

# 2008 Annual Report



*making Virginia a better place to live and work*

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY





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# MESSAGE FROM THE COMMISSIONER



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 2008 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 Davenport*



## Mission Statement

"It is the mission of the Virginia Department of Labor and Industry 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."



# REGISTERED APPRENTICESHIP



## Apprenticeship in 2008

The staff of the Division of Registered Apprenticeship worked with more than 14,120 apprentices and 2,238 employers (registered sponsors) throughout the Commonwealth of Virginia during 2008. These registered apprentices and sponsors represent more than 350 occupations.

Anyone interested in registered apprenticeship opportunities can seek additional information on DOLI's Web site.

## DOLI's Role

DOLI's Registered Apprenticeship staff includes a division director, assistant director, program support technician sr., and 12 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.

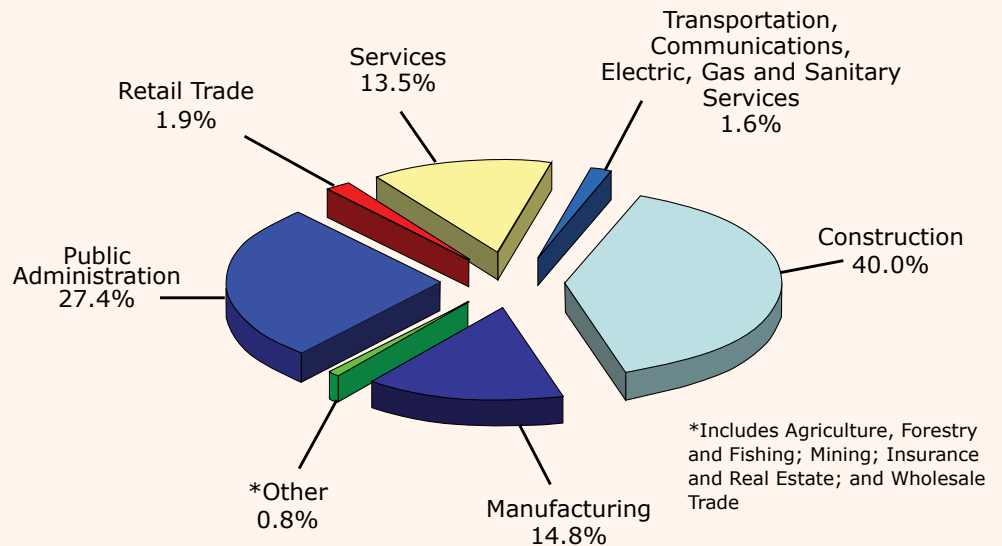
The division director and assistant director work in the agency's headquarters office located in Richmond. The staff works in collaboration with many local, state, and federal agencies, including the Virginia Department of Professional and Occupational Regulation, the Virginia Employment Commission, the Virginia Community College System, local school divisions, and the U.S. Department of Labor's Office of Apprenticeship.

## Apprenticeable Occupations

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

- Electrician
- Brick Mason
- Marine Designer
- Welder
- HVAC Mechanic
- Youth Development Practitioner
- Optician
- Cosmetologist and Barber
- Computer Numerical Control Machinist
- Shipfitter
- Plumber

## Virginia's Registered Apprentices by Industry Calendar Year 2008



Virginia's registered apprentices work in a variety of industries, as shown above.



# VIRGINIA APPRENTICESHIP COUNCIL

## Virginia Apprenticeship Council

The Virginia Apprenticeship Council, appointed by the Governor, is composed of four representatives from management and four labor representatives familiar with apprenticeable occupations. The Commissioner of the Virginia Employment Commission, the Chancellor of the Virginia Community College System, and a local superintendent from a school division that provides apprenticeship-related training serve as 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 will complete them in the spring of 2009. 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. DOLI Commissioner Ray Davenport joined Council Chairman Dr. Steven Staples

and Virginia Apprenticeship Alumni Association President Ray Louth in presenting the Outstanding Apprentice Awards to the individuals shown below.

## Dr. Staples' Retirement

Following the award ceremony for Outstanding Apprentices, the Virginia Apprenticeship Council presented Dr. Steven R. Staples with a formal resolution acknowledging his successful tenure as chairman in a show of appreciation for his contributions to the council.



*Dr. Staples accepts his plaque from Commissioner Davenport.*

## 2008 Outstanding Apprentice Award Winners



*The winners of the 2008 Outstanding Apprentice Awards pictured here with Dr. Staples, Commissioner Davenport and Mr. Ray Louth from left to right are: Mr. Travis Jarvis, Inside Machinist apprentice, Norfolk Naval Shipyard - Portsmouth, VA. Mr. Michael Jordan, Electrician apprentice, HEC Construction, Inc. - Ashland, VA. Mr. Eric Kilner, Marine Designer apprentice, Northrop Grumman Newport News - Newport News, VA. Mr. Thomas Mezzanotte, Electric Utility Designer apprentice, Northern Virginia Electric Cooperative - Gainesville, VA.*



# BOILER SAFETY COMPLIANCE

## 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 2008, there were 37,295 inspections 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.

