

VIRGINIA DEPARTMENT OF
LABOR AND INDUSTRY

2009
ANNUAL
REPORT



Registered Apprenticeship

Boiler and Pressure Vessel Safety

Labor and Employment Law

Lead and Asbestos Programs

VOSH Enforcement

VOSH Cooperative Programs

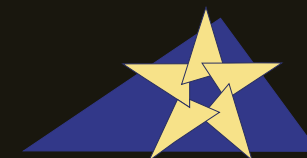


TABLE OF AGENCY CONTENTS

The Virginia Department of Labor and Industry

(Click on the Title or Page Number to view the page)

Agency Mission	3
Registered Apprenticeship	4
Virginia Apprenticeship Council	5
Outstanding Apprentices for 2009	6
Boiler Safety Compliance	7
Labor and Employment Law	8
Cooperative Programs	9
Consultation Services	9
Voluntary Protection Program (VPP)	10
Safety and Health Achievement Recognition Program (SHARP)	11
Annual Virginia Occupational Safety and Health Conference	12
Research and Analysis	13
Occupational Safety Compliance	14
Occupational Health Compliance	15
25 Most Frequently Cited Standards During Construction Industry Inspections	16
25 Most Frequently Cited Standards During General Industry Inspections	17
VOSH Planning and Evaluation	18
Division of Legal Support	19
Agency Operations	20
Administration	20
Human Resources	21
DOLI Office Directory	22

AGENCY MISSION

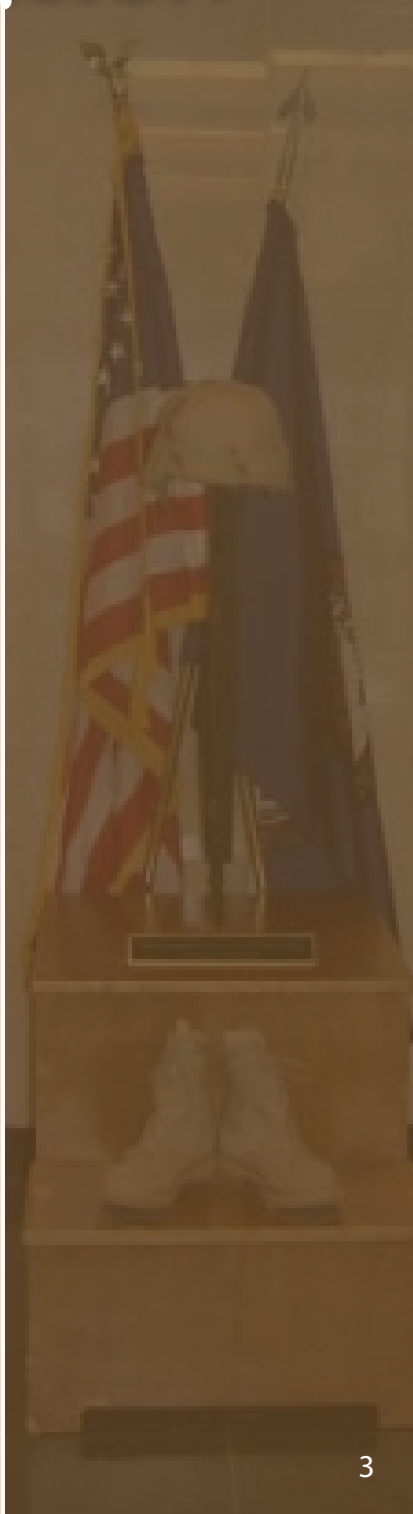


Our Mission

Since 1898, the Virginia Department of Labor and Industry has been committed to serving the citizens, employers and employees of the Commonwealth. Although the agency's responsibilities have evolved over time, our fundamental job – to make Virginia a safe, healthy, and productive place to work – remains the same and is the driving force behind everything we do.

We work with Virginia employers and employees that have strong safety and health programs and those that want to achieve them through our voluntary protection programs and consultation services. Affordable, quality safety and health training is provided through our successful Annual Safety and Health Conference. Compliance activities address safety and health hazards in general industry and construction, and special emphasis programs are in place to increase safety awareness. Through registered apprenticeship, we provide candidates with job training opportunities for lifelong skills and help employers meet their needs for highly skilled workers. We also ensure that employees are properly paid and protected by administering payment of wage, minimum wage, child labor, and other labor laws. Our boiler safety division protects life and property by certifying and overseeing the installation, operation, and repair of boilers and pressure vessels.

We value input from the people we serve, and would like to hear from you. Let us know how we can help make Virginia a safer, healthier, and more productive place to work and live. We urge you to visit our Web site at www.doli.virginia.gov for more information about who we are and what we do. We will continue to meet the needs of workers and employers across the Commonwealth, and strive to do our best when it comes to assisting you.



REGISTERED APPRENTICESHIP

Apprenticeship in 2009

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 are portable credentials that are recognized nationally and, when appropriate, allow the candidate to qualify for the licensing examination. Last year 2,251 Certificates of Completion were issued. In addition, 13,937 apprentices and 2,216 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 12 field representatives. Field representatives work from offices located in all regions of the state and are responsible for registering new sponsors and apprentices, helping sponsors develop industry apprenticeship programs, and providing ongoing customer service.

