



DOL News Brief

August 26, 2010

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First-time Data on Employment of Persons with a Disability



The Labor Department's Bureau of Labor Statistics recently released Persons with a Disability: Labor Force Characteristics, 2009. This first-ever report, "will help better tailor policies and workforce development strategies, leveraging the talents and skills of this important segment of

our population," said Secretary Solis. "Just one in five people with disabilities were in the labor force and the unemployment rate for those with disabilities remains much higher than the national average. We will use this new information to help increase service capacity and ensure that people with disabilities have access to support services."

- [Read the BLS Release](#)

OFCCP in the "City that Works"

Community based organizations throughout Illinois came to a public forum in Chicago on August 20, to hear Office of Federal Contract



Compliance Programs (OFCCP) Director Patricia Shiu share OFCCP's plans to support Secretary Solis' vision of "good jobs for everyone."

Congressman Danny K. Davis and Congresswoman Jan Schakowsky were also guest speakers at the event. Director Shiu stressed jobs, the importance of expanding outreach to workers' rights organizations, the current regulatory reform effort for veterans, individuals with disabilities and construction workers, and her work on the President's National Equal Pay Enforcement Task Force. OFCCP's Regional Director Sandra Zeigler provided national and Illinois employment forecasts and regional enforcement accomplishments. The event was organized by Region V Secretary Representative Ken Bennett

What's Hot

OSHA Cites SeaWorld of Florida Following Animal Trainer's Death

The Occupational Safety and Health Administration has cited SeaWorld of Florida for three safety violations, including one classified as willful, following the death of an animal trainer. The total penalty is \$75,000. "SeaWorld recognized the inherent risk of allowing trainers to interact with potentially dangerous animals," said Cindy Coe, OSHA's regional administrator in Atlanta. "Nonetheless, it required its employees to work within the pool walls, on ledges and on shelves where they were subject to dangerous behavior by the animals." In February, a six-ton killer whale grabbed a trainer and pulled her under water in what was described as a "relationship session." Video shows the killer whale repeatedly striking and thrashing the trainer, keeping her from escaping. The autopsy cited the cause of death as drowning and traumatic injuries.

- [Read the News Release](#)

Payment Milestone for Nuclear Weapons Workers

On the heels of the Energy Employees Occupational Illness Compensation Programs Act's (EEOICPA) 9th anniversary, the Office of Workers' Compensation Programs this week announced that it had eclipsed the \$6 billion mark in benefits paid. Signed into law in 2001, the EEOICPA provides compensation and medical benefits to employees who became ill as a result of working in the nuclear weapons industry. OWCP Director Shelby Hallmark reaffirmed DOL's commitment to the program, citing continued focus on strengthening claims processing, benefit delivery, and outreach campaigns.

- [Read the News Release](#)
- [Learn More about the EEOICPA](#)
- [Find a Resource Center Near You](#)

DOL Working For You

STEM Student Draws Clear Path to Success

While busing tables at a popular casino, Elizabeth Strader decided to take a chance on learning to become a draftsman. Thanks to DOL's Science, Technology, Engineering and Math (STEM) program, she hit the career jackpot. STEM funding, coupled with a partnership by Connecticut's workforce investment board and that state's Electric Boat company, allowed the twenty-three-year-old to enroll and complete technical drafting and math courses at a local community college. Electric Boat hired her for computer design on naval vessels and also pays for Elizabeth to take apprentice draftsman courses. She also has her sights set



and the Midwest Region of the OFCCP.

ETA Announces Proposed Enhancements to YouthBuild

YouthBuild is a grants-based alternative education program that provides classroom instruction and construction skills training to at-risk individuals ages 16-24. Participants learn valuable skills as they build or rehabilitate housing for persons in need in their communities. The Notice of Proposed Rule Making (NPRM), expected to be published in the Federal Register Friday, incorporates transferring the administration of the program from the Department of Housing and Urban Development to DOL. The NPRM also expands program activities to include many that are supported by the Workforce Investment Act (WIA) Title I youth formula program. The goal is to make the YouthBuild program consistent with WIA's job training, education, and employment goals, while at the same time continuing to allow many of the same affordable housing goals emphasized under HUD's administration of the program.

- [Read the News Release](#)

OFCCP Compliance Officers Convene at DC Headquarters



Sixty-six regional personnel from the Office of Federal Contract Compliance Programs convened in Washington D.C.

August 9 - 20 for

compliance officer training sessions. The event was born out of OFCCP Director Patricia Shiu's commitment to hire 200 new compliance officers for expanded enforcement activities and ensure all compliance officers received uniform, nationally certified training for the first time in more than a decade. Training courses ranged from discrimination theories and interviewing skills, to how to conduct a desk audit. Shiu told the attendees, "You will make sure everyone gets a fair shot at a job and that no one has to endure unlawful harassment of any kind." [\[more\]](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

Check out the grant opportunities with DOL.

