



DIVISION OF LABOR & INDUSTRY
Office of the Commissioner
1100 North Eutaw Street, Room 600
Baltimore, MD 21201

August 24, 2020

The Honorable Larry Hogan
Governor of Maryland
State House
Annapolis, Maryland 21401

Dear Governor Hogan:

I am submitting to you the 2019 Annual Report of the Division of Labor and Industry, Department of Labor. This report is required under Section 2-108 of the Labor and Employment Article, *Annotated Code of Maryland*. This report summarizes many activities of the Division of Labor and Industry during the Calendar year. Additional required reporting can also be found including: MSAR#861, MSAR#1937, MSAR#1969, MSAR#7543, MSAR#10058, and MSAR#10416.

Copies of the report are being sent to the General Assembly.

With your guidance, we look forward to building on our strengths and while working with Maryland businesses to protect the employment rights and safety of Marylanders

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Helminiak", is written over a horizontal line.

Matthew Helminiak
Commissioner of Labor and Industry

Introduction

The Maryland Division of Labor and Industry is a unit of the Maryland Department of Labor, concerned with the welfare of Maryland's workforce, essential safety services to business, industry and the general public. Under the direction of the Commissioner of Labor and Industry, the Division is charged with administering the following laws and regulations:

- Amusement Ride Safety Law and Regulations
- Apprenticeship and Training Law and Regulations
- Boiler and Pressure Vessel Safety Act and Regulations
- Choice of Bargaining Representative Law
- Civil Remedies for Shoplifting and Employee Theft Law
- Day of Rest – Retail and Wholesale Establishments
- Deployment Leave
- Disclosing Sexual Harassment in the Workplace Act
- Elevators, Dumbwaiters, Escalators and Moving Walks Law and Regulations
- Employment Agency Act and Regulations
- Employment of Minors Law
- Equal Pay for Equal Work Law
- Farm Labor Contractor Law and Regulations
- Flexible Leave Act
- Healthy Retail Employee Law
- Healthy Working Families Act
- High Voltage Line Law
- Hiring and Promotion Preferences – Veterans of Commissioned Corps
- Industrialized Buildings and Manufactured Homes
- Interpreters
- Job Applicant Fairness Law
- Jury Service
- Lie Detector Test Law
- Living Wage Law and Regulations
- Maryland Accessibility Code
- Maryland Building Performance Standards
- Maryland Building Rehabilitation Code
- Mediation or Arbitration of Labor Disputes Law and Regulations
- Minimum Livability Code
- Minimum Wage for Disabled
- Medical Questions Law
- Non Compete and Conflict of Interest Clauses
- Organ Donation
- Model Performance Code for Building Construction
- Occupational Safety and Health Act and Regulations
- Parental Leave – Birth of Adoption of a Child
- Pension Plans
- Prevailing Wage - Contracts for Public Works Law and Regulations
- Railroad Safety and Health Law and Regulations

- Safety Glazing
- Smoking on Public Elevators Law and Regulations
- Tipped Employees – Payments or Deductions from Wages Prohibition
- User Name and Password Privacy Protection and Exclusions
- Volunteer Activities
- Wage and Hour Law and Regulations
- Wage Payment and Collection Law
- Wholesale Sales Representatives
- Workplace Fraud Law

This report is divided into chapters according to the primary units of the agency. The report describes the scope and purpose of each unit and of the boards, councils and committees that advise, assist, or propose regulations to the Commissioner. Included is a summary of activities during the past year, and a list of the Division's publications.

Chiefs and Commissioners

Bureau of Industrial Statistics and Information

Thomas C. Weeks, Chief	1884 – 1892
A. B. Howard, Chief	1892 – 1896
Charles H. Myers, Chief	1886 – 1898
Jefferson D. Wade, Chief	1898 – 1900
Thomas A. Smith, Chief	1900 – 1904
Charles J. Fox, Chief	1904 – 1912
Frank A. White, Chief	1912 – 1916

Board of Labor and Statistics

Charles J. Fox, Chairman	1916 – 1922
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Commissioner of Labor and Statistics

J. Knox Insley, Commissioner	1922 – 1935
Henry Lay Duer, Commissioner	1936 – 1937
A. Stengle Marine, Commissioner	1937 – 1938
John M. Pohlhaus, Commissioner	1938 – 1945

Department of Labor and Industry

John M. Pohlhaus, Commissioner	1945 – 1948
Joseph F. DiDomenico, Commissioner	1948 – 1959
Murray L. Schuster, Commissioner	1959 – 1963
Henry Miller, Commissioner	1963 – 1970

Division of Labor and Industry

Henry Miller, Commissioner	1970 – 1972
Harvey A. Epstein, Commissioner	1972 – 1983
Dominic N. Fornaro, Commissioner	1983 – 1988
Henry Koellein, Jr., Commissioner	1988 – 1996
John P. O'Connor, Commissioner	1996 – 1999
Kenneth P. Reichard, Commissioner	1999 – 2003
Dr. Keith L. Goddard, P.E., Commissioner	2003 - 2004
Robert L. Lawson, Commissioner	2004 - 2007
J. Ronald DeJuliis, Commissioner	2007 – 2014
Thomas J. Meighen, Commissioner	2015 - 2017
Matthew S. Helminiak, Commissioner	2017 -

Serving Marylanders for 135 Years

The Industrial Revolution made a tremendous impact on the country's economy and increased the demands of the labor force throughout the nation. The forerunner of today's Division of Labor and Industry was created in 1884, when the Maryland General Assembly established the Bureau of Industrial Statistics and Information. The high level of interest in protecting the State's workforce, collecting statistics and information on the needs and abuses that existed in various industries was a primary function of the Bureau.

Thomas C. Weeks, the first Chief of the Bureau of Industrial Statistics and Information, noted in his first biennial report that the work of the Bureau was seriously hindered prior to 1884 because there had been no inquiries about the needs and abuses of industry.

As interpreted by Mr. Weeks, "it was the intention of the Legislature to create the Bureau in the special interests of the wage-workers of the State, and while recognizing the fact that under our system of society, the interests of one class greatly affect the interests of all; that the more extensive our commerce, and the greater the facilities afforded to manufacture, the better should be the condition of those who labor; that an enlarged market should increase...the price of wages, the distribution of wealth, and the quantity of home consumption."

The Bureau of Industrial Statistics and Information was abolished in 1916, and the State Board of Labor and Statistics was created operating under the direction of three commissioners.

The three main tasks of the new Board were collection of statistics on labor, agriculture, mineral products, transportation and commerce; operation of free employment agencies; and investigation by the Board of Commissioners as to the causes of unemployment and authorization by the Board of Commissioners to appoint Boards of Arbitration, and a Deputy, known as the Chief Mediator, with jurisdiction in areas of arbitration and settlement of labor disputes.

In 1922, after a statewide reorganization of administrative functions, the duties of the three-person Board of Commissioners were transferred to a single Commissioner of Labor and Statistics. Twenty-three years later, in 1945, the position of Commissioner of Labor and Industry was created. Powers and duties remained substantially the same, and the laws to be administered by the Department of Labor and Industry were essentially the same as those under the former State Board of Labor and Statistics.

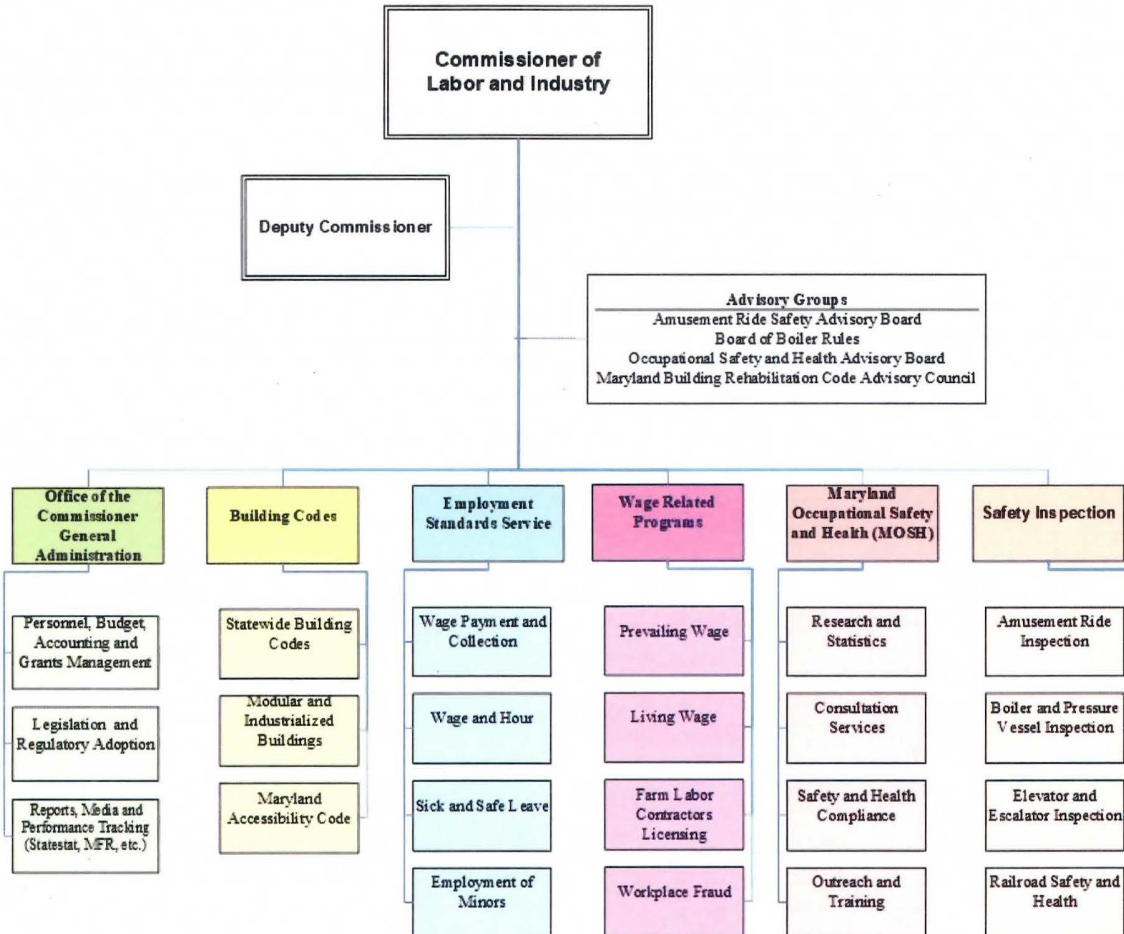
Under departmental reorganization in 1970, Labor and Industry became a division within the Department of Licensing and Regulation, until 2019 known as the Department of Labor, Licensing, and Regulation. In 2019, the department's name was changed to simply "Department of Labor".

SUMMARY

In the years since the inception of the agency to the present day, many new laws, resources, and additional responsibilities have been added. Today, the Division of Labor and Industry administers State laws addressing employment issues such as wage payment, leave, equal pay, occupational safety and health, workplace fraud, living wage, safety inspection of amusement rides, boilers and pressure vessels, elevators and escalators, and railroads, employment of minors, and farm labor contractors. In 2018, the Building Codes Administration was transferred to Labor & Industry from the Department of Housing and Community Development.

Responsibilities assigned to the Division of Labor and Industry are many and diverse. Every citizen living within the boundaries of the State in some way benefits from, and is affected by, the administration of these laws.

Division of Labor and Industry Organizational Chart



Office of the Commissioner

GENERAL ADMINISTRATION

The Commissioner of Labor and Industry provides leadership to the many programs that offer services to promote and protect the welfare of Maryland wage earners and the safety of citizens. The Commissioner, through such diverse activities as program planning, coordination and evaluation, legislation and regulation coordination, financial management, and personnel administration, is able to guide the direction of the programs allowing laws to be implemented. As required by the Labor and Employment Article, Section 2-105, *Annotated Code of Maryland*, the Commissioner seeks to promote harmony between industry representatives and labor through the Construction Roundtable; Advisory Group meetings; and attendance at merit and organized labor outreach programs, conferences, and seminars. The Office of the Commissioner coordinates a staff of 192 budgeted permanent employees who provide their valuable services to the citizens of Maryland.

Administrative staff respond to public inquiries and complaints, and resolve those issues that cannot be concluded satisfactorily at the program level. Issues vary from interpretation of law, regulation, and policy for which the Division has jurisdiction, to resolution of technical issues related to the safe operation of equipment, and occupational safety and health issues which affect citizens. The Commissioner's staff also provide support to the agency's advisory boards and committees, including major research and outreach efforts on topics of current concern.

Advisory Board support goes beyond administrative support to include the technical research to support Board hearings for adoption of new national codes and standards, variance requests, analysis of trends and data to provide alternatives and support for board positions.

Representatives of the Division, including the Commissioner, routinely meet with Maryland businesses, labor and civic leaders, and participate in educational seminars to provide guidance, consultation and leadership. The Commissioner and staff participate in national organizations such as the National Association of Governmental Labor Officials (NAGLO), the Occupational Safety and Health State Plan Association (OSHSPA), the American Society of Safety Engineers (ASSE), the American Society of Mechanical Engineers (ASME), and the National Board of Boiler and Pressure Vessel Inspectors.

