



DOL News Brief

August 18, 2011

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DOL and Commerce at SEDC 2011



This year's Southeast Economic and Workforce Development Conference welcomed Assistant Secretary for the Employment and

Training Administration Jane Oates and Department of Commerce Assistant Secretary John Fernandez to Asheville, N.C., for a joint address on the event's theme: "Pathways to Success: From Ideas, Innovations & Talent Development to Jobs." Both spoke about recently launched administration programs, including Strong Cities, Strong Communities and the Jobs and Innovation Accelerator Challenge, to jump-start innovation-fueled job creation.

What's Hot

Solis Goes West

The dangers of working outdoors in hot weather, as well as hot topics such as jobs and the economy, were on the agenda during Secretary Solis' visit to three western states last week. Her tour started with a jam-packed schedule in New Mexico, where she met with leaders of the Albuquerque Hispano Chamber of Commerce to discuss the administration's efforts to create jobs and her mission to keep workers safe. Solis took the safety message further by dropping in on an Occupational Safety and Health Administration-funded training session for outdoor workers who may be exposed to extreme heat.



Then it was off to meet with tribal leaders at the National Indian Youth Council to get feedback on DOL programs for the Native American community. In Utah the next day, Solis paid a visit to employees at the department's Salt Lake Technical Center, touring the state-of-the-art facility that does scientific behind-the-scenes work for OSHA.

Later, she lunched with members of the Salt Lake City Hispanic Chamber and participated in a lively discussion on topics ranging from small business issues to worker training. Solis ended her western swing in Las Vegas, Nev., where she met with local Hispanic community leaders and delivered a closing keynote address to more than 1,000 members of the Plumbers Union.

- [View the Slideshow](#)

MSHA Heads (Mid)west

Aggregates

associations from six states travelled to Collinsville, Ill., on Monday to greet Mine Safety and Health Administration



Assistant Secretary Joseph Main as he toured Midwest underground and surface facilities. During remarks to the aggregates associations, Main highlighted the importance of education and training and discussed agency enforcement and work to improve consistency. "Mines all across this country operate every day while adhering to sound health and safety programs," he said. "There is no reason that every mine cannot do the same." Main spent Tuesday with Neal Merrifield, MSHA administrator for metal and nonmetal, in an underground stone mine and two surface gravel operations in Illinois with local miners represented by the Laborers, Operating Engineers and Teamsters unions.

- [View the Slideshow](#)

Court Orders \$934,000 in Back Wages for 30 Restaurant Workers

Two La Nopalera restaurants in Jacksonville, Fla., and their owners have been ordered to pay 30 employees \$934,425 in back wages and liquidated damages under the terms of consent judgments issued by the U.S. District Court for the Middle District of Florida. The agreements resolve a lawsuit based on an investigation by the Wage and Hour Division that alleged violations of the Fair Labor Standards Act. "All workers deserve to be paid fairly, and the Labor Department will hold accountable employers that take advantage of their employees," said Secretary Solis. "We want workers to know we will defend their rights to compensation for all hours worked, and we want companies that play by the rules to know we will take action against those that use illegal tactics to gain a competitive advantage."

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

OSHA, Construction Companies

Team Up to Beat Florida's Heat



This summer, South Florida broke its record set in 1952 for most consecutive days over 90 degrees. The Occupational Safety and Health

Administration's area offices in Florida sponsored a Heat Stand-Down and Seminar to inform construction workers of their need to take heat illness seriously when working outdoors. Companies stopped work on job sites around the state on Aug. 15 to talk to their workers about preventing such illness. "Workers die from heat-related stroke or illness every year, and every one of these deaths is preventable," said Cindy Coe, OSHA's regional administrator. "We are glad that the construction industry recognizes the importance of this issue and is supporting OSHA's heat illness prevention campaign."

