Virginia Department of Labor and Industry

http://www.doli.virginia.gov

2019 Annual Report

...making Virginia a better place to live, work, and conduct business

Message from the Commissioner

"...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 continue to evolve, our fundamental job – to make Virginia a safe, healthy, and productive place to work – remains the same and continues to be the driving force behind everything we do."

I am pleased to present to you the Virginia Department of Labor and Industry 2019 Annual Report. We have made great strides this year in our work of improving the health and safety of workplaces; job training through Registered Apprenticeship; protection of children from hazardous employment; and the safe operations of boiler and pressure vessels for Virginia's workers. Some of those accomplishments include:

DOLI was awarded a $1.67 million grant by USDOL Employment and Training Administration for the purpose of expanding Registered Apprenticeship. This year, our Registered Apprenticeship Division registered over 3,500 new apprentices and issued over 1,600 completion certificates.

In 2019, VOSH Safety and Health Compliance Officers performed 2,200 inspections. During these inspections over 12,870 hazards were identified and corrected. In concert with the Health Compliance program, all DOLI compliance officers investigated approximately 400 employee complaints and 247 referrals in the past year.

Our VOSH Safety and Health Achievement Recognition Program (SHARP) recognized 17 businesses for satisfying all requirements of the program including correcting all identified hazards and maintaining an injury and illness prevention program.

VPP certified two new sites and recertified seven through the Virginia STAR program, bringing the combined total to 34 active STAR sites that demonstrate excellence in worker safety and health.

Throughout the year, VPP Best Practices days were held by United Airlines, Dominion Energy, and Goodyear. The events were attended by over 100 businesses represented by over 250 workers.

In May, DOLI was presented with an Associated General Contractors of Virginia Special Recognition Award for their work with the Virginia BEST Program.

The VADOC Challenge program was joined by eight correctional centers from across Virginia. These facilities join Augusta and Lunenburg Correctional Centers who have already achieved recognition as VPP STAR sites.

Youth Employment Certificate applications have increased 62% in the past three years. Youth employment certificate applications increased 15% in 2019. The Division received and processed 18,803 employment certificate applications.

During 2019, 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.

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

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

Sincerely

C. Ray Davenport

C. Ray Davenport
Commissioner

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The Department of Labor and Industry maintains a headquarters office located in Richmond, Virginia as well as four Regional Offices and 3 Field Offices located throughout the state

DOLI Office Map

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

Produced by the Virginia Department of Labor and Industry

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2019 Outstanding Apprentice Awards

Milestones That Move Us

In 2018, we celebrated the 80th anniversary of the tried and true model that is Registered Apprenticeship. That milestone commanded our attention and energies all year while we continued to see growth in Registered Apprenticeship participation. In 2019, the Division of Registered Apprenticeship had another milestone regarding the capture of apprentice registration data. For context, Virginia's program started in 1938 and apprentice data was captured on a 3 x 5 card. The yellowed cards, filled out in a variety of ink and pencil sufficed until the mid-1980s. A new-fangled Database from Oracle was adopted and Registered Apprenticeship had to grow up in the computer age.

As time went on, that 4-decade-old system applied for retirement and we said our goodbyes. Enter a web-based system called RAPIDS hosted by the United States Department of Labor Office of Apprenticeship. We chose January of this year to start making the switch. All newly registered Sponsor/Employers and their apprentices were captured in a newer way to collect the data. Change is inevitable. DOLI joined over 40 other states in the usage of the RAPIDS system which will provide more of a national picture of Registered Apprenticeship.

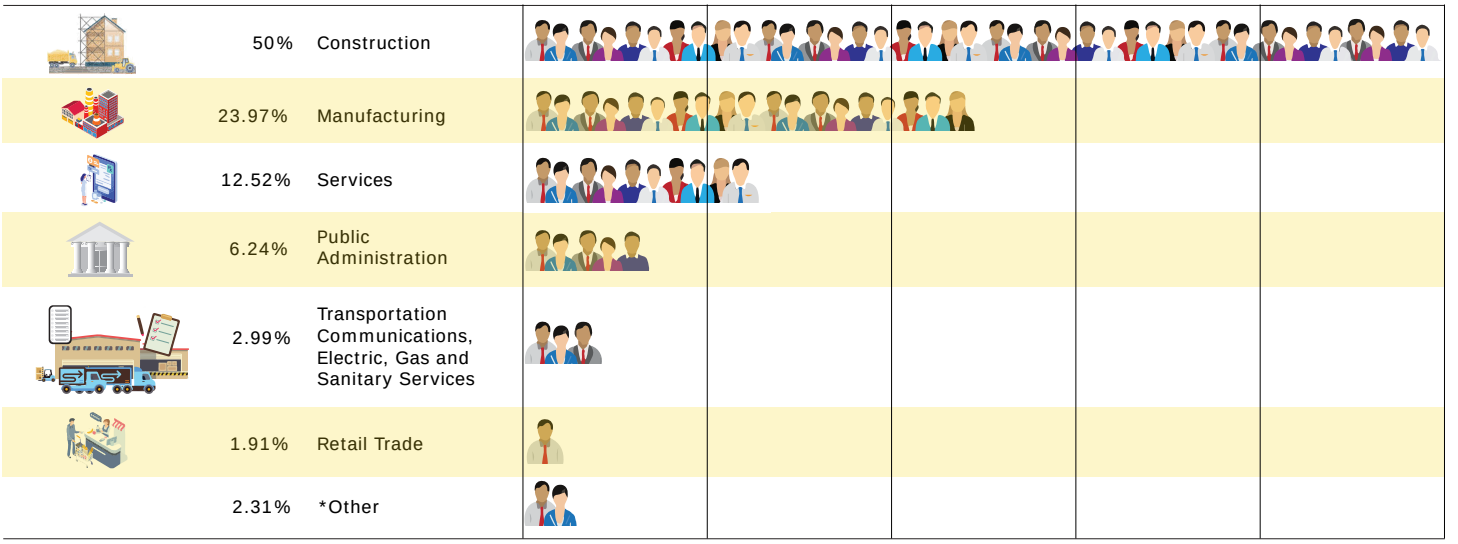
Metrics of Registered Apprenticeship Activity

Activity continued at a good clip in 2019. We issued 1,608 completion certificates and registered 3,592 new apprentices into various occupations. Over 2,000 employers across the Commonwealth work within the Registered Apprenticeship (RA) model. Just as our Division embraced a new technology, employers in industries not previously hiring apprentices, have embraced the model. We presented numerous Cybersecurity/IT workshops in Northern Virginia to demonstrate that this industry can benefit from the RA earn while you learn model.

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

"Let's go to work"

Virginia's Registered Apprentices by Industry Calendar Year



*Includes Agriculture, Forestry and Fishing; Mining; Insurance and Real Estate; and Wholesale Trade

All of these activities reinforce that Career and Technical Education is on a pendulum that is swinging high into the positive side. Virginia, America, your neighborhood, your household all need those who can do, fix, make, create, build, plan, design, etc. Our previous years were spent on solidifying a relationship with the Virginia Department of Education. This partnership is what allowed us to tap into that high school worker before any indecision on graduation day appeared. The Virginia Department of Education endorsed two modes of youth apprenticeship as ways to earn work-based learning credit. These are requirements to graduate now. See the entire guide here:

http://cteresource.org/verso/titles/career-and-technical-education-work-based-learning-guide-219

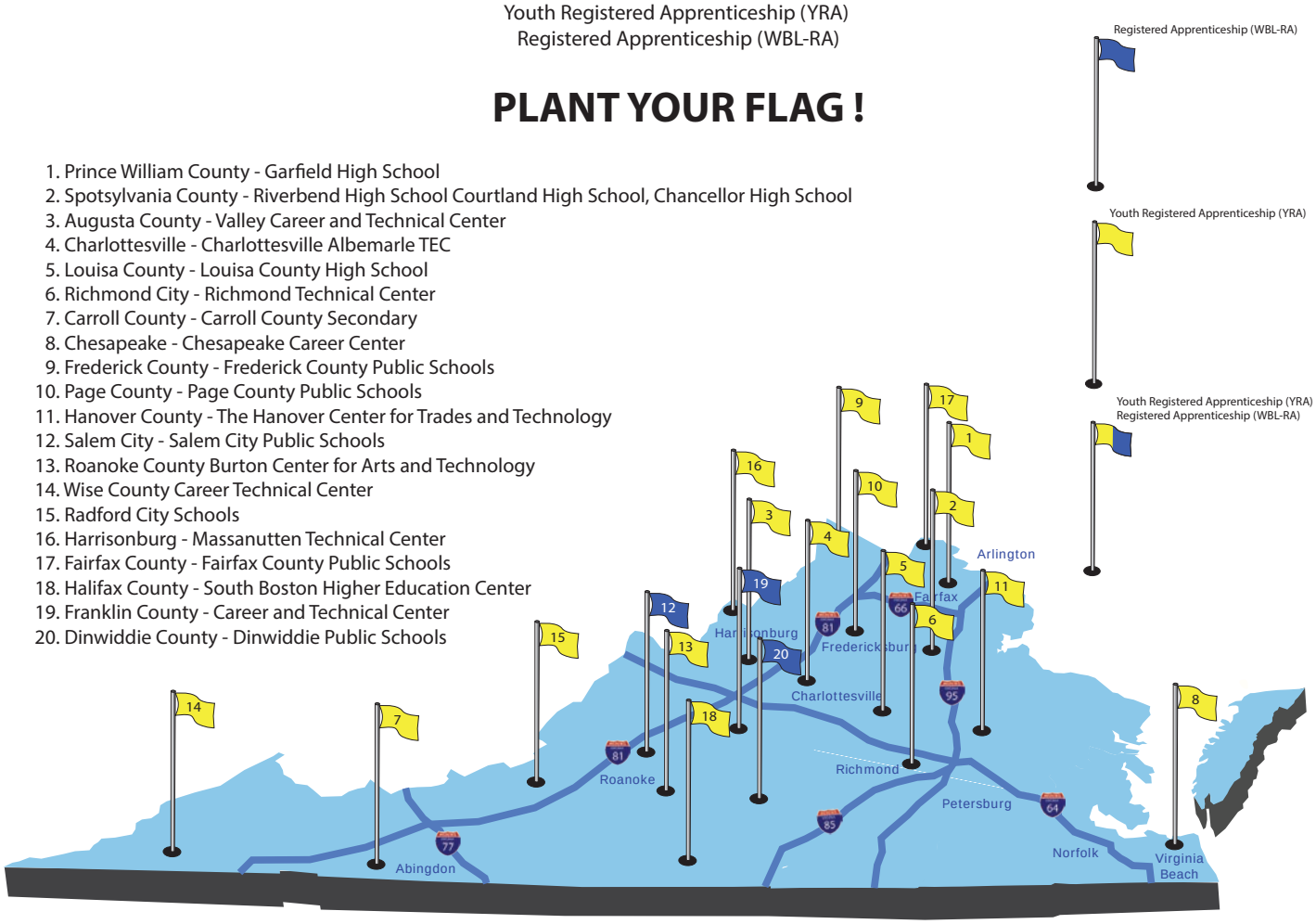
The Youth Registered Apprenticeship program is Registered Apprenticeship for high school students. The inherent convenience of this program is that Career and Technical Education provides the Related Technical Instruction to no additional cost to employer, nor student. Other options for Work Based Learning Registered Apprenticeship mimic the adult version where the student apprentice partakes in occupation specific training chosen by the Employer. All told, students become taxpayers and are en route to becoming competent workers in a variety of industries.

Our Plant Your Flag promotion is a way to show our depth and breadth throughout the Commonwealth. The methodology that makes Virginia's Youth Registered Apprenticeship a bit different is that we rely on the neighborhood/zip code approach. Employers are very willing to hire right from their neighborhood, but sometimes lack the track to make the connection. Our RA Consultants facilitate these connections with employers, students, teachers, school staff and most importantly, parents. This joint effort produces an interested pipeline of workers who stay in that zip code post graduation and who contribute to the tax base. Virginia's RA program likes this model because it fills pipelines in urban, rural and suburban settings.

Work Based Learning Registered Apprenticeship Programs
Youth Registered Apprenticeship (YRA)
Registered Apprenticeship (WBL-RA)

PLANT YOUR FLAG !

1. Prince William County - Garfield High School
2. Spotsylvania County - Riverbend High School Courtland High School, Chancellor High School
3. Augusta County - Valley Career and Technical Center
4. Charlottesville - Charlottesville Albemarle TEC
5. Louisa County - Louisa County High School
6. Richmond City - Richmond Technical Center
7. Carroll County - Carroll County Secondary
8. Chesapeake - Chesapeake Career Center
9. Frederick County - Frederick County Public Schools
10. Page County - Page County Public Schools
11. Hanover County - The Hanover Center for Trades and Technology
12. Salem City - Salem City Public Schools
13. Roanoke County Burton Center for Arts and Technology
14. Wise County Career Technical Center
15. Radford City Schools
16. Harrisonburg - Massanutten Technical Center
17. Fairfax County - Fairfax County Public Schools
18. Halifax County - South Boston Higher Education Center
19. Franklin County - Career and Technical Center
20. Dinwiddie County - Dinwiddie Public Schools



2019 Outstanding Apprentices Award Winners

The 2019 Outstanding Apprentices Award Winners

Dudley Harris and Dr. James Hughes

DOLI was privileged to be guests at the Apprentice School 100th year Anniversary. The Apprenticeship School is the premiere Registered Apprenticeship model that predates the official Registered Apprenticeship National program. Huntington-Ingalls now runs this program that has for a century supplied the Tidewater area with expert shipbuilders in many occupations.

Pictured here are the current Virginia Apprenticeship Council Chair (Dudley Harris, left) with a former chair Dr. James Hughes. Dr. Hughes was also a director at the Apprenticeship School and he is a champion of the Registered Apprenticeship program.

