127 Years of Service 1889 – 2016

Mitchell E. Woodrum
Acting Commissioner
Agency Overview

- Please see attachment #1

Present Budget

- General Revenue Allocated $2,708,965.00
- General Revenue Expended as of November 7, 2016 - $837,542.94

Authorized and Actual Full Time Employees

- 101 Authorized – 84 Actual FTE as of November 7, 2016

Organizational Charts – Present Agency Overview Structure

- Please see attachment #2.

Senior Staff Biographical/Contact Information

- Biography – Mitchell E. Woodrum, Acting Commissioner
  Employed at the Division of Labor for 24+ years. Named Director of the Manufactured Housing Program on April 1, 2002 and Director of Licensing on July 1, 2007. Appointed Acting Deputy Commissioner of Labor by Governor Tomblin on July 16, 2014.
  Work Address:
  Building 6, Room B-749
  Charleston, WV 25305
  304.558.7890-office
  304.549.1722-work cell
  Mitch.E.Woodrum@wv.gov
  Home Address:
  79 Autumn Lane
  Ashford, WV 25009
  304.836.5763-home phone

Schedule of regular intra-agency meetings, if applicable or as required

- N/A

Potential Issues

- Pending Litigation Summary
  - None
- Reports to Incoming Legislature
  - None
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 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, 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, Nurse 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 FY16

LICENSING

7,729 Contractor Licensing Inspections Conducted
511 Contractor Licensing Cease and Desist Orders Issued
281 Crane Operator Certification Inspections Conducted
17 Crane Operator Certification Cease and Desist Orders Issued
403 HVAC Technician Inspections Conducted
65 HVAC Technician Cease and Desist Orders Issued
52 Manufactured Housing Consumer Complaint Inspections
31 Manufactured Housing Dealer Lot and Installation Audits Performed
121 Manufactured Housing Letters of Correction and Violations Issued
10 Manufactured Home Repairs or Reimbursement through Recovery Fund
600 Plumber Certification Inspections Conducted
59 Plumber Cease and Desist Orders Issued

SAFETY

Safety Unit - Consultation Program

188 Consultation visits were conducted to identify safety/health hazards
633 Serious hazards were identified and verified corrected
83 Training visits were conducted
240 Employees were trained
98.93% Consultations in small establishments
99.45% Consultations with workers consulted

Safety Unit—Occupational Safety and Health Program

20 Employee safety complaints were addressed
29 Inspections were conducted to identify safety/hazards
96 Hazards were identified

Boiler Unit

736 Boiler Inspections
724 Boilers Passing Safety Inspections
12 Boilers Rejected for Safety Violations

Elevator Safety Unit

4,636 Elevator Devices Inspected for Safety Requirements
4,457 Elevator Devices passing Safety Inspections
94 Elevator 2yr. Mechanic Licenses Issued, current total licensed 273
11 Apprentices Registered, current total registered 14
Amusement Rides Unit

1015  Rides/Attractions Inspected for Safety Requirements
1015  Rides/Attractions Passing Safety Inspections
14    Cease and Desist Orders issued for Violation of Registration Requirements
1     Criminal Complaint filed with Magistrate Court for Violations of State Code

WAGE AND HOUR

Workload Indicators:

670    New Wage Bonds processed with 280 Releases and 577 Cancellations
334    Wage Bond Cease and Desist Orders Served
995    Request for Assistance for Wage and Hour compliance issues received
95     Child labor Investigations conducted. 15 Child Labor Violations
526    Work Permits and 491 Certificates of Age processed
1,409  Undocumented Worker Inspections performed
639    Notice to Produce Records served
693    Mine Permit approvals processed
54     Jobs Act Inspections performed, 0 Violations
121    Minimum Wage Inspections performed. 15 Violations
27     Polygraph Examiner Licenses renewed
13     Prevailing Wage Investigations. 5 Violations

Effective Measures:

$70,899,325.06  New Wage Bonds processed
$7,799,743.28   Wage Bonds released and/or cancelled.
$709,786.35    Unpaid wages and fringe benefits collected for 667 employees
879             Requests for Assistance were closed within 90 days of assignment (88%)

WEIGHTS AND MEASURES

35,296  Devices Tested - Inspections of commercial measuring devices to insure accurate transaction in the marketplace.
1,141   Requests for Assistance - Accommodated request for assistance from businesses and consumers relating to Weights & Measures
5,087   Standards Calibrations - Performed at the W&M Laboratory to ensure traceability to NIST.
15,485  Pricing Scanners/Packages - Scanned to ensure accuracy of price scanning systems.
10,257  Packaged Commodities - Tested to ensure correct net weight and labeling
2      Going-Out-of-Business - Licenses issued and sales regulate
EMPLOYEES
As of November 7, 2016

ADMINISTRATION

Mitchell E. Woodrum Boone
Robert Bryant II Lincoln
Bridget Casto Jackson
Wanda Casto Boone
Derek Coleman Putnam
Terri Dempsey Kanawha
Elizabeth Farber Kanawha
Paula Parsons Jackson
Amber Showalter Kanawha
James Showalter Kanawha
Frances Sines Kanawha
Penny Treadway Boone

LICENSING / WAGE & HOUR

Isabella Kerby-Ballinger Kanawha
John Burke Ohio
Howard Carper III Pocahontas
Richard Casto Boone
Sandra Cunningham Kanawha
Cynthia Eddy Tyler
Judith Feazell Fayette
Jennifer Foreman Putnam
Brian Forron Roane
Zane Foster Cabell
Barbara Gandy Kanawha
Pamela Greenfield Berkeley
Andy Hollins Wyoming
Kerstin Howard                     Harrison
Lorraine Jackson                      Kanawha
LaShawna Johnson                    Kanawha
William F. Jordan                  Kanawha
Mary Lanham                           Kanawha
Kimberly Legg                        Kanawha
Eugene Maynard Jr.                   Mingo
Sheila Montoney                      Randolph
Marla Neogra                           Wood
William Oblak                      Harrison
Heather Payne                        Kanawha
John Pulice Jr.                     Hancock
William Riffle                      Harrison
Kathy Rucker                          Kanawha
Larry Rucker                          Kanawha
Michael Sams                           Wirt
Kelly Saul                               Lincoln
Callie Saunders                     Kanawha
Christina Schumacher               Roane
Mary Smith                               Roane
Randy Utt                                 Preston
Brian White                           Raleigh
Dana White                               Tucker
Deborah Williams                     Kanawha

SAFETY, BOILER, ELEVATOR & AMUSEMENT RIDES

Kimberly Ayers                      Harrison
Carla Campbell                      Kanawha
Deirdre Bradley                     Kanawha
Brett Hall                             Greenbrier
Steve McLane                           Putnam
Frederick Misenhelder            Ohio
Michelle Nichols                     Kanawha
Kelly Petry    Kanawha
John Porcella    Greenbrier
Melissa Richardson   Braxton
Thomas Thurman   Monongalia
Angela Wilson   Putnam
Michael Withrow    Kanawha

WEIGHTS AND MEASURES

Tory Brewer                  Putnam
Rickey Bailey    Wood
Jamie Berg              Grant
Tina Carter    Greenbrier
John Havir                Cabell
Edward Hickman      Ohio
Joseph Jackson    Hardy
Elvin Kelly    Kanawha
Letha Kay            Roane
Howard McNeil     Kanawha
Thomas Metcalf    Berkeley
Danny Mitchell   Kanawha
Anthony O’Brien    Kanawha
Lester Ramsey     Jackson
Christina Schumacher   Roane
Daniel Simmons    Randolph
Bryan Snodgrass    Ritchie
Lloyd Tracey    Lewis
Joan Webb            Kanawha
Kelli Williams   Kanawha
James Yokum    Randolph
Victor Zamora    Kanawha