



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

ANNUAL REPORT 2015

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INTRODUCTION

The mission of the Massachusetts Department of Labor Standards is to promote and protect workers' health, safety, wages, and working conditions.

Massachusetts pioneered labor Standards in the United States leading the way in establishing a minimum wage, child labor protections, and a prevailing wage program for all public construction projects. Today, the Massachusetts Department of Labor Standards regulates these and other labor initiatives. Additionally, the Department licenses lead-safe contractors, asbestos abatement professionals, apprenticeship training programs, and employment agencies. It administers the Commonwealth's On-Site Consultation Program which helps small employers identify hazards and prevent potential workplace injuries. It administers the state's Mine Safety and Health Program, and oversees compliance with the Temporary Workers Right to Know Law.

The Department of Labor Standards partners with employers, employees, unions, and public agencies to improve working conditions. It provides site visits, inspections, analysis, remediation advice, and in cases of non-compliance with the Commonwealth's Labor Standards, it issues civil citations.

DLS is committed to the consistent and responsible administration and enforcement of labor statutes and regulations.

Program Highlights for 2015

Asbestos and Environmental Lead Laboratory

In 2015 the Department of Labor Standards altered the direction of focus for the Asbestos and Environmental Lead Laboratory. The DLS Laboratory now focuses upon the analyses of bulk asbestos samples only.

In 2015, the Asbestos Laboratory provided analytical and technical support to DLS engineers and inspectors, municipalities as well as various public agencies. Suspect Asbestos Containing Materials were submitted from locations throughout the Commonwealth to be analyzed for the presence of asbestos. The samples were evaluated to determine the amount and type of asbestos present assisting in the identification and subsequent control and elimination of asbestos related hazards in the workplace. The laboratory offers these services free of charge to all cities, towns, municipalities and public agencies.

The laboratory also participated in the Bulk Asbestos Proficiency Analytical Testing (BAPAT) Program administered by the American Industrial Hygiene Association. Participation in this proficiency program provides an independent confirmation of the accuracy and validity of the laboratory's analytical processes. The laboratory passed all four proficiency rounds retaining its "proficient" status during calendar year 2015.

PLM Asbestos Analysis	113
DLS Samples	83
External Agencies	30

Asbestos Program

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.

- In accordance with Governor Baker’s Executive Order 562, DLS has been reviewing its Asbestos regulations to determine what changes could be made to clarify them or make it easier for the regulated public to comply. DLS’s Asbestos regulations were last amended in 1999, and have been in need of updating to comply with current federal standards, and developments in technology and procedures. DLS held public listening sessions to hear comments on the current regulations or suggestions to improve them. Those comments are being reviewed and are currently being considered for inclusion in proposed amendments to the regulation.
- The Massachusetts Department of Environmental Protection (“MassDEP”) also has regulations governing asbestos, aimed primarily at protecting the environment. When MassDEP promulgated amendments in 2015, it caused certain provisions of their regulation to be in conflict with DLS requirements. DLS had hoped to be on a similar track in promulgating our own amendments, but were unable to do so. However, both DLS and MassDEP are involved in meetings to discuss these issues, find common solutions and work to make it easier for the regulated public to comply.
- In 2015, DLS and MassDEP have done a number of presentations to different groups of contractors, corporate safety officers, local building officials and the general public to provide information about asbestos. Both agencies have received many inquiries regarding the safe handling of vermiculite insulation discovered in their homes after last year’s record setting winter. While neither EPA nor DLS regulate the removal of vermiculite, both agencies recommend hiring companies that have experience in removing asbestos insulation because of the potential asbestos contamination in the vermiculite. Both MassDEP and DLS are collaborating on producing a vermiculite info sheet to give to interested parties.

On-site safety and health inspections	965
Hazards identified	260
Licenses issued	4,599

Civil Enforcement

DLS monitors compliance with the Commonwealth's Labor Standards and pursuant to 453 CMR 9.00 issues civil administrative penalties for infractions relating to employment agencies, lead and asbestos. In 2015 the department took the following civil enforcement actions:

Enforcement/Civil Citations Issued	Total
(including Written Warnings, License Denials and Orders of Cessations)	
Employment Agency	162
Number Employment Agency Violations Cited	305
Asbestos	72
Number Asbestos Violations Cited	263
Lead	41
Number Lead Violations Cited	168
NOTICES OF NONCOMPLIANCE FOR TWRTK* VIOLATIONS	56
TWRTK VIOLATIONS ISSUED	167
Hearings Conducted (including defaults and Informal Conferences)	17
Final Decisions Issues (including appeal denials)	6
Settlement Agreements Issued	8
Amount of Civil Penalties Assessed	137,050
Amount of Civil Penalties Collected	85,270
DLS Collaboration with DUA	
Letters sent to businesses not in compliance with DUA reporting requirements	200

*Temporary Workers Right To Know Law ("TWRTK")

Asbestos/Lead/RRP/Trench Inspections, Outreach, Training, and Licenses

	Asbestos	Deleading	Lead-Safe Renovation	Trench
On-site Safety and Health Visits	965	17	2449	2
Violations	326	7	498	2
Audit, Training Provider	12		17	n/a
Audit, Analytical Lab	23			n/a
Outreach Meetings (includes lead and LSR)	73		231	
People/entities trained	222		7982	
Licenses Issued	4599	761	1116	n/a

License Applications Sent to DUA/FSC

	Number of Applications Sent	Not in compliance with DUA/FSC
Asbestos	217	34
Lead	643	98
Employment Agency	703	176

Division of Apprentices Standards

The Division of Apprentices Standards 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. We are not a job placement facility, nor do we do 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 Apprentices Training. Pursuant to Chapter 149 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 the 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.

New Initiatives

- Continue apprenticeship awareness - among community organizations, career centers, regional employment boards, veterans, vocational schools and community colleges and assist EEO/Affirmative Action compliance resources for registered apprentice programs by providing learning and networking opportunities and resources. Coordinate and execute a minimum of five action and networking clinics in all areas of the state which will provide an overview of apprenticeship, information about how to start an apprenticeship program, networking opportunities, and arrange for program sponsors and training directors to speak to attendees about how they can work together to increase apprenticeship opportunities. *Has this been done?*

Notable Accomplishments;

- DAS has received a 2.9 million dollar grant along with DCS to expand apprenticeship in the growing field of Manufacturing and Health Services.
- Regulations and Statute – The new DAS regulations and our request for recognition were sent to the DOL/OA at the end of last year. One of the additional items that we submitted for approval was registered pre-apprentice language to address the outreach requirements of REO's. 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 have changed our name to the Division of Apprentice Standards. Also veterans collecting GI Bill benefits are not required to pay the annual apprentice ID fee. On December 5, 2014 the apprentice regulations were submitted to the Secretary of State with a new numbering sequence due to the DAS merging with the Department of Labor Standards. 454 CMR 26.00 has now replaced 453 CMR 7.00. On June 24, 2014 the DAS statute changes were signed into law and are now in effect. Now the regulations and Statute have been updated with the items identified by the United States Department of Labor/Office of Apprenticeship (USDOL/OA) as DAS has received full recognition.

A pre-apprentice program has been developed with DOT and its partners to help in training high school students so as they have the fundamentals before entering into the trades.

Field visits are one of the most important undertakings of the division, it keep the sponsors informed of new and changing Laws and policies that the state has put forth. This helps them to stay in compliance with the Division.

