

# 2016-18 Strategic Plan

## Department of Labor and Industry [181]

### Mission

It is the mission of the Virginia Department of Labor and Industry to make Virginia a better place to work, live, and conduct business by promoting safe and healthy workplaces; protecting children from hazardous employment; developing job training opportunities through registered apprenticeship; supporting best employment practices; and assuring safe operation of boilers and pressure vessels.

### Vision

Virginia's workplaces will be safer and more productive through sound occupational safety and health practices, and employers will have opportunities to develop a skilled workforce. Children will be protected from working in hazardous occupations, while employers and employees will be protected by fair enforcement of labor laws. Virginians will be protected from the dangers of unsafe boiler and pressure vessel operation.

### Values

- Believing in the importance of our work;
- Possessing and encouraging a positive can-do attitude about our ability to achieve future successes;
- Maintaining a strong work ethic by keeping our word, and taking responsibility for our work and actions;
- Being consistent in the quality of our work;
- Fostering cooperation both internally and with those we serve;
- Treating all individuals professionally, equitably and with courtesy, honesty, dignity and respect;
- Making a difference for every individual or organization we serve;
- Understanding the needs and situations of others and being open to their ideas and opinions;
- Being prudent stewards of the resources given to us; and
- Knowing that the little things matter.

### Finance

#### Financial Overview

#### Finance

#### Financial Summary

The Department of Labor and Industry is funded by State General Fund Appropriations, Federal Funds from the U.S. Department of Labor, and Special Revenue Funds from various sources, including Indirect Cost Recoveries, Asbestos/Lead Project Permit Fees, Consultation and Voluntary Protection Program (VPP) Grant Matching Funds, and registration fees for the Virginia Safety and Health Conference.

#### Revenue Summary

The Department's programs contribute significant revenues to the state that offset program costs. For state fiscal year 2016, the Department's revenues represented 60% of annual agency expenditures. These revenues were a combination of fees collected in the Boiler and Asbestos programs, federal grants, and penalties collected by the Department's Virginia Occupational Safety and Health and Labor and Employment Law Divisions.

#### Biennial Budget

	2017 General Fund	2017 Nongeneral Fund	2018 General Fund	2018 Nongeneral Fund
Initial Appropriation for the Biennium	9,166,753	7,320,980	9,167,813	7,322,097
Changes to Initial Appropriation	-231,325	0	530,234	0

*(Changes to Initial Appropriation will be 0 when the plan is created. They will change when the plan is updated mid-biennium.)*

### Customers

#### Anticipated Changes to Customer Base

The Agency anticipates modest but steady growth in its customer base. The demand for skilled workers is increasing at a rate that exceeds what would traditionally be expected following a slow economic recovery. The ongoing rate of change of technology in the workplace, workforce demographics, and increased customer expectations will necessitate modifications and enhancements to the Agency's processes, services, and technological investments.

#### Current Customer List

Predefined Group	User Defined Group	Number Served Annually	Potential Number of Annual Customers	Projected Customer Trend
Child	Minors under 16 working in Virginia	11,622	11,622	Stable
Adult	Parents of minors under 16 working in Virginia	11,622	23,244	Stable
Business and Finance	Attorneys (data from Virginia State Bar website, April 2017)	8,634	32,395	Stable
Employee	Employees working in Virginia (data from website of the Bureau of Labor Statistics)	3,957,700	3,957,700	Increase
Employee	Registered Apprentices (data from internal Agency database)	13,876	13,876	Increase
Employer/ Business Owner	Employer Sponsors of Registered Apprentices (data from internal Agency database)	2,172	2,172	Increase
Employer/ Business Owner	Employers in Virginia (data from website of the Bureau of Labor Statistics)	267,500	268,139	Increase
Employer/ Business Owner	Owners/Users of boilers and pressure vessels	24,625	40,000	Increase
Employer/ Business Owner	Inspection Companies that inspect boilers and pressure vessels	23	27	Increase
State Agency(s),	Safety and Health Codes Board	1	1	Stable
State Agency(s),	Virginia Apprenticeship Council	1	1	Stable

## Partners

Name	Description
Insurance Companies	Companies that insure boilers and pressure vessels.
Local county and city government officials	Officials who issue Use and Occupancy Permits.
Contract fee inspection companies	Companies that inspect uninsured boilers and pressure vessels.
Virginia Department of Health, Office of Drinking Water	This office refers hydro-pneumatic tanks (pressure vessels) for inspection.
U.S. Department of Labor	Contracted partner with the Agency for the Virginia Occupational Safety and Health Program. Provides guidance and/or oversight to the Apprenticeship and Labor Law Programs.

## Agency Goals

- **Provide for safe, healthy, and productive workplaces for Virginia workers, businesses, and the general public.**

### Summary and Alignment

This goal supports the occupational safety and health of employees, as well as supporting both the safety and health of the general public and, in turn, strengthens families. As an aspect of basic human dignity, workers deserve to return home uninjured and well at the end of each work day or shift. Moreover, the benefits of safe and healthy workplaces extend beyond the employees. For example, safe and healthy workers earn wages, which are immediately returned to the economy through the purchase of food, housing, and other necessities, as well as through any discretionary spending. Conversely, the work-related death, serious injury, or illness of an employee has far-reaching effects. Families are stressed as they must deal with grief and simultaneously cope with the financial burdens of health care and/or funeral expenses and long-term lost income. The economy loses both the purchases and contributions of these workers. Employers, too, are impacted, as they face associated costs, such as a loss of experienced personnel, increased workers' compensation expenses, and selection and training for replacement workers. Similarly, the safe operation of boilers and pressure vessels in workplaces and residential settings reduces the incidence of explosions and resulting injury or death to both workers and the public.

### Associated State Goal

Economy: Be a national leader in the preservation and enhancement of our economy.

