

Virginia Department of Labor and Industry

"Making Virginia a better place to live, work and conduct business"



Promoting Excellence in Safety

The Virginia Department of Labor and Industry

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Message from the Commissioner

I am pleased to present the 2012 Annual Report of the Virginia Department of Labor and Industry (DOLI). As I look back on 2012, DOLI took great strides to strengthen our agency's programs and 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 increased the efficiency of the Virginia Occupational Safety and Health program by multiplying the size and expertise of our Voluntary Protection Program. We will have workers focused on several industries placed all over the Commonwealth. Looking forward, DOLI is working to expand and strengthen our on-site consultation and voluntary compliance programs for small businesses.

The Registered Apprenticeship Division will continue to partner with other agencies and employers to enhance workforce readiness in targeted industries; particularly in energy, healthcare, 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

Apprenticeship in 2012

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 2,692 Certificates of Completion were issued. In addition 13,038 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, program support technician senior, 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.

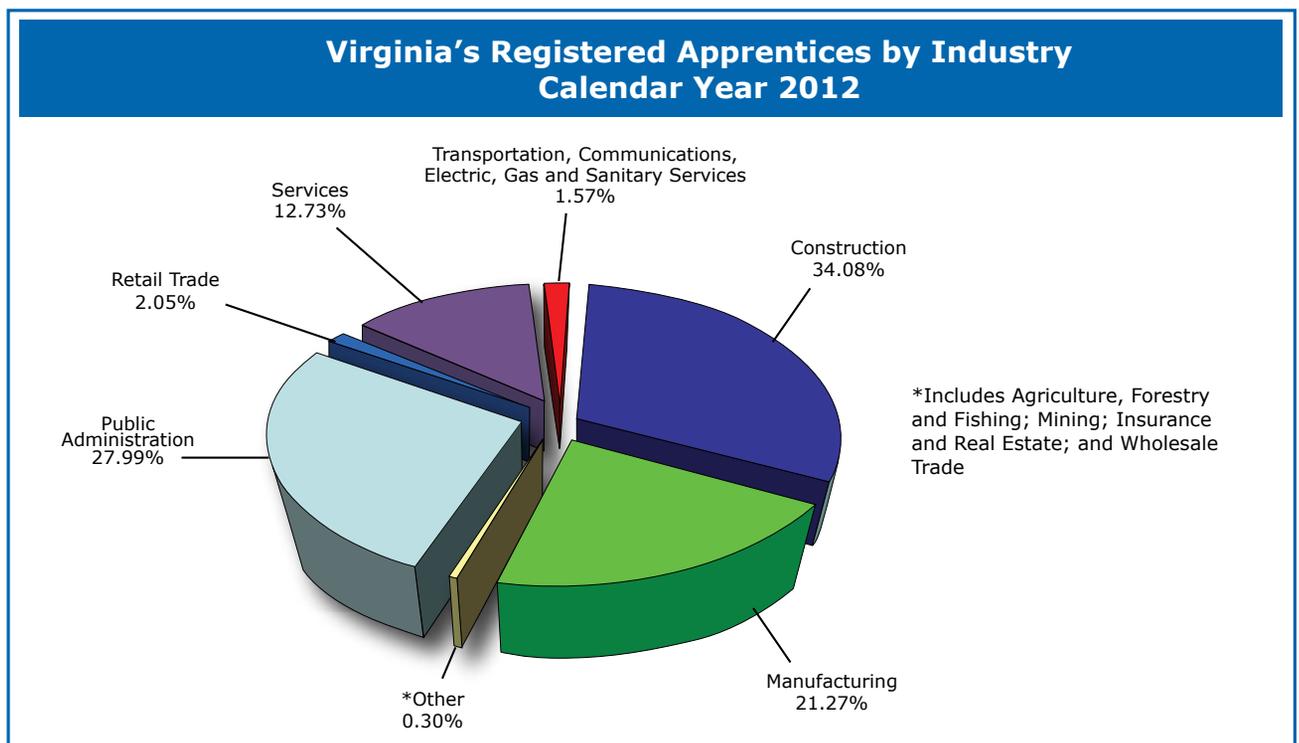
The division director position is in the agency's headquarters office located in Richmond. The staff works in collaboration with many local, state, and federal agencies; including the Virginia Department

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. Partnering with the Department of Military Affairs has allowed members of the Virginia National Guard to receive Certificates of Completion using civilian job titles to describe the skill sets mastered. The division director was a charter member of the Career Pathways Work Group and continues to promote the value of the nationally recognized and portable Certificate of Completion and journeyworker card.

Apprenticeable Occupations

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

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



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.

Each year, the council recognizes outstanding apprentices who have been nominated by their sponsors (employers). The apprentices have either completed their training programs or will complete them by spring 2013. They are judged on craftsmanship, accuracy, cooperation, leadership, decision-making, and consideration for their companies and co-workers.

At its November meeting, the council presented its annual Outstanding Apprentice Awards. Secretary of Commerce and Trade Jim Cheng addressed those present. He congratulated the apprentices receiving awards and recognized the sponsors present and throughout the commonwealth for their commitment to developing a skilled and credentialed workforce. He also emphasized the administration's focus on job creation. DOLI Commissioner Courtney Malveaux joined Secretary Cheng, Council Chairman and Virginia Apprenticeship Alumni Association President Darold Kemp in presenting the Outstanding Apprentice Awards to the individuals shown below.



2012 Outstanding Apprentice Award Winners

Nabil Awwad, Electrician
Mount Vernon Ladies Association of the Union,
Alexandria, VA

Justin Duke, Plumber
D. E. Kirby, Portsmouth, VA

Gregory Hoefflin, Nuclear Test Technician
Newport News Shipbuilding, Newport News, VA

LaToya Pope, Metal Inspector
Norfolk Naval Shipyard
Norfolk, VA

Special Recognition

Three Virginia organizations were recognized by the U.S. Department of Labor during the 75th Anniversary of the signing of the 1937 Fitzgerald Act creating Registered Apprenticeship. Representatives from The Apprentice School at Newport News Shipbuilding, Norfolk Naval Shipyard Apprentice Program, and the Shenandoah Valley Energy Partnership were recognized by the Council with Certificates of Recognition from Governor McDonnell.

CTI Bus Exhibit



division of boiler and pressure vessel safety

Boiler Safety Compliance

Under the guidance of the chief inspector, the Boiler Safety Compliance Division enforces and oversees the provisions of the Boiler and Pressure Vessel Safety Act. The primary objective 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 rules and regulations governing the construction, installation, operation, maintenance, and repair of boilers and pressure vessels.

In 2012, there were 37,567 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 2012, 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 8,440 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 the information is current and easily available.

