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# ANNUAL REPORT 2011

DEPARTMENT OF LABOR AND INDUSTRY

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# MESSAGE FROM THE COMMISSIONER

**Courtney M. Malveaux**  
Commissioner

## Message from the Commissioner

I am pleased to present DOLI's 2011 Annual Report and look forward to a great year ahead. We continue to strengthen our agency's programs and strive to make Virginia a safe, healthy, and productive place to work. We will continue to work with employers that seek to strengthen their safety and health programs, allowing employees to return safely home every night to their families. DOLI will have the opportunity to increase the efficiency of the Virginia Occupational Safety and Health program by multiplying the size and expertise of our Voluntary Protection Program. We will eventually have workers focused on several industries placed all over the Commonwealth.

DOLI will strive to continue its expansion of Registered Apprenticeship for both sponsors and apprentices as opportunities in emerging industries arise, particularly in energy and advanced manufacturing. The Boiler and Pressure Vessel Safety Division will continue its vigilance in its inspection of boilers and pressure vessels to ensure safe operation and to protect the property and lives of our citizens.

I welcome your comments and feedback as our agency continues to serve the citizens, employers and employees of the Commonwealth.

A handwritten signature in black ink that reads "Courtney M. Malveaux". The signature is fluid and cursive.

Courtney M. Malveaux



# REGISTERED APPRENTICESHIP



**Bev Donati**  
Director

## Apprenticeship in 2011

Modern Registered Apprenticeship combines carefully defined and employer-specific training under the guidance of a highly skilled mentor at the worksite. On-the-job training is supplemented with related classroom instruction. Upon successful completion, apprentices are awarded a Certificate of Completion. This certificate and journeyworker card is a portable credential that is recognized nationally and, when appropriate, allows the candidate to qualify for the licensing examination. Last year 2,550 Certificates of Completion were issued. In addition, 12,437 apprentices and 2,527 sponsors were active participants as the year ended.

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

## DOLI's Role

DOLI's Registered Apprenticeship staff includes a Division Director, Assistant Director, Program Support Technician Sr., and 10 Field Representatives. Field Representatives work from offices located in all regions of the state and are responsible for registering new sponsors and apprentices, helping sponsors develop industry apprenticeship programs, and providing ongoing customer service.

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

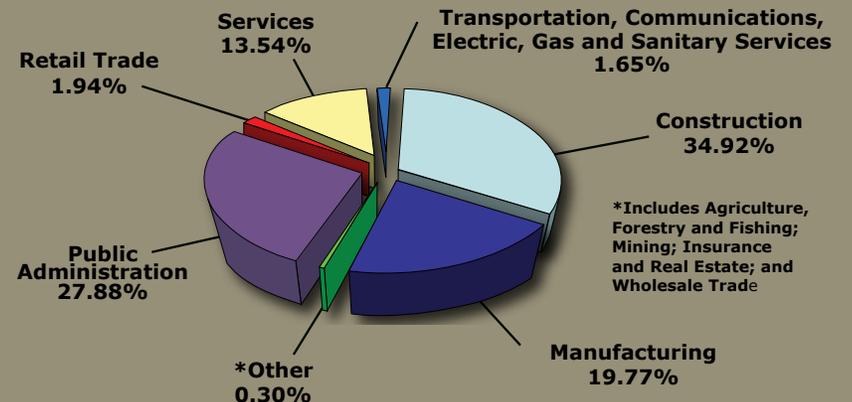
"...last year 2,550 Certificates of Completion were issued. In addition, 12,437 apprentices and 2,527 sponsors were active participants as the year ended."

## Apprenticeable Occupations

A sampling of industries and occupations that use Registered Apprenticeship as a method of workforce preparation and credentialing include:

- Machinists
- Opticians
- Welders
- Early Childhood Teachers
- Plumbers
- Wastewater Treatment Operators/Technicians
- Marine Service Technicians
- Electricians
- Cosmetology and Barbering
- Maintenance Mechanics
- Hospitality

**Virginia's Registered Apprentices by Industry  
Calendar Year 2011**



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





# VIRGINIA APPRENTICESHIP COUNCIL

**Apprenticeship Council**  
December Meeting

## The Virginia Apprenticeship Council

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

### Apprentice Testimonial

*"The opportunities the apprenticeship has offered me are beyond compare. I have learned a trade skill complete with on-the-job and classroom training, received a college education (Associates in Applied Science degree), and the opportunity for advancement within the organization. It is the best decision I ever made."*

*Kristine Grafton, Outstanding Apprentice, 2007  
Norfolk Naval Shipyard*



## Sponsor Testimonials

"Apprenticeship training has helped our company produce qualified and knowledgeable electricians for over 25 years and it assures the customer that they are getting a safe electrical system. We have found that apprenticeship training gives individuals a huge head start with their career in the electrical industry."

**Eric DuBose, L.E. Ballance Electrical Service, Inc.**

"In our industry, we need competent helpers and skilled tradespersons. As competition for such talent increases, Colonial Webb Contractors has taken a proactive approach to develop our people to prepare them for future opportunities, technical challenges and leadership roles. In short, we are growing our own."

