



DOL News Brief

November 1, 2012

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WINNER OF PRSA'S 2012 THOTH AWARD & RAGAN'S 2012 PR DAILY AWARD — BEST ELECTRONIC NEWSLETTER —

100 Years ... in Six Minutes!



You would be amazed to learn what you never knew you never knew about the history of the U.S. Department of Labor. Spend just six minutes with this fantastic new video, produced in conjunction with our centennial, to

discover how the department was created, meet all the labor secretaries, get a glimpse of our legislative history and appreciate the many and important things we do for workers across the nation. And if the narrator's voice sounds familiar to you, it's not surprising.

Many thanks to actor Luis Avalos for being "the voice" of the Labor Department. Avalos was the perfect pick for this project, having educated an entire generation during his years in the cast of "The Electric Company" on public television.



• [Watch the Video](#)

What's New

Department Mobilizes for Hurricane Recovery

As the disaster recovery response to Hurricane Sandy begins, the Department of Labor has mobilized to provide assistance and support to storm-damaged states. On Nov. 1, the department awarded a National Emergency Grant of more than \$15.5 million to assist New Jersey with cleanup and recovery efforts.



The funds will assist the New Jersey Department of Labor and Workforce Development in restoring public lands and infrastructure while also providing temporary work to those in need of employment. "The destruction caused by this massive storm overwhelmed communities and disrupted lives throughout the state of New Jersey," said Secretary Solis. "The Labor Department's funding is part of the federal government's collaborative efforts to ensure immediate emergency assistance." In addition, the department's Occupational Safety and Health Administration field staff along the East Coast is urging workers and members of the public engaged in cleanup activities to be aware of the hazards they might encounter and the steps they should take to protect themselves. For the latest information on grants, cleanup efforts, and recovery resources, visit the department's Hurricane Recovery Assistance Web page, which will be updated continuously.

- [Learn About Hurricane Recovery Assistance](#)
• [Read the New Jersey Emergency Grant News Release](#)
• [Read OSHA's East Coast Safety and Recovery Guidance](#)

In New Mexico, Preparing Students for the Changing Workforce



For students at the ACE Leadership High School in Albuquerque, N.M., there's no such thing as an "ordinary" classroom. The innovative charter school is operated by the Associated General Contractors New Mexico Building Branch, and uses cutting-edge education and highly skilled instructors to

prepare young people for successful careers in architecture, construction and engineering professions. The school was recently recognized by the department as a Trailblazer and Innovator during the commemoration of the 75th Anniversary of the signing of the National Apprenticeship Act in

Stop Falls, Save Lives



A team of five Spanish-speaking members of the Occupational Safety and Health Administration participated in an informational phone

bank at Univision 45's studios in Austin, Texas, on Oct. 25. Their mission: to inform the public about OSHA's Fall Prevention Campaign and other ways to keep workers safe. Falls are the leading cause of construction fatalities, and account for more than a third of all deaths in the construction industry. The OSHA representatives fielded approximately 360 calls during the 5-1/2-hour phone bank.

• [View the Slideshow](#)

Positive Steps in Mine Safety

Moving mine safety and health in a positive direction is what the Mine Safety and Health Administration is doing, according to Joseph Main, the assistant secretary of labor in charge of MSHA. Last week, Main addressed the annual joint meeting of the Society for Mining, Metallurgy and



Exploration and the Pittsburgh Coal Mining Institute of America in Canonsburg, Pa. Main updated the crowd of 300 about the agency's monthly impact inspections initiative; a revised program to identify mines with chronic compliance problems; better allocation of enforcement staff; a dramatic reduction in the backlog of contested citations; a rise in cases involving the temporary reinstatement of miners who have filed discrimination charges against their employers; and the recent figures identifying 2011's all-time low fatality and injury rates.

Roots for a Strong Workforce

What skills do U.S. technicians need, and how can they be developed? More than 800 educators, researchers and industry members gathered at the Advanced Technical Education Principal Investigators Conference in Washington, D.C., on Oct. 26 to address these questions. Jane Oates, assistant secretary of labor for employment and training, delivered a keynote address highlighting the department's initiatives that support community colleges in training and certifying students for careers in science, technology, engineering and mathematics, or STEM, industries. "Community colleges represent a significant national pathway to meeting the growing and diverse needs of a global workforce critical to our nation's competitiveness and future," she said. The conference was hosted by the American Association of Community Colleges with support from the National Science Foundation.