Lastly, through participation in the Virginia Boiler and Pressure Vessel Inspectors Association and meetings with inspectors, there has been improved understanding and enforcement of Virginia rules, operations and developments.

| ACTIVITIES OF BOILER SAFETY | <u>2010</u> | <u>2011</u> | <u>2012</u> |
|---|--------------------|--------------------|--------------------|
| Total Active Objects Registered | 69,539 | 69,555 | 71,105 |
| Acceptable Inspections (Certificates Issued) | 37,574 | 35,843 | 37,035 |
| Violations | 463 | 622 | 847 |
| Quality Control Reviews/Surveys | 13 | 10 | 13 |
| Incidents | 1 | 1 | 4 |
| Injuries | 1 | 0 | 0 |
| Fatalities | 0 | 0 | 0 |
| Inspector Applicants Passing Exams | 0 | 4 | 1 |
| Commissioned Inspectors | 267 | 272 | 115 |

labor and employment

Labor Law Division

The Labor and Employment Law Division administers and enforces the laws of the Commonwealth that govern 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, an assistant child labor compliance officer and a compliance operations manager.

The division saw a 12% increase in requests for client services. Responses to over 41,779 requests for assistance from the public were completed this year (telephone calls, office visits, e-mail, and U. S. Mail).

In 2012 the division received and processed 795 claims for unpaid wages and completed 72 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 98% of the investigations within the required timeline. Recovery of

unpaid wages through investigations totaled \$140,849.61 this year. The administration of the Virginia Payment of Wage Act was defunded by the General Assembly thus the function was ceased on July 1, 2012.

The division processed 6,036 employment certificates and theatrical permits for youth workers in 2012. More than 16,143 forms were reviewed by child labor compliance staff to ensure youth were employed in permissible occupations. Compliance staff investigated more than 1,478 employment certificates resulting in the revocation of more than 390 certificates for hazardous or prohibited occupations. Instruction and educational training for 489 issuing officers was conducted throughout the state, and consultations were provided by staff to more than 2,700 issuing officers this year. Compliance officers investigated 78 reports of alleged violations of laws and regulations. Citations were issued for 123 violations and assessed penalties of \$22,410.00 were collected. Child labor compliance staff conducted 876 inspections in 2012.

CHILD LABOR COMPLAINT ANALYSIS 2012

| | |
|---|-------------|
| Total number of child labor complaints investigated | 78 |
| Total number of child labor civil monetary penalty assessed | 60 |
| Total number of penalties issued for: | |
| Working without an Employment Certificate | 19 |
| Failure to keep time records | 30 |
| Working prohibited hours | 73 |
| Performing prohibited or hazardous occupations | 1 |
| Total penalties collected | \$22,410.00 |

COMPLETED COMPLAINT INVESTIGATIONS 2012

| | |
|--|-------|
| Total number of Employment Certificates issued | 5,381 |
| Total number Employment Certificates requiring investigation | 1,478 |
| Total Number Prohibited/Hazardous Occupations REVOKED | 390 |

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 2012, funded 90% by Federal OSHA, 10 DOLI consultants provided on-site safety and health services to 593 private sector employers. Within the public sector program, funded 50% by Federal OSHA, on-site services were provided to 28 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 2012 over 2011, as the program experienced a slight increase in consultants for the year. Numbers of certifications and re-certifications of SHARP worksites, 31 to date, contribute to fewer hazards at those sites because these companies are recognized as exemplary worksites; thus, they are expected to experience fewer hazards.

| CONSULTATION PROGRAM ACTIVITIES | | | |
|--|--------------|--------------|--------------|
| | 2010 | 2011 | 2012 |
| Consultative Surveys (Private Sector) | 442 | 486 | 593 |
| Consultative Surveys (Public Sector) | 12 | 18 | 28 |
| Promotional Visits | 81 | 108 | 153 |
| Follow-Up Visits | 10 | 4 | 25 |
| Program Assistance Visits | 21 | 23 | 18 |
| Serious Hazards Abated | 1,724 | 2,069 | 2,746 |
| Serious Hazards Identified | 1,724 | 2,069 | 2,746 |
| Other-Than-Serious Hazards | 253 | 384 | 294 |
| Total Hazards Identified | 1,977 | 2,453 | 3,090 |
| TRAINING PROGRAM ACTIVITIES | | | |
| | 2010 | 2011 | 2012 |
| Formal Training Sessions | 65 | 38 | 41 |
| Informal Training Sessions | 425 | 486 | 593 |
| Persons Trained | 1,748 | 1,488 | 1,847 |
| Employers Represented | 961 | 623 | 743 |

VPP Requirements

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 (Virginia VPP was the first program in the country to welcome state correctional institutions as VPP members - Augusta and Lunenburg Correctional Facilities).

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.

Virginia VPP Membership in 2012

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.

Benefits of VPP

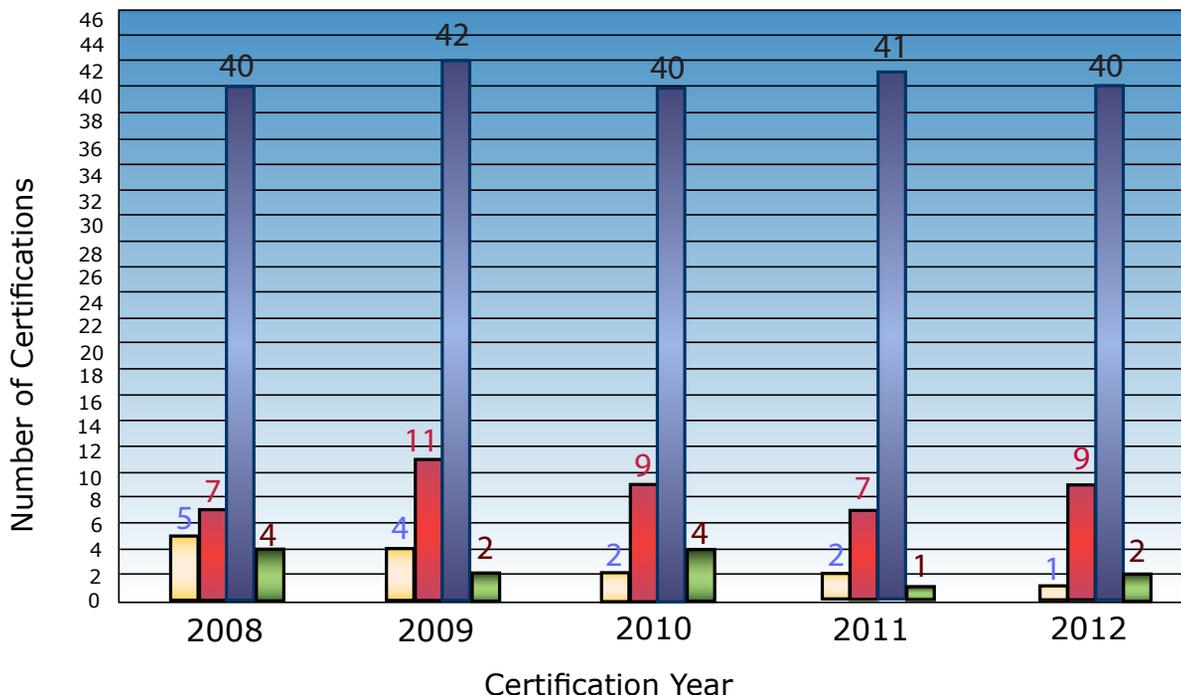
Virginia VPP acknowledges and fosters a state of the art approach to implementing safety and health systems that prevent serious injuries, illnesses and fatal accidents to employees; while also providing a demonstrative return on invest-

ment to businesses that allows them to be more productive, more competitive and more economically viable in a very challenging economy.