**Bill Skelley, HR Colonial Webb Contractors**

"Wooldridge Heating & Air, Inc. has been a sponsor of the Virginia Apprenticeship Program since 1978. Our experience with apprenticeship has been very positive. In order to have the competitive edge in your industry, offer Registered Apprenticeship to your new hires; you both will benefit."

**Trisha Wooldridge, Wooldridge Heating & Air, Inc.**





DIVISION OF

# BOILER & PRESSURE VESSEL SAFETY



**Ed Hilton**  
Director

## Boiler Safety Compliance

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

In 2011, there were 35,975 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 2011, in a continuing effort to prevent accidents, Boiler Safety focused on finding unregistered objects in automobile industries, apartment buildings, and laundry and dry cleaning establishments. Over 8,800 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.

“....in 2011, there were 35,975 inspections of boilers and pressure vessels by insurance companies that are registered in Virginia.”

ACTIVITIES OF BOILER SAFETY	2009	2010	2011
Total Active Objects Registered	69,798	69,539	69,555
Acceptable Inspections (Certificates Issued)	34,683	37,574	35,843
Violations	497	463	622
Quality Control Reviews/Surveys	16	13	10
Incidents	2	1	1
Injuries	0	1	0
Fatalities	0	0	0
Inspector Applicants Passing Exams	3	0	4
Commissioned Inspectors	282	267	272







# LABOR AND EMPLOYMENT LAW



**Wendy Inge**  
Director

## Labor Law Division

The Labor and Employment Law Division administers and enforces the laws of the Commonwealth that govern pay, assignment of wages, minimum wages, employment of children, the right to work, and certain other statutes that relate to the workplace. The Division also provides consultation services to the public concerning garnishments and other court orders.

Division staffing includes a Director, an Assistant Director, two Child Labor Compliance Officers, and one Assistant Child Labor Compliance Officer located at the Agency's headquarters. Throughout the state, in the Agency's regional and field offices, there are three Labor and Compliance Officers and two Lead Compliance Officers, as well as one Compliance Operations Manager and an Assistant Labor and Employment Law Compliance Officer.

The division saw a 14% increase in requests for client services. Responses to over 37,000 requests for assistance from the public were completed this year (telephone calls, office visits, e-mail, and U. S. Mail). Each Division employee assisted more than 3,100 citizens this year.

In 2011, the Division received and processed 2,201 claims for unpaid wages and completed 1,423 investigations that alleged a violation of the Payment of Wage Law. This year, the Division met and exceeded its mandate to complete 90% of Payment of Wage investigations within 90 days or less by completing 99% of the investigations within the required timeline. Recovery of unpaid wages through investigations increased 25% this year to \$408,220.49. Additionally, \$21,212.00 in unpaid wages were received through collections actions.

"...the division saw a 14% increase in requests for client services. Responses to over 37,000 requests for assistance from the public were completed this year."

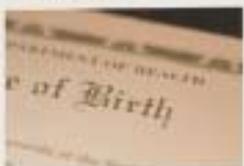
### CHILD LABOR COMPLAINT ANALYSIS 2011

Total number of child labor complaints investigated	36
Total number of child labor civil monetary penalties assessed	32
Total number of penalties issued for:	
Working without an Employment Certificate	16
Failure to keep time records	18
Working prohibited hours	41
Performing prohibited or hazardous occupations	22
Total amount received for penalties	\$17,355.80
Total number of Employment Certificates Issued	4,971
Total number Employment Certificates requiring investigation	1,839
Total number prohibited/hazardous occupations REVOKED	334

The Division processed 5,729 Employment Certificates and Theatrical Permits for youth workers in 2011. More than 15,500 forms were reviewed by Child Labor Compliance Staff to ensure youth were employed in permissible occupations. Compliance staff investigated more than 1,800 employment certificates resulting in the revocation of more than 330 certificates for hazardous or prohibited occupations. Instruction and educational training for 281 Issuing Officers was conducted throughout the state, and consultation was provided by staff to more than 2,500 Issuing Officers this year. Compliance Officers investigated 36 reports of alleged violations of laws and regulations. Citations were issued for 97 violations and assessed penalties of \$17,355.80 were collected. The 2011 annual child labor, educational outreach for employers resulted in over 1,000 site inspections conducted during a designed week in May. These efforts resulted in 37% more contacts by staff than in the previous year.



## Acceptable Documents for Proof of Age



- Birth Certificate or Attested Transcript of Live Birth
- Baptismal Record
- Insurance Policy at least One Year Old
- School Record
- Government Issued ID
  - Passport
  - State ID



# DIVISION OF COOPERATIVE PROGRAMS



**Jennifer Wester**  
Director

## Consultation Services

Consultation Services provides safety and health consultation to private and public sector employers with priority given to high hazard companies with 250 or fewer employees. In 2011, funded 90% by Federal OSHA, 10 DOLI consultants provided on-site safety and health services to 486 private sector employers. Within the public sector program, funded 50% by Federal OSHA, on-site services were provided to 18 employers. The following tables outline Consultation Services activities and occupational safety and health training programs conducted for both private and public sector employers. The total visit numbers show an increase for all of 2011 over 2010, as the program experienced a slight increase in consultants for the year.

In 2011, the consultation training section conducted 38 sessions of formal training opportunities for private sector employers throughout the Commonwealth.