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

Subscribe to Faith-based & Neighborhood Partnerships News

Stay informed of the exciting work at the department's Center for Faith-based and Neighborhood Partnerships by subscribing to its quarterly news update. The first issue highlights recent work with job clubs and worker centers.



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- [Subscribe to the Newsletter](#)

OSHA's Consulate Outreach



As part of the Occupational Safety and Health Administration's outreach efforts to Latino communities, Diana Cortez, regional

diverse workforce coordinator, recently addressed officials and staffers from the El Salvadoran and Guatemalan consulates in New York City and New Jersey. Cortez informed them of OSHA's roles and responsibilities, workers' right to a safe and healthful workplace, the right to file an OSHA complaint, OSHA's heat illness public awareness campaign and other topics. The goal was to establish a relationship with the consulates to

International Scene

WB Hosts Grassroots Leaders from 23 Countries

Last week, Women's Bureau Director Sara Manzano-Díaz hosted an international delegation of grassroots leaders from 23 countries to discuss the U.S. government's support for women in the workplace, including efforts to promote equal pay. Manzano-Díaz shared the bureau's vision to empower all working women to achieve economic security and initiated a spirited dialogue on topics such as public/private partnerships, the need for more sex-disaggregated data, maternity leave and violence against women. She also emphasized that group members could learn from each other and find good ideas within their countries.



DOL Working for You

Worker Lands Employment in Green Jobs Marketplace



Former electrician Ronald Patton has a new career in the emerging green jobs field, thanks to the department's Pathways Out of Poverty funding. Patton, who was unemployed, enrolled in Green-Up Bridgeport, an employment program of DOL grantee Workplace Inc., known as Southwestern Connecticut's Regional Workforce Board. He eventually graduated with a multitude of certificates in various green job skills and now works for a local asbestos and lead removal business. He also has joined Connecticut Laborers' Local 665, earning a good union wage. Patton

welcomed the program's help because it "was a new beginning which gave me an opportunity to stand on my own two feet again."

Job Corps Grad Enters Nursing Field

Elizabeth Fisher is taking full advantage of the country's need for trained nurses since receiving education from Pennsylvania's Keystone Job Corps Center. Through Keystone's nursing program, Fisher learned such skills as phlebotomy, taking vital signs, blood pressure and pulse measurements, and how to dispense medication. She graduated in 2010 and now works at a local retirement community. "My mission in life is to help people," Fisher said. The Keystone program gave her "a lot of opportunity" to succeed. Since 2003, the Keystone Job Corps Center has graduated approximately 70 licensed practical nurses.



News You Can Use

Helping Consumers Better Understand Their Health Coverage

Rules proposed to implement a provision of the Affordable Care Act would enable consumers to easily understand their health coverage and determine the best health insurance options for themselves and their families. Employers would also be assisted in finding the best coverage for their employees. Under the proposal, insurers and health plans would provide consumers with an easy to understand summary of benefits and coverage and a uniform glossary of terms commonly used in health insurance coverage, such as "deductible" and "co-pay." Once finalized, the information furnished under these rules would be a critical resource for more than 180

better provide information to the hundreds of people, especially low-wage and vulnerable workers, who visit the consulates daily.

"Consulates are an important link to workers we otherwise might not reach with vital information about occupational hazards and employees' rights to work without being injured, killed or made sick by their jobs," said Cortez.

- [View the Slideshow](#)

OWCP Increases Effectiveness

Acting Director of the Office of Workers' Compensation Programs Gary Steinberg brought managers and senior leadership together last week in Kansas City, Mo, to develop a plan to better align the agency's four divisions while improving services and outcomes. The conference was aimed at developing strategies to ensure the processing of claims and payment of benefits for injured workers covered under OWCP's programs is efficient and of the highest quality. It also focused on strategies to help improve return to work initiatives, enhance and expand internal and external communications, and create a high quality work environment for OWCP employees. "The benefits OWCP provides are vital to the health and well-being of the workers and family members we serve," said Steinberg. "We must continuously improve the work within our agency so workers have every opportunity to receive the medical treatment required to recover, the monetary benefits needed to continue their lives, and the rehabilitation and training assistance to, if able, return to work."

Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

- [Open Funding Opportunities](#)

EVENTS SPOTLIGHT: Contracting Opportunities Conference for Small Businesses in California
The Employment and Training Administration, including its Job Corps program, is offering a free conference Aug. 26 in San Francisco to help small business owners learn about procurement opportunities, attend "matchmaking" sessions and discuss helping small businesses grow and create local jobs. A tour of the Treasure Island Job Corps Center is available.

- [Learn More](#)

EBSA — Compliance Assistance Seminar on HIPAA and Other Health Benefit Laws

- [August 24-25 — Boise, ID](#)

million consumers with private health insurance coverage.

- [Read the News Release](#)
- [Read the Fact Sheet](#)

Employee Benefits Security Administration to Hold Compliance Webcast

The Employee Benefits Security Administration will host a webcast on Aug. 24 to inform plan sponsors and service providers about the agency's enforcement program and how to prepare for a possible investigation. The webcast will run from 2 to 3:30 p.m. EDT and highlight the EBSA Voluntary Fiduciary Correction Program, which encourages plan sponsors and service providers to self-correct violations of the Employee Retirement Income Security Act.

- [Register for the Webcast Today](#)

DOL in Action

BNSF Ordered to Pay More Than \$300,000 to Suspended Whistleblower

The Occupational Safety and Health Administration has ordered Burlington Northern Santa Fe Railway Co. in Seattle, Wash., to pay an employee more than \$300,000 representing back wages, compensatory damages, attorney's fees and punitive damages. The employee filed a complaint with OSHA, alleging that she was suspended without pay for 30 days after notifying the company of a work-related injury. OSHA's investigation substantiated the allegation and found reasonable cause to believe that the railroad had retaliated against the worker in violation of the Federal Railroad Safety Act's whistleblower protection provisions.

- [Read the News Release](#)

Grant to Assist Wisconsin Manufacturing Workers

The Department of Labor provided a \$918,010 National Emergency Grant to help approximately 325 laid-off all-terrain vehicles workers from Polaris Industries in Osceola, Wis., and Robin Manufacturing U.S.A. Inc. in Hudson, Wis. The grant is being awarded to the Wisconsin Department of Workforce Development and will offer eligible workers industry-related basic skills and entrepreneurial training, among other services.

- [Read the News Release](#)

Department Seeks Back Wages for Workers at 7 Nebraska Restaurants

The department is seeking back wages and damages for workers at seven Asian restaurants in Nebraska, based on investigations by the Wage and Hour Division. Lawsuits filed by the department in federal court allege violations of the Fair Labor Standard Act's minimum wage, overtime and record-keeping provisions by the Season's Buffet restaurant in Omaha and four China Buffet restaurants in Omaha, Bellevue and Lincoln. A separate investigation of HM Enterprises LLC, operator of two Omaha restaurants, resulted in the company agreeing to pay back wages without litigation.

- [Read the News Release](#)

All-Feed Processing & Packaging Ordered to Allow Inspection or Pay

Magistrate Judge John Gorman of the U.S. District Court for the Central District of Illinois has ordered All-Feed Processing & Packaging Inc., headquartered in Alpha, to allow the Occupational Safety and Health Administration to conduct full-shift monitoring of employees' exposure to dust and noise under normal plant operating conditions without interference

- [September 21-22 — Troy, NY](#)

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](#)

MSHA — Surface Haulage Mine Safety Workshop

- [August 23-24 — Beckley, WV](#)

OASAM — Small Business 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

- [September 22 — Los Angeles, CA](#)

OFCCP — Building Partnerships for the Community

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

OFCCP — Community Outreach and Education Event

- [September 8 — Richmond, VA](#)
- [September 22 — Richmond, VA](#)

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](#)
- [September 22 — Memphis, TN](#)

OFCCP — Compliance Assistance Seminar for Supply & Service Contractors

- [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](#)

– or face fines. After finding the company in contempt for failing to allow OSHA to inspect its pet food research and packaging facility in Galva, the judge imposed a daily fine of \$500.

