



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

ANNUAL REPORT 2014

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



Table of Contents

Program Highlights for 2014.....	3
Asbestos and Environmental Lead Laboratory	3
Asbestos Program.....	3
Civil Enforcement	5
Division of Apprentice Standards	6
Employment, Placement, and Staffing Agencies Program.....	8
Lead Program	10
Mine Safety and Health Program	13
Occupational Lead Poisoning Registry	13
Occupational Safety and Health Statistics.....	15
On-Site Consultation Program	16
Prevailing and Minimum Wage Programs	18
Trench Work Violations.....	20
Workplace Safety and Health Program	21
Youth Employment	24
Special Projects	25
Labor Trafficking	25
Paid Family Leave.....	26
DLS Application Fee Schedule 2014	28
Agency Funding and Revenue Generation.....	30
DLS FTE Count from June 2005-December 2014 (FY05-FY15).....	31
DLS Employees During Calendar Year 2014	32
Appendix A.....	34
Appendix B.....	35

Program Highlights for 2014

Asbestos and Environmental Lead Laboratory

In 2014, the Asbestos and Environmental Lead Laboratory (Lab) provided analytical and technical support to engineers and inspectors within DLS as well as public agencies. Samples were submitted from workplaces throughout the Commonwealth and were evaluated to assist in the identification and subsequent control and elimination of hazards in the workplace. The Lab offered these services free of charge to all public agencies.

The Lab was a participant in the Industrial Hygiene Proficiency Analytical Testing Program and the Environmental Lead Proficiency Analytical Testing Program administered by the American Industrial Hygiene Association (AIHA). Participation in the proficiency programs provided independent confirmation of the accuracy and validity of the Lab's processes, and was a critical component in the Lab's seeking AIHA accreditation. The Lab was able to obtain proficiency in asbestos analysis prior to 2014, but was only able to meet the lead proficiency on an inconsistent basis. This resulted in analytical revisions to the environmental lead digestion methods after the cause of the inconsistencies was identified. These changes required further comprehensive method development and final validation resulting in new methods of testing for air, dust wipes, paint chips and soil. The Lab continued to pursue accreditation throughout 2014, but was unable to complete the application. A decision was made by the department that due to a lack of adequate staffing resources and consistent sample volume, that we would suspend AIHA accreditation pursuit until further notice.

Beginning in 2015, the Lab will shift its resources to concentrate on bulk asbestos analysis. Continued outreach efforts will be made to promote the Lab's services to public agencies. New strategies will be implemented to make sample submission easier for external agencies by offering DLS inspectors to collect the samples.

The Lab continues to meet MassDEP requirements of being housed inside a facility that is Leadership in Energy and Environmental Designed (LEED) platinum certified. The Lab has developed new policies and procedures based upon current laboratory conditions, personnel, location and newly implemented AIHA guidelines. While having suspended pursuit of accreditation, the Lab is still implementing an array of documents which adhere to current AIHA policies and procedures as part of our standard operating protocols.

PLM Asbestos Analysis	DLS samples	92
	External samples	33
Environmental Lead Analysis	DLS Samples	37
	External samples	2

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 Occupational Safety and Health Administration (OSHA), U.S. Environmental Protection Agency (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.

The Asbestos Program continued the work of one of its most ambitious initiatives that began in 2011, when DLS started identifying those schools regulated by the Asbestos Hazard Emergency Response Act (AHERA) that pose a greater risk of exposure to asbestos fibers to students, teachers, and staff. In 2014, DLS completed the following:

- Identified those schools which have had abatement work planned during the year and sent to those schools a checklist and packet of information about the records that are required to become part of their asbestos management plans. In 2014, DLS sent 243 packets to schools to remind them of these records requirements.
- Created a spreadsheet to collect each school's asbestos-related information to rank and prioritize schools for AHERA compliance inspection based on their potential risk of exposure to hazards. The spreadsheet includes a number of known AHERA/asbestos related factors used to rank the schools for inspection. Factors include those results from our previous AHERA inspections, the age of the school, the type of asbestos material, condition of any asbestos-containing material, abatement records, schools that had not responded to our request for the re-inspection report. Once all the factors have been entered, a point system will be used to rank the schools. Those with the highest point totals will be selected for an AHERA inspection. DLS's goal is to use this spreadsheet as a tool in devising our inspection priority for schools subject to AHERA by identifying those with a greater risk of exposure to building occupants. The purpose of DLS inspections is to ensure schools are in compliance with AHERA and managing their asbestos materials in a safe and controlled manner.
- Restructured the way in which we notify schools found in violation of AHERA. Where the EPA issues notices of non-compliance, DLS began issuing to schools with AHERA violations, a civil administrative penalty ("CAP"), in accordance with our civil penalty regulations, 453 CMR 9.00. The CAP can be in the form of a Written Warning, Civil Citation with or without penalty, and Cessation Orders. Schools are usually issued a Written Warning which contains an Order to Correct and a correction(s) due date. If the violation is not corrected within the stated timeframe, DLS can take the next step and issue a Civil Citation with Penalty.
- Issued a civil citation and penalty to an elementary school where a contractor had been called in to repair a roof leak but had not been made aware that there were asbestos-containing materials in the area needing the repair. The contractor performing the repair work was not aware that he was impacting asbestos-containing materials, resulting in an asbestos fiber release episode which contaminated four classrooms and the adjoining hallway. The school had to isolate and decontaminate the area causing a major expense and disruption to its operations. If the school had been complying with its obligations as

required by AHERA, the contractor would have been made aware of the location of any asbestos materials and could have taken precautions to prevent such a release. DLS cited the school for violating AHERA and issued a civil citation and penalty.

- Met with representatives of the Massachusetts Teachers Association (MTA) to discuss AHERA requirements for management plans and re-inspections, and some schools' lack of compliance with AHERA. DLS provided information on what we look for during a review of management plans and discussed other particular safety concerns in schools, such as chemical hazards and slips, trips and falls. Through its own initiative, the MTA is requesting copies of re-inspection reports from those schools that did not respond to DLS's 2011 request for re-inspection reports. MTA plans to forward the reports to DLS so that we can glean information to add to our risk factor spreadsheet.
- Signed a Memorandum of Understanding (MOU) with the Massachusetts Department of Environmental Protection (MassDEP) that will serve as the basis to share information and resources in areas where both agencies have jurisdiction. The MOU formalizes coordination between the two agencies to promote compliance with the DLS and MassDEP regulations relative to asbestos, to promote an integrated Commonwealth asbestos management program and to further the protection of worker safety, public health, public safety, and the environment.

On-site safety and health inspections	542
Hazards identified	312
Licenses issued	4,595
Civil Administrative Penalties	
Written warnings	39
Civil citations w/civil penalty	23
Cessation orders	0
Appeal hearings	9
Fines Assessed	\$53,750
DOR License suspensions	1
Number of applications submitted to DUA/FSC for compliance check	233
Number of applicants not in compliance with DUA/FSC	55

Civil Enforcement

DLS continued to cite contractors for violations of the Employment Agency Law (M.G.L. c. 140, sec. 46A-46R), and Asbestos and Lead regulations (454 CMR 6.00 and 454 CMR 22.00), under the framework of DLS's Civil Administrative Penalties regulation at 453 CMR 9.00. In 2014, DLS assessed \$110,150 in civil penalties.

Hearing Conducted (including defaults)	12
Final Decisions Issued	14
Settlement Agreements Issued	13

Division of Apprentices Standards

The Division of Apprentices 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. DAS is not a job placement facility, nor does it provide direct training to apprentices.

