2009.

I attended as a guest representing NAGLO which has been the practice to exchange visits yearly between the two organizations for many years. Ms. Margaret MacDonald President of CAALL attended our August meeting in Salt Lake City, Utah.

CAALL meets twice a year and they rotate their meetings between the Provinces and their president serves a one year term. President MacDonald is from Nova Scotia.

Tuesday morning was mostly taken up by reports from each Province. While the areas of responsibility vary from Province to Province, most have the responsibility of OSHA, Workers' Compensation, Mediation & Arbitration and Job Training, Immigration, and Wage Enforcement.

High Lights from Reports:

About 30% of the Canadian workers are organized, so there was a lot of concern over upcoming labor negotiations, many which are in the public sector.

H1N1 flu concerns were also a very large concern and how it would be handled if there was an epidemic.

The Province of Ontario reported that their workers' compensation is stressed and they just moved to electronic filing systems. The layoffs in the auto sector have increased their unemployment. They are targeting high incident accident occupations in their OSHA programs to bring down the number of accidents.

The Province of Manitoba passed a law to bring farm buildings under building code. Employers bringing temporary workers must register and follow all laws such as Safety and Health Codes. They are looking at increasing OSHA fines for fatalities which was just raised to \$150,000 to \$300,000 their minimum wage is \$9.00 per hour. Their injury rate is 4 injuries per 100 workers.

Prince Edward Island and Alberta both had concerns with the federal government not letting them know about immigrants coming into their Province.

Northwest Territories reported layoffs in the mining sector; and now, with the new law requiring notice of layoffs, they can work with workers to prepare them for a new job. They reported they have a lot of citizens with low literacy and they are working with the federal government to handle this problem. They have 300-400 foreign workers and the territory's minimum wage is \$8.25 per hour, working to raise it to \$10.00 by April of 2011.

Saskatchewan changed their overtime regulation for construction workers. It was overtime after 200 hours in a two week period, it is now overtime after 40 hours a week and 8 hours per day.

Impressions and issues discussed for the balance of the meeting:

The meeting is organized by the Federal Labor Department. I found it interesting that each Province elects its own Labor Minister. The Deputy Labor Ministers are appointed by the federal government.

The deputy ministers, which are the attendees to CAALL, use the process of study committees on issues affecting their areas of responsibilities. Such as the following who reported out or were established for future reports.

- A study group on cancer causing substances which was formed following Alberta's report of a program called (Bloody Lucky) which shows accident by actors acting out causes of accidents.
- Labor Policy Environmental Study, which was a report on the Economic Factors effecting Labor.
- H1N1 presentation on required vaccinations for health care workers. There was consensus that the hype should be managed down.
- The federal government reported on a study of a new classification of worker called the autonomous worker, which are alleged workers that are not employers or independent contractors. The Provinces reacted by saying it is not needed as they now determine the classification by the Master Servant rule.

CAALL Report continued . . .

- First nations report. This report was on how to upgrade the literacy of the Abaridgiwie population which exists on reservations in several Provinces in Canada.
- The Canadian federal government improving the scrutinizing of the need for foreign workers and improving oversight on the requests for workers.
- International labor affairs. In labor standard negotiations through the I.L.O., Provinces have attendees and are invited to participate along with their federal counterparts.

The next meeting of the deputies will be in Ottawa in January and some of the agenda items are as follows:

- ◆ H1N1
- ◆ Canadian Automous Workers
- ◆ E.U. Trade Negotiations concerning Labor
- ◆ Pension Issues
- ◆ Foreign Workers
- ◆ Presentations on OSHA
- ◆ Chemical Management Plan

Final Impressions:

The labor issues are very similar to those in the United States. It was my feeling they approach these issues more nationally then we do in the U.S. by collaborating together as representatives of workers. They are very formal in their discussions and factual driven.

This was the first time I had the opportunity to be involved in a meeting where more than one language was spoken and translators used. They make great use of video conferencing as some of the reports were given from remote regions of the country.

I thank NAGLO for the opportunity to learn about our counterparts in the Country of Canada.

Dave Neil, NAGLO President

Wishing You and Yours a Safe and Happy Holiday Season

