



DOL News Brief

August 11, 2011

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Solis Lauds Jobs with Justice



With a rousing speech before a crowd of more than 500 workers, students, and labor and faith leaders, Secretary Solis helped Jobs with Justice

celebrate its 24th anniversary in Washington last Saturday. She praised the group for building coalitions to protect vulnerable workers and to raise living standards for housekeepers, domestic caregivers and guest workers. Solis thanked the group for standing up on behalf of guest workers exploited by Vanderbilt Landscaping in Nashville, Tenn. She noted that the company will not be allowed to employ guest workers for the next three years due to its past behavior. "Groups like yours serve an important role, sounding the alarm when guest workers are abused, exploited, underpaid and threatened with deportation. Wage fraud is illegal and it's immoral, and we simply won't stand for it," said Solis.

- [View Slideshow](#)

C-SPAN: Jobs In America

C-SPAN's Washington Journal kicked off a weeklong series, "Jobs In America," by having a conversation with Assistant Secretary Jane Oates of the



Employment and Training Administration. The 40-minute interview focused on department programs available at more than 2,900 One-Stop Career Centers nationwide, President Obama's initiative to support veterans returning to the workforce, Job Corps, Registered Apprenticeships and Trade Adjustment Assistance. The Department of Labor's My Skills, My Future and My Next Move websites were featured prominently throughout the program.

- [Watch the Conversation](#)
- [Visit MySkillsMyFuture](#)

What's Hot

App to Help Workers Beat the Heat

As part of its campaign to help outdoor workers avoid heat illnesses during the scorching summer heat, the Occupational Safety and Health Administration has released a new heat app for Android smart phone users; other platforms will follow soon. The app enables workers to calculate the heat index for their worksite, identify the level of risk on hot days and take the proper precautions to stay safe on the job. "This heat wave threatens outdoor workers who face a greater risk of heat-related illnesses because they can't stay inside and turn up the AC," said Secretary Solis. "Exposure to excessive heat without water, rest and shade can be deadly. This heat app and OSHA's heat campaign materials are geared toward one thing — keeping workers safe."



- [Read the News Release](#)
- [Read the News Release](#) Español
- [Download the App](#)

Around DOL

New Driving Force for Auto Office

The administration's Office of Recovery for Auto Communities and Workers welcomed its latest employee this week, a new director, Jay Williams. He came from Youngstown, Ohio, where he was the youngest mayor in the city's history and gained international attention for his efforts. Williams has seen the struggles that communities face when trying to work toward recovery but also witnessed what can happen when the right people — within state, local and federal governments, and at businesses and philanthropic organizations — come to the table with fresh ideas and the desire to get things done. "I look forward to working with Secretary Solis to help get our talented workforce back to work and to leverage the existing resources of the entire federal government to help strengthen these communities," said Williams.

- [Read the Blog Entry](#)
- [Read the New York Times story](#)

Alliance to Help Keep Wind Workers Safe

The Occupational Safety and Health Administration and the American Wind Energy Association formed an alliance this week to prevent worker exposures to electrical, crane and fall hazards in the wind energy industry. During the two-year agreement, alliance

[Visit My Next Move](#)



participants will develop materials for workers that address wind energy maintenance and

operations hazards. They also will hold forums and raise industry awareness of OSHA's rulemaking and enforcement initiatives. "As part of the emerging green jobs industry, wind energy jobs promise to be kinder to our environment and transform our economy. But these jobs are not necessarily safer for American workers," said Dr. David Michaels, assistant secretary for OSHA. "I am confident that our alliance with AWEA will further OSHA's mission to ensure that wind energy workers are protected from preventable injuries and death."

At the Table: NHLA



Secretary Solis met with Chairwoman Lilian Lopez and other leaders of the National Hispanic Leadership Agenda on Monday to discuss the

department's efforts to protect Latino workers on the job. NHLA board members presented their Hispanic Public Policy Agenda two-year progress, agreeing to continue a dialogue focused on improving the lives of Latinos in six key areas: education, immigration, government accountability, health, civil rights and economic development. Solis highlighted DOL resources available for nonprofit groups that provide workforce training and educational opportunities to the Latino community.

- [View the Slideshow](#)

Helping Employers with Health Care Law

The public needs the best information possible when it comes to the implementation of the Affordable Care Act. Phyllis Borzi, assistant secretary for the Employee Benefits Security Administration, joined private sector experts and colleagues from the U.S. Department of the Treasury to address this issue during the American Bar Association's Annual Meeting in Toronto, Canada. In a Saturday afternoon panel, Borzi provided an overview of how the act impacts employee benefit plans and what employers can do to prepare for provisions that will soon go into effect.