During 2008, in a continuing effort to prevent accidents, Boiler Safety focused on finding unregistered objects in automobile indus-

tries, apartment buildings, and laundry and dry cleaning establishments. Over 9,000 reminder notices were mailed to owners/users 30 days prior to the certificate expiration regarding the need to arrange for certificate inspections. Internal procedures were revised to improve the quality of the inspection reports and process payment of certificate fees more quickly. Interpretations, technical letters, and position papers continue to be posted on the agency's Web site to ensure that the information is current and easily available.

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.

ACTIVITIES OF BOILER SAFETY	2006	2007	2008
Total Active Objects Registered	69,999	70,539	68,986
Acceptable Inspections (Certificates Issued)	36,138	34,233	37,295
Violations	355	567	429
Quality Control Reviews/Surveys	22	15	13
Incidents	3	3	1
Injuries	0	0	0
Fatalities	0	0	0
Inspector Applicants Passing Exams	3	3	13
Commissioned Inspectors	240	245	238



# LABOR & EMPLOYMENT LAW

## Labor Law Division

The Labor and Employment 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 concerning the application of garnishment laws and regulations.

The division is composed of a Director, an Assistant Director, and two program support staffers located at the agency's headquarters office. There are six full-time Labor Law Representatives, one supervisor, and one assistant representative located throughout the state in the regional and field offices.

In 2008, the division received and screened 3,017 claims for unpaid wages and completed 1,833 investigations of those claims that alleged violations of the Payment of Wage Law. The division expanded the "First Response" initiative statewide in 2008, which had improved the efficiency of the investigation process by modifying case distribution and emphasizing informal resolutions. The most immediate impact of the expansion was to reduce wage claim processing time by 83%, thus allowing claimants to receive past due wages quickly. This represents a cost savings to the Commonwealth

and reduces the regulatory impact on businesses. The division collected \$404,633.98 in wages on behalf of employees who worked in the Commonwealth. Final Orders on unpaid wages due in the amount of \$267,899.45 were assessed and reduced to judgments. Civil monetary penalties were issued and reduced to judgments for noncompliance with the Payment of Wage Law in the amount of \$107,675.00 then submitted to collections. Civil penalties in the amount of \$17,469.00 were collected and forwarded to the state's General Fund.

The division issued 9,957 employment, age, and theatrical permits for the employment of minors in 2008. Labor Law Representatives trained 330 school officials to issue employment certificates, provided supplies and supported over 2,000 issuing officers across the state. In 2008, we expanded the statewide child labor outreach effort to include refresher training of issuing officers in an effort to reduce the number of minors working on prohibited or hazardous work sites, thereby reducing the potential for injuries. Refresher training was conducted for an additional 187 issuing officers across the state and staff conducted 245 inspections of work sites in a statewide sweep in June. Violations were addressed and educational material was distributed to employers.



### CHILD LABOR COMPLAINT ANALYSIS 2008

Working without an Employment Certificate	4
Failure to Keep Time Records	5
Working Prohibited Hours	18
Employment of Children in Prohibited or Hazardous Occupations	3
Total Penalties	30
Total Penalty Amount	\$4,058.00

### COMPLETED COMPLAINT INVESTIGATIONS 2008

Payment of Wage	1,833
Child Labor	33
Minimum Wage	4
Other	3

### PAYMENT OF WAGES

Year	Number of Complaints Recieved	Amount Collected
2006	2,152	\$ 462,321.47
2007	1,840	\$1,423,325.89
2008	3,017	\$ 404,633.98

# COOPERATIVE PROGRAMS

## Voluntary Protection Program

The Virginia Voluntary Protection Program (VPP) is patterned after the Federal VPP and is designed to recognize and promote excellence in employee safety and health management. It is available to employers of all sizes in both the private and public sectors. The Virginia program has two levels of participation, Star work site and Merit work site. Star participants are a select group of work sites 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.

