



# FY 2017

July 1, 2016 – June 30, 2017

**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 2017

### LICENSING

7,565	Contractor Licensing Inspections Conducted
488	Contractor Licensing Cease and Desist Orders Issued
342	Crane Operator Certification Inspections Conducted
16	Crane Operator Certification Cease and Desist Orders Issued
650	HVAC Technician Inspections Conducted
81	HVAC Technician Cease and Desist Orders Issued
29	Manufactured Housing Consumer Complaint Inspections
67	Manufactured Housing Letters of Correction and Violations Issued
8	Manufactured Home Repairs or Reimbursement through Recovery Fund
550	Plumber Certification Inspections Conducted
68	Plumber Cease and Desist Orders Issued

### SAFETY

#### *Safety Unit - Consultation Program*

233	Consultation visits were conducted to identify safety/health hazards
768	Serious hazards were identified and verified corrected
91	Training visits were conducted
467	Employees were trained
98.13%	Consultations in small establishments
100%	Consultations with workers consulted

#### *Safety Unit— State Occupational Safety and Health Program*

17	Employee safety complaints were addressed
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#### *Boiler Unit*

708	Boiler Inspections
681	Boilers Passing Safety Inspections
27	Boilers Rejected for Safety Violations

#### *Elevator Safety Unit*

4659	Elevator Devices Inspected for Safety Requirements
4490	Elevator Devices passing Safety Inspections
157	Elevator 2yr. Mechanic Licenses Issued, current total licensed <b>258</b>
22	Apprentices Registered, current total registered <b>26</b>

### *Amusement Rides Unit*

<b>1189</b>	Rides/Attractions Inspected for Safety Requirements
<b>1189</b>	Rides/Attractions Passing Safety Inspections
<b>24</b>	Cease and Desist Orders issued for Violation of Registration Requirements

### **WAGE AND HOUR**

#### *Workload Indicators:*

<b>536</b>	New Wage Bonds processed with <b>206</b> Releases and <b>1,119</b> Cancellations
<b>301</b>	Wage Bond Cease and Desist Orders Served
<b>935</b>	Request for Assistance for Wage and Hour compliance issues received
<b>123</b>	Child labor Investigations conducted. <b>46</b> Child Labor Violations
<b>567</b>	Work Permits and <b>434</b> Certificates of Age processed
<b>1,107</b>	Undocumented Worker Inspections performed
<b>477</b>	Notice to Produce Records served
<b>794</b>	Mine Permit approvals processed
<b>9</b>	Jobs Act Inspections performed, <b>2</b> Violations
<b>61</b>	Minimum Wage Inspections performed. <b>9</b> Violations
<b>28</b>	Polygraph Examiner Licenses renewed
<b>3</b>	Prevailing Wage Investigations. <b>0</b> Violations

#### *Effective Measures:*

<b>\$54,676,761.39</b>	New Wage Bonds processed
<b>\$43,277,227.54</b>	Wage Bonds released and/or cancelled.
<b>\$421,531.77</b>	Unpaid wages and fringe benefits collected for <b>477</b> employees
<b>852</b>	Requests for Assistance were closed within 90 days of assignment ( <b>91%</b> )

### **WEIGHTS AND MEASURES**

<b>3,343</b>	Bedding Permits processed.
<b>30,795</b>	Devices Tested - Inspections of commercial measuring devices to insure accurate transaction in the marketplace.
<b>1,785</b>	Requests for Assistance - Accommodated request for assistance from businesses and consumers relating to Weights & Measures
<b>5,649</b>	Standards Calibrations - Performed at the W&M Laboratory to ensure traceability to NIST.
<b>310</b>	Pricing Scanners/Packages - Scanned to ensure accuracy of price scanning systems.
<b>1,521</b>	Packaged Commodities - Tested to ensure correct net weight and labeling
<b>11</b>	Going-Out-of-Business - Licenses issued and sales regulate