Telephone Calls		4298
DUA dollar amounts (payments)		
DIA Verifications		87
Sponsor verifications issued		848
New Sponsors registered		87
Cancelled Sponsors		78
Graduation Certificates Generated		651
Total Active Apprentices		9916
Total Sponsors		761
Total Active Programs		1520
Sponsor Visits by Compliance Officers		560
New Apprentices		2761
Renewed Apprentice ID's		4541
Veterans Registered		170
Retained Revenue – Apprentice ID		\$275,135.00
Deposited to the General Fund		\$202,268.00
Sponsor Verifications, Sponsor Annual Fee, and Miscellaneous		\$202,268.00
Total First Year Apprentice Wages		\$49,978,092.00

Employment, Placement, and Staffing Agencies Program

The Employment, Placement, and Staffing Agencies Program protects the rights of workers being placed by employment, placement and staffing agencies, and ensures that these agencies use fair, ethical, and legal business practices. The program also seeks to assist employment, placement, and staffing agencies to comply with their legal obligations under Massachusetts law by being a resource for them in helping them to navigate the Employment Agency Law and the Temporary Workers Right to Know Law.

- In accordance with Governor Baker’s Executive Order 562, DLS has been reviewing its Employment Agency and Temporary Workers Right to Know regulations to determine if any changes could be made to clarify them or make it easier for the regulated public to understand. The EA/TWRK regulations were promulgated on December 19, 2014 and DLS has been enforcing them since that time. DLS held public listening sessions to hear comments on the current regulations or suggestions to improve them. Those comments are being reviewed and are currently being considered for inclusion in proposed amendments to the regulation.
- In June, DLS did a presentation to the OSHA – Braintree office compliance officers about the TWRK requirements and to discuss issues and concerns we face when inspecting staffing agencies. OSHA and DLS collaborated on developing a way in which to make referrals to each other’s agency when violations of unsafe working conditions, or training and/or licensing are found.
- In August, DLS hosted the 51st annual Interstate Labor Standards Association (ILSA) annual national conference in Boston. Approximately 50 federal and state officials attended from across the United States, including Alaska and Hawaii. A representative from Taiwan also attended.

Members discussed topics including pay equity, prevailing wage public-private partnerships and enforcement, wage theft, child labor issues, protections for temporary workers, paid leave (including the Massachusetts newly-enacted Earned Sick Time law), and joint employers. Each state talked about their goals, enforcement methods, and gave presentations of their best practices that may be used in Massachusetts and in other states.

Employment Agency new initiative:

- DLS has begun the process of upgrading the Employment Agency Licensing System to be part of the states eLicensing portal. Employment Agency Manager and EA subject matter expert met with eLicensing Program Manager and IT to discuss the steps to begin. DLS also met with DCAMM who have been through this process reviewing their matrix. Matrix of the Employment Agency database steps has been developed.
- General Counsel for The Department of Labor Standards and the Massachusetts Staffing Association (a non-profit trade association who represents the staffing industry in Massachusetts) met to discuss the Temporary Worker Right to Know Law and proposed changes and clarifications in the DLS regulations regarding the same.

Employment Agency On-site visits	593
Professional licenses and registrations issued	3476

Lead Program

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.

- In 2015, DLS continues to educate contractors, property owners and the regulated public about Lead-safe Renovation. DLS continues to visit with local building and health department officials to ask for their assistance in getting the word out on Lead-safe Renovation in the Commonwealth.
- Amendments to our Deleading and Lead-safe Renovation Regulations

In accordance with Governor Baker’s Executive Order 562, DLS has been reviewing its Deleading and Lead-safe Renovation regulations to determine what changes could be made to clarify them or make it easier for the regulated public to comply. DLS held public listening sessions to hear comments on the current regulations or to suggest any changes. Those comments were reviewed and some amendments and changes have been drafted and are currently being considered for inclusion in proposed amendments to the regulation. Because the Lead Law is jointly enforced by the Department of Public Health – Childhood Lead Poisoning Prevention Program (“CLPPP”) and DLS, both agencies have been in discussions to find overlapping areas within our regulations and work to make it easier for the regulated public comply with the Law

- National Lead Poisoning Awareness month occurred in October 2015. DLS joined with federal state and local agencies across the country in working to educate contractors and the public about the dangers of exposure to lead paint dust to families, and workers during renovation and remodeling activities. DLS issued a press release for an article targeting renovators and do-it-yourselfers on controlling lead paint dust during renovation activities. Lead-safe Renovation

information, as well as blogs and tweets related to occupational lead exposure and our Occupational Lead Registry were distributed.

- DLS is a member of the New England Lead Coordinating Committee, and helped plan and coordinate a Lead Information Conference on November 5, 2015 in Portsmouth, New Hampshire. The conference included notable guest speakers who are leaders in the Lead field, to provide information on a number of topics ranging from the economic cost of elevated lead levels in a child, to Rights of Property Owners and Tenants, new developments in technology, and compliance efforts. The conference provided information from all New England states, and was attended by many contractors who perform work in different states.
- During 2015, DLS spoke at many meetings and conferences, met with local building and health officials, contractor associations, hardware, paint, and supply stores and performed compliance assistance to contractors and property owners about how working Lead-safe protects workers and families. One new audience that DLS spoke to this year was the Boston Bar Association. DLS was invited to be on a panel to provide information on the Lead Law and Lead-safe Renovation requirements. Lawyers representing many fields of expertise, from real estate, property managers, facilities maintenance, and just those interested for their own sake attended the session.

Lead Safe Renovation Contractor Licensing renewal initiative:

DLS anticipated that 2015 would be a critical year for renewals of Lead Safe Renovation Contractors expiring from 2010 when DLS took over from EPA.

To reach out to LSRC's that received a waiver and to ensure they understood the process, the following steps were implemented:

- Obtained emails for 1800 contractors in the system by mailing them a letter stating, "To ensure you receive the updated renewal process information via email (*2 months prior to your license expiring*) and to avoid any interruptions in your business operations please provide us with an email address (we do not have one in our system)."
- Updated database to send out emails including reminder letter and application 2 months prior to expiration. The process was a success with data showing; In March DLS sent out 464 reminder emails to LSRC expiring in May. In April DLS sent out 353 reminders emails to those expiring in June etc.
- DLS Lead-safe Renovation Countertop Display

DLS continues to display our Lead-safe Renovation materials at building and health departments, on the 17 electronic billboards across Massachusetts and at hardware, paint, and supply stores



Deleading and Lead-Safe Renovation

On-site safety and health inspections	17
Hazards identified	5
Licenses issued	761

Lead-Safe Renovation

On-site safety and health inspections	2458
Outreach and Compliance Assistance for Lead-safe Renovation Outreach visits/meetings	231
Outreach and Compliance Assistance for Lead-safe Renovation Persons/entities contacted through outreach	17706
Hazards identified	29
Licenses issued	1116

Mine Safety and Health Program

The Mine Safety and Health Program is administered in Massachusetts by DLS in cooperation with the United States Department of Labor, Mine Safety and Health Administration (MSHA). 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 by 30 CFR Part 46. These requirements apply to the approximately 160 mining operations in Massachusetts. The operations in Massachusetts include sand and gravel pits, crushed stone operations, and quarries.

On-site safety and health visits	3
Hazards identified	6
Training sessions conducted	14
Workers trained	829

The Massachusetts Department of Labor Standards' (DLS) projected goal for 2015 was to train 850 mine workers in Part 46 annual refresher training. This was projected to be 750 miners and 100 contractors.

