



DOL News Brief

April 7, 2011

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Upper Big Branch: 1 Year Later



The one-year anniversary of the explosion at the Upper Big Branch Mine in Raleigh County, W.Va., was marked by a series of memorial services on April 5. Among them was a gathering of family members of the 29 victims, friends, political dignitaries and government officials at the Whitesville

Elementary School in Berkeley County, W.Va. The ceremony included scripture readings, lighting of candles, songs and the reading of names of the 29 deceased miners. Secretary Solis, one of the guest speakers, talked about what a profound impact the tragedy had on her. "The road over the last year has been a difficult one," she said. "I share your heartache, and I share your pain. I pledge that we will never forget this tragedy because only by remembering will we continue our vigilance to make sure [it] never happens again." Other speakers included acting Gov. Earl Ray Tomblin, Sen. Jay Rockefeller, Sen. Joe Manchin and Rep. Nick Rahall.

- Watch the Secretary's Speech
• Read Asst. Sec. Main's Statement
• View the Slideshow
• Read the Secretary's Blog Post
• Read the Secretary's OP/ED in USAToday

Taking Action in NYC

Hundreds of people from across the country gathered in New York City to honor the legacy of Dr. Martin Luther King, during the annual



meeting of the National Action Network. This major civil rights organization works within the spirit and tradition of Dr. King to promote a modern civil rights agenda that includes the fight for social justice, education, and one standard of

What's Hot

Summer Jobs USA: Make the Commitment!



In the absence of dedicated federal funding for summer jobs programs this year, Secretary Solis is calling upon employers to make 100,000 opportunities available for low-income individuals ages 16 - 24. She kicked off the "Summer Jobs USA: Make the Commitment" initiative in partnership with business leaders, elected officials and nonprofits, many of which

already have pledged jobs. "Big corporations or small family businesses, 10 jobs or 10,000, there is a role for everyone to play. There are shining examples of programs all over the country - where young people are given a chance to succeed. We need to highlight these programs, and replicate them." The initiative also encourages widely publicizing summer job openings to attract diverse workers.

- Visit The Website And Make a Commitment
• Read the Secretary's Blog Post
• View the Slideshow

Around DOL

A Quarter Century of Health Coverage Through COBRA

Health care coverage is a necessity, not a luxury. COBRA - the Consolidated Omnibus Budget Reconciliation Act - turns 25 years old this week. Since 1986, the law's health insurance continuation provisions have helped millions of workers and their families keep critical employer-sponsored health coverage during times of job loss, reduction in hours worked, transition between jobs and divorce or the death of a spouse. The enactment of COBRA was "all about helping people," said Phyllis C. Borzi, assistant secretary of the department's Employee Benefits Security Administration.



Borzi was involved in the drafting of the continuation coverage provisions of COBRA while working for the House of Representatives' Subcommittee on Labor-Management Relations. Since most people obtain their health coverage through their employer, COBRA "served a really important purpose," said Borzi, by providing "a lifeline for people who would otherwise lose their coverage." In 2009, the American Recovery and Reinvestment Act helped certain dislocated workers pay for COBRA coverage through a subsidy of 65 percent of the premium cost. At the direction of Congress, EBSA has adjudicated appeals of subsidy denials, deciding more than 99 percent within a 15-day statutory deadline. EBSA adjudicated nearly 24,000

justice and decency for all people. Founded by Reverend Al Sharpton, NAN's three day conference brought together civil rights activists, business executives and community leaders. President Obama and several members of his cabinet spoke or participated in panel discussions. During her luncheon remarks on Thursday, Secretary Solis outlined DOL programs, strategies and initiatives specifically targeted to help unemployed African American youth.

HLS @ LCLLA

Founded in 1972, the Labor Council for Latin American Advancement – a national organization representing the interests of two million



Hispanic trade unionists in the U.S. – has served as a bridge between the labor movement and the Latino community. In honor of this legacy, LCLAA recently released "The State of Latino Workers in the U.S.," a timely report that highlights key challenges that jeopardize the wellbeing and advancement of Latino workers, and the critical role of the labor movement in increasing union density in Latino-intensive industry sectors. As part of the release, the group honored Secretary Solis and AFL-CIO President Richard Trumka for their leadership and commitment in support of all workers.

