

COVID Outbreak

The Effect on Virginia's Employees and Employers

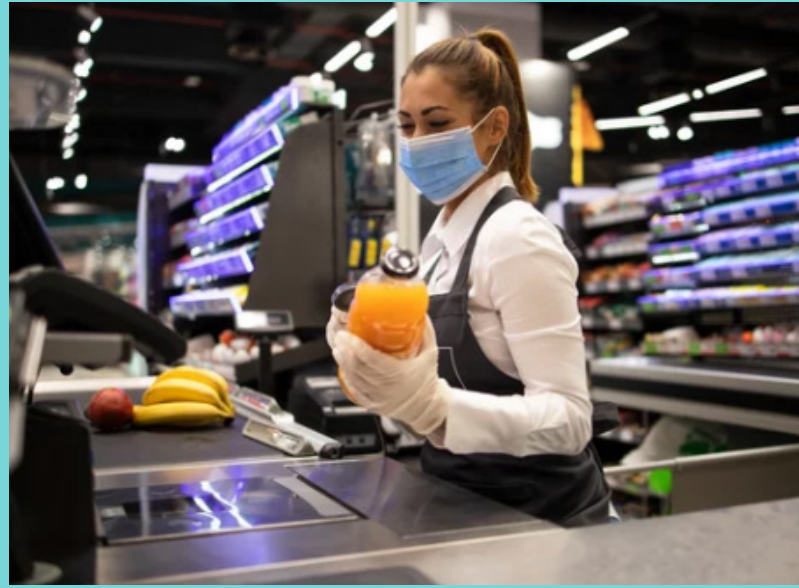


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OUR MISSION is to make Virginia a better place to live, work and conduct business by providing safe and healthy workplaces, best employment practices, job training opportunities through Registered Apprenticeship, protection of children from hazardous employment, and safe operation of boiler and pressure vessels.

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message from the commissioner

I am pleased to present to you the Virginia Department of Labor and Industry 2020 Annual Report. 2020 was a year of unprecedented challenges and one which emphasized the importance of our mission to promote safe, healthful workplaces for Virginia's workers. In spite of these challenges, we have made tremendous strides this year in our work; job training through Registered Apprenticeship; protection of children from hazardous employment; and the safe operations of boiler and pressure vessels for Virginia's workers. Some of those accomplishments include:

COVID EMERGENCY TEMPORARY STANDARD

DOLI created the first in the nation Emergency Temporary Standard to address Infectious Disease Prevention of COVID-19 in the workplace. The ETS was adopted by the Safety and Health Codes Board on July 15, 2020 and provided requirements for employers to control, prevent, and mitigate the spread of COVID-19 among employers and workers in the workplace.

REGISTERED APPRENTICESHIP

This year, our Registered Apprenticeship Division registered over 3,300 new apprentices, 261 new employer/sponsors, and issued over 1,800 completion certificates.

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH

In 2020, VOSH Safety and Health Compliance Officers performed 1,668 inspections. During these inspections over 11,425 hazards were identified and corrected. In concert with the Health Compliance program, all DOLI compliance officers investigated approximately 2,583 employee complaints with 612 of those referrals resulting in inspections.

VOLUNTARY PROTECTION PROGRAMS

VPP certified two new sites and recertified four through the Virginia STAR program, bringing the combined total to 35 active STAR sites that demonstrate excellence in worker safety and health.

VIRGINIA BUILT

VOSH established Virginia BUILT, a Strategic Partnership with the Associated Builders and Contractors of Virginia (ABCVA) to combine Challenge concepts with the ABCVA's STEP (Safety Evaluation and Training Process) program to recognize commercial construction contractors that develop and implement exemplary safety and health management systems.

LABOR LAW

This year the Labor Law Division received and processed 16,122 Youth Employment Certificate applications. Additionally, Compliance Officers investigated 525 employment certificate applications and 32 complaint reports of youth employment violations.

BOILER AND PRESSURE VESSEL SAFETY

During 2020, the Boiler Safety Compliance Division continued to work toward its primary objective of protecting life and property by conducting over 35,000 inspections of boilers and pressure vessel equipment.

We at DOLI remain committed to serving the citizens, employers, and workers of the Commonwealth. Our qualified and highly-trained staff are available to assist you at our offices located throughout the Commonwealth. For additional information on our programs and services, please visit our website at <http://www.doli.virginia.gov>.

If my staff or I can be of assistance, please contact us.

Sincerely,



C. Ray Davenport
Commissioner



2020 The Year in Review



The Impact of COVID-19 in Virginia During 2020

The impact of the SARS-CoV-2 virus that causes COVID-19 was devastating to the U.S. and Virginia's people and economies, and dramatically impacted Virginia's workers and businesses in 2020. The unprecedented speed with which the SARS-CoV-2 virus spread throughout the country as a whole and specifically in Virginia taxed to the limit and beyond medical, business and government resources, and specifically the Virginia Occupational Safety and Health (VOSH) program's enforcement, voluntary compliance and cooperative program's staff.

During calendar year 2020, the eleven month period from February 1, 2020 through January 8, 2021, the VOSH program had handled over 10,000 phone calls from employers, employees and the general public; received over 1,500 employee complaints (UPA - Unprogrammed Activity), and received notifications of the hospitalization of 61 employees and the death of 30 employees.

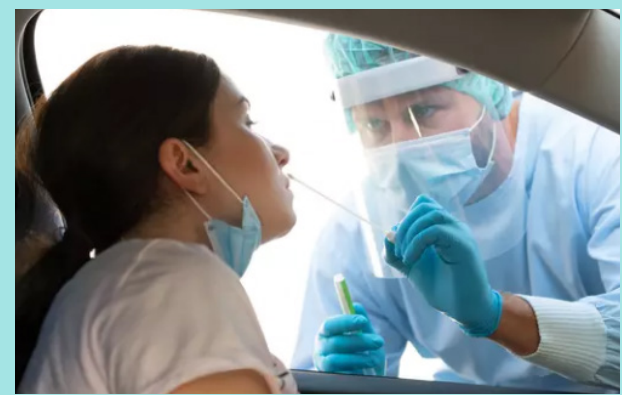
In response to a petition to the Virginia Safety and Health Codes Board (Board) for consideration of a COVID-19 emergency temporary standard and further direction from Governor Ralph S. Northam, the Board on July 15, 2020, approved the Emergency Temporary Standard for Infectious Disease Prevention of the SARS-CoV-2 virus that Causes COVID-19 (ETS), 16VAC25-220. Virginia was the first state in the country to enact such a standard. The ETS took effect on July 27, 2020 and lapsed on January 26, 2021. On January 13, 2021, before the ETS expired, the Board adopted a Final Permanent Standard (FPS) which took effect on January 27, 2021.

Throughout the COVID-19 pandemic, VOSH worked closely with the Virginia Department of Health (VDH) and other state agencies, as well as the Office of the Governor, on the Commonwealth's response to surges as they occurred. DOLI worked cooperatively with the overwhelming majority of employers who wanted to proactively combat the workplace spread of the virus, and where needed, undertook necessary enforcement action.

While COVID-19 resulted or contributed to the tragic deaths of over 4,850 Virginians and the hospitalization of over 17,500 more, it is a testament to the unceasing efforts of Virginia's medical community, its citizens, employees, employers and state and local government agencies that as of December, 2020, Virginia ranked 43rd among states in total COVID-19 cases per 100,000 people in the U.S.

As 2020 ended and 2021 began, the threat from COVID-19 remained significant and continued vigilance has been necessary to stem the tide of deaths and serious illnesses in Virginia. The development and widespread availability of highly effective vaccines was promising in the new year and has had a dramatic impact on reducing the prevalence of the deadly virus.

However, COVID-19 continues to threaten vulnerable communities such as those Virginians who have not yet been fully vaccinated and those with weakened immune systems that limit the effectiveness of the vaccine. Virus variants continue to develop and evolve calling on all Virginians to continue to observe safe and healthy practices to mitigate the spread of the virus in the workplace. The Department will continue to do its part to assure that workplaces in the Commonwealth are as safe and healthy as possible for Virginia's employees and employers in 2021 and beyond.



Apprenticeship in 2020

It Was the Virus Crisis

In the beginning of the year, the Division of Registered Apprenticeship was planning for outreach activities that would support the Commonwealth Registered Apprenticeship Future Talent (CRAFT) grant. One of our most important targeted demographics is to encourage women to enter into the traditionally dominated male sector of Construction/Building Trades. We were providing a forum for job seekers to speak to our Registered Apprenticeship Employer/Sponsors at the Chesterfield County Career and Technical Education center. This late-March event was going to be a well-attended event with many registrants, career tradeswomen attending to provide Q & A to prospective apprentices and a few special guests. "Everybody Builds Virginia" was the name of the event that was cancelled with the COVID-19 Lockdown emergency actions. It became clear very early in the year that we were going to have to dramatically change some practices in the Registered Apprenticeship program.

Registered Apprenticeship outreach has always been a personal, one on one transaction. This culture has created Employer/Sponsors who have been using the model for more than 70 years. However, changes had to be made in order to keep the staff and the apprenticeship participants safe. The Division adopted new ways to interface with the Employer/Sponsors via approved virtual platforms. We created presentations with the various web cameras, platforms all while being mindful of feedback and barking dogs. A hybrid telework schedule was adopted to allow for office rotation and physical distancing just as other employers had to do.

The unfamiliar quiet and downtime allowed the staff to work through the glitches of the new database, the National Registered Apprenticeship Information Data System (RAPIDS). In April, the full conversion of data occurred and that required some audits and corrections.

Metrics of Registered Apprenticeship Activity

Our 2020 Metrics track with the Federal fiscal year system. From the period of October 1, 2019 through September 30, 2020, the statistics were as follows:

Active Apprentices:	11,104	as of September 30, 2020
Certificates Issued:	1,848	as of September 30, 2020
New Apprentices:	3,303	as of September 30, 2020
New Employer/Sponsors:	261	as of September 30, 2020

Serving existing programs is the main function of the RA Consultants. The Division has a Director, an Assistant Director, a Program Support Technician and slots for 15 RA Consultants. Additionally, we have two Education Specialists who facilitate the choices of Related Technical Instruction (RTI) that provides the required instruction for apprentices. To meet our RA Consultants, please check here: <https://www.doli.virginia.gov/apprenticeship/apprenticeship-consultants/>

Our RA Consultants are also celebration experts. Signing Days have become a popular and enthusiastic way for high schools, Technical Centers and Sponsor/Employers to acknowledge those new apprentices who have committed to join their companies. The COVID-19 restrictions all but eliminated these events. We remained committed to the Third Annual Outstanding Apprentice Awards, however and we carried on, as usual seeking nominations. Our RA Employer/Sponsors participated in good numbers and 19 apprentices were given the honor of 2020 Outstanding Apprentice.

Link to [Apprenticeship Promotional Video](#) here

Link to [Outstanding Apprentice Award Video](#) here



Youth Registered Apprenticeship Work Based Learning Model (WBL-RA)

Virginia has experienced significant success with our Youth Registered Apprenticeship program (YRA) and Work-based learning Registered Apprenticeships (RA). The Virginia Department of Education adopted the youth programs as two of the eleven work-based learning opportunities for Virginia students. Students meeting the Profile of a Virginia Graduate achieve the commonwealth's high academic standards and graduate from high school with workplace skills, an understanding of their responsibilities as citizens, and career plans aligned with their talents, interests, and experiences.

In March of 2020, Virginia's Governor closed all schools for the remaining school year in response to the COVID Pandemic. Our Career and Technical Education (CTE) partners have spent the last six months figuring out how to end a school year and begin the 20/21 school year in a virtual world. We have maintained our relationships with our CTE contacts. Feedback overall has been positive. Student apprentices are maintaining employment, and some virtual learning school plans have allowed the students more time to work with their sponsors.

The Division's consultants are still promoting the YRA/WBL-RA programs; they look different during these times. Our commitment has not waived, and the program will continue to promote Registered Apprenticeship in Virginia. In 2020, the Division added an education resource page to the website. The resource page helps individuals explore different occupations, sharpen skill sets, and take online classes.

Related Technical Instruction (RTI) is a required part of the Registered Apprenticeship model. Our Division recognizes that not everyone is academically prepared to begin RTI coursework. To prepare apprentices and future apprentices for RTI classes and coursework, the Division made a list of resources to help apprentice(s) brush up on fundamental and technical education. Some occupation-specific courses may provide credit toward RTI as part of the Registered Apprenticeship Program and deemed suitable by DOLI and the Registered Apprenticeship Sponsor.

In May of 2020, Caly Emerson, Education Specialist co-hosted a presentation alongside Lori Flannery with Virginia529. This presentation covered the features and benefits of a Registered Apprenticeship Program and how to save for this purpose with Virginia529. The presentation had over 120 attendees and showed the public the linkage now between Virginia529 and the ability to use funds for CTE and Registered Apprenticeship Related Technical Instruction.

Below is a specific example of a success story of a YRA program in a central Virginia county.

Hanover Center for Trades and Technology

10002 Learning Lane

Mechanicsville, VA 23111

Principal: Justin Roerink for CTE and Registered Apprenticeship Related Technical Instruction.

The Hanover CTE program began its YRA program during the 2019-2020 school year. After a year of planning and developing a systematic approach to developing the YRA program, the principal, Justin Roerink, implemented the program. The decision was made to start with only two CTE programs - HVAC and Electrical. The CTE program schedule was modified to allow seniors registered in CTE programs who had advanced to the final class level to work the days they were scheduled for classes. This allowed the students to work for Apprenticeship sponsors in registered YRA programs for eight hour days during the school year. (They requested and received approval for the schedule change through the Hanover County School Board). These YRA students were also given credit toward graduation for their successful completion of apprenticeship on the job training.

A total of 21 students were registered in YRA programs; in addition, 8 new Employer/Sponsor companies were added. Mr. Roerink developed a process for students and companies to be registered with their RA consultant prior to starting work during the 2nd half of the school year. Mr. Roerink further implemented a process that required teachers to make onsite visits to the sponsor companies to review and observe the student's on the job training. Of the students that were registered in the program, 15 students or 71% transitioned into adult registered apprenticeship programs.



Relationship Building with Regional and National Partners

Prior to the shutdown, a cohort of RA Consultants, Headquarters staff and CRAFT grant staff attended an event in North Carolina with our counterparts. In early March, North Carolina created a combined workshop, award ceremony where they can share their own success stories and best practices. These peer-to-peer development opportunities are invaluable for RA as we move regionally as well as within our own states to build the use of the model.

The Region 2 footprint from the national Office of Apprenticeship also meets monthly with the Regional Director and Deputy Director out of Philadelphia. West Virginia, Delaware, Maryland, Delaware, Pennsylvania, D.C. and Virginia. These meetings allow us to receive updates on news from the United States Department of Labor and each of the States in the region.

The National Association of State and Territorial Directors (NASTAD) also communicate through virtual meetings and email threads. This serves to continue to promote best practices and creative problem solving for the leaders of state programs. While Virginia was chosen to host the annual conference for NASTAD, the September 2020 event was postponed and a virtual conference was conducted in its stead.

CRAFT Grant Initiatives

In July 2019, the USDOL Employment and Training Administration awarded a \$1,670,811.17 grant to DOLI as the State Apprenticeship Agency for Virginia. The Commonwealth Registered Apprenticeship Future Talent (CRAFT) grant has one main goal: expand Registered Apprenticeship. This aligns with the way our Registered Apprenticeship Division works each day. We have Employer/Sponsors who have used this model to run their businesses for over 70 years and we have new prospects in new businesses or industries who have not traditionally built their workforce this way.

The CRAFT grant gave us the opportunity to brainstorm with workforce partners and target three demographics that could benefit from the RA model:

- Youth
- Returning Citizens
- Women, underrepresented, underemployed individuals



2020 has been a productive and challenging year for the CRAFT Project Grant. With COVID-19 putting extreme pressures and barriers early on, we all had to adjust our focus to be able to pivot to help support employers where we could. Many of our targeted industries and employer/sponsors were forced to close or dramatically decrease their apprentice numbers. Hiring for state and local government agencies was affected by mandatory hiring freezes and all new or active Registered Apprenticeship program developments were put on hold.

In contrast, IT and Cyber Security, an industry sector that has seen heavy demand due to COVID-19, used Registered Apprenticeship as a way to develop career pathways to train up new employees. During 2020 we registered 10 new employers/sponsors in the IT and Cyber Security industry who registered over 50 apprentices. This momentum is expected to continue into the New Year.

Another notable achievement this year are our new Healthcare programs. Working in partnership with a new registered intermediary, RA registered 6 new CNA apprentices. This number is expected to grow as the Intermediary Sponsor has brought on 30 employer partners mostly in the Tidewater region.

An additional purpose of the CRAFT grant is to bring awareness to all workforce, training practitioners that Registered Apprenticeship is a model that can be embraced and leveraged for the benefit of many types and sizes of businesses. The Grant has an appointed Alignment Director whose duties include creating new pathways of collaboration with other entities impacting the workforce pipeline in Virginia.

Alignment activities for the CRAFT Project have focused on communication and relationship building with a number of agencies and organizations that direct resources to workforce development or directly serve clients seeking skill development and employment. Among these are local and statewide contacts with Vocational Services (DARS and DBVI), Veterans Services, Local Workforce Areas and Economic Development. The goal of these alignment efforts is to educate and assist in a broader understanding of how Registered Apprenticeship can enhance and multiply the impact of the resources these organizations apply through their workforce programs.

CRAFT Grant Initiatives (cont.)

Aligning existing resources with Registered Apprenticeship opportunities provides a benefit for both the program participant and the program itself. Because Registered Apprenticeship creates a career pathway, the individual apprentices are able to develop relevant job skills and are rewarded by increases in their wages as these skills are developed. The supporting agency benefits from an immediate job placement as well as meeting their metrics for downstream skill gains and retention, both of which are integral to the Registered Apprenticeship model.

Awareness of the benefits for workforce program participants, coupled with the Apprenticeship Sponsor's realization that these individuals are being prepared for employment is one of the keys to expanding Registered Apprenticeship opportunities for prospective apprentices and Sponsors. By facilitating conversations and assisting in the establishment of relationships between the programs providing pre-employment support and skill development, (for example, vocational programs resulting in a variety of IT Certifications) and a Sponsor looking for Apprentices for programming and cyber-security occupations, there is an immediate, positive result. Once these relationships are established, they are likely to continue and grow due to the positive outcomes experienced by both parties. Making an initial introduction, and fostering the relationship in its early stages enhances the likelihood of long term success.

