



DOL News Brief

December 8, 2011

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Help for the Formerly Incarcerated



Following a tour of the Court Services and Offender Supervision Agency's Re-Entry and Sanctions Center in Washington on Monday, Secretary

Solis led a meeting on successful re-entry and workforce development models for the formerly incarcerated. More than 50 employers, workforce development professionals, faith institution leaders and successful re-entrants participated, along with other leaders from the Labor Department including Assistant Secretary for Policy William Spriggs and Office of Public Engagement Director Gabriela Lemus.

- View the Slideshow
• Read the Secretary's Blog

Stars Shine Light on Disability

Assistant Secretary of Labor for the Office of Disability Employment Policy Kathy Martinez presented the National Rehabilitation



Hospital's Victory Award on Tuesday to Robert David Hall, one of the most prominent disabled actors working today. Hall, a double leg amputee, is national chairman of the Performers with Disabilities Committee for the Screen Actors Guild, the American Federation of Television and Radio Artists, and Actors' Equity. But he is probably better known as Dr. Albert Robbins, the character he plays on the hit Television show CSI: Crime Scene Investigation. He is a devoted supporter of the Labor Department's goals for inclusion of people with disabilities, both in front of and behind the cameras. In 2010, Hall helped organize the Office of Disability Employment Policy's successful entertainment industry summit known as "Lights! Camera! Access!"

- View the Slideshow

MSHA Levies Record-Breaking Fines

MSHA Delivers on Promise to UBB Families

The 20-month investigation into the worst coal mining disaster in 40 years came to an end this week. In back-to-back meetings with family members and the public, Assistant Secretary of Labor for the Mine Safety and Health Administration Joseph Main, Solicitor of Labor M. Patricia Smith and MSHA Administrator for Coal Kevin Stricklin



presented the agency's investigative findings following the massive explosion that killed 29 men at Massey Energy's Upper Big Branch mine last year. The exhaustive report identified corporate culture as the root cause of the tragedy. As a result, MSHA issued 369 citations and orders carrying \$10.8 million in penalties, the largest fine in the agency's history. The presentation followed the announcement of a non-prosecution agreement initiated by the U.S. Department of Justice, in which the mine's new owner, Alpha Natural Resources Inc., agreed to pay nearly \$210 million that includes instituting remedial safety measures at its mines and establishing a trust fund for improvements in mine safety and health, as well as paying outstanding civil penalties and restitution for the victims' families. Secretary Solis, who addressed both groups, said, "The tragic explosion at Upper Big Branch left dozens of families without husbands, fathers, brothers and sons. I made a pledge to the families of those we lost, and the entire mining community, to conduct the most complete and thorough investigation possible in order to find the cause of this disaster. By issuing the largest fine in MSHA's history, I hope to send a strong message that the safety of miners must come first."

- Read the News Release
• View UBB Slideshow
• Upper Big Branch Single Source Page

Solis Meets with UBB Investigation Team



Following a meeting with the families of those who lost their lives in the Upper Big Branch mine disaster, Secretary Solis took a few minutes to thank the members of the Mine Safety and Health Administration's accident investigation team for their hard work and dedication. The team was led by Norman Page, district manager for MSHA District 6 in

Pikeville, Ky., and also included Timothy Watkins, Steaven Caudill, John Godsey, Andrew Moore, David Steffey, Dean Cripps, Charles Maggard, Alvin Brown and Jerry Vance. Also on the investigation team were specialists Sandin Phillipson, Richard Stoltz, Thomas Morley, Hubert Sherer and Clete Stephan, who provided additional expertise throughout the

Defining Fiduciary Moves Forward



The Employee Benefits Security Administration is moving forward and will re-propose a rule on the definition of a fiduciary, contrary to claims from some

suggesting the effort is dead. "Re-proposal is not a euphemism for kill," an adamant Phyllis C. Borzi, assistant secretary of labor for EBSA, told a gathering this week. Borzi said the agency will issue a reworked proposal sometime early next year. She spoke Wednesday at a forum hosted by the Women's Institute for a Secure Retirement about the agency's efforts to bring protections and transparency to retirement saving. Michael L. Davis, deputy assistant secretary of labor for EBSA, spoke to the group on Tuesday about lifetime income and the department's related work.