### CONSULTATION PROGRAM ACTIVITIES

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Consultative Surveys (Private Sector)	431	442	486
Consultative Surveys (Public Sector)	14	12	18
Promotional Visits	71	81	108
Follow-Up Visits	8	10	4
Program Assistance Visits	9	21	23
Serious Hazards Abated	1,847	1,724	2,069
Serious Hazards Identified	1,394	1,724	2,069
Other-Than-Serious Hazards	330	253	384
<b>Total Hazards Identified</b>	<b>1,724</b>	<b>1,977</b>	<b>2,453</b>

### TRAINING PROGRAM ACTIVITIES

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Formal Training Sessions	63	65	38
Informal Training Sessions	431	425	486
Persons Trained	1,936	1,748	1,468
Employers Represented	1,017	961	623





# DIVISION OF COOPERATIVE PROGRAMS



**Milford Stern**  
VPP Coordinator

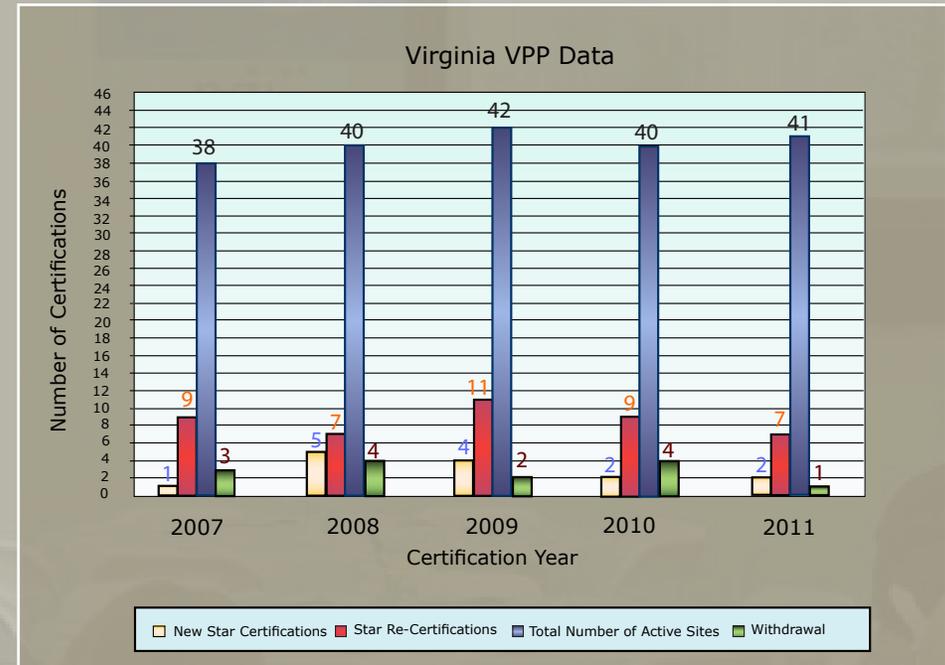
## Voluntary Protection Program

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

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

In 2011, our VPP goals were: continued growth in the number of Star worksites in Virginia and an increased level of involvement by Star sites, both in the area of mentoring and in participating as Private Industry Volunteers. There were 2 worksites that achieved Star status during the year bringing the total number of active sites to 41. However, there was one site that closed for business. A total of 7 sites were re-certified as Star status during 2011. In the spirit of VPP, over half of the current Star worksites were actively involved in mentoring new sites.

In January of 2012, a Special Government Employee (SGE) class for the Private Industry Volunteers was conducted in Virginia Beach, Virginia in conjunction with the U.S. Department of Labor's Region III and the Virginia Department of Labor and Industry. This class prepares volunteers from existing VPP sites to become VPP auditors. A total of 21 employees attended.



For 2012, there are three main objectives for Virginia's program:

- Continue increasing the number of Star sites that are actively involved in mentoring other sites. In view of the state's limited resources, this involvement leverages the skills and knowledge of Virginia's private employers to help the Agency achieve its goals.
- Increase the number of active Private Industry Volunteers. These individuals provide invaluable service to the program as site mentors, audit team members and as advocates for VPP.
- Increase the number of active Star sites in Virginia so that more companies may achieve the program's results of increased worker safety and health and improved employee morale.

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





# DIVISION OF COOPERATIVE PROGRAMS

**Warren Rice**  
Manager

## Safety & Health Achievement Recognition Program

The Safety and Health Achievement Recognition Program (SHARP) provides incentives and support to small, high hazard employers to work with employees to develop, implement, and continuously improve safety and health programs. To participate in the SHARP program, an employer must have one year of operating history and have Days Away Restricted/Transferred (DART) and Total Recordable Cases (TRC) below those of the latest published national average for that industry.

