

2015 ANNUAL REPORT

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY



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

TABLE OF CONTENTS

Virginia Department of Labor and Industry

3 -- MESSAGE FROM THE COMMISSIONER

5 -- REGISTERED APPRENTICESHIP

Registered Apprenticeship
Focus on Skilled Job Training
Apprenticeship Success Stories

8 -- BOILER & PRESSURE VESSEL SAFETY

Boiler Safety Compliance
Focus on Preventing Boiler
Accidents

10 -- LABOR AND EMPLOYMENT LAW

Focus on Youth Employment
Electronic Employment Application

12 -- VOSH COOPERATIVE PROGRAMS

On-Site Consultation Program
Focus on Injury and Illness
Prevention Programs
VOSH Conference
Safety and Health Achievement and
Recognition Program

16 -- RESEARCH AND ANALYSIS

Overview
Occupational Injuries and Illnesses in
Virginia

18 -- VOSH COMPLIANCE PROGRAMS

Virginia Occupational Safety Compliance
Virginia Occupational Health Compliance
Misclassification in Virginia
The Top 25 Safety Standards Cited by
VOSH for Construction
The Top 25 Safety Standards Cited by
VOSH for General Industry

24 -- VPP

Voluntary Protection Program (VPP)
Virginia VPP Objectives for 2014
Virginia VPP Accomplishments in 2014
VPP Locations in Virginia 2014

28 -- POLICY AND PLANNING

Office of Policy and
Planning

29 -- LEGAL SUPPORT

Legal Services

30 -- OPERATIONS

Administration
Human Resources

32 -- OFFICES

DOLI Office Directory

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

THE COMMISSIONER'S MESSAGE



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's 2016 Annual Report. We remain committed to serving the citizens, employers and employees of the Commonwealth by promoting safe, healthful workplaces, best employment practices, job training opportunities through Registered Apprenticeship, the protection of children from hazardous employment, and safe operation of boiler and pressure vessels.

Below I have highlighted several of the exciting milestones and accomplishments for this calendar year;

Governor McAuliffe signed a bill for the historic Voluntary Protection Programs (VPP) Act in Virginia. The bill will continue developing the successful VPP system, which encourages companies to take safety above and beyond the Occupational Safety and Health Administration's (OSHA) safety requirements.

Governor McAuliffe signed Executive Order Number 49 on expanding registered apprenticeships in Virginia - expanding registered apprenticeships will help Virginia's efforts to get workers the skills they need to succeed in rewarding careers.

DOLI adopted a new Virginia Occupational Safety and Health (VOSH) policy directed at preventing the misclassification of workers in VOSH cases. The Department is committing itself to aggressively pursue Governor McAuliffe's initiative to root out the destructive practice of misclassification of workers in Virginia.

The Virginia Capital Connections Magazine highlighted articles from the Department on the topics of our Voluntary Protection Program and the problem of Misclassification of Workers in Virginia.

We also celebrated our 20th year in providing quality safety and health training through our expanding Annual Safety and Health Conference.

We have offices located throughout the Commonwealth staffed with qualified, trained safety and health professionals available to assist you. For additional information on our activities and services, please visit our website at <http://www.doli.virginia.gov>.

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

Sincerely,

C. Ray Davenport
Commissioner

EXPANDING OPPORTUNITIES AND SAVING LIVES

2015 has proven to be an eventful year for DOLI. We continue to strive to expand opportunities for all of Virginia citizenry through the Registered Apprenticeship program. Administering the related instruction portion of Registered Apprenticeship has proven to help centralize tracking and training to meet the needs of our Apprentices. With strong new employer sponsors, new technology occupations and the expansion of support that has been made to our Virginia sponsors we are empowering Virginia as a trained skilled workforce.

In addition, our Voluntary Protection Program has expanded our footprint across the Commonwealth through sharing of best safety practices within specific growing industries in Virginia. These opportunities to share these safety practices continue to support employee safety, heighten awareness of hazardous processes and provide alternatives for employers to ensure Virginia's workforce is protected within the Commonwealth.

COMPLIANCE ASSISTANCE



VPP BEST PRACTICES



PUBLIC OUTREACH AND TRAINING



ENFORCEMENT

APPRENTICESHIP RELATED INSTRUCTION

REGISTERED APPRENTICESHIP

Modern Registered Apprenticeship combines carefully defined and employer-specific training under the guidance of a highly skilled mentor at the worksite. On-the-job training is supplemented with related classroom instruction. Upon successful completion, apprentices are awarded a Certificate of Completion.

This certificate and journeyworker card is a portable credential that is recognized nationally and, when appropriate, allows the candidate to qualify for the licensing examination. Last year 4,424 Certificates of Completion were issued. In addition, 14,263 apprentices were active participants as the year ended employed by 2,184 registered sponsors. The website of the Department of Labor and Industry lists additional information in regard to available registered apprenticeship opportunities.

DOLI's Role

DOLI's Registered Apprenticeship staff includes a Division Director, Assistant Director and two Program Support Technicians who are located in headquarters in Richmond. Thirteen (13) Apprenticeship Consultants are located in DOLI offices in all regions of the state. Registered Apprenticeship Consultants are responsible for registering new sponsors and apprentices, helping sponsors develop industry apprenticeship programs, giving technical advice to existing sponsors, and providing ongoing customer service which includes Equal Employment Opportunity Reviews and Quality Assurance Assessments.

The staff works in collaboration with many local, state, and federal agencies, including the Virginia Department of Professional and Occupational Regulation, the Virginia Employment Commission, the Virginia Department of Veterans Affairs, the Virginia Community College System, local school divisions, and the U.S. Department of Labor's Office of Apprenticeship.

Partnering with the Virginia Department of Military Affairs has allowed members of the Virginia National Guard to receive Certificates of Completion issued using civilian job titles to describe the skill sets mastered.

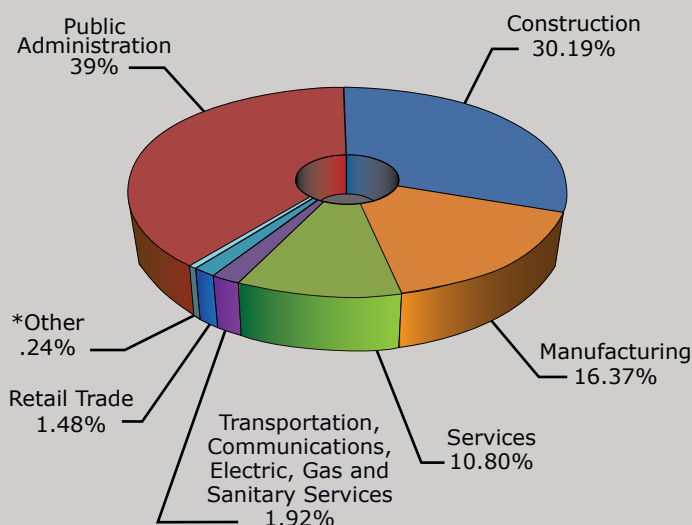
...“In 2015 the General Assembly passed legislation... which transferred to the Commissioner of Labor and Industry from the State Board for Community Colleges the duty to establish policies governing provision of apprenticeship-related instruction...”

In 2015, the General Assembly passed legislation (SB 1024 and HB 1822) which transferred to the Commissioner of Labor and Industry from the State Board for Community Colleges the duty to establish policies governing provision of apprenticeship-related instruction delivered by state and local public education agencies to apprentices, and to provide for the administration and supervision of related and supplemental instruction.

Governor McAuliffe signed Executive Order Number 49 expanding registered apprenticeships in Virginia. This Executive Order identified key industry sectors (such as Information Technology, Cyber Security, and Professional and Business Services) that have not traditionally sponsored registered apprentices. Fiscal incentives will be offered to businesses who support registered apprentices and to state agencies to better recruit, retain, and strengthen the skills of state workers beginning their public service careers. State government can use Registered Apprenticeship to cultivate highly skilled workers in those occupations for which qualified applicants can be challenging to recruit.

The Division Director was a charter member of the Career Pathways Work Group and continues to promote the value of the nationally recognized and portable Certificate of Completion and journeyworker card wherever appropriate.

Virginia's Registered Apprentices by Industry Calendar Year 2015



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

What is Registered Apprenticeship?

Registered Apprenticeship is a structured training program that combines on-the-job training and related theory and technical instruction to train employees in occupations that demand a high level of skill.



Why Registered Apprenticeship?

Employers in Virginia are having a difficult time finding qualified personnel to perform the highly skilled tasks that are in demand in today's new economy. The Division of Registered Apprenticeship works with business and industry to develop structured training programs specific to the nature of your company's work.

Who can use Registered Apprenticeship Programs?

The Construction, Manufacturing, and Service Industries in the private and public sectors utilize Registered Apprenticeship Programs. Companies in the Advanced Manufacturing sector, such as Rolls-Royce, Hershey Chocolate, Stihl, and Philip Morris are utilizing Registered Apprenticeship to train their future workforce. Newport News Shipbuilding is the largest Virginia employer with a Registered Apprenticeship program. Institutions of Higher Learning across the commonwealth have chosen this method of credentialed and highly skilled training especially in facility management occupations.



