

FY23 Budget Performance Review

Oklahoma Department of Labor

Lead Administrator: Commissioner Leslie Osborn

Lead Financial Officer: Julia Southwick

Agency Mission

The Oklahoma Department of Labor's mission is to ensure a safe, fair and healthy Oklahoma by: providing responsive, ethical, and effective service for employers and employees; by administering fair and consistent rules and regulations; and encouraging safety and training

Division and Program Descriptions

Note: Please define any acronyms used in program descriptions.

Administrative Services

The ODOL Administration provides direct support to all divisions and efforts within the agency. This includes human resources, financial services, administrative rules and hearings, federal grant support, receptionist, mail related services, communications and executive services.

Asbestos Abatement Program:

This program is responsible for ensuring asbestos and containment is accomplished in a safe manner in both public and private sectors. The division licenses all asbestos workers and contractors.

Occupational Safety and Health (OSHA)

The OSHA Consultation Division provides free consultation service to Oklahoma's private sector businesses. This voluntary, non-punitive, and confidential program is designed to assist small, high-hazard employers in preventing injuries and illnesses and to avoid costly OSHA fines.

Public Employees Occupational Safety and Health (PEOSH)

PEOSH is an educational and enforcement unit which inspect public agencies such as state, city, county, public schools, and other political subdivisions of the State of Oklahoma. Consultation and assistance are provided to entities for the safety of public employees.

Child Labor Unit

The Child Labor Unit is responsible for educational outreach when it comes to child labor law, and ensuring that children are not working in hazardous environments. This unit educates the public, businesses, and students about the need for workplace safety.

Statistical Research

This program performs statistical research on occupational safety and health injuries, illnesses and deaths in both private and public entities. This data is used to strategically target areas where the most illnesses, injuries or death occur.

Employment Standards Division

This division is charged with protecting Oklahoma's workforce by receiving complaints of allegedly wrongfully withheld wages, conducting investigations and making determinations as to whether wages are owed and due.

Legal Division

The Legal services division provides legal support and advice to the Commissioner Administrative staff, directors and staff of each Department of Labor division. This division also provides such advice informally and through written opinion, as well as through the filing of legal pleadings in internal administrative hearings, hearings and or/investigations by other state agencies, such as Oklahoma Merit Protection Commission and Oklahoma Unemployment Security Commission, and state and federal court proceedings. The Legal services division contracts with Administrative Law Judges (ALJ or Hearing Officer) to hear and decide issues under Article II of the Administrative Procedures Act and defends the agency investigative findings and determinations at administrative dockets. Also assists in the creation and proper structure of statutory and regulatory changes for matters falling within the Commissioner of Labor constitutional and statutory authority.

Alarm Locksmith Program

The Oklahoma Department of Labor regulates locksmiths, closed circuit televisions, access controls, burglar alarms, fire alarms, and sprinkler, and nurse calls to protect the safety and welfare of the public.

Elevator Program

The Department of Labor, in order to protect public health and safety, has jurisdiction to ensure that elevators, escalators, moving sidewalks, and similar devices are installed, maintained, and regularly inspected in compliance with recognized safety standards and codes to protect the safety of the public.

Amusement Ride Program

Inspectors from the Oklahoma Department of Labor inspect all amusement rides at permanent amusement parks annually and all mobile amusement rides every time they are moved. Additionally, inspectors with the Oklahoma Department of Labor perform surveillance of amusement rides during the year to ensure that the rides are being operated in accordance with state law.

Boilers, Pressure Vessels and Hot Water Heaters Program

The Oklahoma Department of Labor has jurisdiction over high-pressure boilers, low pressure steam and hot water boilers, other pressure vessels, and licensing requirements for firms engaged in the repair, service, and installation of boilers and pressure vessels. All boilers are to be inspected by either the state or an authorized insurance company at least once a year for public safety.

Welder Program

The Department of Labor certifies weld test facilities and licenses welding inspectors and welders to ensure the safety of the public.

Alternative Fuels Program

This program provides education, training, and awareness within the State of Oklahoma to ensure public safety in the expansion of the use of alternative fuels in the transportation sector. The Department of Labor has the responsibility of ensuring the certification process shall be uniform and practical in nature and shall be sufficiently strict to test the qualification and fitness of any applicant seeking certification to install, modify, repair, or renovate equipment used in the conversion of any fossil fuel engine fueled by an alternative fuel.

Licensing Division

Licensing is responsible for processing all licenses and certificates issued by all programs within the Department of Labor. The Licensing program receives and processes all fees received by the agency and is responsible for tracking and recording such fees, issuing receipts, and depositing all incoming monies.

