



DOL News Brief

September 2, 2010

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Solis Hits the Waves for Labor Day



As Secretary Solis gears up for Labor Day, she hit the airwaves with a weeklong radio tour speaking to more than 50 stations across the

country, including African-American, Spanish-language and network radio stations. Her message to listeners this Labor Day is simple: "The Obama Administration is committed to helping every worker during these tough economic times. We have provided training assistance for youth, people over 50 years old, and women and men who want to enter the renewable energy and health care industries. This help is free. Please take advantage of it!"

What's Hot

Labor Day 2010

For most people, Labor Day marks the end of summer. However, the holiday was originally intended as a day to celebrate the contributions that working men and women have made to the strength and prosperity of the country. Labor secretaries traditionally have made remarks to think tanks, corporations, or labor unions. This year, Secretary Solis wanted to take the opportunity to talk directly American workers. In a recorded "State of the American Worker" address, Solis shares not only what the administration, and in particular, the Labor Department is doing on behalf of working families, but also her vision moving forward. Watch the video on YouTube and share your thoughts. Secretary Solis also encourages everyone to post the video on their Facebook page and share it with family, friends and networks.



- [Watch and Share the Secretary's Message](#)
- [Visit the Labor Day Website](#)

A Service for All Who Labor

Leading up to Labor Day, Director of DOL's Office of Faith-Based and Neighborhood Partnerships Reverend Phil Tom gave a brief sermon about worker justice from a Christian framework at the Simpson Memorial Chapel at the United Methodist Church's



headquarters in Washington, D.C.. His message was titled "Doing Justice in the Workplace." "As a clergy member of the Presbyterian Church, we believe that work is a Godly endeavor and as such, should be performed with integrity and contribute to the well-being and transformation of society," said Rev. Tom. "As part of our religious teachings regarding work, we are also directed to ensure that all workers are treated with justice."

- [Listen to the Sermon](#)

A View from the Top: Labor Day in 2010

Labor Day is unique in that it does not recognize any particular group, event, individual or battle. It celebrates all workers and their contributions to our nation. But what does Labor Day really mean? Leading up to Labor Day 2010, key leaders throughout the DOL are providing blog posts with their thoughts on everything from the history of Labor Day to what it means in today's global economy. Readers will find the postings insightful, and are encouraged to add comment.

- [Read the Blog](#)

OSHA Issues \$3 Million Fine to Two Alabama Factories

The Occupational Safety and Health Administration fined Whitesell Corp. \$3,071,500 and cited the company with 72 safety and health violations for exposing workers to amputation hazards and other problems at its manufacturing plants in Tuscumbia and Muscle Shoals, Ala. "Whitesell willfully tampered with the safety mechanisms of its hydraulic forging presses at its Tuscumbia plant to speed up production, resulting in the amputation of a workers hand," said Secretary Solis. "Companies like Whitesell that value short-term gain over their workers safety will be held responsible for their reckless actions."

- [Read the News Release](#)

Asaro-Angelo and Gurule Named Secretary Representatives

News You Can Use

Public Comment Solicited on Updated Exemption Procedures



Within the Department of Labor, secretaries representatives serve as liaisons to state and local government officials and community stakeholders, and are responsible for amplifying key programs and initiatives of the department. Secretary Solis announced the appointment of

Robert Asaro-Angelo as her representative in the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands. Before joining the DOL, Asaro-Angelo served as the executive director of the New Jersey Democratic State Committee. Solis also announced the appointment of Dusti Gurule as her regional representative in Colorado, New Mexico, Kansas, Texas, Oklahoma and Nebraska. A Denver native, Gurule has been an active participant in organizing and policy reform on a variety of issues, including Latina civic engagement and economic justice/civil rights.

- Read the [Asaro-Angelo](#) Release
- Read the [Gurule](#) Release

Take the Mystery Out of Your Retirement Planning

When you put pen to paper, do you have a reliable estimate of what you will need to retire?

The Employee Benefits Security Administration will host its second retirement planning workshop on September 21 at the Hyattsville Branch Library in Hyattsville, Maryland. The workshop will teach participants how to figure out how much they should save for retirement, projected expenses during retired years and changes they can implement now to ensure a financially secure retirement.

Registration for the workshop ends September 7.

