

Virginia Department of Labor and Industry Annual Report

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Virginia Department of Labor and Industry Annual Report

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Executive Summary

This annual report contains statistical information derived from the programs and activities of the agency during 2021.

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Message from the Commissioner

I am pleased to present to you the Virginia Department of Labor and Industry annual report. 2021 was a year of unprecedented challenges and one which emphasized the importance of our mission to promote safe, healthy workplaces in our Commonwealth. Our team of dedicated professionals continued to partner with a wide array of clients and stakeholders in support of best employment practices, job training opportunities through registered apprenticeships, the protection of children from hazardous employment, and the safe operation of boiler and pressure vessels, even as their work required creativity and flexibility in response to the uncertainties posed by the pandemic.

Registered Apprenticeship

The number of individuals receiving certificates of completion increased 38% over the previous year, from 1,265 to 1,740. Similarly, the number of employers and sponsors participating in registered apprenticeship programs increased by 15%, from 2,333 to 2,678. At an average cost to the agency of \$103 per year per registered apprentice served, the return on investment is appreciable.

COVID-19 Emergency Temporary Standard

On March 21, 2022, the Safety and Health Codes Board repealed the "Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus that Causes Covid-19." This decision was widely welcomed as it signaled that Virginia was once again open for business.

Virginia Occupational Safety and Health (VOSH)

Safety and Health Compliance Officers performed 1,848 inspections which resulted in the identification and correction of approximately 11,580 hazards, investigated approximately 2,583 employee complaints and referrals, of which 612 resulted in inspections. Staff investigated 54 fatalities, down from 57 last year.

Cooperative Programs

Staff promoted increased safety awareness through consultation services and voluntary protection programs by responding to 323 requests from small employers looking to create or improve their injury and illness prevention programs. The Safety and Health Achievement Recognition Program (SHARP), Virginia STAR, Virginia Challenge, Virginia BUILT, and Building Excellence in Safety, Health, and Training (BEST), all promote exceptional safety and health management initiatives that go beyond minimum statutory and regulatory standards.

Labor and Employment Law

Staff handled more than 60,600 requests for assistance from the public, a 21% increase over the previous year; received 701 claims for unpaid wages and determined that \$552,869 in unpaid wages were due to

claimants; processed 26,479 employment certificate applications, a 43% increase over the previous year; investigated 1,169 employment certificate applications and 73 complaint reports of violations; and processed 269 applications for theatrical permits for youth performers.

Boiler and Pressure Vessel Safety

Staff issued approximately 32,350 certificates of inspection for boiler and pressure vessel equipment as part of our mandate to protect life, property, and infrastructure.

In addition to the external challenges for which our agency is continually prepared, we anticipate that the next year will require considerable work in the areas of human resources, information technology, and administrative and financial services. We are committed to attracting the best talent possible, and to modernizing our infrastructure and customer interfaces in order to improve the level of service we provide to our fellow Virginians.

Sincerely,

Gary G. Pan
Commissioner

About the agency

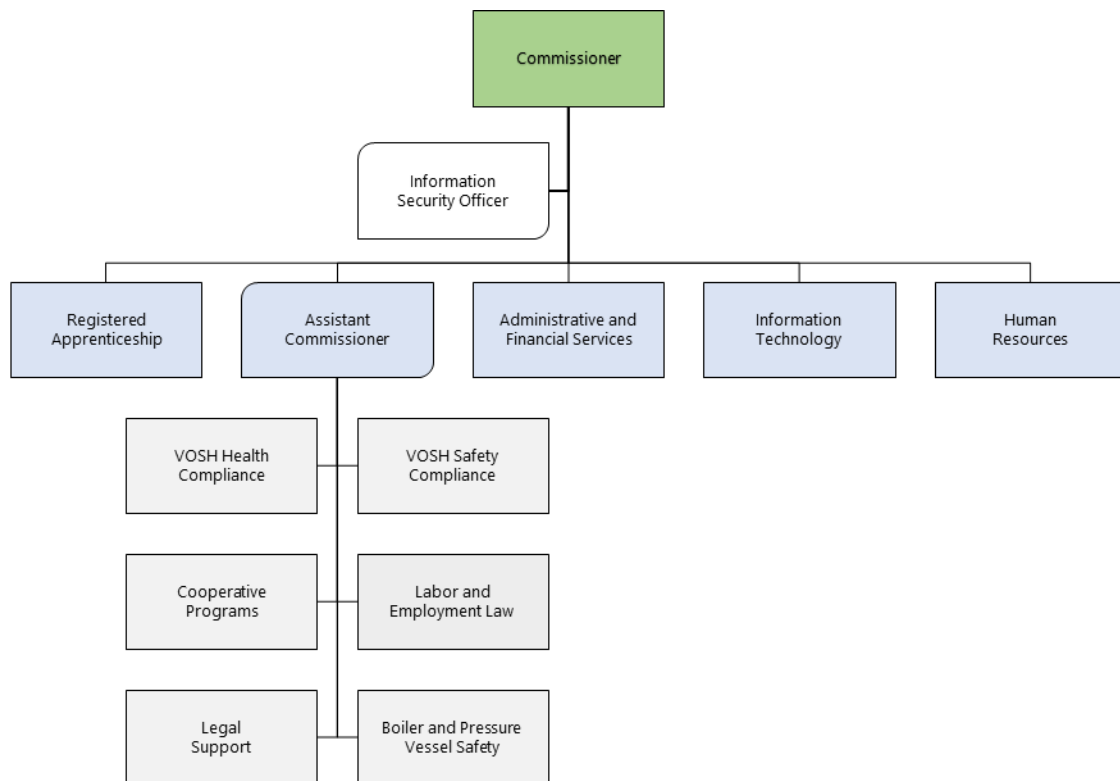
The Virginia Department of Labor and Industry (DOLI) is one of four agencies in the Secretariat of Labor. We are tasked with promoting healthy workplaces, best employment practices, job training opportunities through registered apprenticeships, the protection of children from hazardous employment, and the safe operation of boilers and pressure vessels. In addition to our headquarters in Richmond, we operate four regional offices located in Manassas, Norfolk, Henrico, and Roanoke, as well as three field offices in Abingdon, Lynchburg, and Verona.

Generally speaking, our services fall in the following broad categories:

- Administrative and support services
- Boiler and pressure vessel safety
- Labor and employment law services
- Registered Apprenticeship
- Virginia Occupational Safety and Health

Our budget for the year was \$19,719,127 which included \$11,630,408 in general funds, and \$8,088,719 in nongeneral funds. Our maximum employment level was 208 positions.

Organizational chart



Registered Apprenticeship

The **Virginia Registered Apprenticeship** program is an occupation-specific training model that produces highly skilled workers to meet the demands of employers competing in a global economy. On-the-job training and related technical instruction provide work-based, paid job experience that meets the talent needs of employers in a variety of industries, from skilled trades to high technology.

