



DOL News Brief

April 29, 2010

[Subscribe](#) | [Send Feedback](#) | [PDF Version](#)



Workers Memorial Day



On Wednesday, Mary Harris "Mother" Jones' famous words "Pray for the dead and fight like hell for the living," was a call to arms that rang especially true for Workers Memorial Day, and on the heels of a tragic month for the nation's working families. More than 4.6 million workers suffer serious injuries each year. And, every day across America, more than 14 men and women lose their lives in preventable workplace incidents. "On this Workers Memorial Day, the mission of the Department of Labor's worker safety and health protection agencies — MSHA and OSHA — is clearer than ever," said Secretary Solis "And, our effort to save lives has never been more necessary." Secretary Solis and Dr. David Michaels took time to meet with 20 family members of victims of workplace fatalities during their visit to DC for Worker Memorial Day.

Later that day, marking Workers Memorial Day at the National Labor College in Silver Spring, Maryland, Assistant Secretary for OSHA, Dr. David Michaels called for major changes in the Occupational Safety and Health Act, a law that has not seen a significant revision in 40 years. He said that the "Protecting America's Workers Act", now under consideration in Congress, would — raise the ceiling on OSHA fines, increase criminal penalties and criminal liability for employers who knowingly endanger workers, expand the rights of workers' and victims' families, and strengthen whistleblower protections. In the meantime, OSHA is taking action on its own through stepped-up enforcement against the worst offenders, and increasing penalties for workplace violations.

- [Read the President's Proclamation](#)
- [Read the Secretary's Statement](#)
- [Read Michaels' Remarks](#)
- [Read the Secretary's Blog Entry](#)
- [View the Slideshow](#)

What's Hot

Department Officials Discuss Spring 2010 Regulatory Agenda

The Department's spring 2010 regulatory agenda was released on Monday, offering a roadmap for DOL efforts to increase transparency, prevent workplace violations, and protect workers and responsible business owners. The heads of six DOL agencies hosted live Web chats with the public to discuss how their respective regulatory actions will benefit workers across the country. On Thursday, Deputy Secretary Seth Harris, Assistant Secretary for Mine Safety and Health Joseph Main, Assistant Secretary for Occupational Safety and Health David Michaels, Deputy Administrator of the Wage and Hour Division Nancy Leppink, and the Director of the Office of Federal Contract Compliance Programs Patricia Shiu discussed the specifics of the agenda as part of a panel discussion hosted by the Center for American Progress.



- [Visit the Regulatory Agenda Website](#)
- [View the Slideshow](#)

Around DOL

Labor Secretary Willard Wirtz Remembered



In April 2009, a year before he died, former Labor Secretary Willard Wirtz returned to the DOL library, named for him and his wife, to meet with Secretary Solis and Department employees. Those in the audience that day received the special privilege of hearing from the man whose life was the embodiment of the values the Labor Department represents.

Secretary Wirtz was known as a fine negotiator, but for him negotiations were not an end in itself. His focus was on assisting those who found themselves on the sidelines of the American economy. As Secretary Solis has stated, "Those efforts continue today."

- [Read the Secretary's Statement](#)
- [View the Tribute Slideshow](#)

Welcome New Members of DOL Leadership Team

Five new members of the DOL team were sworn in last Friday. Joe Main, Assistant Secretary for the Mine Safety and Health Administration; Dr. David Michaels, Assistant Secretary for the Occupational Safety and Health Administration; Dr. William Spriggs,

- [Download the Poster](#)



Assistant Secretary for Policy; Patricia Smith, Solicitor of Labor; and Sara Manzano-Díaz, Director of the Women's Bureau have dedicated their lives to public service and will bring their exceptional talents to the Department and their respective agencies. "We are facing many challenges today, but I am confident that with the leadership of these new Assistant Secretaries we will make great strides towards taking on these very important issues," said Secretary Solis.

