



DOL News Brief

March 17, 2011

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Solis Testifies Before House

DOL's FY 2012 budget was the topic of discussion on Wednesday as Secretary Solis testified before the House Appropriations



Committee Subcommittee on Labor, Health and Human Services, Education, and Related Agencies. Solis highlighted the successes of several department programs, including Job Corps, as well as stressed the need for additional funds for agencies to continue to "protect workers and protect businesses that play by the rules."

- [View the Slideshow](#)
- [Read the Testimony](#)
- [Learn More about the FY 2012 Budget](#)

What's Hot

Grant to Assist Tennessee Workers Impacted by Auto Plant Closure

The department announced a grant on Thursday in the amount of \$8,397,127 to assist about 1,500 workers affected by layoffs at General Motors Spring Hill Assembly Plant in Spring Hill, Tenn. Workers dislocated from the plant as well as workers from four supplier companies: Johnson Controls, MAPA Spontex, Penske Logistics and Premier Manufacturing Services are covered by the grant. "The Labor Department is focused on getting Americans back to work. Our commitment to that goal includes providing short-term support for those who have lost jobs through no fault of their own – including many workers in auto communities across America," said Secretary Solis.

- [Read the News Release](#)

Grant Competitions to Provide Training/Housing to Farmworkers

Two grant competitions for the National Farmworker Jobs Program were announced by DOL this week. The NFJP helps farmworkers upgrade their agricultural job skills or acquire new ones in occupations that offer higher wages and more stable employment. In addition, the program provides supportive services such as child care, health care and transportation to remove barriers to farmworkers beginning or remaining in training, and enable them to retain their employment. "Our nation's prosperity is linked to the labors of farmworkers across the United States," said Secretary Solis. "By supporting skills training and related housing services for farmworkers, the Labor Department will help them improve their career outcomes, and that is a win for all of us."

- [Read the News Release](#)

"I Can" PSA Receives Award



"Thought-provoking concept that shined through with the video element." That's how one judge described the Campaign for Disability Employment's "I Can" public service announcement — which earned national recognition at the 2011 PRWeek Awards last week in New York City. The PSA is the

centerpiece of the CDE's "What Can YOU Do?" initiative and was nominated in the category of Best Use of Audio/Video, which recognizes the combination of creativity, cost-effectiveness and overall impact of an audio or video product. The CDE is a collaborative effort funded by DOL's Office of Disability Employment Policy.

- [View and Share the "I Can" PSA](#)
- [Order PSA Discussion Guides and Posters](#)

News You Can Use

A Chance to Weigh In

President Obama's Executive Order 13563 aims to create a regulatory process that strikes the right balance between what is needed to protect health, welfare, safety and the environment for all Americans, and what we need to foster economic growth, job creation and competitiveness. In response, DOL has created a webpage that will gather public input about how best to review DOL regulations, ensuring they are not outmoded, ineffective, insufficient or excessively burdensome. Visitors can respond to specific questions about how the review process should operate and which regulations should be reviewed. The public will have the opportunity to comment on the review plan before it is finalized.

- [Visit the Regulatory Review Site](#)
- [Read the News Release](#)

Polaski Chairs APEC Seminar

Sandra Polaski, deputy

undersecretary of the department's Bureau of International Labor Affairs chaired the seminar on Labor Organizations,



Collective Bargaining and Dispute Resolution last week during the 33rd meeting of the Asia Pacific Economic Cooperation Human Resources Development Working Group. The Labor Department heads the United States delegation to the APEC working group. President Obama will be hosting APEC economic leaders in November in Honolulu, Hawaii.

- [View the Slideshow](#)

Harris Talks Productivity



On Tuesday, Deputy Secretary Seth Harris joined a panel with Housing and Urban Development Secretary Shaun Donovan, Deputy Secretary of Transportation John Porcari and Deputy Secretary of Education Anthony Miller. The panel, organized by the McKinsey Global Institute,

discussed U.S. Cabinet perspectives on productivity implications for government agencies in the current economic climate. Harris highlighted several Labor Department success stories in productivity, performance management and measuring outcomes over the past two years. The group also discussed current challenges and opportunities for departments to rethink the way they envision, achieve and measure success in their respective spheres. The next day, he spoke to members of the U.S. Chamber of Commerce's Washington Corporate Representatives, emphasizing recent steps by the department and administration to combat consequences of the recession, lay the foundation for a strong economic recovery, and create an environment for job creation.