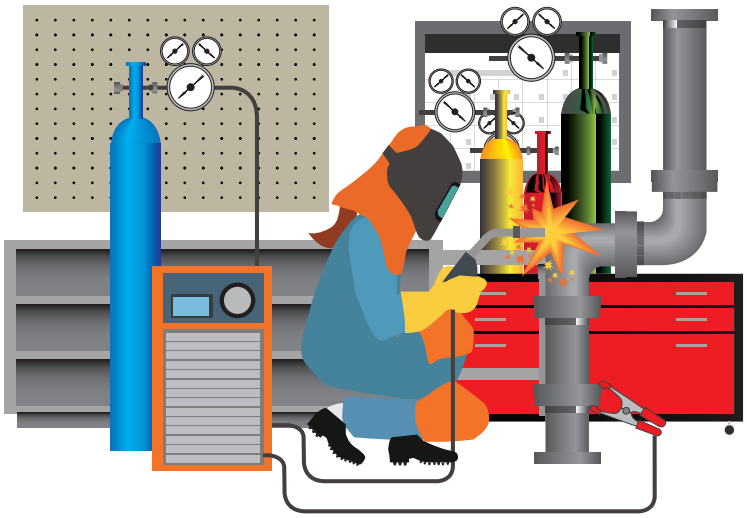
Our Outstanding Apprentice Awards brings out the fans (and sometimes future apprentices). This one is cheering on her Daddy.

Henrico County celebrates its graduates who have chosen careers and acknowledges their choices on a Signing Day. Many of these students are becoming apprentices.

Career and Technical Education Work Based Learning Guide (2019)

After building a model that is easily repeated, with some unique nuances, the Virginia Department of Education (DOE) and DOLI joined forces. We have been adopted as two approved methods to gain Work Based Learning credit, which is now critical to the Virginia high school diploma.

Many of the conferences for new CTE Administrators, Coordinators and Teachers included the YRA model on their training agenda. Assistant Director, Kathleen Eddington, along with other staff members made numerous presentations, which created several new relationships with school divisions all over the state.



Input was also provided extensively for the Work-Based Learning Guide linked below:

http://cteresource.org/verso/titles/career-and-technical-education-work-based-learning-guide-219

Relationship Building With Partners in the Commonwealth

DOLI has partnered with the Department of Veterans Services for several years. Legislation provides benefits to transitioning soldiers that include Registered Apprenticeship in GI Bill benefits. We were honored to be included in their own 75th Anniversary this year. Virginia has a very large military population including Active Duty, National Guard, Veterans and Military Spouses. All of these military members are able to enhance the workforce pipeline at various stages of their service.

Economic Development (ED) is a partnership that is newly being forged. Site selectors work with local, regional and state ED practitioners and we have recently been invited to share expertise about the state's RA program. These factors go into their decision making process regarding choosing Virginia locations for new or expanded operations.

Other relationships with the various Chambers of Commerce, Virginia Municipal League, Virginia Association of Counties, trade associations all contribute to better referrals and braiding of services. Offering services to employers and career seekers alike is the key to a stable, ongoing workforce development presence.

CRAFT Grant Initiatives

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

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

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

Goals for the Youth Registered Apprenticeship expansion include continued outreach to the Divisions who have not yet connected their Career and Technical Education (CTE) staff with RA Consultants. We rely on the Labor Market Information services of the Virginia Employment Commission to obtain a list of employers in proximity to school divisions, as well as including our current RA Sponsor/Employers in the effort to hire high school students. Targeting this demographic with the assistance of funding is an aligned effort that meets the needs of our Sponsors who eagerly need a sustainable, workforce pipeline.

The Returning Citizens initiative was kicked off in December of 2019. The Virginia Department of Corrections has long supported Registered Apprenticeship behind the wall within many of their own Career and Technical Education programs. While this is definitely a goal of the CRAFT grant, Virginia Registered Apprenticeship also is striving to be the change agent in connecting returning citizens to the workforce through Registered Apprenticeship. A committee was formed with stakeholders from Virginia Department of Corrections, DOLI staff, Re-entry council representatives, Virginia Employment Commission to name just a few of the principals.

Another goal of the grant is to promote inclusion. Bringing more RA opportunities to women has long been a national goal. DOLI is also focusing on outreach to those underrepresented in the RA arena. Women in construction is still a rarity. DOLI staff, to be better able to effect change in this area, attended the Tradeswomen Build Nations conference in St. Paul, Minnesota. The University of Virginia facilities management female members also attended. Workshops there provided us with tools to conduct outreach in Virginia.

Tradeswomen Build Nations Conference 2019

Boiler and Pressure Vessel Safety

Boiler Safety in 2019

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 2019, there were 37,626 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 2019, 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 9,134 reminder notices were mailed to owners/users 30 days prior to the certificate expiration regarding the need to arrange for certificate inspections. Internal procedures were revised to improve the quality of the inspection reports and process payment of certificate fees more quickly. Interpretations, technical letters, and position papers continue to be posted on the agency's Web site to ensure that the information is current and easily available.

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

ACTIVITIES OF BOILER SAFETY	2017	2018	2019
Total Active Objects Registered	74,490	75,262	75,196
Acceptable Inspections (Certificates Issued)	36,060	38,023	36,520
Violations	1,150	1,052	1,052
Quality Control Reviews/Surveys	11	13	11
Incidents	3	1	2
Injuries	6	0	0
Fatalities	0	0	0
Inspector Applicants Passing Exams	0	0	0
Commissioned Inspectors	73	75	72

How do you prevent boiler accidents?

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

Boiler Operation Problem Areas

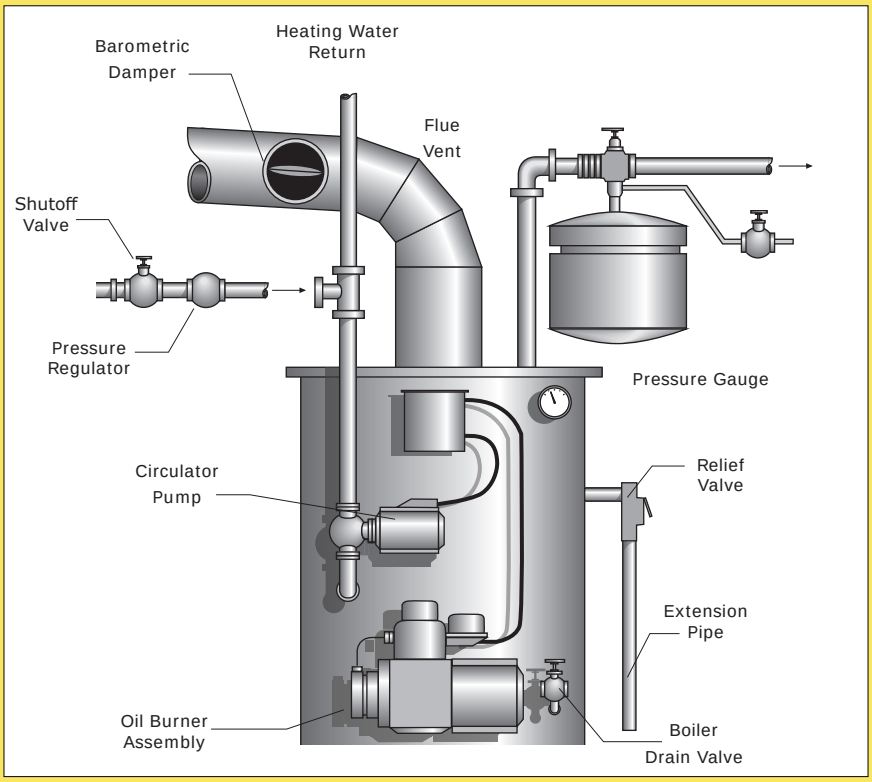
- Leaking pressure relief valves
- Continuous make up water to boiler
- Steam leaks or steam vented from condensate tank (steam systems)
- High stack temperatures (greater than 350 degrees)
- Insufficient heat to building
- Condensate dripping down stack or out the front of the boiler
- Constantly resetting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

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

Example of damage caused due to low water cut-off switches

Example of damage caused due to high stack temperature

Oil Fired Hot Water Heating Bolier



How do most boiler accidents occur?

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

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

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

Labor and Employment Law

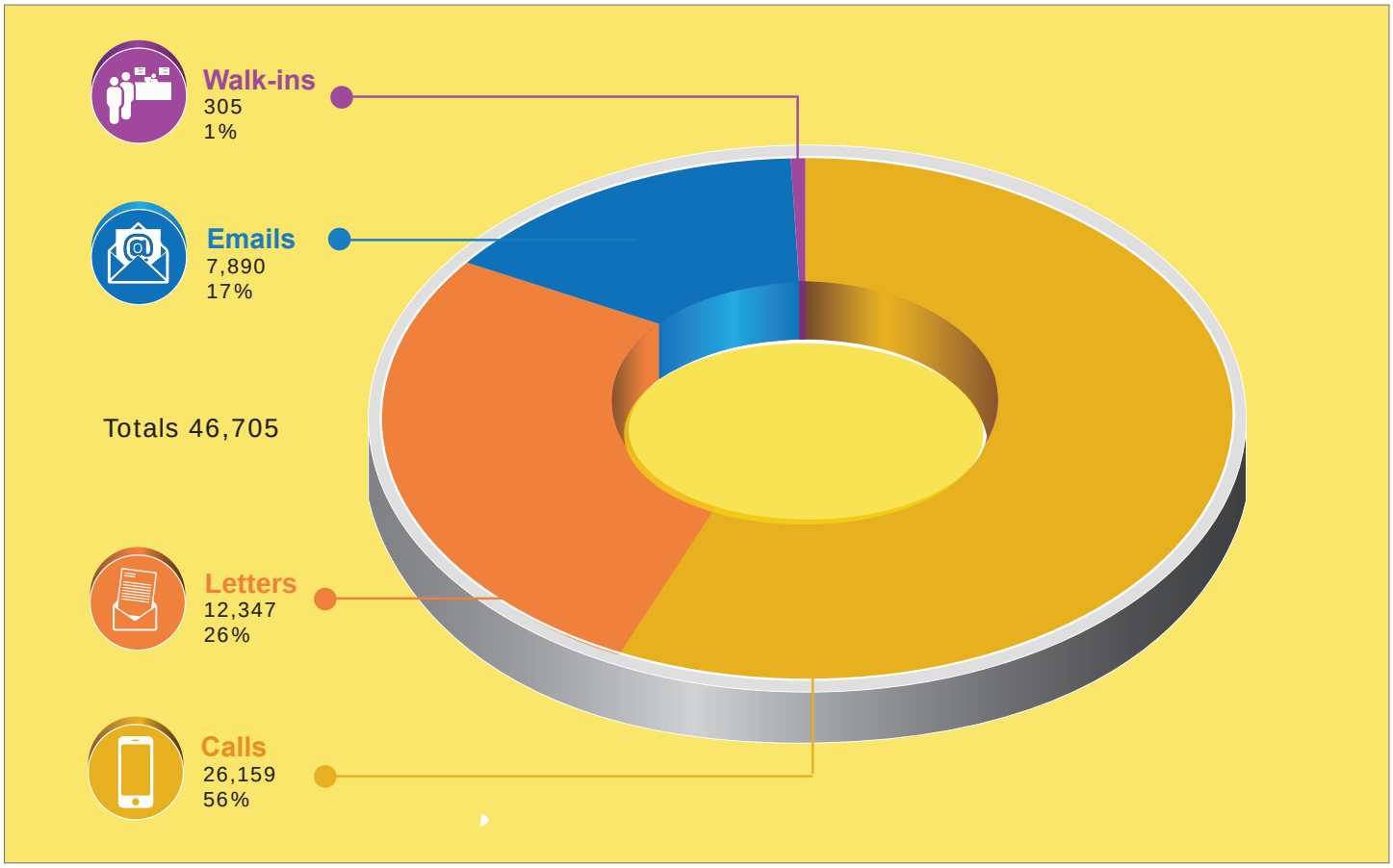
Labor Law in 2019

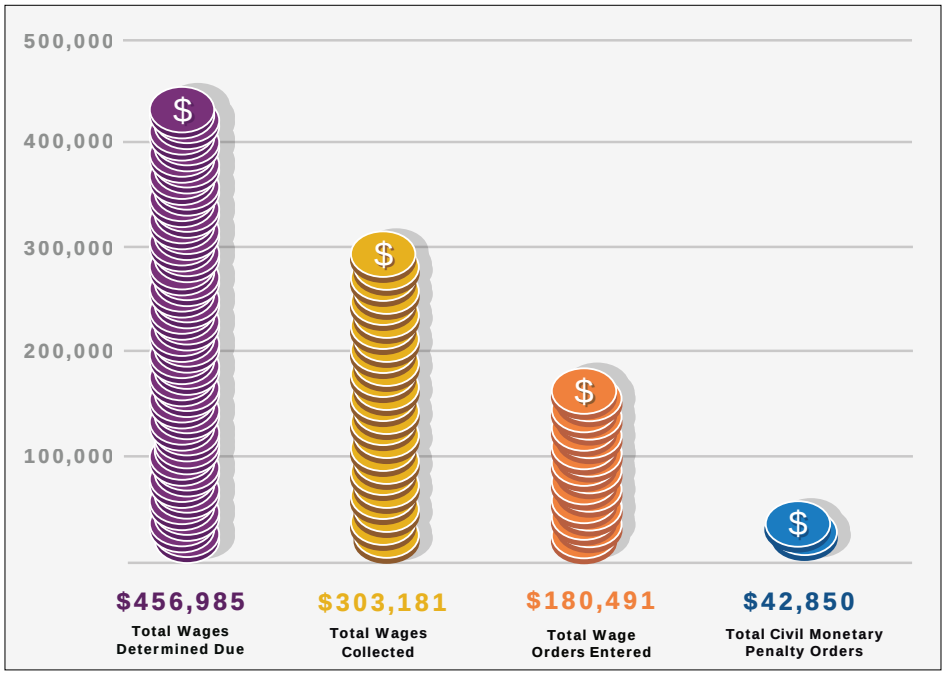
The Labor and Employment Law Division administers and enforces laws of the Commonwealth that govern pay, assignment of wages, minimum wages, employment of children, right to work, human trafficking poster requirements, and certain other statutes that relate to employment. The Division also provides consultation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

Division staff is comprised of a Director, an Assistant Director, 6 Compliance Officers (including 2 Apprentices), 2 Assistant Compliance Officers, and a part time Compliance Officer Assistant. Staff are assigned to work in two units; one with primary focus on Payment of Wage and one on Youth Employment. Compliance Staff are located in multiple Regions of the State including at Headquarters, Central and Verona Region offices. The Division experienced multiple vacancies throughout the year.