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

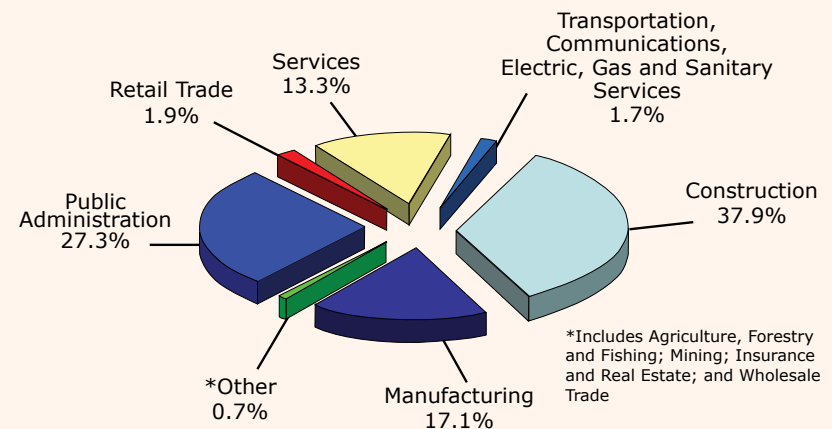
Apprenticeable Occupations

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

- Machinists
- Marine Service Technicians
- Opticians
- Electricians
- Welders
- Cosmetology and Barbering
- Head Start
- Maintenance Mechanics
- Plumbers
- Hospitality
- Wastewater Treatment Operators/Technicians



Virginia's Registered Apprentices by Industry Calendar Year 2009



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

"... the opportunities the apprenticeship has offered me are beyond compare. It is the best decision I ever made."

Kristine Grafton, Outstanding Apprentice, 2007
Norfolk Naval Shipyard

December 2009 Meeting

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 2010. They are judged on craftsmanship, accuracy, cooperation, leadership, decision-making, and consideration for their companies and co-workers.

At its December meeting, the council presented its annual Outstanding Apprentice Awards. Deputy Secretary of Commerce and Trade Lynette Hammond and DOLI Commissioner Ray Davenport joined Council Chairman and Virginia Apprenticeship Alumni Association President Darold Kemp in presenting the Outstanding Apprentice Awards to the individuals shown at right.

The 2009 Award Winners



The 2009 Outstanding Apprentice Award Winners pictured here from left to right are Jeff Bilodeau, a ship fitter employed at Northrop Grumman Shipbuilding; John Bernard, a HVAC Technician employed by Childress Heating and Air Conditioning; Cody Garrett, a licensed journeyman electrician; and Sylvia Lynn Stroud, an apprentice barber.

The 2009 Council Members



The 2009 Virginia Apprenticeship Council Members pictured from left to right are Mr. Don Lillywhite; DOLI Commissioner Mr. C. Ray Davenport; Ms. Catherine McQuade; Mr. Darold S. Kemp, Chairman; Mr. Gary McQuain; Mr. Dudley Harris; Mr. Earl Dickerson; Mr. Danny Amos; and Mr. Lorne Seay.

Click on the image to view the video at the DOLIVirginia YouTube site

The December 2009 Meeting of the Virginia Apprenticeship Council

Confederate Hills Recreation Center
302 Lee Avenue, Highland Springs, Virginia



2009 OUTSTANDING APPRENTICES

Award Winner Sponsor Testimonials



John Bernard

John is a HVAC Technician who completed his apprenticeship in April 2009. When reading the application, the committee members were unanimous in their thoughts: John is an employee that any employer would love to hire.

John's sponsor wrote that he is thorough and detailed in all paperwork, and he has an incredible attitude toward his supervisors and co-workers. He is willing to do anything and work with anyone if it will benefit the company.

John was originally hired to handle the company's warehouse and inventory area. He immediately set up an inventory system and was quickly making his own decisions on the best ways to track and identify inventory. John's original system is still being used today. Because of his awareness of waste and the cost that it incurs to the business, several of his recommendations have resulted in substantial savings.

While going through his apprenticeship training, John was diagnosed with cancer. He continued to work and attend school even though he was undergoing extensive chemotherapy treatments. When he was unable to work in the field, he assisted in various other ways in order to contribute to the company. John's determination and faith are truly remarkable and inspiring.



Sylvia Lynn Stroud

Sylvia is an apprentice barber who is schedule to complete in the spring of 2010. While reading the application, several recurring themes presented themselves.

Her sponsor described Sylvia as a person who is persistent, dedicated to her customers and equally dedicated to mastering her chosen

occupation. Sylvia's sponsor also went on to say that she always understands how to prioritize her time and to be economically efficient.

In August 2009, Sylvia injured both ankles, yet she was present, punctual, and active at work all day either using crutches or a wheelchair. She said that the challenge was "just a slight detour on my road to success." Her sponsor went on to state that this experience has only made her more focused, flexible, and resilient.

When dealing with workplace and personal issues, Sylvia showed poise and grace when under pressure. She is truly an outstanding apprentice and has proven her commitment to her customers, sponsor, and registered apprenticeship.



Jeff Bilodeau

Jeff is a ship fitter who served his apprenticeship at a shipbuilding company in Newport News. He became a journeyworker in March 2009.

While working for his sponsor, Jeff was on a special rotation for nearly 12 months. During that time, he was asked to review engineering reports and update fabrication documents to meet many construction requirements for the Virginia Class Submarine project.

A supervisor described Jeff's contributions to the company: "Jeff

did much more than blend in. He stepped up immediately and began to use the knowledge that he had learned during the first phase of his apprenticeship as a ship fitter."

Jeff applied his knowledge of construction and started making suggestions on improving designs. Thus far, he's already played a significant role in getting 5 different jigs developed. These jigs are saving the company more than 1000 man-hours per ship.

Another supervisor wrote: "Mr. Bilodeau disappeared from his plush engineering environment often to meet and discuss waterfront ideas and needs prior to making the design concept of the fixtures. He learned the materials and constructions capabilities available to his customer prior to designing his product."

This commitment to his craft is truly an example of what it means to be an outstanding apprentice.