- [Learn More About the Affordable Care Act](#)

Inspiring the Urban Entrepreneurial Spirit



Over the past month, the White House Office of Public Engagement has partnered with the Department of Labor and other federal agencies to host urban

entrepreneurship forums in New Orleans, Atlanta,

International Scene

Solis Praises Action to Enforce Labor Rights in Guatemala

Secretary Solis commended the U.S. trade representative for requesting an arbitral panel in a dispute over labor rights enforcement by Guatemala. "This unprecedented step demonstrates the Obama administration's determination to enforce the labor obligations that form an integral part of the United States' free trade agreements," she said in a statement. "We are committed to ensuring that U.S. businesses and workers compete on a level playing field. Guatemala's persistent failure to address the systemic problems with its labor law enforcement has left the United States with no choice other than to pursue this enforcement action."

- [Read the Statement](#)
- [Read the Statement](#) Español
- [Read the USTR News Release](#)

DOL Working for You

Paper Mill Worker Becomes Computer Pro

Terry Lee loved to fix computers — so much that he thought the IT field would be a good second career someday. As fate would have it, when Lee lost his job as a laborer at a Louisiana paper mill, he used tuition aid provided by the Trade Adjustment Assistance Act to enroll in technology courses. He took classes in networking, computer hardware and software, and security infrastructure. Eighteen months later, he graduated with an associate degree in applied sciences. Today, Lee works as a computer technician at a large, local hospital. The TAA program, Lee said, allowed him to "afford an education [and] fulfill my dream."



STEM Grant Helps IT Professional Land Health Care Job



Karl Wilson was already an experienced IT professional at a management company in Oregon. But he decided to leave that position to seek better job prospects in the promising health care information field. Through a science, technology, engineering and mathematics grant awarded by the Labor Department to Oregon's Worksystems Inc., a

nonprofit workforce agency, Wilson was able to receive advanced training at

New York and Philadelphia. Each forum provided an opportunity to discuss best practices with urban entrepreneurs and hear their feedback on how the administration and private sector can support their growth and success in the global economy. For example, at Temple University's Fox Business School in Philadelphia, DOL Regional Public Affairs Director Leni Uddyback-Fortson hosted a panel on leveraging public-private partnerships to support minority- and women-owned business enterprises.

Kyrgyzstan Officials Visit DOL

A delegation of officials from Kyrgyzstan met with members of the Office of Public Affairs this week as part of a multi-city tour. The delegation arrived at



the Frances Perkins headquarters building and spent time learning how the department works with the media and touring an in-house audio-visual studio. They asked questions ranging from soliciting advice about online media strategies to addressing the department's role in protecting workers domestically and abroad. The international representatives left with a new perspective on how to manage labor-related public affairs in their 20-year old nation.

Hawaii Partnership Will Protect State's Workers



The Department of Labor's Wage and Hour Division has signed an agreement with the Hawaii Department of Labor and Industrial

Relations to help ensure compliance with labor laws to protect Hawaiian workers. George Friday Jr., the division's regional administrator, signed a memorandum of understanding last month with Dwight Takamine, Hawaii's labor director, agreeing to a framework for collaboration.

DOL Officer Highlights Workforce Recruitment Successes

Gene Sexton, DOL's deputy chief human capital officer, spoke at a Workforce Recruitment Program awards ceremony last Friday at the department. The Workforce Recruitment Program



Portland Community College. Wilson said the training was challenging, but he knew it "would make me a better employee." After months of course work in electronic medical record keeping, Wilson recently landed his "dream job" as a health information analyst at a local health care company.

News You Can Use

New Tool Considered to Fight Pay Discrimination

The Office of Federal Contract Compliance Programs is exploring the development of a new tool to collect information on salaries, wages and other benefits paid to employees of federal contractors and subcontractors. This week, the agency published a notice in the Federal Register, inviting the public to comment on the proposed instrument, which could help provide evidence of pay discrimination. "Pay discrimination continues to plague women and people of color in the workforce," said OFCCP Director Pat Shiu, a member of the National Equal Pay Enforcement Task Force. "This proposal is about gathering good data, which leads to good public policy and strengthens our hand when it comes to protecting workers."

- [Read the News Release](#)
- [Read the Proposal](#)

Accepting Nominations to Honor Leaders Against Child Labor

Nominations are being accepted for the Labor Department's 2011 Iqbal Masih Award, which recognizes leaders in the fight to end the worst forms of child labor. It is presented in honor of the extraordinary courage and tragedy of Iqbal Masih, who was sold into slavery at age 4 and escaped at 12 to become an outspoken advocate against child labor before he was killed in Pakistan. Information on the nominating process was published in the Aug. 9 edition of the Federal Register. The deadline is Sept. 30.

