



## DOL News Brief

May 19, 2011

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### ODEP's Call to Action

The Office of Disability Employment Policy sponsored the "Health Care: Career Trends, Best Practices & Call-To-Action Summit" at Access Living in Chicago on Tuesday. It was an opportunity for Secretary Solis and ODEP Assistant Secretary Kathy Martinez to build strategic alliances and sustainable partnerships with industry leaders in order to achieve more widespread adoption and implementation of initiatives for employing people with disabilities. "We want to encourage the health care industry to include individuals with disabilities in educational and training programs," said Solis. "They can be capable and caring health care providers."



- [View the Slideshow](#)

### Introducing La Nota



Have you heard? (¿has oído?) The department has a Spanish language newsletter called La Nota. Released monthly, it provides

information on DOL initiatives and activities specific to the Latino community. Subscribe, and share it with your family and friends.

- [Read La Nota and Subscribe](#)

### At the Table: Foundation Forum

Twenty foundations from across the country joined Secretary Solis Thursday to discuss how the philanthropic community and the Department of Labor can strategically work



### What's Hot

YouthBuild Programs Nationwide Benefit from \$75.8 Million in Grants

Speaking from a YouthBuild facility in Chicago on Tuesday, Secretary Solis announced more than \$75 million in grants for 76 YouthBuild programs in 36 states, the District of Columbia and the U.S. Virgin Islands. "Every day in America, 7,000 students drop out of high school. YouthBuild provides an important second chance to earn an education while also developing valuable skills for the jobs of today and tomorrow," she said. Upon learning that Chicago's program will receive a \$1.1 million grant, students were jubilant. During a roundtable with Solis, Quintas Green, 18, simply said, "Thank you, ma'am, for this opportunity." YouthBuild is an alternative education program that offers individuals ages 16-24 training and practical experience for in-demand industry careers.



- [Read the News Release](#)
- [Find a YouthBuild Program Near You](#)
- [View the Slideshow](#)

Unprecedented Enforcement: 10 Withdrawal Orders at Kentucky Mine

When federal mine inspectors visited Bledsoe Coal Corp.'s Abner Branch Rider Mine in Leslie County, Ky., earlier this month, they found a host of safety violations, including insufficient roof support and inadequate ventilation. Inspectors issued 10 withdrawal orders, forcing the operator to remove miners from affected areas and correct violations before allowing miners to return to underground duties. Abner Branch was one of two mines to receive a pattern of violations notice, a stringent enforcement tool aimed at operations with chronic and persistent health and safety violations. "I've said time and again that MSHA will use all the tools at its disposal to prevent accidents, illnesses and injuries in the nation's mines," said Joseph Main, assistant secretary of labor for mine safety and health. "Mine operators must be held accountable, and we will make sure that those who persistently violate safety and health laws are subject to this enforcement action."

- [Read the News Release](#)

### Around DOL

Alumni, Solis Celebrate Positive Impact of YouthBuild

Last week, Secretary Solis welcomed a group of YouthBuild alumni "home" to the Labor Department to share the impact the program



together in areas such as job training, worker protections and opportunity for disadvantaged communities. Solis and her staff spoke about successful collaborations over the past two years, highlighting a partnership on immigrant worker safety among the Occupational Safety and Health Administration, the Ford Foundation and the Public Welfare Foundation. The group also talked about good and safe green jobs, regional workforce partnerships, and data collection and management. Solis expressed her strong commitment to working with these foundations and others around the table. "In times when all of us are having to do more with less, the need to partner up, align priorities, and invest in programs and services that benefit working people is critical," she said.

- [View the Slideshow](#)

## Report on Mine Explosion

The West Virginia Governor's Independent Investigation Panel has released its report on last year's Upper Big Branch Mine explosion. According to the report, Massey Energy, which owns the mine, failed to properly examine it to find and fix hazards and violations; control the accumulation of coal dust by adequately rock dusting; maintain water spray systems on the longwall cutting shearer; submit an effective mine ventilation plan; and comply with approved plans. Furthermore, Massey promoted a culture that "prized production over safety" and where "wrongdoing became acceptable." The report agrees with much of the evidence analyzed by the Mine Safety and Health Administration, which is conducting its own investigation. Assistant Secretary Joseph Main conceded that some operators continue to ignore sound safety practices. "We are playing a significant role in making mines safer, yet there are mine operators that don't get it," he said. "They operate differently when MSHA is not there, and they know MSHA cannot be there all the time. That's why we have called on Congress to provide us with more tools to protect miners."

