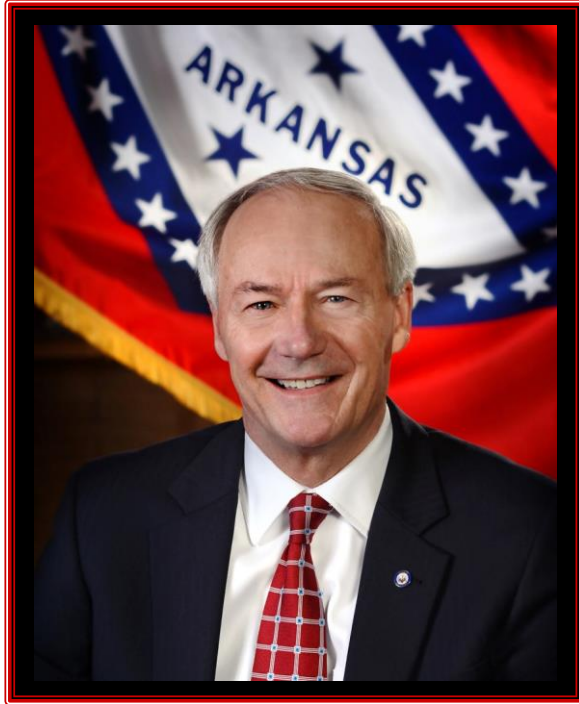




Arkansas Workers: A Tradition of Excellence
Annual Report
2015



ASA HUTCHINSON
GOVERNOR
STATE OF ARKANSAS



LEON JONES, JR.
DIRECTOR
DEPARTMENT OF LABOR



RALPH T. HUDSON
DEPUTY DIRECTOR
DEPARTMENT OF LABOR

Asa Hutchinson
Governor



State of Arkansas
Department of Labor

Leon Jones, Jr.
Director

The Honorable Asa Hutchinson
Governor, State of Arkansas
State Capitol Building
Little Rock, Arkansas, 72201

Dear Governor Hutchinson:

I am pleased to submit the annual report for the Arkansas Department of Labor for the fiscal year ending June 30, 2015. This report highlights the broad scope of services and duties that are the responsibility of the agency.

The employees of the department have demonstrated a commitment to hard work and public service. I am both proud of them and grateful to them for that commitment. I see it every day, whether it is in providing workplace safety training or assistance at a worksite; conducting a minimum wage and overtime investigation; or inspecting an amusement ride or boiler. The agency has worked hard to improve the work life of Arkansas citizens.

I appreciate your support, and it is my honor to serve in your administration.

Sincerely,

Leon Jones, Jr.
Director of Labor



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Occupational Safety & Health

The Occupational Safety and Health Division is the largest within the Department of Labor. The goal of this division is to effectively enforce state laws regarding occupational safety and health and to improve worker safety in Arkansas. This is accomplished in a number of ways, including:

- ◆ Conducting complaint, accident, and fatality investigations in the public sector;
- ◆ Making routine inspections of publicly-owned workplaces;
- ◆ Providing free safety consultation services to Arkansas businesses and mines
- ◆ Inspecting amusement rides to assure the safety of visitors and workers;
- ◆ Providing informational services and training classes regarding key safety and health issues in order to better equip Arkansas's workforce against occupational hazards. This may include one-on-one site visits, public speaking engagements, media resources, and targeted publications;
- ◆ Presenting safety awards to businesses and individuals who excel in promoting safety and health; and
- ◆ Conducting annual surveys of workplace fatalities, injuries, and illnesses in the state.

SAFETY AWARDS

Several types of safety awards were presented to recognize companies and individuals for their outstanding achievements in workplace safety. These included:

- Million Work Hour Awards
- Safety Awards of Merit
- Accumulative Years Safety Awards
- Meritorious Service Awards

The Million Work Hour Awards are presented to companies and organizations whose employees have accumulated a million work hours without a lost day away from work due to work-related injuries or illnesses.

The Safety Award of Merit is presented to employers that have operated without a lost time injury according to the following criteria:

- Must have an effective safety and health program, and
- Must have one or more employees and have worked three or more years or accumulated at least 500,000 work hours without a lost time injury.

The Accumulative Years Safety Award is designed for small employer facilities that operate for multiple years without a lost day away from work, but are unable to reach the Million Work Hour Award.

Meritorious Service Awards are given to Arkansas citizens who have either recognized an immediately dangerous situation and eliminated the potentially hazardous condition, or attempted to save or did save another person's life. The Meritorious Service Awards Committee requires that recipients be nominated by another person for their efforts and then screened by the committee.

The following industries were recipients of safety awards from the Occupational Safety and Health Division during the 2014-2015 fiscal year:

EIGHT MILLION WORK HOURS SAFETY AWARD

Butterball, LLC, Huntsville

FOUR MILLION WORK HOURS SAFETY AWARD

Graphic Packaging International, Inc., Ft. Smith
Rock-Tenn, Harrison
Kennametal, Inc. Rogers
Butterball LLC., Ozark Processing Plant, Ozark
Laz-Boy, Siloam Springs

THREE MILLION WORK HOURS SAFETY AWARD

Lockheed Martin, Camden
Saint-Gobain Proppants, Fort Smith
Baldor Electric Company, Clarksville
ConAgra Food, Springdale

TWO MILLION WORK HOURS SAFETY AWARD

Kerusso Activewear, Inc., Berryville
Conway Container International Paper, Conway
TMK-IPSCO, Blytheville
Pratt & Whitney, Springdale
Rockline Industries, Springdale
ConAgra Foods, Inc., Batesville
Advanced Environmental Recycling Technologies, Inc. (AERT), Springdale
Apex Tool Group, Springdale
Klein Tools, Inc., Fort Smith
Tenneco Inc., Paragould

