



DOL News Brief

December 2, 2010

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DOL on CNBC

The business world will be watching DOL on Friday, December 3, when CNBC's morning news program

"Squawk Box" airs live from the department's

Frances Perkins building from 6 to 9 a.m. (EST). Anchors Becky Quick, Joe Kernen and Carl Quintanilla will host the show from the Labor Hall of Fame, with guests including Secretary Solis and former Federal Reserve Chairman Alan Greenspan. This is the first time CNBC will broadcast an entire show from the Labor Department, and will give millions of viewers the opportunity to see the many luminaries that have been inducted into the Labor Hall of Fame, including Frances Perkins, Cesar Chavez, A. Phillip Randolph, Mother Jones, Mary Harris and Arthur Goldberg.



- [Visit the Squawk Box Website](#)
- [Learn More about the Labor Hall of Fame](#)

What's Hot

Two Million Too Real to Ignore



Underscoring the positive impacts of federal Unemployment Insurance benefits on our workforce and economy, Secretary Solis spoke to a crowd of more than 200 at a press conference on Capitol Hill this week. She was joined by congressional leaders including Speaker of the House Nancy Pelosi, Senator Tom Harkin, Congressman Sandy Levin and

Congressman Jim McDermott, but the true focus of the event was the 2 million Americans who – without further congressional action -- stand to lose UI benefits by the end of the month. Russ Meyer, of Portland, Ore. addressed the audience, stating that "Unless you've been in our shoes, you can't imagine the despair we feel knowing that we've reached the end of the line despite our best efforts. We've learned we can do a hell of a lot with a little. Now is not the time to take that help away from us." "It's easy to focus on the numbers, but the stories of Erdie Irvine, Russ Meyer, Anthony Roebuck, and the millions more just like them are far too real to ignore," said Solis.

- [View Secretary Solis', Erdie, Russ, and Anthony's Remarks](#)
- [Watch the Slideshow](#)
- [Read the UI Report Summary](#)
- [Listen to the KNX Interview](#)

It Keeps Getting Better!



"You matter ... you mean something ... you are not alone ... and it gets better!" That was the simple, but powerful message from more than two

dozen LGBT employees at the U.S. Department of Labor who joined Secretary Solis in taping a special message of hope and encouragement to LGBT youth. When organizers of the "It Gets Better" campaign — started in response to recent reports of suicides by LGBT youth victimized by bullies — invited Solis to record a message, she asked DOL employees to join her. Solis is one of several members of the administration, including President Obama, Vice President Biden, and Secretary of State Clinton, as well as celebrities, advocates and allies who recorded messages. The goal of the campaign is to let youth in crisis

EBSA Unveils Target Date Proposal

The Employee Benefits Security Administration announced a proposed rule on Monday to help American workers better understand target date retirement funds and other similar investments offered through their 401(k)-type retirement plans. The proposed rule requires that participants and beneficiaries receive new disclosures and a statement indicating a participant investing in a target date fund may lose money on that investment. Public comments on the proposal must be submitted by Jan. 14, 2011. "Based on our collaborative examination of this issue with the Securities and Exchange Commission, it is clear that all participants in participant-directed individual account plans can benefit from better information about how target date investments are designed to meet their retirement savings needs," said Assistant Secretary for EBSA Phyllis Borzi.

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

DOL Sues to Recover Millions in Misused Pension Plan Assets

The Labor Department has filed suit against the trustee for the pension plans of two defunct New York City garment companies to recover more

know that no matter how bad they are feeling right now, it really does get better.

- [Watch the Video](#)

Difundiendo el Mensaje

In anticipation of expected Congressional action on both the DREAM Act and the extension of Unemployment Insurance, Secretary



Solis hosted a roundtable discussion with members of the Latino media. She also provided an update on the department's continued efforts on behalf of vulnerable populations. "We know that Latinos have a disproportionately high unemployment rate with 12.6 percent – above the national average of 9.6 percent. So, we are connecting communities with available DOL resources," said Solis.