The Office of the Commissioner continues to shape and develop initiatives relating to the quality and effectiveness of the Division, and holds bi-weekly meetings with program personnel to ensure that Division of Labor and Industry programs remain on track in achieving goals and objectives.

LEGISLATION IN 2019

There were several bills introduced and passed during the 2019 session of the General Assembly which directly affect the Division of Labor and Industry.

- ***Minimum Wage (Fight for Fifteen) - Chapter 10 (Chapter 11 Gubernatorial Veto Override) (House Bill 166 & Senate Bill 280)*** The General Assembly passed a bill that phases in an increase to the Maryland minimum wage rate to \$15.00 per hour by January 1, 2025 with a longer phase in period for employers with 14 or fewer employees. The bill also provides that the Maryland Board of Public Works may suspend a scheduled increase for one year under certain circumstances. The bill also provides that the Commissioner adopt regulations regarding wage statements for tipped employees. The bill became effective June 1, 2019.
- ***Organ Donation - Prohibition on Discrimination by Insurer and Unpaid Leave – Chapter 420 (House Bill 1284)*** The bill requires employers with more than 15 employees to provide unpaid organ donation leave for up to 60 business days in any 12 month period to serve as an organ donor and up to 30 business days in any 12 month period to donate bone marrow. The Commissioner has enforcement authority. The bill also has provisions related to insurance over which the Commissioner does not have authority. The bill took effect on October 1, 2019 with the provisions related to insurance taking effect January 1, 2020.
- ***Equal Pay for Equal Work - Enforcement - Civil Penalties Workplace Harassment - Prohibitions, Liability, Enforcement and Prevention Training - Chapter 694 (House Bill 790)*** This bill authorizes the Commissioner of Labor and Industry or a court to require an employer who violates the Equal Pay for Equal Work law at least twice within a three-year period to pay a civil penalty equal to 10% of the amount of damages owed by the employer. The bill became effective October 1, 2019.
- ***Noncompete and Conflict of Interest Clauses – Chapter 753 (Senate Bill 328)*** This bill establishes that a noncompete or conflict of interest provision in an employment contract or similar document or agreement that restricts the ability of an employee who earns less than \$15 per hour or less than \$31,200 annually to enter into employment with a new employer or become self-employed in the same or similar business or trade is null and void as being against public policy. The bill applies regardless of whether the employer and employee entered into the employment contract in the State. The Commissioner has no enforcement authority in this bill. The bill became effective October 1, 2019.

MEDIATION AND CONCILIATION

Pursuant to Labor and Employment Article, Section 2-107(c), *Annotated Code of Maryland*, there is a State Mediation and Conciliation Service. Upon request for services, the Commissioner may charge a fee to cover the cost of providing services. In 2019, there were no requests for services.

EMPLOYEE STOCK OWNERSHIP PLAN

Consistent with the requirements of the Broadened Ownership Act, Economic Development Title 14-102, *Annotated Code of Maryland*, designated State agencies are directed to encourage participation in employee stock ownership plans. The Act requires that the promotional efforts employed on behalf of these plans be discussed in the annual legislative report of each designated agency. During 2019, the Division of Labor and Industry received no requests for the brochure "Employee Stock Ownership Plan," which was developed in response to the Act. The Division continues to promote employee stock ownership by putting the brochure on its website.

COMMITTEE PARTICIPATION

The Commissioner of Labor and Industry and staff have been effectively involved in such diverse organizations as:

American Board of Industrial Hygiene
American National Safety Institute (ANSI)
ANSI A10. Construction and Demolition Sub-Groups
 A10.2 Safety, Health, and Environmental Training
 A10.9 Concrete & Masonry Construction
 A10.38 Basic Elements of a Program to Provide a Safe and Healthful Work Environment
 A10.47 Highway Construction Safety
American Society of Safety Engineers (ASSE)
American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)
Board of Certified Safety Professionals
Chesapeake Regional Safety Council
Controlled Hazardous Substances Advisory Council
Delmarva Safety Association
International Code Council (ICC) Off-Site and Modular Construction Standards Committee
Interstate Labor Standards Association (ILSA)
Leadership Maryland
Manufactured Housing Consensus Committee (MHCC)
Maryland Building Officials Association (MBOA)
Maryland Explosives Advisory Committee of the Fire Marshal's Office
Maryland Green Building Council
Maryland Rehabilitation Advisory Council
Maryland State Bar Association - Labor & Employment Section
National Association of Elevator Safety Authorities
National Association of Government Labor Officials (NAGLO)
National Board of Boiler and Pressure Vessel Inspectors
National Fire Protection Association (NFPA)
National Transportation Safety Board (NTSB)
Occupational Safety and Health State Plan Association (OSHSPA)
Occupational Safety and Health Consultation (OSHCON)
Public Employees Safety Association of Maryland (PESA)
Public Risk Management Association (PRIMA)
State Employees Risk Management Administration (SERMA)
Voluntary Protection Program Participants' Association (VPPPA)

Building Codes Administration

Pursuant to Chapter 673, Acts of 2018, the Building Codes Administration (Codes Admin) was transferred from the Department of Housing and Community Development to the Department of Labor effective July 1, 2018. Since that date, the Housing and Community Development Article has been set forth in Title 12 of the Public Safety Article.

The Model Performance Building Code was first adopted in 1971. Based on the National Building Code of the Building Officials and Code Administrators International, Inc. (BOCA), the State's Model Performance Building Code was intended by the General Assembly eventually to be adopted statewide so builders might adapt their construction practices to a single set of modern, performance-oriented standards. Compliance with that code at that time was voluntary. In 1993, mandatory standards, i.e., the Maryland Building Performance Standards, were enacted by the General Assembly. These standards were based on the most recent edition of the National Building Code issued by BOCA. They apply to all construction permits issued on or after August 1, 1995, with two exceptions. Counties or municipalities lacking any building code had to comply by 1997; those that adopted the Standard Building Code of the Southern Building Code Congress, Inc., had to comply by 1999.

In October of 2001, the International Building Code (IBC), developed and published by the International Code Council (ICC), replaced the BOCA code in the Model Performance Code and Maryland Building Performance Standards. Since then, the codes are updated on a three year cycle and are adopted into regulation within 18 months of the codes first publication.

To meet local needs, local jurisdictions may amend the Maryland Building Performance Standards.

- **Model Performance Code for Building Construction**

Model Performance Code (MPC) applies to industrialized (modular) and state-owned buildings. MPC references the following codes: 2018 International Building Code (IBC), 2018 International Plumbing Code (IPC), 2017 National Electrical Code (NEC), 2018 International Residential Code (IRC), 2018 International Mechanical Code (IMC), 2018 International Energy Conservation Code (IECC), and 2012 International Green Construction Code (IgCC).

Codes Admin is responsible for the adoption of these individual codes on a three-year cycle (except for IgCC), and for interpretation of codes when requested by citizens, design professionals and local jurisdictions.

- **Maryland Accessibility Code**

The Department establishes minimum requirements that will provide for the accessibility and usability of buildings and facilities by individuals with disabilities. The Code references existing federal accessibility standards and includes additional Maryland requirements.

Codes Admin is responsible for the administration of this code, which includes accepting and processing of waiver requests, interpretation of the Maryland portion of the code for citizens, design professionals, and local jurisdictions.

- **Minimum Livability Code**

The Code is created to protect the public health, safety, and welfare in residential structures and premises. The Code references the International Property Maintenance Code (IPMC) (current edition is 2012).

- **Industrialized Buildings and Manufactured Homes**

Codes Admin is responsible for the administration of the Industrialized Building Program, which is a state-wide program requiring the Department's approval before the construction of all industrialized buildings to be installed in Maryland. Tasks include processing of new/renewal applications of both manufacturers and Approved Testing facilities; processing of Maryland Insignia applications; reviewing building plans of proposed modular buildings and issuing approval as required; conducting plant inspections; responding to home owners' complaints; coordinating with local authorities having jurisdiction on all modular building-related issues.

Under a separate contract with U.S. Department of Housing and Urban Development (HUD), Codes Admin works with HUD's Office of Manufactured Housing Program and serves as the State Administrative Agency (SAA) for the State of Maryland. Current scope of contract is limited to processing homeowner complaints.

- **Safety Glazing**

This law provides for determinations by the Secretary of Labor as to three subjects: further requirements for standards of safety glazing material, additional glazed elements to be designated "hazardous locations", and exceptions of certain panels from the definition of "hazardous locations".

- **Maryland Building Performance Standards**

Maryland Building Performance Standards (MBPS) is created to provide reasonable protection to the public against hazards to life, health, and property related to building construction. These statewide minimum codes are then implemented by the various local jurisdictions who may make certain amendments and who are responsible for enforcement.

MBPS incorporates through reference the following codes with amendments: 2018 International Building Code (IBC), 2018 International Residential Code (IRC), 2018 International Energy Conservation Code (IECC), and 2012 International Green Construction Code (IgCC).

Codes Admin is responsible for the adoption of these individual codes on a three-year cycle (except for IgCC), maintaining an online database of locally amended and adopted codes, providing code training to employees of local authorities having jurisdiction, and assisting in the interpretation of codes requested by citizens, design professionals and local jurisdictions.

- **Maryland Building Rehabilitation Code**

Maryland Building Rehabilitation Code (MBRC) was created to encourage the continued use or reuse of existing buildings and structures. MBRC applies to all rehabilitation projects for which a construction permit application is received by local jurisdictions, or The Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission. MBRC incorporated by reference the 2015 International Existing Building Code (IEBC) and the 2018 edition was under review for adoption at the end of 2019. Codes Admin is responsible for the adoption of the IEBC on a three-year cycle, and for the interpretation of the code requested by citizens, design professionals and local jurisdictions.

2019 Metrics

- Maryland Accessibility Code waiver request received/processed: 10
- Maryland Accessibility Code interpretation requests/inquiries received: 40
- Code training, number of attendees: 63
- Code adoptions with amendments completed March 15, 2019:
 - 2018 International Building Codes;
 - 2018 International Residential Code for One- and Two-Family Dwellings;
 - 2018 International Energy Conservation Code;
 - 2018 International Plumbing Code;
 - 2018 International Mechanical Code; and
 - National Electric Code, 2017 Edition (NFPA 70)
- Under Review in 2019 for adoption: 2018 International Existing Building Code
- Code interpretation (number of written requests received): 150
- Industrialized Building Program
 - Active manufacturers/plants: 106/114
 - Active Approved Testing Facilities: 12
 - Renewal Fees received: \$64,850
 - Maryland Insignia Fees received: \$183,225
 - Funds received from U.S. HUD: \$14,328.04
 - Number of sets of building plans received/reviewed: 1,092
 - Number of Plan Approval issued: 847
 - Number of Plant Inspections conducted: 11

Wage Related Enforcement Units

The Division of Labor and Industry administers a wide range of laws related to the wages workers earn and a variety of employment laws. In total there are over 30 separate statutes currently under the purview of the Commissioner. These laws are divided up into two main units:

Employment Standards Service (ESS) & Wage and Hour

Administers a multitude of industry specific labor laws as well as Statewide wage related laws including, but not limited to, Minimum Wage, Overtime, Sick and Safe Leave, Employment of Minors, and payment of wages.

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Prevailing Wage, Living Wage & Worker Classification

Administers laws related to wage rates that must be paid on certain state and local public works projects and service contracts as well as the proper classification of construction and landscape workers. This unit also licenses farm labor contractors.

Employment Standards Service

Created in 1965 to enforce Maryland's Minimum Wage Law, the Employment Standards Service administers the following Maryland laws:

Labor and Employment Article

Employment of Minors	Title 3, Subtitle 2
Equal Pay for Equal Work	Title 3, Subtitle 3
Wage and Hour Law	Title 3, Subtitle 4
Minimum Wage for the Disabled	Title 3, §4-414
Wage Payment and Collection	Title 3, Subtitle 5
Medical Questions	Title 3, § 3-701
Lie Detector Tests	Title 3, § 3-702
Volunteer Activities	Title 3, § 3-703
Day of Rest	Title 3, § 3-704
Pension Plans	Title 3, § 3-705
Interpreters	Title 3, § 3-707
Jury Service	Title 3, § 3-709
Healthy Retail Employee Act	Title 3, § 3-710
Job Applicant Fairness Act	Title 3, § 3-711
Username and Password Privacy Protection Act	Title 3, § 3-712
Hiring and Promotion Preferences - Veterans of Commissioned Corps	Title 3, § 3-714
Disclosing Sexual Harassment in the Workplace	Title 3, § 3-715
Noncompete and Conflict of Interest Clauses	Title 3, § 3-716
Adoption Leave	Title 3, § 3-801
Flexible Leave Act	Title 3, § 3-802
Deployment Leave	Title 3, § 3-803
Civil Air Patrol	Title 3, § 3-1001
Lien for Unpaid Wages	Title 3, Subtitle 11
Parental Leave Act	Title 3, Subtitle 12
Healthy Working Families Act	Title 3, Subtitle 13
Organ Donation Leave	Title 3, §§ 1401—1409

Business Regulation Article

Employment Agencies	Title 9
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WAGE PAYMENT AND COLLECTION

The Wage Payment and Collection Law requires that an employee be paid what was promised. The law imposes certain duties on an employer and establishes the time when wages must be paid upon termination of employment.