Cody Garrett

Cody completed his electrical apprenticeship in Richmond in June 2009, and is now a licensed journeyman electrician.

When describing his work ethic, Cody's training director used some very strong words; words like cooperation, leadership and "never has to be told twice." All of these

exemplify Cody's determination to do a great job and learn as much as possible during his apprenticeship.

His sponsor stated that Cody leads by example. He is not a loud or vocal person, but always sets the tone with his professionalism. Cody has been described as someone who is always very efficient with his time and never has to re-do his work. This accuracy and efficiency is one of the reasons Cody was selected to be part of this highly esteemed group of apprentices.

Cody completed his four-year apprenticeship with a 92 point grade average and perfect attendance for all four years. These kinds of credentials are music to any employer's ears, and demonstrate why Cody is considered an outstanding apprentice.

BOILER & 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 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 2009, there were 34,683 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 2009, in a continuing effort to prevent accidents, Boiler Safety focused on finding unregistered objects

in automobile industries, apartment buildings, and laundry and dry cleaning establishments. Over 9,500 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 2009 there were 34,683 inspections made of boilers and pressure vessels by insurance companies registered in Virginia"

ACTIVITIES OF BOILER SAFETY	2007	2008	2009
Total Active Objects Registered	70,539	68,986	69,798
Acceptable Inspections (Certificates Issued)	34,233	37,295	34,683
Violations	567	429	497
Quality Control Reviews/Surveys	15	13	16
Incidents	3	1	2
Injuries	0	0	0
Fatalities	0	0	0
Inspector Applicants Passing Exams	3	13	3
Commissioned Inspectors	245	238	282

LABOR & EMPLOYMENT LAW

Labor Law Division

The Labor and Employment Law Division administers and enforces the laws of the Commonwealth that govern payment of wages, minimum wage, child labor, the right to work and certain other provisions of state law related to the workplace. The division provides guidance concerning the application of garnishment laws and regulations.

The division is composed of a Director, an Assistant Director, and two program support staffers located at the agency's headquarters office. There are five full-time Labor Law Representatives, one Lead Labor Law Representative, one supervisor, one Operations Manager, and one assistant representative located throughout the state in the regional and field offices. The division responded to over 32,000 requests for assistance from the public this year (telephone calls, walk-ins, e-mail, U.S. Mail). Each staffer responded to an average of over 2,600 requests for assistance which breaks out to 50 plus requests per week in 2009.

In 2009, the division received and screened 2,473 claims for unpaid wages and completed 1,507 investigations of those claims that alleged violations of the Payment of Wage Law. The division met and exceeded

payment of wage

child labor issues

the right to work

"... in 2009, the division received and screened 2,473 claims for unpaid wages and completed 1,507 investigations of those claims."

its 2009 mandate of completing 90% of valid wage claims within 90 days or less. Staff completed 95.9% of valid wage claims within 90 days or less. The division collected \$421,329.57 in wages on behalf of employees who worked in the Commonwealth, which is a 4% increase over last year. Final Orders on unpaid wages due in the amount of \$16,278.70 were assessed and reduced to judgments. Civil monetary penalties were issued and reduced to judgments for noncompliance with the Payment of Wage Law in the amount of \$5,070.00 then submitted to collections. Civil penalties in the amount of \$6,573.39 were collected and forwarded to the state's General Fund and \$15,935.45 in unpaid wages was collected for claimants through the collections process.

The division issued 7,016 employment, age, and theatrical permits for the employment of minors in 2009. Labor Law Representatives trained 150 school officials to issue employment certificates, provided supplies and supported over 2,000 issuing officers

across the state. In 2009, we continued the annual child labor special emphasis program which is a statewide child labor outreach effort. This special emphasis program includes refresher training of issuing officers in an effort to reduce the number of minors working on prohibited or hazardous work sites and a designated week for conducting targeted child labor inspections throughout the state. Refresher training was conducted for an additional 108 issuing officers across the state and staff conducted 301 inspections of work sites in a statewide sweep in June. This was a 19% increase over last year's inspection total. Violations were addressed and educational material was distributed to employers. The division also formed a regulatory review panel composed of members from both the private and public sector to review Virginia's child labor hazardous occupations regulations. After a comprehensive review, 13 regulatory changes were recommended and submitted to the Commissioner for adoption.

CHILD LABOR COMPLAINT ANALYSIS 2009

Total number of child labor complaints reported and investigated	22
Penalties issued for working without an Employment Certificate	2
Failure to Keep Time Records	6
Working Prohibited Hours	7
Performing Prohibited or Hazardous Occupations	4
Total Penalties Collected	\$7,385.00

COMPLETED COMPLAINT INVESTIGATIONS 2009

Total Number of Employment Certificates Issued	7,016
Total Number Employment Certificates Requiring Investigation	610
Total Number Prohibited/Hazardous Occupations Revoked	122

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 2009, funded 90% by Federal OSHA, 6 DOLI consultants provided on-site safety and health services to 431 private sector employers. Within the public sector program, funded 50% by Federal OSHA, on-site services were provided to 14 employers. The following tables outline Consultation Services activities and occupational safety and health training programs conducted for both private and public sector employers. The total visit numbers were lower for all of 2009 than 2008, as the program experienced four senior vacancies for the year. Numbers of certifications and recertifications of SHARP worksites, 52 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.

In 2009, the consultation training section conducted 63 sessions of formal training opportunities for private sector employers throughout the Commonwealth. To date, 41 training courses have been identified and developed that will be presented in 31 sessions during the first half of 2010.