ODEP's Martinez Everywhere

Assistant Secretary for the Office of Disability Employment Policy Kathy Martinez has been busy! Last week, she spoke at the American Foundation



for the Blind's 2011 Josephine L. Taylor Institute Leadership Training Conference in Seattle. In her address to more than 300, she outlined ODEP's initiatives designed to enhance employment opportunities for adults and youth with disabilities,

International Scene

Apparel Industry at the Table

During Thursday's meeting of the U.S. Apparel and Buyers Roundtable, Deputy Undersecretary of the department's Bureau of International Labor Affairs Sandra Polaski discussed implementation of the Better Work Program and received feedback from participants. Better Work is a unique partnership of the International Labor



Organization and the International Finance Corporation that seeks to improve labor conditions in global supply chains in order to protect workers' rights and help enterprises become more competitive. In commenting on the program Secretary Solis said, "One thing we can do to improve jobs and wages in America is to do all that we can to increase incomes for the working households of our trading partners and thereby increase their consumption."

Around DOL

U.S., China Share Best Practices for Improving Mine Safety and Health



The United States and China launched a new program this week to continue the strong, bilateral cooperation to improve miner health and safety. Under the U.S.-China Joint Seminar Series on Mine Safety and Health, mining experts from both countries will share experiences and best practices on mine emergency response, ventilation, underground

refuge chambers, prevention of pneumoconiosis and atmospheric monitoring. In addition to an introductory meeting with senior departmental leadership at DOL headquarters, the nine-member delegation met with senior Mine Safety and Health Administration staff in Arlington, Va., to discuss MSHA's regulatory development process, as well as new regulations on refuge alternatives. The delegation then traveled to the Approval and Certification Center in Triadelphia, W.Va., MSHA's technical facility that approves and certifies mining products for use in underground mines. The following day, they visited Consolidation Coal Co.'s Shoemaker Mine in Marshall County, W.Va.

Mine Academy Workshop Attracts First Responders

The national Mine Health and Safety Academy in Beaver, W.Va., hosted a one-day workshop designed to provide federal personnel, the mining industry, miner's representatives, firefighters, law enforcement and emergency medical personnel with information to better respond to a mine disaster. Course instructors discussed emergency response planning, dealing with haul truck fires, use of mine equipment for rescue and firefighting, traffic control on mine roadways and first responder vehicle maintenance. They addressed a number of hazards first responders should expect to encounter, including explosives and fuel storage, surge piles of mining materials, belt conveyers in underground mines, electrical mishaps, and chemicals and gases.



Ruiz de Gamboa Receives Presidential Recognition

Nancy Ruiz de Gamboa was recently awarded the prestigious 2010 Presidential Rank Award of Meritorious

including those who are blind or visually impaired. On Monday, she sat down with representatives from South Korea to discuss DOL initiatives to "bring disability into the mainstream," focusing on programs and resources available to the federal government, federal contractors and small businesses in hiring and retaining disabled workers. Later in the week, she was a guest on Federal News Radio, where she highlighted the agency's online toolkit designed to make it easier for federal employers to hire people with disabilities. She also discussed President Obama's executive order that directs agencies to improve their efforts to promote employment of the disabled through employer training, creating a welcoming environment, recruitment and hiring.