Wage Payment and Collection/Wage and Hour Activity for: January 1, 2019 through December 31, 2019	
Complete wage claim forms received	1017
Investigations completed	973
Claims for which wages were recovered	665
Total wages collected	\$1,024,797.85
Site Visits	135

The Commissioner issues administrative orders to pay wages where it is determined that the wage payment and collection law has been violated. An employer may appeal the administrative order but if no appeal is filed, the Commissioner may proceed with collection. Administrative orders are an effective tool in the wage payment and collection process.

WAGE AND HOUR

Pursuant to Labor and Employment Article, Title 3, Subtitle 4, *Annotated Code of Maryland*, the Wage and Hour law requires that all covered employees be paid the specified minimum wage rate, and 1½ times the usual hourly wage for hours worked in excess of 40 in one workweek. Certain establishments and employees are exempt from both the minimum wage rate and overtime provisions of the law. Others are exempt only from the overtime provisions.

Individuals with Disabilities – Minimum Wage and Community Integration (Ken Capone Equal Employment Act)

Pursuant to Labor and Employment Article, Section 3-414, *Annotated Code of Maryland*, this bill phases out, beginning October 1, 2016, the authority for the Commissioner of Labor and Industry to authorize a work activities center or other sheltered workshop to pay a subminimum wage to an employee with a disability. It also restricts the authority of a work activities center or other sheltered workshop to pay a subminimum wage and/or a sub prevailing wage to an employee with a disability. Beginning October 1, 2020, the Developmental Disabilities Administration (DDA) may not fund providers that pay individuals less than the minimum wage under a specified federal certificate.

EMPLOYMENT OF MINORS

Pursuant to Labor and Employment Article, Section 3-202, *Annotated Code of Maryland*, “the policy of the State is to encourage the development of minors by allowing them to engage in occupations that prepare them for responsible citizenship, yet to protect them from occupations that will be injurious to their mental, moral, or physical welfare.” The Employment of Minors Law restricts the occupations and hours of work for minors 14 through 17 years of age and imposes certain obligations on both minors and employers. Pursuant to Section 3-205, an employer must have a valid work permit.

Employment of Minors Activity for: January 1, 2019 through December 31, 2019	
Work permits issued	82,849
Employment of Minor Complaints Received and Resolved	19
Special Work Permits Issued	169

The application process is available on-line through the Labor website at <http://www.dlir.state.md.us/labor/wages/empm.shtml>. Issuing officers from most secondary schools in Maryland, as well as most Division of Labor and Industry offices, can access the system and issue permits. In order to ensure compliance, the Division responds to complaints. Upon investigation, the Division of Labor and Industry notifies employers of apparent violations and seeks compliance with the requirements. However, although complaints were received and violations identified, the current statute only provides for criminal prosecution of violators, and therefore effectiveness is compromised. There are no administrative sanctions. Special permits for child actors or models of any age are issued by the Commissioner upon evaluation of the circumstances ensuring that the child is working in a safe environment, has proper supervision and that as a result of the work experience, does not suffer damage to educational enrichment.

WHOLESALE REPRESENTATIVES

Section 3-604 of the Labor and Employment Article, *Annotated Code of Maryland*, requires each principal pay to a sales representative all commissions that are due under a contract that is terminated, within 45 days after payment would have been due if the contract had not terminated.

MEDICAL QUESTIONS

Section 3-701 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from requiring an applicant for employment to answer an oral or written question that relates to a physical, psychiatric, or psychological disability, illness, handicap, or treatment unless the disability, illness, handicap, or treatment has a direct, material, and timely relationship to the capacity or fitness of the applicant to perform the job properly.

LIE DETECTOR TESTS

Section 3-702 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from requiring an applicant for employment to submit to a lie detector test in order to be hired, or from requiring an employee to submit to a lie detector test as a condition of continued employment. The law requires that certain language appear on every employment application. The Division responds to inquiries related to this law and provides guidance to employers. Exemptions from this law are codified for certain law enforcement officials and applicants applying for jobs involving a national security interest.

VOLUNTEER ACTIVITIES

Section 3-703 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from discharging an employee for participation in an activity of a civil air patrol, civil defense, volunteer fire department, or volunteer rescue squad if the activity is in response to an emergency that the Governor declares on the request of the governing body of a county or municipal corporation; and the employee submits written proof that the participation of the employee was required.

DAY OF REST – RETAIL AND WHOLESALE ESTABLISHMENTS

Section 3-704 of the Labor and Employment Article, *Annotated Code of Maryland*, permits an employee in a retail establishment may choose, as a day of rest, Sunday or the Sabbath of the employee unless, outside Wicomico County, the employee is a managerial employee, professional employee, or part-time employee; and in Wicomico County, the employee is a managerial employee or professional employee.

An employee who chooses a day of rest shall give written notice to the employer; and during the course of employment, may change the day of rest by giving written notice of the change to the employer at least 30 days before its effective date.

PENSION PLANS

Section 3-705 of the Labor and Employment Article, *Annotated Code of Maryland*, a pension plan may not reduce a payment to an individual entitled to receive the payment because Social Security payments to that individual increase.

INTERPRETERS

Section 3-707 of the Labor and Employment Article, *Annotated Code of Maryland*, a deaf employee may request an interpreter for proceedings before an administrative or executive board or any similar body provided by an employer, employee organization, or union to hear employee grievances. The request must be in writing and submitted at least 5 days before the proceeding begins. The employer, employee organization, or union shall notify the deaf employee in writing of the right granted by this section as soon as it is possible or at least 8 days before the hearing begins. If an interpreter is the employer, the employee organization, or union shall request the Department of Disabilities to assist in locating a qualified interpreter to assist at the hearing. The Department of Disabilities shall promptly assist in locating an interpreter. The interpreter shall facilitate communication between the affected parties, subject to the code of ethics of the National Registry of Interpreters for the Deaf. The cost of the interpreter's services shall be divided equally between the employer and the union or employee organization.

JURY SERVICE

Section 3-709 of the Labor and Employment Article, *Annotated Code of Maryland*, An employee has the duties and rights set forth, with respect to jury service in a circuit court of this State, in Title 8 of the Courts Article; and with respect to jury service in a federal court, in 28 U.S.C. § 1861 et seq.

HEALTHY RETAIL EMPLOYEE ACT

Section 3-710 of the Labor and Employment Article, *Annotated Code of Maryland* applies to Maryland employers who operate "retail establishments" and requires that these employers must provide non-exempt retail employees with break periods based on the length of the shifts the employees work. The Act defines a retail establishment as "a place of business with the primary purpose of selling goods to a consumer who is present at the place of business at the time of sale." A "retail establishment" does not include a restaurant or wholesaler.

JOB APPLICANT FAIRNESS ACT

Section 3-711 of the Labor and Employment Article, *Annotated Code of Maryland* prohibits employers in Maryland from using a job applicant or employee's credit report to determine: (1) whether to hire a job applicant; (2) whether to terminate an employee; or (3) the rate of pay or other conditions of employment for an employee.

USERNAME AND PASSWORD PRIVACY PROTECTION ACT

Section 3-712 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits Maryland employers from requesting or requiring that an employee, or an applicant for employment, provide access to personal social media accounts. The Act forbids employers from asking for any user name, password or other means to access a personal account or service through an electronic communications device, including computers, telephones, and personal digital assistants. The Act forbids employers from discharging, disciplining, penalizing or threatening to do any of the foregoing for an employee's refusal to disclose any such information. However, the Act does not restrict employers from searching social media accounts and viewing publicly available information of an employee or an applicant.

PAYMENTS OR DEDUCTION FROM WAGES - TIPPED EMPLOYEES

Section 3-713 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from requiring a tipped employee to reimburse an employer or pay an employer for the amount of a customer's charge for food or beverage if the customer leaves the employer's place of business without paying for the charges. In addition, unless otherwise provided by law, an employer is prohibited from making a deduction to an employee's wages to cover the cost of a customer's charge for food or beverage if the customer leaves the employer's place of business without paying the charge for food or beverages.

ADOPTION LEAVE

Section 3-801 of the Labor and Employment Article, *Annotated Code of Maryland*, requires an employer who provides leave with pay to an employee following the birth of the employee's child shall provide the same leave with pay to an employee when a child is placed with the employee for adoption.

FLEXIBLE LEAVE ACT

Section 3-802 *et seq* of the Labor and Employment Article, *Annotated Code of Maryland*, authorizes employees of employers with 15 or more individuals to use "leave with pay" for an illness in the employee's immediate family which includes a child, spouse or parent. Leave with pay is considered time away from work for which an employee is paid and includes sick leave, vacation time, and compensatory time. An employee may only use leave with pay that has been earned. Employees who earn more than one type of leave with pay may elect the type and amount of leave with pay to be used. An employee who uses leave with pay under this law is required to comply with the terms of any collective bargaining agreement or employment policy.

The Flexible Leave Act prohibits an employer from discharging, demoting, suspending, disciplining or otherwise discriminating against an employee or threatening to take any of these actions against an employee who exercises rights under this law. This law does not affect leave granted under the Federal Family and Medical Leave Act of 1993 (FMLA).

DEPLOYMENT LEAVE

Section 3-803 of the Labor and Employment Article, *Annotated Code of Maryland*, authorizes specified employees to take leave from work on the day that an immediate family member is leaving for, or returning from, active duty outside the United States as a member of the armed forces of the United States; prohibiting an employer from requiring an employee to use compensatory, sick, or vacation leave when taking leave under the Act; authorizing an employer to require an employee who takes leave under the Act to submit specified proof to the employer; etc.

CIVIL AIR PATROL

Section 3, Subtitle 10 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from discriminating against or discharge from employment an employee who has been employed for a minimum of 90 days and is a member of the Civil Air Patrol because of membership in the Civil Air Patrol. An employer may not hinder or prevent an employee who has been employed for a minimum of 90 days from performing service as part of the Maryland Wing of the Civil Air Patrol during an emergency mission if the member is entitled to leave under this subtitle.

LIEN FOR UNPAID WAGES

Section 3, Subtitle 11 of the Labor and Employment Article, *Annotated Code of Maryland*, requires an employee to provide specified written notice to a specified employer first in order to establish a lien for unpaid wages; authorizing a specified employer to dispute a lien for unpaid wages by filing a specified complaint in a specified circuit court in a specified manner; authorizing a party to request an evidentiary hearing; requiring a circuit court to make a determination on a claim to establish a lien for unpaid wages in a specified manner; authorizing a circuit court to take specified actions; etc.

PARENTAL LEAVE ACT

Section 3, Subtitle 12 of the Labor and Employment Article, *Annotated Code of Maryland*, an eligible employee is entitled to a total of 6 workweeks of unpaid parental leave during any 12-month period for the birth of a child of the employee; or the placement of a child with the employee for adoption or foster care.

HEALTHY WORKING FAMILIES ACT

Section 3, Subtitle 13 of the Labor and Employment Article, *Annotated Code of Maryland* requires all employers with employees whose primary work location is in Maryland to provide earned sick and safe leave, regardless of where the employer is located. Employers who employ 15 or more employees are required to provide paid earned safe and sick leave. Employers with 14 or fewer employees are required to provide unpaid earned sick and safe leave. Certain employees are exempt from the requirements of the law. All employees whose primary work location is in Maryland are entitled to accrue sick and safe leave unless they are exempt from

coverage under the law. Leave accrues at the rate of one hour for every thirty hours that an employee works. An employee is not entitled to accrue sick and safe leave during (1) a 2 week pay period in which the employee worked fewer than 24 total hours; (2) a 1 week pay period if the employee worked fewer than a combined total of 24 hours in the current and immediately preceding pay period; or (3) a pay period in which the employee is paid twice per month and worked fewer than 26 hours in the pay period. The leave hours provided for under the law are the minimum number of hours an employee is entitled to earn and accrue. An employer may provide more leave for its employees. The Act preempts local paid sick and safe leave laws enacted on or after January 1, 2017. Only Montgomery County enacted a sick and safe leave law prior to January 1, 2017.

HIRING AND PROMOTION PREFERENCES – VETERANS OF COMMISSIONED CORPS

Section 3-714 of the Labor and Employment Article, *Annotated Code of Maryland*, altered the definition of “eligible veteran” to include certain commissioned corps; authorizing an employer to grant a hiring and promotion preference to an eligible veteran, the spouse of an eligible veteran who has a service-connected disability, or the surviving spouse of a deceased eligible veteran. An eligible veteran is a veteran of any branch of the U.S. Armed Forces who has received an honorable discharge or a certificate of satisfactory completion of military service, including the National Guard and the military reserves. The law provides that granting this preference does not violate any State or local Equal Employment Opportunity law. This law authorizes an employer to grant a hiring and promotion preference to an eligible veteran, the spouse of an eligible veteran who has a service-connected disability, or the surviving spouse of a deceased eligible veteran. An eligible veteran is a veteran of any branch of the U.S. Armed Forces who has received an honorable discharge or a certificate of satisfactory completion of military service, including the National Guard and the military reserves.