### Associated Societal Indicator

Business Climate

### Objectives

- » **Reduce workplace injuries and illnesses.**

#### Description

Virginia Occupational Safety and Health (VOSH) compliance staff and consultants conduct inspections of worksites, identify hazards, and

work with employers to correct those hazards. They promote safe and healthful workplaces through education and outreach, which helps prevent hazards from occurring. The program's efforts have a significant positive impact on ensuring safer workplaces. A hazard that has been corrected, or abated, can be considered an injury prevented.

#### *Objective Strategies*

- The Agency will conduct fair and effective enforcement by inspecting worksites and issuing citations and penalties for violations of safety and/or health standards. Inspection priorities include reports of imminent danger, fatalities, catastrophic accidents, employee complaints, investigation of whistleblower activities, referrals from other government agencies and targeted areas of concern. These targeted areas of concern are a priority and are handled by issuing special emphasis programs focusing on these higher risk areas. Following these priorities are regular scheduled inspections of workplaces that are high hazard industries as determined by federal OSHA.
- The Agency will engage in outreach and education activities to promote safe and healthful workplaces by organizing best practice days, conferences, and training sessions.

#### Measures

- ◆ Average number of work days to initiate complaint inspections.
- ◆ Number of instances of occupational safety and health hazards identified.
- ◆ Number of participants of VOSH outreach activities.

### » **Respond quickly to all safety and health complaints.**

#### *Description*

Virginia Occupational Safety and Health (VOSH) compliance staff respond to all safety and health complaints or referrals in accordance with the United States Department of Labor, Occupational Safety and Health Administration (OSHA) requirements and the Virginia Occupational Safety and Health (VOSH) Field Operations Manual.

#### *Objective Strategies*

- The Agency will respond within one working day to such complaints and initiate complaint inspections within 5 working days by inspecting worksites for violations of safety/health standards. Inspection priorities include reports of imminent danger, fatalities, catastrophic accidents, employee complaints, and processing referrals from other government agencies.

#### Measures

- ◆ Average number of work days to initiate complaint inspections.
- ◆ Number of instances of occupational safety and health hazards identified.

### » **Eliminate or mitigate injuries, fatalities, and property damage through increasing the numbers of operational certificates issued for pressurized, temperature controlled boilers and pressure vessels.**

#### *Description*

The Boiler and Pressure Vessel Safety Division services are crucial to ensuring public safety by protecting the general public and employees in business establishments and other locations open to the general public where boilers and pressure vessels are operated. The Agency requires inspections and issues operational permits, as well as investigating complaints of faulty, inoperative, or dangerous boilers and pressure vessels, in order to avoid preventable boiler and pressure vessel hazards or incidents, which have a high potential for injury, death, and property losses.

#### *Objective Strategies*

- Investigating accidents or complaints, and assessing civil penalties.
- Offering customer assistance to educate owners/users about Virginia's laws regarding boilers and pressure vessels, and providing assistance so that customers can maintain current certificates, find inspectors, and comply with regulatory requirements. In particular, State Boiler Inspectors make compliance visits in focused areas of apartment buildings and automobile-related services to initially educate owners/users about Virginia's laws regarding boilers and pressure vessels.
- Providing inspector certification services to ensure that the individuals who perform specialized tasks are qualified and maintain high standards of technical competency. We also certify boilers and pressure vessels at an established frequency to ensure that they are safe to operate and in compliance with laws and regulations.
- Sharing information with local building officials, partnering with insurance companies, and identifying overdue inspections with an emphasis on owners and operators with non-compliant equipment.

#### Measures

- ◆ Number of inspection certificates issued for boiler and pressure vessel objects.

## • Enhance the development of highly skilled workers for Virginia's economy.

### Summary and Alignment

Virginia's Registered Apprenticeship Program assists employers by facilitating all aspects of developing, registering, and maintaining the earn-while-you-learn training model. Apprentices are employed and mentored on the job and receive related technical instruction relevant to the occupational requirements. Participation in a Registered Apprenticeship Program indicates that industry standards have been met which contributes to the return on investment not only to the employer, but the Commonwealth. These skilled workers contributions to the workforce allows them to pay taxes, purchase goods and services, such as housing, food, clothing, and other necessities, as well as make discretionary purchases. Empowering employees to seek excellence in the workplace facilitates the employers' ability to grow their businesses and continue employing workers.

### Associated State Goal

Economy: Be a national leader in the preservation and enhancement of our economy.

### Associated Societal Indicator

Employment Growth

### Objectives

- » **Increase the utilization of Registered Apprenticeship within existing and new employers as a strategy to build Virginia's talent pipeline, and provide a nationally recognized and portable credential for employees who complete their programs.**

#### Description

The Division of Registered Apprenticeship registers employer sponsors who provide career opportunities through Registered Apprenticeship by combining on-the-job training and related technical instruction. The Registered Apprenticeship employment and training model creates highly skilled and credentialed workers for the sponsor and helps align Virginia's workforce to meet, not only current, but also anticipated future employer needs.

#### Objective Strategies

- The Division of Registered Apprenticeship conducts outreach to various employers to expand the partnerships in both the public and private sectors. The Division participates in job fairs, college and career nights, and seminars to disseminate information regarding the Registered Apprenticeship Program. The Division also processes referrals and inquiries. The Division of Registered Apprenticeship is strengthening its intersection with economic development and workforce development practitioners to better align components in the new Virginia economy.

#### Measures

- ◆ Cost of providing registered apprenticeship services per registered apprenticeship participant.
- ◆ Number of net apprenticeship credentials issued annually.
- ◆ Number of public-private sponsors of registered apprentices annually.

## • Protect children from serious injury or death while employed.

### Summary and Alignment

Workplace conditions that may be acceptable for adults may increase the health, safety, and developmental risks for children. Beyond the obvious safety aspect of physical injury, risks factors may be far greater for children at various stages of development, and result in long-term health effects. Protection of children from serious injury or death, while employed, safeguards Virginia's future.

