

make

*Virginia*

a better place

to work,

live

and

conduct  
business

Virginia Department of  
Labor and Industry  
2005 Annual Report



Produced by: Virginia Department of Labor and Industry

Editor: Patti C. Bell, Policy Analyst, Office of the Commissioner

Designers: Nenette C. Alfonte and Tiffany Holden, Webmasters/Graphic Designers, IT Division

Agency Web Site: [www.doli.virginia.gov](http://www.doli.virginia.gov)



# Table of Contents

Our Mission .....	1
Message from the Commissioner .....	2
Registered Apprenticeship .....	3
Virginia Apprenticeship Council .....	4
Boiler Safety Compliance .....	5
Cooperative Programs	
Consultation Services .....	6
Safety and Health Achievement Recognition Program (SHARP) .....	7
Voluntary Protection Program (VPP) .....	7
Research and Analysis .....	9
Annual Virginia Occupational Safety and Health Conference .....	10
Labor and Employment Law .....	10
Occupational Safety and Health Compliance (VOSH) .....	11
25 Most Frequently Cited Standards During Construction Industry Inspections .....	14
25 Most Frequently Cited Standards During General Industry Inspections .....	15
Office of Legal Support .....	16
VOSH Planning and Evaluation .....	17
Agency Operations	
Administration .....	17
Human Resources .....	19
DOLI Office Directory .....	20





# Our Mission

*Conduct Business  
Make a Better Place*

“Make Virginia a better place in which to work, live and conduct business. We will achieve this goal by promoting safe, healthful workplaces, best employment practices, job training opportunities through registered apprenticeship, the protection of children from hazardous employment, and safe operation of boiler and pressure vessel devices”

*to live to work*

## *The Virginia Department of Labor and Industry*

The 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; carries out 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 eight office sites throughout the Commonwealth.



*Safety Compliance Officer Harvey Trice*



# 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 2005 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 <http://www.doli.virginia.gov>. If my staff or I can be of assistance to you, please contact us.*

*Sincerely,*

*C. Ray Cavenport*

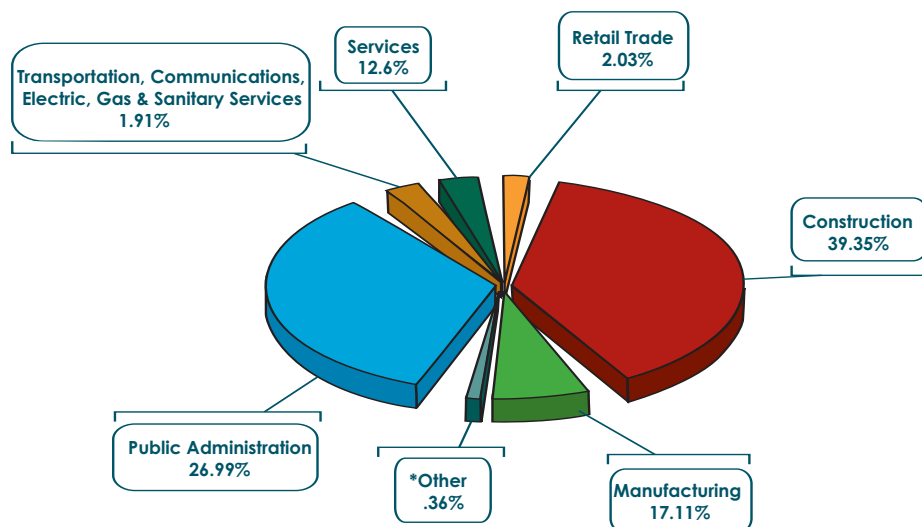


# REGISTERED Apprenticeship

The staff of the Division of Registered Apprenticeship worked actively with more than 12,900 apprentices and 2,100 employers (registered sponsors) throughout the Commonwealth of Virginia during 2005. 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



*\*Other - Includes Agriculture, Forestry and Fishing; Mining; Insurance and Real Estate; and Wholesale Trade*

DOLI's Registered Apprenticeship staff includes a division director, program support technician, sr., 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 of the Division of Registered Apprenticeship 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.

On May 27, 2005, Governor Mark Warner issued a resolution of support for the Helmets to Hardhats program. This national initiative connects National Guard, Reserve, and transitioning active duty military members with apprenticeships and careers in the building and construction trades. At its annual convention, the Virginia Building and Construction Trades Council entered into a direct entry partnership with Helmets to Hardhats.