ACCUMULATIVE YEARS SAFETY AWARD

| | |
|---|----------|
| An-Pro Co., Proctor & Gamble, Russellville, | 11 Years |
| Anthony Forest, Strong | 1 Year |
| BASF Corporation, West Memphis | 8 Years |
| Butterball, LLC Feed Mill, Alix | 18 Years |
| Butterball LLC Ozark Live Operation, Ozark | 11 Years |

| | |
|---|----------|
| Cargill Pork Feed Mill, Umpire | 9 Years |
| CertainTeed Gypsum, Inc., Nashville | 21 Years |
| Cobb-Vantress Bates Mountain Farm, Tyson Food, Summers | 4 Years |
| Cobb-Vantress Hatchery, Tyson Foods, Fayetteville | 6 Years |
| Cobb-Vantress Feed Mill, Tyson Foods, Siloam Springs | 8 Years |
| Cobb-Vantress North Hatchery, Tyson Foods, Siloam Springs | 4 Years |
| Cobb-Vantress South Hatchery, Tyson Foods, Siloam Springs | 7 Years |
| El Dorado Chemical, El Dorado | 2 Years |
| KMF, Ft. Smith | 7 Years |
| Kellogg Brown & Root, West Memphis | 1 Year |
| Kinder Morgan, Armorel | 8 Years |
| London Feed Mill, Russellville | 35 Years |
| Mahle Engine Components, Russellville | 2 Years |
| New Prospect Company, Ft. Smith | 5 Years |
| Performance Contractors, Inc. | 11 Years |
| River Valley Animal Foods, (Division Tyson Foods) Texarkana | 2 Years |
| Trane Custom, Ft. Smith | 4 Years |
| Trane Residential Solutions, Ft. Smith | 1 Year |
| Webb Wheel Products, Inc., Siloam Springs | 5 Years |

**Safety Awards
Presented
July 2014 - June 2015**

| | |
|--------------------------------|----|
| Accumulative Years Award..... | 24 |
| Safety Award of Merit..... | 0 |
| One Million Work Hours | 0 |
| Two Million Work Hours..... | 10 |
| Three Million Work Hours | 4 |
| Four Million Work Hours | 5 |
| Five Million Work Hours..... | 0 |
| Six Million Work Hours..... | 0 |
| Seven Million Work Hours | 0 |
| Eight Million Work Hours | 1 |
| Nine Million Work Hours | 0 |
| Ten Million Work Hours..... | 0 |
| Eleven Million Work Hours..... | 0 |

Total Awards Presented..... 50

**Safety Awards
Presented
July 1976 - June 2015**

| | |
|--------------------------------|-----|
| Accumulative Years Award | 558 |
| Safety Award of Merit | 219 |
| One Million Work Hours | 450 |
| Two Million Work Hours..... | 147 |
| Three Million Work Hours..... | 64 |
| Four Million Work Hours | 44 |
| Five Million Work Hours..... | 25 |
| Six Million Work Hours..... | 18 |
| Seven Million Work Hours | 13 |
| Eight Million Work Hours | 10 |
| Nine Million Work Hours | 9 |
| Ten Million Work Hours..... | 6 |
| Eleven Million Work Hours..... | 2 |

Total Awards Presented 1,564

STATEWIDE SAFETY CONFERENCES

The Arkansas Department of Labor and the U.S. Department of Labor presented 10 safety conferences across the state, sometimes with additional sponsorship from local safety associations. Workers' Safety Conferences were held in Jonesboro, Little Rock, Dardanelle, Bentonville, Ashdown, Batesville, Pine Bluff, West Memphis, El Dorado and Hope during this fiscal year. There were 1,174 attendees from 327 companies.

The seminars are designed primarily for hourly employees. This focus on the hourly worker makes the seminars unique when compared to other occupational safety and health training offered throughout the state. While supervisors, managers, engineers, maintenance workers, plant managers, and people serving on organizational safety committees are welcome to attend the conferences, the emphasis remains on reaching the hourly worker

Four or more subjects were covered at each one-day conference. Topics included safety and health hazard recognition; personal protective equipment; effective safety committees; defensive driving; anger and stress management; drugs in the workplace; sprains and strains; violence in the workplace; slips, trips and falls; and more.

The Division also sponsored a number of specially-designed seminars across the state intended to address specific safety and health issues. Topics included "How To Develop A Safety Program;" "Hazard Communication;" "Lockout/Tagout;" "General Safety;" "Blending Safety and Production;" and more.

The Arkansas Department of Labor, the federal OSHA Area Office, and a host of other safety organizations continued an alliance that focuses on training employers and teen workers in fast food establishments and grocery stores, etc. In addition to state and federal OSHA, alliance members include:

- ◆ Arkansas Society of Safety Engineers
- ◆ Northwest Arkansas Chapter of Human Resource Management
- ◆ Black River Vocational Technical College
- ◆ Arkansas Volunteer Protection Program
- ◆ World Safety Organization
- ◆ South East Arkansas Resources and Safety Committee
- ◆ River City Safety and Environmental Council
- ◆ Southeast Arkansas Technical College
- ◆ Northwest Arkansas Safety Council

The Teen Safety booth was displayed at every Workers' Safety Conference and other similar events across the state. Various training materials including a promotional film dealing with general Teen Safety have been developed and are available free of charge by contacting Natalie Coleman at 501-682-4523 or by email at natalie.coleman@arkansas.gov.

MEDIA RESOURCE CENTER

The Occupational Safety and Health Division hosts the Arkansas Department of Labor’s Media Resource Center, which consists of three media libraries that are co-sponsored by the Arkansas Workers’ Compensation Commission. The original and most extensive of these libraries is located at our Little Rock office, and a second collection is housed at Black River Technical College’s satellite campus in Paragould. A third library is housed at the Northwest Arkansas Community College in Bentonville.

