



DOL News Brief

November 18, 2010

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After The Oil Spill

Representatives of fisheries communities from the Gulf Coast states came to DOL on Monday to discuss the disaster's impact on their communities and current recovery efforts.



Among the group was Tuyet Nguyen, who back in June drove all the way from Biloxi, Miss., to Houma, La., to meet with Secretary Solis and address the lack of resources available to the Vietnamese communities. Nguyen thanked DOL for providing needed information to impacted workers. (The Occupational Safety and Health Administration, for example, made resources available in Vietnamese.) DOL's oil spill response team will continue working with communities affected by the oil spill.

- [View the Slideshow](#)

It Gets Better!



Secretary Solis and more than 25 LGBT employees at the department taped a short video message on Wednesday to let lesbian, gay, bisexual,

transgender youth and other bullied teens know "It Gets Better." The video is part of the It Gets Better Project, launched in September 2010, to prevent LGBT teenagers from taking their own lives after being bullied in schools. "At the Department of Labor, our LGBT employees do amazing things to help workers all across the country. I am proud and grateful to have them on my team," said Solis. Stay tuned next week for the release of the video!

- [View the "It Gets Better Project" Web Site](#)

What's Hot

Unemployment Insurance Study Shows Positive Impact

Unemployment Insurance helps workers and their families and has a positive impact on our economy. This week the department announced the findings of a multi-year study of the impact of the Unemployment Insurance program in stabilizing the economy during a deep recession. The study was commissioned by the department in 2005 and undertaken by IMPAQ International LLC and the Urban Institute. Thanks to the aggressive, bipartisan effort to expand UI benefits and increase eligibility during both the Bush and Obama administrations, the Unemployment Insurance program had an even more positive impact on the economy than in previous recessions. Among the key findings were that for every dollar spent on UI, economic activity increases by two dollars.

- [Read the News Release](#)
- [Read the Full Report](#)

States to Lose More Than \$267 Million if TAA Program is Not Renewed

The department announced funding allocations for 2011 Trade Adjustment Assistance for states to aid workers who lose their jobs due to outsourcing and foreign trade. This announcement includes two funding levels: the current, expanded level of authorized funding, as well as a reduced level that will take effect on January 1, 2011, if Congress fails to renew the expanded TAA program authorized by the Recovery Act. States stand to lose nearly \$267 million in funding, and thousands of workers could be excluded from the program if the expanded program is not renewed. "The Recovery Act has allowed us to serve more Americans through the TAA program, giving workers access to essential services in a time of need," said Secretary Solis. "Returning TAA to pre-expansion funding levels and eligibility guidelines would leave a staggering number of workers without access to this important program."

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

NYC Latino/Immigrant Worker Safety and Health Summit a Success

Nearly 400 people filled Levinger Hall at Lehman College in the Bronx on Tuesday for the New York City Latino/Immigrant Worker Safety and Health Summit, sponsored by the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health. The theme was "Making a Difference - Si Se Puede!" Attendees heard first-hand testimony from workers as well as community and faith based organizations, unions, NYCOSH, consulates and OSHA, about workplace hazards and injuries, successful outreach to Latino and immigrant workers about workplace safety and health rights and ensuring that workers have a



OLMS Supervises Historic Puerto Rico Election of UITICE Officers

Office of Labor-  
Management  
Standards  
investigators and  
managers (and one  
loaned Wage and Hour  
Division investigator)



traveled to Puerto Rico to supervise an historic election of officers for the Union Insular Trabajadores Industriales Y Construcciones Electricas last month. The logistics of carrying out the election were daunting. To ensure proper member notification, nomination notices, election notices, and campaign rules were all translated into Spanish and distributed throughout remote locations on the island. In-person polling was conducted at 19 different polling sites. With polling hours beginning at 6 a.m., perilous travel in the dark on unmarked roads was just one of the hurdles that had to be overcome. More than 1,100 members cast ballots for a 71 percent voter turnout rate. In the end, democracy prevailed and the union members made their voices heard.