- [Read Main's Statement](#)
- [Read Main's Blog](#)

## Latino Leaders Talk Immigration

More than 30 members of the Illinois Hispanic Chamber of Commerce met with

has had on their lives with current students from three Washington, D.C., area programs. "I'm proud of your hard work and your success, but more importantly, I hope that you are proud of yourselves," said Solis. "The commitment you are making is so important. The skills you are learning in the classroom and on the job site are something no one can ever take away. These alumni are proof of that." Following a discussion, students showed off their projects, teaching DOL employees a thing or two about home weatherization and green energy technology.

- [Watch the Video](#)
- [View the Slideshow](#)

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## News You Can Use

### Help from DOL: New elaws Web Tool for OSHA Record-keeping Rules

A new Web tool – the OSHA Record-keeping Adviser – helps employers understand their responsibilities to report and record work-related injuries and illnesses under the Occupational Safety and Health Administration's regulations. A set of questions assists in determining quickly whether an injury or illness is work-related, whether it needs to be recorded and which provisions of the regulations apply.

- [View the OSHA Adviser](#)

### OSHA Solicits Input from Small Businesses

This week, in order to obtain additional input from small businesses, the Occupational Safety and Health Administration reopened the public record for proposed changes to the Occupational Injury and Illness Recording and Reporting Requirements regulation. OSHA is considering restoring a column to the OSHA 300 Log that an employer would have to check if an injury it already has recorded under existing rules is a musculoskeletal disorder. The proposed rule would not change current requirements about when and under what circumstances employers must record work-related injuries and illnesses. The deadline for comments is June 16.

- [Read the News Release](#)

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## DOL Working for You

### Carville Job Corps Instructor, Students Offer Car Care Services



During Global Youth Service Day, Carville Job Corps Center automotive instructor Matt Gonzales and two students used their expertise to help members of their Louisiana community who needed a helping hand. Gonzales, Brittany Roberts, 16, and Jarrell Joseph, 21, offered free car care services to single mothers, widowed wives and active duty military personnel. They changed oil, tightened belts, replaced air filters and wiper blades, and performed other automotive safety functions on a dozen vehicles. A local church paid for replacement parts. The students obtained hands-on experience in their intended vocation as certified auto technicians. More important, said Gonzales, "They learned a valuable lesson in helping people."



Secretary Solis in Chicago Tuesday to discuss immigration

and other topics. Solis highlighted President Obama's commitment to help move forward comprehensive reform, including the Development, Relief and Education for Alien Minors, or DREAM, Act, which would provide a path to citizenship for undocumented young people who entered the United States as minors and have graduated from American high schools.

- [View the Slideshow](#)

## DOL's Work Crucial for Medicare, Social Security Solvency

Revitalizing the middle class and implementing reforms mandated by the Affordable Care Act are crucial for the long term solvency of both



Social Security and Medicare. That's the message Secretary Solis delivered last week as she and her fellow trustees released their annual reports on the financial outlook for the two programs. "The Department of Labor is playing a critical role in getting this country back to work and has put in place many policies and programs that are providing opportunities for all Americans to succeed," she said. Solis highlighted DOL's work to improve the employment of people with disabilities and train young people through Job Corps. She said that program changes under the ACA, which will extend health care coverage for tens of millions of Americans who would otherwise not have access to health insurance, will slow the growth rate in projected long range costs for Medicare.

- [View the Social Security Report](#)
- [View the Medicare Report](#)

## Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

- [Open Funding Opportunities](#)

EVENTS SPOTLIGHT: WB, Department of Veterans Affairs Team Up for Female Vets

A summit for women veterans – "Continuing our Journey, Giving Back and Paying Forward" – planned by the Women's Bureau

## Nursing Career Realized Through Workforce Development Funding

Even as she labored assembling automotive filters in a Michigan plant, Camela Marroquin was determined to make nursing her future career. Because of a training program funded by the Labor Department, she has fulfilled her dream. Through the workforce development program Michigan Works!, part of Marroquin's tuition, books and transportation were paid for as she attended a local community college. She graduated with honors, earning a registered nursing degree, and was hired by a hospital to work in the surgical unit. She is now a nurse in Alaska's largest comprehensive care hospital and hopes to continue her course of study toward a doctorate in her field. Marroquin said the program helped her focus on her ultimate goal and proved "You can succeed no matter what the obstacles."



