



DOL News Brief

July 7, 2011

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A City on the Rebound



Flint, Mich., has been the subject of more than a few stories about America's "auto towns," but when Secretary Solis visited this week, she saw a

city with something else to say. "Flint is quickly becoming an incredible story of transformation and rebirth, and of what can happen when we put faith in American business and American workers," she said. During her visit, she toured the Diplomat Specialty Pharmacy — one of the fastest growing health care companies in the U.S. Accompanied by Flint Mayor Dayne Walling and Youngstown, Ohio, Mayor Jay Williams, she witnessed workers who once built American automobiles now manufacturing medicine and coordinating health care. Later, Solis had an informal lunch meeting with local community leaders at Blackstone's Pub & Grill and stopped in to the Flint-Genesee Job Corps Center, where displaced auto workers and their children are getting trained for the city's emerging industries.

- [Read the Secretary's Blog Post](#)
- [View the Slideshow](#)

Undeterred by Wal-Mart Decision

The Supreme Court's recent decision to halt the closely watched Wal-Mart class action equal pay case will not affect the Labor Department's commitment to aggressively pursue pay discrimination cases that fall under its jurisdiction. At the National Employment Law Association's annual convention last Friday in New Orleans, La., Secretary Solis discussed efforts by the Office of Federal Contract Compliance Programs to ensure that federal contractors honor legal requirements to provide equal pay to men and women who do equal work. An executive order grants DOL legal authority to do so, and OFCCP has stepped up its focus on compensation cases this year. Today in America, women are paid an average of 80 cents for every dollar paid to men.

What's Hot

\$4.2 Million in Back Wages to P.G. County Public School Workers

The department's Wage and Hour Division has obtained an agreement for Maryland's Prince George's County Public Schools system to pay more than \$4.2 million in back wages to 1,044 workers to resolve violations of the H-1B temporary foreign worker program. DOL investigators found that PGCPs illegally reduced the wages of the H-1B workers by requiring them to pay fees that the school system was required to pay. Due to the willful nature of some of the violations, PGCPs also has agreed to pay \$100,000 in civil money penalties and will be debarred for two years from filing new petitions, requests for extensions or requests for permanent residency for foreign workers under any employment-based visa program. "The Labor Department has the responsibility for ensuring that employers who use the H-1B program follow the law and do not place U.S. workers at a disadvantage to H-1B workers," said Secretary Solis. "We are pleased this investigation has been resolved with workers paid all the back wages to which they are entitled."

- [Read the News Release](#)

Legislation Introduced to Reform UI System, Allow Work-Sharing

Sen. Jack Reed and Rep. Rosa DeLauro introduced legislation to reform the unemployment insurance system by promoting short-time compensation, also known as "work-sharing." Short-time compensation provides prorated UI benefits to individuals whose work hours are reduced in lieu of layoffs. "Work-sharing allows workers to stay on the job, which keeps their skills sharp, helps businesses avoid the cost of recruiting and retraining workers, and keeps employers well-positioned to scale up production when business picks up again. It's a true win-win for workers and businesses, and an important tool for helping support our economy during tough times," said Secretary Solis. The president's 2012 budget recommended, and the bills introduced include, a two-year federal short-time compensation program that would afford employers in states without their own programs immediate access to the benefits it provides. States that have approved shared-work programs could receive up to three years of federal funding.

- [Read the News Release](#)

National News

New Director of Recovery for Auto Communities and Workers

The Department of Labor will welcome a new team member in August, as Secretary Solis announced that Jay Williams has been appointed the new director of recovery for auto communities and workers. Williams has served as mayor of Youngstown, Ohio, since 2006 – the youngest and first African-

The average woman stands to lose \$150 each week, \$8,000 each year and \$380,000 over her lifetime.

- [Read the Secretary's Remarks](#)

Final Dialogue; Conversation Continues

A final National Dialogue on Workplace Flexibility event was hosted by the Women's Bureau last week at City University of New York in



Manhattan. A diverse group of nearly 200 workers, representatives of advocacy groups and associations, policymakers, work/life professionals, scholars and human resource professionals attended the discussion on flexibility challenges and solutions for professional workers. WB Director Sara Manzano-Díaz, who spoke at the conference, stressed that workplace flexibility is both a family and economic issue. Other speakers highlighted the need for employers to be aware of work-life needs, as good employees often leave companies that lack flexibility.