How does Registered Apprenticeship Work?

The Division of Registered Apprenticeship utilizes the team approach when working with sponsors and provides consultants to work with employers. We assist in developing training and education programs for both on-the-job learning and related theory instruction which can be provided in a variety of different modalities, such as classroom, on-line, or in-house at your facility.

The Virginia Apprenticeship Council

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

Chairman Kemp joined DOLI Commissioner Davenport and VEC Commissioner Ellen Marie Hess in presenting Mr. Skip Johnson, of STIHL, Inc. with a Certificate of Recognition from the Virginia Department of Labor and Industry. STIHL was also awarded the NASWA National Business of the Year Award, through nomination by the VEC, which recognizes a business that demonstrates outstanding accomplishments resulting in a positive impact on its workforce, industry and community.



Apprenticeship in America

Apprenticeship isn't necessarily the first thought when we think about continuing education, but perhaps we need to rethink what it means to be a college student today.

Just ask Elise Feldt, a single mom of two who, until four years ago, juggled two jobs trying to make ends meet. Or Shanae Hilliard, a native of Alamogordo, New Mexico, who learned of The Apprentice School from a fellow basketball player who was recruited by The Lady Builders, the Apprentice School's women's basketball team.

The Apprentice School at Newport News Shipbuilding is proud to be a leading member of ApprenticeshipUSA, a national effort that recognizes how students like Hilliard and Feldt can benefit from an educational experience other than the traditional college route. The campaign's mission is to double the number of registered apprenticeships over the next five years. It comes at an important time and is intended to make apprenticeship more viable today than ever.

Countries like Switzerland, Germany and Austria have a much higher density of apprenticeships, ranging from 11 to 14 times higher than in the United States, where dinner conversations continue to focus largely on the need for higher education, but rarely mention Apprenticeships.

Yet, at The Apprentice School, registered apprenticeships in 19 shipbuilding trades and eight optional advanced programs are offered. The school of 800 students, has graduated more than 10,000 shipbuilders since its inception in 1919.

Like traditional colleges and universities, The Apprentice School offers a challenging education, professional societies, student organizations and athletics—as well as four associate's degrees and a bachelor's degree in engineering, thanks to partnerships with local community colleges and Old Dominion University. Unlike its traditional counterparts, The Apprentice School offers students real-world experience, full-time employment with a Fortune 400 company from the first day of their apprenticeship, and no student debt.

Despite the fact that students have no obligation to remain with the company after graduating, better than 80 percent of alumni remain with the company 10 years later. This strong affiliation with The Apprentice School and Newport News Shipbuilding has everything to do with the apprenticeship experience.

Hilliard, who fell just four points shy of a 1,000-point career as a Lady Builder, was featured on ESPN when her half-court shot at the buzzer defeated a team on a 16-game winning streak. More importantly, Hilliard was the first female Foundry Molder Apprentice to graduate at Newport News Shipbuilding. She plans to continue her career at the company while pursuing a degree in business administration.

Feldt is working toward an associate's degree in engineering with a specialization in modeling and simulation while earning a paycheck. The best part, she says, is she is still able to be home every night to tuck her two children into bed.

As the nation celebrates its first annual National Apprenticeship Week Nov. 2-8, I encourage parents and students alike to consider the life-changing opportunities offered by The Apprentice School and other registered apprenticeships. These educational opportunities will strengthen the fabric of our nation, form a strong foundation for thousands of lives, and contribute to the stability of our economy during these challenging times.

Everett Jordan
Director Education, The Apprentice School Apprentice School graduate, Class of 1977



Hannah Marie (Coggin) Russo

I began my apprenticeship in 2010. The opportunity to be an apprentice is a privilege for which I was, and am grateful. My tuition was paid for by my employer. I am able to be in a trade that I love, that challenges me, and now, as of January 2016, I am proud to be a card carrying Journeyman Electrician.

Being a female and a leader among my peers, prompted me to work even harder to prove myself when there may have been skepticism from my male counterparts.

The first challenge was the driving distance to class, which could be anywhere from 2 to 4 hours round trip, depending on the jobsite location. Working full time and studying, preparing for tests could be daunting, but determination is key. I maintained an A average. I am scheduled to take the OSHA 30 class in April of this year.

I have had the opportunity to dig trenches, climb scaffolding, pull wire and build services. I now supervise crews at government installations, apartment complexes and marinas. I am involved in renovations and new construction in both the residential and commercial fields. Our crew recently built an 800 amp service in Surry County; we also just finished a year-long renovation of over 100 apartments in Franklin.

During my apprenticeship time, I spent 6 months in Georgia working with refugees. When I returned, Mr. Brooks, our Apprenticeship Representative at DOL, was very helpful in extending my completion dates so that I was able to resume my studies and work on the program. Oh, did I forget to mention that my social life didn't suffer, I was married in October of 2013.

BOILER SAFETY COMPLIANCE



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

In 2015, there were 35,980 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 2015, 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. Almost 9,500 reminder notices were mailed to owners/users 30 days prior to the certificate expiration regarding the need to arrange for certificate inspections. Internal procedures were revised to improve the quality of the inspection reports and process payment of certificate fees more quickly. Interpretations, technical letters, and position papers continue to be posted on the agency's Web site to ensure that the information is current and easily available.

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

ACTIVITIES OF BOILER SAFETY	2013	2014	2015
Total Active Objects Registered	73,574	73,872	73,836
Acceptable Inspections (Certificates Issued)	37,710	38,544	34,551
Violations	854	1,001	690
Quality Control Reviews/Surveys	8	13	15
Incidents	7	4	5
Injuries	0	1	1
Fatalities	0	0	0
Inspector Applicants Passing Exams	0	0	0
Commissioned Inspectors	56	64	68

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:

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

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



Air tank. Stuck safety valve.



Expansion tank. Possible corrosion



Air tank. Failed due to corrosion.

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, 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

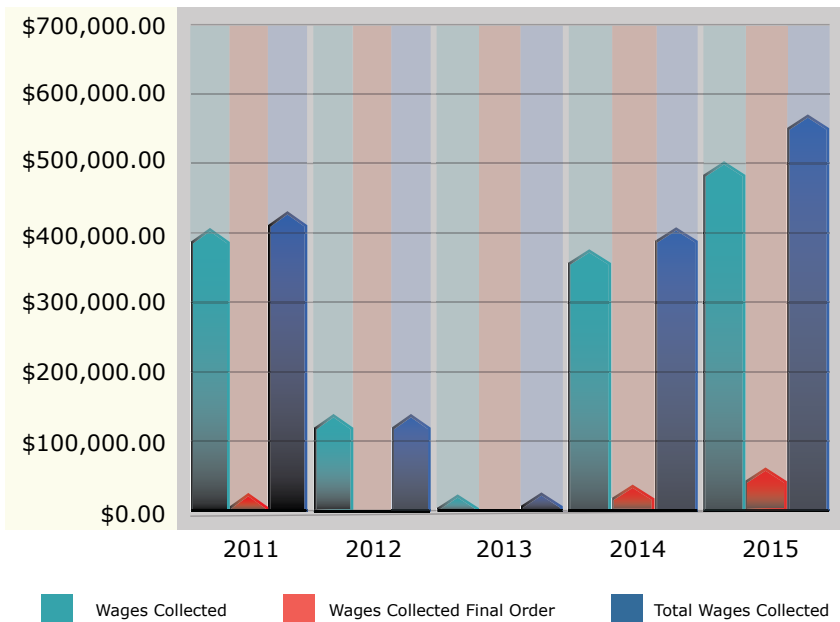
The Labor and Employment Law Division enforces the laws of the Commonwealth that govern pay, assignment of wages, minimum wages, employment of children, the right to work, human trafficking poster requirements, and certain other statutes. The Division also provides consultation services to the public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

Staff includes a Director, Assistant Director, Compliance Manager, four Payment of Wage Compliance Officers, two Child Labor Compliance Officers, and one Assistant Child Labor Compliance Officer. Program staff is located at the headquarters and Central Region offices. There were multiple positions vacant for extended periods this year within the Division.

The Division experienced an increase in requests for client services during 2015. Over 45,000 requests for assistance from the public were received (see chart). Increased demand for services provided for youth employment and payment of wage complaints contributed to the increase.

An Individual Liability policy was adopted by the Division in April, 2015. This policy allows for an individual business owner or corporate officer to be considered an "employer" under Virginia law and be held personally liable for unpaid wages in certain circumstances.

