



## DOL News Brief

November 24, 2010

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### Improved Access to Justice

A new DOL-American Bar Association collaboration was announced last week by Secretary Solis during a White House Middle Class Task Force event focused on helping middle-class and low-income families secure their legal rights. "Our nation's workers deserve full and fair compensation, and this Administration is committed to ensuring that they receive it. Collaboration with the American Bar Association streamlines worker access to additional legal resources and builds on the Department of Labor's continued efforts to ensure that employers comply with America's labor laws," said Solis.



- [View the Slideshow](#)
- [Read the News Release](#)
- [Read the Fact Sheet](#)
- [Read the Secretary's Remarks](#)

### Borzi Talks 401(k)

In a live interview with radio host Ric Edelman on Saturday, Assistant Secretary of the Employee Benefits Security Administration Phyllis Borzi dispelled rumors that the government is planning to seize workers' 401(k) assets. "Is the Department of Labor developing regulations that will cause 401(k) assets to be seized?," asked Edelman. "Absolutely not! What we're trying to do is give people more, better, simpler information about their 401(k) plans and the choices they have within the 401(k) plan," said Borzi. She focused on one recent initiative by the department to explore ways to encourage employers to offer a choice of distribution options that allow workers to receive retirement income over their lifetime so they never run out of money. Borzi also took calls from listeners on the need for an annuity option for 401(k) plans, as well as questions about who would manage the annuities.

### What's Hot

#### MSHA Puts 13 Mines on Notice for Potential Closure

One of the department's Mine Safety and Health Administration's toughest enforcement tools is the Pattern of Violations notice, which allows the agency to shut down a problem mine for failure to significantly improve its health and safety performance. Thirteen mining operations received letters from MSHA on November 19 indicating that they have been put on notice for a POV. These mines -- the first operations to receive such notification since MSHA implemented major reforms to its POV process -- must lower their rate of significant and substantial violations in order to avoid these tougher sanctions. "This represents a positive step forward, but it won't be the only step," said MSHA Assistant Secretary Joe Main. "POV is on MSHA's rulemaking agenda, and there are also statutory changes pending before Congress that would further improve the system."

- [Read the News Release](#)
- [Learn More About the POV](#)

### Around DOL

#### Job Corps Oratory Finalists All Winners, Secretary Solis Says

Noting that Job Corps students have overcome tremendous challenges in life with "perseverance and strength of character," Secretary Solis last week welcomed participants to the 2010 Job Corps Oratory Competition. Solis delivered opening remarks to an audience of department employees, Job Corps students, family and friends before the four finalists took the stage to present speeches on how Job Corps has affected their lives. "These young people are living proof of the high caliber of both character and intellect fostered by Job Corp programs across the nation" said Solis. "No matter the outcome today, you have all already won." Danielle Baldwin of the Flint/Genesee Job Corps Center in Michigan finished first in the competition and received a \$1,500 award toward education and training. Bradley Esco of the Whitney M. Young Jr. center in Simpsonville, Ky., won second place and a \$1,000 award. Maela Way from the Los Angeles center and Milton Calvin from the Joliet center each received a \$750 award.



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

### DOL Working For You

#### Hungry Families Fed By Inland Empire Job Corps

[Listen: Higher Quality \(9.2 MB\):](#)

- [Listen: Lower Quality \(4.6 MB\):](#)

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## Partnership is Vital

Jordan Barab, Deputy Assistant Secretary for the Occupational Safety and Health Administration, told an audience of labor and management representatives meeting in New York City this week that better compliance by employers and increased enforcement of safety standards have resulted in fewer construction workers killed on the job in the past year. However, Barab was quick to add, "construction workers and their families should not, cannot, must not accept risk of death as a condition for employment." He praised the partnership between unions and management in Manhattan as the best way to protect workers and also outlined several OSHA initiatives aimed at improving safety in construction, including a partnership with local building inspectors, outreach to non-English speaking workers and a new standard for safe crane operation.