Solis Addresses BCTD Conference



A strong economy starts by getting Americans who are out of work back into quality, safe jobs and providing the training they need to get there.

That was the message delivered by Secretary Solis to the AFL-CIO's Building and Construction Trades Department Legislative Conference attended by more than 2,000 this week in the nation's capital. "President Obama has challenged us to win the future by out-building the rest of the world to create jobs that will stay in the U.S. and continue to drive the economic recovery," said Solis. Echoing the BCTD's commitment to apprenticeship programs, she added, "At the Labor Department, we understand that to win the future, we must have the best prepared, most innovative workforce in the world." Other department officials – including Deputy Secretary Seth Harris, Assistant Secretary for Occupational Safety and Health

appeals valued at \$50 million dollars to the dislocated workers.

- [Read About COBRA's History](#)
- [Read the Secretary's Statement](#)
- [Read Assistant Secretary Borzi's Blog Post](#)

U.S. Manufacturing CEOs at DOL



Secretary Solis, Deputy Secretary Seth Harris, Assistant Secretary for Policy Bill Spriggs and Assistant Secretary for Employment and Training Jane Oates met with members of the U.S. Manufacturing Council's Workforce Development Subcommittee on Wednesday. The discussion centered around manufacturers' employment needs and training

opportunities for workers, with the goals of advancing our nation's global competitiveness.

- [View the Slideshow](#)

New Members to MACOSH

Secretary Solis announced the appointment of 15 new members to the Maritime Advisory Committee for Occupational Safety and Health, which will hold an open meeting on April 19 and 20 at DOL headquarters in Washington. Solis re-established the MACOSH charter in January, and this will be the committee's first meeting. Experts in maritime safety and health, the committee members will serve two-year terms and represent the interests of management, labor, the occupational safety and health professions, and government. "The MACOSH committee can now proceed with its important work to advise OSHA in protecting the safety and health of workers in the maritime industry," said Assistant Secretary David Michaels. "MACOSH meetings provide the public with an opportunity to participate in committee activities on issues related to the safety and health of shipyard, longshoring and marine terminal workers."

- [Read the News Release](#)
- [MACOSH Meeting Information](#)

News You Can Use

EBSA Webcast on Retirement Planning for Women

It is important that all workers learn how (and how much) to save for retirement. Women often live longer than men and can face unique challenges in saving for a secure retirement. Minority women face even greater challenges. Join the Employee Benefits Security Administration on April 12 for a webcast that will help unravel the mystery of retirement planning, and offer practical tips to help you save.

- [Learn More and Register](#)

Paper or Online? DOL Wants Your Comments

DOL is currently soliciting public comments to assist in determining whether, and possibly how, to expand or modify the current rules regarding the electronic distribution of employee benefit plan information. The department wants to hear from plan participants and beneficiaries, employers and other plan sponsors, plan administrators, plan service providers, health insurance issuers, members of the financial community and the general public. Submit comments by June 6 via email, regular mail or online.

- [Read the News Release](#)

MSHA Continues Greater Transparency with New Online Tool

Mine operators around the country have a new tool to monitor their safety

David Michaels, Wage and Hour Division acting Administrator Nancy Leppink and Solicitor Patricia Smith – also addressed the conference, emphasizing that the Department of Labor is hard at work, ensuring jobs are safe and employees get to keep what they earn.

- [View the Slideshow](#)

Triangle Events Continue

Commemorating the 100th anniversary of the Triangle Shirtwaist Factory fire continued this week, as groups across the country use the anniversary to



shine a light on modern day workplace safety and worker rights issues. In Washington, D.C., on Wednesday, the International Labor Rights Forum, an advocacy organization dedicated to achieving just and humane treatment for workers worldwide, hosted "Not One More Fire" — an event to honor leaders who have shown an extraordinary commitment to workers. Honorees included Secretary Solis, U.S. Rep. Jan Schakowsky, Bangladesh Center for Worker Solidarity's Kalpona Akter, American Federation of Teachers' Patricia Keefer and United Steelworkers' Roxanne Brown.