CONSULTATION PROGRAM ACTIVITIES

	<u>2007</u>	<u>2008</u>	<u>2009</u>
Consultative Surveys (Private Sector)	577	610	431
Consultative Surveys (Public Sector)	15	12	14
Promotional Visits	82	96	71
Follow-Up Visits	12	9	8
Program Assistance Visits	27	27	9
Serious Hazards Abated	2,150	2,186	1,847
Serious Hazards Identified	2,028	1,944	1,394
Other-Than-Serious Hazards	328	453	330
Total Hazards Identified	2,478	2,397	1,724

TRAINING PROGRAM ACTIVITIES

	<u>2007</u>	<u>2008</u>	<u>2009</u>
Formal Training Sessions	95	71	63
Informal Training Sessions	592	601	431
Persons Trained	3,970	2,964	1,936
Employers Represented	1,147	838	1,017

on-site consultation

training programs

SHARP and VPP



COOPERATIVE PROGRAMS

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. 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-assess-

ments 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 2009, 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.

In all of these areas the program achieved very favorable results. There were four worksites that achieved Star status during the year. The active number of sites increased to a total of 42. A total of 11 sites were re-certified as Star status during 2009. In the spirit of VPP, at least half of the current Star worksites were actively involved in mentoring new sites.

In January of 2010, a Special Government Employee (SGE) class for the Private Industry Volunteers was conducted in Virginia Beach in conjunction with the U.S. Department of Labor's Region III and the Virginia Department of Labor and Industry. This class prepares volunteers from existing VPP sites to become VPP auditors. A total of 29 employees attended, with 17 employees from Virginia sites. This is a welcome addition to the Virginia VPP effort.

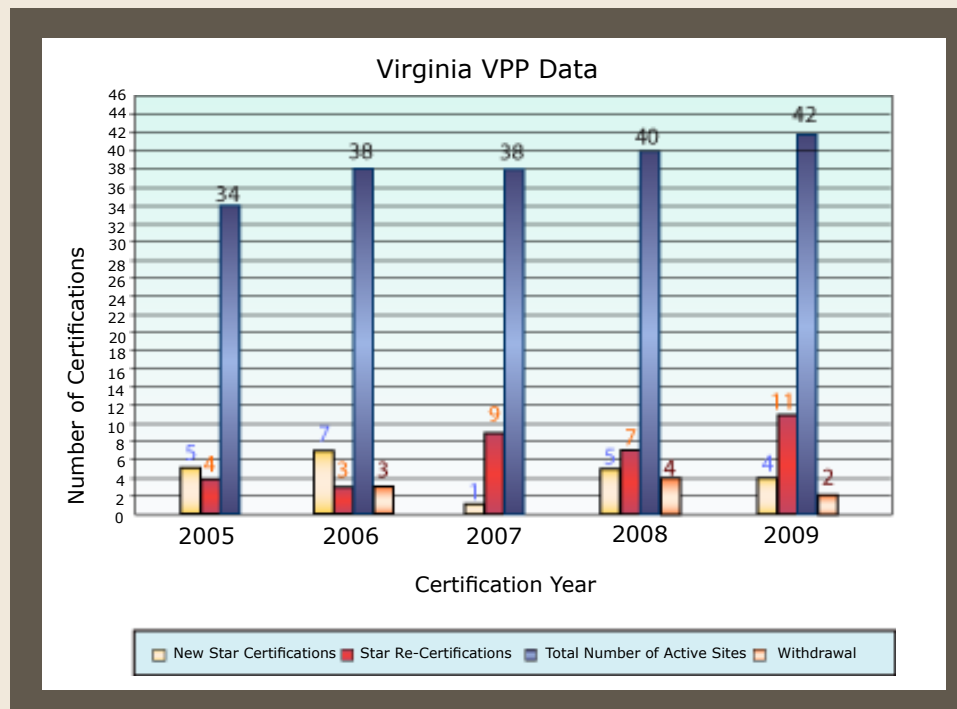
For 2010 there are three main objectives for Virginia's program:

- 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.

VPP Program

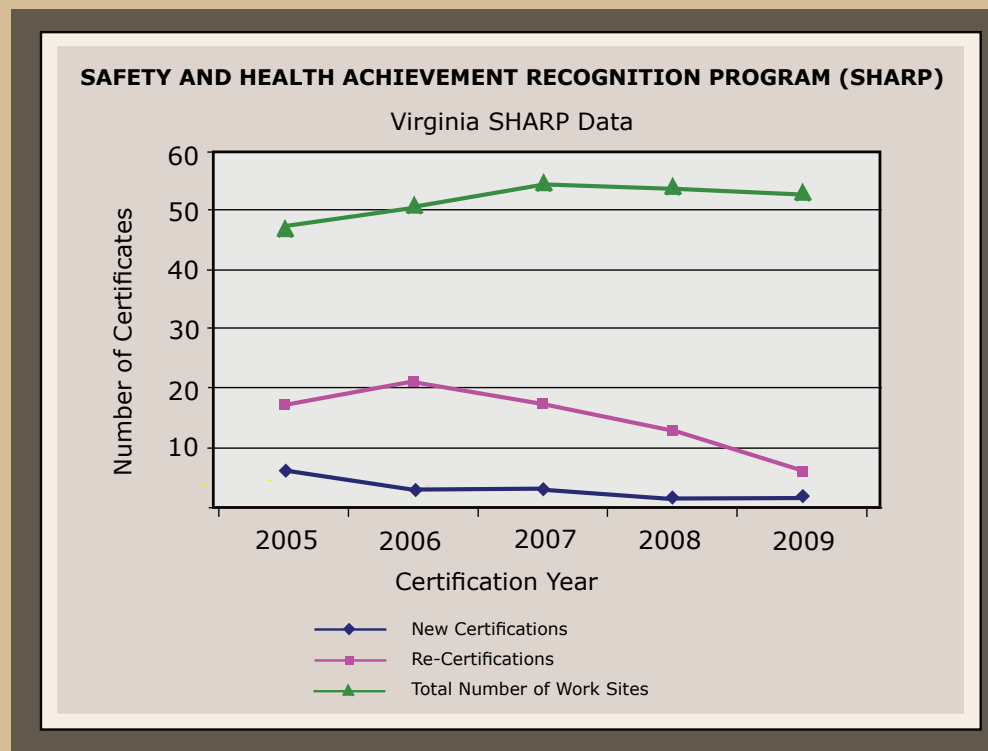
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SHARP Recognition