More than 46,705 requests from the public for assistance were responded to in 2019 (see Client Services). Staff responded on an average to 898 requests for assistance each week including e-mails, telephone calls, client visits, and US mail. This year more staff time was devoted to letter contacts which increased 16% and unscheduled, client visits, which increased 69% over 2018.

2019 Client Services



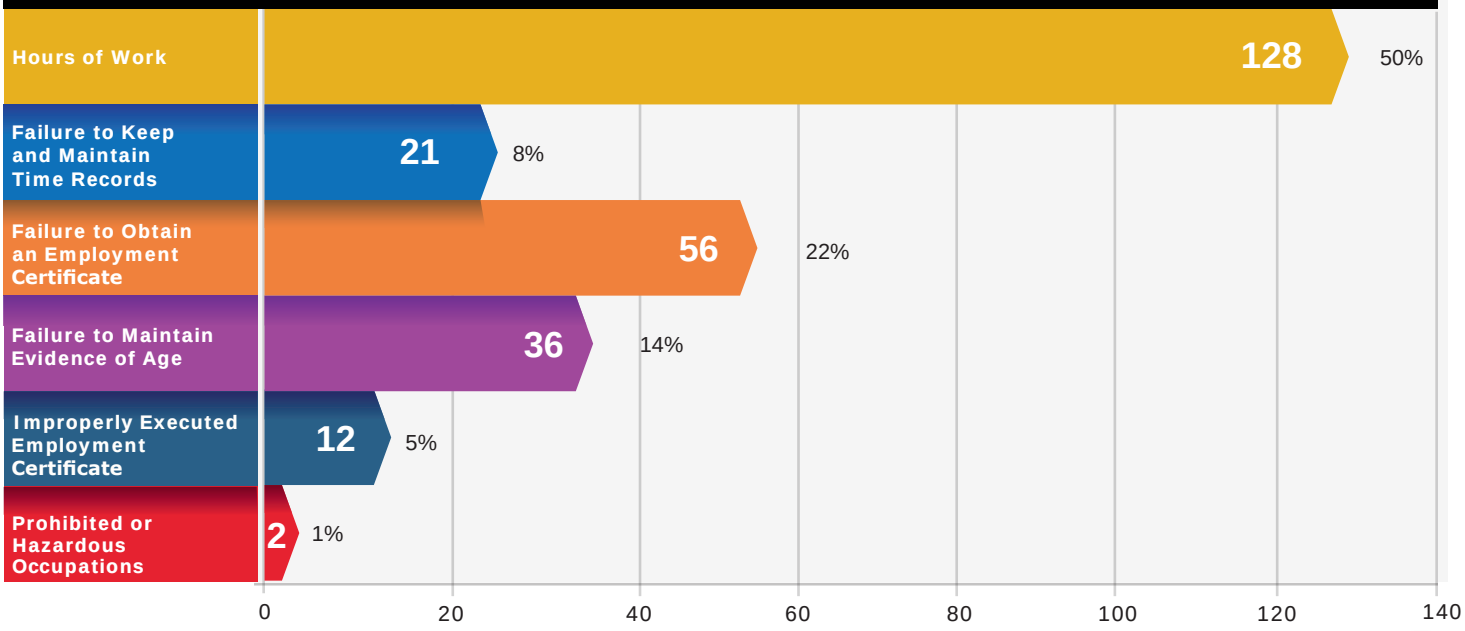


2019 Total Wages Collected

Compliance Staff processed 1,118 claims for unpaid wages and completed 1,144 investigations in 2019. Compliance Officers determined $456,985.17 in unpaid wages were due to claimants (see Wages Collected). The Division collected a total of $303,181.25 in back wages for workers in 2019. Final Orders for civil monetary penalties payable to the state's General Fund of $42,850 were entered against employers that refused to comply with the Payment of Wage Act, §40.1-29 of the Code of Virginia.

Youth employment laws protect the health, welfare, and safety of minor workers in the Commonwealth. Workers aged 14 and 15 are required by law to obtain Employment Certificates to work in approved occupations. Youth workers under 16 must obtain a Theatrical Permit to perform in a play, drama, concert or other public entertainment. Employment Certificate applications have increased 62% in the past three years as more youth workers enter the workforce. Youth employment certificate applications increased 15% in 2019. The Division received and processed 18,803 employment certificate applications. Compliance Officers investigated 736 employment certificate applications and 78 complaint reports of youth employment violations. Employers were cited the most for exceeding the legally allowed hours of work and failing to obtain Employment Certificates for youth workers (See Youth Employment Violations). Compliance Officers conducted 1,035 youth employment, compliance inspections. Civil Monetary Penalties in the amount of $100,475.00 were issued to employers for failing to comply with youth employment laws and regulations. Civil Monetary Penalties of $65,467.50 were collected in 2019. Theatrical Permits for youth performers also increased 73% this year. The Division processed 1,389 applications for youth performers in 2019.

2019 Child Labor Violations



Cooperative Programs

On-Site Consultation Program

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

In 2019, responding to requests from small employers looking to create or improve their injury and illness prevention programs, Virginia's On-site Consultation Program conducted 499 visits to small business worksites.

On-site Consultation services are separate from enforcement and do not result in penalties or citations.

On-site Consultation visits are provided at the request of the employer.

Using the consultation service, which is funded 90% by the U.S. Occupational Safety and Health Administration (OSHA), employers can find out about potential hazards at their worksites, improving their occupational injury and illness prevention programs.

Benefits

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

The On-site Consultation Program works with employers to improve their safety and health programs. Having an effective injury and illness program allows Virginia employers to:

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

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

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

Training

On-site Consultation offers a wide selection of training to help broaden worker and employer knowledge on the recognition, avoidance, and prevention of safety and health hazards in their workplaces. During the 2019 calendar year, VOSH consultants conducted 17 formal training sessions and 401 informal training sessions. Each year, in conjunction with the annual VOSH conference, On-site Consultation provides OSHA 10-Hour General Industry and Construction courses to conference attendees. Consultation offers a wide selection of training sessions free of charge to employers and employees.

Hazard Category	
Imminent	5
Regulatory	78
Serious	1,905
Other	227
Total	2,215

Consultation Visits Performed	499
Industries Served	
Agriculture	7
Construction	215
Manufacturing	160
Maritime	7
Service	57
Wholesale and Retail	22
All Other NAICS	31

Effective Injury and Illness Prevention Programs

In 2013 the National Safety Council (NSC) reported that the average cost of a medically consulted occupational injury in 2013 was $42,000 (NSC Facts 2015 edition, p69 - includes estimates of wage losses, medical expenses, administrative expenses and employer costs: excludes property damage costs. (except to motor vehicles)

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

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Training Topics Include

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

2019 VOSH Conference

The 23rd annual VOSH conference, was held September 11-13, 2019 at the Founders Inn and Spa in Virginia Beach, Virginia. The annual conference is open to the public and provides the opportunity to attend sessions on a variety of occupational safety and health topics.

The OSHA 10-Hour Courses in General Industry and Construction were offered again and those completing the 10-Hour course received a 10-Hour OSHA completion card in either General Industry or Construction.

Forty one concurrent sessions were presented by knowledgeable speakers with expertise in the fields of safety, health, human resources, construction, and healthcare to name a few. The conference was attended by over 400 safety professionals and 27 vendors.

The 2019 conference offered on-site registration

Safety practices for contractors breakout session

The Vendor Exhibit reception

Commissioner Davenport gives the "Fatal Flaws" presentation at the 2019 VOSH Conference

SHARP Program

The On-site Consultation Program's Safety and Health Achievement Recognition Program (SHARP) recognizes small business employers who operate an exemplary injury and illness prevention program. Acceptance of worksites into SHARP by VOSH is an achievement of status that singles sites out among their business peers as a model for worksite safety and health. 17 Virginia employers are currently in SHARP and one employer is in Pre-SHARP. Several more sites working towards SHARP and Pre-Sharp approval.

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

SHARP Sites for 2019

1. Campostella Builders and Supply Corporation – Norfolk
2. Coperion Corporation - Wytheville
3. Engineering Development Laboratory, Inc - Newport News
4. Fortis Solutions - Virginia Beach
5. Huntington Ingalls Industries Mechanical - Newport News
6. Huntington Ingalls Industries Mechanical - Newport News
7. Innovative Refrigeration Systems Inc - Lyndhurst
8. J. S. Purcell Lumber – Louisa
9. Lake Prince Woods - Suffolk
10. Riddleberger Brothers Inc – Mount Crawford
11. Roanoke Cement Company LLC – Chesapeake
12. SKF Lubrication Systems – Hampton
13. Specialmade Goods And Services, Inc - Winchester
14. Suffolk Iron Works, Inc. - Suffolk
15. Swisslog Logistics, Inc. - Newport News
16. Auxiliary Systems, Inc. - Norfolk
17. Christianburg Waste Water Treatment Plant

SHARP Sites in 2019

Office of Research and Analysis in 2019

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

The Census of Fatal Occupational Injuries

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

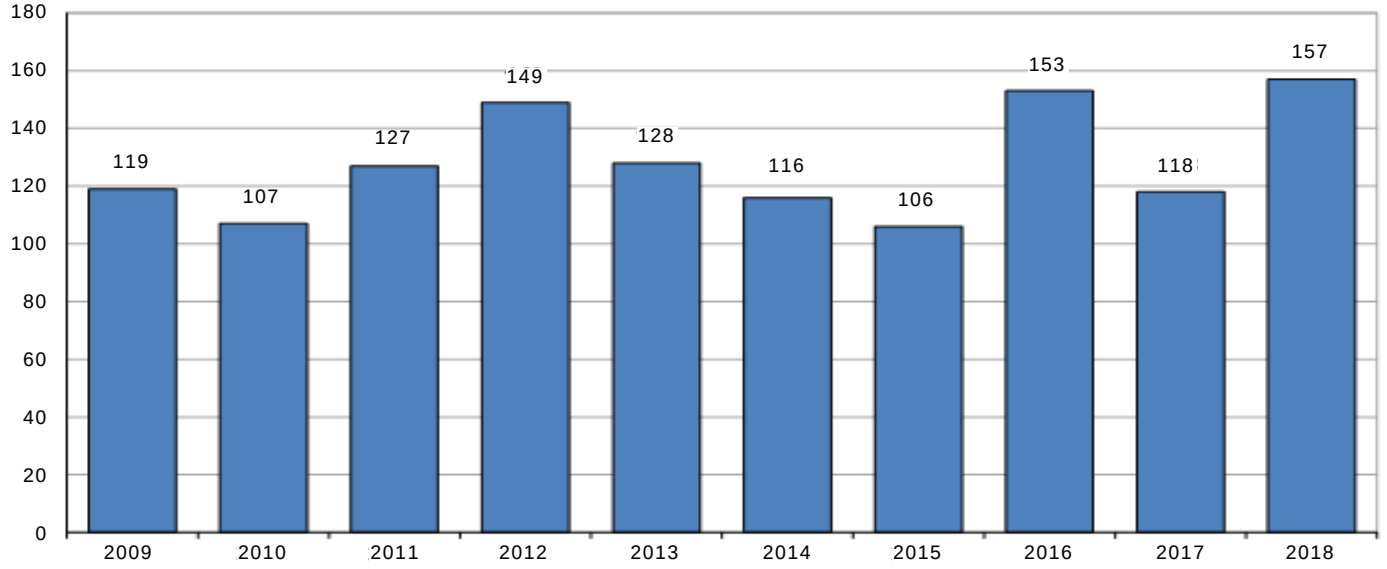
The Survey of Occupational Injuries and Illnesses

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

Fatal Occupational Injuries and Illnesses in Virginia

The Virginia CFOI reported a total of 157 work-related fatalities in the Commonwealth in 2018, an increase of 39 from the previous year and higher than any other year since 2006 when 165 fatal work injuries were recorded. Fatal occupational injuries in the state have ranged from a high of 186 in 2005 to a low of 106 in 2015. (See chart 1.)
Nationwide, a total of 5,250 fatal work injuries were recorded in 2018, up from the 5,147 fatal injuries in 2017, according to the results from the CFOI program.