- [Read the Federal Register Notice](#)

DOL in Action

Dick's Sporting Goods Cited for Endangering Workers

Dick's Sporting Goods has been cited by the Occupational Safety and Health Administration for repeat and serious violations after an inspection of the retail chain's Queensbury, N.Y., store found employees exposed to crushing and confined space hazards, including periodically entering a trash compactor that had not been de-energized. In addition, potential fire hazards were created by blocked fire extinguishers and failure to train employees in their proper use. Proposed fines total \$57,300.

- [Read the News Release](#)

Mine Operator Agrees to Pay \$900,000+ in Penalties

R & D Coal Co., an anthracite mining operation in Tremont, Pa., has agreed to withdraw its contests of violations and proposed penalties totaling \$905,825 issued by the Mine Safety and Health Administration in conjunction with the October 2006 death of a miner. MSHA's investigation found that a methane explosion occurred in an inadequately ventilated area when an unconfined shot was detonated. Investigators identified and cited 10 violations, six of them flagrant, that directly contributed to the cause of the accident, including failure to comply with approved ventilation and roof control plans. The company also engaged in poor blasting practices, assigned unqualified personnel to blasting work and conducted improper pre-shift examinations. The penalties levied against R&D marked the first time violations were assessed under MSHA's flagrant violation provision of the Mine Improvement and New Emergency Response Act of 2006.

- [Read the News Release](#)

for College Students with Disabilities connects federal sector employers with highly motivated postsecondary students and recent graduates with disabilities. The program is co-sponsored by the department's Office of Disability Employment Policy and the Department of Defense. Capt. Kenneth J. Barrett of the U.S. Navy also delivered remarks, as well as Lia Jacobsen, a former WRP student. This year alone, more than 500 students and recent graduates have been hired in 18 agencies across the country and abroad. Five outstanding WRP students received awards.

- [View the Slideshow](#)

Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

- [Open Funding Opportunities](#)

EVENTS SPOTLIGHT: Training for Michigan Area Union Officials on Reporting, Record keeping and Election Requirements

The Office of Labor-Management Standards invites Michigan-area union officials to attend one of three compliance events to be held in Michigan on Aug. 23, 24 and 25 that will cover the requirements of the Labor-Management Reporting and Disclosure Act. This federal law addresses financial reporting, record keeping and election requirements of labor unions.

Learn More:

- [Aug. 23 — Madison Heights, Mich.](#)
- [Aug. 24 — Coopersville, Mich.](#)
- [Aug. 25 — Petoskey, Mich.](#)

EBSA — Multi-Subject Compliance Seminars

- [August 25 — Dallas, TX](#)
- [September 14 — Dallas, TX](#)

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [August 24-25 — Boise, ID](#)

EBSA — Taking the Mystery out of Retirement Planning Workshop

- [August 16 — Seattle, WA](#)

EBSA — Voluntary Fiduciary Correction Program

- [August 16 — Chicago, IL](#)

MSHA — Surface Haulage Mine Safety Workshop

- [August 23-24 — Beckley, WV](#)

OASAM — Small Business

Ohio Company Cited for 38 Serious Violations

The Occupational Safety and Health Administration has cited MM Industries for 38 serious safety and health violations at its Salem, Ohio, facility. The company was fined for failure to guard machinery and provide personal protective equipment to its workers. The facility fabricates filtration systems. Proposed fines total \$102,600.

- [Read the News Release](#)

Illinois Excavator Cited for Cave-in Hazards

Martin & Company Excavating Inc., an underground utility construction and earth-moving company in Oregon, Ill., has been cited by the Occupational Safety and Health Administration with four safety violations for failing to protect workers from cave-ins during trenching operations at its Forreston work site. The company faces proposed penalties of \$69,300 following a May inspection, which was conducted under the agency's Trenching and Excavation National Emphasis Program.

- [Read the News Release](#)

Grant to Help Laid-Off Workers of Pennsylvania RV Maker

The Department of Labor provided a \$670,000 National Emergency Grant to the Pennsylvania Department of Labor and Industry for re-employment services to help approximately 145 laid-off workers from FTCA Inc.'s Somerset plant. FTCA closed its travel trailer and recreational camper manufacturing facility in January. The grant will provide dislocated workers with access to supportive services not available through the Trade Adjustment Assistance program.