### Associated State Goal

Health & Family: Inspire and support Virginians toward healthy lives and strong and resilient families.

### Associated Societal Indicator

Child Abuse and Neglect

### Objectives

- » **Reduce the number of children working in hazardous or unhealthy occupations in Virginia.**

#### Description

Employment certificates are issued by the Department to minors 14 or 15 years of age. Virginia law prohibits the employment of minors under the age of 18 in specified hazardous or unhealthy occupations. An employment certificate will be revoked if the 14-year-old or 15-year-old minor's employment is found to be hazardous or unhealthy. Chapter 5 of Title 40.1 of the Code of Virginia governs the employment of minors and issuance of employment certificates.

#### Objective Strategies

- Increase the annual number of inspections at workplaces that may hire minors.

#### Measures

- ◆ Number of annual inspections at workplaces that may hire minors.

### • Provide excellent customer service through the effective performance of Department of Labor and Industry personnel.

#### Summary and Alignment

Providing excellent customer service through the effective performance of Department of Labor and Industry personnel supports Virginia's long-term objective of being the best managed state in the nation. The Department's employees consistently seek to offer services in the most efficient and courteous way possible, to stay ahead of trends, and to use creative and innovative approaches to deliver superior customer service.

#### Objectives

##### » Reduce workplace injuries and illnesses.

###### Description

Virginia Occupational Safety and Health (VOSH) compliance staff and consultants conduct inspections of worksites, identify hazards, and work with employers to correct those hazards. They promote safe and healthful workplaces through education and outreach, which helps prevent hazards from occurring. The program's efforts have a significant positive impact on ensuring safer workplaces. A hazard that has been corrected, or abated, can be considered an injury prevented.

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#### Measures

- ◆ Cost of providing registered apprenticeship services per registered apprenticeship participant.
- ◆ Number of net apprenticeship credentials issued annually.
- ◆ Number of public-private sponsors of registered apprentices annually.

## Major Products and Services

The Department of Labor and Industry is mandated by Title 40.1 of the *Code of Virginia* with the maintenance and operation over the following areas: Boiler Safety, Labor and Employment Law, Occupational Safety and Health, and Registered Apprenticeship. These areas are covered by the following programs:

**Boiler and Pressure Vessel Safety** - This inspection and certification program promotes the safety of all Virginians by overseeing regular inspections and repairs of boilers and pressure vessels covered under the Boiler and Pressure Vessel Safety Act and located in workplaces, apartments, and establishments open to the public. The Department's oversight and inspection activities help assure the safe operation of these powerful systems. The Safety and Health Codes Board is responsible for the promulgation of the Boiler and Pressure Vessel regulations enforced by the Department.

**Labor and Employment Law** - This Division administers and enforces state labor laws governing payment of wages, minimum wage, child labor protections, equal pay, the right to work, payments for employer required medical examination and tests, and certain other provisions related to the workplace. The Division, working whenever possible through mediation, seeks to help businesses and employees resolve disputes and return to work.

**Registered Apprenticeship** - This earn-while-you-learn training model is a unique, flexible training system that combines job-related technical instruction with structured on-the-job learning experiences. It meets the needs of both employers and workers by providing the opportunity for workers seeking high-skilled, high-paying jobs as a pathway to a better and more financially secure future and for employers seeking to build and maintain a qualified workforce.

DOLI's responsibilities include: registering apprenticeship sponsors; protecting the safety and welfare of apprentices; issuing nationally recognized and portable Certificates of Completion to apprentices; promoting the development of new programs through marketing and technical assistance; assuring that all programs provide high quality training and meet federal and state standards; and assuring that all programs produce skilled competent workers.

Virginia Occupational Safety and Health (VOSH) - DOLI administers and enforces occupational safety and health state plan program activities in Virginia. DOLI partners with the U. S. Department of Labor - Occupational Safety and Health Administration (OSHA) to administer the state plan agreement, as authorized for this purpose under the provisions of Section 18 (e) of the federal Occupational Safety and Health Act (OSH Act). The VOSH State Plan applies to all public and private sector workplaces in the Commonwealth, with certain exceptions specified at 29 CFR 1952.375. These exceptions include federal employees, the U.S. Postal Service, private sector maritime, federal military facilities, and other federal enclaves where the state has ceded jurisdiction to the federal government. The Code of Virginia at § 40.1-2.1 authorizes the Commissioner of Labor and Industry to enter into such agreements with federal OSHA to assist in enforcement of the federal OSH Act. The Safety and Health Codes Board is responsible for the promulgation of occupational safety and health regulatory standards enforced by DOLI through the VOSH Program under § 40.1-22 of the Code of Virginia.

- Compliance Program - The VOSH compliance program enforces the occupational safety and health regulations promulgated by the Safety and Health Codes Board for general industry, construction, and agricultural industries in both the private and public sectors, as well as public sector maritime. The priority of safety and health enforcement inspections are conducted as follows: reports of imminent danger, fatalities and catastrophes, complaints and referrals, accidents, and follow-up or monitoring inspections. Finally, planned inspections are also carried out through both special emphasis inspection programs, targeting specific hazards which may exist across multiple industry classifications, as well as randomly selected inspections of industries which have been classified as high hazard workplaces by federal OSHA or VOSH. In addition, the VOSH Program conducts inspections for federal EPA under the demolition and renovation provisions of the asbestos NESHAP standards.
- Asbestos Notification Program, Project Permits, and Fees, and Lead Notification Program, Project Permits, and Fees – Each program requires all active certified asbestos contractors or licensed lead contractors, respectively, to provide written notification and any applicable fees to the Department for any abatement activity that is covered by their specific regulations.
- The Office of Research and Analysis – This Office is responsible for the Survey of Occupational Injuries and Illnesses, which is conducted in cooperation with the Bureau of Labor Statistics (BLS), U.S. Department of Labor, and which produces estimated injury and illness rates by industry. The annual Census of Fatal Occupational Injuries, also conducted through the BLS, provides a detailed report on all workplace fatalities.