- [View the Slideshow](#)

Secretaries Solis and Sebelius At LULAC National Convention

During a visit to Ohio last week, Secretary Solis gave remarks to the National Convention of the League of United Latino American Citizens, the oldest and largest Latino civil rights organization in the country. She was joined by Health and Human Services



Secretary Kathleen Sebelius and LULAC President Margaret Moran for the Unity Luncheon. Solis emphasized her commitment to Latino workers who often face discrimination and abuse in the workplace, such as unpaid wages. In fact, the Cincinnati Enquirer's cover story that day was about \$85,000 in back wages awarded to Hispanic immigrant workers at Hamilton Avenue Animal Hospital – money that DOL's Wage and Hour Division helped recover. Earlier that morning, Solis spoke to a group of Ohio labor leaders hosted by the Cincinnati AFL-CIO, stressing a similar message of the department's commitment to workers and their families.

- [View the Slideshow](#)

Denver Holds Free Forum

American mayor in the city's history. "As mayor, Jay has seen the adverse impacts auto communities have to endure. He is committed to transforming and re-shaping communities like Youngstown, and I have no doubt he is going to do an incredible job," said Solis. In March 2009, President Obama created the Office of Recovery for Auto Communities and Workers, responsible for coordinating the federal effort to assist hard-hit auto communities.

- [Read the News Release](#)
- [Listen to the Press Conference Call](#)

News You Can Use

Regulatory Web Chats – All Next Week

Seven DOL agencies will hold live Web chats July 11-15 to discuss their semiannual regulatory agendas with the public and the press. Each executive branch agency has published a listing of all of its regulations expected to be under active consideration during the coming 6-12 months. The complete Web chat schedule is available online, along with the regulatory agendas. Complete transcripts of the chats also will be posted.

- [Visit the Regulatory Site](#)

Hazard Alert: Exercise Caution When Filming from Scissor Lifts

The Occupational Safety and Health Administration issued a hazard alert this week on the dangers of using scissor lifts to film events and functions. Scissor lifts are portable, hydraulic-powered devices that are commonly used by colleges and high schools to film athletic and band activities. Last fall, a 20-year-old university student was killed while filming football practice from a scissor lift when it was blown over by high winds. The alert lists major hazards, including using a lift during high winds or bad weather, overloading it with heavy objects, removing the guardrails during operation and driving the lift on uneven or unstable ground.

- [Read the News Release](#)

OSHA Seeks Nominations for Federal Safety and Health Council

The Occupational Safety and Health Administration is seeking nominations for membership to the Federal Advisory Council on Occupational Safety and Health. FACOSH advises the secretary of labor on issues related to reducing the number and severity of work-related injuries and illnesses among federal workers. The 16-member council is comprised of eight members representing agency management and eight members from labor organizations representing workers. Nominations for three management and three labor vacancies are due by Sept. 6.

- [Read the News Release](#)

DOL Working for You

Apprenticeships Help 2 Men from Diverse Backgrounds

Terrell Leonard was looking to change careers, while Brandan Adkins sought skills in green energy. Both men have succeeded in their goals thanks to the training and education provided by the DOL-funded Ohio's Electrical Trades Center apprenticeship programs. Leonard said he left the corrections industry to learn a trade but feared "learning a skill at an





The Labor Department's Denver Regional Office held an informational and outreach forum June 30 for area employers, workers, community-

based organizations, unions and advocacy groups. More than 125 attended the free half-day event featuring workshops by DOL program specialists on wages, job safety and health, equal employment opportunity, union reporting requirements, women's employment issues and veterans' re-employment rights.

- [View the Slideshow](#)

Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

- [Open Funding Opportunities](#)

EVENTS SPOTLIGHT: OSHA to Hold Safety Summit for AAPI workers in Queens

OSHA will hold a free safety summit at Flushing Town Hall, Queens, N.Y., on Saturday, July 9, to provide safety and health information to workers of Asian and Pacific Islander backgrounds in the New York City area.

- [July 9 — Flushing, NY](#)

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [July 20-21 — Indianapolis, IN](#)

EBSA — Web chat on Regulatory Agenda

- [July 15 — Online](#)

ETA — Web chat on Regulatory Agenda

- [July 14 — Online](#)

MSHA — Web chat on Regulatory Agenda

- [July 14 — Online](#)

OFCCP — ABC's of the AAP

- [July 22 — Los Angeles, CA](#)

OFCCP — Building Partnerships for the Community

- [July 11 — Jackson, MS](#)
- [July 15 — Jackson, MS](#)
- [July 20 — Jackson, MS](#)
- [July 28 — Charlotte, NC](#)

OFCCP — Community Outreach and

older age could be a problem." He is now earning a good wage with benefits through an electrical apprenticeship and one year away from journeyman-wireman certification. Adkins sought training in solar panel installation and is a paid apprentice working on commercial and industrial sites. When he graduates next year, his aim is for "a lifelong career that will take care of me and my family, with great wages and benefits."