- [View the Slideshow](#)

Agencies Reach Out in Midwest



The Midwest region of the Office of Federal Contract Compliance Programs hosted a March 31 teleconference with Latino community and

business leaders to create awareness about worker protections. "Communication is key to ensuring that Latino workers are aware of their rights, as enforced by the Labor Department's various agencies," said Secretary of Labor's Regional Representative Ken Bennett, who organized the event. Together, OFCCP, the Occupational Safety and Health Administration, and the Wage and Hour Division provided information about anti-discrimination laws, worker health and safety, and minimum wage and overtime compensation.

Reminder: 1 Day Left to Comment

Only one day left! As part of its work to implement President Obama's Executive Order 13563, the department has extended the comment period for the public to submit input into how DOL should

and health data. The Mine Safety and Health Administration has developed an online application that permits mine operators, miners, the media and the public to determine, based on the most recent data available, how a specific mine matches up with the criteria for a potential pattern of violations. The pattern of violations process is one of MSHA's strongest enforcement tools used against chronic violators of mine safety and health standards. "We are making the process more transparent," said Joseph Main, assistant secretary of labor for MSHA. "I am confident we have developed a tool to better serve the mining community. It will be an extremely effective way for mine operators to continuously track their compliance history and make the changes necessary to ultimately keep miners safe and healthy."

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

DOL Working for You

ODEP Experience Leads Intern to Job with EBSA

A research internship at the Office of Disability Employment Policy four years ago helped motivate David Marshall to enter public service, where he now thrives as a benefits advisor for the Employee Benefits Security Administration in Missouri. Marshall, who has cognitive and learning disabilities, earned an undergraduate human resource management degree and a master's in business administration-finance. Prior to joining EBSA, he also interned with the U.S. Army Corps of Engineers and worked as a certified equal employment opportunity counselor for the U.S.



Department of Defense. But the ODEP experience was "the defining moment" in his desire to pursue public service, Marshall said, because it showed him how working together could achieve a positive outcome for employees. He has carried that lesson to EBSA, where he said he has recovered more than \$1 million in benefits for workers since he joined the agency last fall.

- [Read David Marshall's Blog Post](#)

Job Corps Grad Serves Country, Becomes Reggae Music Star



Although he is only 33 years old, Jerome Young already has had many life experiences. He emigrated from his native Kingston, Jamaica, as a young man and landed at the Iroquois Job Corps Center in Medina, N.Y. There Young earned his high school diploma and a certificate in carpentry. He went on to begin college on a soccer scholarship. But feeling a sense of patriotism, he enlisted in the U.S. Army, where he saw action in Iraq. Back in the United States, Young sought to channel his memories of warfare into positive energy. He began to write, produce and perform music under the stage name

"3 Star." His unique blend of hip hop and reggae is popular both here and in Jamaica. Young also will graduate this year with a degree in music recording from New York's LaGuardia College. Job Corps "benefited me both socially and mentally, and gave me the discipline and foundation to become a man," he said.

DOL in Action

Investigation Nets More Than \$1 Million for Levi Strauss Workers

Levi Strauss & Co. has agreed to pay \$1,011,413 in back wages to 596

review its regulations and which regulations should be reviewed. The public has until the evening of April 8 to post comments.

- [Add and View Comments](#)

Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

- [Open Funding Opportunities](#)

Women's Bureau — Equal Pay: Past, Present and Future

The Women's Bureau, along with the Equal Employment Opportunity Commission and 9to5 Atlanta, will sponsor "Equal Pay: Past, Present and Future" on Equal Pay Day, April 12. Issues surrounding women's pay and the latest regional data from the department's Bureau of Labor Statistics on the earnings gap between men and women will be discussed. The event will be held at the Georgia State University Library Women's Labor Archives.