Virginia VPP assists businesses and state and local government agencies by substantially improving occupational safety and health protections for thousands of employees through voluntary and cooperative efforts while decreasing insurance premiums, Workers' Compensation costs and absenteeism, and increasing productivity and competitiveness. Increasing productivity and decreasing private sector costs related to maintaining a safe and healthy workplace enhances economic viability, and increases available capital for reinvestment, expansion and new hiring.

According to Federal OSHA, the average VPP worksite has a Days Away Restricted or Transferred (DART) case rate of 52% below the average for its industry. These sites do not usually start with such low rates. Reductions typically begin when the worksite commits to the VPP approach to safety and health management and the challenging VPP application process. Reductions in injury and illness rates can translate into significant cost savings to employers.

Virginia VPP Data



New Star Certifications

Star Re-Certifications

Total Number of Active Sites

Withdrawal

Virginia VPP Accomplishments in 2012

In 2012 our VPP goals were continued growth in the number of Star worksites in Virginia and an increased level of involvement by Star sites, both as mentors and as private industry volunteers. There was one worksite that achieved Star status during the year bringing the total number of active sites to 40. A total of nine sites were re-certified as Star status during 2012. In the spirit of VPP, over half of the current Star worksites were actively involved in mentoring new sites.

Virginia's VPP received a substantial increase in state and Federal OSHA matching funds to expand the program and is working towards an organizational structure that includes a VPP manager, an office administrator, and four regional coordinators located respectively in Richmond, Manassas, Norfolk and Roanoke.

Active VPP Sites for 2012

| | | | |
|-----|---|-----------------|----------|
| 1. | Polymer Group, Inc. | Waynesboro | 03/12/12 |
| 2. | Cintas Location #143 | Chester | 12/12/11 |
| 3. | ABB, Inc. Dry Type Transformers | Bland | 04/12/11 |
| 4. | Frito-Lay, Inc. Transportation Center | Lynchburg | 06/28/10 |
| 5. | Eastman Films, Inc | Fiedale | 03/24/10 |
| 6. | Tenaska Virginia Generation Station | Scottsville | 02/09/10 |
| 7. | Cargill Turkey Production-Harrisonburg Hatchery | Harrisonburg | 12/11/09 |
| 8. | Raytheon Technical Services | Norfolk | 04/30/09 |
| 9. | Babcock and Wilcox Power Generation Group | Newport News | 02/23/09 |
| 10. | Covanta Energy - Fairfax | Lorton | 0/29/08 |
| 11. | Integrity Windows and Doors, Inc. | Roanoke | 09/16/08 |
| 12. | Fareva Darbytown Complex | Richmond | 04/30/08 |
| 13. | Cargill Meat Solutions | Timberville | 08/09/07 |
| 14. | Delta Air Lines - Washington National Airport | Arlington | 2/06/06 |
| 15. | BlueLinx Corporation | Richmond | 08/21/06 |
| 16. | Huber Engineered Woods, LLC | Crystal Hill | 07/13/06 |
| 17. | Kraft Foods' Planters Peanuts | Suffolk | 4/24/06 |
| 18. | Augusta Correctional Center | Craigsville | 01/01/06 |
| 19. | BlueLinx Corporation | Virginia Beach | 04/09/05 |
| 20. | Dominion Generation, North Anna Power Station | Mineral | 04/08/05 |
| 21. | Toray Plastics America | Front Royal | 01/28/05 |
| 22. | Continental | Newport News | 01/18/05 |
| 23. | Dominion Generation, Surry Power Station | Surry | 12/17/04 |
| 24. | NAES Southampton Power Station | Franklin | 12/13/04 |
| 25. | RR Donnelly, Inc. | Lynchburg | 12/13/04 |
| 26. | Covanta Energy - Alexandria | Alexandria | 09/17/04 |
| 27. | Cargill Turkey Products - Feed Mill | Harrisonburg | 06/02/04 |
| 28. | Xpedex - Roanoke Division | Salem | 09/24/03 |
| 29. | Frito-Lay, Inc. | Lynchburg | 08/28/02 |
| 30. | Georgia Pacific - Brookneal OSB | Gladys | 07/22/02 |
| 31. | Lunenburg Correctional Center | Victoria | 03/01/02 |
| 32. | RR Donnelly, Inc. | Salem | 11/01/01 |
| 33. | BASF Specialty Chemicals | Suffolk | 08/15/01 |
| 34. | Unifin Chesapeake | Chesapeake | 08/02/00 |
| 35. | Xpedex - Lynchburg Division | Lynchburg | 02/05/99 |
| 36. | International Paper -Richmond Container Plant | Richmond | 01/22/99 |
| 37. | Lockheed Martin NE&SS Undersea Systems | Manassas | 1/02/98 |
| 38. | General Electric - GE Intelligent Platforms | Charlottesville | 07/17/98 |
| 39. | MillerCoors - Shenandoah Brewery | Elkton | 06/14/97 |
| 40. | General Electric - GE Energy | Salem | 06/27/96 |