During 2015, DLS conducted fourteen Part 46 annual refresher trainings. In addition, DLS participated as trainers in an annual refresher training sponsored by a large mining operation. During this training, DLS' expertise augmented this company's own training program. For the year, a total of 708 miners and 121 contractors (829 workers altogether) were trained: 98% of the projected goal. DLS fell short of its intended goal due to five cancellations caused by severe weather. While all of these classes were eventually made up, many of the miners who were originally registered to attend were not available on the new dates and had to pay to complete the training through different sources.

In preparation for the annual refresher trainings in 2016, three onsite health and safety visits were conducted. Six hazards were identified during these visits. Numerous pictures were taken and interviews conducted in order to support training development. Two employees, Merrill MacInnis and Hilary Hackbart, attended the TRAM (Training Resources Applied to Mining) conference at the National Mine Academy in Beckley, WV, in October, 2015.

Minimum Wage Programs

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.

DLS attended legislative hearings on plans to increase the Commonwealth's minimum wage. The legal team listened to a hearing while members of the public that included business groups, advocates for workers, several domestic workers, and various clerics gave testimony of their potential impact of an increase. Part of an earlier proposal to raise the minimum wage included indexing the minimum wage to inflation, thus automatically increasing the minimum wage as inflation rose. This provision, however, did not pass in the final version of the law.

On January 1, 2015, Massachusetts General Law c. 151 §1, The Minimum Wage Law, was amending and the Commonwealth's minimum wage was increase for the first time since 2006. The increase applied to hourly workers as well as tipped workers, and agricultural workers. The new minimum wage rates and their effective dates are as follows:

Effective January 1, 2015 - \$9.00 per hour for non-tipped workers, \$3.00 per hour for service rate employees, and \$8.00 per hour for agricultural workers.

Effective January 1, 2016 - \$10.00 per hour for non-tipped workers and \$3.35 per hour for service rate employees, yet the agricultural rate remains at \$8.00 per hour.

Effective January 1, 2017 - \$11.00 per hour for non-tipped workers, \$3.75 per hour for service rate employees, and again the agricultural rate remains at \$8.00 per hour.

To ensure all Massachusetts employers would comply with the minimum wage increase, The Department of Labor Standards conducted significant outreach including advertising on highway billboards throughout the state, posting notice of the changes on its websites, and responding to inquiries from the public via a Minimum Wage "hotline." This outreach continues with the exception to the billboard postings.

As part of the Mayor Walsh's Summer Jobs Program initiative to hire over 10,000 Boston teens each summer, DLS partnered with The Boston Bar Association's, the City of Boston, the Boston Public Schools and the Boston Private Industry Council (PIC), and afforded a student who was attending a public high school in the city of Boston the chance to gain professional experience while earning a paycheck.

During the year, DLS implemented a Feedback Submission Form for the public to submit and ask questions regarding the agencies regulations and minimum wage laws. During the year, the following topics have been answered by the Minimum Wage Program: professional exemptions, daycare and preschool teachers' minimum wage, blended wage for non-tipped employees, overtime for tipped employees, home health aides holiday and Sunday pay, permitted payroll deductions, hourly pay for overnight/sleep wages, working on or after a holiday to require holiday pay, defining "garage man" for calculating overtime pay, locating the minimum wage notice, Thanksgiving pay for a hotel and restaurant worker, overtime pay combined with holiday pay, prorated holiday pay and working time, applicability of minimum wage to municipal employees.

In 2015 the Department of Labor Standards provided a history and data regarding the minimum wage statute for an economic impact review.

Minimum Wage waivers issued	236
Wage program information line requests and resolutions	2171

Occupational Lead Poisoning Registry

In 1990, the Occupational Lead Registry Law (M.G.L. Chapter 149) was enacted in Massachusetts. The Occupational Lead Poisoning Registry (Lead Registry) was created because occupational exposure to lead is a major cause of disease. Excessive exposure to lead can cause serious damage to the blood, kidneys, nervous and reproductive systems and is also known to cause cancer. 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 exposures in the workplace. The Lead Registry's regulations currently require reporting of all blood lead levels above zero (previously 15 mcg/dl) for those persons 15 years of age and older. The Lead Registry tracks individuals with elevated blood lead levels and provides educational counseling and guidance, as well as informational materials. The Lead Registry is able to offer peer referrals to healthcare providers on the medical management of lead poisoning.

Education and Outreach - During 2015, the Lead Registry disseminated its newly developed educational materials which includes translations in Greek, Portuguese and Spanish. Explanatory letters were developed to offer support and provide a resource to both patients and healthcare providers, since most primary care physicians are unfamiliar with lead poisoning. These materials were created to provide a vast array of patients with the information they need to understand the significance of their test result and how to protect themselves in the future. The materials developed for healthcare providers include guidelines for the proper management of adults with lead poisoning and recommendations on how to reduce and prevent further poisoning.

Electronic Data Sharing and Reporting – In order to ease the burden of reporting on all clinical laboratories the Lead Registry coordinated implementation of a new electronic reporting system. This electronic data entry system replaces the old system which required hardcopy submittal of all reports via mail or fax. After initial testing throughout mid 2015 the electronic system is up and functioning. This significant improvement is streamlining the process of reporting results by the clinical labs and also reduces the need of the registry to handle, track and enter vast amounts of paperwork and data.

Blood Lead Reporting – The Lead Registry represented DLS at the Council of State and Territorial Epidemiologists (CSTE) Annual Conference held in Boston, Massachusetts during 2015. The Adult Blood Lead Epidemiology and Surveillance (ABLES) group met at CSTE this year. The ABLES program is the state based surveillance program of laboratory reported adult blood lead levels. The objective of the ABLES program is to build state capacity to initiate, expand or improve adult blood lead surveillance programs which can accurately measure trends in adult blood lead levels and which can effectively intervene to prevent over exposure to lead. The ABLES group met in part to discuss future relations with the CDC considering grant funding was eliminated in 2013 and to discuss the receiving and reporting of previously collected data to be used in future projects.

Massachusetts Blood Leads – Protocols developed by the Lead Registry are continually being used to refer cases to the DLS Asbestos and Lead Program, and OSHA when the parameters dictate. The following chart provides an overview of the individual blood lead tests within a given concentration range reported to the Lead Registry during calendar year 2015.

Blood Lead Level mcg/dl	Number of Blood Lead Results
1-10	5443
10-14	388
15-24	362
25-39	123
40-49	18
50-59	2
60+	3

Occupational Safety and Health Statistics

Occupational Safety and Health Statistics New Initiative:

OSH Statistics team: DLS is part of a three year grant in collaboration with DPH and DIA. The aim of the project is to reduce the incidence of Work Related Illness and Injuries among MA workers by maximizing the state's capacity to use available data to conduct surveillance and promote prevention. The ISA is \$27,820 per year. DLS will be responsible for coding the event/cause of injury for Workers' Compensation from 2015-2017.

The team also attended coding training in Philadelphia in May.