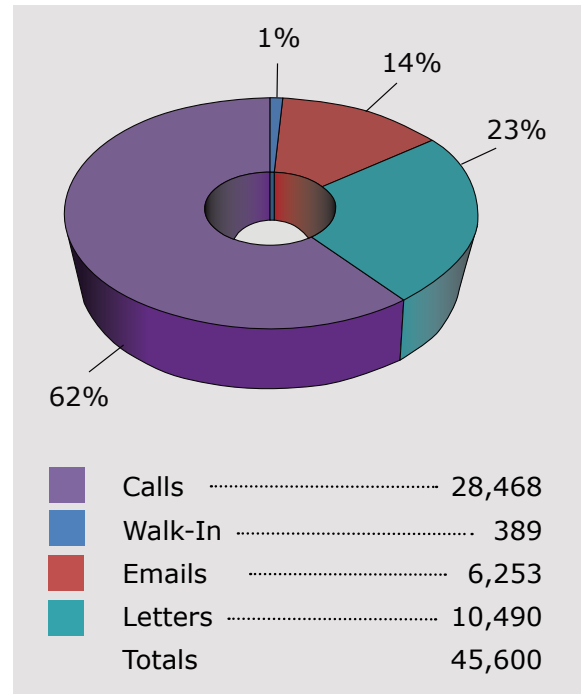
2015 Total Wages Collected



Year	Wages Collected	Wages Collected Final Order	Total
2011	\$408,220.49	\$21,212.00	\$429,432.49
2012*	\$140,849.61	\$0	\$140,849.61
2013*	\$17,553.12	\$0	\$17,553.12
2014	\$380,725.05	\$39,546.41	\$420,271.46
2015	\$511,673.10	\$67,785.65	\$579,458.75
Total	\$1,459,021.37	\$128,544.06	\$1,587,565.43

* The Payment of Wage Program was unfunded from July 1, 2012 through June 30, 2013

2015 Client Services



Staff received and reviewed 1,374 claims for unpaid wages, completed 1,366 investigations, and unpaid wages in the amount of \$579,458.75 were recovered for employees who worked in the Commonwealth (see table - Total Wages Collected). In addition, Final Orders were entered against companies that refused to pay wages due in the amount of \$325,572.62. The Division partnered with the Virginia State Police to obtain a criminal indictment for violations of the Virginia Payment of Wage Act against an employer found to owe back wages in excess of \$100,000.00. The criminal trial is scheduled for 2016.



2015 in Review

The Division received and processed 10,778 applications for youth workers. There were 5,298 employment certificates and theatrical permits issued allowing youth employment. The Child Labor Compliance Officers investigated 1,355 employment certificate applications and 69 reported alleged violations of the laws and regulations. In addition, Compliance Officers conducted 997 compliance inspections and issued citations for 278 violations. Civil Monetary Penalties in the amount of \$47,289 were collected during 2015.



DOLI On-Line Employment Certificate Process!

The Department of Labor and Industry has an online application process for obtaining a youth employment certificate.

In 2015, the Labor and Employment Law Division received and processed 10,778 applications for youth employment certificates, a 78% increase over the 6,037 applications in 2014. Virginia law requires that any child under the age of 16 wishing to work be issued a work permit by the Virginia Department of Labor and Industry.

A FEW QUICK FACTS - The youth must have a job offer prior to applying for an employment certificate. The process requires online actions by the youth, employer, and parent, guardian, or custodian in that order. Once an employment certificate has been issued, the employer will receive the certificate electronically. The employer must then present the employment certificate to the youth for their signature. The employer is required to retain either a paper or electronic copy of the employment certificate so long as the youth is employed or for a period of 36 months, whichever is longer.

Online Process

The online system provides a simple three step process for review and approval of applications for youth employment certificates: If you want to apply online, here is a safe and easy way to do so. You can reach the online application page from the Labor Law page at the Department of Labor and Industry web site or directly at the link shown below.



- Youth Registration
- Employer Registration
- Parent/Guardian/Custodian

If you want to apply online, here is a safe and easy way to do so. You can reach the online application page from the Labor Law page at the Department of Labor and Industry web site or directly at the link shown below.

<https://vaeecs.doli.virginia.gov/vaeecs/>



VOSH 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 2015, responding to requests from small employers looking to create or improve their injury and illness prevention programs, Virginia's On-site Consultation Program conducted 498 visits to small business worksites covering over 39,142 workers across the state.

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, improve their occupational injury and illness prevention programs, and even qualify for a one year exemption from general schedule VOSH inspections.

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.

....."A Washington State study, in 2011 concluded that consultation visits were associated with an approximately 25% decrease in compensable, nonmusculoskeletal, Workers' Compensation claims at fixed work sites and an 11% decrease at non-fixed sites. The On-site Consultation Program works with employers to improve their injury and illness prevention programs."



On-Site Consultation

498 Consultation Visits Performed

Industries Served

Construction	215
Manufacturing	134
Maritime	3
Service	67
Retail	28
Other	51

Hazards Identified **2,451**

Consultation 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 2015 calendar year, 46 Formal Training sessions were held by VOSH Consultants. 480 Informal Training sessions were also conducted. 2,620 employees were trained by VOSH Onsite Consultation in Virginia during 2015. 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.

Training Topics Include

- Accident Investigation
- Bloodborne Pathogens
- Combustible Dusts/Hazardous Materials
- Indoor/Outdoor Air Quality
- Injury and Illness Recordkeeping
- Intro to Ergonomics
- Lockout/Tagout

For more information or to schedule a session, contact the VOSH trainer at william.groce@doli.virginia.gov

Effective Injury and Illness Prevention Programs

The On-site Consultation Program works with employers to improve their injury and illness prevention 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

...**"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."**

File Edit Layout Type Object Table View Window Help 55.5% Advanced

OSHA Small Business | Sa | x

https://www.osha.gov/dcsp/smallbusiness/safetypays/index.html

UNITED STATES DEPARTMENT OF LABOR

Find it in OSHA

Occupational Safety & Health Administration

About OSHA A to Z Index Contact Us FAQs What's New

For Workers For Employers Law & Regulations Data & Statistics Enforcement Training & Education News & Publications En Español

OSHA's \$afety Pays Program

Estimator Background Back to OSHA Small Business

OSHA's "Safety Pays" program can help employers assess the impact of occupational injuries and illnesses on their profitability. This program uses a company's profit margin, the average costs of an injury or illness, and an indirect cost multiplier to project the amount of sales a company would need to cover those costs. The program is intended as a tool to raise awareness of how occupational injuries and illnesses can impact a company's profitability, not to provide a detailed analysis of a particular company's occupational injury and illness costs.

The "[Safety Pays](#)" program will:

- Allow users to pick an injury type from a drop-down list or to enter their workers' compensation costs
- Prompt users for information to do the analysis, including their profit margin and number of injuries
- Generate a report of the costs and the sales needed to cover those costs

BEGIN

1:40 PM 8/11/2016

2015 VOSH Conference

The 20th Annual Virginia Occupational Safety and Health Conference was held October 21-23, 2015 in Roanoke, Virginia. The conference, which is open to the public, provided attendees with 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. Over 48 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 general session speaker was J.A. Rodriguez, Jr., CSP, SGE, Founder and CEO of Make My Day Strategies, who delivered another talk from his Strategic Toolbox on "Driving Your Future Safety Program From the Past". 296 safety professionals and 48 vendors attended the conference this year.



2016 VOSH Conference

This year the three-day Safety and Health Conference will return to the Embassy Suites Hampton Roads - Hotel, Spa & Convention Center - 1700 Coliseum Drive, Hampton, Virginia, 23666, USA. The conference will be held October 17th - 21st, 2016. This facility is a great place to make the most of your stay. Within easy reach of some of the area's largest corporations and most popular attractions, this all-suite hotel has excellent access to I-64 and is less than 20 miles from Norfolk International Airport and the Newport News/Williamsburg International Airport.

Embassy Suites Hampton Roads - Hotel, Spa & Convention Center



Breakout Session Content for 2016 Includes:

- Robotics
- Carbonation CO2
- Impact Noise
- Fire Brigades
- Behavior Based Safety
- Preparing for a Safe Day
- Prescription Medication Abuse
- Boiler and Pressure Vessel Safety
- Construction in Confined Spaces
- Voluntary Protection Programs/SHARP
- What to Expect During a VOSH Inspection
- ANSI-IIRC (S540) Trauma Scene Clean-up
- Active Shooter in the Workplace: Emergency Action Plans



Keynote Speaker
Mr. John Howard
 MD, MPH, JD, LLM NIOSH

Topic:
 "The Future of Work"



General Session
Mr. Richard Mendelson
 Regional Administrator for OSHA Region III

Topic:
 "OSHA, Where We Are Now and Where We Are Going"



General Session
Mr. Aaron Tripler
 Director of Government Affairs (AIHA).