- [View the Slideshow](#)
- [Learn More About EBSA](#)

Martinez Talks Trauma Affecting Women and Girls

At a roundtable sponsored by the Women and Trauma Federal Partners' Committee on Wednesday, Kathy Martinez, assistant secretary of labor for the Office of Disability Employment Policy, delivered opening remarks and discussed initiatives to improve policies and employment opportunities for people with disabilities. The roundtable brought together more than 200 federal, state, local, tribal and community stakeholders as well as trauma survivors who work with diverse populations of women and girls affected by trauma. The meeting served as a catalyst for dialogue, strengthened collaboration among federal partners, and increased the commitment to support the recovery, resiliency, health and well-being of women and girls.

Job Clubs Heard on the Hill

Job clubs received front-and-center attention on Capitol Hill Thursday at a hearing of the U.S. Senate Committee on Health, Education,



Labor and Pensions. The Rev. Marvin A. Moss from Cascade United Methodist Church in Atlanta testified on barriers facing the long-term

investigation. Members of the department's Office of the Solicitor also assisted the investigation. Solis was moved to learn that the entire group put their lives on hold to relocate to Beckley, W.Va., logging more than 100,000 work hours over a period of 20 months while the investigation unfolded.

- [Learn More](#)
- [Read the Secretary's Remarks](#)

EBSA Proposes Rules to Protect Workers, Employers

The Employee Benefits Security Administration announced on Monday two proposed rules under the Affordable Care Act to protect businesses and workers whose health benefits are provided through a multiple employer welfare arrangement. MEWAs frequently have been used by scam artists and criminals to defraud consumers, resulting in an inability to pay medical claims. When such MEWAs become insolvent, they may leave consumers with substantial unpaid medical bills. The proposed rules call for MEWAs to adhere to enhanced reporting requirements so that employers, workers and their families will not unexpectedly be cut off from needed health care services.

- [Read the News Release](#)
- [Read the Blog Entry](#)
- [What to do if Your Insurer Stops Paying Benefits](#)

Around DOL

Agreement with Colorado Aims to Reduce Worker Misclassification

This week, Nancy J. Leppink, deputy administrator of the Wage and Hour Division, and Ellen Golombek, executive director of the Colorado Department of Labor and Employment, signed a memorandum of understanding to protect the rights of Colorado employees and level the playing field for responsible employers by reducing the practice of misclassifying employees. "This memorandum of understanding helps us send a message: We're standing united to end a practice that has devastating consequences for employees, law abiding businesses, and state and federal revenue," said Leppink. This partnership is the 11th of its kind for the Labor Department.



- [View the Slideshow](#)
- [Read More About the Partnerships](#)

DOL Working for You

Former Auto Worker's Drive Leads to New Career



Thanks to training and certification received through a Labor Department grant, former auto worker Michele Scales Smith is thriving in her new job with Caterpillar in Ohio. After being unemployed for more than three years, she received career counseling and was able to pay for green manufacturing skills training with aid from the International Union of Electronic Workers and the Communications Workers of America/National Education and Training Trust. As a Caterpillar clerk, Scales Smith, 55, now keeps computerized track of manufactured products. "It didn't seem like I was going

unemployed and how his church's job club, Cascade Career Network, is helping unemployed workers address the many challenges they face. Cascade Career Network, a participant in the department's Center for Faith-based and Neighborhood Partnerships' Job Clubs Initiative, hosted Secretary Solis and CFBNP representatives at a job clubs symposium earlier this year.

- [View the Slideshow](#)
- [Watch the Hearing](#)
- [Learn More about Job Clubs](#)

Connecting Chicago Communities



Nearly 700 local leaders convened at the University of Illinois at Chicago on Tuesday for a White House-sponsored conference on

partnerships between the federal government and religious and neighborhood groups. Chicago Mayor Rahm Emanuel kicked off the event with a challenge: "I need the ministers to come outside the door of the church where there is warmth and bring that warmth out into the streets." The Labor Department led two workshops: the first focused on Chicago's local workforce investment system and featured Byron Zuidema, regional administrator for the Employment and Training Administration, and the second was a training session on job clubs led by Ben Seigel, deputy director of the department's Center for Faith-based and Neighborhood Partnerships.