As a full-fledged employee of a sponsoring company, a registered apprentice completes a minimum of 2,000 hours of supervised on-the-job training, and a minimum of 144 hours of related technical instruction for each year of apprenticeship. The total duration of training varies depending on the complexity of the chosen field. The sponsor provides on-the-job training through qualified journeymen, but related technical instruction may also be provided through a community college, at a vocational and technical center, virtually, or, in some instances, at the place of employment.

Metric	2020	2021	Change
Number of apprentice individuals served			
Beginning	10,632	11,108	4%
New	3,872	4,146	7%
Canceled	1,856	1,802	-3%
Certificates of completion issued	1,265	1,740	38%
Total	17,625	18,796	7%
Number of employers/sponsors in good standing			
Baseline	2,063	2,358	14%
New	270	320	19%
Total	2,333	2,678	15%

Youth Registered Apprenticeship (YRA)

This particular initiative is carried out in partnership with the Virginia Department of Education for the purpose of providing work-based learning opportunities for Virginia students. Staff adapted to the challenges posed by COVID-19 and made extensive use of virtual platforms to stay connected by local school divisions which allowed students enrolled in apprenticeship

programs to meet their continued on-the-job training requirements. Specific local partners involved in joint projects included Hanover County and Roanoke County public school systems. These localities, as well as others, were early adopters of YRA as an approved work-based learning path toward graduation requirements. Such local partnerships are essential to the success of the apprenticeship program. Overall, 23 of Virginia's 133 school districts, or 17%, participate in YRA. This is one area that holds significant potential for expansion in the near future.

Staff also participated in the 2021 National Apprenticeship Week. The focus this year was the promotion of initiatives to encourage Virginia the opportunity to enter the workforce arena while attending high school.

CRAFT – Commonwealth Registered Apprenticeship Future Talent

Registered Apprenticeship staff continue to plan, coordinate, and deliver activities and services funded through a \$1.6 million federal grant that targets returning citizens, youth, and women. The program had 297 participants at the end of the year, in high-demand industries including information technology, health care, manufacturing, agriculture and hospitality.

Workforce relationships

The division leverages federal grants made available through the US Department of Labor to provide foundational education related to registered apprenticeship for all workforce partners, including increasing the partners' understanding how the apprenticeship programs can meet the needs of job seekers and businesses. During the year, efforts to enhance and expand relationships continued with the following organizations:

- Adult Education
- Department for Aging and Rehabilitative Services
- Department for the Blind and Vision Impaired
- Department of Veterans Services
- Local Economic Development
- Local Workforce Development Boards
- Network2Work
- Offshore Wind - Workforce Development Committee
- Virginia Economic Development Partnership
- Virginia Employment Commission
- Virginia Energy Workforce Consortium (VEWC)

Staff continued to explore expanding our working relationships with economic developers at both the local and state levels for the purpose of providing companies being targeted by the

developers with information regarding how Registered Apprenticeship may play a role in their employee development strategies.

Virginia Apprenticeship Council

Pursuant to Va. Code §40.1-117, the Governor is authorized to appoint the Apprenticeship Council. The Council, which is composed of four representatives each from employer and employee organizations, the Commissioner of the Virginia Employment Commission, the Chancellor of the Virginia Community College System, and a local superintendent from a school division that provides apprenticeship-related instruction. The purpose of the Council is to establish standards for apprentice agreements.

DOLI staff provides support to the Council. During the year, the Council met to hear from a variety of stakeholders, including Council member agencies and other state agencies such as the Department for Aging and Rehabilitative Services and the Department of Professional and Occupational Regulation, as well as non-governmental entities such as the Virginia Assisted Living Association, and electrician representatives which is one of the most-largely represented occupations in Registered Apprenticeship.

The meetings provided a forum for concerned parties to share concerns and offer suggestions regarding mandatory testing, discuss job growth in new and growing fields where registered apprentices are needed and would prosper, and assess reports regarding employment and economic climate. An ongoing topic of discussion into the next year will be the possible exemption from the examination process.

Virginia Occupational Safety and Health

Safety and Health Compliance

The Virginia Occupational Safety and Health (VOSH) Compliance Division administers occupational safety and health activities according to the state plan agreement between the VOSH Program and the US Department of Labor Occupational Safety and Health Administration (OSHA), as required by § 40.1-1 of the Code of Virginia, for general industry, agriculture, construction, and the public sector.

Services offered by the division include enforcement of occupational safety and health statutes; administration of the whistleblower protection program; overseeing asbestos and lead notification and permits; collection of injury, illness, and fatality data; providing consultation and training services; and coordinating voluntary protection programs.

VOSH conducts safety inspections in response to accidents, complaints, and referrals, as well as risk-based compliance initiatives using Worker's Compensation First Reports of Injury to investigate falls, struck-by, amputations, and other serious accidents. Staff also promotes increased safety awareness in the construction sector, particularly with respect to scaffolding, the use of heavy equipment, and trenching.

During the year, VOSH Safety and Health Compliance Officers performed 1,848 inspections which resulted in the identification and correction of approximately 11,580 hazards, investigated approximately 2,583 employee complaints and referrals, of which 612 resulted in inspections.

The number of fatalities investigated by VOSH staff decreased slightly from the previous year, from 57 to 54. These figures do not include COVID-19 related workplace deaths. The primary causes were employees struck by objects, equipment or vehicles, being caught-by, caught-in, or caught-between objects, equipment, or vehicles, and falls. Agency efforts to reduce the incident of fatalities include delivery of safety messages in multiple languages.

Cooperative Programs

The agency invests considerable time, effort, and resources providing consultation services and coordinating voluntary protection programs.

Consultation Services

Through the Virginia On-site Consultation Program, we offer free and confidential occupational safety and health advice to small and medium-sized businesses across the state who request our assistance, with priority given to high-hazard worksites. On-site Consultation services, which are funded 90% by OSHA, do not lead to penalties or citations. Rather, employers find out about potential hazards at their worksites, improve their occupational injury and illness prevention programs, decrease workers' compensation costs, maintain productivity, and may qualify for a one year exemption from general schedule VOSH inspections. During the year, staff responded to requests from small employers looking to create or improve their injury and illness prevention programs by conducting 323 visits to worksites, with particular emphasis on construction and manufacturing worksites.

One particular on-site consultation program that is widely respected across Virginia is the **Safety and Health Achievement Recognition Program (SHARP)** which recognizes small business employers who operate exemplary injury and illness prevention programs. Current SHARP sites include:

- Auxiliary Systems Inc., Norfolk
- Campostella Builders and Supply Corp., Norfolk

- Coperion Corporation, Wytheville
- Engineering Development Laboratory, Inc., Newport News
- Huntington Ingalls Industries Technical Solutions Division, Newport News
- Innovative Refrigeration Systems Inc., Lyndhurst
- J.S. Purcell Lumber Corporation, Louisa
- Lake Prince Woods, Suffolk
- Murdock Acquisition, LLC/BC Wood Products, Ashland
- Riddleberger Brothers, Inc., Mount Crawford
- SKF Lubrication Systems USA, Hampton
- Swisslog Logistics, Inc., Newport News
- Town of Christiansburg
- Virginia Panel Corporation, Waynesboro

Voluntary Protection Programs

DOLI recognizes that enforcement alone can never fully achieve the objectives of the occupations safety and health statutes. To that effect, our Voluntary Protection Programs promote exceptional safety and health management initiative that go beyond minimum statutory and regulatory standards. The programs promote 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 that allows businesses to be more productive and competitive.