Wage-Related Programs:

PREVAILING WAGE - CONTRACTS FOR PUBLIC WORKS

The Division is responsible for implementing the prevailing wage law on covered public works contracts, ensuring proper classification of workers, rates of pay and conditions of employment. The Maryland prevailing wage law and regulations are intended to encourage the development of a high-skill, high-wage growth path for the construction labor market in public works contracting. Union and non-union contractors win public works jobs based on having the most productive, best equipped and best managed workforce. This creates a win/win situation for successful contractors and their workers.

The Prevailing Wage law regulates the hours of labor, rates of pay, conditions of employment, obligations of employers and duties of certain public officials under contracts and subcontracts for public works in Maryland. The Prevailing Wage law applies to a construction project valued at \$500,000 or more if either of the following criteria are met: (1) the contracting public body is a unit of State government or an instrumentality of the State, and there is any State funding for the project; or (2) the contracting public body is a political subdivision, agency, person or entity (such as a county) and the State funds 50% or more of the project except for school construction where the contract value is \$500,000 or greater with State funding of 25% or more

The Prevailing Wage unit conducts a continuing program to gather current relevant wage data. Statistical information needed to issue wage determinations is obtained through annual surveys and from payrolls submitted by contractors. Wage determinations are issued for each locality in the State (23 counties and the City of Baltimore) and remain in effect for one year from the date they are issued. At the end of 2019, 3,041 covered projects were under construction.

Activity for 2019	
Payrolls received	165,823
Audits performed	51,991
Determinations issued	450
Wages recovered for employees	\$1,160,273.00
Liquidated damages collected for violations	\$262,817.00

The Prevailing Wage Law requires contractors to submit certified payroll statements indicating proper worker classification and wages for both straight and overtime work. The payrolls are audited by field investigators to determine whether employees are paid according to the determinations issued. Together with information from field investigations and employee complaints, the audits frequently result in liquidated damages and restitution recovery for the employees. Restitution from these investigations is recovered for all employees that have been underpaid and do not require a worker to file a complaint.

FARM LABOR CONTRACTORS

The Division of Labor and Industry is charged with administering the Farm Labor Contractors Law that was designed to improve the migratory labor system in Maryland. A Farm Labor Contractor (FLC) is someone who, for money or other valuable consideration paid or promised to be paid, recruits, solicits, hires, employs, furnishes or transports migrant and/or seasonal agricultural workers or, provides housing to migrant agricultural workers.

Before performing any farm labor contracting activity in or for Maryland, a farm labor contractor must obtain a license from the Commissioner. Since 1983, all farm labor contractors who work in Maryland must be licensed by the Commissioner. Additionally, the law imposes duties on a farm labor contractor regarding the employment, housing, and transportation of migrant agricultural workers. An agricultural operation, or "grower", should verify that a farm labor contractor is licensed before using the contractor's services.

Farm Labor Contractors Licenses for 2019	
Applications received	3 1
Licenses issued	2
Licenses denied	0
Applications incomplete	1

The Division of Labor and Industry continues to process farm labor contractor license applications and issue licenses to qualified applicants. Since the FLC must also obtain federal registration, where appropriate, complaints are referred to the U.S. Department of Labor for investigation. There were no citations issued for violations of the Farm Labor Contractors Law during 2019.

LIVING WAGE - STATE CONTRACTS FOR PUBLIC SERVICES

The Living Wage Law requires certain contractors and subcontractors to pay minimum wage rates to employees working under certain State services contracts valued at more than \$100,000. Under State Finance and Procurement Article, Sections 18-101 through 18-109, *Annotated Code of Maryland*, the Commissioner of Labor and Industry is authorized to administer and enforce the Living Wage Law.

The State Finance and Procurement Article requires the Commissioner of Labor and Industry to adjust the living wage rates each year based on the Consumer Price Index. New rates are published at the beginning of the State's fiscal year in July and become effective 90 days from the end of the State fiscal year in June.

The law establishes two tiers of rates based on the geographic area where the work is performed or the location benefiting from the work.

The tiers and rates as of September 28, 2019 are as follows:

Tier 1—\$14.24 per hour: Anne Arundel County, Baltimore City, Baltimore, Howard, Montgomery, and Prince George's Counties

Tier 2—\$10.70 per hour: Any county in the State not included in the Tier 1 area for each hour you work on that contract.

The Maryland minimum wage rate as established in the Labor and Employment Article is scheduled to incrementally increase to \$15.00 per hour over the next few years. It is anticipated that the minimum wage rate will surpass the living wage rate in 2020 so the Division is taking steps to address this situation. On January 1, 2020 the minimum wage increased to \$11.00 per hour. As a result of this increase, the state minimum wage rate surpassed the Tier 2 living wage rate. To avoid confusion, the Division is ensuring contractors subject to the living wage law understand that they are required to pay the higher of the minimum wage or the living wage. The Division prepared clarifying language on correspondence, related materials, webpages, and also disseminated information to procurement agencies to prepare for the change.

Living Wage Activity for 2019	
Service Contracts Received	167
Total Non-Exempt Contracts	1169
Exempt & Non-Exempt Contracts as of 12/31	2473
Employees Receiving Restitution	51
Amount of Restitution Recovered	\$32,055.00
Vendors/Contractors Submitting Payroll	2374

WORKPLACE FRAUD ACT - CONSTRUCTION AND LANDSCAPING

The Workplace Fraud Act (WFA) Labor and Employment Article, Title 3, Subtitle 9, *Annotated Code of Maryland* requires that all workers in the construction and landscaping industries in Maryland be properly classified for purposes of workers' compensation and unemployment insurances and for payroll tax withholdings. A work provider may not report a worker as an independent contractor and give that worker a 1099 if an employer-employee relationship exists in fact. Certain small business operators are exempt from the WFA, and a work provider may properly classify a worker as an independent contractor or sub-contractor if they meet the proper conditions and have the proper documentation.

To ensure compliance with the WFA, the Worker Classification Protection Unit (WCPU) conducts compliance reviews based upon complaints, referrals from other government agencies, and random selection. Great effort was made to reach out to businesses in Maryland in 2019. WCPU began offering free educational workshops in addition to one on one guidance. These outreach efforts likely contribute to the reduced number of citations and penalties issued from years past.

WCPU Activity Report 2019

The data below represents activity conducted between January 1 and December 31:

# and nature of complaints	11 misclassification complaints
# of investigations conducted	1451
# of citations issued	9 (misclassification)
# of informal resolutions	0
# of appeals to OAH and outcome	0
# of requests for judicial review	0
# of civil penalties assessed	44
Total penalty dollar amount collected	\$4,415

Maryland Occupational Safety and Health

HISTORY

The Williams-Steiger Occupational Safety and Health Act (OSHA) of 1970 charges the U.S. Department of Labor with responsibility for establishing a program assuring "so far as possible every working man and woman in the nation, safe and healthful working conditions, and preserving our human resources." The Act provides that states may elect to assume the responsibility for development and enforcement of a state occupational safety and health program.

In March 1971, the Governor of Maryland designated the Division of Labor and Industry as the agency responsible for Maryland's Occupational Safety and Health (MOSH) Plan.

Authority and enforcement responsibilities were assumed on July 1, 1973. On July 18, 1985, the Maryland program received final approval and full enforcement authority in all subject areas covered by the State Plan.

MOSH acts in place of Federal OSHA in Maryland, eliminating duplication of requirements and programs for Maryland employers and employees. Federal OSHA retains coverage for workers employed by the Federal Government or in the maritime, longshoring, and mining industries in Maryland. MOSH is charged with ensuring that each employer meets its responsibility of providing each working man and woman in the state with safe and healthful working conditions.

The MOSH program consists of four units: *Research and Statistics, Compliance, Consultation, and Outreach.*

OFFICE OF THE ASSISTANT COMMISSIONER

The Office of the Assistant Commissioner administers the MOSH Program. This office has direct responsibility for program planning and policy-making, program analysis and evaluation, and staffing and resource allocation. The Office of the Assistant Commissioner also ensures the appropriate implementation of new laws and monitors the development of new federal standards.

MOSH Instructions guide policy and inspection activities. Instructions adopted in 2019:

- Instruction 19-1 - Local Emphasis Program for High Hazard Industries in Maryland - 2/12/2019
- Instruction 19-2 - Guidance Concerning the Application of Current Enforcement Policy and Procedures for Personal Protective Equipment (PPE) in Shipyard Employment. - 8/1/2019
- Instruction 19-3 - Current Policy, Inspection Procedures, Information and Guidance to Ensure Uniform Enforcement of the 29 CFR Part 1915, Subpart B Standard - 8/1/2019
- Instruction 19-4 - Guidance Concerning the Application of Occupational Safety and Health Standards in Shipyard Employment - 8/1/2019

MOSH Instructions and Standard Notices are available online at <http://www.dllr.state.md.us/labor/mosh/moshguidance.shtml>

The Office of the Assistant Commissioner for MOSH also responds to requests under the Maryland Public Information Act (MPIA) for copies of documents maintained by the MOSH Program. MOSH processed 163 MPIA requests in 2019.

Staffing

- In 2019, MOSH welcomed six new members to their team: three Safety Compliance Officers and three Industrial Hygienists. Each trainee participated in a training curriculum that consisted of classroom-style training and field training with senior compliance officers.

Notable Cases

Wastewater Treatment Plant

- In June 2019, an employee fell into the effluent outfall of a grit chamber when grates of a catwalk were dislodged from a structural I-beam. The employee was found deceased in the solids reclamation area after traveling 1,000 feet in a 96-inch diameter effluent waste pipe. The I-beam was found to be damaged and bent. The grates that remained on the I-beam were not resting flush and were missing clip attachments that secured the grates to the structure. During the inspection, it was determined that the I-beam had been struck by a 7.5 ton clamshell overhead crane attachment that employees operated to remove material from the outfall. Citations were issued related to walking-working surfaces, hazardous (classified) locations, electrical installations, cranes, and ladders.

Cold Brew Coffee Manufacturing

- In February 2019, two employees were hospitalized due to carbon monoxide (CO) overexposure while removing coffee bags from a mixing tank. On the day of the accident, the employer was attempting to increase cold brew coffee production from several 50-gallon batches to one 700-gallon batch. In doing so, the employer switched from loose coffee grounds to 5-pound permeable bags of coffee grounds, which required employees to enter the 700-gallon tank to retrieve them post-production. Within 15 minutes of entry, one employee lost consciousness and both were rescued by a co-worker. During the inspection, it was determined that CO had built up inside the tank during the 16-hour steeping process as a result of roasted coffee naturally off-gassing. Direct reading measurements on the day of the accident found CO levels in excess of 500 parts per million inside the tank. Citations were recommended for deficiencies related to CO overexposure, confined space entry, lockout-tagout, respiratory protection, hazard communication, fall protection, electrical, walking working surfaces, personal protective equipment, and powered industrial trucks.

ENFORCEMENT

Enforcement is the largest unit within MOSH. In 2019, MOSH averaged approximately 51 compliance officers located within four offices throughout the State. In 2019, MOSH expanded from six regions to seven regions (six safety and one health) that cover a geographical territory throughout the State. Each safety region covers a group of counties, while the health region covers the entire State.

During calendar year 2019, compliance officers conducted 2,011 inspections through its enforcement programs, removed over 60,000 employees from hazardous conditions, and identified over 8,700 hazards. In 2019, compliance officers investigated 89 complaints with serious hazards as concerns, and investigated 21 fatalities.

MOSH trains its compliance officers to the fullest extent possible and are regarded as some of the most technically diverse inspectors able to readily identify hazards across various industries. Courses ranged from topics such as: Excavation, Trenching and Mechanics, Health Hazard Awareness, Machine Guarding, Fall Protection, Inspections Techniques and Legal Aspects, Principles of Scaffolding, and Accident Investigation. By attending these training courses, compliance officers develop their specialized skills as highly trained investigators.

Discrimination

MOSH is charged with handling discrimination complaints pursuant to Section 5-604 and under regulation COMAR 09.12.20.05. It is the policy of MOSH to be as accessible as possible to those who have legitimate discrimination complaints concerning safety and health.

Timely-filed discrimination complaints are investigated by MOSH personnel who recommend appropriate case dispositions to the Assistant Commissioner at the conclusion of the investigations. The Assistant Commissioner makes the final determination in the cases and notifies the complainants of the determination. When there is a merit determination in a case, the case is transferred to the Office of the Attorney General (OAG), as counsel to the Assistant Commissioner, for litigation as appropriate. When there is a non-merit determination in a case, the case is dismissed. The OAG provides legal assistance, as necessary, during the investigation. MOSH processed a total of 32 whistleblower complaints in calendar year 2019, of those 8 were investigated.

In addition to investigating discrimination complaints related to occupational safety and health, MOSH provides assistance, information and referrals on discrimination via telephone inquiries from employers; employees; the general public; and local, state and federal government agencies.

