



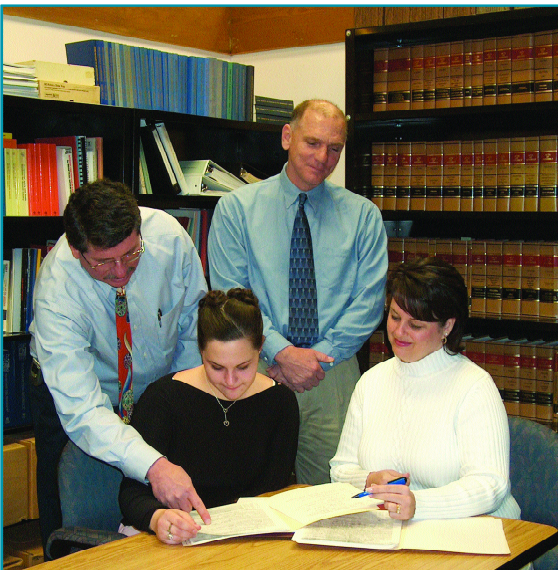
2004  
*Annual Report*

*Virginia Department of Labor & Industry*



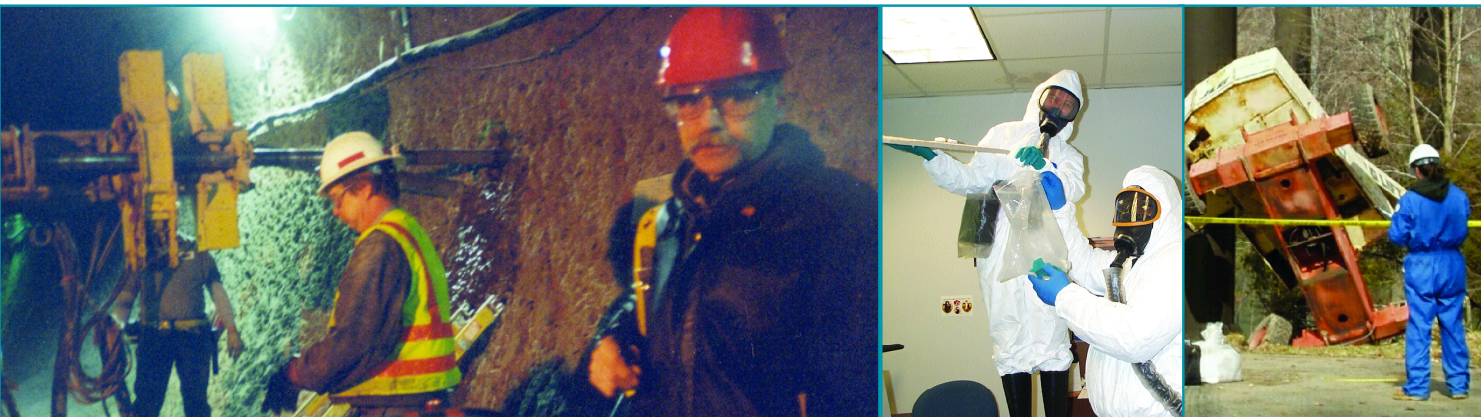
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# Our Mission

*I*mprove and protect Virginia's workplaces through education and enforcement, reducing fatalities and injuries at work, ensuring boiler safety, protecting children from hazardous employment, resolving payment of wage disputes, and producing highly skilled workers through registered apprenticeship.



## Virginia Department of Labor and Industry

*T*he Virginia Department of Labor and Industry (DOLI) serves the needs of the citizens of the Commonwealth by making Virginia a safe, healthy, and productive place to work. The agency provides a broad variety of services to employers and workers. Along with the Virginia Safety and Health Codes Board and the Virginia Apprenticeship Council, DOLI administers and enforces the Commonwealth's occupational safety and health programs; payment of wage statute; right-to-work and child labor laws; fosters worker apprenticeship programs; and certifies the safe operation of commercial boilers and pressure vessels. In addition to central office headquarters located in Richmond, Virginia, customer assistance is provided at seven regional and field office sites throughout the state.

# Commissioner's Message

Since 1898, the Virginia Department of Labor and Industry has been committed to serving the citizens, employers and employees of the Commonwealth.

Although the agency's responsibilities have evolved over time, our fundamental job - to make Virginia a safe, healthy, and productive place to work - remains the same and is the driving force behind everything we do.

I am pleased to present DOLI's 2004 Annual Report. We continue to work with Virginia employers and employees that have strong safety and health programs and those that want to achieve them through our voluntary protection programs and consultation services. Affordable, quality safety and health training is provided through our successful Annual Safety and Health Conference. Compliance activities address safety and health hazards in general industry and construction, and special emphasis programs are in place to increase safety awareness, especially in construction. Through registered apprenticeship, we provide workers job training opportunities for lifelong skills and help employers meet their needs for highly skilled workers. We also ensure that employees are properly paid and protected by administering payment of wage, minimum wage, child labor, and other labor laws. Our boiler safety division protects life and property by certifying and overseeing the installation, operation, and repair of boilers and pressure vessels.

For additional information on our activities and services, please visit our Web site at [www.doli.virginia.gov](http://www.doli.virginia.gov). If my staff or I can be of assistance to you, please contact us.

Sincerely,

*C. Ray Davenport*



COMMISSIONER C. RAY DAVENPORT

# Registered Apprenticeship

The staff of the Division of Registered Apprenticeship worked actively with more than 11,000 apprentices and 2,000 employers (registered sponsors) throughout the Commonwealth of Virginia during 2004. These registered apprentices and sponsors represent more than 300 occupations.