Voluntary protection programs include **STAR**, which relies heavily on employer self-assessments and requires a thorough application and assessment process. To qualify for Virginia STAR, a site must operate a comprehensive safety and health management system that includes four essential elements, including management leadership and employee involvement, worksite analysis, hazard prevention and control, and safety and health training. A key metric of the success of the program is that recipients of the STAR recognition typically post injury and illness rates that are 50% below the rate of their counterparts in their respective industries. Current STAR sites include:

- Augusta Correctional Center, Craigsville
- Babcock & Wilcox Co., Newport News
- Cargill Turkey Production, LLC - Harrisonburg Feed Mill, Harrisonburg
- Cargill Turkey Production, LLC Harrisonburg Hatchery, Harrisonburg
- Cintas Location #143, Chester
- Cintas Location #385, Culpeper
- Cintas Location #391, Portsmouth
- Covanta Alexandria/Arlington, Inc., Alexandria

- Covanta Fairfax, Inc., Lorton
- Delta Air Lines DCA Station, Arlington
- Dominion North Anna Power Station, Mineral
- Dominion Surry Power Station, Surry
- Eastman Performance Films. Fieldale
- Emerson Machine Automation Solutions, Charlottesville
- Huber Engineered Woods, LLC, Crystal
- International Paper Richmond Container, Richmond
- Johns Manville - Hamilton Plant, Richmond
- Lockheed Martin, Manassas
- Luminant Hopewell Power Plant, Hopewell
- Lunenburg Correctional Center, Victoria
- Marvin Windows and Doors, Roanoke
- Mitsubishi Chemical Advanced Materials, Wytheville
- MolsonCoors, LLC, Elkton
- NAES – Southampton Power Station, Franklin
- NIBCO, Inc., Stuarts Draft
- Printpack, Williamsburg
- Raytheon Company - Chesapeake Depot, Norfolk
- Raytheon Company Dulles, Dulles
- Sartomer Chatham Arkema Group, Chatham
- Solenis, LLC, Suffolk
- Sunoco, Virginia Beach
- Sysco Northeast Redistribution Center, Front Royal
- Sysco Virginia, LLC, Harrisonburg
- Tenaska Virginia Generating Station, Scottsville
- Toray Plastics (America), Inc. – PEF Division, Front Royal
- United Airlines Dulles Airport Operations, Dulles

A voluntary protection program that is complementary to STAR and which provides employers with a roadmap for eventual Virginia STAR designation is the **Virginia Challenge Program**. This program supports DOLI's mission to reduce fatalities, injuries, and illnesses in the workplace by engaging a volunteer network of safety and health professionals to provide guidance and assistance to others in the development of their own safety and health management systems. The Virginia Challenge Program provides flexibility for a diversity of general industry employers with three levels of participation and provides recognition for employers that complete each stage and demonstrate incremental improvements on their path to attaining Virginia STAR.

DOLI and the Virginia Department of Corrections (VADOC) signed a strategic partnership in 2018 that incorporates concepts of the Virginia Challenge Program to promote safety at Virginia's correctional facilities. As a result of that partnership, two VADOC facilities --the Augusta and Lunenburg correctional centers-- are the only two correctional facilities in the nation to have received the STAR workplace safety STAR designation. During the year, eight other VADOC facilities participated in the VADOC Challenge. Those facilities include:

- Baskerville Correctional Center
- Caroline Correctional Unit2
- Dillwyn Correctional Center
- Green Rock Correctional Center
- Greensville Work Center
- Harrisonburg Men's Community Corrections Alternative Program
- Red Onion State Prison
- Virginia Correctional Enterprise HQ

The **Virginia BUILT** is a strategic partnership between the agency and the Associated Builders and Contractors of Virginia (ABCVA). The partnership 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. Key components of the program include mentorship and the association's own safety training evaluation process. Participating association members measure their safety processes and policies on 24 different criteria.

The **Building Excellence in Safety, Health and Training (BEST)** program is a unique model for partnering with general contractors to improve site safety in the construction sector.

Labor and Employment Law

The Labor and Employment Law Division administers and enforces laws that govern pay, assignment of wages, minimum wages, overtime wages, employment of children, anti-retaliation, right to work, prevailing wage, non-compete, and human trafficking poster requirements, and certain other statutes related to employment in the Commonwealth. 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, nine Compliance Officers (including 5 registered Apprentices), two Assistant Compliance Officers, a Prevailing Wage Analyst, and a part time Assistant Compliance Officer. Staff focuses on payment of

wages, anti-retaliation, and youth employment. Compliance staff are located in the Headquarters, Central, Norfolk, and Verona offices.

Labor and Employment Law

A number of new labor laws went into effect in 2021. They include:

- **Virginia Overtime Wage Act (Va. Code § 40.1-29.2)** The law creates an obligation for employers to pay employees who work over 40 hours in a week an overtime premium of 1.5 times their regular rate. It also adopts the procedure from Virginia's Payment of Wage Law, and allows for liquidated damages of an amount equal to the unpaid overtime wages in addition to potential civil monetary penalties and criminal liability for willful violations.
- **Paid Sick Leave (Va. Code §§ 40.1-33.3 – 33.6)** The law requires employers of home health workers to provide paid sick leave to their employees, paid out at the same hourly rate and the same benefits the employee normally earns.
- **Virginia Prevailing Wage Law (Va. Code § 2.2-4321.3)** The law requires contractors on state-funded construction projects of at least \$250,000 to certify that they are paying the prevailing wage rate – set by the U.S. Department of Labor – and requires state agencies to request rates for projects ten-to-twenty days before they go out for bids. It also requires contractors to post the prevailing wage rates at the job site where employees have access. The statute also allows for localities to opt-in to the prevailing wage law, where they can also request rates from the agency and have their contractors subject to the law. During the year, the agency responded to 162 wage determination requests.
- **Virginia Minimum Wage Law (Va. Code §§ 40.1-28.8-12)** The minimum wage increased to \$9.50 an hour. The law is now enforced by DOLI. Previously, the US Department of Labor enforced the minimum wage law because the wage amount was the same at the federal and state levels.

Client Services

During the year, staff received more than 60,600 requests for assistance from the public, a 21% increase over the number of requests over the previous year. The requests come in the form of e-mails, telephone calls, client visits, and US mail. Email inquiries increased 38% and letters inquiries increased 57% over the previous year. More than 5,000 requests for assistance involved employment concerns related to COVID-19.