VOSH also provides free consultative, outreach, and training services to encourage and provide assistance to Virginia’s employers to enhance safety and health protections for their employees. Components of this program include:

- Consultation Services - To help employers, primarily small businesses, better understand and voluntarily comply with VOSH Standards, DOLI provides free, onsite consultation services without issuing citations or penalties. This program helps employers identify and correct potential safety and health hazards.
- Other Voluntary Programs - DOLI offers two other voluntary programs to promote and recognize exceptional safety and health efforts in Virginia businesses. The Voluntary Protection Program (VPP) covers primarily large businesses and the Safety and Health Achievement Recognition Program (SHARP) is for small, high-hazard businesses with 250 or fewer employees. Management, employees, and VOSH work together to establish strong cooperative relationships. Both programs recognize Virginia businesses that develop and implement exceptional safety and health management systems that include the following elements:
  - Management leadership and employee involvement
  - Worksite analysis
  - Hazard prevention and control
  - Safety and health training

## Performance Highlights

During state fiscal year 2016, the Department enhanced economic development and made Virginia a safer and healthier place to live and work. The Agency's occupational safety and health compliance staff identified 14,724 occupational safety and health hazards. The Agency's boiler and pressure vessel safety staff issued 35,965 inspection certificates for covered boiler and pressure vessel objects. The cost of providing Registered Apprenticeship services was approximately \$110 per registered apprentice. The increase in this cost is partially as a result of the transfer of the apprenticeship related instruction administrative responsibilities, duties, and authorities from the Virginia Community Colleges System to DOLI effective state fiscal year 2016.

## Staffing

Authorized Maximum Employment Level (MEL)	191
Salaried Employees	145
Wage Employees	11
Contracted Employees	8

## Key Risk Factors

Funding: The ongoing slow economic expansion from the 2008-2009 recession continues to place constraints on the federal and state funding of Agency programs.

Information Technology Demands: Increasing technology changes and related costs continue to present challenges to meeting technological business and security standard protocols, including infrastructure, equipment, software, development expenditures, and other service provider requirements.

Workforce Impact: DOLI has experienced a variety of significant ongoing personnel challenges in recent years, chief among them, the impact of continued statewide budget constraints and resulting Agency funding shortfalls. This situation has been exacerbated by continued slow economic growth. This has resulted in a significant number of vacant Agency positions left unfunded or unauthorized to be filled. An additional factor, albeit not unique to DOLI, is an aging workforce. In an agency where personnel services constitute nearly three-quarters of the total Agency budget, this takes on greater significance. As more and more of DOLI's most qualified workers retire or are nearing retirement, there is cause for serious concern because their departure results in a loss of significant institutional knowledge and expertise, leaving vacancies to be filled by younger, less experienced workers, who require training and/or other certifications. Subsequently, when allowed to hire, it is difficult to retain these younger highly skilled employees due to non-competitive compensation and a lack of robust career track due to agency size when compared with similar positions in the federal government, the private sector, or larger state agencies. Therefore, continued efforts to maintain open and frequent communication and support are viewed as imperative for the long term retention of existing younger staff, and to implement effective succession planning.

## Management Discussion

### General Information About Ongoing Status of Agency

To the extent permitted by available resources, the Department continues to strengthen its programs, and to strive to make Virginia a safer, healthier, and more productive place to live and work. The Department has historically been engaged by an ever-increasing cohort of customers who are unilingual Spanish speakers. As resources have permitted, DOLI has developed Spanish translations of the agency website and made informational posters and other materials available. In addition, DOLI offices provide access to phone translation services, as well as staff who are fluent in Spanish who serve as translators on an as needed basis. To a lesser degree, DOLI is increasingly encountering customers who primarily speak languages other than English and Spanish, which challenge the Agency's ability to meet service delivery demands. Agency employees continue to focus on greater efficiency, while increasing the effectiveness of our services that enhance economic development. Where it is advantageous to do so, the Department has partnered with other state and federal agencies, with local governments, and with private sector entities to make workplaces safer and healthier, while simultaneously lowering costs for employers.

Moving forward, the Department endeavors to:

- Further develop and refine Agency programs that make Virginia a safe, healthy, and productive place to work;
- Continue to work with employers, especially those who seek to strengthen their safety and health programs, and who understand the value and importance of employees returning safely home every night to their families;
- Work to increase the impact of the VOSH Program by multiplying the size and expertise of our Voluntary Protection Program, and eventually expand into the construction industry and other mobile workforce industries;
- Improve the efficiency of the child labor online employment certificate processes;
- Work to further expand Registered Apprenticeship for both sponsors and apprentices, especially where opportunities arise in emerging industries, particularly in advanced manufacturing, health care, IT/Cybersecurity, and the business and professional services sectors;
- Continue to be vigilant in inspecting boilers and pressure vessels to ensure safe operation and to protect the property and lives of Virginia's citizens; and
- Strengthen payment of wage collection procedures.

### Information Technology

The Department of Labor and Industry's programs and related administrative support functions are sustained by customized business application systems. Each application provides agency programs the business functionality to comply with statutory responsibilities and best management practices. The VOSH Program utilizes integrated software systems developed, supplied, and supported by the Occupational Safety and Health Administration (OSHA) of the United States Department of Labor. The Office of Research and Analysis utilizes software and hardware systems developed, supplied, and supported by Bureau of Labor Statistics (BLS) of the U.S. Department of Labor. The remaining programs utilize software that was developed by external contract or internal resources.

