



## DOL News Brief

October 20, 2011

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### Celebrating the Chávez Legacy



In commemoration of Hispanic Heritage Month, last Friday the department held a screening and panel discussion of "Cesar's Last Fast." The

documentary film showcases the private sacrifice and spiritual conviction behind Cesar Chávez's struggle for the humane treatment of America's farmworkers. The all-star panel included Secretary Solis; Richard Ray Perez, producer and director of the film; Julie Rodriguez Chávez, White House official and granddaughter of Cesar Chávez; and Mark Lara from the Wage and Hour Division. Together they reflected on Chávez's life, lessons learned from his leadership and how to address the inequities farmworkers still face today. Solis told the room of employees and labor rights leaders, "Cesar's legacy reminds me that all working people deserve a voice, that they have a rightful place in this country, and that it is my job to protect them."

- [View the Slideshow](#)

### Dr. King's Dream Marches On

One day before the long-awaited dedication of the Martin Luther King Jr. Memorial in Washington this weekend, Secretary



Solis joined civil rights leader Rev. Al Sharpton and the National Action Network for a Jobs and Justice rally in the capital. "This weekend, we dedicate a memorial to a mountain of a man," said Solis. "But more importantly, we dedicate ourselves to the causes Dr. King spent his life — and gave his life — to advance: equality, justice and the dignity of work." The annual event was a march to address current social injustices, including an increasing wealth gap and congressional opposition to administration efforts to create nearly 2 million jobs next year.

### What's Hot

#### DOL Announces Partnership with Facebook

Secretary Solis unveiled an innovative partnership via a live web stream on Thursday that brings together the U.S. Labor Department, Facebook, the National Association of State Workforce Agencies, the DirectEmployers Association and the National Association of Colleges and Employers. Facebook debuted a new Social Jobs Partnership page which highlights available training programs, educational opportunities and job search resources for the department. "Linking America's job seekers with the resources they need to get back to work is a top priority of the Obama Administration and my department," said Secretary Solis.



"By leveraging the power of the social web, this initiative will provide immediate, meaningful and ready-to-use information for job seekers and employers, and a modern platform to better connect them." Facebook also made a commitment to drive traffic to the site through targeted online public service announcements in areas of high unemployment. Additionally,

participating organizations will conduct in-depth survey research about how job seekers, college career centers and workforce recruiters are effectively using the social web; explore how job postings can be shared on Facebook and throughout other social sites at no charge; and distribute educational materials to recruiters, government agencies and job seekers about the power of the social web.

- [View the Slideshow](#)
- [Watch the Video](#)
- [Read the News Release](#)
- [Read the Secretary's Blog Entry](#)
- [Read the Secretary's Statement](#)
- [Explore, Like, Share the Social Jobs Partnership](#)

#### Nonfatal Workplace Injuries Declined in 2010

The Bureau of Labor Statistics announced this week that nonfatal workplace injuries and illnesses among private industry employers declined in 2010. "We are encouraged by the reported decline in incidence rates for workplace injuries and illnesses, which is reflective of the joint effort of government, business, unions and other organizations," said Secretary Solis. "Nevertheless, 3.1 million injuries and illnesses in the workplace is too high. Serious injuries and illnesses can knock a working family out of the middle class. Workers should not have to sacrifice their health and safety to earn a paycheck."

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

## Solis Speaks Up for Working Families



Last Friday, Secretary Solis spoke with nearly 225 union, community, faith and environmental leaders from around the country at the

Partnership for Working Families' National Conference. "I know that the recovery of our economy and our nation depends on good jobs that can support a family by increasing incomes, jobs that are safe and secure, as well as jobs that give people a voice in the workplace," Solis said. She also highlighted investments made by the administration to improve job training for careers in emerging sectors like clean energy, healthcare, IT and advanced manufacturing. The Partnership for Working Families is a national network of local advocacy organizations that supports innovative solutions to economic and environmental problems.

- [View the Slideshow](#)

## Promoting Worker Rights at Philadelphia Health Fair

Representatives from the Employment Benefits Security Administration and Occupational Safety and Health



Administration were among the many community groups and government agencies that participated in the "Salud a tu Alcance" Latino Health Fair held Friday in Philadelphia. The event was organized by Impacto Latin Newspaper (the fastest-growing Hispanic newspaper in Philadelphia) and included fitness screenings and information booths about healthy living in the Latino community.