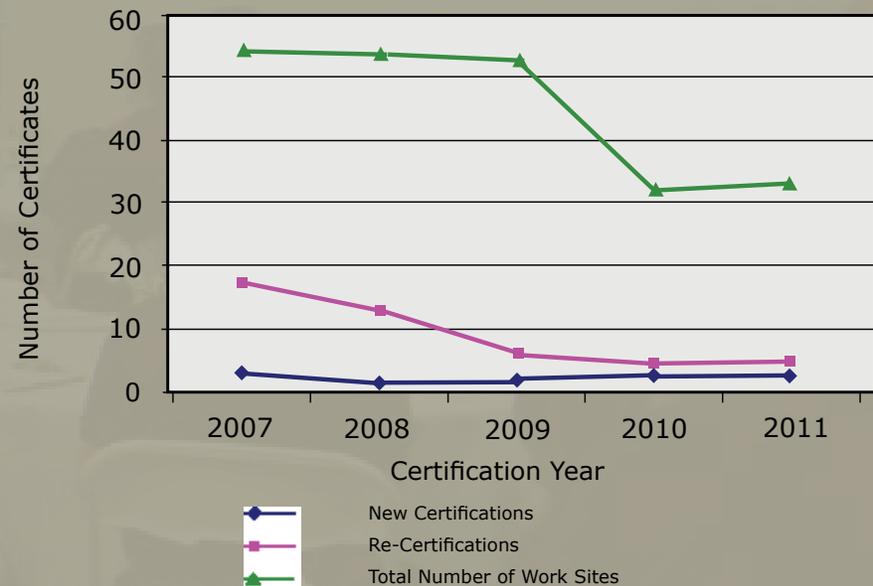
Numbers of certifications and re-certifications of SHARP worksites contribute to fewer hazards at those sites because these companies are recognized as exemplary worksites; thus, they are expected to experience fewer hazards.

To date, there are 33 active participants in the SHARP program. In 2011, two companies achieved SHARP status for the first time and four companies were re-certified into the program. There are also three companies in the deferral program with hopes of achieving SHARP status during 2012.

...“to date, there are 33 active participants in the SHARP program. In 2011, two companies achieved SHARP status for the first time and four companies were re-certified into the program.”

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

Virginia SHARP Data



# DIVISION OF COOPERATIVE PROGRAMS



## Annual Virginia Occupational Safety and Health Conference

The Sixteenth Annual Virginia Occupational Safety and Health Conference was held October 5-7, 2011 at the Renaissance Portsmouth Hotel and Waterfront Conference Center in Portsmouth, Virginia. The conference safety and health training sessions included updates on minimizing workers' compensation costs, chain saw safety, and trench and excavation safety awareness, among others. Occupational safety and health training, equipment and related products were displayed and demonstrated at 30 vendor exhibits.

Concurrent sessions also included opportunities to learn about the VPP Program, what to expect during a VOSH inspection, ergonomic interventions, and safely trimming trees around power lines. The Keynote Speaker Lori Rice, Ph.D., presented highway fatality research from Virginia Commonwealth University. Department Compliance Staff presented significant cases with unusual features for attendees.

The conference succeeded in reaching 244 attendees and is continuing to improve the variety of training sessions offered at an affordable price to employers, employees and occupational safety and health professionals in Virginia.

"...the conference succeeded in reaching 244 attendees and is continuing to improve the variety of training sessions offered at an affordable price to employers, employees and occupational safety and health professionals in Virginia."

**Vendor Show**



**General Sessions**



**Keynote Address**



**Awards**



**Networking**



EXIT

# STABILITY OF

THE ACTIVITY IN UNDERGROUND EQUIPMENT AND  
[www.undergroundstability.com](http://www.undergroundstability.com)



# DIVISION OF COOPERATIVE PROGRAMS



**Tom Sheppard**  
Statistical Analyst

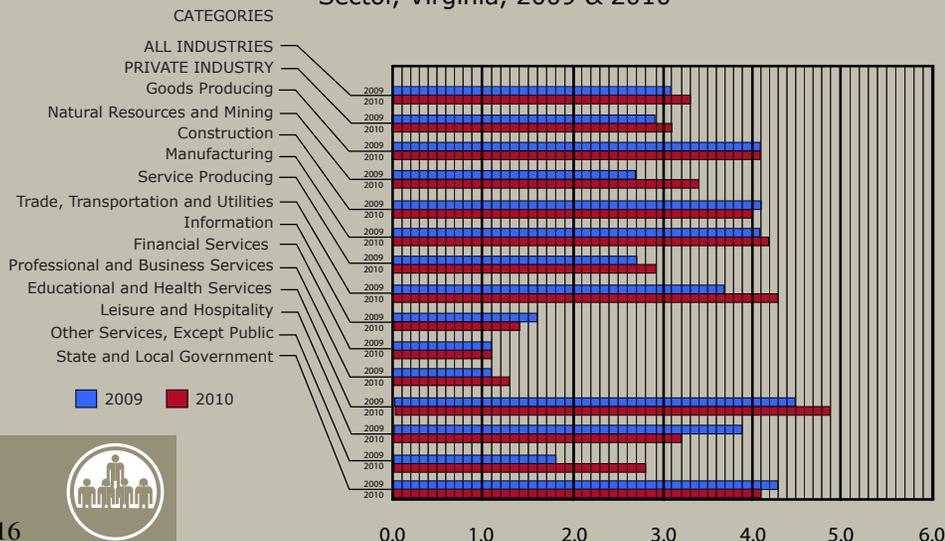
## Research and Analysis

In 2011, the VOSH Research and Analysis unit conducted the 40th Annual Survey of Occupational Injuries and Illnesses, collecting data for calendar year 2010 from 5,567 employers throughout the Commonwealth. The survey nationally reports injury and illness rates by industry for Virginia as well as for 55 other jurisdictions under cooperative agreements with the U.S. Department of Labor, Bureau of Labor Statistics (BLS).