OUTREACH PROGRAM

The Maryland Occupational Safety and Health Program has several strategic partnership programs for employers that provide protection to their employees above and beyond the minimum required by MOSH standards. These programs include: Voluntary Protection Program (VPP), Strategic Partnership for Excellence in Construction Safety (SPECS), Cooperative Compliance Partnerships (CCP), and Safety and Health Achievement Recognition Program (SHARP). Companies that achieve a partnership or alliance status are looked upon as leaders in safety and health. In 2019, these programs resulted in 8 new voluntary compliance agreements. Each program is discussed in further detail below. Strategic partnership programs are beneficial to participating employers, associations and organizations and MOSH because they allow us to partner together, outside the scope of traditional compliance enforcement, to ensure safe and healthful working conditions for the workers in Maryland.

Voluntary Protection Program (VPP)

Maryland's VPP Program is a cooperative effort by MOSH and participating employers to extend worker protection beyond the minimum required by MOSH standards. VPP recognizes the outstanding achievements of participating employers who have successfully incorporated comprehensive safety and health management plans into their total management system.

The program maintained 22 active sites in 2019. The VPP unit awarded two new Star-designated sites with VPP status, conducted four re-approval evaluations, and performed eight pre-application visits. Additionally, the VPP Manager mentored two companies resulting in the approval of one company into VPP and the other working towards approval. The Maryland VPP continues to support the OSHA and VPPPA Special Government Employee (SGE) program by training and using SGEs as evaluators, mentors, and to review applications and annual submissions. There were approximately 13 SGEs available from Maryland VPP sites.

Strategic Partnership for Excellence in Construction Safety (SPECS)

Strategic Partnership for Excellence in Construction Safety (SPECS) program is a pilot program of a strategic partnership between MOSH and Maryland chapters of the Associated Builders and Contractors (ABC) that acknowledges those construction employers that go beyond basic compliance with all applicable MOSH standards, and provides mentorship to those seeking a higher level of safety and health program.

In FY19, MOSH partnered with two subcontractors and a general contractor, Miller & Long Concrete Construction of Bethesda, Manganaro Mid-Atlantic of Beltsville, Gilbane Building Company of Baltimore, respectively. All of these partner contractors were chosen to participate in the SPECS program because of their proven record of accomplishment in safety and health in the workplace.

Cooperative Compliance Partnerships (CCP)

The Maryland Cooperative Compliance Partnership (CCP) program is a cooperative approach to safety by MOSH and participating construction contractors to extend worker protection beyond the minimum OSHA / MOSH standards. Each CCP is site-specific and designed to recognize the outstanding achievements of participating employers who have successfully incorporated comprehensive safety and health programs into their total management system. Over the years MOSH built lasting relationships with these contractors and is now seeing a new safety culture emerge among, not just the individual companies, but the individual employees as well.

In 2019, there were six active sites with over 1,043 employees & 111 subcontractors working on these sites. The partnership unit performed 20 inspections. As a result of these inspections 31 hazards were identified and abated. Additionally, MOSH signed three new partnerships with: Barton Malow Company, Clark Construction Group, LLC, and The Whiting Turner Contracting Company. This brings the program's total to 93 partnerships since its inception in 1997.

Safety and Health Achievement Recognition Program (SHARP)

The Safety and Health Achievement Recognition Program (SHARP) is operated through the MOSH On-Site Consultation Program and recognizes small employers who operate an exemplary safety and health management system. The acceptance into SHARP by MOSH is an achievement that singles employers out among their business peers as models of worksite safety and health. The program welcomed three new sites and one pre-SHARP site in 2019. Hub Labels in Hagerstown and A. & A. Global Industries with two separate locations in Hunt Valley received certification, while Architectural Ceramics, Inc. in Rosedale began its quest to become SHARP.

Training and Education

The MOSH Education Unit provides the public with information pertaining to MOSH/OSHA laws and regulations including flyers, fact sheets, brochures, pamphlets and books to employers inquiring about compliance issues at no charge. The unit also has a video library that contains several hundred titles on safety and health issues that employers can check out to aid in their training of employees. The Education Unit also maintains a comprehensive reference library with several hundred books, national census standards, and more for employers to research. The Education Unit also provides speakers for employers who want to teach their employees about specific topics, as well as informational booths at safety fairs and conventions throughout the state. This unit is also responsible for providing free public seminars on a variety of safety and health topics. A public website (<http://www.labor.maryland.gov/labor/mosh>) is maintained for employers/employees to search for regulations, publications, class schedules, and general information about MOSH.

To enhance the Education Unit's ability to reach as many employers and employees as possible, MOSH continued using an email marketing tool to aid in the dissemination of seminar brochures

and announcements of training. The unit also sends out a quarterly e-newsletter to give OSHA/MOSH updates and safety tips that are appropriate for the time of year.

Public Presentations

The Education Unit continued to develop and handout its bi-annual seminar schedule. These seminars were led by numerous MOSH staff as well as alliance and/or partner members.

In 2019, the Outreach Training and Education Unit offered 92 educational seminars covering 31 topics, at no cost to the employees and employers in Maryland, including many federal employees and contractors. Just over 1,700 employees and employers participated in the half and full day seminars. MOSH also offered employers the opportunity to request a MOSH representative to provide information on relevant technical safety and health topics. In 2019, 98 different employers, institutions, and government agencies took advantage of this opportunity. MOSH staff spent over 140 hours presenting on various safety and health topics to over 4,667 employees.

Teen Safety continued to be an important topic to cover with high school students who are preparing to enter the workforce. Each year MOSH completes numerous speaker requests at various high schools throughout the state. In 2019, MOSH spent over 50 hours speaking to 1239 students at 24 different events about workplace hazards. Students were taught about safe work practices, MOSH requirements, and the consequences of not working in a safe and healthful environment.

MOSH participates in a number of local trade shows and safety conferences every year to disseminate literature and information. These conferences and trade shows allow employers and employees to meet field staff and ask questions without fear of repercussion. These events also allow staff to network with other safety professionals. In 2019, MOSH attended 18 such events.

In June 2019, MOSH participated in several excavation safety stand downs with contractors and their employees. These safety stand downs were an opportunity for employees to take time out of the day to focus on recognizing and protecting themselves from the dangers of working in excavations. In August 2019, MOSH Consultation and MOSH Outreach supported OSHA's Safe + Sound Week event. MOSH offered two, half-day seminars focused on construction and industry topics. Over 60 participants attended and participated in this hands-on event. Breakout sessions included hands on displays in the training lab, demonstration of employee interviewing techniques, hazard identification using a forklift or an articulating boom lift and alternative methods of training, such as using Virtual Reality training modules. This year's safe and sound event once again attracted positive attention from OSHA's National Office who requested specific information that could be used as a model for other states who might like to emulate the presentation.

CONSULTATION

Private Sector Consultation

Private Sector Consultation assists private sector employers, free-of-charge, to achieve voluntary compliance with MOSH laws, standards and regulations, and to improve safety, health, and ergonomic conditions in the workplace.

At the request of an employer, a consultant conducts an on-site visit which includes an opening conference, a "walk-around" survey to identify apparent hazards, including air and noise sampling when necessary, a closing conference to set a schedule for correction of hazards, and a written report.

Private Sector Consultation is separate from MOSH Compliance. No citations or penalties are issued. However, an employer is obligated to correct any imminent danger hazard immediately, and to correct all serious hazards within an agreed upon correction schedule.

Highest priority is given to small high-hazard employers. An employer may request a survey of an entire work site or a specific area of concern. When necessary, follow-up visits are made to ensure the correction of serious hazards.

In addition to on-site hazard surveys, Private Sector Consultation provides assistance through correspondence, telephone calls, meetings, safety and health program assessments and assistance, and limited formal or informal training on-site regarding conditions observed during a survey.

In 2019, the Private Sector Consultation unit consisted of four full-time safety consultants, one of which was in training status and two full-time health consultants, who assist the Public Sector Consultation unit as needed. The unit was able to complete 305 initial on-site hazard surveys, 38 follow-up and 11 training visits during 2019. Based on opening conference dates during the same period, 845 serious hazards and 472 other than serious hazards were found. Over 33,000 employees were covered by the visits and over 19,000 workers were removed from risk.

Public Sector Consultation

MOSH Public Sector Consultation provides assistance to prevent injury and illness to state, county, and municipal employees. Upon the request of an agency representative, a MOSH consultant conducts an on-site visit following the same procedures as private sector consultation. In addition, the unit provides off-site assistance such as standards interpretation and training.

In 2019, Public Sector Consultation completed 67 initial on-site hazard surveys and 9 follow-up on-site hazard surveys. Based on opening conference dates during the same period, 154 serious hazards and 19 other than serious hazards were found. Through our public sector consultation visits, MOSH was able to remove over 1,300 employees from risk.

RESEARCH AND STATISTICS

The MOSH Research and Statistics Unit is responsible for developing and administering data collection programs that generate occupational injury and illness statistics. The current data collection programs are the Survey of Occupational Injuries and Illnesses (SOII); the Census of Fatal Occupational Injuries (CFOI); and an online query application that accesses the Maryland Workers' Compensation Commission's Employer First Report of Injury and Illness database. Statistics from these three programs provide a valuable tool to help guide the Maryland Occupational Safety and Health agency's surveillance efforts by creating a body of data that describes the nature and cause of occupational injury and illness. In addition, the SOII results are used to identify and profile the most hazardous industries in Maryland that may require outreach or intervention.

Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses (SOII)

In cooperation with the U.S. Department of Labor, Bureau of Labor Statistics (BLS), the MOSH Research and Statistics Unit, within the Maryland Division of Labor and Industry, conducts the Survey of Occupational Injuries and Illnesses (SOII). Approximately 4,700 Maryland private and public sector establishments, selected through a random statistical sampling process, participate in this survey. The SOII estimates the number and frequency (incidence rates) of nonfatal workplace injuries and illnesses. The estimates are based upon injury and illness logs kept by employers on an annual basis. Each January, a survey is mailed to the selected sample of Maryland employers questioning them about their previous year's workplace injury and illness experience. Reference year 2018 results were collected, compiled, and analyzed during calendar year 2019.

The number of injuries and illnesses reported in any given year can be influenced by changes in the level of the State's economic activity, working conditions and practices, employee experience and training, and the number of hours worked. The SOII also provides details on the demographics of the more seriously injured and ill workers (e.g., occupation, gender, race and length of service) along with the characteristics of their injuries and illnesses (e.g., nature of injury/illness, part of the body affected, event or exposure, and source of the injury/illness).

Policy makers in government and industry use the SOII data. In addition, labor organizations, manufacturers of safety equipment, academics and other researchers in the field of occupational safety and health use the SOII results. The U.S. Bureau of Labor Statistics includes Maryland's data when compiling the official national statistics. MOSH uses the program results to establish and assess agency performance measures. Maryland employers use the data to measure the effectiveness of their own safety programs by comparing individual establishment rates to the aggregate state and national rates for their respective industries. Federal OSHA uses the SOII to monitor the effectiveness of certain MOSH activities and to measure our progress in meeting the objective of the Occupational

Safety and Health Act by assuring safe and healthful working conditions for every working man and woman through the reduction of occupational injuries and illnesses.

Maryland SOII Results for 2018

In 2018, approximately 65,900 nonfatal workplace injuries and illnesses were reported through the Survey of Occupational Injuries and Illnesses by Maryland's private and State and local government employers. The injuries and illnesses occurred at a rate of 3.2 cases per 100 full-time equivalent workers. This rate however was shown not to be statistically different from the previous year's rate of 3.0 per 100 full-time equivalent workers. In 2018, slightly over 2.5 million workers in the State were under the Maryland Occupational Safety and Health (MOSH) agency's regulatory oversight¹.

The Private Sector

Maryland private sector employers reported 50,000 nonfatal injuries and illnesses. The number of cases for 2018 was not statistically different from 2017. Injuries and illnesses in private industry occurred at a rate of 2.8 cases per 100 equivalent full-time workers for an annual average. Cases of a more serious nature involving days away from work, job transfers, or restrictions -- commonly referred to as the DART rate, occurred at a rate of 1.6 cases per 100 full-time equivalent workers. There were 28,000 such cases reported.

Published industry rates of occupational injury and illness ranged from a total recordable case (TRC) incidence rate of 0.5 injuries and illnesses per 100 full-time equivalent workers for Finance and insurance (NAICS 52), up to a rate of 10.1 injuries and illnesses for Crop production (NAICS 111).

Eighty-four percent of private industry's injuries and illnesses occurred with the service-providing industries with 42,000 reported cases. Service-providing cases increased by 12.6% from 37,300 injuries and illnesses in 2017. Goods-producing industries, on the other hand, accounted for 16 percent of the total, or 8,000 cases. Injury and illness estimates for Maryland's private sector covered just over 2.1 million workers, based on the Maryland Department of Labor's Quarterly Census of Employment and Wages program.

Many of Maryland's private industry TRC incidence rates in 2018 were not statistically different from the previous year with a few notable exceptions. Industries showing rate declines were Highway, street, and bridge construction, NAICS 2373; Roofing contractors, NAICS 23816; Site preparation contractors, NAICS 23891; Dairy product manufacturing, NAICS 3115; and Hospitals, NAICS 622.

¹ Source: Maryland Department of Labor, Quarterly Census of Employment and Wages Program, 2018 Annual Average.