- [View the Slideshow](#)
- [Listen to the Interview](#)

Michaels: OSHA Makes Difference



In the four decades since the Occupational Safety and Health Act was enacted, the nation has made dramatic progress in reducing work-related

deaths and injuries, Assistant Secretary for the Occupational Safety and Health Administration Dr. David Michaels told the Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending during his testimony on Wednesday. The hearing focused on the construction industry and OSHA's role in protecting construction workers. "The safety of construction workers is one of OSHA's top concerns," said Michaels. "Almost every construction worker that dies leaves behind a family whose lives are devastated. A breadwinner's serious injury can throw a family permanently out of the middle class." Later, in a poignant moment during the hearing, Rep. Elijah Cummings read a letter from the sister of a deceased worker. She described in graphic detail how her brother suffered during a plant explosion and how it could have been prevented.

- [View the Slideshow](#)
- [Read Michaels' Testimony](#)
- [Watch the Video](#)

UI Administrator Testifies on Steps to Reduce Improper Payments

Gay Gilbert, administrator of the Employment and Training Administration's Office of Unemployment Insurance spoke on Capitol Hill Thursday



Executive in recognition of her work with the Labor Department. Recipients of the award are strong leaders who achieve results and consistently demonstrate strength, integrity, industry and a relentless commitment to excellence in public service. Ruiz de Gamboa was appointed Assistant Inspector General for Management and Policy for DOL's Office of Inspector General in 2003. She is responsible for leading the administrative, planning and policy functions of the OIG.

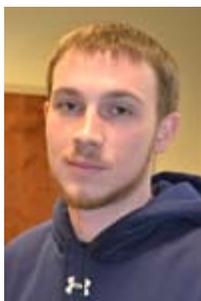
DOL Working for You

Workforce Development Steers Grad to Trucking Career

A long hot summer of filling potholes in Duluth, Minn. caused Tom Klund to come to the realization he needed a better job. With the help of the department-funded local Youth Employment Services workforce development program, he found it. Klund, 23, told YES counselors he longed to be a truck driver, "looking at the open road across acres of scenery and not being tied down to a desk job," he said. YES helped him enroll in a five week truck driving training course, where he learned engine braking, truck inspection, up/down shifting and trailer docking. Klund now drives for a North Dakota agricultural hauling company, enjoying good pay, and receiving medical and dental benefits and a 401K option. "The program opened my eyes to what careers were out there," Klund said. "I give the program two thumbs up."



Marine Veteran Studies Aviation under DOL Training Grant



During his four years as a Marine, including a tour in Iraq, Gary Brown supplied the aviation parts that kept America's F-18 fighter jets in the air. Now stateside, Brown is studying aviation technology at Mid-South Community College in West Memphis, Ark. thanks to a scholarship provided through a DOL-funded community-based job training grant. Brown's courses include aviation math and physics, airframe testing, and power plant electricity. He will eventually receive Federal Aviation Administration certification and his schooling will allow him to continue towards a college degree in aviation technology and maintenance. Brown said the schooling "furthered my knowledge in the aviation field" and will ultimately help him achieve a well paying "dream" aviation job to help him provide for his wife and young son.

DOL in Action

Proposed Changes to the H-2B Program Released

The H-2B program allows foreign workers into the U.S. on a temporary basis when qualified U.S. workers are not available and when the employment of those foreign workers will not adversely affect the wages and working conditions of similarly employed U.S. workers. On Friday, a proposed rule that includes changes to several aspects of the program will be published in the Federal Register. "As our economy continues to recover, it is important for U.S. workers to receive access to all jobs, and that the H-2B program is used as it was intended," said Secretary Solis. "At the same time, workers employed through the H-2B program must be treated fairly."

regarding the steps DOL has taken to reduce improper payment of unemployment insurance claims. Gilbert was asked to testify before the House Subcommittee for Labor, Health and Human Services, Education, and Related Agencies. "Reducing improper payments in the UI program is a top priority at the Department of Labor. As such, it is receiving a high level of focus and oversight in close coordination with the Office of Management and Budget," said Gilbert. She outlined a number of steps the department has taken or will take to improve the integrity of the program, including preventing claimants from continuing to claim benefits after they return to work through state workforce agencies' use of the National Directory of New Hires.

Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

[Open Funding Opportunities](#)

Event Spotlight: Spring Thaw Workshops

With the end of winter approaching, many intermittently operated mining operations resume production. The Mine Safety and Health Administration is sponsoring a series of "Spring Thaw Workshops" throughout the country to remind miners – especially new ones -- about the potential hazards they face in their jobs.

