



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF LABOR STANDARDS

ANNUAL REPORT 2012

Submitted in accordance with Massachusetts General Laws Chapter 149, §14



Table of Contents

Program Highlights for 2012.....	3
Asbestos Program.....	3
Division of Apprentice Standards.....	4
Employment Agencies Program.....	6
Lead Program	7
Mine Safety and Health Program	8
Occupational Hygiene Laboratory	9
Occupational Lead-Poisoning Registry	9
Occupational Safety and Health Statistics.....	11
On-Site Consultation Program	11
Prevailing and Minimum Wage Programs	13
Workplace Safety and Health Program	14
DLS Application Fee Schedule 2012	17
Agency Funding and Revenue Generation.....	19
DLS FTE Count from June 2005-December 2012 (FY05-FY13).....	20
DLS employees during calendar year 2012.....	21

Program Highlights for 2012

Asbestos Program

On-site safety and health visits, including active and inactive worksites	411
On-site safety and health visits, active worksites only	266
Hazards identified	195
Licenses issued	3,935
Civil administrative penalties	Written warnings: 18 Civil citations: 1 Civil citations w/penalty: 25 License suspensions: 2 Fines assessed: \$346,500 Fines Collected: \$7,900 Cessation Orders: 3 Appeals received: 5 Citation Appeal Hearings: 3 Hearings Pending: 5 Settlement Agreements/Payment Plan: 3

The DLS Asbestos Program is responsible for the regulation of occupational asbestos exposure in the Commonwealth. The program works with employers, employees, unions and state and local agencies to create healthier and safer work conditions for Massachusetts workers through site visits, analytical services, and technical information. The program also aids in the coordination of OSHA, EPA and multi-state regulatory authorities along with the Consortium of North East States (CONES) in the common goal of protecting the public from long term damage from excessive asbestos exposure.

Notable Accomplishments

AHERA Outreach - The Asbestos Program continued the work of one of its most ambitious initiatives which began in 2011, when DLS started identifying those schools regulated by the Asbestos Hazard Emergency Response Act (AHERA) which pose a greater risk of asbestos fiber exposure to students, teachers, and staff. DLS identified those schools which have had abatement work planned during the year, and sent to the schools a checklist and packet of information about the records that are required to become part of their asbestos management plans. In 2012, DLS sent 399 AHERA information packets to schools to remind them of which records are required to be included in their management plans.

In another aspect of the 2011 initiative, DLS sought to ascertain a Local Education Agency's (LEA) compliance with AHERA by requesting copies of their most recent three-year re-inspection report for DLS review, to check for all of the required elements as required by AHERA. In response to that request, DLS has received hundreds of management plans and re-

inspection reports. During 2012, DLS continued to review the plans for overall compliance with AHERA, and offered our assistance to schools in correcting any significant deficiencies in their plans.

In reviewing the management plans, DLS noted that a number of plans in which DLS found major deficiencies, had similar violations. DLS began compiling a list of the asbestos consultants and found that certain consultants used the same boiler plate templates when writing their management plans. DLS issued civil administrative penalties to certain asbestos consultants, and have issued civil penalties along with some of the citations. DLS will continue to work toward educating schools, asbestos consultants, and training providers, to understand AHERA and its requirements.

Division of Apprentice Standards

Sponsor verifications issued	1,226
New Sponsors registered	75
Graduation Certificates Generated	864
Total Active Apprentices	7,555
Total Sponsors	853
Sponsor Visits by Compliance Officers	1,480
New Apprentices	1,947
Renewed Apprentice ID's	2,582
Veterans Registered	214
Total FY12 Apprentice Wages	\$42,960,982.00
Total Mass. State Taxes Paid @ 5.3% avg.	\$2,276,932.00
Total Federal Taxes Paid @ 13.09% Avg.	\$5,610,704.20

The Division of Apprentice Standards (DAS) was established in 1945 and as authorized by Chapter 23 of the Massachusetts General Laws, is the state approving agency for all registered apprentice education and training programs. The division also registers veteran training facilities for the Veterans Administration so that veterans registered in apprentice programs can receive their GI Bill benefits. The division is not a job placement facility, nor does it conduct any direct training.

Registered Apprenticeship is a formalized, structured program combining on-the job learning and related classroom instruction in which paid employees receive technical and practical training in a highly skilled occupation. The apprentice is paid according to a progressive schedule for wage increases over the term of the apprenticeship. Registered Apprenticeship, in simple terms, is a program of “earn as you learn” and is voluntary.

The division issues an annual apprentice ID card to each registered apprentice. In order for an employer to be able to reduce the wages of an employee on a prevailing wage project, that person must be an apprentice registered with the Division of Apprentice Standards. Pursuant to Massachusetts law, a copy of the apprentice ID must be attached to each certified payroll when that apprentice is working on the project.

DAS is responsible for developing materials and conducting a program of public awareness to secure the adoption of training in skilled occupations and related training policies and practices used by employers, unions, and other organizations; developing policies and plans to enhance opportunities for minority and female participation in skilled training; and coordinating the effective use of Federal, labor, and resources to create a clear training-to-employment corridor for customers of the workforce development system. DAS engages in partnership activities, ensuring quality service and customer satisfaction.

With recent changes to CFR 29 part 29 Apprenticeship Regulations, the division updated its regulations on March 5, 2011, in order to maintain its recognition by the DOL/Office of Apprenticeship. The new regulations will modernize the apprentice model by allowing sponsors to change the way they administer their programs. For example, the criteria for completion of a registered program has moved from a rigid time-based learning program requiring 2,000 hours of work experience to three pathways: competency-based, time-based, or a hybrid approach.