**Virginia Building and Construction Trades Council President Bobby Myers, Lieutenant Governor Timothy M. Kaine, Helmets to Hardhats Director Major General Matthew Caulfield (Ret.), and Commissioner of Labor and Industry Ray Davenport**



## Virginia Apprenticeship Council



**2005 Outstanding Apprentices**

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

Sharon Paulette Beasley, a metal inspector apprentice employed by Norfolk Naval Shipyard, Portsmouth;

Hugo Juarez, a heating, ventilation and air-conditioning (HVAC) apprentice employed by Dwyer Plumbing Corporation, Alexandria;

Michael D. Norton, an electrician apprentice employed by G. J. Hopkins, Roanoke; and

Athanasios (Tom) Venetsanos, a land surveyor apprentice employed by Sam Whitson Land Surveying, Fairfax, Virginia.



# Boiler Safety COMPLIANCE



*Richmond headquarters boiler team*

Under the guidance of the Chief Inspector, the Boiler Safety Compliance Division oversees and enforces 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 2005, more than 35,324 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.

## Activities of Boiler Safety

	2003	2004	2005
<b>Total Active Objects Registered</b>	69,007	69,902	69,647
<b>Acceptable Inspections (Certificates Issued)</b>	35,021	35,854	35,324
<b>Violations</b>	323	605	499
<b>Quality Control Reviews/Surveys</b>	21	18	19
<b>Incidents</b>	1	1	2
<b>Injuries</b>	1	0	1
<b>Fatalities</b>	0	0	0
<b>Inspector Applicants Passing Exams</b>	1	2	3
<b>Commissioned Inspectors</b>	272	263	251

During 2005, 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 9,500 reminder notices were mailed to owners/users 30 days prior to the certificate expiration regarding the need to arrange for certificate inspections. We provided revised instructions to inspection companies in order to obtain more accurate and consistent data from inspection reports for our computerized database. In addition, internal procedures were improved to process inspection reports and payment of certificate fees more quickly.

Lastly, 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.

# 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. In 2005, funded 90% by Federal OSHA, 11 DOLI consultants provided on-site safety and health services to 530 private sector employers. Within the public sector program, funded 50% by Federal OSHA, on-site services were provided to 48 employers. The following tables outline Consultation Services activities and occupational safety and health training programs conducted for both private and public sector employers. The total visit numbers were lower due to three vacancies for part of 2005, also contributing to fewer hazards identified. Growing numbers of certifications and re-certifications of SHARP worksites contribute to fewer hazards because these companies are recognized as exemplary worksites; thus, they are expected to be in compliance.

### Consultation Program Activities

	2003	2004	2005
<b>Consultative Surveys</b> <i>(Private Sector)</i>	515	650	530
<b>Consultative Surveys</b> <i>(Public Sector)</i>	48	59	48
<b>Promotional Visits</b>	63	57	81
<b>Follow-up Visits</b>	12	16	8
<b>Program Assistance Visits</b>	34	33	38
<b>Serious Hazards Abated</b>	2,975	2,781	2,635
<b>Serious Hazards Identified</b>	3,075	2,849	2,625
<b>Other-than-Serious Hazards</b>	511	619	450
<b>Total Hazards Identified</b>	<b>3,586</b>	<b>3,468</b>	<b>3,075</b>

### Training Program Activities

	2003	2004	2005
<b>Formal Training Sessions</b>	49	79	86
<b>Informal Training Sessions</b>	612	694	635
<b>Persons Trained</b>	2,136	3,140	3,480
<b>Employers Represented</b>	788	1,080	947

In 2005, Consultation Training increased formal training opportunities for private sector employers throughout the Commonwealth. To date, 29 training courses have been identified and developed that will be presented in 38 sessions during the first half of 2006.

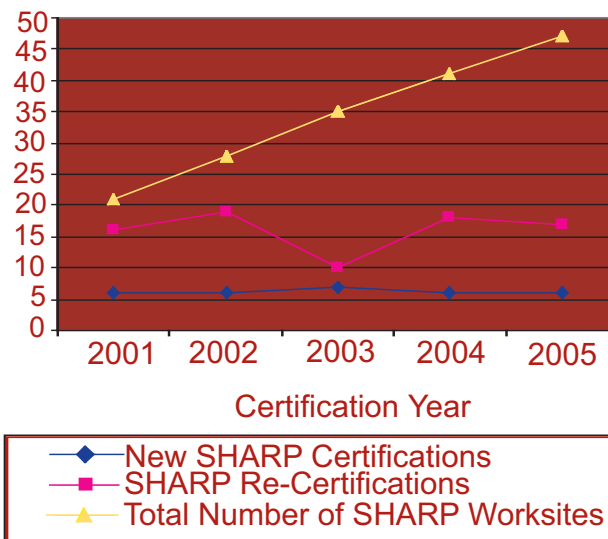


# Safety and Health Achievement Recognition Program (SHARP)

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 the SHARP program, 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 Days Away Restricted/Transferred (DART) and Total Recordable Case Rates (TRCR) below those of the latest published national average for that industry.

To date there are 47 participants in the SHARP program. In 2005, 6 companies achieved SHARP status for the first time and 17 companies were recertified in the program. There are also four companies in the deferral program with hopes of achieving SHARP status during 2006.