- [Read the News Release](#)

Colorado Dairy Co., Subcontractor Hit with 47 Violations

Meadow Gold Dairies of Englewood, Colo., and its Denver-based subcontractor, Tolin Mechanical, has been cited by the Occupational Safety and Health Administration for 47 safety and health violations. The action followed an inspection under OSHA's Site-Specific Targeting Program for high-hazard work sites, including facilities with hazardous chemicals. Willful violations involved employee exposure to a potential hazardous release of anhydrous ammonia. The employer failed to implement a required mechanical integrity program. Fines totaled \$326,300.

- [Read the News Release](#)

New Orleans Builder Sued After Wage Violations Found

The department has filed a lawsuit against Peter R. Pocrelo Construction Inc. in New Orleans, La., to prevent the company from obtaining government contracts for three years. An investigation by the Wage and Hour Division found that Peter R. Pocrelo Construction did not ensure its subcontractors paid employees prevailing wage rates and proper overtime as required by the Davis-Bacon Act and the Contract Work Hours and Safety Standards Act. "The rules were laid out in the bidding process and when the job was awarded," said Cynthia Watson, the division's regional administrator. The company was contracted on a federally funded construction project to build apartments in New Orleans.

- [Read the News Release](#)

2 Railroads Ordered to Pay Nearly \$264,000 to Whistleblowers

Two railroad companies, Metro North Commuter Railroad Co. and Norfolk Southern Railroad Co., were cited by the Occupational Safety and Health Administration for violating the whistleblower provisions of the Federal Railroad Safety Act. The railroads retaliated against employees who

Contracting Opportunities Summit:
Helping Small Businesses Grow to
Create Good Jobs for Everyone

- [August 26 — San Francisco, CA](#)

OFCCP — AAP Development and
Preparing for a Desk Audit

- [August 18 — Los Angeles, CA](#)

OFCCP — Building Partnerships for
the Community

- [August 12 — Jackson, MS](#)
- [August 18 — Charlotte, NC](#)
- [August 19 — Jackson, MS](#)
- [September 7 — Charlotte, NC](#)
- [September 15-16 — Jackson, MS](#)

OFCCP — Community Outreach and
Education Event

- [August 18 — Richmond, VA](#)
- [September 8 — Richmond, VA](#)

OFCCP — Compliance Assistance
Seminar

- [August 18 — Miami, FL](#)

OFCCP — Compliance Assistance
Seminar for Construction
Contractors

- [August 21 — Yazoo City, MS](#)
- [August 25 — Memphis, TN](#)
- [August 25 — San Francisco, CA](#)
- [September 8 — Memphis, TN](#)

OFCCP — Compliance Assistance
Seminar for Supply & Service
Contractors

- [August 17 — Birmingham, AL](#)
- [August 18 — Memphis, TN](#)
- [August 23 — Portland, OR](#)
- [August 24 — Portland, OR](#)
- [August 24 — Nashville, TN](#)
- [August 30 — San Diego, CA](#)
- [August 31 — Nashville, TN](#)
- [September 1 — Memphis, TN](#)
- [September 7 — Nashville, TN](#)
- [September 7 — Birmingham, AL](#)
- [September 14 — Nashville, TN](#)
- [September 15 — Memphis, TN](#)

OFCCP — DOL Information and
Outreach Forum

- [August 19 — San Antonio, TX](#)
- [August 20 — San Antonio, TX](#)

OFCCP — Educational Outreach

reported on-the-job injuries. The Norfolk Southern worker's employment was terminated, and the Metro North employee was denied a promotion and forced to pay medical expenses. Norfolk Southern has been ordered to pay its former employee \$122,199 in damages and fees; Metro North has been ordered to promote its employee and pay him more than \$141,000 in damages and fees. The Metro North fine includes \$125,000 in punitive damages, the largest amount ordered to date in an FRSA investigation.

- [Read the Metro North News Release](#)
- [Read the Norfolk Southern News Release](#)

\$16 Million for Ohio to Rebuild After Floods

In response to severe spring flooding in Ohio, the department has awarded a \$16,233,360 National Emergency Grant to create 1,144 temporary jobs for cleanup and recovery efforts. "The destruction caused by the floods this spring has placed a terrible strain on thousands of Ohioans, and they need to know their government stands with them as they work to make their communities whole again," said Secretary Solis. "These funds will help local workers provide for their families as they raze destroyed buildings, repair buildings, and clear streets and streams of debris. After natural disasters like this, it's critical that Washington steps up to help residents rebuild their neighborhoods and families rebuild their lives."