MSHA — Spring Thaw Workshop

- [March 22 — Sheridan, WY](#)
- [March 23 — Verona, NY](#)
- [March 24 — Bismarck, ND](#)
- [March 29 — Torrington, WY](#)

MSHA — Mine Rescue Contest

- [March 22-24 — Beaver, WV](#)

OFCCP — 15th Annual State of the State Conference

- [March 24 — Lima, OH](#)

OFCCP — ABCs of the AAP

- [April 15 — Los Angeles, CA](#)

OFCCP — Affirmative Action Steps

- [March 29 — Honolulu, HI](#)

OFCCP — Audit Process Review

- [March 24 — Los Angeles, CA](#)

OFCCP — Building Partnerships for the Community

- [March 29 — Jacksonville, FL](#)

OFCCP — Community Connections

- [March 22 — Jackson, MS](#)

- [Read the News Release](#)

Initiative to Prevent Abuses in Small Grocery Stores

The Wage and Hour Division has launched a new enforcement initiative focusing on small independent and franchise grocery stores throughout Mississippi and Alabama, where WHD has found significant and systemic minimum wage, overtime and child labor violations. The department is engaging key employer associations and conducting outreach to employee constituencies, including community, faith-based and labor organizations, to demonstrate the Labor Department's commitment to addressing systemic violations and encouraging vulnerable workers to come forward with complaints. "We plan to make unannounced visits to small grocery stores in these two states to ensure that employers are not exploiting workers and that their business practices are not putting law-abiding companies at a disadvantage," said Kenneth Stripling, WHD's district director in Birmingham.

- [Read the News Release](#)

Back Wages for Home Healthcare Workers

Taylor Brown Gardens Healthcare LLC has agreed to pay \$66,694 in back wages to 17 low-wage home healthcare employees and to correct recordkeeping violations following a Wage and Hour Division investigation. The Memphis, Tenn., company paid employees a daily flat rate that did not yield the applicable federal minimum wage for all hours worked, and that some employees were not paid overtime for hours worked in excess of 40 in a week. As part of the agreement, the company has created a daily timesheet to track employees' work hours and has posted required notices to inform employees of their rights.

- [Read the News Release](#)

Refinery Cited for Exposing Workers to Potential Explosions

The Occupational Safety and Health Administration has cited Calumet Lubricants Co. in Cotton Valley, La., with 45 serious and 13 other-than-serious violations following an inspection which found that workers were exposed to possible fires, explosions and other hazards. The inspection, part of OSHA's Petroleum Refinery Process Safety Management National Emphasis Program, resulted in proposed penalties totaling \$207,500. "This is not the first time a Calumet facility has jeopardized the safety of its workers by failing to manage hazards associated with highly hazardous chemicals," said Dorinda Folse, OSHA's area director in Baton Rouge, La.

- [Read the News Release](#)

Construction Contractor Debarred for Wage Violations

The Administrative Review Board ordered Pythagoras General Contracting Corp. to pay \$792,396 in back wages to 79 employees and be debarred from working on future federally funded contracts for three years after the company and its president Stanley Petsagourakis willfully failed to pay some employees at the prevailing wage rate, and routinely failed to pay some employees for all hours worked on a construction project. "We will not hesitate to pursue legal action, including debarment, to ensure employees working on federally assisted projects are properly paid under the law," said Nancy J. Leppink, acting administrator for the Wage and Hour Division.