Event Spotlight: Labor Rights Week

Wage and Hour Division investigators will be available Aug. 30 to Sept. 3 from 10 a.m. to 2 p.m. EDT at the Mexican Consulate office in Atlanta, Ga. Investigators will answer

on earning a future Associates Degree in Nuclear Technology. Elizabeth said she was "given that extra little push to succeed" towards a high-wage, technical career thanks to STEM.

DOL in Action

Miami Business Cited for Exposing Workers to Lead

The Occupational Safety and Health Administration has cited E.N. Range of Miami for more than 50 violations of the lead standard and others. Proposed penalties top \$2 million. OSHA says the company knowingly neglected to protect employees who clean gun ranges from serious overexposure to lead, and provided non-medically approved treatments for lead exposure. "This company was well aware of what it needed to do to protect its workers from a well known hazard. It not only failed to provide that protection, it misled employees — most of whom had limited knowledge of English — into believing that it was providing them with appropriate medical treatment," said Secretary Solis. "Such a blatant disregard for the health of workers will not be tolerated under this administration."

- [Read the News Release](#)

Home Health Care Provider Pays \$150,000 to 144 Workers

Following a Wage and Hour Division investigation, Prairie River Home Care Inc., a home health care provider based in Buffalo, Minnesota, has agreed to pay \$150,043 in overtime pay owed to 144 workers. The employer had been paying half time for hours over 48 per week, which is required by Minnesota law. However, the Fair Labor Standards Act requires that employees be paid at least the federal minimum wage of \$7.25 for all hours worked, and time and one-half their regular rates for hours worked over 40 in a week.

- [Read the News Release](#)

More Than \$166,000 Recovered for Employees at Naval Station Mayport

One-hundred and five workers at Naval Station Mayport in Jacksonville, Fla. will receive \$166,667 in back wages after a Wage and Hour Division investigation into pay practices. The Labor Department found that employees of L-3 Communications Vertex Aerospace were not being compensated according to the McNamara-O'Hara Service Contract Act and the Contract Work Hours and Safety Standards Act. The company incorrectly computed the amount of health and welfare benefits provided to each employee, resulting in incorrect payments to individual workers. The company also failed to honor the predecessor's anniversary date in computing accrued vacation time. In addition, team leads were found to come in 15 minutes early each shift and engage in unrecorded and unpaid off-the-clock duties.

- [Read the News Release](#)

Inspections Catch Coal Mine Personnel by Surprise

Four underground coal mines located in Kentucky, Tennessee and West Virginia recently were the target of enhanced inspections by the Mine Safety and Health Administration. It's part of MSHA's ramped-up approach to inspecting the nation's mines: Arrive when the company least expects it, and commandeer the phones so that mining personnel on the surface cannot tip off miners underground. During the recent blitz, MSHA inspectors found numerous violations relating to improper ventilation, inadequate roof support and accumulation of combustible materials. "It is appalling that our inspectors continue to find such egregious violations, especially with the explosion at Upper Big Branch still fresh in everyone's minds," said MSHA Assistant Secretary Joe Main.

questions and inform individuals of their rights under federal labor laws including the Fair Labor Standards Act, the Migrant and Seasonal Agricultural Workers Protection Act, and the Family and Medical Leave Act.

- [Read the News Release](#)
- [August 30, 2010 — Atlanta, GA](#)

EBSA — Employers Forum Workshop

- [September 7, 2010 — Albany, NY](#)

EBSA — The Basics and More: EBSA Compliance Workshop

- [September 8, 2010 — Kansas City, MO](#)

EBSA — Voluntary Fiduciary Correction Program Workshop

- [August 31, 2010 — Sacramento, CA](#)
- [August 31, 2010 — Sacramento, CA](#)
- [September 1, 2010 — New York, NY](#)

OFCCP — AAP Development for ARRA Contractors & Preparing for a Desk Audit

- [September 9, 2010 — Baltimore, MD](#)

OFCCP — ADA and Section 503 of the Rehabilitation Act of 1973, as amended Seminar

- [August 27, 2010 — Richmond, VA](#)

OFCCP — Compliance Assistance Seminar

- [September 1, 2010 — Nashville, TN](#)
- [September 8, 2010 — Nashville, TN](#)
- [September 8, 2010 — Birmingham, AL](#)

OFCCP — Compliance Assistance Seminar for Construction Contractors

- [September 10, 2010 — Richmond, VA](#)

OFCCP — Compliance Assistance Seminar for Supply and Service Contractors

- [September 3, 2010 — Richmond, VA](#)

OFCCP — Everything You Want to Know About Adverse Impact

- [September 8, 2010 — Denver, CO](#)

OFCCP — The ABCs of "Understanding

- [Read the News Release](#)

It's Not Only Counter-Productive, It's Illegal

Mining personnel who alert their colleagues underground that a federal mine inspector is on the property often do so to quickly correct problems that might otherwise lead to a citation. This action not only prevents a Mine Safety and Health Administration inspector from carrying out proper duties properly, it's also illegal. Consequently, MSHA issued a Program Information Bulletin reminding the mining community that advance notification of federal mine inspectors is prohibited, and the punishment for failure to comply with the law can be up to six months in prison or as much as a \$1,000 fine.