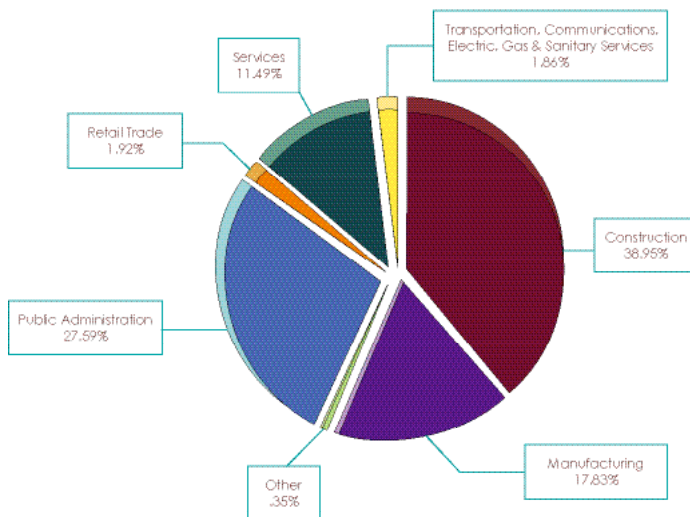
Anyone interested in registered apprenticeship opportunities can seek additional information on DOLI's Web site ([www.doli.virginia.gov](http://www.doli.virginia.gov)).

Registered apprenticeships include, but are not limited to, the following occupations:

- ♦ Electrician
- ♦ Millwright
- ♦ Heating, Ventilation and Air Conditioning (HVAC) Mechanic
- ♦ Optician
- ♦ Machinist
- ♦ Sheet Metal Worker
- ♦ Cosmetology and Barbering
- ♦ Shipfitter
- ♦ Maintenance Mechanic
- ♦ Electronics Mechanic
- ♦ Plumber

DOLI's Registered Apprenticeship staff includes a division director, senior program support technician, and 14 field representatives. Field representatives work from offices located in all regions of the state and are responsible for registering new sponsors and apprentices, helping sponsors develop industry apprenticeship programs, and providing ongoing customer service. The division director works in the agency's headquarters office located in Richmond. The staff partners with many local, state and federal agencies, including the Virginia Department of Professional and Occupational Regulation, the Virginia Employment Commission, the Virginia Community College System, local school divisions, and the Bureau of Apprenticeship and Training, U. S. Department of Labor.

*Industry Description  
(Based on FIC) - Percentage*



Virginia's registered apprentices work in a variety of industries, as illustrated in the accompanying chart.

# Virginia Apprenticeship Council



Secretary Schewel



2004 Outstanding Apprentices



Council Officers

Meeting Attendees

The Virginia Apprenticeship Council, appointed by the Governor, is composed of management and labor representatives familiar with apprenticeable occupations. The Commissioner of the Virginia Employment Commission and the Chancellor of the Virginia Community College System, or their designated representatives, and a local superintendent from a school division that provides apprenticeship related training are ex-officio members of the Council with voting privileges. The Commissioner of Labor and Industry, with the advice and guidance of the Council, is responsible for administering the provisions of the Voluntary Apprenticeship Act.

Each year, the Council recognizes outstanding apprentices who have been nominated by their sponsors (employers). The apprentices have either completed their training programs or are in their final year of apprenticeship. They are judged on craftsmanship, accuracy, cooperation, leadership, decision-making, and consideration for their companies and co-workers.

At its December meeting, Secretary of Commerce and Trade Michael Schewel and DOLI Commissioner Ray Davenport joined Chairman Barry Baker and Vice Chairman Dr. Steven Staples in presenting Outstanding Apprentice Awards to the following individuals:

Kevin Bradley Ashwell, a lineman employed by Southside Electric Cooperative, Crewe, VA;

Michael Barrett, a cosmetologist employed by Salon Blue in McLean, VA;

Matthew K. Koren, a millwright employed by the Millwrights and Machinery Erectors Local 1402 Joint Apprenticeship Committee, Richmond, VA;

Darcy Kuehn, a marine designer employed by Northrop Grumman Newport News in Newport News, VA; and

Juan J. Mercado, a plumber employed by EMC Company, Richmond, VA.

# Boiler Safety Compliance

Under the guidance of the Chief Inspector, the Boiler Safety Compliance Division enforces and oversees the provisions of the Boiler and Pressure Vessel Safety Act. The primary objective is to protect life and property through regular inspections of boiler and pressure vessel equipment and to ensure compliance with state laws and rules and regulations governing the construction, installation, operation, maintenance, and repair of boilers and pressure vessels.

In 2004, more than 35,854 inspections were made of boilers and pressure vessels by insurance companies registered in Virginia to write boiler and pressure vessel insurance, private contract fee inspectors, and owners/users who qualified to obtain Virginia Commissions from DOLI for their inspection personnel.

In a continuing effort to prevent accidents, Boiler Safety focused on finding unregistered objects in automobile industries, apartment buildings, and laundry and dry cleaning establishments. Over 8,000 reminder notices were mailed to owners/users 30 days prior to the certificate expiration regarding the need to arrange for certificate inspections. We also worked jointly with insurance companies to provide electronic review, resulting in more accurate and consistent data, as well as increased electronic reporting. In addition, internal procedures were improved to process inspection reports more quickly and eliminate a backlog in reports. Interpretations and technical letters continue to be posted on the agency's Web site.