Virginia VPP Objectives for 2012

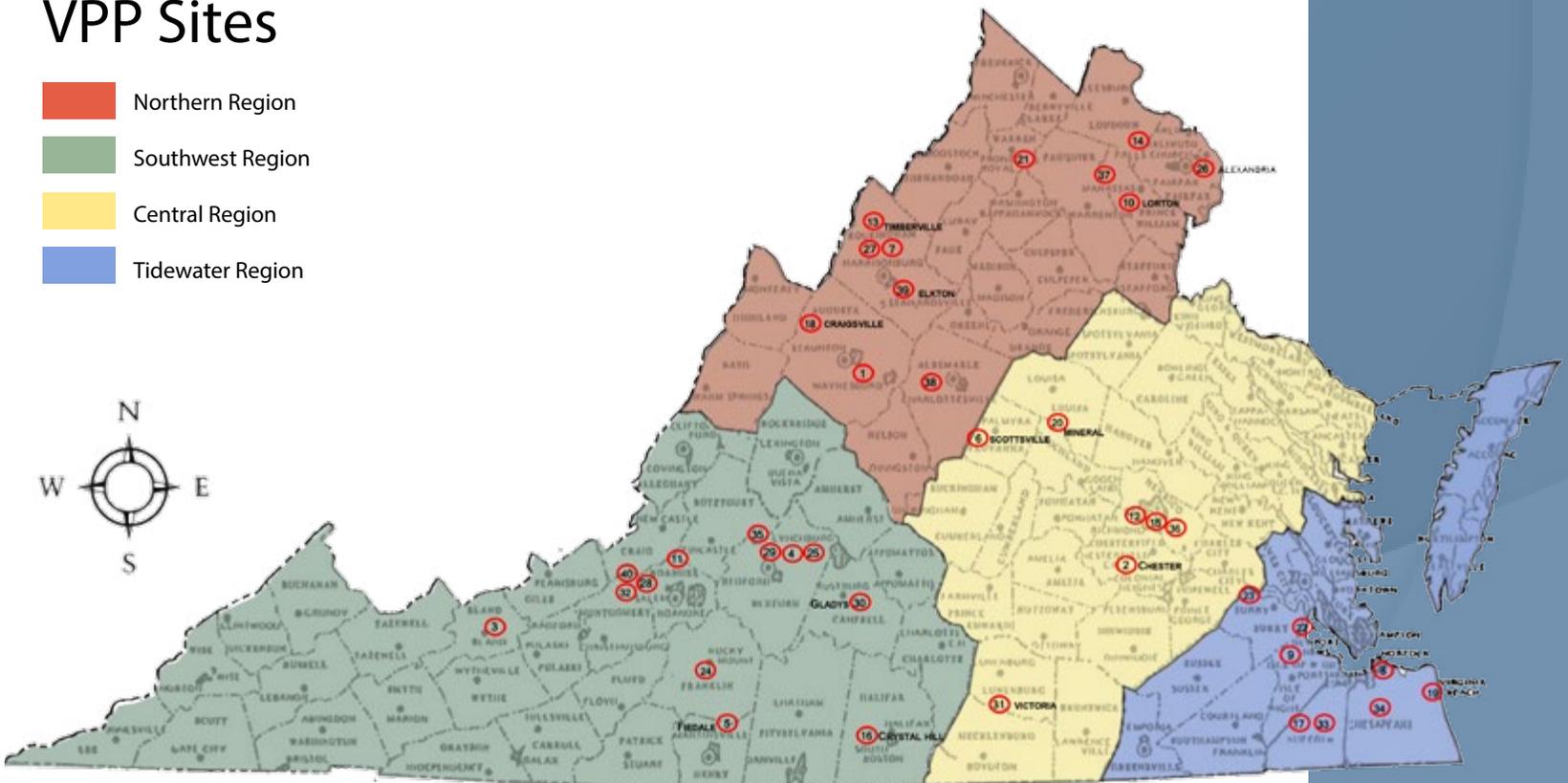
For 2012 there were five main objectives for Virginia's VPP program:

1. Increase the growth 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.
2. Continue the growth of Star sites that are actively involved in mentoring other sites which leverages the skills and knowledge of Virginia's private employers to help the agency achieve its goals.
3. Develop the newly expanded VPP Staff of four regional VPP coordinators, a VPP manager and an office administrator to fully engage VPP sites and interested employers in maximizing the value of VPP to the Commonwealth's workforce.
4. Expand 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.
5. Participate in the implementation of Virginia BEST (Building Excellence in Safety and Training) strategic partnership with Associated General Contractors.

The realization of these objectives will ensure that the program continues to grow, and assures that Virginia VPP serves as an increasingly effective vehicle for sharing best practices.

VPP Sites

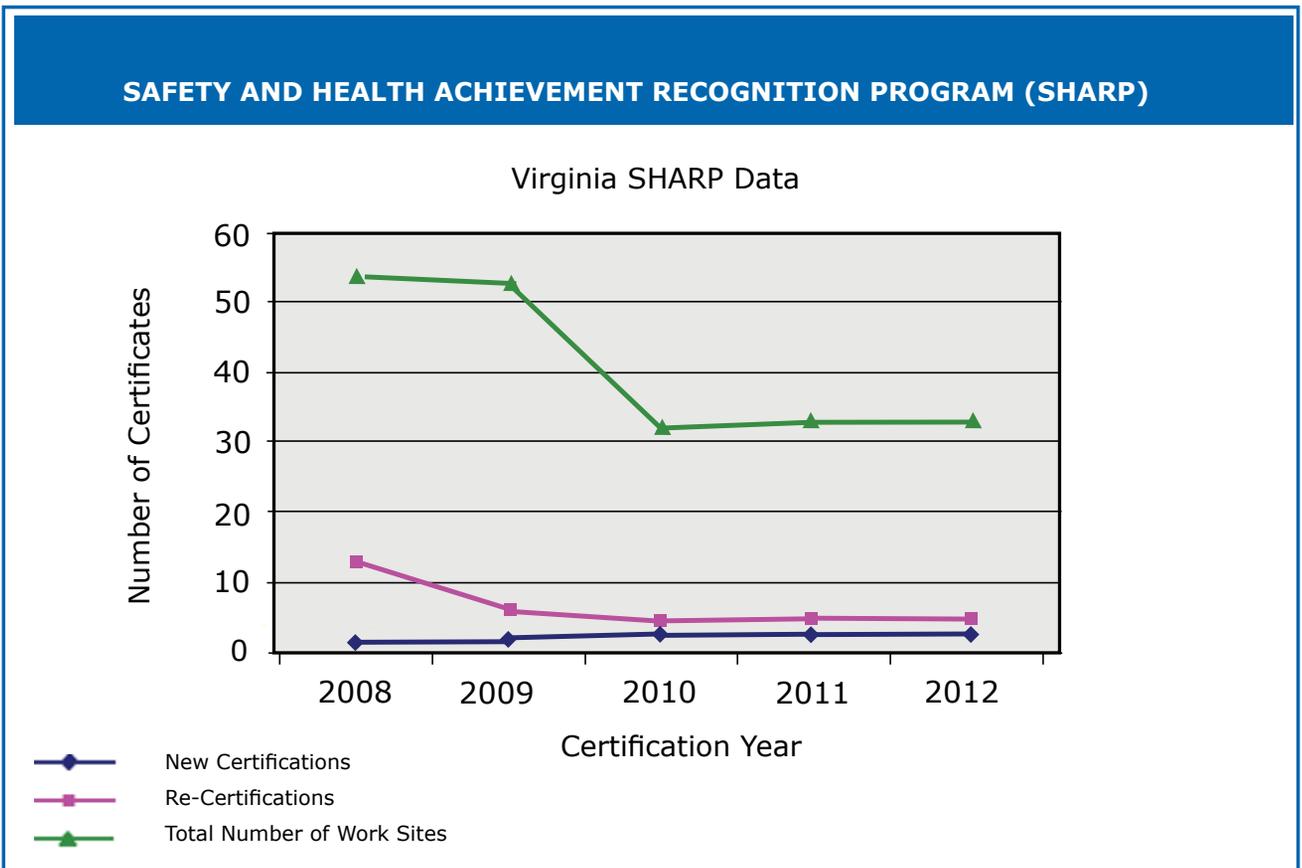
- Northern Region
- Southwest Region
- Central Region
- Tidewater Region