Martinez Honors DOD Disability Efforts

During the 31st Annual Department of Defense Disability Awards Ceremony, Assistant Secretary of Labor for the Office of Disability Employment Policy



Kathy Martinez delivered the keynote address recognizing the outstanding contributions of DOD employees and military service members with disabilities, as well as efforts by DOD to improve disability employment outcomes. The awards ceremony preceded the annual "Perspectives on Employment of People with Disabilities" conference. An estimated 300 people attended the event in Bethesda, Md.

Department Employees

to get another job at my age," she said. But because of the training program, "everything I learned gave me the hope and confidence I needed to find a good job."

Job Corps, AmeriCorps Leads Young Woman to Civic Service

Armed with skills she acquired at the Sierra Nevada Job Corps, Bree'Anna Baker now travels the country serving communities through the AmeriCorps National Civilian Community Corps. At only 21, Baker already has repaired hiking trails in Oklahoma, mentored school children in Colorado, rebuilt a youth camp in Arkansas and provided disaster aid to victims of an Alabama tornado. She hopes to eventually work full time for a nonprofit like the Red Cross. Her hospitality and business training at Job Corps prepared her to be a good citizen, Baker said. Her experiences there and with AmeriCorps, "got me out of my comfort zone, helped me travel to meet new people, and put into perspective what I want to do in life."



News You Can Use

OFCCP to Improve Job Opportunities for Workers with Disabilities

The department is considering a new rule requiring federal contractors and subcontractors to set a hiring goal of 7 percent for workers with disabilities. The proposal, put forward by the Office of Federal Contract Compliance Programs, would strengthen the affirmative action requirements established in Section 503 of the Rehabilitation Act of 1973. Comments on the notice of proposed rulemaking may be submitted by Feb. 7 electronically or by mail to the Office of Federal Contract Compliance Programs, U.S. Department of Labor, Room C-3325, 200 Constitution Ave. NW, Washington, D.C. 20210, and should include identification number (RIN) 1250-AA02.

- [Read the News Release](#)
- Read the News Release: [Español](#), [Vietnamese](#), [Chinese](#), [Korean](#), [Tagalog](#), [Hmong](#), [Laotian](#), [Urdu](#)
- [Learn More about Section 503](#)
- [Submit Comments](#)

DOL in Action

Merrill Lynch Agrees to Settle Allegations of Pension Plan Misconduct

Merrill Lynch, Pierce, Fenner & Smith Inc. has settled allegations made by the U.S. Department of Labor that the company and one of its employees violated the Employee Retirement Income Security Act by failing to prevent the fiduciaries of pension plans for two Alabama-based companies — Amtren Corp. and Otorhinolaryngology Associates PC — from engaging in prohibited transactions. The out-of-court settlement requires Merrill Lynch to provide additional training to its investment advisers serving as fiduciaries of employee benefit plans.

- [Read the News Release](#)

Grain Bin Operator to Pay Penalties After Deaths of 2 Teens

The department has reached an agreement with Haasbach LLC in Mount Carroll, Ill., resolving 25 citations issued by the Occupational Safety and Health Administration and child labor civil money penalties assessed by the Wage and Hour Division. The resolution follows the deaths of Wyatt

Volunteer at North Texas Food Bank



As part of an initiative led by the department's Dallas Regional Executive Committee, 13 employees volunteered to sort, bag and stock

pears at the North Texas Food Bank warehouse in Dallas. Volunteers said they not only felt rewarded, but also learned how physically demanding this type of work can be when performed on a daily basis. Food from the facility is distributed to about 300 member agencies that vary in type and size, including soup kitchens, shelters, food pantries, after-school programs and faith-based groups.

