

# South Carolina Department of Labor, Licensing and Regulation

## Division Presentations

HOUSE LEGISLATIVE OVERSIGHT COMMITTEE

ECONOMIC DEVELOPMENT, TRANSPORTATION, AND NATURAL RESOURCES  
SUBCOMMITTEE MEETING

OCTOBER 3, 2018

ACCOUNTABILITY. CUSTOMER SERVICE. EXCELLENCE. INTEGRITY



# AGENDA

- State Fire
- Division of Professional and Occupational Licensing (POL)
  - Legal
- Administration
  - Office of Communications and Governmental Affairs
  - Division of Technology and Security
  - Human Resources

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# State Fire

Division of Fire and Life Safety

**Presenter:** Jonathan Jones – State Fire  
Marshal and Deputy Director

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# State Fire Employees



FTEs

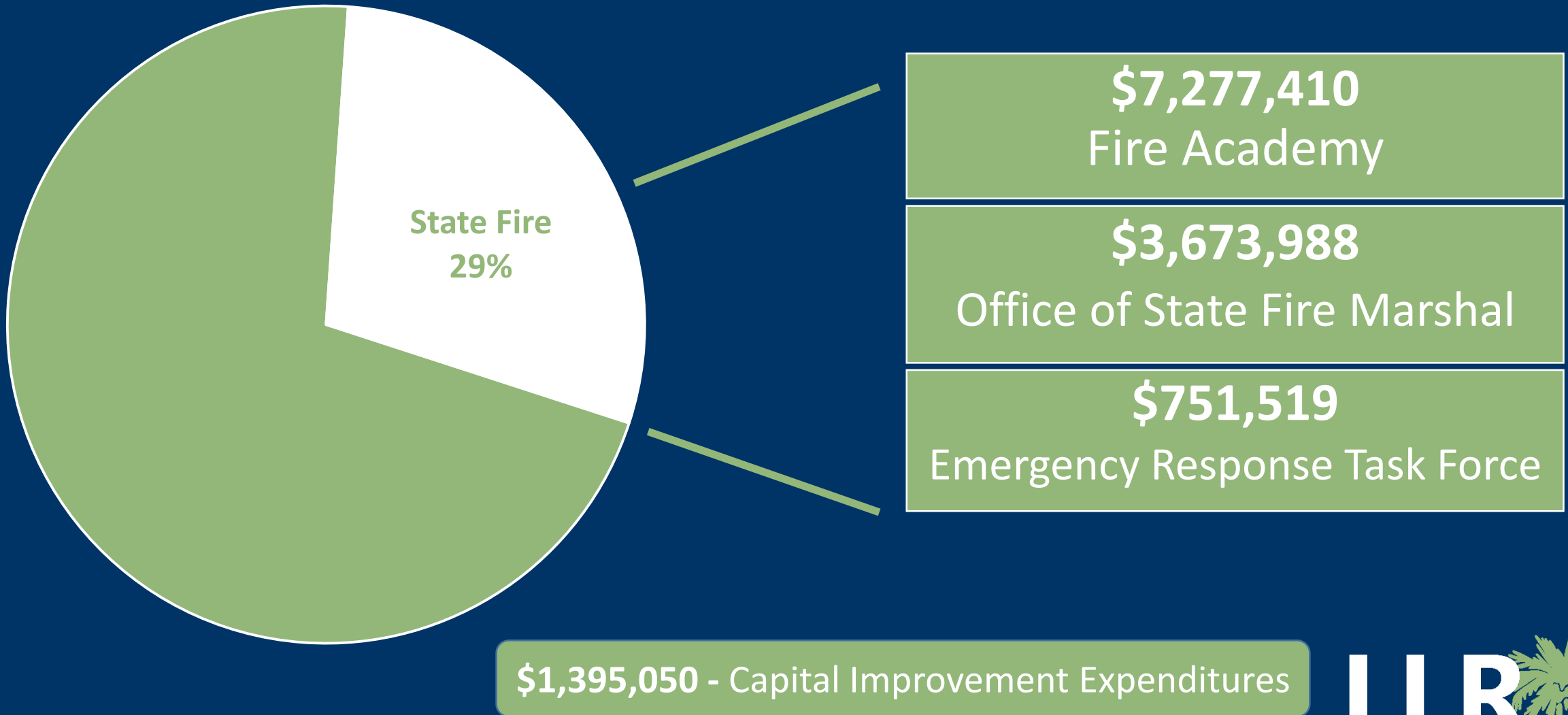
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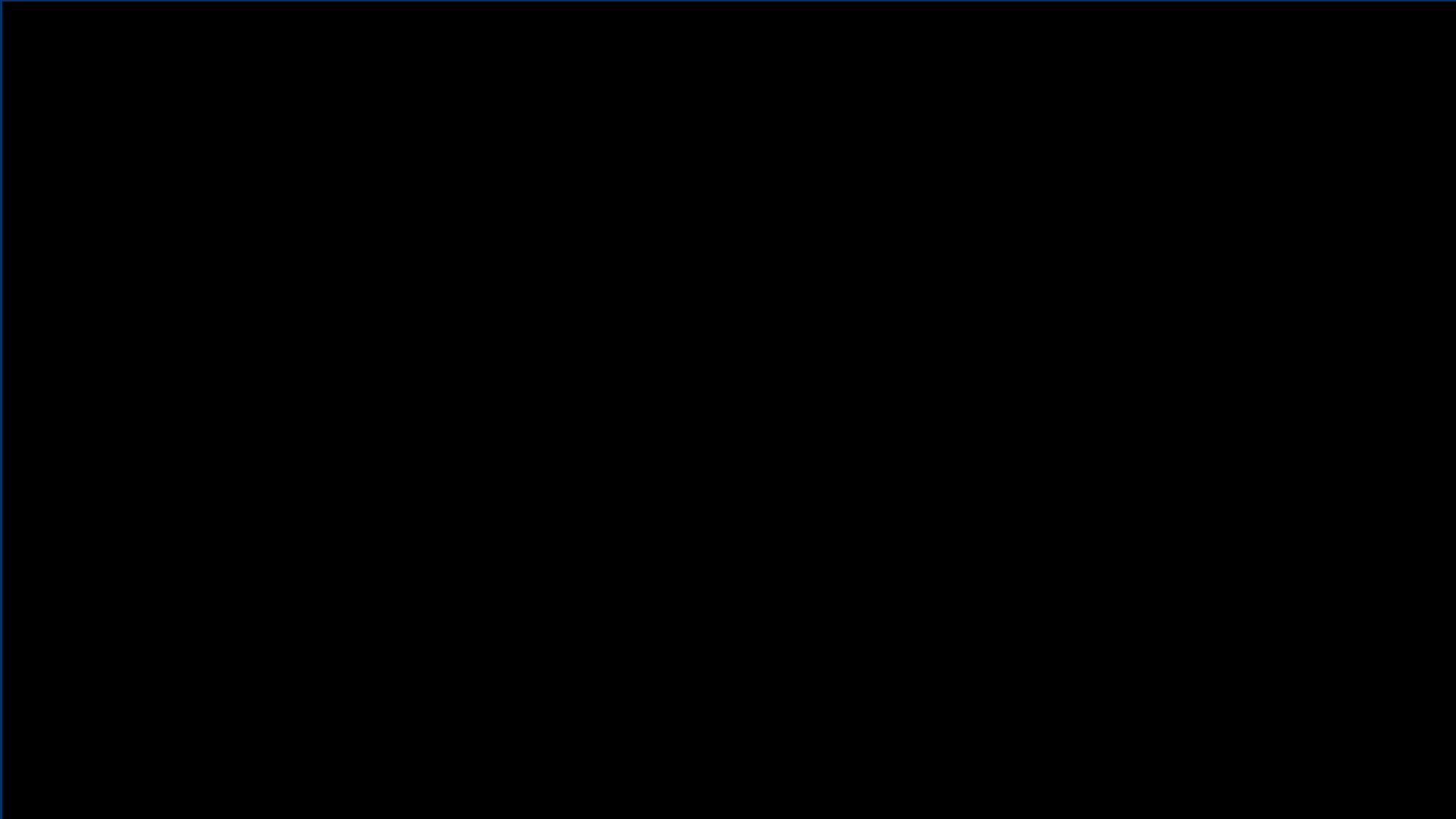
Total LLR FTEs

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# State Fire Expenditures





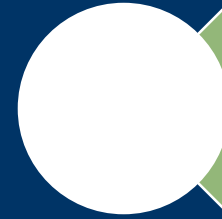
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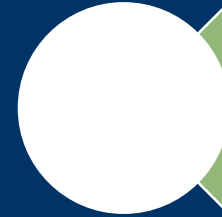
# State Fire

