



DOL News Brief

November 17, 2011

Subscribe | Send Feedback | PDF Version

SHARE [social media icons]



NC Latino Leaders & Secy



As one of the fastest growing Latino populations in the country, Raleigh, NC, was an ideal location for Secretary Solis to bring her message of

how the American Jobs Act and department's efforts impact the Hispanic community. Solis met with more than two dozen Latino leaders – representing small business; education; community and faith-based organizations; labor and service providers – while in town last week to commemorate Veterans Day.

- [View the Slideshow](#)

What's Hot

Solis Kicks Off Vulnerable Workers Series

Secretary Solis participated in the first of four webcasts Thursday examining the economic hardships faced by vulnerable workers. This inaugural forum focused on workers in the restaurant industry. "Whether you run a company or work in a restaurant, all working people deserve a livable wage, health care and the opportunity to care for their families," Solis said.



She noted that more than 10 million people work in the restaurant industry, and many receive poverty wages and no access to benefits like paid leave to care for a sick parent or child. Panelists from the Labor Department included Sara Manzano-Diaz, director of the Women's Bureau; Dr. Gabriela Lemus, director of the Office of Public Engagement; Nancy Leppink, deputy administrator of the Wage and Hour Division; David Michaels, assistant secretary of the Occupational Safety and Health Administration; and Phil Tom, director of the Center for Faith-based and Neighborhood Partnerships.

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

WHD Reaches Out in Texas

Nancy Leppink, deputy administrator for the Wage and Hour Division, met with stakeholders in Dallas and El Paso, Texas, to discuss the agency's goals and accomplishments.



She listened to concerns, answered questions and discussed the importance of developing partnerships. During a separate meeting with contracting officials and contractors, a panel of regional WHD staff joined Leppink to address specific questions about government contract work at the U.S. Army post in El Paso. Leppink's conversations also highlighted Wage and Hour accomplishments from fiscal year 2011, the American Jobs Act and the division's continued commitment to maintaining compliance with labor laws.

- [View the Slideshow](#)

DOL Working for You

With the Right Training, Anything Can Happen



After being laid off twice, Jeremiah Prentice knew he would need career counseling and help looking for a job. He received both thanks to Michigan Works!, a DOL grantee. The organization helped Prentice "trim the fat" from his resume to make him more desirable to potential employers and placed his resume in a jobs bank. The program paid his training

salary when Prentice landed a job with Oneupweb, a Traverse City, Mich., digital marketing agency, which had hired three other Michigan Works! clients. Prentice is now a full-time web developer for the company's various corporate clients and says the program "helped me appreciate that I have valuable skills and that lack of employment doesn't equal lack of qualifications."

Martinez Inspires NY Campus

During her visit to the Abilities! campus in Albertson, NY, Office of Disability Employment Policy

Vets Find Jobs through DOL Grantee

After 23 years as a chef in the hospitality industry, Charles LaFauce suddenly lost his restaurant job and, eventually, became homeless. The Army veteran received a lifeline from Father Bill's & Mainspring, a DOL grantee



Assistant Secretary
Kathy Martinez spoke

passionately on Monday to employers, students, professional staff and adult consumers with disabilities about her experiences as a person with disabilities. She also highlighted career opportunities, internships and services that her office offers for people with disabilities. Founded in 1952, Abilities! has evolved into one of the world's foremost facilities for educating and training people with disabilities. In addition, Abilities! plays a major role in helping businesses create accessible work conditions for employees and accessible products and services for consumers.

- [View the Slideshow](#)



in Massachusetts that provides training, housing and employment support. LaFauce took computer classes and received career counseling through the Veterans' Employment and Training Service's Homeless Veterans Reintegration Program. He eventually received a job offer as a chef in a Quincy, Mass., seafood restaurant, where LaFauce now prepares his signature salmon and snapper dishes.



The program "gave me a place to stay, food to eat and special classes to help me find work," LaFauce said. Marine veteran William Jones received similar help from FB&M after losing his surgical technologist job and becoming homeless. Jones received housing, updated his resume and found work at a New Hampshire health care company. "The program people never judged me. They treated me like a friend and not a client," Jones said.