Through participation in the Virginia Boiler and Pressure Vessel Inspectors Association and meetings with inspectors, there has been improved understanding and enforcement of Virginia rules, operations and developments. Inspectors are handling and abating more non-conformances before they become violations.

## *ACTIVITIES OF BOILER SAFETY*

	<b>2002</b>	<b>2003</b>	<b>2004</b>
Total Active Objects Registered	69,590	69,007	69,902
Acceptable Inspections (Certificates Issued)	27,701	35,021	35,854
Violations	542	323	605
Quality Control Reviews/Surveys	16	21	18
Incidents	2	1	1
Injuries	3	1	0
Fatalities	1	0	0
Inspector Applicants Passing Exams	7	1	2
Commissioned Inspectors	273	272	263



# Cooperative Programs

## Consultation Services

Consultation Services provides safety and health consultation to private and public sector employers with priority given to high hazard companies with 250 or fewer employees. Funded ninety percent (90%) by Federal OSHA, in 2004, 11 DOLI consultants provided on-site safety and health services to 650 private sector employers. The public sector program is funded fifty percent (50%) by Federal OSHA and provided on-site service to 59 employers in 2004. The following table outlines the consultation activities conducted for both private and public sector employers. The total number of visits was lower due to two vacancies for part of 2004, which also contributed to fewer hazards identified. More SHARP recertifications contribute to fewer hazards issued because these companies are recognized as exemplary worksites; thus, they are expected to be in compliance and have exemplary safety and health programs.

### CONSULTATION SERVICES: PROGRAM ACTIVITIES

	2002	2003	2004
Consultative Surveys (Private Sector)	641	515	650
Consultative Surveys (Public Sector)	63	48	59
Promotional Visits	58	63	57
Follow-up Visits	10	12	16
Program Assistance Visits	28	34	33
Serious Hazards Abated	3,720	2,975	2,781
Serious Hazards Identified	3,877	3,075	2,849
Other-than-Serious Hazards	983	511	619
<b>TOTAL HAZARDS IDENTIFIED</b>	<b>4,860</b>	<b>3,586</b>	<b>2,468</b>

VOSH Training staff conducted formal training programs for both the private and public sectors during 2004 and provided consultative services to public sector employers as reflected in the accompanying chart.

### TRAINING PROGRAM ACTIVITIES

	2002	2003	2004
Formal Training Sessions	44	49	79
Informal Training Sessions	740	612	694
Persons Trained	2,758	2,136	3,140
Employers Represented	1,041	788	1,080

In 2004, the Consultation Training section increased formal training opportunities for private and public sector employers throughout the Commonwealth. To date, 22 training courses have been identified and developed for presentation in 38 sessions during the first half of 2005.

# *Safety and Health Achievement Recognition Program (SHARP)*

The Safety and Health Achievement Recognition Program (SHARP) provides incentives and support to small, high hazard employers to work with employees to develop, implement, and continuously improve safety and health programs. To participate in SHARP, an establishment cannot employ more than 250 employees at one worksite nor more than 500 total employees nationwide, must be a fixed worksite, have one year of operating history, and have a Lost Workday Injury and Illness (LWDII) rate below that of the latest published national average for that industry.

To date, there are 36 SHARP participants in Virginia. In 2004, 5 companies achieved SHARP status for the first time, and 13 companies were recertified in the program. There are also five companies in the deferral program with hopes of achieving SHARP status during 2005.

# *Voluntary Protection Program (VPP)*

The Virginia Voluntary Protection Program (VPP) is patterned after the federal VPP and is designed to recognize and promote effective safety and health management. It is available to employers of all sizes in both the private and public sectors. The program has two levels of participation, Star worksite and Merit worksite. Star participants are a select group of worksites that have designed and implemented outstanding safety and health programs, including full and meaningful employee involvement. Merit participants are those that have demonstrated the potential and willingness to achieve Star status and are implementing planned actions to fully meet Star requirements.

VPP has rigorous requirements and confers a high level of recognition on certified employers. The program relies heavily on employer self-assessments and requires an extensive application process, including submission of written safety and health policies and procedures. Once an employer has successfully submitted an application, final certification as a Star facility requires agreement to an intensive, week-long inspection by a VOSH VPP review team. The inspection team will interview employees, review safety and health plans, observe work practices, and verify that the employer has implemented effective safety and health programs. Only those employers that fully meet the eligibility requirements, have injury and illness rates below the state and national averages for their industries, and can successfully pass the on-site inspection will have their facilities certified as Star worksites.