The libraries contain DVDs and printed materials dealing with a variety of safety-related topics, in both English and Spanish. These resources are available to companies and individuals to borrow for training sessions and safety committee meetings at no charge. New DVDs are added throughout the year. A catalog of DVDs from each Media Resource Center, as well as a Loan Request Form, are available on the Arkansas Department of Labor web page under the OSHA Consultation Section. Alternately, a request form can be completed in person at the Safety Division office.

For more information, contact Natalie Coleman at 501-682-4523, or email natalie.coleman@arkansas.gov.

Media Resource Center Loan Activity

| Month | No. of DVDs Loaned | Public Sector Customer | Private Sector Customer |
|-------------------|--------------------------|------------------------------|-------------------------------|
| Jul. 2014 | 34 | 8 | 11 |
| Aug. 2014 | 31 | 6 | 9 |
| Sept. 2014 | 27 | 7 | 8 |
| Oct. 2014 | 28 | 8 | 4 |
| Nov. 2014 | 31 | 7 | 7 |
| Dec. 2014 | 43 | 7 | 12 |
| Jan. 2015 | 44 | 6 | 12 |
| Feb. 2015 | 34 | 8 | 7 |
| Mar, 2015 | 38 | 5 | 12 |
| Apr. 2015 | 40 | 6 | 9 |
| May 2015 | 22 | 4 | 4 |
| Jun. 2015 | 24 | 4 | 9 |
| Total: | 396 | 76 | 104 |

OSHA CONSULTATION

The OSHA Consultation Section employs OSHA-trained safety consultants and industrial hygienists to provide compliance assistance to private sector employers or employer groups with respect to federal OSHA standards. They have a wide-range of expertise and cover the entire state.

Consultation services are provided upon request only, with a preference given to small, high-hazard businesses. The services may be limited or may include a comprehensive safety and health survey, depending on the needs and the request of the business. Consultants conduct any necessary tests, such as air sampling or checking electrical continuity. Upon completion of the survey and applicable tests, a written report is generated and sent to the employer.

Upon receipt of the written report, the employer is required to correct all serious hazards identified by the consultant and notify the Division once the corrections have been completed.

The Division also offers informal training aimed at correcting deficiencies identified during the surveys. If needed, consultants can tailor classes to fit the particular needs of a given company or organization. A wealth of material is available to employers regarding various health and safety issues such as employee noise training, working in hot environments, hazard communication, personal protective equipment, construction safety, wire rope inspections, changing split rim tires, and OSHA record-keeping.

The OSHA Consultation Section can also provide research assistance on safety-related issues by means of a national computer network, which provides current information on chemicals, industrial processes, and government regulations. Additional resources can also be found at www.osha.gov.

**OSHA CONSULTATION
ACTIVITY REPORT
July 2014-June 2015**

| | |
|--|---------------|
| Total Employees Assisted | 295 |
| Total Employees Affected..... | 21,560 |
| <u>Initial Visits</u> | |
| Safety Consultant Visits | 228 |
| Health Consultant Visits | 147 |
| Total..... | 375 |
| <u>Training & Assistance Visits</u> | |
| Safety Consultant Visits | 2 |
| Health Consultant Visits | 4 |
| Total..... | 6 |
| <u>Follow-up Visits</u> | |
| Safety Consultant Visits | 6 |
| Health Consultant Visits | 21 |
| Total..... | 27 |
| Total Safety Visits..... | 236 |
| Total Health Visits | 172 |
| Grand Total Visits | 408 |
| <u>HAZARDS IDENTIFIED</u> | |
| Serious Hazards Identified | 1,423 |
| Other-Than-Serious Hazards Identified | 282 |
| Regulatory Hazards Identified..... | 156 |
| Grand Total Hazards Identified | 1,861 |

SHARP/VPP

Employers who have exemplary safety and health management systems may qualify to be placed in the federal recognition and exemption program called SHARP (Safety and Health Achievement Recognition Program). Employers who achieve SHARP status receive an exemption from OSHA's general programmed inspections for one year, and if they qualify for a SHARP renewal, the exemption can be extended for up to two years. In the first year that a company or organization qualifies for SHARP, it receives a special certificate from the federal OSHA program, a plaque, and a SHARP banner or flag from the state Consultation program recognizing its outstanding safety and health program.

During the 2015 fiscal year, there were 53 organizations participating in the SHARP program. The tenth annual SHARP/VPP conference sponsored by the Arkansas SHARP/VPP Association was held September 11, 2014, and 235 participants from 60 companies attended. Monthly SHARP/VPP meetings were held at the Department of Labor and at several other locations.

AOSH (ARKANSAS OCCUPATIONAL SAFETY & HEALTH)

The AOSH (Arkansas Occupational Safety & Health) Section is responsible for enforcing Arkansas's laws dealing with occupational safety and health at facilities not covered by federal OSHA. This section investigates complaints, accidents, and fatalities in public sector workplaces and conducts inspections to identify violations of Arkansas safety and health regulations. The staff also conducts training and awareness programs across the state. Specifically, this section is responsible for the administration and enforcement of the Public Employees' Chemical Right To Know Act, Arkansas Code §8-7-1001 *et seq.*, and the related regulations known as Safety Code 12. The purpose of this law is to provide public employees with information and training concerning hazardous chemicals with which they may work. AOSH is also responsible for promoting awareness of the law and enforcing the requirements of the regulation.

To receive a copy of Code 12 or to schedule a free training class, contact AOSH Public Sector Supervisor Mark Lawrence at 501-690-5271, email mark.lawrence@arkansas.gov, or download a copy of the code from our website.

AOSH is aggressively involved in promoting safe and healthful work practices to eliminate human suffering caused by accidents, injuries, illnesses, and diseases. The consultants are responsible for identifying hazards, generating reports, and providing formal and informal training and assistance.