### Estimate of Technology Funding Needs

### Workforce Development

Like many other state agencies, the Department has experienced significant challenges in recent years, including recruiting and retaining qualified individuals, a limited training budget, and an aging workforce. An analysis of workforce planning data reveals that the Agency has witnessed a tremendous increase in the number of applicants for each position, many of whom do not possess the desired knowledge, skills, and abilities to effectively carry out the required duties. At the same time, the Agency continues to experience significant job enlargement for existing staff due to the inability to recruit, recruit successfully, or retain existing staff, for a significant number of positions. The nature of the tasks, duties, and responsibilities associated with many of the positions within the Department require skills that are very specialized, marketable, and in demand. As noted previously, the Agency continuously faces stiff competition from private sector organizations, federal agencies, and larger state agencies which are also seeking to hire similarly trained and skilled employees and who can offer more lucrative compensation packages.

The Department has expanded services to a continually increasing number of customers, even with far fewer employees and greatly diminished resources. Significant federal and state funding reductions have directly impacted staffing availability resulting in a major decrease in the number



of Agency employees in terms of approved and funded positions. It has also caused significant salary compression which, over time, has compounded the loss of experienced long-term employees who leave the Agency for more lucrative employment elsewhere. In general, allocations for technology, staff training, and salaries have fallen far behind the pace of the rising costs of doing business in the Commonwealth.

As one means of retention, a detailed orientation program continues to acquaint new agency employees with the many advantages of employment within the agency. Due to the size of the Department, there are limited opportunities for internal advancement. However, DOLI has established several new Registered Apprenticeship Programs within the department to enhance career growth for its employees. The Division of Labor and Employment Law and the Division of Registered Apprenticeship now offer Registered Apprenticeship opportunities when vacancies occur within their Divisions in certain roles. The Department also continues to mentor new staff in the VOSH Program.

### **Physical Plant**

The Department maintains a central headquarters office in Richmond within a multi-agency state-owned building. It also maintains leased regional office spaces in Henrico County, Manassas, Roanoke, and Norfolk, as well as field office spaces in Verona, Lynchburg, and Abingdon, which provide services throughout the Commonwealth. All of these properties are managed/leased through the Department of General Services- Division of Real Estate Services.

## **Supporting Documents**

**Title**

**File Type**

## Apprenticeship Program [53409]

### Description of this Program / Service Area

This Service Area oversees Virginia's Registered Apprenticeship Program, implements the mandates and requirements of the Virginia Voluntary Apprenticeship law, and provides staff support for the Virginia Apprenticeship Council, which is the policy board responsible for adopting regulations for this program.

### Mission Alignment

This Service Area directly aligns with the Department's mission by promoting the training of skilled workers to enhance the workforce development efforts of the Commonwealth.

Code of Virginia, Chapter 6 of Title 40.1 (§§40.1-117 to 40.1-118) recognizes the Virginia Apprenticeship Council as the regulatory board for the Registered Apprenticeship Program and authorizes the Council to promulgate regulations to govern apprenticeship agreements and to establish standards. Code of Virginia, Chapter 6 of Title 40.1 (§§40.1-117 to 40.1-127), known as the Voluntary Apprenticeship Act, provides the minimum requirements for apprenticeship programs. Section 40.1-125 of the Code of Virginia requires the Commissioner of Labor and Industry, with the advice and guidance of the Apprenticeship Council, to administer the provisions of the Voluntary Apprenticeship Act.

### Products and Services

#### Description of Major Products and Services

The Division of Registered Apprenticeship assists both private and public employers in establishing and maintaining a skilled workforce through sponsoring Registered Apprenticeship training programs.

This Division maintains, reviews, approves, documents, and, when appropriate, cancels Registered Apprenticeship agreements with sponsors.

Division of Registered Apprenticeship employees facilitate the process of registering new employer sponsors and apprentices and remain available to provide technical assistance. Certificates of Completion of Registered Apprenticeship are issued by the Department at the request of the sponsor to each apprentice who successfully completes an apprenticeship.

The Division conducts Quality Assurance Assessments of Registered Apprenticeship sponsors, pursuant to procedures and criteria established by the Virginia Apprenticeship Council, as well as Equal Employment Compliance Reviews under the authority of Virginia's Voluntary Apprenticeship Act.

#### Anticipated Changes

The Department anticipates that the modest but steady post-recovery economic expansion in the Commonwealth will continue to present additional opportunities for employers to utilize Registered Apprenticeship, as they increasingly realize this is a cost effective means to establish a pipeline of skilled and credentialed employees whom they have mentored throughout the duration of the apprenticeship training. By providing skilled and trained workers, Registered Apprenticeship can benefit firms that are relocating to Virginia from outside the Commonwealth. Registered Apprenticeship is also a viable element to braid into succession planning, particularly for Commonwealth of Virginia agencies. This workplace model is relevant in times of recession, or in expansion and growth economies. Incumbent employees can use Registered Apprenticeship to upskill for new jobs. Registered Apprenticeship will provide more potential career paths for citizens of all ages and may include veterans, people with disabilities, the previously or currently incarcerated, the economically disadvantaged, career-changers or those who are entering fields that are not traditional for their gender.

#### Factors Impacting

Factors impacting program performance include assistance to multinational firms, incorporation of evolving technologies, speed of the economic recovery, and the resulting impact on training and employment, and the increasing number of non-English speaking customers. Additionally, having an impact on the culture of hiring practices for state and local government will introduce a deeper use of Registered Apprenticeship as a strategy to fill the talent pipeline from within an organization. Partnership with Economic Development, Apprenticeship Related Instruction providers, and other workforce development practitioners will also help achieve outreach goals.

### Financial Overview

The Apprenticeship Program is funded by State General Fund Appropriation.