## DOL in Action

Postal Service in West Palm Beach, Fla., Fined \$164,000

The Occupational Safety and Health Administration has cited the U.S. Postal Service in West Palm Beach, Fla., for six repeat and two safety violations, including exposing employees to struck-by hazards, fall hazards, electrical hazards and blocking emergency exit routes. Proposed penalties total \$164,200. "Blocking aisles and placing workers in hazardous situations where they may be struck by a forklift are dangers that should have been identified and corrected by management without waiting for an OSHA inspection," said Cindy Coe, the agency's regional administrator.

- [Read the News Release](#)

Texas Company Assessed Penalties for Child Labor Violations

The Labor Department has filed a petition with its Office of Administrative Law Judges seeking civil money penalties from Smita Inc., doing business as Marble Slab Creamery in Austin, and Kirit Patel, the company's director and secretary. An investigation conducted by the Wage and Hour Division's district office in San Antonio found that four employees ages 16 and 17 were required to assemble, operate, disassemble and clean a vertical dough mixer used for making waffle cones, violating the child labor provisions of the Fair Labor Standards Act. "The Labor Department is committed to ensuring that young workers have safe early work experiences," said Regional Administrator Cynthia Watson.

- [Read the News Release](#)

Suit Filed Against Domino's Pizza to Enforce Re-Hire Order

The Labor Department has filed a lawsuit in Connecticut seeking enforcement of an administrative law judge's order that Domino's Pizza LLC re-hire a truck driver who was fired for making a complaint that he was pressured to drive hours in excess of those allowed under U.S. Department of Transportation regulations. The judge found that Domino's had discharged the driver in violation of the employee protection provisions of the Surface Transportation Assistance Act, and ordered the company to reinstate him to his previous position and pay him back wages plus interest. DOL's Administrative Review Board affirmed the decision and order on Jan. 31. To date, Domino's has failed to comply.

and the U.S. Department of Veterans Affairs will be held on Saturday, June 18, at Meydenbauer Center in Bellevue, Wash. Admission is free, but pre-registration is required. The goal is to provide women veterans with the tools they need to thrive in a challenging economy and offer information on topics including benefits, employment, transitioning to civilian life and networking.

- [Pre-Register for the Event](#)

EBSA — HIPAA and Other Health Benefits Laws: Compliance Assistance Seminar

- [June 7-8 — Dover, DE](#)

MSHA — Joseph A. Holmes Association 2011 National Meeting and Training Seminar

- [June 21 - 23 — San Antonio, TX](#)

OFCCP — AAP Development and Preparing for a Desk Audit

- [June 23 — Los Angeles, CA](#)

OFCCP — AAP Development Workshop for Supply and Service Contractors

- [June 1 — Pittsburgh, PA](#)

OFCCP — Building a Diverse Workforce Together

- [June 9 — Atlanta, GA](#)

OFCCP — Building Partnerships for the Community

- [May 29 — Charlotte, NC](#)
- [May 29 — Raleigh, NC](#)
- [June 1 — Charlotte, NC](#)
- [June 1 — Raleigh, NC](#)

OFCCP — Community Outreach and Education Event

- [May 26 — Richmond, VA](#)
- [June 9 — Richmond, VA](#)

OFCCP — Compliance Assistance Seminar for Supply & Service Contractors

- [May 24 — Jacksonville, FL](#)
- [May 26 — Memphis, TN](#)
- [June 1 — Nashville, TN](#)
- [June 8 — Nashville, TN](#)
- [June 8 — Birmingham, AL](#)
- [June 9 — Memphis, TN](#)
- [June 14 — Mountainside, NJ](#)
- [June 15 — Nashville, TN](#)
- [June 21 — Jacksonville, FL](#)

- [Read the News Release](#)

Huntsville Cabinet Maker Cited for Combustible Dust Hazards

Huntsville American Cabinets Inc. in Alabama has been cited by the Occupational Safety and Health Administration for 21 safety and health violations, including failing to keep walls, floors and equipment clean and free from the accumulation of combustible dust. Others include electrical deficiencies, amputation hazards and the lack of a respiratory protection program. Proposed penalties total \$54,000. "This company has jeopardized the health and safety of its workers by creating an environment where the accumulation of combustible dust could ignite and cause serious injuries," said Roberto Sanchez, OSHA's area director.