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FY'22 Budgeted Department Funding By Source

Dept. #	Department Name	Appropriations	Federal	Revolving	Local ¹	Other ²	Total
1000001	Administration	\$756,990	\$161,908	\$14,395			\$933,293
2000001	Communications	\$157,529	\$41,359				\$198,888
3000001	Asbestos Abatement	\$263,010	\$116,259	\$34,138			\$413,407
3000002	OSHA (Occupational Safety & Health)	\$191,622	\$1,055,057				\$1,246,679
3000003	PEOSH (Public Employees Occupational Safety & Health)	\$552,785					\$552,785
3000004	Child Labor	\$93,926					\$93,926
3000005	Statistics & Research	\$138,691	\$83,373				\$222,064
4000006	Employment Standards	\$491,929		\$17,914			\$509,843
4000020	Legal Services	\$169,142	\$25,857	\$14,279			\$209,278
5000001	Alarm & Locksmith			\$444,439			\$444,439
5000002	Elevators	\$73,887		\$781,470			\$855,357
5000003	Amusement Rides	\$16,045		\$640,408			\$656,453
5000004	Boilers, PV's & HWH's	\$114,349		\$1,103,131			\$1,217,480
5000005	Welders Act	\$7,196					\$7,196
5000006	Alternative Fuels			\$361,619			\$361,619
5000007	Licensing	\$28,790		\$525,939			\$554,729
88	ISD	\$522,322	\$57,686	\$412,075			\$992,083
Total		\$3,578,213	\$1,541,499	\$4,349,807	\$0	\$0	\$9,469,519

1. Please describe source of Local funding not included in other categories:
 2. Please describe source(s) and % of total of "Other" funding if applicable for each departr

FY'21 Carryover by Funding Source

Class Fund #	Carryover Class Fund Name	Appropriations	Federal	Revolving	Local ¹	Other ²	Total
19902	GRF	\$208,037					\$208,037
54101	Special OSHA Fund for FY2021	\$201,032					\$201,032
54902	Special OSHA Fund for FY2019	\$73,302					\$73,302

1. Please describe source of Local funding not included in other categories:
 2. Please describe source(s) and % of total of "Other" funding if applicable:

What changes did the agency make between FY'21 and FY'22?

- 1.) Are there any services no longer provided because of budget cuts?**
 All agency services continue
- 2.) What services are provided at a higher cost to the user?**
 None
- 3.) What services are still provided but with a slower response rate?**
 ODOL continues to prioritize complaints, accidents & initial inspections to ensure they are met in a timely manner.
- 4.) Did the agency provide any pay raises that were not legislatively/statutorily required?**
 No

FY'23 Requested Funding By Department and Source

Dept. #	Department Name	Appropriations	Federal	Revolving	Other ¹	Total	% Change
1000001	Administration	\$756,990	\$161,908	\$14,395	\$0	\$933,293	0.00%
2000001	Communications	\$157,529	\$41,359	\$0	\$0	\$198,888	0.00%
3000001	Asbestos Abatement	\$263,010	\$116,259	\$34,138	\$0	\$413,407	0.00%
3000002	OSHA (Occupational Safety & Health)	\$191,622	\$1,055,057	\$0	\$0	\$1,246,679	0.00%
3000003	PEOSH (Public Employees Occupational Safety & Health)	\$552,785	\$0	\$0	\$0	\$552,785	0.00%
3000004	Child Labor	\$93,926	\$0	\$0	\$0	\$93,926	0.00%
3000005	Statistics & Research	\$138,691	\$83,373	\$0	\$0	\$222,064	0.00%
4000006	Employment Standards	\$491,929	\$0	\$17,914	\$0	\$509,843	0.00%
4000020	Legal Services	\$169,142	\$25,857	\$14,279	\$0	\$209,278	0.00%
5000001	Alarm & Locksmith	\$0	\$0	\$444,439	\$0	\$444,439	0.00%
5000002	Elevators	\$73,887	\$0	\$781,470	\$0	\$855,357	0.00%
5000003	Amusement Rides	\$16,045	\$0	\$640,408	\$0	\$656,453	0.00%
5000004	Boilers, PV's & HWH's	\$114,349	\$0	\$1,103,131	\$0	\$1,217,480	0.00%
5000005	Welders Act	\$7,196	\$0	\$0	\$0	\$7,196	0.00%
5000006	Alternative Fuels	\$0	\$0	\$361,619	\$0	\$361,619	0.00%
5000007	Licensing	\$28,790	\$0	\$525,939	\$0	\$554,729	0.00%
88	ISD	\$522,322	\$57,686	\$412,075	\$0	\$992,083	0.00%
Total		\$3,578,213	\$1,541,499	\$4,349,807	\$0	\$9,469,519	0.00%