Relationship Building with Partners in the Commonwealth CRAFT Project Alignment Outreach 2020

Education Partners



Virginia Department of Education - Adult Education, Career and Technical Education



Virginia Community College System (VCCS)



Institute for Advanced Learning & Research



New College Institute

Existing Agency Partners



Department for Aging and Rehabilitative Services



Department of Veteran Services



Virginia Employment Commission



Department of Corrections

Workforce System Partners



Northern Virginia Workforce Board



Hampton Roads Workforce Development Board

Statewide Business Services Team (VCCS)



Network 2 Work Pilot

Wind Initiative Partners



Department of Mines, Minerals and Energy



Offshore Wind - Workforce Development Committee

Other Partnerships



Virginia Economic Development Partnership



Virginia Economic Developers Association

Central Region Independent Living Advocates for Youth Project Life



Ambassador Program, City of Richmond



Veterans Employment & Training Service (VETS) Transition Assistance Program (TAP)



Hampton Roads SHRM

Spreading the Word

In 2020, the Division worked with a local television station in Richmond to create a TV and digital ad campaign. Even though COVID created hesitancy and anxiety regarding expanding a workforce, the marketing blitz brought us into prime time spotlight. Geo-fencing was used to target both potential apprentices and Employers new to the RA model. Below are some of the images used:



Steps to Becoming a Registered Apprentice

1) Identify the occupation

Career seekers are encouraged to visit www.onetonline.org for in depth career exploration, as well as an interest profile quiz to help you decide what kinds of careers you might want to explore.

For a full and accurate listing of apprenticeship occupations, please visit the United States Department of Labor (DOL) Office of Apprenticeship.



2) Identify an employer who could sponsor your apprenticeship

You are responsible to reaching out to each sponsor of interest to see if they are hiring, and how best to apply. The links below allow you to search for sponsors by occupation and location, as well as see who may be hiring in your area.

[SPONSOR LIST](#)

[FAQs for Apprenticeship](#)

There are many businesses and sponsors looking for dependable employees. Please keep in mind that if you find an employer willing to hire you in your occupation of interest and they are not familiar with apprenticeship, a Consultant from our department will be more than happy to meet with them to discuss our program and point out the many benefits of apprenticeship.

Are you an employer interested in becoming a sponsor?

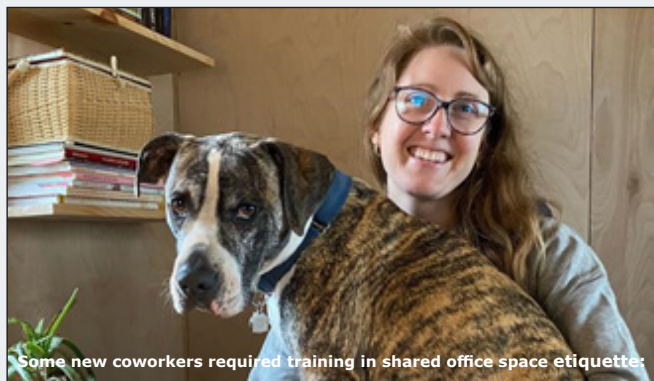
[CLICK HERE TO CONTACT US!](#)

[FAQs for Employers](#)

3) Contact a Registered Apprenticeship Consultant who will assist the sponsor and apprentice with registration

[CONTACT US](#)

dolivirginia.gov



Some new coworkers required training in shared office space etiquette.

Business Practices Change - New Co-workers Emerge

Not every hardship from COVID 19 precautions ended in turmoil. Our Registered Apprenticeship Consultants adapted to a hybrid telework schedule that allowed us to plan for physical distancing and rotating office schedules. We serve statewide which means serving Employers included potential long, tedious waits in the Hampton Roads Tunnels, or jams in Northern Virginia or miles and miles of twisting, hilly travel in Southwest Virginia. Replacing personal visits with virtual meetings actually appealed to many of the Employer/Sponsors. The virtual delivery of services will continue where we realized efficiencies.

boiler and pressure vessel safety

Boiler Safety in 2020

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 2020, there were 35,273 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 2020, 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 9,049 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	2018	2019	2020
Total Active Objects Registered	75,262	75,196	74,659
Acceptable Inspections (Certificates Issued)	38,023	36,520	34,220
Violations	1,052	1,052	1,252
Quality Control Reviews/Surveys	13	11	11
Incidents	1	2	4
Injuries	0	0	0
Fatalities	0	0	0
Inspector Applicants Passing Exams	0	0	0
Commissioned Inspectors	75	72	69

How do you prevent boiler accidents?

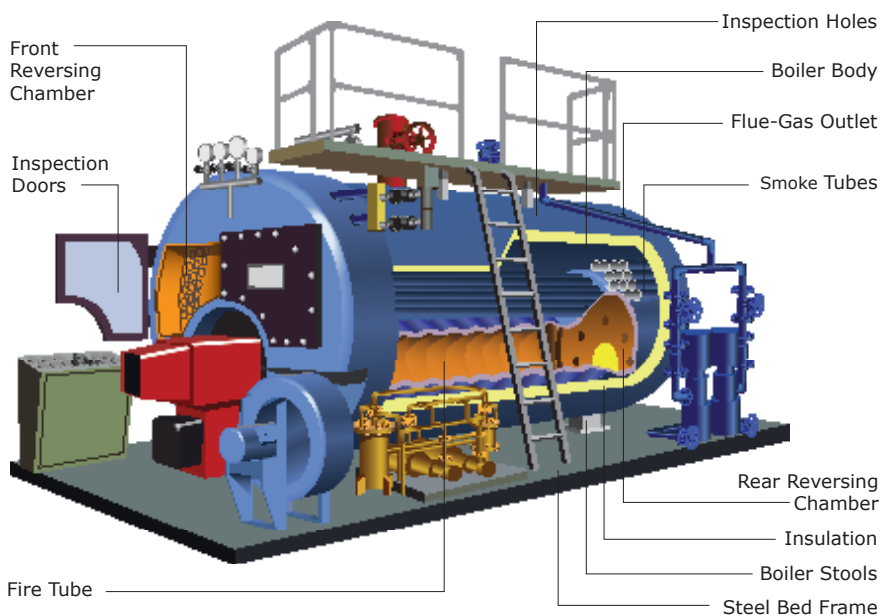
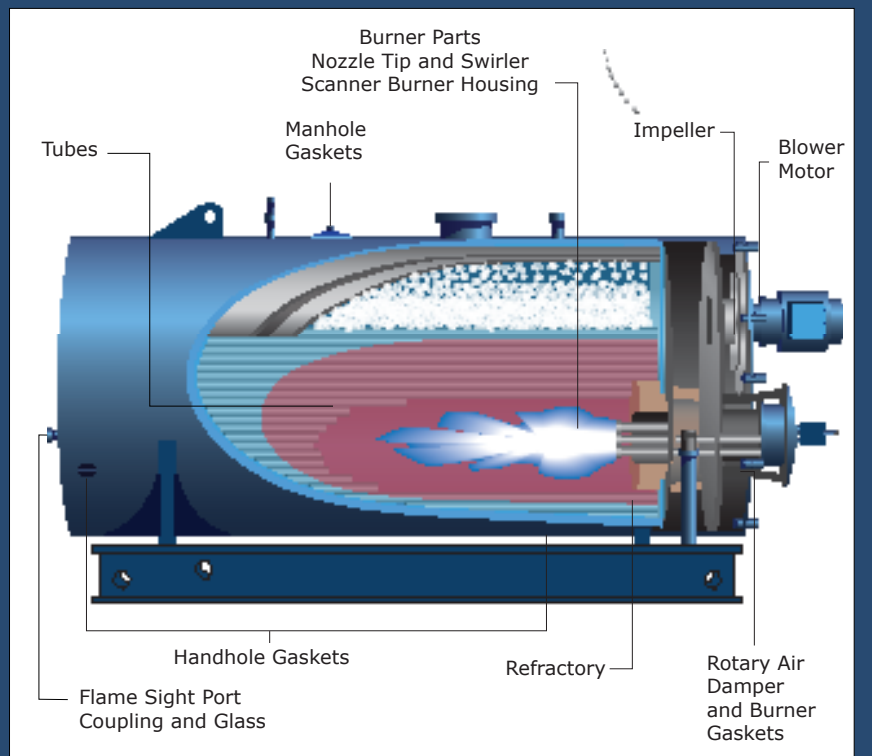
The key to safe boiler operation is the operator. Armed with some basic knowledge about boiler systems and maintenance, the boiler operator can ensure years of safe, reliable service. The operator should test the safety controls on a regular basis. Routine maintenance is well within the ability of most boiler operators. Boiler tune up and repairs however are best left to trained professionals. Here are some problem areas where trained professionals are needed:

How do most boiler accidents occur?

Dry fire accidents or boiler meltdowns occur when the boiler operates without adequate water. Functioning low water cutoffs are essential to preventing dry fire accidents. Boiler damage can run from severe buckling and deforming to complete meltdown or potential boiler explosion.

Excessive pressure accidents are the most lethal form of boiler accident. The operator control, high pressure limit, low water cutoff and the pressure relief valve need to fail before these accidents can occur. Excessive pressure accidents, even in small boilers, have been known to completely destroy a building.

Fuel related accidents usually occur when the operator fails to purge combustible gases from the fire box before ignition is attempted. Leaking fuel valves can also be the cause of these accidents.



Boiler Operation Problem Areas

- Leaking pressure relief valves
- Continuous make up water to boiler
- Steam leaks or steam vented from condensate tank (steam systems)
- High stack temperatures (greater than 350 degrees)
- Insufficient heat to building
- Condensate dripping down stack or out the front of the boiler
- Constantly resetting controller, high pressure or temperature limits or low water cut-off switches

Reminder: Do not bypass any safety devices in an effort to start your boiler.

labor and employment law

Labor Law in 2020

The Labor and Employment Law Division administers and enforces laws of the Commonwealth that govern pay, assignment of wages, minimum wages, employment of children, anti-retaliation, right to work, human trafficking and non-compete poster requirements, and certain other statutes that relate to employment. The Division also provides consultation services to the public concerning garnishments and other court ordered wage withholdings.

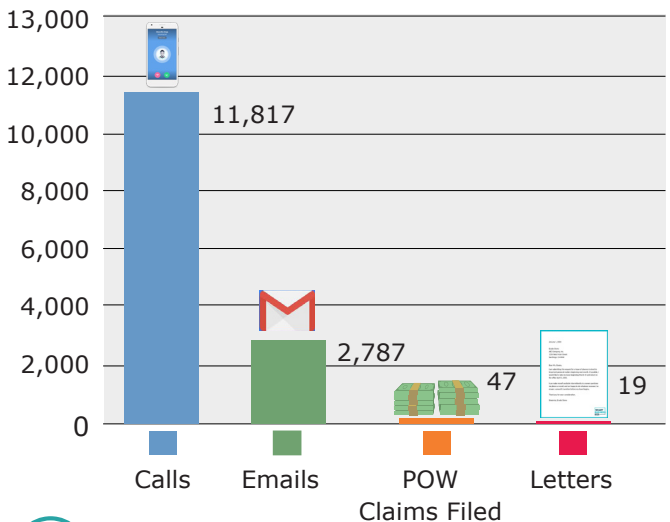
Division staff is comprised of a Director, an Assistant Director, a staff Attorney, 8 Compliance Officers (including 5 registered apprentices), 2 Assistant Compliance Officers, and a part time Compliance Officer Assistant. The Division experienced multiple vacancies throughout the year and hired 4 new staff members. Staff are assigned to work in three units; one with primary focus on Payment of Wage; one with primary focus on Anti-Retaliation; and one on Youth Employment. Compliance Staff are located in multiple Regions of the State including at Headquarters, Central and Verona offices.

Pandemic

The Division implemented new processes to allow for continuity of operations during the global pandemic. Most staff engaged in telework schedules. Enhanced safety and health procedures were followed in accordance with DOLI's Safe Workplace Guidance Policy and the Virginia Occupational Safety and Health Emergency Temporary Standard including utilization of PPE, social distancing, hand washing, masks, etc.

The Division remained focused on the Agency's mission during the pandemic, and staff worked diligently to ensure essential functions were still performed.

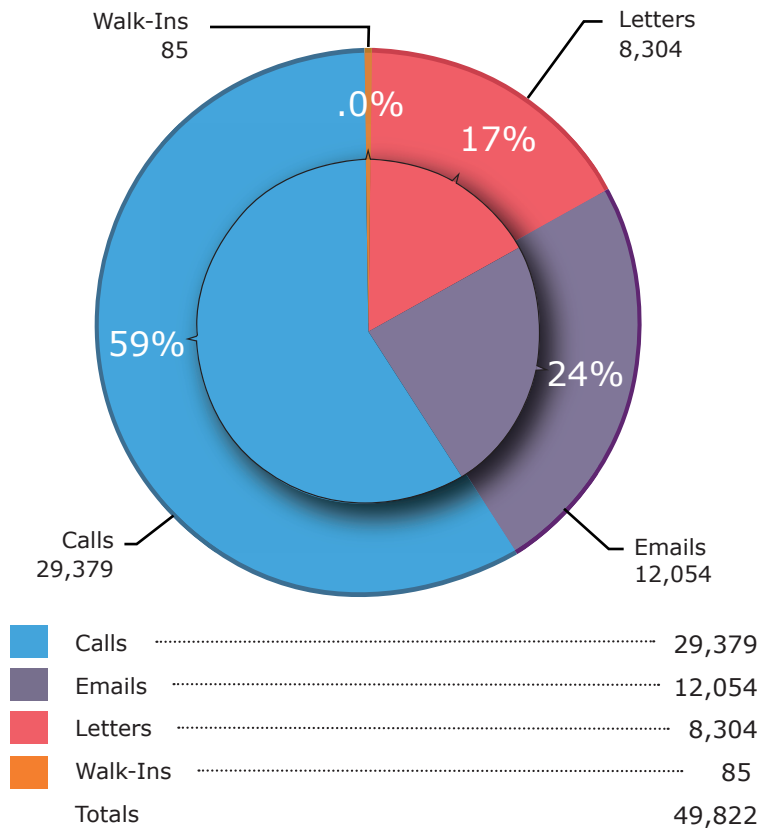
2020 COVID Contacts



Client Services

More than 49,838 requests from the public for assistance were received in 2020 (see Client Services). Division staff responded to an average of 958 requests for assistance each week including e-mails, telephone calls, client visits, and US mail. Staff devoted more time and resources to email inquiries which increased 35% and telephone contacts which increased 10% over 2019. The global pandemic dramatically increased the requests for assistance from the public this year (see COVID Contacts).

2020 Client Services

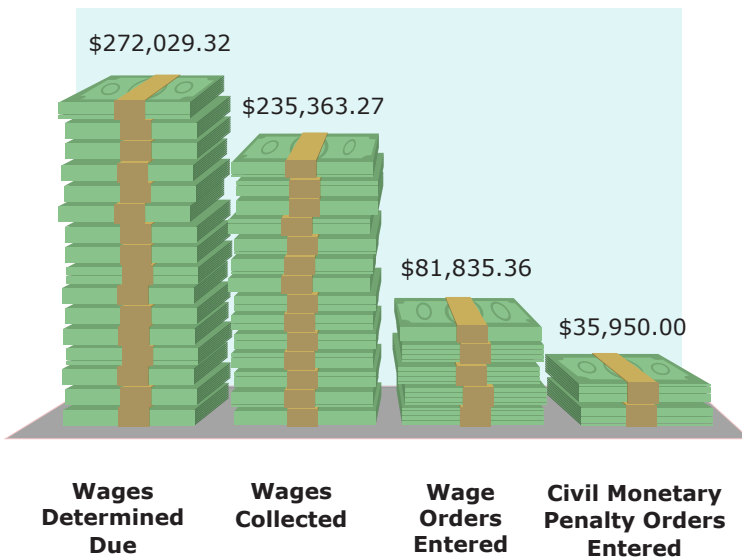


Labor Law Updates in 2020

The General Assembly passed and amended numerous laws directly related to the Labor and Employment Law Division in 2020. They passed two anti-retaliation laws which allows DOLI to investigate claims of retaliation against workers who had complained about being misclassified as independent contractors or who had filed a payment of wage complaint. Additionally, the General Assembly passed a new law which prohibits the use of non-compete contracts for low-wage employees. And finally, the General Assembly significantly amended the existing Payment of Wage law, allowing for liquidated damages for claimants, giving DOLI the authority to expand investigations and creating a private right of action for employees to pursue claims in the courts.

The General Assembly also increased the minimum wage, but due to Covid-19, the increase is not slated to go into effect until May 1, 2021.

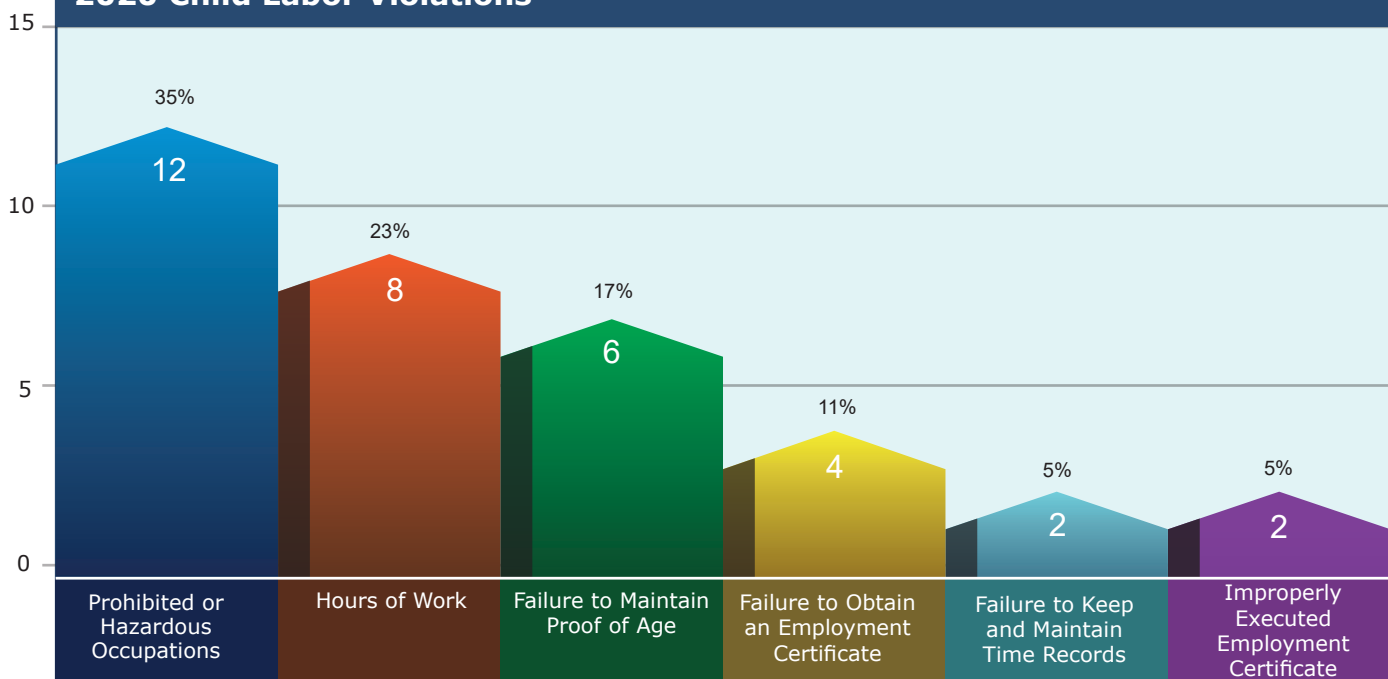
2020 Total Wages Collected



The Division received 753 claims for unpaid wages and completed 767 investigations in 2020. Due to the pandemic and mass unemployment in the Commonwealth, claims decreased 33% this year. Compliance Officers determined \$272,029.32 in unpaid wages were due to claimants (see Wages Collected). The Division collected a total of \$235,363.27 in back wages for workers in 2020. Final Orders for civil monetary penalties payable to the state's General Fund of \$35,950 were entered against employers that refused to comply with the Payment of Wage Act, §40.1-29 of the Code of Virginia.