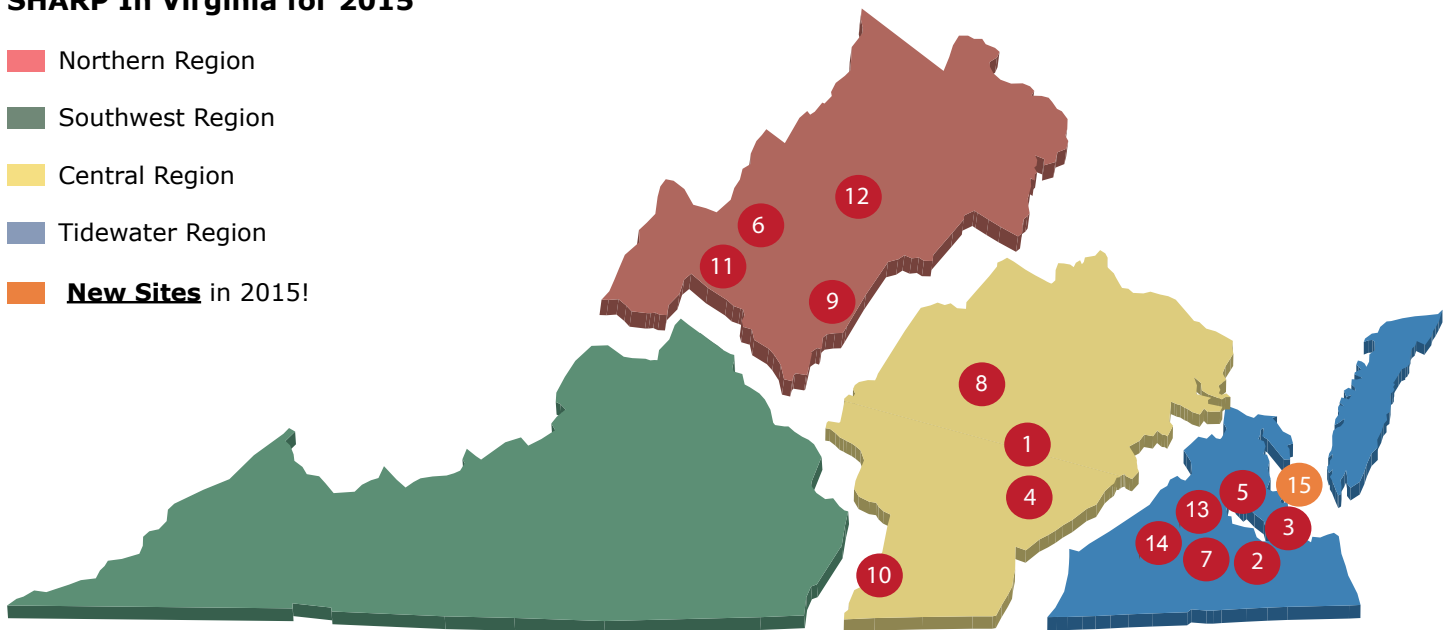
Topic:
 "The Future of Occupational Safety and Health in this Crazy Election Year"

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. 15 Virginia employers are currently in SHARP, with 15 more sites working towards 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 In Virginia for 2015

- Northern Region
- Southwest Region
- Central Region
- Tidewater Region
- **New Sites** in 2015!



SHARP Sites for 2015

1. Allied Concrete Products, LLC	Richmond	9. Mcclung Companies	Waynesboro
2. Allied Concrete Products, LLC	Chesapeake	10. Morgan Lumber Co., Inc.	Red Oak Mount
3. Auxiliary Systems Inc	Norfolk	11. Riddleberger Brothers Inc.	Crawford
4. Diversified Converters, Inc.	Chester	12. Roanoke Cement Company, Llc	Front Royal
5. Engineering Development Laboratory, Inc.	Newport News	13. Skf Lubrication Systems	Hampton
6. Good Printers Inc.	Bridgewater	14. Suffolk Iron Works, Inc.	Suffolk
7. Lake Prince Woods	Suffolk	15. Truck Enterprises Inc	Norfolk
8. J. S. Purcell Lumber	Louisa		

RESEARCH AND ANALYSIS

Overview

The Virginia Department of Labor and Industry's Office of Research and Analysis provides data and insights from two annual projects: The Survey of Occupational Injuries and Illnesses (SOII) and the Census of Fatal Occupational Injuries (CFOI).

The Survey of Occupational Injuries and Illnesses, conducted in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics (BLS) produces estimated workrelated injury and illness rates and numbers for Virginia. The survey is a statistically valid sample of incidents reported by Virginia employers using information from the OSHA 300 Form. The survey also produces case and demographic data in Virginia on injury and illness cases involving days away from work, and for cases involving days of job transfer or restriction for certain industries. 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. The results are published annually. The Census of Fatal Occupational Injuries, also conducted in cooperation with the BLS, is a full count of all Virginia workplace fatal injuries occurring in a calendar year. Workplace fatalities are categorized into various events including transportation incidents; violence and other injuries by persons or animals; and falls, slips, or trips. Each case is substantiated by at least two independently collected source documents. The results are published annually.

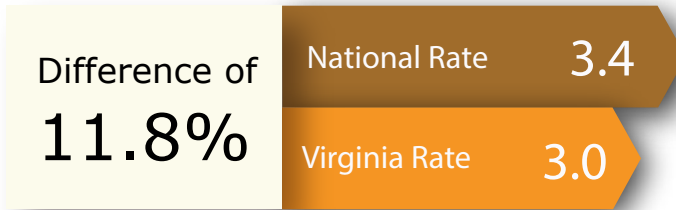


Each case is substantiated by at least two independently collected source documents. The results are published annually.



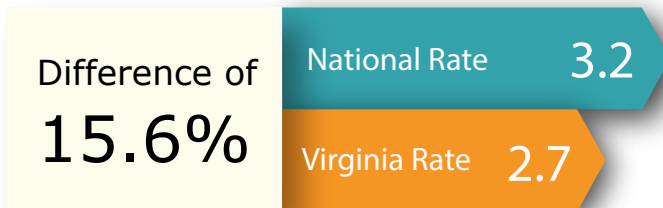
The SOII Data Recordable Case Rate

The SOII data for 2014 reflects an overall Total Recordable Case Rate for Virginia of 3.0 which compares favorably to the National rate of 3.4, a difference of 11.8%. This rate is for all industries, including state and local government.



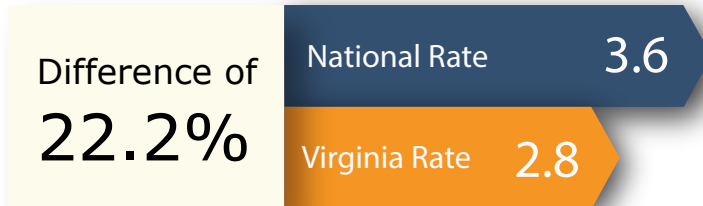
The Private Industry TCR

The Private Industry Rate for Virginia is 2.7, compared to the National rate of 3.2, a difference of 15.6%.



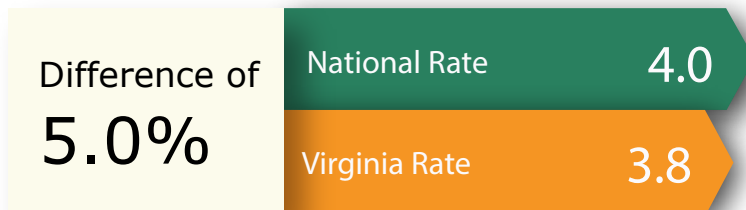
The Government Industry TCR

The Construction Industry Rate for Virginia is 2.8, compared to the National rate of 3.6, a difference of 22.2%.



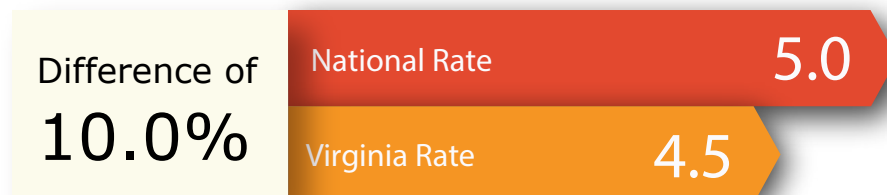
The Manufacturing Industry TCR

The Manufacturing Industry Rate for Virginia is 3.8, compared to the National rate of 4.0, a difference of 5.0%.



The State and Local Government

The State and Local Government Rate for Virginia is 4.5 compared to the National rate of 5.0 a difference of 10.0%.



VOSH COMPLIANCE PROGRAMS

Safety Compliance

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, using the best mix of available tools and other 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 2015, VOSH Safety and Health Compliance Officers performed 2,717 inspections. During these inspections over 19,257 hazards were identified and corrected.

In concert with the Health Compliance program, all DOLI compliance officers investigated approximately 444 employee complaints and 227 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 marshalls, as well as other local, state, or federal agencies.

Fatalities remained constant with 31 in 2014 and 2015. The primary single cause of death in the workplace with 12 deaths was due to falls.

The second leading cause was being caught-by, caught-in or caught-between objects, equipment or vehicles. These were followed by 5 struck-by deaths. Tree work continues to prove to be a dangerous occupation but the number of fatalities related to tree work decreased from 6 arborists in 2014 to 3 in 2015.

VOSH continues its multi-lingual efforts to emphasize the importance of delivering workplace safety and health messages to the workers in the Commonwealth.



Health Compliance

The VOSH Health Compliance Division focuses on recognition and evaluation of exposure to occupational health hazards. Industrial Hygiene Compliance Officers conduct workplace inspections to evaluate employee exposure to substances, 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.