Reinvigorated Partnership Advances Equality

The Office of Federal Contract Compliance Programs and the U.S. Equal Employment Opportunity Commission have updated a formal



partnership agreement that supports the shared mission of ensuring equal employment opportunity by promoting collaboration, reducing duplication and maximizing efficiency across agencies. The updated agreement sets out procedures for the two agencies to coordinate investigations of employment discrimination under the laws each enforces. It includes procedures for information-sharing and confidentiality, and requires regular interagency coordination meetings. "These updates will further improve the way our agencies work, both separately and together, in pursuit of equal employment opportunity for all American workers," said OFCCP Director Patricia Shiu, who signed the agreement with EEOC Chair Jacqueline A. Berrien on November 7.

Talking Partnerships In Philly

Philadelphia Mayor Michael Nutter and the White House Office of Faith-based and Neighborhood Partnerships hosted an economic recovery symposium for local community leaders earlier this week titled "Faith & Neighborhoods in Action: the Business of Community." The event featured Employment and Training Administration Regional Administrator Lenita Jacobs-Simmons

News You Can Use

Advice on Crowd Management Available for Download

Encouraging retail employers to take precautions to prevent worker injuries during Black Friday and other major sales events during the holiday season is the important message available from Dr. David Michaels, assistant secretary of labor for the Occupational Safety and Health Administration. The downloadable recording explains why OSHA is reaching out and provides advice on how retail employers can keep workers safe.

- [Download Michaels' Advice](#)
- [OSHA Crowd Management Fact Sheet](#)

New, Updated Materials on Worker Safety and Health

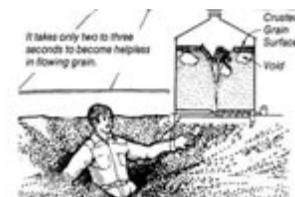
New and updated educational brochures and a series of new QuickCards to help protect workers from hazards in the construction, general and maritime industries were recently published by the Occupational Safety and Health Administration. Brochure topics include: workers' rights, employer rights and responsibilities following an OSHA inspection, construction industry digest, small entity compliance guide for respiratory protection standard and laboratory safety guidance.

- [Download the QuickCards, Booklets and Brochures](#)

DOL in Action

Harbor Point Mineral Products Cited Following Worker's Death

Harbor Point Mineral Products, a processor of animal feed in Utica, N.Y., has been cited by the Occupational Safety and Health Administration for 21 violations of workplace safety standards following the death of an employee on May 11. The worker was fatally engulfed by cotton seed stored in a silo. OSHA found that employees had not been trained on the hazards associated with entering a silo and were not equipped with an



who served on the plenary panel and shared valuable information on discretionary competitive grant programs. Additionally, the department's Center for Faith-based and Neighborhood Partnerships organized and moderated two panels on workforce development partnership opportunities, featuring leaders from the local workforce investment board and workforce agency and two of the department's nonprofit grantees, Connection Training Services and District 1199C Training & Upgrading Fund.

EBSA's Davis in Dallas



Michael Davis, deputy assistant secretary for the Employee Benefits Security Administration, addressed the 22nd Annual Employee Benefits Conference for Practitioners and Plan Sponsors on Thursday in Dallas. He provided information

to more than 250 participants about EBSA rulemakings, including fee disclosure rules, a new fiduciary level investment guidance rule and retiree protections from harmful investment advice. The program also included roundtable discussions and breakout sessions on ethics concerns with respect to employee plan issues, advancing and transforming corporate culture, and new fiduciary disclosure rules. Deborah Perry, EBSA's senior technical adviser, spoke on health care reform.

- [View the Slideshow](#)

Oates Focused on Business

Jane Oates, assistant secretary of the Labor for the Employment and Training Administration, led candid discussions focused on the



American Jobs Act with more than 300 southeastern business and civic leaders while in Atlanta this week. She challenged conference participants to break through barriers and develop strategies that meet the needs of the business community. In addition to a series of workshops and plenary sessions that identified tools for success, Oates hosted a White House Business Council roundtable co-sponsored by Georgia Tech Enterprise Innovation Institute and the Atlanta Urban League where she outlined the President's economic vision. "In these times of scarce federal dollars, our measure of success must be nothing less than our ability to match qualified workers with the needs of business.

approved lifeline. The agency has placed Harbor Point in its Severe Violator Enforcement Program, which mandates targeted follow-up inspections to ensure compliance with the law.