AOSH PUBLIC SECTOR SUMMARY

July 2014-June 2015

AOSH Compliance Section Public Sector Accident Investigations

| | |
|--|-----|
| Accident Investigations | 5 |
| Employees Affected By Hazards Found | 609 |
| Accident Follow-Up Investigation Reports | 0 |

Fatality Investigations

| | |
|---|-----|
| Fatality Investigation | 1 |
| Employees Affected By Hazards Found | 130 |
| Fatality Follow-Up Investigation Reports..... | 0 |

Complaint Investigations

| | |
|--|------|
| Complaint Investigations | 37 |
| Employees Affected By Hazards Found | 7480 |
| Complaint Follow-Up Investigation Reports..... | 6 |

AOSH Consultation Inspections

Public Sector

| | |
|---|--------|
| Consultation Visits | 272 |
| Employees Affected By Hazards Found | 31,660 |
| Consultation Follow-Up Reports | 31 |

Training Conducted

| | |
|--|------|
| Seminars | 21 |
| Formal Training (Less Than 3 Hours)..... | 148 |
| Conferences | 7 |
| Total Attendees | 4178 |

Amusement Ride Inspections

| | |
|--------------------------------|----------|
| Number Of Rides Inspected..... | 4559 |
| Total Items Cited | 827 |
| Total Fees Collected | \$95,500 |

Blasting Services

| | |
|---|-----|
| Complaints Received..... | 8 |
| Complaints Investigated | 8 |
| Consultation Conducted | 2 |
| Blasting Cards Issued - Class Attendance | 107 |
| Total Certificates Issued This Fiscal Year | 154 |
| Blasting Cards Issued Through Reciprocity | 47 |
| 40-Hour Blasting Classes Conducted | 2 |
| 20-Hour Blasting Classes Conducted | 4 |
| 8-Hour Blasting Classes Conducted | 14 |
| Total Classes Conducted Training..... | 20 |
| Seismograph Monitorings Performed..... | 6 |
| Blasting Code Compliance Inspections Conducted..... | 8 |

Employees from the public sector can call the AOSH section with complaints or questions. In many cases, an inspector will visit the worksite. AOSH also conducts routine inspections of public schools, cities, counties, colleges, universities and state agencies free of charge.

Specific tests and equipment may be used to identify and determine hazards involving electricity, chemicals, noise, and air quality. Hazard classification is determined by the severity of each situation. When hazards are identified, they are classified as “posing imminent danger,” “serious” or “other than serious.” AOSH consultants then provide information regarding specific conditions (hazards), and the associated laws, standards or codes of reference related to them. They also recommend what, if any, corrective actions should be taken to eliminate the hazards.

AOSH also promotes “safety culture” by helping to develop, implement and maintain safety and health programs whenever the need arises. To this end, a number of seminars are held throughout the state for the public sector each year. Some of the subjects offered include Public Employees’ Chemical Right To Know, Bus Shop Safety, Kitchen Safety, Trenching and Excavation, Bloodborne Pathogens Programs, Ergonomics, Violence in the Workplace, Hazard Recognition, Slips/Trips/Falls, and General Safety. Additionally, on-site informal training may be provided at the time of a consultation visit.

For information about AOSH in general, contact the AOSH Division Manager Kevin Looney at 501-682-9091, or e-mail kevin.looney@arkansas.gov.

BLASTING

The Quarry and Open Pit Mine Blasting Control Act of 1995, Arkansas Code §§20-27-1101 *et seq.*, established restrictions and limits on blasting at quarries and open pit mines with enforcement authority under the Department of Labor. To that end, AOSH provides consultation to operators, property owners, and the general public concerning complaints related to blasting. Seismograph monitoring of blasting sites is also available. Additionally, most individuals conducting blasting in Arkansas, regardless of whether it is at a quarry or open pit mine, are required by state law to obtain certification of qualification and attend a blasting safety training course. Arkansas Code § 20-27-1102 and Safety Code No. 13. For more information about blasting, contact Kevin Looney at 501-682-9091, or e-mail kevin.looney@arkansas.gov.

AMUSEMENT RIDE INSPECTION

The ASOH Section is responsible for enforcing state law regarding the safety of amusement rides and attractions. Department inspectors are trained and certified by the National Association of Amusement Ride Safety Officials, (NAARSO). They inspected nearly 4,604 amusement rides during the 2014-2015 fiscal year, 50 more than the previous year. The sum of \$92,300 in inspection fees was collected.

Permanent rides or attractions must be inspected every 6 months. Portable rides and attractions, with some exceptions for such things as climbing walls and inflatables, must be inspected every time they are set up in a new location. Each ride must be insured in the minimum amount of \$1,000,000 per incident or occurrence.

For more information, contact Mark Lawrence by phone at 501-690-8774, or by email at mark.lawrence@arkansas.gov.

AMUSEMENT RIDE SAFETY ADVISORY BOARD

The duty of the Amusement Ride Safety Advisory Board is to assist the Director of Labor with the formulation of rules and regulations regarding the safe operation of amusement rides, and to give the Department of Labor such counsel and advice as will aid it in the proper enforcement and administration of the law.

The Amusement Ride Safety Advisory Board is appointed by the Governor. Members of the Amusement Ride Safety Advisory Board for the 2015 fiscal year:

- Leon Jones, Jr.**, Director of Labor, and ex officio chair
- Richard Davies**, Director of Arkansas Parks & Tourism
- Johnny Miller**, representing owners/operators of portable amusement rides
- Jessyka Hanna**, representing owners/operators of permanently placed rides
- Weldon Wynn**, representing fair managers

MINE SAFETY & HEALTH ADMINISTRATION (MSHA)

The Mine Safety and Health Administration (MSHA) training program assists mining companies and contractors in complying with federal mine safety and health laws. This is accomplished by the preparation of training plans, the actual training of workers, and the review of training records.