Safety and Health Achievement Recognition Program (SHARP)

The Safety and Health Achievement Recognition Program (SHARP) provides incentives and support to small, high hazard employers to work with employees to develop, implement, and continuously improve safety and health programs. To participate in the SHARP program, an 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.

To date there are 31 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 four companies in the deferral program with hopes of achieving SHARP status during 2013.



2012 VOSH Conference

The 17th Annual Virginia Occupational Safety and Health Conference was held October 3 – 5, 2012 at the Hotel Roanoke and Conference Center in Roanoke, Virginia. The conference participants engaged in safety and health training sessions with updates on minimizing workers' compensation costs, chain saw safety, and trench and excavation safety awareness, among others. Safety and health training, equipment and related products were displayed and demonstrated at 20 vendor exhibits.

Forty-eight concurrent sessions also included opportunities to learn what to expect during a VOSH inspection, behavior-based safety, and work zone safety. Keynote speaker Dr. Robert Emery,

Assistant Vice President for Safety, Health, Environment & Risk Management for The University of Texas Health Science Center at Houston and Associate Professor of Occupational Health at the University of Texas School of Public Health presented a keynote address on "Effectively Capturing and Displaying Health and Safety Data: a Necessary Skill for the New Horizon." Staff also presented significant cases with unusual features for attendees.

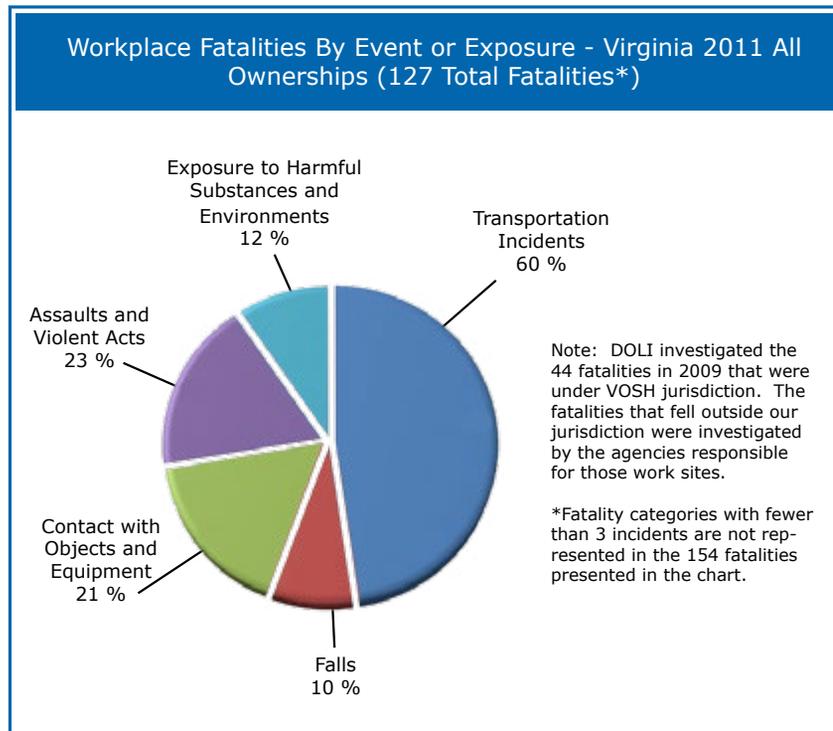
The conference succeeded in reaching 236 attendees and continues to improve the variety of training sessions offered at an affordable price to employers, employees and safety and health professionals in Virginia.

Research & Analysis

In 2012, the VOSH Research and Analysis unit conducted the 41st Annual Survey of Occupational Injuries and Illnesses, collecting data for calendar year 2011 from 5,545 employers throughout the Commonwealth. The survey is conducted under a cooperative agreement with the U.S. Department of Labor, Bureau of Labor Statistics (BLS) and reports injury and illness rates by industry for Virginia as well as for 41 other states and territories that participate in the survey.

Virginia's overall nonfatal occupational injury and illness rate in 2011 was 3.1 cases per 100 full-time equivalent workers, with an estimated total of 88,500 injuries and illnesses recorded in both private industry and state and local government. The private industry rate was 2.9 percent; the state and local government incidence rate was 4.6 percent. The survey also provides demographic characteristics data on 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.

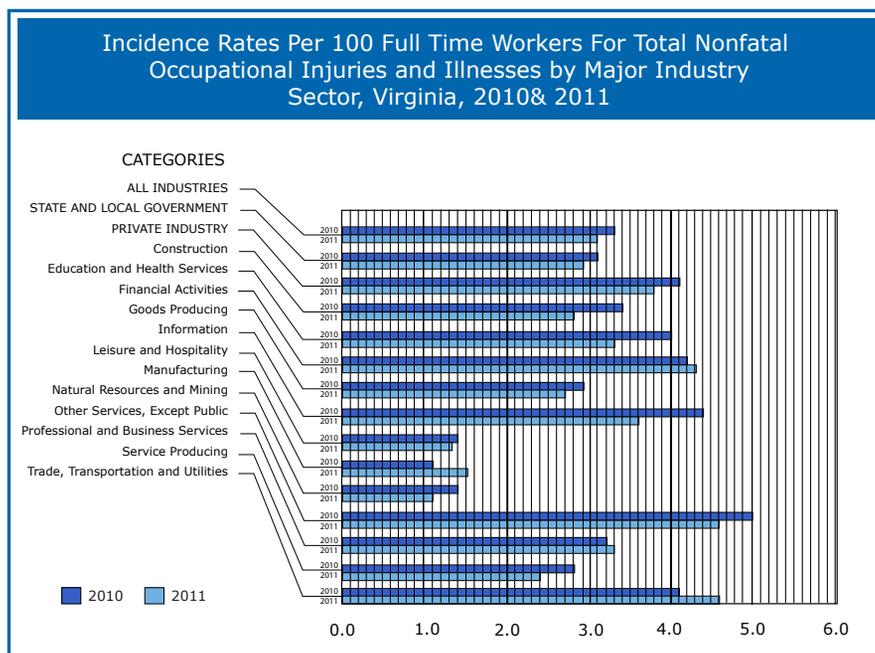


Research on death certificates at the Virginia Department of Health (VDH) is necessary. The Census, conducted yearly since 1992 by the Research and Analysis unit, includes all work-related fatalities, whether or not they are subject to VOSH laws and standards.