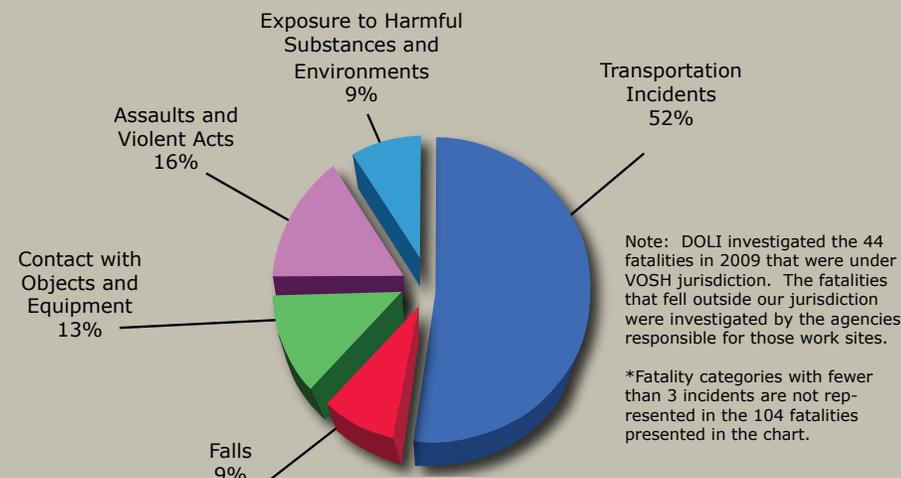
Virginia's overall nonfatal occupational injury and illness rate in 2010 was 3.3 cases per 100 full-time equivalent workers, with an estimated total of 92,000 injuries and illnesses recorded in both private industry and state and local government. The private industry rate was 3.1; the state and local government incidence rate was 4.1. The survey also provides demographic characteristics data on the injured or ill employees and case characteristics data on the types of incidents that occurred.

Virginia also participates annually in the Census of Fatal Occupational Injuries (CFOI), conducted cooperatively with BLS, which provides information on all work-related fatalities for Virginia and the nation. Each fatality must be confirmed by at least two independently obtained source documents. Research on death certificates at the Virginia Department of Health (VDH) is necessary.

Incidence Rates Per 100 Full Time Workers For Total Nonfatal Occupational Injuries and Illnesses by Major Industry Sector, Virginia, 2009 & 2010



Workplace Fatalities By Event or Exposure - Virginia 2010  
All Ownerships (104 Total Fatalities\*)



The Census, conducted yearly since 1992 by the Research and Analysis unit, includes all work-related fatalities, whether or not they are subject to Virginia Occupational Safety and Health laws and standards.

The Virginia Census reported 104 occupational fatalities in the Commonwealth for calendar year 2010, down by 13 percent from the 119 fatalities in 2009.

Transportation incidents (54), which include highway, non-highway, pedestrian, air, water, and rail fatalities, which increased by 12 from 2009, made up 52 percent of all work-related deaths and continued to be the leading cause of workplace fatalities. Work-related deaths due to falls, mainly falls to a lower level, accounted for 9 deaths and decreased by 7 from 2010. The number of on-the-job fatalities resulting from contact with objects and equipment (13) accounted for 13 percent of work-related deaths in 2009, a decrease of 8 from 2009. Sixty-two percent of the contact with objects and equipment cases were workers being struck by an object (13). Assaults and violent acts comprised 17 fatalities, 53 percent of which were suicides, and decreased by 14 from 2009. The nine work-related fatalities resulting from exposure to harmful substances or environments accounted for nine percent of total deaths.





# DIVISION OF VOSH COMPLIANCE



**Jim Garrett**  
Director

## Safety Compliance

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

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

Our VOSH Safety and Health Compliance Officers performed admirably in 2011 by performing 3,220 inspections. Our compliance officers identified and corrected 20,690 instances of workplace hazards in the past year.

DOLI compliance officers investigated 486 employee complaints and 140 referrals in the past year. Complaints are often filed by employees, their immediate families or authorized representatives. Referrals are accepted from other safety or safety related professionals such as firefighters, police officers, fire marshalls, etc.

The number one cause of death in Virginia's workplaces in 2011 was "struck by" and "crushed by" fatalities; falls were the second leading cause of workplace fatalities. Electrocutions continue to be a problem with 4 fatalities this year. Our 8 Hispanic fatalities (26% of total fatalities) are alarming and we continue to emphasize the importance of getting the "safety word" out in more than one language.