Virginia SHARP Data



# 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.

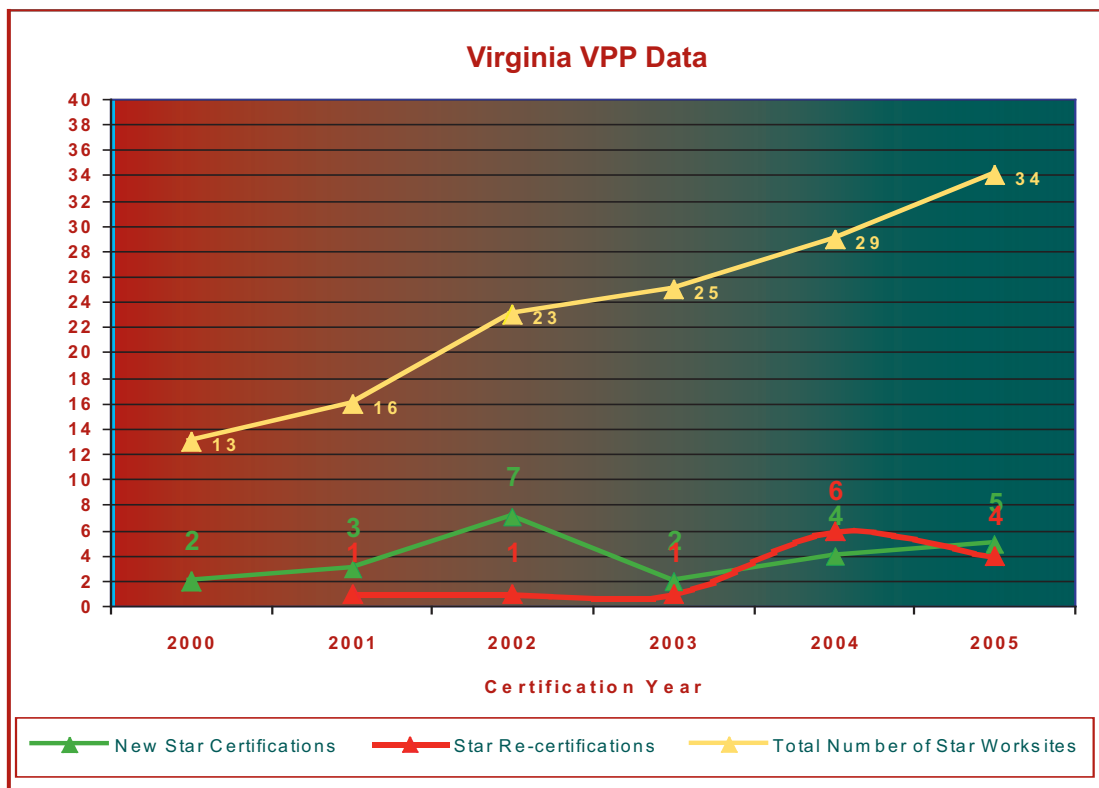
VPP has rigorous requirements and confers a high level of recognition on certified employers. The program relies heavily on employer self-assessments and requires an extensive application process, including submission of written safety and health policies and procedures. When an employer has successfully submitted an application, final certification as a Star fac-

ity 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, that have injury and illness rates below the state and national averages for their industry, and who can successfully pass the on-site inspection will have their facilities certified as Star worksites.

In 2005, 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 29 to 34, and at least half of the current Star worksites were actively involved in mentoring other sites. For 2006 there are two main objectives for Virginia's program:

- 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 two 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.

