



**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

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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 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 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 <b>273</b>
11	Apprentices Registered, current total registered <b>14</b>

*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