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 DAS. Pursuant to General Laws Chapter 149, section 27, 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 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. The division partners with vocational schools, community groups, faith-based organization, civic groups, Career Centers, WIA partners, and others to identify career pathways for under-served populations.

Sponsor verifications issued	1,136
New Sponsors registered	89
Graduation Certificates Generated	539
Total Active Apprentices	8,673
Total Sponsors	786
Sponsor Visits by Compliance Officers	1,269
New Apprentices	2,422
Renewed Apprentice ID's	3,888
Veterans Registered	222
Total FY14 Apprentice Wages	\$109,886,271.00
Total Mass. State Taxes Paid @ 5.3% avg.	\$5,823,972.36
Total Federal Taxes Paid @ 13.09% Avg.	\$14,384,112.87

Two DAS subcommittees were formed during 2014:

- The 9-member Women's Access and Opportunities subcommittee of the Apprentice Council was formed specifically to devise strategies to address significant underrepresentation of women in apprenticeship programs. DLS created a new Equal Employment Opportunity/Affirmative Action (EEO/AA) section on the DAS homepage which includes various resources highlighting best practices for apprentice programs and employers in an effort to provide a roadmap for sponsors to increase the number of women applicants and retention rates. In an effort to increase transparency in this area, DAS also began publishing demographic information on the total number of active apprentices and numbers of women and minority apprentices per construction employer sponsor with five (5) or more apprentices. This information is posted on the DAS webpage and is updated quarterly.
- At the December 2014 Apprentice council meeting, the first Manufacturing Subcommittee met to discuss ways for the DAS to better connect with the manufacturing community. Employers, educators and apprentice sponsors will be invited to provide expertise on the industry and make suggestions on ways to expand the apprentice model.

DAS also continued efforts to increase apprenticeship opportunities by working with community organizations, career centers, regional employment boards, veterans, vocational schools and community colleges to educate them on the value of apprenticeship as a workforce development tool. One such example of these efforts was a newly-developed state-run veteran apprentice program at the Department of Career Services (DCS). DAS worked with DCS to establish a Disabled Veterans Outreach apprentice program so that veterans can receive GI Bill benefits while in training. This program has established the DCS as a training facility for GI Bill purposes.

Amended DAS regulations and statutory changes were enacted in 2014, thereby addressing U.S. Department of Labor (US DOL) Office of Apprenticeship requirements for continued federal recognition as a State Approving Agency for registered apprenticeship. The purpose of the regulatory amendments 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. The regulations were also amended to officially change the name of the division from the Division of Apprentice Training to the Division of Apprentice Standards, a name which more accurately reflects the purpose of the division. Another important amendment DLS initiated was a provision that veterans collecting GI Bill benefits will not be required to pay the annual apprentice ID card fee. On December 5, 2014, the amended apprentice regulations were submitted to the Secretary of the Commonwealth 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, which became effective December 19, 2014. On June 24, 2014 the DAS statutory changes were signed into law and will become effective on March 24, 2015.

During 2014, DAS conducted over 1,200 visits to apprentice sponsors to verify compliance with training and wage requirements. On September 5, 2014 the division received a complaint from a registered apprentice that his company was not paying the agreed-upon wage increases. A DAS compliance officer contacted the company and determined that the office staff was not calculating the wage increases correctly. After an audit of payroll records for the previous 5 years, 13

apprentices received more than \$166,000 in total back pay.

DAS continues to be a national leader on apprenticeship, as the DAS Deputy Director was elected to the position of President for the National Association of State & Territorial Apprentice Directors (NASTAD). As part of his responsibility, he was named to the US DOL Advisory Committee on Apprenticeship (ACA) and participates in quarterly meetings in Washington DC.

Employment, Placement, and Staffing Agencies Program

DLS is the agency responsible for administering and interpreting the Employment Agency Law and the Temporary Workers Right to Know Law (“TWRKL”); the latter of which came into effect on January 31, 2013. The department conducts inspections of staffing agencies to check for compliance with TWRKL, and those that are not fully compliant with TWRKL receive a Notice of Noncompliance that identifies which requirements of the TWRKL are being violated. Information about agencies found in violation of the TWRKL is forwarded to the Office of the Attorney General for further potential enforcement action.

In order to educate staffing agencies about the TWRKL, DLS has developed brochures, website content, a multilingual notice of rights poster and multilingual sample job order forms that list all the necessary information that the law requires an agency to provide to a worker. In addition, DLS meets with many of its stakeholders and worker advocate groups to inform them of the law and to help get the information to temporary workers. Early in the year, DLS participated in a radio show in Boston hosted by Centro Presente, to inform Spanish-speaking listeners about worker protections provided by the TWRKL and what resources are available to help temporary workers.

In July, DLS issued a first-ever, proposed regulation for the Employment Agency and TWRK Laws. While the laws are separate, they must be read in tandem since they overlap in industry applicability. In the interest of harmonizing the two, one regulation covering both laws was drafted. The regulation addresses definitions of key terms, record-keeping requirements, and clarifies processes so that DLS may effectively administer and enforce the laws. In order to clarify how agencies are covered under the statutes, the regulation establishes three terms for labor market intermediaries/ labor brokers/providers: (a) Employment agency; (b) Placement agency; and (c) Staffing agency.

The regulation:

- Clearly establishes how to categorize businesses into the above terms;
- Clearly itemizes the obligations of each entity in terms of licensure or registration requirements;
- Outlines the legal requirements for providing information to workers or job applicants;
- Establishes record-keeping requirements on the part of agencies;
- Outlines prohibited business practices.

The regulation establishes a definition of a “domestic employee” as being a worker performing work of a domestic nature who is paid directly by a household or a family (the worker is the employee of the family or household). The consequence of this definition is that businesses that directly employ workers for domestic service are excluded from licensure or registration requirements. For example, a home care agency which directly employs, assigns, and manages its workers to service the needs of the business’ clientele is not “providing domestic employees” under M.G.L. c. 140, sec. 46A-46R, and is not regulated by the Employment Agency Statute. The definition of a domestic employee also excludes a licensed medical professional, such as a medical doctor, registered or licensed practical nurse, or similarly trained and licensed individual who performs services relating to the delivery of specialized medical care.

Public hearings were held in Boston, Worcester, and Springfield to seek comment on the proposed regulation. DLS revised some of the proposed language based upon feedback from interested parties, and on December 19, 2014, the Employment Agency and Temporary Workers Right to Know Regulation (429 CMR 10.00) became effective.

During 2014, in addition to inspecting for compliance among the employment, placement, and staffing agency industry, DLS compliance officers conducted inspections at businesses with expired minimum wage waivers. DLS found that some companies had not paid their disabled workers the minimum wage during a period of time when they had an expired waiver and required them to pay restitution to their workers. These same cases were referred to the Office of the Attorney General for minimum wage violations.

In the Spring of 2014, DLS and OSHA partnered to educate staffing agencies and client companies about new laws designed to protect temporary workers. OSHA has a new nationwide initiative focused on ensuring that companies which contract with temporary labor agencies provide required training, equipment, and supervision to temporary workers equivalent to what would be necessary to provide to their own employees. DLS and OSHA held 3 conferences for staffing agencies, businesses, and insurers to educate them about TWRKL requirements and OSHA's new initiative to protect temporary workers. Conferences were held in Tewksbury, Westford, and Sturbridge. Additionally, DLS and OSHA designed a joint referral process to refer staffing agencies and host employers to each respective agency for its own investigation.