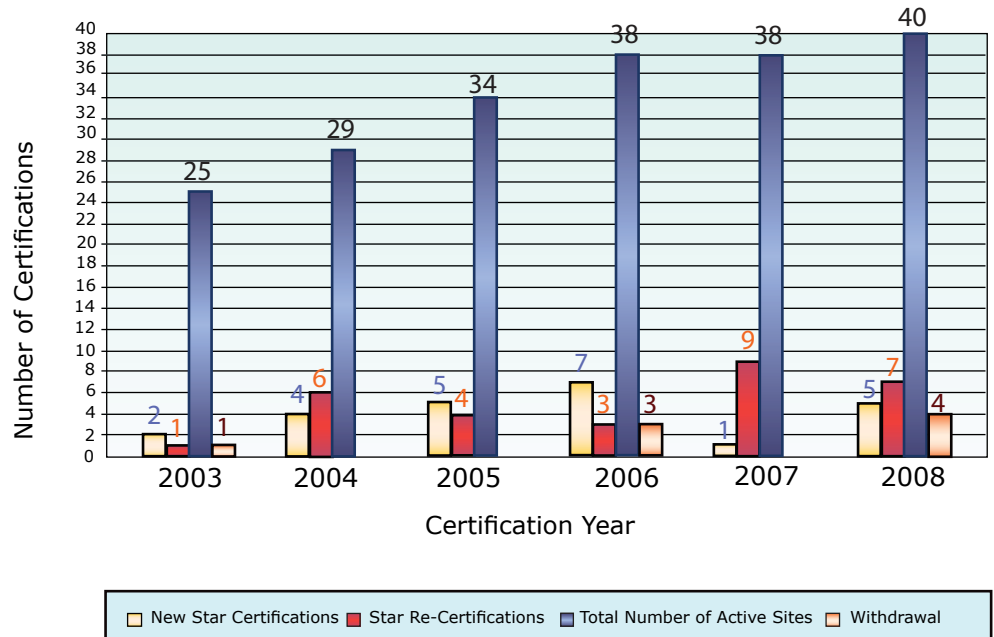
VPP has rigorous requirements and confers a high level of recognition on certified employers. The program relies heavily on employer self-assessments and requires an extensive application process, including submission of written safety and health policies and procedures. When an employer has successfully submitted an application, final certification requires an intensive, week-long inspection by a VOSH VPP review team. The inspection team interviews employees, reviews safety and health plans, observes work practices, and verifies that the employer has implemented effective

safety and health programs. Only those employers that fully meet the eligibility requirements and who can successfully pass the on-site inspection will have their facilities certified as Star work sites.

In 2008, our VPP goals were continued growth in the number of Star work sites in Virginia and an increased level of involvement by Star sites, both in the area of mentoring new sites and in participating in on-site review teams as Private Industry Volunteers. In all of these areas the program achieved very favorable results. Five new sites achieved Star status during the year. The active number of sites grew to a total of 40. Unfortunately, four sites withdrew from participation in VPP during the year. A total of seven sites were re-certified as Star status during 2008. In the spirit of VPP, at least half of the current Star work sites were actively involved in mentoring new sites.

In January of 2009, a Special Government Employee (SGE) class for the Private Industry Volunteers was conducted in Virginia Beach in conjunction with the U.S. Department of Labor's Region III and the Virginia Department of Labor and Industry. This class prepares volunteers from existing VPP sites to become VPP auditors. A total of 37

Virginia VPP Data





# COOPERATIVE PROGRAMS

employees attended, with 17 employees from Virginia sites. This is a welcome addition to the Virginia VPP effort.

For 2009 there are three 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, this involvement leverages the skills and knowledge of Virginia's private employers to help the agency achieve its goals.
- Increase the number of active Private Industry Volunteers. These individuals provide invaluable service to the program as site mentors, audit team members and as advocates for VPP.
- Increase the number of active Star sites in Virginia so that more companies may achieve the program's results of increased worker safety and health and improved employee morale.

The realization of these objectives will ensure that the program continues to grow and that it will be an increasingly effective vehicle for the sharing of best practices.

## Consultation Services

Consultation Services provides safety and health consultation to private and

public sector employers with priority given to companies in high-hazard industries with 250 or fewer employees. In 2008, funded 90% by Federal OSHA, 8 DOLI consultants provided on-site safety and health services to 610 private sector employers. Within the public sector program, funded 50% by Federal OSHA, on-site services were provided to 12 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 higher for all of 2008 than 2007, even though the program experienced three vacancies for the year. Numbers of certifications and re-certifications of SHARP work sites, 52 to date, contribute to fewer hazards at those sites because these companies are recognized as exemplary work sites; thus, they are expected to experience fewer hazards.

In 2008, the consultation training section conducted 71 sessions, offering formal training opportunities for private sector employers throughout the Commonwealth. To date, 38 training courses have been identified and developed that will be presented in 28 sessions during the first half of 2009.