Wage Investigations

The Division received 701 claims for unpaid wages and conducted 798 related investigations this year. Compliance Officers determined \$552,869 in unpaid wages were due to claimants (see Wages Due). The Division collected a total of \$329,764 in back wages for workers in 2021 through investigations and informal conferences. Final Orders for civil monetary penalties payable to the state's General Fund of \$30,550 were entered against employers that refused to comply with the Payment of Wage Act, § 40.1-29 of the Code of Virginia.

Youth Employment

Youth employment laws protect the health, welfare, and safety of children 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 increased 43% this year. The Division received and processed 26,479 employment certificate applications. Compliance Officers investigated 1,169 employment certificate applications and 73 complaint reports of violations. The total number of penalty violations cited were 358.

The most common violation by employers was the failure to maintain Proof of Age documents for youth workers. Compliance Officers conducted 499 youth employment, compliance inspections. Civil Monetary Penalties in the amount of \$82,870 were issued to employers for failing to comply with youth employment laws and regulations. Civil Monetary Penalties of \$30,765 were collected in 2021. Theatrical Permits for youth performers decreased this year as much of the Commonwealth's entertainment industry remained closed. The Division processed 269 applications for youth performers in 2021.

Legal Support

The Division of Legal Support provides general legal services and technical support to agency divisions, including litigation, legislation, and contracts, among others. The division includes the **Office of Research and Analysis (ORA)**, which conducts the Bureau of Labor Statistics (BLS) annual Survey of Occupational Injuries and Illnesses (SOII) and the Census of Fatal Occupational Injuries (CFOI) for Virginia, **the Office of Policy, Planning and Public Information (OPPI)**, which handles strategic planning, policy development, agency communication initiatives and regulatory promulgation for agency divisions, and the **Office of Whistleblower Protection**

(OWP), which investigates complaints of discrimination from employees alleging retaliatory actions by employers for engaging in occupational safety and health protected activities, including raising a workplace safety or health concern with their employer).

Staff spends considerable time and effort reviewing and processing VOSH contested cases, other significant cases including pre-citation review of fatality and proposed willful citation cases, formal settlement agreements, administrative search warrant requests, as well as subpoenas for documents and testimony. Division legal staff also litigates 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. Staff also coordinates agency responses to requests for information under the Virginia Freedom of Information Act, and assists agency personnel in the development of policies and procedures, regulations, standards, and statutory changes. Key metrics for the year included:

- Significant Case Pre-citation Reviews - 683
- Warrants - 1
- Contested Case Review Activities - 79
- Settlement Agreement Activities - 164
- Final Orders - 37
- Subpoenas - 10
- Litigation Activities - 347
- Freedom of Information Act Requests - 398

Research and Analysis

The 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 data is not typically released for two years prior to the publication date.

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.

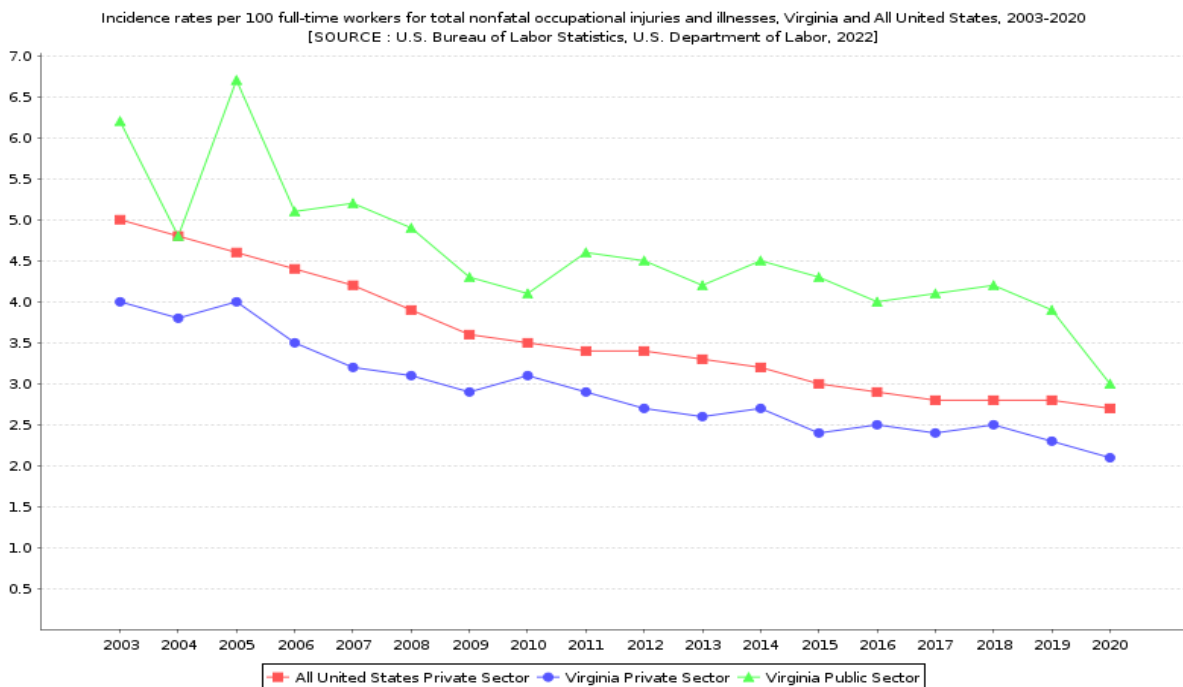
The Survey of Occupational Injuries and Illnesses

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.