This past summer, after conducting a safety inspection at a construction site, OSHA cited a framing contractor and a temporary staffing agency for not training temporary employees in safe work procedures. The construction company came to a settlement agreement in which they agreed to conduct general construction safety training to the temporary staffing agencies they utilized. In addition, OSHA required the contractor to participate in a joint training program conducted by DLS. The purpose of the training was to provide information about the requirements of the TWRTK Law to the client company, staffing agency, and the temporary workers. The training session was conducted in November at the contractor’s offices.

On-site inspections	476
Professional licenses and registrations issued	1,378
Civil Administrative Penalties	
Written warnings	154
Civil citation w/civil penalty	7

Cessation order	1
Appeal hearings	1
Notice of Non-Compliance	55
Fines Assessed	\$8,750
Number of EPSA applications submitted to DUA/FSC for compliance check	1,011
Number of EPSA applicants not in compliance with DUA/FSC	212

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.

Amendments to the state's Deleading and Lead-safe Renovation Regulations were promulgated in 2014. During the year, DLS met with stakeholders to receive comment on the EPA's amendments to its federal Renovation, Repair and Painting (RRP) Rule, how their amendments impacted state regulations, and how DLS is administering its own Deleading and Lead-safe Renovation (LSR) regulations. In order to maintain our EPA authorization status to enforce the RRP, DLS drafted amendments to its state lead regulations and held public hearings to receive public comment in early 2014. DLS later promulgated these amendments on July 4, 2014. The amendments brought Massachusetts in line with the additional EPA RRP requirements and clarified some issues that had surfaced since we began administering the LSR regulation in 2010.

In 2013, DLS visited almost every local building department in the Commonwealth to introduce ourselves and distribute information about LSR. Later in 2013, in partnership with the EPA, DLS developed a countertop display that maintains our LSR theme, along with an informational postcard for home and property owners, and a buckslip that DLS requested that building inspectors attach to their building permit applications.

In 2014, DLS continued to promote LSR by visiting 350 of the 351 city/town building departments in the Commonwealth and requesting that they display our LSR countertop display. DLS inspectors spoke with building department directors and inspectors from all 351 cities and towns to explain licensing, training and safe work practice requirements under our LSR Regulation and to offer our assistance in being a resource to them. DLS continues to visit the building departments to reinforce our commitment to reducing lead exposure to workers and building occupants by enforcing and promoting LSR.

DLS made a LSR worker training presentation available to assist supervisors and contractors. Workers performing work that falls under the LSR Regulation are required to be trained. If the workers have not received training as a Deleader-supervisor, Deleading worker, or LSR supervisor, the DLS regulations require that they receive training from the LSR supervisor assigned to the project prior to the workers engaging in the work. To facilitate this

worker training, the New England Lead Coordinating Committee (NELCC), a consortium of New England states funded by the EPA that works to eliminate lead poisoning, developed a PowerPoint presentation that renovation supervisors can use to train to their workers to meet EPA requirements. Because of the differences between the EPA and DLS regulations, DLS edited certain slides to include specific Massachusetts requirements. DLS now offers the slides in English and Spanish to LSR Contractors and Supervisors to aid them in providing renovation workers the required training. The training is available at www.mass.gov/leadsafe.

Massachusetts Work Practices for Lead-safe Renovation



Training program

In Massachusetts, renovation workers are required to be **trained** under the Department of Labor Standards' **Deleading and Lead-safe Renovation Regulations (454 CMR 22.00)**

Adapted from the U.S. Environmental Protection Agency's training for certified renovators by the **New England Lead Coordinating Committee (NELCC: www.nelcc.uconn.edu)**, within the Healthy Environments for Children Initiative, University of Connecticut, Department of Extension, in partnership with the Connecticut Department of Public Health

In a cooperative interagency effort, DLS unveiled a new online deleading notification form which it developed in conjunction with the Department of Public Health/Childhood Lead Poisoning Prevention Program (CLPPP). Both agencies require that a contractor submits notification at least 10 days prior to the start of deleading work. Such notifications have, until now, been accepted by both agencies via mail and fax. With the new method, contractors can now complete one online form and email the notification which is then automatically submitted simultaneously to both agencies. DLS has also created the same type of online forms for our Lead and Asbestos training providers who are required to submit course notifications and course completion records to DLS. The online forms replace handwritten or printed forms that will download automatically into DLS's Lead and Asbestos Licensing database.

On October 22, 2014, DLS took part in the Boston Lead Summit, the theme of which was: *Childhood Lead Exposure and Housing Discrimination in Boston: Both Bad for your Health*. DLS co-presented along with the Boston Public Health Commission at one of the breakout sessions to talk about Lead-safe Renovation and Deleading training and licensing, the importance of safe work practices and DLS enforcement of the regulation. In attendance at the summit were Boston city officials from Inspectional Services, the Boston Public Health Commission, Environment Energy & Open Space, Lead Safe Boston, the Office of Fair Housing & Equity, Health & Human Services and the Mayor's Office of New Bostonians; state officials from the MA Department of Public Health, (DPH) the MA Commission Against Discrimination (MCAD); federal officials from the US Department of Housing and Urban Development (HUD), as well as many local lead advocates. New ideas to combat lead paint and housing discrimination were put

forth, leading to agencies and advocates working together to develop partnerships and strategies to eliminate lead paint and housing discrimination.

During 2014, DLS spoke at dozens of meetings and conferences, met with local building and health officials, contractor associations, hardware, paint, and supply stores in furthering our compliance assistance efforts designed to reach contractors and property owners about how working lead-safe protects workers and families. DLS continues to display our LSR materials at building and health departments, on the 17 electronic billboards across Massachusetts, and at hardware, paint, and supply stores throughout the Commonwealth.

DLS Lead-safe Renovation Countertop Display:



On-site safety and health inspections	1,905
Outreach and Compliance Assistance for Lead-safe Renovation	1,200
Hazards identified	250
Licenses Issued	
Deleading	695
Moderate Risk	188
Lead-safe Renovation Contractor	302
Civil Administrative Penalties	
Written warnings	10
Civil citations w/civil penalty	14
Cessation orders	1
Appeal hearings	2
Fines Assessed	\$56,650
DOR License suspensions	0
Number of applications submitted to DUA/FSC for compliance check	194

Number of applicants not in compliance with DUA/FSC	68
-----------------------------------------------------	----

Mine Safety and Health Program

The Mine Safety and Health Program is administered in Massachusetts by DLS in cooperation with the US DOL, 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	2 ¹
Hazards identified	4 ²
Training sessions conducted	13
Workers trained	832

DLS's projected goal for 2014 was to train 650 mine workers in Part 46 annual refresher training. This goal was exceeded by 28%. In preparation for the annual refresher trainings in 2015, two onsite health and safety visits were conducted. Two DLS employees attended the Training Resources Applied to Mining (TRAM) conference at the National Mine Academy in Beckley, WV, in October, 2014.

Occupational Lead Poisoning Registry

In 1990, the Occupational Lead Registry Law (M.G.L. Chapter 200) was enacted in Massachusetts. The Occupational Lead Poisoning Registry ("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 exposure. The 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.

During 2014, the Registry engaged in the following education and outreach activities:

- Updated and disseminated its educational materials, including translation of materials into Spanish, Portuguese and Greek. These materials were created to provide patients with the information they need to understand their blood lead test result and how to protect themselves in the future. Letters were developed to support the patients' healthcare providers since many primary care physicians are unfamiliar with lead poisoning. The materials for healthcare providers include guidelines for management of

¹ Grant funds from the federal Mine Safety and Health Administration (MSHA) which support this program were reduced by over 60%. Due to the funding reduction, DLS committed only to provide training for MSHA and could not commit to field visits. This agreement was accepted by MSHA.

