



DOL News Brief

October 13, 2011

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POTUS, Solis to Steel City: Jobs!

The future of our American workforce was proudly on display at the International Brotherhood of



Electrical Workers' Pittsburgh job training facility on Tuesday. Local community, business and union leaders gathered to hear President Obama promote the American Jobs Act and highlight partnerships between labor unions and management to create state-of-the-art job training programs. Secretary Solis fired up the crowd before the president's talk. In a rousing cap to her speech, Solis shouted, "So how about it Pittsburgh? Do you have this president's back? Because we've got yours, and we're fired up! We're ready to fight on for jobs and for all those families who are struggling right now." Earlier in the day, Solis met with



local community, business and union leaders about how to put America back to work and led a session on workforce

development with White House Domestic Policy Council Director Melody Barnes. Together, they fielded questions from the audience and joined members of the president's Council on Jobs and Competitiveness in discussing how the federal government can support workforce development on a larger scale. "In challenging times like these, when everyone has to do more with less, this kind of partnership is not only beneficial — it's critical," said Solis.

- [Learn More about the Council](#)

Solis, Trailblazer Huerta Cap Off Hispanic Heritage Month

As Hispanic Heritage Month celebrations came to a close this week, Secretary Solis participated in the

What's Hot

TAA Renewed by Congress

Congress this week broke the gridlock and passed a modernized Trade Adjustment Assistance program to help workers impacted by foreign trade. Since 1974, TAA has ensured that workers who lose their jobs as a result of import surges and shifts in global production have access to resources, benefits and job training. The program is essential to a balanced trade agenda. Congress also passed new free trade agreements with Colombia, Panama and South Korea. "As the White House and Congress advance a trade agenda to hasten our nation's economic recovery and get more Americans back to work, we have a responsibility to ensure that American workers impacted by foreign competition have the assistance they need to adapt their skills, provide for their families and succeed in the 21st century," Secretary Solis said.

- [Read the Secretary's Statement](#)
- [Learn more about TAA](#)

News You Can Use

Women: Know Your Health Care Rights

Perhaps you know that October is National Breast Cancer Awareness Month, but did you know that women have federally protected rights to health coverage after a mastectomy? The Women's Health and Cancer Rights Act is one of several federal laws that provide protections to workers and their families in employer provided health plans. Also, if you lose your job, there are protections to help you continue health coverage.

- [Your Rights After a Mastectomy](#)
- [Consumer Information on Health Plans](#)
- [Health and Retirement Benefits After Job Loss](#)

International Scene

\$1.5 Million Grant to Improve Labor Relations in Vietnam

The U.S. Department of Labor has awarded a \$1.5 million grant to Development Alternatives International Inc. of Bethesda, Md., to extend the Vietnam Industrial Relations Promotion Project by an additional two years. The program is designed to improve Vietnam's labor relations policies and initiatives. "As an emerging economy seeking to strengthen its compliance with international labor standards, Vietnam can benefit from U.S. assistance," said Secretary Solis. "Our experience shows that it is important to forge partnerships between countries in order to promote sound industrial relations policies and programs worldwide."

- [Read the News Release](#)



White House American Latino Heritage Forum on Wednesday at the Department of the Interior. The day-long event hosted by Interior Secretary Ken Salazar attracted a broad spectrum of business leaders, cultural leaders, and scholars from the Latino community to discuss how the legacy of American Latinos should be recognized, preserved and interpreted for future generations. Solis moderated a panel to recognize the contributions of Latinos to our economy which featured one of her mentors, co-founder of the United Farm Workers and labor trailblazer,



Dolores Huerta. Later in the day, Solis participated in the first-ever Hispanic Heritage Month celebration hosted by the AFL-CIO, where she told

workers, labor activists and civil rights leaders, "Latinos are critical to the future of organized labor, and unions are crucial to the future of the Latino workforce. We know that unionized Latinos earn more, have better benefits and more workplace protections. Our opponents want to erase our progress. To win, we must lock hands once again and continue the struggle."

- [View the Forum Slideshow](#)
- [View the AFL-CIO Slideshow](#)

Job Corps Lunch with the AG

Tucked away in Southwest Washington, D.C., the Potomac Job Corps Center is home to more than 350



students looking for a second chance and their first career. This week however, the center took on a different role as it played host to two cabinet officials committed to ensuring equal access to education and training programs. Secretary Solis and Attorney General Eric Holder toured the facility before having lunch with some of the students, an idea first hatched during a June roundtable event held at the Department of Labor. The Cabinet officials heard from students enrolled in the center's multiple career training programs about how they plan to take full advantage of this opportunity, and how the program has changed their lives.