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

CATEGORIES OCCUPATIONAL SAFETY AND HEALTH INSPECTIONS

Calendar Year	2013		2014		2015	
	Safety	Health	Safety	Health	Safety	Health
Planned	1,450	352	1,340	337	1,416	329
Follow-Up	34	11	38	8	45	9
Complaint	202	215	232	230	249	195
Referral	76	71	67	77	162	65
Accident/Fatality/Cat.	49	4	50	6	42	8
Other	340	76	280	71	35	2
Totals	2,151	729	2,007	729	2,061	656

CATEGORIES VIOLATIONS ISSUED

Calendar Year	2013		2014		2015	
	Safety	Health	Safety	Health	Safety	Health
Serious	2,136	839	1,834	694	2,128	1,498
Willful	34	7	4	2	14	0
Repeat	84	1	76	13	49	6
Other (OTS&FTA)	719	445	689	471	484	875
Total	2,973	1,292	2,612	1,180	2,675	2,379

CATEGORIES PENALTIES ASSESSED (IN DOLLARS)

Calendar Year	2013		2014		2015	
	Safety	Health	Safety	Health	Safety	Health
Penalties	\$1,690,724	\$708,987	\$1,493,765	\$525,346	\$1,761,969.50	\$1,004,151.32

CATEGORIES VIOLATION INSTANCES AND EXPOSED EMPLOYEES

Calendar Year	2013		2014		2015	
	Violation Instances	30,928		22,077		19,257
Exposed Employees	Data Not Available		Data Not Available		48,894	

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 ten 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?

Commissioner of Labor and Industry, C. Ray Davenport:

"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."

In 2012, the Joint Legislative Audit and Review Commission (JLARC) reported that:

A Virginia Employment Commission (VEC) audit of one percent of Virginia employers found 5,639 workers were misclassified in 2010. Based on findings

in other states, Virginia could have on the order of 40,000 misclassifying employers and 214,000 misclassified workers."

Misclassification is only thought to be more widespread and costly now than when JLARC first studied the issue five years ago.

Which Virginia Industries are Most Impacted by Misclassification?

The JLARC Study reported on the frequency of misclassification in Virginia industries based on Virginia Employment Commission audits conducted in 2010:

Other industries that have been identified as being impacted by misclassification include Landscaping, Tree Trimming, Logging and Asbestos Removal.

Administrative and Support and Waste Management and Remediation Services Industry has Highest Proportion of Misclassifying Employees (2010)



	% of Audited Employers Found to Be Misclassifying Within Industry	Number of Misclassifying Employers
Administrative and Support and Waste Management and Remediation Services	40	58
Construction	33	242
Accommodation and Food Services	27	20
Real Estate and Rental Leasing	27	11
Transportation and Warehousing	26	16
"All Other Industries"	24	51
Health Care and Social Assistance	24	30
Retail Trade	23	55
Wholesale Trade	22	23
Other Services (except Public Administration)	19	42
Professional, Scientific and Technical Services	19	31
Total	27%	579

a. North American Industry Classification System (NAICS) code descriptions.

b. Includes Educational Services; Public Administration ; Manufacturing; Finance and Insurance; Information Arts; Arts, Entertainment, and Recreation; Management of Companies and Enterprises; Utilities; Agriculture;Forestry, Fishing and Hunting; and Mining, Quarrying, and Oil and Gas Extraction.

c. NAICS industry codes were missing for five misclassifying employers, so total is less than the total number of misclassifying employers

Source: JLARC staff analysis of 2010 audit data from the Virginia Employment Commission.

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)

The Taskforce's initial report was presented to Governor McAuliffe on December 1, 2014. It established

a work plan with a timeline for researching and setting parameters for the implementation of a multi-agency pilot program by July 1, 2015. While some of the parameters are being finalized, the program will include employer outreach and education, the ability of agencies to better share data and information, and enhanced collection of data on the number and instances of employee misclassification. Results of the pilot program are to be reported by November 1, 2015.

VOSH MISCLASSIFICATION POLICY

Starting 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














For the period July 1, 2015 to December 31, 2015, the VOSH program referred 41 construction contractors to DPOR for failing to provide proof of compliance with DPOR licensure requirements.



THE TOP 25 MOST FREQUENTLY CITED VIOLATIONS


























IN THE MANUFACTURING INDUSTRY

NO. Standard Description

1.  1910.1200(e)(1) Hazard Communication - This standard addresses chemical hazards produced in the workplace or imported into the workplace. It also addresses the communication of those hazards to the workers.
2.  1910.1200(h)(1) - Hazard communication training.
3.  1910.151(b) - First aid training.
4.  1910.305(b)(1)(ii) - Electrical safety. Unused openings in cabinets, boxes, and fittings shall be effectively closed.
5.  16VAC25-60-120 - Compliance with manufacturer's instructions for the operation, training, use, installation, inspection, testing, repair and maintenance of all machinery, vehicles, tools, materials and equipment.
6.  1910.151(c) - Eye wash stations. 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.
7.  1910.22(d)(1) - Walking-working surfaces. Signage required for the loads approved by the building official.
8.  1910.157(c)(1) - Fire safety. 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.
9.  1910.132(d)(2) - Personal protective equipment. The employer shall verify that the required workplace hazard assessment has been performed through a written certification.
10.  1910.215(b)(9) - Abrasive wheel machine guarding. Exposure adjustment.
11.  1910.305(b)(2)(i) - Electrical safety. All pull boxes, junction boxes, and fittings shall be provided with covers.
12.  1910.305(g)(2)(iii) - Electrical safety. Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.
13.  1910.212(a)(1) - Machine guarding. Types of guarding. One or more methods of machine guarding shall be provided. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.
14.  1910.303(b)(2) - Electrical safety. Installation and use. Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling.
15.  1910.132(d)(1) - Personal protective equipment. The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE).
16.  1910.215(a)(4) - Abrasive wheel machinery guarding. On offhand grinding machines, work rests shall be used to support the work.
17.  1910.303(g)(1)(i)(A) - Electrical safety. The depth of the working space in the direction of access to live parts may not be less than indicated in Table S-1.
18.  1910.132(a) - Personal protective equipment. Personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained.
19.  1910.1200(h)(3)(iv) - Hazard communication labeling.
20.  1910.134(e)(1) - Respiratory protection. 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.
21.  1910.157(g)(2) - Fire safety training. The employer shall provide the education required in paragraph (g)(1) of this section upon initial employment and at least annually thereafter.
22.  1910.1030(c)(1)(i) - Bloodborne pathogens program. Each employer having an employee(s) with occupational exposure as defined by paragraph (b) of this section shall establish a written Exposure Control Plan.
23.  1910.1200(g)(8) - Hazard communication information. The employer shall maintain in the workplace copies of the required safety data sheets for each hazardous chemical.
24.  1910.23(c)(1) - Walking-working surfaces. Guarding floor and wall openings and holes. Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing.
25. 1910.305(g)(1)(iv)(A) - Electrical safety. Flexible cords/cables may not be used as a substitute for the fixed wiring of a structure.

THE TOP 25 MOST FREQUENTLY CITED VIOLATIONS

IN THE CONSTRUCTION INDUSTRY

NO.	Standard Description
1. 	1926.100(a) – Hard hats. 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.
2. 	1926.50(c) – First aid.
3. 	1926.501(b)(13) – Residential fall protection. Each employee exposed to a fall of 6 feet or more shall be protected by guardrail systems, safety net system, or personal fall arrest system unless another provision provides an alternative.
4. 	1926.501(b)(1) - Unprotected sides and edges. Each employee exposed to a fall which is 6 feet or more shall be protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems.
5. 	1926.453(b)(2)(v) – Fall protection on aerial lifts. A body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift.
6. 	1926.1053(b)(1) – Ladder safety. Portable ladders shall be properly secured for access to upper landing surfaces.
7. 	1926.102(a)(1) – Eye and face protection. Use 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 light radiation.
8. 	1926.404(f)(6) – Electrical safety. Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent and continuous.
9. 	1926.501(b)(11) - Steep roofs. 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.
10. 	1926.1010.C.1 - Toilet and handwashing facilities. One toilet and one handwashing facility shall be provided for each 20 employees or fraction thereof.
11. 	1926.501(b)(10) – Fall protection for roofing work on low-slope roofs.
12. 	1926.503(b)(1) – Certification of fall protection training. The employer shall verify compliance with paragraph (a) of this section by preparing a written certification record.
13. 	1926.20(b)(2) – Construction safety and health programs. Such 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.
14. 	1926.451(g)(1)(vii) – Fall protection on scaffolds. Each employee shall be protected by the use of personal fall arrest systems or guardrail systems meeting the requirements of paragraph (g)(4) of this section.
15. 	1926.503(a)(1) – Fall protection training. The employer shall provide a training program for each employee who might be exposed to fall hazards and shall train each employee in the procedures to be followed to minimize these hazards.
16. 	1926.95(a) – Personal protective equipment. PPE, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, and maintained.
17. 	1926.1053(b)(4) – Ladder safety. Ladders shall be used only for the purpose for which they were designed.
18. 	1926.416(e)(1) – Electrical safety. Worn or frayed electric cords or cables shall not be used.
19. 	1926.652(a)(1) - Each employee in an excavation shall be protected from cave-ins by an adequate protective system.
20. 	1910.1200(e)(1) – Hazard communication written program.
21. 	1926.150(c)(1)(i) – Fire safety. A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet of the protected building area. Travel distance to the nearest fire extinguisher shall not exceed 100 feet.
22. 	1926.25(a) – Housekeeping. During the course of construction, alteration, or repairs, form and scrap lumber with protruding nails, and all other debris, shall be kept cleared from work areas, passageways, buildings or other structures.
23. 	1926.21(b)(2) – Training in construction hazards. The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.
24. 	1910.1200(h)(1) – Hazard communication training.
25. 	1926.405(g)(2)(iv) – Electrical safety. Strain relief. Flexible cords shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.

