



DOL News Brief

December 15, 2011

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DOL's Block Nominated for NLRB



President Obama announced Wednesday his intent to nominate one of the department's own as a member of the National Labor Relations Board. Sharon Block currently serves as deputy assistant secretary of labor for congressional affairs.

Previously, she was senior labor and employment counsel for the Senate Health, Education, Labor and Pensions Committee, where she worked for the late Sen. Edward M. Kennedy. Earlier, Block worked at the NLRB as senior attorney and as an attorney in the appellate court branch. Her government service also includes a stint as assistant general counsel at the National Endowment for the Humanities, and her private sector experience includes working as an associate at the law firm of Steptoe & Johnson. Block is a graduate of Columbia University and Georgetown University Law Center, where she received the John F. Kennedy Labor Law Award. The NLRB is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.

The Global Perspective

The U.S. Department of State hosted women leaders from countries across the world on Thursday for a panel discussion on the role of women in forging solutions to global problems.



The event was part of the Women in Public Service Project Colloquium convened by Secretary of State Hillary Clinton to bring attention to the need to increase the number of women in public service at the local, national and international levels.

What's Hot

DOL Proposal to Benefit Home Care Providers

Joined by Secretary Solis on Thursday, President Obama announced new rules proposed by the Labor Department that would provide wage protections for in-home care workers. "The nearly 2 million in-home care workers across the country should not have to wait a moment longer for a fair wage," said President Obama. "Today's action will ensure that these men and women get paid fairly for a service that a growing number of older Americans couldn't live without." Currently, workers classified as "companions" are exempt from the Fair Labor Standards Act's minimum wage and overtime pay requirements. When established in 1974, the exemptions were meant to apply to babysitters and companions for the elderly, not workers whose vocation was in-home care service.



- Learn More
• Read the Secretary's Blog Post
• View the Slideshow

Around DOL

ODEP is 'Real People, Real Impact'



Commemorating the Office of Disability Employment Policy's 10th anniversary on Wednesday, Secretary Solis and Deputy Secretary of Labor Seth Harris celebrated the positive impact of the agency's policies and program initiatives with leaders from the disability community during a celebration at Labor Department's headquarters in

Washington, D.C. Speakers included Sen. Tom Harkin; Rep. Steny Hoyer; Kareem Dale, special assistant to the president for disability policy; Kathleen Martinez, assistant secretary of labor for ODEP; and past assistant secretaries for the office. Tony Coelho, chairman of the President's Committee on Employment of People with Disabilities from 1994 to 2001, and Becky Ogle, executive director of the Presidential Task Force on the Employment of Adults with Disabilities from 1998 to 2001, were recognized as visionaries in creating ODEP. The event highlighted the career successes of youths and adults who have been the beneficiaries of ODEP's work. "Thanks to ODEP's hard work, the conversation has shifted away from whether people with disabilities can work to what tools and supports are needed to assist them in doing so," said Solis.

- View the Slideshow
• Read the News Release

Secretary Solis focused on overcoming obstacles as the first Latina elected to the state Senate in California, as well as her service in Congress. She emphasized the unique perspective that women bring to governing and touched on her work to protect victims of domestic violence and provide livable wages for in-home caregivers. Other participants included former New Zealand Prime Minister Helen Clark, Liberia Minister of Agriculture Florence Chenoweth, Health and Human Services Secretary Kathleen Sebelius, UNESCO Director Irina Bokova and France's Health Minister Nora Berra. The session was moderated by former Rep. Jane Harman.

- [View the Slideshow](#)

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## Progress Combating Homelessness



Secretary Solis' tenure as chair of the U.S. Interagency Council on Homelessness ended with some very good news: Despite the challenging economic

times, the number of people who are homeless in America has declined. During the council's final meeting of the year on Tuesday, the U.S. Department of Housing and Urban Development released its 2011 Point-in-Time Estimate of Homelessness report, which revealed that overall homelessness decreased by 2.1 percent from 2010 to 2011, and homelessness among veterans decreased by 12 percent. Before passing the gavel to the 2012 chair, U.S. Health and Human Services Secretary Kathleen Sebelius, Solis noted, "I'm proud to serve in an administration that has made combating homelessness a priority."