- [Read the News Release](#)
- [Read the Program Information Bulletin](#)

WHD Recovers Back Wages for Walt Disney World Employees

A Wage and Hour Division investigation has recovered \$433,819 in back wages owed to 69 employees of Walt Disney Parks and Resorts U.S. in Orlando, Fla. Inventory control clerks in the park's Food and Beverage Department were not paid for work activities occurring before and after their normal shift. In addition, they were not paid for working through their meal times and when working from home. "While Walt Disney has specific rules regarding off-clock work, our investigation found that managers within the company were not adhering to those important policies," said WHD Administrator Nancy Leppink. "It is not enough to have policies. Management must also ensure that all supervisors are implementing them."

- [Read the News Release](#)

MSHA to Launch Conferencing Pilot Program

To address the backlog of contested citations and conferencing procedures, the Mine Safety and Health Administration announced that it will launch a 90-day conferencing pilot program. The effort will allow the mine operator and the miners' representative to hear MSHA's interpretation of regulations and discuss and resolve issues relating to violations prior to the civil penalty assessment and litigation. Under the current system, conferencing takes place after penalty assessment. "It is clear that the current conferencing structure is not working," said MSHA Assistant Secretary Joe Main. "By resolving factual disputes before a violation is contested, these citations will not be added to the enormous backlog of cases that have bogged down the judicial system."

- [Read the News Release](#)

Spotlight on States: Iowa

Former Electrolux Workers Receive Assistance

A \$1,352,776 grant will assist about 450 workers affected by layoffs at Electrolux in Jefferson and Webster City, Iowa, and three of its suppliers in Ames and Webster City, Iowa. Awarded to Iowa Workforce Development, the grant will be operated by the Region XII Council of Governments. Funding will provide dislocated workers, all of whom are also certified as eligible for Trade Adjustment Assistance, with access to "wrap-around" and supportive services that will help them complete training. These services may include childcare and transportation assistance.

- [Read the News Release](#)

Grant Announced to Assist Layed Off Manufacturing Workers

An award of \$737,608 under the National Emergency Grant program will assist approximately 100 workers affected by layoffs at Skyjack Inc. in Emmetsburg, Iowa, and Freudenberg NOK in Spencer, Iowa. "Today's grant

the AAP Requirements"

- [September 8, 2010 — Philadelphia, PA](#)

OLMS — Compliance Assistance Seminar

- [August 31, 2010 — Lansing, MI](#)
- [September 1, 2010 — Mackinaw City, MI](#)
- [September 8, 2010 — Dublin, VA](#)
- [September 10, 2010 — Washington, DC](#)

OLMS — Financial Recordkeeping & Union Officer Elections

- [September 2, 2010 — Pocatello, ID](#)

Follow USDOL on

- DOL recovers more than \$433,000 in back wages for Walt Disney World employees [08/26/2010] <http://bit.ly/aBg8lX> [about 5 hours ago](#)
- DOL announces \$1,352,000 grant to assist workers in Iowa affected by manufacturing industry layoffs [08/26/2010] <http://bit.ly/cag3tt> [about 8 hours ago](#)

will help workers gain the skills needed to compete for and find jobs," said Secretary Solis. "These lowans will receive the services needed to enter careers in promising industries."

- [Read the News Release](#)

Opportunities are Open: OFCCP

It has been a busy and productive month for the Office of Federal Contract Compliance Programs. Director Patricia Shiu has already begun assembling and training her team of 200 new compliance officers. This is all in an effort to ensure that contractors doing business with the federal government do not engage in discriminatory practices. Explore the OFCCP positions below or [view all](#) the rewarding careers at the department.

1. Position in Pittsburg Metro Area, Pa.
[Equal Opportunity Specialist](#)
JOB # DE-10-PHIL-OFCCP-0103
Close: 09/07/2010
2. Position in San Francisco, Calif.
[Program Analyst](#)
DE-10-SF-OFCCP-117
Close: 09/07/2010
3. Two Positions in Washington D.C. Metro Area, DC
[Statistician \(Operations & Administration\)](#)
DE-10-ESA-OF-96
Close: 09/08/2010

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