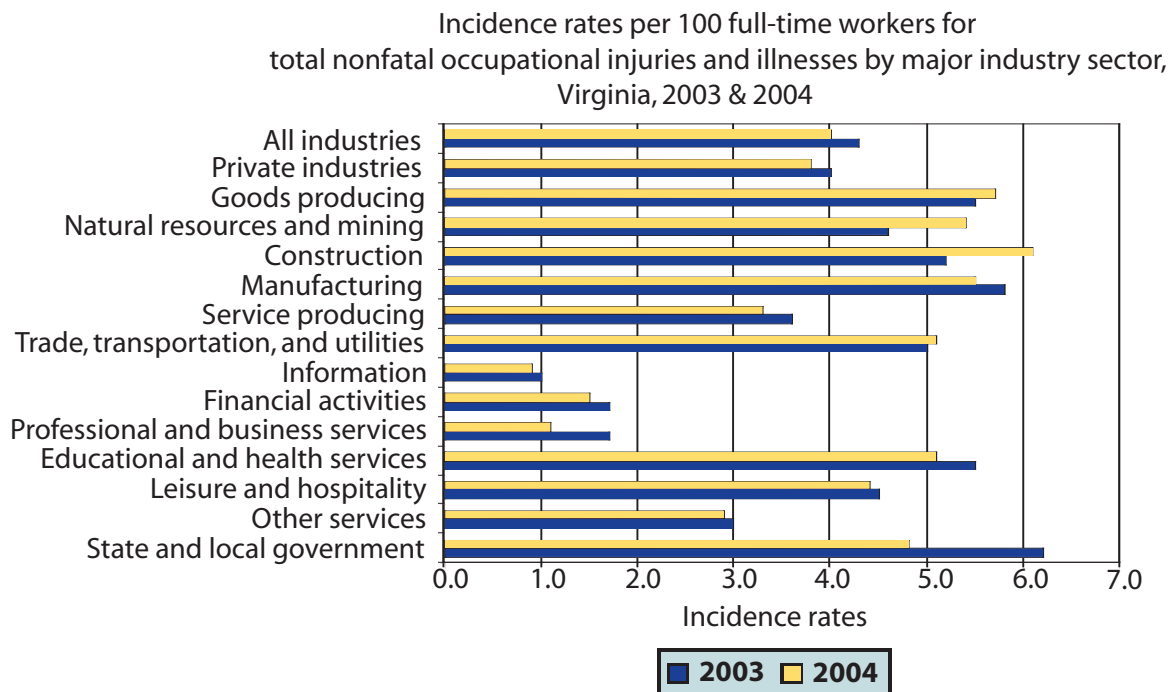




# Research and Analysis

In 2005, the VOSH Research and Analysis unit conducted the 34th Annual Survey of Occupational Injuries and Illnesses, collecting data for calendar year 2004 from 5,582 employers throughout the Commonwealth. The Annual Survey reports injury and illness rates by industry for Virginia as well as for 54 other jurisdictions under cooperative agreements with the U.S. Department of Labor, Bureau of Labor Statistics (BLS).

Virginia's overall nonfatal occupational injury and illness rate in 2004 was 4.0 cases per 100 full-time equivalent workers, with an estimated total of 111,400 injuries and illnesses recorded in both private industry and state and local government. The private industry rate was 3.8; the state and local government incidence rate was 4.8. The Annual Survey also provides demographic characteristics data on the injured or ill employees and case characteristics data on the types of incidents that occurred.

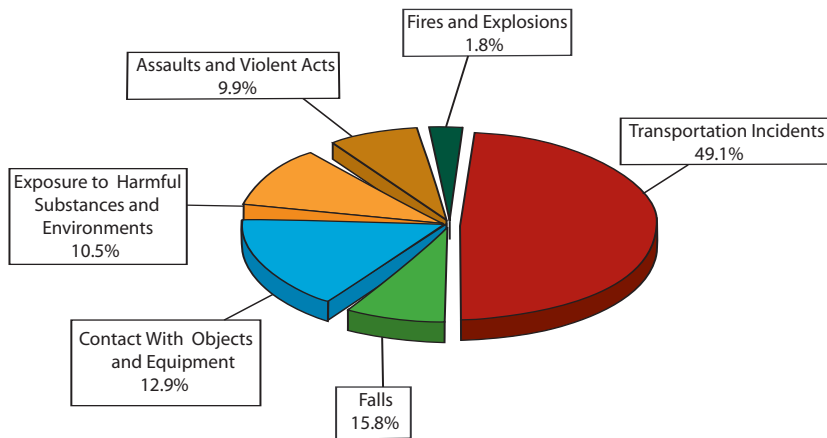


The Census of Fatal Occupational Injuries (CFOI), also conducted cooperatively with BLS, provides information on all work-related fatalities for Virginia and the nation. Each fatality must be confirmed by at least two independently obtained source documents. Research on death certificates at the State Health Department 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 171 occupational fatalities in the Commonwealth in 2004, up by 10 percent from the 155 fatalities in 2003. The increase was due to two catastrophic events in Virginia in 2004, a ship explosion that killed 21 workers and a plane crash that killed 9 employees.

Transportation accidents (84), which include highway, nonhighway, pedestrian, air, water, and rail fatalities, increased by 27 from 2003, made up nearly half of all work-related deaths, and continued to be the leading cause of workplace fatalities. Falls, mainly falls to lower levels, accounted for 27 deaths, increased by 3, and were the highest since the series began in 1992. Assaults and violent acts, which include homicides and suicides, had 17 fatalities and decreased by 7 from 2003, primarily due to a decrease of shootings in the workplace. Overall, workplace deaths due to assaults and violent acts were down 59 percent from the high of 41 recorded in 1998 (excluding the 165 work-related deaths resulting from the terrorist attacks of Sept. 11, 2001).

Workplace Fatalities by Event or Exposure, Virginia, 2004, All Ownerships (171 Total Fatalities)



*Note: DOLI investigated the 51 fatalities that were under VOSH jurisdiction. The fatalities that fell outside our jurisdiction were investigated by the agencies responsible for those worksites.*

In addition, the Department continued to participate in the OSHA Data Initiative for the ninth consecutive year, collecting data on Virginia companies identified by OSHA in high-hazard industries. The informa-

tion gathered through this mandatory survey can be used to target VOSH interventions and to establish and track performance measures.