The three Arkansas MSHA staff personnel cooperate with the federal MSHA inspectors to ensure that assistance is available to any Arkansas mine operator, miner, or contractor who requires it. Classes can be scheduled at our facility or at the company's facility.

During the 2014-2015 fiscal year, the MSHA staff conducted 268 classes on various safety and health issues and trained 2,700 persons.

**MSHA Training Classes
July 2014 - June 2015**

| Courses | No. of Classes | Total Attendance |
|-----------------------|-----------------------|-------------------------|
| MSHA Annual Refresher | 91 | 1,111 |
| MHSA New Miner | 22 | 187 |
| First Aid | 80 | 737 |
| CPR | 75 | 665 |
| TOTAL | 268 | 2,700 |

Over 200 operations took advantage of these classes, which included 1,962 miners and 738 contractors. The total amount invoiced was \$59,980. Currently, the cost is \$200.00 per day for five or fewer participants and \$40.00 per person per day for six or more participants. For more information on the MSHA training program, contact Susan Weaver at 501-682-4520 or email susan.g.weaver@arkansas.gov.

The MSHA training program also provides **general safety courses** for any group, organization, or business. The cost for First Aid and CPR classes is \$200.00 per day for five or fewer participants and \$40.00 per person per day for six or more participants. Classes can be scheduled at our facility or at the company's facility.

During the 2014-2015 fiscal year, the three MSHA staff conducted 236 general safety classes, training 1,768 individuals for 92 different companies. The total amount invoiced was \$27,555. For more information, contact Susan Weaver at 501-682-4520 or e-mail susan.g.weaver@arkansas.gov.

**MSHA
General Safety
Classes
July 2014 - June 2015**

| Courses | # of Classes | Total Attendance |
|----------------|---------------------|-------------------------|
| First Aid | 115 | 868 |
| CPR | 121 | 900 |
| TOTAL | 236 | 1,768 |

OCCUPATIONAL SAFETY AND HEALTH STATISTICS

The Arkansas Department of Labor administers two statistical programs through a grant/agreement with the U. S. Department of Labor, Bureau of Labor Statistics (BLS). The first program, known as the Survey of Occupational Injuries and Illnesses (SOII), involves collecting data from a random sample of both public and private employers. The data collected from this survey includes annual average employment, total hours worked, and injury and illness totals for the State of Arkansas. Demographic and case characteristic data are provided for work injury cases that involve one or more day away from work. For 2013, there were 3.0 work-related injuries and illnesses reported for every 100 full-time workers in private industry in Arkansas, down from 3.2 in 2012. Sprains and strains accounted for 36.6% of these work-related injuries and illnesses that required day(s) away from work in private industry for 2013.

The second statistical program is known as the Census of Fatal Occupational Injuries (CFOI). This program collects data to produce comprehensive, accurate, and timely counts of fatal work injuries in the State of Arkansas. To compile counts that are as complete as possible, the census uses multiple sources to identify, verify, and profile fatal worker injuries. Information about each fatal workplace injury – occupation and other worker characteristics, equipment involved, and circumstances of the event – is obtained by cross-referencing source records such as death certificates, workers' compensation reports, and federal and state agency administrative reports. In 2013, 63 workers lost their lives in work-related incidents. This was the second consecutive year with 63 work-related fatalities. Arkansas averaged 86 work-related fatalities per year for the five year period of 2007-2011.

The division compiles data issued annually for the preceding calendar year. Safety and health policy analysts and researchers use this information to help prevent fatal work injuries by:

- Informing workers of life threatening hazards associated with various jobs.
- Promoting safer work practices through enhanced job safety training.
- Assessing and improving workplace safety standards.
- Identifying new areas of safety research.

For more information or copies of the publications of SOII or CFOI statistics, contact Don Cash at 501-682-4542 or visit our website at www.labor.ar.gov.

Work-Related Fatalities In Arkansas

| | |
|------------|-----|
| 1992 | 82 |
| 1993 | 71 |
| 1994 | 85 |
| 1995 | 91 |
| 1996 | 88 |
| 1997 | 102 |
| 1998 | 86 |
| 1999 | 76 |
| 2000 | 106 |
| 2001 | 68 |
| 2002 | 80 |
| 2003 | 87 |
| 2004 | 70 |
| 2005 | 80 |
| 2006 | 78 |
| 2007 | 89 |
| 2008 | 85 |
| 2009 | 75 |
| 2010 | 88 |
| 2011 | 93 |
| 2012 | 63 |
| 2013 | 63 |



Code Enforcement

The Code Enforcement Division is responsible for protecting the public from hazards associated with the installation, use, and operation of boilers and elevators, and the activities of electricians in the State of Arkansas. These tasks are accomplished through licensing, permitting, and inspections.

BOILER SAFETY

The Boiler Safety section was established by legislative action in 1917 to protect the public from the inherent dangers prevailing in the construction, operation, repair, alteration and incorrect usage of boilers and pressure vessels. Its primary objective is the prevention of boiler and pressure vessel accidents, which might cause loss of life, personal injury or extensive property damage. It is self-supporting and relies on fees approved by the legislature for inspection work performed and services rendered.

The goal of this section is the elimination of boiler and pressure vessel accidents. The section is responsible for the enforcement of the mandatory boiler and pressure vessel safety laws, including administrative. The Department of Labor has adopted of various codes formulated by the American Society of Mechanical Engineers (ASME), and

the National Board of Boiler and Pressure Vessel Inspectors. In addition, the Boiler Safety Section participates in the National Board of Boiler and Pressure Vessel Inspectors Tracking Report, which identifies problem areas and trends related to boiler and pressure vessel operation, installation, maintenance and repair.