Biennial Budget

	2017 General Fund	2017 Nongeneral Fund	2018 General Fund	2018 Nongeneral Fund
Initial Appropriation for the Biennium	2,002,275	0	2,002,275	0
Changes to Initial Appropriation	-200,000	0	-54,230	0

**Supporting Documents**

**Title** **File Type**

**Labor Law Services [55206]****Description of this Program / Service Area**

This Service Area administers Virginia's labor and employment laws that govern the payment of wages, minimum wage, and youth employment laws. Additionally, the Division of Labor and Employment Law enforces miscellaneous labor laws, including right to work, prevention of employment, human trafficking notices in certain establishments, polygraph, equal pay, and payment for medical exams.

**Mission Alignment**

This Service Area aligns with the Agency's mission of making Virginia a better place in which to work, live, and conduct business by administering and enforcing laws that govern wage payments, youth employment, minimum wage, garnishee rights, discharge for work-related injuries, and other employment laws.

The Code of Virginia, Chapter 3 of Title 40.1 (§§40.1-22 to 40.1-51.4:5), provides for the protection of employees. This chapter includes Virginia's Minimum Wage Act (§§40.1-28.8 to 40.1-28.12), Payment of Wages (§40.1-29), Equal Pay Irrespective of Sex (§40.1-28.6), Preventing Employment by Others of Former Employees (§40.1-27), Discharge of Employee for Absence Due to Work-Related Injury Prohibited (§40.1-27.1), Unlawful to Require Payment for Medical Examination as Condition of Employment (§40.1-28), Prohibition of Use of Certain Questions on Polygraph Tests for Employment (§40.1-51.4:3), and Prohibition of Use of Polygraphs in Certain Employment Situations (§40.1-51.4:4). The Code of Virginia, Chapter 5 of Title 40.1, governs all aspects of child labor. It establishes the minimum age for children to work in certain occupations, the hours of work for children, and the conditions of employment of children on farms, in gardens, and in orchards.

**Products and Services****Description of Major Products and Services**

The Department investigates requests for assistance from employees who have not been paid in accordance with §40.1-29 of the *Code of Virginia*; i.e., employees who have not been paid for all time actually worked, have had unauthorized deductions taken from their pay, no pay date established, or who have forfeited wages.

The Department issues employment certificates, theatrical and solicitation permits authorizing youth employment in the Commonwealth and investigates alleged violations of youth employment laws and regulations as outlined in §§40.1-78 – 116 of the Code of Virginia.

**Anticipated Changes**

Since the reinstatement of the Virginia payment of wage legislation and the growing awareness of this by the public, the Department will continue to realize for the foreseeable future, a significant increase in requests for compliance assistance from employees who have not been paid in accordance with §40.1-29 of the *Code of Virginia*; i.e., for all time actually worked, unauthorized deductions from pay, no pay date established, or forfeited wages. The youth employment certificate application process provides an automated process by the Department. The Agency will continue to experience improved efficiency in the issuance of employment certificates for 14-year-old and 15-year-old minors, and that the number of youth employed in prohibited or hazardous occupations continue to decrease with the elimination of local school officials from the process. This automation will continue to facilitate a greater number of focused inspections by Division staff of businesses that employ youth. The Department expects an increased number of requests for assistance from youth, parents, and employers, concerning the issuance of employment certificates which were previously addressed by the local school officials.

**Factors Impacting**

As indicated previously, the growing awareness by the public regarding the reinstatement of payment of wage assistance by the Department. This has been generated by a number of failures of companies with substantial numbers of employees, which will result in a gradual, permanent increase in the use of this service.

Due largely to the slowly recovering economy, the Department will see an increase in the number of small businesses that cannot, or can no longer, afford legal counsel for guidance regarding labor and employment law issues. At present, many of these firms contact the Department for such assistance and it is anticipated that this number will increase, resulting in additional demands on current and future resources.

An expected impact of the online automation of the youth employment certificate process is that the Department anticipates receiving more inquiries and initial requests for services online, with a concurrent demand for web access to DOLI's services and information. A secondary result of this automation will be the Division's increased ability to conduct a greater number of field inspections of establishments that employ minors. Due to the modest but steady economic recovery, the Department anticipates little or no growth in the number of youth working, as many of the jobs that would normally be youth employment are instead being filled by a large number of out-of-work adults, when compared to pre-recession levels.

**Financial Overview**

Labor Law Services is funded by State General Fund Appropriation.

Biennial Budget

	2017 General Fund	2017 Nongeneral Fund	2018 General Fund	2018 Nongeneral Fund
Initial Appropriation for the Biennium	905,119	0	905,119	0
Changes to Initial Appropriation	0	0	-16,241	0

**Supporting Documents**

**Title** **File Type**

## Virginia Occupational Safety and Health Services [55501]

### Description of this Program / Service Area

This Service Area administers occupational safety and health activities in Virginia according to the Virginia State Plan agreement between the Virginia Occupational Safety and Health (VOSH) Program and the USDOL Occupational Safety and Health Administration (OSHA), as required by § 40.1-1 of the *Code of Virginia*, for general industry, agriculture, construction, and the public sector. The federal Occupational Safety and Health Act of 1970 requires OSHA to enforce its regulations throughout the country, except in states that have applied and received approval from OSHA to operate a State Plan for occupational safety and health. Virginia received its approval as a State Plan state in 1988.

### Mission Alignment

This Service Area directly aligns with the Department's mission of making Virginia a better place to work, live and conduct business by promoting safe and healthy workplaces, and fostering safe work practices by employers. VOSH also provides training, information, and technical assistance to employers, employees, and safety/health professionals.