- [View the Slideshow](#)

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## Help For the Neediest Cases



As Dr. Martin Luther King Jr. said, 'Life's most persistent and urgent question is, what are you doing for others?' I ask myself this question

everyday," said Secretary Solis as she kicked-off the 99th year of The New York Times' Neediest Cases Fund last week. Since its inception nearly a century ago, the Neediest Cases fund has raised 250 million dollars and continues to transform the lives of countless Americans. Following her remarks, Solis joined a panel discussion moderated by NY Times correspondent Steven Greenhouse on jobs during the economic recovery.

- [View the Slideshow](#)
- [Read the Secretary's Remarks](#)
- [Learn More about The Neediest Cases](#)

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## Honoring Vets at DOL

Last week, the nation honored our veterans. Here in Washington, D.C., DOL employees gathered for a wreath laying ceremony in the department's veteran's park. Hosted by members of AFGE, Local 12 and the District of

voice in the workplace. "Workers who know their rights and are able to identify and seek correction of work-related hazards can improve their working conditions and ensure their health and well-being," said OSHA Region 2 Hispanic Coordinator Diana Cortez.

## Only 5 Cents in 20 Years

"The issue of pay equity is too important to give up the fight," said Secretary Solis after the U.S. Senate failed to pass S. 3772, The Paycheck Fairness Act, this week. The legislation, which was approved by the House of Representatives almost two years ago, is designed to enhance enforcement and close loopholes in the 47-year old Equal Pay Act. Solis, who reached out to more than 13 million radio listeners on Tuesday in support of the bill, underscored the importance of bridging the pay gap between men and women by noting that in the past 20 years the gap has only decreased by 5 cents. "At that pace it will take almost a 100 more years for women to achieve pay equity." Women in the U.S. still make just 77 cents for each dollar made by their male counterpart. By the age of 65, the typical full-time working woman has about \$365,000 less in earnings relative to a full-time working man. That gap in earnings follows women into retirement, when it results in smaller pensions and lower Social Security.

- [Read the Secretary's Blog Post](#)
- [Listen to the Secretary's Interview on NPR Website](#)

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## National News

### President Obama and DOL Mark Entrepreneurship Week



Entrepreneurs are the innovators and risk takers that our economy needs to create more jobs. President Obama has proclaimed this week to be National Entrepreneurship Week. In support with this initiative, the department's Employment and Training Administration has hosted a number of webinars on how the workforce investment system is working with other federal agencies to assist entrepreneurs.

- [Read the Presidential Proclamation](#)
- [Read Assistant Secretary Oates' Blog Post](#)

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## News You Can Use

### WHD Opens New Field Office in Lawton, Oklahoma

The Wage and Hour Division has opened a new field office at the federal courthouse located at 410 Fifth St. SW, Room 3ll, in Lawton, Okla. "I am very pleased about the opening of another Wage and Hour Division office to better serve the people of Oklahoma," said Cynthia Watson, regional administrator for the Wage and Hour Division in the Southwest. The one-stop shop for agency enforcement throughout the state will connect employees, employers and community-based organizations with the resources and assistance needed to ensure that workers in low-wage industries are paid fairly for all hours worked.

- [Read the News Release](#)

### Grandfather Health Plan Update

The Departments of Labor, Treasury, and Health and Human Services this week announced an amendment to interim final regulations for grandfathered health plans that existed on March 23, 2010 when the Affordable Care Act became law. Under the amendment, group health plans can change health insurance carriers without losing their status as a grandfathered health plan as long as the plans do not make any other



Columbia chapter of the International Association of Workforce Professionals, the event was an opportunity for department employees to acknowledge the service and sacrifice of our veterans. Paula Herring of the Employment and Training Administration opened the ceremony singing the National Anthem, followed by remarks from Alex Bastani, President of AFGE, Local 12 and Stephanie Graf (ETA), President of the D.C. chapter of IAWP. Several of those on hand for the event were veterans of the various branches of the armed services.