## GOAL

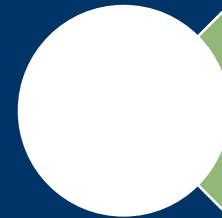
*Ensure State Fire is a leader and focal point for service and support in South Carolina to preserve life and property.*



*Office of State Fire  
Marshal*



*State Fire Academy*



*Emergency Response  
Task Force*

# Laws Governing

- Authority and Duties of the State Fire Marshal – S.C. Code Ann. Sections 23-9-10 et seq.
- Volunteer Strategic Assistance and Fire Equipment Program – S.C. Code Ann. Section 23-9-25.
- Volunteer Incentive Program – S.C. Code Ann. Section 23-9-190
- Arson Control Program – S.C. Code Ann. Sections 23-9-210 to 23-9-230
- South Carolina Hydrogen Permitting Act – S.C. Code Ann. Sections 23-9-510 to 23-9-570
- Firefighter Mobilization Act – S.C. Code Ann. Sections 23-49-10 to 23-49-120



# Laws Governing

- South Carolina Fire Academy – S.C. Code Ann. Sections 23-10-10 to 23-10-20
- Use of Pyrotechnics Before a Proximate Audience – S.C. Code Ann. 23-35-45 and 23-45-150
- Explosives Control Act – S.C. Code Ann. Sections 23-36-10 to 23-36-170
- Reduced Cigarette Ignition Propensity Standards and Firefighter Protection Act – S.C. Code Ann. 23-51-10 to 23-51-110
- State Fire Marshal's certification of designated personnel of the State Engineer's Office – S.C. Code Ann. 6-9-100
- State Fire Marshal's inspection of jails and prisons – S.C. Code Ann. Section 24-9-20

# Agency Partners

- S.C. Department of Corrections, Jail and Prison Inspections Division
- S.C. Department of Education, Office of School Facilities
- S.C. National Guard
- Lieutenant Governor's Office on Aging
- S.C. State Firefighters' Association
- S.C. Association of Fire Chiefs
- S.C. Fire Marshals Association
- S.C. Society of Fire Service Instructors
- S.C. Department of Health and Environmental Control
- S.C. Department of Social Services
- S.C. Department of Administration
- S.C. Department of Disabilities and Special Needs
- American Red Cross, South Carolina Region

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**Office of State Fire Marshal:** Prevent fires and save lives and property through quality education and efficient enforcement, licensing, permitting and engineering services.

10,907

Smoke alarms installed in FY18

30

Counties visited through  
Fire Safe S.C. in FY18

13,624

Citizens contacted through direct  
delivery of CRR programs

**Office of State Fire Marshal:** Prevent fires and save lives and property through quality education and efficient enforcement, licensing, permitting and engineering services.

2,059

Licensees and permit holders

10,697

Inspections performed in FY18

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**Office of State Fire Marshal:** Prevent fires and save lives and property through quality education and efficient enforcement, licensing, permitting and engineering services.

1,103

Engineering plans reviewed

16.2

Average (days) review time in 2017

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**Office of State Fire Marshal:** Prevent fires and save lives and property through quality education and efficient enforcement, licensing, permitting and engineering services.

102

Fire-related fatalities in 2017

57

Fire-related fatalities YTD in 2018

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**State Fire Academy:** Enhance the training and capabilities of South Carolina's paid, volunteer, and industrial fire service personnel

27,710

Number of students taught in FY18

91%

Student completion rate

# **State Fire Academy:** Enhance the training and capabilities of South Carolina's paid, volunteer, and industrial fire service personnel

19

Number of IFSAC/Pro Board accredited programs

14

Number of EMT Instructors



**Emergency Response Task Force:** Save lives and minimize property loss by enhancing and coordinating firefighting and rescue resources to respond to statewide and local emergencies

113

Number of deployable members of SC Task Force 1

Success

Full Operational Readiness Exercise of SC TF-1 Disciplines in 2018

# Internal Changes

- New Records Management System for OSFM
  - Contract awarded
  - 6-month implementation
  - Impact
    - Decrease number of days for plan review
    - Increase number of license and permit applications submitted electronically
    - Decrease turnaround time to conduct inspections

# Law Change Recommendations

## Amend section 23-9-10 et seq.

- Amends the statute to include the full range of duties and powers of the State Fire Marshal in one section and deletes outdated provisions.
- Amends the statute to define the authority of the State Fire Marshal and those who act under the authority of the State Fire Marshal.
- Allows the State Fire Marshal to establish procedures to discipline or revoke the certification of a certified Fire Marshal.
- Amends the statute to identify all classes of fire equipment permits and licenses regulated by the Office of State Fire Marshal.

# Law Change Recommendations

## Section 23-10-10 “Operation of South Carolina Fire Academy; Fire Academy Advisory Committee created; membership.”

- Defines Fire Academy operation and make-up of its advisory committee.
- Amends the chapter title and 23-10-10 to reflect the title used in the field, as well as correct names of associated institutions and titles of personnel, committees, and divisions.

# Law Change Recommendations

## Section 23-49-120 “Donations of fire protection, control and rescue equipment.”

- Allows the Forestry Commission to receive donations of equipment.
- Amends the statute to allow State Fire (in addition to Forestry) to receive donations of equipment.

# Law Change Recommendations

## Section 23-9-25 “Volunteer Strategic Assistance and Fire Equipment Program”

- Establishes the V-SAFE grant program requirements, eligibility requirements, peer-review panel, and peer-review panel responsibilities.
- Amends the statute to allow the peer-review panel the authority to establish funding priorities for each grant cycle and gives the peer-review panel the authority to consider grant amendments after award.