The responsibilities of the Virginia Occupational Safety and Health (VOSH) Program are provided in the Code of Virginia, at §§40.1-1, 40.1-2, 40.1-3, 40.1-6, and §§40.1-49.3 through 40.1-51.4:2. Although Virginia is not mandated by Federal law or regulation to have an occupational safety and health program, responsibility in Virginia has been delegated by the U. S. Department of Labor (USDOL) Occupational Safety and Health Administration (OSHA) to the state through final approval of the Virginia State Plan. The Code of Virginia, Chapter 3 of Title 40.1 (§ 40.1-22) establishes the Virginia Safety and Health Codes Board as the regulatory and policy board for the VOSH program. The Code of Virginia, Chapter 3.2 of Title 40.1 (§§40.1-51.20 through 40.1-51.22), establishes the Asbestos and Lead Notification Program, which requires issuance of permits for asbestos and lead removal contractors and inspection of each removal, installation or encapsulation project. The Code of Virginia, Chapter 3.3 of Title 40.1 (§§40.1-51.23 through 40.1-51.41), known as the Virginia Asbestos NESHAP Act, establishes the requirements for asbestos contractors to protect the general public and the environment from asbestos emissions during renovation and demolition activities.

### Products and Services

#### Description of Major Products and Services

VOSH monitors and assists employers in maintaining compliance with occupational safety and health laws and regulations. These efforts are accomplished via workplace inspections following work-related accidents, fatalities, imminent danger situations, employee complaints, referrals from other government agencies or planned inspections in general industry, construction, and agriculture. This responsibility covers both the public and private sectors, with the exception of employers in federal enclaves, those covered by federal agencies, or listed under § 4(b)(1) of the Occupational Safety and Health (OSH) Act of 1970 and 29 CFR 1952.375.

VOSH also offers safety and health onsite consultation to private and public sector employers, as well as provides training and technical assistance to such employers and employees. VOSH consultants coordinate the annual Virginia Occupational Safety and Health Conference, which is regularly attended by approximately 250 occupational safety and health professionals, employers, and employees.

High hazard companies with fewer than 250 employees overall, or at one worksite, are eligible for recognition as Safety and Health Achievement Recognition Program (SHARP) sites. Qualified companies with more than 250 workers at a worksite, with exemplary occupational safety and health programs, are also eligible for recognition via the Voluntary Protection Program (VPP). The Voluntary Protection Program uses the STAR designation for these worksites.

The Virginia Safety and Health Codes Board is the rule-making body responsible for developing regulations enforced by the Department which establish the occupational safety and health requirements for employees and employers. The Department provides staff support to the Board. The Department also collects data for the Annual Survey of Occupational Injuries and Illnesses and the Census of Fatal Occupational Injuries (CFOI) under a cooperative agreement with the United States Department of Labor, Bureau of Labor Statistics.

Under the guidance and direction of the Office of the Attorney General, the VOSH Compliance Division provides legal support for the program in the following areas: obtaining settlement of, or litigating contested cases that cannot be settled at the regional office level, pre-citation review of significant cases, i.e., fatalities, willful, and criminal cases, obtaining warrants when an employer denies a compliance officer access to worksites, handling subpoenas for Department personnel and records, and processing Freedom of Information Act (FOIA) requests.

### Anticipated Changes

It is anticipated that the Department will continue to encounter an ever more diverse workforce, in terms of language, age, gender, race, and nationality. Future trends indicate that the Department will probably provide services to a decreasing percentage of employers and workers who are engaged in large fixed industries. Conversely, a greater percentage of workers are, and will continue to be, employed in small firms or temporary jobs. Program services must allow for flexibility to assist where the work is increasingly contracted, outsourced, or part-time. If these trends continue over the next decade as anticipated, there will be a need for new and innovative strategies by the Department to address them.

Changing workforce demographics, especially with older workers constituting higher percentages of the total workforce, will likely influence occupational injury rates, and necessitate continuing review of existing program strategies. The Department also recognizes the need for additional outreach services for immigrant workers, especially Spanish, Korean, and Russian language speakers who may not be proficient in English, and who often work in some of the most inherently dangerous jobs. As the slowly expanding economic recovery in Virginia begins to approach what

economists call "full employment," there will be a need to address an influx of young workers who were previously forced out or never able to enter the job market, or are underemployed as a result of the recession. Such workplace trends may further complicate existing occupational safety and health programs and could necessitate the development and implementation of enforcement, training, and delivery systems that are very different from those upon which the Agency relied in the past.

**Factors Impacting**

Full automation of the Virginia Courts Case Information System, when completed, will enable program staff to check online the status of the Department's occupational safety and health cases in litigation in the Circuit Courts of Virginia. This will enhance the Agency's ability to pursue occupational safety and health contested cases. Some major local jurisdictions, such as Fairfax County, have not yet been added to the online system.

Other factors which may impact products and services by the Department include:

- Changes in federal information technology that are also used by the Department.
- Agency funding for occupational safety and health is tied to the federal appropriations process.
- Increasing globalization and evolving technologies, combined with a growing number of non-English speaking customers will necessitate enhancements and modifications to our products and services.
- Judicial decisions impact the Virginia Occupational Safety and Health (VOSH) Program operations, as well as continued State Plan status.
- Litigation of the Department's occupational safety and health contested cases occurs at the local level in Virginia's court system.
- Employee turnover and retention statewide due to noncompetitive salaries, especially for positions based in Northern Virginia, as well as lack of established promotional opportunities due primarily to the size of the Department and program staffing levels.

**Financial Overview**

The Virginia Occupational Safety and Health (VOSH) Program is funded by State General Fund Appropriation, Federal Funds from the U.S. Department of Labor, Special Revenue Funds for Asbestos/Lead Project Permit Fees, Consultation and Voluntary Protection Program (VPP) Grant Matching Funds, and registration fees for the Annual Safety and Health Conference.