Non-Fatal Occupational Injuries and Illnesses in Virginia

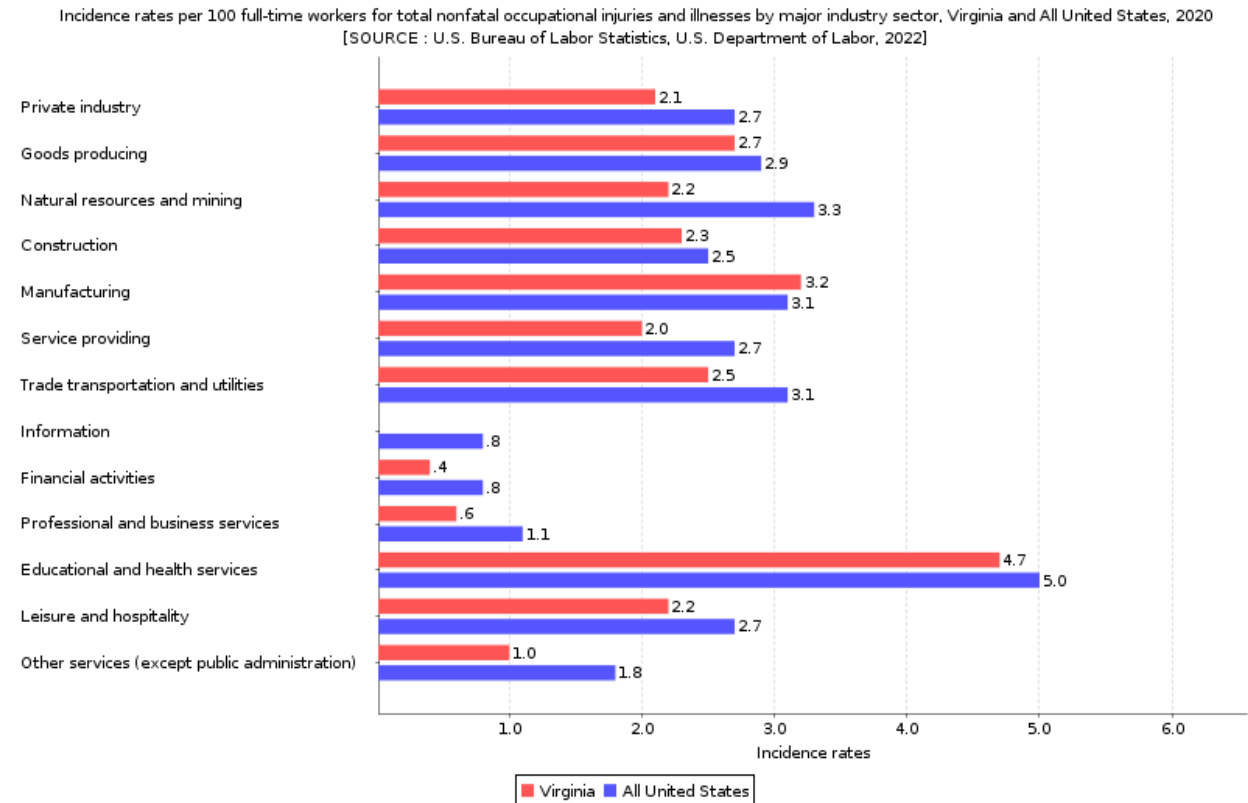
The incidence rate for non-fatal occupational injuries and illnesses is calculated as the number of injuries and illnesses per 100 full-time equivalent (FTE) workers during a calendar year. Counts and incidence rates for days away from work cases are presented at a different precision level than for 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 2020 in Virginia, there were approximately 52,600 nonfatal workplace injuries and illnesses reported by private industry employers, occurring at a rate of 2.1 cases per 100 FTE workers. Nationally, the incident rate for the private sector was 2.7 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 2020 were educational and health services; manufacturing; and trade, transportation, and utilities.



Educational and Health Services in Virginia

Within educational and health services, health care and social assistance had the highest incidence rate in Virginia with 5.0 cases per 100 FTE, accounting for 16,400 total recordable cases. Nationally, the 2020 private industry injury and illness rate in this industry was 5.5 cases per 100 FTE workers. There were 7,600 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 2.3 cases per 10,000 FTE workers in 2020. The health care and social assistance facilities with the highest incidence rates in Virginia were the nursing care facilities with a rate of 16.1 cases per 100 FTE worker followed by psychiatric and substance abuse hospitals with an incidence rate of 13.4.

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 or lowering accounted for many of the injuries and illnesses.

Manufacturing in Virginia

Nationally, the 2020 private industry incidence rate in the manufacturing sector was 3.1 cases per 100 FTE workers, while the Virginia manufacturing sector had a private industry incidence rate of 3.2 cases in 2020. There were 2,900 occupational injuries and illnesses that resulted in days away from work in this sector in Virginia at a rate of 1.3 cases per 10,000 FTE workers. The subsectors with the highest incidence rates within Virginia's manufacturing sector were wood product manufacturing and fabricated metal product manufacturing, both with an incidence rate of 4.4 cases per 100 FTE workers.

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

Trade, Transportation, and Utilities in Virginia

In Virginia, the 2020 private industry incidence rate in the trade, transportation, and utilities sector was 2.5 cases per 100 FTE workers; nationally, the rate was 3.1 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 2020. Transportation and warehousing had the highest incidence rate within the trade, transportation, and utilities sector with an incidence rate of 3.0 cases per 100 FTE workers. The incidence rates in transportation and warehousing ranged from 1.9 cases per 100 FTE workers in truck transportation to 4.7 cases per 100 FTE workers in couriers and messengers.

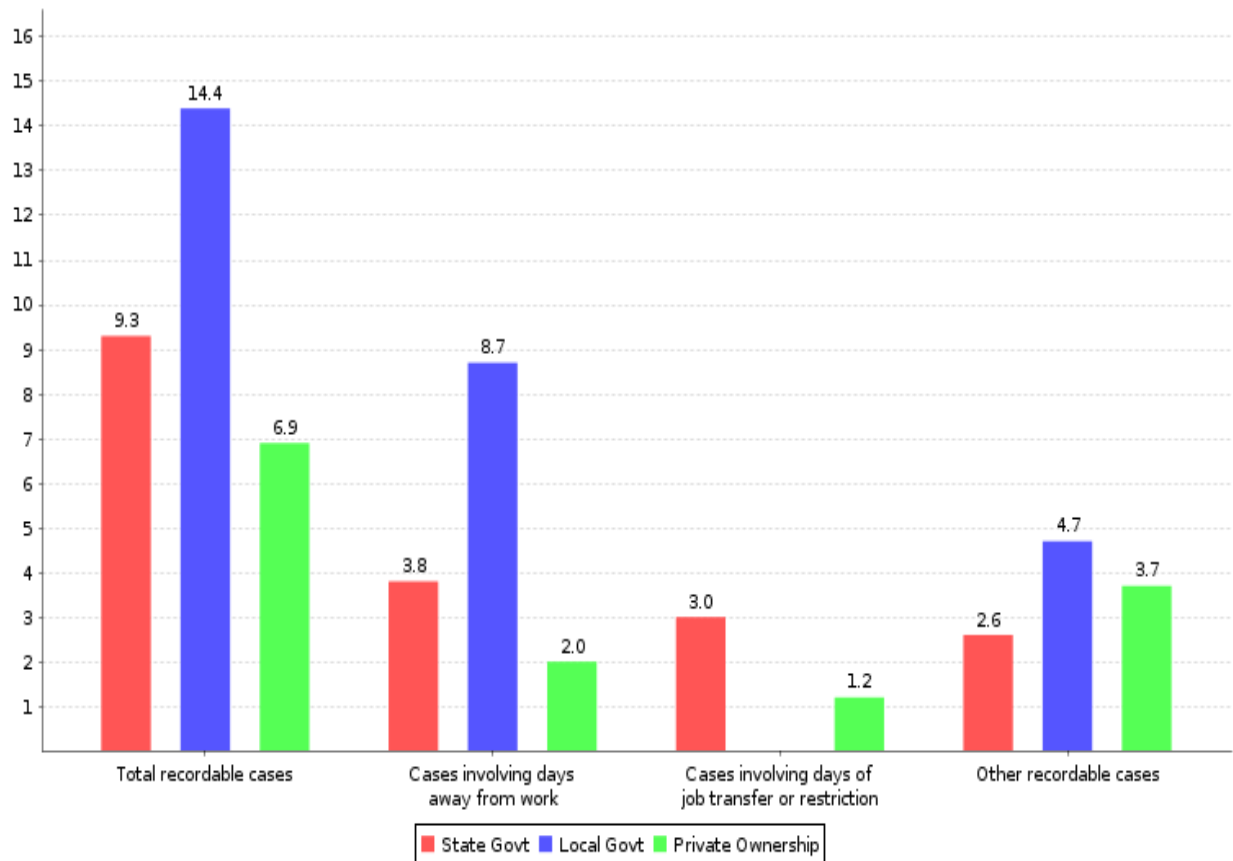
Sprains, strains, tears; soreness, pain; and bruises, contusions accounted for more than half of the injuries and illnesses among days away from work cases in this sector. The most common events that occurred within the days away from work cases were being struck by an object or equipment, overexertion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