The Virginia Census reported 127

occupational fatalities in the Commonwealth for calendar year 2011, an increase of 19 percent from the 107 fatalities in 2010.

Transportation incidents (60), which include highway, non-highway, pedestrian, air, water, and rail fatalities, which increased by 6 from 2010, made up 47 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 10 deaths. The number of on-the-job fatalities resulting from contact with objects and equipment (21) accounted for 17 percent of work-related deaths in 2011, an increase of 8 from 2010. Seventy-six percent of the contact with objects and equipment cases were workers being struck by an object (16). Violence and other injuries by person or animals comprised 23 fatalities, 52 percent of which were homicides, and increased by 6 from 2010. The nine work-related fatalities resulting from exposure to harmful substances or environments accounted for nine percent of total deaths.



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 2012 by performing 3,427 inspections. Our compliance officers identified and corrected 24,580 instances of workplace hazards in the past year.

DOLI compliance officers investigated 500 employee complaints and 133 referrals in the past year. Complaints are often filed by employees, their immediate family 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 2012 was "caught in/by/between equipment/objects/ vehicles/trees" fatalities; falls were the second leading cause of workplace fatalities last year. Electrocutions continue to be a problem with 4 fatalities in 2012. We experienced 7 Hispanic fatalities last year as opposed to 8 in 2011 and we continue to emphasize the importance of getting the "safety word" out in more than one language.

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.

| OCCUPATIONAL SAFETY AND HEALTH INSPECTIONS | | | | | | | |
|--|--------|--------|--------|--------|--------|--------|--|
| CATEGORIES | 2010 | | 2011 | | 2012 | | |
| Calendar Year | Safety | Health | Safety | Health | Safety | Health | |
| Planned | 2,344 | 349 | 1,704 | 386 | 1,736 | 438 | |
| Follow-Up | 52 | 16 | 53 | 21 | 52 | 15 | |
| Complaint | 196 | 189 | 263 | 223 | 256 | 244 | |
| Referral | 54 | 95 | 57 | 83 | 68 | 65 | |
| Accident/Fatality/Cat. | 32 | 4 | 34 | 5 | 51 | 6 | |
| Other | 316 | 92 | 258 | 133 | 377 | 119 | |
| Totals | 2,464 | 767 | 2,369 | 851 | 2,540 | 877 | |

| HAZARDS IDENTIFIED | | | | | | | |
|--------------------|--------|--------|--------|--------|--------|--------|--|
| CATEGORIES | 2010 | | 2011 | | 2012 | | |
| Calendar Year | Safety | Health | Safety | Health | Safety | Health | |
| Serious | 3,255 | 1,061 | 2,685 | 951 | 2,605 | 1,132 | |
| Willful | 37 | 13 | 39 | 12 | 11 | 5 | |
| Repeat | 131 | 7 | 125 | 24 | 121 | 12 | |
| Other (OTS&FTA) | 1,188 | 587 | 994 | 604 | 869 | 536 | |
| Totals | 4,582 | 1,653 | 3,836 | 1,586 | 3,606 | 1,685 | |

| PENALTIES ASSESSED (IN DOLLARS) | | | | | | | |
|---------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|--|
| CATEGORIES | 2010 | | 2011 | | 2012 | | |
| Calendar Year | Safety | Health | Safety | Health | Safety | Health | |
| Penalties | \$3,502,716 | \$1,615,056 | \$3,723,509 | \$1,521,808 | \$2,369,692 | \$1,291,374 | |

Enforcement Activities - The following tables offer an analysis of the activities of VOSH enforcement over the period of 2011-2012:

**25 MOST FREQUENTLY CITED STANDARDS DURING
 CONSTRUCTION INSPECTIONS**
 (October 1, 2011 - September 30, 2012)

1. 1926.0501 Duty to have fall protection*
2. 1926.0451 General Requirements - Scaffolding
3. 1926.1101 Asbestos*
4. 1926.0050 Medical services and first aid*
5. 1926.0100 Personal Protective Equipment—head protection
6. 1926.1053 Ladders*
7. 1926.1200 Hazard Communication
8. 1926.0062 Lead
9. 1910.0404 Wiring design and protection*
10. 1926.0405 Wiring Methods, components and equipment for general use
11. CSAN-0051 General Duty
12. 1926.0503 Fall Protection – Training requirements
13. RVSG-0050 Reverse Signal Operations - Training
14. 1926.0502 Fall protection systems criteria and practices
15. 1910.0134 Respiratory protection
16. 1926.0453 Aerial lifts
17. 1926.0102 Eye and face protection
18. 1926.0651 Excavation requirements
19. 1926.0416 Electrical – General requirements
20. 1926.0652 Requirements for protective systems
21. 1926.0403 Electrical – General wiring requirements
22. VAC-0130 Failure to follow manufacturer’s instructions
23. RVSG-0030 Reverse Signal Operation
24. 1926.0152 Flammable and combustible liquids
25. 1926.0452 Requirements for specific scaffolding systems

* Indicates same position as last year

**25 MOST FREQUENTLY CITED STANDARDS DURING
 GENERAL INDUSTRY INSPECTIONS
 (October 1, 2011 - September 30, 2012)**

- | | | |
|-----|-----------|---|
| 1. | 1910.1200 | Hazard Communication |
| 2. | 1910.0305 | Wiring methods, components and equipment for general use |
| 3. | 1910.0134 | Respiratory Protection |
| 4. | 1910.0157 | Portable fire extinguishers* |
| 5. | 1910.0303 | General requirements – Electricity* |
| 6. | 1910.0151 | Medical services and first aid |
| 7. | 1910.0132 | General requirements – Personal protective equipment |
| 8. | 1910.0178 | Powered Industrial Trucks |
| 9. | 1910.0037 | Maintenance, safeguards and operational features for exit routes |
| 10. | 1910.0022 | Walking, Working Surfaces |
| 11. | Tree-0040 | Tree Trimming – General Safety Requirements |
| 12. | 1910.0147 | Control of Hazardous Energy (LOTO) |
| 13. | VAC-0120 | Failure to follow manufacturer’s instructions |
| 14. | 1910.0219 | Mechanical Power Transmission Apparatus |
| 15. | 1910.0107 | Spray Finishing (tie) |
| 15. | 1910.0023 | Guarding floor and wall openings and holes (tie) |
| 16. | 1910.0212 | General requirements – Machine guarding |
| 17. | 1910.0253 | Oxygen-Fuel Gas Welding and Cutting |
| 18. | 1910.0215 | Abrasive Wheel Machinery |
| 19. | 1910.0266 | Logging |
| 20. | 1910.0146 | Permit Required Confined Space |
| 21. | 1910.0106 | Flammable and Combustible Liquids |
| 22. | 1910.1101 | Asbestos |
| 23. | 1910.0213 | Woodworking Machine Guarding |
| 24. | Tree-0060 | Tree Trimming – Safety use of equipment and vehicles in Arboriculture (tie) |
| 24. | CSAN05 | General Duty (tie) |
| 25. | 1910.1030 | Bloodborne Pathogens |

* Indicates same position as last year

Office of Policy and Planning

The VOSH Office of Policy and Planning provides planning and procedural assistance to DOLI's occupational safety and health programs and their related policy board, the Safety and Health Codes Board.