- [View the Slideshow](#)

Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

- [Open Funding Opportunities](#)

Event Spotlight: National Advisory Committee on Occupational Safety and Health

The Occupational Safety and Health Administration will convene a meeting of the National Advisory Committee on Occupational Safety and Health on Dec. 14 and 15 in Washington. See the Federal Register notice for details.

- [December 14 – 15 — Washington, DC](#)
- [Read the News Release](#)
- [Read the Federal Register Notice](#)

OFCCP — Building Partnerships for the Community

- [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

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

OFCCP — Community Outreach and Education Event

- [December 15 — Richmond, VA](#)

Whitebread, 14, and Alex Pacas, 19, at the company's Mt. Carroll grain bin facility in July 2010. A 20-year-old worker also was seriously injured in the incident.

- [Read the News Release](#)

Settlement Reached with Transport Workers Union

The department recently settled a lawsuit against the Transport Workers Union of America in New York, N.Y. The suit was filed after an Office of Labor-Management Standards investigation found that the union permitted three international union officers, who were not in continuous good standing for two years preceding nominations, to be nominated and elected at the TWU International Convention in 2009. As a result of the settlement, the department will supervise a new election (including new elections for delegates if necessary) for one international vice president and two executive board members.

Whole Foods Market Sued to Reinstate Whistleblower

Whole Foods Market Group has been sued by the Occupational Safety and Health Administration to reinstate a former employee with full back wages and benefits. The company allegedly fired the worker for voicing and reporting workplace health concerns regarding a raw sewage spillage at its store in Miami Beach.

- [Read the News Release](#)
- [Information on Whistleblower Protections](#)

Florida Contractor Fined Following Carbon Monoxide Incident

The Occupational Safety and Health Administration cited Trans Florida Development Corp. of Miami for one willful health and one serious safety violation after finding a worker installing a new drain system, was overexposed to carbon monoxide and required treatment at a hospital. Proposed penalties total \$66,990.

- [Read the News Release](#)

Recidivist Connecticut Contractor Fined Nearly \$128,000

Shelton, Conn., roofing contractor Total Remodeling Services LLC has been cited for a significant history of violations that involve failing to provide fall protection for its employees. The company faces \$127,560 in proposed fines. This is the fourth time since 2009 that the Occupational Safety and Health Administration has cited this employer for fall-related hazards.

- [Read the News Release](#)

Transportation Company Cited for Unsafe Forklifts

The Occupational Safety and Health Administration cited Central Transport International Inc. for 17 safety violations at the company's Hillside, Ill., facility, including four repeat violations. They include allowing workers to operate unsafe forklifts and failing to provide proper eyewash facilities for workers exposed to corrosive chemicals, among others. Proposed penalties total \$164,800.

- [Read the News Release](#)

On the Job: OSHA Compliance Officers

What they do: The Occupational Safety and Health Administration ensures safe and healthful working conditions by setting and enforcing standards and by providing training, outreach, education and assistance. Compliance Safety and Health Officers are on the front lines of enforcing these standards through inspections of work sites, and injury and fatality investigations. CSHOs also analyze employers' safety programs and ensure that employers implement corrective actions for conditions found to be

- [January 15 — Philadelphia, PA](#)

OFCCP — Compliance Assistance Seminar

- [December 13 — Boston, MA](#)

OFCCP — Supply and Service AAP Development Seminar

- [January 11 — Pittsburgh, PA](#)

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

- [December 13 — Baltimore, MD](#)

OFCCP — The Journey to Equal Pay

- [January 19 — Houston, TX](#)

OSHA — Advisory Committee on Construction Safety and Health Meeting

- [December 13-16 — Washington, DC](#)

dangerous. They may also be called upon to testify in administrative or judicial hearings.

How to qualify: Compliance Safety and Health Officers should possess a solid understanding of occupational safety principles and practices, including knowledge of techniques, procedures and regulations relating to occupational hazards in a wide variety of industrial, manufacturing, commercial and maritime work sites. They also need a basic knowledge of general industrial building design; construction methods, standards, practices and techniques; and installation and operation of utility systems sufficient to evaluate the compliance of new construction or structure modification work with applicable safety standards. They may be required to wear protective equipment and clothing occasionally, and frequent travel is mandatory.

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

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