EBSA Advisor Recovers Almost \$1 Million in Health Benefits



When an error by a global engineering and construction company, compounded by its auditor's mistake, caused two families to lose health coverage, the Employee Benefits Security Administration's Kristi Gotcher sought to unravel the mess and restore health benefits. Weeks of phone calls with the corporate office and fact checking specific details surrounding the two families followed. Dallas-based Gotcher discovered that paperwork errors and mismanagement needlessly had caused multiple families in the company to have their health coverage dropped. Her hard work and determination led to 66 plan participants recovering almost \$1 million in health care coverage from the company based in Louisiana. Gotcher said she took satisfaction in being able to tell stressed-out parents, "You now have health insurance and can go get your prescriptions filled."

DOL in Action

MSHA Responds to Allegations of Miners Smoking Underground

Last month, the Mine Safety and Health Administration responded to allegations that coal miners were smoking underground at CAM Mining LLC's Mine No. 28 in Pike County, Ky., with a surprise inspection. Ignoring instructions from the federal inspection team not to alert the miners of its arrival, a mine foreman warned miners underground, giving them time to hide any smoking materials. MSHA took the matter to court, and a judge granted a temporary restraining order barring the mine operator from providing advance notification of an MSHA inspection. "Unannounced inspections are a key part of MSHA's effort to identify unsafe and unhealthy conditions, and mine operators who interfere with federal inspectors in their attempts to inspect mines threaten the safety and health of miners," said MSHA Assistant Secretary Joseph Main.

- [Read the News Release](#)

Farmers Insurance to Pay \$1.5M+ in Back Wages

Los Angeles, Calif.-based Farmers Insurance Inc. agreed to pay \$1,520,705 in overtime back wages to 3,459 employees after an investigation by the Wage and Hour Division revealed violations of the Fair Labor Standards Act's overtime and record-keeping provisions at 11 customer service call centers located in Florida, Michigan, Texas, Oklahoma, Kansas and Oregon. Employees routinely performed about 30 minutes of pre-shift work weekly, including turning on work stations, logging onto the phone system and starting software applications for calling duties. The pre-shift time was excluded from official time and payroll records. Farmers Insurance also will comply with the FLSA in the future by properly recording and compensating all hours worked.

- [Read the News Release](#)

Ohio Dentist Sued for Violating Whistleblower Protection Act

The Labor Department has filed a court complaint against Niles Family Dentistry and owner Dr. A. Scott Santucci for violating the Occupational Safety and Health Administration's Whistleblower Protection Act. Santucci is

Education Event

- [July 8 — El Paso, TX](#)
- [July 21 — Richmond, VA](#)

OFCCP — Compliance Assistance Seminar

- [July 21 — Miami, FL](#)

OFCCP — Compliance Assistance Seminar for Construction Contractors

- [July 20 — San Diego, CA](#)
- [July 12 — Webinar](#)
- [July 12 — Ft. Campbell, KY](#)

OFCCP — Compliance Assistance Seminar for Supply & Service Contractors

- [July 13 — Nashville, TN](#)
- [July 21 — Seattle, WA](#)
- [July 27 — Birmingham, AL](#)
- [July 29 — Nashville, TN](#)

OFCCP — DOL Forum - Informational Outreach & Forum for Civil Rights and Faith-Based Organizations

- [July 26 — Philadelphia, PA](#)

OFCCP — Outreach Assistance for New Federal (Non-Construction) Contractors

- [July 20 — Philadelphia, PA](#)

OFCCP — Outreach to Minority and Women's Community-based Organizations

- [July 28 — Baltimore, MD](#)

OFCCP — Outreach to Veterans

- [July 13 — Boston, MA](#)

OFCCP — Outreach to Veterans Coordinator

- [July 25 — Nashua, NH](#)

OFCCP — Outreach Meeting - Southern New Hampshire Services

- [July 25 — Nashua, NH](#)

OFCCP — Outreach Meeting Urban League of Eastern Massachusetts

- [July 15 — Roxbury, MA](#)

OFCCP — Web chat on Regulatory Agenda

- [July 25 — Online](#)

OLMS — Compliance Assistance Seminar

- [July 14 — Charlotte, NC](#)

alleged to have harassed two employees after suspecting them of reporting to OSHA mercury spills at the Niles, Ohio, dental practice. The employees, according to the lawsuit, were later forced to resign. The suit seeks reinstatement of both employees; payment of lost wages and benefits, including interest and punitive damages; and expunction of any mention of their protected activity from employment records.