## Annual Virginia Occupational Safety and Health Conference

The Tenth Annual Virginia Occupational Safety and Health Conference was held June 8-10, 2005 at the Renaissance Portsmouth Hotel and Waterfront Conference Center. The 430 Conference attendees participated in safety and health training sessions on silica exposures, accident investigations, forklift safety and 911 emergencies, among others. Safety and health training, equipment and related products were displayed and demonstrated at more than 40 vendor exhibits.

Concurrent sessions also included opportunities to learn about compliance with the fall protection standard in construction, what to expect during a VOSH inspection, tuberculosis in the workplace, hearing conservation programs, and setting up construction safety on a new job-site.

The Conference succeeded in increasing session participation and improving the variety of training offered at an affordable price to employers, employees and safety and health professionals in Virginia.

# Labor & Employment LAW DIVISION

The Labor and Employment Law Division administers and enforces the laws of the Commonwealth that govern payment of wages, minimum wage, child labor, the right to work and certain other provisions of state law related to the workplace. The Division provides guidance, mainly to small businesses, concerning the application of garnishment laws and regulations.

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



In 2005, the Division received and screened 2,086 claims for unpaid wages. Of those, 1,666 alleged violations of the Payment of Wage Law and were investigated by the Division. In 2005, the Division collected \$683,168.37 in wages on behalf of employees who worked in the Commonwealth. Civil monetary penalties in the amount of \$158,600.00 were assessed and reduced to judgment. Civil monetary penalties on wage judgments in the amount of \$18,657.46 were collected and sent to the state's general fund.

During the year, 12,372 minors worked under employment, age and theatrical permits administered or issued by the Division. The Division returned 335 employment certificates for errors or noncompliance; of those 116 certificates were revoked. The remaining documents were corrected and issued. Every year the Division instructs, advises and provides supplies to over 2,000 Issuing Officers across the Commonwealth.

In 2003, Labor and Employment Law piloted a streamlined process to investigate wage claims. The process was deemed a success and made a permanent part of the Division's procedures. In 2005, the streamlined process collected \$98,295.55, an increase of 25 percent over the amount collected by that process in 2004. This initiative enables employees to receive their wages quickly, represents a cost savings to the Commonwealth, and reduces the regulatory impact on businesses.

<b>Complaint Investigation</b>		<b>Child Labor Complaint Analysis</b>	
<b>2005</b>		<b>2005</b>	
<b>Payment of Wage</b>	2,086	<b>Working Without an Employment Certificate</b>	11
<b>Child Labor</b>	35	<b>Failure to Keep Time Records</b>	9
<b>Minimum Wage</b>	2	<b>Working Prohibited Hours</b>	15
<b>Other</b>	4	<b>Employment of Children in Prohibited or Hazardous Occupations</b>	0
		<b>Total Penalties</b>	17
		<b>Total Penalty Amount</b>	<b>\$18,590.00</b>

<b>Payment of Wages</b>		
	<b>Number of Complaints</b>	<b>Amount Collected</b>
<b>2003</b>	2,321	\$1,046,863.47
<b>2004</b>	2,489	\$1,248,009.85
<b>2005</b>	2,086	\$683,168.37

# 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 primary responsibility is to inspect the state's private and public sector workplaces to ensure compliance with safety standards and regulations. These inspections are conducted in response to accidents, complaints, referrals or 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 ever dangerous construction industry.

Our VOSH Safety and Health Compliance Officers (CSHOs) performed admirably in 2005, conducting 3,304 inspections. This is quite remarkable considering the hiring and training needs of 15 Compliance Officer Apprentices during 2005. Our Northern Virginia region performed the most inspections again this year. That office also had the highest turnover, including two new Compliance Managers and a new Regional Director. We have opened a new field office in Winchester, Virginia. Three CSHOs operate out of this office, which is overseen by the Manassas Regional Office.



**VOSH Director  
Glenn Cox**

The General Assembly approved the funding of five additional positions that were previously permanently vacant because of budgetary constraints. We have hired for these positions and are excited about our new CSHO apprentice program. All our new and junior CSHOs will go through an extensive training program as apprentices, and they will become “journeyman CSHOs” at the completion of their program. This can take up to three years depending on the qualifications of each newly hired individual.

Virginia Occupational Safety and Health filled 24 vacant positions this year, including two consultants, three health compliance officers, 14 safety compliance officers, a new training instructor, a new VPP Coordinator, two new Compliance Managers (both in Manassas), and one new Regional Director (Manassas). Of all these new hires, 15 were in the Manassas office alone. Although this is certainly a greater number of new hires than normal, the transition is going extremely well. As another example of drastic turnover, only one CSHO in the Northern Virginia office has been there longer than three years. The staff retention rate, due to strong private sector competition, is troublesome; however, we have aggressively hired to fill all benchmark positions in this and all other regions as they come open.