- [Read the News Release](#)

Mail Handlers Local 314 Agrees to Hold New Election

When an Office of Labor Management Standards investigation reveals that violations of law have occurred which may have affected the outcome of a union officer election, the union is offered the opportunity to enter into a voluntary compliance agreement. That was the case with the National Postal Mail Handlers Union, Laborers' International Union of North America Local 314 in Hazelwood, Mo., following an election on Sept. 14, 2010. An investigation disclosed that Local 314 failed to provide adequate safeguards to ensure a fair election, denied members the opportunity to vote and used employer funds to promote a candidate. The union has agreed to conduct a new election, under OLMS supervision, for several offices.

Republic Engineered Products Fined \$563,000

The Occupational Safety and Health Administration has cited steel manufacturer Republic Engineered Products Inc. in Lorain, Ohio, for seven willful and three repeat safety violations for failing to protect workers from fall hazards and implement adequate energy source lockout/tagout procedures after a worker was hospitalized when he fell 9 feet from a coil transfer car in the bar mill. Proposed penalties total \$563,000. "There is no excuse for Republic Engineered Products to continue to neglect its workers' safety," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "This company has a long history of violations, including employee injuries and fatalities in several of its plants. It needs to make a serious effort to comply with common sense."

- [Read the News Release](#)

Wind Turbine Manufacturing Plant Cited Following Worker Injury

Vestas Towers America Inc. in Pueblo, Colo., has been cited by the Occupational Safety and Health Administration for one willful and 23 serious safety and health violations following an inspection of the wind turbine manufacturing plant. The inspection was initiated in November 2010 after an employee sustained a partial amputation of two fingers and a broken wrist. OSHA has proposed \$164,000 in fines.

- [Read the News Release](#)

Back Pay For Workers in Arkansas, Louisiana and Mississippi

Statewide Transport Inc. in Hammond, La., has agreed to pay \$271,303 in overtime back wages to 105 delivery drivers and warehouse workers following an investigation by the Wage and Hour Division district office in New Orleans, which found violations of the Fair Labor Standards Act. The company paid drivers "straight time" wages for all hours worked, rather than time and one-half their regular rates of pay for hours worked over 40 in a week. Warehouse employees were paid on an hourly or piece-rate basis and did not receive a premium rate for overtime hours.

- [June 23 — Memphis, TN](#)
- [June 29 — Nashville, TN](#)

OFCCP — Compliance Assistance Seminar for Supply & Service Contractors: Veterans/Disability

- [May 25 — Portland, OR](#)

OFCCP — Compliance Assistance Seminar for Reasonable Accommodations

- [June 16 — Miami, FL](#)

OFCCP — Compliance for Construction Contractors

- [May 20 — Los Angeles, CA](#)
- [May 24 — Mountainside, NJ](#)
- [June 2 — Memphis, TN](#)
- [June 15 — Nashville, TN](#)

OFCCP — DOL Informational Outreach & Forum

- [May 25 — Houston, TX](#)

OFCCP — Employment for Veterans Conference

- [May 25 — Concord, CA](#)

OFCCP — Houston - Construction

- [June 15 — Houston, TX](#)

OLMS — Compliance Assistance Seminar

- [May 25 — New York, NY](#)
- [June 1 — Perth Amboy, NJ](#)
- [June 6 — San Francisco, CA](#)

OLMS — Trustee Workshop

- [May 21 — Champaign, IL](#)

OSHA — Federal Advisory Council on Occupational Safety and Health Meeting

- [June 7 — Washington, DC](#)

OSHA — Southern New Jersey Action Summit for Latino and Immigrant Workers

- [June 5 — Bridgeton, NJ](#)