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

To date there are 52 participants in the SHARP program. In 2009, one company achieved SHARP status for the first time and six companies were re-certified into the program. One company voluntarily withdrew due to economic issues. There are also two companies in the deferral program with hopes of achieving SHARP status during 2010.



One of the newest participants in the SHARP program, gave a testimonial at the 2010 VOSH Conference where he talked about the reduction in lost time accidents, the savings on insurance premiums and the return on investment to their company since joining SHARP.



“...in 2009, one company achieved SHARP status for the first time and six companies were re-certified into the program.”

COOPERATIVE PROGRAMS

Operation, training, use, installation, inspection, testing, repair and maintenance of machinery, vehicles, tools, materials and equipment; unless specifically

2009 VOSH Conference

The Fourteenth Annual Virginia Occupational Safety and Health Conference was held June 2-5, 2009 at the Hotel Roanoke and Conference Center. The conference participants engaged in safety and health training sessions on working around overhead power lines, using a culture perception survey, and unique fall protection solutions, among others. Safety and health training, equipment and related products were displayed and demonstrated at more than 40 vendor exhibits.

Concurrent sessions also included opportunities to learn about the VPP Program, workers'

compensation compared with OSHA recordability, what to expect during a VOSH inspection, media relations in workplace emergencies, and trenching and excavation safety. Keynote speaker Gary L. Visscher, a member of the U.S. Chemical Safety Board, discussed heading towards the future in workplace safety.

The conference succeeded in reaching 217 attendees and continuing to improve the variety of training sessions offered at an affordable price to employers, employees and safety and health professionals in Virginia.



vendor trade show



opening luncheon



conference sessions



Click on the image to see the promotional video for the 2010 VOSH Conference

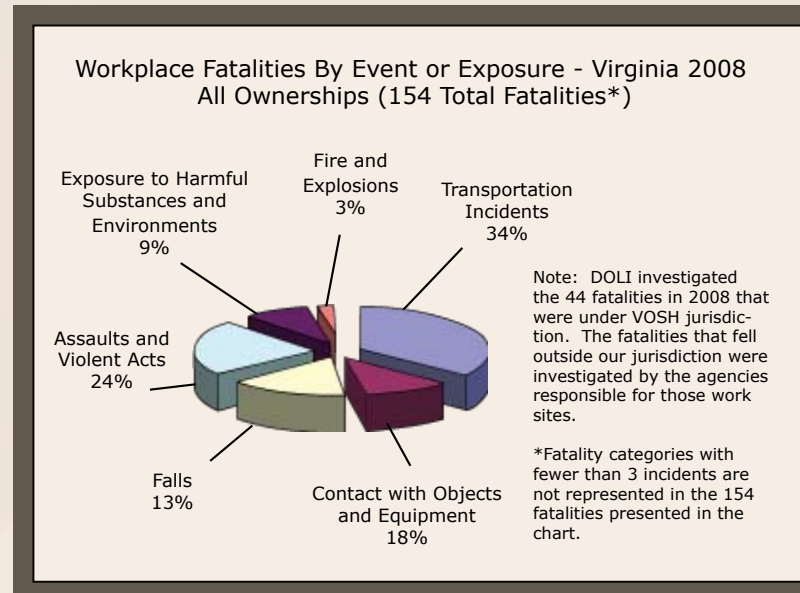
Research and Analysis

In 2009, the VOSH Research and Analysis unit conducted the 38th Annual Survey of Occupational Injuries and Illnesses, collecting data for calendar year 2008 from 5,579 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 non-fatal occupational injury and illness rate in 2008 was 3.3 cases per 100 full-time equivalent workers, with an estimated total of 97,900 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

4.9. The survey also provides demographic characteristics data on the injured or ill employees and case characteristics data on the types of incidents that occurred.