² See above.

- an adult with lead poisoning and recommendations on how to prevent further poisoning in the future.
- Provided in partnership with the Massachusetts League of Community Health Centers, a webinar for healthcare providers about lead poisoning and the role of the Registry.
 - Distributed informational material about the Registry at the Northeast Regional Clinical Laboratories Association meeting.
 - Wrote a new bulletin specific to lead safety on shooting ranges and distributed it to all 152 private ranges in Massachusetts, as well as to all municipal police departments.

The Occupational Lead Poisoning Registry regulation was amended in the fall of 2014, to require reporting of all blood lead levels above zero (previously 15 mcg/dl) for persons 15 years of age and older. By changing the regulatory definition of an elevated blood lead level, thereby changing the reporting threshold, Massachusetts is now consistent with 28 other states' reporting requirements and is in line with recommendations from Center for Disease Control's (CDC) Adult Blood Lead Epidemiology and Surveillance (ABLES) program, the National Institute for Occupational Health and Safety (NIOSH), and other organizations' research.

In order to ease the burden for clinical laboratories of having to submit additional reports, the Registry coordinated implementation of a new electronic reporting system. This system replaces the old system which required hardcopy submittal of reports via mail or fax. Staff members of the Registry worked with EOLWD Information Technology Department staff to build the electronic reporting system that was made operational in December 2014. After initial testing, it will be fully functional in January 2015. This electronic system will not only ease the reporting burden for the clinical labs, but it will also eliminate the need for DLS staff to perform manual data entry, thereby freeing their time to perform the more valuable work of supporting patients and healthcare providers in lead exposure intervention. The new system, in conjunction with the new regulations, will allow for more accurate and thorough tracking of adult lead exposure data. This will assist in preventing lead poisoning by providing earlier notice of exposure and in the epidemiological study of the disease.

Blood Lead Reporting – In 2014, the Lead Registry had meetings by teleconference with the CDC-NIOSH and other ABLES states to establish a memorandum of understanding (MOU) to collect and report lead data to the CDC ABLES group, despite a lack of funding which had previously been provided. The ABLES group consists of states that report blood lead levels on an annual basis. By participating in the ABLES group the Registry demonstrates its dedication and commitment to occupational safety and health.

DLS's Environmental Engineer, who oversees the Lead Registry, represented DLS as an active member of the Council of State and Territorial Epidemiologists (CSTE) at the CSTE annual conference in Nashville, Tennessee. The ABLES group met at CSTE this year in part to discuss future relations with the CDC considering that grant funding was eliminated in 2013. Massachusetts and most other states pledged to continue to provide the lead poisoning data.

In 2014, in accordance with protocol, the Registry referred three cases to OSHA for investigation regarding poisoning of bridge painters. OSHA has investigated these cases and will provide a report in the near future. Since the initial referral, the Registry has tracked and reported to OSHA additional workers who have been reported as having high blood lead levels from the bridge work sites. A fourth referral was made to OSHA regarding a scrap metal yard where there were multiple cases of high blood levels, some at near fatal levels.

The Registry performed site inspections at two firing ranges in 2014. One inspection was at a municipal police firing range. The second was in response to a request from members at a gun club. Reports and recommendations were provided for both ranges, and substantial improvements were made, which should result in reducing the possibility of lead poisoning at these locations in the future. In 2014, two doctors requested information on lead exposure in teenagers from recreational shooting.

Blood Lead Level	Reports	Individual (Peak Level)	New Cases
1-14	341	57	7
15-24	507	71	11
25-39	132	116	101
40-49	30	19	15
50-59	13	10	5
60+	19	8	7

Occupational Safety and Health Statistics

The mission of the Occupational Safety and Health Statistics (OSHS) Program is to support continued improvement of workplace environments by compiling and presenting data to employers, employees, researchers, industry professionals, and policy-makers, so that these data can be used to devise strategies to reduce occupational injuries and illnesses. DLS administers the Annual Survey of Occupational Injuries and Illnesses (SOII) for all private-sector and public-sector industries, trades, and occupations. This survey, conducted in partnership with the U.S. DOL Bureau of Labor Statistics (BLS), provides detailed information on injuries and illnesses in the workplace.

BLS SOII:

Surveys collected, cleaned, entered	4,530
Private Sector response rate	88.2%
Cases coded	8,201

In addition to the SOII data collection and coding activities, new program staff attended SOII overview training in Washington, DC, which is a valuable resource for employees to develop their knowledge of the BLS survey data collection requirements. Earlier in the year, program staff attended a BLS national conference in Atlanta, GA. Conference topics included: best survey practices, Occupational Injury and Illness Classification System (OIICS) 2.01 overview and training, frame refinement training, Target Estimation Industries (TEI) setting and training, and several brainstorming sessions.

H-2A Agricultural Wage and Practices Survey:

2014 marked the second year of DLS' partnership with DCS to assist them with data collection for the US DOL's H-2A Agricultural Wage and Prevailing Practice. The survey is conducted annually at the direction of the DCS and in conjunction with the US DOL Employment & Training Administration (ETA). This year, DLS worked to reduce the number of non-responses and unusable survey returns by addressing an out-of-date survey universe and refining it.

Approximately 1,379 surveys were mailed to Massachusetts agricultural employers in 2014, down from the previous year's mailing of 2,100. By reducing the survey universe by 721 farms, the OSHS Program improved the response rate of useable surveys and decreased the number of non-responses. DLS received approximately 415 responses, which calculates to a 30.1% response rate. Of the 415 responses, 98 were considered valid and useable in setting the agricultural wage and prevailing practices. The useable survey response rate (including non-H-2A & H-2A employers) in 2014 improved from last year, from 7.1% in 2013, to 8.7% in 2014.

During 2014, OSHS Program staff engaged in a small project with DPH to assist in coding occupational incidents that occurred among municipal workers. These data will be used to assist the work of DLS's Workplace Safety and Health Program.

On-Site Consultation Program

Trainings conducted	34
On-site safety and health visits	516
Hazards identified	Serious 3,960
	Other-than-serious 206
Expanded Interventions/On and Off-Site Technical Support Conducted	48

Consultation Visits: The primary goal of the On-site Consultation Program is to conduct OSHA consultation visits for private employers in the Commonwealth to prevent workplace injuries and illnesses. The On-site Consultation Program goal for the number of visits in FY14 was 450, a goal which was exceeded by 66 visits, having conducted a total of 516 during the calendar year. The program identified 3,960 serious workplace hazards, removing 80,771 workers from serious risk. These consultation 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 Massachusetts employers over the phone and via email to assist them to provide safe and healthy workplaces. Of the 516 worksites visited, 301 of the sites had 25 or fewer employees, and 154 worksites had 25 to 100 employees. One worksite had greater than 250 employees. During 2014, the On-site Consultation Program consisted of one administrative person, seven industrial hygienists, and six safety experts.

Training and Outreach Efforts: Fall Protection in Residential Construction remained an OSHA emphasis area throughout 2014. The On-site Consultation Program partnered with the USDOL OSHA to provide training and education to the construction industry in Massachusetts. Five

seminars were conducted at a variety of locations throughout the state to encourage participation. There were a total of 193 attendees consisting of both workers and employers who received valuable education about the use of fall protection. The purpose of the fall prevention seminars was fourfold:

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

A total of 877 Massachusetts construction workers have received fall prevention training during the past three years. A fall prevention bulletin demonstrating fall protection strategies was posted to the DLS website.

On-site Consultation also partnered with OSHA to provide the “OSHA Summer Summit,” an all-day training seminar with 319 attendees. The On-site Consultation Program had an exhibit booth where technical assistance was provided to employers, as well as information on the program itself and the assistance it can provide to their businesses.