### Solis Hosts NPA Leaders' Visit



Leaders from National People's Action, as well as their community partners in Iowa, Kansas, Massachusetts,

Michigan, and Rhode Island paid a visit to DOL this week. The NPA team updated Secretary Solis on local relationship-building activities with DOL's Wage and Hour Division. They also shared their efforts around promoting worker rights. The meeting was facilitated by DOL's Center for Faith-based and Neighborhood Partnerships, which has been working to strengthen and expand relationships between department agencies and community-based organizations that support vulnerable workers. Solis encouraged the groups to deepen their relationship with the department in areas such as worker safety and job training.

- [View the Slideshow](#)

### Combating Wage Theft

More than 30 organizations — and hundreds of workers and faith leaders affiliated with the Interfaith Worker Justice advocacy group — participated in events across the country on Thursday to raise awareness about American workers who are not getting paid the wages they have worked hard for and earned. "We are making significant strides to combat wage violations, but there is still much work to do. We welcome the efforts of those who join us in educating the public about the need for more, and we want workers to know that they can contact us if they have any questions about the

changes that result in significant cost increases, a reduction in benefits, or other changes described in the original grandfather rule.

## DOL Working for You

### EBSA Recovers Thousands of Dollars for Disabled Carpenter

For nine years, confusing and sometime conflicting language about a union's early retirement and disability plan criteria kept a disabled carpenter from receiving his share of promised benefits. That is, until Employee Benefits Security Administration benefits advisor Rachel David intervened. Using her legal training, David pointed out ambiguities in the plan's interpretation of the retirement and disability category they contended the carpenter fell under. This caused the plan to reconsider the carpenter's disability benefit, and award him funds retroactive to 2000. Because of her efforts, the carpenter has recovered almost \$74,000 in back benefits, plus an increase of \$317 in his future monthly benefit. "I love my job," David said, and being able to make a positive impact in a worker's life "makes it all worthwhile."



### One Stop Leads to New Job



After years of working as a business executive, Richard Miller found himself unemployed, almost broke, and pounding the pavement looking for a job. His journey took him to a One Stop Career Center in Binghamton, New York, where, he said, the staff "saw I had value" and provided him with support and training that led to work. At the Center, Miller received job search and placement assistance, skills assessment, resume help and career training advice. He also took advantage of a program funded by the Recovery Act that pays a portion of a new employee's salary while going through training.

This, Miller said, was a major factor in being offered a job as Director of Business Development for Scorpion Security Products Inc. of Binghamton. About the untiring support the One Stop staff gave him during his long search for work, Miller said "that's why you need a cheerleader out there and that's what they were for me."

## Around DOL

### Man's Best Friends Get DOL Employees' Assistance

Braving a driving rain on Tuesday, a score of departmental employees from a variety of agencies volunteered their lunch hours to walk Humane Society shelter dogs around the Capitol grounds near the Frances Perkins Building. The initiative was the second annual "People Animal Cardio Klub" sponsored by the Department of Labor Fitness Association. "This program was a great success and offers employees a chance to relieve work related stress while affording the dogs some companionship," said Assistant Fitness Director



protections they are guaranteed under the law," said Secretary Solis.

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

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## 'HerSTORY' in Houston

Women's Bureau Director Sara Manzano-Díaz hosted a "Women Working Together, Writing the Next Chapter of 'HerSTORY' mentoring and networking conference for dozens of women and girls of diverse backgrounds at Texas Southern University in Houston on Thursday. U.S. Rep. Sheila Jackson Lee, along with other prominent women leaders in Texas, reflected on the challenges Texas working women have had in the past, present areas of concern and hope for the future.

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## Vote: Career Video Challenge



For the past several months the department has asked for career videos, and now it is time to let us know which ones are the best. Starting

November 22, select your favorite videos from among the dozens that have been submitted in each of 15 categories. We are working to narrow down the videos to those that best portray occupations ranging from solar thermal installers, to medical assistants, to computer support specialists. Vote for the best. Winners will receive a \$1,000 cash prize.

- [Vote Here \(Voting Begins Monday\)](#)

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## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

Check out the grant opportunities with DOL.