- [Learn More](#)



The Employee Benefits Security Administration is soliciting public comments on a proposal to update procedures for an exemption from the prohibited transaction provisions of the Employee Retirement Income Security Act. If adopted, the proposal would consolidate the existing policies and guidance on the exemption process. The amended procedures would also clarify the types of information and documentation required to submit a complete filing, expand the methods for transmitting filings to include electronic submissions, and make the exemptions more understandable for participants and other interested parties. Comments are due October 14.

- [Read the News Release](#)
- [Read the Proposed Exemption](#)

OSHA Opens Area Offices in Nevada, Arizona and California

The Occupational Safety and Health Administration announced the opening of four new area offices in Phoenix, San Diego, Oakland and Las Vegas.

"These area offices will improve service to workers and employers in Nevada, Arizona and California and will enhance our coordination and oversight with the state plans," said Ken Nishiyama Atha, OSHA's regional administrator in San Francisco, Calif. "OSHA's presence is ultimately to ensure that workers are better protected."

- Read the Release for [Oakland](#), [Las Vegas](#), [Phoenix](#), [San Diego](#)

DOL Working for You

Job Corps Grad Oversees Newark, N.J., Rail Safety



The safety of Newark, N.J., light rail commuters this Labor Day is in the hands of Reyes Colon, Jr., a 1985 graduate of Keystone Job Corps, Drums, Pa. Colon, 47, is the assistant superintendent of track for New Jersey Transit, a company he has worked for almost 20 years. Because his parents could not afford college, Colon enrolled in Keystone and during his 15 months there, studied bookkeeping, business and warehouse management. He credits his business acumen to that education which he said "taught me how to manage people." He also met his wife of 20 years, Annette, at

Keystone, and one of their two sons is enrolling in the Edison, N.J., Job Corps to learn a trade. "I owe my success to Job Corps," said Colon, "because it gave me the building blocks to succeed. Much of what I learned there I can still apply to my job today."

Veteran's Career Powered by DOL Funding

The power remains on in Oregon thanks to the efforts of Jason Morgan, a Navy veteran, whose work as a linesman for the Asplundh Tree Expert Company involves pruning trees and branches from high-voltage electrical lines. Morgan, whose small business construction company closed a few years ago, felt his military and business backgrounds would qualify him for a linesman job for companies involved in delivering uninterrupted electricity to the public.



Morgan's good fortune, however, can be directly traced to the hard work of DOL's Disabled Veteran Outreach Program Specialist Andrew Zobrist who is also a veteran. Zobrist helped the 40-year-old Morgan select a career, then apply for and receive training through a scholarship funded by the department's Veterans Employment and Training

DOL Leadership Hosts Gulf Coast Update Call



Following their fact-finding trip to the Gulf Coast in July, Employment & Training Administration Assistant Secretary



Jane Oates, Wage and Hour Division Deputy Administrator Nancy Leppink, and Office of Federal Contract Compliance Programs Director Patricia Shiu participated in a conference call on Thursday to update organizations on various DOL efforts taking place in Louisiana. They were joined by other department officials and Louisiana Workforce Commission Deputy Director Johnny Riley who also gave a brief update. The community leaders were informed of initiatives that included continuing efforts through the state One-Stop Centers, on-going meetings with unions and the monitoring of the health and safety of boats and boon workers. Calls with groups in Mississippi, Alabama, and Florida will take place in the near future.

AAPD Commends Secretary for Focus on Disability Employment

The American Association of People with Disabilities praised Secretary Solis last week for her efforts to enhance the employment of people with disabilities. The departments Bureau of Labor Statistics recently released data that focused on the employment status of persons with a disability for the first time ever. "We appreciate the attention paid to the disability community by the Department of Labor, and we look forward to working with Secretary Solis to improve employment outcomes for people with disabilities in the future," said Andrew J. Imparato, AAPDs President and CEO.

- [Read the News Release](#)

Views of Free DOL Employee Rights Posters Jump Dramatically

Not all workers belong to unions; there are many reasons for this, but one of them is that many workers simply do not know their rights. The new Employee Rights Poster regulation, which took effect on June 20, 2010, will better inform millions of employees about their labor law rights. This rule requires federal contractors to provide notice to their employees of their rights under the National Labor Relations Act (NLRA). The NLRA guarantees the right of employees to organize and to bargain collectively with their employers, and to engage in other protected concerted activity with or without a union, or to refrain from

Service. After taking classes offered by the Occupational Safety and Health Administration on safety equipment operations, climbing and basic electricity, Morgan graduated and was immediately hired by Asplundh. Morgan said of Zobrists efforts, "Andrew helped me out a lot, knew exactly what to do and connected me with the right people. Without him, none of this would have happened." On helping Morgan, Zobrist said, "It is a huge challenge to get people back into the workforce because of the economy, so when it works out it feels really good."