- [View The Materials](#)

Harris Goes Back To School



More than 400 viewers tuned in on Monday to Deputy Secretary Seth Harris during a one hour webcast focused on employment and labor policy issues.

Moderated by Dean Harry Katz, the event took place at Harris' alma mater, Cornell University's Industrial and Labor Relations School. He outlined the department's job training efforts, and discussed programs that assist veterans, individuals with disabilities and older workers.

- [View the Webcast](#)

Safety Lapses A Serious Danger for Workers in Oil & Gas Industry

Assistant Secretary for the Occupational Safety and Health Administration, Dr. David Michaels, told representatives from the oil and gas drilling industry this week that companies bear ultimate responsibility in protecting their workers while on the job. In addressing OSHA's 2010 Oil & Gas Safety Exploration & Production Conference in Dallas, Michaels stressed that industry employers must provide workers flame-resistant clothing to guard against fire hazards, a protection OSHA has provided its field inspectors since the 1990s. Michaels also called on employers to implement a robust process safety management program to ward off the "low frequency, high-consequence

than \$4.6 million in misused plan assets. The suit alleges that Colette Mordo transferred pension plan funds from Sadimara Knitwear Inc. and Stallion Knits Ltd. to various parties, including members of her family and companies that she owned. The suit also alleges that plan trustees and fiduciaries, excluded eligible employees from participation in the plans and otherwise interfered with eligible employees' ability to accrue benefits under the plans. The department's suit asks the court to order Mordo to restore all losses incurred by the plans, plus lost opportunity costs that resulted from her improper actions.

- [Read the News Release](#)

DOL Working For You

EBSA Advisor Reduces Financial Strain on Sick Family Member



The hard work of Employee Benefits Security Administration advisor Myrna Cruz not only corrected a group health enrollment mistake, but reduced the financial strain on a Florida family whose loved one was severely ill. A Florida college determined that open enrollment paperwork necessary to add a sick patient to his spouse's medical plan arrived too late and denied the request. But Cruz's investigation found that the documents were received on time but had not been acted upon by the college which was closed for a holiday recess. The college subsequently corrected the mistake and allowed the enrollment. In all \$15,000 in medical claims were covered retroactively. "I love my job," Cruz said, "and I was very happy to assist a participant that was in such great need."

International Scene

Solis Seeks Migrant Worker Partnerships in Latin America

Ambassadors from Central American and Caribbean countries joined Secretary Solis and Mexican Ambassador Arturo Sarukhan on Thursday to begin conversations about partnerships to keep workers safe and protect their rights under federal labor laws. The group, which included representatives from Costa Rica, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Nicaragua, and Panama heard presentations from the department's Wage and Hour Division and the Occupational Safety and Health Administration on such topics as overtime pay, back wages, and safety and health. Solis concluded the discussion stating, "As Secretary of Labor, one of my priorities is to see how we can better extend our hand in partnership with other countries to protect the rights and safety of migrant workers."



- [View the Slideshow](#)

Around DOL

Vote for Your Favorite Career Video Today

Your vote counts as the department seeks out the best short films about top careers through the Career Videos for America's Job Seekers Challenge. Through the end of the year, review

incidents." He added that "in case after case, disaster after disaster, our investigations point to process safety-related problems and, all too often, systemic safety and health problems — not just in one company, but across entire industries."

- [Read Michaels' Remarks](#)

Green Scene: Boosting Green Opportunities

Leaders from several national foundations joined Secretary Solis and other senior DOL officials on Tuesday to discuss significant investments in green jobs programs, as well as effective strategies that create employment and advancement opportunities in the green job industry. "Although unemployment in the U.S. has decreased in many states, we are still not where we need to be and must continue to find solutions to help the unemployed," said Secretary Solis. "We need to focus our efforts and investments in high growth fields that can lead to solid and long-term employment opportunities, and make sure to include all the right partners who contribute to creating jobs and training and supporting workers."