On-Site Consultation Program

On-Site safety and health visits: 507

Hazards Identified:

- Imminent danger = 2
- Serious = 3,740
- Other Than Serious = 270
- Regulatory = 65

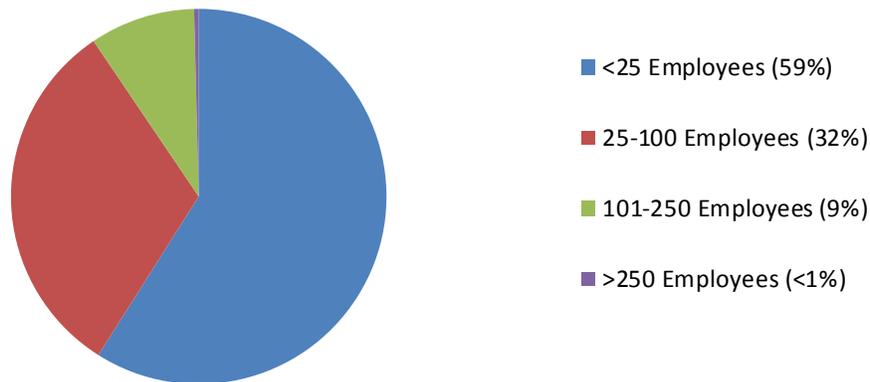
Compliance Assistance Activities: 123

Consultation Visits: The primary goal of the On-site Consultation Program (Consultation Program) is to assist small employers in the Commonwealth prevent workplace injuries and illnesses. Program inspectors conducted 506 consultations at various private employer worksites through the Commonwealth in 2015. The inspectors identified over 4,077 hazards, removing 60,132 workers from risk. The Consultation Program referred three companies to OSHA Enforcement for not abating serious hazards. Inspectors completed 123 compliance assistance activities, exceeding the goal of 100 by 23%. Inspectors removed employees from fall hazards at 69 different job sites.

The Consultation Program visits are provided to small employers in the Commonwealth free of charge and no fines or penalties are given. In addition to visiting work places, technical information is provided to Commonwealth employers to assist them in providing safe and healthy workplaces.

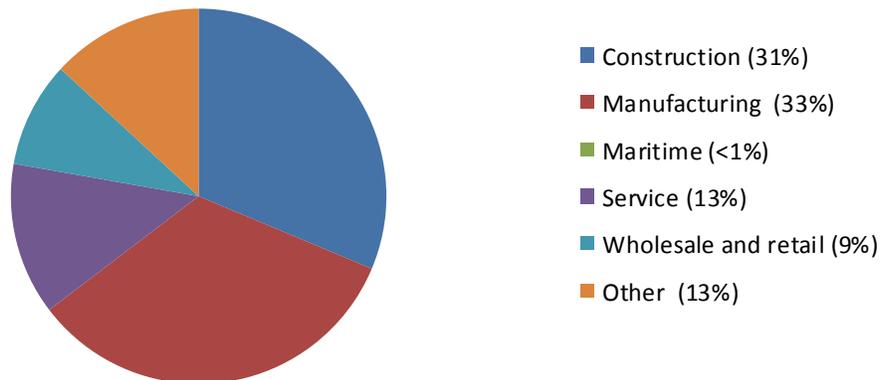
Out of 506 workplaces visited, 299 had 25 or fewer employees, 160 had 25 to 100 employees, 46 had 101-250 employees, and two had greater than 250 employees. The consultation program's goal is to assist small employers (fewer than 250 employees at the site), although rare exceptions are made for high hazard employers as was the case twice in 2015.

Consultations by size of company:



The consultation program’s mandate is to assist private sector employees across a variety of industry sectors with the majority of the work in high hazards industries.

Consultations by industry sector;



Training and Outreach Efforts: The Consultation Program continues to perform outreach efforts via its General Industry and Construction email distribution lists, which have over 400 validated subscribers. The following information is sent out on a routine basis;

- Safety recall notices
- Training opportunities
- OSHA updates –e.g., the new OSHA reporting requirements promulgated in 2015.
- In February, reminders are sent to employers to post OSHA injury and illness summaries.
- Other relevant workplace safety and health information

Notices were sent out for trainings the Consultation Program either hosted or participated in. These included a Hoisting Machinery License Seminar (90 attendees), the OSHA Summer Summit (400 attendees), and Protecting the Health and Safety of Temporary Workers (100 attendees).

The Consultation Program participated in both the local American Society of Safety Engineers and the New England Chapter of the American Industrial Hygiene Association conferences as guest speakers to promote consultation.

The Consultation Program was in contact with three insurance companies who distributed 300 brochures to their clients. Brochures were also sent to the Small Business Administration for dissemination.

The Consultation Program sent mailings to target industries to inform them of the free services offered and educate them on hazards they should be aware of, specifically a brochure and OSHA Trenching and Excavation Fact Sheet were sent to Septic Installation Companies in an effort to promote trench safety.

The Consultation Program partnered with US Dept. of Labor/OSHA and the Massachusetts Staffing Association (MSA) to provide staffing agencies with safety and health information to prevent injuries and illnesses of temporary workers. The Consultation Program met with the MSA to forge a new relationship in order to work together. In partnership, a survey was sent to 900 Massachusetts licensed staffing agencies asking for their feedback on how to best support their safety and health efforts.

Based on this information the Consultation Program developed and conducted an all-day seminar on *Protecting the Health and Safety of Temporary Workers: Roles of Staffing Agencies and Host Employers*. Over 100 people attended from staffing agencies and host employers. There were presentations by the Consultation Program, OSHA, and MA Dept. of Public Health. The opening speaker was the President of the Massachusetts Staffing Association. The feedback was overwhelmingly positive and there have been requests for more sessions in 2016.

Consultation Program inspectors continued to provide guest lectures in classes at Tufts University, College of Medicine and UMass Lowell Business School.

Promotion and marketing is an on-going effort. Marketing is done via email, exhibit booths, presentations and mailings. The Consultation Program works with the OSHA Regional and Area Offices to ensure their promotion of the Consultation Program's services. 575 brochures were distributed to the OSHA Regional and Area Offices in 2015.

Consultation brochures were distributed electronically to the 600 Licensed Skilled Nursing Care Facilities in Massachusetts, and the General Industry email distribution list.

The Consultation Program exhibits at a variety of trade shows and conferences. In 2015 the Consultation Program had exhibit booths at:

- New England Conference of Occupational and Environmental Medicine
- New England Grows (NEG)
- Massachusetts Electrical Contractors Association Conference
- Construction Career Days-New England Laborers
- OSHA Summer Summit
- Massport Safety Fair

The Consultation Program was the first exhibitor to promote safety and health at NEG approximately 8 years ago, and remains one of a handful of safety and health exhibitors. At the New England Grows Conference we distributed 100 Landscape Safety Booklets. These booklets were developed and printed by the Consultation Program and contain numerous resources, including templates of the required OSHA written model programs. Information is tailored to the landscaping industry and includes sections on Hazard Communication, Respiratory Protection, Noise Protection, Hazards of Silica, Proper Trenching, Personal Protective Equipment and Recordkeeping. These booklets, while providing valuable information, also promote the Consultation Program.

This was the first year the Consultation Program exhibited at the Massport Safety Fair and it proved to be successful. Numerous private contractors from construction to cleaning services work at the airport and were very interested in the Consultation Program's services.

Safety and Health Achievement Recognition Program (SHARP): The SHARP recognizes small private employers who operate an exemplary injury and illness prevention program. The Consultation Program has approved a total of 12 SHARP sites in Massachusetts. Acceptance of an employer into SHARP is a sign of achievement that singles out that company from its peers as a model for worksite safety and health. In 2015, the Consultation Program welcomed two new companies into SHARP, on January 12 and May 4.

Conclusion: The MA Consultation Program had a successful year. Credit for the success of the Consultation Program goes to the dedication and hard work of the inspectors and administrative staff. During 2015 the Consultation Program consisted of one program supervisor, one program coordinator, seven Industrial Hygienists, and six Safety Experts.