- [View the Slideshow](#)
- [Meet the Outstanding Team](#)
- [Read the Secretary's Remarks](#)

Protecting America's Workers

On Wednesday, Assistant Secretary for the Mine Safety and Health Administration (MSHA) Joseph A. Main and Assistant Secretary for the Occupational Safety and Health Administration (OSHA) Dr. David Michaels testified before the U.S. Senate on strengthening workplace safety as well as their respective agency's ability to enforce the law. Main's testimony was centered in large part on the fatal April 5 explosion at the Upper Big Branch Mine in W.Va. "Fatalities in coal mines are preventable. Explosions in coal mines are preventable. The tragedy at the Upper Big Branch mine did not have to happen." Main also stated the need for more enforcement powers for his agency. "We take every incident that results in injury or loss of life seriously and personally. But due to the limits of the current authority given to MSHA, and the efforts companies like Massey will take to escape enhanced enforcement, we think it necessary to examine the statutes, regulations and policies on the books and ask ourselves what more we can do to ensure the health and safety of America's miners." According to Dr. Michaels, "It has now been almost 40 years since the Occupational Safety and Health (OSH) Act was passed, and aside from an overdue increase in penalties almost 20 years ago, no significant change has been made to this law. There are far too many obstacles that prevent effective enforcement of the law, far too many loopholes that allow unscrupulous employers to continue to get away with endangering workers. This must stop."

- [Read Michaels' Testimony](#)
- [Read Main's Testimony](#)
- [View the Slideshow](#)

Solis to Host Discussion on STEM Careers

On May 5, Secretary Solis will host a panel discussion exploring the challenges Latinos face while entering science, technology, engineering and math careers. The event will be webcast to high schools and colleges across the country, giving students a unique opportunity to submit questions online to Secretary Solis and a panel of experts—including an astronaut, an engineer, an educator and a demographer. Individuals interested in asking questions should log on Wednesday, May 5, 1 to 2 p.m. EDT.

- [Join the Discussion](#)

EBSA Forges New Partnerships



Assistant Secretary for the Employee Benefits and Security Administration (EBSA), Phyllis Borzi visited Chicago from April 26 to 30, for the widely attended EBSA Annual Managers' Conference. The development of a new strategic plan, improving investigative targeting models, and the regulatory and administrative impact of the new healthcare

reform law were among the issues discussed during the week long event. While in Chicago, EBSA Special Assistant Nicole Price and Secretary's Representative Ken Bennett met with a variety of elected, faith and community leaders to discuss opportunities for DOL and EBSA to work with organizations to communicate important information such as the COBRA premium subsidy, provisions of the healthcare law, retirement security regulations, and other critical initiatives. This outreach is part of a broader plan being designed by Price to connect with stakeholder groups and individuals that have not historically had a relationship with the agency or the Department.

OSHA Directs Efforts at Non-English Speakers for Protection

OSHA issued an enforcement memorandum directed at protecting Latino and other non-English speaking workers from workplace hazards. It directs compliance officers to ensure they check and verify that workers are receiving OSHA required training in a language they understand. "This directive conforms with Secretary Solis' clear and urgent goal of reducing injuries and illnesses among Latino and other vulnerable workers," said Dr. David Michaels, Assistant Secretary for OSHA. "These workers represent an integral and essential part of the key industries that keep our country running everyday."

DOL Working for You

ODEP Program Guides College Graduate to Career Choice

Ashley McAroy was so impressive during her DOL Solicitor's office internship last summer that she eventually applied for and was offered a full time position there to handle human resource and administrative matters.

McAroy, a 2009 graduate of Gallaudet University in Washington, DC, who is profoundly deaf, came to the Department's attention through the Workforce Recruitment Program (WRP) for College Students



ODEP Partners on Federal Hiring for People with Disabilities

On Monday, the Department's Office of Disability Employment Policy, in partnership with the U.S. Office of Personnel



Management and with the support of the U.S.

Department of Defense Computer/Electronic Accommodations Program, held the first-ever Federal Hiring Event for People with Disabilities in Washington, D.C. More than 5,000 individuals submitted resumes for this event and approximately 350 interviews were conducted on-site with an additional 100 phone interviews scheduled for the following week. Secretary Solis, Assistant Secretary for Disability Employment Policy Kathy Martinez, and Deputy Secretary Seth Harris along with White House Liaison for Disability Policy Kareem Dale, and Office of Personnel Management's Director John Berry and Deputy Director Christine Griffin participated in the ribbon cutting ceremony to mark the opening of this historic event. Federal agencies have been working collectively to advance the number of people with disabilities into government positions and the hiring event marked a milestone towards that goal.

- [View the Slideshow](#)

Advocate of Civil and Women's Rights Laid to Rest



This week the country paid respect to Dr. Dorothy Height, who died at the age of 98. Her life's work as "Godmother" of the civil rights movement and advocate of women's rights has shaped the lives of generations to come.