"Green" is in at Oneonta



Green is being given room to grow at the Oneonta Job Corps Academy. With the help of \$70,000 from the Recovery Act, Oneonta has built a one-of-its-kind greenhouse complex which teaches students about sustainable energy and gardening techniques while preparing them for the green

jobs market of the future. Eighteen-year-old electrical trade student Charles Moran (in picture), who helped build the complex, said the experience "is a great way to start a career" and also serves "to better the planet." In all, more than 50 Oneonta students and several staff members worked for four months to help build the complex, which contains a forced hot water solar tube system, gravity fed pond, and a pervious concrete storm water runoff walkway, said the Academy's Victoria Pegg. It also features a solar powered greenhouse, fruit trees and bushes and a waterfall and benches.



videos, cast your vote and make comments for the top video in each of 15 categories. Winners will be eligible for a \$1,000 cash prize.

- [Vote Today](#)

Officials Meet with Grantees to Hear Best Practices, Improve Support

DOL officials hosted a three-day training institute with national grantees this week to discuss goals, successes and challenges facing programs geared towards providing job opportunities for low-skilled adults and dislocated workers. The meeting was part of the Career Pathways Technical Assistance Initiative, a year-long effort co-sponsored by the department's Employment and Training Administration and the Department of Education, Office of Vocational and Adult Education which leverages the latest research and best practices to help states and local areas implement changes to support career pathway approaches. Nine states and two Indian and Native American entities have received grants to build effective and comprehensive career-building tools and opportunities.



- [Learn More](#)

DOL in Action

EBSA Criminal Enforcement Round-up

The Employee Benefits Security Administration announced this week that two individuals, in separate criminal cases, were sentenced by federal courts for embezzlement of employee benefit plan assets. Charleen Ryan, a third party administrator, was sentenced to 15 months in prison and three years of supervised release, and ordered to pay \$715,228.79 to the Bustleton Landscaping Co. Inc. Profit Sharing Plan for making a false statement on the Form 5500 annual report. "This third-party administrator jeopardized the retirement security of these workers and their families," said Assistant Secretary for EBSA Phyllis Borzi. In the second case, Glenn L. Merritt, the vice president of Bemcore Inc. of Dayton, was sentenced to five years of probation and was ordered to restore \$186,070 to his victims. He was charged with converting the assets of his company's 401(k) plan for his own use and benefit.

- [Read the Ryan News Release](#)
- [Read the Merritt News Release](#)

Travelling Resource Center Helps Former Ames Laboratory Workers

A new class of former employees from Ames Laboratory in Iowa was recently added to the Energy Employees Occupational Illness Compensation Program Act's Special Exposure Cohort. The Office of Workers' Compensation Programs will host a traveling resource center in Ames on December 7 to provide information on EEOICPA, which provides compensation and medical benefits to employees who became ill as a result of working in the nuclear weapons industry. In addition to 11 stationary resource centers, OWCP's traveling resource centers take their services on the road to assist workers in the claim-filing process. The resource center will be held at the Hilton Garden Inn from 8 a.m. to 5 p.m. CST on Tuesday. To date, more than \$6.4 billion in compensation and medical benefits has

Harris Addresses HR Leaders

Bringing together human resource leaders from across the country, the Conference Board's Senior Human Resource Executive Conference featured a keynote address by Deputy Secretary Seth Harris on Tuesday. Harris highlighted the role HR personnel can play in ensuring employers are in compliance with labor and employment laws and explained the department's move away from 'catch me if you can' enforcement towards the creation of a business culture that embraces compliance.

- [Read Harris' Remarks](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

Check out the grant opportunities with DOL. Event Spotlight

MSHA Public Hearings Scheduling Changes

The Mine Safety and Health Administration has released an updated list of public hearings on its proposed rule, "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors." This notice indicates changes to the dates of the Washington, Pa., and Arlington, Va., hearings, as well as the addition of a seventh location in Prestonsburg, Ky.

- [Read the Announcement](#)

MSHA — Public Hearing on Proposed Rule to End Black Lung

- [December 7 — Beaver, WV](#)

OFCCP — Compliance Assistance Seminar for Construction Contractors

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

OFCCP — Compliance Assistance Seminar for Supply and Service Contractors

- [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

been paid nationwide under the EEOICPA.