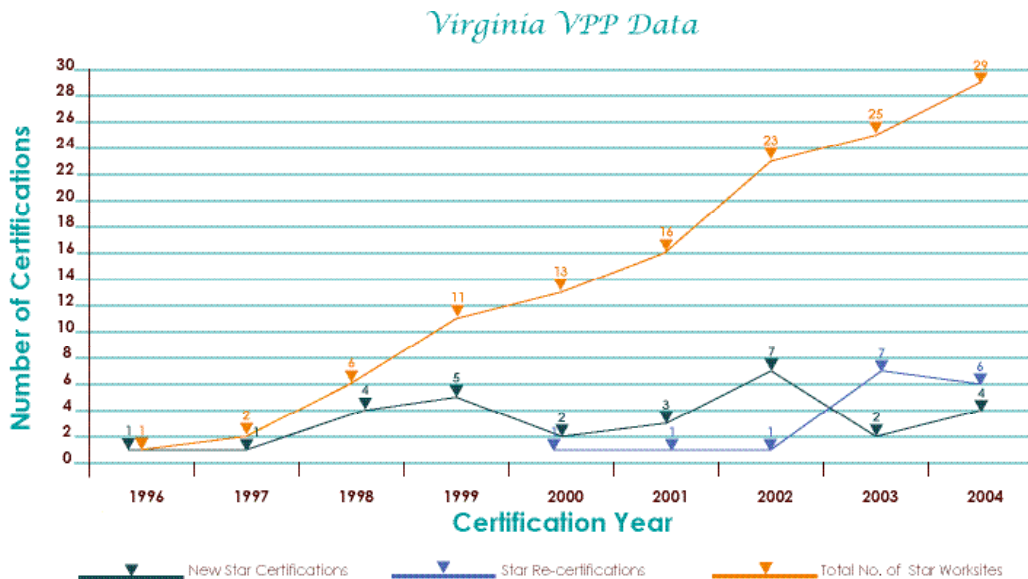
In 2004, our VPP goals were: continued growth in the number of Star worksites in Virginia and an increased level of involvement by Star sites, both in the area of mentoring and in participating as Private Industry Volunteers. In all of these areas the program achieved very favorable results. The number of Star worksites increased from 25 to 29, at least half of the current Star worksites were actively involved in mentoring other sites, and the number of Private Industry Volunteers increased from 10 to 19. The significant increase in the number of Private Industry Volunteers is

due largely to having held the first ever Special Government Employee (SGE) training course in Virginia. In the true cooperative spirit of the VPP, the course was sponsored by General Electric-Fanuc, Inc., in Charlottesville, Virginia and held with assistance from OSHA Region 3 instructors, as well as guest instructors from two Virginia VPP sites.

For 2005, there are three main objectives for Virginia's program:

- ☆ Increase the number of Private Industry Volunteers in the state from 19 to 30;
- ☆ Continue increasing the number of Star sites that are actively involved in mentoring other sites. In view of the state's limited resources, it makes good sense to leverage the skills and knowledge of Virginia's private employers to help the agency achieve its goals; and
- ☆ Develop and implement a Star of Stars program to recognize those Star worksite companies that have actively worked to further the ideals of the VPP through mentoring and by sponsoring health and safety related activities.

The realization of these three objectives will ensure that the program continues to grow and that it will be an increasingly effective vehicle for the sharing of best practices. This increased effectiveness will encourage more employers to voluntarily improve their safety and health programs and seek VPP recognition.





## *Annual Virginia Occupational Safety and Health Conference*

The Ninth Annual Virginia Occupational Safety and Health Conference was held June 16-18, 2004, at the Hotel Roanoke and Conference Center. The more than 340 Conference participants engaged in safety and health training sessions on controlling workers' compensation costs, public sector employee safety, crane safety, fire safety, multi-employer worksites and chemical sensitivities, among others. Separate sessions on first aid and CPR, as well as the OSHA ten-hour general industry and construction courses, were added this year. Safety and health training, equipment and related products were displayed and demonstrated at more than 30 vendor exhibits.

## *Research and Analysis*

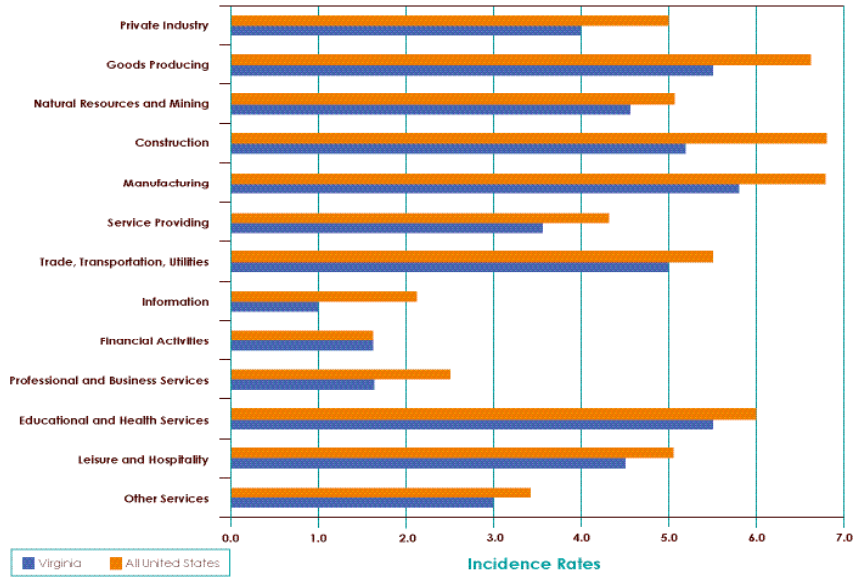
In 2004, the VOSH Research and Analysis unit conducted the 33rd Annual Survey of Occupational Injuries and Illnesses, collecting data for calendar year 2003 from 5,630 employers throughout the Commonwealth. The Annual Survey reports injury and illness rates and numbers by industry for Virginia as well as for 54 other jurisdictions under a cooperative agreement with the U.S. Department of Labor, Bureau of Labor Statistics.

Virginia's overall nonfatal occupational injury and illness rate in 2003 was 4.3 cases per 100 full-time equivalent workers, with a total of 116,300 injuries and illnesses estimated in private, state and local government industries. The private industry rate was 4.0; the state and local government incidence rate was 6.2. The Annual Survey also provides demographic characteristics data on the injured or ill employees and case characteristics data on the type of incidents that occurred.