Dr. Height's historic contributions to America has been celebrated and honored by Presidents and great leaders. She played a major role in promoting civil rights and women's rights, rubbing shoulders with such icons as Dr. Martin Luther King. Yet, this visionary saw the importance of mentoring and sharing with future generations the legacy of life, liberty and prosperity. She was no stranger to the Labor Department. Dr. Height eagerly answered the department's call to partner with the National Council of Negro Women -- which she founded -- in its Retirement Savings Education Campaign. That partnership endured throughout the 1990s and provided a bridge to educate women of color about saving for retirement. In his eulogy at her funeral on Thursay, President Obama said, "What she cared about was the cause. The cause of justice. The cause of equality. The cause of opportunity. Freedom's cause." Secretary Solis attended a special viewing at the NCNW headquarters on

with Disabilities. The program, co-sponsored by DOL's Office of Disability Employment Policy and the Department of Defense, provides employers a free nationwide database of job seeking candidates with disabilities from more than 230 schools and with a variety of academic backgrounds.

McAroy stated WRP "helped set my goal of becoming a human resource specialist" adding that she intends to continue her training "to grow my knowledge and experience" in that field.

DOL in Action

MSHA Launches Surprise Inspections

Over the past five weeks, inspectors from the Mine Safety and Health Administration (MSHA) responded to three anonymous hazard complaints at West Virginia coal mines. All three mines are owned by Massey Energy, the same company that owns the Upper Big Branch Mine, where 29 miners died April 5 in a massive underground explosion. The surprise inspections revealed a number of serious safety and health violations, including inadequate ventilation, accumulations of combustible materials and illegal deep cuts into the coal. MSHA Assistant Secretary Joseph A. Main did not mince words about the outcome of the inspections. "Mine operators who disregard mine regulations and the Mine Act put miners at risk and must be held accountable for their behavior, and MSHA will do everything in its power to make sure that miner safety and health is paramount."

- [Read the News Release](#)

OSHA Implements New Severe Violators Enforcement Program

In an effort to address urgent safety and health problems facing Americans in the workplace, the Occupational Safety and Health Administration (OSHA) is implementing a new Severe Violator Enforcement Program (SVEP) and increasing civil penalty amounts. The SVEP is intended to focus OSHA enforcement resources on employers who endanger workers by repeatedly demonstrating indifference to their responsibilities under the law. This supplemental enforcement tool includes increased OSHA inspections in these worksites, mandatory OSHA follow-up inspections, and inspections of other worksites of the same employer where similar hazards and deficiencies may be present. "SVEP will help OSHA concentrate its efforts on those repeatedly recalcitrant employers who fail to meet their obligations under the Occupational Safety and Health Act. It will include a more intense examination of an employer's practices for systemic problems that would trigger additional mandatory inspections," said Assistant Secretary of Labor for OSHA Dr. David Michaels.

- [Read the News Release](#)

OSHA Releases Data on Toxic Chemical Exposure

In keeping with the President's memorandum on open government, the Occupational Safety and Health Administration (OSHA) has released 15 years of data detailing workplace exposures to toxic chemicals. The data is comprised of measurements taken during the course of inspections, including exposure levels to the hazardous chemicals asbestos, benzene, beryllium, cadmium, lead, nickel, silica, and others. It can offer insights into the levels of toxic chemicals commonly found in workplaces, as well as how exposures to specific chemicals are distributed across industries, geographical areas and time. According to Assistant Secretary of Labor for OSHA Dr. David Michaels, "We believe this information, in the hands of informed stakeholders will ultimately lead to a more robust and focused debate on what still needs to be done to protect workers in all sectors, especially in the chemical industry."

- [Read the News Release](#)

Wednesday. Women's Bureau Director Sara Manzano-Díaz and Assistant Secretary for Policy William Spriggs represented the Department at the funeral.

- [Read the Secretary's Statement](#)

Oates: Keep Kids in School!

Assistant Secretary for Employment and Training Jane Oates joined colleagues from Harvard and MDRC at the Brookings Institution on Tuesday. Oates was on hand to discuss how the Department and the Obama Administration are working to prevent young people from dropping out of school, and what can be done to get them back on track if they leave the educational system. Her remarks were followed by a panel discussion and question and answer session. Brookings invited Oates to speak as part of the rollout of the Spring 2010 issue of the journal, "The Future of Children." The most recent installment is titled, "Transition to Adulthood," and includes strategies to help more young people complete their education and succeed in the workplace.