- [Read Barab's Remarks](#)

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## WB Connects Vets to Services



Despite a severe rain storm in Boston, more than 130 people participated in last week's "Making Connections: Supporting Women

Who Have Served in the Military." The conference was sponsored by DOL's Women's Bureau and the Office on Women's Health at the U.S. Department of Health and Human Services. The goal: connect women veterans in Massachusetts, including those who are homeless and at-risk, to supportive services available as they transition to civilian life, re-enter the workforce and address issues of post traumatic stress, health, family and child care. Thirty-two exhibitors and a Mobile Veterans Center provided information and support. Particularly well received were the individual success stories voiced by women veterans on panels and throughout the audience.

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## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

Check out the grant opportunities with DOL.

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

- [December 2 — Buffalo, NY](#)
- [December 2 — Hartford, CT](#)
- [December 2 — New York, NY](#)



Hungry families in the San Bernardino, Calif., area will once again receive a special dessert treat this Thanksgiving, courtesy of the culinary arts students at the Inland Empire Job Corps. Working over a two-day period, the students will bake 300 pumpkin pies and deliver them to the Salvation Army for its annual Thanksgiving meal for the needy. This is the fourth

consecutive year Inland has donated the pies, which contain ingredients grown in its own gardens, said Center Director Linda Stull. Twenty-four students will participate in the pie baking, conducted under the supervision of student Sous Chef Rene Ortiz, 22 (pictured). A rising culinary star, Ortiz has already completed work-based training in the Hilton Hotel chain and plans to take advanced cooking classes at Treasure Island Job Corps in San Francisco when he graduates Inland next month. Ortiz, who also volunteers at a soup kitchen each weekend, said the pie baking "gives me a chance to give back to the community" and help those who are less fortunate.

## "Lost Boy" of the Sudan Finds New Life Through Job Corps

Ayuen Mach Garang's 8,000 mile journey took him away from danger in the Sudan to a nurturing environment at the Loring, Maine, Job Corps Center. One of the Sudanese "Lost Boys" who barely escaped the bloodshed and violence of that country's civil war, Garang spent years in refugee camps before coming to the U.S. He obtained his GED at Loring and is now studying criminal justice at a community college. He hopes to attend law school someday. Job Corps "allowed me to get financial aid" to go to college, Garang said, and "helped me a lot with learning English." Now he shares his experiences with other students. His message: "If you work hard and go to school, your life will change for the better."



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## DOL in Action

### "Problem" Mines Again the Target of Surprise Inspections



For the seventh consecutive month, federal mine inspectors conducted concentrated inspections at mines around the country with poor compliance histories. Nineteen mining operations were issued 380 citations and orders from the Mine Safety and Health Administration during October's round of impact inspections. These unrelenting

enforcement tactics are not going unnoticed, according to MSHA Assistant Secretary Joe Main. "One of the lessons we've learned is that 'business as usual' won't change the behavior of mine operators who game the system and refuse to take seriously their responsibility for miners' safety and health" he said. "This has been a wake-up call for even the most resistant mine operators."

- [Read the News Release](#)

### **More Than \$4 Million to Aid Massachusetts and Connecticut Workers**

Thanks to a \$2,579,730 National Emergency Grant increment provided by DOL this week, Massachusetts will continue providing services to more than 700 workers affected by layoffs in the financial industry. "Many front-line financial industry workers in Massachusetts are in the process of upgrading their skills and preparing for new careers. These funds will help them re-enter the workforce in positions that pay good wages and offer opportunities

- [December 2 — Mountainside, NJ](#)
- [December 14 — Richmond, VA](#)
- [December 16 — Mountainside, NJ](#)

**OFCCP — Compliance Assistance Seminar for Supply and Service Contractors**

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

**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](#)
- [December 8 — Dover, FL](#)

for advancement," said Secretary Solis. An additional \$2,073,235 grant will assist about 330 workers who reside in Massachusetts affected by layoffs and closings at 12 companies in Massachusetts and Connecticut.