The division partners with vocational schools, community groups, faith-based organization, civic groups, Career Centers, WIA partners, and others to identify career pathways for the under-served population.

Notable Accomplishments

EEO Action Clinics - In an effort to boost apprenticeship awareness among community organizations, career centers, regional employment boards, veterans, vocational schools and community colleges, and to bolster EEO/Affirmative Action compliance resources for registered apprentice programs, the DAS developed an action clinic plan for providing learning and networking opportunities. Five clinics were completed prior to June 30, 2012.

EEO Webpage - The Division collected information on community based organizations (CBO) that train and promote women and minorities for entrance into apprenticeable occupations. Once the information was collected it was compiled by counties into an Excel format and stored on the Division website. The website will give the apprentice sponsors the ability to download the lists of Excel files for use in a mail merge for sending notification letters. We completed five area meetings with WIA staff, sponsors, and the CBOs, to identify additional CBOs and to discuss apprenticeship and how the CBOs can become pre-apprentice sponsors. Research has been completed and the final webpage will be launched in 2013.

Regulations – The new DAS regulations and our request for recognition were sent to the DOL/OA at the end of 2011. One of the additional items that we submitted for approval was registered pre-apprentice language to address the outreach requirements of Responsible Employer Ordinances (REO). The purpose of the regulation is to establish registered pre-apprentice programs that are better aligned with registered programs and to provide better outreach opportunities for the public and to ensure program compliance. As part of the required changes to our regulations we will be officially changing the name to the Division of Apprentice Standards. Final approval was received by DOL/OA on April 12, 2012.

Veterans – The Division currently has a reimbursable contract with the VA for the purpose of approving apprentice training facilities for veterans to receive GI Bill benefits. There are currently 98 training facilities which require compliance reviews and supervisory visits. The DAS website was updated with GI Bill information for veterans and training facilities. The DAS also developed and posted a VA Certifying Official Handbook on its website.

Employment Agencies Program

On-site visits	775
Professional licenses and registrations issued	1,241
Civil administrative penalties	Written warnings: 6 Civil citation w/civil penalty: 2 Fines assessed: \$2,100 Fines collected: \$2,100

Notable Accomplishments

Database Development - The Employment Agencies Program underwent further development of its new database so employees can scan in documents, generate form letters and mass mailings, better track businesses and their inspection/compliance histories, and generate statistics.

Temporary Workers Right to Know Law - In August 2012, Governor Patrick signed the Temporary Workers Right to Know law (TWRKL), which is administered and interpreted by DLS. The law became effective on January 31, 2013.

The TWRKL requires staffing agencies to provide employees with notice about basic information before going to a job, such as temp agency contact information, workers' compensation carrier; rate of pay; start and end time. Job information can be given over the telephone as long as it is confirmed in writing before the end of the first pay period. The job order does not apply to "professionals," "secretaries or administrative assistants" broadly defined. Agencies that place such workers will continue to be required to register with DLS pursuant to M.G.L. c 140 s. 46B. If the agency accepts placement fees from the workers, including executives, professionals, secretarial or administrative assistants, the agency must be licensed with DLS pursuant to M.G.L. c 140 s 46A. The TWRKL also prohibits certain fees such as charging an employee for the cost of registering with the staffing agency or a CORI request; limits fees and costs that would reduce a worker's pay to below the minimum wage; and requires the staffing agency to reimburse a worker if it sends him/her to a worksite for the purposes of working and no work is in fact available. The provisions for charging transportation fees to temporary workers have not changed. Agencies still may not charge more than 3% of the worker's daily wages and those fees may not bring the worker's wages below MA minimum wage.

During the last four months of 2012, DLS staff were busy preparing for implementation and administration of the TWRKL. DLS drafted regulations to implement the law, meeting with many stakeholder groups to gather their input on the draft regulations, including the American Staffing Association, Greater Boston Legal Services, the Office of the Attorney General's Fair Labor Division and many individual staffing agencies. DLS staff also drafted website content to provide information for workers, staffing agencies and the general public about the new law and created a poster containing basic information about the TWRKL, which is required to be posted by staffing agencies under the law. DLS also conducted training for program compliance staff.

Lead Program

On-site safety and health visits, including active and inactive worksites	1,409
On-site safety and health visits, active worksites only	1,141
Hazards identified	1,286
Licenses issued	Deleading licenses: 1,103 Renovator Licenses: 1,059
Deleading/RRP civil administrative penalties	Written warnings: 45 Civil citation: 2 Civil citation w/civil penalty: 34 License denials: 2 Fines assessed: \$142,600 Fines Collected: \$42,850 Cessation Orders: 5 Appeals received: 13 Citation Appeal Hearings: 10 Settlement Agreement/Payment Plan: 7

Notable Accomplishments

Compliance Assistance, Outreach and Education - The goal of DLS's Lead Program is to reduce the incidence and severity of lead exposures for the Commonwealth's workers and other members of the general public. DLS accomplishes this goal by administering and enforcing standards for renovation, repair and painting carried out in older homes and child-occupied facilities that may contain lead paint as well as for deleading operations.

During 2012, DLS inspectors visited almost every city or town building department in the Commonwealth in order to speak with the building inspectors, explain our requirements under our Lead-Safe Renovation standard, and offer our assistance in being a resource to them. When we initially started this in 2011, DLS inspectors received a cool reception from most building inspectors. However, with DLS working with the Massachusetts Department of Public Safety, increased awareness of Lead-Safe Renovation, and revisiting all the building departments this year, many building departments are now displaying our information brochures on their counters and are asking contractors if they have their Lead-Safe Renovation Contractor license when applying for a building permit.