- [Read the News Release](#)

United Space Alliance Ordered to Provide Data for DOL Review

In a Nov. 14 decision, the U.S. District Court of the District of Columbia ordered United Space Alliance to provide information about its compensation practices to the Office of Federal Contract Compliance Programs. OFCCP originally requested the documents from the contractor to complete a compliance review. Chief Judge Royce C. Lamberth ruled in favor of OFCCP, rejected all of United Space's major arguments, and ordered the contractor to provide the requested information. "Submission to such lawful investigations is the price of working as a federal contractor," Lamberth said.

- [Read the News Release](#)

Protecting Retirement Benefits of N.J. Union Members

A department lawsuit seeks to appoint an independent fiduciary to oversee the abandoned benefit plan of Local 911 of the International Union of Production, Clerical and Public Employees in Brick, N.J. The appointed fiduciary will distribute assets of the Local 911 Annuity Defined Contribution Fund, established in 1996 to provide retirement benefits to members of the union, to eligible participants and beneficiaries. As of March 31, 2010, the plan had 50 participants and \$369,061 in assets, according to the latest data available. The case resulted from an investigation by the department's Employee Benefits Security Administration.

- [Read the News Release](#)

Browning Metal Finishing Cited for Repeat and Serious Violations

Browning Metal Finishing of Maysville, Ga., has been cited by the Occupational Safety and Health Administration for 16 safety and health violations following a complaint received about the company. The repeat violations include using PVC piping for compressed air and failing to monitor or sample hexavalent chromium exposure. Seven serious violations involve failing to ensure latches are installed on an overhead hoist and regularly inspected. Proposed penalties total \$77,200.

- [Read the News Release](#)

N.J. Company Sued For Failing to Distribute Millions in 401(k) Assets

The department has sued Worldwide Trade Resources Inc. of Weehawken, N.J., for failing to administer and terminate the defunct company's 401(k) plan, in violation of the Employee Retirement Income Security Act. The company ceased operations on or around October 2010 and did not provide for the distribution of individual account balances. As of Jan. 31, 2011, the plan had 52 participants and assets totaling \$2.2 million, the latest data available. The investigation was conducted by the department's Employee Benefits Security Administration.

- [Read the News Release](#)

Escape Stucco and Stone Cited for Exposing Workers to Fall Hazards

Escape Stucco and Stone of Powder Springs, Ga., has been cited by the department's Occupational Safety and Health Administration with nine safety violations following an inspection that found workers were exposed to fall hazards while replacing a chimney in Smyrna, Ga. The violations involve

Putting Americans back to work is our most urgent activity," said Oates.

Ortiz: Wounded Warrior Outreach



Ismael Ortiz Jr., acting assistant secretary of Veterans' Employment and Training Service, gave the keynote address at the D.C. Metro Business

Leadership Network Business-to-Business Symposium on Tuesday. "This exciting symposium brought together government, business leaders and other stakeholders who shared best practices, lessons learned and identified available resources designed to aid the very successful transition of wounded warriors and disabled veterans into the private sector," said Ortiz. The event, hosted by Northrop Grumman, highlighted the commitment that government and private industry have made to assist service members returning from combat to search for jobs and re-enter civilian life.

Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

- [Open Funding Opportunities](#)

Event Spotlight: Federal Advisory Council on Occupational Safety and Health

The Occupational Safety and Health Administration will hold a meeting of the Federal Advisory Council on Occupational Safety and Health Dec. 1, in Washington, D.C. The meeting will be held from 2 to 4:30 p.m. in Room N-3437 A/B/C, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C., 20210. Comments and requests to speak must be submitted by Nov. 25, 2011. See the Federal Register notice for submission details. FACOSH advises the secretary of labor on matters relating to the occupational safety and health of federal employees.

- [December 1 — Washington, DC](#)
- [Read the News Release](#)
- [Read the Federal Register Notice](#)

OFCCP — AAP Development & Preparing for a Desk Audit

- [November 18 — Los Angeles, CA](#)

OFCCP — Beyond the Affirmative Action Plan Webinar

- [November 30 — Online](#)

allowing employees to use a scaffolding system that was not fully planked and failing to protect workers from falling more than 25 feet. Proposed penalties total \$78,000.