VOLUNTARY PROTECTION PROGRAM

The Voluntary Protection Program (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. The Virginia VPP is patterned after the federal VPP and is designed to recognize and promote excellence in employee safety and health management. It is available to employers of all sizes in both the private and public sectors.

The program has two levels of participation, STAR and Merit. 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 VPP STAR requirements.

VPP Codified

On June 3, Virginia Governor Terry McAuliffe signed the historic Voluntary Protection Programs (VPP) Act in Virginia. The bill will continue developing the successful VPP system, which encourages companies to take safety above and beyond VOSH requirements. Senator Kenneth Alexander (D-Norfolk) and Delegate G. Manoli Loupassi (R-Richmond), cosponsored the bill which passed unanimously in the General Assembly.

The VPP Act enjoyed broad support from several groups in attendance, including the Virginia American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), Virginia Chamber of Commerce, Virginia Manufacturers' Association (VMA), American Society of Safety Engineers (ASSE), American

Industrial Hygiene Association (AIHA), Voluntary Protection Programs Participants' Association (VPPPA) and many companies that participate in VPP.

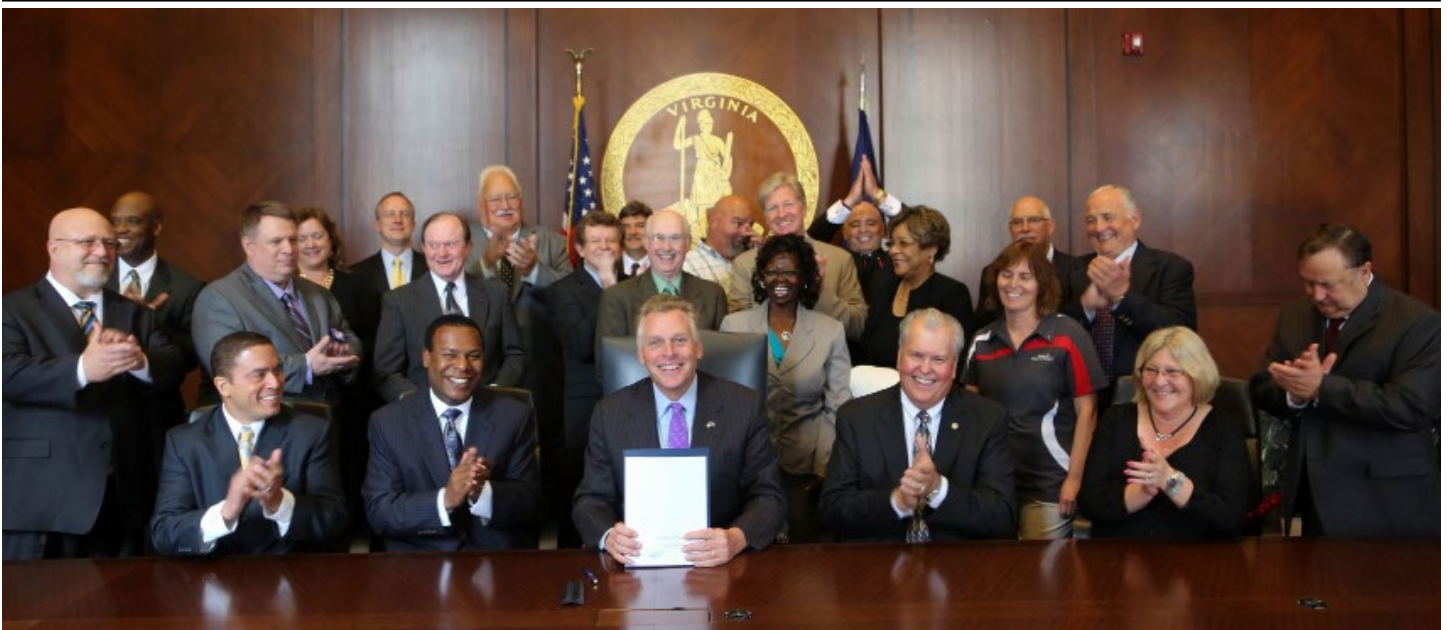
The U.S. Department of Labor (DOL) estimates that tens of millions of taxpayer dollars are saved annually through the national and state VPP initiatives, calculating government savings to be more than \$59 million a year. Private sector savings total more than \$300 million annually.

VPP Membership

VPP has rigorous requirements and confers a high level of recognition on certified employers. The program relies heavily on employer self-assessments and requires an extensive application process, including submission of written safety and health policies and procedures. Once an employer has successfully submitted an application, final certification requires an intensive, weeklong 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 those employers that fully meet the eligibility requirements and who can successfully pass the on-site evaluation will have their facilities certified as STAR worksites.

Benefits of VPP

Virginia VPP acknowledges and fosters a state of the art approach to implementing safety and health systems that prevent serious injuries, illnesses and fatal accidents to employees; while also providing a demonstrative return on investment to businesses that allows them to be more productive, more competitive and more economically viable in a very challenging economy.





Participating in the Virginia VPP assists businesses and government agencies in substantially improving occupational safety and health protections for thousands of employees through voluntary and cooperative efforts; while decreasing insurance premiums, workers' compensation costs, absenteeism, and increasing productivity and competitiveness. Improving productivity and decreasing employers' costs related to maintaining a safe and health workplace enhances economic viability, and increases available capital for reinvestment, expansion, and new hiring.

"Virginia VPP was the first program in the country to welcome State correctional institutions as VPP members. The Virginia Department of Corrections (VADOC) has two VPP STAR facilities – Augusta Correctional Center and Lunenburg Correctional Center. They remain the only correctional facilities in the VPP nationwide. Both facilities have consistently incurred lower workers' compensation costs than other comparable VADOC sites and have significantly lower injury and illness rates (TCIR and DART) than the national rates for correctional facilities. These sites have also lead by example in changing the safety culture in their agency by providing expertise and guidance for what is possible in occupational safety and health at VADOC."

Besides enhanced worker safety and health, there are numerous other benefits that individual VPP sites 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.

Achievements of 2015

In 2015, there were three new sites reviewed by onsite VPP Evaluation Teams for inclusion into the VPP

Best Practices Day Presentations for 2015

Integrity Windows Topics Included:

Combustible Dust-Fears and Realities - presented by Integrity Windows

Management of Change - presented by CP Films (Eastman Chemical)

Ergonomics-A Case Study - presented by Tecton

GE Intelligent Platforms Topics Included:

Contractor Safety - presented by Huber Engineered Woods

Hidden Electric Hazards in the Workplace - presented by Fareva

Active Threat in the Workplace: - Improving Our Response to a Workplace Violence and Active Shooter Event - presented by Roanoke County Police

and ten sites that successfully were recommended for reapproval. Many new sites are preparing for application in the near future.

The VPP staff has been very active in supporting VPP sites at numerous safety fairs, conferences, classes, and meetings being held throughout Virginia to educate attendees and promote VPP.

Continuing from last year's success, there were two "Best Practice" Days sponsored by Virginia VPP sites in 2015. Integrity Windows hosted a small event where two presenters from VPP sites near Roanoke, including Integrity Windows, provided insights to the success at their facilities for the attendees in February. GE Intelligent Platforms had nearly 100 attendees who paid close attention to the numerous presenters at their site in Charlottesville in July 2015.

The Virginia Associated General Contractors of Virginia (AGCVA) continues to collaborate with DOLI 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 would be 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 3 New VPP Sites Added in 2015



Continued success at the VADOC has inspired agency management to expand participation in the VPP by establishing a partnership with DOLI. The proposed VPP Challenge project would establish a formal method to prepare and monitor the progress at participating VADOC facilities. The Challenge project could offer a prototype for other employers or other government agencies to replicate the VADOC's achievements. According to Mr. Michael Williford, VADOC Risk Manager, the consistent safety performance at the two STAR facilities has reduced injuries for staff and offenders, resulting in significant cost avoidance which benefits Virginia taxpayers.

Objectives for 2015

The following seven objectives are:

1. Increase the number of active VPP sites in Virginia so that more worksites may achieve the program's results

of increased worker safety and health and improved employee morale.