- [View the Slideshow](#)

## DepSec Talks Jobs in Ohio



Deputy Secretary Seth Harris met with business and community leaders in Toledo and Cleveland, Ohio, this week to promote efforts to

create jobs. In both cities, Harris convened White

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

## Around DOL

### Martin Luther King III Visits DOL



Following the historic dedication of the Rev. Dr. Martin Luther King Jr. Memorial last weekend, Secretary Solis hosted a discussion on Monday with human rights advocate and community activist Martin Luther King III at the Labor Department. Secretary Solis discussed the importance of the memorial, the life and legacy of his father, and the work of The King

Center. In a packed room of employees and special guests, they reflected on the incredible life of MLK Jr., including his role as a father and mentor. King also shared his insightful message of hope and civility for America, and told the audience that his father's vision of equality from the 1960s remains equally relevant today.

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

### Sexton Voted One of Administration's Top HR Leaders

Each year, the top human resources professionals in cabinet-level agencies vote for the three top honors awarded to HR leaders for their contributions to government-wide personnel initiatives. This year, one of those earlier prestigious awards went to DOL's Eugenio (Gene) Ochoa Sexton, director of the Human Resources Center in the Office of the Assistant Secretary for Administration and Management. Sexton was named Deputy Chief Human Capital Officer of the Year at the annual forum convened by the Office of Personnel



Management this month in Philadelphia. The always-magnanimous Sexton said, "I have to share this award with my OASAM leadership and my HRC team, who really made it possible. This award gives me something to live up to. I'm very proud that I received it while at DOL."

## News You Can Use

### Miners, Mine Operators Urged to "Knock Out" Winter Hazards

Mining statistics indicate that coal mine explosions occur more frequently during the colder months of the year. So, the Mine Safety and Health Administration has launched its annual Winter Alert campaign to remind the mining industry to take specific measures to avoid workplace hazards. Low barometric pressure and low humidity, combined with seasonal drying of many areas in underground coal mines, have been key factors in mine explosions. With colder weather come other potential hazards as well. During normal mine inspections, MSHA inspectors will distribute posters, hard hat stickers and pocket cards with the "Knock Out the Risk" theme to miners and mine operators.

- [Read the News Release](#)
- [Visit the Winter Alert 2011 Page](#)

### ERISA Advisory Council to Meet Nov. 8-9 in D.C.

The Labor Department's Advisory Council on Employee Welfare and Pension Benefit Plans, also known as the ERISA Advisory Council, will host a public meeting Nov. 8 and 9 (200 Constitution Ave. NW, Washington, D.C. 20210.) Advisory council members will finalize and present their

House Business Council Roundtables to discuss the state of the economy, the American Jobs Act and actions the government can take to spur economic growth. In Toledo on Monday, he joined Representative Marcy Kaptur to kick off a job fair and spoke with local reporters about the importance of congressional action on extending emergency unemployment coverage and other innovative reforms to the unemployment insurance system. In Cleveland, Harris held a roundtable discussion with business leaders organized by the Cleveland Foundation, and then toured Quality Electrodynamics (QED), a local medical parts manufacturing company. The firm, which does all of its own research, development and manufacturing, has grown from three employees to 81 in just five years. It also exports 90 percent of its American-made products. Harris highlighted the payroll tax cut provisions of the American Jobs Act and the extension of 100 percent business expensing to help QED continue its business and workforce expansion.

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## Teaming Up on Pay Discrimination

As part of the department's ongoing efforts to enhance collaboration between civil rights agencies, colleagues from the Office of Federal



Contract Compliance Programs and the Wage and Hour Division attended the first of three D.C.-based compensation discrimination training sessions. Sponsored by the U.S. Equal Employment Opportunity Commission, the sessions focused on enforcement of federal equal pay mandates, and also included training by EEOC on how to better investigate and address issues of pay discrimination. Staff from OFCCP, the Wage and Hour Division, and EEOC discussed how to enhance collaboration across the three civil rights agencies to ensure full enforcement of federal laws banning pay discrimination.