Youth employment laws protect the health, welfare, and safety of minors working in the Commonwealth. Workers aged 14 and 15 are required by law to obtain Employment Certificates to work in approved occupations. Prohibited and hazardous occupations are governed by laws and regulations enforced by the Division. Youth workers under 16 must obtain a Theatrical Permit to perform in a play, drama, concert or other public entertainment. Employment Certificate applications decreased about 14% this year due to the pandemic but started to rebound in the last quarter of 2020. The Division received and processed 16,122 employment certificate applications. Compliance Officers investigated 525 employment certificate applications and 32 complaint reports of youth employment violations. Employers were cited the most for allowing minors to perform hazardous duties and exceeding the legally allowed hours of work (See Youth Employment Violations). Compliance Officers conducted 234 youth employment, compliance inspections but were limited in performing inspections unless a complaint was received for most of the year due to the pandemic. Civil Monetary Penalties in the amount of \$9,070.00 were issued to employers for failing to comply with youth employment laws and regulations. Civil Monetary Penalties of \$11,142.53 were collected in 2020. Theatrical Permits for youth performers also decreased this year as much of the entertainment industry was closed for most of the year. The Division processed 526 applications for youth performers in 2020.

2020 Child Labor Violations



cooperative programs

On-Site Consultation Program

Virginia's On-site Consultation Program offers free and confidential occupational safety and health advice to small and medium-sized businesses across the state, with priority given to high-hazard worksites.

In 2020, responding to requests from small employers looking to create or improve their injury and illness prevention programs, Virginia's On-site Consultation Program conducted 298 visits to small business worksites.

On-site Consultation services are separate from enforcement and do not result in penalties or citations. On-site Consultation visits are provided at the request of the employer.

Using the consultation service, which is funded 90% by the U.S. Occupational Safety and Health Administration (OSHA), employers can find out about potential hazards at their worksites, improve their occupational injury and illness prevention programs, and even qualify for a one year exemption from general schedule VOSH inspections.

Benefits

On-site Consultants help employers recognize hazards in their workplace; suggest general approaches for solving safety or health problems; provide a written report summarizing their findings; assist the Cooperative Programs employer to develop or maintain an effective injury and illness prevention program; and provide training and education for employees.



The On-site Consultation Program works with employers to improve their safety and health programs.

Having an effective injury and illness program allows Virginia employers to:

- Recognize and remove hazards from their workplace
- Protect their workers from injury and illness
- Prevent loss of life at their worksite
- Cultivate informed and alert employees who take responsibility for their own and their coworkers' safety and for worksite safety as a whole
- Improve employee morale

An exemplary workplace injury and illness prevention program is "good business sense" that also makes financial sense because it allows Virginia employers to:

- Learn first-hand that the cost of accident prevention is far lower than the cost of accidents
- Lower injury and illness rates
- Decrease workers' compensation costs
- Reduce lost workdays
- Limit equipment damage and product losses

Consultation Visits Performed Industries Served

Agriculture	2
Construction	172
Manufacturing	94
Maritime	4
Retail Trade	5
Service	70
Wholesale Trade	8
All Other Industry Sector	8
Total	363

Training

On-site Consultation offers a wide selection of training to help broaden worker and employer knowledge on the recognition, avoidance, and prevention of safety and health hazards in their workplaces. During the 2020 calendar year, VOSH consultants conducted 14 formal training sessions and 366 informal training sessions.

Hazard Category	
Imminent	2
Regulatory	51
Serious	1,437
Other	125
Total	1,615

Training Topics Include

- Fall Protection
- Bloodborne Pathogens
- Combustible Dusts/Hazardous Materials
- Confined Space
- Injury and Illness Recordkeeping
- Trenching and Excavation
- Lockout/Tagout
- Asbestos

In 2013 the National Safety Council (NSC) reported that the average cost of a medically consulted occupational injury in 2013 was \$42,000 (NC Facts 2015 edition, p 69 - includes estimate of wage losses, medical expenses, administrative expenses, and employer costs: excludes property damage costs. (except to motor vehicles)

UNITED STATES
DEPARTMENT OF LABOR

Occupational Safety and Health Administration

OSHA'S SAFETY PAYS PROGRAM

OSHA's "Safety Pays" program can help employers assess the impact of occupational injuries and illnesses on their profitability. This program uses a company's profit margin, the average costs of an injury or illness, and an indirect cost multiplier to project the amount of sales a company would need to cover those costs. The program is intended as a tool to raise awareness of how occupational injuries and illnesses can impact a company's profitability, not to provide a detailed analysis of a particular company's occupational injury and illness costs.

The "Safety Pays" program will:

- Allow users to pick an injury type from a drop-down list or to enter their workers' compensation costs
- Prompt users for information to do the analysis, including their profit margin and number of injuries
- Generate a report of the costs and the sales needed to cover those costs

In 2013 the Washington Post reported that the average net profit margin for all U. S. companies was 8.2 percent. With a net profit margin of 8.2% a Virginia business would need to generate \$512,195 in new revenues to simply pay for the costs of that single \$42,000 injury



2020 VOSH Conference

Due to the COVID pandemic, VOSH did not hold the annual Safety and Health Conference. We plan to offer something virtually in 2021. The annual conference is open to the public and provides the opportunity to attend sessions on a variety of occupational safety and health topics.

The conference consists of concurrent sessions presented by knowledgeable speakers with expertise in the fields of safety, health, human resources, construction, and healthcare to name a few. We typically have over 400 attendees at the annual conference.

2021 VOSH Training Conference

Once again, due to COVID-19 related issues, The Department of Labor and Industry will not be hosting our Annual Virginia Occupational Safety and Health scheduled for September 27, 2021 through October 1, 2021.

We will be holding a 2021 VOSH Training Conference. This will be a virtual event open to the public. The Conference will be held October 6-7, 2021 from 9 a.m. to 12 p.m. each day.

There will be 20 different breakout sessions covering a broad range of safety and health topics as well as 2 keynote speakers and an opportunity to virtually meet with industry vendors. A detailed agenda and registration link will be posted soon.

VOSH Training Conference

This virtual conference connects you with the safety and health industry's latest ideas, remarkable keynote speakers and innovative industry vendors.

OCTOBER 6-7, 2021 | 9AM-12PM

www.doli.virginia.gov



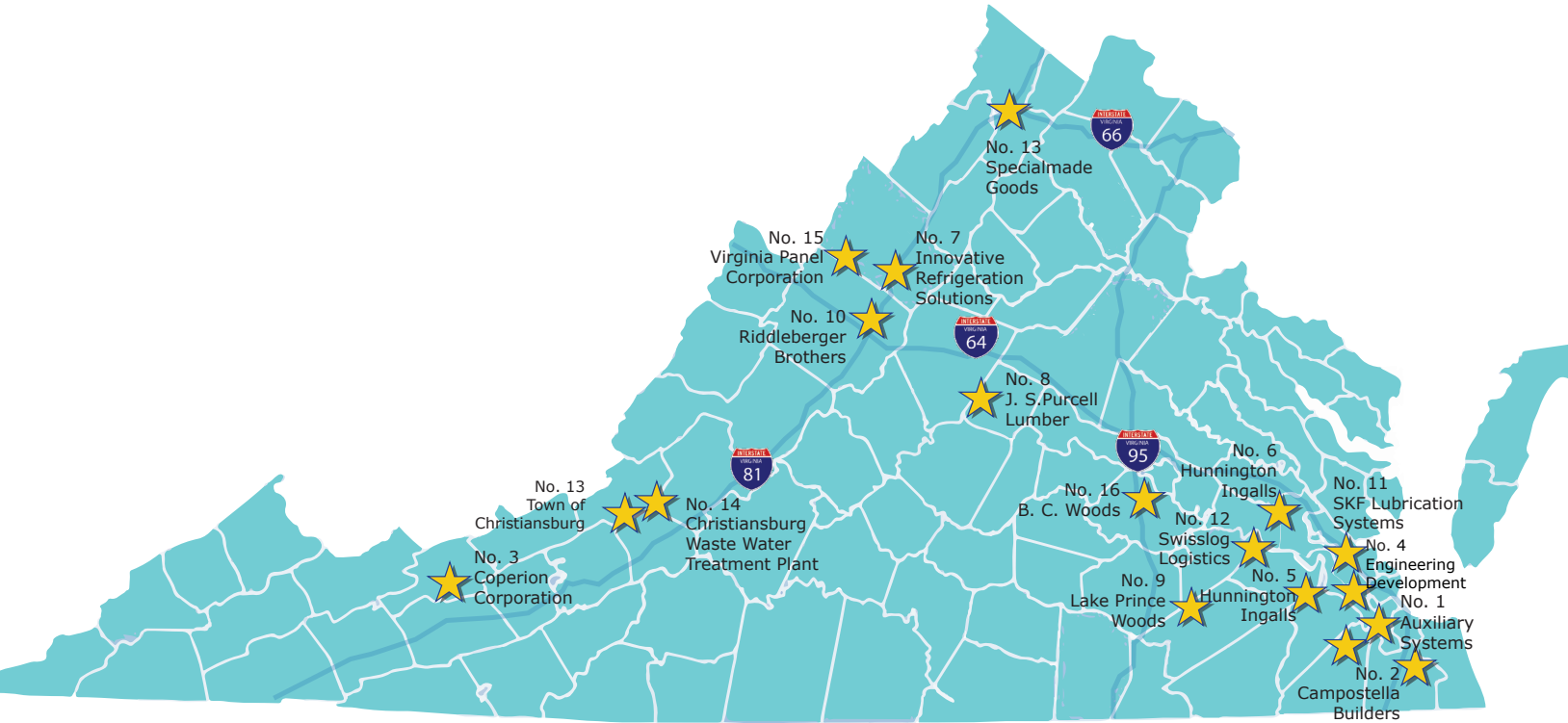
SHARP Program

The On-site Consultation Program’s Safety and Health Achievement Recognition Program (SHARP) recognizes small business employers who operate an exemplary injury and illness prevention program. Acceptance of worksites into SHARP by VOSH is an achievement of status that singles sites out among their business peers as a model for worksite safety and health. 14 Virginia employers are currently in SHARP and two employers are in Pre-SHARP. Several more sites working towards SHARP and Pre-Sharp approval.

Virginia employers that participate in SHARP agree to involve employees in the consultation process; correct all hazards identified by the consultant, implement and maintain an injury and illness prevention program that, at a minimum, addresses OSHA’s 1989 Safety and Health Program Management Guidelines; and maintain a DART rate and TRC rate below the national average for their industry. After a site satisfies all SHARP requirements, VOSH formally recognizes the worksite with a SHARP Certificate. SHARP participants commonly hold ceremonies to further recognize their achievement of SHARP approval.

SHARP Sites for 2020

- | | |
|---|--|
| 1. Auxiliary Systems, Inc. - Norfolk | 9. Lake Prince Woods - Suffolk |
| 2. Campostella Builders and Supply Corporation – Norfolk | 10. Riddleberger Brothers Inc – Mount Crawford |
| 3. Coperion Corporation - Wytheville | 11. SKF Lubrication Systems – Hampton |
| 4. Engineering Development Laboratory, Inc - Newport News | 12. Swisslog Logistics, Inc. - Newport News |
| 5. Huntington Ingalls Industries - Newport News | 13. Town of Christiansburg Public Works - Christiansburg |
| 6. Huntington Ingalls Industries - Newport News | 14. Town of Christiansburg - Christiansburg |
| 7. Innovative Refrigeration Systems Inc - Lyndhurst | 15. Virginia Panel Corporation - Waynesboro |
| 8. J. S. Purcell Lumber – Louisa | 16. B.C. Woods - Hanover |



Research and Analysis



The Virginia Department of Labor and Industry’s Office of Research and Analysis collects, analyzes, and produces data related to workplace injuries, illnesses, and fatalities. This data is collected as part of two annual projects: The Census of Fatal Occupational Injuries (CFOI) and the Survey of Occupational Injuries and Illnesses (SOII). The results of these efforts are published annually by the U.S. Department of Labor, Bureau of Labor Statistics (BLS).

The Census of Fatal Occupational Injuries

The CFOI, part of the BLS Occupational Safety and Health Statistics (OSHS) program, compiles a count of all fatal work injuries occurring in the U.S. during the calendar year. The CFOI program uses diverse state, federal, and independent data sources to identify, verify, and describe fatal work injuries. This ensures counts are as complete and accurate as possible. Workplace fatalities are categorized into various events including transportation incidents, violence and other injuries by persons or animals, and falls, slips, or trips.

The Survey of Occupational Injuries and Illnesses

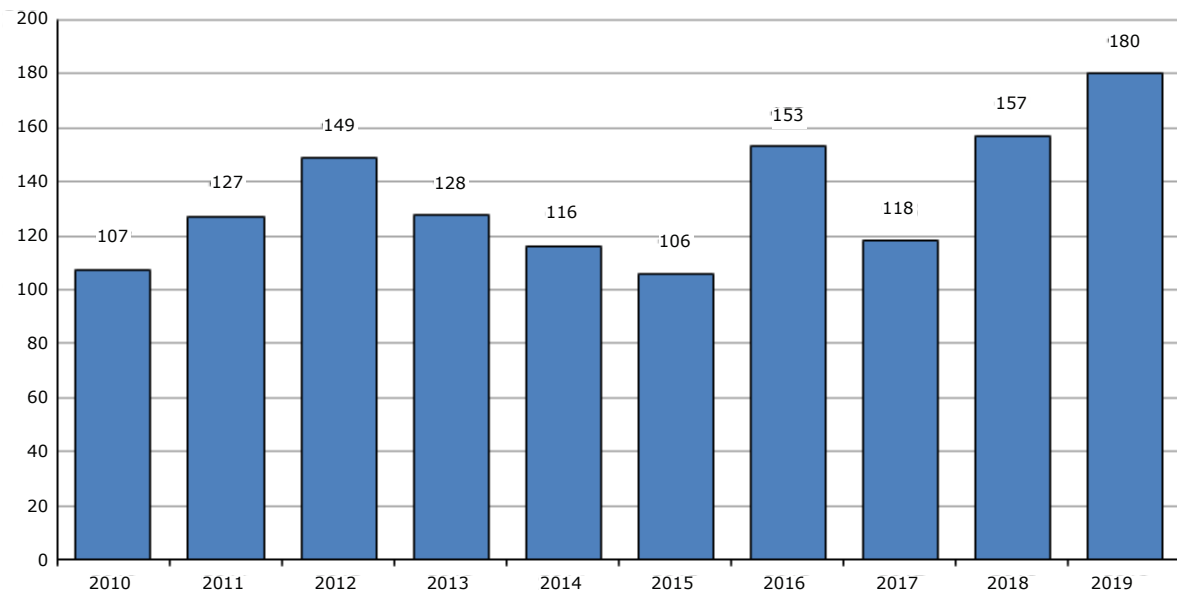
The SOII produces estimates of counts and incidence rates of employer-reported nonfatal workplace injuries and illnesses by industry and type of case, as well as more detailed estimates of case circumstances and worker characteristics for cases that resulted in days away from work. The information collected includes the employee’s age, length of service, occupation, as well as, the nature and sources of the injury and illness, events and types of exposures, and the part of the body affected.

Fatal Occupational Injuries and Illnesses in Virginia

The Virginia CFOI reported a total of 180 work-related fatalities in the Commonwealth in 2019, an increase of 23 from the previous year and higher than any other year since 2006 when 165 fatal work injuries were recorded. (See chart 1.) Fatal occupational injuries in the state have ranged from a high of 186 in 2005 to a low of 106 in 2015.

Nationwide, a total of 5,333 fatal work injuries were recorded in 2019, a 2 percent increase from the 5,250 in 2018, according to the results from the CFOI program. The 5,333 fatal occupational injuries in 2019 represents the largest annual number since 2007.