- [Read the News Release](#)

Chicago Home Depot Store Faces \$55,000 in Fines

A Home Depot store in Chicago has been cited by the Occupational Safety and Health Administration with two repeat and one serious alleged safety violation, including failing to remove damaged equipment. The company faces proposed penalties of \$55,000.

- [Read the News Release](#)

Former Teamsters Officer Sentenced to Prison for Embezzling Funds

Mark W. Tracy, former secretary-treasurer of Teamsters Local 533 in Reno, Nev., was found guilty of using union funds to pay for gambling and personal travel. The Office of Labor-Management Standards began an investigation after receiving information from the union that Tracy had used two union credit cards to charge unauthorized personal expenses. He has been sentenced to two years in prison and three years of supervised release, and ordered to pay a \$10,000 fine and restitution of \$87,119.

Pet Food Facility Cited for Failing to Provide Respirator Protection

All Feed Processing and Packing Inc. has been cited by the Occupational Safety and Health Administration with five health violations for repeatedly failing to provide respirators to workers and monitor their exposure to respirable dust at its Galva, Ill., pet food research and packaging facility. The company faces \$167,090 in proposed fines.

- [Read the News Release](#)

Howard Industries Fined Following Electrocution

Howard Industries has been cited by the Occupational Safety and Health Administration for 17 safety violations totaling \$169,500 following the electrocution of a worker at the company's Ellisville, Miss., plant. "Tragic incidents can be avoided by following OSHA standards," said Clyde Payne, the agency's area director. "It is the employer's responsibility to ensure that workers are trained and provided the appropriate protective equipment so they can perform their duties safely."

- [Read the News Release](#)

Funds Restored to 401(k) Plan of Defunct Sacramento, Calif., Co.

The Labor Department has obtained a consent judgment and order to restore \$46,869 to the 401(k) plan of AC General Engineering Inc., a defunct Sacramento, Calif., company. The Employee Benefits Security Administration found that contributions deducted from employees' paychecks from September 2007 to November 2009 were not forwarded to the plan. The company also failed to collect mandatory employer prevailing wage contributions and fringe benefits owed to former government contract workers. As a result of EBSA's efforts, about 96 participants will be eligible to receive distributions from the plan.

- [Read the News Release](#)

New York Contractor Cited for Safety Violations

Heng Wei Construction Inc. was cited for 11 alleged violations of workplace safety standards at a Manhattan work site after an employee was observed

OLMS — Web chat on Regulatory Agenda

- [July 11 — Online](#)

OSHA — Informal Stakeholder Meetings to Discuss Occupational Exposure to Infectious Diseases

- [July 29 \(AM\) — Washington, DC](#)
- [July 29 \(PM\) — Washington, DC](#)

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

- [July 19-20 — San Diego, CA](#)

OSHA — Web chat on Regulatory Agenda

- [July 11 — Online](#)

OWCP — Town Hall Meetings to assist Nuclear Weapons Workers

- [July 13 — Amherst, NY](#)

VETS — Hire Our Heroes (HOH) Event

- [July 10 — Culver City, CA](#)

WHD — Prevailing Wage Conference 2011

- [July 12-14 — Phoenix, AZ](#)
- [July 20-21 — Honolulu, HI](#)

WHD — Web chat on Regulatory Agenda

- [July 13 — Online](#)

operating an unguarded grinder and not wearing required eye protection. An Occupational Safety and Health Administration inspection verified these hazards and identified several others. The Elmhurst, N.Y., contractor, which has been cited by OSHA before, now faces a total of \$44,220 in fines.

- [Read the News Release](#)

Texas Bakery Cited for 2nd Time in 4 Months

Lone Star Bakery Inc. in China Grove, Texas, has been cited by the Occupational Safety and Health Administration for the second time in four months for exposing workers to safety and health hazards, including failing to ensure that employees participate in a process safety management program, ensure piping and instrumentation diagrams are current and accurate, and use recognized and generally accepted engineering practices to protect tanks containing anhydrous ammonia. For the latest violations, the company faces 18 serious and three repeat violations. Proposed penalties total \$199,600.

- [Read the News Release](#)

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- Court grants temporary restraining order against CAM Mining LLC in Pike County, Ky. [07/07/2011] <http://1.usa.gov/qW2azt> *about 4 hours ago*

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