The Census of Fatal Occupational Injuries (CFOI), also conducted cooperatively with BLS, provides information on all work-related fatalities for Virginia and the nation. Each fatality must be confirmed by at least two independently obtained source documents. Research of death certificates at the Virginia Department of Health is necessary. The Census, conducted yearly since 1992 by the Research and Analysis unit, includes all work-related fatalities, whether or not they are subject to OSHA laws and standards.

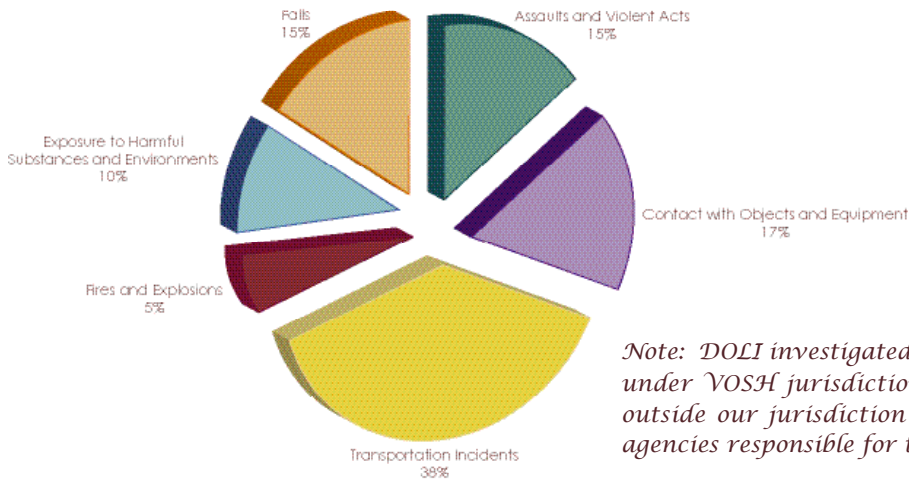
The Virginia Census showed 155 occupational fatalities in the Commonwealth in 2003, up by 9 percent from the 142 fatalities in 2002. Transportation accidents (57), which include highway, nonhighway, pedestrian, air, water, and rail fatalities, increased by 7 from 2002 and continued to be the leading cause of workplace fatalities. Contact with objects and equipment (27) accounted for 17 percent of the work-related deaths and increased by 5 from 22 in 2002, mainly due to a rise in incidents involving workers being caught in or compressed by equipment or objects. Assaults and violent acts, which include homicides and suicides, and falls (mainly falls to lower level) each had 24, or 15 percent, of the fatal workplace injuries.

*Incidence Rates Per 100 Full-Time Workers  
for Total Non-Fatal Occupational Injuries and Illnesses by Industry Division  
Virginia and All United States, 2003*



In addition, the Department continued to participate in the OSHA Data Initiative for the eighth consecutive year, collecting data on 1,543 Virginia companies identified by OSHA in high-hazard industries. The information gathered through this mandatory survey can be used to target VOSH interventions and to establish and track performance measures.

*Workplace Fatalities by Event or Exposure  
Virginia, 2003  
All Ownerships (155 Total Fatalities)*



*Note: DOLI investigated the 47 fatalities that were under VOSH jurisdiction. The fatalities that fell outside our jurisdiction were investigated by the agencies responsible for those worksites.*

# Labor & Employment Law Division

The Labor and Employment Law Division is responsible for administering and enforcing the laws of the Commonwealth that govern the payment of wages, minimum wage, child labor, garnishee rights, the right to work and certain other provisions of state law pertaining to poly-graphs, medical examinations, employees being prevented employment by others and discharge for work-related injuries.

DOLI's Labor and Employment Law staff includes a director, a staff attorney, and program staff located in the agency's headquarters office and nine full-time and one part-time labor representatives and supervisors that work in field offices throughout the state.

In 2004, the Division collected \$1,248,009.85 in wages on behalf of employees who worked in the Commonwealth. Civil monetary penalties in the amount of \$184,850.00 were assessed and reduced to judgment, and civil monetary penalties totaling \$25,449.71 were collected and sent to the state's general fund.

During the year, 12,831 minors worked under employment, age and theatrical certificates and permits issued by the Division. The Division returned 222 certificates for errors or noncompliance; of those 126 certificates were revoked and the remaining documents were corrected and issued. Every year the Division assists, instructs, supervises and provides supplies to over 1,500 Issuing Officers across the Commonwealth, who are charged with issuing properly executed employment certificates to minors 14 and 15 years of age.

The one-call initiative piloted in 2003 was made a permanent procedure during 2004. Under the program, wage claim investigations are initiated in Richmond by telephone contact with the employer. If the employer agrees that the wages are owed and submits the wages to DOLI for distribution to the claimant, the case will be closed immediately, with no further investigation. The initiative has proven to be successful, with collections of \$78,265.18 on behalf of wage claimants. In addition, the success of the program can be measured in cost savings to the Commonwealth and in the reduction of regulatory impact on businesses.

Annually, the Labor and Employment Law staff responds to thousands of telephone and Internet inquiries from employers, employees and other interested persons requesting information and literature concerning labor laws and related matters.