WB — WB Equal Pay Forum

- [May 23 — Boston, MA](#)

WB — STEM Summit

- [May 21 — Atlanta, GA](#)

WHD — Focus on Hospitality Seminar

- [May 31 — Virginia Beach, VA](#)

- [Read the News Release](#)

Multiple Citations, \$89,000 in Fines to Roofing Contractor Upheld

Administrative Law Judge Dennis L. Phillips of the independent Occupational Safety and Health Review Commission upheld citations for willful, repeat and serious safety violations and \$89,000 in fines proposed by the Occupational Safety and Health Administration against Summer and Winter Construction LLC, a Pittsfield, N.H., roofing contractor. Inspections revealed that employees were exposed to falls of up to 16 feet and other hazards at two worksites. "This verdict is a complete victory for workers in New Hampshire and elsewhere," said Marthe Kent, OSHA's regional administrator.

- [Read the News Release](#)

Back Wages, Penalties, 3-Year Debarment for Global Horizons

An administrative law judge has ordered Los Angeles-based Global Horizons and its president and owner, Mordechai Orian, to pay \$153,000 in back wages to 88 temporary agricultural workers from Thailand employed in Hawaii. Finding the defendants liable for 11 categories of violations, he also imposed \$194,000 in civil money penalties and a three-year debarment from the federal H-2A agricultural laborer program. Investigations by the Wage and Hour Division revealed the defendants failed to pay employees for all hours worked and the correct hourly wage rate; impermissibly withheld federal income tax; made illegal deductions from workers' wages; and charged workers for expenses.

- [Read the News Release](#)

Company Fined for Willful, Repeat and Serious Violations

D&J's Trenching Services of Mansfield, Ga., has been cited for five safety violations by the Occupational Safety and Health Administration after exposing workers to unsafe practices. Proposed penalties total \$94,050. Workers were allowed in an unprotected trench despite the company previously having been cited for the same violation. Other violations are related to engulfment and fall hazards. "Excavation and trenching are among the most hazardous operations in construction. This company's management is well aware of OSHA's rules, yet continues to ignore the dangers," said William Fulcher, director of OSHA's Atlanta East Area Office.

- [Read the News Release](#)

Cable Installers in Plano, Texas, to Receive Back Wages

Integral Development Solutions has agreed to pay \$270,696 to 114 cable installers, following an investigation by the Wage and Hour Division district office in Dallas, which found violations of the Fair Labor Standards Act's overtime and record-keeping provisions. Employees were misclassified as independent contractors and thereby denied overtime compensation. The company, a Plano-based subcontractor of Time Warner Cable Inc., provides cable installation and activation services to homes throughout Texas.

- [Read the News Release](#)

ALJ Upholds OSHA Citations to Delek Refining

Administrative Law Judge Dennis L. Phillips of the independent Occupational Safety and Health Review Commission has upheld seven serious citations issued to Delek Refining Ltd. by the Occupational Safety and Health Administration as a result of violations found at the company's refinery in Tyler, Texas. The judge also affirmed the full amount of proposed penalties, \$32,850. OSHA's Dallas Area Office began an inspection in February 2008 as part of its Petroleum Refinery Process Safety

WHD — Wage and Hour Division  
Prevailing Wage Conference 2011

- [May 24 - 26 — New York, NY](#)

Webinar US Department of  
Labor/OFCCP — Nuts & Bolts of  
OFCCP Compliance

- [June 8 — Los Angeles, CA](#)

Webinar EBSA — Choosing a  
Retirement Solution for Your Small  
Business Workshop

- [June 14 — Overland Park, KS](#)

Management National Emphasis Program. The agency issued citations for violations of the process safety management standard. Delek Refining disputed the citations before the OSHRC.

- [Read the News Release](#)

Houston-based Company Cited for Not Following Agreement,  
Hazards

The Occupational Safety and Health Administration has cited O'Brien Wire Products of Texas in Houston for a variety of safety and health hazards, and failing to take agreed-upon corrective actions to abate machine guarding violations cited during a 2007 investigation. When O'Brien ceased to submit required reports on its progress, OSHA conducted a follow-up inspection, discovering the failure-to-abate violations, among others. Proposed penalties total \$159,390.

- [Read the News Release](#)

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