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## Shiu On Equal Pay in Chicago



Office of Federal Contract Programs Director Patricia Shiu visited the Windy City on Wednesday to tell women leaders and community activists

about her office's efforts to combat workplace discrimination. She discussed key aspects of the American Jobs Act and her role as a member of the president's National Equal Pay Enforcement

recommendations to Secretary Solis on current challenges and best practices for ERISA compliance for 403(b) plan sponsors, hedge funds and private equity investments, and privacy and security issues affecting employee non-health benefit plans.

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

## WHD Promotes FMLA Awareness



October is National Breast Cancer Awareness Month and the Wage and Hour Division is doing its part to remind American workers that the federal Family and Medical Leave Act supports working patients and families. Since its inception in 1993, the FMLA has provided workplace flexibility to eligible employees working for covered employers when illnesses like breast cancer disrupt their lives. When serious health conditions affect employees or their parents, children or spouses, the FMLA provides unpaid, job-protected leave with continued health insurance coverage. Enforcing the FMLA is a critical part of the department's efforts to ensure workplace flexibility for patients, families and personal caregivers.

- [Learn more about the FMLA](#)
- [Read the Blog Entry](#)

## OSHA Publishes New Worker Health & Safety Materials

The Occupational Safety and Health Administration recently published new and revised information explaining workers' and employers' rights. Several new OSHA publications also explain how to protect workers from hazards in the construction, general and maritime industries. Free copies of these materials can be ordered online through OSHA's publications Web page or by calling the agency's toll-free number, 800-321-6742.

- [Read the News Release](#)
- [Order Publications](#)

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## DOL Working for You

### OSHA Saves Worker from Rooftop Fall

Timely advice from the Occupational Safety and Health Administration helped save German Terrazas from serious injury. Terrazas, owner of a San Antonio residential construction company, received two OSHA citations for not providing adequate and alternative fall protection for his employees. He agreed to attend a 10-hour, bilingual OSHA training program taught by agency compliance officer Raul Carrillo and trainer Manny Pescador. Terrazas learned to recognize, avoid and abate workplace health hazards. Carrillo said he also successfully persuaded Terrazas to use personal fall arrest systems — such as harnesses, a lanyard and anchor point — while working on roofs. "I told him we cared about him and that we were passionate about his safety," Carrillo said. Two days later, Terrazas slipped off a roof but was saved by his harness. Terrazas was so grateful for avoiding injury that he rounded up other construction site workers to join him in taking additional fall protection training, Carrillo said.



### Boston Crime Fighter Credits Job Corps

His experience in the Shriver Job Corps in Massachusetts helped Charles Moore through some difficult teen years and steered him toward a career in

Task Force. "If we can reduce wage disparity, we can cut the number of women who live in poverty by 50 percent," she said. Shiu also visited students at the Paul Simon Job Corps Center in Chicago, where she toured the technical job training facility.

- [View the Slideshow](#)

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## DOL Represented at White House Hispanic Community Action Summit

Building on a series of gatherings held across the country, the White House hosted a Hispanic Community Action Summit in New York City on Tuesday



at Baruch College. The summit connected more than a dozen senior Administration officials from various policy areas with hundreds of Hispanic leaders, small business owners and local officials to discuss issues critical to the Latino community. Northeast Regional Representative Robert Asaro-Angelo represented DOL and spoke about the many efforts the department has taken to address issues in Latino worker safety and wage theft. Representatives from department agencies also joined the summit and participated in the innovative open space dialogue where summit participants worked together to define the agenda.

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## Davis Explains Reasons for 'Fiduciary'



Michael Davis, deputy assistant secretary for the Employee Benefits Security Administration, recently discussed the department's reasons for seeking to amend a 1975 rule on the definition of "fiduciary." On Tuesday in Chicago, he told a roundtable

convened by the Institutional Investor Institute, "We are looking to update a regulation that was written when most Americans were covered by pension plans. Today, advice to those saving for retirement in their 401(k)s and IRAs is provided on a much more individual basis, and people are less able to determine if the advice they are receiving is being offered in their best interest. We believe if an investment adviser represents to a client that they're offering advice consistent with the laws we enforce — and that the advice is



law enforcement. Moore grew up in a neighborhood beset with drugs and gang violence. He was an aspiring athlete who dropped out of high school to care for his ill mother and support his family. Eventually he enrolled in Shriver, which he said "was like a college but with stricter rules," and graduated with computer technology skills. He then went on to community college and landed a job providing technical support for a health insurance company. Because he "always wanted to be a cop," Moore took and passed the police exam. Now 31, Moore is in the drug control unit of the Boston Police Department and preparing to take the sergeant's exam. He now regularly speaks to students and tells them to "take advantage of Job Corps and make yourself employable."