I. Accomplishments during Calendar Year 2012 include the following:

- Issued 21 Program Directives for the VOSH Program with an additional 49 Program Directives in development dealing with inspection or enforcement procedures for individual standards, compliance assistance, or specific emphasis programs;
- Worked with Region III OSHA to coordinate the maintenance of the Virginia State Plan for Occupational Safety and Health including update and maintenance of the federal standards log Automated Tracking System (ATS) Notification;
- Continued development and or drafted amendments to the Administrative Regulation Manual for the VOSH Program, Employer's Rights and Responsibilities Following a VOSH Inspection, and the VOSH Closing Conference Guide;
- Coordinated with the Division of Legal Support, Occupational Safety, and Occupational Health, as needed, on regulatory issues, new standards development, and to develop performance measures where needed
- Continued development of chapter additions, revisions toward the third update to the VOSH Field Operations Manual, as well as needed revisions to the Program Directives system and related manuals for internal distribution and final posting on the Virginia Regulatory Town Hall Website;

II. Board Support and Regulatory Action:

Policy and Planning also provides support to one of the Department's two policy boards, the Safety and Health Codes Board, which held two meetings during 2012. OP&P assisted the Board in adopting, amending and/or approving several regulatory items, including:

Virginia Unique Regulatory Action:

- Notice of Intended Regulatory Action (NOIRA): Amendments to Certified Lead Contractors Notification, Lead Project Permits and Permit Fees, 16VAC25-35
- Correcting Amendment for Administrative Regulation for the Virginia Occupational Safety and Health (VOSH) Program, 16VAC25-60, et seq.;
- Regulation concerning Licensed Lead Contractor Notification, Lead Project Permits, and Permit Fees, 16VAC25-35;
- Correcting Amendments for: Construction Industry Standard for Sanitation, in General, 16VAC25-160, and Field Sanitation Standard, 16VAC25-180

Federal OSHA Identical Final Regulations:

- Corrections and Technical Amendments to Multiple Standards;
- Revising Standards Referenced in the Acetylene Standard for General Industry, §1910.102; Direct Final Rule (DFR);
- Bloodborne Pathogens Standard, §1910.1030; Corrections and Technical Amendment;
- Rigging Equipment for Material Handling Construction Standard, §1926.251; Correction and Technical Amendment;
- Corrections and Technical Amendments to Multiple Standards, §§1910.134, 1910.217; and (Non-mandatory) Appendix A to Subpart L of Part 1926, Scaffold Specifications
- Updating OSHA Standards Based on National Consensus Standards for Head Protection; Direct Final Rule (DFR) for Multiple Standards; and Correction to DFR;
- Cranes and Derricks in Construction; Demolition and Underground Construction; Direct Final Rule; and
- Hazard Communication Standard, §1910.1200; Final Rule; and Other Related Standards in Parts 1910, 1915 and 1926

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

Activities

The following summarizes Division of Legal Support activities for calendar year 2012:

| | |
|---------------------------------------|--------------|
| Significant Case Pre-citation Reviews | 179 |
| Contested Case Review Activities | 26 |
| Settlement Agreement Activities | 71 |
| Final Orders | 19 |
| Warrant Activities | 3 |
| Subpoenas | 40 |
| Litigation Activities | 292 |
| Final Order Judgments Docketed | 21 |
| Freedom of Information Act Requests | 566 |
| Total | 1,217 |

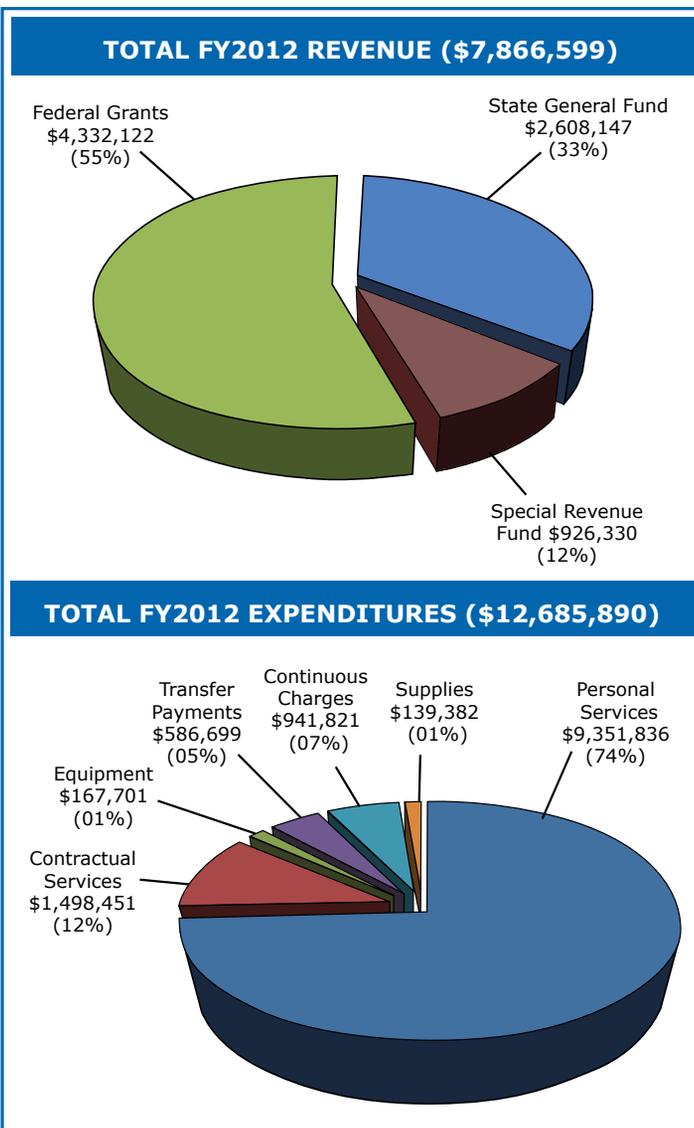
Administration 2012

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
- Regional/Field Office Administrative Support

The Department's operating budget for fiscal year 2012, Appropriation Act Chapter 890 (July 1, 2011 - June 30, 2012), was \$13.70 million (\$7.64 million general fund, \$6.06 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 2012, the department's revenues represented 62% of annual agency expenditures. (FY2012 total revenues \$7,866,599; total expenditures \$12,685,890.) 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 2012, 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.