DOL in Action

DOL Sues Mili Group Inc. for Misuse of Company Retirement Funds

Mili Group Inc. of San Jose, Calif., and its owner have been sued by the Labor Department for misusing retirement plan assets for their own benefit. The suit alleges that between 2006 and 2009, Cuong Do and his company improperly authorized at least \$297,040 in withdrawals and loans from the retirement plan and used \$247,900 in plan assets to purchase a condominium in Florida. The department is seeking an order to require that Do and the company restore to the plan any losses resulting from the unlawful transactions, to remove them as fiduciaries of the retirement plan, and bar the defendants from serving as fiduciaries or service providers to any plan governed by Employment Retirement Income Security Act. The Labor Department also has filed an adversary complaint in U.S. bankruptcy court to prevent Do from discharging the debt that he owes to the retirement plan.

- [Read the News Release](#)

Company Fined \$1.2 Million for Failing to Record Injuries, Illnesses

Goodman Manufacturing Co. LP has been issued 83 willful citations by the Occupational Safety and Health Administration for failing to record and improperly recording work-related injuries and illnesses at the companys Houston air conditioning cooling facility. Proposed penalties total \$1,215,000. "Accurate workplace injury and illness records are vital tools for identifying hazards and protecting workers health and safety," said Secretary Solis. "Workers and employers need this information to recognize patterns of injuries and illnesses, and prevent future hazards."

- [Read the News Release](#)

ODEP Announces \$1 Million in Funding for Youth Center

The Office of Disability Employment Policy announced that it will award an additional \$999,926 to continue funding the Youth Technical Assistance Center through the National Collaborative on Workforce and Disability for Youth. "Focusing on transition-age youth is an important part of addressing the under-representation of people with disabilities in the labor force," said Kathleen Martinez, assistant secretary of labor for the Office of Disability Employment Policy. "Many youth with disabilities still dont have access to age-appropriate experiences, especially when it comes to work. We are working to change this at ODEP." The National Collaborative on Workforce and Disability for Youth focuses its technical assistance efforts on state and local workforce development systems and assists them in better serving

all such activity. The poster lists employee rights under the NLRA to form, join, and support a union and to bargain collectively with their employer; provides examples of unlawful employer and union conduct that interferes with those rights; and indicates how employees can contact the National Labor Relations Board, the federal agency that enforces those rights, with questions or complaints. ([More](#))

Want to Win \$1,000? Send Us Your Career Videos!



Grab a camera, find someone who works in one of 15 growing careers and compete for your chance to win a \$1,000 cash prize.

Through the Career Videos for Americas Job Seekers Challenge, the department seeks to highlight the day-to-day work of occupations including plumber and pipefitter, biofuels processing technician, computer support specialist and many more. All you need to do is find a friend or family member who works in one of the occupations and ask him or her to team up with you in creating a video. The deadline is November 1, but do not delay.

- [Join Today](#)

Upcoming Deadlines & Events [Open Funding Opportunities](#)

Check out the grant opportunities with DOL.

EBSA — Employers Forum Workshop

- [September 7, 2010 — Albany, NY](#)

EBSA — The Basics and More: EBSA Compliance Workshop

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

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

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

OFCCP — Compliance Assistance Seminar

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

OFCCP — Compliance Assistance Seminar for Construction Contractors

youth with disabilities.

- [Read the News Release](#)

ETA Issues Rule Improving Senior Employment Program



The Employment and Training Administration announced a final rule implementing important improvements to the Senior Community Service Employment Program. SCSEP is the only federally-sponsored employment and training program targeting unemployed, low-income seniors. The program promotes community service and

helps participants achieve economic self-sufficiency by guiding them into unsubsidized employment, where appropriate. The rule requires regular competition for national grants, increases training funds, and specifies how long people may participate.