- [View the Slideshow](#)
- [Read the HUD Report](#)
- [Read the Secretary's Blog Entry](#)

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## Working to Make DREAM a Reality

Students and members of the United States Student Association and United We Dream joined Secretary of Education Arne Duncan and Secretary



Solis in a lively discussion on the Development, Relief and Education of Alien Minors Act, better known as the DREAM Act and other education-related issues. Thursday's meeting was part of the U.S. Department of Education's "Student

- [Read ODEP's Milestones](#)
- [Read the Blog Entry](#)

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## DOL Working for You

### Keystone Job Corps Comes to Aid of Local Community

Faced with an ailing administrative building, the community of West Hazleton, Pa., turned to students at Keystone Job Corps for assistance. Under the direction of Matt



Waltman, Keystone's manager of career technical training, and brick masonry instructor Rich Slivkanch, students assisted with weatherizing and restoring the building. They replaced windows, repaired the roof and gave the structure a new exterior finish. They even repaired a monument dedicated to area coal miners. Local officials estimated the students' efforts saved the community \$500,000 in repairs and avoided having to raise taxes. The mayor gave Keystone students an official certificate of appreciation for a job well done. Student Terrell

Wright enjoyed helping on the project because it "gave me experience on a real world job site." Waltman said the students are planning future repairs throughout the community.

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### ETA Re-entry Program Sparks Alabaman's New Lease on Life

Funding from an Employment and Training Administration's Prisoner Re-entry Program has given Leroy Davis the opportunity for a better life. After serving 18 years, Davis enrolled in the Danon Project of Birmingham, Ala., which provides mentoring, job training, education and case management services to non-violent individuals seeking to reintegrate into society. Davis completed an eight-week job readiness program, and the project assisted him with securing housing, obtaining a driver's license and finding a job. Davis now owns a car and two homes, and gives back by mentoring other re-entry participants in the project.



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## News You Can Use

### Formaldehyde Exposure Protection Efforts Continue

Following citations and fines to two salons for failing to implement precautions when using certain hair-smoothing products, the Occupational Safety and Health Administration is continuing its efforts to protect workers from the dangers of formaldehyde exposure. Formaldehyde can irritate the eyes and nose; can cause allergic reactions of the skin, eyes and lungs; and is a cancer hazard. Salon owners who decide to use products that may contain or release formaldehyde must follow the requirements of OSHA's formaldehyde and hazard communication standards to keep workers safe.

- [Read the News Release](#)

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## DOL in Action

### Florida Restaurant to Pay More Than \$82K in Back Wages

The Inlet Harbor Restaurant, Marina & Gift Shop in Ponce Inlet, Fla., has agreed to pay \$82,665 to 192 workers following an investigation by the

Conversations" tours to engage youth in hot topics and current events. The students, the majority of whom are DREAMers, spoke candidly about their uncertain futures and the possibility of deportation.

- [View the Slideshow](#)

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## At the Table: Latino Leaders



During a meeting with Latino labor leaders last week, Secretary Solis provided an update on the status of extending Unemployment

Insurance and payroll tax benefits as well as the department's goals for the coming year. Solis also emphasized that DOL is working hard to enforce U.S. labor laws and to help raise labor standards for all workers. Following her discussion, the group shared concerns about a variety of issues, including layoffs of teachers, firefighters and law enforcement personnel; violence against women in the workplace; and challenges facing workers in the meatpacking industry nationwide.

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## Driving Innovation

Jay Williams, director of the Office of Recovery for Auto Communities and Workers, highlighted federal efforts to



support an innovative and diverse American manufacturing sector last week. He traveled to Connersville, Ind., where he met with Mayor Leonard Urban and Carbon Motors CEO Bill Li to discuss ways that the federal government can assist their efforts to bring manufacturing jobs back to the city. Putting closed automotive facilities back to work for the community was also the topic of conversation as he visited Flint, Mich., to unveil a new study by the Center for Automotive Research that provides guidance on transitioning former automotive manufacturing sites to new purposes. "The findings will assist our office as we continue to help leaders navigate the local, state and federal resources available to revitalize former auto communities," Williams said.

- [Read the CAR News Release](#)
- [Read the Full Report](#)

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## Ortiz: DOL Implementing New Act to Aid Veterans

The Department of

Wage and Hour Division which found that the employer had deducted half hour breaks from every shift longer than six hours, even though the employees were never relieved from duty. Additionally, kitchen staff was paid "straight time" rather than time and one-half their regular rates for hours worked over 40 in a week.

- [Read the News Release](#)

### Investigation of FMLA Violation Results in Back Pay

Following an investigation by the Wage and Hour Division, Nichiha U.S.A. Inc. has paid a former employee at its Macon, Ga., plant \$20,141 in back wages after unlawfully terminating him for exercising his rights under the Family and Medical Leave Act. The employee was taking intermittent leave to care for his mother, who had undergone surgery.