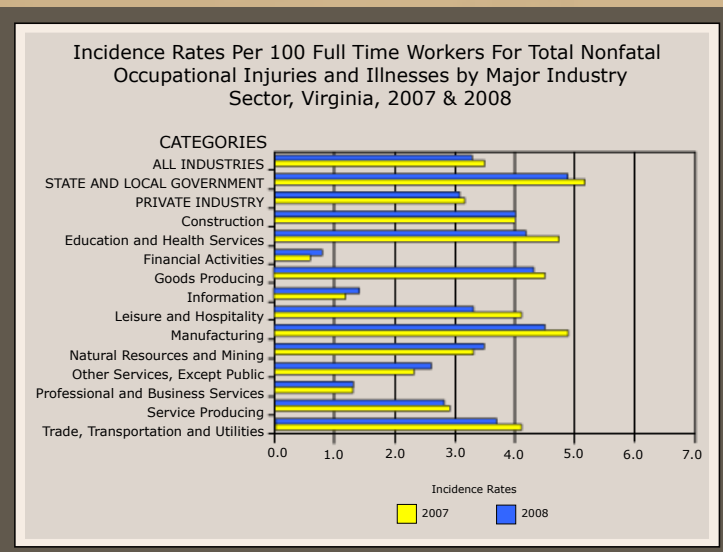
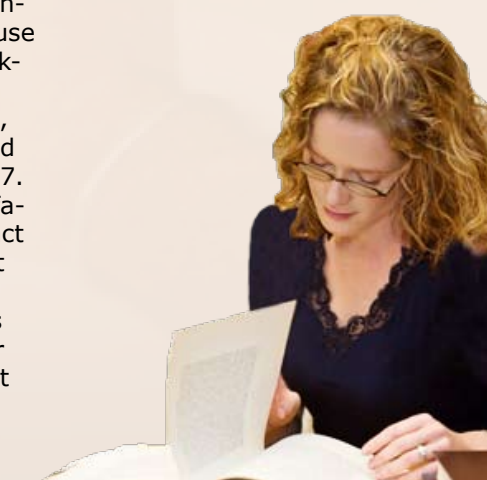
Virginia also participates annually in the Census of Fatal Occupational Injuries (CFOI), conducted cooperatively with BLS, which provides information on all work-related fatalities for Virginia and the nation. Each fatality must be confirmed by at least two independently obtained source documents. Research on death certificates at the Virginia Department of Health (VDH) is necessary. 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 154 occupational fatalities in the Commonwealth for calendar year 2008, up by five percent from the 146 fatalities in 2007.

Transportation incidents (52), which include highway, non-highway, pedestrian, air, water, and rail fatalities, decreased by five from 2007, made up 34 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 20 deaths and decreased by five from 2007. The number of on-the-job fatalities resulting from contact with objects and equipment (27) accounted for 18 percent of work-related deaths in 2008, an increase of four from 2007. Seventy percent of the contact with objects and equipment cases were

workers being struck by an object (19). Assaults and violent acts comprised 37 fatalities, over 57 percent of which were homicides, and decreased by 16 from 2007. The 14 work-related fatalities resulting from exposure to harmful substances or environments accounted for nine percent of total deaths. Fires and explosions accounted for four fatalities in 2008.



VOSH COMPLIANCE

working conditions

VOSH enforcement

workplace investigations

emphasis programs

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 2009 by performing 3,363 inspections. Our Southwestern office was our top performer again for 2009, performing 996 inspections. Our compliance officers identified and corrected 24,458 instances of workplace hazards in the past year.

DOLI compliance officers investigated 754 employee complaints and 188 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.

Our safety and health consultants made 388 visits to worksites at the invitation of the business owners in the Commonwealth. These visits, a free service to Virginia employers, identified 2,800 hazards which could have, if left uncorrected, caused or contributed to serious injuries up

to and, in some cases, including death.

We are very pleased with the success of our journeyman apprentice program. We have graduated a total of 20 journeymen CSHOs through 2009. All apprentices went through a rigorous program to gain this distinction.

We have hired eight new CSHO positions this fiscal year. However, we lost seven CSHOs, one due to retirement and one due to promotion to Compliance Manager.

Even though our fatality rate declined again this year (from 39 in 2008 to 33 in 2009) it continues to be of great concern to us. The Commissioner has prepared a gripping and effective presentation on fatalities that he gave in numerous areas throughout the Commonwealth. In addition, the Assistant Commissioner, the VOSH Director and the Regional Directors gave numerous talks throughout the state to various groups and organizations encouraging safety and health in the workplace. While we will not be satisfied until there are no workplace fatalities, we are pleased to report the total number continues to decline. Our Northern Virginia region continues to have the most fatalities in the state. This is largely due to the vast amount of construction in that area and also because it is the state's most populous region.

The number one cause of death in Virginia's workplaces in 2008 was "struck by" and "crushed by" fatalities; falls were the second leading cause of workplace fatalities last year. Electrocutions continue to be a problem with four fatalities this year (all of those involved overhead high voltage lines). Our seven Hispanic fatalities (21% of total fatalities) were very alarming and continue to emphasize the importance of getting the "safety message" out in more than one language. Even more alarming is that 42% of our fatalities were workers over 40 years of age!

"... our safety and health consultants made 388 visits to worksites at the invitation of the business owners in the Commonwealth."

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.

Consultant, Industrial Hygienist, and Compliance Safety and Health Officer apprentices from across the state, following the VOSH In-House Training Conference held in Richmond in 2008.



working conditions

VOSH enforcement

workplace investigations

special emphasis programs

The following tables offer an analysis of the activities of VOSH enforcement over the period of 2007-2009:

CATEGORIES OCCUPATIONAL SAFETY AND HEALTH INSPECTIONS						
Calendar Year	2007		2008		2009	
	Safety	Health	Safety	Health	Safety	Health
Planned	2,385	392	2,110	381	1,974	381
Follow-Up	27	3	18	14	33	16
Complaint	226	204	186	188	203	189
Referral	74	84	84	83	94	95
Accident/Fatality/Cat.	55	5	51	6	32	6
Other	254	94	235	97	260	80
Totals	3,021	782	2,684	769	2,596	767

CATEGORIES HAZARDS IDENTIFIED						
Calendar Year	2007		2008		2009	
	Safety	Health	Safety	Health	Safety	Health
Serious	3,676	971	3,178	835	2,731	718
Willful	17	3	11	8	16	37
Repeat	207	10	168	6	89	7
Other (OTS&FTA)	1,419	581	1,447	679	1,336	703
Totals	5,319	1,565	4,804	1,528	4,172	1,465