Chart 1. Total fatal occupational injuries, Virginia, 2010-2019



SOURCE: U.S. Bureau of Labor Statistics

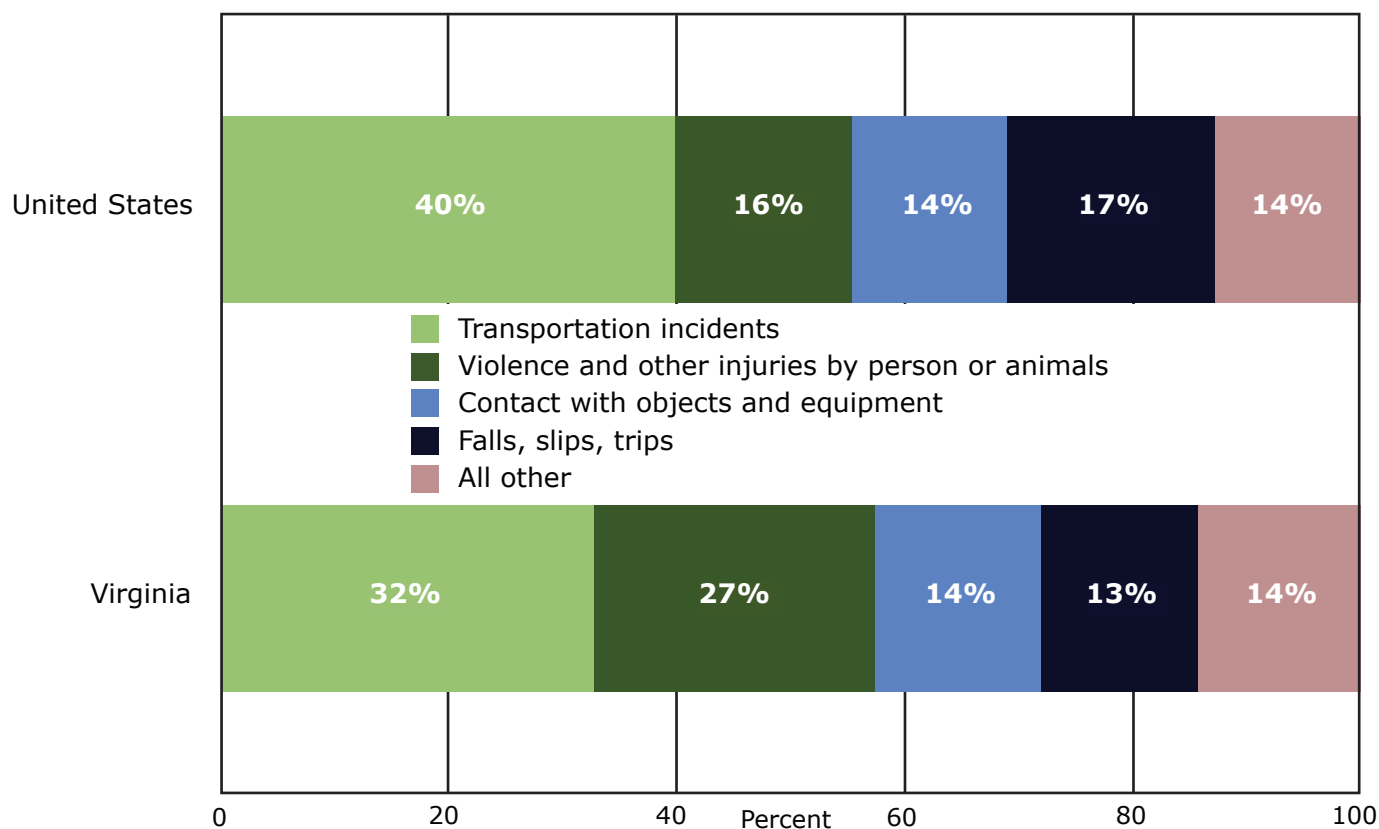
Type of Incident

In Virginia, transportation incidents resulted in 58 fatal work injuries while violence and other injuries by persons or animals accounted for 48 fatalities. These two major categories accounted for 59 percent of all workplace fatalities in the state. The number of worker deaths from transportation incidents increased by 6 over the year while the number of worker fatalities due to violence and other injures by persons or animals increased by 11. In the transportation incidents category, 38 percent of the 58 work-related deaths were caused by a vehicle striking an object or animal on the side of roadway.

Contact with objects and equipment was the third-most frequent fatal work event with 25 fatalities, followed by falls, slips, and trips with 24.

Nationally, transportation incidents was the most frequent fatal workplace event in 2019, accounting for 40 percent of fatal work injuries. (See chart 2.) Falls, slips, and trips was the second-most common fatal event (17 percent), followed by violence and other injuries by persons or animals (16 percent).

Chart 2. Fatal occupational injuries by selected event, United States and Virginia, 2019



SOURCE: U.S. Bureau of Labor Statistics

Industry

The private construction sector had the largest number of fatalities in Virginia with 43, up from 31 in 2018. Transportation incidents was the most frequent fatal event in the construction sector with 11 worker deaths.



Government

Government accounted for 22 workplace fatalities during 2019, followed by the private agriculture, forestry, fishing and hunting sector with 19. Violence and other injuries by persons or animals was the most frequent fatal event in government, accounting for 16 fatalities, while contact with objects and equipment was the most frequent fatal event in the private agriculture, forestry, fishing and hunting sector with 6 fatalities.



Occupation

Transportation and material moving occupations and construction and extraction occupations had the highest numbers of workplace fatalities in 2019 with 37 and 34, respectively. The majority of the fatalities within the transportation and material moving group were heavy and tractor-trailer truck drivers with 25 worker deaths. Construction laborers accounted for 12 of the fatalities among construction and extraction workers.



Additional highlights

- Men accounted for 89 percent of the work-related fatalities in Virginia, lower than 92-percent national share. (See table 1.) Transportation incidents made up 34 percent of the fatalities for men in Virginia. Among women, 10 of the 19 fatalities in the workplace were the result of violence and other injuries by persons or animals.
- White, non-Hispanic workers accounted for 68 percent of those who died from a workplace injury. Black or African American, non-Hispanic workers made up 19 percent of Virginia's fatal injuries at work, while Hispanic or Latino workers made up 9 percent of the fatalities. Nationwide, White, non-Hispanic workers accounted for 62 percent of work-related deaths, while non-Hispanic Black or African American workers and Hispanic or Latino workers represented 12 and 20 percent of the national share, respectively.
- Workers 45-64 years old accounted for 46 percent of the state's work-related fatalities in 2019, higher than the national share of 43 percent.
- Of the 180 fatally-injured workers in Virginia, 78 percent worked for wages and salaries; the remainder were self-employed. The most frequent fatal event for wage and salary workers was transportation incidents and for the self-employed, it was violence and other injuries by persons or animals.

Table 1. Fatal occupational injuries by worker characteristics, Virginia 2018-2019

Worker Characteristic ¹	2018	2019	
	Number	Number	Percent
Total	157	180	100
Employee Status			
Wage and salary workers ²	130	141	78
Self-employed ³	27	39	22
Gender			
Men	140	161	89
Women	17	19	11
Age ⁴			
Under 16 years	--	1	1
18 to 19 years	--	1	1
20 to 24 years	11	13	7
25 to 34 years	38	26	14
35 to 44 years	32	25	14
45 to 54 years	24	34	19
55 to 64 years	30	48	27
65 years and over	22	30	17
Race or Ethnic Origin ⁵			
White (Non-Hispanic)	99	122	68
Black or African American (Non-Hispanic)	24	34	19
Hispanic or Latino	30	17	9
Asian (Non-Hispanic)	3	4	2

¹ The Census of Fatal Occupational Injuries (CFOI) has published data on fatal occupational injuries for the United States since 1992. During this time, the classification systems and definitions of many data elements have changed. See the CFOI Definitions page (<http://www.bls.gov/iif/oshcfdef.htm>) for a more detailed description of each data element.

² May include volunteers and workers receiving other types of compensation. Cases where employment status is unknown are included in the counts of wage and salary workers.

³ Includes self-employed workers, owners of unincorporated businesses and farms, paid and unpaid family workers, and may include some owners of incorporated businesses or members of partnerships.

⁴ Information may not be available for all age groups.

⁵ Persons identified as Hispanic or Latino may be of any race. The race categories shown exclude Hispanic and Latino workers. Cases where ethnicity is unknown are included in counts of non-Hispanic workers.

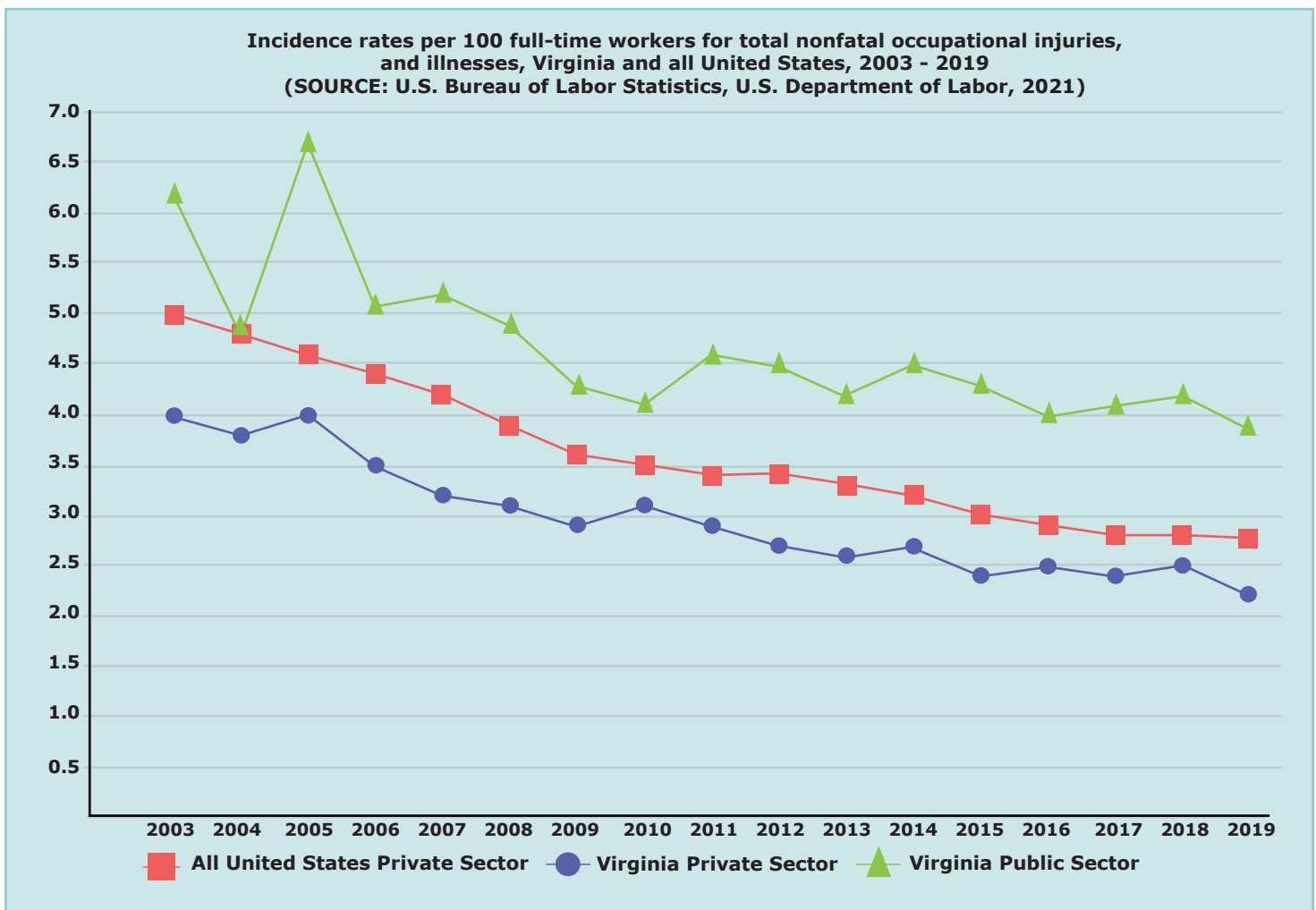
NOTE: Data for all years are final. Totals for major categories may include subcategories not shown separately. Percentages may not add to totals because of rounding. CFOI fatality injury counts exclude illness-related deaths unless precipitated by an injury event. Dashes indicate no data reported or data that do not meet publication criteria.

Source: U.S. Department of Labor, Bureau of Labor Statistics, in cooperation with the Virginia Department of Labor and Industry, Census of Fatal Occupational Injuries

Non-Fatal Occupational Injuries and Illnesses in Virginia

The incidence rate for non-fatal occupational injuries and illnesses is calculated as the number of injuries and illnesses per 100 full-time equivalent (FTE) workers during a calendar year. Counts and incidence rates for days away from work cases are presented at a different precision level than for other case types. Data users are cautioned to account for different levels of precision when analyzing estimates. This data is collected through the annual Survey of Occupational Injuries and Illnesses.

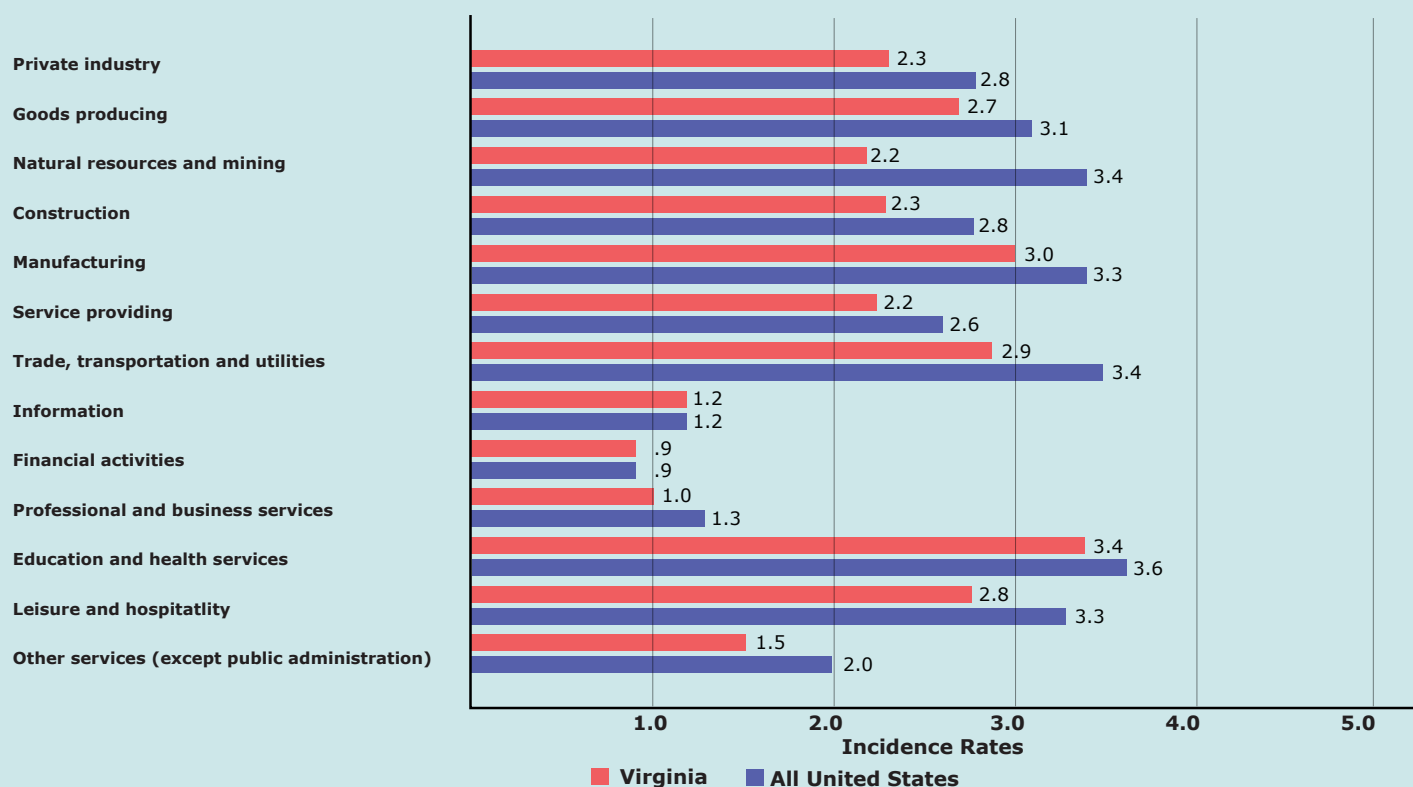
During calendar year 2019 in Virginia, there were approximately 58,500 nonfatal workplace injuries and illnesses reported by private industry employers, occurring at a rate of 2.3 cases per 100 FTE workers. Nationally, the incident rate for the private sector was 2.8 cases per 100 FTE workers.



Private Industry Occupational Injuries and Illnesses Rates

The Virginia private industry sectors with the highest rates of occupational injuries and illnesses in 2019 were educational and health services; manufacturing; and trade, transportation, and utilities.

Incidence rates per 100 full-time workers for total nonfatal occupational injuries, and illnesses by major industry sector, Virginia and all United States, 2019
 (SOURCE: U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2021)



Educational and Health Services in Virginia

Within educational and health services, health care and social assistance had the highest incidence rate in Virginia with 3.8 cases per 100 FTE, accounting for 12,800 total recordable cases. Nationally, the 2019 private industry injury and illness rate in this industry was also 3.8 cases per 100 FTE workers. There were 3,000 occupational injuries and illnesses in Virginia that resulted in days away from work in the health care and social assistance industry at a rate of 0.9 cases per 10,000 FTE workers in 2019. The health care and social assistance facilities with the highest incidence rates in Virginia were the psychiatric and substance abuse hospitals with a rate of 8.7 cases per 100 FTE worker followed by other ambulatory health care services with an incidence rate of 7.6.

Common injuries and illnesses in this sector include sprains, strains, tears; soreness, pain; and bruises, contusions. Falls on the same level, intentional injury by other person, and overexertion in lifting and lowering accounted for many of the injuries and illnesses.



Manufacturing in Virginia

Nationally, the 2019 private industry incidence rate in the manufacturing sector was 3.3 cases per 100 FTE workers, while the Virginia manufacturing sector had a private industry incidence rate of 3.0 cases in 2019. There were 2,800 occupational injuries and illnesses that resulted in days away from work in this sector in Virginia at a rate of 1.1 cases per 10,000 FTE workers. The subsectors with the highest incidence rates within Virginia's manufacturing sector were wood product manufacturing at 5.3 cases per 100 FTE workers and transportation equipment manufacturing with an incidence rate of 4.8 cases per 100 FTE workers.

Common injuries and illnesses in this sector include sprains, strains, tears; soreness, pain; and cuts, lacerations, punctures. Being struck by an object or equipment, falls on the same level, and being caught in or compressed by object or equipment were the most frequent events.



Trade, Transportation, and Utilities in Virginia

In Virginia, the 2019 private industry incidence rate in the trade, transportation, and utilities sector was 2.9 cases per 100 FTE workers; nationally, the rate was 3.4 cases per 100 FTE workers. This sector accounted for 5,700 occupational injuries and illnesses that resulted in days away from work at a rate of 1.1 cases per 10,000 FTE workers in 2019. Transportation and warehousing had the highest incidence rate within the trade, transportation, and utilities sector with an incidence rate of 3.4 cases per 100 FTE workers. The incidence rates in transportation and warehousing ranged from 1.6 cases per 100 FTE workers in truck transportation to 5.8 cases per 100 FTE workers in couriers and messengers.