- [Read the News Release](#)

Re-employment Help for Laid Off Massachusetts Workers

On Wednesday, the U.S. Department of Labor announced a \$2,261,417 National Emergency Grant for re-employment services to about 365 workers affected by layoffs at 12 companies throughout Massachusetts. Companies include: Biogen Idec in Cambridge, Commercial Sheet Metal in Canton, Covidien in Mansfield, EDO Fiber Innovations/ITT Corp. in Walpole, Henkel Corp. in Billerica, International Power America in Marlborough, Reveal Imaging Technologies Inc. in Bedford, Unilever-Breyers Ice Cream in Framingham, Kelly Services in Quincy, Randstad in Boston, Aerostek in Braintree and Total Technical Services in Waltham. "This funding from the federal government is a step toward helping Massachusetts workers, who face a challenging market, find new employment," said Secretary Solis.

- [Read the News Release](#)

Illinois Electric Plating Company Faces \$150,000+ in Fines

Electronic Plating Co. in Cicero, Ill., has been cited by the Occupational Safety and Health Administration for 22 health and safety violations. OSHA opened an inspection after receiving a report that employees were performing small parts plating operations without protection against chemical and physical hazards. Proposed fines total \$151,400.

- [Read the News Release](#)

Nishimoto Trading Company Sex Discrimination Allegations Settled

The Office of Federal Contract Compliance Programs has reached an agreement with Nishimoto Trading Co. to settle findings of hiring discrimination at the company's facility in Santa Fe Springs, Calif. Nishimoto agreed to pay \$400,000 in back wages and interest to 71 women who were rejected for sales associate positions. The company will also offer positions to 14 women. "Those who do business with our government are expected to follow our laws," said Secretary Solis. "I am pleased the Department of Labor was able to work out a fair settlement that will guarantee women the right to compete fairly for good jobs."

- [Read the News Release](#)

Wage and Hour Focuses on Mississippi's Agricultural Industry

The Wage and Hour Division is conducting a multi-year enforcement initiative focused on Mississippi's agricultural industry and related operations, such as cotton gins, in which widespread labor violations previously have been found. The goal is to increase employer compliance and remind workers of their rights under the Migrant and Seasonal Agricultural Worker Protection Act, the Fair Labor Standards Act and the H-2A temporary nonimmigrant worker program.

- [Read the News Release](#)

Legend Tube and Metal Sales Cited After Cranes Strike Workers

Legend Tube and Metal Sales Inc. in Cleveland, Ohio, has been cited by the Occupational Safety and Health Administration for 21 safety (including three willful) and health violations for operating unsafe cranes that struck and injured two workers at the steel service center. The company faces proposed fines of \$157,200.

- [Read the News Release](#)

OFCCP — Building Partnerships for the Community

- [November 29 — Baltimore, MD](#)
- [December 1 — Memphis, TN](#)
- [December 1 — Charlotte, NC](#)
- [December 6 — Baltimore, MD](#)
- [December 8 — Memphis, TN](#)
- [December 15 — Memphis, TN](#)
- [December 20 — Baltimore, MD](#)
- [December 22 — Memphis, TN](#)
- [January 10 — Baltimore, MD](#)
- [January 12 — Charlotte, NC](#)
- [January 24 — Baltimore, MD](#)

OFCCP — Community Based Organizations Roundtable Collaboration

- [November 30 — Pittsburgh, PA](#)
- [December 14 — Pittsburgh, PA](#)
- [January 5 — Pittsburgh, PA](#)
- [January 18 — Pittsburgh, PA](#)

OFCCP — Community Outreach and Education Event

- [December 1 — Richmond, VA](#)
- [December 8 — Richmond, VA](#)
- [December 15 — Richmond, VA](#)
- [January 15 — Philadelphia, PA](#)

OFCCP — Filing Complaints

- [December 6 — Portland, OR](#)

OFCCP — Supply and Service AAP Development Seminar

- [December 7 — Pittsburgh, PA](#)
- [January 11 — Pittsburgh, PA](#)