Prevailing Wage Programs

Nearly a century ago, the Massachusetts Legislature granted the Department of Labor Standards ("Department"), through its predecessor agencies, plenary authority to determine the wage rates and classifications for workers on public works projects in the Commonwealth.¹ The Department is required to prepare a list of jobs usually performed on public works projects and, when requested, to assign to each job the minimum wage which must be paid to persons performing that job². Congress followed suit and enacted the Federal version of the prevailing wage law, known as the Davis-Bacon Act, in 1931.³ The principle underlying the prevailing wage laws is to ensure that government uses its substantial buying power to enhance the welfare of workers and their families, to encourage a highly-skilled workforce to build and maintain the country's infrastructure, and to ensure that competition for these projects is based upon skill and efficiency and not lowering workers' wages to cut costs.⁴ Today, 32 states have prevailing wage laws.⁵

In 1988, there was a bitterly contested, but unsuccessful ballot initiative in Massachusetts to repeal the Prevailing Wage Law. By voting to defeat the initiative, the citizens of the Commonwealth affirmed the

¹ Since 1914, the Department has been reorganized or renamed several times. See, for e.g., Acts, 1914, Chapter 4754, Section 1 ("board of labor and industries"); St. 1993, c. 110, § 71 ("department of labor and industries"); St. 1996, c. 151, § 111 (1)(b) and (2) ("department of labor and workforce development"); St. 2003, c. 26, § 575 ("department of labor"); and St. 2011, c. 3 (substituting "department of labor standards" for the former "division of occupational safety" within department of labor).

² G.L. c. 149, § 27, provides in pertinent part: "The director shall prepare . . . a list of the several jobs usually performed on various types of public works upon which mechanics and apprentices, teamsters, chauffeurs and laborers are employed . . . The director shall classify said jobs, and he may revise said classifications from time to time, as he or she may deem advisable..."

³ Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which was classified generally to sections 276a to 276a-5 of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as sections 3141-3144, 3146, and 3147 of this title by Pub. L. 107-217, Secs. 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

⁴ United States Department of Labor Blog, September 13, 2011, The Davis Bacon Act – Protecting Communities Since 1931.

⁵ Legislative Service Commission, Members' Brief, Vol. 126 Issue 2, February 25, 2005.

principles underlying the Massachusetts Prevailing Wage Law and the manner in which it has been administered by the Department of Labor Standards and its predecessor agencies.⁶

Over the years, Courts have consistently and universally affirmed that the Department of Labor Standards has broad policy-making authority, delegated to it by the Legislature, concerning the application of the prevailing wage law. Moreover, where a situation is ambiguous as to whether a particular type of work is covered by the prevailing wage law, legal deference is given to the opinions of the Department of Labor Standards.

Massachusetts General Law chapter 149, § 26 requires the Department to establish prevailing wage rates that are not less than the rates that “have been established in certain trades and occupations by collective agreements or understandings in the private construction industry between organized labor and employers.” Thus, the Department of Labor works cooperatively with organized labor to become familiar with union collective bargaining agreements and understandings. DLS often prepares opinion letters in response to specific questions posed by the Attorney General, private lawyers, contractors or litigants. These letters serve as controlling precedents in subsequent disputes regarding similar issues and are often used by the Attorney General’s Office and cited by Courts in criminal and civil enforcement actions.

In addition to workers on public construction projects, the Prevailing Wage Law governs rates for workers engaged in school bus transportation, operators of vehicles or equipment for public 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.

The Department of Labor Standards issues prevailing wage rate sheets for every job in the Commonwealth covered by the Prevailing Wage Law and these sheets, set the hourly wage rates that workers *must* be paid.

Prevailing Wage schedules issued	17,014
Opinion letters issued for prevailing and minimum wage	3

⁶ The law also serves to create a level playing field for contractors who work on public works projects. See Report of the Joint Committee on State Administration Regarding House No. 4003, An Initiative Petition for An Act Repealing the Prevailing Wage Law for the Commonwealth and its Cities and Towns.

Trench Safety

During 2015, DLS inspectors viewed several trenching operations. When hazardous conditions are observed, DLS contacts company supervisors, local building departments, and our own Workplace Safety and Health Program (WSHP) to contact the proper persons required to correct the unsafe conditions. Due to the varied elements of involvement in trenching operations (public land; private land; public employees; private contractors; local, state, and federal enforcement jurisdictions), DLS employs a trench intervention flowchart for agency use:

Public Hazard	Worker Hazard	
<u>Observation:</u> An unattended trench is not blocked by a cover or fence.	<u>Observation:</u> A worker is currently inside a trench without cave-in protection, and trench meets criteria for cave-in protection.	
<u>Who:</u> Private or Public Contractor (utilities are exempt)	<u>Who:</u> Private Contractor	<u>Who:</u> Public Employees
<u>Enforced by:</u> Local authority	<u>Enforced by:</u> OSHA	<u>Enforced by:</u> DLS
<u>DLS Action:</u> <ul style="list-style-type: none"> • Call WSHP staff. WSHP will make a courtesy phone call to local permitting authority (ie. Inspectional services, building commissioner, DPW) about Jackie's Law 520 CMR 14.00. • If urgent public safety issue, call local police. 	<u>DLS Action:</u> <ul style="list-style-type: none"> • Request worker to exit trench. • Request cave-in protection. • Explain that you are not OSHA, but that OSHA has trench regulations that require cave-in protection. • If contractor refuses, you can call Mary Dozois who may refer the site to the local OSHA office. 	<u>DLS Action:</u> <ul style="list-style-type: none"> • Request worker to exit trench. • Request cave-in protection. • If crew is uncooperative, call WSHP staff. • WSHP will call municipal superintendent about cave-in protection. • WSHP will issue a Written Warning for lack of cave-in protection.
<u>Case File Tracking:</u> WSHP will track referrals to Department Public Safety.	<u>Case File Tracking:</u> WSHP will track referrals to OSHA.	<u>Case File Tracking:</u> WSHP will track Public Sector sites.

Workplace Safety and Health Program

Workplace Safety and Health Inspections and Investigations: 182

Written Warnings Issued: 83

Training sessions conducted: 86

Workers trained: 2,500

Workplace Safety and Health Program for Public Employees	
On-site inspections	182
Complaints resolved through inspection	19
Complaints resolved via "complaint letter"	21
Complaints resolved same day via phone resolution	27
Training and outreach	86
Civil administrative penalties	Written warnings: 83 Civil citation w/civil penalty: none Fines assessed: none

The mission of the Workplace Safety and Health Program (“WSHP”) is to prevent job-related injuries and illnesses among the Commonwealth's public sector workers. WSHP accomplishes this mission through workplace safety inspections, accident investigations, technical assistance, and targeted enforcement by our team of occupational safety and health specialists.

WSHP provides enforcement and technical support to all public sector employers in the Commonwealth, including county, municipal, executive branch and non-executive branch state agencies and authorities. The Civil Administration Penalty system is the same for all public sector workplaces, the only distinction that M.G.L. c149 §6-1/2 applies to executive branch state agencies, and M.G.L. c149 §6 applies to all other public sector employers. In 2015, 50% of inspections, 47% of trainings, and 57% of complaint activity occurred in municipal workplaces.

WSHP conducts enforcement inspections in response to significant work-related injuries, such as amputations, electric shocks, trench accidents, lacerations requiring stitches, and aerial lift truck accidents. The inspection report provides employers with strategies to prevent similar injuries from recurring. The inspection process is also a learning opportunity for employers to strengthen their management systems to “plan, control risk, and measure performance,” which is a continuous improvement strategy to actively manage leading indicators of safety, not just respond to accident rates. Studies have shown that employers with strong safety and health management systems experience higher productivity and decreased injury costs.

Examples of hazardous conditions which have caused employee injury include: lack of railings; lack of machine guards; damaged electrical equipment; lack of cave-in protection for trenches; lack of fall protection in an aerial lift truck; lack of training for chainsaws; lack of ladder inspections or ladder training; and lack of training on equipment owner’s manuals.