Safe Window Cleaning



An alliance between the Occupational Safety and Health Administration and the International Window Cleaning Association has been renewed. The

goal of the alliance is simple - to reduce falls. IWCA, a nonprofit trade association, represents more than 500 national and international companies employing more than 10,000 workers. "Falls are among the most common causes of serious work-related injuries and deaths in the window cleaning industry," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "We look forward to continuing our work with the IWCA to provide workplace training and education to help ensure that workers are aware of on-the-job hazards and

August. Last week, Secretary Solis had a chance to see the program in action during a visit to the school. There she met with students exploring 3D architecture modeling programs as well as the engineering, math, and teamwork skills needed to succeed in video production. Earlier on Oct. 26, Solis visited the University of New Mexico to sit down with students and faculty members for a discussion on preparing for the changing workforce. The school's Evening and Weekend Degree Program offers approximately 1,000 classes after 4 p.m. or on weekends in nearly 40 complete degree programs each semester. Solis also visited the Albuquerque Job Corps Center to check in on the school's welding program. In 2010, Job Corps students in Albuquerque built a globe for the 2010 G-20 Labor Ministers meeting held in the Frances Perkins Building. Using 100 percent recycled materials, the 1,500-pound globe is lit using solar power, and remains prominently placed at the Labor Department's headquarters in Washington, D.C.

- [View the Slideshow](#)

News You Can Use

Video Vignettes Help Young People Prepare for Employment



As a part of its "Skills to Pay the Bills: Mastering Soft Skills for Workplace Success" curriculum, the Office of Disability Employment Policy has developed a series of free video vignettes that are now available on the department's website. The videos, which can be used by youth programs, educators and

others, emphasize the importance of communication, networking, enthusiasm and attitude, teamwork, problem-solving and critical thinking, and professionalism in today's workplace. Although employers have identified soft skills as being among the most important competencies young workers need, three-quarters of those participating in a recent survey ranked new high school graduates as deficient in soft skill areas.

- [View the Videos](#)
- [Read the News Release](#)

Disability.gov Asks: 'What's Your Connection?'

"By sharing how disability touches us all, we can reinforce and encourage the inclusion of people with disabilities in every aspect of daily life," says Kathy Martinez, assistant secretary of labor for disability employment policy. That's the idea behind a campaign — "What's Your Connection?" — launched this week by Disability.gov to commemorate the site's 10th anniversary. The campaign encourages people to submit captioned photographs or videos that answer the question, "What's your connection to disability?" Submissions will be accepted through July 31, 2013.

Disability.gov is the federal government's website for comprehensive information on disability programs and services in communities nationwide.

- [Read the News Release](#)
- [Visit Disability.gov](#)

DOL Working for You

Through Department Grant, Army Vet Turns His Life Around
After a dozen years in the Army, Fletcher King was discharged and soon found a blue-collar

reduce injuries throughout the industry." Spanish speaking workers, who comprise 50 percent of the industry, will benefit from the translation of training materials.

- [Read the News Release](#)

Focus on the Person

Individuals with disabilities "bring unique perspectives and experiences to the workplace," Ismael Ortiz, deputy assistant secretary of labor at the Veterans' Employment and Training Service, said in keynote remarks at a Disability Employment Awareness Month event on Oct. 25 hosted by the Centers for Medicare and Medicaid Services in Baltimore, Md. "When hiring, look at the person and see what values they can bring to your workplace, not their disability," Ortiz said.

Going Green at Texas Conference

About 100 women employed in construction and from local colleges and nonprofit groups throughout Texas attended a Women's Bureau workshop during the 6th Annual Luna Awards and Regional Hispanic Contractors Association Women's Business Conference in Fort Worth, Texas. Dolores Bischof, a program analyst with the Women's Bureau, conducted the workshop on planning for a "green" career and its challenges. The workshop covered information from the bureau's "Why Green Is Your Color: A Women's Guide to a Sustainable Career."