Industries reporting statistically significant rate increases were Wood product manufacturing, NAICS 321; Paper manufacturing, NAICS 322; Fabricated metal product manufacturing, NAICS 332; Transportation equipment manufacturing, NAICS 336; Automobile dealerships, NAICS 4411; and Transit and ground passenger transportation, NAICS 485.

State and Local Government

State and local government agencies and municipalities collectively reported a total of 15,900 OSHA recordable injuries and illness cases in 2018. The count converted to a TRC incidence rate of 5.9 injuries and illnesses per 100 full-time equivalent workers. This rate remained unchanged from 2017.

State government

For 2018, State government's TRC incidence rate was 4.1, down 9 percent from 2017's rate of 4.5. There were 3,800 OSHA recordable cases reported. These injury and illness estimates covered just under 100,000 State government workers, based on the Maryland Department of Labor's Quarterly Census of Employment and Wages Program, employment data for 2018. Certain industries within State government, however, reported some of the highest rates in the survey. State government Nursing and residential care facilities, NAICS 623, reported an incidence rate of 22.2 injury and illness cases per 100 full-time equivalent workers while State Hospitals, NAICS 622, reported a rate of 20.0. State Correctional institutions, NAICS 922140, reported a rate of 9.4; though this industry's rate also declined, a statistically significant 36 percent from the previous year.

Local government

With 12,100 OSHA recordable cases, Maryland local government's injuries and illnesses converted to a total recordable case incidence rate of 6.8 cases per 100 full-time equivalent workers. Approximately 245,000 workers comprised this sector in the State during 2018.

Chart 1. Total recordable case incidence rates per 100 full-time equivalent workers for all nonfatal workplace injuries and illnesses, Maryland and all U.S. private sector, 1998 - 2018

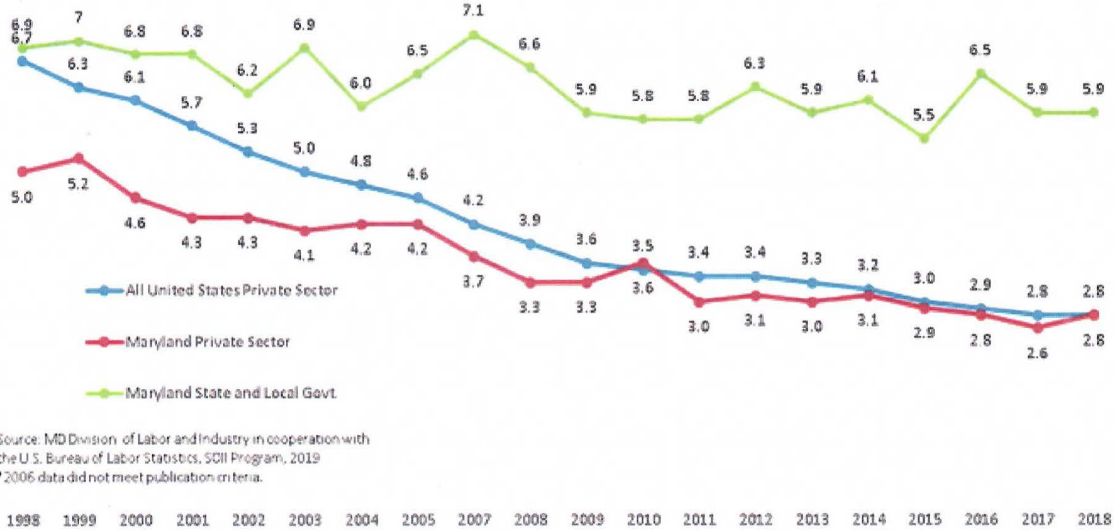
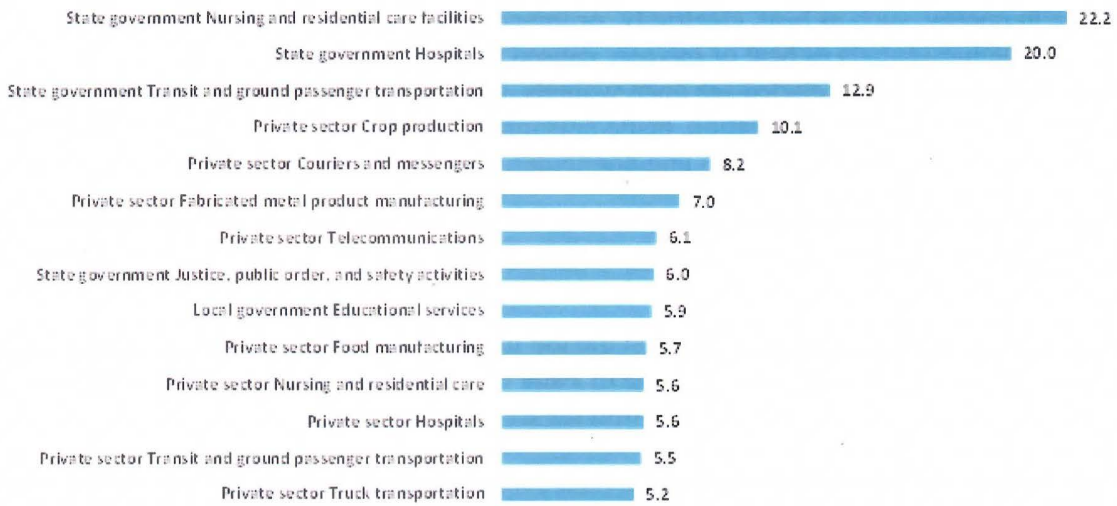


Chart 2. Industries with high rates of total nonfatal injuries and illnesses by NAICS 3-digit industry subsector, Maryland, 2018



Source: Maryland Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, SOII Program, 2019

The Maryland Census of Fatal Occupational Injuries (CFOI)

The Maryland CFOI program within the Division of Labor and Industry compiles a complete accounting of all fatal work injuries occurring in the State during the calendar year. The program uses diverse data sources from a variety of federal, State and local government administrative records, media reports, and other independent data sources, in order to substantiate and profile fatal work injuries. CFOI includes data for all workplace fatalities regardless of whether the fatality was under the regulatory authority of the Maryland Occupational Safety and Health agency or other federal and state agencies. Any comparisons, therefore, between the CFOI program's census counts and those released by other agencies or sources should take into account the different scopes of coverage and definitions being used.

For a fatality to be included in this census, the decedent must have been employed (defined as working for pay, compensation, or profit) at the time of the event, engaged in a legal work activity, or present at the site of the incident as a requirement of his or her job. Fatalities to volunteers and unpaid family workers who perform the same duties and functions as paid workers are also included in the count. These criteria are generally broader than those used by other State and federal agencies administering specific laws and regulations. (Fatalities that occur during a person's normal commute to and from work are excluded from the census counts.)

Data presented include deaths occurring that resulted from traumatic occupational injuries. An injury is defined as any wound or damage to the body resulting from acute exposure to energy, such as heat, electricity, or impact from a crash or fall, or from the absence of such essentials as heat or oxygen, caused by a specific event or incident within a single workday or shift. Included are open wounds, intracranial and internal injuries, heatstroke, hypothermia, asphyxiation, acute poisonings resulting from short-term exposures limited to the worker's shift, suicides and homicides, and work injuries listed as underlying or contributory causes of death.

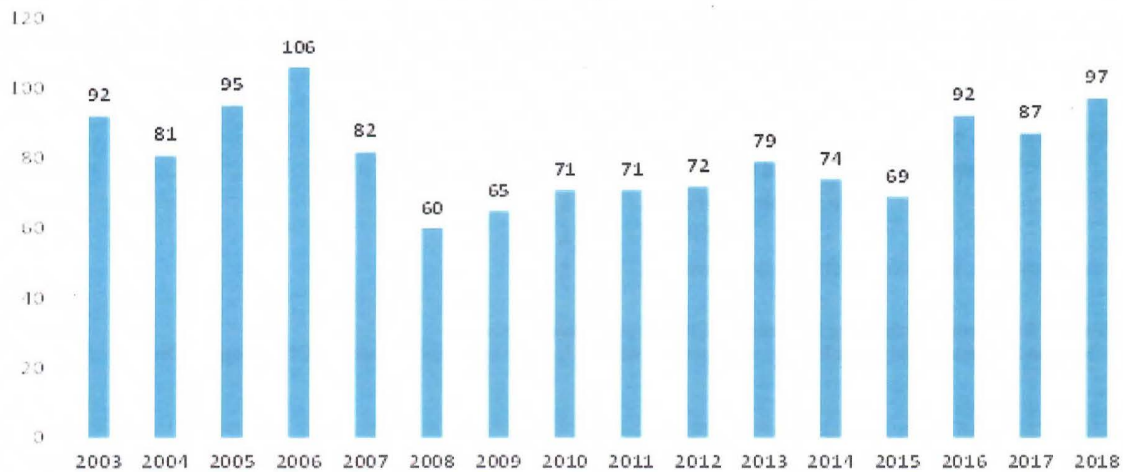
Maryland CFOI Results for 2018

Ninety-seven workers died while on the job in Maryland during 2018, according to the latest results from the Maryland Census of Fatal Occupational Injuries program. The count represented an 11 percent increase from the 87 reported deaths in 2017.

Based upon the manner in which the fatal event was inflicted or produced, three major event categories - Transportation incidents (24); Exposure to harmful substances or environments (24); and Violence and other injuries by persons or animals (22), accounted for 72 percent of all fatal workplace events during 2018. Eighteen of the 24 exposure to harmful substances cases involved death due to non-medical use of alcohol or drugs, unintentional overdose.

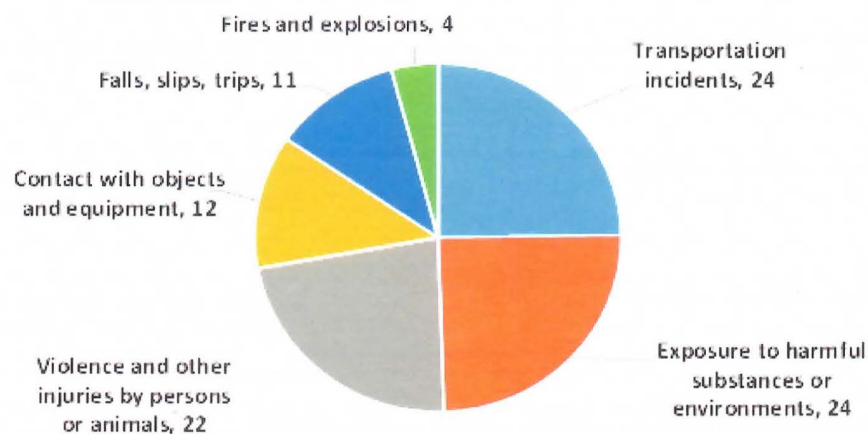
Death from falls, slips, and trips declined 39 percent from 18 reported in 2017 to 11 in 2018. Based on the number of fatalities by industry, the Construction sector garnered the most fatalities with 22. This count, however, represented a slight decline from the 25 fatalities reported in 2017. Fifty-five percent (12) of 2018's construction fatalities occurred among workers in the Specialty trade contractors sub-sector, NAICS 238.

Chart 1. Total Fatal Occupational Injuries, Maryland, 2003 - 2018



Source: Maryland Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, CFOI Program, December 2019

Chart 2. Workplace fatal injuries by event or exposure, all ownerships, Maryland, 2018 [97 total fatal injuries]



Source: Maryland Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, CFOI Program, December 2019

Chart 3. Fatal work injuries by selected private industry sector, Maryland, 2018 [97 total fatalities]



*Private sector fatality counts only. Some industries did not meet publication criteria.

Source: Maryland Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, CFOI Program, December 2019

Safety Inspection

The Safety Inspection program includes several diverse inspections and educational initiatives focused on ensuring the safety of the public when using or exposed to certain equipment. Working with owners, industry management and labor, the Safety Inspection program ensures that boilers, pressure vessels, elevators, escalators, amusement rides and railroads are constructed and operated in accordance with applicable State laws and regulations.

A Chief Amusement Ride Inspector, Chief Boiler Inspector, and a Chief Elevator Inspector, under the guidance and direction of a Safety Inspection Program Manager, supervise the conduct of compliance inspections. Administrative support staff in Baltimore coordinates communications between industry representatives, field inspection staff, and program management. They also perform a major supporting role with respect to inspection scheduling, invoicing, and inspection certificate issuance. The focus of all these activities is the prevention of injury, death, and property loss for Maryland citizens and visitors to our State.

BOILER AND PRESSURE VESSEL SAFETY INSPECTION

The Boiler and Pressure Vessel Safety Act, *Public Safety Article, Title 12, Subtitle 9, Annotated Code of Maryland*, establishes safety standards for boiler and pressure vessel safety and requires the inspection and registration of boilers and pressure vessels used in commercial establishments and places of public gathering. Such equipment may be located in schools, places of worship, apartment buildings, day care centers, hospitals, nursing homes, office buildings, government buildings, and other places where the citizens of Maryland gather to work or play.