State and Local Employee Occupational Injuries and Illnesses Rates

Nationally, the 2020 occupational incidence rate in state and local government combined was 3.9 cases per 100 FTE workers. The incidence rate in Virginia among this group was 3.0 per 100 FTE workers. Within state government, health care and social assistance had the highest incidence rate with 8.6 cases per 100 FTE workers, while in local government, health care and social assistance had the highest with 5.2 cases per 100 FTE workers.

Common injuries and illnesses among state and local government workers included soreness, pain, and sprains, strains, tears. Falls on the same level and being struck by an object or equipment were the most frequent events.

Incidence rates of occupational injuries and illnesses in hospitals (NAICS 622) by ownership and case type, Virginia, 2020
 [SOURCE : U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2022]

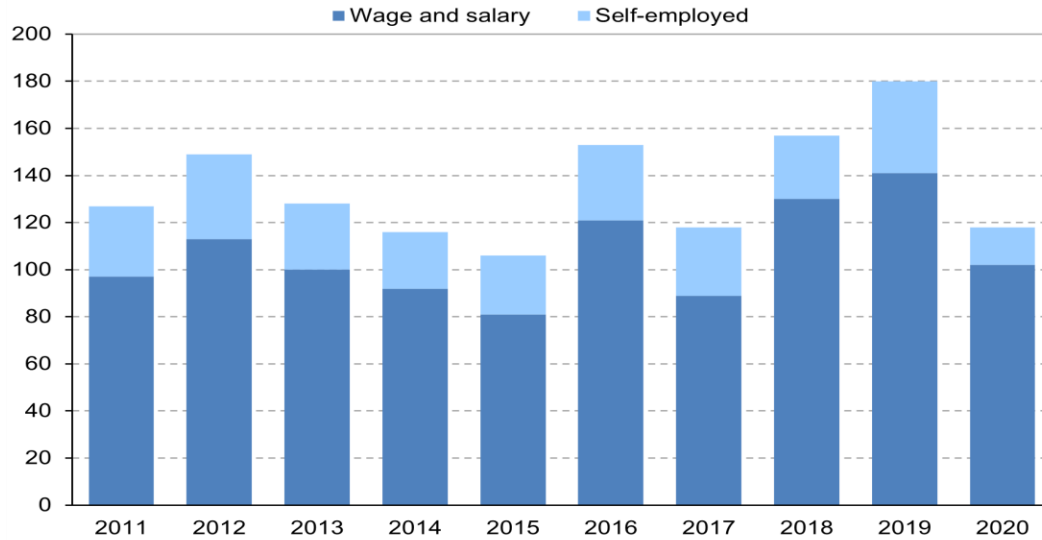


Fatal Occupational Injuries and Illnesses in Virginia

The Virginia CFOI reported a total of 118 work-related fatalities in the Commonwealth in 2020, a decrease of 62 from the previous year and the lowest number recorded since 2017 when 118 fatal work injuries were also reported. Fatal occupational injuries in the state have ranged from a high of 186 in 2005 to a low of 106 in 2015. (See chart 1.)

Nationwide, a total of 4,764 fatal work injuries were recorded in 2020, an 11-percent decrease from the 5,333 in 2019, according to the results from the CFOI program. The 4,764 fatal occupational injuries in 2020 represents the lowest annual number since 2013.

Chart 1. Number of fatal occupational injuries by employee status, Virginia, 2011–20



Source: U.S. Bureau of Labor Statistics.

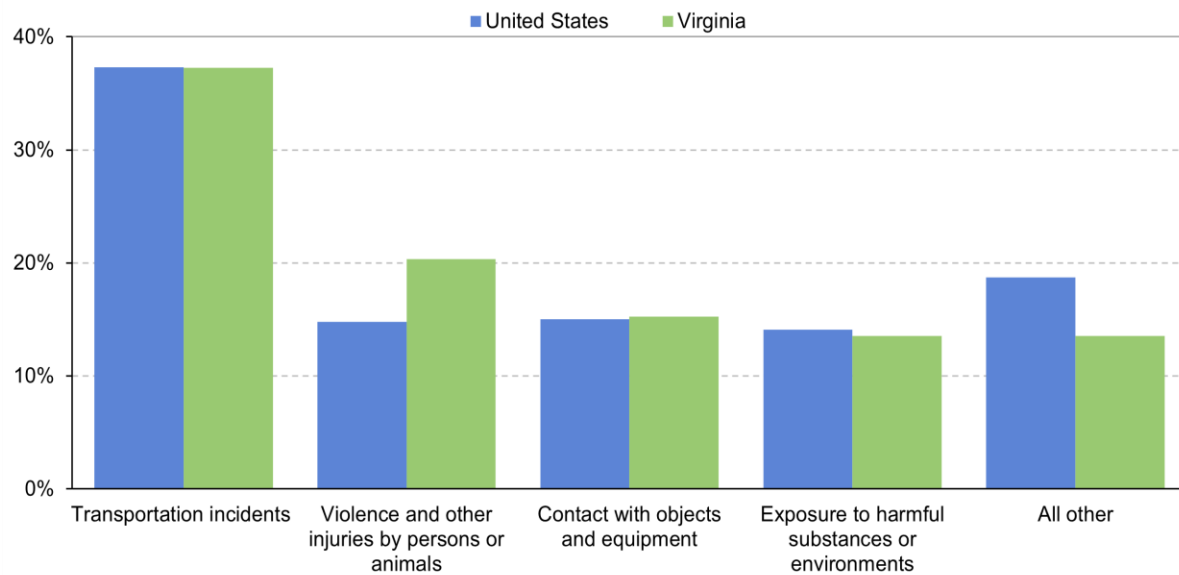
Type of Incident

In Virginia, transportation incidents resulted in 44 fatal work injuries while violence and other injuries by persons or animals accounted for 24 fatalities. These two major categories accounted for 58 percent of all workplace fatalities in the state. The number of worker deaths from transportation incidents decreased by 14 over the year while the number of worker fatalities due to violence and other injuries by persons or animals decreased by 24. In the transportation incidents category, 34 percent of the 44 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 18 fatalities, followed by exposure to harmful substances or environments with 16. Half of the 18 fatalities in the contact with objects and equipment category were due to being struck by an object or equipment. Within exposure to harmful substances or environments, unintentional overdose from nonmedical use of drugs or alcohol accounted for 10 of the 16 fatal work injuries.