- [Read the News Release](#)

Modern Plumbing and Affiliates in Texas to Restore 401(k) Losses

Following an Employee Benefits Security Administration investigation, the department entered a consent judgment in federal district court requiring \$28,504 be restored to the Modern Plumbing Co. Inc. 401(k) Plan, resolving a lawsuit alleging violations of the Employee Retirement Income Security Act by Modern Plumbing Co. Inc., Modern Plumbing Supply Inc., Modern Air Conditioning Inc. and Albert Lloyd Hollub, one of the companies' majority owners. EBSA found that employee contributions made between January 2005 and December 2008 were not timely segregated and remitted to the plan.

- [Read the News Release](#)

Unsafe, Unhealthy Working Conditions Cited at Hill AFB

The Occupational Safety and Health Administration issued notices to Hill Air Force Base in Ogden, Utah, for 32 serious and eight other-than-serious violations of safety and health standards. Some involve employees' exposure to air contaminants, including hexavalent chromium, cadmium and methylene chloride; improper confined space entry procedures; and failure to properly record injuries and illnesses. OSHA also cited contractor Affordable Engineering Services LLC for 12 serious safety and health violations related to exposing workers to hazardous contaminants. Proposed penalties total \$51,850.

- [Read the News Release](#)

Nearly \$511K in Back Wages, Benefits for Security Guards Sought

The department has filed a lawsuit to recover \$510,991 in back wages and fringe benefits owed to 231 Fort Sam Houston security guards in San Antonio, Texas. An investigation by the Wage and Hour Division found that Chattanooga, Tenn.-based Metropolitan Security Systems Inc., doing business as Walden Security, and company officer Curtis Hoosier, violated the McNamara O'Hara Service Contract Act and the Contract Work Hours and Safety Standards Act. The company failed to pay employees the proper prevailing wage rates and overtime compensation for hours worked in excess of 40 per week and made payroll deductions for employee lunch breaks while they were still on duty. The suit, filed with the department's Office of Administrative Law Judges, also asks the court to debar both defendants from obtaining government contracts for a three-year period.

- [Read the News Release](#)

Alabama Manufacturer Cited for Combustible Dust, Other Hazards

The Intercontinental Packaging Inc. was cited by the Occupational Safety and Health Administration for 24 safety violations at the company's Opelika, Ala., plant, including exposing workers to hazards associated with combustible dust. OSHA conducted an inspection in May as part of its national emphasis programs on combustible dust and amputations, and a regional emphasis program on powered industrial trucks. Proposed penalties total \$54,880.

- [Read the News Release](#)

New Union Election Ordered in San Francisco

Officers of the American Federation of Government Employees Local 1546

- [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

- [August 23 — Augusta, ME](#)
- [August 27 — Providence, RI](#)

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 — Outreach NAACP Career Fair

- [August 25 — Boston, MA](#)

OLMS — Compliance Assistance Seminar

- [August 23 — Madison Heights, MI](#)
- [August 23 — Richmond, VA](#)
- [August 24 — Coopersville, MI](#)
- [August 25 — Petoskey, MI](#)
- [August 30 — Hagerstown, MD](#)
- [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 26-27 — Boston, MA](#)
- [August 27 — San Antonio, TX](#)
- [September 10 — Tampa, FL](#)

WHD — Beacon FLSA Presentation

- [August 22 — Rocky Mount, NC](#)

WHD — Labor Rights Week Events

- [August 29 — Cicero, IL](#)
- [August 30 — Bensenville, IL](#)
- [August 31 — Chicago, IL](#)
- [September 1 — Waukegan, IL](#)

in San Francisco, Calif., have agreed to a new, supervised election for the offices of first vice president and treasurer. An investigation by the Office of Labor-Management Standards found that the union improperly disqualified two candidates in its January election. OLMS will oversee the new election, which is expected to be conducted in 2011.

