



VOSH PROGRAM DIRECTIVE: 13-006

ISSUED: January 15, 2009

SUBJECT: Memorandum of Understanding Between the Department of Transportation (VDOT) and the Department of Labor and Industry (DOLI)

A. Purpose.

This Directive transmits the renewed Memorandum of Understanding (MOU) between the Virginia Department of Transportation (VDOT) and the Department of Labor and Industry (DOLI) which outlines the procedures for enforcing Virginia Occupational Safety and Health (VOSH) standard on contract work performed for the Virginia Department of Transportation (VDOT).

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel.

C. Reference.

None.

D. Cancellation.

The attached MOU will remain in effect for three years from the November 7, 2008, date of signing until November 7, 2011. The MOU will be reviewed by both parties prior to renewal.

E. Action.

Directors and Managers shall ensure that field personnel understand and adhere to the Memorandum of Understanding included in this directive.

F. Effective Date.

January 15, 2009.

G. Expiration Date.

November 7, 2011.

C. Ray Davenport

Commissioner

Attachment: Memorandum of Understanding between the Department of Transportation and
Department of Labor and Industry (November 7, 2008)

Distribution: Commissioner of Labor and Industry
Assistant Commissioner - Programs
VOSH Directors and Managers
Cooperative Programs Director and Manager
VOSH Compliance and Cooperative Programs Staff
Legal Support and IMIS Staffs
OSHA Region III and Norfolk Area Offices

MEMORANDUM OF UNDERSTANDING
BETWEEN
VIRGINIA DEPARTMENT OF TRANSPORTATION
AND
VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: November 7, 2008

This MEMORANDUM OF UNDERSTANDING (MOU) represents a cooperative understanding between the Virginia Department of Transportation (VDOT) and the Virginia Department of Labor and Industry (DOLI) for the purpose of outlining the procedures for enforcing Virginia's Occupational Safety and Health Standard on contract work performed for the Virginia Department of Transportation.

This MOU will remain in effect for three years from the date of signing and will be reviewed by both parties prior to renewal. This agreement may be revised or modified at any time with the concurrence of both signatories and may be cancelled for any reason with 30 day written notice from either signatory.

Both parties shall maintain all records pursuant to the agreement and to the extent required by law provide access to any interested party upon request. Records may include the MOU document; reports, studies or other documents prepared during the period of performance/implementation; or related financial records.

Liaisons for the MOU shall be the VDOT Administrator of Workforce Safety and Health Division and the DOLI Compliance Safety and Compliance Health Directors. These persons shall meet at least annually to evaluate and monitor activities and discuss results in achieving the goals of the MOU.

Virginia Department of Transportation includes and will continue to include in all of its contracts a requirement for the contractor to be in compliance with Federal and Virginia Occupational Safety and Health Standards and 40.1-51.1 of the Code of Virginia.

Virginia Department of Transportation (VDOT) personnel will administer the provisions of its contract(s) as outlined below:

Immediately Dangerous To Life and Health

In all cases, where there is a situation that is immediately dangerous to life and health (IDLH) to any person within the boundaries of Virginia Department of Transportation (VDOT) contract work, VDOT will notify affected personnel of the hazard, and will use the provisions of the contract to have the hazard corrected immediately. If the Contractor fails to correct the problem or if the problem is repeated, the Virginia Department of Transportation will provide a referral to Virginia Department of Labor and Industry for an inspection and enforcement of the Occupational Safety and Health Standards, as applicable.

Violations of Standards Exposing VDOT Employees To A Safety Hazard

Violations of Virginia Occupational Safety and Health Standards exposing Virginia Department of Transportation (VDOT) employee(s) to a safety hazard(s) will be brought to the Contractor's attention and the provisions of the contract will be used to have the violation corrected. VDOT employees will not expose themselves to the hazard while there is a violation of the Standards.

The violation shall be referred to Virginia Department of Labor and Industry for an inspection and enforcement of the Occupational Safety and Health Standards, as applicable, if the contractor refuses to correct the violation or continues to violate the Standards.

Violations of Standards Not Exposing VDOT Employees To A Safety Hazard

OR

Not An Immediate Danger To Life And Health

Violations of Standards not exposing VDOT employees to a safety hazard shall be brought to the Contractor's attention. The Contractor will be given five (5) work days to correct the violation. If the Contractor does not believe his operations are in violation of the Standards or does not correct the violation; a referral will be made to Virginia Department of Labor and Industry for an inspection and enforcement of the Standards, as applicable.

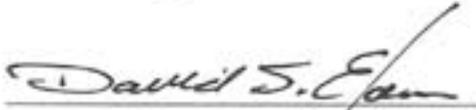
REFERRAL

Referral to Virginia Department of Labor and Industry for apparent violations of Occupational Safety and Health Standards will be made by Virginia Department of Transportation's Workforce Safety and Health Division.

Virginia Department of Labor and Industry will notify the Virginia Department of Transportation's Workforce Safety and Health Division of the disposition of each referral.

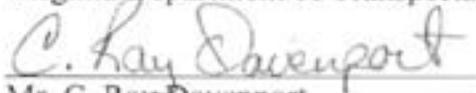
Virginia Department of Transportation and Virginia Department of Labor and Industry hereby enter into this MEMORANDUM OF UNDERSTANDING with the intent of improving employee safety and health on Virginia Department of Transportation contract work.

This MOU represents a non-financial understanding and is not a legal contract. It is entered into for the mutual benefit of both parties and does not create any third party rights or benefits. Neither entity shall assign or subcontract any work or services related to this understanding without the prior written consent of the other entity.



Mr. David S. Ekern, P.E.
Commissioner
Virginia Department of Transportation

10/21/2008
Date



Mr. C. Ray Davenport
Commissioner
Virginia Department of Labor and Industry

11/7/08
Date