Chart 1. Total fatal occupational injuries, Virginia, 2009-2018



SOURCE: U.S. Bureau of Labor Statistics

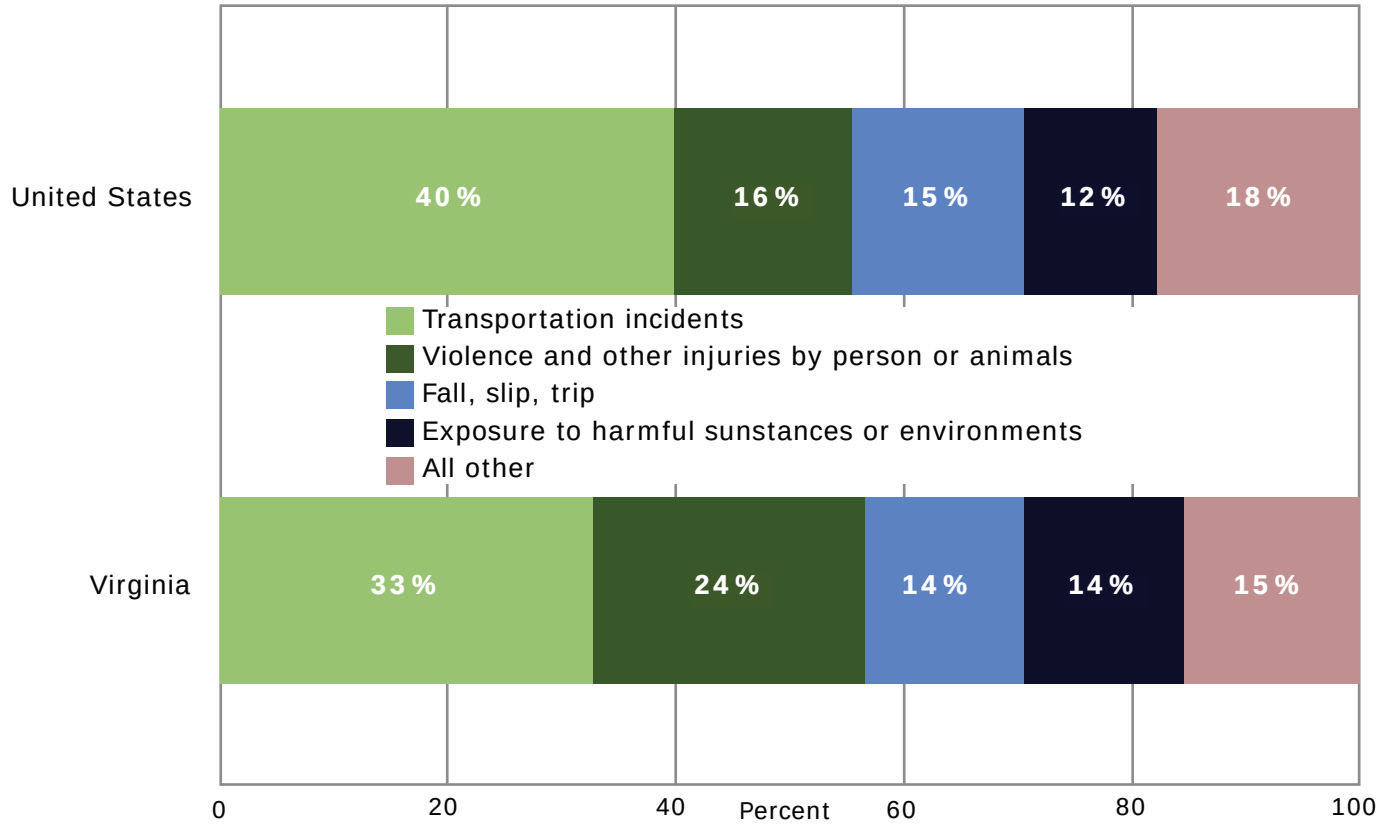
Type of Incident

In Virginia, transportation incidents resulted in 52 fatal work injuries while violence and other injuries by persons or animals accounted for 37 fatalities. These two major categories accounted for 57 percent of all workplace fatalities in the state. (See table 1.) The number of worker deaths from transportation incidents decreased by 11 over the year while the number of worker fatalities due to violence and other injures by persons or animals increased by 11. In the transportation incidents category, 21 percent of the 52 work-related deaths were caused by a vehicle striking an object or animal on the side of roadway. Suicides accounted for 68 percent of the fatalities within the violence and other injuries by persons or animals category, while homicides accounted for 24 percent.

Falls, slips, or trips and exposure to harmful substances or environments was tied for the third-most frequent fatal work event with 22 fatalities each. For falls, trips, or slips, the majority of the fatalities were due to falls to a lower level (19). For exposure to harmful substances or environments, half were unintentional overdoses from the non-medical use of drugs or alcohol while at work (11).

Nationally, transportation incidents was the most frequent fatal workplace event in 2018, accounting for 40 percent of fatal work injuries. (See chart 2.) Violence and other injuries by persons or animals was the second-most common fatal event (16 percent), followed by falls, slips, and trips (15 percent) and contact with objects and equipment (15 percent).

Chart 2. Fatal occupational injuries by selected event, United States and Virginia, 2018



SOURCE: U.S. Bureau of Labor Statistics

Industry

The private construction sector had the largest number of fatalities in Virginia with 31, up from 27 in 2017. Falls, slips, or trips was the most frequent fatal event in the construction sector with 10 worker deaths, 9 of which were falls to lower levels. Twenty-three percent of those fatally injured in this sector occurred at residential construction sites.

The private transportation and warehousing industry accounted for 26 workplace fatalities during 2018, followed by government with 21. Fatalities in private industry transportation and warehousing was almost double the number in the previous year (14) while fatalities in government increased by four from the 2017 total (17). Transportation incidents was the most frequent fatal event in the private transportation and warehousing industry for 2018, accounting for 19 fatalities, while violence and other injuries by persons or animals was the most frequent fatal event in government workers with 15 fatalities. Twenty-two of the fatalities in transportation and warehousing were within the truck transportation industry with half of those being within general freight long-distance trucking (11).

Occupation

Transportation and material moving occupations and construction and extraction occupations had the highest numbers of workplace fatalities with 42 and 30, respectively. (See table 3.) The majority of the fatalities within the transportation and material moving group were heavy and tractor-trailer truck drivers with 24 worker deaths. First-line supervisors of construction trades and extraction workers accounted for six of the fatalities among construction and extraction workers.

Contracted Workers

A contracted worker is defined as a worker employed by one firm but working at the behest of another firm that exercises overall responsibility for the operations at the site of the fatal injury. In 2018, Virginia had 24 fatally-injured workers identified as fitting the contracted worker criteria; of those, six were a result of a fall to a lower level.

Additional Highlights

- Men accounted for 89 percent of the work-related fatalities in Virginia, lower than 92-percent national share. (See table 4.) Transportation incidents made up 32 percent of the fatalities for men in Virginia. Among women, 7 of the 17 fatalities in the workplace were the result of transportation incidents.
- White, non-Hispanic workers accounted for 63 percent of those who died from a workplace injury. Hispanic or Latino workers made up 19 percent of Virginia's fatal injuries at work, while Black or African American, non-Hispanic workers comprised 15 percent of the fatalities. Nationwide, White, non-Hispanic workers accounted for 65 percent of work-related deaths, while Hispanic or Latino and non-Hispanic Black or African American workers represented 18 and 12 percent of the national share, respectively.
- Workers 45-64 years old accounted for 34 percent of the state's work-related fatalities in 2018, lower than the national share of 42 percent.
- Of the 157 fatally-injured workers in Virginia, 83 percent worked for wages and salaries; the remainder were self-employed. The most frequent fatal event for both categories was transportation incidents.
- The highest number (14) of fatal incidents in Virginia occurred between 11:00 AM – 11:59 AM, followed by 11 incidents between 9:00 AM – 9:59 AM.

Table 1. Fatal occupational injuries by worker characteristics, Virginia 2017-2018

Characteristic[1]	2017 Number	2018 Number	2018 Percent
Total	118	157	100
Employee Status			
Wage and salary workers[2]	89	130	83
Self-employed[3]	29	27	17
Gender			
Women	6	17	11
Men	112	140	89
Age			
20 to 24 years	3	11	7
25 to 34 years	16	38	24
35 to 44 years	16	32	20
45 to 54 years	30	24	15
55 to 64 years	32	30	19
65 years and over	17	22	14
Race or Ethnic Origin[4]			
White (Non-Hispanic)	76	99	63
Black or African American (Non-Hispanic)	25	24	15
Hispanic or Latino	12	30	19
Asian (Non-Hispanic)	4	3	2

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

[2] May include volunteers and workers receiving other types of compensation.

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

[4] Persons identified as Hispanic or Latino may be of any race. The race categories shown exclude data for Hispanics and Latinos.

Note: Data for all years are revised and final. Totals for major categories may include subcategories not shown separately. Dashes indicate no data reported or data that does not meet publication criteria. N.e.c. means "not elsewhere classified." CFOI fatal injury counts exclude illness-related deaths unless precipitated by an injury event.

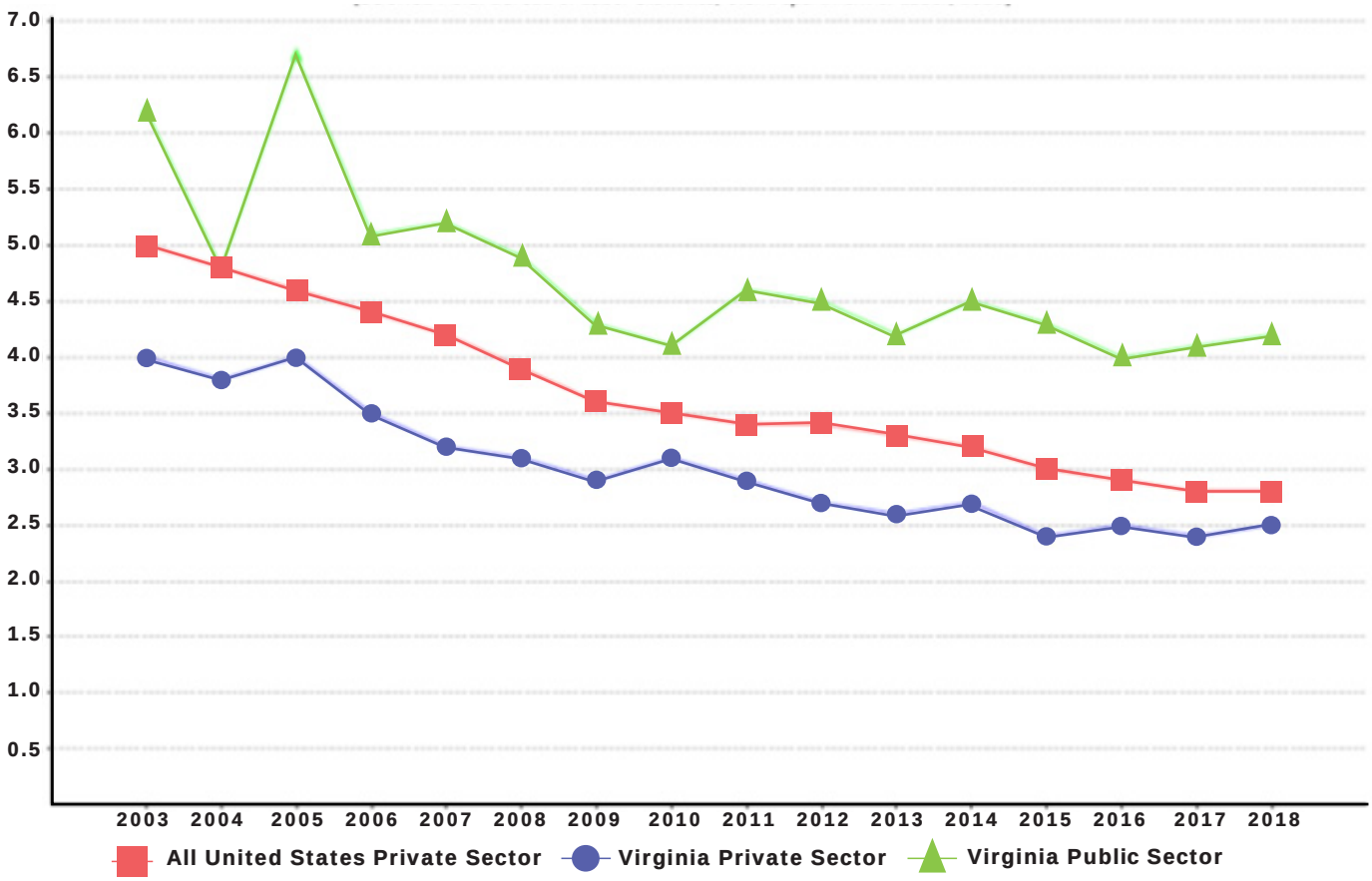
Source: U.S, Department of Labor, Bureau of Labor Statistics, in cooperation with the Virginia Department of Labor and Industry, Census of Fatal Occupational Injuries.

Non-Fatal Occupational Injuries and Illnesses in Virginia

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

During calendar year 2018 in Virginia, there were approximately 65,000 nonfatal workplace injuries and illnesses reported by private industry employers, occurring at a rate of 2.5 cases per 100 FTE workers. Nationally, the incident rate for the private sector was 2.8 cases per 100 FTE workers.

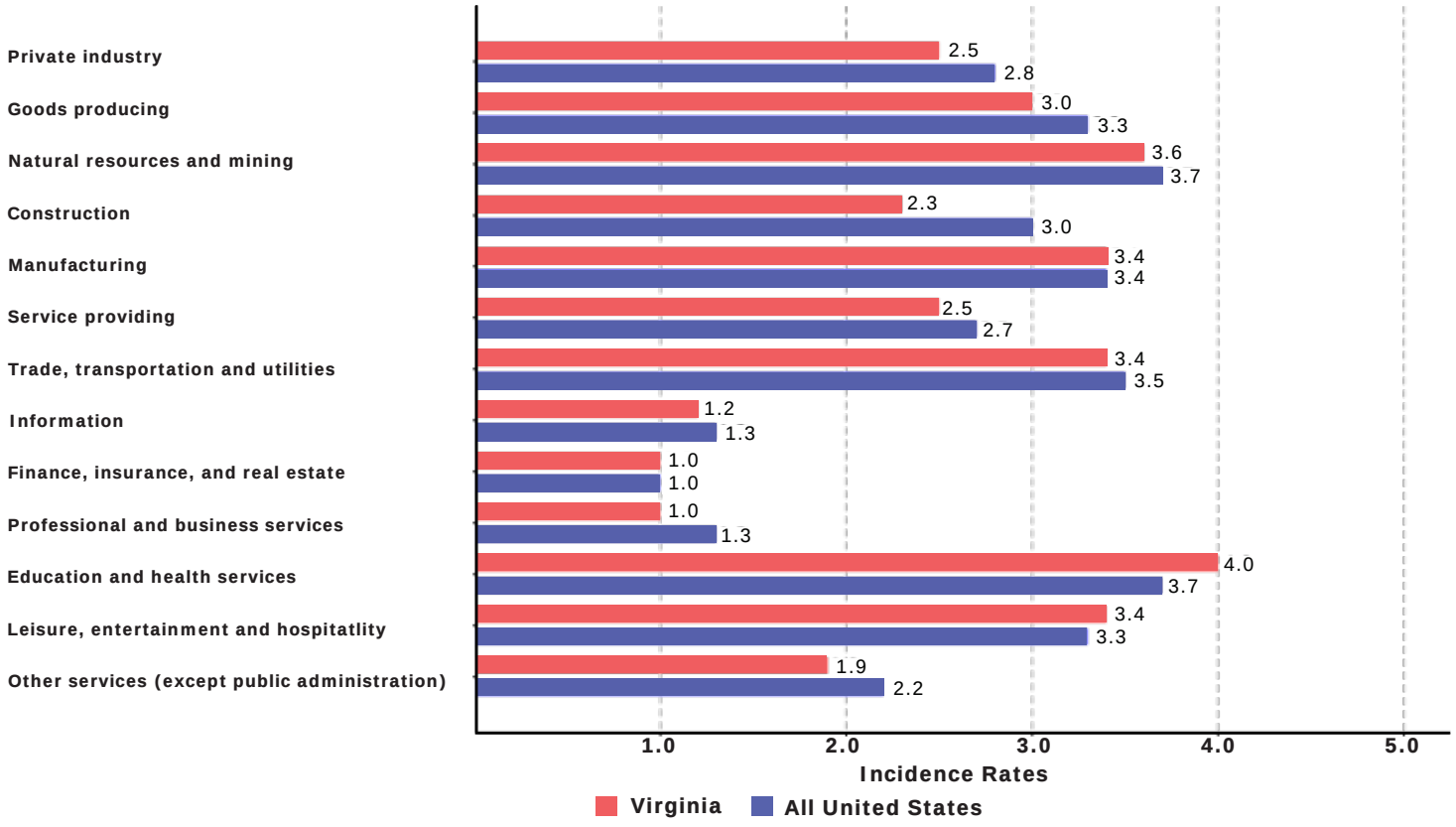
Incidence rates per 100 full-time workers for total nonfatal occupational injuries, and illnesses, Virginia and all United States, 2003 - 2018
(SOURCE: U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2020)



Private Industry Occupational Injuries and Illnesses Rates

The Virginia private industries with the highest rates of occupational injuries and illnesses in 2018 were educational and health services; natural resources and mining; manufacturing; trade, transportation, and utilities; and leisure, entertainment, and hospitality.