- [Read the News Release](#)

OSHA Cites Refinery in Tulsa, Okla., for Safety Violations

The Occupational Safety and Health Administration has cited Holly Refining and Marketing-Tulsa LLC with multiple serious violations and a \$62,500 penalty for failing to effectively implement OSHA's process safety management regulations to protect employees from hazardous working conditions at the company's crude oil refinery in Tulsa, Okla. OSHA's

- [March 22 — Atlanta, GA](#)
- [March 24 — Roswell, GA](#)
- [March 31 — Memphis, TN](#)

OFCCP — Community Outreach and Education Event

- [March 24 — Richmond, VA](#)

OFCCP — Compliance Assistance Seminar

- [March 30 — Miami, FL](#)

OFCCP — Compliance Assistance Seminar for Construction Contractors

- [March 30 — Hartford, CT](#)
- [April 19 — Mountainside, NJ](#)

OFCCP — Compliance Assistance Seminar for Supply and Service Contractors

- [March 22 — Jacksonville, FL](#)
- [March 22 — Mountainside, NJ](#)
- [March 23 — Orange, CA](#)
- [March 23 — Buffalo, NY](#)
- [March 24 — Memphis, TN](#)
- [March 30 — Nashville, TN](#)
- [March 30 — San Diego, CA](#)
- [April 5 — Mountainside, NJ](#)
- [April 20 — San Diego, CA](#)

OFCCP — Employer Outreach for Green Initiatives

- [March 30 — Valparaiso, IL](#)

OFCCP — Equal Pay Day Event

- [April 13 — San Jose, CA](#)

OFCCP — Veteran Career Fair

- [March 24 — Chicago, IL](#)

OFCCP — Women in Non-Traditional Jobs Workshop

- [March 31 — San Antonio, TX](#)

OLMS — Compliance Assistance Seminar

- [March 18 — Buffalo, NY](#)
- [March 23 — Dallas, TX](#)
- [March 23 — Syracuse, NY](#)

WB — National Dialogue on Workplace Flexibility

- [March 24 — Kansas City, MO](#)
- [March 31 — Silver Spring, MD](#)

WB — Women Working Together Writing the Next Chapter of HerStory

- [April 15 — Philadelphia, PA](#)

standard emphasizes the management of hazards associated with chemicals and establishes a comprehensive management program that integrates technologies, procedures and management practices.

- [Read the News Release](#)

OSHA Cites Gavilon Grain for Willful, Other Safety Violations

The Occupational Safety and Health Administration has cited Gavilon Grain LLC in Morral, Ohio, following the September 2010 death of a 20-year-old worker who was caught in a discharge auger while cleaning out a grain bin. "This tragic death could have been prevented had the grain bin owner and operators followed occupational safety standards and learned from the tragedies that have occurred at other grain bins," said Assistant Secretary of Labor for OSHA David Michaels. "Grain elevator owners and operators must implement well-known safety practices to prevent workers from being hurt or killed in a grain bin." Following inspections at its Morral, West Jefferson and Harpster grain bin facilities, the company is being cited for 46 safety and health violations with penalties totaling \$465,500.

- [Read the News Release](#)

OSHA cites Maine Paper Mill, Chiefly for Recurring Hazards

The Occupational Safety and Health Administration has proposed \$212,000 in fines against Lincoln Paper & Tissue LLC, chiefly for recurring hazards at its Lincoln, Maine, paper mill. The fines follow an incident in which a mill employee was burned when hot steam and condensate burst out of the end of a high-pressure steam line during the mill's annual maintenance shutdown. OSHA found that the company failed to block the steam line to prevent any potential release of steam or hot condensate, a hazard similar to one cited by OSHA at the same mill in 2008. Other recurring conditions included machine guarding, fall and lockout/tagout hazards, and failure to clean up wood debris and wood dust.

- [Read the News Release](#)

\$1.3 Million in Worker Savings at Stake in Suit Against Fiduciary

Workers deserve the benefits they have earned, and the Labor Department steps in on their behalf when access to needed savings is cut off. That's why the department has sued Parkland Hotel Investors LP, the fiduciary of the Northland Inn 401(k) plan, for violations of the Employee Retirement Income Security Act. The suit alleges that the plan was abandoned after Parkland ceased business operations in July 2009 and failed to distribute approximately \$1,350,000 in assets to 96 plan participants. The suit seeks to appoint an independent fiduciary to distribute the plan's assets.

- [Read the News Release](#)

WB — Women's Legacy Conference

- [March 23 — Kansas City, MO](#)
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