Workplace safety and health of temporary workers remains an OSHA national emphasis area. In Massachusetts, the TWRKL is a somewhat new requirement for staffing agencies. These two topics were part of a 3-seminar series attended by 131 staffing agencies and host employers. The objective of the seminars was to educate participants on how to protect their employees from hazards in the workplace. Prior to these trainings there was an exchange of information between OSHA and DLS on how each agency’s applicable standards protect temporary workers.

The On-site Consultation Program staffs exhibit booths at various trade shows and conferences to promote the program and to provide valuable safety information to employers. The program had exhibit booths at the New England Conference of Occupational and Environmental Medicine, New England Grows, and Massachusetts Electrical Contractors Association Conference. Program staff members have spoken to and promoted the program to a variety of trade groups and institutions of higher learning while imparting important safety information. At the New England Grows Conference, 100 Landscape Booklets were distributed. These booklets were prepared by the program in order to explain the required OSHA written model programs and information relevant to the landscaping industry, such as hazard communication, respiratory protection, noise, silica, trenching, personal protective equipment and recordkeeping. These booklets, while providing valuable information, also give employers the information they need to contact the On-site Consultation Program for assistance.

Safety and Health Achievement Recognition Program (SHARP): The SHARP recognizes small business employers who operate an exemplary injury and illness prevention program. The On-site Consultation Program has approved a total of 12 SHARP sites. Acceptance of an employer’s worksite into SHARP is a sign of achievement that singles out companies from their

peers as being a model for worksite safety and health. In 2014, DLS conferred new or renewed SHARP status on 9 safety-conscious Massachusetts businesses.

Prevailing and Minimum Wage Programs

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 that 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 Regulation, 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.

The DLS spent several weeks over the summer months reviewing proposed legislation to increase the minimum wage and making other changes to the minimum fair wage law, and on the domestic worker bill of rights law. On June 26, 2014, Governor Patrick signed into law, Chapter 144 of the Acts of 2014: *An Act Restoring the Minimum Wage and Providing Unemployment Insurance Reforms*, thereby increasing the state's minimum wage, to \$9.00 per hour on January 1, 2015; \$10.00 per hour on January 1, 2016; and \$11.00 per hour on January 1, 2017. The service rate and agricultural rates were also increased. (See Appendix) The DLS issued notices to interested parties and posted multi-lingual information on its website regarding the scheduled minimum wage increases. DLS also sent notices to employers who have minimum wage waivers, reminding them of their obligation to adjust wages to comply with the minimum wage increase. Applications for minimum wage and overtime waivers were updated to reflect changes in the law, and DLS released an updated minimum wage and overtime topical outline on its website. The new outline provides hyperlinks to opinion letters, making the outline more user-friendly for the regulated public.

At the close of 2014, DLS was finishing work on a multi-year project to amend the Minimum Wage regulation. Two public hearings were held in December 2014, one in Boston and one in Springfield. The proposed regulatory amendments reflected statutory changes and court decisions since the regulation was last amended in 2003. Legislation that impacts the regulation includes: Temporary Worker Right to Know Law (2013); Minimum Wage Act (2014); Domestic Worker Bill of Rights (2014); Uniform Wage Compliance Act (2014); Sick Leave Law (2014); court cases have addressed limits on deductions from wages, overtime, and tipped workers. The updated regulation is designed to better inform the public, employers, and workers, and allow more effective administration and enforcement of the law. The final regulation becomes effective on January 16, 2015, codified at 454 CMR 27.00.

Throughout the year, the DLS responded to numerous minimum wage questions, addressing issues such as dual jobs, deductions from wages, Sunday premium pay, child labor, overtime exemptions, and the blue laws. DLS continued its careful examination of applications for waivers of minimum wage for workers with disabilities, and made thirteen (13) referrals to the Office of

the Attorney General's Fair Labor Division for enforcement action for failure to pay minimum wage without a waiver. DLS also became involved in inter-agency discussions regarding the US DOL's new rule on joint employer designation for home care employers by participating in meetings with federal and state agencies regarding the rule and its effect on Massachusetts.

In a significant legal decision dated February 5, 2014, the Massachusetts Appeals Court found that an employer may not seek court review of a DLS opinion letter on job classification or prevailing wage rate without first appealing the determination through the administrative process set out in M.G.L. c. 149, section 27A. *Yankee Technology, Inc. v. Commissioner of the Division of Occupational Safety*, 84 Mass. App. Ct. 1133 (2014). The Section 27A appeal process requires the DLS to hold a public hearing and issue a decision on classification and wage determinations.

As part of Chapter 195 of the Acts of 2014, *An Act Relative to the Expansion of the Boston Convention and Exhibition Center*, a provision requiring prevailing wage rates for security guard services applicable only to the Massachusetts Convention Center Authority was enacted. The prevailing wage rate for these workers includes the basic hourly pay and payments to health and welfare and pension plans. As mandated by new legislation, the DLS researched and set a prevailing wage for security services for the Massachusetts Convention Center Authority.

During 2014, DLS issued six prevailing wage opinion letters addressing the following issues:

- Job classification for tree trimming, tree removal, and other associated tree work
- Construction management at risk project contract anniversary date
- Job classification for concrete pavement cutting
- Prevailing wage obligation for the relocation of utilities under M.G.L. c. 6C § 44
- Job classifications for pool services
- Job classification for drawbridge operator

The prevailing wage topical outline on the website was regularly updated throughout the year with hyperlinks to opinion letters. DLS established an interested parties list to notify parties when an update has been made to the outline thereby signaling that DLS had made a broadly-applicable determination with regard to interpretation of prevailing wage law.

DLS's General Counsel spoke at the Massachusetts Association of Public Purchasing Officials (MAPPO) annual conference in May and was invited to a neighborhood community meeting to discuss prevailing wage issues for a development project in Boston. Staff attended the Interstate Labor Standards Association (ILSA) national conference in Oklahoma City, OK in August. The conference provided an opportunity to learn about practices in other states for addressing minimum wage, prevailing wage, child labor, and other issues. DLS exchanges information with member states consisting of government regulators, throughout the year, on a broad range of federal and state labor standards issues. The DLS Director was elected president of ILSA for the August 2014-August 2015 term, and Boston will serve as the host conference location for 2015.

DLS hosted a high school intern through the Boston Bar Foundation and a law school intern, both of whom provided valuable assistance to the department and gained significant insight into multiple DLS programs and state service.

Prevailing Wage schedules issued	14,427
Opinion letters issued for prevailing and minimum wage	6
Minimum Wage waivers issued	339
Wage program information line requests and resolutions	3,451

Trench Work Violations

During 2014, DLS inspectors stopped at 12 trenching operations and observed hazardous working conditions. 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 Dept 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

The mission of the WSHP is to prevent job-related injuries and illnesses among the Commonwealth's public sector workers. WSHP accomplishes its mission through workplace accident investigations, safety and health assessments, education, technical assistance, outreach and targeted enforcement by our team of occupational safety and health specialists.

In CY2013 (the most current year data is available), municipalities experienced more than 2,705 work-related injuries and illnesses. In CY2013, executive branch state agencies experienced 2,600 work-related injuries, with a direct cost of \$9,659,150. WSHP has a cooperative approach in assisting public sector employers reduce their work-related injuries. Inspections encompass both an enforcement and assistance component. Employers are instructed on how to recognize and minimize hazards which could cause work-related injuries and provides strategies to correct hazardous conditions. WSHP has authority to issue Civil Citations if the employer fails to take corrective actions by a deadline established by the department. In 2014, WSHP did not issue any Civil Citations.