Incidence rates per 100 full-time workers for total nonfatal occupational injuries, and illnesses by major industry sector, Virginia and all United States, 2018
(SOURCE: U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2020)



Health care and social assistance in Virginia

Within educational and health services, health care and social assistance had the highest incidence rate in Virginia with 4.3 cases per 100 FTE workers, accounting for 14,400 total recordable cases. Nationally, the 2018 private industry injury and illness rate in this sector was 3.9 cases per 100 FTE workers. There were 3,500 occupational injuries and illnesses that resulted in days away from work in Virginia in the health care and social assistance sector at a rate of 1.1 cases per 10,000 FTE workers in 2018. The health care and social assistance facilities with the highest incidence rates in Virginia were the nursing care facilities with a rate of 7.3 per 100 FTE workers followed by specialty (except psychiatric and substance abuse) hospitals with an incidence rate of 7.1 and psychiatric and substance abuse hospitals with an incidence rate of 6.8.

Common injuries and illnesses in this sector include sprains, strains, tears; soreness, pain; and bruises, contusions. Falls on the same level, overexertion in lifting or lowering, and being struck by an object or equipment accounted for many of the injuries and illnesses.

Agriculture, forestry, fishing and hunting in Virginia

The agriculture, forestry, fishing and hunting sector within natural resources and mining had the highest incidence rate in Virginia with 3.8 cases per 100 FTE workers, accounting for 400 total recordable cases. Nationally, the 2018 incidence rate in agriculture, forestry, fishing and hunting was 5.3 cases per 100 FTE workers. In Virginia, there were 200 work-related injuries and illnesses that resulted in days away from work in this sector at a rate of 2.1 cases per 10,000 FTE workers in 2018.

Common injuries and illnesses in this sector include bruises, contusions; soreness, pain; and sprains, strains, tears. Being struck by an object or equipment, animal- and insect-related incidents, being caught in or compressed by an object or equipment, and overexertion in lifting or lowering accounted for many of the injuries and illnesses.

Manufacturing in Virginia

Nationally, the 2018 private industry incidence rate in the manufacturing sector was 3.4 cases per 100 FTE workers. The Virginia manufacturing sector had a private industry incidence rate of 3.4 cases in 2018 as well. There were 2,900 occupational injuries and illnesses that resulted in days away from work in this sector in Virginia at a rate of 1.2 cases per 10,000 FTE workers. The subsectors with the highest incidence rates within Virginia's manufacturing sector were wood product manufacturing and transportation equipment manufacturing at 5.4 cases per 100 FTE workers and beverage and tobacco product manufacturing with an incidence rate of 4.2 cases per 100 FTE workers.

Common injuries and illnesses in this sector include sprains, strains, tears and fractures. Being struck by an object or equipment and falls on the same level were the most frequent events.

Trade, Transportation, and Utilities in Virginia

Nationally, the 2018 private industry incidence rate in the trade, transportation, and utilities sector was 3.5 cases per 100 FTE workers, while in Virginia this industry's rate was 3.4 cases per 100 FTE workers. This sector accounted for 6,900 occupational injuries and illnesses in Virginia that resulted in days away from work at a rate of 1.3 cases per 10,000 FTE workers in 2018. Transportation and warehousing had the highest incidence rate within the trade, transportation, and utilities sector with an incidence rate of 4.2 cases per 100 FTE workers. The incidence rates in transportation and warehousing ranged from 2.1 cases per 100 FTE workers in support activities for transportation to 6.1 cases per 100 FTE workers in air transportation.

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

Leisure, entertainment, and hospitality in Virginia

The Virginia leisure, entertainment, and hospitality sector had a private industry incidence rate of 3.4 cases per 100 FTE workers in 2018. Nationally, the 2018 private industry incidence rate in this sector was 3.3 cases per 100 FTE workers. There were 2,600 occupational injuries and illnesses that resulted in days away from work in this sector in Virginia at a rate of 1.1 cases per 10,000 FTE workers. Accommodation and food services had the highest rate within the leisure, entertainment, and hospitality sector with an incidence rate of 3.4 cases per 100 FTE workers. The subsectors with the highest incidence rates within Virginia's accommodation and food services sector were drinking places (alcoholic beverages) at 6.4 cases per 100 FTE workers and special food services at 4.8 cases per 100 FTE workers.

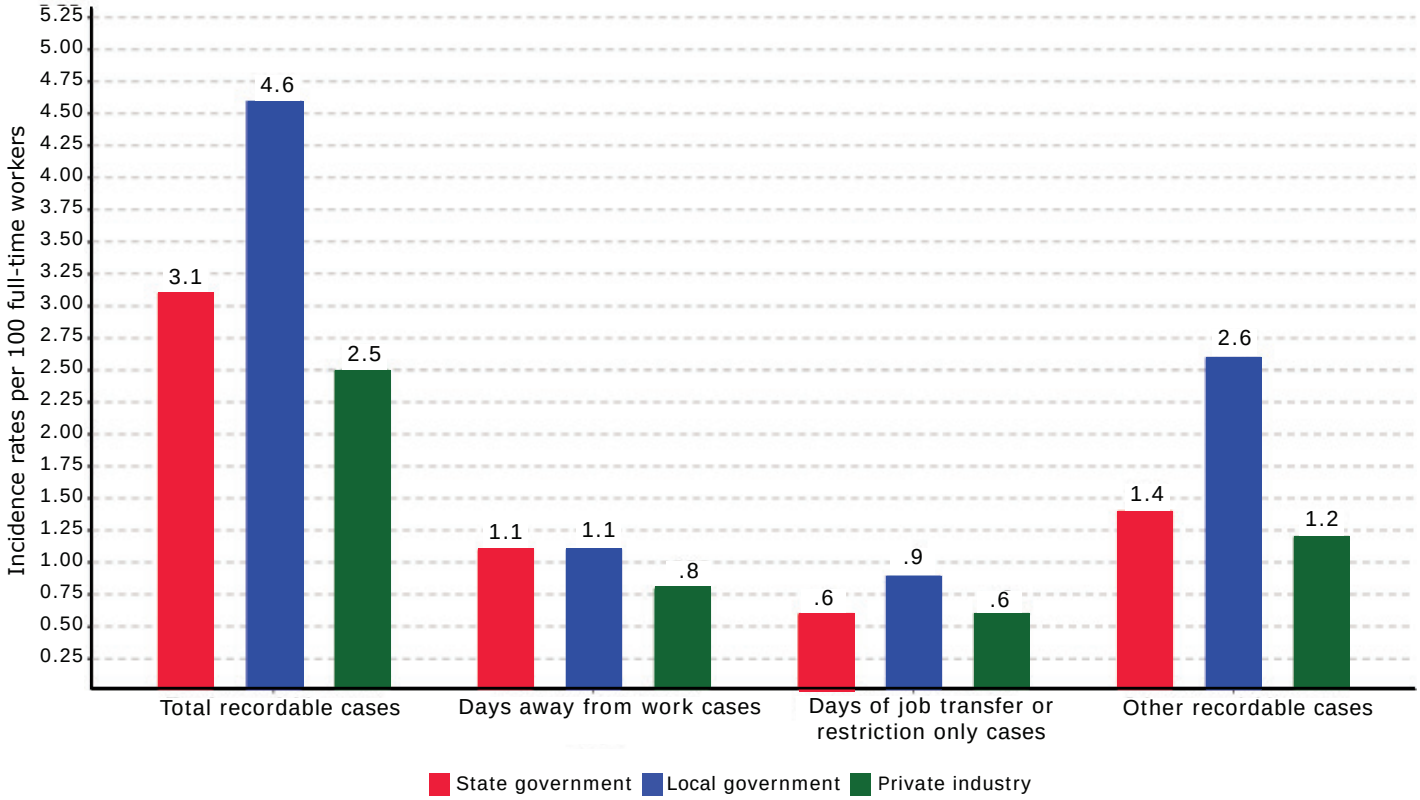
Common injuries and illnesses in this sector include sprains, strains, tears and cuts, lacerations, punctures. Being struck by an object or equipment and falls on the same level were the most frequent events.

State and Local Employee Occupational Injuries and Illnesses Rates

Nationally, the 2018 occupational incidence rate in state and local government combined was 4.8 cases per 100 FTE workers. The incidence rate in Virginia among this group was 4.2 cases per 100 FTE workers. Within state government, health care and social assistance had the highest incidence rate with 7.2 cases per 100 FTE workers, while in local government, public administration had the highest rate with 5.8 cases per 100 FTE workers.

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

Nonfatal occupational injury and illness incidence rates by case type and ownership, Virginia 2018
[SOURCE : U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2020]



VOSH Compliance Programs

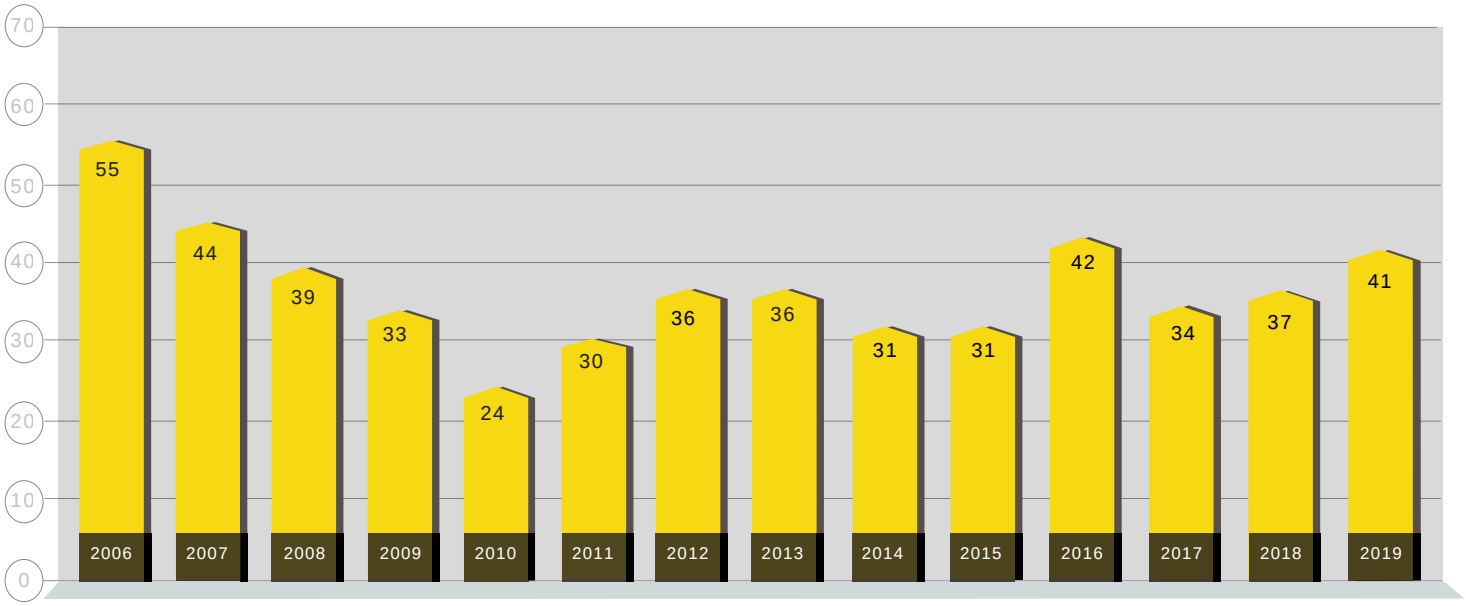
VOSH Safety in 2019

The VOSH Safety Compliance Division enforces the state unique and federal identical laws and regulations that address the occupational safety and health of workers employed in general industry and construction, agriculture, the public sector and public sector maritime industries. VOSH conducts safety inspections in response to accidents, complaints, referrals, and randomly scheduled inspections of high hazard industries. The Department's approach for achieving workplace safety and health protections is to identify significant high hazard problems and related trends, and then determine the most effective way to address them by using the best mix of available tools and resources, and then measuring and monitoring the results. For example, Safety Compliance conducts special emphasis programs to target exceptionally problematic areas, such as one special emphasis program that uses Worker's Compensation First Reports of Injury to investigate falls, struck-by, amputations, and other serious accidents. Other Safety Compliance special emphasis programs include scaffolding, heavy equipment, and trenching, all of which have resulted in increased awareness of safety in the construction industry. In 2019, VOSH Safety and Health Compliance Officers performed 2,200 inspections. During these inspections over 12,870 hazards were identified and corrected.