CATEGORIES PENALTIES ASSESSED (IN DOLLARS)						
Calendar Year	2007		2008		2009	
	Safety	Health	Safety	Health	Safety	Health
Penalties	\$2,650,455	\$480,257	\$3,324,613	\$491,793	\$2,625,341	\$907,536

fall protection



scaffolding



trenching protection



asbestos hazards



25 MOST FREQUENTLY CITED STANDARDS DURING CONSTRUCTION INSPECTIONS (October 1, 2008 - September 30, 2009)

1. 1926.0451 Scaffolds, general requirements
2. 1926.0501 Duty to have fall protection
3. 1926.050 Medical services and first aid
4. 1926.0405 Wiring methods, components, and equipment for general use
5. 1926.0100 Personal protective equipment—head protection
6. 1926.1053 Ladders
7. 1926.0404 Wiring design and protection
8. 1926.0651 Specific excavation requirements
9. 1926.1200 Hazard communication
10. 1926.1101 Asbestos
11. 1926.0150 Fire protection
12. 1926.0452 Additional scaffold requirements
13. 1926.0652 Requirements for protective systems
14. 1926.0416 Safety related work practices for electric power circuits.
15. 1926.0502 Fall protection systems criteria and practices
16. 1926.0602 Material handling equipment
17. CSAN0051 General duty
18. 1926.0453 Aerial lifts
19. 1926.0602 Lead
20. 1910.0134 Respiratory protection
21. 1926.1052 Stairways
22. 1926.0503 Fall protection--training requirements
23. 1926.0403 General electrical requirements
24. ARM 307 Failure to abate
25. 1926.0102 Eye and face protection

25 MOST FREQUENTLY CITED STANDARDS DURING GENERAL INDUSTRY INSPECTIONS (October 1, 2008 - September 30, 2009)

1. 1910.0305 Wiring methods, components, and equipment for general use
2. 1910.1200 Hazard communication
3. 1910.0303 General electrical requirements
4. 1910.0147 Lockout/Tagout
5. 1910.0134 Respiratory protection
6. 1910.0157 Portable fire extinguishers
7. 1910.0212 General requirements for all machines
8. 1910.0037 Maintenance, safeguards, and operational features for exit routes.
9. 1910.0219 Mechanical power transmission apparatus
10. 1910.0215 Abrasive wheel machinery
11. 1910.0022 General requirements for walking-working surfaces
12. 1910.0178 Powered industrial trucks
13. 1910.0151 Medical services and first aid
14. 1910.0146 Permit required confined spaces
15. 1910.0023 Guarding floor and wall openings and holes
16. 1910.0107 Spray finishing using flammable and combustible materials
17. 1910.0213 Woodworking machinery requirements
18. 1910.0132 Personal protective equipment-general requirements
19. 1910.0253 Oxygen-fuel gas welding and cutting
20. 1910.0304 Wiring design and protection
21. 1910.0095 Occupational noise exposure
22. 1910.0266 Logging operations
23. 1910.1030 Bloodborne pathogens
24. 1913.0106 Flammable and combustible liquids
25. 1910.0179 Overhead and gantry cranes



respiratory protection



confined spaces



lockout/tagout



machine guarding



PLANNING AND EVALUATION

Planning and Evaluation

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

Accomplishments during 2009 include the following:

- Issued 16 program directives for the VOSH Program with an additional 53 program directives in development dealing with inspection or enforcement procedures for individual standards, compliance assistance, or specific emphasis programs.
- Worked with Region III OSHA to coordinate the maintenance of the Virginia State Plan for Occupational Safety and Health including update and maintenance of the federal standards log Automated Tracking System (ATS) Notification.
- Updated and/or amended three publications to reduce or eliminate printing costs: The Administrative Regulations Manual for the VOSH Program, Employer's Rights and Responsibilities Following a VOSH Inspection, and the Closing Conference Guide.
- Coordinated with the 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 revisions toward overhaul of the VOSH Field Operations Manual, as well as needed revisions to the program directives system and related manuals for internal distribution and final posting on the Virginia Regulatory Town Hall Web site.

Regulations

Planning and Evaluation also provides support to one of the agency's two policy boards, the Safety and Health Codes Board, which held two meetings and two formal public hearings during 2009. OPE assisted the Board to adopt, amend and/or approve several regulatory items, including:

Proposed regulations for:

- | | |
|---|---|
| a. Amendment to Administrative Regulation for the Virginia Occupational Safety and Health (VOSH) Program, 16 VAC 25-60; | 25-95; and Amendment for Medical Services and First Aid Standard for the Construction Industry, 1926.50(c), 16 VAC 25-177; |
| b. Tree Trimming Operations, 16 VAC 5-73; and | b. Electrical Standard, Subpart S of Part 1910, 1910.303 and 1910.304; Final Rule; Clarifications and Correcting Amendments; |
| c. Boiler and Pressure Vessel Rules and Regulation, 16 VAC 25-50 | c. Clarification of Employer Duty to Provide Personal Protective Equipment and Train Each Employee, Parts 1910 through 1926, and Corrections; |

Two public hearings were held to receive public comments regarding the following proposed regulations:

- | | |
|---|---|
| a. Amendment to Administrative Regulation for the Virginia Occupational Safety and Health (VOSH) Program, 16 VAC 25-60; | d. Longshoring and Marine Terminals; Vertical Tandem Lifts, 1917.71 and 1918.85, Public Sector Only; Final Rule |
| b. Tree Trimming Operations, 16 VAC 25-73; and | e. Administrative Regulation for the VOSH Program, 16 VAC 25-60; |
| c. Boiler and Pressure Vessel Rules and Regulation, 16 VAC 25-50 | f. Tree Trimming Operations, 16 VAC 25-73; and |
| | g. Various Corrections and Technical Amendments to: Part 1910 B General Industry and to Part 1915 B Shipyard Employment |

Final regulations for:

- | |
|--|
| a. Amendment for Medical Services and First Aid Standard for General Industry, 1910.151(b), 16 VAC |
|--|



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.

reviewing contested cases

litigating VOSH cases

processing FOIA requests

evaluating complaints

Activities

The following summarizes Office of Legal Support activities for calendar year 2009:

Significant Case Pre-citation Reviews	127
Contested Case Review Activities	112
Settlement Agreement Activities	93
Final Orders	26
Warrant Activities	12
Subpoenas	14
Litigation Activities	163
Final Order Judgments Docketed	48
Freedom of Information Act Requests	357
Total	952

AGENCY OPERATIONS

Administration 2009

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

The Department of Labor and Industry maintains its central headquarters and eight regional and field office sites to provide local constituent services throughout the Commonwealth. We continually work to enhance our quality of service to the public. Resource allocations are regularly monitored to maximize service quality and delivery.