Nationally, transportation incidents was the most frequent fatal workplace event in 2020, accounting for 37 percent of fatal work injuries. Falls, slips, and trips was the second-most common fatal event (17 percent). (See chart 2.)

Chart 2. Percent distribution of total fatal occupational injuries by event, United States and Virginia, 2020



Source: U.S. Bureau of Labor Statistics.

Industry

The private transportation and warehousing sector had the largest number of fatalities in Virginia with 28. Transportation incidents was the most frequent fatal event in the transportation and warehousing sector, accounting for 20 worker deaths.

The private construction industry accounted for 24 workplace fatalities during 2020, followed by the private agriculture, forestry, fishing, and hunting sector with 17. Exposure to harmful substances or environments was the most frequent fatal event in construction, accounting for 6 fatalities, while contact with objects and equipment was the most frequent fatal event in the agriculture, forestry, fishing, and hunting sector with 7 fatalities.

Occupation

Transportation and material moving occupations and construction and extraction occupations had the highest numbers of workplace fatalities in 2020 with 42 and 24, respectively. The majority of the fatalities within the transportation and material moving group were motor vehicle operators with 35 worker deaths. Construction trades workers accounted for 15 of the 24 fatalities among construction and extraction workers.

Additional Highlights

Men accounted for 93 percent of the work-related fatalities in Virginia, similar to the national share. (See table 1.) White, non-Hispanic workers accounted for 59 percent of those who died from a workplace injury. Black or African American, non-Hispanic workers made up 22 percent of

Virginia’s fatal injuries at work, while Hispanic or Latino workers made up 15 percent of the fatalities. Nationwide, White, non-Hispanic workers accounted for 61 percent of work-related deaths, while non-Hispanic Black or African American workers and Hispanic or Latino workers represented 11 and 23 percent of the national share, respectively.

Workers 55-65 years and older accounted for almost 40 percent of the state’s work-related fatalities in 2020, higher than the national share of 36 percent. Of the 118 fatally injured workers in Virginia, 86 percent worked for wages and salaries; the remainder were self-employed.

Table 4. Fatal occupational injuries by selected demographic characteristics, Virginia, 2019–20

Worker characteristics	2019	2020	
	Number	Number	Percent
Total	180	118	100
Employee status			
Wage and salary workers ¹	141	102	86
Self-employed ²	39	16	14
Gender			
Men	161	110	93
Women	19	8	7
Age³			
20 to 24 years	13	9	8
25 to 34 years	26	22	19
35 to 44 years	25	20	17
45 to 54 years	34	20	17
55 to 64 years	48	25	21
65 years and over	30	21	18
Race or ethnic origin⁴			
White, non-Hispanic	122	70	59
Black or African-American, non-Hispanic	34	26	22
Hispanic or Latino	17	18	15
American Indian or Alaska Native, non-Hispanic	--	--	--
Asian, non-Hispanic	4	--	--
Native Hawaiian or Pacific Islander, non-Hispanic	--	--	--

¹ 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.

² 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.

³ Information may not be available for all age groups.

⁴ Persons identified as Hispanic or Latino may be of any race. The race categories shown exclude data for Hispanics and Latinos. 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. For complete information on how the data are coded and presented see our definitions page at <https://www.bls.gov/iif/oshcdef.htm>. Dashes indicate no data reported or data that do not meet publication criteria. CFI fatal injury counts exclude illness-related deaths unless precipitated by an injury event.

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

Policy, Planning, and Public Information

The Office of Policy, Planning, and Public Information 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. Major accomplishments during the year included:

- Comprehensive review of documents and agency plans;
- Revised for 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; manuals for internal distribution and final posting on the Virginia Regulatory Town Hall website.

Support to Safety and Health Codes Board, and regulatory activity

Staff provided direct support to the Safety and Health Codes Board, which held public meetings or hearings on August 5, 2021, August 26, 2021, December 3, 2021, February 16, 2022, March 14, 2022, and March 21, 2022. OPPPI assisted the Board with the following:

- A Public Hearing on August 5, 2021, held for the purpose of considering 16VAC25-220, Proposed Amendments to Permanent Standard for Infectious Disease Prevention of the SARS-CoV2 Virus that Causes COVID-19, as adopted by the Virginia Safety and Health Codes Board on June 29, 2021. This meeting was offered in-person and virtually.
- A Regular meeting on August 26, 2021, held for the purpose of discussing recommended revisions to the Proposed Amendments of the VOSH Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220.

- A Regular meeting on December 3, 2021, held for the purpose of presenting 16VAC25-10, Proposed Regulation for Heat Illness Prevention. In this meeting a Notice of periodic review for six existing regulations was presented to the Board.
- Notice of Periodic Review of Certain Existing Regulations:
- 16 VAC 25-20, Regulation Concerning Licensed Asbestos Contractor Notification, Asbestos Project Permits, and Permit Fees;
- 16 VAC 25-30, Regulations for Asbestos Emissions Standards for Demolition and Renovation Construction Activities and the Disposal of Asbestos-Containing Construction Wastes – Incorporation by Reference 40 CFR 61.140 through 61.156;
- 16 VAC 25-40, Standard for Boiler and Pressure Vessel Operator Certification;
- 16 VAC 25-70, Virginia Confined Space Standard for the Telecommunications Industry;
- 16 VAC 25-97, Reverse Signal Procedures – General Industry – Vehicles/Equipment Not Covered by Existing Standards; and
- 16 VAC 25-160, Construction Industry Standard for Sanitation
- The Office also organized and supported Heat Illness Prevention Standard Regulatory Advisory Panel meetings on August 4, 2021, and August 11, 2021. The panel consisted of 40 members who were assembled for the purpose of assisting the Department’s VOSH program in identifying and analyzing issues associated with the development of the proposed regulatory language to be considered by the Board.
- An Emergency meeting on February 16, 2022, held pursuant to Governor’s Executive Order 6, issued January 15, 2022, for the purpose of the board to discuss the continued need for the Virginia Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220.
- *Governor's Executive Order 6, issued January 15, 2022:*
The Safety and Health Codes Board is to convene an emergency meeting of their membership to discuss whether there is a continued need for the "Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19." The board is directed to consider federal action in regard to the Occupational Safety and Health Administration Emergency Temporary Standard. The Board should report its findings to the Governor within 30 days.
- A Public Hearing on March 14, 2022, held for the purpose of consideration of 16VAC25-220, Proposed Revocation to Permanent Standard for Infectious Disease Prevention of the SARS-CoV2 Virus That Causes COVID-19 as adopted by the Virginia Safety and Health Codes Board ("Board") on February 16, 2022, pursuant to Va. Code §40.1-22(6a).
- A Regular meeting on March 21, 2022, held for the purpose of consideration of the Proposed Revocation of the Permanent Standard for Infectious Disease Prevention of the SARS-CoV2 Virus That Causes COVID-19, 16VAC25-220, as adopted by the Virginia Safety

and Health Codes Board ("Board") on February 16, 2022, pursuant to Va. Code §40.1-22(6a).