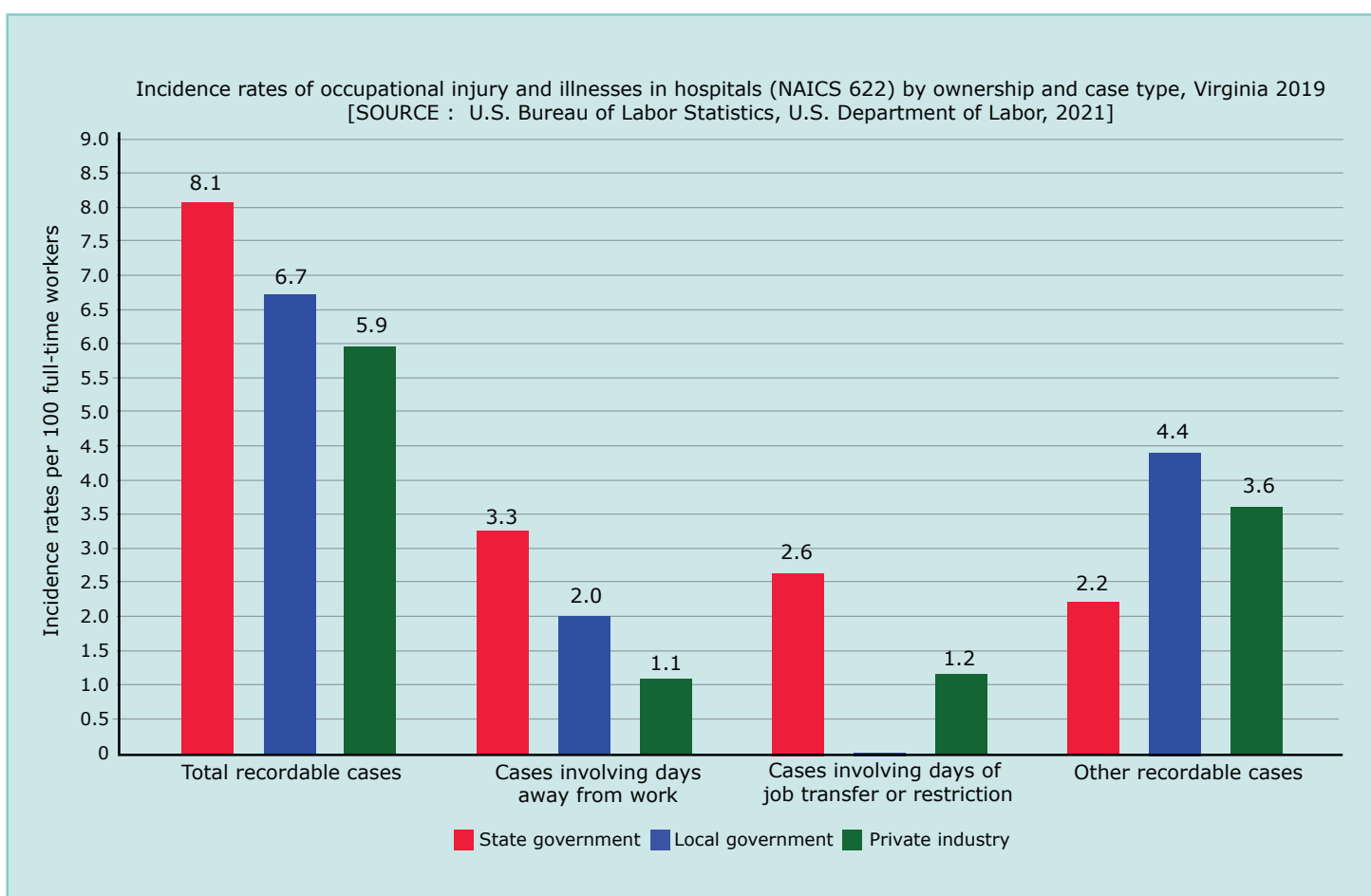
Sprains, strains, tears and bruises, contusions accounted for more than half of the injuries and illnesses among days away from work cases in this sector. The most common events that occurred within the days away from work cases were being struck by an object or equipment, falls on the same level, and overexertion in lifting or lowering.



State and Local Employee Occupational Injuries and Illnesses Rates

Nationally, the 2019 occupational incidence rate in state and local government combined was 4.6 cases per 100 FTE workers. The incidence rate in Virginia among this group was 3.9 per 100 FTE workers. Within state government, health care and social assistance had the highest incidence rate with 7.5 cases per 100 FTE workers, while in local government, utilities had the highest with 5.4 cases per 100 FTE workers.

Common injuries and illnesses among state and local government workers included sprains, strains, tears, and soreness, pain. Falls on the same level and intentional injury by other person were the most frequent events.



VOSH safety compliance programs

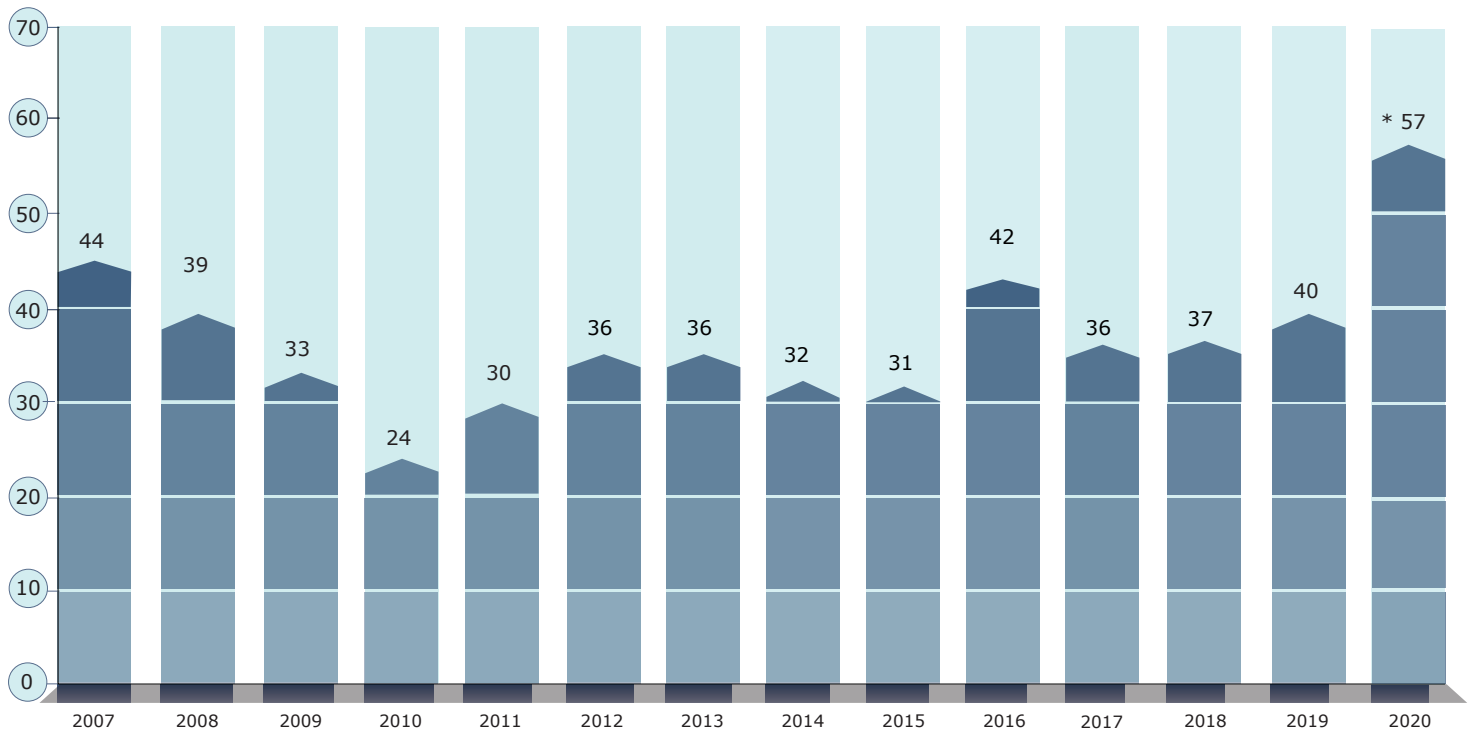
VOSH Safety in 2020

The VOSH Safety Compliance Division enforces the state unique and federal identical laws and regulations that address the occupational safety and health of workers employed in general industry and construction, agriculture, the public sector and public sector maritime industries. VOSH conducts safety inspections in response to imminent danger reports, accidents, complaints, referrals, and randomly scheduled inspections of high hazard industries. The Department's approach for achieving workplace safety and health protections consists of identifying hazardous conditions and related trends as well as following up on the corrective actions. Additionally, VOSH Safety Compliance conducts inspections targeting special emphasis programs (SEPs) in specific high-hazard industries or hazards, such as one special emphasis program that uses Worker's Compensation First Reports of Injury to investigate falls, struck-by, amputations, and other serious accidents.

Other Safety Compliance special emphasis programs include Logging and Sawmill Industries, scaffolding, heavy equipment, and trenching. In 2020, VOSH Safety and Health Compliance Officers performed 1,668 inspections. During these inspections over 11,425 hazards were identified and corrected.

Fatalities Investigated by VOSH

*31 of the 2020 fatalities were related to COVID-19



Fatalities - Calendar Year % [2020]

Total	
COVID-19	54%
Falls	14%
Struck -By	21%
Caught-In	9%
Electrocution	2%

The primary causes of death in the workplace were due to COVID-19, employees struck by objects, equipment or vehicles, being caught-in or -between objects, equipment or vehicles and falls.

VOSH continues its multilingual efforts to emphasize the importance of delivering workplace safety and health messages to the workers in the Commonwealth.

In concert with the Health Compliance program, all DOLI compliance officers investigated approximately 2,583 employee complaints and referrals in the past year of those 612 resulted in inspections.

Complaints are often filed by employees themselves, their immediate families or their authorized representatives. Referrals are accepted from other safety or safety-related professionals, such as firefighters, police officers, and fire marshals, as well as other local, state, or federal agencies.

Fatalities increased 42.5% from 40 in 2019 to 57 in 2020. The primary causes of death in the workplace were due to COVID-19, employees struck by objects, equipment or vehicles, being caught-by, caught-in or caught-between objects, equipment or vehicles and falls. VOSH continues its multilingual efforts to emphasize the importance of delivering workplace safety and health messages to the workers in the Commonwealth.

VOSH health compliance programs

VOSH Health in 2020

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, such as air contaminants or bloodborne pathogens, and work conditions such as noise. 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, e.g., industrial ventilation and enclosures, administrative controls such as employee rotation, hazard communication, and housekeeping, as well as the use of personal protective equipment for a variety of issues, e.g., respiratory protection, hearing protection, and chemical protective clothing. Workplace inspections are generated in a similar manner to those for the VOSH Safety Compliance Division, i.e., through accidents, complaints, referrals, or general schedule inspections.

In addition, the Health Compliance Division continues to focus on the health hazards of silica, asbestos, and lead through state 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 (NESHAP) for the protection of the general public and the environment from asbestos emissions during renovation and demolition activities.

OCCUPATIONAL SAFETY AND HEALTH INSPECTIONS

2018				2019				2020			
Calendar Year Safety		Health		Calendar Year Safety		Health		Calendar Year Safety		Health	
Planned	1,058	Planned	153	Planned	1,069	Planned	235	Planned	783	Planned	178
Follow-Up	19	Follow-Up	1	Follow-Up	15	Follow-Up	2	Follow-Up	13	Follow-Up	0
Complaint	197	Complaint	230	Complaint	227	Complaint	173	Complaint	139	Complaint	135
Referral	169	Referral	48	Referral	173	Referral	74	Referral	168	Referral	72
Accident	34	Accident	3	Accident	17	Accident	3	Accident	29	Accident	1
Fatality/Cat.	36	Fatality/Cat.	3	Fatality/Cat.	36	Fatality/Cat.	4	Fatality/Cat.	30	Fatality/Cat.	22
Other	99	Other	55	Other	115	Other	60	Other	73	Other	25
Totals	1,612	Totals	494	Totals	1,652	Totals	551	Totals	1,235	Totals	433

VIOLATIONS ISSUED

2018				2019				2020			
Calendar Year Safety		Health		Calendar Year Safety		Health		Calendar Year Safety		Health	
Serious	1,684	Serious	420	Serious	1,529	Serious	482	Serious	1,114	Serious	283
Willful	3	Willful	3	Willful	16	Willful	3	Willful	7	Willful	0
Repeat	77	Repeat	5	Repeat	69	Repeat	4	Repeat	65	Repeat	0
Other(OTS&FTA)	624	Other(OTS&FTA)	321	Other(OTS&FTA)	549	Other(OTS&FTA)	335	Other(OTS&FTA)	364	Other(OTS&FTA)	228
Totals	2,388	Totals	749	Totals	2,163	Totals	824	Totals	1,550	Totals	511

PENALTIES ASSESSED (IN DOLLARS)

2018		2019		2020	
Calendar Year Safety	Health	Calendar Year Safety	Health	Calendar Year Safety	Health
\$4,710,703	\$1,691,972	\$6,497,562	\$1,691,038	\$683,397	\$4,686,798

VIOLATION INSTANCES AND EXPOSED EMPLOYEES

2018		2019		2020	
Calendar Year		Calendar Year		Calendar Year	
Violation Instances	15,718	Violation Instances	12,870	Violation Instances	11,425
Exposed Employees	60,902	Exposed Employees	32,195	Exposed Employees	27,837

top 10 most frequently cited standards

construction

October 2019-September 2020

1

Standard 1926.100(a) Head Protection

Description - Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets.

2

Standard 1926.501(b)(13) Fall Protection - Residential Construction

Description - Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels shall be protected by guardrail systems, safety net system, or personal fall arrest system.

3

Standard 1926.102(a)(1) Eye and Face Protection

Description - The employer shall ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

4

Standard 1926.50(c) Medical Services and First Aid

Description - In the absence of an infirmary, clinic, hospital, or physician, that is reasonably accessible in terms of time and distance to the worksite, which is available for the treatment of injured employees, a person who has a valid certificate in first-aid training.

5

Standard 1926.503(a)(1). Fall Protection- Training Requirements

Description - The employer shall provide a training program for each employee who might be exposed to fall hazards.

6

Standard 1926.1053(b)(1) Ladders - Use Requirements

Description - Portable ladders did not extend at least 3 feet above the upper landing surface to which the ladder is used to gain access.

7

Standard 1926.501(b)(11) Fall Protection - Steep Roofs

Description - Each employee on a steep roof with unprotected sides and edges 6 feet or more above lower levels shall be protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest systems.

8

Standard 1926.453(b)(2)(v) Aerial Lifts

Description - Use of fall protection attached to the boom or basket when working from an aerial lift.

9

Standard 1926.20(b)(2) General Safety and Health Provisions

Description - Safety and Health programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons.

10

Standard 1926.503(b)(1) Fall Protection - Training Requirements

Description - The employer shall prepare a written certification record which contains the name or other identity of the employee trained, the date(s) of the training, and the signature of the person who conducted the training or the signature of the employer.

Page
28

top 10 most frequently cited standards
general industry

October 2019-September 2020

1

Standard 1910.1200(e)(1) Hazard Communication Program

Description - Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes criteria specified for labels and other forms of warning, safety data sheets, and employee information and training.

2

Standard 1910.151(c) Medical Services and First Aid

Description - In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. Adequate first aid supplies shall be readily available.

3

Standard 1910.1200 (h)(1) Hazard Communication - Training Requirements

Description - Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals.

4

Standard 16VAC25-60-120 VOSH Administrative Regulation Manual

Description - The employer shall comply with the manufacturer's specifications and limitations applicable to the operation, training, use, installation, inspection, testing, repair and maintenance of all machinery, vehicles, tools, materials and equipment.

5

Standard 1910.151(b) Medical Services and First Aid

Description - Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

6

Standard 1910.157(c)(1) Portable Fire Extinguishers

Description - The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

7

Standard 1910.303(g)(1) Electrical - General Requirements

Description - Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

8

Standard 1910.134(e)(1) Respiratory Protection - Medical Evaluation

Description - The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace.

9

Standard 1910.132(d)(2) Personal Protective Equipment - General Requirements

Description - The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

10

Standard 1910.305(g)(1)(iv)(A) Electrical Wiring Methods, Components and Equipment for General Use

Description - Flexible cords and cables shall not be used as a substitute for the fixed wiring of a structure.

Misclassification in Virginia

What is Worker Misclassification?

Misclassification occurs when an employer improperly classifies an employee as an independent contractor.

Why is Misclassification So Harmful?

While employees are afforded many protections and benefits by the federal government and the Commonwealth of Virginia, individuals designated as independent contractors are excluded for the most part.

Worker misclassification is a destructive practice - whether intended or accidental - and costs Virginia's taxpayers, employees and employers tens and perhaps hundreds of millions of dollars annually.

It also denies essential employment protections and benefits to hundreds of thousands of Virginia workers in such areas as:

- occupational safety and health protections
- unemployment benefits
- workers' compensation
- minimum wage and overtime
- health insurance
- retirement benefits, including Social Security
- family and medical leave
- protections from discrimination (e.g., Americans With Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA))

Employers who misclassify can save significantly in payroll costs. Studies in other states reported that these savings can range from 10 to 40 percent. In industries where competitive bidding occurs, misclassifying employers may be able to underbid their competitors due to their lower payroll costs, leaving employers who properly classify unable to compete.

Employers who properly classify their workers may also face higher costs when unemployment tax and workers' compensation insurance rates are adjusted upwards to cover costs incurred by misclassified workers.

What is the Extent of the Problem of Misclassification in Virginia?

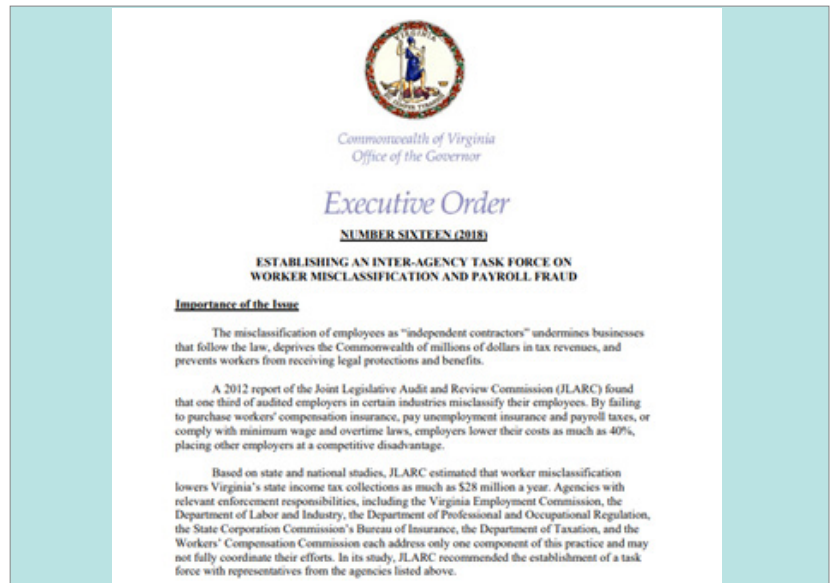
"Misclassification stifles competition and directly harms honest Virginia companies by allowing unscrupulous employers to undercut their bids on construction projects and in other procurement scenarios."

Commissioner of Labor and Industry, C. Ray Davenport:

On August 10, 2018 Governor Ralph Northam issued Executive Order 16, entitled "Establishing An Inter-Agency Task Force On Worker Misclassification And Payroll Fraud" to continue the initiatives on worker misclassification.