- [Read the Journal](#)

Montgomery Talks Jobs in Ohio

On Tuesday, White House Council on Automotive Communities and Workers Executive Director Dr. Ed Montgomery participated in a workshop for local auto parts suppliers and manufacturers in Toledo, Ohio. "Small businesses will be the key to sustained recovery and growth," Dr. Montgomery noted. The workshop included a discussion of local Recovery Act and jobs bill investments, the President's National Export Initiative, and other Administration-wide efforts to spur economic recovery and create jobs in communities affected by auto industry restructuring.

Getting Ready for the Blueberry Harvest in North Carolina

To ensure that growers are aware of the Department's rules regarding migrant farm workers and child labor, on April 20 Wage and Hour Division's Raleigh District Director met with 25 North Carolina blueberry growers, the President of the North Carolina Blueberry Council, and representatives from Congressmen Bob Etheridge's and Mike McIntyre's offices. Held at the Bladen County Extension Service in Elizabethtown, N.C., Wage and Hour staff reviewed current rules and answered questions about the division's enforcement efforts during the upcoming blueberry harvesting season.

- [Information on Migrant Farm Labor Rules](#)

ETA Addresses UI Improper Payments

- [Read Michaels' Blog Entry](#)

CHIP Group Coordinates Children's Benefits



The 22-member Children's Health Insurance Program (CHIP) Working Group met on Monday in Washington, D. C. to explore impediments to the coordination of health benefits between employer-sponsored coverage and government programs that provide premium assistance. The second meeting of the working group will finalize a

report on these findings and develop a model coverage coordination disclosure form to be used by private sector employers. The working group is composed of representatives jointly appointed by the Departments of Labor and Health and Human Services including Department officials; state Medicaid directors, state directors of the Children's Health Insurance Program; employer community; group health plan administrators and sponsors; health insurance issuers; and children and other beneficiaries of medical assistance.

EBSA Recovers \$370,000 for Employees of Miami Vegetable Broker

Miami vegetable broker, Orrin H. Cope Produce, and its pension plan fiduciaries have agreed to restore \$370,000 to the company's employee profit sharing plan following a lawsuit filed by DOL's Office of the Solicitor on behalf of the company's employees. Filed after an investigation by the Employee Benefits Security Administration (EBSA), the lawsuit alleged that the defendants illegally transferred funds from the company's pension plan to benefit the company. The consent judgment also requires the defendants to pay a civil money penalty equal to 20 percent of the applicable recovery amount.

DOL Recovers Back Wages for Supermarket Employees

The Department's Wage and Hour Division has recovered more than \$288,000 in back wages for 38 employees of six Queens, N.Y., supermarkets. Its investigation of Bravo Supermarkets and C-Town Supermarkets found that 12 baggers were not paid at all and depended on customers' tips for wages. In other stores, some employees were found working for wages below the federal minimum wage, while others were not paid proper overtime. In one store, a 17 year old regularly operated a meat slicer in violation of child labor prohibitions. The stores will also pay more than \$5,000 in civil money penalties.

- [Read the News Release](#)

DOL Helping Homeless Female Vets and Vets with Families

This week DOL's Veterans' Employment and Training Service announced a \$5 million grant competition to provide job training, counseling and placement services (including job readiness, and literacy and skills training) to expedite the reintegration of homeless female veterans and veterans with families into the labor force. "We are reminded every day of the tremendous sacrifices made by our service men and women, and by their families. Yet a staggering number of our homeless population are veterans," said Secretary Solis. "Reintegrating homeless female veterans and veterans with families into meaningful employment is vital to our goal of ending homelessness among those who have worn our nation's military uniform."

- [Read the News Release](#)

Department Obtains Preliminary Injunction in Garment Case

The Department has been granted a temporary restraining order and a preliminary injunction against a Westminster, Calif. manufacturer who produces women's clothing for such national retailers as Ross Stores and Forever 21. Laundry Room Clothing Inc. repeatedly and knowingly failed to

Last week, Assistant Secretary for the Employment and Training Administration (ETA) Jane Oates and Administrator for ETA's Office of Unemployment Insurance Gay Gilbert



(pictured), addressed a group of state workforce agency representatives at the Unemployment Insurance (UI) National Integrity Conference in Crystal City, Virginia. The conference, one of many strategies the Department's Employment and Training Administration is deploying to address improper payments in the Unemployment Insurance program, was focused on program integrity, featuring innovative strategies for the prevention, detection, and recovery of UI overpayments. Because the UI program is administered as a Federal/State partnership, Oates and Gilbert focused on the key roles states must play to address this important issue.