Biennial Budget

	2017 General Fund	2017 Nongeneral Fund	2018 General Fund	2018 Nongeneral Fund
Initial Appropriation for the Biennium	3,540,255	6,457,307	3,540,255	6,457,307
Changes to Initial Appropriation	0	0	650,000	0

**Supporting Documents**

**Title** **File Type**

**Boiler and Pressure Vessel Safety Services [56201]**

**Description of this Program / Service Area**

This Service Area implements Virginia's Boiler and Pressure Vessel Safety Act (the Act), which enhances both public safety and occupational safety through monitoring the construction, installation, operation, and maintenance of boilers and pressure vessels. The Act permits the Department to certify inspectors to act on behalf of the Commissioner of Labor and Industry and conduct inspections, which serve as a basis for issuance of a Certificate of Inspection for boilers and pressure vessels.

**Mission Alignment**

This service area aligns with the Department's mission of making Virginia a better place to work, live, and conduct business through the objective of ensuring the safety of boilers and pressure vessels located in businesses, public buildings, such as schools, apartment buildings, and other structures, where both the general public and workers may be present.

The Code of Virginia, Chapter 3.1 of Title 40.1, known as the Boiler and Pressure Vessel Safety Act, establishes the minimum requirements for the construction, installation, maintenance, and inspection of boiler and pressure vessels. It also provides for the certification of boiler inspectors, owner/user inspection agencies, and private contract fee inspectors.

**Products and Services**

**Description of Major Products and Services**

The Division of Boiler and Pressure Vessel Safety offers customer service through initial compliance visits to educate owners/users about Virginia's laws regarding boilers and pressure vessels, and assists customers in keeping certificates current, finding inspectors, and maintaining safe boilers and pressure vessels in compliance with regulatory requirements.

The Division provides thorough, consistent inspection and enforcement of laws and regulations regarding construction, installation, operation, and repair of boilers and pressure vessels, as well as investigating accidents or complaints.

This Division certifies qualified inspectors of boilers and pressure vessels to ensure that individuals who perform these specialized tasks possess the highest levels of technical competency.

The Division conducts triennial audits of companies that perform repairs and alterations to boilers and pressure vessels in order to maintain their Certificates of Authorization issued by the National Board.

**Anticipated Changes**

The Department anticipates that customer assistance requests will increase as our educational efforts succeed, previously unregistered objects are located and registered, and as partnerships expand. At present, the number of inspection companies that report inspections electronically is about 48%. It is anticipated that there will be further increases in electronic reporting by inspection companies, which will improve both efficiency and response time. Finally, the number of owners/users of boilers and pressure vessels who speak principally Korean or Spanish is rising, especially in the small business category. Response times may increase due to communication challenges.

**Factors Impacting**

It is anticipated that two major factors will impact the delivery of the products and services offered by this Service Area. These are the continued rise in the number of inspection companies that report inspections electronically, and the growing number of customers who are less than fluent in English.

**Financial Overview**

Boiler and Pressure Vessel Safety Services are funded by State General Fund Appropriation. Fees are collected and deposited to the State General Fund in support of this program.

Biennial Budget

	2017 General Fund	2017 Nongeneral Fund	2018 General Fund	2018 Nongeneral Fund
Initial Appropriation for the Biennium	520,702	0	520,702	0
Changes to Initial Appropriation	0	0	0	0

**Supporting Documents**

**Title** **File Type**





**Administrative and Support Services [599]**

**Description of this Program / Service Area**

This Service Area provides overall management direction and administrative support to the Department of Labor and Industry's other service areas.

**Mission Alignment**

This Service Area directly aligns with the Department's mission of making Virginia a better place in which to work, live and conduct business by providing effective and efficient administrative and resource support to achieve the Agency's mission, while ensuring full compliance with all applicable state and federal rules and regulations, laws, and executive orders.

The Code of Virginia, Chapter 1 of Title 40.1, provides for the establishment of the Department of Labor and Industry and establishes the authority of the Commissioner. The Code of Virginia, Chapter 1 of Title 40.1, at subsection 5 of §40.1-6, authorizes the Commissioner "to appoint such representatives as may be necessary to aid him in his work; their duties shall be prescribed by the Commissioner."

**Products and Services**

**Description of Major Products and Services**

Accounting, budgeting, financial management, and compliance for all Agency funding streams;

Information Technology and telecommunications for all Agency programs;

Human resource services, including staff recruitment and retention, training, benefit administration, dispute resolution, implementation and evaluation of fair employment practices;

General Services, which incorporates asset management, contract management, purchasing, facilities management, and general service support; and

Regional/Field Office Administrative Support.

**Anticipated Changes**

The reduction of funding at the state and federal levels will continue to require cost-effective and ever more efficient use of scarce Agency resources to fulfill all of the Department's mandated missions.

As noted elsewhere in this plan, the Department is now confronted with a significant loss of agency experience and institutional knowledge as senior staff members reach retirement age.

To assist customers who are not fluent in English, for over a decade the agency has sought to recruit and hire employees who possess fluency in Spanish.

**Factors Impacting**

The Department has expanded services to a continually increasing number of customers, even with far fewer employees and greatly diminished resources. Significant federal and state funding reductions have directly impacted staffing availability resulting in a major decrease in the number of Agency employees in terms of approved and funded positions. It has also caused significant salary compression which, over time, has compounded the loss of experienced long-term employees who leave the Agency for more lucrative employment elsewhere. In general, allocations for technology, staff training, and salaries have fallen far behind the pace of the rising costs of doing business in the Commonwealth.

**Financial Overview**

Agency Administrative and Support Services are funded by State General Fund Appropriation and Nongeneral Indirect Cost Recovery Funds.

Biennial Budget

	2017 General Fund	2017 Nongeneral Fund	2018 General Fund	2018 Nongeneral Fund
Initial Appropriation for the Biennium	2,198,402	863,673	2,199,462	864,790
Changes to Initial Appropriation	-31,325	0	-49,295	0

**Supporting Documents**

**Title** **File Type**