The Secretary of Commerce and Trade is leading a Governor's Taskforce and will include representatives from:

- Virginia Employment Commission
- Department of General Services
- Department of Labor and Industry
- Department of Professional and Occupational Regulation
- State Corporation Commission's Bureau of Insurance
- Department of Taxation
- Workers' Compensation Commission,
- Office of the Attorney General



The purpose of the Taskforce is to develop and implement a comprehensive plan with measurable goals to reduce worker misclassification and payroll fraud in Virginia.

"The Department today is committing itself to aggressively pursuing Executive Order 16's initiative to root out the destructive practice of misclassification of workers in Virginia.

Misclassification of workers as independent contractors constitutes payroll fraud, and denies hardworking Virginia employees of basic legal protections such as workers' compensation, family and medical leave, and unemployment insurance. Misclassification also cheats those honest employers and contractors who properly classify employees, since employers who misclassify can undercut their bids due to lower operating costs."

What is the Government’s Response?

In response to the 2012 study, Governor Terry McAuliffe issued Executive Order 24 on August 14, 2014, entitled “Establishing an Inter-Agency Task Force on Worker Misclassification and Payroll Fraud”: The misclassification of employees as “independent contractors” undermines businesses that follow the law, deprives the Commonwealth of millions of dollars in tax revenues, and prevents workers from receiving legal protections and benefits.”

DOLI’s Position

“The Department today is committing itself to aggressively pursuing Governor McAuliffe’s initiative to root out the destructive practice of misclassification of workers in Virginia. Misclassification of workers as independent contractors constitutes payroll fraud, and denies hardworking Virginia employees of basic legal protections such as workers’ compensation, family and medical leave, and unemployment insurance.

Misclassification also cheats those honest employers and contractors who properly classify employees, since employers who misclassify can undercut their bids due to lower operating costs.”

The Secretary of Commerce and Trade is leading the Governor’s Task Force in its preparation of a report and recommendations on the issue. Other participating agencies are:

- Virginia Employment Commission (VEC)
- Workers’ Compensation Commission (VWCC)
- Department of Labor and Industry (DOLI)
- Department of Professional and Occupational Regulation (DPOR)
- Department of Taxation (TAX)
- State Corporation Commission Bureau of Insurance (SCC)

The Taskforce’s initial report was presented to Governor McAuliffe on December 1, 2014. It established a work plan with a timeline for researching and setting parameters for the implementation of a multi-agency pilot program by July 1, 2015. While some of the parameters are being finalized, the program will include employer outreach and education, the ability of agencies to better share data and information, and enhanced collection of data on the number and instances of employee misclassification. Results of the pilot program are to be reported by November 1, 2015.

VOSH MISCLASSIFICATION POLICY

On July 1, 2015, VOSH instituted the following actions in worker misclassification cases:

If VOSH penalties are proposed, penalty reductions for size and good faith will NOT be afforded to the employer

In construction inspections, each contractor will be asked to provide its Department of Professional and Occupational Regulation (DPOR) contractor’s license AND proof of the DPOR license for any subcontractors.

Make a referral to DPOR if a contractor has used an unlicensed subcontractor (DPOR sanctions may include fines, probationary terms, suspension or license revocation)

For contracts under \$1,000, VOSH will make a referral to the Virginia Employment Commission (VEC) and/or the Virginia Workers’ Compensation Commission (VWCC) for potential audits of employment practices. A practice well known to building inspectors as “stacking” occurs when a contractor splits up a contract among “independent contractors” (often misclassified workers) into values under \$1,000 to avoid a licensing issue with DPOR.

Referrals may be made for contract values over \$1,000 as well.

The new policy and education and outreach materials can be found at: <http://www.doli.virginia.gov/>

INITIAL RESULTS - Since July 1, 2015, the VOSH program has referred 173 construction contractors to DPOR for failing to provide proof of compliance with DPOR licensure requirements. To date, 115 cases have resulted in violations and over \$75,000 in penalties for situations where a licensed contractor improperly contracted with an unlicensed construction company.



Office Of Whistleblower Protection

Anti-Retaliation Investigation

Retaliation Against Employees Who Exercise Their Occupational Safety and Health Rights

Workers in Virginia have the right to complain to VOSH and seek an investigation of alleged workplace safety and health retaliation. Virginia Code §40.1-51.2:1 and -51.2:2 authorizes VOSH to investigate employee complaints of employer retaliation against employees who are involved in safety and health activities protected under the Virginia laws, standards and regulations. In cases deemed to be meritorious, the Commissioner will pursue appropriate remedies through settlement negotiations or litigation. Should the Commissioner refuse to issue a charge against the person that allegedly discriminated against the employee, the employee may bring action in a circuit court having jurisdiction over the person allegedly discriminating against the employee, for appropriate relief.



The Code of Virginia gives you 60 days after the adverse action to report workplace safety and health retaliation to VOSH.

Complaints Received	2017	2018	2019	2020
Investigations Completed	26	16	22	23
Investigations Completed Within 90 Days	5 or 19.2%	7 or 44%	4 or 18%	9 or 39%
Cases Dismissed	19	9	18	16
Cases Settled	7	7	4	7
Amount Collected	\$32,666.40	\$32,666.40	\$77,192.28	\$103,282.14
Average Days to Complete Investigation	215	135	223	140
Complaints Administratively Closed	91	99	93	84

The Occupational Safety and Health Act of 1970 requires Whistleblower Investigations to be completed within 90 days.

NOTE: The above statistics are based on the federal fiscal year of October 1st through September 30th of the respective years



Examples of "Protected Activity"

Some examples of activities protected under Virginia law are lodging a complaint to your employer or any other person under or related to the safety and health provisions of Title 40.1 of the Code of Virginia; lodging a complaint with VOSH without first bring the matter to the attention of your employer; instituting or causing to be instituted any proceeding under or related to the safety and health provisions of Title 40.1 of the Code of Virginia; testifying or intending to testify in any proceeding under or related to the safety and health provisions of Title 40.1 of the Code of Virginia; cooperating with or providing information to VOSH personnel during a worksite inspection; or exercising on your own behalf or on behalf of any other employee any right afforded by the safety and health provisions of Title 40.1 of the Code of Virginia. (See VOSH Administrative Regulations Manual, Virginia Administrative Code 16 VAC 25-60-110); reporting a work-related fatality, injury, or illness (See [16VAC25-1904.36](#)).

Examples of "Retaliation"

Protection from workplace retaliation means that an employer cannot take an "adverse action" against workers, like:

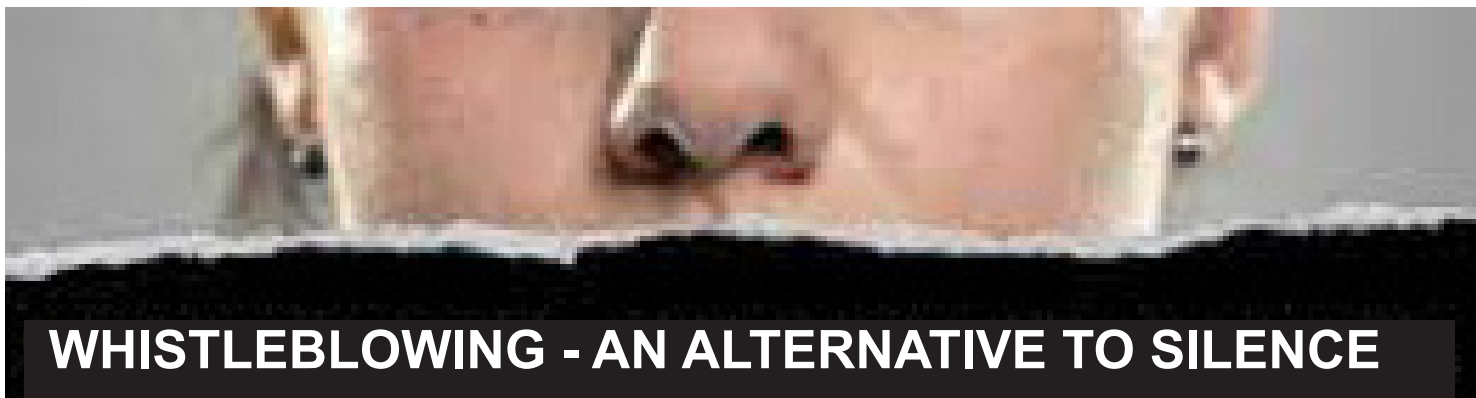
- Failure to hire or rehire
- Intimidation/harassment
- Making threats
- Reducing pay or hours
- Firing or laying off
- Blacklisting
- Reassignment affecting prospects for promotion
- Demoting
- Denying overtime or promotion
- Disciplining
- Denial of benefits



THE WHISTLEBLOWER PROTECTION PROGRAM

Who to Contact

If you believe your employer has treated you unfairly because you exercised your safety and health rights, contact the right away. You can telephone, fax or mail your complaint to the Whistleblower Investigator at Interstate Corporate Center, Building 6, 6363 Center Drive, Suite 101, Norfolk, Virginia 23502. Phone: (757) 455-0891 Ext. 134 Fax number: (804) 371-6524



WHISTLEBLOWING - AN ALTERNATIVE TO SILENCE



Other Federal Whistleblower Laws Enforced by Federal OSHA

Federal OSHA is responsible for enforcing whistleblower protection under numerous federal laws. Federal OSHA Area Office staff can explain the protections under these laws and the deadlines for filing complaints. Federal laws with whistleblower protections administered by federal OSHA include, but are not limited to:

- The Surface Transportation Assistance Act;
 - The Asbestos Hazard Emergency Response Act;
 - The International Safety Container Act;
 - The Energy Reorganization Act;
 - The Clean Air Act;
 - The Safe Drinking Water Act;
 - The Federal Water Pollution Control Act;
 - The Toxic Substances Control Act;
 - The Solid Waste Disposal Act;
 - The Comprehensive Environmental Response, Compensation and Liability Act, &
 - The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.
- <http://www.whistleblowers.gov/>

voluntary protection programs

VPP in 2020

The Voluntary Protection Programs (VPP) concept recognizes that enforcement alone can never fully achieve the objectives of the OSH Act of 1970. Exceptional safety and health management programs that go beyond VOSH standards can protect workers more effectively than simply complying with laws that set minimum safety and health requirements. In 1996, Virginia approved its first STAR Worksite. That effort has now expanded to other new programs under the VPP umbrella which include Challenge, VADOC Challenge, BEST, and BUILT.

Benefits of VPP

All of the programs in Virginia VPP acknowledge and foster a state of the art approach to implementing safety and health systems that prevent serious injuries, illnesses, and fatal accidents to employees while also providing a demonstrative return on investment to businesses that allows them to be more productive, more competitive, and more economically viable in a very challenging economy.

Participants in the various programs in Virginia VPP assist businesses and government agencies in substantially improving occupational safety and health protections for thousands of employees through voluntary and cooperative efforts while reducing insurance premiums, workers' compensation costs, absenteeism, and increasing productivity and competitiveness. Improving productivity and decreasing employers' costs related to maintaining a safe and healthy workplace enhances economic viability and increases available capital for reinvestment, expansion, and new hiring.

Besides enhanced worker safety and health, there are numerous other benefits that individual VPP participants experience. Collaboration with VOSH has included opportunities to showcase best practices at conferences and workshops or occasions to train with VOSH employees to share the latest efforts in worker safety and health. Active employee involvement in safety can also lead to higher quality production, better general housekeeping, suggestions that translate into improved efficiency, and other exceptional business metrics.

What is Virginia STAR?

The Virginia STAR program is patterned after the federal OSHA VPP STAR program 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 program has two levels of participation, STAR and Merit. Participants at the STAR level are a select group of worksites that have designed and implemented outstanding safety and health systems, 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 achieve the VPP STAR requirements.

The Virginia STAR has rigorous requirements and confers the highest level of recognition on certified employers. The program relies heavily on employer self-assessments and requires an extensive application process which includes the submission of written safety and health policies and procedures. Once an employer has successfully submitted an application, final certification requires an intensive weeklong inspection by a VOSH VPP Evaluation Team. This 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 are accepted into the program.



STAR Results

United Airlines, Raytheon, Sysco, Cintas, Eastman Films, International Paper, Dominion Energy, and Lunenburg Correctional Center are just a small sample of the 35 Virginia employers providing exceptional worksite safety and health protections for over 12,000 employees through the Virginia STAR Program in 2020. With the average cost of a medically consulted workplace injury to an employer of \$42,000 (source: National Safety Council, 2019), the value of providing workplace safety and health protection through VPP becomes self-evident. Sites that participated in Virginia VPP STAR during 2020 averaged more than 50% lower injury and illness rates than counterparts in their respective industries. Virginia STAR members report improved employee morale, increased productivity, and competitiveness, decreased absenteeism, lower workers' compensation costs, and insurance premiums.

STAR Achievements of 2020

Despite the restrictions imposed by the pandemic, in 2020, four sites were evaluated for STAR recertification. Additionally, two new STAR sites were approved by the Commissioner and were added to the combined total of 35 active STAR sites. With the implementation of the Virginia Challenge and DOC Challenge, a number of sites are preparing for application in the near future. The VPP staff has been very active in supporting VPP participants. However, the pandemic slowed, adapted, or eliminated numerous Best Practice Days, safety fairs, conferences, workshops, classes, and meetings that were scheduled throughout Virginia to educate attendees and promote worker safety.

In response to the restrictions imposed by the pandemic, the VPP staff quickly adapted and became adept at reviewing many documents electronically, conducting interviews through various virtual means, and communicating with the evaluation team members and the STAR participants. All of the team evaluations conducted after the imposition of pandemic restrictions had to work closely with the employers and employees to conduct limited onsite activities and keep within the COVID -19 guidelines and requirements.

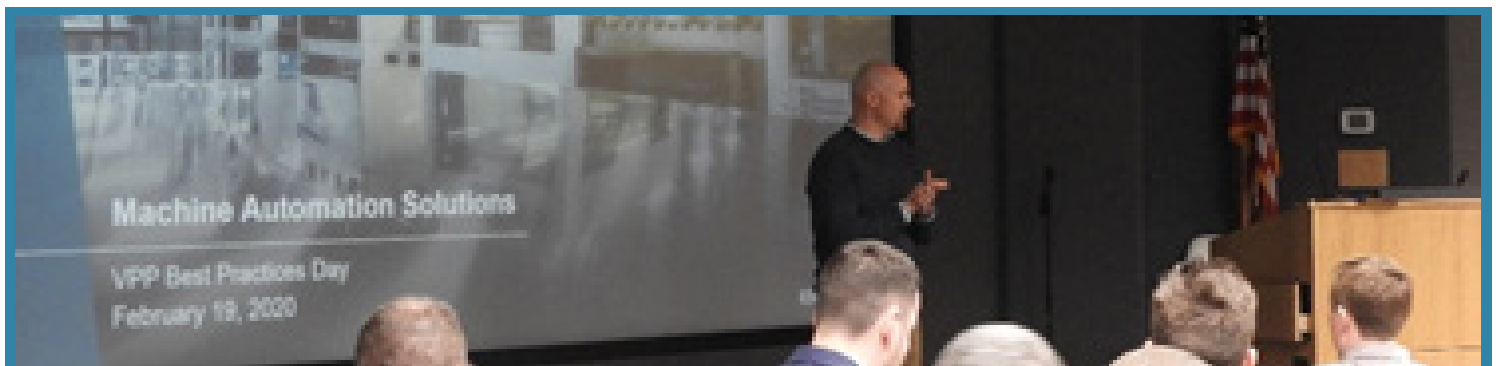
VPP Best Practices Days



VPP Best Practices Day: Feb 2020 - Emerson Machine Automation Solutions

Emerson Machine Automation Solutions hosted a "Lean and "6S" in Construction" Best Practice Day at their Charlottesville site on February 19, 2020. This was a combined effort of Emerson, Marvin Windows and Doors, Inc., Hourigan Construction, Associated General Contractors of Virginia (AGCVA), and Associated of Builders and Contractors of Virginia (ABCVA).

Over 50 participants enjoyed a guided tour of the Emerson facility and a demonstration of various Lean successes at the site. The presentations included "Lean Manufacturing Impact on Safety" by Emerson, "Case Study-How can Jidoka help the Construction Industry?" by Hourigan Construction, A highly interactive "Marvin Windows' Lean Employee Orientation" presented by the Marvin Lean Team, and a group panel discussion of Lean as a management practice and it's possible applicability to the construction industry.



voluntary protection programs

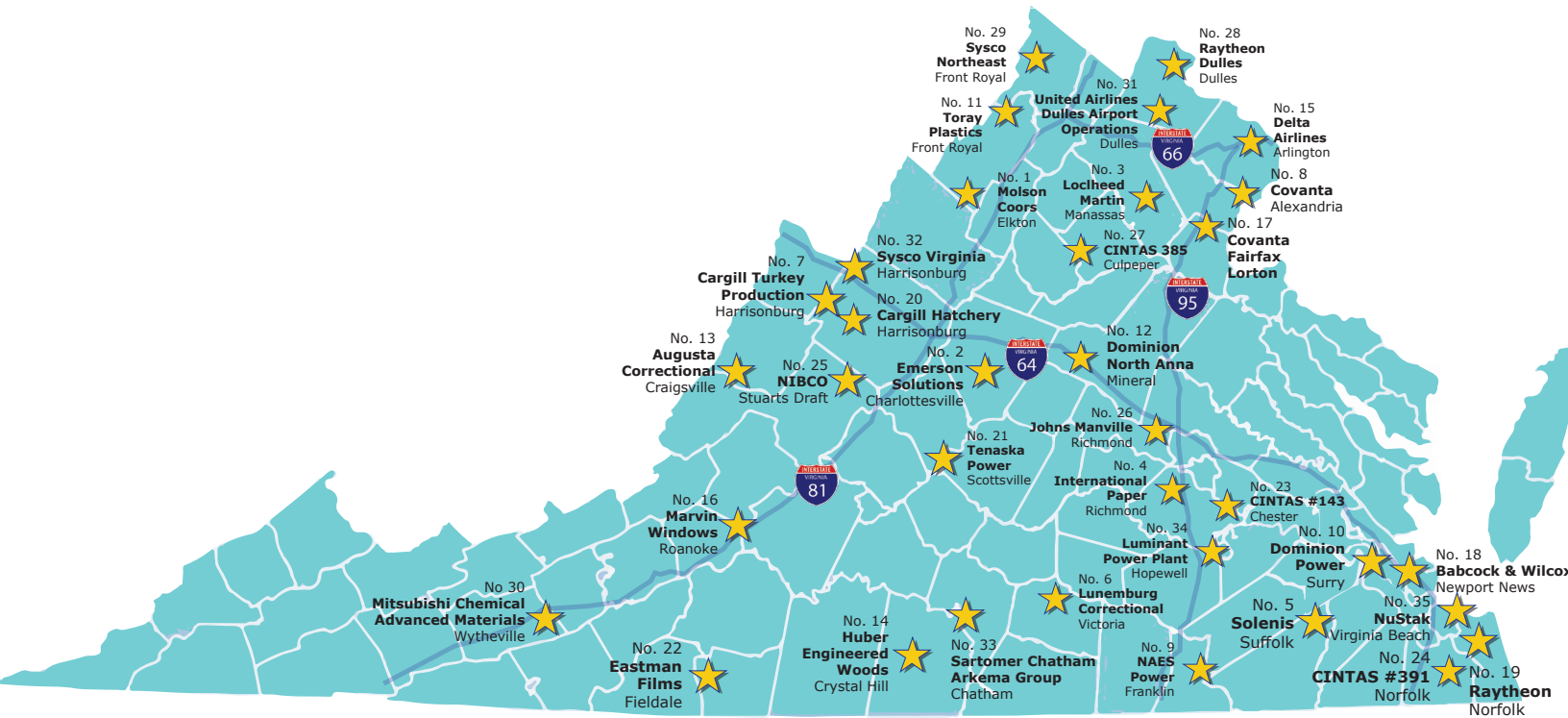
Objectives for Virginia VPP in 2021

The following objectives for the coming year are:

- 1) Increase the number of active VPP participants in all of the VPP programs in Virginia so that more worksites and employers may achieve the program's results of increased worker safety and health and improved employee morale.
- 2) Continue the growth of VPP employee involvement in mentoring with other worksites, which leverages the skills and knowledge of Virginia's employers to help the agency achieve its goals.
- 3) Develop the DOLI VPP Staff to fully engage VPP participants and interested employers in maximizing the value of VPP to the Commonwealth's workforce.
- 4) Increase the number of active volunteers. These individuals provide invaluable service to the program as site mentors, evaluation team members, and as advocates for VPP.
- 5) Expand the Virginia BEST (Building Excellence in Safety, Health and Training) strategic partnership with the Associated General Contractors of Virginia (AGCVA).
- 6) Advance the Virginia Challenge program to include more participants from a wide variety of employers and industries.
- 7) Promote the DOLI/VADOC Challenge program to expand the number of correctional facilities qualified to enter the VPP and provide an effective model for other government agencies to develop exemplary safety and health programs.
- 8) Expand the Virginia BUILT strategic partnership with the Associated Builders and Contractors of Virginia (ABCVA).
- 9) Continue to promote and expand events that provide opportunities to share best practices from VPP participants with interested employers to improve and enhance the quality of all of the participants' safety and health programs.