## CHILD LABOR COMPLAINT ANALYSIS

2004	
Working Without an Employment Certificate	13
Failure to Keep Time Records	9
Working Illegal Hours	13
Employment of Children in Prohibited Occupations	6

## *COMPLAINT INVESTIGATION*

<b>2004</b>	
Payment of Wage	2,489
Child Labor	22
Minimum Wage	0
Other	4
<b>TOTAL</b>	<b>2,515</b>



*Central Region Labor Law Staff  
Discussing a Case Before a Hearing*

## *PAYMENT OF WAGES*

	<i>No. of Complaints</i>	<i>Amount Collected for Claimants</i>
<b>2002</b>	2,385	\$1,038,877.52
<b>2003</b>	2,321	\$1,046,863.47
<b>2004</b>	2,489	\$1,248,009.85

# Occupational Safety & Health Compliance



VOSH Safety Compliance enforces the state laws and regulations that address the safety and health of workers employed in construction and general industry, both in the public and private sectors. The Division's primary responsibility is to conduct inspections of the state's private and public sector workplaces to ensure compliance with state safety standards and regulations. These inspections are conducted in response to accidents, complaints, and referrals or are randomly scheduled inspections.

The long-term approach for achieving workplace safety is to identify significant problems, determine the most effective way to address them, use the best mix of available tools, and then measure the results. For instance, Safety Compliance used Workers' Compensation First Reports of Accidents to promptly investigate amputations and other serious accidents. Other emphasis programs on scaffolding, heavy equipment, and trenching resulted in increased awareness of safety in the construction industry.

Our safety and health compliance officers performed admirably in 2004, by conducting 504 more inspections than in 2003. This is an 18% increase that is quite remarkable considering the addition and training of seven new officers this year. Combine that with eight new officers in 2003, and the increase becomes even more notable. Our Northern Virginia office performed the most inspections. That office also had the highest turnover, including a new Regional Director.

The Safety and Health Codes Board adopted a technical amendment to general requirements for Clearances, Construction of Electric Transmissions and Distribution Lines and Equipment, Construction Industry, Subpart V, 16 VAC 25-1155. This amendment will provide construction industry electrical transmission and distribution workers with safety protections identical to those already afforded their general industry counterparts.

Our Northern Virginia region again had the most fatalities in 2004. This continues to be due to the vast amount of construction in that area. Falls from heights remained the number one cause of death in the workplace for the fourth year in a row, followed closely by being "crushed by" an object or equipment. Being "struck by" an object, electrocution and explosions were the next most frequent causes of fatalities in the Commonwealth. Greater focus through consultation, education and training is being implemented statewide in an effort to decrease the overall fatality rate. Specifically, a new trainer was hired late last year to conduct training classes for employers. In addition, the Commissioner and the VOSH Director gave numerous talks to various groups and organizations throughout the state to encourage safety and health in the workplace.

The VOSH Health Compliance Division focuses on recognition and evaluation of exposure to occupational health hazards. Industrial hygiene compliance officers conduct workplace inspections to evaluate employee exposure to substances or work conditions such as air contaminants, noise, and bloodborne pathogens. The Division is also responsible for enforcing VOSH regulations that contain control measures used to reduce employee exposure to such substances/conditions, including engineering controls (industrial ventilation, enclosures, etc.), administrative controls (employee rotation, hazard communication, housekeeping, etc.), and



personal protective equipment (respiratory protection, hearing protection, chemical protective clothing, etc.). Workplace inspections are generated in the same manner as for the Safety Compliance Division, i.e., through accidents, complaints, referrals or general schedule inspections. Additionally, Health Compliance continues to focus on the health hazards of silica, asbestos, and lead through special emphasis programs. The Division also has been authorized by the U.S. Environmental Protection Agency to enforce the National Emission Standard for Hazardous Air Pollutants (NESHAPs) to protect the general public and the environment from asbestos emissions during renovation and demolition activities.

The following tables offer an analysis of VOSH enforcement activities over the period of 2002-2004:

### *Occupational Safety and Health Inspections*

	2002		2003		2004	
	<i>Safety</i>	<i>Health</i>	<i>Safety</i>	<i>Health</i>	<i>Safety</i>	<i>Health</i>
Planned	1157	311	1646	304	2037	375
Follow-up	18	10	12	12	9	5
Complaint	134	191	148	180	182	221
Referral	161	43	121	57	127	69
Accident/Fatality	57	4	54	5	50	4
Other	217	39	194	69	174	63
<b>Totals</b>	<b>1744</b>	<b>598</b>	<b>2175</b>	<b>627</b>	<b>2579</b>	<b>737</b>

### *Hazards Identified*

	2002		2003		2004	
	<i>Safety</i>	<i>Health</i>	<i>Safety</i>	<i>Health</i>	<i>Safety</i>	<i>Health</i>
Serious	2775	851	3024	955	3598	778
Willful	29	0	11	3	29	0
Repeat	89	14	157	9	136	11
Other	1458	996	1676	953	1678	861
<b>Total</b>	<b>4365</b>	<b>1870</b>	<b>4868</b>	<b>1920</b>	<b>5441</b>	<b>1650</b>

### *Penalties Assessed (In Dollars)*

	2002		2003		2004	
	<i>Safety</i>	<i>Health</i>	<i>Safety</i>	<i>Health</i>	<i>Safety</i>	<i>Health</i>
Penalties	\$2,975,667	\$458,895	\$2,690,331	\$588,755	\$3,077,350	\$456,899