- [View the Slideshow](#)
- [Learn more about Job Corps](#)

ILAB Solicitation Targets Child Labor in Peru

The department's Bureau of International Labor Affairs announced a \$13 million competitive solicitation for cooperative agreements to combat exploitative child labor in Peru, including supporting efforts to address poverty and promote social inclusion. The grant will fund projects that target exploitative child labor in agriculture, mining and other hazardous work in Peru's Huancavelica and Huánuco regions, which have some of the country's highest rates of poverty and work by children, as well as lowest rates of primary and secondary school completion. Innovative, effective and integrated approaches will be used to increase children's access to quality education, promote sustainable livelihoods for households and increase beneficiaries' access to national social protection programs that help households eliminate dependence on child labor to meet basic needs.

- [Read the News Release](#)
- [Grant Application Information](#)

DOL Working for You

Workforce Program Helps Unemployed Science Teacher Go Green

Former science teacher John Maliwacki received critical help revising an outdated resume and landed a good-paying, green job as a result. Maliwacki lost his teaching job in New York after 28 years as a science instructor. Recognizing his resume "was from the 1970's" and ill-suited for today's demanding job market, Maliwacki turned to career counseling through a department-funded Workforce New York program. Armed with a new skills-based curriculum vitae, he received paid on-the-job training through a workforce program with SunMaxx Solar, a thermal products manufacturer. He has since landed a full-time job as an education and training manager with SunMaxx. Maliwacki said he was grateful for a program that helped him through "a big learning curve going from teacher to the solar thermal industry."



DOL in Action

MSHA Audits Uncover Underreporting of Injuries, Illnesses

A Kentucky coal mine has become the fourth mining operation to be placed on potential pattern of violations status by the Mine Safety and Health Administration. Vision Coal's Mine # 2 of Letcher County was one of 39 mines to undergo an agency audit; nineteen had either failed to report injuries or underreported the lost time associated with reported injuries. "These results expose an unsettling amount of underreporting at mines that already have troublesome compliance records," said MSHA Assistant Secretary Joseph Main. "These audits are an important tool as we scrutinize our system of self-reporting accidents and injuries by mine operators. We cannot simply accept information provided by a mine operator that may be avoiding a PPOV enforcement action."

- [Read the News Release](#)

Former Mass. Union Chief Imprisoned for Arranging No-Show Jobs

Main Inducted into Hall of Fame

Six individuals were inducted into the Coal Mine Rescue Hall of Fame during last week's awards banquet at the National Mine Rescue, First Aid, Bench and Preshift Competition held in Columbus, Ohio. Inducted for their longstanding dedication to mine rescue were Gary W. Christensen, chief safety engineer and mine rescue team captain of Energy West Mining Co.'s Deer Creek Mine in Huntington, Utah; Ronnie Biggerstaff, a mine rescue trainer for Cumberland Resources in Abingdon, Va.; George Joseph of Consol Pennsylvania Coal Co.'s Bailey Mine; Marshall Fugate of Consolidation Coal Company of Kentucky; Diane Crouse, a 38-year veteran of the department's Mine Safety and Health Administration based in Norton, Va.; and Assistant Secretary of Labor for Mine Safety and Health Joseph Main.

- [View the Slideshow](#)

Trainers Attend TRAM Conference



Hundreds of safety and health instructors from around the country converged this week in Beaver, W.Va., for the annual Training Resources

Applied to Mining conference. Sponsored by the department's Mine Safety and Health Administration, TRAM provides multiple opportunities for improving training programs with new ideas and new materials. MSHA Assistant Secretary Joseph Main kicked off the three-day event at the National Mine Health and Safety Academy. Main said, "As trainers and educators, we all carry a great responsibility to impart critical safety and health information that can keep miners alive and healthy in the sometimes dangerous and ever-changing mining workplace."

- [View the Slideshow](#)

Shiu Briefs Hill on Equal Pay

Describing federal efforts to reduce the gender wage gap as "a moral and economic imperative," Office of Federal Contract Compliance Programs Director Patricia Shiu addressed a congressional briefing hosted by Women's Policy, Inc. Shiu discussed the impact of pay inequality on women and families and her office's work to level the playing field. Studies have shown that American women earn about 80 cents for every dollar

Frank Rago, a former representative of the International Longshoremen's Association and ex-president of ILA Local 1604 in Stoneham, Mass., was sentenced last week to 366 days in prison and an additional three years of supervised release for embezzlement. The criminal penalties follow a joint investigation by the department's Office of Labor-Management Standards and the Office of the Inspector General that uncovered multiple crimes related to embezzling union funds. The court ordered Rago to pay \$216,384 in restitution, \$10,000 in forfeiture and a \$200 special assessment. The evidence at trial showed that Rago secured a no-show job with the employer of Local 1604 so that he could continue making his line handler's salary without doing any work. His salary came out of the dues paid by local union members. Rago also was convicted of falsifying employer documents pertaining to work that his minor son did not complete.