## CONSULTATION PROGRAM ACTIVITIES

	<b>2006</b>	<b>2007</b>	<b>2008</b>
Consultative Surveys (Private Sector)	554	577	610
Consultative Surveys (Public Sector)	62	15	12
Promotional Visits	76	82	96
Follow-Up Visits	10	12	9
Program Assistance Visits	42	27	27
Serious Hazards Abated	2,911	2,150	2,186
Serious Hazards Identified	2,894	2,028	1,944
Other-Than-Serious Hazards	473	328	453
Total Hazards Identified	3,367	2,478	2,397

## TRAINING PROGRAM ACTIVITIES

	<b>2006</b>	<b>2007</b>	<b>2008</b>
Formal Training Sessions	109	95	71
Informal Training Sessions	683	592	601
Persons Trained	4,021	3,970	2,964
Employers Represented	1,006	1,147	838

# COOPERATIVE PROGRAMS

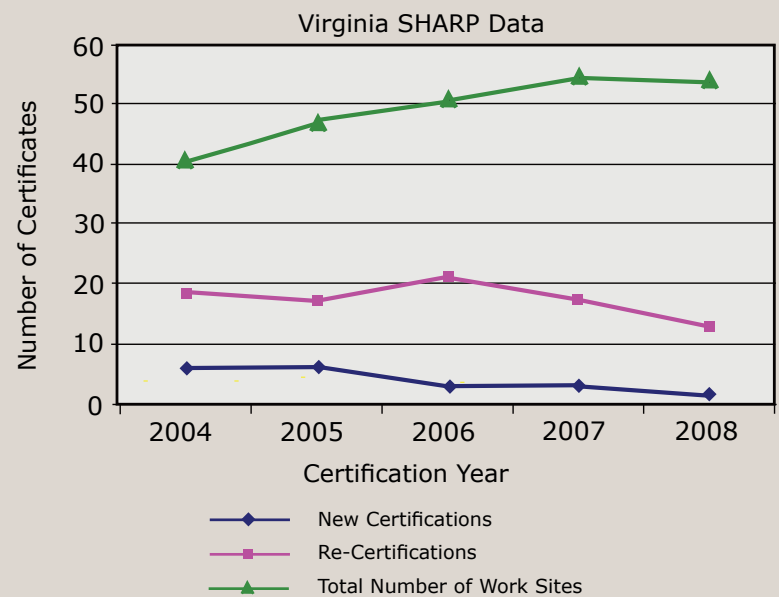
## SHARP Recognition

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, a company must have one year of operating history, and have Days Away Restricted/Transferred (DART) and Total Recordable Case

(TRC) rates below those of the latest published national averages for that industry.

To date there are 52 participants in the Virginia SHARP program. In 2008, 1 company achieved SHARP status for the first time and 12 companies were re-certified in the program. There are also four companies in the deferral program with hopes of achieving SHARP status during 2009.

### SAFETY AND HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP)



## 13th Annual VOSH Conference

The Thirteenth Annual Virginia Safety and Health Conference was held June 3-6, 2008 at the Renaissance Portsmouth Hotel and Waterfront Conference Center in Portsmouth. The conference participants engaged in safety and health training sessions on how to prepare for court testimony, crane awareness for non-crane workers, OSHA process safety management requirements, and fatality prevention, among others. Safety and health training, equipment and related products were displayed and demonstrated at more than 45 vendor exhibits.

Concurrent sessions also included opportunities to learn about the VPP Program, workers' compensation compared with OSHA recordability, what to expect during a VOSH inspection, working teens and hazardous occupa-

tions, and lead hazards in construction renovation. Keynote speaker Aaron K. Tripler discussed the future of OSHA in a time of uncertainty.

The conference succeeded in reaching 333 attendees and continuing to improve the variety of training sessions offered at an affordable price to employers, employees and safety and health professionals in Virginia.



Crane Safety Demonstration



# COOPERATIVE PROGRAMS

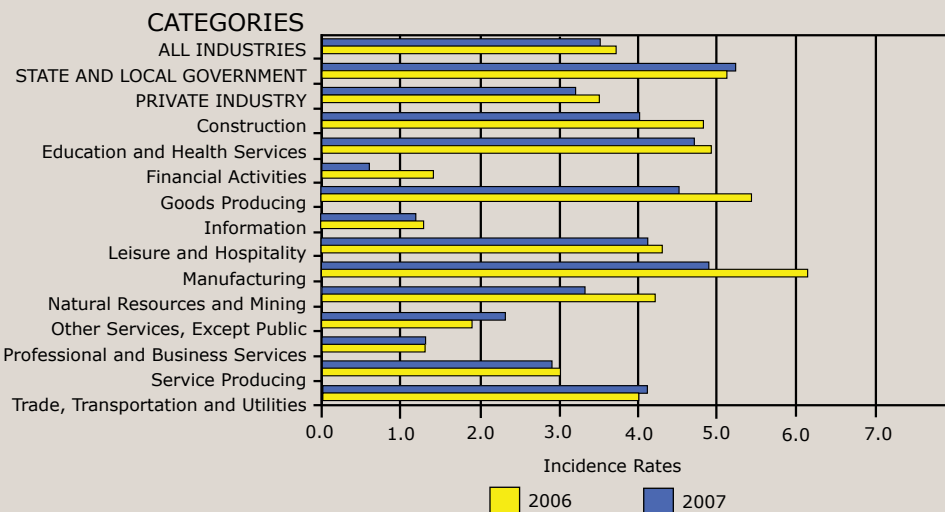
## Research and Analysis

In 2008, the VOSH Research and Analysis unit conducted the 37th Annual Survey of Occupational Injuries and Illnesses, collecting data for calendar year 2007 from 5,229 employers throughout the Commonwealth. The survey nationally reports injury and illness rates by industry for Virginia as well as for 55 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 2007 was 3.5 cases per 100 full-time equivalent workers, with an estimated total of 104,200 injuries and illnesses recorded in both private industry and state and local government. The private industry rate was 3.2; the state and local government incidence rate was 5.2. The survey also provides demographic characteristics data on the injured or ill employees and case characteristics data on the types of incidents that occurred.