In order to provide comprehensive enforcement and assistance to employers, DLS strives to provide WSHP staff with the equivalent training that federal OSHA inspectors receive as Certified Safety and Health Officials. DLS 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. In 2014, DLS investigated three workplace fatalities: 1) February 14, 2014, Natick trench accident; 2) July 7, 2014, Plymouth custodian accident; and 3) December 15, 2014, West Springfield crossing guard accident.

Workplace Safety and Health Inspections and Investigations	206
Hazards Identified	715
Written Warnings Issued	57
Training sessions conducted	89
Workers trained	1,056

Activity	Municipal		State/County Agency	
	On-site Inspections at public sector workplaces	Accident investigations	54	Accident investigations
Complaints		9	Complaints	6
High hazard emphasis or voluntary consultation		8	High hazard emphasis or voluntary consultation	72
Lead Registry		3	Lead Registry	0
Total		74	Total	81
Investigations resolved through letter or phone call	Heat (includes private sect)	12	Heat (includes private sect)	0
	Accident	12	Accident	3
	Complaint	12	Complaint	12
Civil administrative penalties	Written warnings	57	Written warnings	0
	Civil penalties	0	Civil penalties	0
Training & outreach	48		41	

Safety and Health Infrastructure for State Government

Within the context of Executive Order 511, *Establishing the Massachusetts Employee Safety and Health Advisory Committee*, WSHP assisted Secretariat Health and Safety Coordinators to develop written Safety and Health Management Plans. The plans outlined fiscal injury costs, primary causes of injury within each Secretariat, and prompted each Secretariat to develop a strategy to prevent work-related injuries. Several secretariats developed management plans to serve as safety plans to reduce injuries and costs.

The Massachusetts Employee Safety and Health Advisory Committee, along with the Executive Office for Administration and Finance, established \$250,000 in capital grant funding in 2014, to be used for capital equipment acquisition by agencies aimed at reducing occupational injuries. DLS created a safety grant application for Executive Branch agencies and formed a multi-agency application review committee. Twenty-three applications representing requests for over 86 pieces of equipment were received. Sixteen grants were awarded to agencies within four of the executive offices. Recipients agreed to implement a parallel safety program and to have WSHP conduct an audit to ensure awarded funds are used on a full strategy (not just equipment purchase) to reduce work-related injuries.

New OSHA Law for Executive Branch Agencies

DLS, working with the Executive Office for Administration and Finance's Human Resource Division (HRD), participated in a State House event on March 24, 2014, releasing a report entitled, "State Employee Health and Safety Achievements and Recommendations." The report was developed by the Massachusetts Employee Safety and Health Advisory Committee created under EO511. The report identified that during Fiscal Years 2010-2012, there were 7,763 work-related injuries among state workers that incurred medical and compensation costs of \$40,700,266. The report outlined a strategy for reducing these costs: adoption of nationally-recognized worker protection standards, and implementation of a comprehensive health and safety management program.

As part of Chapter 144 "*An Act Restoring the Minimum Wage and Providing Unemployment Insurance Reforms*," workplace safety and health standards equivalent to OSHA were extended to employees of the Executive Branch. As provided in the law, DLS and HRD held a public hearing on a proposed regulation, which was adopted at 454 CMR 25.00, to ensure that Executive Branch employees of the Commonwealth are provided with a safe and healthful work environment free of recognized hazards that may cause serious injury, physical harm or death. The new law and regulation becomes effective on March 24, 2015.

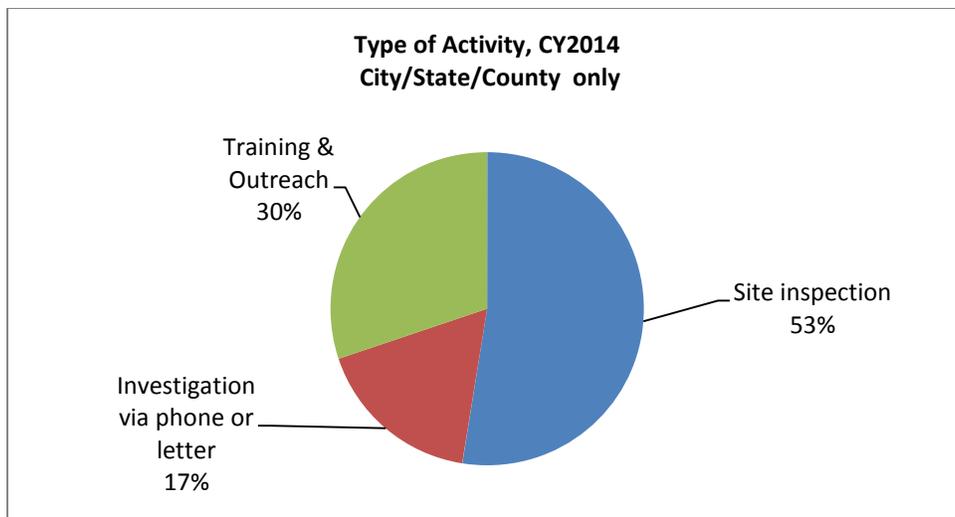
WSHP continued to be a resource for agency ADA coordinators to provide ergonomic surveys for employees with injuries and to facilitate employee return-to-work after medical leave. WSHP conducted 61 ergonomic inspections in 2014. Massachusetts state agencies employ nearly 70,000 employees, and a substantial number of these employees have office duties. WSHP's ergonomic expertise provides free, valuable assistance that previously had to be conducted by private consultants. WSHP has also provided resources for public purchasing agents – a "Chair Buying Guide for State Agencies" and "Keyboard Buying Guide" were developed and distributed. WSHP provided free OSHA-10 hour training in January 2014 to state employees in the Massachusetts Joint Task Force on the Underground Economy and Employee Misclassification. Participating agencies include the Department of Industrial Accidents, Department of Public

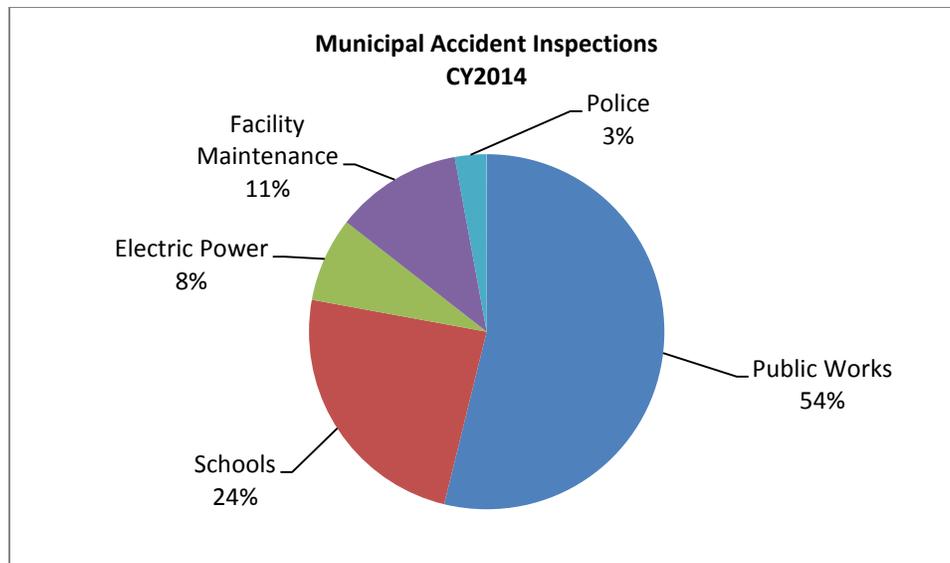
Safety, Department of Environmental Protection, Attorney General’s Office, and the Department of Revenue.