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## DOL in Action

### Ohio Steel Outfit Fined For Exposing Workers to Crane Danger

The Occupational Safety and Health Administration has cited Steel Structures of Ohio for safety and health violations, including one willful safety violation for failing to remove a crane from service that needed repairs at its Akron, Ohio, location. Nine repeat and seven serious violations also were cited for other hazards. Proposed fines total \$134,400.

- [Read the News Release](#)

### Iowa Receives Funding to Help Laid-Off Workers

The department recently awarded two major grants that support laid-off workers in Iowa. The first is a \$676,388 increment to continue re-employment services for workers affected by layoffs at three Electrolux facilities and three suppliers in Jefferson, Ames and Webster City. The second grant is an \$815,740 increment to continue re-employment services for workers affected by the closure of the John Morrell and Co. pork processing plant and four related companies in Sioux City. "The Department of Labor is committed to getting America back to work," said Secretary Solis. "This continued federal assistance will enable workers laid off through no fault of their own to update their skills in order to be successful in the 21st century workforce."

- [Read the Electrolux News Release](#)
- [Read the Morrell News Release](#)

### New England Grocery Chain Cited for Safety Hazards

The Occupational Safety and Health Administration has proposed \$589,200 in fines for Massachusetts-based DeMoulas Supermarkets Inc. for 30 alleged willful, repeat and serious violations of workplace safety standards. The violations found at two Market Basket stores in New Hampshire involve recurring fall and laceration hazards, as well as improperly responding when a worker was seriously injured. "Employers with multiple locations have a responsibility to ensure safe and healthful working conditions at all of their workplaces," said Assistant Secretary of Labor for OSHA Dr. David Michaels.

- [Read the News Release](#)

### West Virginia Welding Company Cited for Workplace Hazards

Mollett Welding and Mine Service Inc. in Stollings, W.Va., has been cited by the Occupational Safety and Health Administration for exposing workers to safety and health hazards with \$59,400 in proposed penalties. OSHA's

being rendered solely in their best interest — then they should be held to this standard under the law."

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## DOL Leaders Highlight Disability Employment in Louisville

Two Department of Labor leaders highlighted important disability employment programs at events in Louisville this week.



Assistant Secretary

Kathy Martinez, who heads the Office of Disability Employment Policy, and Patricia Shiu, who leads the Office of Federal Contract Compliance Programs, addressed the U.S. Business Leadership Network and the Louisville



Urban League. In a breakout session at a conference focusing on accommodating individuals with disabilities in the workplace, Martinez

and Shiu told attendees at the Business Leadership Network's event about the department's "Add Us In" initiative. Its goal is to increase the capacity of small businesses to hire individuals with disabilities. They also discussed OFCCP revisions to the Vietnam Era Veterans Readjustment Assistance Act, which include enhanced affirmative action measurements. The pair then discussed policy and regulatory changes intended to benefit the disability and veterans communities in a meeting with 40 stakeholders at the Louisville Urban League.

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## Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

- [Open Funding Opportunities](#)

**EVENTS SPOTLIGHT: EBSA Offers Free Health Law Seminar in Nashville Oct. 25 and 26**  
The Employee Benefits Security Administration and the Tennessee Department of Commerce and Insurance will co-host a free health law compliance seminar from 8:30 a.m. to 5 p.m. CDT on Tuesday, Oct. 25, and Wednesday, Oct. 26. The event will be held at the Scarritt-Bennett Center, located at 1008 S. 19th Ave., Nashville, Tenn. 37212. The seminar is part of the Labor Department's Health Benefits Education Campaign to assist small- to mid-size employers, third-party administrators and

investigation revealed 25 violations (22 serious and three other-than-serious) for several infractions, including the company's failure to provide written respiratory and hazard communication programs, provide medical evaluations for workers required to wear respirators and failure to complete OSHA 300A injury and illness forms.