Our Northern Virginia region continues to have the most fatalities, largely because of the vast amount of construction in that area. Being “crushed by” an object or equipment became the number one cause of death in Virginia's workplaces this year. “Falls” regained the second leading cause of death position, followed by being “struck by” an object (the leading cause of workplace fatality last year), electrocutions and cave-ins. Greater focus through consultation and education and training continues to be implemented statewide in an effort to lessen the overall fatality rate. In addition, the Commissioner, our new Assistant Commissioner, and VOSH staff spoke to various groups and organizations on several occasions to encourage safety and health in the workplace.

VOSH Health Compliance focuses on recognizing and evaluating 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 blood-borne 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



**Apprentice Compliance  
Officer Lynne Lunze**



communication, housekeeping, etc.), and personal protective equipment (respiratory protection, hearing protection, chemical protective clothing, etc.). Workplace inspections are generated in the same manner as the VOSH Safety Compliance Division, i.e., through accidents, complaints, referrals or general schedule inspections. Additionally, Health Compliance continues to focus on the 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 Standards 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 the activities of VOSH enforcement over the period of 2003-2005:

<b>Occupational Safety and Health Inspections</b>						
	<b>2003</b>		<b>2004</b>		<b>2005</b>	
	<b>Safety</b>	<b>Health</b>	<b>Safety</b>	<b>Health</b>	<b>Safety</b>	<b>Health</b>
Planned	1646	304	2037	375	1815	385
Follow-up	12	12	9	5	8	2
Complaint	148	180	182	221	187	196
Referral	121	57	127	69	194	59
Accident/ Fatality/Cat.	54	5	50	4	66	6
Other	194	69	174	63	286	100
<b>TOTAL</b>	<b>2175</b>	<b>627</b>	<b>2579</b>	<b>737</b>	<b>2556</b>	<b>748</b>

<b>Hazards Identified</b>						
	<b>2003</b>		<b>2004</b>		<b>2005</b>	
	<b>Safety</b>	<b>Health</b>	<b>Safety</b>	<b>Health</b>	<b>Safety</b>	<b>Health</b>
Serious	3024	955	3598	778	3487	939
Willful	11	3	29	0	17	3
Repeat	157	9	136	11	156	18
Other (OTS & FTA)	1676	953	1678	861	1589	816
<b>TOTAL</b>	<b>4868</b>	<b>1920</b>	<b>5441</b>	<b>1650</b>	<b>5249</b>	<b>1776</b>

<b>Penalties Assessed (In Dollars)</b>						
	<b>2003</b>		<b>2004</b>		<b>2005</b>	
	<b>Safety</b>	<b>Health</b>	<b>Safety</b>	<b>Health</b>	<b>Safety</b>	<b>Health</b>
Penalties	\$2,690,331	\$588,755	\$3,077,350	\$456,899	\$3,479,662	\$622,711

# *25 Most Frequently cited standards during construction inspections*

**(October 1, 2004-September 30, 2005)**

1. 1926.501(b) Fall Protection--Unprotected sides & edges 6 ft. or more above a lower level
2. 1926.050(c) Medical Services and First Aid--In absence of an infirmary
3. 1926.451(g) Scaffolds--Fall protection above 10 ft.
4. 1926.100(a) Personal Protective Equipment--No hard hat
5. 1926.1053(b) Ladder secure and rails extend three feet above landing
6. 1910.1200(e) Hazard Communication--Written Program
7. 1910.1200(g) Hazard Communication--Material Safety Data Sheets
8. 1910.1200(h) Hazard Communication--Employee information and training
9. 1926.453(b) Aerial Lift--Fall protection
10. 1926.451(c) Scaffolds--Adequate firm foundation (mud sills or base plates)
11. 1926.451(b) Scaffold Platform Construction--Fully planked
12. 1926.451(e) Manually Propelled Mobile Scaffolds--Access
13. 1926.652(a) Trenches and Excavations--Protection from cave-in
14. 1926.050(d) First Aid Supplies
15. 1926.404(f) Grounding requirements
16. 1926.451(f) Use of Scaffolds
17. 1926.1052(c) Stair rails and Handrails
18. 1926.051(c) Toilets at Construction Sites
19. 51.001(a) General Duty Violations
20. 1926.025(a) Housekeeping
21. 1926.452(c) Fabricated frame scaffolds
22. 1926.502(b) Fall Protection systems criteria and practices--Guardrail systems
23. 1926.451(h) Falling Object Protection
24. ARM307 Failure to provide abatement verification
25. 1926.404(b) Ground-Fault Protection