Virginia VPP Sites



Virginia VPP in 2020

1. MolsonCoors – Shenandoah Brewery	Elkton	06/14/97	19. Raytheon Company - Chesapeake Depot	Norfolk	04/30/09
2. Emerson Machine Automation Solutions	Charlottesville	07/17/98	20. Cargill Turkey Production, LLC Harrisonburg Hatchery	Harrisonburg	12/11/09
3. Lockheed Martin	Manassas	11/02/98	21. Tenaska Virginia Generating Station	Scottsville	02/09/10
4. International Paper Richmond Container	Richmond	01/22/99	22. Eastman Films	Fieldale	04/12/11
5. Solenis, LLC	Suffolk	08/15/01	23. Cintas Location #143 Richmond	Chester	03/14/13
6. Lunenburg Correctional Center	Victoria	03/01/02	24. Cintas Location 391 Portsmouth	Portsmouth	07/15/13
7. Cargill Turkey Production, LLC - Harrisonburg Feed Mill	Harrisonburg	06/02/04	25. NIBCO, Inc.	Stuarts Draft	11/05/14
8. Covanta Alexandria/Arlington, Inc.	Alexandria	09/17/04	26. Johns Manville - Hamilton Plant	Richmond	02/19/15
9. NAES – Southampton Power Station	Franklin	12/17/04	27. Cintas Location 385 Culpeper	Culpeper	02/25/15
10. Dominion Surry Power Station	Surry	01/18/05	28. Raytheon Company Dulles	Dulles	03/09/15
11. Toray Plastics (America), Inc. – PEF Division	Front Royal	04/08/05	29. Sysco Northeast Redistribution Center	Front Royal	01/04/16
12. Dominion North Anna Power Station	Mineral	01/01/06	30. Mitsubishi Chemical Advanced Materials	Wytheville	04/12/16
13. Augusta Correctional Center	Craigsville	07/13/06	31. United Airlines Dulles Airport Operations	Dulles	04/25/18
14. Huber Engineered Woods, LLC	Crystal Hill	08/21/06	32. Sysco Virginia, LLC.	Harrisonburg	03/06/19
15. Delta Air Lines DCA Station.	Arlington	12/06/08	33. Sartomer Chatham Arkema Group	Chatham	11/12/19
16. Marvin Windows and Doors	Roanoke	09/16/08	34. Luminant Hopewell Power Plant	Hopewell	04/22/20
17. Covanta Fairfax, Inc.	Lorton	10/29/08	35. NuStak Virginia Beach Terminal	Virginia Beach	11/09/20
18. Babcock & Wilcox Company	Newport News	02/23/09			



BEST Partnership

The Associated General Contractors of Virginia (AGCVA) celebrated the signing of the Virginia BEST Partnership Program on October 13, 2016. This represented the culmination of a five year effort in collaborating with AGCVA to develop a unique recognition program that would bestow recognition for construction sites and contractor members. These efforts have resulted in the creation of the Building Excellence in Safety, Health, and Training (BEST) program and are a unique model for partnering with exemplary general contractors to improve site safety and provide a vital safety model for this hazardous group of industries.

The BEST Partnership is a recognition program that incorporates the four major elements of VPP and bestows three levels of achievement.

VPP BEST: Continued Growth

In 2020, there were two additional companies added to the BEST program at Level 1, Perry Engineering Co. Inc. and Warwick Mechanical Group, for a total of seven BEST participants. Also, W.M. Jordan Company became the first participant to be considered as a Level 2 participant this past year. The AGCVA BEST Review continued to promote and receive applications from interested members.

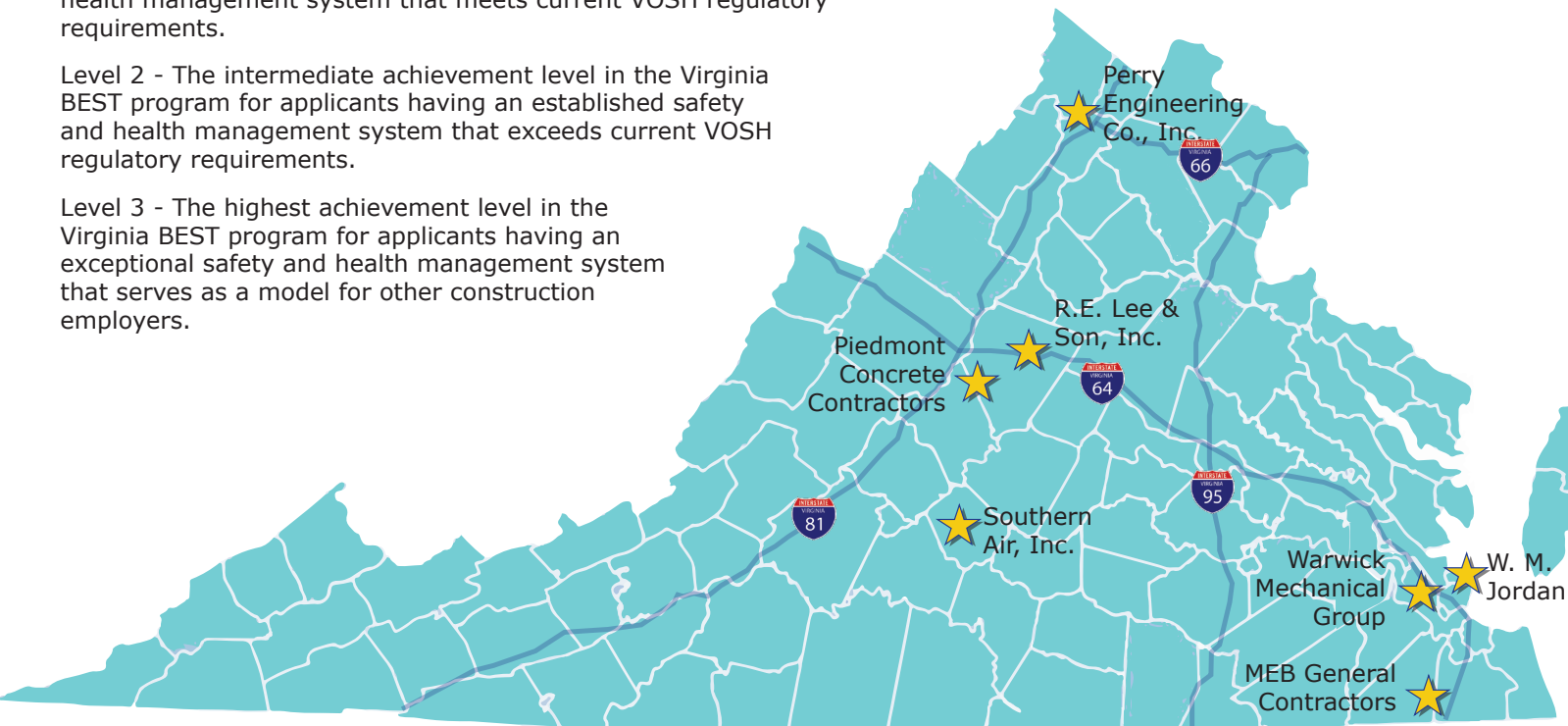


Three Levels of Participation in Virginia BEST:

Level 1 - The basic achievement level in the Virginia BEST program for applicants that develop and implement an effective safety and health management system that meets current VOSH regulatory requirements.

Level 2 - The intermediate achievement level in the Virginia BEST program for applicants having an established safety and health management system that exceeds current VOSH regulatory requirements.

Level 3 - The highest achievement level in the Virginia BEST program for applicants having an exceptional safety and health management system that serves as a model for other construction employers.



Virginia BUILT: A New VOSH Strategic Partnership with the Associated Builders and Contractors of Virginia (ABCVA)



In 2020, VOSH established a Strategic Partnership with ABCVA to combine Challenge concepts with the ABCVA's STEP (Safety Training Evaluation Process) program to recognize commercial construction contractors that develop and implement exemplary safety and health management systems. The new partnership known as Virginia BUILT is designed to encourage and recognize ABCVA members who voluntarily implement highly effective safety and health management systems to benefit construction workers and reduce or eliminate injuries, illnesses, and fatalities on construction sites in Virginia.



Virginia BUILT's unique approach to workplace safety and health incorporates a "mentorship" program as a key component. The Mentorship Tier is the introductory tier of participation in the partnership for those employers actively working with the ABC-VA Virginia BUILT Council (VBC) to improve their safety and health management systems to meet VOSH requirements. The initial goal of the participant is to enter as a Tier One participant. As employers achieve the Tier Two and Tier Three recognition, they are expected to serve as the mentors for the applicants and participants in the Mentorship and Tier One recognition levels.

Another essential component of Virginia BUILT is the incorporation of the ABC's STEP program as the gateway to participation in Virginia BUILT. Founded in 1989 as a safety benchmarking and improvement tool, STEP has evolved into a world-class safety management system that dramatically improves safety performance among participants regardless of company size or type of work. Participating ABC member firms measure their safety processes and policies on 24 key components resulting in recognition through progressive levels of achievement (Bronze, Silver, Gold, Platinum, and Diamond).



Virginia CHALLENGE

The Virginia Challenge Program provides a “roadmap to Virginia STAR,” plotting a path for employers to follow with the help of a voluntary network of safety and health professionals committed to providing guidance and advice in developing and implementing a safety and health management system based on VOSH’s VPP model to the program’s participants in the private and public sector.

This program provides flexibility for diverse industries with three levels of participation for general industry, and provides recognition for employers’ incremental improvements on their path to attaining Virginia STAR status once completing each stage.

Virginia Challenge supports VOSH’s VPP mission to protect lives by reducing fatalities, injuries, and illnesses in the workplace.

The core elements of Virginia Challenge are the same as Virginia STAR. To qualify for Virginia STAR, a site must operate a comprehensive safety and health management system that includes four essential elements and their sub-elements. The main elements are:

- Management Leadership and Employee Involvement,
- Worksite Analysis,
- Hazard Prevention and Control, and
- Safety and Health Training



Both, Virginia Challenge and VADOC Challenge, have three stages of participation. They are:

Stage I – Assess, Learn and Develop

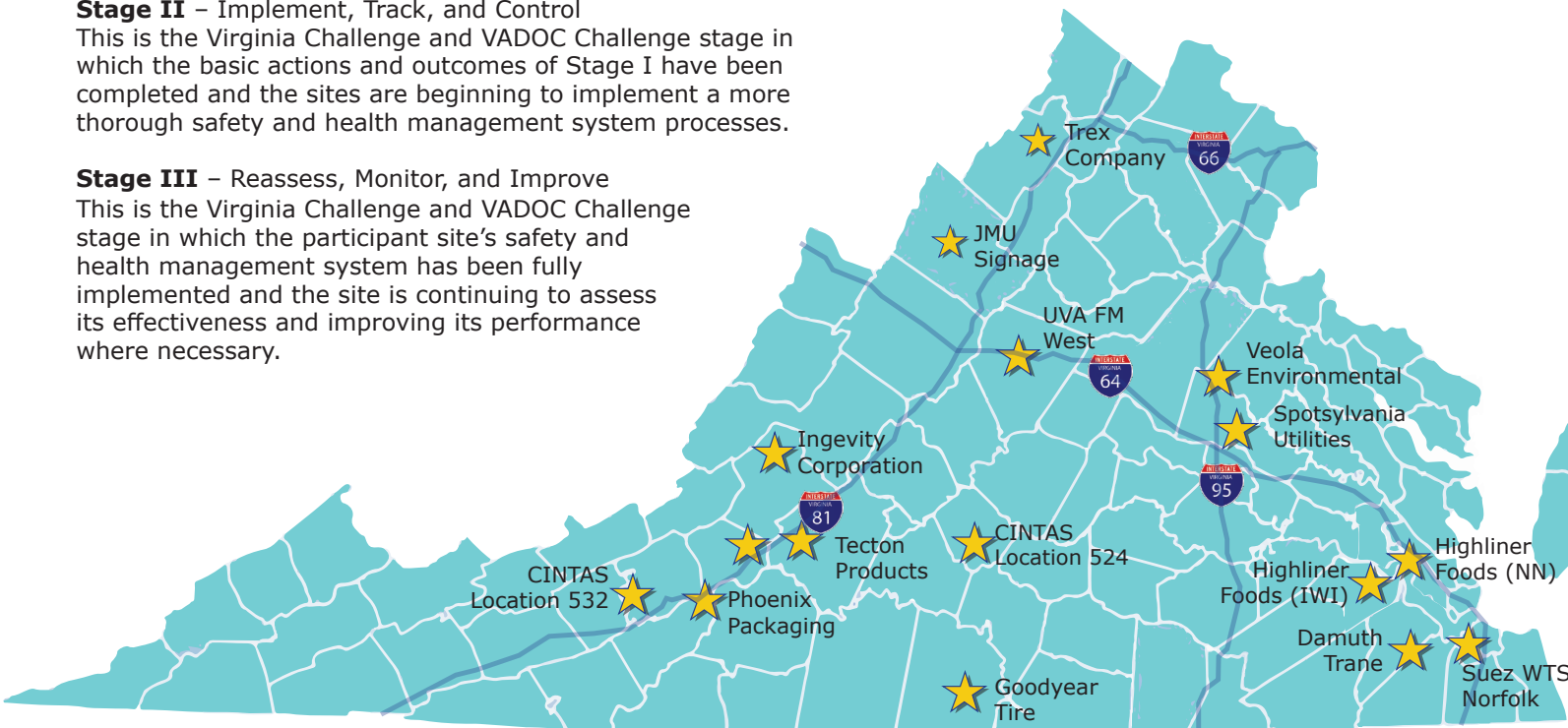
This is the Virginia Challenge and VADOC Challenge stage in which participants are introduced to the basic VPP elements that are necessary to launch the development and implementation of an effective safety and health management system.

Stage II – Implement, Track, and Control

This is the Virginia Challenge and VADOC Challenge stage in which the basic actions and outcomes of Stage I have been completed and the sites are beginning to implement a more thorough safety and health management system processes.

Stage III – Reassess, Monitor, and Improve

This is the Virginia Challenge and VADOC Challenge stage in which the participant site’s safety and health management system has been fully implemented and the site is continuing to assess its effectiveness and improving its performance where necessary.