# Division of Professional and Occupational Licensing (POL)

**Presenter:** Dean Grigg – Deputy Director

# POL Employees



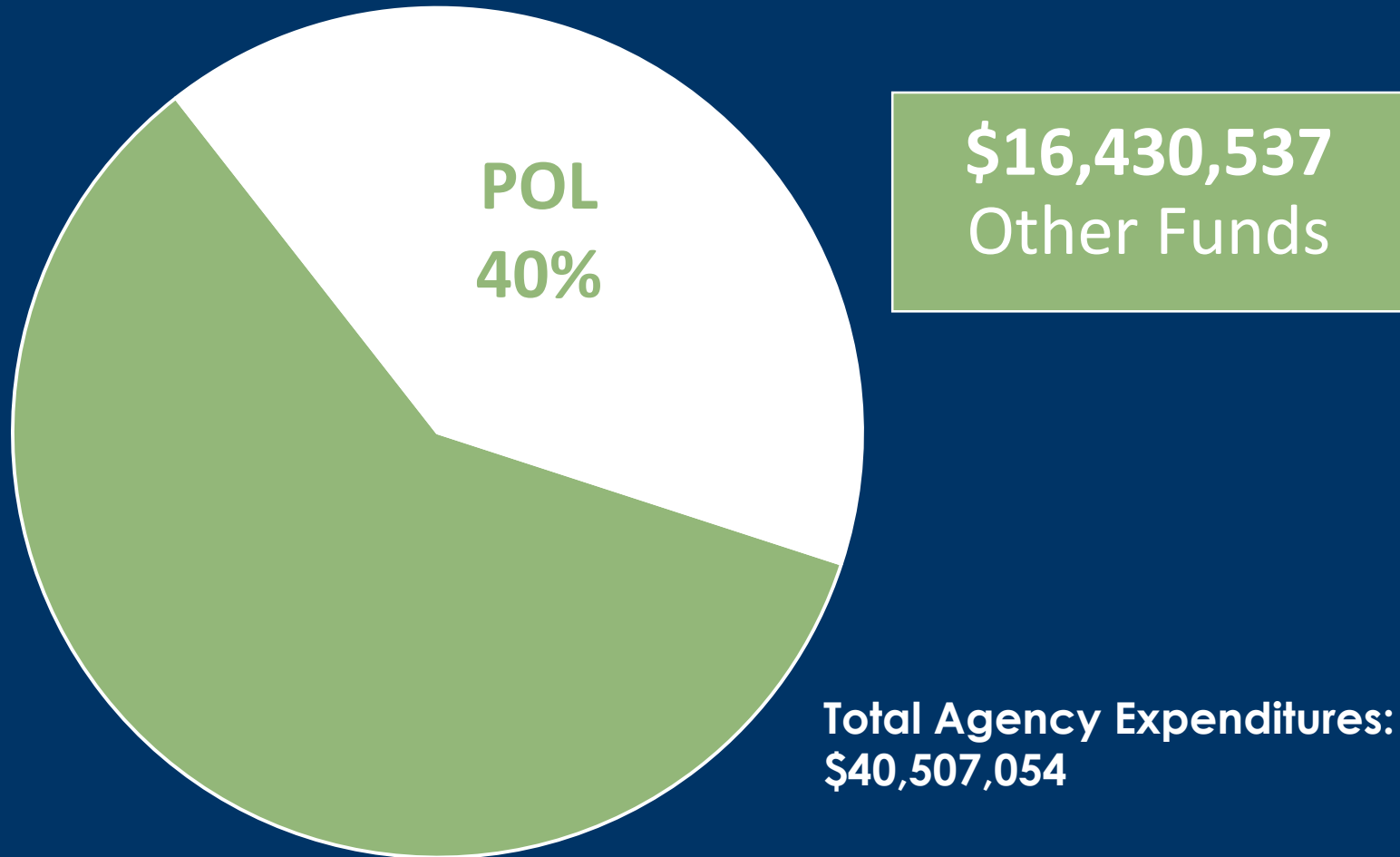
FTEs

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Total LLR FTEs



# POL Expenditures



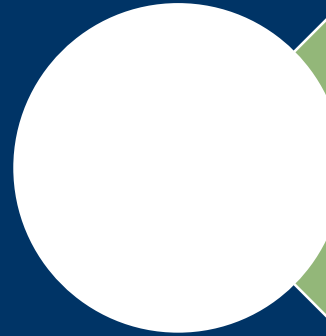
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# POL

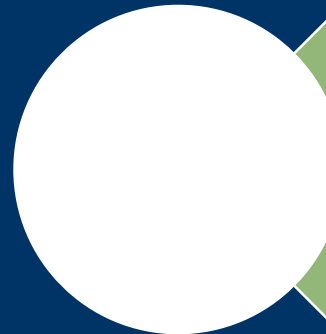
## GOAL

Protect the public by ensuring efficient and effective licensing, permitting, inspection and enforcement operations for the State's regulated professions and occupations.



### Office of Board Services

- 17 Health and Medically Related Boards
- 25 Building and Business Boards
- Over 400,000 licensees



### Office of Investigations and Enforcement

- Conducts investigations and inspections, including Wages and Labor complaints

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# Laws Governing POL

## Title 40, Chapter 1 (the Engine)

- Purpose of POL is to protect the public through the regulation of professional and occupational licensees and the administration of boards charged with the regulation of its practitioners (S.C. Code Ann. §40-1-40).
- Establishes the powers and duties of boards (S.C. Code Ann. §40-1-70).
- Grants authority to investigate and sanction (S.C. Code Ann. §40-1-80 and S.C. Code Ann. §40-1-120).

## Practice Acts

- Establish composition of board membership.
- Establish statutory requirements for licensure and compliance with professional standards.
- Authorize boards to promulgate regulations.

# Division Partners

## Professional Associations

### Training Partners

- CLEAR
- REID

### Governmental Agencies

- DHEC
- SLED/FBI
- DAODAS
- DOR

## Third Party Contractors

- Testing companies
- Recovering Professional Program
- CE Broker
- SR&I (Background Checks for Real Estate Commission)

# Health and Medical Boards

|   |
|---|
| Board of Nursing – <b>77,007</b>                                |
| Board of Medical Examiners – <b>26,858</b>                      |
| Board of Pharmacy – <b>26,319</b>                               |
| Board of Dentistry – <b>13,007</b>                              |
| Board of Physical Therapy Examiners – <b>7,086</b>              |
| Board of Social Work Examiners – <b>5,834</b>                   |
| Licensure of Professional Counselors – <b>4,738</b>             |
| Board of Occupational Therapy – <b>3,654</b>                    |
| Board of Speech-Language Pathology and Audiology – <b>3,236</b> |
| Board of Veterinary Medical Examiners – <b>3,052</b>            |
| Board of Chiropractic Examiners – <b>1,765</b>                  |
| Panel for Dietetics – <b>1,297</b>                              |
| Board of Long Term Health Care Administrators – <b>1,222</b>    |
| Board of Examiners in Opticianry – <b>1,133</b>                 |
| Board of Examiners in Optometry – <b>966</b>                    |
| Board of Psychology – <b>862</b>                                |
| Board of Podiatry – <b>201</b>                                  |

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# Building and Business Boards

Real Estate Commission – **64,286**

Board of Cosmetology – **41,305**

Contractors Licensing Board – **36,468**

Board of Engineers and Surveyors – **32,649**

Residential Builders Commission – **21,539**

Environmental Certification Board – **8,778**

Board of Barber Examiners – **8,084**

Board of Accountancy – **7,788**

Board of Architectural Examiners – **5,779**

Massage / Bodywork Panel – **4,644**

Real Estate Appraisers Board – **2,972**

Board of Funeral Service – **2,730**

Liquefied Petroleum Gas Board – **1,661**

Athletic Commission – **1,524**

Building Codes Council – **1,231**

Board of Manufactured Housing – **1,161**

Auctioneers Commission – **1,079**

Board of Landscape Architectural Examiners – **885**

Pyrotechnic Safety – **872**

Board of Registration for Foresters – **701**

Board of Registration for Geologists – **636**

Boiler Safety Program - **178**

SC Perpetual Care Cemetery Board – **118**

Soil Classifiers Advisory Council – **46**

Pilotage Commission – **26**

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# Office of Board Services (OBS)

Ensure the public's health and safety by issuing licenses to qualified members of the public who meet the educational - and statutorily - required standards and by issuing permits to facilities that likewise demonstrate compliance with legal requirements and standards.

## **LLR Staff:**

- 122 employees
- 17 administrators
- Assisted by Operational Management (OM)

## **Over 300 Board Members**

- Determine eligibility of applicants
- Establish criteria for issuance of licensure
- Approve continuing education
- Establish professional codes of conduct
- Promulgate regulations
- Quasi-judicial role for complaints against licensees

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# Office of Board Services (OBS)

## Issued over 47,000 initial licenses

- 65% paper application vs. 35% online application

## Issued over 182,000 renewals

- 8% paper application vs. 92% online application



# Office of Board Services (OBS)

**Statutorily required to conduct FBI criminal background checks for 5 boards:**

- Nursing
- Medical
- Long Term Health Care
- Accountancy
- Real Estate Commission (2020)

**11,380 background checks for Nursing, Medical, LT HC and Accountancy at initial licensure**

**Increase to over 61,000 background checks for Real Estate – required at initial and renewal**

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# Office of Investigations and Enforcement (OIE)

Ensure the public's health and safety by investigating complaints to ensure compliance with statutorily-required professional standards

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# Office of Investigations and Enforcement (OIE)



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# Office of Investigations and Enforcement (OIE)

5,638

Complaints Received

3,866

Investigations Opened

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# Office of Investigations and Enforcement (OIE)

Boards/Divisions with greatest number of investigations:

1,355

Wages

447

Medical

503

Residential Builders

315

Nursing

# Office of Investigations and Enforcement (OIE)

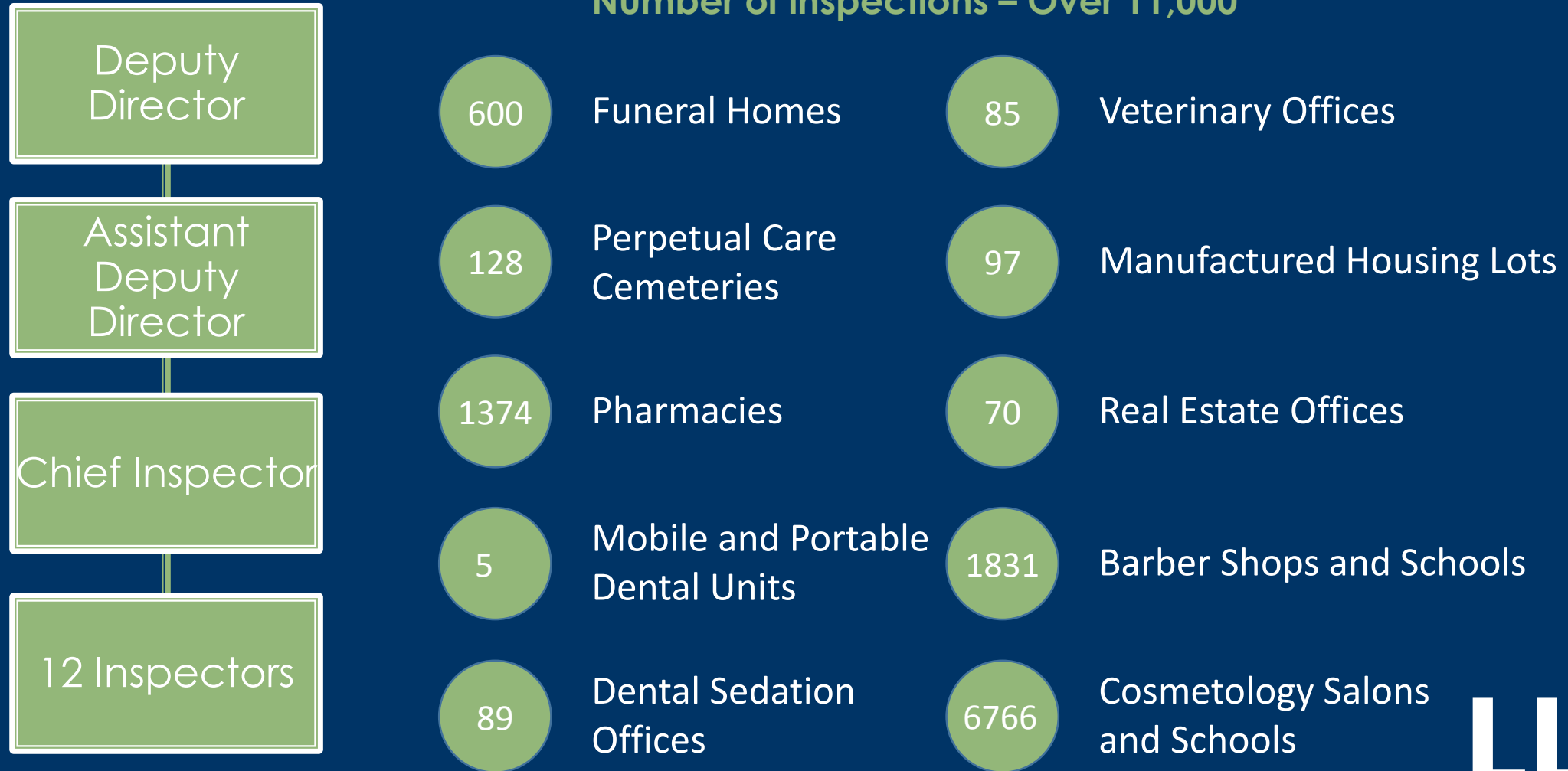
Ensure the public's health and safety by inspecting facilities for compliance with standards required by law

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# Office of Investigations and Enforcement (OIE)

Number of inspections – Over 11,000



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# Internal Changes and Process Improvements

- Third Party Testing
- Centralized Intake of Paper Applications
- CE Broker
- Implementation of FBI Background Check Process
- Uniform Coding System
- Customer Satisfaction Surveys

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# Customer Satisfaction Survey

## Survey Questions

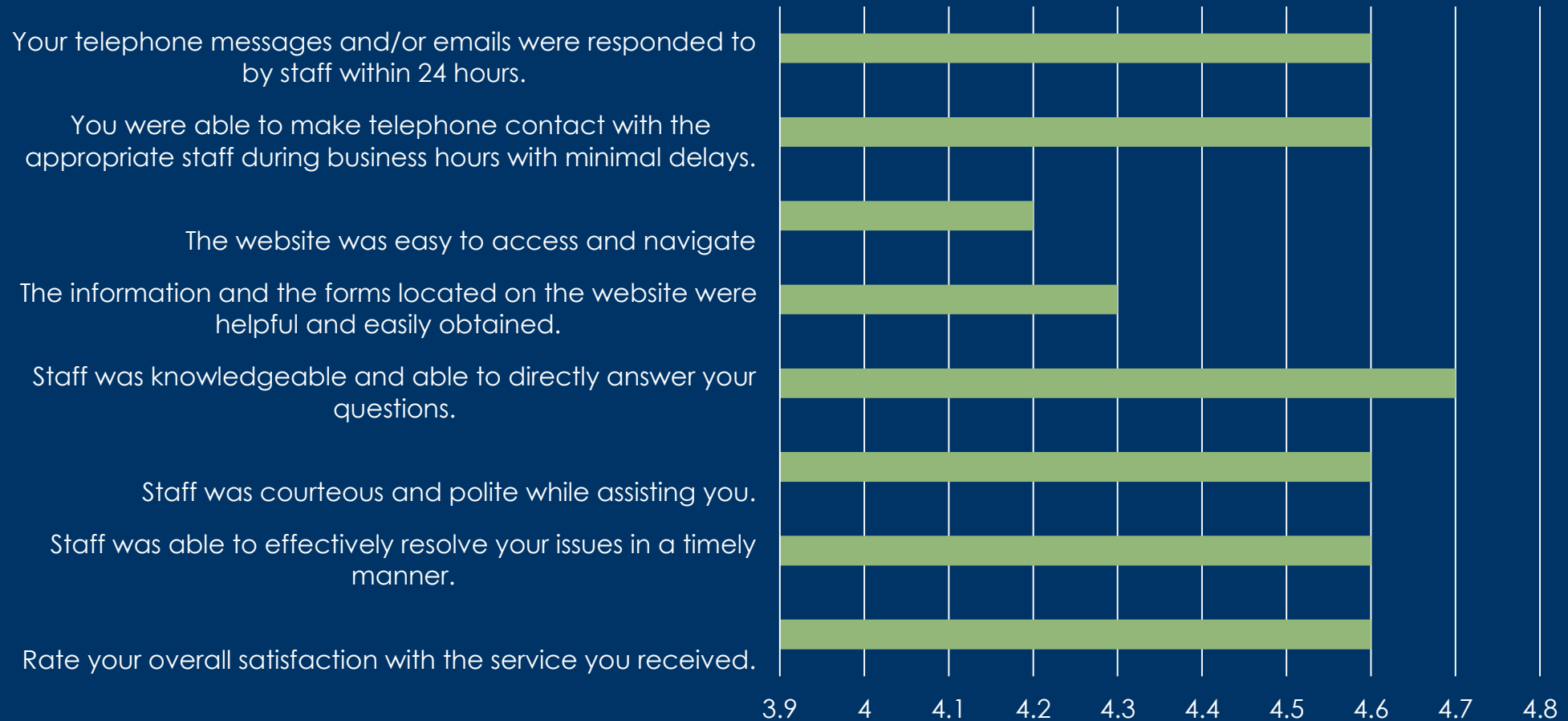
- Rate your overall satisfaction with the service you received.
- Staff was able to effectively resolve your issues in a timely manner.
- Staff was courteous and polite while assisting you.
- Staff was knowledgeable and able to directly answer your questions.
- The information and the forms located on the website were helpful and easily obtained.
- The website was easy to access and navigate.
- You were able to make telephone contact with the appropriate staff during business hours with minimal delays.
- Your telephone messages and/or emails were responded to by staff within 24 hours.

**Extremely Satisfied – Satisfied – Somewhat Satisfied**  
**Somewhat Unsatisfied – Extremely Unsatisfied**

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# Survey Results



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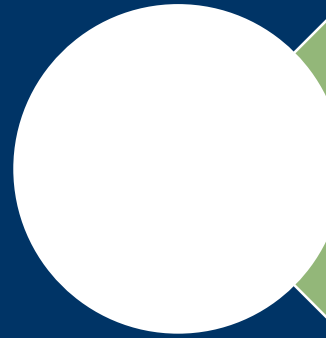
# Legal Services – Offices of Disciplinary Counsel and Advice

**Presenter:** Melina Mann – General Counsel

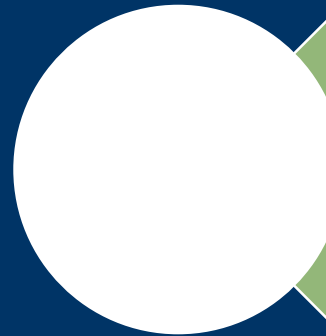
# Legal Services

## GOAL

*Provide effective and quality prosecutorial legal support and advice to the agency, and provide exemplary in-house legal services to the agency's divisions.*



*Office of Disciplinary Counsel*



*Office of Advice Counsel*

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# Office of Disciplinary Counsel

## Providing Effective and Quality Prosecutorial Legal Services

- Prosecute cases alleging misconduct against licensees
- Advise investigators and staff
- Appeals of disciplinary decisions
- Recommend process improvements for the disciplinary process

13

Attorneys

1

Admin Assistant

6

Admin Coordinators

2

Law Clerks

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# Office of Disciplinary Counsel

388

Consent Agreements

8

Pending Appeals

818

MOAs/Panel/Board Hearings

1,358

Cases Resolved

90%

Cases Resolved in Less than Seven Months

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# Office of Advice

## Providing Exemplary In-House Legal Services

- Serve as counsel to the professional and occupational boards and commissions, and their administrative staff
- Provide legal advice and support on licensure and disciplinary decisions during administrative hearings
- Draft final orders and advisory opinions
- Provide board training
- Draft board regulations