- [Read the First News Release](#)
- [Read the Second News Release](#)

**Severe Storm Recovery Efforts in Puerto Rico Get DOL Help**

A \$4 million National Emergency Grant will assist cleanup and recovery efforts in the wake of Tropical Storm Otto that struck Puerto Rico in October. These funds will be awarded to the Puerto Rico Department of Labor and Human Resources. "The people of Puerto Rico deserve our support as they repair damage inflicted by Tropical Storm Otto on communities across the island," said Secretary Solis. "Puerto Ricans also deserve every opportunity to work and earn a living. I am pleased that this grant will support the creation of jobs while fostering recovery in local communities and the economy as a whole."



- [Read the News Release](#)

**Meyer Tool Sued for Discrimination**

DOL's Office of Federal Contract Compliance Programs filed a complaint against Meyer Tool Inc., a federal contractor that manufactures engine parts for the aerospace industry, after the company systematically rejected African American job applicants seeking entry level machinist positions in Cincinnati. The complaint was filed when conciliation efforts were unsuccessful. "This defendant has a contractual obligation to provide equal employment opportunity," said OFCCP Director Patricia A. Shiu. "The company failed to meet that obligation. So we will enforce the law and hold Meyer Tool accountable to a fair and reasonable standard and ensure that it not discriminate against any group of workers."

- [Read the News Release](#)

**OSHA Orders Reinstatement of Clean Air Act Whistleblower**

CMM Realty has been ordered by the Occupational Safety and Health Administration to reinstate an employee and pay him more than \$50,000 in back wages, plus more than \$16,000 in compensatory damages. The employee was terminated after he complained to two South Carolina state agencies about asbestos exposure at one of the company's condominium properties in Columbia, S.C. Cindy A. Coe, OSHA's regional administrator in Atlanta, Ga., stated: "Employers found in violation of the whistleblower protection provisions of the Clean Air Act or any of the 20 whistleblower laws we enforce will be held fully accountable."

- [Read the News Release](#)

**Weatherford Cited for Exposing Workers to Hexavalent Chromium**

The Occupational Safety and Health Administration cited Weatherford International Ltd. on November 23, with one alleged willful, 30 alleged serious and two alleged repeat violations following a safety and health inspection at the company's facility in Longview, Texas. Proposed penalties total \$261,500. OSHA began its inspection on May 24 at the company's facility after receiving a complaint that workers were experiencing headaches and nosebleeds from exposure to hexavalent chromium during chrome plating and cleanup operations.

- [Read the News Release](#)

**DOL Agencies Sign Joint Resolution with Pacific Island Leaders**

Regional administrators and top staff from five

Follow USDOL on 

- US Labor Department proposes rule to enhance target date retirement fund disclosures - [11/29/2010] <http://bit.ly/hGQq9Y> [24 minutes ago](#)
- Statement by MSHA Assistant Secretary Joseph A. Main in response to New Zealand coal mine explosion - [11/24/2010] <http://bit.ly/dUfGnv> [4 days ago](#)



Labor Department agencies took part November 17 in what is being termed an historic meeting between federal regional leadership and representatives of six U.S.-affiliated territories and Freely Associated States in the Pacific. Top managers from DOL regional offices met with the governors of

Guam, the Commonwealth of the Northern Mariana Islands and American Samoa, as well as high-level representatives from the governments of the Federated States of Micronesia and the republics of Palau and the Marshall Islands. After providing briefings to the visiting officials the previous day on specific Labor Department initiatives and activities, the representatives signed a joint resolution to pledge resources and commit to working together to address issues important to the Pacific region, such as workforce development, health care reform and climate change.

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## Spotlight on States: Utah

### Utah Workers to Receive Support with Health Insurance Payments

The department has provided a \$517,197 grant to an estimated 210 jobless workers in Utah to assist with partial premium payments for health insurance coverage. "The challenges associated with a job search are daunting enough without worrying about a lack of health insurance if you or a family member falls ill or needs medical attention," said Secretary Solis. "This funding will help eligible Utah residents pay for health insurance while they seek out new careers that pay family-supporting wages and provide benefits for the long term."

- [Read the News Release](#)

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