Municipal workplaces

In 2014, site inspections were conducted in various types of municipal workplaces: wastewater treatment facilities, public works highway departments, drinking water supply facilities, municipal airports, municipal light and power departments, and schools. Sixty-percent of WSHP’s municipal inspections were accident investigations conducted after a work-related injury. WSHP’s inspection reports provide corrective actions to assist municipalities prevent future accidents.

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). The program developed and distributed “Toolbox Talks” for public works superintendents to assist them in preventing injuries caused by falls, ladders, and power saws. WSHP coordinated with other state and federal agencies such as Massachusetts Emergency Management Agency (MEMA), DPH Occupational Health Surveillance, Department of Public Safety, and OSHA, to improve program efficiency in both the state and municipal workplace realms. DLS staff attended training provided by the OSHA Andover Area Director on the legal aspects of enforcement inspections.





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 2014, in response to questions from minors, parents, schools, and employers, about the permit process, DLS 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

Labor Trafficking

On November 21, 2011, Governor Patrick signed into law House Bill 3808, *An Act Relative to the Commercial Exploitation of People*. The law took effect February 19, 2012. The Law established new crimes of human trafficking for sexual servitude and forced labor, enticement of a child by means of electronic communication, and organ trafficking; increased penalties for existing crimes; instituted requirements for reporting of trafficking victims by mandated reporters; provided a safe harbor provision for child victims; established a trust fund for victims of trafficking to which forfeited assets from trafficking offenses will be deposited; and mandated an inter-agency task force on human trafficking.

The Massachusetts Interagency Human Trafficking Policy Task Force (Task Force) chaired by Massachusetts Attorney General Martha Coakley and consisting of nineteen members representing government, law enforcement, academia, service providers, legal services, and advocacy, convened on February 29, 2012. Chapter 178 of the Acts of 2011 directed the Task Force to:

(x) submit a report of its findings and recommendations to the clerks of the senate and house of representatives who shall forward the report to the chairs of the joint committee on the judiciary not later than 18 months after the effective date of this act. The Task Force shall determine if subsequent reports are necessary in order to properly address human trafficking.

On August 19, 2013, Attorney General Coakley released a report of the findings and recommendations of the Task Force. Recommendations were made according to broad subject areas from sub-committees which focused on particular aspects of human trafficking:

- Victim Services
- Demand Reduction
- Data Collection and Information Sharing
- Education and Training
- Public Awareness

The report provided a road map for Massachusetts to address human trafficking by identifying achievable goals that would be effective in combatting the scourge of trafficking. One of the findings from the Task Force was that a group should specifically be formed to study the issue of labor trafficking and consider making recommendations to the Task Force Chair for potential inclusion as an addendum to the Task Force report.

On January 16, 2014, the Labor Trafficking Sub-Committee of the Human Trafficking Policy Task Force was formed and met 7 times since its formation. Members of the sub-committee included:

- Deb Bercovitch, Chief of the Human Trafficking Unit, Office of the Attorney General
- Drew Cahill, Assistant Attorney General, Office of the Attorney General
- Shawn Croke, Investigator, Division of Professional Licensure
- Julie Dahlstrom, Managing Attorney, Ascentria Care Alliance (formerly Lutheran Social Services of New England) and the Boston University School of Law Human Trafficking Clinic
- Lydia Edwards, Equal Justice Works Fellow, Greater Boston Legal Services
- Kristen Gordon, Director of Human Trafficking Policy, Programming, and Education, Office of the Attorney General
- Diego Low, Executive Director, Metrowest Worker Center
- Mirna Montano, Organizer, Massachusetts Coalition for Occupational Safety & Health
- Audrey Richardson, Senior Attorney, Greater Boston Legal Services
- Heather Rowe (Chair), Director, Department of Labor Standards, Joint Task Force on the Underground Economy and Employee Misclassification
- Georgia Simpson-May, Director, Office of Health Equity, Department of Public Health

Administrative and research assistance for the committee was provided by:

- Melissa Butts, Program Coordinator, Joint Task Force on the Underground Economy and Employee Misclassification
- Christina Wescott, Management Analyst, Department of Labor Standards

The committee members engaged nationally-recognized experts throughout the year to assist us in understanding the different aspects of labor trafficking. Ultimately, the committee made over 25 recommendations for consideration by the Attorney General in a report filed in October 2014, to address the scourge of labor trafficking in Massachusetts

Paid Family Leave

In June of 2014, the US DOL's Women's Bureau, in partnership with DOL's ETA, announced a funding opportunity of \$500,000 for up to five states to participate in their Paid Leave Analysis Grant Program. Each state was invited to submit a letter of interest through a designated state agency to undertake a paid family leave feasibility study to support the development or implementation of paid family and medical leave programs at the state level. DLS, in cooperation with the Commonwealth Corporation (CommCorp), submitted an application on behalf of Massachusetts.

DLS and CommCorp proposed a research and analysis project addressing financing, eligibility, and benefit modeling by contracting with local, nationally renowned researchers to develop a micro-simulation model that estimates eligibility, take-up, and benefit costs of proposed paid family and medical leave programs. The model will include several policy levers so that it can be used to estimate a variety of paid leave programs in Massachusetts as well as in other states. The model will enable users to analyze the distribution of participation and program benefits by demographic characteristics of the population, such as race/ethnicity, age, gender, and educational level of employees. The proposed research will help the state estimate the costs of proposed paid leave programs and inform key stakeholders, the legislature, and the public about the costs and benefits of paid family and medical leave. Through the simulation model and other

research conducted through this grant, state legislators and other stakeholders will be well-positioned to make evidence-based decisions. An added benefit of the proposed research model is that it can be applied to a range of policy proposals in Massachusetts and most other states around the U.S. A 13-member advisory council representing business, worker advocates, academia, and government, will provide valuable input into the project, which is set to be completed by September 30, 2015.

DLS Application Fee Schedule 2014

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, 2014-June 30, 2015)	
State Appropriation	\$ 2,059,487.00 ³
Retained Revenue	\$ 452,850.00
DAT VA Program	\$ 76,059.00
DAT Card Trust	\$ 295,160.00
ELW IT Budget (DLS share)	\$ 31,195.00
Mine Safety and Health Administration (MSHA)	\$ 66,383.00
Bureau of Labor Statistics	\$ 64,000.00
Adult Blood Lead Levels Surveillance	\$ 0 ⁴
TSCA Asbestos Licensing and Monitoring	\$ 108,000.00 ⁵
TSCA Lead Licensing and Monitoring	\$ 360,000.00 ⁶
OSHA Data Initiative	\$ 0 ⁷
OSHA Onsite Consultation	\$ 1,328,000.00
US DOL Women's Bureau Grant -Paid Leave Study Analysis	\$ 117,651.00
DCS Foreign Labor Cert (H2A survey)	\$ 66,836.90

Calendar Year 2014 (January 1, 2014-December 31, 2014) Revenue Collected by DLS	
Blood Lead Testing	\$ 0 ⁸
Surcharges	\$ 277,455.00
Applications for Minimum Wage Waivers for Day Camps	\$ 13,400.00
Applications for Minimum Wage Waivers for Special Wage Permits	\$ 1,800.00
Applications for 120 day Seasonal Permit for Overtime Exemption	\$ 12,400.00
Applications for Employee Uniform Deposits and Waivers	\$ 400.00
Civil Fines	\$ 68,499.65
Applications for Employment Agency Licensure & Registration	\$ 345,355.00
Applications for Lead Discipline Licenses (including RRP)	\$ 183,745.00
Applications for Asbestos Discipline Licenses	\$ 1,170,067.00
Miscellaneous (DLS)	\$ 4,256.05
Third Party Right-to-Know instructors	\$ 580.00
Sponsor Verifications	\$ 61,750.00
Sponsor Certifications	\$ 151,900.00
Dispensing Optician Application Fees	\$ 3,200.00

³ Total reflects two rounds of 9C cuts made during FY15.