Company Fined for Exposing Workers to Carcinogen

A division of Tenneco Inc. has been cited by the Occupational Safety and Health Administration for 20 safety and health violations, including employee exposure to a carcinogen known as hexavalent chromium. Tenneco Automotive Operating Co. in Hartwell, Ga., has received proposed fines totaling \$90,000.

- [Read the News Release](#)

DOL Files Lawsuit for Pension Breach

The department has filed a complaint in federal court seeking to restore \$436,322 to two benefit plans of Columbus, Ohio-based Clark Graphics. An investigation by the Employee Benefits Security Administration found that the plans' administrator, Pension Retirement Planning, along with its president, Marcia Dowdell, failed to account for money deposited to the plans in violation of the Employee Retirement Income Security Act. The owners of Clark Graphics – Mary Clark, James Clark and Stephen Clark – failed in their fiduciary responsibilities as plan trustees by neglecting to monitor the actions of Dowdell and Pension Retirement Planning. "Our legal action underscores the Labor Department's commitment to hold accountable those who are entrusted with the assets of workers' retirement plans," said Assistant Secretary of Labor for EBSA Phyllis C. Borzi.

- [Read the News Release](#)

Ohio Aircraft Parts Maker Cited for 13 Safety Violations

Aircraft component manufacturer Sifco Forge Group in Cleveland has been cited by the Occupational Safety and Health Administration for one repeat and 12 serious safety violations. Proposed fines total \$84,370. The repeat violation cited was for failure to complete, document and certify annual inspections of energy control procedures. "Employers have a responsibility to maintain safe working environments, which includes ensuring that workers are trained in recommended safety procedures for the daily tasks they perform," said Howard Eberts, OSHA's area director.

- [Read the News Release](#)

Arby's to Pay Managers for Overtime Violations

United States Beef Corp., doing business as Arby's, has agreed to pay 759 managers \$56,838 in back wages following an investigation by the Wage and Hour Division. Investigators found that managers in Arkansas, Illinois, Kansas, Missouri and Oklahoma did not receive bonuses in their regular rate of pay when overtime was computed. The Fair Labor Standards Act requires that covered employees be paid time and one-half their regular rates, including commissions, bonuses and incentive pay, for hours worked more than 40 per week. The company has agreed to change its practices to comply with the FLSA.

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

earned by a man doing equivalent work, causing significant discrepancies in lifetime earnings. Shi highlighted the department's enforcement, regulatory and education initiatives, as well as her work on the President's National Equal Pay Enforcement Task Force. "Pay discrimination is an insidious problem," she said.

Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

- [Open Funding Opportunities](#)

EVENTS SPOTLIGHT: MSHA

Rulemaking Hearings

MSHA will hold four public hearings over the next two weeks on its proposed rule for proximity detection systems in underground coal mines. The proposed rule would strengthen the protection of miners working near continuous mining machines by reducing the potential for crushing, pinning and striking hazards.

- [October 18 — Denver, CO](#)
- [October 20 — Charleston, WV](#)
- [October 25 — Washington, PA](#)
- [October 27 — Evansville, IN](#)

DEEOIC — Town Hall Meetings to Assist Nuclear Weapons Workers

- [November 1 — Albuquerque, NM](#)
- [November 2 — Cincinnati, OH](#)

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [October 25-26 — Nashville, TN](#)

ILAB — FY 2011 Solicitation for Grant Applications Chat

- [October 14 — Online](#)

OASAM — Using the Schedule A Initiative to Comply with the Executive Orders and Increase Federal Employment of Individuals with Disabilities at Your Agency: A Workshop for Human Resources Professionals

- [October 19 — Boston, MA](#)

OFCCP — Boston Career Fair

- [November 7 — Boston, MA](#)

OFCCP — Building Partnerships for the Community

- [October 19 — Charlotte, NC](#)
- [October 27 — Memphis, TN](#)
- [November 4 — Charlotte, NC](#)
- [November 10 — Memphis, TN](#)

Texas Contractor Cited Following Worker Fatality

Fort Worth, Texas-based tunneling company Southland Contracting Inc. has been cited by the Occupational Safety and Health Administration for seven violations of workplace safety standards after one of its employees was killed at the Eastside Water Supply Project in Webster, N.Y. On April 11, a Southland employee who was operating a locomotive sustained a fatal head injury when he struck a conveyor on the tunnel boring machine. OSHA issued citations for locomotive, electrical and training hazards and for not having a competent person inspect the worksite. Southland Contracting Inc. faces a total of \$55,440 in proposed penalties.