In concert with the Health Compliance program, all DOLI compliance officers investigated approximately 400 employee complaints and 247 referrals in the past year. Complaints are often filed by employees themselves, their immediate families or their authorized representatives. Referrals are accepted from other safety or safety-related professionals, such as firefighters, police officers, and fire marshals, as well as other local, state, or federal agencies.

Fatalities increased 7.5% from 37 in 2018 to 40 in 2019. The primary causes of death in the workplace were due to employees struck by objects, equipment or vehicles, being caught-by, caught-in or caught-between objects, equipment or vehicles and falls. VOSH continues its multi-lingual efforts to emphasize the importance of delivering workplace safety and health messages to the workers in the Commonwealth

Fatalities Investigated by VOSH



VOSH Health in 2019

The VOSH Health Compliance Division focuses on recognition and evaluation of exposure to occupational health hazards. Industrial Hygiene Compliance Officers conduct workplace inspections to evaluate employee exposure to substances, such as air contaminants or bloodborne pathogens, and work conditions such as noise. The division is also responsible for enforcing VOSH regulations that contain control measures used to reduce employee exposure to such substances and conditions, including engineering controls, e.g., industrial ventilation and enclosures, administrative controls such as employee rotation, hazard communication, and housekeeping, as well as the use of personal protective equipment for a variety of issues, e.g., respiratory protection, hearing protection, and chemical protective clothing. Workplace inspections are generated in a similar manner to those for the VOSH Safety Compliance Division, i.e., through accidents, complaints, referrals, or general schedule inspections.

VOSH Health in 2019, Continued

In addition, the Health Compliance Division continues to focus on the health hazards of silica, asbestos, and lead through state emphasis programs. The Health Compliance Division also has been authorized by the U.S. Environmental Protection Agency to enforce the National Emission Standard for Hazardous Air Pollutants (NESHAP) for the protection of the general public and the environment from asbestos emissions during renovation and demolition activities.

OCCUPATIONAL SAFETY AND HEALTH INSPECTIONS

2017

Calendar Year	Safety		Health
Planned	1,137	Planned	260
Follow-Up	25	Follow-Up	1
Complaint	185	Complaint	252
Referral	172	Referral	65
Accident	25	Accident	6
Fatality/Cat.	29	Fatality/Cat.	5
Other	104	Other	50
Totals	1,677	**Totals**	639

2018

Calendar Year	Safety		Health
Planned	1,058	Planned	153
Follow-Up	19	Follow-Up	1
Complaint	197	Complaint	230
Referral	169	Referral	48
Accident	34	Accident	3
Fatality/Cat.	36	Fatality/Cat.	3
Other	99	Other	55
Totals	1,612	**Totals**	494

2019

Calendar Year	Safety		Health
Planned	1,069	Planned	235
Follow-Up	15	Follow-Up	2
Complaint	227	Complaint	173
Referral	173	Referral	74
Accident	17	Accident	3
Fatality/Cat.	36	Fatality/Cat.	4
Other	115	Other	60
Totals	1,652	**Totals**	551

VIOLATIONS ISSUED

2017

Calendar Year	Safety		Health
Serious	1,481	Serious	422
Willful	16	Willful	2
Repeat	74	Repeat	0
Other(OTS&FTA)	641	Other(OTS&FTA)	366
Totals	2,212	**Totals**	790

2018

Calendar Year	Safety		Health
Serious	1,684	Serious	420
Willful	3	Willful	3
Repeat	77	Repeat	5
Other(OTS&FTA)	624	Other(OTS&FTA)	321
Totals	2,388	**Totals**	749

2019

Calendar Year	Safety		Health
Serious	1,529	Serious	482
Willful	16	Willful	3
Repeat	69	Repeat	4
Other(OTS&FTA)	549	Other(OTS&FTA)	335
Totals	2,163	**Totals**	824

PENALTIES ASSESSED (IN DOLLARS)

	2017		2018		2019
Calendar Year	Safety	Health	Safety	Health	Safety	Health
	$5,046,132	$560,788	$4,710,703	$1,691,972	$6,497,562	$1,691,038

VIOLATION INSTANCES AND EXPOSED EMPLOYEES

Calendar Year	2017	2018	2019
Violation Instances	15,718	15,718	12,870
Exposed Employees	60,902	60,902	32,195

Top 10 Most Frequently Cited Standards

General Industry

October 2018-September 2019

01
Standard
1910.1200 (e)(1)

Hazard Communication - Program

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

02
Standard
1910.151(c)

Medical Services and First Aid

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

03
Standard
1910.1200 (h)(1)

Hazard Communication - Training Requirements

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

04
Standard
16VAC25-60-120

VOSH Administrative Regulation Manual

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

05
Standard
1910.151(b)

Medical Services and First Aid

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

06
Standard
1910.157(c)(1)

Portable Fire Extinguishers

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

07
Standard
1910.303(g)(1)

Electrical - General Requirements

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

08
Standard
1910.134(e)(1)

Respiratory Protection - Medical Evaluation

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

09
Standard
1910.132(d)(2)

Personal Protective Equipment - General Requirements

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

10
Standard
1910.1200(f)(6)(ii)

Hazard Communication - Workplace Labeling

Product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

Construction

October 2018-September 2019

01
Standard
1926.100(a)

Head Protection

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

02
Standard
1926.501(b)(13)

Duty to have Fall Protection

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

03
Standard
1926.102(a)(1)

Eye & Face Protection

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

04
Standard
1926.50(c)

Medical Services and First Aid

In the absence of an infirmary, clinic, hospital, or physician, that is reasonably accessible in terms of time and distance to the worksite, which is available for the treatment of injured employees, a person who has a valid certificate in first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence, shall be available at the worksite to render first aid.

05
Standard
1926.503(a)(1)

Fall Protection - Training Requirements

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

06
Standard
1926.1053(b)(1)

Stairways and Ladders

When portable ladders are used for access to an upper landing surface, the ladder side rails shall extend at least 3 feet (.9 m) above the upper landing surface to which the ladder is used to gain access.

07
Standard
1926.501(b)(11)

Duty to have Fall Protection

Each employee on a steep roof with unprotected sides and edges 6 feet (1.8 m) or more above lower levels shall be protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest systems.

08
Standard
1926.453(b)(2)(v)

Aerial Lifts

A body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift. Note: The use of a body belt in a tethering system or in a restraint system is acceptable.

09
Standard
1926.20(b)(2)

General Safety and Health Provisions

Accident Prevention programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.

10
Standard
1926.503(b)(1)

Fall Protection - Training Requirements

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

Misclassification in Virginia

What is Worker Misclassification?

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

Why is Misclassification So Harmful?

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

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

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

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

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

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

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

"Misclassification stifles competition and directly harms honest Virginia companies by allowing unscrupulous employers to undercut their bids on construction projects and in other procurement scenarios."
Commissioner of Labor and Industry, C. Ray Davenport:

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

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

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

Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER SIXTEEN (2018)

ESTABLISHING AN INTER-AGENCY TASK FORCE ON WORKER MISCLASSIFICATION AND PAYROLL FRAUD

Importance of the Issue

The misclassification of employees as "independent contractors" undermines businesses that follow the law, deprives the Commonwealth of millions of dollars in tax revenues, and prevents workers from receiving legal protections and benefits.

A 2012 report of the Joint Legislative Audit and Review Commission (JLARC) found that one third of audited employers in certain industries misclassify their employees. By failing to purchase workers' compensation insurance, pay unemployment insurance and payroll taxes, or comply with minimum wage and overtime laws, employers lower their costs as much as 40%, placing other employers at a competitive disadvantage.

Based on state and national studies, JLARC estimated that worker misclassification lowers Virginia's state income tax collections as much as $28 million a year. Agencies with relevant enforcement responsibilities, including the Virginia Employment Commission, the Department of Labor and Industry, the Department of Professional and Occupational Regulation, the State Corporation Commission's Bureau of Insurance, the Department of Taxation, and the Workers' Compensation Commission each address only one component of this practice and may not fully coordinate their efforts. In its study, JLARC recommended the establishment of a task force with representatives from the agencies listed above.

Establishment of the Task Force

Pursuant to the authority vested in me as Governor under Article V of the Constitution of Virginia, and the *Code of Virginia*, in order to examine the issue of worker misclassification and payroll fraud, I hereby create an Inter-Agency Taskforce on Worker Misclassification and Payroll Fraud (Taskforce).

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

What is the Government's Response?

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

DOLI's Position

"The Department today is committing itself to aggressively pursuing Governor McAuliffe's initiative to root out the destructive practice of misclassification of workers in Virginia. Misclassification of workers as independent contractors constitutes payroll fraud, and denies hardworking Virginia employees of basic legal protections such as workers' compensation, family and medical leave, and unemployment insurance. Misclassification also cheats those honest employers and contractors who properly classify employees, since employers who misclassify can undercut their bids due to lower operating costs."

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

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

On November 22, 2019, Governor Ralph Northam released the final report of his Inter-Agency Taskforce on Worker Misclassification and Payroll Fraud, which outlines 11 recommendations to ensure Virginia workers receive the pay, workplace protections, and benefits they have earned. "Virginia expects its businesses to treat their workers fairly," said Secretary of Commerce and Trade Brian Ball. "These recommendations will not only support Virginia workers, they will level the playing field for businesses that play by the rules and follow the law. No one should be wrongly excluded from our growing economy." The full report from the Inter-Agency Taskforce on Misclassification and Payroll Fraud is available here:

https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/Final_Worker-Misclassification-Report.pdf

VOSH MISCLASSIFICATION POLICY

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

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

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

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

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

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

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

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

Office Of Whistleblower Protection

Anti-Retaliation Investigation

Retaliation Against Employees Who Exercise Their Occupational Safety and Health Rights

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

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

Complaints Received	2017	2018	2019
Investigations Completed	26	16	22
Investigations Completed Within 90 Days	5 or 19.2%	7 or 44%	4 or 18%
Cases Dismissed	19	9	18
Cases Settled	7	7	4
Amount Collected	$32,666.40	$44,443.84	$77,192.28
Average Days to Complete Investigation	215	135	223
Complaints Administratively Closed	91	88	93

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

Examples of "Protected Activity"

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

Examples of "Retaliation"

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

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

THE WHISTLEBLOWER PROTECTION PROGRAM

Who to Contact

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

THE WHISTLEBLOWER Protection Programs

Other Federal Whistleblower Laws Enforced by Federal OSHA

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

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

http://www.whistleblowers.gov/

Voluntary Protection Programs

VPP in 2019

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

Benefits of VPP

All of the programs in Virginia VPP acknowledge and foster a state of the art approach to implementing safety and health systems that prevent serious injuries, illnesses, and fatal accidents to employees; while also providing a demonstrative return on investment to businesses that allows them to be more productive, more competitive, and more economically viable in a very challenging economy.
Participants in the various programs in Virginia VPP assist businesses and government agencies in substantially improving occupational safety and health protections for thousands of employees through voluntary and cooperative efforts; while reducing insurance premiums, workers' compensation costs, absenteeism, and increasing productivity and competitiveness. Improving productivity and decreasing employers' costs related to maintaining a safe and healthy workplace enhances economic viability, and increases available capital for reinvestment, expansion, and new hiring.

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

Virginia STAR

The Virginia STAR is patterned after the federal VPP STAR 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, Virginia STAR and Merit. Virginia STAR participants are a select group of worksites that have designed and implemented outstanding safety and health systems, including full and meaningful employee involvement. Merit participants are those that have demonstrated the potential and willingness to achieve STAR status and are implementing planned actions to fully meet the Virginia STAR requirements.

Virginia STAR has rigorous requirements and confers the highest level of recognition on certified employers. The program relies heavily on employer self-assessments and requires an extensive application process, 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 Evaluation Team. This team will interview employees, review safety and health plans, observe work practices, and verify that the employer has implemented effective safety and health programs. Only employers that fully meet the eligibility requirements and who can successfully pass the on site evaluation will have their facilities certified as STAR worksites.

Virginia STAR Achievements of 2019

In 2019, there were seven sites that were successfully recommended for Virginia STAR recertification. Additionally, two new Virginia STAR sites were certified and added to the combined total of 34 active STAR sites. Many new sites are preparing for application in the near future. The VPP staff has been very active in supporting VPP participants at numerous Best Practice Days, safety fairs, conferences, workshops, classes, and meetings being held throughout Virginia to educate attendees and promote worker safety.

Virginia STAR WORKSITE

VPP Best Practices Day: May 2019

United Airlines hosted a Safety Training Best Practice Day in Chantilly, Virginia on May 15, 2019. The presenters included "Innovative Training Strategies Outside the Classroom" by Raytheon Corporation, "Virtual Reality Training on Material Handling Equipment" by Sysco Virginia, LLC, "Driver Safety" by Drive Smart Virginia, and "MOVESmart" Ergonomics by United Airlines. Approximately 123 individuals from 58 employers attended.

VPP Best Practices Day: August 2019

A Safety Innovations Best Practice Day was hosted by Dominion Energy on Aug 7, 2019. Dominion Energy hosted at its offices in Glen Allen, Virginia, Approximately 135 individuals attended the event from 66 employers. Topics included "Ergonomics in Our Workplace" by Cintas Corporation, a "Live Safe and Arc Flash" demonstration by Dominion Energy, "Driver Safety' by Drive Smart Virginia, "Sustainable Materials Management" by University of Virginia, "Safety While NASA Langley Transforms" by NASA Langley, and "Innovating the Dominion Energy Workplace"

GOODYEAR
DANVILLE

VPP Best Practices Day: September 2019

Goodyear Tire and Rubber-Danville hosted a Best Practices Day focused on confined space and electrical hazards at the Institute for Advanced Learning and Research in Danville on September 18, 2019, with 118 registered attendees from 52 employers.