7

Attorneys

2

Support Staff

1

Staff Attorney

# Office of Advice

## Providing Exemplary In-House Legal Services

449

Board Meetings

1,404

Orders Drafted

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# Law Changes

- 40-8-160 (Cemetery) – Amends to allow dissemination of final orders by email to state, local, and professional associations rather than mail. This does not change service requirements to a respondent.
- 40-9-31 (Chiropractors) - Repeals reference to the Attorney General's Office and to provide that service of board's decision on appeal does not stay the final order.
- 40-15-180 (Dentistry), 40-55-130 (Psychologists), 40-75-90 (Counselors) – Amends to allow the ODC attorney rather than board president to sign the formal complaint against a respondent.
- 40-29-60 (Manufactured Housing) - Amends to allow a respondent to have a hearing before the full board as opposed to only a hearing officer.
- 40-37-20 & 420 (Optometrists) – Repeals definitions for basic certified optometrist and diagnostic certified optometrist and to delete references to transition in requirements that expired in 2008.
- 40-59-270 (Residential Builders) – Amends to delete a reference to residential building “as defined in 40-59-10,” as residential building is not a defined term in the practice act.

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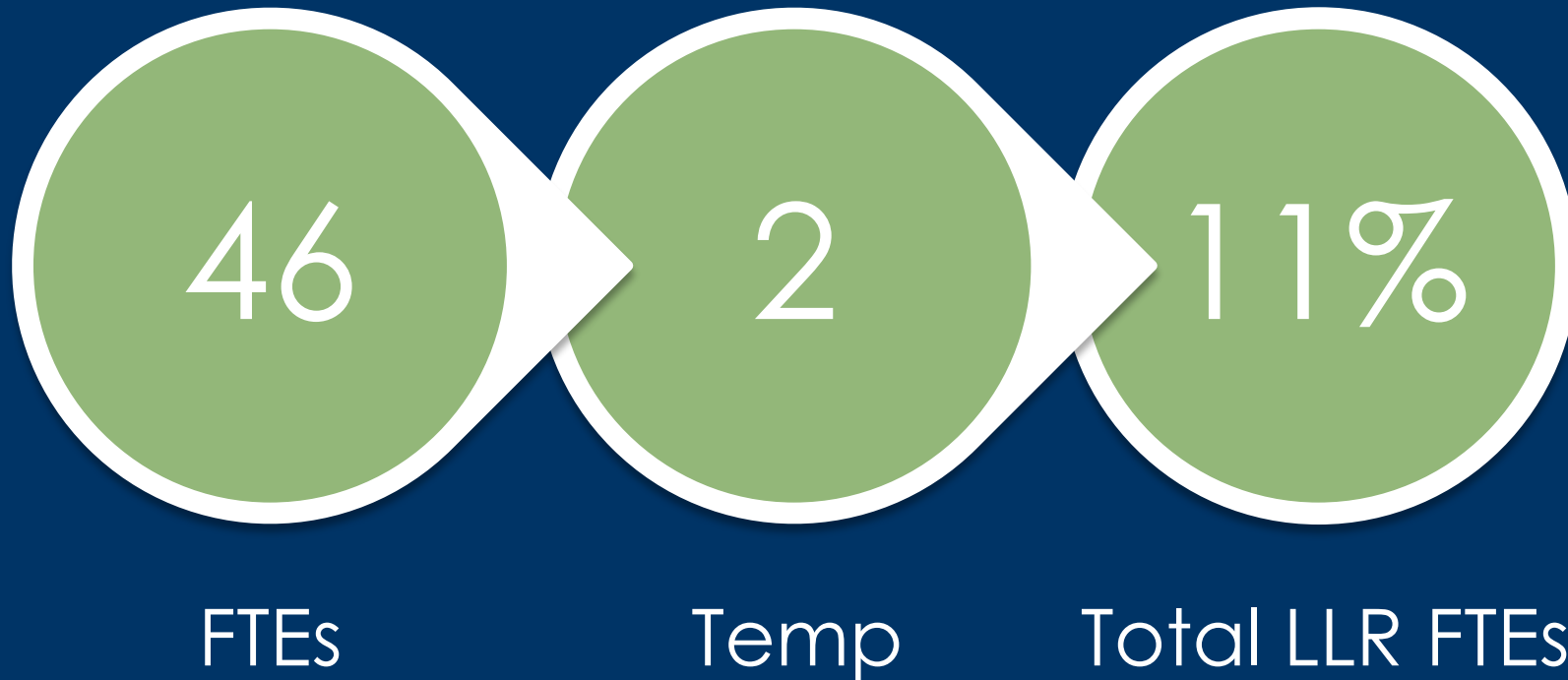
# Law Changes

- Amend section 40-1-90 to set forth the law regarding service of notice of hearing.
- Amend section 40-1-190 to add confidentiality of complaints during the investigations, clarify that the respondent has access to the complaint, and allow the agency to share information with other governmental agencies.
- Amend section 40-1-150 to clarify the difference between a permanent relinquishment and a voluntary surrender of a professional or occupational license.
- Amend section 40-1-50 to delete the requirement that the agency director submit an annual report to the Governor and General Assembly indicating the professions and occupations that do not meet the spirit and intent of 40-1-10.
- Amend section 40-1-50 to delete the requirement that the board submit three names to the agency director for selection of the board administrator position.

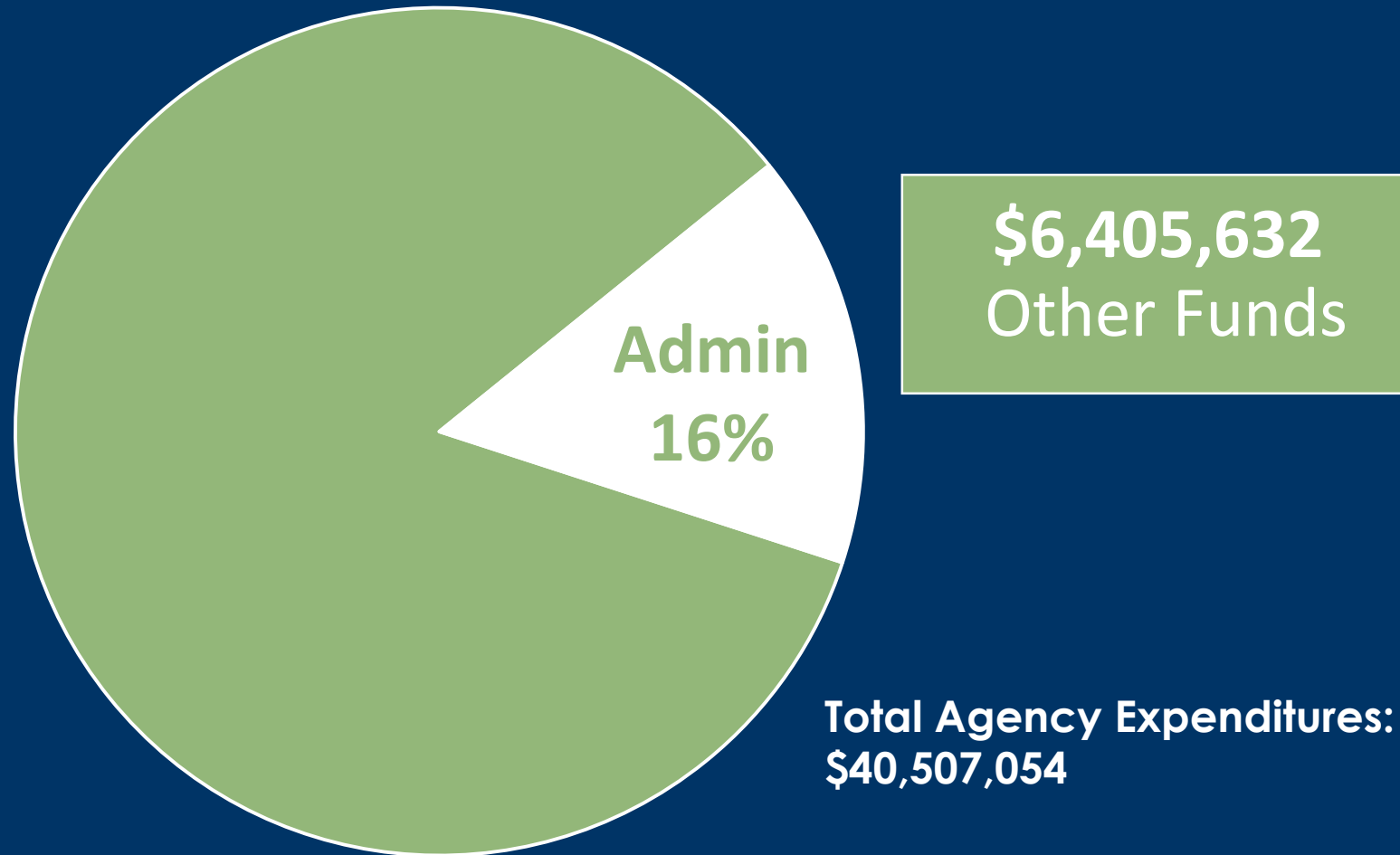
# Administration

- Communications and Governmental Affairs
- Department of Technology and Security
- Human Resources

# Administration Employees



# Administration Expenditures



# Office of Communications and Governmental Affairs

**Presenter:** Holly Beeson – Counsel

# Communications

- Promotes and explains to the public the Agency's goals, activities and services using the website, print and broadcast media, and social media, including Facebook and Twitter.