WSHP employs a cooperative enforcement approach with public sector employers to reduce their work-related injuries. Inspections encompass both an enforcement and assistance component. A Written Warning with an Order to Correct may be issued if conditions are observed which could cause a work-related injury or illness. The Order to Correct contains instruction on feasible methods the employer could employ to correct the condition, and a corrective action due date. WSHP has authority to issue Civil Citations if the employer fails to take corrective actions by the due date. In 2015, the municipal, county and state agencies that received a Written Warning were able to correct the items identified and WSHP did not issue any Civil Citations.

WSHP also responds to employee complaints regarding safety conditions. In 2015, 83 complaints were received, which comprised 23% of program activity. Municipal workplaces were the source of 57% of the complaints. Based on the description of hazards provided in the complaint, a decision is made to conduct a site inspection, resolve the situation with the employer via phone, refer the complaint to another agency having jurisdiction, or close the complaint due to a lack of applicable OSHA standards. 32% of complaints were resolved via phone within the same business day; and a site inspection was conducted in response to 23% of complaints.

Over the past three years, the number of on-site inspections in public sector workplaces has increased. This, in turn, has increased the initiative and commitment for municipal superintendents and state agency directors to seek out voluntary technical assistance and training from DLS. The process of undergoing an enforcement inspection by WSHP and learning simple, reasonable cost strategies to prevent accidents has encouraged employers to evaluate and improve their other safety programs that were not included in the scope of the original inspection. In 2015, representatives from three municipalities gave video testimony of the value of WSHP enforcement inspections, and how the inspection improved their processes.

Notable Accomplishments

On March 24, 2015 new regulations went into effect, 454 CMR 25.00 which extend OSHA safety and health standards to executive branch state agencies. To assist agencies transition to the requirements of the new law, 87% of inspections at state agencies were consultative in nature, without the threat of a Written Warning or Civil Citation. To further assist agencies with the transition, WSHP hosted a series of “Introduction to OSHA” workshops attended by approximately 400 state employees. WSHP followed up this introductory training with hazard specific webinars. Webinar topics included Electrical Safety, Slip and Trip Prevention, Chemical Safety; and Disposal of Syringes Littered on Public Property. Approximately 100 attendees participated in each of the webinars. At the end of 2015 state agency managers and directors were surveyed about their workplace safety training needs and topics for future webinars have been established.

WSHP partners with the Governor’s Occupational Safety and Health Advisory Board to evaluate and address any improvements in workplace safety for state agencies. In 2014 and 2015, this Board, in conjunction with Executive Order 511 for Massachusetts Employee Safety and Health, awarded sixteen grants to agencies within four of the executive offices to purchase safety equipment. The applications began in 2014, and funds were awarded in 2015. WSHP conducted audits in 2015 to ensure that the equipment was in service, staff members were trained on the equipment, and a safety program was implemented to incorporate the equipment into agency procedures.

WSHP provided comprehensive technical assistance to the Department of Public Utilities (“DPU”) after cadmium and lead contamination was discovered at a gas utility company in which state employees were stationed. WSHP mobilized occupational safety and health inspectors to evaluate the workplace and conduct air and wipe samples. In addition, WSHP conducted inspections at seven other DPU sites in the state that could also have been affected by cadmium and lead contamination. WSHP provided inspection reports and assistance with corrective actions until cadmium and lead hazards were abated.

WSHP continued to be a resource for agency ADA coordinators to provide ergonomic surveys for employees with injuries and to facilitate employee return-to-work after medical leave. WSHP conducted 43 ergonomic inspections in 2015. Massachusetts state agencies employ nearly 70,000 employees, and a large number of these employees have office duties. WSHP provided this free evaluation to state agencies including CHIA, DCF, DHCD, DIA, DMH, DOR, DPH, F&W, Holyoke Soldiers Home, HRD, MCAD, MassDOT and Trial Courts. WSHP’s ergonomic expertise provides free valuable assistance that previously had to be conducted by private consultants. WSHP has also provided resources for Purchasing Agents – a “Chair Buying Guide for State Agencies” and “Keyboard Buying Guide” were developed and distributed.

WSHP conducted outreach to municipal workplaces through the New England Public Power Association (NEPPA), New England Public Works Expo, Massachusetts Water Works Association (MWWA), New England Interlocal Water Pollution Control Commission (NEIPPC), Massachusetts Fire Services, MassBUYS, Massachusetts Interlocal Insurance Association (MIIA), and the Massachusetts Municipal Association (MMA).

WSHP coordinated with other state and federal agencies to improve program efficiency: Massachusetts Emergency Management Agency (MEMA); Department of Public Health Occupational Health Surveillance; Department of Public Safety; and OSHA.

DLS staff members attended numerous continuing education trainings, including one on the legal aspects of fatality inspections provided by the OSHA Andover Area Office.

Youth Employment

Massachusetts Child Labor Laws require that all teens under 18 years of age must complete a work permit application and obtain a work permit before starting a job. Persons under 14 years of age may not work. There are a few exceptions to this such as working as news carriers, on farms, and in entertainment (with a special permit). Workers under 16 years of age are restricted in the types of work they can do. There are over 25 prohibited activities for workers under 16, including all the activities prohibited by workers under 18 years of age; and over 25 restricted work activities for workers under 18 years of age.

In accordance with M.G.L. c. 149, §89, DLS is responsible for making the minor employment permit application available to minors. The permit application is completed by the minor, the employer making the job offer, a physician (for 14-15 year olds), and the minor's parent, guardian, or custodian. Work permits are issued by the Superintendent of Schools or the person whom the Superintendent has authorized to issue work permits, in the school district where the minor lives or attends school.

In response to questions from minors, parents, schools, and employers, about the permit process, DLS has mapped out the process in a flow chart to assist people in navigating the required steps, and posted the flow chart to our website. DLS also created and posted a 3 minute video on basic youth employment laws and worker safety.

Special Projects

Council on the Underground Economy

Formerly known as “The Joint Task Force”, the “Council on the Underground Economy” (CUE) became permanent by legislation effective as of March 2015. The Task Force was first established by Executive Order to bring together multiple state and federal agencies to share information and work cooperatively in investigating and prosecuting those employers who violate labor, licensing, and tax laws. Seen as an important and effective enforcement mechanism for leveling the playing field for thousands of legitimate employers facing unfair competition from unscrupulous businesses engaged in fraudulent employment practices while protecting workers' rights, the program has recovered more than \$76 million from unscrupulous employers since its inception.

DLS plays an active role on the Council. In addition to being one of the Statutory members of the Council, The Director of DLS hosts the inter-agency Council meetings and DLS tracks statistics of misclassified workers and the amounts of revenue recovered by the Council.

Regulation Review

In 2015, DLS began a comprehensive review of all department regulations. The focus of the review was to determine how compliance with DLS Labor Standards could be simplified by making the regulations easier to understand. All the regulations that were deemed to be duplicative or inconsistent with other state department's rules were highlighted for revision or revocation. In addition, all regulations that were superseded by federal law, such as OSHA, were recommended for rescission. Each and every remaining

regulation was proof-read with an eye towards determining whether the language needed to be clarified or simplified. Listening sessions were held with both stakeholders to gather feedback about how the regulations were impacting employers and employees. Proposed revocations, revisions, and amendments were submitted through the chain of command for perusal by the Administration. Further proceedings to effectuate the changes approved by the Administration shall carry over into calendar 2016.