In another partnership effort, DLS signed a Memorandum of Agreement with the Office of Consumer Affairs and Business Regulation (OCABR), who registers the Home Improvement Contractors (HIC), to share contractor information between the agencies. DLS and OCABR have worked together since the beginning of the Lead-Safe Renovation (RRP) regulations because much of the work performed by Home Improvement Contractors is also RRP work. DLS and OCABR share information gathered during inspections and hearings and share this information to provide license or registration information to the contractor.

During 2012, DLS contracted with Health Resources in Action (HRIA), a Boston-based community group, to assist in outreach and education of the Lead-Safe RRP law to high risk neighborhoods, consumers, non-union tradespersons, and small contractors. Part of the outreach includes collaboration with the Boston Public Health Commission on multi-lingual public service announcements. DLS has been working with these parties, along with the US Environmental Protection Agency (EPA) and the Massachusetts Department of Transportation (MassDOT) to produce and coordinate a multimedia outreach campaign that delivers a common message through PSAs, brochures, and digital billboards. A new Lead-Safe digital billboard was made and displayed on the eight MassDOT digital billboards across the state:



DLS, HRIA, and the Boston Public Health Commission also produced a Lead-Safe public service announcement (PSA) to provide information to the public about the Lead-Safe Renovation law. The PSA, simple in its design, depicts different types of work that can disturb lead paint and trigger the law, and informs the viewers that contractors must be licensed to perform that work. The PSAs, produced in both English and Spanish, can be viewed at:

English: <http://www.youtube.com/watch?v=E3YIIYMWyd0>

Spanish: <http://www.youtube.com/watch?v=1aWgLbwG4xk>

Civil Enforcement - DLS continued to cite contractors for violations of the Employment Agency, Asbestos, and Lead regulations we enforce. In 2012, DLS issued \$491,200 in civil penalties. DLS collected \$50,750 of these fines in calendar year 2012. DLS entered into Settlement Agreements and Payment Plans with 10 contractors to pay off their civil penalties. In the last quarter of calendar year 2012, DLS began working with the Department of Industrial Accidents (DIA) Collections Unit to recover unpaid civil penalties. In 2013, DLS will enter into contracts with debt collection agencies through the Office of the Comptroller, to further assist it in collecting past due penalties owed to the Commonwealth.

Trench Work Violations – During 2012, DLS inspectors continued to stop by a number of trenching operations and observed workers laboring in hazardous working conditions. DLS inspectors continued to take a proactive role in contacting company supervisors, local building departments, and our own Workplace Safety and Health Program, in an effort to speak with appropriate personnel to correct the unsafe conditions. DLS began developing a response protocol for all DLS field workers to use when dangerous trench operations are observed. The protocol will be implemented in 2013.

Mine Safety and Health Program

On-site safety and health visits	24
Hazards identified	227
Training sessions conducted	19
Workers trained	983

Under 30 CFR Part 56, safety and health standards are required to be in place for all surface metal/non-metal mines throughout the nation. Initial and annual refresher training of all mining employees is required as well (30 CFR Part 46). These requirements apply to the approximately 150 mining operations in Massachusetts. The operations in Massachusetts include sand and gravel pits, crushed stone operations, and quarries. Efforts by DLS are focused on preventing injuries and illnesses by conducting site inspections and providing training for employees.

Notable Accomplishments

Training Mine Workers – During the first half of FY 2012, DLS conducted thirteen Part 46 annual refresher trainings. In addition, DLS conducted training in five other annual refresher trainings sponsored by two large mining operations. A total of 902 miners and contractors received training by DLS. Each of the Part 46 trainings sponsored by DLS was conducted for 7.5 hours. Site specific training was not provided, as each mine operator was notified that this portion of the training would be his/her responsibility. DLS also participated in five annual refresher trainings sponsored by two large mines for which DLS’s expertise augmented the companies’ own training programs.

Compliance Assistance Visits - During the second half of the fiscal year, twenty four compliance assistance visits (CAVs) were conducted at various mines throughout the Commonwealth. Subsequent to the CAV, a report was written to each mine operator, documenting the findings and making recommendations in relation to health and safety improvements.

Occupational Hygiene Laboratory

Lab samples, analyses, and controls processed	403
---	-----

Notable Accomplishments

After a geographical move of the laboratory in 2011, and fit-out to conform to new building specifications that extended into 2012, the re-opening of the DLS Laboratory was completed in 2012. DLS’s industrial hygiene, bulk asbestos, and blood lead testing facilities are now part of a state of the art facility that adheres to a strict code of responsible laboratory practices and procedures.

Occupational Lead-Poisoning Registry

Blood Lead Level	Reports	Individual (Peak Level)	New Cases
------------------	---------	-------------------------	-----------

15-24	434	na	na
25-39	154	102	79
40-49	18	14	12
50-59	8	7	4
60+	1	1	0

In 1990, the Occupational Lead Poisoning Registry Law (M.G.L. Chapter 200) was enacted in Massachusetts. The Registry was created because occupational exposure to lead is still today a major cause of disease. Excessive exposure to lead can cause serious damage to the blood, kidneys, and nervous and reproductive systems. Occupational lead poisoning is still common in the United States, despite the availability of effective control technologies and the existence of state and federal regulations designed to limit exposure. The Occupational Lead Poisoning Registry tracks elevated blood lead levels, provides educational counseling and guidance to workers, and through its medical consultant, offers advice to physicians on the medical management of lead poisoning.

The Lead Registry maintains an annual contract with the Center for Disease Control – National Institute for Occupational Safety and Health (CDC-NIOSH) to collect and report lead data to the CDC and the CDC’s Adult Blood Lead Epidemiology and Surveillance (ABLES) group. The ABLES group consists of states that also contract with the CDC to report blood lead levels annually. As a member of the ABLES group and the CSTE, the Registry joins all ABLES states and CSTE members throughout the country who demonstrate their dedication and commitment to occupational safety and public health.