# DIVISION OF

## VOSH COMPLIANCE



**Ron Graham**  
Director

### Health Compliance

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

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

CATEGORIES		OCCUPATIONAL SAFETY AND HEALTH INSPECTIONS					
Fiscal Year	2009		2010		2011		
	Safety	Health	Safety	Health	Safety	Health	
Planned	1,975	369	2,344	349	1,704	386	
Follow-Up	33	16	52	13	53	21	
Complaint	203	189	196	203	263	223	
Referral	95	95	54	83	57	83	
Accident/Fatality/Cat.	32	4	32	5	34	5	
Other	261	92	316	105	258	133	
Totals	2,599	767	2,464	758	2,369	851	

CATEGORIES		HAZARDS IDENTIFIED					
Fiscal Year	2009		2010		2011		
	Safety	Health	Safety	Health	Safety	Health	
Serious	3,167	860	3,255	1,061	2,685	951	
Willful	9	1	37	13	39	12	
Repeat	125	6	131	7	125	24	
Other (OTS&FTA)	1,199	645	1,188	587	994	604	
Totals	4,462	1,499	4,582	1,653	3,836	1,586	

CATEGORIES		PENALTIES ASSESSED (IN DOLLARS)					
Fiscal Year	2009		2010		2011		
	Safety	Health	Safety	Health	Safety	Health	
Penalties	\$2,638,287	\$897,179	\$3,502,716	\$1,615,056	\$3,723,509	\$1,521,808	

The tables shown above offer an analysis of the activities of VOSH enforcement over the period of 2009-2011.



EXIT





# VOSH COMPLIANCE



## 25 MOST FREQUENTLY CITED STANDARDS DURING CONSTRUCTION INDUSTRY INSPECTIONS (October 1, 2010 - September 30, 2011)

1926.501	Duty to have fall protection
1926.451	General Requirements - Scaffolding
1926.1101	Asbestos
1926.50	Medical services and first aid
1926.100	Personal Protective Equipment—head protection
1926.1053	Ladders
1926.405	Wiring methods, components and equipment for general use
1926.0651	Specific Excavation Requirements
1910.404	Wiring design and protection
1926.1200	Hazard Communication
1926.62	Lead
1926.652	Requirements for protective systems
1926.452	Additional requirements applicable to specific types of scaffolds
VAC.130	Failure to comply with the applicable manufacturer's specifications and limitations
1926.503	Fall protection training requirements
1926.416	General requirements - Lock Out/Tag Out (LOTO)
CSAN0051	General Duty
1926.102	Eye and face protection
1910.453	Aerial lifts
CMSP0146	Confined space for construction and telecoms
RVSG0030	Reverse Signal Operation - Covered vehicle
1926.602	Material handling equipment
RBSG0050	Reverse Signal Operation - Training
1910.134	Respiratory Protection
1926.502	Fall protection systems criteria and practices





# DIVISION OF VOSH COMPLIANCE

## **25 MOST FREQUENTLY CITED STANDARDS DURING GENERAL INDUSTRY INSPECTIONS (October 1, 2010 - September 30, 2011)**

1910.0134	Respiratory Protection
1910.1200	Hazard Communication
1910.0305	Wiring methods, components and equipment for general use
1910.0157	Portable fire extinguishers
1910.0303	General requirements - Electricity
1910.0147	The control of hazardous energy (lockout/tagout)
1910.0178	Powered trucks
1910.0146	Permit-required confined space
1910.0022	General requirements for walking-working surfaces
1910.0037	Maintenance, safeguards and operational features for exit routes
1910.0215	Abrasive wheel machinery
1910.0266	Logging operations
1910.0151	Medical Services and First Aid
1910.0132	General requirements – personal protective equipment (PPE)
1910.0212	General guarding requirements for all machines
1910.0219	Guarding mechanical power transmission apparatus
1910.0107	Spray finishing using flammable and combustible materials
1910.0023	Guarding floor and wall openings and holes
1910.0179	Overhead and gantry cranes
1910.0213	Woodworking machinery guarding requirements
1910.0106	Flammable and combustible liquids
1910.0141	Sanitation
1910.1030	Bloodborne pathogens
1910.0304	Wiring design and protection
1910.0253	Oxygen-fuel gas welding and cutting



# PLANNING AND EVALUATION



**John Crisanti**  
Manager

## Planning and Evaluation

The VOSH Office of Planning and Evaluation (OPE) provides planning and procedural assistance to DOLI's occupational safety and health programs and support to their related policy board, the Virginia Safety and Health Codes Board. Overall program evaluation efforts continue to be developed as resources permit. Accomplishments during 2011 include the following:

- Issued 23 program directives for the VOSH Program with an additional 47 program directives in development dealing with inspection or enforcement procedures for individual standards, compliance assistance, program policy, or specific emphasis programs;
- Worked with Region III OSHA to coordinate the maintenance of the Virginia State Plan for Occupational Safety and Health including update and maintenance of the federal standards log Automated Tracking System (ATS) Notification;
- Updated and/or amended two publications to reduce or eliminate printing and distribution costs: the Employer's Rights and Responsibilities Following a VOSH Inspection and the VOSH Closing Conference Guide;
- Coordinated with the Division of Legal Support, the Occupational Safety Division, and the Occupational Health Division, on regulatory issues, new standards development, and additional program policy documents where needed;
- Initiated first update of the revised VOSH Field Operations Manual, as well as needed revisions to the program directives system and related manuals for internal distribution and final posting on the Virginia Regulatory Town Hall Web site.