Buffalo Framing and Truss Cited with Serious, Repeat Violations

The Occupational Safety and Health Administration has cited Austin, Texas-based Buffalo Framing and Truss for numerous violations at four multi-family town home construction sites in Dripping Springs, including failing to provide training on the hazards of working on scaffolding, to ensure workers operating pneumatic and electrical power tools were utilizing eye protection and to ensure electrical cords were properly maintained. The inspection was part of OSHA's regional emphasis program on construction hazards. Proposed penalties total \$58,100.

- [Read the News Release](#)

WHD Conducts Concentrated Law Enforcement Effort in Oklahoma

The department's Wage and Hour Division has found minimum wage and overtime violations of the Fair Labor Standards Act in 12 western Oklahoma businesses. The companies located in Elk City and Woodward have collectively agreed to pay \$49,462 in back wages to 108 employees. Investigators determined that some employees were paid "straight time" for all hours worked, including those over 40 in a week. Additionally, some employers failed to maintain the required record keeping and made illegal deductions such as charging employees for a background check, resulting in wages falling below the federal minimum wage of \$7.25 an hour. "We are determined to invest resources where they will have a comprehensive and statewide impact, said Cynthia Watson, regional administrator for the Wage and Hour division in the Southwest.

- [Read the News Release](#)

Crown Battery Manufacturing Co. Cited for Exposing Workers to Lead

Crown Battery Manufacturing Co. in Fremont, Ohio, has been cited by the Occupational Safety and Health Administration for three health violations, which relate to exposing employees to lead hazards. Repeatedly failing to take basic safety precautions to protect workers from known workplace hazards such as lead is unacceptable," said Kimberly Nelson, OSHA's area director in Toledo. The company faces penalties totaling \$97,000 following a February inspection

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WHD Strike Force Targets Western NC Farms, Contractors

A Wage and Hour Division strike force has been deployed to western North Carolina to determine compliance of farmers and farm labor contractors with federal labor laws. Last year, 100 percent of those investigated in the area during the tomato harvest were in violation of either the Fair Labor Standards Act or the Migrant and Seasonal Agricultural Worker Protection Act. "The Labor Department is committed to ensuring that agricultural employers understand their responsibilities and workers understand their rights," said Richard Blaylock, the agency's district director.

- [Read the News Release](#)

SEI Environmental, President Sued to Restore 401(k) Plan Contributions

The department has sued defunct consulting company SEI Environmental Inc. of Nashville, Tenn., and its president, Wiley McAllen Finley, to force the

- Thanks for letting us know the previous link didn't work...try this: <http://t.co/dOxTPZA> [about 3 hours ago](#)
- Labor explores developing a data tool to combat pay discrimination: <http://t.co/4SyxMw5>, a priority for the #WomensBureau and OFCCP [about 3 hours ago](#)

repayment of employee contributions totaling \$10,717 following an investigation by the Employee Benefits Security Administration. The department also alleges that the defendants owe the retirement plan lost interest and opportunity costs, as \$117,274 in employee contributions were delayed in being deposited to the plan between January 2007 and December 2008.

- [Read the News Release](#)

WHD Finds 12 Western Oklahoma Businesses in Violation of FLSA

The Wage and Hour Division has found 12 businesses in Elk City and Woodward, Okla., in violation of minimum wage and overtime provisions of the Fair Labor Standards Act. The companies collectively have agreed to pay \$49,462 in back wages to 108 employees. Investigators determined that some employees were paid "straight time" for all hours worked, including those over 40 in a week. Additionally, some employers failed to maintain required record keeping and made illegal payroll deductions, such as charging employees for a background check, resulting in wages falling below the federal minimum wage of \$7.25 an hour.

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