2. Continue the growth of VPP site employee involvement in mentoring other sites 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 sites and interested employers in maximizing the value of VPP to the Commonwealth's workforce.

4. Expand 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. Support the implementation of Virginia BEST (Building Excellence in Safety, Health and Training) strategic partnership with the Associated of General Contractors of Virginia.

6. Implement the DOLI/VADOC Challenge Pilot 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.

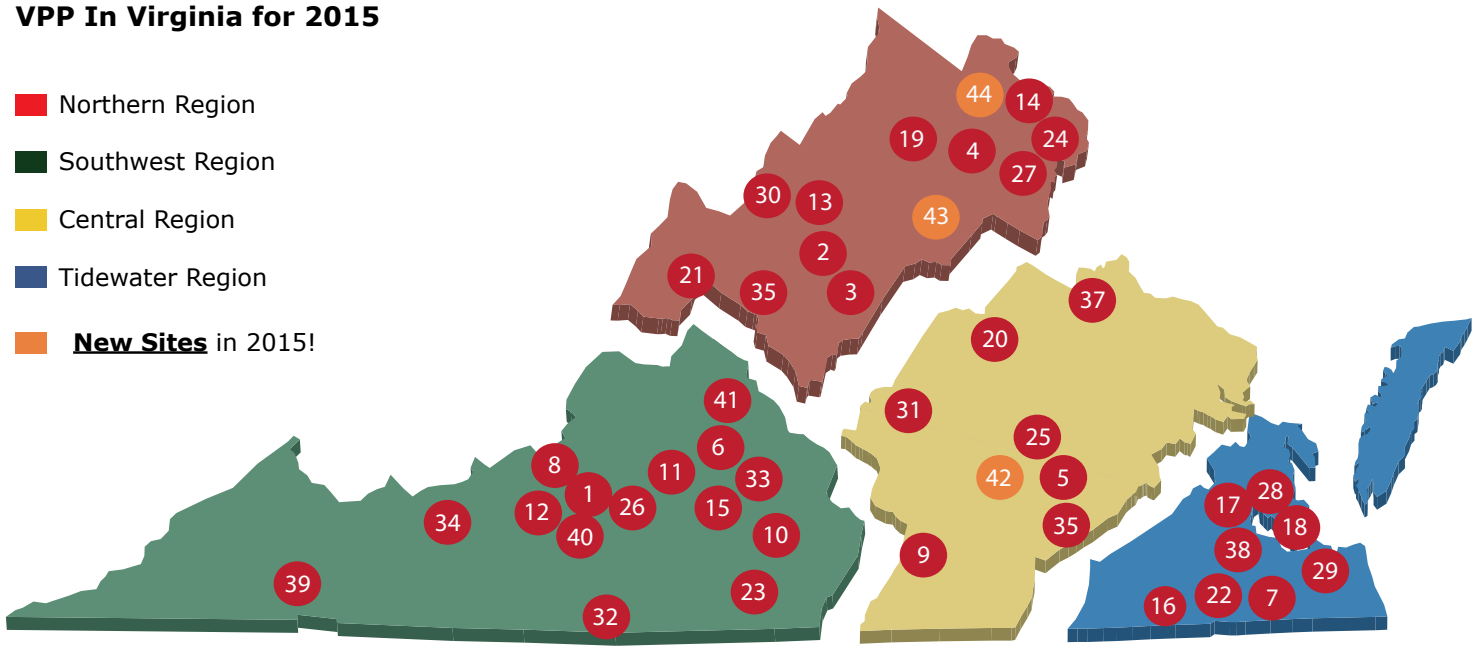
7. Continue to promote and expand events that provide opportunities to share best practices from VPP sites with interested employers to improve and enhance the quality of the participants' safety and health programs.

VPP Work Sites in 2015



VPP In Virginia for 2015

- Northern Region
- Southwest Region
- Central Region
- Tidewater Region
- **New Sites** in 2015!



Delta Airlines, Miller Coors, Raytheon, Eastman Chemicals, International Paper, Dominion Power and Lunenburg Correctional Center, are just a small sample of the 45 Virginia employers providing exceptional worksite safety and health protections for over 11,000 employees through the Virginia Department of Labor and Industry's (DOLI) Voluntary Protection Program (VPP) in 2015. With the average cost of a medically consulted workplace injury to an employer of \$36,551 (source: National Safety Council), the value of providing workplace safety and health protection through VPP becomes self-evident. Sites that participated in Virginia VPP during 2015 averaged 53% lower injury and illness rates than their counterparts in their respective industries. Virginia VPP members report improved employee morale, increased productivity and competitiveness, to go along with decreased absenteeism, along with lower workers' compensation costs and insurance premiums.

VPP Sites for 2015

1. General Electric Controls	Salem	08/27/96	23. Huber Engineered Woods, LLC	Crystal Hill	08/21/06
2. MillerCoors - Shenandoah Brewery	Elkton	06/14/97	24. Delta Air Lines, Inc.	Arlington	04/30/08
3. General Electric Intelligent Platforms	Charlottesville	07/17/98	25. Fareva	Richmond	09/16/08
4. Lockheed Martin	Manassas	11/02/98	26. Integrity Windows and Doors, Inc.	Roanoke	10/29/08
5. International Paper Container	Richmond	01/22/99	27. Covanta Energy - Fairfax	Lorton	02/23/09
6. Veritec - Lynchburg Division	Forest	02/05/99	28. Babcock and Wilcox Power Generation Group	Newport News	04/30/09
7. BASF	Suffolk	08/15/01	29. Raytheon Norfolk Depot	Norfolk	12/11/09
8. RR Donnelly - Salem	Salem	11/01/01	30. Cargill Turkey Production	Harrisonburg	02/09/10
9. Lunenburg Correctional Center	Victoria	03/01/02	31. Tenaska Virginia Generating Station	Scottsville	02/09/10
10. Georgia Pacific - Brookneal OSB	Gladys	07/22/02	32. CP Films (Subsidiary of Eastman Chemical)	Fieldale	03/24/10
11. Frito-Lay, Inc. - Manufacturing	Lynchburg	08/28/02	33. Frito-Lay, Inc. - Transportation	Lynchburg	06/28/10
12. Veritec - Roanoke Division	Salem	09/24/03	34. ABB, Inc.	Bland	04/12/11
13. Cargill Turkey Production, LLC - Harrisonburg Feed Mill	Harrisonburg	06/02/04	35. Cintas Location #143	Chester	12/12/11
14. Covanta Alexandria/Arlington, Inc.	Alexandria	09/17/04	36. Polymer Group, Inc.	Waynesboro	03/12/12
15. RR Donnelly - Lynchburg	Lynchburg	12/13/04	37. Birchwood Power Facility	King George	03/14/13
16. NAES - Southampton Power Station	Franklin	12/17/04	38. Cintas (Location 391))	Portsmouth	07/15/13
17. Dominion Generation - Surry Power Station	Surry	01/18/05	39. Kennametal	Chilhowie	08/27/14
18. Continental Automotive Systems, Inc.	Newport News	01/28/05	40. Tecton	Salem	09/30/14
19. Toray Plastics (America), Inc. - PEF Division	Front Royal	04/08/05	41. NIBCO, Inc.	Stuarts Draft	11/05/14
20. Dominion Generation - North Anna Power Station	Mineral	04/09/05	42. Johns Manville	Richmond	02/29/15
21. Augusta Correction Center	Craigsville	01/01/06	43. Cintas Location #385	Culpepper	02/25/15
22. Kraft Foods Group, Inc.	Suffolk	07/13/06	44. Raytheon	Dulles	03/09/15

POLICY AND PLANNING

Policy and Planning (P&P) provides planning, program development, and 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 and overall strategic planning functions of the Department.

I. MAJOR ACCOMPLISHMENTS DURING CALENDAR YEAR 2015

- Reviewed existing documents and agency plans and developed the new strategic plan for the Department for the upcoming biennium.
- Issued 12 Program Directives for the VOSH Program with an additional 63 Program Directives in development dealing with inspection or enforcement procedures for individual standards, compliance assistance, or specific emphasis programs;
- Completed multi-year project with the Library of Virginia to revise and update the Records Retention and Disposition Schedule for Department of Labor and Industry records for the Library of Virginia.
- Worked with Region III OSHA to coordinate program policy and regulation and maintenance of the Virginia State Plan for Occupational Safety and Health, including update, error corrections, and maintenance of the federal standards and instructions, recordkeeping logs, and the Automated Tracking System (ATS) Notifications;
- Continued development of draft amendments to the Administrative Regulation Manual for the VOSH Program, and updates of other Department 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 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;
- Continued development of chapter additions, revisions, and updates to the VOSH Field Operations Manual, as well as needed revisions to the VOSH Program Directives system 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

Policy and Planning also provides support to one of the Department's two policy boards, the Safety and Health Codes Board, which held two meetings during 2015: 09 July 2015 and 29 October 2015. P&P assisted the Board in initiating, adopting, amending and/or approving several regulatory items, including:

A. Federal OSHA Identical Final Regulation Adoption

1. Occupational Injury and Illness Recording and Reporting Requirements – NAICS Update and Reporting Revisions, 16VAC25-85-1904.2 and 16VAC25-85-1904.39
2. Confined Spaces in Construction, 29 CFR Part 1926, Subpart AA, §§1926.1200-1926.1213; and Other Related Provisions: §1926.953, Enclosed Spaces; and 1926.968, Definitions; Excavations, 29 CFR Part 1926.650 through 29 CFR Part 1926.652; and Underground Construction, 29 CFR Part 1926.800

B. Non-OSHA Identical Regulatory Action of the Board

1. Adoption of Confined Spaces in Construction necessitated the repeal of the following Virginia Unique Regulations:
 - a) Virginia Confined Space Standard for the Construction Industry, 16VAC25-140-10, et seq.;
 - b) Underground Construction Standard, Construction Industry, 16VAC25-150-10, et seq.;
 - c) Virginia Excavation Standard, Construction Industry, 16VAC5-170-10, et seq.