## Regulations

As noted above, OPE also provides support to one of the Agency's two policy boards, the Safety and Health Codes Board, which held two meetings during 2011. OPE assisted the Board to adopt, amend and/or approve several regulatory items, including:

### Proposed regulations for:

- a. Revised Proposed Regulation to Amend Administrative Regulation for the Virginia Occupational Safety and Health (VOSH) Program, 16 VAC 25-60-240 and 16 VAC 25-60-245, Take and Preserve Testimony, Examine Witnesses and Administer Oaths.

### Final regulations for:

- a. Cranes and Derricks in Construction, §§1926.1400 through 1926.1442; Final Rule, and Other Related Standards;
- b. General Working Conditions in Shipyard Employment, Final Rule (Parts 1910 and 1915); and
- c. Standards Improvement Project – Phase III

Periodic Reviews or re-examination of existing regulations for:

- a. 16 VAC 25-55, Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors; and
- b. 16 VAC 25-75, Telecommunications, General, Approach Distances



# FOM - REVISION

- INSPECTION
- CASE file development
- CITATION
- PENALTY
- FORMS



# DIVISION OF LEGAL SUPPORT



**Jay Withrow**  
Director

## Division of Legal Support

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.
- DLS provided staff support to the Virginia Safety and Health Codes Board for its adoption of the VOSH Tree Trimming Operations regulation, 16VAC25-73, which became effective on April 27, 2011. Since 2000, Virginia has had 47 non-logging, tree trimming fatalities (9% of all fatalities since 2000). On average, over the last 10 years, there are four (4) fatal tree trimming accidents per year which could be prevented if there is full compliance with the final regulation. For an industry of the relatively small size of the tree care industry, this is a very high number of fatal accidents.
- The purpose of the new regulation is to provide comprehensive protection to private and public sector employees and employers

### Activities

The following summarizes Office of Legal Support activities for calendar year 2011:

Significant Case Pre-citation Reviews	178
Contested Case Review Activities	29
Settlement Agreement Activities	24
Final Orders	19
Warrant Activities	1
Subpoenas	12
Litigation Activities	395
Final Order Judgments Docketed	21
Freedom of Information Act Requests	513
<b>Total</b>	<b>1,192</b>

exposed to tree trimming hazards. The final regulation is based on the American National Standards Institute (ANSI) Z133.1-2006, Safety Requirements for Arboricultural Operations (With Modifications), for Application to Tree Trimming Operations. The regulation addresses non-logging, tree-trimming and cutting operations on residential and commercial work sites. Information on the new regulation can be found at:

[http://www.doli.virginia.gov/vosh\\_enforcement/tree\\_trimming.html](http://www.doli.virginia.gov/vosh_enforcement/tree_trimming.html)





# DIVISION OF ADMINISTRATIVE & SUPPORT SERVICES



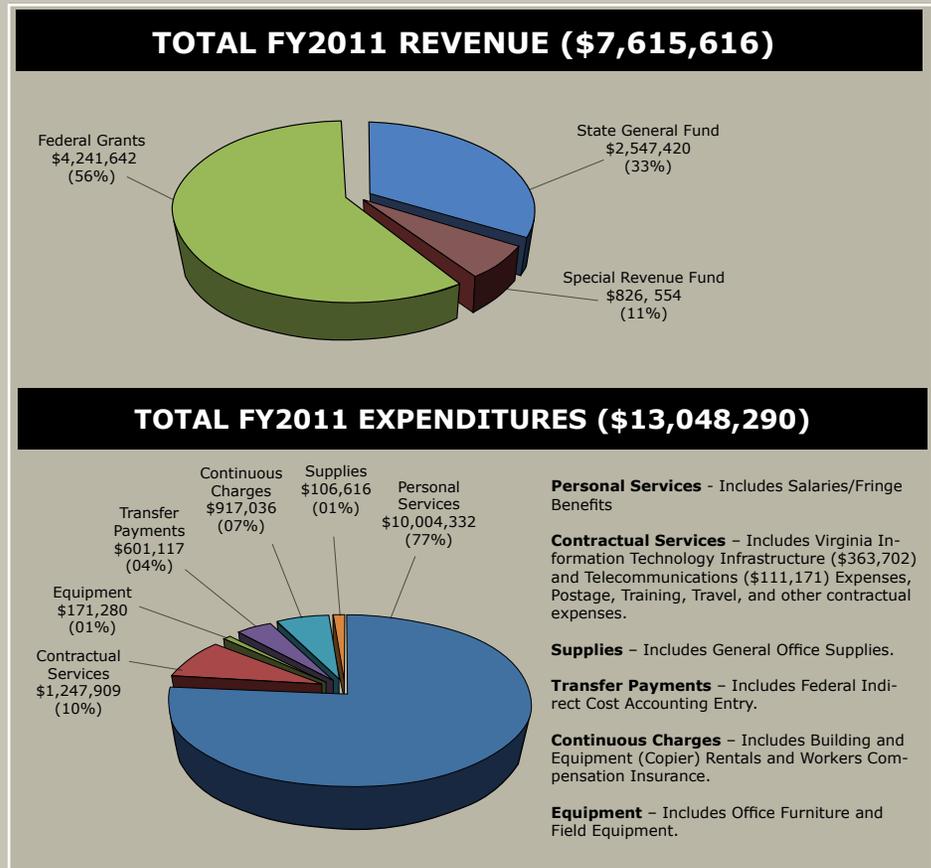
## Administration 2011

The Division of Administration 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);
- IT and management of information services;
- Telecommunications;
- Records management;
- Regulatory promulgation;
- Legislative coordination;
- Policy management;
- Asset, disaster recovery and risk, contract and facilities management;
- Purchasing;
- General service support; and
- Regional/Field Office Administrative Support.

