



FY 2012

July 1, 2011 – June 30, 2012

AGENCY OVERVIEW

The Division of Labor protects the lives and health of West Virginians by:

Providing, without charge, safety consultations to employers to help them provide a safer workplace for their employees;

Enforcing child labor laws prohibiting working children hours that would interfere with school or in hazardous working areas, or working unreasonably young age;

Supervising the inspection of all boilers operating above a pressure of fifteen (15) pounds per square inch;

Enforcing state and federal construction and safety standards for manufactured homes;

Enforcing safety standards for amusement rides, amusement attractions, zip-line & canopy;

Enforcing the Elevator Safety Act of West Virginia;

Enforcing the overtime regulations for employers who work their employees over 40 hours in a workweek;

Administering the Parental Leave Act;

Enforcing the Contractor Licensing Act, Crane Operator Certification Act and the Supervision of Plumbing Work Act.

Enforcing state safety laws in areas where there are no federal standards; conducting an annual occupational injury and illness survey to identify the severity of risk associated with various kinds of employment;

The Division of Labor promotes prosperity for West Virginians by:

Ensuring a minimum hourly wage is paid to employees;

Securing wage bonds to protect employees' wages and fringe benefits when involved in construction or the extraction and transportation of minerals, where the employer has not conducted business in the State for at least five consecutive years;

Licensing contractors, through which wage bonds, tax registration, and workers' compensation registrations are verified;

Providing arbitration, mediation, and conciliation services when requested by both labor and management representatives;

Protecting employees and prospective employees against the use of polygraph examinations.

Verifying the legal employment status of workers in West Virginia.

That every product bought or sold by weight or measure is labeled and properly offered for sale; that licensing and labeling requirements are met for bedding and upholstered furniture to assure sanitation; protection of consumers from deceptive practices and businesses from unfair competition through enforcing the laws governing closing - out sales, fire sales, and defunct business sales; cooperation with the United States Consumer Product Safety Commission to protect the public from hazardous products;

ORGANIZATION CHARTS & STRUCTURE

The Division of Labor is organized into an Administrative and four service sections. The specific service sections of the Division are: (1) Licensing, (2) Safety, (3) Wage and Hour and (4) Weights and Measures. The responsibilities of each section are mandated by statute with labor inspectors providing enforcement.

The Administration Section of the West Virginia Division of Labor manages the Division by providing policy, decisions, fiscal control, personnel administration, public information, and necessary support services for the operation sections. Major objectives of the Administration Section are to: improve the quality of supervision; improve quality and quantity of training; continue efforts to reduce expenditures by establishing and exercising better fiscal controls, policies and communication.

The Licensing section enforces the Contractor Licensing Act, Crane Operator Certification Act, Manufactured Housing Construction and Safety Standards Act and the Supervision of Plumbing Work Act.

The Safety, Boiler, Elevator Safety and Amusement Rides Inspection section provides safety consultation services through agreement with the Federal Occupational Safety and Health Administration, inspects and certifies all high pressure boilers, enforces the WV Occupational Safety and Health Act, which applies to public employees, provides for the safety inspection and examination of elevators, escalators and other lifting and lowering devices which run between fixed guides and rails in the state, licenses elevator mechanics and registers elevator apprentices and inspects Amusement Rides and Amusement Attractions in the state.

The Wage and Hour section enforces the Wage Payment and Collection Act, including its Wage Bonding provision, Minimum Wage and Maximum Hours Act, Equal Pay for Equal Work Act, Child Labor Act, Parental Leave Act, Industrial Homework Act, Jobs Act, Nurses Overtime and Patient Safety Act and verifies the Legal Employment Status of Workers.

The Weights and Measures section enforces the Weights and Measures Act, Bedding and Closing-Out and Defunct Business Sales Act.

PERFORMANCE MEASURES FY 2012

LICENSING

5,910	Contractor Licensing Inspections Conducted
855	Contractor Licensing Cease and Desist Orders Issued
222	Crane Operator Certification Inspections Conducted
39	Crane Operator Certification Cease and Desist Orders Issued
50	Manufactured Housing Consumer Complaint Inspections
31	Manufactured Housing Dealer Lot and Installation Audits Performed
76	Manufactured Housing Letters of Correction and Violations Issued
4	Manufactured Home Repairs or Reimbursement through Recovery Fund
408	Plumber Certification Inspections Conducted
61	Plumber Cease and Desist Orders Issued

SAFETY

Safety Unit - Consultation Program

214	Consultation visits were conducted to identify safety/health hazards
680	Serious hazards were identified and verified corrected
111	Training visits were conducted
975	Employees were trained
98.60%	Consultations in small establishments
100%	Consultations with workers consulted

Safety Unit— Occupational Safety and Health Program

11	Employee safety complaints were addressed
21	Inspections were conducted to identify safety/hazards
105	Hazards were identified

Boiler Unit

646	Boiler Inspections
643	Boilers Passing Safety Inspections
3	Boilers Rejected for Safety Violations

Elevator Safety Unit

4399	Elevator Devices Inspected for Safety Requirements
4258	Elevator Devices passing Safety Inspections
45	Elevator 2yr. Mechanic Licenses Issued
5	Apprentices Registered

Amusement Rides Unit

936	Rides/Attractions Inspected for Safety Requirements
936	Rides/Attractions Passing Safety Inspections
21	Cease and Desist Orders issued for Violation of Registration Requirements

WAGE AND HOUR

Workload Indicators:

1,083	New Wage Bonds processed with 435 Releases
2,847	Wage Bonding Inspections
670	Wage Bond Cease and Desist Orders Served
1,068	Request for Assistance for Wage and Hour compliance issues received
157	Child labor Investigations conducted. 13 Child Labor Violations
432	Work Permits and 647 Certificates of Age processed
5,308	Undocumented Worker Inspections performed
1,283	Notice to Produce Records served
968	Mine Permit approvals processed
482	Jobs Act Inspections performed, 2 Violations
4	Polygraph Examiner Licenses renewed
702	Prevailing Wage Investigations. 9 Violations

Effective Measures:

\$52,386,818.00	New Wage Bonds processed
\$6,421,281.00	Wage Bonds released and/or cancelled.
\$2,365,636.00	Unpaid wages and fringe benefits collected for 860 employees
752	Requests for Assistance were closed within 90 days of assignment (70%)

WEIGHTS AND MEASURES

28,926	Devices Tested - Inspections of commercial measuring devices to insure accurate transaction in the marketplace.
2,103	Requests for Assistance - Accommodated request for assistance from businesses and consumers relating to Weights & Measures
5,535	Standards Calibrations - Performed at the W&M Laboratory to ensure traceability to NIST.
254	Pricing Scanners/Packages - Scanned to ensure accuracy of price scanning systems.
1,150	Packaged Commodities - Tested to ensure correct net weight and labeling
4	Going-Out-of-Business - Licenses issued and sales regulate