VADOC CHALLENGE

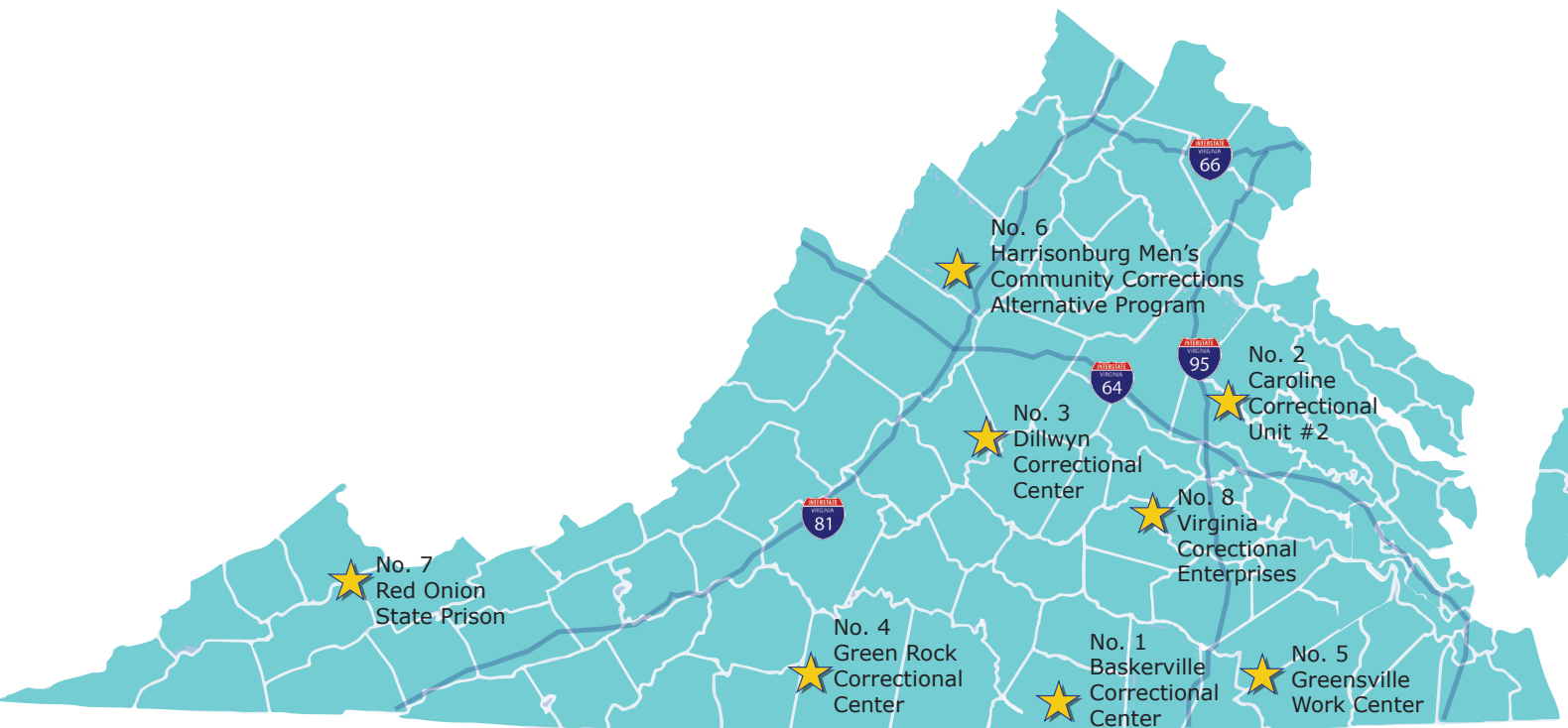


The Department of Labor and Industry (DOLI) and the Virginia Department of Corrections (VADOC) signed a strategic partnership on August 16, 2018, incorporating Challenge concepts to work with the VADOC to bring additional correctional facilities/operations into Virginia VPP. Two VADOC facilities have already achieved STAR status, Augusta Correctional Center and Lunenburg Correctional Center. These sites are only correctional facilities recognized as VPP STAR in the nation. A copy of the August 17, 2018, news release can be found at: https://www.doli.virginia.gov/wp-content/uploads/2018/08/VADOC-Challenge-News-Release_08.16.18.pdf

The VADOC Challenge Program is designed to encourage and recognize all VADOC facilities that voluntarily implement highly effective safety and health management systems to benefit VADOC employees and reduce or eliminate injuries, illnesses, and fatalities at VADOC sites in Virginia.

In 2020, VADOC Challenge approved its first eight (8) applications from VADOC facilities all across Virginia. These include:

- 1) Baskerville Correctional Center
- 2) Caroline Correctional Unit 2
- 3) Dillwyn Correctional Center
- 4) Green Rock Correctional Center
- 5) Greenville Work Center
- 6) Harrisonburg Men's Community Corrections Alternative Program
- 7) Red Onion State Prison
- 8) Virginia Correctional Enterprise HQ



division of policy and planning

The Division of Policy and Planning in 2020

The Office of Policy, Planning, and Public Information (OPPPI) provides planning, program policy and development, and other procedural assistance to the Department's Occupational Safety and Health program and its related policy board, the Safety and Health Codes Board. It is also responsible for assisting in the development of the administrative policies of the Department as well as having responsibility for its overall strategic planning functions.

I. MAJOR ACCOMPLISHMENTS DURING CALENDAR YEAR 2020:

- Reviewed existing documents and agency plans;
- Revised 10 Program Directives for the VOSH Program dealing with inspection or enforcement procedures standards, compliance assistance, and state emphasis programs;
- Worked with Region III OSHA to coordinate program policy, regulatory adoption and maintenance of the Virginia State Plan for Occupational Safety and Health, including maintenance of the federal standards and instructions, logs;
- Continued development of draft amendments to the Administrative Regulation Manual for the VOSH Program, and drafted updates of other Program publications, such as Employer's Rights and Responsibilities Following a VOSH Inspection, and the VOSH Inspection Closing Conference Guide;
- Worked with the Assistant Commissioner and Program Directors to update other internal agency policies.
- Coordinated with the Divisions of Legal Support, Occupational Safety, and Occupational Health, as needed, on regulatory issues, new standards development, and the development of performance measures, where needed;
- Updated VOSH Program Directives and related manuals for internal distribution and final posting on the Virginia Regulatory Town Hall website.

II. SAFETY AND HEALTH CODES BOARD SUPPORT AND REGULATORY ACTIONS IN 2020:

- Provided direct support to the Safety and Health Codes Board, which held public meetings on March 5, June 29, July 7, July 15, September 30, and November 12, 2020.
- OPPPI assisted the Board with the following:

A. Adoption of federal OSHA Identical Final Regulations for use by the VOSH Program.

- Amendment to Respiratory Protection Standard, 1910.134, revising Appendix A regarding additional ambient CNC Quantitative Fit Testing Protocols.
- Amendment to Administrative Regulation 16VAC25-260 for the Virginia Occupational Safety and Health Program making miscellaneous changes.
- Initiation of a Notice of Intended Regulatory Action (NOIRA) to adopt a regulation on Health Illness Prevention.
- Adoption, review, and consideration of a revised draft and proposed amendments to an Emergency Temporary Standard to address the SARS-CoV-2 Virus and COVID-19 Disease hazards for all employees and employers under the jurisdiction of the Virginia Occupational Safety and Health program, 16VAC25-220.
- Conducting a public hearing to discuss 16VAC25-220, Proposed Permanent Standard: Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19.
- Amendment to the Occupational Exposure to Beryllium for General Industry Standard, 1910.1024, to clarify certain provisions and simplify or improve compliance.
- Amendment to the Occupational Exposure to Beryllium for Construction and Shipyards Standard, 1915.1024, to more appropriately tailor the requirements of the construction and shipyards standards to the particular exposures in these industries in light of partial overlap between the beryllium standards' requirements and other Federal OSHA standards; to more closely align the shipyards and construction standards to the general industry beryllium standard with respect to the medical definitions and medical surveillance requirements, where appropriate; and to clarify certain requirements with respect to materials containing only trace amounts of beryllium.
- Revision to the Cranes and Derricks in Construction Standard, 1926.1400 and 1926.1442, to provide additional clarity for employers in the railroad industry, including contractors, who may be unfamiliar with the legal implications of Federal Railroad Administration's (FRA) action.

B. Notice of Periodic Review of Certain Existing Regulations:

- 16 VAC 25-11, Public Participation Guidelines
- 16 VAC 25-180, Virginia Field Sanitation Standard, Agriculture

The Division of Legal Support in 2020

The Division 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
- Assisting divisions in the development of policies and procedures, regulations, standards, and statutory changes.

Activities

Division of Legal Support Activities for calendar year 2020

Categories	
Freedom of Information Act Requests	449
Litigation Activities	743
Significant Case Pre-Citation Reviews	496
Contested Case Review Activities	327
Subpoenas	12
Settlement Agreement Activities	252
Final Orders	42
Warrants	6
Total	2,327



administration and financial services

Administration and Financial Services in 2020

The Division of Administrative and Financial Services

- Executive Management;
- Human Resources;
- Accounting, budgeting, financial management and compliance (including grants);
- Information Technology;
- Telecommunications;
- Asset, contract and facilities management;
- Purchasing;
- General service support; and
- Regional/Field Office Administrative Support

The Department's operating budget for fiscal year 2020 (July 1, 2019 - June 30, 2020) was \$18.44 million (\$10.67 million General Fund, \$7.77 million Non-General Fund) with an authorized employment level of 190 positions. The Department of Labor and Industry's funding came from State General Fund Appropriations, Federal Funds from the U. S. Department of Labor, and Special Revenue Funds from various sources including Indirect Cost Recoveries, Asbestos/Lead Project Permit Fees, Voluntary Protection/Compliance Grant Matching Funds, and Registration fees for the Virginia Occupational Safety and Health Conference. The Department's programs contributed significant revenues to the state that offset program costs. For fiscal 2020, the Department's revenues represented 66% of

annual agency expenditures. (FY2020 Total Revenues \$11,165,256; Total Expenditures \$16,976,736.) These revenues were a combination of fees collected in the Boiler and Asbestos programs, federal grants, and penalties collected by the Department's Virginia Occupational Safety and Health and Labor and Employment Law Divisions.

During State fiscal year 2020, the Department of Labor and Industry maintained a central headquarters, with seven regional and field office sites to provide services throughout Virginia. Despite COVID19 challenges for agency programs, the Department continued to have a tremendous positive impact by promoting safe and healthy workplaces; protecting children from hazardous employment; developing job training opportunities through registered apprenticeship; supporting best employment practices; and assuring safe operation of boiler and pressure

Descriptive Note:

Personal Services - Includes Salaries/Fringe Benefits.

Contractual Services - Includes Virginia Information Technology Infrastructure and Telecommunications Expenses, Postage, Training, Travel, and other contractual services.

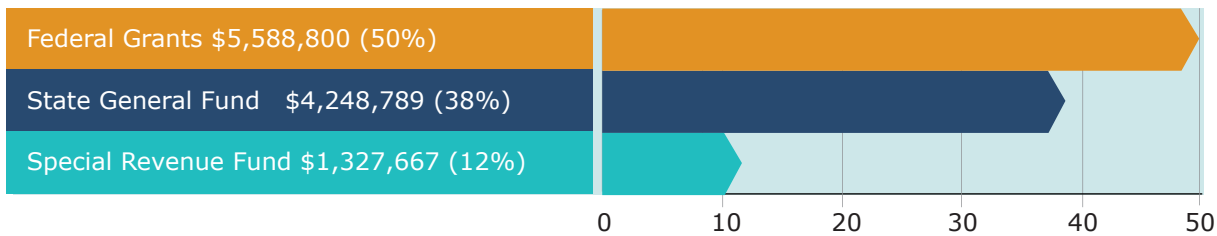
Supplies - Includes General Office Supplies.

Transfer Payments - Includes Federal Indirect Cost Accounting Entry.

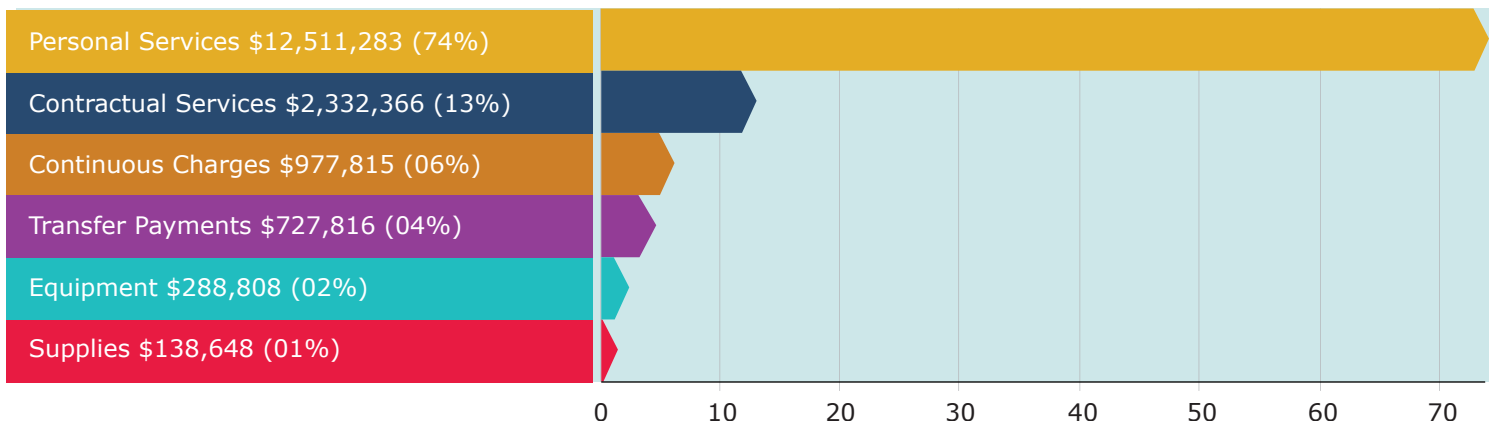
Continuous Charges - Includes Building and Equipment (Copier) Rentals and Workers Compensation Insurance.

Equipment - Includes Office Furniture and Field Equipment.

TOTAL FY2020 REVENUE (\$11,165,256)



TOTAL FY2020 EXPENDITURES (\$16,976,736)



Human Resources in 2020

The Division of Human Resources (DHR) 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 wellbeing of Virginia's workers.

HR Support during the COVID-19 Pandemic

Calendar year 2020 was an extremely challenging year for the employees of this agency due to the threat of COVID-19 to our workforce. DHR was very involved with providing support to employees directly and indirectly affected by COVID by assisting them in applying for leave under the state's Public Health Emergency Leave (PHEL) and the Families First Coronavirus Response Act. DHR also worked closely with senior management in developing and issuing the DOLI Safe Workplaces Guidance to all employees.



Recruitment

DHR is responsible for the recruitment and selection process for the agency. DOLI has been consistently recognized by the Department of Human Resource Management as one of the Think 50 Super Star agencies by filling our vacant positions in 50 days or less. This year the fill time was 56 days due to the COVID pandemic. We continue our efforts to fill vacant positions with well-qualified applicants in a timely way to achieve an excellent level of customer service.

Charitable Work

DHR led the annual agency CVC Campaign again last year with DOLI employees gifting \$6,508 to the CVC, representing a 32% increase over the previous year. This successful campaign is a reflection of the care and concern of our employees for those less fortunate than themselves.

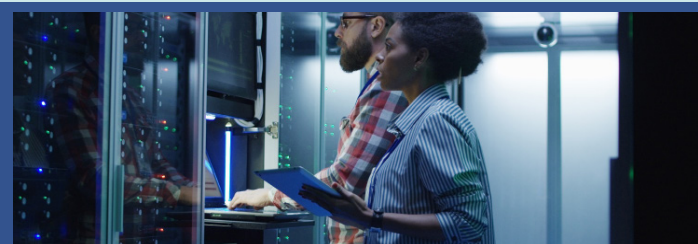


Our Veterans

DOLI continues to employ a significant number of veterans in its workforce. Although the V-3 Program no longer grants an annual award for state agencies employing the highest percentage of veterans in its workforce, DOLI has received the V3 Governor's Award in the past and is proud that 14% of its current workforce are veterans!

Training and Development

Training and career development opportunities for employees continue to be an important component of our recruitment and retention strategies. DHR encourages personal and professional development and supports educational opportunities for its staff as a reflection of a commitment to life-long learning. By taking advantage of no-cost seminars, training sessions, and forums we have continually increased our knowledge base as well as remained current on changes in the HR field.



Registered Apprenticeship

Registered Apprenticeship continues to be a program of emphasis in DOLI and DHR has joined other agency programs by sponsoring its first apprentice in the Division. Our Apprentice successfully completed his Apprenticeship providing a higher level of subject matter expertise and HR support for the agency.

DOLI Office Locations

-  Headquarters
-  Regional Office
-  Field Office

Southwest Regional Office
Brammer Village
 3013 Peters Creek Road
 Roanoke, Virginia 24019
 Phone: (540) 562-3580

The Southwest Regional, Lynchburg and Abingdon Field Offices provide service to businesses and employees in the counties of Alleghany, Amherst, Appomattox, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Lee, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazwell, Washington, Wise, Wythe, and the cities of Abingdon, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, and South Boston.

Verona Field Office
 201 Lee Highway
 Verona, Virginia 24482
 Phone: (540) 248-9280
 Fax: (540) 248-9284

The Verona Field Office provide service to businesses and employees in the counties of Albemarle, Arlington, Augusta, Bath, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, Highland, Loudoun, Madison, Nelson, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Stafford, Warren, and the cities of Alexandria, Charlottesville, Fairfax, Falls Church, Fredericksburg, Harrisonburg, Manassas Park and Staunton, Waynesboro, and Winchester.

Northern Virginia Regional Office
 9400 Innovation Drive, Suite 120
 Manassas, Virginia 20110
 Phone: (703) 392-0900

The Northern Virginia Regional Office and Verona Field Office provide service to businesses and employees in the counties of Albemarle, Arlington, Augusta, Bath, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, Highland, Loudoun, Madison, Nelson, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Stafford, Warren, and the cities of Alexandria, Charlottesville, Fairfax, Falls Church, Fredericksburg, Harrisonburg, Manassas, Manassas Park and Staunton, Waynesboro, and Winchester.

Central Virginia Regional Office
 North Run Business Park
 1570 East Parham Road
 Richmond, Virginia 23228
 Phone: (804) 371-3104
 Fax: (804) 371-3166

The Central Virginia Regional Office provides service to businesses and employees in the counties of Amelia, Brunswick, Buckingham, Caroline, Charles City, Chesterfield, Cumberland, Dinwiddie, Essex, Fluvanna, Goochland, Hanover, Henrico, King & Queen, King George, King William, Lancaster, Louisa, Lunenburg, Mecklenburg, Middlesex, New Kent, Northumberland, Nottoway, Powhatan, Prince Edward, Prince George, Richmond, Spotsylvania, Westmoreland, and the cities of Colonial Heights, Hopewell, Petersburg, and Richmond.

Headquarters Office
Main Street Centre Bldg.
 600 East Main Street, Suite 207
 Richmond, Virginia 23219
 Phone: (804) 371-2327

Lynchburg Field Office
 3704 Old Forest Road, Suite B
 Lynchburg, Virginia 24501
 Phone: (434) 385-0806 to 09
 Fax: (434) 385-0848

The Southwest Regional, Lynchburg and Abingdon Field Offices provide service to businesses and employees in the counties of Alleghany, Amherst, Appomattox, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Lee, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazwell, Washington, Wise, Wythe, and the cities of Abingdon, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, and South Boston.

Abingdon Field Office
 The Johnson Center
 468 East Main Street, Suite 114
 Abingdon, Virginia 24210
 Phone: (276) 676-5465 Ext. 101
 Fax: (276) 676-5461

The Southwest Regional, Lynchburg and Abingdon Field Offices provide service to businesses and employees in the counties of Alleghany, Amherst, Appomattox, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Lee, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazwell, Washington, Wise, Wythe, and the cities of Abingdon, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, and South Boston.

Tidewater Regional Office
 Interstate Corporate Center,
 Building 6
 6363 Center Drive, Suite 101
 Norfolk, Virginia 23502
 Phone: (757) 455-0891
 Fax: (757) 455-0899

The Tidewater Regional Office provides service to businesses and employees in Hampton Roads and on the Eastern Shore. The region includes the counties of Accomack, Gloucester, Greensville, Isle of Wight, James City, Mathews, Northampton, Southampton, Surry, Sussex, and York, and the cities of Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg.