Website Revision

Recognizing modern society's growing dependence on the internet as the first point of reference, in 2015 DLS began an initiative to revamp the department's website by integrating instructions, regulations, laws, opinions, precedents and procedures on an easy-to-navigate website. The department's goal is to establish the site as a portal where asbestos abatement contractors, de-leaders, and employment agencies can all apply on-line for their licenses and renewals. Further, the department strives to provide access to the current and relevant Labor Standards materials so that the website can be used as a single source research tool to answer the most common labor-related questions. Frequently cited outside authorities shall be linked and internal materials cross-referenced through the use of hyperlinks to create a research tool that is comprehensive and responsive to public queries.

In addition to increasing the breadth of materials available on the website, DLS is also committed to making the materials available to all by converting all documents to a format that is A.D.A. compliant. One major addition to the website shall be the posting of all collective bargaining agreements ("CBA's") that relate to the establishment of minimum wage rates pursuant to the Prevailing Wage Law. These CBA's are currently being converted to an A.D.A. compliant format.

DLS Application Fee Schedule 2015

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 Apprentice 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 Apprentice Training have been set in accordance with M.G.L. c. 23, §11W and sections 636-639 of Chapter 26 of the Acts of 2003.

Agency Funding and Revenue Generation

FY15 Funding (July 1, 2015-June 30, 2016)	
State Appropriation	\$ 2,360,254.00
Retained Revenue	\$ 452,850.00
DAT VA Program	\$ 73,376.00
DAT Card Trust	\$ 280,000.00
ELW IT Budget (DLS share)	\$ 10,965.21
Mine Safety and Health Administration (MSHA)	\$ 67,276.00
Bureau of Labor Statistics	\$ 67,200.00
Adult Blood Lead Levels Surveillance	\$ 0
TSCA Asbestos Licensing and Monitoring	\$ 108,000.00 ⁷
TSCA Lead Licensing and Monitoring	\$ 360,000.00 ⁸
OSHA Data Initiative	\$ 0 ⁹
OSHA Onsite Consultation	\$ 1,328,000.00
US DOL Women's Bureau Grant -Paid Leave Study Analysis	\$ 0
DCS Foreign Labor Cert (H2A survey)	\$ 66,836.90

Calendar Year 2014 (January 1, 2015-December 31, 2015) Revenue Collected by DLS	
Blood Lead Testing	\$ 0 ¹⁰
Surcharges	\$ 472,475.00
Applications for Minimum Wage Waivers for Day Camps	\$ 15,900.00
Applications for Minimum Wage Waivers for Special Wage Permits	\$ 700.00
Applications for 120 day Seasonal Permit for Overtime Exemption	\$ 14,000.00
Applications for Employee Uniform Deposits and Waivers	\$ 700.00
Civil Fines	\$ 85,269.64
Applications for Employment Agency Licensure and Registration	\$ 242,185.00
Applications for Lead Discipline Licenses (including RRP)	\$ 298,910.00
Applications for Asbestos Discipline Licenses	\$ 1,288,877.00
Miscellaneous (DLS)	\$ 1,240.00
Third Party Right-to-Know instructors	\$ 460.00
Sponsor Verifications	\$ 43,900.00
Sponsor Certifications	\$ 157,500.00
Dispensing Optician Application Fees	\$ 3,880.00
Apprentice ID Cards	\$ 285,406.00
Miscellaneous (DAT)	\$ 0
TOTAL	\$ 2,911,402.64

⁷ US EPA grant on a two-year budget cycle; funding represents one year of a two-year grant award.

⁸ US EPA grant on a two-year budget cycle; funding represents one year of a two-year grant award.

⁹ Grant program discontinued by USDOL OSHA.

¹⁰ DLS discontinued offering this service due to resource constraints.

DLS FTE Count from June 2005-December 2015 (FY05-FY16)

In 2015 there was a change of Director, General Counsel and one office support specialist. These hires were made to replace departing full-time employees. Four other full-time positions were vacated in 2015 which were not filled as of the close of the calendar year in 2015. Thus, as of December 31, 2015, DLS was staffed with 54 full-time employees. It is anticipated that at least 2 additional full-time positions shall be backfilled before the end of fiscal 2016.

FY	Date	FTE
FY16	12/31/15	54.0
FY15	9/26/14	58.0
FY14	7/1/13	56.0
FY13	12/1/12	54.6
FY13	7/1/12	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

Administration

William D. McKinney, Director
John H. Ronan, General Counsel
Anh Bungcayao, Legal Counsel
Barbara Shultze, Administrative Assistant

Apprentice Standards

Henry Mattuchio, Deputy Director/ DAS

Rita Gill, Program Coordinator
Madeleine McGuire, Compliance Officer
Lorraine O'Connor, Administrative Assistant
Ashlie Perkins, Office Support Specialist

Investigations and Enforcement

Brian Wong, Manager
Avelina Correia, Industrial Safety and Health Inspector
Zachariah Costa, Industrial Safety and Health Inspector
Adam Kinney, Industrial Safety and Health Inspector
Ligia Martinez, Compliance Officer
Alexander Murphy, Industrial Safety and Health Inspector
Michelle O'Leary, Industrial Safety and Health Inspector
Garry Pharris, Industrial Safety and Health Inspector
Rebecca Reese, Compliance Officer
Jared Saunders, Industrial Safety and Health Inspector
Patricia Sutliff, Environmental Engineer

Licensing and Regulation

Laura Hoitt, Manager
James Dello Russo, Program Coordinator
Daphne Lobognon, Office Support Specialist
Ozelle Rivera, Administrative Assistant
Imani Bishop, Statistics Program Coordinator
Priyal Shah, Statistics Research Analyst
Justin Rizzo, Statistics Research Analyst