- [Read the Green Guide](#)

Inclusion in Virginia

Wrapping up National Disability Employment Awareness Month, Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez gave remarks at a Fairfax County, Va., event on Oct. 26. "Citizens with disabilities want to be viewed as competent, self-reliant, working members of society, recognized for our inherent worth and value." Martinez spoke passionately about purging stereotypes to about 200 public employees who attended the county's forum on disability awareness and inclusion. "I truly believe that inclusion leads to innovation and that by fostering a work culture respectful of individual differences – including disabilities – organizations benefit from varied perspectives on how to confront challenges and achieve success."

- [Learn More About ODEP](#)

Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment

job. Life was good. But King then fell in with the wrong crowd, which over time led to a substance abuse problem and eventually jail. King turned his life around thanks to help provided by departmental grantee Goodwill Industries of Houston and its incarcerated veteran training program. The program provided clothing, career counseling, employment leads and transportation to job interviews. It also gave him "moral support, which meant a lot to me," King said. When he found a job as an electrician, Goodwill even bought him a new tool set. King stated he is now clean and sober and owes his stability to the support offered by the program.



'Stand Down' Creates New Path for New Hampshire Veteran



As an Army motor pool mechanic, Lorice Bonkosky was used to rolling up her sleeves and fixing things that needed repair. She later showed the same determination in providing clerical support for a major aerospace defense contractor. But her full-time work eventually turned into multiple part-time

jobs — and all were lost in bad economic times. At one point, she and her family became homeless. But her prospects improved when Bonkosky found transitional housing from New Hampshire's Harbor Homes, a departmental grantee. She also attended the organization's Stand Down, which provides medical attention, clothing, food and career counseling for homeless veterans. "As veterans get older, they can lose everything in an instant," Bonkosky said. Programs that aid veterans are essential, she said, because "we are asking for a helping hand, not a handout." Bonkosky is enrolling in a community college with a goal of becoming a nurse, and, she added, she never misses an opportunity to volunteer at Stand Downs and help fellow veterans.

DOL in Action

Pennsylvania Steakhouse Faulted on Overtime Pay

The restaurant company 681 Complex Inc., doing business as NaBrasa Brazilian Steakhouse and Iron Abbey Gastro Pub in Horsham, Pa., has agreed to pay \$110,369 in back wages to 42 workers following an investigation by the Wage and Hour Division. Investigators found the employer violated the Fair Labor Standards Act by improperly classifying FLSA-covered employees working as meat carvers, also known as "gauchos," as exempt from overtime pay and consequently denying them proper compensation for hours worked beyond 40 in a week. Additionally, several employees, including dishwashers, line cooks and other kitchen staff, were required to work long hours, often in excess of 60 hours per week, and were paid a fixed salary that did not include overtime pay or yield at least the minimum wage of \$7.25 per hour.

- [Read the News Release](#)

Insurance claims was 363,000 for the week ending Oct. 27, a decrease of 9,000 from the previous week. The four-week moving average was 367,250, down 1,500 from the previous week's revised average of 368,750.

- [Read the News Release](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

Traveling Resource Center in Tennessee

The Office of Workers' Compensation Programs will send its resource center to Clarksville, Tenn., on Nov. 8 to provide former employees of the Clarksville Modification Center, in Fort Campbell, with information about a new class of employees recently added to the Special Exposure Cohort of the Energy Employees Occupational Illness Compensation Program Act.

OWCP — Traveling Resource Center to Assist Nuclear Weapons Workers

- [November 8 — Clarksville, TN](#)

CFBNP — Southeast Wisconsin Job Clubs & Career Ministries Symposium

- [November 8 — Hales Corners, WI](#)

OASAM — Small Business Vendor Outreach Session

- [November 7 — Washington, DC](#)

OFCCP — Analyzing Personnel Activity Data

- [November 2 — Columbus, OH](#)

OFCCP — Applicant Tracking

- [November 15 — Wichita, KS](#)

OFCCP — Basic Requirements of an Affirmative Action Program

- [November 14 — New Orleans, LA](#)

OFCCP — Common OFCCP Audit Violations

- [November 14 — Wichita, KS](#)

OFCCP — Community Based Education & Outreach

- [November 8 — Memphis, TN](#)
- [November 15 — Memphis, TN](#)
- [December 6 — Memphis, TN](#)
- [December 13 — Memphis, TN](#)
- [December 20 — Memphis, TN](#)

OFCCP — Compliance Assistance

Florida Roofing Co. Cited for Exposing Workers to Falls
GP Roofing & Construction LLC of Palm Coast, Fla., has been cited by the Occupational Safety and Health Administration with three willful safety violations for exposing workers to falls while workers were conducting roofing work in St. Johns, Fla. The violations involve failing to provide eye and face protection for workers using nail guns, fall protection for employees working on steep-pitched roofs, and not having a safe means for workers to access and leave a 19-foot high roof. "The danger of fall hazards cannot be overstated. Falls are the leading cause of death in the construction industry," said Brian Sturtecky, OSHA's area director in Jacksonville.