# 25 Most Frequently Cited Standards During Construction Inspections

October 1, 2003 - September 30, 2004

1. 1926.501(b)	Fall Protection--Unprotected sides & edges 6 ft. or more above a lower level
2. 1926.451(g)	Scaffolds--Fall protection above 10 ft.
3. 1926.050(c)	Medical Service and First Aid--In absence of an infirmary
4. 1926.1053(b)	Ladder secure and rails extend three feet above landing
5. 1926.100(a)	Personal Protective Equipment--No hard hat
6. 1910.1200(e)	Hazard Communication--Written hazcom
7. 1910.1200(g)	Hazard Communication--Material Safety Data Sheets
8. 1910.1200(h)	Hazard Communication--Employee information and training
9. 1926.451(b)	Scaffold Platform Construction--Fully planked
10. 1926.453(b)	Aerial Lift--Fall Protection
11. 1926.451(e)	Manually Propelled Mobile Scaffolds--Access
12. 1926.451(c)	Scaffolds--Adequate firm foundation (mud sills or base plates)
13. 1926.150(c)	Fire Extinguishers provided for each 3000SF
14. 1926.502(b)	Fall Protection systems criteria and practices--Guardrail systems
15. 1926.1052(c)	Stair rails and Handrails
16. 1926.451(f)	Use of Scaffolds
17. 51.001(a)	General Duty
18. 1926.404(f)	Grounding requirements
19. 1926.050(d)	First Aid Supplies
20. 1926.652(a)	Protection from cave-in
21. 1926.404(b)	Ground-Fault Protection
22. 1926.1101(k)	Communication of hazards (asbestos)
23. 1926.025(a)	Housekeeping
24. 1926.452(c)	Fabricated frame scaffolds
25. 1926.452(j)	Pump jack scaffolds

# 25 Most Frequently Cited Standards During General Industry Inspections

October 1, 2003 - September 30, 2004

1.	1910.147(c)	Lockout/Tagout
2.	1910.305(g)	Flexible Cords and Cables
3.	1910.305(b)	Wiring Methods--Cabinets, boxes, and fittings
4.	1910.1200(e)	Hazard Communication--Written hazcom program
5.	1910.157(g)	Fire Extinguishers--Training and education
6.	1910.212(a)	Machine Guarding
7.	1910.157(c)	Portable Fire Extinguishers--General requirements
8.	1910.134(c)	Respiratory Protection Program
9.	1910.1200(h)	Hazard Communication--Employee information and training
10.	1910.151(b)	Medical Services and First Aid--In the absence of a hospital
11.	1910.132(d)	PPE--Hazard assessment and equipment selection
12.	1910.303(g)	Electrical Equipment--600 volts, nominal, or less
13.	1910.178(l)	Powered Industrial Trucks--Operator training
14.	1910.303(b)	Electrical Utilization Systems--Examination, installation, and use
15.	1910.157(e)	Portable Fire Extinguishers--Inspection, maintenance and testing
16.	1910.215(b)	Guarding of Abrasive Wheel Machinery
17.	1910.146(c)	Permit Required Confined Spaces (general requirements)
18.	1910.151(c)	Medical Services and First Aid--Eye exposure
19.	1910.023(c)	Protection of open-sided floors, platforms, and runways
20.	1910.022(d)	Floor Loading Protection
21.	1910.1200(f)	Hazard Communication--Labels and other forms of warning
22.	1910.215(a)	Abrasive Wheel Machinery--General requirements
23.	1910.253(b)	Oxygen-fuel gas welding and cutting--Cylinders and containers
24.	1910.1200(g)	Material Safety Data Sheets
25.	51.001(a)	General Duty

# Office of Legal Support

The Office of Legal Support provides general legal and technical support to DOLI's occupational safety and health programs and other programs in the agency, as needed. Among its responsibilities are:

- ◆ Reviewing and processing VOSH contested cases, significant cases (e.g. pre-citation review of fatality and proposed willful citation cases), formal settlement agreements, administrative search warrant requests, subpoenas for documents and testimony;
- ◆ Litigating VOSH contested cases in Virginia Circuit Courts by serving as Special Assistant Commonwealth's Attorneys, or assisting Commonwealth's Attorneys in their prosecution of our cases (Litigation work is done in association with the Assistant Attorney General assigned to the Department.);
- ◆ Processing requests for information under the Virginia Freedom of Information Act; and
- ◆ Assisting divisions in the development of policies and procedures, regulations, standards, and statutory changes.

The following summarizes Office of Legal Support activities for calendar year 2004:

Significant Case Pre-citation Reviews	106
Contested Case Review Activities	70
Settlement Agreement Activities	119
Final Orders	115
Warrant Activities	10
Subpoenas	64
Litigation Activities	273
Freedom of Information Act Requests	317
<b>TOTAL</b>	<b>1074</b>

# VOSH Planning and Evaluation

The VOSH Office of Planning and Evaluation provides planning and procedural assistance to DOLI's occupational safety and health programs. Program evaluation efforts continue to be developed as resources permit. Accomplishments during 2004 include the following:

- ◆ Issued 5 program directives with an additional 23 in development dealing with inspection or enforcement procedures for individual standards, compliance assistance, or specific emphasis programs;
- ◆ Coordinated with the Office of Legal Support, as needed, to develop performance measures;
- ◆ Maintained the Federal Standards Log Automated Tracking System (ATS) Notification for the Virginia State Plan;
- ◆ Reviewed and reprinted two publications: Employer's Rights and Responsibilities Following a VOSH Inspection and the Closing Conference Guide; and
- ◆ Continued updates to the revised Field Operations Manual, program directives system and related manuals for internal distribution and posting on the Virginia Regulatory Town Hall Web site.