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

- [November 24 — Richmond, VA](#)

#### **OFCCP — Compliance Assistance Seminar for Construction Contractors**

- [November 23 — Mountainside, NJ](#)
- [December 2 — Buffalo, NY](#)
- [December 2 — Hartford, CT](#)
- [December 2 — New York, NY](#)
- [December 2 — Mountainside, NJ](#)
- [December 14 — Richmond, VA](#)
- [December 16 — Mountainside, NJ](#)

#### **OFCCP — Compliance Assistance**

Karen Krieg. The volunteer walk "was a great way to meet other employees, get some exercise and have some fun helping shelter dogs," said Clarisse Young of the Office of Public Affairs. Young's spirited canine partner, a Lhasa Apso named Coco (pictured here) couldn't have agreed more!

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## DOL in Action

### **Enforcement Actions to Seek Millions in Employee Benefits**

Employee Benefits Security Administration Assistant Secretary Phyllis Borzi this week announced a series of enforcement actions to protect more than \$7 million for workers in retirement and health plans. The department filed civil lawsuits around the country against 24 companies and business owners for allegedly failing to deposit money withheld from workers' paychecks into retirement or health accounts. The lawsuits alleged employers kept the money and used the assets for their own purposes or other purposes unrelated to the plans. "Employees sacrificed wages to provide important benefits for themselves and their families," said Secretary Solis. "These enforcement actions underscore the Labor Department's commitment to ensure that these workers' contributions are protected and available to pay future benefits."

- [Learn More about the Enforcement Actions](#)

### **Department Streamlines Federal Hiring Process**

The Department of Labor joined representatives from across the federal system this week to mark progress in streamlining the federal government hiring process. Along with U.S. Office of Personnel Management Director John Berry and other agency leaders, Labor Department officials discussed the steps the DOL has taken in implementing President Obama's hiring reform initiative. "These reforms simplify the application process for job candidates and contribute to an efficient federal hiring system. Recruiting the most qualified candidates to ensure good jobs for millions of Americans is critically important to this administration and to our country," said Secretary Solis.

- [Read the News Release](#)
- [Learn More about the President's Initiative](#)

### **Michigan Wage Hour Reaches Out to 1,300 Schools with YouthRules!**

The Wage and Hour Division in Detroit has mailed YouthRules! information to 1,300 secondary schools for use by school principals and staff who issue work permits. "Our goal is to foster safer workplaces and prevent injuries by ensuring that school officials, students and employers are aware of the laws that protect young workers," said James Smith, director of the Wage and Hour Division in Detroit. Federal provisions restrict the number of hours individuals under 16 years of age are allowed to work and the times during which they can be employed. Minors may not work more than three hours on school days, eight hours on nonschool days, 18 hours in school weeks or 40 hours during nonschool weeks.

- [Read the News Release](#)
- [Learn More about YouthRules!](#)

### **Georgia Co. Fined for Exposing Workers to Hazardous Chemicals**

In May, after receiving a complaint about the handling, storing and disposing of chemicals, the Occupational Safety and Health Administration began inspections at all three Aerospace/Defense Coatings of Georgia Inc. plants in Macon, Ga., and found 19 health violations. Penalties totaled \$300,400. Some of these violations are associated with respirator protection, chromium (VI) overexposure, personal protective equipment and failing to perform periodic monitoring of chromium (VI) exposure. "The

## **Seminar for Supply and Service Contractors**

- [November 24 — Nashville, TN](#)
- [November 30 — Mountainside, NJ](#)
- [December 1 — Pittsburgh, PA](#)
- [December 1 — Nashville, TN](#)
- [December 1 — Roseville, CA](#)
- [December 7 — Richmond, VA](#)
- [December 8 — Nashville, TN](#)
- [December 14 — Mountainside, NJ](#)
- [December 15 — Nashville, TN](#)
- [December 22 — Nashville, TN](#)
- [December 28 — Nashville, TN](#)
- [December 29 — Nashville, TN](#)

## **OFCCP — How to Compile an Affirmative Action Program and Support Data for a Compliance Review**

- [November 19 — Richmond, VA](#)

## **OFCCP — The ABCs of "Understanding the AAP Requirements"**

- [December 8 — Philadelphia, PA](#)
- [December 15 — Philadelphia, PA](#)