- [Read the News Release](#)

New Hampshire Painting Contractor Sued for Wage Violations

A lawsuit against Kevin Corriveau Inc. of Nashua, N.H., as well as company officers, has been filed by the Wage and Hour Division for not paying workers minimum wage and overtime in violation of the Fair Labor Standards Act. The lawsuit is based on an investigation that found the company had willfully and repeatedly violated the FLSA. Investigators found that the employer did not compensate some employees for all hours worked, did not pay proper overtime rates for hours worked over 40 in a week, and failed to maintain records of workers' wages, among other violations.

- [Read the News Release](#)

Former Union Official Sentenced in Embezzlement Conspiracy

An embezzlement scheme has landed a former union officer in prison. Ronald Witt, former business manager of International Union of Operating Engineers Local 450 and trustee for the union's Joint Apprenticeship Training Committee in Houston, Texas, was recently sentenced to one year and one day in prison and three years of supervised release. On Jan. 19, Witt pleaded guilty to one count of conspiring to embezzle union funds. An investigation conducted by the Office of Labor-Management Standards and the Employee Benefits Security Administration found that Witt stole nearly \$200,000 and used the money to pay for luxury trips for himself and friends, to remodel his home and other personal expenses. He attempted to cover up the scheme by forging union business records. Witt's wife, Anita Witt, former financial secretary of Local 450 and the committee's coordinator, was also charged with conspiracy and embezzlement from an employee benefit plan. Those charges were dismissed following the acceptance of responsibility and sentencing of her husband as agreed to in Ronald Witt's plea agreement. Witt was also ordered to pay \$198,333.10 in restitution.

Inspections Put Spotlight on Dust Dangers in Mines

Monthly impact inspections by the Mine Safety and Health Administration took a different twist in September, with federal inspectors focusing on coal mines that previously had been cited for violations of respirable dust sampling results or methods, inadequate dust control or ventilation plans, on-shift examination violations or hazard complaints. "As part of our overall strategy to improve compliance in the nation's mines, and because of the egregious nature of some of the coal dust-related violations our inspectors have encountered during past impact inspections, I've instructed our enforcement personnel to give special consideration to mines with respirable dust or ventilation and dust control plan compliance concerns," said Joseph Main, the assistant secretary of labor who heads MSHA. Inspectors issued 150 citations and 10 orders at 13 coal mines and three metal/nonmetal mines last month.

- [Read the News Release](#)

Seminar — Construction Contractors

- [November 29 — Memphis, TN](#)

OFCCP — Compliance Assistance Seminar — Supply & Service Contractors

- [November 1 — Memphis, TN](#)
- [November 7 — Nashville, TN](#)
- [November 14 — Nashville, TN](#)
- [November 27 — Milwaukee, WI](#)
- [November 28 — Nashville, TN](#)

OFCCP — Compliance Evaluation Audit Process

- [November 15 — Wichita, KS](#)

OFCCP — Construction — Nuts and Bolts

- [December 5 — Houston, TX](#)

OFCCP — Construction Requirements

- [December 6 — Columbus, OH](#)

OFCCP — How to Develop an AAP — Small and First Time Contractors

- [December 5 — Houston, TX](#)

OFCCP — Incumbency vs. Availability Seminar

- [December 19 — Milwaukee, WI](#)

OFCCP — Internet Applicant Recordkeeping Rule

- [December 20 — Omaha, NE](#)

OFCCP — National Origin Discrimination

- [November 15 — Omaha, NE](#)

OFCCP — Retaliation Complaints

- [December 6 — Omaha, NE](#)

OFCCP — What to Expect During an OFCCP Audit/ OFCCP Regulatory Update

- [November 14 — Columbus, OH](#)

OFCCP — Workplace Accommodations under the Rehabilitation Act of 1973

- [December 5 — Chicago, IL](#)

OSHA — National Advisory Committee on Occupational Safety and Health (NACOSH) Meeting

- [November 14 — Washington, DC](#)

Inspection Finds Workers Exposed to Biohazards

New England Hematology/Oncology Associates PC has been cited by the Occupational Safety and Health Administration for willful and serious violations of workplace safety standards after inspectors found that workers were exposed to biohazards. The agency responded to complaints by medical workers that needles used to treat cancer patients were not safety-engineered devices, and that workers were at risk of needlestick injuries because the devices lacked automatically sheathing needles. The Newton, Mass., medical service provider faces \$46,900 in proposed penalties.