BOILER INSPECTION DIVISION July 2014-June 2015

Inspections Processed

| | |
|--|--------|
| State Boiler Inspections | 3,536 |
| Insured Boiler Inspections..... | 11,120 |
| Shop Inspections/Shop Inspection Services..... | 14 |
| Anhydrous Ammonia Inspections..... | 0 |

Miscellaneous Charges Processed

| | |
|--|----|
| Boiler Operator Examination Charges..... | 89 |
|--|----|

Licenses Issued

| | |
|---|-------|
| Boiler Operator Licenses..... | 6,454 |
| Inspector Commissions/Certificates of Competency | 167 |
| Sell/Installation Licenses and Repair Licenses | 474 |
| Repair Licenses..... | 273 |

Permits Issued

| | |
|--|-----|
| Permits to Install Boilers and Pressure Vessels..... | 588 |
| Permits to Install Pressure Piping..... | 10 |
| Repair/Alteration Permits..... | 339 |

Fees Collected/Deposited

| | |
|---------------------|--------------|
| Total Deposits..... | \$822,341.00 |
|---------------------|--------------|

In order to ensure safety, the Boiler Safety Section administers the licensing program for installers, repair firms, boiler operators, and boiler inspectors employed by insurance companies. Additionally, state boiler inspectors handle a number of inspections, including mandatory inspections on those vessels who fail to obtain an inspection from their insurance company.

The Boiler Safety Section also works closely with sellers, installers, users, repairers, and operators, to provide assistance in interpreting the boiler safety laws of the State of Arkansas, as well as the technical codes adopted by the agency. Other services include:

- Administering examinations to qualified applicants and issuing boiler operator licenses;
- Issuing installation permits, repair permits, and pressure piping permits;
- Issuing installation licenses and repair licenses;
- Issuing certificates of operation for boilers and pressure vessels;
- Issuing certificates of competency to commissioned inspectors;
- Assisting insurance inspectors;
- Assisting firms, individuals, & companies that contact or visit the Boiler Inspection Division office;
- Conducting accident investigations;
- Evaluating requests for code variances;
- Conducting ASME and National Board certificate reviews; and
- Conducting state and ASME code shop inspections as well as field inspections upon request.

BOILER ADVISORY BOARD

The Boiler Advisory Board was created to assist in the formulation of rules and regulations for the construction, installation, inspection, repair, and operation of boilers, unfired pressure vessels and their appurtenances, and of pressure piping in the state of Arkansas. The Boiler Advisory Board is also responsible for counseling and advising the Chief Inspector in the performance of his duties, and for assisting him in giving examinations to prospective boiler inspectors in order to provide a safe environment to Arkansas citizens.

The Governor appoints the Board, and the Director of the Department of Labor or his designee serves as the ex officio chair. The Board members represent insurance companies that inspect and insure boilers and pressure vessels, operating engineers, owners and users of boilers and pressure vessels, and boiler manufacturers.

The Boiler Advisory Board members as of June 30, 2015 were:

- Richard Millé**, representing boiler manufacturers;
- Stephen Case**, representing operating engineers;
- Carlos Nagel**, representing boiler users;
- William Adkins**, representing insurance companies insuring boilers.

ELECTRICAL LICENSING

The Arkansas Board of Electrical Examiners was created by Arkansas Code Annotated §§17-28-101 through -307, which is commonly known as the "State Electricians' Licensing Law." It provides for the licensing of master and journeyman electricians, residential master and residential journeyman electricians, air-conditioning electricians, industrial maintenance electricians and sign specialists, and establishes standards for the construction, installation, and maintenance of electrical facilities, the performance of electrical work,

The Arkansas Electrical Code Authority Act, Arkansas Code Annotated §20-31-101 *et seq.*, authorizes the board to adopt rules and regulations to establish statewide minimum standards for electrical work in Arkansas. The National Electrical Code, 2014 edition of the National Fire Protection Association, with minor revisions, is now the standard for the construction, installation and maintenance of electrical facilities and the performance of electrical work.

It is the board's duty to adopt administrative rules for licensing and the technical standards for electrical work; to conduct licensing examinations; and to grant, revoke or suspend licenses. It is the duty of the Arkansas Department of Labor to administer and enforce the licensing and inspection program as provided by statute and the rules of the board. The board may suspend or revoke an electrician's license for a number of causes, including violations of the National Electrical Code, as adopted.

A state-issued electrician's license is required to perform any electrical work in Arkansas. A temporary, one-time, six-month license may be obtained for an "industry project." Cities still require permits and inspections, and may also require compliance with specific building or construction codes. Additionally, apprentices must be registered with the board. An applicant for a state electrician's license must pass a written examination approved by the board, in addition to meeting certain experience or education requirements. Examinations are administered in Little Rock, Fayetteville, El Dorado, Conway, Paragould, and Fort Smith. The Arkansas Board of Electrical Examiners issued a total of 13,932 licenses this fiscal year.

The nine-member Board of Electrical Examiners consists of eight persons appointed by the Governor, with the ninth member being the Director of Labor or his authorized representative.