1. Please describe source(s) and % of total of "Other" funding for each department:

FY'23 Top Five Operational Appropriation Funding Requests

Request by Priority	Request Description	Appropriation Request Amount (\$)
Request 1: N/A		\$0
Top Five Request Subtotal:		\$0
Total Increase above FY-22 Budget (including all requests)		\$ -
Difference between Top Five requests and total requests:		\$0

Does the agency have any costs associated with the Pathfinder retirement system and federal employees?

ODOL's FY22 projected costs associated with the Pathfinder retirement system \$120,932

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How would the agency be affected by receiving the same appropriation for FY '23 as was received in FY '22? (Flat/ 0% change)

All agency services would continue with emphasis focused on prioritization of complaints, accidents and initial inspections. Service will be provided at approximately same level. Inability to replace staff reduced by budget cuts in the last few years.

How would the agency handle a 2% appropriation reduction in FY '23?

Resources would be allocated based on a tier-level approach to meet the agency mission to protect and promote the safety and health of Oklahomans. The focus of resources would be on complaint and accident investigations, and then on initial inspections. The next level would be the periodic and annual inspections.

Is the agency seeking any fee increases for FY '23?

	Fee Increase Request (\$)	Statutory change required? (Yes/No)
N/A		
Increase 1	\$0	

What are the agency's top 2-3 capital or technology (one-time) requests, if applicable?

	Appropriated Amount (\$)	Submitted to LRCPC? (Yes/No)
N/A		
Priority 1	\$0	

Federal Funds

CFDA	Federal Program Name	Agency Dept. #	FY 22 budgeted	FY 21	FY 20	FY 19	FY 18
17.005	Census of Fatal Occupational Injuries Survey (CFOI)	3000005	40,489	40,489	40,489	35,983	33,322
17.005	Survey of Occupational Injuries and Illnesses (SOII)	3000005	100,000	50,465	N/A	N/A	N/A
17.504	OSHA Consultation Program	3000002	1,285,525	1,261,129	1,249,700	1,346,187	1,196,254
66.701	EPA Toxic Substance Compliance Monitoring	3000001	80,000	90,000	200,000	186,161	176,277
66.204	EPA Multipurpose Grant / Asbestos Abatement	3000001	35,485	27,035	N/A	N/A	N/A

Federal Government Impact

1.) How much federal money received by the agency is tied to a mandate by the Federal Government?
There are no federal funds tied to a specific mandate, however the agency will receive federal grants in FY2022.
2.) Are any of those funds inadequate to pay for the federal mandate?
N/A
3.) What would the consequences be of ending all of the federal funded programs for your agency?
This would result in a loss of services, including assisting Oklahoma private companies in reducing federal OSHA fines, Asbestos removal from public schools and private buildings, and the collection of workplace illnesses and fatal injury data.
4.) How will your agency be affected by federal budget cuts in the coming fiscal year?
ODOL would reduce services consistent with the reduction of funding
5.) Has the agency requested any additional federal earmarks or increases?
No

FY'22 Budgeted FTE

Division #	Division Name	Supervisors	Classified	Unclassified	\$0 - \$35 K	\$35 K - \$70 K	\$70 K - \$\$\$
1000001	Administration	3.80	1.00	6.58	0.03	3.75	3.80
2000001	Public Outreach	1.00	-	2.03	0.03	1.00	1.00
3000001	Asbestos Abatement	0.60	3.60	0.10	0.10	3.60	-
3000002	Occupational Safety & Health (OSHA)	1.00	6.55	5.03	0.03	8.55	3.00
3000003	Public Employees Occupational Safety & Health(PEOSH)	0.80	2.80	2.23	0.03	5.00	-
3000004	Child Labor	-	1.00	0.03	0.03	1.00	-
3000005	Statistical Research	0.20	1.65	0.83	1.68	0.80	-
4000006	Employment Standards (Wage & Hour)	1.00	3.00	1.83	0.03	3.80	1.00
4000020	Legal	0.20	-	1.43	0.43	-	1.00
5000001	Alarm & Locksmith	0.23	2.38	1.35	0.73	3.00	-
5000002	Elevators	0.25	6.85	1.10	2.30	4.65	1.00
5000003	Amusement Rides	0.25	4.55	1.70	1.26	4.99	-
5000004	Boilers, Pressure Vessels & Hot Water Heaters	0.25	7.90	4.60	3.05	9.45	-
5000006	Alternative Fuels Act	0.25	2.30	0.80	1.50	1.60	-
5000007	Licensing	0.17	6.42	1.11	0.36	7.17	-
Total		10	50	30.75	11.59	58.36	10.8