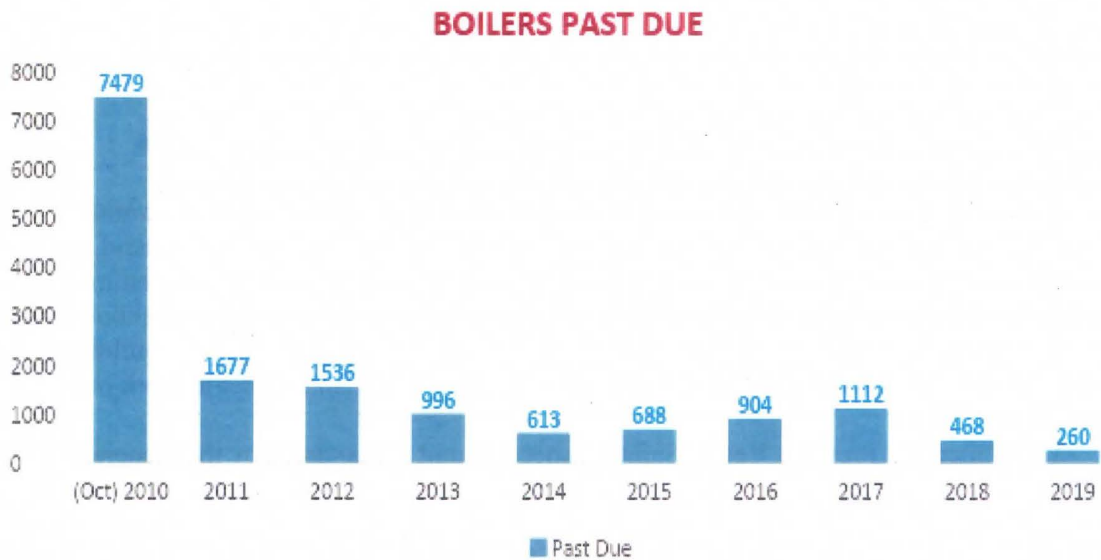
The Boiler and Pressure Vessel Safety Inspection unit is mandated by the General Assembly to ensure proper construction, installation, maintenance, use and repair of these boilers and pressure vessels in order to prevent injury to life, limb, and property. With one vacancy at the end of 2019, the unit currently includes a Chief Boiler Inspector, 10 Deputy Boiler Inspector positions, along with 125 independent third party Authorized Insurance Agency (AIA) Commissioned Inspectors that actively conducted inspections during the year, all commissioned by the National Board of Boiler and Pressure Vessel Inspectors and the State of Maryland to conduct boiler and pressure vessel safety inspections.

Special Inspectors employed by authorized inspection agencies performed approximately 80% of the 38,365 safety inspections conducted in 2019, as required by the Maryland Boiler and Pressure Vessel Law. The Chief Boiler Inspector is responsible for monitoring their inspection activities. This cooperative arrangement between the State and the private sector has been in existence for over sixty years and has saved taxpayers millions of dollars.

Deputy Boiler Inspectors assist the Chief Boiler Inspector in monitoring Special Inspectors, inspecting repairs to boilers and pressure vessels, registering and inspecting all new installations, in addition to performing follow-up inspections of violations to insure their correction. Deputy Boiler Inspectors also perform accident, complaint and variance investigations.

All owners/users of boiler and pressure vessels are required to contract with an authorized inspection agency to have the required periodic safety inspections performed. State inspectors continue to monitor the inspections performed by Special Inspectors, monitor repairs to boilers and pressure vessels, inspect and register all new boiler and pressure vessel installations, and perform follow-up inspections of violations to insure their correction.

Since 2010, the Boiler and Pressure Vessel Unit has successfully reduced the number of past due objects by 96.5%, illustrated in the chart below. In 2010, the Boiler and Pressure Vessel Safety Act was amended, requiring owners to contract with authorized inspection agencies to perform the required periodic safety inspections



**Boiler and Pressure Vessel Inspections
Conducted by Deputy Boiler Inspectors and Special Inspectors**

Inspections		Deputy Inspectors	Special Inspectors
Inspections performed	38,365	7,531	30,834
Units Registered	54,297		
Accidents investigated	1		
Complaints investigated	0		
Total certificates issued	30,210		
New registrations	3,520		

The Board of Boiler Rules, whose members are appointed by the Governor, provides additional technical expertise. The Board formulates proposed regulations for the Commissioner of Labor and Industry and evaluates requests for variance from applicable regulations.

Codes and Standards used by State and Special Inspectors are as follows:

- ASME Boiler and Pressure Vessel Code
- National Board Inspection Code
- ASME B31.1 Power Piping
- ASME B31.3 Chemical Plant and Petroleum Refinery Piping
- ASME CSD-1 Controls and Safety Devices for Automatically Fired Boilers
- NFPA 85 Boiler and Combustion System Hazards

Maryland law requires that any boiler or pressure vessel installed in the State be built to the standardized American Society of Mechanical Engineers (ASME) construction code. Commissioned inspectors ensure that repairs to registered boilers and pressure vessels also are performed in accordance with State requirements. There are over 20 Maryland companies authorized to perform repairs to boilers and pressure vessels.

Both Deputy Boiler Inspectors and Special Inspectors report violations of State law and regulations to the Chief Boiler Inspector, who ensures that the equipment owner is notified of the violation in order to secure timely correction of the hazard. There were 3,810 such violations opened this year, 857 of which were identified by State inspectors. 3,604 violations were corrected throughout the year. Each violation reported and corrected is an accident prevented.

RAILROAD SAFETY AND HEALTH INSPECTION

Maryland's Railroad Safety and Health program was created by the General Assembly to help reduce railroad-related accidents, deaths and injuries, and damage to property throughout the State of Maryland. Established and operating since 1980, this unit is a vital supplement to the national inspection program conducted by the Federal Railroad Administration.

By law, the Federal Railroad Administration (FRA) has primary responsibility for ensuring railroad safety nationwide. FRA's traditional safety inspection program has produced substantial gains in railroad safety with real benefits for the American people. FRA designates six regional inspection areas across the United States. The states of Maryland, Delaware, Ohio, Pennsylvania, Virginia and West Virginia are designated as part of FRA Region 2. Delaware is the only state in Region 2 that does not participate in the state railroad safety program. Participating state railroad safety programs provide a vital source of associated, yet independent, compliance inspection for the citizens of their respective states.

The Maryland program monitors the safety practices of each railroad company operating in Maryland by focusing statewide compliance inspections in the current disciplines of track, operating practices, and motive power and equipment. Staff also continues to successfully work with FRA and the National Transportation Safety Board (NTSB) while investigating rail accidents that occur in Maryland.

Railroad Safety and Health monitors and assists railroad operations that are not inspected by FRA. Maryland inspectors work with private industries that ship or receive goods via rail, to promote understanding of railroad safety practices and to ensure the safety of in-plant operation of locomotives and railroad freight cars. Staff members enforce Maryland specific requirements for track clearances, yard and walkway safety. They also work with several tourist and museum railroad operators that carry passengers, and lend their experience and knowledge to assist the Amusement Rides Safety Program in the inspection of trains and track that are used as amusement rides.

Railroad safety compliance inspections are especially important in the many areas that operate both freight and passenger services on shared use rail lines. The increasingly busy Amtrak Northeast Corridor and several CSX rail lines have shared use operations with the MARC commuter service, and these rail lines receive enhanced Maryland railroad compliance inspections.

Increased rail traffic throughout Maryland makes adequate railroad safety inspection vital and necessary. The safety and wellbeing of the general public that live, work, attend school or travel on or near railroad lines rely on safe railroad operations. Despite being small in size, Maryland's Railroad Safety and Health program provides a vital additional measure of safety for the citizens of Maryland and the traveling public. There is currently a Track inspector, a new Motive Power and Equipment inspector that became certified to conduct inspections in November of 2019, and a new Operating Practices inspector that became certified to conduct inspections in October of 2019.

Motive Power and Equipment	
MP&E Inspections	19
Cars inspected	721
Locomotives inspected	32
Defects reported	40
Violations reported	0
Blue Signal observations	0
Track	
Track Inspections	239
Private industry inspections	107
Track miles inspected	1,673
Turnouts inspected	1,498
Defects reported	939
Violations reported	0
Operating Practices	
OP Inspections	10
Railroad operating rules	10
Railroad operating practices	12
Radio standards and procedures	2
Rear end marking devices	0
Hours of service of railroad employees	0
Defects reported	2
Violations reported	0
Blue Flag observations	0
Railroad Accident/Incident Reporting	
Accidents/Incidents	19
Fatalities (including trespassers)	6
Injuries	8
Property Damage	5

Operating Practices

Railroad operating practices inspections cover the “human factor” element of railroad operations. A track defect or an equipment defect can be readily observed and repaired. However, behavior that increases the likelihood of an accident cannot be undone, but rather must be identified so that systems can be developed to prevent recurrence. This type of prevention often involves cultural changes for both employees and management. An Operating Practices inspector monitors the actions of railroad employees to deter unsafe behavior and promote proper safety practices.

Operating practice enforcement activities not only prevent injuries to railroad employees performing their own assignments, but also protect employees and the public from the unsafe actions of others. Some areas of responsibility include compliance inspections designed to deter drug and alcohol abuse and tampering with locomotive safety devices. Compliance inspections also monitor other railroad employee testing programs and the procedures for protection of railroad maintenance personnel in the performance of their duties.

The Railroad Safety and Health Operating Practices inspector participates in investigations which evaluate causation of fatalities, injury and property damages as related to human factor caused events.

Track Safety

A State track inspector monitors the inspections performed by each railroad company operating in Maryland to ensure compliance with federal track safety standards including regulations that provide a safe working environment for track maintenance workers. When the inspector identifies defects on tracks used to carry both passengers and hazardous materials, he assures that the defects are corrected.

In addition to regulatory compliance inspections of railroads, the Maryland track inspector evaluates the safety of private industry track serviced by each railroad company. This process ensures the safety of common railroad carriers operating over the private track and increases the level of safety for the private industry employees as well as the community at large.

The Railroad Safety and Health track inspector participates in investigations which evaluate causation of fatalities, injury and property damages as related to track caused events.

Motive Power and Equipment

A motive power and equipment (MP&E) inspector monitors inspections and worker safety protection (Blue Signal Protection) as implemented by each railroad company under Federal Railroad Administration regulations. Locomotives (motive power), passenger cars and freight cars (equipment), and track maintenance equipment are the focus areas of compliance inspection. The MP&E inspector conducts independent inspections of railroad equipment including new technology equipment such as remote controlled locomotives and high-speed train sets.

The Railroad Safety and Health MP&E inspector participates in investigations which evaluate causation of fatalities, injury and property damages as related to railroad equipment caused events.

AMUSEMENT RIDE SAFETY INSPECTION

By providing for an effective inspection and enforcement program, the *Amusement Ride Safety Law, Business Regulation Article, Title 3, Annotated Code of Maryland*, ensures, as far as possible, the safety of the public in the use of amusement rides and attractions. The Law indicates that certain amusement rides or attractions may not be operated in Maryland until the Commissioner of Labor and Industry has issued a certificate of inspection. As part of the certificate application process, the owner or lessee must provide the Commissioner with a current certificate of insurance indicating liability coverage in the amount specified by law.

A certificate of inspection issued by the Commissioner for a ride or attraction in an amusement park is valid for not more than one year from the date issued. Certificates for rides and attractions at fairs and carnivals are valid for not more than 30 days. Each time certain rides or attractions are moved to a new location they must be inspected and a new certificate issued before operation begins.

Owners of inflatable amusement attractions are required to register their attractions each year with the Commissioner of Labor and Industry and provide proof of general liability insurance. Inflatable amusement attractions that measure over four feet in height (measured from the ground to where the patron jumps) are subject to annual inspection.

The Amusement Ride Safety Law prohibits the conduct of a “bungee jumping operation” in Maryland. The General Assembly moved to prohibit this activity in response to research, investigation and several catastrophic events. The law provides for criminal penalties for any person violating its provisions.

Amusement Ride Safety Inspections	
Accidents investigated	6
Complaints investigated	7
Certificate Inspections	4,320
Other Inspections (Strip-Downs, Preliminary, Assists)	1,419
Total Inspections Performed	5,739
Number of Rides Registered in 2019: 4,563	

The Amusement Ride Safety Inspection Unit includes a staff of 9 field inspector positions statewide, including one Chief position and one Supervisor position.

Throughout 2019, the Amusement Ride Safety Inspection Unit responded to 2,242 inspection requests from 308 different amusement companies. 5,739 inspections were performed throughout the calendar year. Not all inspections result in a certificate being issued (i.e. strip-downs, preliminary), and some devices may not have been inspected for various reasons, including mechanical malfunction, weather related cancellations, inaccurate information in the inspection request, or customer failure to register their equipment with the State.

During the winter months, when inspection activity decreases, amusement ride inspectors assist the elevator and boiler units by hand-delivering citations that are returned as undeliverable mail and investigating possible building closures and new ownership of property where elevators and boilers exist.

A nine-member Amusement Ride Safety Advisory Board appointed by the Governor advises, consults with, and makes recommendations to the Commissioner for the prevention of conditions on amusement rides and attractions that may be detrimental to public safety.

The Safety Inspection program makes a concerted effort to increase public awareness by disseminating copies of the law and regulations, and keeping the public informed about availability of the laws and regulations on-line.