The following persons served on the Board of Electrical Examiners during the fiscal year:

Robert Unwar, representing contractors;
Danny King, representing city inspectors;
Charlotte Bradley, representing private utilities;
Todd Hopwood, representing public utilities;
Bill Hegeman, representing the public;
Bob Robinson, representing electricians;
Benjamin "Rusty" Mullen, representing engineers;
Corrie Wiley, representing the elderly; and
Leon Jones, Jr., Director of Labor

BOARD OF ELECTRICAL EXAMINERS
Licenses Issued or Renewed— July 2014-June 2015

| | |
|--------------------------------------|------------------|
| Master | 4,653 |
| Journeyman | 4,508 |
| Residential Master | 212 |
| Residential Journeyman | 208 |
| Industrial Maintenance..... | 765 |
| Electrical Apprentice | 2,915 |
| Electrical Contractor | 59 |
| Air Conditioning | 83 |
| Temporary Journeyman | 136 |
| Temporary Master..... | 10 |
| Sign Specialist..... | 144 |
| Electrical Inspectors..... | 239 |
| TOTAL LICENSES ISSUED | 13,932 |
| | |
| License Fees Collected | \$480,126 |
| Inspector Training..... | \$10,650 |
| Civil Money Penalties Collected..... | \$26,010 |
| TOTAL | \$516,786 |

ELEVATOR SAFETY

The Elevator Safety Section is responsible for enforcing state law regarding the inspection and permitting of elevators, escalators, dumbwaiters, and wheelchair lifts pursuant Ark. Code Ann. §§20-24-101 *et seq.*, as well as the administrative rules adopted by the Elevator Safety Board. This section is also tasked with witnessing required safety and pressure tests, inspecting new installations, and licensing qualified elevator inspectors, mechanics, and contractors. Fees are charged for each function.

The Elevator Safety Board was created in 1963 and consists of five members. The Director of the Department of Labor serves as chair, and the Governor appoints the other four members. The board meets on the second Thursday of every other month and is responsible for:

- Revocation or suspension of any elevator inspector’s license for cause;
- Adopting, amending or repealing rules and regulations;
- Issuing variances; and
- Hearing any appeals from action taken by the Elevator Safety Section.

The following individuals served on the Elevator Safety Board this fiscal year:

- Leon Jones, Jr.**, Director of Labor;
- Raymond Styers**, representing manufacturers;
- Marvin Vaughtner**, representing the elevator union;
- Bob Gram**; representing the public; and
- Dru English**, representing owners and lessees.

An elevator owner or lessee is required to obtain an annual or bi-annual inspection from a licensed elevator inspector. The elevator inspector submits a report that reflects the operating status of the elevator, including any unsafe conditions to the Elevator Safety Section. Correction of any deficiencies is required in order for the owner or operator to obtain a certificate of operation, or operating permit.

Invoices and license renewals can be paid online at www.labor.ar.gov.

For more information on the Elevator Safety Section, call 501-683-5475, or e-mail debbie.probst@arkansas.gov.

ELEVATOR SAFETY July 2012 - June 2013 Statistical Summary

| | |
|--|---------------------|
| Construction Permits Issued | |
| On Elevator Installations | 97 |
| Modernizations & Alterations | |
| On Existing Elevators | 110 |
| Inspections Conducted | 9586 |
| Five-Year Full Load Safety Tests | 174 |
| Three-Year Pressure Tests | 1271 |
| One-Year Pressure Tests | 82 |
| Elevator Inspector, Mechanic, & Contractor’s Licenses Issued..... | 77 |
| TOTAL REVENUE | \$407,574.00 |



Labor Standards

The Labor Standards Division enforces the minimum wage, overtime pay, and recordkeeping requirements of the Arkansas Minimum Wage Act, Arkansas Code § 11-4-201 *et seq.* Additionally, this division administers and enforces the state’s child labor laws; the prevailing wage law; the Private Employment Agency Act, as well as other state employments laws. The division also administers a wage claim program pursuant to Arkansas Code §11-4-301 *et seq.*, to help resolve wage disputes that do not exceed \$2000. The Labor Standards staff also provides public information and compliance assistance.

WAGE AND HOUR

This division administers and enforces the Arkansas labor laws relating to minimum wage, overtime, student learners, child labor, disabled workers, equal pay and the collection of unpaid wages involving \$2,000 or less for employees who work or have worked in Arkansas.

Complaints and wage claims are investigated by field staff located throughout the state. Additionally, the division issues employment certificates for the employment of minors, student learner permits, and certificates of eligibility. Certificates of eligibility authorize employers to pay full time students 85% of the state minimum wage rate provided that the student works no more than 20 hours per week when school is in session and no more than 40 hours per week when school is not in session.

WAGE & HOUR July 2014-June 2015

Wage & Hour Inspections.....1525

Employees Impacted 22,880
 Interviews 297
 Number of violations 102

Assessments

Minimum Wage.....\$ 32,574.91
 Overtime\$198,077.23
 Civil Money Penalties \$ 2,700.00

Collections

Minimum Wage Collected\$ 38,480.40
 Overtime Collected\$164,548.86
 Civil Money Penalties \$ 3,366.64

Total Collections \$206,395.90

Minor Work Permits

Permits Issued 1,213

Wage Claims

Claims Filed 451
 Claims Closed 332
 Claims Collected 127
 Claims Disbursed 116

Dollar Amount

\$318,070.04
 \$224,007.78
 \$ 39,806.27
 \$ 37,021.06

This division also investigates claims for unpaid wages where the amount in controversy is no more than \$2000. This includes sick and vacation pay, holiday benefits, commissions, shortages, cash advances, damaged property charges, and other unauthorized deductions from employees' wages.

Complaints and wage claims may be filed electronically via the Arkansas Department of Labor's website. All services are free of charge.

PRIVATE EMPLOYMENT AGENCY

The Labor Standards Division is also responsible for administering the Private Employment Agency Act, Arkansas Code §11-11-101 *et seq.* The law covers all private employment agencies that operate in Arkansas and charge a fee to the applicant. Agencies are licensed only after bonding and examination requirements have been met. The agency must also demonstrate business integrity and financial responsibility.

All agency owners, managers, and counselors are required by law to pass a qualifying examination. They are also required to maintain records regarding refunds due to applicants, agency newspaper advertisements, applicant referrals, job orders solicited from clients, and all agency business transactions. These records are then subject to review by the division.