Boiler and Pressure Vessel Safety

For the Fiscal year to date, The Boiler Safety Division of DOLI has processed (8,588) Inspections reports, resulting in (7,163) Certificates being issued. In addition, Boiler Safety issued (565) Violations and collected (\$142,860.00) in Certificate Fees. The Boiler and Pressure Vessel Safety Division of DOLI reported a total of 74,468 objects registered in Virginia. During the year, the Division issued 32,346 inspection certificates and generated approximately \$710,000 in fees which were deposited into the general Fund. Office staff has continuously attended several meetings and offered both ideas and suggestions to help with the modernization efforts as we work towards a common goal of updating and modernizing day to day operations of the Boiler Safety Division. We also continue to work closely with both Insurance and Contract Fee inspection companies in order to maintain conformity of inspections throughout the Commonwealth, thus making Virginia a safer place for both its citizens as well as its visitors.

The agency's Boiler and Pressure Vessel Safety Division (Division) protects human life, property, and infrastructure by seeking compliance with applicable laws and regulations regarding the installation, certification, safe operation, maintenance, and repairs of industrial boilers and pressure vessels throughout the Commonwealth.

Division staff consists of one director, one senior boiler inspector, one boiler inspector, one office manager, and three program support technicians. The budget for fiscal year 2022 was \$592,191.

The boilers and pressure vessels, collectively called "objects," are used in many settings, including power plants, hospitals, large factories, office complexes, apartments, wineries, restaurants, laundry and dry cleaners, automobile repair shops, and many other establishments.

The complexity of these systems varies greatly based on their application, but a shared concern is the possibility of catastrophic failure if the systems are not installed, maintained, serviced, or repaired in accordance with exacting technical requirements and national standards.

There are approximately 75,000 boilers and pressure vessels in Virginia that are subject to the inspection and certification requirements of the Boiler and Pressure Safety Act (Act), Va. Code § 40.1-51.5 et seq. Of the more than 30 categories used to track objects, the top five categories include air tanks (30.5%), water tube boilers (10.6%), hot water heaters (9.5%), CO2 tanks (9.2%), and cast iron boilers (7.7%).

The frequency of inspection is dictated the Boiler and Pressure Vessel Regulations, 16 VAC 25-50, which are promulgated by the Virginia Safety and Health Codes Board. Typically, objects are inspected either annually or biannually. Division staff routinely sends reminders to our clients to ensure they make timely arrangements for renewal inspections. This is currently done by letter but we expect to implement electronic notifications sometime during the next fiscal year.

Staff provides extensive consulting guidance to industry, investigates incidents, and collaborates with partners and stakeholders at the state and local level. However, staff does not conduct inspections. Rather, inspections are handled by insurance companies that issue boiler and pressure vessel policies, by private contract fee inspectors, and by owners and users of objects who obtained inspection commissions from the agency. Currently, there are 12 insurance companies and ten contract fee companies authorized to inspect objects in Virginia.

During fiscal year 2022, the inspection companies submitted reports that resulted in the issuance of 32,346 inspection certificates. Seventeen of the 22 entities submitted approximately 54% of the inspection reports to the agency in electronic format utilizing an outdated third-party inspection system, and the remaining five entities submitted approximately 46% of the reports in paper form. The processing of paper reports requires extensive, non-valued added work for staff who must manually enter the inspection information into the reporting system, which the agency is currently evaluating options to modernize.

Following the review of a satisfactory inspection report, the agency invoices the owner or user of the object in the amount prescribed by the regulations, generally \$20 per object. Upon receipt of payment, the agency mails the corresponding inspection certificate. The agency is currently evaluating options to transmit the inspection certificate electronically.

During fiscal year 2022, the division generated \$710,240 in fees. Pursuant to Va. Code § 40.1-51.15(C), the Commissioner of DOLI transfers these fees to the State Treasurer for deposit into the general fund.

Staff also issues notices of violation which prevent the issuance of certificates until the owner or operator of the affected object demonstrates or affirms that the underlying deficiency has been corrected. The agency is currently evaluating options to expand the consulting services offered to our clients, and to enhance the quality control and auditing of inspection reports in efforts to maximize the number of satisfactory initial and renewal inspections.

The Division continues to work closely with stakeholders in order to ensure the conformity of boiler and pressure vessel inspections throughout the Commonwealth, thus making Virginia a safer place for its citizens, workforce, and visitors alike.

Select Statistics – Fiscal year 2022

Number of active objects registered in Virginia	74,468
Number of inspections certificates issued for boiler and pressure vessel objects	32,346
Number of insurance companies conducting inspections	12
Number of contract fee companies conducting inspections	10

Administrative and Financial Services

The Division of Administrative and Financial Services performs the following Agency-wide functions to support the Agency mission and programs:

- 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 2022 was \$22.17 million (\$14.08 million General Fund, \$8.09 million Non-General Fund) with an authorized employment level of 203 positions.

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 2022, the Department's revenues represented 62% of annual agency

expenditures. (FY2022 Total Revenues \$12,059,636; Total Expenditures \$19,519,850) 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 the year, the agency maintained a central headquarters, with seven regional and field office sites to provide services throughout Virginia.

Information Technology and Telecommunications

The IT Department has started its major modernization project. The main piece of the project includes developing all new Microsoft Dynamics applications to replace our legacy Oracle systems. Other parts of the project cover upgrading our state wide legacy pots phone system to new VOIP technology. These changes along with updating our agency website will vastly improve how the public interacts with the agency as well as how we interact with the public.

Information Technology Security

In accordance with Information Technology Resource Management Standard SEC502, DOLI has completed the Information Security Audits for all Agency sensitive systems. Audits began March 2022 and concluded July 2022. The Agency provided input and support during the review process and will continue to incorporate security management into the development and implementation process during IT enhancements to all automation projects. DOLI is dedicated to security in all phases of automation including adoption and updating of technology, data policies, standards compliance and will follow guidelines for information technology and related systems. The Agency will also use IT systems that contain sensitive information as inputs to the prioritization in the Agency's Business Impact Analysis.

Human Resources

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 2021 continued to be an extremely challenging period 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). DHR also worked closely with our Regional and Program Directors to promote the safety and health of our employees to prevent employee COVID exposures. Fortunately, during the COVID pandemic DOLI employees experienced no hospitalizations or deaths. This is due in large part to the precautions taken by our employees and the safety protocols implemented by the agency.

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 49 days. 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 \$6,505.00 to the CVC, which closely matches last year's contributions. 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 12% 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 DHR team members have continually increased our knowledge base as well as remained current on changes in the HR field.

Transition to Cardinal

Throughout the year, HR, in collaboration with Finance, helped prepare the Agency for the eventual transition to Cardinal, the Commonwealth's new system for human resource, health benefit, time and attendance and payroll administration.