- [Read the News Release](#)

OSHA Enhances Whistleblower Programs

It will now be easier for workers to voice safety, health and security concerns thanks to an interim final rule regarding whistleblower procedures announced this week. The Occupational Safety and Health Administrations new rules establish procedures for handling worker retaliation complaints, allow filing by phone as well as in writing and filing in languages other than English. The regulations, which cover workers filing complaints in the railroad, public transit, commercial motor carrier and consumer product industries, also create greater consistency among various OSHA complaint procedures. "Changes in the whistleblower provisions make good on the promise to stand by those workers who have the courage to come forward when they believe their employer is violating the law and cutting corners in the affected industries," said Assistant Secretary of Labor for OSHA Dr. David Michaels.



- [Read the News Release](#)

MSHA Chief: Mining Deaths are Not Inevitable



Since the beginning of this year, 57 men and women who work in the nations mines have died, and the Mine Safety and Health Administration is urging the mining industry to take action to prevent additional fatalities.

"While headlines continue to focus on the disaster at Upper Big Branch Mine, we cannot lose sight of the fact that other miners are losing their lives in workplace accidents," said Joseph A. Main, assistant secretary of labor for mine safety and health. Consequently, the agency has issued a safety alert to the mining industry that not only details the years mining deaths, it also offers best practices to prevent additional deaths. "Fatalities are not an inevitable consequence of mining," Main added. "We must all work together to send miners home safe and healthy after every shift."

- [Read the News Release](#)
- [Learn More about MSHAs Safety Alert](#)

Miners Rights and Responsibilities Highlighted in New MSHA Bulletins

Employees have the right to a safe workplace, and the mining environment

- [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 — New Jersey Industry Liaison Group Meeting

- [September 10, 2010 — Newark, NJ](#)

OFCCP — The ABCs of "Understanding the AAP Requirements"

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

OLMS — Compliance Assistance Seminar

- [September 8, 2010 — Dublin, VA](#)
- [September 8, 2010 — Philadelphia, PA](#)
- [September 10, 2010 — Washington, DC](#)

WB — DOL Information and Outreach Forum

- [September 9, 2010 — Dallas, TX](#)

WB — United Indians of All Tribes: Annual Veteran and Business Trade Show

- [September 9, 2010 — Tulalip, WA](#)

Follow USDOL on 

- RT @USATODAY Labor Secretary: Our Job? Helping you succeed. <http://usat.me/39969606> [less than a minute ago](#)
- New on the DOL Blog Working Smarter for our Nation's Veterans <http://bit.ly/ab6CZR> #LaborDay2010 [about 15 hours ago](#)

is no exception. According to the Federal Mine Safety and Health Act of 1977, miners have a right to identify hazardous conditions and refuse unsafe work without fear of discrimination. Consequently, the Mine Safety and Health Administration has issued two program information bulletins pertaining to the rights of miners who make hazardous condition complaints and request inspections, as well as miners protections against discrimination. "MSHA will vigorously investigate all discrimination complaints by miners," said MSHA Assistant Secretary Joe Main. "We will not hesitate to seek more substantial civil penalties against mine operators who repeatedly discriminate against miners as a deterrent to future such illegal acts."

- [Read the News Release](#)
- [Visit Miners Rights Page](#)

Department Fines Blandon, Pa., Brass Foundry \$550,400

The Occupational Safety and Health Administration issued citations to Kief Industries Inc., doing business as Excelsior Brass Works in Blandon, Pa. The citations allege the company knowingly exposed workers to lead hazards and violated federal workplace safety and health standards at its Blandon facility. Proposed penalties total \$550,400. "The employer deliberately refused to protect workers from overexposure to lead and other workplace hazards. Even though company management knew of the OSHA requirements and the workers lead exposures, it failed to provide medical surveillance to monitor worker health and to train its workers about lead-exposure risks," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "OSHA will use the full extent of the law to ensure employers are held accountable for failing to protect workers."

- [Read the News Release](#)

Opportunities are Open: Labor Day, Every Day

Labor Day is an occasion to recognize the achievements and contributions of American workers—an opportunity that Department of Labor employees exercise daily. DOL specialists are working hard to ensure that all workers have a safe workplace with the rights that they deserve. Explore the positions below or [view all](#) the rewarding careers at the department.

1. Position in Chicago Metro Area, Ill. [Veterans' Program Specialist](#)
DE-10-CHI-VETS-0170
Close: 09/10/2010
2. Position in Lakewood, Colo. [Mine Safety and Health Specialist](#)
DE-10-DAL-MSHA-0211
Close: 09/15/2010
3. Two Positions in Washington D.C. Metro Area, DC [Supervisory Equal Opportunity Specialist](#)
DE-10-ESA-OF-106
Close: 09/20/2010

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