- [Details of the Traveling Resource Center for December 7](#)
- [Learn More about EEOICPA](#)
- [Find a Resource Center](#)

Cooper Tire & Rubber Co. Fined After Worker Severely Burned

The Occupational Safety and Health Administration has cited Cooper Tire & Rubber Co. for failing to provide proper hazardous chemical protection to its workers and unnecessarily exposing them to hazards after a worker was severely burned while using a flammable solvent for cleaning purposes. "The lack of employee protection from fire, explosions and hazardous chemicals is completely unacceptable," said Jule Hovi, OSHA's area director in Toledo, Ohio. Cooper Tire has been cited with two alleged willful, six serious, and two repeat violations with proposed penalties of \$213,500.

- [Read the News Release](#)

Wholesale Food Distributor Sued for Discrimination Against Women

Nash Finch Company, the second largest wholesale food distributor in the U.S., was sued this week by the Office of Federal Contract Compliance Programs for systemic discrimination against more than 80 qualified female applicants who sought positions at the company's Lumberton, N.C., facility. Over the past decade, the Minneapolis-based company has been involved in several discrimination cases with OFCCP at various facilities throughout the country. "It is unacceptable that a company which profits from lucrative federal contracts would repeatedly violate the law in this manner," said OFCCP Director Patricia A. Shiu. "Nash Finch has demonstrated an unfortunate pattern and practice of hiring discrimination, and the American taxpayers should not have to bankroll their bad behavior anymore."

- [Read the News Release](#)

New Commercial and Industrial Construction Competency Model

The department's Employment and Training Administration released a new competency model for the commercial and industrial construction industry this week. Industry models are resources that help prepare and inform workers about the latest job requirements needed for success. "We are thrilled to be releasing this new competency model that will serve as a useful resource to help workers in the construction industry prepare for higher paying jobs," said Jane Oates, Assistant Secretary for Employment and Training. Designed to evolve along with changing skill requirements, the model reflects the latest industry skill set needs related to sustainability and green building practices that can help prepare workers for jobs with companies that are now following those practices.

- [Read the News Release](#)

OSHA Fines US Minerals Facility for Workplace Safety Violations

The U.S. Minerals Inc. Galveston, Texas, facility has been fined \$273,000 for three alleged willful and 35 alleged serious violations after exposing workers to multiple safety and health hazards. In September, the Occupational Safety and Health Administration fined the company's Baldwin, Ill., facility \$466,400 for exposing its workers to dangerously high levels of hazardous dust and failing to provide adequate breathing protection. As a result of the Baldwin inspection, OSHA opened inspections of additional U.S. Minerals facilities in Coffeen, Ill., and Harvey, La., as well as the Galveston location. OSHA's inspection of the Louisiana facility resulted in the company being cited with 30 safety violations and proposed

Requirements"

- [December 8 — Philadelphia, PA](#)
- [December 15 — Philadelphia, PA](#)
- [December 16 — Los Angeles, CA](#)

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](#)

OLMS — Trustee Workshop

- [December 8 — Aurora, CO](#)

OLMS — Compliance Assistance Seminar

- [December 9 — Aurora, CO](#)

OSHA — Advisory Committee on Construction Safety and Health Meeting

- [December 9-10 — 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](#)

penalties of \$110,400.

- [Read the News Release](#)

Oklahoma Coal Mine to Pay \$375,000 in November 2007 Death of Miner

Jack Ward was a 66-year-old truck driver who lost his life when the vehicle he was operating backed over the edge of a waste dump at the surface coal mine where he worked. Following an investigation into the November 2007 fatality, the Mine Safety and Health Administration determined that the Rock Island Mine failed to properly inspect and detect unsafe conditions at the mine and failed to properly train the miner. MSHA has since reached a settlement agreement with parent company Farrell-Cooper Mining Co., which agreed to pay penalties totaling \$375,204.

- [Read the News Release](#)

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- In this week's newsletter: Ending Homeless Vets by 2015; American DREAM; DOL in Action; and much more <http://s.dol.gov/B> 2 days ago
- @NASWAORG Thinking about #R2R2010, what do you think? 2 days ago