The law also has a number of consumer protection features, including a provision that a prorated fee reimbursement if an applicant leaves a job for any reason within the first 90 days of employment. The law also prohibits agencies from charging applicants a fee for any service other than actually being placed on a job.

PREVAILING WAGE

The Arkansas Prevailing Wage Law, Arkansas Code §§ 22-9-301 through -315 is also administered and enforced by the Labor Standards Division. This includes the responsibility for conducting annual wage surveys of both building and heavy construction projects to establish minimum wages for laborers and mechanics employed on public works projects. The minimum prevailing wage rate established must be paid to all workers employed by or on behalf of any public body engaged in the construction of public works. The law authorizes the Director of Labor or his representatives to investigate any alleged violation.

It is the responsibility of the public body awarding any contract, where the cost of all labor and materials is expected to exceed \$75,000, to notify the Department of Labor and obtain a prevailing wage determination for the project. The public body must also include in the specifications for the contract that not less than the prevailing hourly rate of wages as found by the department, or determined by the court on appeal, shall be paid to all workers performing work under the contract.

Arkansas Code §22-9-302 defines "public body" as the State of Arkansas or any officer, board or commission of the state, any county, city, municipality or other political subdivision, or any of the agencies thereof. "Public works" refers to all works constructed for public use, whether

under public supervision, public direction, or paid for wholly or in part out of public funds; but it does not include any work done for or by any drainage, improvement, or levee district. Other exemptions include highway, road, street, or bridge construction and maintenance or related work contracted for or performed by incorporated towns, cities, counties or the Arkansas State Highway and Transportation Department, and public school construction.

The prevailing wage survey begins in August or September of each year. Once the survey is completed, the results are reviewed by the Prevailing Wage Advisory Committee. New prevailing wage rates are certified by the Department of Labor on or about July 1 of each year.

During the fiscal year ending June 30, 2015, the Labor Standards Division issued 675 wage determinations for projects with estimated values totaling \$602,907,813.52. A total of 76 prevailing wage investigations were completed during the fiscal year resulting in back wage assessments in the amount of \$32,199.41.

PREVAILING WAGE ADVISORY COMMITTEE

The mission of the Prevailing Wage Advisory Committee is to provide advice and assistance to the Director of Labor and his staff in the ongoing review of the content, adequacy and effectiveness of the Department of Labor's administration and enforcement of the Arkansas prevailing wage law.

The Advisory Committee was created by executive order in 1994. The committee is comprised of five members representing workers employed in construction, three representing contractors engaged in the construction of public works, two members representing state and local government agencies engaged in the construction of public works, and two ex-officio members.

The following individuals served as members Prevailing Wage Advisory Committee during fiscal year 2015.

Leon Jones, Jr., Director, Arkansas Department of Labor

Anne Laidlaw, Director, Arkansas Building Authority

Robert Garmoe, representing workers

David Stephens, representing workers

Rickey Jeu, representing workers

Tanif Crofts, representing workers

Kevin Coakley, representing workers

Marilyn Edwards, representing local government

Tyler Denton, representing local government

James Alessi, representing contractors

MEDIATION AND CONCILIATION

The Arkansas Mediation and Conciliation Service provides assistance to management and labor in the event of a labor dispute. The Federal Labor Management Relations Act of 1947 requires all parties wishing to amend or terminate a collective bargaining agreement to notify

both state and federal mediation authorities of their intent. The state mediator's responsibility is to then promote peace and harmony in employer/employee relations by encouraging voluntary mediation between parties, to avoid lockouts, boycotts, blacklists, discrimination, and legal proceedings.

The state mediator holds all information obtained during negotiations in the strictest of confidence and his services are free of charge. During the 2014-2015 fiscal year, the state Mediator received notices from 23 local unions and employers of contract negotiations, was involved in 13 contract negotiations and/or mediation sessions, and 10 employer/employee training/conference sessions. The mediator also served as a member of the Arkansas Labor/Management Conference planning committee.



The Administrative Services Division includes Finance, Human Resources, Information Technology, and Legal. These sections provide a wide variety of support services for the entire agency.

FINANCE

Managing the agency’s annual budget of approximately \$7.5 million is one of the primary responsibilities of the Finance Section. This includes budget preparation and monitoring, transfer and disbursement of funds, preparation of reports and grant applications, and management of federal grants received from the Occupational Safety and Health Administration, the Mine Safety and Health Administration and the Bureau of Labor Statistics. The section is also responsible for purchasing and inventory control.

HUMAN RESOURCES

The Human Resources Section provides services that include recruitment and hiring; new employee orientation; performance management; payroll; benefits enrollment and administration; employee training; policy development and retirement administration. The section manages personnel records, as well as time; FMLA and other leave programs. Additionally, technical assistance is provided to management and employees relating to compliance with federal and state employment laws, agency policy and grievance facilitation.

INFORMATION TECHNOLOGY

The Information Technology Section is responsible for planning, designing, implementing, installing, and maintaining the agency’s computer network and all associated components. This includes providing technology solutions, administration and support for more than one hundred desktop PCs and portable PCs, agency servers and all supporting network equipment, as well as software.

LEGAL

The Legal Section handles the agency’s litigation, and provides other legal services to the agency and its regulatory boards. These services include analyzing and monitoring proposed legislation, drafting administrative regulations, and providing legal advice to the agency’s enforcement staff. Additionally, the legal staff serves as a source of information for the general

public regarding Arkansas labor and employment laws.

Much of the litigation handled by the Legal Division relates to the enforcement of state wage laws, including the state's minimum wage and overtime law. Other work may involve administrative law issues such as licensing, permitting or other enforcement activities relating to such operations as boilers, amusement rides and elevators.

Collections by the Legal section for the 2014-2015 fiscal year totaled \$90,199.91.