



FY 2018

Mitchell E. Woodrum
Commissioner

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, Regulation of Heating, Ventilating and Cooling Work 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

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, Regulation of Heating, Ventilating and Cooling Work 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 2018

LICENSING

7,719	Contractor Licensing Inspections Conducted
487	Contractor Licensing Cease and Desist Orders Issued
299	Crane Operator Certification Inspections Conducted
19	Crane Operator Certification Cease and Desist Orders Issued
792	HVAC Technician Inspections Conducted
78	HVAC Technician Cease and Desist Orders Issued
25	Manufactured Housing Consumer Complaint Inspections
03	Manufactured Housing Dealer Lot and Installation Audits Performed
61	Manufactured Housing Letters of Correction and Violations Issued
03	Manufactured Home Repairs or Reimbursement through Recovery Fund
478	Plumber Certification Inspections Conducted
39	Plumber Cease and Desist Orders Issued

SAFETY

Safety Unit - Consultation Program

162	Consultation visits were conducted to identify safety/health hazards
512	Serious hazards were identified and verified corrected
54	Training visits were conducted
216	Employees were trained
98.77%	Consultations in small establishments
100%	Consultations with workers consulted

Safety Unit— Occupational Safety and Health Program

5	Employee safety complaints were addressed
0	Inspections were conducted to identify safety/hazards
0	Hazards were identified

Boiler Unit

758	Boiler Inspections
722	Boilers Passing Safety Inspections
36	Boilers Rejected for Safety Violations

Elevator Safety Unit

4,465	Elevator Devices Inspected for Safety Requirements
4,196	Elevator Devices passing Safety Inspections
84	Elevator 2 yr. Mechanic Licenses Issued, current total licensed 234
28	Apprentices Registered, current total registered 29

Amusement Rides Unit

1,871	Rides/Attractions Inspected for Safety Requirements
1,835	Rides/Attractions Passing Safety Inspections
10	Cease and Desist Orders issued for Violation of Registration Requirements
0	Criminal Complaint filed with Magistrate Court

WAGE AND HOUR

Workload Indicators:

159	New Wage Bonds processed with 470 Releases and 607 Cancellations
364	Wage Bond Cease and Desist Orders Served
872	Request for Assistance for Wage and Hour compliance issues received
93	Child labor Investigations conducted. 76 Child Labor Violations
614	Work Permits and 1142 Certificates of Age processed
752	Undocumented Worker Inspections performed
354	Notice to Produce Records served
815	Mine Permit approvals processed
557	Jobs Act Inspections performed, 62 Violations
13	Minimum Wage Inspections performed. 3 Violations
29	Polygraph Examiner Licenses renewed
2	Prevailing Wage Investigations. 2 Violations

Effective Measures:

\$3,938,952.88	New Wage Bonds processed
\$47,855,608.00	Wage Bonds released and/or cancelled.
\$209,012.28	Unpaid wages and fringe benefits collected for 225 employees

WEIGHTS AND MEASURES

3,608	Bedding permits processed.
32,857	Devices Tested - Inspections of commercial measuring devices to insure accurate transaction in the marketplace.
1,949	Requests for Assistance - Accommodated request for assistance from businesses and consumers relating to Weights & Measures
6,163	Standards Calibrations - Performed at the W&M Laboratory to ensure traceability to NIST.
295	Pricing Scanners/Packages - Scanned to ensure accuracy of price scanning systems.
931	Packaged Commodities - Tested to ensure correct net weight and labeling
9	Going-Out-of-Business - Licenses issued and sales regulate