⁴ Grant program discontinued by CDC.

⁵ US EPA grant on a two-year budget cycle; funding represents one year of a two-year grant award.

⁶ US EPA grant on a two-year budget cycle; funding represents one year of a two-year grant award.

⁷ Grant program discontinued by USDOL OSHA.

⁸ DLS discontinued offering this service due to resource constraints.

Apprentice ID Cards	\$	213,976.00
Miscellaneous (DAT)	\$	0
TOTAL	\$	2,508,783.70

DLS FTE Count from June 2005-December 2014 (FY05-FY15)

During 2014, DLS filled five positions. A Research Analyst for the Occupational Safety and Health Statistics Program and an Office Support Specialist for the Licensing Unit were hired to backfill these two positions which were vacated during the year. During the latter part of CY2013, DLS had been interviewing candidates for an Environmental Engineer for the Consultation Program and an Industrial Safety and Health Inspector for Lead and Asbestos; these two positions were filled during the first quarter of 2014. A new position—a Licensing and Statistics Program Manager—was hired during the first quarter of the year. In the last quarter of CY2014, an Office Support Specialist position for DAS was open and the department was interviewing candidates in hopes of filling the position during the first quarter of CY2015. The department experienced no retirements during CY2014.

FY	Date	FTE
FY15	9/26/2014	58.0
FY14	7/1/2013	56.0
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 2014

Administration

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

Apprentice Standards

Ivanusa DosSantos, Office Support Specialist
Rita Gill, Program Coordinator
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
Zachariah Costa, Industrial Safety & Health Inspector
Adam Kinney, Industrial Safety & Health Inspector
Ligia Martinez, Compliance Officer
Alexander Murphy, Industrial Safety & Health Inspector
Michelle O'Leary, Industrial Safety & Health Inspector
Garry Pharris, Industrial Safety & Health Inspector
Rebecca Reese, Compliance Officer
Jared Saunders, Industrial Safety & Health Inspector
Patricia Sutliff, Environmental Engineer

Licensing and Regulation

Laura Hoitt, Manager
James Dello Russo, Program Coordinator
Nathan Landers, Office Support Specialist
Daphne Lobognon, Office Support Specialist
Ozelle Rivera, Administrative Assistant

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 & 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
Daniela Frasca, Forensic Scientist
Maxine Garbo, Environmental Engineer
Michael Ginieres, Environmental Engineer
Hilary Hackbart, Environmental Engineer
Susan Humphreys, Administrative Assistant
Michael Kissel, Environmental Engineer
Justin Krassner, Industrial Safety & Health Inspector
Sarah Ladin, Research Analyst
Marvin Lewiton, Environmental Engineer
Jon Lifvergren, Industrial Safety & Health Inspector
Janet McKenna, Environmental Engineer
Michael Monfredo, Industrial Safety & Health Inspector
Robert Nicotera, Environmental Engineer
Lou Penella, Industrial Safety & Health Inspector
Arthur Pennesi, Environmental Engineer
Justin Rizzo, Research Analyst
Priyal Shah, Research Analyst
Susan Shepherd, Environmental Engineer
Michael Weakley, Environmental Engineer

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).

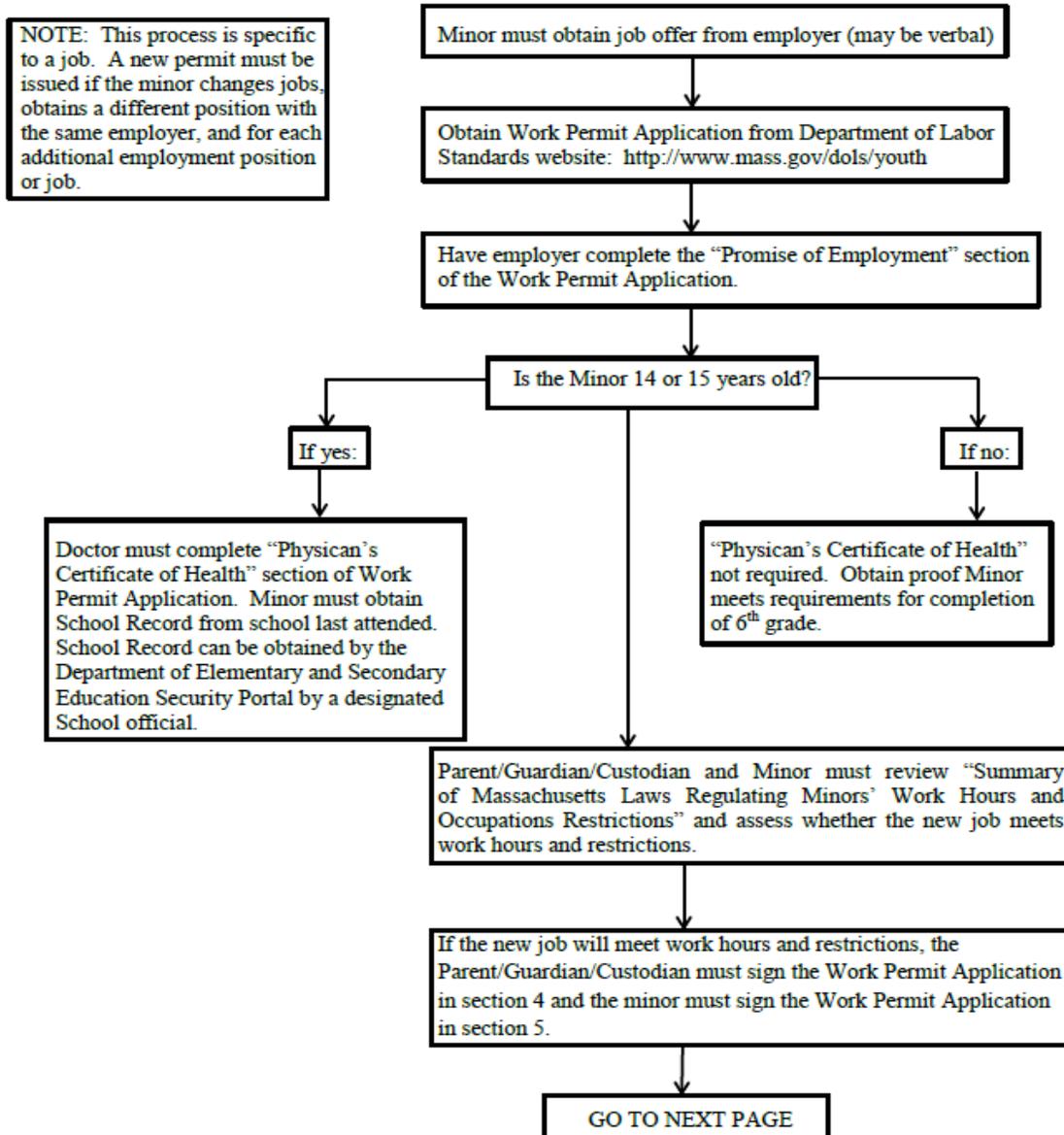
Effective January 1, 2017:

- 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