Notable Accomplishments

Education and Outreach - During 2012, the Lead Registry updated and disseminated education and outreach materials to a multicultural worker population. In particular, education and outreach efforts to the Portuguese-speaking and Spanish-speaking worker populations within the house painting industry continued.

Blood Lead Reporting - The Registry also maintained communication with the MA Department of Public Health (DPH) in hopes of enhancing required reporting information to maintain blood lead reporting requirements for the Commonwealth and the Center for Disease Control (CDC). If DLS and DPH could institute a shared system, we could streamline data reporting and consider increasing collection to all elevated adult blood lead levels, not just those of 15 mcg/dl or over. Efforts to utilize enhanced electronic reporting will continue in earnest in 2013.

Laboratory Updates - In March 2012, the Registry moved its entire operation from Newton to Lawrence. In the process, the Registry updated the registry files system and notified all documented labs and the CDC of the move. The Registry also notified pediatrician offices of the Registry’s reporting requirements. During this period, the Registry gathered information to create an updated list of laboratories in and those who have reported in the past.

Firing Range Intervention - In December 2012, the Registry investigated a police firing range based on reports of elevated blood lead levels from range training officers. The Lead Registry also worked with two other police firing ranges in 2012 to provide sampling, training, outreach, and consultation.

Occupational Safety and Health Statistics

Injury and illness employer surveys completed	6,973
Injury and illness worker cases completed/coded	7,667

During 2012, the Occupational Safety and Health Statistics program collected a total of 4,515 Bureau of Labor Statistics (BLS) surveys for the annual Survey of Occupational Injuries and Illnesses (SOII). The program also coded 7,667 injury and illness cases for the SOII. Each reported case requires coding of at least five fields: nature, part of body, source, secondary source (if applicable), event, and occupation. The program also collected the OSHA Work-Related Injury and Illness Data Collection forms for Massachusetts and for selected zip codes in Ohio. Of the 2,638 companies surveyed, DLS collected 2,458 reports. This equates to a 93% survey rate, and a 100% useable clean rate, meaning all possible survey errors were resolved.

Notable Accomplishments

Public Sector Outreach initiative - For the past three years, the Occupational Safety and Health Statistics Program has engaged in a concentrated public sector outreach to increase local government's participation in the BLS SOII. In 2012, these outreach efforts included: following up on phone calls made to public sector units that were selected to take part in the survey, as well as establishing contact with city and state officials who were receiving our survey for the first time. When contact was established, program staff would talk with the respondent about the purpose of the survey, how it is collected, and how the data is used once it is collected. Staff would also give an overview of the OSHA Recordkeeping requirements along with and resources that would assist them in keeping their occupational injury and illness data.

Professional Development Training - All three program staff members attended BLS Occupational Safety and Health Statistics (OSHS) trainings given in 2012. At the annual BLS SOII conference, staff members attended a specialty training: *Encountering and Addressing Reluctance*, which provided strategies for handling reluctance while collecting the survey. Two program staff members traveled to Portland, Maine to attend an OSHA Recordkeeping training provided by our OSHS counterparts in Maine.

On-Site Consultation Program

Trainings conducted	27
On-Site safety and health visits	538
Hazards identified (serious)	3,734
Other than serious (OTS) hazards identified	164
Interventions conducted	100

The primary goal of the DLS OSHA Consultation Program is to conduct onsite OSHA consultation visits to private employers in the Commonwealth. The program goal for the number of visits covering fiscal year 2012 was 422 visits. That goal was exceeded by over 100 visits. The program identified over 3,700 serious workplace hazards during these visits.

As a result of OSHA's Expedited Informal Settlement Agreements (EISA), employers that are offered an EISA receive a 50% reduction in their OSHA fines by having state consultation programs visit their workplaces. This effort increased requests for visits during calendar year 2012.

Notable Accomplishments

Targeted outreach effort - In addition to consultative visits, the program also engaged in a targeted outreach effort to raise awareness on an important occupational health issue: formaldehyde in hair salons. Information consisting of an OSHA Fact Sheet on Formaldehyde and an OSHA Bulletin *Facts About Hair Smoothing Products*, was mailed to the Cosmetology Program Directors of eighty-nine Massachusetts Schools of Cosmetology, both private and vocational Schools. The effort was done to alert these schools to the hazards of formaldehyde. A consultation brochure was included in the mailing and the program received calls requesting additional information. One school notified DLS that it stopped using formaldehyde-containing products as a result of the information provided.

Workplace Safety and Health for Teens - For many years, DLS has worked with vocational high schools throughout the state. During 2012, there was a continuation of the cooperative effort initiated by the Consultation Program many years ago, along with OSHA and other state agencies, to provide the OSHA 10 hour in Construction to every vocational school student in the construction trades. During 2012, DLS engaged in increased outreach efforts to both vocational and traditional high schools to increase workplace safety awareness among Massachusetts teens. OSHA's *I Have a Right* posters (specifically aimed at youth), along with a cover letter from the OSHA Consultation Program, were mailed to all 388 high schools in Massachusetts. The letter included teen fatality/injury statistics, an offer to provide guest speakers on workplace safety issues, and a request to post the *I Have a Right* poster in the area where student work permits are issued. As a result of the mailing, three traditional high schools contacted DLS to request speakers. One of these schools is also working with DLS to provide students the OSHA 10 hour class by rotating students through trainings on their first block of classes over a period of time.

Expert Guest Lectures - During 2012, staff of the Consultation Program served as guest lecturers in classes at Tufts University College of Medicine and at the University of Massachusetts Lowell Business School.