- [Read the News Release](#)

Pa. Union Bookkeeper Sentenced for Embezzlement

Colin Rehrig, a former bookkeeper for United Carpenters and Joiners of America Local 600 in Bethlehem, Pa., has been convicted of one count of embezzlement from a labor union. The conviction follows an investigation by the department's Office of Labor-Management Standards. Rehrig was sentenced to eight months of home confinement followed by two years of probation. He also was ordered to pay a \$1,500 fine and a \$150 special assessment, in addition to restitution of \$69,479 he already paid. OLMS examined canceled checks from the union's general fund checking account and found that Rehrig inflated his own payroll checks 199 times without proper approval from the union.

Lowe's Stores Fined for Exposing Keystone Workers to Health Threats

The Occupational Safety and Health Administration has proposed \$96,030 in penalties for three Lowe's stores in Carlisle, Hanover and Palmyra, Pa. Following three separate inspections, the stores were cited for 11 safety and health violations. Ten were repeat violations, including exposing workers to chemical and electrical hazards

- [Read the News Release](#)

Possible Benefits for Former Ohio, Wis. Nuclear Weapons Workers

Former workers of 25 facilities in Ohio and six facilities in Wisconsin are being notified about compensation and medical benefits that may be available to them. The benefits are made available under the Energy Employees Occupational Illness Compensation Program Act administered by DOL's Division of Energy Employees Occupational Illness Compensation. Survivors of qualified workers also may be entitled to benefits.

- [Read the Wisconsin News Release](#)
- [Read the Ohio News Release](#)

NJ Company Fined for Safety Infractions after Fatality

Devon Services, based in Shamong, N.J., was cited by the Occupational Safety and Health Administration after an employee was fatally struck by a falling tree during cutting operations in April. The company, doing business as We Show Up, received 12 serious safety and health violations and \$43,200 in proposed penalties.

- [Read the News Release](#)

Hawaii Coffee Co. Fined for Underpaying, Coercing Migrant Workers

The Wage and Hour Division has recovered \$25,290 in back wages for 24 migrant and seasonal agricultural workers after investigators found that Hawaii-based Kona Coffee Grounds violated provisions of the H-2A visa program. When the crop was light, workers were paid less than the legally

[November 17 — Memphis, TN](#)

- [November 17 — Miami, FL](#)
- [December 1 — Memphis, TN](#)
- [December 1 — Charlotte, NC](#)
- [December 8 — Memphis, TN](#)
- [December 15 — Memphis, TN](#)
- [December 22 — Memphis, TN](#)

OFCCP — Coast to Coast Career Fairs

- [November 7 — Boston, MA](#)

OFCCP — Hiring our Heroes Job Fair

- [October 25 — Boston, MA](#)

OFCCP — Special Emphasis Committee Disability Month

- [October 26 — Boston, MA](#)

OFCCP — Workplaces that Work for Everyone

- [October 21 — Newton, MA](#)

OSHA — Informal Stakeholder Meeting on Occupational Hearing Loss

- [November 3 — Washington, DC](#)

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<http://t.co/5kjY9fG4> about 3 hours ago

required minimum for their work. The company also failed to pay workers an amount equal to at least three-fourths of the hours guaranteed in the work contract in violation of the H-2A law. Kona Coffee Grounds paid an additional \$21,000 in civil money penalties for procuring signed statements from workers in an attempt to make the workers waive their H-2A rights.

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

Georgia Contractor Penalized for Fall Hazards

Ganaway Contracting Co. Inc. of Alpharetta, Ga., has been cited by the Occupational Safety and Health Administration for 14 safety violations with \$55,440 in proposed fines following an inspection at a restaurant construction site where the company was acting as a general contractor. OSHA conducted its inspection as part of a local emphasis program on protecting workers from falls in the construction industry.

- [Read the News Release](#)

Dickerson, Md., Company to Restore \$100,000 to Employee Plans

A federal judge has ordered Neutron Products Inc. President Jackson A. Ransohoff and Treasurer James W. Jordan to restore \$100,000 to the company's employee savings plan. The judgment resolves a lawsuit filed by the department after an investigation conducted by the Employee Benefit Security Administration exposed the company's failure to collect and remit amounts owed to the plan from January 1990 to September 2010, a violation of the Employee Retirement Income Security Act.

- [Read the News Release](#)

New Jersey Lab Cited for 28 Serious Violations

New Brunswick Scientific Co. of Edison, N.J., has been cited by the Occupational Safety and Health Administration for 29 safety and health violations. An investigation found electrical and noise hazards and obstructed and unmarked emergency exit routes. The company also failed to determine the level of employee exposure to methylene chloride and provide proper personal protective equipment. The proposed penalties total \$122,000.

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