## **OFCCP — OFCCP - The ABC's of the AAP**

- [December 16 — Los Angeles, CA](#)

## **OFCCP — OFCCP - AAP Development & Preparing for a Desk Audit**

- [December 9 — Baltimore, MD](#)

## **OFCCP — EEO Obligations of Construction Contractors**

- [December 16 — Baltimore, MD](#)

## **OFCCP — 12 Reasons Why Contractors Get in Trouble**

- [December 21 — Richmond, VA](#)

## **OFCCP — How to Compile an Affirmative Action Program and Support Data for a Compliance Review**

- [December 28 — Richmond, VA](#)

## **OSHA — Preparations for December UN Meetings on the Globally Harmonized System (GHS)**

- [November 30 — Washington, DC](#)

## **OWCP — Traveling Resource Center to assist nuclear weapons workers**

- [December 7 — Ames, IA](#)

## **WHD — Wage and Hour Division Hosts Free H-2A Seminar**

- [December 6 — Wauchula, FL](#)
- [December 7 — Winter Haven, FL](#)

employer had ample information alerting him to the hazards posed by hexavalent chromium, yet allowed his employees to continue to be exposed," said Bill Fulcher, director of OSHA's Atlanta-East Area Office. "OSHA will not tolerate this type of inaction."

- [Read the News Release](#)

## **\$1.3 Million in Back Wages, \$136,500 in Penalties**

The Wage and Hour Division is assessing J&R Baker Farms LLC of Ellenton, Ga., \$1,311,644 in back wages owed to 244 workers and \$136,500 in fines for violating provisions of the H-2A temporary agricultural worker program. The vegetable farm allegedly failed to provide at least 75 percent of the hours promised in the work contract, as well as a copy of the H-2A work contract at the time of recruitment to 29 U.S. workers. "Low-wage workers in every industry deserve no less than to receive all the wages they have earned," said Secretary Solis. "The Labor Department is committed to protecting the rights of all workers, including those under the H-2A temporary employment program who are working in our country."

- [Read the News Release](#)

## **Second Phase of Mining Outreach and Enforcement Program Launched**

Nearly 50 miners have lost their lives in catastrophic mining accidents over the last 10 years. That is simply unacceptable, says Mine Safety and Health Administration Assistant Secretary Joe Main. Consequently, MSHA has launched the second phase of "Rules to Live By," an outreach and enforcement program designed to strengthen efforts to prevent mining fatalities. While the first phase, kicked off last February, concentrated on single and double fatalities, this phase examines data from accidents that resulted in five or more fatalities, or accidents that had the potential to result in more fatalities. "We are committed to scrutinizing the data on deaths in the mining industry and getting at the leading causes of those deaths to prevent subsequent ones," said Main.

- [Read the News Release](#)

## **Transparency on Funding of Defined Benefit Plans**

The Employee Benefits Security Administration has proposed a rule to implement the annual funding notice requirement under the Employee Retirement Income Security Act. The proposal requires administrators of all defined benefit plans under ERISA to provide an annual funding notice to the Pension Benefit Guaranty Corp., plan participants and beneficiaries, labor organizations representing covered participants or beneficiaries, and employers in the case of multi-employer plans. An estimated 29,500 plans covering approximately 44 million participants and beneficiaries are subject to the disclosure requirements. "The Obama administration is taking positive steps to ensure that workers and other interested parties receive valuable information about the funded status of their pension plans as a way to ensure sufficient assets are available to pay future benefits," said EBSA Assistant Secretary Phyllis Borzi.

- [Read the News Release](#)
- [Read the Fact Sheet](#)
- [Read the Regulation](#)

- [December 8 — Dover, FL](#)
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Follow USDOL on 

- EBSA News Release: US Labor Department proposes rule to implement annual funding notice requirement for pension plans <http://bit.ly/92EPxy> about 4 hours ago
- MSHA launches 2nd phase of 'Rules to Live By' enforcement initiative <http://bit.ly/dCWV9K> about 5 hours ago

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