ELEVATOR SAFETY INSPECTION

The Commissioner of Labor and Industry is responsible for ensuring that the required safety inspections are performed on all elevators, dumbwaiters, escalators and moving walks operating throughout Maryland, pursuant to *Public Safety Article, Title 12, Subtitle 8 Elevator Safety*. Inspections are conducted by State inspectors and authorized third party inspectors in accordance with the nationally recognized American Society of Mechanical Engineers Safety Code for Elevators and Escalators.

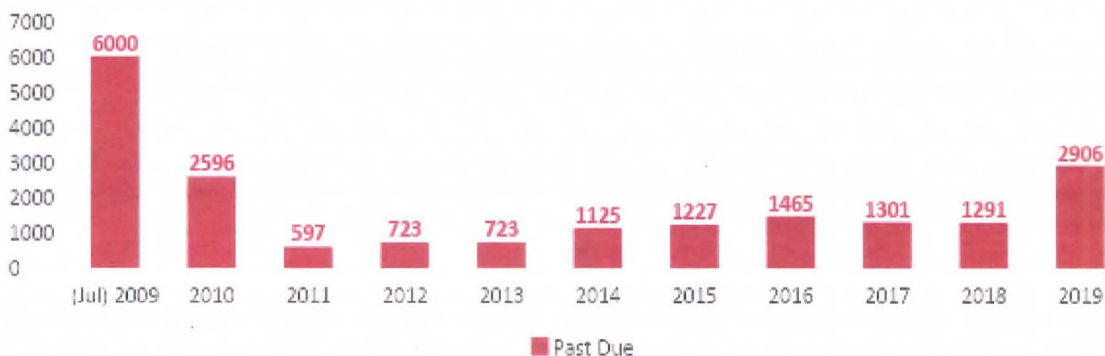
The Commissioner may grant an exception from the requirements of applicable codes when necessary to prevent undue hardship or where existing conditions prevent practical compliance. With proper documentation and where reasonable safety can be secured, the Commissioner considers applications for variance on a case-by-case basis.

The Elevator Safety Inspection unit includes a Chief Elevator Inspector and two regional supervisors who coordinate, train and supervise a staff of 19 field inspector positions statewide, 5 of which were vacant at the end of 2019.

The Elevator Safety Act requires owners of elevator units operating in Maryland to contract with an authorized third party inspector to perform the required annual safety inspections. An authorized inspector must hold a valid Qualified Elevator Inspector certification by a nationally recognized safety organization accredited by the National Commission for Certifying Agencies or the American National Standards Institute, maintain professional liability insurance and be approved by the Commissioner of Labor and Industry. State inspectors continued to perform annual inspections on elevator units owned by the State or a political subdivision, perform final acceptance inspections for all new elevator unit installations, witness all five year comprehensive inspections and conduct accident and complaint investigations. However, the law changed in 2018 and placed the inspection responsibilities on certain types of inspections on third party inspectors. These changes are being phased in over a 3 year period beginning 10/1/2018, 10/1/2019 and 10/1/2020.

During 2019, there were an average of 87 Third Party Qualified Elevator Inspectors (TPQEI) monthly assisting Maryland owners in keeping their elevators, escalators, and lifts safe. The joint effort between State and TPQEI inspectors, which began in July 2009, has had a positive impact on the number of overdue units in Maryland. Since this joint effort took place, the Elevator Safety Unit has reduced the number of past due elevator units from 6000 units to 2906. Due to legislation passed in 2018 which shifted some inspection responsibility to TPQEI's, the backlog in inspections due has increased due to the fact that the third party infrastructure could not yet support the workload.

ELEVATORS PAST DUE



Per the 2018 changes to the elevator law, beginning October 1, 2019, a TPQEI is required to be physically present during the annual and five year inspection of elevators owned by state or local governments and on October 1, 2020, annual tests of privately owned elevators will be witnessed and inspected by TPQEI. ²

The state will retain final acceptance inspections (new installations), alterations, investigation of accidents, complaints, incidences, follow up inspections to confirm the corrective action, and systematic/random quality control monitoring inspections, of third-party QEI inspectors.

Elevator Safety Inspections			
		State	QEI
Inspections performed	37,374	8,661	28,713
Elevators Registered	24,575		
Final Inspections (new units/alterations/hoists)			1,080
Annual Inspections			24,578
Other Inspections (Tests, Re-Inspections, 3 rd party monitoring, Alt/Mod)			11,716
Accidents/Incidents investigated			11
Complaints investigated			39
Units currently sealed out of service			1,524
• Active/Sealed			219
• Inactive/Sealed			1,305
Annual Certificates Issued (Periodic Inspection)			21,912

² Note: October 1, 2020 implementation date was delayed by a bill passed in the 2020 legislative session. The requirement is delayed from October 1, 2020 to October 1, 2021 for all elevators in privately owned buildings, except for direct-acting hydraulic elevators, which are delayed until October 1, 2022.

Boards, Councils and Committees

AMUSEMENT RIDE SAFETY ADVISORY BOARD

The Amusement Ride Safety Advisory Board consists of nine members appointed by the Governor for a four-year term, with the advice and consent of the Senate. The Governor designates one of the public members as chairman. The Board advises, consults with and makes recommendations to the Commissioner of Labor and Industry, and proposes regulations and standards for the prevention of conditions detrimental to the public in the use of amusement rides and attractions. The Board holds public hearings and reports findings to the Commissioner as necessary for the protection and safety of the public.

BOARD OF BOILER RULES

The Board of Boiler Rules is composed of nine members appointed for a four-year term by the Governor with the advice of the Secretary of Labor, and with the advice and consent of the Senate. The Board formulates and recommends to the Commissioner of Labor and Industry definitions and regulations for the safe construction, use, installation, maintenance, repair and inspection of boilers and pressure vessels in Maryland. All regulations conform as nearly as possible to the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and to the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors.

SPECIAL ADVISORY COMMITTEE ON ELEVATORS

The Special Advisory Committee on Elevators is a six-member committee appointed by the Commissioner of Labor and Industry to provide the Commissioner with expertise, knowledge, and technical data on elevators, dumbwaiters, escalators and moving walks. Members include representatives of State agencies, elevator contractors, labor and the public. The Committee assists the Commissioner in the formulation of regulations and standards for elevators, dumbwaiters, escalators and moving walks.

MARYLAND BUILDING REHABILITATION CODE ADVISORY COUNCIL

The Maryland Building Rehabilitation Code Advisory Council consists of 27 members, of which the Secretary of Labor is one. The Secretary of Labor also appoints the Director of the Council. The responsibilities and duties of the Advisory Council are as follows: advise the Department on development, adoption, and revisions to this chapter; provide technical advice on the interpretation of this chapter to property owners, design professionals, contractors, local jurisdiction code officials, and local jurisdiction code appeal boards; to the extent possible, develop this chapter in a way that avoids increased costs to local jurisdictions arising from implementation of this chapter; and to the extent provided for in the State budget, provide training on this chapter to code officials and other public and private construction-related professionals.

Electronic Publications

Laws and Regulations

- Amusement Ride Safety Law and Regulations
- Boiler and Pressure Vessel Safety Act and Regulations
- Elevators, Dumbwaiters, Escalators and Moving Walks and Smoking on Elevators Law and Regulations
- Employment of Minors Law
- Equal Pay for Equal Work Law
- Farm Labor Contractors Law and Regulations
- Lie Detector Tests Law
- Maryland Apprenticeship and Training Law and Regulations
- Maryland Employment Agency Act and Regulations
- Maryland Occupational Safety and Health Act and Regulation
- Maryland's Living Wage Law
- Maryland's Prevailing Wage Law
- Medical Questions Law
- OSHA Standards with Maryland Amendments
 - Cranes and Derricks (29 CFR 1926.500)
 - Excavations (29 CFR 1926, Subpart P)
 - Lead in Construction (29 CFR 1926.62)
 - Permit Required Confined Spaces (29 CFR 1910.146) – *amendment only*
- Prevailing Wage--Contracts for Public Works Law and Regulations
- Railroad Safety and Health Act and Regulations
- Wage and Hour Law and Regulations
- Wage Payment and Collection Law

Occupational Safety and Health

- Access to Information about Hazardous and Toxic Substances
- Bloodborne Pathogens Exposure Control Plan
- Carbon Monoxide
 - Carbon Monoxide Poisoning
 - Occupational Health Hazard Fact Sheet
- Developing a Workplace Safety and Health Program
- Electrical Safety
 - Danger: Overhead Electric Lines
 - Ground Fault Protection on Construction Sites
 - If You Don't Become an Inspector (power tools)
- Excavation Safety Guidelines
- Fall Protection
 - Fall Protection in Construction

- Stairways and Ladders
- First Aid: Guidelines for Basic First Aid Training Programs
- Hazardous Waste Operations and Emergency Response
- Hearing Conservation
- Heat Stress
 - Fact Sheet for Workers
 - Protecting Workers from Hot Environments
 - Poster
- Indoor Air Quality
 - MOSH Booklet
 - Prohibition on Smoking in an Enclosed Workplace
 - Smoking - Compliance Guidelines for the Hospitality Industry
- **Lead Fact Sheets**
 - Employee Lead in Construction
 - Engineering Controls
 - Housekeeping and Personal Hygiene Practices
 - Lead in Construction
 - Lead in Radiator Repair Facilities
 - Protective Clothing
 - Respiratory Protection
 - Worker Protection Programs
- Machinery and Equipment
 - Machine Safeguarding
 - Sling Safety
- Maryland Fatal Facts (1 - 11)
- MOSH Audiovisual Catalog
- MOSH Closing Conference Guide
- MOSH Consultation Services
- MOSH Ergonomic Services
- MOSH for Employees
- MOSH Posters for Private and Public Sectors
- MOSH Self-Inspection Checklist for Construction
- MOSH Self-Inspection Checklist for General Industry
- MOSH Seminars
- MOSH-Specific Requirements
- MOSH Training and Education
- MOSH Voluntary Protection Program
- OSHA Injuries and Illnesses Log and Supplementary Record
- OSHA Standards - How to Obtain Copies
- Personal Protective Equipment
- Process Safety Management
- Respiratory Protection

- Scaffolding: A Guide to Scaffolding in the Construction Industry

- Silica
 - Occupational Health Hazards
 - A Guide to Working Safety with Silica
 - Tips for Preventing Silicosis
- This is MOSH
- Underground Construction (Tunneling)
- Video Display Terminals
- Workplace Violence
 - Health Care and Social Service Workers
 - Late Night Establishments

Miscellaneous

- Amusement Ride Safety Revolves Around You (safety brochure)
- Annual Report of the Division of Labor and Industry
- Building the Future - Your Way (Apprenticeship and Training videotape)
- Do's and Don'ts of Heating Pressure Boiler Operations
- Do's and Don'ts of High Pressure Boiler Operations
- Do's and Don'ts of Compressed Air Storage Tank Operations
- Do's and Don'ts of Hot Water Heater Safety
- Employment of Minors Fact Sheet
- Manual for Issuing Officers of Work Permits
- Maryland Farm Labor Contractors: Responsibilities of Growers and Crewleaders
- Maryland Guide to Wage Payment and Employment Standards
- Maryland is Training For Tomorrow (Apprenticeship and Training)
- Operation Lifesaver - Safety at Highway Railway Crossings
- Putting it all Together (Apprenticeship and Training)
- Steps to Safety on Escalators
- Wage and Hour Fact Sheet

APPENDIX

OCCUPATIONAL DISEASE SURVEILLANCE IN MARYLAND 2019 REPORT

Pursuant to the Environment Article, Section 6-702, *Annotated Code of Maryland*: a physician who believes that a patient under the physician's care has an occupational disease shall submit a report to the Secretary of the Maryland Department of Health. The report shall state the patient's name, address, occupation, and place of employment; identify the suspected disease; and contain any other information that the Secretary requires. The Secretary shall give the information received under this section to the Commissioner of Labor and Industry. No reports were received by the Commissioner of Labor and Industry under this program in 2019.

NOTICE OF EXCESSIVE SAFETY VIOLATIONS

Consistent with the requirements of Section 9-312(b) of the Labor and Employment Article, *Annotated Code of Maryland*, the Workers' Compensation Commission did not refer any notice of excessive safety violations to the Commissioner.

ENFORCEMENT EFFORTS TO ELIMINATE ENVIRONMENTAL TOBACCO SMOKE IN THE WORKPLACE

Consistent with the requirements of Section 5-608(a) of the Labor and Employment Article, *Annotated Code of Maryland*, individuals may not smoke in an indoor place of employment. The Clean Indoor Air Act (CIAA) was signed into law on May 17, 2007. For almost twenty years prior to this date, the Commissioner, through the Maryland Occupational Safety and Health (MOSH) Program, had adopted and enforced a rule that generally prohibited smoking in most indoor places of employment, except in designated tobacco stores, restaurant bar areas, and licensed bars.

Under the CIAA, regulatory authority is vested with the Department of Health and Mental Hygiene (DHMH) for public areas, and DLLR, for workplace areas not generally open to the public. DLLR and DHMH have established operational agreements and work jointly to enforce this law, including sharing of information related to compliance activity. MOSH issues letters of reprimand in an attempt to control the behavior in establishments reported to be in violation.