- [Learn More](#)

EBSA — COBRA and HIPAA Compliance Workshop

- [April 21 — Chicago, IL](#)

EBSA — Taking the Mystery Out of Retirement Planning - A Focus on Women and Retirement Webcast

- [April 12 — Washington, DC](#)

EBSA — Understanding Your Fiduciary Responsibilities Under ERISA Workshop

- [April 21 — Chicago, IL](#)

OFCCP — ABCs of the AAP

- [April 15 — Los Angeles, CA](#)

OFCCP — Community Outreach and Education Event

- [April 14 — Richmond, VA](#)

OFCCP — Equal Pay Day Event

- [April 13 — San Jose, CA](#)

OFCCP — Construction Compliance Assistance Seminar

- [April 19 — Mountainside, NJ](#)

OFCCP — Compliance Assistance Seminar for Supply and Service Contractors

- [April 20 — San Diego, CA](#)

OFCCP — Equal Pay Day Event

- [April 13 — San Jose, CA](#)

retail employees nationwide after an investigation by the department's Wage and Hour Division found Fair Labor Standards Act violations. The company had failed to record all hours employees worked in its payroll system, requiring assistant store managers to work off-the-clock during late night closings, early morning openings and staffing shortages. The company also had misclassified employees in administrative offices as exempt from minimum wage and overtime requirements.

- [Read the News Release](#)
- [Read Nancy Leppink's Blog Post: "My Live And Work in Blue Jeans"](#)

Basic Industries Ltd. Recognized for Safety and Health Excellence

The Occupational Safety and Health Administration has recognized the employees and management of Basic Industries Ltd. at Kiewit Offshore Services in Ingleside, Texas, as a "star" site in the agency's Voluntary Protection Programs. "The company's outstanding efforts led to zero injuries and illnesses over the last three years," said William Burke, OSHA's acting regional administrator in Dallas. The VPP recognize private and federal work sites with effective safety and health management systems that have maintained injury and illness rates below national averages.

- [Read the News Release](#)

Caterer to Pay Workers \$610,000, Held in Contempt of Court

The Labor Department has obtained a consent judgment requiring payment of \$610,000 in back wages, interest and penalties by Westbury Manor, a Long Island, N.Y., catering hall and restaurant. The judgment resolves a lawsuit that followed an investigation by the department's Wage and Hour Division, which found that the employer had failed to pay minimum wages and overtime premiums to cooks, waiters, busboys and bartenders, and violated record-keeping and child labor provisions of the Fair Labor Standards Act. Current and former employees who believe they might be due back wages are encouraged to call the division's Long Island District Office at 516-338-1890.

- [Read the News Release](#)

USDOL Responds to Removal of Labor History Mural in Maine



The governor of Maine recently ordered the removal of a mural commemorating the history of the state's working people from the headquarters of the Maine Department of Labor in Augusta. Among those honored in the mural is former U.S. Secretary of Labor

Frances Perkins, who is buried in Maine. Two-

thirds of the mural's cost was funded through Reed Act funds transferred into the state's account in the Federal Unemployment Trust Fund. The U.S. DOL this week informed the Maine DOL that disposition of the mural must be done in accordance with federal unemployment compensation law. As a result, the state must return to its UTF fund account two-thirds of the mural's fair market value, restore the mural to its location or display it in another state employment security building. The department awaits the state's response.

School System Charged with Violating Provisions of H-1B Program

The Labor Department has found Maryland's Prince George's County Public School System in violation of the laws that govern the H-1B temporary foreign worker visa program. Investigators found that the school system illegally reduced the wages of 1,044 foreign teachers in the program by requiring the payment of \$4,224,146 in fees. As a result, the school system will have to pay that amount in back wages to those teachers. Additionally, \$1.7 million in civil money penalties were assessed due to the willful nature

OFCCP — Information Session for Asian American/Pacific Islander Community Based Organizations

- [April 27 — Denver, CO](#)

OFCCP — Open House

- [April 28 — Dallas, TX](#)

OFCCP — Technical Assistance Seminar

- [April 8 — Minneapolis, MN](#)

OFCCP Webinar — Compliance Assistance for Construction Contractors

- [April 14 — Orange, CA](#)