Descriptive Note:

Personal Services - Includes Salaries/Fringe Benefits.

Contractual Services - Includes Virginia Information Technology Infrastructure (\$443,975) and Telecommunications (\$109,985) Expenses, Postage, Training, Travel, and other contractual expenses.

Supplies - Includes General Office Supplies.

Transfer Payments - Includes Federal Indirect Cost Accounting Entry.

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

Equipment - Includes Office Furniture and Field Equipment.

Human Resources and Volunteer Programs in 2012

As DOLI's Division of Human Resources and Volunteer Programs entered 2012, 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 wellbeing of Virginia's workers while at the same time aligns 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 two STAR Awards were received, three Commissioner's Outstanding Achievement Award were received, and sixty Commissioner's Cup Awards were received 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

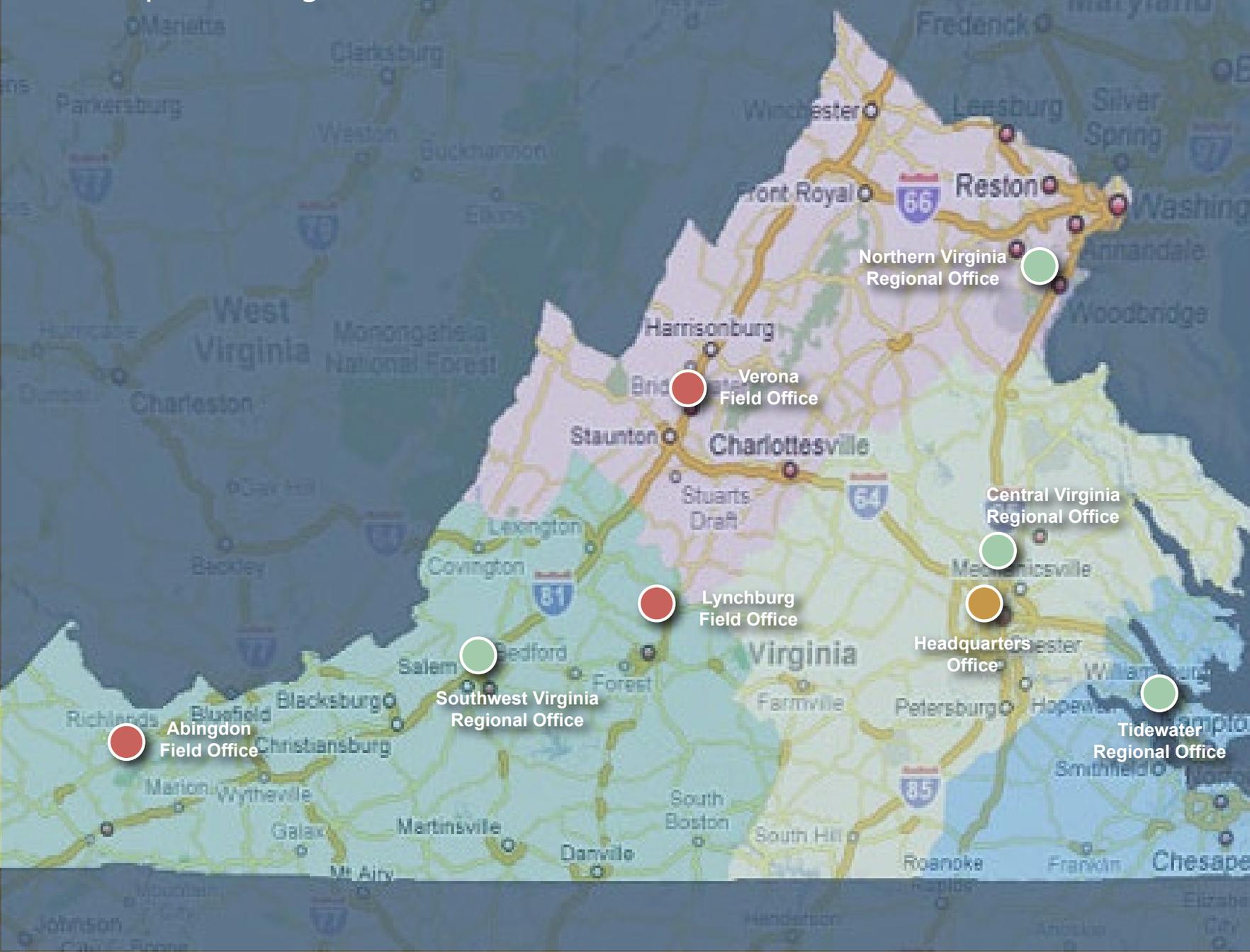
fun events aimed at keeping our employees physically fit and in good health. In support of the Commonwealth's CommonHealth initiatives, DOLI employees participated in Moving Forward With Fitness, National Employee Health and Fitness Day, and Lighten Up, just to name a few. These, along with other activities, 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 2012. In light of the failing economy, we are proud of our efforts in the form of donations to area charities.

One of our continued initiatives is aimed at both effective document retention strategies and cost efficiency has been the continued implementation of a paperless 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. The newest component has been the creation of a database to house personnel information that is often not captured in the Commonwealth's Personnel Management System. Once this project is completed, the agency will have a well organized, cost and time efficient mechanism to maintain information, access it with ease, and produce reports. Another continued initiative 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 2012, our interns and volunteers contributed 2,885 hours to various divisions within our Agency.

Office Locations

Virginia Department of Labor and Industry
Headquarters, Regional and Field Office Locations



Office Location Legend

-  Headquarters Office
-  Regional Office
-  Field Office

Central Virginia Regional Office

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

Tidewater Regional Office

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

Abingdon Field Office

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

Verona Field Office

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

Northern Virginia Regional Office

10515 Battleview Parkway
Manassas, Virginia 20109
Phone: (703) 392-0900
Fax: (703) 392-0308

Southwest Regional Office

Brammer Village
3013 Peters Creek Road
Roanoke, Virginia 24019
Phone: (540) 562-3580
Fax: (540) 562-3587

Lynchburg Field Office

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

Headquarters Office

Main Street Centre
600 East Main Street, Suite 207
Richmond, Virginia 23219
Phone: (804) 371-2327
Fax: (804) 371-6524