



**DIVISION OF
LABOR**

FY 2021

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

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 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 the Contractor Licensing Act, Crane Operator Certification Act, Heating, Ventilating and Cooling Work Act, Jobs 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 does not qualify for an exemption;

Licensing contractors, who require tax, unemployment and workers' compensation registrations 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;

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 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, 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 provides oversight and/or inspections of Amusement Rides and Amusement Attractions as well as Zipline and Canopy Tours 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 2021

LICENSING

7,917	Contractor Licensing Inspections Conducted
376	Contractor Licensing Cease And Desist Orders Issued
155	Crane Operator Certification Inspections Conducted
13	Crane Operator Certification Notices Of Violation Issued
502	HVAC Technician Inspections Conducted
44	HVAC Technician Cease And Desist Orders Issued
78	Manufactured Housing Consumer Complaint Inspections
45	Manufactured Housing Letters Of Correction And Violations Issued
7	Manufactured Housing Recovery Fund Cases Processed \$69,199.61
727	Plumber Certification Inspections Conducted
19	Plumber Cease And Desist Orders Issued

SAFETY

Consultation Program

139	Consultation Visits Were Conducted To Identify Safety/Health Hazards
14,544	Employees Affected
641	Serious Hazards Were Identified And Verified Corrected
55	Training Visits Were Conducted
361	Employees Were Trained
98.68%	Consultations In Small Establishments
100%	Consultations With Workers Consulted

Occupational Safety and Health Program

28	Employee Safety Complaints Were Addressed
0	Inspections Were Conducted To Identify Safety/Hazards
0	Hazards Were Identified

High-Pressure Steam Boiler Safety

711	High-Pressure Steam Boiler Inspections
669	High-Pressure Steam Boilers Passing Safety Inspections
42	High-Pressure Steam Boilers Rejected For Safety Violations

Elevator Safety

4,420	Elevator Devices Inspected For Safety Requirements
3,921	Elevator Devices Passing Safety Inspections
99	Elevator 2 Year Mechanic Licenses Issued, Current Total Licensed 213
21	Apprentices Registered, Current Total Registered 122

Amusement Rides & Amusement Attractions

547	Rides/Attractions Inspected For Safety Requirements
545	Rides/Attractions Passing Safety Inspections
1	Temporary Cessation Of Operations Issued
0	Criminal Complaints Filed With Magistrate Court

WAGE AND HOUR

Workload Indicators:

98	New Wage Bonds Processed With 106 Releases And 439 Cancellations
4,935	Wage Bond Inspections Conducted
83	Wage Bond Cease And Desist Orders Served
647	Request For Assistance For Wage And Hour Compliance Issues Received
90	Child Labor Investigations Conducted. 77 Child Labor Violations
1024	Work Permits And 518 Certificates Of Age Processed
397	Undocumented Worker Inspections Performed
161	Notice To Produce Records Served
482	Mine Permit Approvals Processed
6,878	Jobs Act Inspections And Record Reviews Performed, 301 Violations
17	Minimum Wage Inspections Performed. 3 Violations
24	Polygraph Examiner Licenses Renewed

Effective Measures:

\$1,493,894.53	New Wage Bonds Processed
\$35,315,333.23	Wage Bonds Released And/or Cancelled.
\$1,117,138.92	Unpaid Wages And Fringe Benefits Collected For 1,001 Employees

WEIGHTS AND MEASURES

- 3,869** Bedding Permits Processed.
- 32,404** Devices Tested - Inspections Of Commercial Measuring Devices To Insure Accurate Transaction In The Marketplace.
- 1,696** Requests For Assistance - Accommodated Request For Assistance From Businesses And Consumers Relating To Weights & Measures
- 4,659** Standards Calibrations - Performed At The W&M Laboratory To Ensure Traceability to NIST.
- 147** Pricing Scanners/Packages - Scanned To Ensure Accuracy Of Price Scanning Systems.
- 316** Packaged Commodities - Tested To Ensure Correct Net Weight And Labeling
- 3** Going-Out-of-Business - Licenses Issued and Sales Regulated