- [Read the News Release](#)
- [Visit the FEMA Disaster Website](#)

Georgia Coffee and Tea Manufacturer Cited

The Excelso Coffee and Tea Co. has been cited by the Occupational Safety and Health Administration for 19 safety violations at the company's Norcross, Ga., manufacturing facility for exposing workers to hazards associated with combustible dust. OSHA began its inspection in April as part of its Site-Specific Targeting Program, which focuses enforcement efforts on industries that report high injury rates. Penalties total \$46,550.

- [Read the News Release](#)

Back Wages, Damages Sought from Puerto Rico Security Co

The department has sued MJR Security Police Inc. of San Juan, Puerto Rico — and company officers Rosa Rosario Adorno and Ismael Rivera Rosario — for alleged violations of the federal Fair Labor Standards Act. The lawsuit was filed following an investigation by the Wage and Hour Division, which found that the defendants had denied overtime compensation to 151 employees and failed to maintain accurate payroll records. The suit asks the court to award the employees back wages and liquidated damages, as well as for an injunction to prohibit the defendants from violating the FLSA again in the future.

- [Read the News Release](#)

American Pulverizer Cited for 33 Safety Violations

St. Louis, Mo.-based manufacturer American Pulverizer Co. has been cited by the Occupational Safety and Health Administration for 31 serious, one repeat and one other-than-serious safety violation. OSHA's inspection of the reduction equipment manufacturing facility was initiated in February under a local emphasis program focused on electrical safety in general industry establishments. Proposed penalties total \$121,100.

- [Read the News Release](#)

New Union Election Ordered in Las Vegas

Officers of the American Federation of Government Employees Local 1224 in Las Vegas, Nev., have agreed to a new, supervised election for the office of president. An investigation by the Office of Labor-Management Standards found that the union denied members in good standing their right to vote by

[August 12 — Nashua, NH](#)

- [August 16 — Edison, NJ](#)
- [August 17 \(AM\) — Worcester, MA](#)
- [August 17 \(PM\) — Worcester, MA](#)

OFCCP — How to Prepare & Comply with an OFCCP Construction Compliance Review

- [August 31 — Los Angeles, CA](#)

OFCCP — Industry Liaison Group Meeting

- [September 6 — Nashville, TN](#)

OFCCP — Informational Outreach & Forum for Community Based Organizations

- [August 17 — Philadelphia, PA](#)

OLMS — Compliance Assistance Seminar

- [September 1 — Philadelphia, PA](#)
- [September 7 — Philadelphia, PA](#)
- [September 15 — Harrisburg, PA](#)

OSHA — First National Conference on Eliminating Health and Safety Disparities at Work

- [September 14-15 — Chicago, IL](#)

WB — Stand Down for Women Veterans

- [August 20 — San Antonio, TX](#)
- [September 10 — Tampa, FL](#)

WHD — Beacon FLSA Presentation

- [August 22 — Rocky Mount, NC](#)

WHD — Prevailing Wage Conference 2011

- [August 16-18 — Las Vegas, NV](#)

WHD — Wake Electric Cooperative Roundtable FLSA Presentation

- [August 12 — Youngsville, NC](#)

failing to mail ballots to all eligible members in a January election. OLMS offers voluntary compliance agreements to encourage corrective action when an investigation reveals violations of the law that may have affected the outcome of a union officer election. The election, which will be overseen by OLMS, is expected to be held by early November.

Phoenix Company Fined for Gas Line Safety Problems

NPL Construction Co. of Phoenix, Ariz., has been cited by the Occupational Safety and Health Administration for two safety violations after exposing workers to excavation hazards while connecting an underground natural gas line in Auburn, Ala. While traveling near Auburn, OSHA inspectors passed an open excavation where workers were not being protected from cave-ins. After beginning an inspection, OSHA removed the workers from the trench. Later, one of the walls of the excavation collapsed. Penalties total \$73,000.

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

Red Lobster Workers in Texas to Receive Back Wages

Following an investigation by the Wage and Hour Division that found violations of the Fair Labor Standards Act, Darden Restaurants Inc., doing business as Red Lobster in Lubbock, has agreed to pay \$27,427 in back wages to 109 servers. The investigation found that workers were allowed to clock in once customers were seated, instead of at the start of their scheduled work shifts as required by the FLSA. The company also was assessed \$23,980 in civil money penalties.

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

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<http://t.co/kZZHJ0g> More great images on Flickr
<http://t.co/EIQHz25>
<http://t.co/kLHFg3a> about 5 hours ago
- #dolheatapp New App allows workers/supervisors to calculate heat index for their worksite and displays a risk level.

<http://t.co/x5XJRyO> about 5 hours ago

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