304

Media Requests

25

Per Month (Average)

# Communications

- Receives, tracks and responds to all requests for information, including FOIA requests and subpoenas.

1,015

FOIA Requests, FY17-18

3.9

Requests per day  
(average)

*Responsive materials ranged from 1 page to several thousand pages.*

47

Subpoenas, FY17-18



# Ombudsman

- Reviews all customer feedback surveys and makes recommendations on ways to improve customer service.

4,435

Customer Service Surveys Reviewed

- Researches all complaints from the public or licensees regarding interaction with the Agency and its employees and resolves the same.

478

Inquiries or Complaints

# Governmental Affairs

207

Bills during the 2017-2018 legislative session

15

Promulgated in the 2017 legislative session

17

Promulgated in the 2018 legislative session

# Social Media



Facebook - @scllr

- 162 Likes



Twitter - @scdllr

- 836 Followers



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# Law Changes

- Amend section 40-1-70 to add that the powers and duties of the boards include making recommendations for statutory revisions.
- Amend section 40-1-120 to clarify that a nondisciplinary letter of caution is not subject to the Freedom of Information Act.

# Department of Technology & Security (DoTS)

**Presenter:** Matt Faile – Chief Information Officer

# Department of Technology & Security

19 FTEs  
2 Contract  
1 Temp

System Development

Information Security

Data Privacy

IT Infrastructure

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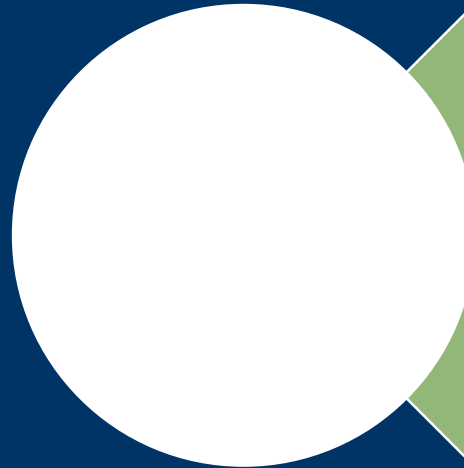


# System Development

**Primary Role:** Create and maintain program area systems

## GOAL

*Enhance the agency's system portfolio to continue to strengthen coordination and performance across agency programs.*



## *Customers*

- *For internal and external customers, improve the user experience through enhanced functionality and online services*

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# Information Security

**Primary Role:** Protect customer information by focusing on people and process.

## GOAL

*Ensure the security of Agency customers and employees and their data.*

### People

- *Security Awareness Training for Agency staff*
- *Limit access to what is required for job duties*

### Process

- *Change Management – Monitor additions and changes to Agency systems*
- *Incident handling and resolution*



# Data Privacy

**Primary Role:** Limiting customer information by focusing on licensing regulations and retention policies.

## GOAL

*Protect data of customers and employees.*

### *Privacy Officer*

- *Incident handling and resolution*
- *Data classification*
- *Interpret privacy laws and regulations*

# Infrastructure

**Primary Role:** Expand the capacity and increase the reliability of the agency's IT infrastructure.

## GOAL

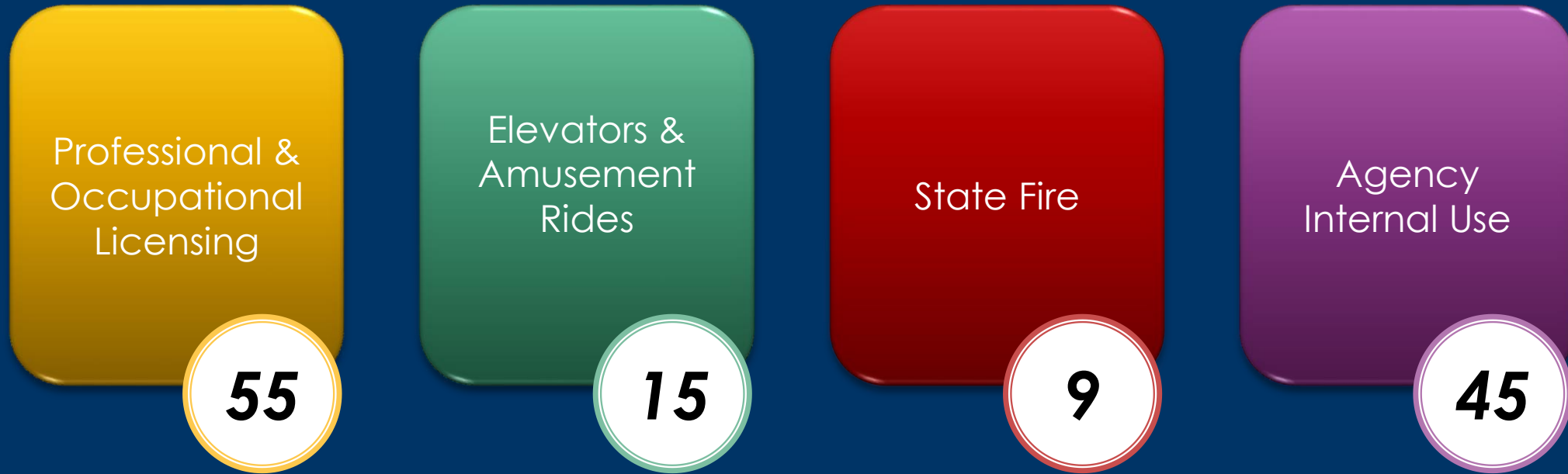
*Expand the capacity and increase the reliability of agency IT infrastructure.*

*Maintain Agency Enterprise Equipment*

*Maintain Disaster Recovery Data Center*

*Provide IT Support for Agency program areas*

# Agency Systems Designed and Maintained by DoTS Staff



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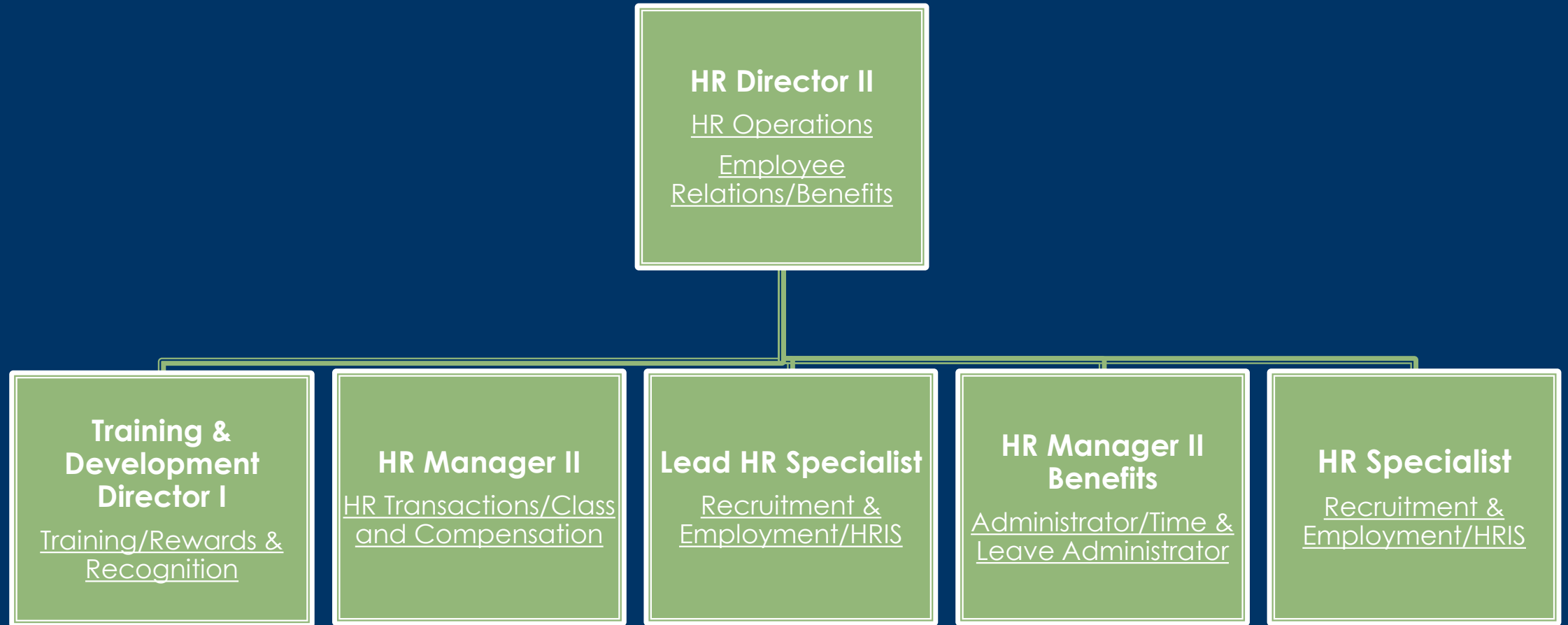