Construction Industry Outreach – DLS continued to have a concentrated outreach effort in the construction industry. This outreach included participation in the Construction Safety Roundtable of Eastern Massachusetts, exhibit booths at construction trade shows, and providing safety and health training to workers in the construction industry. The Consultation Program sponsored four OSHA 10 Hour in Construction Classes and was a guest speaker at numerous Construction 10 hours at Massachusetts vocational schools.

Fall Protection – The program's largest outreach effort was in fall protection. A partnership was formed between the OSHA North Boston Area Office and the Consultation Program for the purpose of advertising and conducting outreach seminars for the residential construction industry.

The primary goal of the project was to reduce fatalities through outreach within the jurisdiction of the OSHA North Boston Area Office.

For the project, a list of more than seven hundred construction companies primarily engaged in roofing operations, siding installations, gutter work, solar panel installations, supply warehouses, as well as local building inspectors' offices, was used as targets for distribution of information on fall protection training seminars. During the week of April 2 – April 6, 2012, six compliance officers and six consultants drove to the predetermined locations, in an effort to reach out to the target audience and invite them to an outreach seminar. Those involved with the design of the program believed that the target audience would be more inclined to actually attend a seminar if they were personally invited and were made aware of the seminars multiple times. In additional notification efforts, attendees at the construction roundtable meeting were made aware of the outreach effort, and announcements were given to the Building Trades Employers Association of Boston and the New England Roofing Contractors Association (NERCA). Fall Protection seminar flyers were also mailed to all Massachusetts licensed roofers (290) with mailing addresses within the OSHA Boston North Area Office jurisdiction.

A total of five training seminars were held at scattered locations in the OSHA North Boston Area Office region. The seminars were attended by 337 individuals. Seminars consisted of a presentation, hands-on demonstrations of appropriate fall protection equipment, applicability to general and specific applications, and questions and answers. The presentation focused on risks associated with construction work, OSHA's recent citation history, when and where fall protection is required, enforcement update on OSHA's residential fall protection, and review of adequate fall protection. The purpose of the seminars served to:

- educate the target audience about OSHA's enforcement of fall-related issues;
- update the target audience on OSHA's Residential Fall Protection standard;
- demonstrate the various fall protection devices and techniques; and
- allow attendees the opportunity to ask questions relative to their specific application(s).

Prevailing and Minimum Wage Programs

Prevailing wage schedules issued	14,564
Opinion letters issued for prevailing and minimum wage	3
Minimum wage waivers issued	207
Wage program information line requests and resolutions	4,634

The Massachusetts Prevailing Wage Laws establish minimum wage rates for workers on public construction projects, workers engaged in school bus transportation, operators of vehicles and equipment engaged by public entities for public works purposes (including solid waste and recycling), workers engaged by employers which provide janitorial services for state buildings, office moving services, and for certain employees of housing authorities. DLS is the agency responsible for issuing prevailing wage rate sheets (which contain hourly wage rates that workers must be paid), and interpreting and administering the Prevailing Wage Laws. DLS also administers the Commonwealth's Minimum Fair Wage Law and Regulations, which address not only the payment of the basic minimum wage but also overtime; the minimum wage for tipped employees; reporting pay; on-duty or on-call time; travel time and expenses; deductions for lodging, meals, and uniforms; and wage records that employers are required to keep.

During calendar year 2012, DLS continued to meet periodically with representatives of businesses and trade unions on Prevailing Wage issues to provide a forum for such representatives to provide input to DLS. From those meetings, in an effort to further increase transparency in the rate-setting process, on October 18, 2012, the DLS commenced to issue prevailing wage schedules for public works projects in a format that deleted redundant verbiage contained in the “header” and “footer” of each page of the document, thereby decreasing the number of pages of the average prevailing wage schedule by approximately 30%. In addition, the revised prevailing wage schedule is now accompanied by a cover sheet which contains important information regarding the responsibilities of awarding authorities and contractors under the prevailing wage law. The revised wage schedules have been praised by awarding authorities and contractors.

Notable Accomplishments

Advisory Opinions - Over the course of the calendar year, DLS issued three advisory opinions interpreting the Prevailing Wage law, including: providing guidance on the application of the prevailing wage law to charter schools which enter into leases of private buildings, with respect to the build out of the leasehold premises; clarifying the meaning of the terms “site”, “gravel,” and “fill” as the terms are used in the prevailing wage statute; and further clarifying the application of the prevailing wage law to public/private partnerships. Other advisory opinions were issued to the Office of the Attorney General for enforcement purposes.

Coordination with Operational Services Division - DLS continued to work with the Commonwealth’s Operational Services Division (OSD) to alter its procurement process for statewide construction and services contracts to ensure compliance with the Prevailing Wage law. During calendar year 2012, changes to OSD’s procurement documents brought much-needed clarity to the responsibility on the part of an awarding authority to request a current, project-specific prevailing wage schedule for applicable projects.

Compliance Assistance - DLS staff participated in outreach and working groups with the Associated Builders and Contractors (ABC), the Building and Construction Trades Unions, the Massachusetts Buy EXPO for Procurement Officers, and attended a number of trade conferences related to its prevailing and minimum wage programs, including its first-ever attendance at the Interstate Labor Standards Association (ILSA) Annual Conference in Mystic Connecticut. DLS is now the ILSA representative for the Northeast.