Topics included a keynote presentation by Ricky Rollins "The Day We Will Remember", "Electrical Safety" by VOSH, "Confined Space Rescue and Response" by Goodyear Danville, "Permit Confined Space Interactive Rescue Planning" by Solenis-Suffolk, LLC, "Driver Safety" by Drive Smart Virginia, and "Boosting Compliance with Safety Permitting Software" by TKPro Company.

Objectives for Virginia VPP in 2020

The following objectives for the coming year are:

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

VPP STAR in 2019

Sites for 2019

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

Virginia BEST Partnership

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

Three Levels of Participation in Virginia BEST

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

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

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

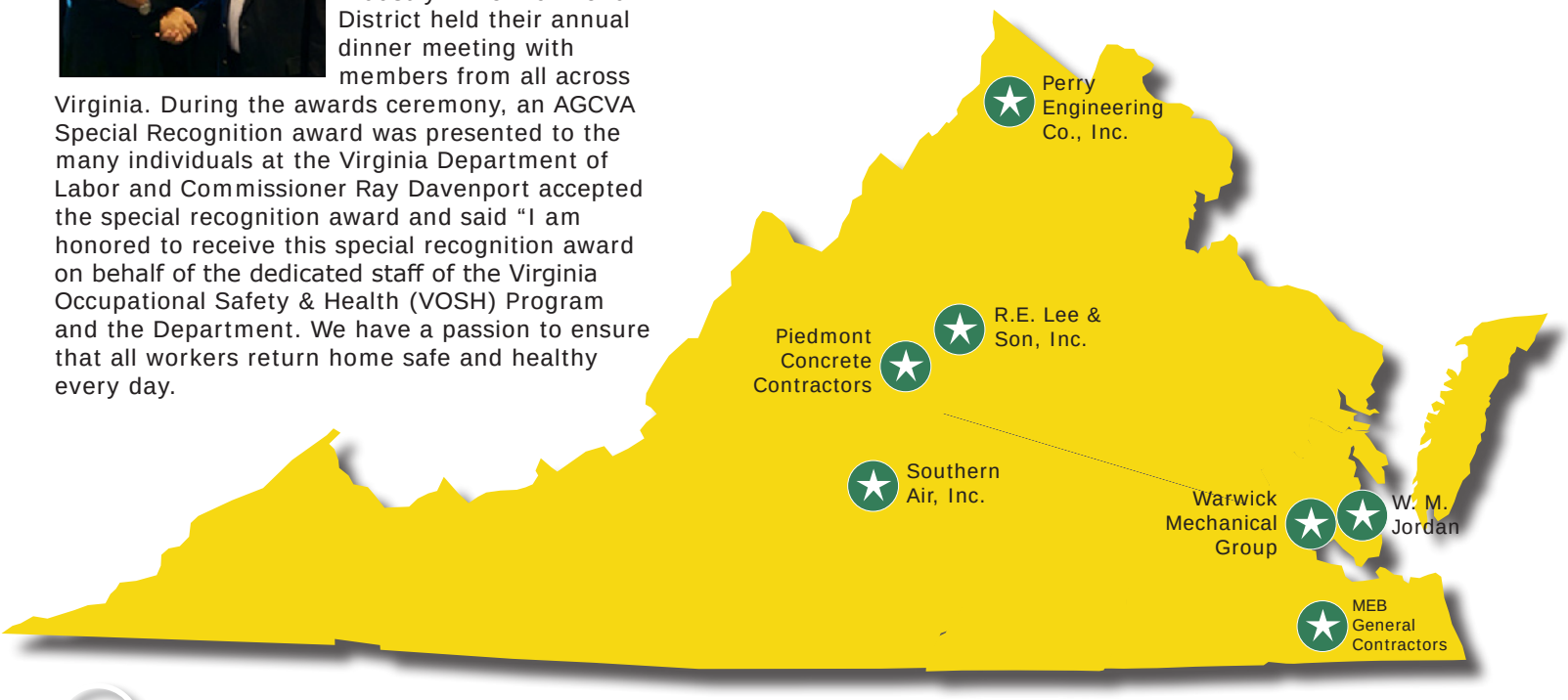
VPP BEST: Continued Growth

In 2019, there were two additional companies added to the BEST program at Level 1. After thorough reviews of their programs at their headquarters and onsite audits of ongoing construction, it was determined that Southern Air, Inc. and MEB General Contractors joined the BEST program.

DOLI receives special recognition

Thursday, May 23, 2019 was a special evening for 600+ member firms of the Associated General Contractors of Virginia (AGCVA) and the Virginia Department of Labor and Industry. The Richmond District held their annual dinner meeting with members from all across Virginia. During the awards ceremony, an AGCVA Special Recognition award was presented to the many individuals at the Virginia Department of Labor and Commissioner Ray Davenport accepted the special recognition award and said "I am honored to receive this special recognition award on behalf of the dedicated staff of the Virginia Occupational Safety & Health (VOSH) Program and the Department. We have a passion to ensure that all workers return home safe and healthy every day.

Virginia BEST Partnership Sites in 2019



Virginia CHALLENGE

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

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

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

The core requirements of Virginia Challenge are based on the Virginia STAR elements. A site must operate a comprehensive safety and health management system that includes four essential elements and their sub-elements. The main elements are:

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

Virginia Occupational Safety and Health Commissioner Ray Davenport signed the Virginia Challenge Directive on June 15, 2018. The Virginia Challenge Program is considered a path to VPP STAR. Since June 2018, seventeen companies, in both the private and public sector, have become Virginia Challenge Participants.

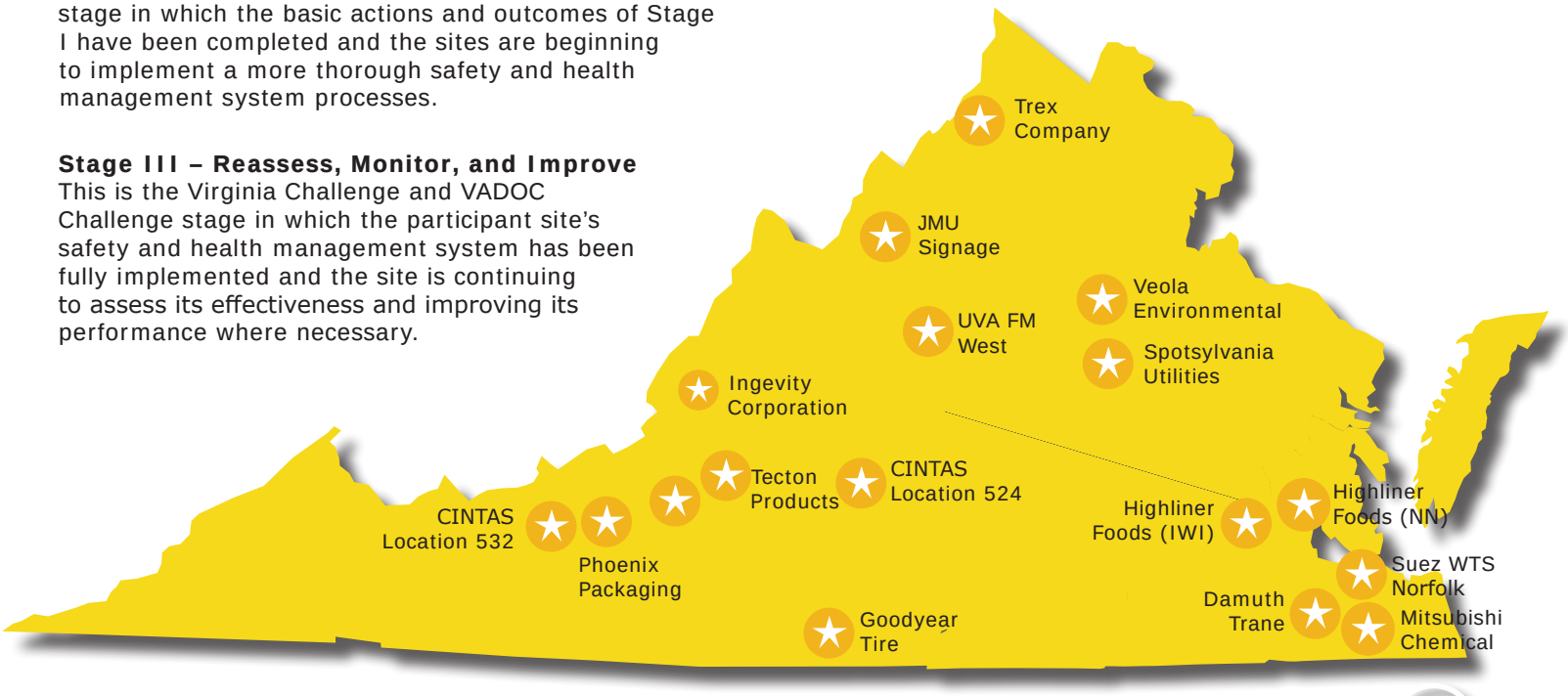
Virginia Challenge has three stages of participation.

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

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

Stage III – Reassess, Monitor, and Improve
This is the Virginia Challenge and VADOC Challenge stage in which the participant site's safety and health management system has been fully implemented and the site is continuing to assess its effectiveness and improving its performance where necessary.

Virginia CHALLENGE Sites in 2019



VADOC CHALLENGE

The Department of Labor and Industry and the Virginia Department of Corrections (VADOC) signed a strategic partnership on August 16, 2018, incorporating Challenge concepts to work with the VADOC to bring additional correctional facilities/operations into Virginia VPP. Two VADOC facilities have already achieved STAR status, Augusta Correctional Center and Lunenburg Correctional Center.

These sites are only two correctional facilities recognized as VPP STAR in the nation. A copy of the August 17, 2018, news release can be found at: https://www.doli.virginia.gov/wp-content/uploads/2018/08/VADOC-Challenge-News-Release_08.16.18.pdf

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

In 2019, VADOC Challenge received its first eight (8) applications from VADOC facilities all across Virginia. These include:

1) Baskerville Correctional Center
2) Caroline Correctional Unit2
3) Dillwyn Correctional Center
4) Green Rock Correctional Center
5) Greensville Work Center
6) Harrisonburg Men's Community Corrections Alternative Program
7) Red Onion State Prison
8) Virginia Correctional Enterprises HQ

VADOC CHALLENGE Sites in 2019

Office of Policy and Planning

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

I. MAJOR ACCOMPLISHMENTS DURING CALENDAR YEAR 2019:

- Reviewed existing documents and agency plans;
- Revised 4 Program Directives for the VOSH Program dealing with inspection or enforcement procedures standards, compliance assistance, and state emphasis programs;
- Worked with Region III OSHA to coordinate program policy, regulatory adoption and maintenance of the Virginia State Plan for Occupational Safety and Health, including maintenance of the federal standards and instructions, logs;
- Continued development of draft amendments to the Administrative Regulation Manual for the VOSH Program, and drafted updates of other Program publications, such as Employer's Rights and Responsibilities Following a VOSH Inspection, and the VOSH Inspection Closing Conference Guide;
- Worked with the Assistant Commissioner and Program Directors to update other internal agency policies.
- Coordinated with the Divisions of Legal Support, Occupational Safety, and Occupational Health, as needed, on regulatory issues, new standards development, and the development of performance measures, where needed;
- Updated VOSH Program Directives and related manuals for internal distribution and final posting on the Virginia Regulatory Town Hall website.

II. SAFETY AND HEALTH CODES BOARD SUPPORT AND REGULATORY ACTIONS IN 2019:

Provided direct support to the Safety and Health Codes Board, which held public meetings on March 19, 2019 and September 17, 2019.

OPPPI assisted the Board with the following:

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

- Amendment to Cranes and Derricks in Constructions Standard, § 1926.1427, Operator training, certification, and evaluation
- Amendment to Cranes and Derricks in Constructions Standard, §1926.1430, Training
- Amendment to Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA, §1904.41, Reporting Fatality, Injury and Illness Information to the government
- Standards Improvement Project- Phase IV, making 14 revisions to existing standards in the recordkeeping, general industry, maritime and constructions standards removing or revising outdated, duplicative, unnecessary and inconsistent requirements in OSHA's safety and health standards.