# *25 Most Frequently cited standards during GENERAL INDUSTRY inspections*

**(October 1, 2004-September 30, 2005)**

1. 1910.147(c) Lockout/Tagout
2. 1910.157(g) Fire Extinguishers--Training and education
3. 1910.305(b) Wiring Methods--Cabinets, boxes, and fittings
4. 1910.212(a) Machine Guarding
5. 1910.1200(e) Hazard Communication--Written program
6. 1910.178(l) Powered Industrial Trucks--Operator training
7. 1910.305(g) Flexible Cords and Cables
8. 1910.1200(h) Hazard Communication--Employee information and training
9. 1910.134(c) Respiratory Protection Program
10. 1910.1200(f) Hazard Communication--Labels and other forms of warning
11. 1910.151(b) Medical Services and First Aid--In the absence of a hospital
12. 1910.132(d) PPE--Hazard assessment and equipment selection
13. 1910.215(b) Guarding of Abrasive Wheel Machinery
14. 1910.303(g) Electrical Equipment--600 volts, nominal, or less
15. 1910.157(e) Portable Fire Extinguishers--Inspection, maintenance and testing
16. 1910.303(b) Electrical Utilization Systems--Examination, installation and use
17. 1910.037(b) Lighting and Marking of Exits
18. 1910.253(b) Oxygen-fuel gas welding and cutting--Cylinders and containers
19. 1910.157(c) Portable Fire Extinguishers--General requirements
20. 1910.215(a) Abrasive Wheel Machinery--General requirements
21. 1910.023(c) Protection of open-sided floors, platforms and runways
22. 1910.219(d) Machine guarding (pulleys)
23. 1910.146(d) Permit-Required Confined Space Program
24. 1910.134(e) Respiratory Protection (selection of respirators)
25. 1910.134(f) Respiratory Protection (fit testing)



# 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 with the review and approval of the Assistant Attorney General assigned to the Department);
- Processing requests for information under the Virginia Freedom of Information Act;
- Evaluating and responding to Complaints Against State Plan Administration (CASPA's); and
- Assisting divisions in the development of policies and procedures, standards, and statutory changes.



*Management Analyst Regina Cobb  
and Attorney Rob Feild*

The following summarizes Office of Legal Support activities for calendar year 2005:

<b>Significant Case Pre-citation Reviews</b>	<b>224</b>
<b>Contested Case Review Activities</b>	<b>45</b>
<b>Settlement Agreement Activities</b>	<b>59</b>
<b>Final Orders</b>	<b>48</b>
<b>Warrant Activities</b>	<b>7</b>
<b>Subpoenas</b>	<b>47</b>
<b>Litigation Activities</b>	<b>190</b>
<b>Freedom of Information Act Requests</b>	<b>338</b>
<b>TOTAL</b>	<b>958</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 2005 include the following:

- Issued 33 program directives with 24 additional directives 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 of the Virginia State Plan;
- Reviewed and reprinted VOSH publications: The Administrative Regulations Manual for the VOSH Program, 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 two meetings and no formal public hearings during 2005. Planning and Evaluation assisted the Board to adopt, amend and/or approve several regulatory items, as follows:

- 16 VAC 25-55, Proposed Regulation Governing Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors;
- 16 VAC 25-175-1926.60, Methylenedianiline in Construction, 1926.60, Final Rule; Correction;
- Standards Improvement Project, Phase II; Final Rule;
- 16 VAC 25-60, Proposed Regulation to Amend the Administrative Regulations for the Virginia Occupational Safety and Health (VOSH) Program; and
- 16 VAC 25-75, Proposed Regulation to Amend the General Industry Standard for Telecommunications, General, Approach Distances, 1910.268(b)(7)(i).

## Agency Operations ADMINISTRATION

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

In 2005, the Department of Labor and Industry maintained its central headquarters and eight regional and field office sites to provide local constituent services throughout the Commonwealth. We continually work to enhance our quality of service to the public. Resource allocations are regularly monitored to maximize service quality and delivery.

The agency's operating budget for fiscal year 2006 (July 1, 2005 - June 30, 2006) is \$12.3 million (\$6.9 million General Fund, \$5.4 million Non-General Fund) with 180 employees.