# Office of Human Resources

**Presenter:** Kathryn Britt – HR Director

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# HR Operations

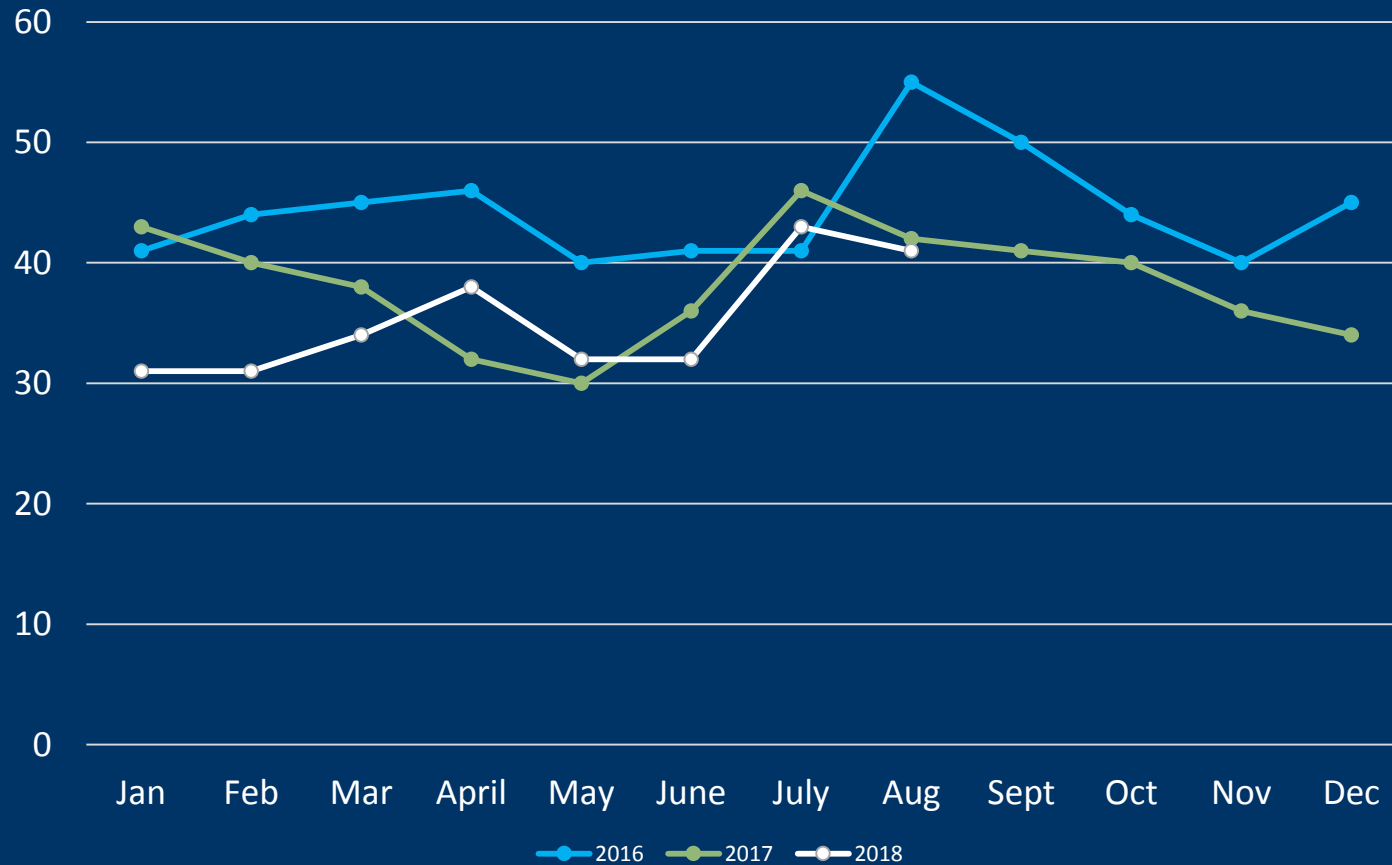
**Strategy:** To support the goals and mission of the Agency by recruiting, developing, and retaining quality employees

## Objectives:

- Recruitment and Employment
  - *to recruit and hire highly qualified candidates*
- Training and Development
  - *to promote and develop a competent and productive workforce*
- Retention
  - *to develop and promote a positive culture and environment to successfully retain productive and quality employees*

# Recruitment and Employment

## Average Number of Vacancies



44.33

Average Positions (2016)

38.17

Average Positions (2017)

35.35

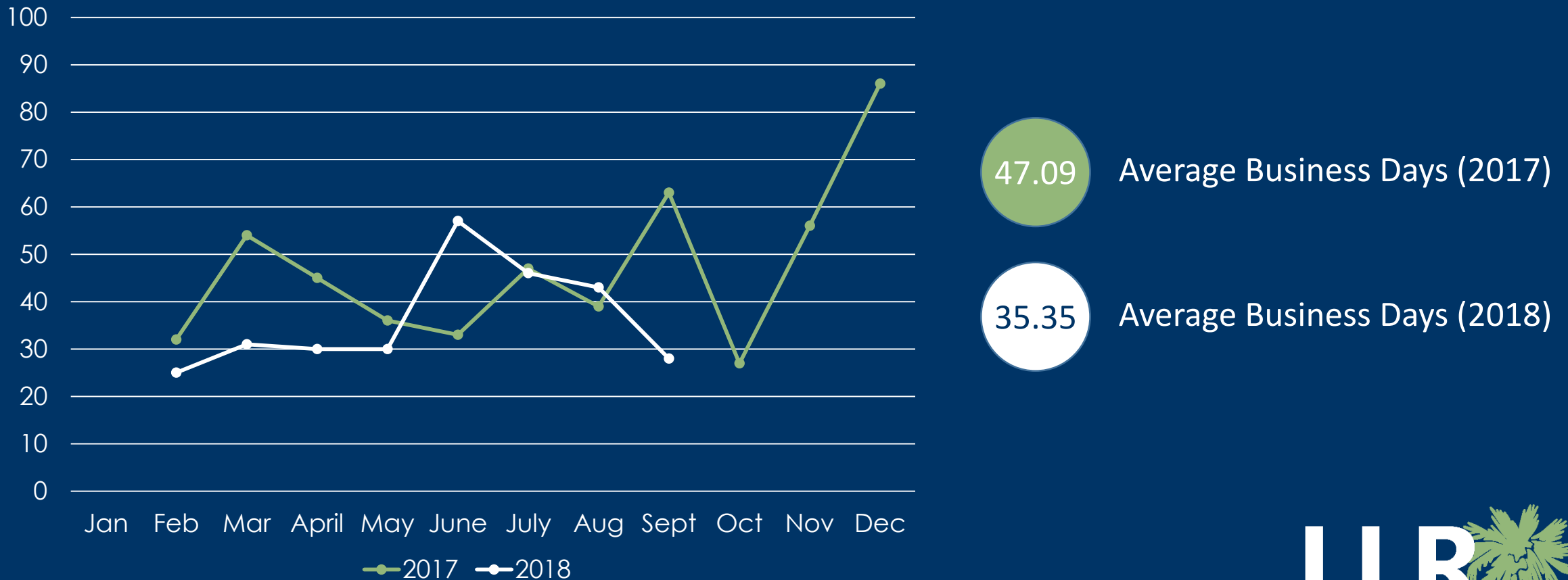
Average Positions (2018)