Virginia also participates annually in the Census of Fatal Occupational Injuries (CFOI), conducted cooperatively with BLS, which 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 Virginia

Incidence Rates Per 100 Full Time Workers For Total Nonfatal Occupational Injuries and Illnesses by Major Industry Sector, Virginia, 2006 & 2007



Department of Health (VDH) 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 VOSH laws and standards.

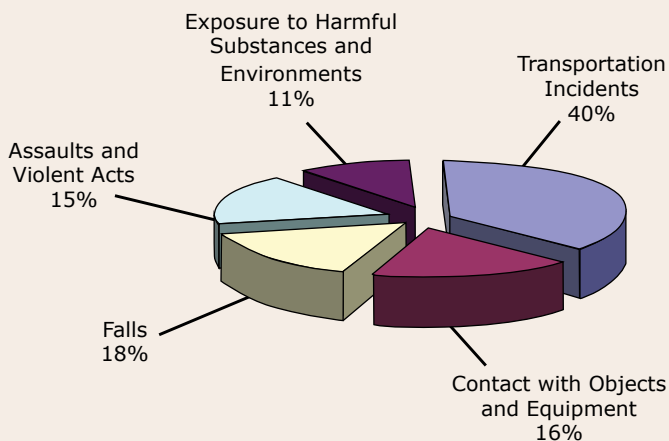
The Virginia Census reported 146 occupational fatalities in the Commonwealth for calendar year 2007, down by 12 percent from the 165 fatalities in 2006.

Transportation incidents (57), which include highway, non-highway, pedestrian, air, water, and rail fatali-

ties, decreased by 4 from 2006, made up 40 percent of all work-related deaths and continued to be the leading cause of workplace fatalities. Work-related deaths due to falls, mainly falls to a lower level, accounted for 25 deaths and increased by 7 from 2006. The number of on-the-job fatalities resulting from contact with objects and equipment (23) accounted for 16 percent of work-related deaths in 2007, a decrease of 15 from 2006. Forty-eight percent of the contact with objects and equipment cases were workers being struck by an object (11). Assaults and violent acts comprised 21 fatalities, over three quarters of which were homicides, and decreased by 11 from 2006. The 16 work-related fatalities resulting from exposure to harmful substances or environments accounted for 11 percent of total deaths.

In addition, the department continued to participate in the OSHA Data Initiative for the tenth consecutive year, collecting data on 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 2007  
All Ownerships (142 Total Fatalities\*)



Note: DOLI investigated the 44 fatalities in 2007 that were under VOSH jurisdiction. The fatalities that fell outside our jurisdiction were investigated by the agencies responsible for those work sites.

\*Fatality categories with fewer than 3 incidents are not represented in the 142 fatalities presented in the chart.



# VOSH COMPLIANCE

## Safety 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 of the division is to enforce these laws by conducting 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, referrals and 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 continues to use Worker's Compensation First Reports of Accidents to 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 performed admirably in 2008 by performing 3,463 inspections. Our Southwestern office was our top performer again for 2008, performing 1,176 inspections. We are very pleased with the success of our journeyman apprentice program. We have graduated a total of 17 journeymen CSHOs, 6 this year. All went through a rigorous program to gain this distinction.

This year we have hired two new VOSH positions. However, we had a four CSHO turnover. We lost two CSHOs

from our Northern office and two from our Tidewater office.

Even though our fatality rate declined this year (from 44 in 2007 to 39 in 2008) it continues to be of great concern to us. The Commissioner has prepared a gripping and effective presentation on fatalities that he has given in numerous areas throughout the Commonwealth. In addition, the Assistant Commissioner, the VOSH Director and the Regional Directors gave numerous talks throughout the state to various groups and organizations encouraging safety and health in the workplace. While we will not be satisfied until there are no workplace fatalities, we are pleased to report the total number continues to decline. Our Northern Virginia region continues to have the most fatalities in the state. This is largely due to the vast amount of construction in that area and also because it is the state's most populous region.

The number one cause of death in Virginia's workplaces in 2008 was "struck by" and "crushed by" fatalities, replacing falls in the top spot this year. Electrocutions continue to be a problem with 8 fatalities this year (6 of those involved overhead high voltage lines). Our 8 Hispanic fatalities (21% of total fatalities) are very alarming and emphasize the importance of getting the "safety word" out in more than one language. Even more alarming is that 62% of our fatalities were workers over 40 years of age!