DOL Supports PAWA

The Occupational Safety and Health Administration's (OSHA) Deputy Assistant Secretary Jordan Barab testified before the House Subcommittee on Workforce Protections on Wednesday in support of the of the whistleblower protection provision of the Protecting America's Workers Act (PAWA). He emphasized the importance of protecting workers from retaliation for exercising their health and safety rights. "PAWA would strengthen the Occupational Safety and Health Act by increasing protections for whistleblowers, providing additional rights to accident victims and their families, improving OSHA enforcement, and increasing the monetary and criminal penalties for violations of the law. It would also extend OSHA coverage to all public employees in America," stated Barab.

- [Read the Secretary's PAWA Statement](#)
- [Read Barab's Testimony](#)

Upcoming Deadlines & Events

[Open Grant Opportunities](#)

MSHA — New Mexico Mine Health and Safety 3rd Annual Conference, May 3-5

- [May 3-5, 2010 — Socorro, NM](#)

OFCCP —Affirmative Action Plan (AAP) Workshop

- [May 5, 2010 — Pittsburgh, PA](#)

OFCCP — Supply and Service Compliance Seminar: Veterans/Disability

- [May 5, 2010 — Portland, OR](#)

OLMS — Compliance Assistance Seminar

- [May 4, 2010 — Columbia, SC](#)

properly pay its workers in accordance with the Fair Labor Standards Act. The preliminary injunction prevents the company from shipping goods that were produced by employees who were not paid the required minimum wage and overtime for all hours worked beyond 40 per week.

- [Read the News Release](#)

Green Scene

Women's Bureau Hosts "Green" Teleconference

On Thursday, the Department's Women's Bureau hosted a teleconference focusing on opportunities and resources available to help women succeed in green entrepreneurship. This program was the second in a series of teleconferences designed to provide workforce practitioners an exchange of ideas on how to better connect women with green jobs training and employment. Speakers included Director of the Women's Bureau Sara Manzano-Díaz, U.S. Small Business Administration Program Analyst Christine Koronides, Women's Initiative for Self Employment Executive Director Julie Abrams, Public Policy Associates Inc. Project Manager Colleen Graber, Powerfully Green Chief Executive Officer Rebecca Lundberg and Austin Lumber President/Chief Executive Officer Laura Culin.

- [Read More](#)

Opportunities are Open: Protecting Workers

This week, the Department, along with the nation, observed Workers Memorial Day. Although, it has been 40 years since the Occupational Safety and Health Act was passed, every day workers put their lives at risk for their livelihoods. Join DOL's Occupational Safety and Health Administration or Mine Safety and Health Administration to help protect America's workers. Explore the positions below or view all the exciting and rewarding opportunities at DOL. .

1. Position in Multiple Locations
[Metal/Non Metal Mine Safety & Health Inspector — GS-1822-07/11](#)
FCIP-10-MSHA-004-NV-WE
Close: 05/07/2010
2. Position in Washington DC
[Safety and Occupational Health Specialist — GS-0018-12/13](#)
DE-10-OSHA-41
Close: 05/07/2010
3. Position in San Francisco, CA
[Investigator \(Occupational Safety and Health\) — GS-1801-11/12](#)
DE-10-SF-OSHA-76
Close: 05/10/2010

- [May 6, 2010 — Port Wentworth, GA](#)

OLMS — LMRDA Seminar

- [May 11, 2010 — Madison, WI](#)

OSHA — NAOSH 2010 Kick-off Event

- [May 3, 2010 — Washington, DC](#)

Follow USDOL on

- Statement of US Secretary of Labor Hilda L. Solis in memory of Dr. Dorothy Height [04/29/2010] <http://bit.ly/adSBI3> *about an hour ago*
- US Department of Labor announces \$1.2 million grant to assist workers in Utah affected by aerospace industry layof... <http://bit.ly/dbKvyc> *about an hour ago*

[Previous Issues](#) | [Follow us on Twitter](#) | [Subscribe](#) | [Send Feedback](#) | [Unsubscribe](#)

U.S. Department of Labor, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210
www.dol.gov | Telephone: 1-866-4-USA-DOL (1-866-487-2365) | TTY: 1-877-889-5627 | [Contact Us](#)