OFCCP — Supply and Service Educational Seminar for Small and New Contractors

- [December 13 — Baltimore, MD](#)

Follow USDOL on

- In this week's newsletter: Vulnerable Workers Series Kicks Off, Crowd Control for Black Friday, Mart <http://t.co/LjZrEnsQ> 12 minutes ago
- Working retail this holiday season? Plan to do some Black Friday shopping? You should listen to this! <http://t.co/Bzw8mpDP> about 18 hours ago

Lawsuit Filed Over Union Election Violations

The department recently filed suit against International Union of Operating Engineers Local 501, located in Los Angeles, Calif., seeking to nullify the August 26, 2010 election for the offices of business manager/recording-corresponding secretary, president, vice president, financial secretary, trustee, auditor and executive board member. The complaint follows an investigation by the Office of Labor-Management Standards that discovered Local 501 improperly disqualified two nominees who had been barred by the union from holding office; refused to allow a slate of candidates to run on the ballot because the slate was comprised of fewer than 10 candidates; and printed erroneous instructions on the ballot regarding the number of auditor positions for which members could cast a vote.

\$177,000 in Fines Proposed for Connecticut Cable Manufacturer

Connecticut cable manufacturer Loos & Co. Inc. has been cited for 29 alleged violations of workplace safety standards. The company faces a total of \$177,000 in proposed fines following safety and health inspections conducted by the Occupational Safety and Health Administration that identified numerous electrical, chemical, mechanical, fire and exit hazards at the plant in Pomfret.

- [Read the News Release](#)

Whistleblower Lawsuit Filed Against Brighton Medical Clinic

A lawsuit has been filed against the Brighton Medical Clinic in Brighton, Colo., and its owner, Dr. Luithuk Zimik, on behalf of an employee who was terminated in violation of the whistleblower provisions under Section 11(c) of the Occupational Safety and Health Act. The employee had complained about safety and health hazards to the clinic's management staff before filing a formal complaint with the Occupational Safety and Health Administration. The complaint seeks to reinstate the employee, secure compensatory damages and lost back pay, and requires the company to post a notice in a prominent place at the worksite for 60 days that explains employee rights under Section 11(c) of the OSH Act.

Scamming OWCP Results in Guilty Plea

The Office of Workers' Compensation Programs and the Office of the Inspector General played a pivotal role in uncovering a billing-fraud scam that sapped \$3.4 million from the Energy Employees Occupational Illness Compensation Program coffers. Their actions helped lead to Anthony Paul Breaux, owner of Honor-Bound Healthcare Providers Inc. in Palisade, Colo., pleading guilty to health care fraud and money laundering. Breaux faces not more than 20 years in federal prison and a fine of up to \$250,000 in connection with his actions to defraud EEOICP. OWCP's Denver office staff found a trend of submissions where procedure codes were double billed over a significant period of time. The case was referred to the IG, which uncovered fraudulent documents in the form of authorization papers and nursing notes submitted with the bills.

- [Read the DOJ News Release](#)

On the Job: Wage and Hour Investigator

What they do: The Wage and Hour Division is responsible for enforcing some of our nation's most comprehensive federal labor laws in a variety of areas including, but not limited to the minimum wage, overtime pay, youth and special employment, family and medical leave, migrant workers and lie detector tests. It is the primary duty of WHD investigators to conduct complex investigations for alleged violations of federal labor laws. They also advise companies on compliance, compute payment of back wages for

aggrieved workers and may be called to testify at civil or criminal legal proceedings regarding penalty assessments and other matters.

How to qualify: WHD investigators generally need a working knowledge of the labor laws they enforce, including important legal and non-legal precedents. They also need a working knowledge of business organizations, of their accounting and other records pertaining to federal labor laws. They regularly visit business establishments to carry out their duties, so travel is a big part of their workday.

Learn more about other job opportunities at the Labor Department at www.dol.gov/jobs.

[Previous Issues](#) | [Follow us on Twitter](#) | [Subscribe](#) | [Send Feedback](#) | [Unsubscribe](#)

U.S. Department of Labor, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210
www.dol.gov | Telephone: 1-866-4-USA-DOL (1-866-487-2365) (1-866-487-2365) | TTY: 1-877-889-5627 | [Contact Us](#)