Commissioner Davenport and Assistant Commissioner Burge are shown here with the Consultant, Industrial Hygienist, and Compliance Safety and Health Officer apprentices from across the state, following the VOSH In-House Training Conference held in Richmond in 2008.





## Health Compliance

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 and 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 the VOSH Safety Compliance Division, i.e., through accidents, complaints, referrals or general schedule inspections. Additionally, the Health Compliance Division continues to focus on the health hazards of silica, asbestos, and lead through special emphasis programs. The Health Compliance Division also has been authorized by the U.S. Environmental Protection Agency to enforce the National Emission Standard for Hazardous Air Pollutants (NESHAPs) for the protection of 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 2006-2008:

### CATEGORIES OCCUPATIONAL SAFETY AND HEALTH INSPECTIONS

Calendar Year	2006		2007		2008	
	Safety	Health	Safety	Health	Safety	Health
Planned	2,240	441	2,385	392	2,110	381
Follow-Up	15	6	27	3	18	14
Complaint	207	243	226	204	186	188
Referral	125	87	74	84	84	83
Accident/Fatality/Cat.	41	4	55	5	51	6
Other	291	115	254	94	235	97
Totals	2,919	896	3,021	782	2,684	769

### CATEGORIES CITATIONS ISSUED

Calendar Year	2006		2007		2008	
	Safety	Health	Safety	Health	Safety	Health
Serious	4,484	1,219	3,676	971	3,178	835
Willful	13	0	17	3	11	8
Repeat	242	8	207	10	168	6
Other (OTS&FTA)	1,692	827	1,419	581	1,447	679
Totals	6,431	2,054	5,319	1,565	4,804	1,528

### CATEGORIES PENALTIES ASSESSED (IN DOLLARS)

Calendar Year	2006		2007		2008	
	Safety	Health	Safety	Health	Safety	Health
Penalties	\$2,807,664	\$558,889	\$2,650,455	\$480,257	\$3,324,613	\$491,793

## 25 MOST FREQUENTLY CITED STANDARDS DURING CONSTRUCTION INSPECTIONS (October 1, 2007 - September 30, 2008)

1. 1926.501(b) Fall Protection--unprotected sides & edges 6 ft. or more above a lower level
2. 1926.050(c) Medical service and First Aid--in absence of an infirmary
3. 1926.100(a) Personal Protective Equipment--no hard hat
4. 1926.451(g) Scaffolds--fall protection above 10 ft
5. 1926.1053(b) Ladder secure and rails extend three feet above landing
6. 1926.502(b) Guardrails
7. 1926.453(b) Aerial Lift--fall protection
8. 1926.451(c) Scaffolds--adequate firm foundation (mud sills or base plates)
9. 1926.451(e) Manually Propelled Mobile Scaffolds--access
10. 1926.451(b) Scaffold Platform Construction--fully planked
11. 1926.051(c) Toilets at Construction Sites
12. 1926.150(c) Portable Firefighting Equipment
13. 1926.451(f) Use of Scaffolds
14. 1926.1101(k) Asbestos--Communication of hazard
15. 1926.652(a) Protection from cave-in
16. 1926.602(a) Earth moving equipment
17. 1910.1200(e) Hazard Communication--written hazcom
18. 1926.102(a) Eye and Face Protection
19. 1926.404(f) Grounding requirements
20. 1926.451(h) Scaffolds--falling object protection
21. 1926.405(g) Wiring--flexible cords and cables
22. 1926.452(c) Fabricated frame scaffolds
23. 1926.503(b) Fall Protection--training certification
24. 1926.404(b) Ground-fault Protection
25. 1926.050(d) First Aid Supplies



## 25 MOST FREQUENTLY CITED STANDARDS DURING GENERAL INDUSTRY INSPECTIONS (October 1, 2007 - September 30, 2008)

1. 1910.147(c) Lockout/Tagout
2. 1910.305(b) Wiring Methods--cabinets, boxes, and fittings
3. 1910.305(g) Flexible Cords and Cables
4. 1910.212(a) Machine Guarding
5. 1910.303(g) Electrical Equipment--600 volts, nominal, or less
6. 1910.1200(f) Hazard Communication--labels and other forms of warning
7. 1910.178(l) Powered Industrial Trucks--operator training
8. 1910.037(b) Protective enclosure of exits
9. 1910.1200(e) Hazard Communication--written hazcom program
10. 1910.134(c) Respiratory Protection Program
11. 1910.157(g) Fire Extinguishers--training and education
12. 1910.303(b) Electrical Utilization Systems--examination, installation, and use
13. 1910. 22(d) Floor loading protection
14. 1910.151(b) Medical Services and First Aid--in the absence of a hospital
15. 1910.157(c) Portable Fire Extinguisher, General requirements
16. 1910.215(b) Machine Guarding
17. 1910.253(b) Oxygen-fuel gas welding and cutting--cylinders and containers
18. 1910.146(c) Permit required confined spaces
19. 1910.1200(h) Hazard Communication--employee information and training
20. 1910.157(e) Portable Fire Extinguishers--inspection, maintenance and testing
21. 1910.219(d) Mechanical power transmission apparatus-pulleys
22. 1910.215(a) Abrasive Wheel Machinery--general requirements
23. 1910.023(c) Protection of pen-sided floors
24. 1913.151(c) No eyewash stations
25. 1910.219(f) Mechanical power transmission apparatus-gears, sprockets, chains