Workplace Safety and Health Program

On-site safety and health visits:	102
Hazards identified	540
Training sessions conducted	106
Workers trained	1575
Cases resolved (both phone & investigation letters)	122
Phone / e-mail inquiries	1,300

The mission of the Massachusetts Workplace Safety and Health Program (WSHP) is to prevent job-related injuries and illnesses among the Commonwealth's public sector workers and assist federal agencies in promoting health and safety in selected areas in the private sector. We

accomplish all of our responsibilities through investigation, assessment, education, technical assistance, outreach and targeted enforcement by our team of occupational safety and health specialists. We are fervent in our daily work knowing that safe and healthy workplaces promote a robust economy, stable society, steadfast governmental service delivery, sound family units and valued individuals.

In calendar year 2012, the WSHP conducted fifty-eight investigations at municipal sites and forty-four site visits at state agencies. The program also issued sixty-one complaint investigation letters. Among the program's investigations were site visits at the workplaces of four fatal accidents for public employees, in Everett, Westfield, Fall River and New Bedford.

Notable Accomplishments

Data –During 2012, the WSHP engaged in a process to obtain and review actual data on public sector injuries so that the program could focus limited resources on where they are needed most. By partnering with the Department of Industrial Accidents' Office of Safety, the WSHP created a system to receive regular injury data for both state and municipal agencies filed with the workers' compensation system.

Compliance Assistance – Using data analysis, the WSHP began to focus programmatic efforts on assisting state agencies and municipalities to reduce high injury rates and injury costs. WSHP staff also partnered with state Americans with Disabilities Act (ADA) Coordinators to offer office ergonomic surveys. Program employees made worker-specific recommendations to assist workers returning to work after back or hand surgery to prevent recurrence of symptoms.

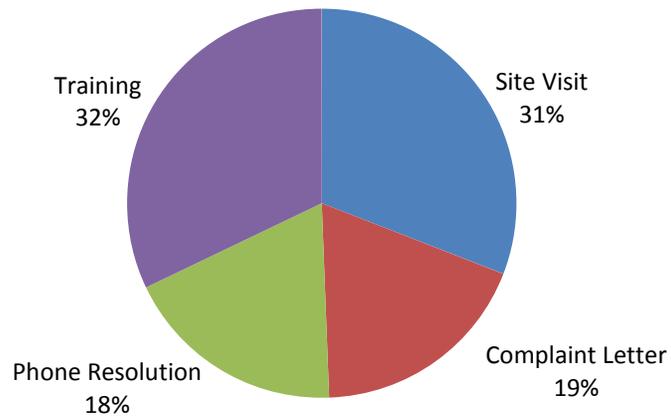
Executive Order 511 – As the lead agency for implementing and executing Executive Order 511 (EO 511), *Establishing the Massachusetts Employee Safety & Health Advisory Committee*, DLS's WSHP has created an entire framework that creates an infrastructure that will allow for on-going assessment and improvement of health and safety conditions for Commonwealth employees on the job. Vast amounts of material have been written by the WSHP by way of hazard assessments, gap analyses, technical standards summaries, a health and safety management plan tool, training presentations and related materials. During 2012, the WSHP also assisted in completing phase one of the DLS Safety Committee gap analysis work; developed and drafted the first annual report for the Advisory Committee; and developed a wiki site to share template safety programs;

Strategic Plan - In 2012, the WSHP developed a strategic plan to reduce work-related injuries among public employees. WHSP is making an effort to focus activities on areas where work-related injuries occur. The following goals were developed by the program:

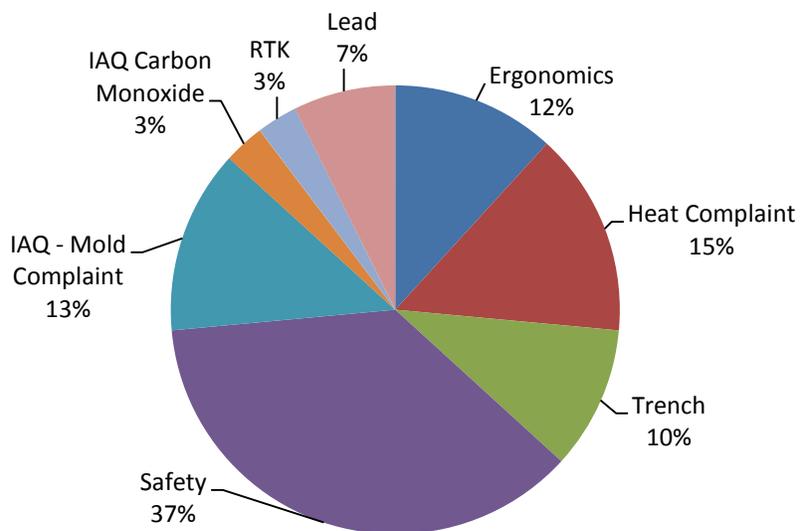
- Goal 1 Reduce injury rates for public sector workers.
- Goal 2 Promote development of safety and health management systems at public sector workplaces.
- Goal 3 Promote compliance with DLS programs and MGL standards for worker safety and health (RTK; Heat; AHERA; MSHA; Lead Registry).
- Goal 4 Promote compliance with industry standards in public sector workplaces.

