LABOR, West Virginia Division of

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 from working hours that would interfere with school or health or working in hazardous areas;

Supervising the inspection of all high-pressure steam 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 tours;

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, if not exempt, to protect employees’ wages and fringe benefits when employers are involved in commercial construction or the extraction and transportation of minerals;

Licensing contractors, which requires tax, unemployment and workers’ compensation insurance being 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.

Making sure 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;
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 accounts payable, accounts receivable, appropriations, budget, expenditure schedules, human resources, payroll, purchasing, and other necessary support services. 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, Heating, Ventilating and Cooling Work Act, Manufactured Housing Construction and Safety Standards Act and the Supervision of Plumbing Work Act.

The Safety section provides safety consultation services through agreement with the Federal Occupational Safety and Health Administration, inspects and certifies all high-pressure steam boilers, enforces the WV Occupational Safety and Health Act, which applies to public employees. Licenses elevator mechanics, registers elevator apprentices, and provides oversight and/or inspections of Amusement Rides and Amusement Attractions, elevators, escalators, and other lifting and lowering devices which run between fixed guides, and rails as well as Zipline and Canopy Tours.

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 2023

LICENSING

8,155 Contractor Licensing Inspections Conducted  
259 Contractor Licensing Cease and Desist Orders Issued  
218 Crane Operator USDOL Referrals  
423 HVAC Technician Inspections Conducted  
52 HVAC Technician Cease and Desist Orders Issued  
32 Manufactured Housing Consumer Complaint Inspections  
84 Manufactured Housing Letters of Correction and Violations Issued  
1 Manufactured Home Repairs or Reimbursement Through Recovery Fund  
457 Plumber Certification Inspections Conducted  
29 Plumber Cease and Desist Orders Issued

SAFETY

Consultation Program

Visits:

201 Total Consultation Visits Conducted to Identify Safety/Health Hazards  
23 Training and Education Visits Conducted and Formal Training Provided to Employees.  
99.00% Consultations in Small Establishments (250 Employees or Less)  
98.72% Consultations with Workers Consulted

Types of Hazards Identified:

934 Safety and/or Health Hazards  
1 Imminent Hazard (Immediately Corrected)  
773 Serious Hazards (Corrected)  
160 Other-Than-Serious Hazards  
23 Regulatory Hazards

Affected WV Employees:

758 Employees Affected During Formal Training and Education Visits  
27,407 Employees Affected by All Hazards  
1 Employee Affected by Imminent Hazard  
22,513 Employees Affected by Serious Hazards  
4,006 Employees Affected by Other-Than-Serious Hazards  
887 Employees Affected by Regulatory Hazards
Industry Sectors Affected & Assisted by Safety and Health Consultations:

16  Visits for Construction Industry
159 Visits for General Industry
  3  Visits for Mining Industry
  15 Visits for Service Industry
   7 Visits for Wholesale Trade
    1 Visit for All Other Industry Sectors

Occupational Safety and Health Program

  22  Employee Safety Complaints Received
   9  Employee Safety Complaints Formally Addressed
    1 Inspection Conducted to Identify Safety/Hazards
    8  Hazards Identified
  198 OSHA-10 Inspections
     0 OSHA-10 Violations

High-Pressure Steam Boiler

     82  High-Pressure Steam Boiler Inspections with 0 Violations

Elevator

     52  Elevator Devices Inspected for Safety Requirements
     28  Elevator Devices Passing Safety Inspections
     260 Elevator Mechanic Licenses Issued
     53  Registered Elevator Mechanic Apprentices

Amusement Rides & Amusement Attractions

     613  Rides/Attractions Inspected for Safety Requirements
     610  Rides/Attractions Passing Safety Inspections
       3  Temporary Cessation of Operations Issued
       0  Criminal Complaints Filed
WAGE AND HOUR

Workload Indicators:

69  New Wage Bonds Processed With 33 Releases and 156 Cancellations
3,218  Wage Bond Inspections Conducted
49  Wage Bond Cease and Desist Orders Served
713  Request for Assistance for Wage and Hour Compliance Issues Received
40  Child Labor Investigations Conducted. 37 Child Labor Violations
1,269  Work Permits And 1,392 Certificates of Age Processed
174  Undocumented Worker Inspections Performed
69  Notice to Produce Records Served
264  Mine Permit Approvals Processed
2,206  Jobs Act Inspections and Record Reviews Performed - 2 Violations
10  Minimum Wage Inspections Performed - 2 Violations
26  Polygraph Examiner Licenses Renewed

Effective Measures:

$1,981,790.00  New Wage Bonds Processed
$7,809,837.77  Wage Bonds Released And/or Cancelled.
$189,192.19  Unpaid Wages and Fringe Benefits Collected For 192 Employees

WEIGHTS AND MEASURES

4,264  Bedding Permits Processed
41,250  Devices Tested - Inspections of Commercial Measuring Devices to Ensure Accurate Transaction in The Marketplace
1,675  Requests for Assistance - Accommodated Request for Assistance from Businesses and Consumers Relating to Weights & Measures
4,533  Standards Calibrations - Performed at the Weights & Measures Laboratory to Ensure Traceability to NIST
360  Pricing Scanners/Packages – Ensure Accuracy of Price Scanning Systems
1,328  Packaged Commodities - Tested to Ensure Correct Net Weight & Labeling
1  Going-Out-of-Business License Issued and Sales Regulated