**Administration Staff**

Division of Administration accomplishments and customer service initiatives for 2005 include the following:

- Related to financial management, the Auditor of Public Accounts issued an unqualified audit report with no negative management findings for the last report cycle (January 2003 - June 2004). Financial reviews conducted by the state comptroller and the U.S. Department of Labor reported full compliance with no exceptions;
- The Commonwealth's Management Scorecard reports on agency performance in core management functions. DOLI met expectations in each of the core management functions. The 2005 Management Scorecard can be viewed at: <http://www.vaexcels.governor.virginia.gov/Performance/scorecardResults.cfm>;
- Development of the Agency Strategic and Service Area Plan was designed to support achievement of long-term objectives and fulfill our mission and mandates. Strategic planning merged with the state budgeting process for 2006-08. The Plan can be viewed on our Web site: <http://doli.virginia.gov>;
- 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/PP/PublicSelect.cfm>;
- Established a satellite office in Winchester through co-locating with the Virginia Employment Commission;
- Increased purchases from small, minority and women-owned businesses (SWAM); see <http://www.dmbe.state.va.us/>. For on-line certification, see [https://www.virginiainteractive.org/mbe\\_cert/cgi-bin/intro.cgi](https://www.virginiainteractive.org/mbe_cert/cgi-bin/intro.cgi);
- Participated in the Commonwealth's e-Virginia electronic procurement model (see <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 99.42%);
- Maintained public accessibility to regulatory process via Regulatory Town Hall Web site: <http://www.townhall.state.va.us/>; and <http://www.townhall.state.va.us/Lists/ListAgency.cfm>;



- Made on-going enhancements and updates to our Web site: <http://www.doli.virginia.gov/>, which included user feedback form, search feature, downloadable forms, current events, and important Internet links. A Spanish translation was added courtesy of **Babel Fish** and **SYSTRAN**. In addition, IT increased access to program information through Web technology;
- Continued to monitor and enhance technology systems to prevent the release or export of computer viruses and to support the Occupational Safety and Health information management systems. These systems greatly augmented the capability of VOSH inspectors, supervisors and consultants to perform their duties and responsibilities. The system is in use in eight offices throughout the Commonwealth and has nearly 70 users interfacing with it; and
- We introduced electronic technology to streamline accounting and finance procedures and processes.

## HUMAN RESOURCES

During 2005, the Office of Human Resource Management (HRO) continued to support the agency's mission by recruiting, recognizing and retaining a well-qualified professional team committed to promoting and maintaining public safety, registered apprenticeship programs and fair employment practices. HRO processed 32 requests to fill vacant positions and subsequently processed and screened 984 applicants. The Office also facilitated the hiring of 15 new employees and 6 promotions, as well as 10 transfers within DOLI. In addition, there were 8 retirements and 9 resignations/separations during the year. The Human Resource Office recommended and processed 8 in-band salary adjustments and 2 upward role changes.

DOLI's Apprenticeship Program for Safety and Health Compliance Officers successfully retained 15 apprentices. Each employee/apprentice is successfully progressing through formalized training involving both classroom instruction and on-the-job mentoring. Upon completion of these training objectives, the apprentices will be considered fully credentialed journeyman Safety and Health Compliance Officers.

Our Rewards and Recognition Policy provides opportunities to recognize employees, both formally and informally, resulting in 114 STAR awards for the year. DOLI also celebrated Public Service Recognition Week by sponsoring a variety of activities and functions for employees.

The Human Resource Office coordinated the agency's Commonwealth of Virginia Campaign for 2005. DOLI employees generously increased their annual donations by more than \$3,000 to a total of \$9,368.20, including donations directed specifically to Hurricane Katrina victims.

Our mission is to make Virginia a better place in which to work, live and conduct business. We will achieve this goal by promoting safe, healthful workplaces, best employment practices, job training opportunities through registered apprenticeship, the protection of children from hazardous employment, and safe operation of boiler and pressure vessel devices.

# VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY HEADQUARTERS, REGIONAL AND FIELD OFFICES

## **Richmond - Headquarters**

Powers - Taylor Building  
13 South Thirteenth Street  
Richmond, Virginia 23219  
Phone: (804) 371-2327  
TDD: (804) 786-2376

## **Richmond - Central Region**

North Run Business Park  
1570 Parham Road  
Richmond, Virginia 23228  
Phone: (804) 371-3104

## **Manassas - Northern Virginia Region**

10515 Battleview Parkway  
Manassas, Virginia 20109  
Phone: (703) 392-0900  
TDD: (703) 392-0165

## **Norfolk - Tidewater Region**

Interstate Corporate Center, Building 6  
6363 Center Drive, Suite 101  
Norfolk, Virginia 23502  
Phone: (757) 455-0891

## **Roanoke - Southwest Region**

Brammer Village  
3013 Peters Creek Road  
Roanoke, Virginia 24019  
Phone: (540) 562-3580  
TDD: (540) 562-3585

## **Abingdon - Field Office**

Brookfield Square, Suite 4  
966 West Main Street  
Abingdon, Virginia 24210

## **Lynchburg - Field Office**

3704 Old Forest Road, Suite B  
Lynchburg, Virginia 24501  
Phone: (434) 385-0806

## **Verona - Field Office**

201 Lee Highway  
Verona, Virginia 24482  
Phone: (540) 248-9280

## **Winchester - Field Office**

100 Premier Place  
Winchester, VA 22602



**Virginia Department of Labor and Industry  
2005 Annual Report**