Prevailing and Minimum Wage

Kathleen Coyne, Program Coordinator
Stephen Falcone, Administrative Assistant

Safety and Health Programs

Michael Flanagan, Manager

Imani Bishop, Research Analyst

Jean Cho, Industrial Safety and Health Inspector

Kevin Clarke, Industrial Safety and Health Inspector

Stephen Dagle, Industrial Safety and Health Inspector

Donald Delikat, Environmental Engineer

Mary Dozois, Environmental Engineer

Kathryn Flannery, Environmental Engineer

Maxine Garbo, Environmental Engineer

Michael Ginieres, Environmental Engineer

Hilary Hackbart, Environmental Engineer

Susan Humphreys, Administrative Assistant

Michael Kissel, Environmental Engineer

Justin Krassner, Industrial Safety and Health Inspector

Marvin Lewiton, Environmental Engineer

Jon Lifvergren, Industrial Safety and Health Inspector

Janet McKenna, Environmental Engineer

Michael Monfredo, Industrial Safety and Health Inspector

Robert Nicotera, Environmental Engineer

Lou Penella, Industrial Safety and Health Inspector

Arthur Pennesi, Environmental Engineer

Susan Shepherd, Environmental Engineer

Michael Weakley, Environmental Engineer

Relevant statutes and regulations

- Apprenticeship M.G.L. c. 23, §11E through 11W and 453 CMR 7.00
- Counsel on the Undergroun Economy M.G.L. c. 25, § 23
- Deleading and Lead-Safe Renovation M.G.L. c. 111, §§189 A through 199B and M.G.L. c. 149, §6 and 454 CMR 22.00
- Civil Administrative Penalties 454 CMR 29.00 (for violations of Asbestos, Lead, and Employment Agency laws)
- Employment Agencies M.G.L. c. 140 § 46
- Minimum Wage M.G.L. c. 151 and 455 CMR 2.00
- Occupational Lead Poisoning Registry M.G.L. c. 149, 11A and 454 CMR 23.00
- Overtime M.G.L. c. 151, § 1A
- Prevailing Wage
 - Public construction work, including additions and alterations to public buildings, soil explorations, test borings, and demolition. Public Construction, G.L. c. 149, §§26-27D.
 - Use of trucks, vehicles, and other equipment to perform public works functions. Trucks, Vehicles, and Other Equipment Performing Public Works Functions (Non-Construction), G.L. c. 149, §27F.
 - Moving office furniture and fixtures. Moving Office Furniture and Fixtures, G.L. c. 149, §27G.
 - Cleaning state office buildings or buildings leased by the state. State Cleaning Contracts, G.L. c.149, §27H.
 - Transportation of students to public schools, including charter schools, in towns with a population greater than 16,000. School Bus Transportation G.L. c. 71, §7A.
 - Prevailing wages set for certain housing authority employees such as maintenance workers, laborers, and mechanics. G.L. c. 121B, §29.
 - State printing contracts. G.L. c. 5, sec. 1.
- Temporary Workers Right to Know M.G.L. c. 149, §159C
- The Removal, Containment, or Encapsulation of Asbestos M.G.L. c. 149, §§6 through 6F ½ and 454 CMR 28.00
- Workplace Safety and Health (Public Sector) M.G.L. c. 149, §6 and M.G.L. c. 111F

Appendix A



IMPORTANT CHANGES TO THE MASSACHUSETTS MINIMUM WAGE

In accordance with An Act Restoring the Minimum Wage and Providing Unemployment Insurance Reforms [Chapter 144 of the Acts of 2014](#)

Effective January 1, 2015

MINIMUM WAGE: \$9.00 PER HOUR

The minimum wage law applies to all employees except those being rehabilitated or trained in charitable, educational, or religious institutions; members of religious orders; agricultural, floricultural, and horticultural workers; those in professional service; and outside salespersons not reporting to or visiting their office daily. See [M.G.L. chapter 151, §§1 and 2](#). For further information regarding the Massachusetts state minimum wage, contact the Massachusetts Department of Labor Standards at (617) 626-6952 or visit www.mass.gov/dols.

In no case shall the Massachusetts minimum wage rate be less than \$0.50 higher than the effective federal minimum rate.

SERVICE RATE: \$3.00 PER HOUR

Wait staff, service employees and service bartenders may be paid the service rate if they regularly receive tips of more than \$20 a month, and if their average hourly tips, when added to the service rate, are equal to or exceed the basic minimum wage. See [M.G.L. chapter 151, §7](#).

AGRICULTURAL RATE: \$8.00 PER HOUR

Work on a farm and the growing and harvesting of agricultural, floricultural and horticultural commodities requires payment of no less than the above-listed rate per hour, except when such wage is paid to a child seventeen years of age or under, or to a parent, spouse, child or other member of the employer's immediate family. See [M.G.L. chapter 151, §2A](#).

Effective January 1, 2016:

- Minimum Wage shall be \$10.00 per hour
- Service Rate shall be \$3.35 per hour (provided service employee receives tips of more than \$20 per month and if his/her average hourly tips, when added to the service rate, equals \$10.00 per hour).

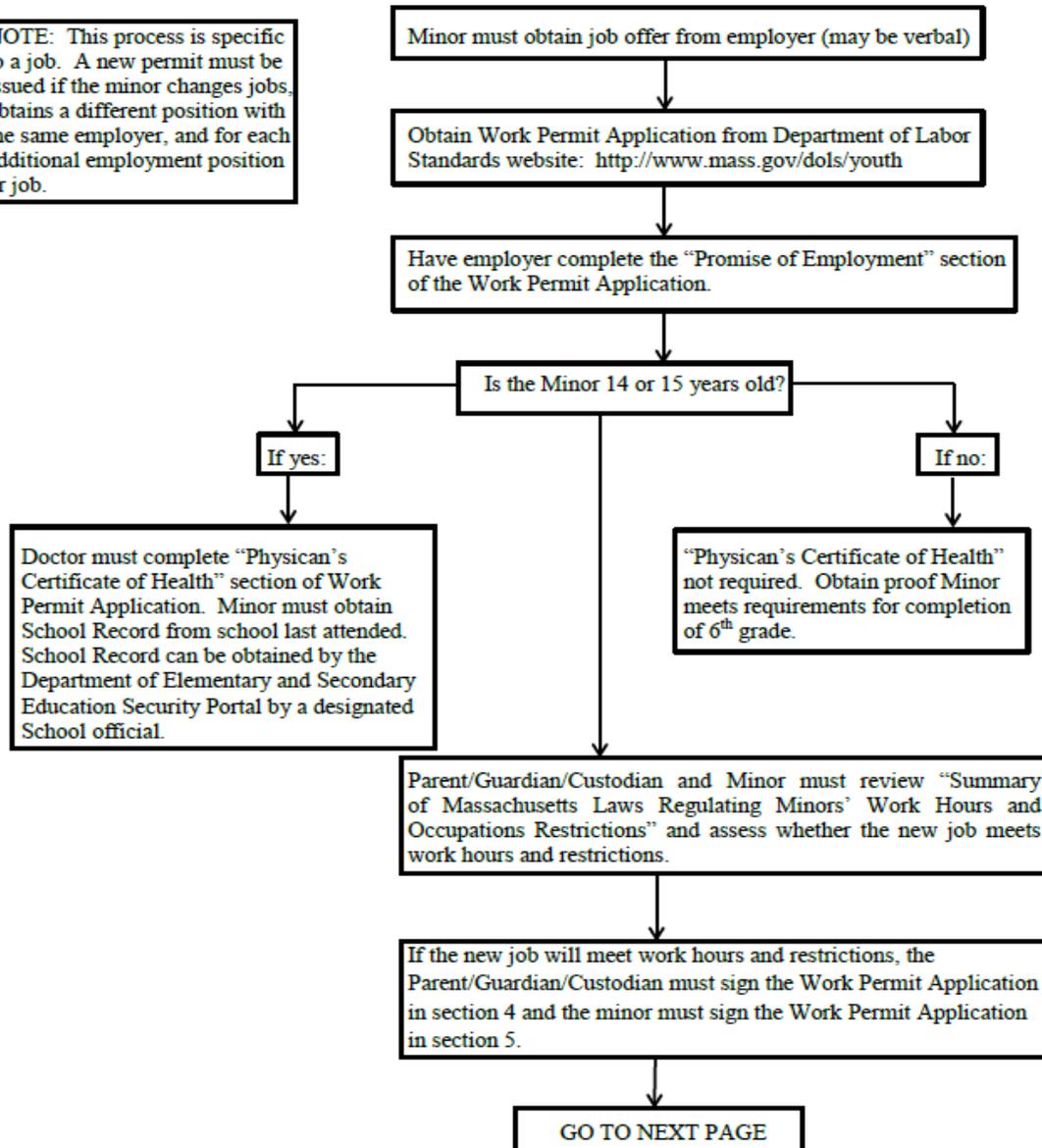
Effective January 1, 2017:

- Minimum Wage shall be \$11.00 per hour
- Service Rate shall be \$3.75 per hour (provided service employee receives tips of more than \$20 per month and if his/her average hourly tips, when added to the service rate, equals \$11.00 per hour).

Appendix B

Minor (Ages 14-17) Employment Permit Process

NOTE: This process is specific to a job. A new permit must be issued if the minor changes jobs, obtains a different position with the same employer, and for each additional employment position or job.



Minor (Ages 14-17) Employment Permit Process