- [Read the News Release](#)

74 Florida Farmworkers to Receive Back Wages and Damages

Mahendra Raolii, the owner of Swash Farms Inc. and Jalaram Produce Inc. in Homestead, Fla., has agreed to pay \$110,563 in back wages plus an additional equal amount in liquidated damages to 74 current and former employees. An investigation of the farm and packaging operation by the Wage and Hour Division found significant violations of the Fair Labor Standards Act's minimum wage, overtime and record-keeping provisions, as well as violations of the Migrant and Seasonal Agricultural Worker Protection Act.

- [Read the News Release](#)

EBSA Investigators Crack Benefits Fraud Conspiracy

An Employee Benefits Security Administration investigation has led to 120 months in prison for Texas businessman Robert Hague-Rogers. U.S. Attorney Sarah R. Saldaña of the Northern District of Texas announced that Hague-Rogers was sentenced this week following a guilty plea to one count of conspiracy to commit theft or embezzlement from an employee benefit plan and one count of conspiracy to commit health-care fraud. For more than a decade, Hague-Rogers was the sole owner and operator of HR Financial Services and HR Sales and Marketing in Dallas. Both companies were engaged in the sale and marketing of insurance products. In February 2011, a federal grand jury indicted Hague-Rogers based on his theft of funds from an Employee Retirement Income Security Act-governed welfare benefit fund. As the trustee for the plan, the government alleged that Hague-Rogers directed money transfers and cash withdrawals from and between himself and the plan for his and his family's personal benefit. A few months later, in April 2011, the government learned that while on pre-trial release, Hague-Rogers was operating a Ponzi scheme by making unauthorized loans against certain employer-sponsored health plans to repay investors. In addition to the prison sentence, Hague-Rogers has been ordered to forfeit more than \$9.3 million.

- [Read the Department of Justice News Release](#)

More Emphasis on Miners' Discrimination Complaints

During FY 2012, the Mine Safety and Health Administration filed more requests for temporary reinstatements on behalf of miners who submitted complaints of discrimination than in any other year. Thirty-nine requests were filed with the Federal Mine Safety and Health Review Commission based on miners' complaints involving suspensions, layoffs, discharges or other adverse actions. According to the Federal Mine Safety and Health Act of 1977, a miner cannot be discharged, discriminated against or interfered with in the exercise of statutory rights because he or she has engaged in a protected activity, such as filing a complaint alleging a health or safety violation or refusing to work under unsafe or unhealthy conditions. "MSHA



US Dept. of Labor

USDOL

USDOL US Department of Labor provides grant to aid New Jersey communities with recovery efforts following Hurricane Sandy
1.usa.gov/Vg376n

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USDOL RT @bls_gov: Productivity increases 1.9% in 3rd quarter 2012 (annual rate); unit labor costs fall 0.1%
go.usa.gov/vrn #BLSdata

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Join the conversation

strongly encourages miners to exercise their rights under the Mine Act and maximize their involvement in monitoring safety and health conditions," said Joseph Main, assistant secretary of labor for MSHA. "In turn, we will vigorously investigate all discrimination complaints."

- [Read the News Release](#)

Illinois Company Faces Fine for Exposing Workers to Lead
History Construction Management LLC in Odell, Ill., has been cited for 22 alleged serious health violations by the Occupational Safety and Health Administration An inspection was opened in May in response to a complaint and found that some workers were exposed to airborne lead at more than 40 times the permissible limit. Fifteen of the violations related to OSHA's lead standard, including failing to implement engineering and work practice controls to reduce exposure and collect full shift personal samples for monitoring. Proposed fines total \$59,200. The company specializes in restoring windows for historical buildings.

- [Read the News Release](#)

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