The Safety and Health Codes Board held three meetings and one formal public hearing during 2004. Planning and Evaluation assisted the Board to adopt, amend and/or approve several regulatory items, as follows:

- ◆ Revocation of the Final Rule for Respiratory Protection for M. Tuberculosis, 1910.139;
- ◆ Application of the Respiratory Protection Standard for General Industry, 1910.134 to Respiratory Protection Against Tuberculosis;
- ◆ Periodic Review of Existing Regulations as required by Executive Order 21;
- ◆ Adoption of the Revised Final Rule for Commercial Diving Operations, 1910.401 and 1910.402 and Appendix C of Subpart T of Part 1910;
- ◆ Proposed Regulation Governing Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors, 16 VAC 25-55;
- ◆ Public hearing to receive comments regarding and subsequent adoption of new final General Requirements for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment in the Construction Industry; 1926.950(c)(1)(i);

- ◆ Technical Corrections to Standards 1910.103, 1910.217, 1910.219, 1910.268, and 1926.307;
- ◆ Corrections to the Standard for Boiler and Pressure Vessel Operator Certification;
- ◆ Adoption of Revised Bylaws;
- ◆ Notice of Intended Regulatory Action to Amend the General Industry Standard for Telecommunications, General Approach Distances, 1910.268(b)(7);
- ◆ Notice of Intended Regulatory Action to Amend the Administrative Regulations Manual 16 VAC 25-60;
- ◆ Fire Protection in Shipyard Employment, Final Rule, 1915.501 through 1915.509; and
- ◆ Respiratory Protection Standard, 1910.134, Revisions to Appendix A - REDON Fit Testing Protocol.



*Industrial Hygienist  
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Darin Dungee & Brian Hartmann*

*Safety Engineer Senior  
Jeannie Buckingham*

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## *Virginia Migrant and Seasonal Farmworkers Board and Interagency Migrant Worker Policy Committee*

*I*n accordance with action taken by the 2004 General Assembly, the Department of Labor and Industry's responsibility for staff support to the Migrant and Seasonal Farmworkers Board and Interagency Migrant Worker Policy Committee was transferred to the Virginia Employment Commission.

# Agency Operations

## Administration

During 2004, the Department of Labor and Industry maintained its central headquarters and seven regional and field office sites to provide local constituent access throughout the Commonwealth. DOLI constantly works to enhance its quality of service to the public. Resource allocations are regularly monitored to maximize service quality and delivery.

The Division of Administration is responsible for the following agency-wide functions: accounting; budgeting; financial management and compliance (including grants); IT and management information services; regulatory promulgation; legislative coordination; records management; policy; asset, risk, contract, and facilities management; purchasing; general service support; and telecommunications.

The agency's operating budget for fiscal year 2005 (July 1, 2004-June 30, 2005) is \$12.0 million (\$6.7 million General Fund, \$5.3 million Non-General Fund) with 180 employees.

Division of Administration accomplishments and customer service initiatives for 2004 include the following:

- ◆ The Commonwealth's Management Scorecard reports on agency performance in core functions. The Department met expectations in each of the core management functions. The 2004 Management Scorecard can be viewed at <http://www.vaexcels.governor.virginia.gov/Performance/scorecardResults.cfm>;
- ◆ The Virginia Results program reports on agency performance in delivering core services to customers and stakeholders. Agency performance measures are available at <http://www.dpb.virginia.gov/VAResults/>;
- ◆ Increased agency's purchases from small, minority and women-owned businesses (SWAM): <http://www.dmb.state.va.us/>;
- ◆ Participated in the Commonwealth's award-winning e-Virginia electronic procurement model: <http://www.eva.state.va.us/>;
- ◆ Met and exceeded the Virginia Prompt Payment Act's requirements for vendor payments (30-day prompt payment requirement established at 95%; actual performance achieved 99.93%);



- ◆ Maintained public accessibility to regulatory process via Regulatory Town Hall Web site: [www.townhall.state.va.us](http://www.townhall.state.va.us);
- ◆ Enhanced and maintained agency Web site: [www.doli.virginia.gov](http://www.doli.virginia.gov), which included a user feedback form, search feature, downloadable forms, current events, and important Internet links;
- ◆ Continued to monitor and enhance technology systems to prevent the release or export of computer viruses; and
- ◆ Expanded agency outreach opportunities to the Hispanic community using public service radio announcements.

## *Human Resources*

*D*uring 2004, the Office of Human Resource Management continued to support the agency's mission by processing requests to fill vacant positions as efficiently as possible. The Office filled vacancies with well-qualified staff who could contribute to DOLI with minimal training.



*HR Monthly Staff Meeting*



More than one-third of the agency's positions were reviewed to ensure correct classifications and parity in salaries, resulting in 43 in-band salary adjustments. Several initiatives were instituted during the year in order to retain experienced staff. A new Rewards and Recognition Policy was implemented, including formal and informal means of recognition. To date, the new policy has been very successful. Additionally, the alternate work schedule was implemented in all offices.

The Human Resource Office successfully conducted the annual Commonwealth of Virginia Campaign.

### *HUMAN RESOURCES ACTIVITIES*

2004	
Retirements	5
Resignations/Separations	11
New Hires	17
Promotions	8
Competitive/Voluntary Transfers	7
Non-competitive/Voluntary Transfers	2
Upward Role Changes	4
Voluntary Demotions	1



*Our mission is to improve and protect Virginia's workplaces through education and enforcement, reducing fatalities and injuries at work, ensuring boiler safety, protecting children from hazardous employment, resolving payment of wage disputes, and producing highly skilled workers through registered apprenticeship.*

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