- [Read the News Release](#)

Judgment Obtained to Distribute \$1.35 Million to Northland Inn's 401(k) Plan Participants

The department has obtained a default judgment against the fiduciary of the Northland Inn 401(k) plan, Parkland Hotel Investors LP in Minneapolis, Minn. The judgment requires the appointment of an independent fiduciary to terminate the plan and distribute its assets. DOL filed a complaint alleging violations of the Employee Retirement Income Security Act. The investigation found that the plan was abandoned after Parkland ceased operations in July 2009, and that assets totaling \$1.35 million were not distributed to 96 plan participants. "Our legal action underscores the Labor Department's commitment to hold accountable those who are entrusted with the assets of workers' retirement plans," said EBSA Assistant Secretary Phyllis Borzi.

- [Read the News Release](#)

America's Fiberglass Animals Cited for Repeat, Serious Violations

The Occupational Safety and Health Administration has cited America's Fiberglass Animals in Minden, Neb., for eight repeat and seven serious violations of safety and health standards. The violations were found during an inspection at the company's manufacturing facility in Minden, Neb., which was conducted as a follow-up after the company moved operations from Hastings. Two failure-to-abate notices also were issued because the company had not corrected employee respiratory hazards cited at the Hastings location. Proposed fines total \$169,260.

- [Read the News Release](#)

Missouri Granted \$2.28 Million in Flood Assistance

The Missouri Division of Workforce Development was awarded a \$2,283,567 grant that will create temporary jobs for eligible dislocated workers to help with flood cleanup and recovery efforts. "This summer, Missouri suffered its worst floods in 60 years. Levees were broken, roads were destroyed, and farmland and houses were flooded," said Secretary Solis. "Recovery is never easy, but we want the people of Missouri to know that they are not alone and the federal government is committed to helping them get back on their feet."

- [Read the News Release](#)

Polar Service Center Cited for Hazards

The Occupational Safety and Health Administration has cited Polar Service Center in Billings Mont., for one willful and 13 serious violations of safety and health standards. The violations include exposing workers to a variety of hazards such as failing to use protective guards on equipment. The tank trailer service and repair center faces proposed penalties of \$151,000.

- [Read the News Release](#)

Horizon Milling Cited for 17 Serious Safety Violations

Horizon Milling LLC of Minneapolis has been cited by the Occupational Safety and Health Administration for 17 serious violations for exposing workers to multiple safety hazards at the company's facility in Saginaw, Texas. An investigation found the company failed to enclose or guard sprockets, chains and guard pulleys located seven feet or less from the

insurers in complying with health benefits laws.

- [October 25-26 — Nashville, TN](#)

CFBNP – Job Clubs Symposium: On the Front Lines of Getting Americans Back to Work

- [November 9 — Cleveland, OH](#)

MSHA — 7th Annual Joint Western Regional Mine Safety and Health Conference

- [October 25-26 — Las Vegas, NV](#)

MSHA — Mine Safety and Health Public Hearing

- [October 25 — Washington, PA](#)
- [October 27 — Evansville, IN](#)

OFCCP — Building Partnerships for the Community

- [October 27 — Memphis, TN](#)

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](#)

floor. The company also did not ensure coverings were provided for panel, electrical pull and junction boxes and did not guard or enclose vertical belts and rotating shafts. Proposed penalties total \$57,000.

- [Read the News Release](#)

B & K Builders Sued To Restore Funds to Workers' 401(k) plans

The department has sued B & K Builders Inc. of Marshfield, Wis., and its co-owners, Robert Aschenbrenner and Kenneth Staab, to restore funds to the company's 401(k) profit-sharing plan. The lawsuit seeks \$17,835 plus interest and restitution of \$97,307 from the company and Staab as fiduciaries to the B & K Builders Inc. Prevailing Wage Plan. The case is the result of an investigation by the Employee Benefits Security Administration into alleged violations of the Employee Retirement Income Security Act.

- [Read the News Release](#)

Chemical Company Cited for Safety and Health Hazards  
M-Power Chemicals has been cited by the Occupational Safety and Health Administration after an inspection at the company's facility in Brookshire, Texas, found that employees were exposed to respiratory and combustible dust hazards. The company was cited with 14 serious and two other-than-serious violations. Proposed penalties total \$54,600.

- [Read the News Release](#)

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