WSHP: Type of Activity, CY12

municipal/state only; does not include AHERA, MSHA



Hazard Category for State/Municipal Activity CY 2012



DLS Application Fee Schedule 2012

TITLE	FEE	SURCHARGE ¹	SURCHARGE ²	TOTAL
Employment Agencies				
Licensed Employment Agency (one to four counselors)	\$250		\$50	\$300 per year
Licensed Employment Agency (five or more counselors)	\$500		\$50	\$550 per year
Registered Placement Agency (main office)	\$250		\$50	\$300 per year
Registered Placement Agency (each branch office)	\$130		\$50	\$180 per year
Right to Know Program				
Third Party Instructor/Consultant Registration	\$20			\$20 annual
Training Seminar Attendance Fee	\$50			\$50 per person
Asbestos Abatement				
Asbestos Abatement Contractor	\$2,000		\$50	\$2,050 annual
Asbestos Abatement Certifications				
Supervisor	\$200		\$25	\$225 annual
Management Planner ³	\$600		\$25	\$625 annual
Inspector ⁴	\$600		\$25	\$625 annual
Project Designer	\$600		\$25	\$625 annual
Project Monitor	\$600		\$25	\$625 annual
Analytical Services	\$700		\$50	\$750 annual
Training Provider	\$1,700		\$50	\$1,750 annual
Asbestos Abatement Worker License	\$50		\$25	\$75 annual
Asbestos Abatement Duplicate License	\$20		\$25	\$45 per License
Asbestos Abatement Duplicate Certification	\$20		\$25	\$45 per Certification
Lead Abatement				
Deleader Contractor License	\$500	\$25	\$50	\$575 annual
Deleader Supervisor License	\$100	\$25	\$25	\$150 annual
Deleader Certification-Training Provider	\$1,700	\$25	\$50	\$1,775 annual
Deleader Duplicate License	\$20		\$25	\$45 annual
Deleader Worker License		\$25	\$25	\$50 annual
Lead-Safe Renovator Contractor License	\$100	\$25	\$250	\$375 every 5 years <i>(includes the \$50 surcharge for the 2nd through 5th years of the license)</i>
Lead-Safe Renovator Training Provider	\$1,700	\$25	\$50	\$1,775 (fee waived for State, federally recognized Indian Tribe, local government or non-profit organization; \$75 surcharge still applies)
Lead-Safe Renovator Duplicate License	\$20	\$25		\$45 annual
Blood Lead Test	\$20			\$20 per test

Minimum Wage Program				
Seasonal Wage Certificate for Residential and Day Camps	\$100			\$100 per person
Special Wage Permit for Sheltered Workshops, Employees with Disabilities in Community Employment, and Student Waivers	\$100			\$100 per year
120 Days Seasonal Permits for Overtime Exemptions	\$200			\$200 per season
Approval for Employee Uniform Deposits and Waivers	\$100			\$100 per year
Division of Apprenticeship Training				
Sponsor Fee	\$300			\$300 per employer/year
Apprentice ID card	\$35			\$35 per apprentice/per year
Dispensing optician apprentice application	\$40			\$40 per apprentice (one-time fee)
Sponsor verification	\$50			\$50 per employer / per request

¹ All persons licensed to perform deleading services are required to pay a \$25.00 surcharge in accordance with section 22 of Chapter 482 of the Acts of 1993, which reads in relevant part: "Amounts raised by said surcharges shall be deposited into a retained revenue account hereby established for the department of public health, for the production and dissemination of educational materials pertaining to lead paint poisoning prevention and treatment issues, as required by section one hundred and ninety-two B and section one hundred and ninety-seven A of chapter one hundred and eleven of the General Laws, and for training of lead paint inspectors as well as homeowner training for those aspects of lead paint abatement or containment which the department, through regulations, authorizes homeowners to perform themselves. The department shall use amounts in said retained revenue account for the aforesaid purposes and for no other, without the need for further appropriation."

² In accordance with Section 212 of chapter 184 of the Acts of 2002, these surcharges shall be collected for the purpose of conducting "occupational safety and health inspections, assessment and other operations as required by [the statutes governing lead abatement, asbestos abatement, and the regulation of employment agencies]."

³ A person applying for certification as an Asbestos Inspector and as an Asbestos Management Planner at the same time need pay only one fee (including surcharges).

⁴ See footnote 3.

NOTE: Fees for Employment Agencies, Right-to-Know, Asbestos, Lead, and Minimum Wage have been established by the Executive Office for Administration and Finance pursuant to 801 CMR 4.02, the Massachusetts regulation governing Fees, Licenses, Permits and Services to be Charged by State Agencies. Fees for Apprenticeship Training have been set in accordance with Chapter 26 of the Acts of 2003.

Agency Funding and Revenue Generation

FY13 Funding	
State Appropriation	\$ 2,005,243.00 ¹
Retained Revenue	\$ 452,000.00
DAT VA Program	\$ 72,823.00
DAT Card Trust	\$ 207,000.00
ELW IT Budget (DLS share)	\$ 37,000.00
Mine Safety and Health Administration (MSHA)	\$ 65,651.00 ²
Bureau of Labor Statistics	\$ 63,400.00
Adult Blood Lead Levels Surveillance	\$ 19,500.00
TSCA Asbestos Licensing and Monitoring	\$ 108,000.00 ³
TSCA Lead Licensing and Monitoring	\$ 360,000.00 ⁴
OSHA Data Initiative	\$ 86,848.00
OSHA Onsite Consultation	\$ 1,413,000.00

Calendar Year 2012 (January 1, 2012-December 31, 2012) Revenue Collected by DLS	
Blood Lead Testing	\$ 594.90
Surcharges	\$ 314,325.00
Applications for Minimum Wage Waivers for Day Camps	\$ 10,500.00
Applications for Minimum Wage Waivers for Special Wage Permits	\$ 5,300.00
Applications for 120 day Seasonal Permit for Overtime Exemption	\$ 13,600.00
Applications for Employee Uniform Deposits and Waivers	\$ 200.00
Civil Fines	\$ 78,200.04
Applications for Employment Agency Licensure & Registration	\$ 322,965.00
Applications for Lead Discipline Licenses (including RRP)	\$ 206,680.00
Applications for Asbestos Discipline Licenses	\$1,126,334.00
Miscellaneous (DLS)	\$ 1,858.00
Third Party Right-to-Know instructors	\$ 600.00
Sponsor Verifications	\$ 67,750.00
Sponsor Certifications	\$ 158,600.00
Dispensing Optician Application Fees	\$ 3,120.00
Apprentice ID Cards	\$ 163,540.00
Veterans' Payments	\$ 68,132.43
Miscellaneous (DAT)	\$ 0
TOTAL	\$2,542,299.37

¹ Post-9C cut of \$40,000 in last quarter of CY2012. Original state appropriation was \$2,045,243.