The Department's operating budget for fiscal year 2011, Appropriation Act Chapter 890 (July 1, 2010 - June 30, 2011), was \$13.70 million (\$7.38 million General Fund, \$6.32 million Non-General Fund) with an authorized employment level of 183 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, Consultation Grant Agreement Matching Funds, and Registration fees for the Virginia Safety and Health Conference. The Department's programs contributed significant revenues to the state that offset program costs. For fiscal 2011, the Department's revenues represented 58% of annual agency expenditures. (FY2011 Total Revenues \$7,615,616; Total Expenditures \$13,048,290.) 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 2011, the Department of Labor and Industry maintained a central headquarters, with seven regional and field office sites to provide services throughout Virginia. Despite ongoing cuts in state appropriations, 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 vessels.





## DIVISION OF

# ADMINISTRATIVE & SUPPORT SERVICES

## Human Resources in 2011

As DOLI's Division of Human Resources and Volunteer Programs entered 2011, we continued to strive to meet the needs of both our internal and external customers who found themselves in the throes of a down economy and fast-paced 21st century marketplace. Our HR mission statement outlines our ongoing commitment to recruit, develop, and retain a competent, dedicated, and diverse workforce that provides high quality programs and services designed to promote the safety and well-being of Virginia's workers while at the same time aligning our human capital with the strategic mission, vision, and goals of our Agency and the Commonwealth.

Training and career enhancement opportunities continue to be an important component of our recruitment and retention strategies in an effort to meet the needs of our human capital in the areas of leadership, knowledge management, and performance management with the goal being to position the Department of Labor and Industry as an employer of choice. We have continued to develop an internal training library in combination with no-cost or cost-efficient educational opportunities for our staff as a reflection of our commitment to life-long learning, both personal and professional challenge opportunities, a high level of morale and job satisfaction, and an ever-evolving array of human resource programs. Recognizing that our employees are our most important resource, we continued to focus on ensuring fair and equitable treatment, and a positive workplace environment where both individual and team talents and contributions are recognized, respected, and cultivated to maximum potential to benefit both the individual and the Agency.

An important focus for our Division of Human Resources and Volunteer Programs again this year was the coordination of Service Award Recognition Programs and receptions at each regional office and headquarters for the purpose of recognizing those who met milestone years as well as to acknowledge employees for their continued hard work and service to the Agency. DOLI's Division of Human Resources and Volunteer Programs also coordinated our Employee Recognition Program, which consists of four different awards. One hundred fifty-four employees received the STAR Award, one received the "Gotcha" Award, one received the Commissioner's Outstanding Achievement Award, and forty-one received the Commissioner's Cup Award for their consistent, positive achievements. In addition, we celebrated the contributions of our administrative professionals during Administrative Professionals Week and also highlighted Public Service Recognition Week through a variety of programs and activities in honor of those who diligently serve the citizens of the Commonwealth.

In order to promote employee wellness, DOLI's HR Staff organized and sponsored several fun events aimed at keeping our employees physically fit and in good health. In support of the Commonwealth's CommonHealth initiatives, DOLI employees participated in Moving Forward With Fitness, Just Drive VA, and Home Safe Home, just to name a few. These, along with other activities, are part of DOLI's efforts to build team cohesiveness and enhance a positive workplace climate. Again this year, DOLI's HR Office coordinated the Agency's Commonwealth of Virginia Campaign for 2011. In light of the failing economy, we are proud of our efforts in the form of donations to area charities and a substantial amount of food to Virginia food banks.

One of our most recent initiatives aimed at both effective document retention strategies and cost-efficiency has been the continued implementation of a paperless HR records management process, which has culminated in a substantial amount of time and space savings now that all relevant records are in electronic format. This has been a valuable and effective strategy especially in light of the ever increasing rise in the cost of square footage in State office buildings and the increase in the number of years an Agency is required to maintain confidential records. Now that this project is completed, the Agency will have a well-organized, cost and time efficient mechanism to maintain HR information and access it with ease.

One of the newest initiatives on the part of the Division of Human Resources and Volunteer Programs has been the development and implementation of the Volunteer and Internship Program. DOLI's internship program allows both college and high school students to experience the day-to-day operations of our Agency while enhancing their educational experiences to include real-world learning beyond the classroom. In general, internships are targeted toward a specific learning project or goal and supervised by a designated DOLI staff member. Internship opportunities are available on a part-time or full-time basis during the spring, summer and fall semesters. DOLI internships are unpaid, but in some cases college credit may be earned as part of the agreement. Our volunteers are committed to making a difference in the lives of others. High school and college students to retirees share their time and talents in numerous positions throughout the Agency. DOLI is very proud of its Volunteer and Internship Program. In 2011, our interns and volunteers contributed 4,916 hours to various divisions within our Agency.



# Virginia Department of Labor and Industry

## Headquarters, Regional and Field Office Locations