# PLANNING AND EVALUATION



## Planning and Evaluation

The VOSH Office of Planning and Evaluation (OPE) provides planning and procedural assistance to DOLI's occupational safety and health programs and their related policy board. Program evaluation efforts continue to be developed as resources permit. Accomplishments during 2008 include the following:

- Issued 18 program directives for the VOSH Program with an additional 50 program directives in development dealing with inspection or enforcement procedures for individual standards, compliance assistance, or specific emphasis programs
- Worked with Region III OSHA to coordinate the maintenance of the Virginia State Plan for Occupational Safety and Health including update and maintenance of the federal standards log Automated Tracking System (ATS) Notification
- Updated and/or amended three publications to reduce or eliminate printing costs: The Administrative Regulations Manual for the VOSH Program, Employer's Rights and Responsibilities Following a VOSH Inspection, and the Closing Conference Guide
- Coordinated with the Offices of Legal Support, Occupational Safety, and Occupational Health, as needed on regulatory issues, new standards development, and to develop performance measures where needed
- Continued development of chapter revisions toward overhaul of the VOSH Field Operations Manual, as well as needed revisions to the program directives system and related manuals for internal distribution and final posting on the Virginia Regulatory Town Hall Web site

## Regulations

Planning and Evaluation also provides support to one of the agency's two policy boards, the Safety and Health Codes Board, which held three meetings and one formal public hearing during 2008. OPE assisted the Board to adopt, amend and/or approve several regulatory items, including:

### Proposed regulations for:

- a. Amendment of the Administrative Regulations for the Virginia Occupational Safety and Health Program, 16 VAC 25-60
- b. New regulation applicable to tree-trimming operations, 16 VAC 25-73
- c. Amendment of the Boiler and Pressure Vessel Rules and Regulations, 16 VAC 25-50

A public hearing to receive comments regarding a proposed regulation for Medical Services and First Aid Standards for General Industry, 16 VAC 25-95 and First Aid Standards for the Construction Industry, 16 VAC 25-177.

### Final regulations for:

- a. Employer payment for personal protective equipment; OSHA Final Rule
- b. Updating standards based on national consensus standards; OSHA Final Rule
- c. Vehicle reverse signal operation safety procedures for general industry Part 1910 and the construction industry Part 1926
- d. Revision of the public participation guidelines for the Safety and Health Codes Board, 16 VAC 25-10
- e. Regulation concerning licensed asbestos contractor notification, asbestos project permits and permit fees, 16 VAC 25-30



## 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)
- Assisting divisions in the development of policies and procedures, standards, and statutory changes

## Activities

The following summarizes Office of Legal Support activities for calendar year 2008:

Significant Case Pre-citation Reviews	181
Contested Case Review Activities	69
Settlement Agreement Activities	148
Final Orders	27
Warrant Activities	6
Subpoenas	45
Litigation Activities	278
Final Order Judgments Docketed	100
Freedom of Information Act Requests	297
<b>Total</b>	<b>1,151</b>



## Administration 2008

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

The Department of Labor and Industry maintains its central headquarters and seven 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 2009 (July 1, 2008 - June 30, 2009) is \$14.1 million (\$8.1 million General Fund, \$6.0 million Non-General Fund) with 183 employees.

Division of Administration accomplishments and customer service initiatives for 2008 include the following:

- DOLI met expectations in the Commonwealth's [Management Scorecard](#) report of core management functions. The Virginia Performs Web site reports on agency performance measures for delivering core services to customers and stakeholders. DOLI performance measures are available [here](#).
- An updated 2008-10 Strategic Plan was completed and posted to [Commonwealth of Virginia](#) and [DOLI](#) Web sites.
- DOLI met and exceeded [SWAM](#) minority purchasing targets. The agency was nominated for a SWAM performance award. Click [here](#) to view the agency's SWAM Purchasing and Expenditure Reports. DOLI also participates in the Commonwealth's [e-Virginia](#) electronic procurement model. Virtually all agency purchases were accomplished thru eVa. Furthermore, the agency met and exceeded the Virginia Prompt Payment Act's requirements for vendor payments. (The 30-day prompt payment requirement was established at 95%.
- For Fiscal Year 2008, the agency had a 12-month average of 99.76% of Payments in Compliance and 99.78% of Dollars in Compliance.)
- Budget adjustments were accomplished in response to state revenue shortfall, and the agency remained vigilant over its financial resources. DOLI also maintained a high participation in state on-line activities that facilitate a reduction in printing and distribution expenses.
- The Finance and Accounting Division once again received an "unqualified audit" from the state's [Auditor of Public Accounts](#). Our accounting staff continued to give internal control and stewardship responsibilities a high priority and to pay much attention to ensuring compliance.
- Office of the Comptroller Directive 1-07, Required Implementation of Agency Risk Management and Internal Control Standards, was issued in 2006. During 2008, the Finance and Accounting Division completed all ARMICS Certification Requirements.
- The agency maintained public accessibility to the regulatory process via the [Regulatory Town Hall](#) Web site.
- Our Regulatory Review Coordinator, along with the agency Policy Analyst, Director and Assistant Director of the Division of Labor and Employment Law, completed a comprehensive review of Virginia's child labor regulations for consistency with state and federal law.
- DOLI's Information Technology (IT), in partnership with Virginia Information Technologies Agency (VITA), spent considerable time and effort ensuring that DOLI's network and databases were maintained in a secure and protected environment. IT development staff maintained and implemented YouTube enhancements to the agency Web site.
- A major verification process of federal safety and health data was completed that supports the agency's safe workplace mission.
- In accordance with Governor's Executive Order and agency contingency



planning, an updated Continuity of Operations Plan was developed. Compliance reviews conducted by the Virginia Department of Emergency Management were favorable. An in-house testing exercise proved beneficial.

- The agency continues to implement recycling and conservation measures.
- Automated external defibrillators (AEDs) were installed at each DOLI office site as a means to increase the rate of survival for employees and people who have sudden cardiac arrest.

continued hard work and service to the agency. DOLI's HR Department also coordinated our Employee Recognition Program, which consists of two different awards. There were 107 STAR Award recipients within the agency, and 32 employees received the Commissioner's Cup Award for their consistent achievements. In addition, we celebrated the contributions of our administrative professionals during Administrative Professionals Week and also highlighted Public Service Recognition Week through a variety of programs and activities in honor of those who diligently serve the citizens of the Commonwealth.

In order to promote employee wellness, DOLI's HR Staff organized and sponsored several fun events aimed at keeping our employees physically fit and in good health. In support of the Commonwealth's CommonHealth initiatives, DOLI employees participated in health screenings, the Jingle Bell Run, and Back Savers, just to name a few. In addition, the HR Department also began the organization and implementation of Brown Bag Lunch Seminars on a variety of topics based on employee needs and interests both personally and professionally. Once again, DOLI's HR Office coordinated the agency's Commonwealth of Virginia Campaign for 2008. In light of the failing economy, we are proud of our efforts with donations totaling \$5,936 to area charities and over 1,000 pounds of food to local food banks.

One of our most recent initiatives aimed at both effective recruiting techniques and cost efficiency has been the implementation of a paperless application process. HR Staff have also benefited in that the system allows constant monitoring of EEO Statistics, increased accuracy in reporting, and eliminates the possibility of data entry errors. The HR Department successfully recruited for 13 positions throughout the year, and our EEO Committee also met quarterly to stay abreast on new and ever changing EEO guidelines.

## Human Resources in 2008

As DOLI's HR Department entered 2008, we continued to strive to meet the needs of both our internal and external customers who found themselves in the throes of a down economy and a fast-paced 21st century marketplace. Our HR mission statement outlines our ongoing commitment to recruit, develop, and retain a competent, dedicated, and diverse workforce that provides high quality programs and services designed to promote the safety and well-being of Virginia's workers.

Training and career enhancement opportunities continue to be an important component of our recruitment and retention strategies in an effort to meet the needs of our human capital in the areas of leadership, knowledge management, and performance management. In recent months, we have initiated the development of an internal training library and also investigated no-cost or cost-efficient educational opportunities for our staff. Recognizing that our employees are our most important resource, we focused on ensuring fair and equitable treatment and a positive workplace environment in order to maximize potential benefit to both the individual and the agency.

An important focus for our HR Department this year was the coordination of Service Award Recognition Programs and receptions at each regional office and headquarters for the purpose of recognizing those who met milestone years as well as to acknowledge employees for their







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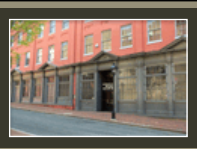
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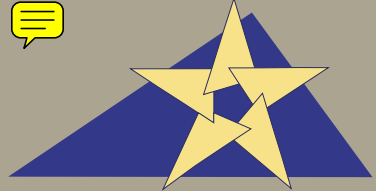
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