² Estimated amount based on funding in prior years.

³ US EPA grant on a two-year budget cycle; funding represents one year of a two-year grant award.

⁴ US EPA grant on a two-year budget cycle; funding represents one year of a two-year grant award.

DLS FTE Count from June 2005-December 2012 (FY05-FY13)

During 2012, DLS was able to increase its total number of employees. DLS filled five positions in its safety and health programs—a Research Analyst for the Occupational Safety and Health Statistics program, and three Environmental Engineers for the OSHA Onsite Consultation Program. A new Industrial Safety and Health Inspector was hired to cover western Massachusetts for lead and asbestos compliance. DLS was able to backfill two Administrative Assistant positions, one to assist with asbestos and lead licensing, the other to assist with the processing of apprenticeship identification cards and employer sponsor applications. A new Counsel II was hired to assist with administrative hearings, civil process, and general legal issues. The department experienced three retirements during calendar year 2012. DLS also mourned the untimely passing of one of its colleagues—Andrea LaRose—a seven-year employee working in the Division of Apprenticeship Standards.

FY	Date	FTE
FY13	12/1/2012	54.6
FY13	7/1/2012	51.6
FY12*	10/1/11	53.0
FY12*	6/18/11	52.8
FY12*	3/26/11	51.8
FY11	12/18/10	44.8
FY11	9/25/10	44.2
FY10	6/19/10	47.2
FY10	3/27/10	49.0
FY10	12/19/09	49.0
FY10	9/26/09	47.7
FY09	6/20/09	51.7
FY09	3/28/09	51.1
FY09	12/20/08	52.4
FY09	9/27/08	53.0
FY09	7/5/08	51.0
FY08	6/21/08	51.8
FY08	3/29/08	52.3
FY08	12/22/07	52.3
FY08	9/29/07	52.9
FY07	6/23/07	52.9
FY06	6/24/06	52.4
FY05	6/25/05	53.1

*NOTE: IN FY12, the former Division of Apprentice Training (DAT) was merged with the former Division of Occupational Safety (DOS) to form the Department of Labor Standards (DLS). DAT accounted for 7.0 FTEs on 3/26/11, 6/18/11, and 10/1/11, adding to the DLS FTE counts of 44.8 on 3/26/11; 45.8 on 6/18/11; and 46.0 on 10/1/11.

DLS employees during calendar year 2012

Administration

Heather Rowe, Director
David Wallace, Deputy Director
Patricia DeAngelis, General Counsel
Anh Bungcayao, Legal Counsel
Barbara Shultze, Administrative Assistant

Apprenticeship Training

Ivanusa DosSantos, Office Support Specialist
Rita Gill, Program Coordinator
Andrea LaRose, Administrative Assistant
Henry Mattuchio, Compliance Officer
Madeleine McGuire, Compliance Officer
Francis Mooney, Compliance Officer
Lorraine O'Connor, Administrative Assistant

Investigations and Enforcement

Brian Wong, Manager
Avelina Correia, Industrial Safety & Health Inspector
Gary Gaspar, Industrial Safety & Health Inspector
Michael Monfredo, Industrial Safety & Health Inspector
Alexander Murphy, Industrial Safety & Health Inspector
Michelle O'Leary, Industrial Safety & Health Inspector
Jennifer Pak, Compliance Officer
Garry Pharris, Industrial Safety & Health Inspector
Rebecca Reese, Compliance Officer
Jared Saunders, Industrial Safety & Health Inspector
Patricia Sutliff, Environmental Engineer

Licensing and Regulation

Melissa Butts, Administrative Assistant
James Dello Russo, Program Coordinator
Nathan Landers, Office Support Specialist
Ozelle Rivera, Administrative Assistant

Prevailing and Minimum Wage

Kathleen Coyne, Program Coordinator
Stephen Falcone, Administrative Assistant

Safety and Health Programs

Robert Kenrick, Manager
Imani Bishop, Research Analyst
Jean Cho, Industrial Safety & Health Inspector
Kevin Clarke, Industrial Safety & Health Inspector
Stephen Dagle, Industrial Safety & Health Inspector
Donald Delikat, Environmental Engineer
Mary Dozois, Environmental Engineer
Kathryn Flannery, Environmental Engineer
Maxine Garbo, Environmental Engineer
Hilary Hackbart, Environmental Engineer
Susan Humphreys, Administrative Assistant
Michael Kissel, Environmental Engineer
Frank Kramarz, Environmental Engineer
Justin Krassner, Industrial Safety & Health Inspector
Sarah Ladin, Research Analyst
Marvin Lewiton, Environmental Engineer
Jon Lifvergren, Industrial Safety & Health Inspector
Jean Manoli, Environmental Engineer
Janet McKenna, Environmental Engineer
Robert Nicotera, Environmental Engineer
Nancy Pearce, Environmental Engineer
Arthur Pennesi, Industrial Safety & Health Inspector
Paul Petrowski, Industrial Safety & Health Inspector
Sean Ross, Research Analyst
Susan Shepherd, Environmental Engineer
Michael Weakley, Environmental Engineer
Joel Weddig, Environmental Engineer
Rebecca Wilkof, Research Analyst