FTE History

Division #	Division Name	2022 Budgeted	2021	2020	2018	2013
1000001	Administration	7.58	6.58	8.56	8.0	9.25
2000001	Public Outreach	2.03	2.03	2.00	1.0	-
3000001	Asbestos Abatement	3.70	3.70	3.52	4.0	6.00
3000002	Occupational Safety & Health (OSHA)	11.58	11.58	10.55	9.0	11.00
3000003	Public Employees Occupational Safety & Health(PEOSH)	5.03	5.43	4.60	4.0	2.00
3000004	Child Labor	1.03	1.03	1.00	1.0	-
3000005	Statistical Research	2.48	2.08	0.85	1.0	1.00
4000006	Employment Standards (Wage & Hour)	4.83	3.87	4.80	5.0	9.00
4000020	Legal	1.43	1.43	1.40	2.0	5.00
5000001	Alarm & Locksmith	3.73	3.58	3.70	5.0	7.00
5000002	Elevators	7.95	8.39	8.90	8.0	-
5000003	Amusement Rides	6.25	6.10	5.30	7.0	-
5000004	Boilers, Pressure Vessels & Hot Water Heaters	12.50	9.54	8.45	7.0	-
5000006	Alternative Fuels Act	3.10	2.95	2.75	4.0	-
5000007	Licensing	7.53	6.82	6.38	6.0	-
	SSD					19.00
Total		3	80.75	75.11	72.76	72.00

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Performance Measure Review

	FY 21	FY 20	FY 19	FY 18	FY 17
Efficient business practices					
OSHA Consultations – Provide free, confidential OSHA consultation services to Oklahoma employers to help remove employees from potential workplace hazards, while meeting 100% of federal grant objectives and ODOL goals.	100%	100%	100%	100%	100%
Statistical Research – Strive to obtain 100% participation in the Public Sector Survey, which collects public sector workforce data on injuries, illnesses, and/or fatalities, to help identify and hopefully avoid such hazards in the future.	99.87%	99.66%	99.97%	99.97%	99.97%
Employment Standards Division (“ESD”) – Conduct wage and benefit and child labor investigations, issuing a final determination as quickly as possible, within legal constraints, without sacrificing the quality or thoroughness of the investigations.	91.00%	90.00%	89.50%	89.50%	89.50%
Enhance current programs					
PEOSH Employee Skill Development – PEOSH staff to obtain technical and/or organizational courses to ensure knowledge of changing and/or best industry standards and practices, and identification of workplace hazard concerns and trends, while continuing to meet 100% of federal grant objectives and ODOL goals.	100%	100%	100%	100%	100%
Keep industry informed of statutes/rules					
Alarm, Locksmith, and Fire Sprinkler (“ALFS”) Division, Boiler, Welders Act, Amusement Ride, Elevator Division – Involve industry in policy and rule decisions, while retaining authority to make determinations that best serve and protect the public.	100%	100%	100%	100%	100%

Revolving Funds (200 Series Funds)

<i>Please provide fund number, fund name, description, and revenue source</i>	FY'19-21 Avg. Revenues	FY'19-21 Avg. Expenditures	June '21 Balance
ODOL Revolving Fund (200)			
<i>Fee for amusement ride, asbestos, elevators and boilers licensing and inspections</i>	\$3,593,362	\$2,210,708	\$5,989,990
ODOL Revolving Fund (220) (transferred to GRF in FY22)			
<i>Program Fines, Forfeits and Penalties</i>	\$10,500	\$0	\$31,150
Alternative Fuels Technician Certificate Revolving Fund (251)			
<i>Certificate fees for alternative fuels technician and installers</i>	\$25,157	\$25,040	\$131,930
Alternative Fuels Inspection Fee & Fines Revolving Fund (252)			
<i>Fees for inspection of alternative fuel fill stations and related enforcement actions</i>	\$68,110	\$23,359	\$278,467
CNG Conversion Safety & Regulation Fund (255)			
<i>Percentage of tax rebate for vehicle conversion to CNG</i>	\$272,536	\$278,305	\$898,510
Alarm & Locksmith Industry Revolving Fund (280)			
<i>Fee from Alarm, Locksmith, & Fire sprinkler licenses</i>	\$509,246	\$375,097	\$1,174,471