OFCCP Webinar — Supply & Service Workshop

- [April 20 — San Diego, CA](#)

OFCCP Webinar — Technical Assistance for Federal Construction Contractors

- [April 21 — Seattle, WA](#)

OLMS Webinar — Compliance Assistance Seminar

- [April 27 — Marksville, LA](#)

OSHA — Maritime Advisory Committee for Occupational Safety and Health (MACOSH) Meeting

- [April 19-20 — Washington, DC](#)

OSHA — Greater Philadelphia Area Action Summit for Latino/Immigrant Construction Worker Health and Safety

- [April 15 — Philadelphia, PA](#)

OSHA — Small Business Teleconference on Proposed Recordkeeping Rules

- [April 11 — Washington, D.C.](#)
- [April 12 — Washington, D.C.](#)
- [April 12 — Washington, D.C.](#)

WB — Launch – Moving Ideas to the Next Level, A Conference on STEM

- [April 8 — Attleboro, MA.](#)

WB — Women Working Together Writing the Next Chapter of HerStory

- [April 25 — Philadelphia, PA](#)

Follow USDOL on

- New on the Blog - Behind the Numbers: Employment in Manufacturing <http://bit.ly/ijCGGz> [about an hour ago](#)
- @USDOL partnering with businesses, elected officials and

of some of the violations. "All employees, including school systems, are required to follow the law. That includes the legal duty to pay every teacher hired the full wages he or she is owed," said Nancy J. Leppink, acting administrator of the Wage and Hour Division.

- [Read the News Release](#)

OSHA Cites South Dakota Grain Operator Following Engulfment

The Occupational Safety and Health Administration has cited North Central Farmers Elevator in Ipswich, S.D., with six willful violations for exposing workers to being engulfed by grain. Proposed penalties total \$378,000. "It's fortunate that the North Central Farmers Elevator worker who was engulfed survived – because many don't. Grain elevator owners and operators must implement well-known safety practices to prevent workers from being hurt or killed in a grain bin," said Assistant Secretary for OSHA David Michaels.

- [Read the News Release](#)

WHD Recovers Back Wages for 22 Restaurant Workers

The department has recovered \$94,870 in back wages for 22 employees of two Indian restaurants in Artesia, Calif., following an investigation by the Wage and Hour Division. Employees of Jay Bharat and Standard Sweets and Snacks were required to work an average of 55 hours a week and paid "straight time" wages, rather than time and one-half their regular rate of pay, for hours worked in excess of 40 per week. The restaurants also failed to pay the minimum wage to all employees and to maintain accurate records of workers' hours and wages.

- [Read the News Release](#)
- [Read the News Release](#) (Hindi Version)

Department Seeks to Debar Janitorial Company from Federal Contracts

The Labor Department is seeking debarment of a Scottsdale, Ariz.-based janitorial contractor and several affiliates for repeatedly failing to properly compensate employees working under service contracts with the U.S. government. A suit filed on behalf of the secretary of labor to enforce the McNamara-O'Hara Service Contract Act would bar Teltara LLC; Teltara Ndee Tribal Enterprises LLC; Teltara LLC president and owner Ralph B. Wahlberg; and Teltara LLC vice president and director of contracting Tom Barnes from receiving federal contracts for a period of three years. "When contractors fail to play by the rules, they not only shortchange their employees, they also undercut their competitors," said George Friday Jr., administrator of the Wage and Hour Division's Western Region.

- [Read the News Release](#)

DOL to Recover More Than \$85,000 for Workers at Animal Hospital

The Labor Department has filed a petition in federal district court seeking to recover back wages and damages for 21 workers at two locations of the Hamilton Avenue Animal Hospital in Pleasant Run and Symmes Township, Ohio. The workers were paid overtime compensation required by law but then forced to give it back in cash. The department's Wage and Hour Division sued the same company in 2007 for earlier violations of the Fair Labor Standards Act, securing an injunction against future violations. The department seeks to hold the owners in contempt of that court order.

- [Read the News Release](#)
- [Read the News Release](#) (en Español)

non-profits to create #job
opportunities for low-income
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