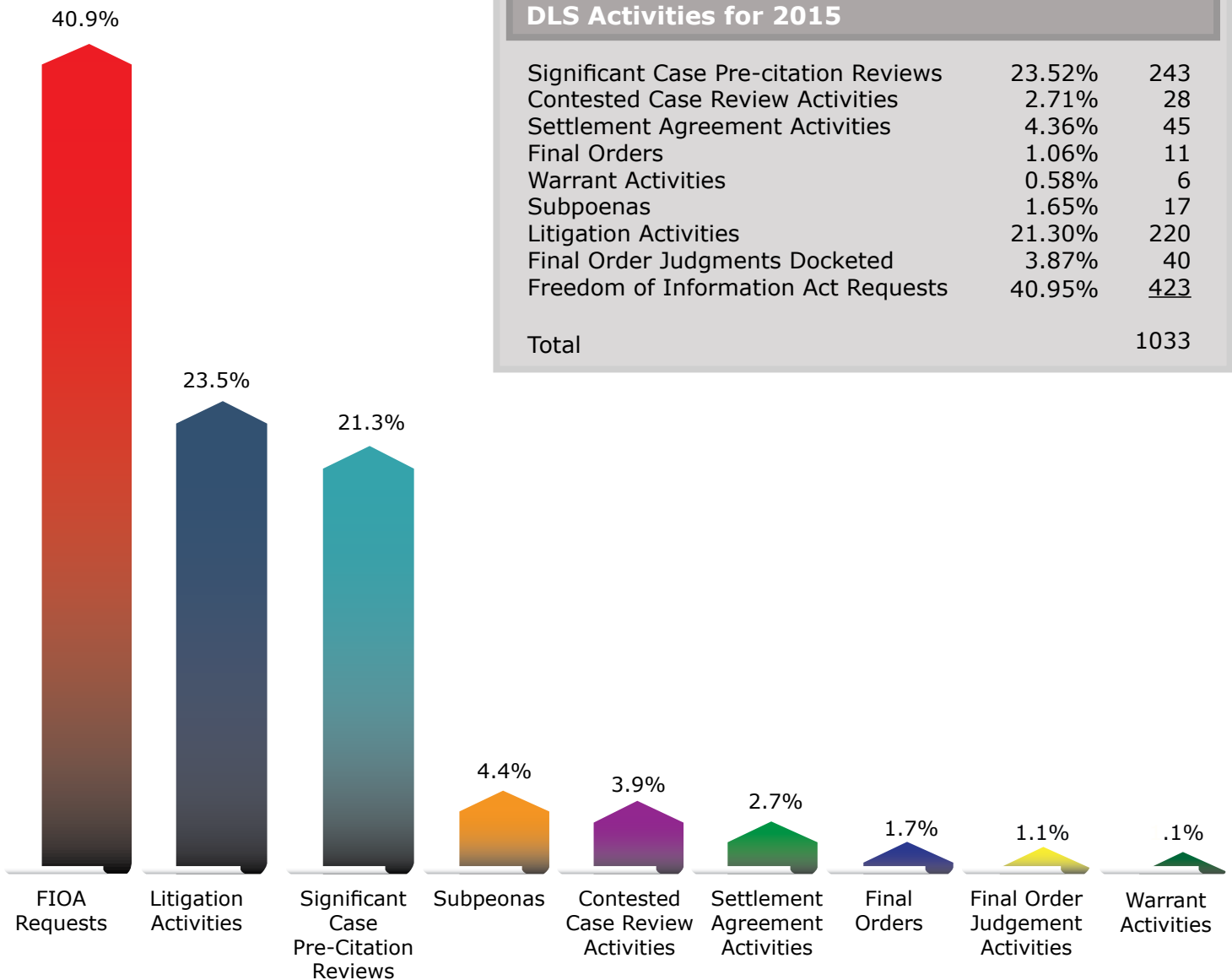
LEGAL SUPPORT

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

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

DLS Activities for 2015

Significant Case Pre-citation Reviews	23.52%	243
Contested Case Review Activities	2.71%	28
Settlement Agreement Activities	4.36%	45
Final Orders	1.06%	11
Warrant Activities	0.58%	6
Subpoenas	1.65%	17
Litigation Activities	21.30%	220
Final Order Judgments Docketed	3.87%	40
Freedom of Information Act Requests	40.95%	<u>423</u>
Total		1033



OPERATIONS

Administration

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

- Executive Management;
- 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 2015, Appropriation Act Chapter 665 (July 1, 2014 - June 30, 2015), was \$14.74 million (\$7.77 million General Fund, \$6.97 million Non-General Fund) with an authorized employment level of 191 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 2015, the Department’s revenues represented 63% of annual agency expenditures. (FY2015 Total Revenues \$8,833,295; Total Expenditures \$14,095,580.) 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 2015, 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.

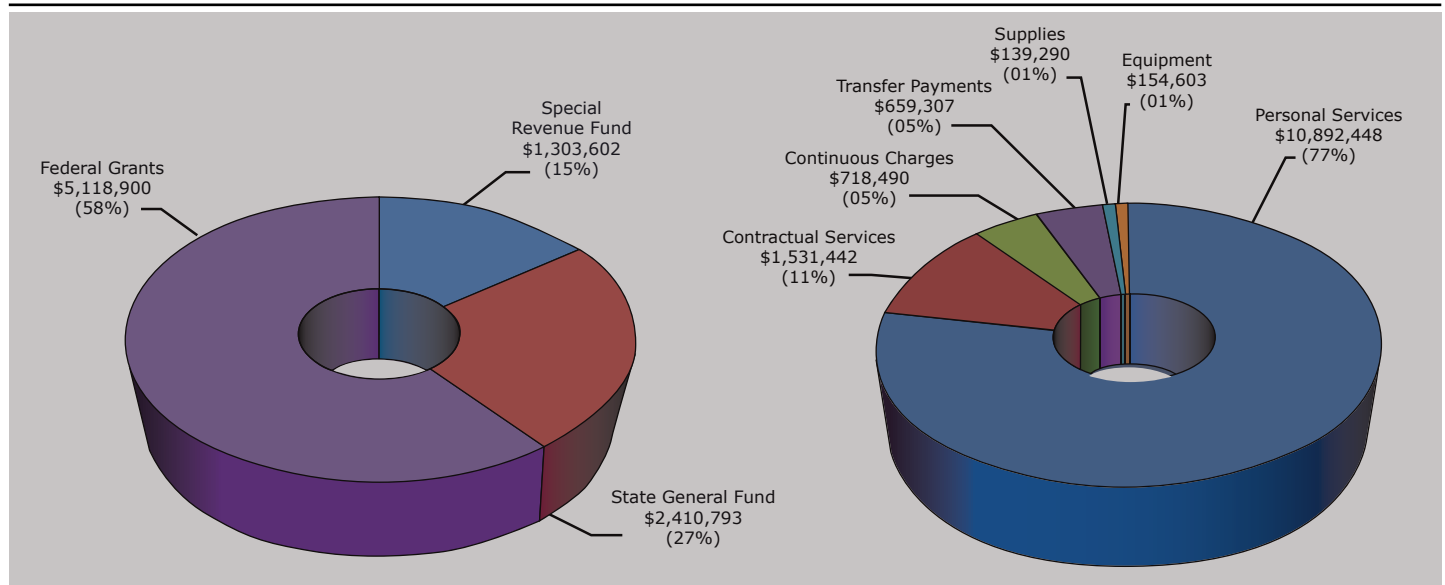
Transfer Payments – Includes Federal Indirect Cost Accounting Entry.

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

Equipment – Includes Office Furniture and Field Equipment.

TOTAL FY2015 REVENUE \$8,833,295

TOTAL FY2015 EXPENDITURES \$14,095,580



DOLI OFFICE LOCATIONS

The Virginia Department of Labor and Industry has a Headquarters located in Richmond, and Regional and Field Offices located throughout the state.

Headquarters Office

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

Regional Offices

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

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

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

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

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) 248-9284