The agency's pre-reduction base operating budget for fiscal year 2010 (July 1, 2009 - June 30, 2010) was \$14.17 million (\$8.16 million General Fund, \$6.01 million Non-General Fund) with 183 employees.

Division of Administration accomplishments and customer service initiatives for 2009 include the following:

- DOLI met expectations in each of the Commonwealth's Management Scorecard report of core management functions. The 2009 Management Scorecard can be viewed at [Virginia Performs](#) web site [Management Scorecard](#).
- 2010-12 Strategic Plan was completed and posted to [Commonwealth of Virginia](#) and [DOLI](#) web sites.
- The Virginia Performs web site reports on agency performance

measures for delivering core services to customers and stakeholders. You can view the performance measures at the [Agency Listing page](#) and the [Labor and Industry page](#).

- DOLI met and exceeded target SWaM minority purchasing targets. To view the agency's online reports, see [SWAM Purchasing and Expenditure Reports](#) and [Certification Requirements](#).
 - The agency participates in the Commonwealth's e-Virginia electronic procurement model. Virtually all agency purchases were accomplished thru [eVa](#).
 - Met and exceeded the Virginia Prompt Payment Act's requirements for vendor payments. (The 30-day prompt payment requirement was established at 95%. For Fiscal Year 2009, the agency had a 12 month average of 99.76 % of Payments in Compliance and 99.78% of Dollars in Compliance.)
 - DOLI also maintained a high participation in state on-line activities that facilitate a reduction in costly distribution expenses.
 - The agency once again received an "unqualified audit" for the period ending June 30, 2009 from the state's [Auditor of Public Accounts](#). Our accounting staff continued to give internal control and stewardship responsibilities a high priority and to pay much attention to ensuring compliance.
 - Throughout the year, vigilance was maintained over DOLI's financial resources. Budget adjustments were accomplished in response to state revenue shortfall. All expenditures without exception (100%) were within approved budgets.
 - Office of the Comptroller Directive 1-07, Required Implementation of Agency
- Risk Management and Internal Control Standards, was issued in 2006. During 2009, the Finance and Accounting Division completed all ARMICS Certification Requirements. The Department of Accounts completed their testing and review in January 2009. The closing conference revealed full (100%) compliance with ARMICS. An unqualified report was received.
- A federal grant audit revealed full (100%) compliance with federal grant requirements.
 - Maintained public accessibility to regulatory process via [Regulatory Town Hall](#) web site and [Labor and Industry page](#).
 - DOLI's Information Technology (IT), in partnership with VITA, spent considerable time and effort ensuring that DOLI's network and databases were maintained in a secure and protected environment.
 - DOLI's IT development staff maintained and implemented YouTube enhancements to the agency's website.
 - DOLI IT development staff completed a re-design of agency website with full compliance with IT web accessibility standards.
 - In accordance with the Governor's Executive Order and agency contingency planning, an updated Continuity of Operations Plan was developed. Compliance reviews conducted by the Virginia Department of Emergency Management were favorable. An in-house testing exercise proved beneficial.
 - The agency continues to implement "green initiatives" for recycling and conservation measures.

Human Resources in 2009

As DOLI's HR Department entered 2009, 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 align 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 HR Department this year was the coordi-

ination 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 HR Department also coordinated our Employee Recognition Program, which consists of two different awards. Eighty-two employees received the STAR Award, and twelve 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 Greener Virginia, Something To Smile About, and Calm Your Nerves, just to name a few. In addition, the HR Department continued to organize Brown Bag Lunch Seminars on a variety of topics based on employee needs and interests both personally and professionally. This, along with other activities, is 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 2009. In light of the failing economy, we are proud of our efforts with donations totaling \$5,937 to area charities and over 355 pounds of food to local food banks.

One of our most recent initiatives aimed at both effective recruiting techniques and cost efficiency has been the implementation of a paperless application process. This has been a valuable and effective strategy especially in light of the ever increasing rise in the unemployment rate which has resulted in significant increases in the volume of applications for each vacant position, making careful screening and selection more imperative than ever before. Screening has become an increasingly time-consuming function due to the sheer volume of applications received. Within the last year, the agency recognized a significant increase in the number of applicants with data revealing that in the 2009 calendar year the number of applications received surpassed the cumulative total number of applications submitted over the last three years. As of December 11, 2009, the agency has recruited for 37 positions, screened approximately 2,337 applications, and selected 28 employees to fill 39 recruitments. Implementation of the paperless application has had an extremely positive impact on this process. Applicants can now check the status of their application online and receive e-mail communications as updates are posted. HR Staff have also benefited in that the system allows constant monitoring of EEO Statistics, increased accuracy in reporting, and eliminates the possibility of data entry errors.

"...there were 82 STAR Award recipients within the agency, and 12 employees received the Commissioner's Cup Award for their consistent achievements."

AGENCY OFFICE LOCATIONS