B. Notice of Periodic Review of Certain Existing Regulations:

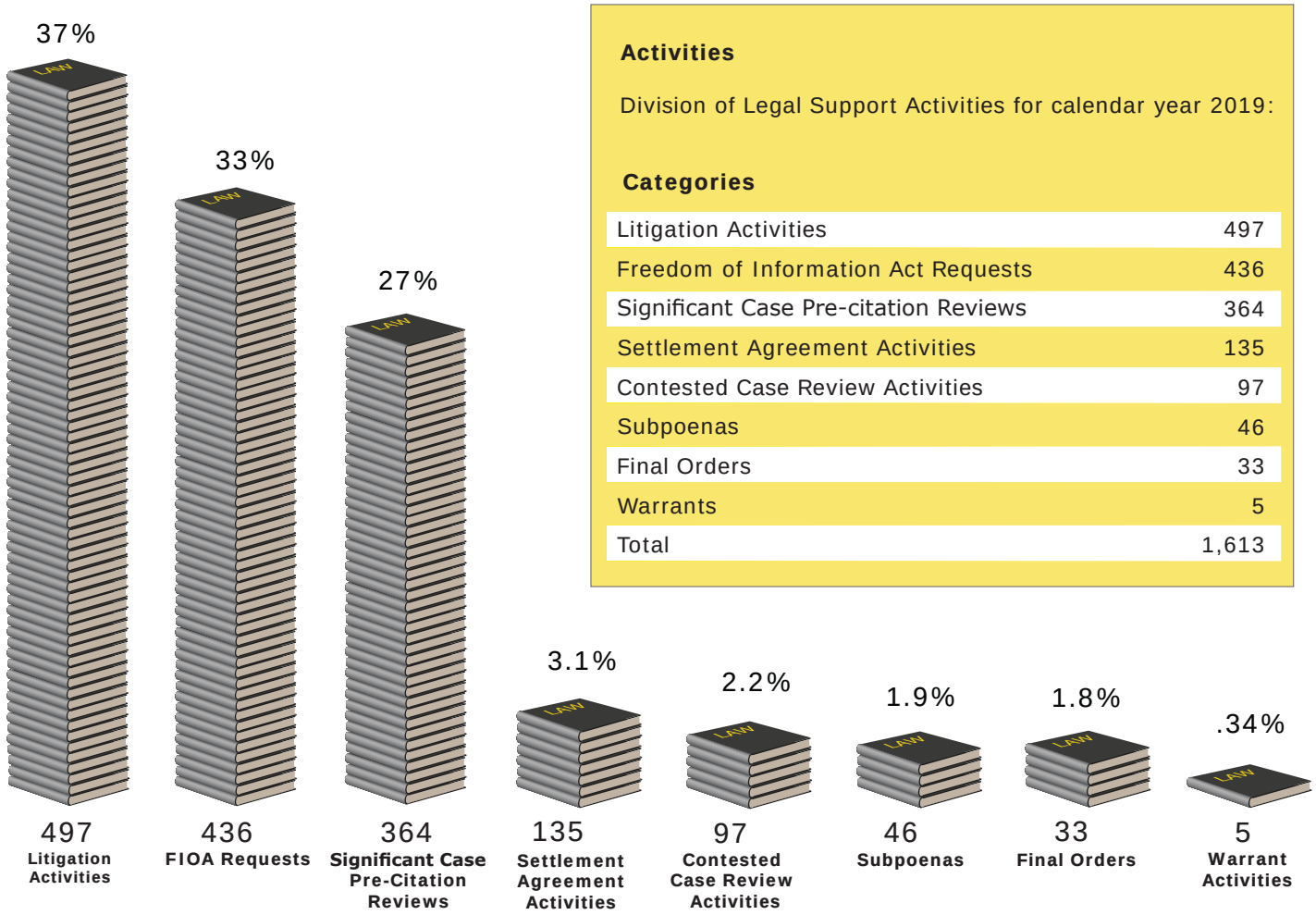
- 16 VAC 25-35, Regulation Concerning Certified Lead Contractors Notification, Lead Project Permits and Permit Fees
- 16 VAC 25-55, Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors
- 16 VAC 25-73, Regulation Applicable to Tree Trimming Operations
- 16 VAC 25-75, Telecommunications, General, Approach Distances

Division of Legal Support

The Division of Legal Support in 2019

The Division of Legal Support provides general legal and technical support to DOLI's occupational safety and health programs and other programs in the agency as needed. Among its responsibilities are:

- Reviewing and processing VOSH contested cases, significant cases (e.g., pre-citation review of fatality and proposed willful citation cases), formal settlement agreements, administrative search warrant requests, subpoenas for documents and testimony
- Litigating VOSH contested cases in Virginia Circuit Courts by serving as Special Assistant Commonwealth's Attorneys, or assisting Commonwealth's Attorneys in their prosecution of our cases. (Litigation work is done with the review and approval of the Assistant Attorney General assigned to the Department.)
- Processing requests for information under the Virginia Freedom of Information Act
- Assisting divisions in the development of policies and procedures, regulations, standards, and statutory changes.



Activities

Division of Legal Support Activities for calendar year 2019:

Categories	
Litigation Activities	497
Freedom of Information Act Requests	436
Significant Case Pre-citation Reviews	364
Settlement Agreement Activities	135
Contested Case Review Activities	97
Subpoenas	46
Final Orders	33
Warrants	5
Total	1,613

Administration & Financial Services in 2019

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

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

The Department's operating budget for fiscal year 2019 (July 1, 2018 - June 30, 2019) was $17.59 million ($10.38 million General Fund, $7.21 million Non-General Fund) with an authorized employment level of 190 positions. The Department of Labor and Industry's funding came from State General Fund Appropriations, Federal Funds from the U. S. Department of Labor, and Special Revenue Funds from various sources including Indirect Cost Recoveries, Asbestos/Lead Project Permit Fees, Voluntary Protection/Compliance Grant Matching Funds, and Registration fees for the Virginia Occupational Safety and Health Conference. The Department's programs contributed significant revenues to the state that offset program costs. For fiscal 2019, the Department's revenues represented 66% of annual agency expenditures. (FY2019 Total Revenues $11,038,153; Total Expenditures $16,726,111.) 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 2019, the Department of Labor and Industry maintained a central headquarters, with seven regional and field office sites to provide services throughout Virginia. Despite federal and state funding challenges for agency programs, the Department continued to have a tremendous positive impact by promoting safe and healthy workplaces; protecting children from hazardous employment; developing job training opportunities through registered apprenticeship; supporting best employment practices; and assuring safe operation of boiler and pressure vessels.

Descriptive Note:

Personal Services - Includes Salaries/Fringe Benefits.

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

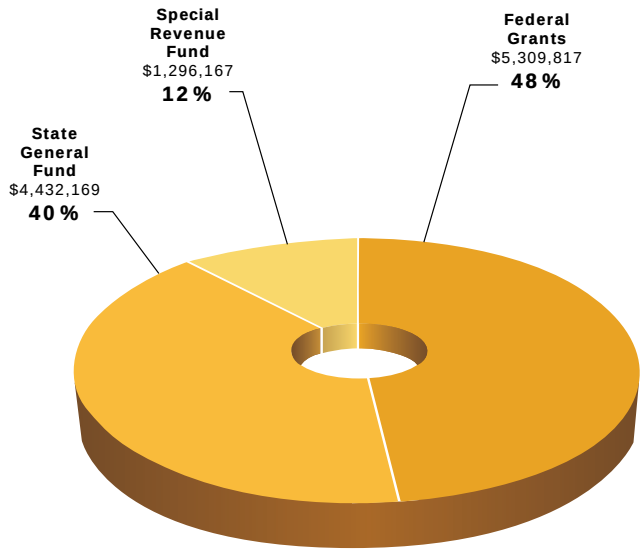
Supplies – Includes General Office Supplies.

Transfer Payments – Includes Federal Indirect Cost Accounting Entry.

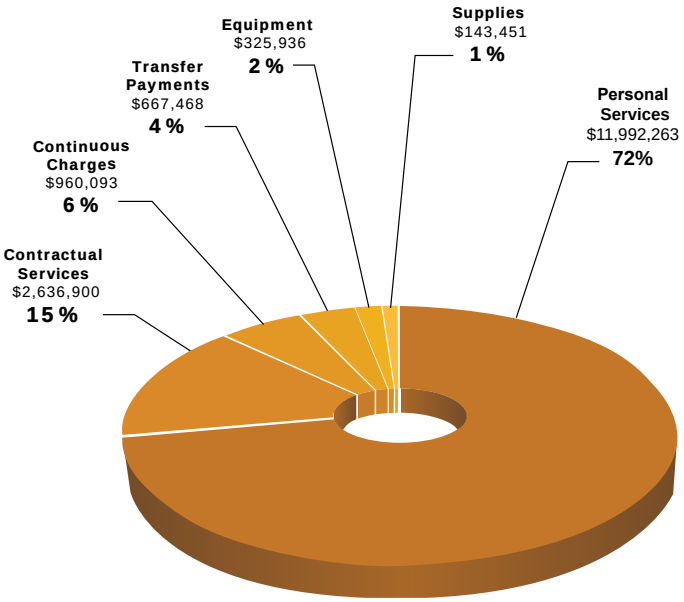
Continuous Charges – Includes Building and Equipment (Copier) Rentals and Workers Compensation Insurance.

Equipment – Includes Office Furniture and Field Equipment.

TOTAL FY2019 REVENUE ($11,038,153)



TOTAL FY2019 EXPENDITURES ($16,726,111)



Division of Human Resources in 2019

The Division of Human Resources (DHR) mission statement outlines our ongoing commitment to recruit, develop, and retain a competent, dedicated, and diverse workforce that provides high quality programs and services designed to promote the safety and well being of Virginia's workers.

Recruitment

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

Recognition Programs

Because our highly valued employees are DOLI's most important asset, the DHR coordinates several recognition programs. An important focus again this year was our Employee Recognition Program, which includes the STAR Awards, awarded to DOLI employees who exhibited "STAR" quality work and a job well done. In addition, we celebrated Public Service Week through a variety of programs and activities in honor of those who diligently serve the citizens of the Commonwealth.

Charitable Work

DHR led the annual agency CVC Campaign again last year with DOLI employees gifting $4,949 to the CVC, representing a 75% increase over the previous year. This successful campaign is a reflection of the care and concern of our employees for those less fortunate than themselves.

Our Veterans

DOLI continues to employ a significant number of veterans in its workforce. Although the V-3 Program no longer grants an annual award for state agencies employing the highest percentage of veterans in its workforce, DOLI has received the V3 Governor's Award in the past and is proud that 15% of its current workforce are veterans!

Training and Development

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

Registered Apprenticeship

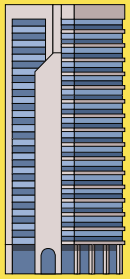
Registered Apprenticeship continues to be a program of emphasis in DOLI and DHR has joined other agency programs by sponsoring its first apprentice in the Division. This initiative will provide a higher level of subject matter expertise for our apprentice and a higher level of HR support for the agency.

we're game
Virginia Lottery
UTILITY
WORK
AHEAD

DOLI
Office Locations

The Department of Labor and Industry maintains a headquarters office located in Richmond, Virginia, as well as 4 Regional Offices and 3 Field Offices located throughout the state. For the best service sure to contact the office in the region closest to where you live.

Headquarters

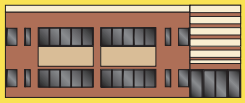


DEPARTMENT OF LABOR AND INDUSTRY

Main Street Centre
600 East Main Street, Suite 207
Richmond, Virginia 23219

Regional Offices

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



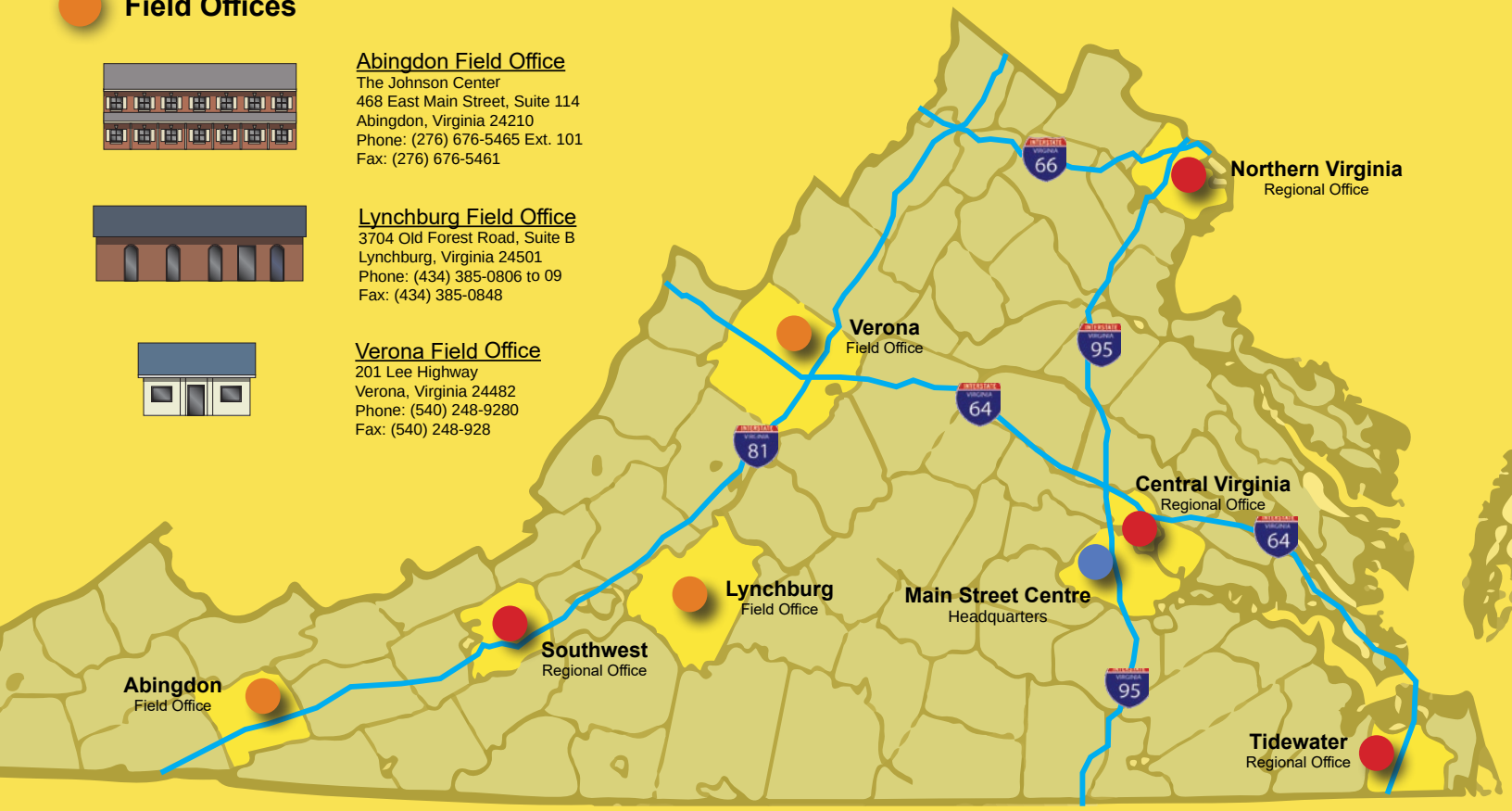
Northern Virginia Regional Office
9400 Innovation Drive,
Suite 120
Manassas, Virginia 20110
Phone: (703) 392-0900

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

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

Field Offices

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

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

Verona Field Office
201 Lee Highway
Verona, Virginia 24482
Phone: (540) 248-9280
Fax: (540) 248-928