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# Recruitment and Employment

## Average Business Days to Fill Vacancies



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# Recruitment and Employment

11,191

Applications for Posted Positions which Represents a **20.19%** Increase

7

Job Fairs

13

Job Boards

90.83%

Acceptance Rate with Offered Positions

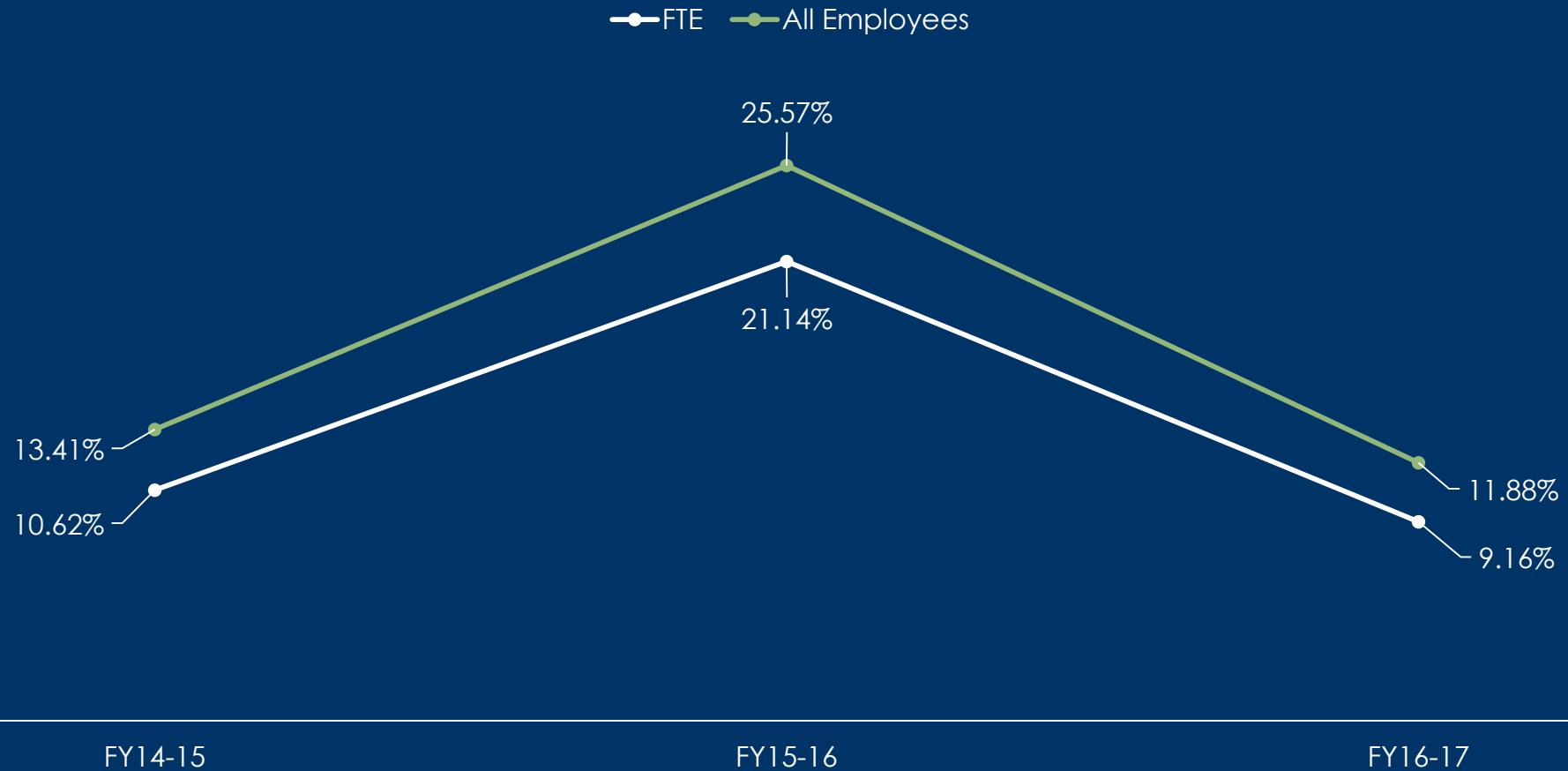
# Training and Development

- Internal Classroom Training and Offerings
  - *New Hire Orientation and Onboarding*
  - *Manager Orientation*
  - *Customer Service*
  - *Driver Training*
  - *Employee Performance Management System*
  - *Interview and Selection*
  - *Performance Remediation*
- Additional Internal Training and Development Scheduled for 2019
  - *Leadership Development Curriculum*
  - *Time Management*
  - *Communication Skills*
  - *Team Building*

# Training and Development

- Online Training through MySCCentral
  - Code of Conduct
  - SANS (SysAdmin, Audit, Network, Security)
  - Privacy
  - Active Shooter Response
  - Promote Use of the Catalog of Courses Developed by Department of Administration
- External Training
  - Certified Public Manager
  - Specialized External Training Supported by Divisions/Offices

# Agency Turnover



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# Agency Turnover (FTE Separation Reasons)



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# Retention

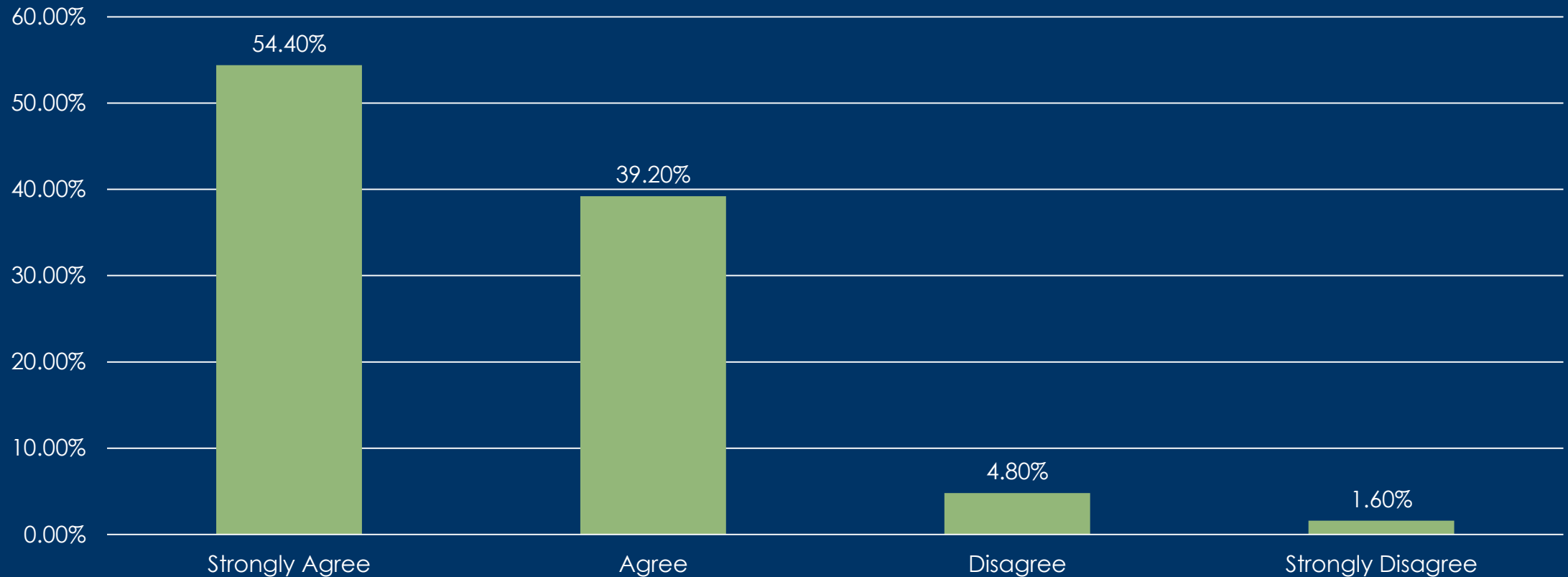
- Class and Compensation Reviews and Analysis
- Supporting Wellness Initiatives and Events
- Employee Appreciation and State Service Recognition
- Performance Management
  - *EPMS (Employee Performance Management System)*
  - *Performance Remediation*

# Retention

- Communication and Feedback
  - *Regular Communication and Information Distributed to Employees*
  - *Agency Intranet*
  - *Open Door Policy*
  - *Exit Interview Survey (revised and launched July 1, 2018)*
  - *New Hire Survey (launched July 1, 2017)*

# New Hire Survey Results

*July 1, 2017 to June 30, 2018*



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