- [More on the FMLA](#)
- [Read the News Release](#)

### Chicago-area Cleaning Companies, Owners Sued

The Labor Department has filed lawsuits seeking back wages and liquidated damages for 135 workers of two Chicago-area cleaning companies following investigations conducted by the Wage and Hour Division. The suits allege violations of the Fair Labor Standards Act's minimum wage, overtime and record-keeping provisions by Super Maid LLC in Romeoville and Skokie Maid and Cleaning Service LTD in Skokie, and their respective owners.

- [Read the News Release](#)

### Colorado Blue Ribbon Foods Cited for 28 Safety, Health Violations

McKeefe Ventures, doing business as Colorado Blue Ribbon Foods LLC in Rocky Ford, Colo., has been cited by the Occupational Safety and Health Administration for 28 alleged safety and health violations after a follow-up inspection revealed that corrective actions from a previous inspection had not taken place. Proposed fines total \$116,160.

- [Read the News Release](#)

### Fall Hazards Result in Citations, Penalties for Stucco Contractor

Hutchinson Stucco Inc. of Brunswick, Ga., has been cited by the Occupational Safety and Health Administration for 11 safety violations following an inspection that found workers were exposed to fall hazards while constructing a three-story residential building on St. Simons Island. OSHA initiated the inspection as part of a local emphasis program on protecting workers from falls in the construction industry. Proposed penalties total \$62,200.

- [Scaffold hazards interactive e-Tool](#)
- [Read the News Release](#)

### Mississippi Radiator Plant Cited for Safety Violations

Howard Industries has been cited by the Occupational Safety and Health Administration for eight safety violations, including two repeat and six serious, following an inspection of the company's radiator manufacturing plant in Laurel, Miss. The inspection was initiated under OSHA's Site-Specific Targeting Program for industries with high occupational injury and illness rates. Proposed penalties total \$59,000.

- [Read the News Release](#)

### Chuck E. Cheese's Pays Fines for Child Labor Violations

The Wage and Hour Division found violations of the Fair Labor Standards



Labor is committed "to the full and speedy implementation of a new law designed to support the success of veterans in the civilian

labor market," Ismael Ortiz, acting assistant secretary for the Veterans' Employment and Training Service, told a congressional panel Thursday. Ortiz testified before the House Veterans Affairs Subcommittee on Economic Opportunity about the Veterans Opportunity to Work to Hire Heroes Act of 2011, passed by Congress and signed into law by the president on Nov. 21. The act provides a broad array of new and expanded services to assist veterans in acquiring enhanced skills and facilitate their return to work.

- [Read Ortiz's Testimony](#)

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## TIGAAR Turning 10

It was 10 years ago that the department's Wage and Hour Division in Houston developed a unique community effort, The Information Group for



Asian American Rights, better known as TIGAAR. The division, along with the U.S. Equal Employment Opportunity Commission and the department's Occupational Safety and Health Administration, joined together with private organizations to educate members of the local Asian community about their rights under the laws covered by these agencies. The purpose of TIGAAR is to help ensure that Asian workers are treated fairly, safely and paid the wages owed to them. An anniversary celebration took place at the Vietnamese Community Center in Houston, where three partner organizations: VN TeamWork, the Alliance for Multicultural Community Services and the Organization of Chinese Americans, were honored for their outstanding work.

- [View the Slideshow](#)

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## Safe in NY



Continuing the Occupational Safety and Health Administration's outreach efforts to the Latino community, Area Director and

Diverse Workforce Coordinator Diana Cortez, along with Regional Administrator Marthe Kent,

Act's child labor provisions at nine Chuck E. Cheese's locations in the San Francisco Bay Area. Investigators determined that 16 minors were allowed to load and operate on-site trash compactors, and that two minors were allowed to operate a dough mixer, in violation of Hazardous Occupations Orders 12 and 11. CEC Entertainment Inc., the Irving, Texas-based company that does business as Chuck E. Cheese's, agreed to comply with the federal regulations and has paid \$28,225 in civil money penalties.

- [Read the News Release](#)

Resource Management Cited for 37 Violations After Worker Fatality

The Occupational Safety and Health Administration has cited Resource Management Cos. at its Earth City, Mo., recycling facility for 37 safety and health violations. An inspection was opened after a worker died from injuries sustained when he entered a baling machine to clear a jam and it became energized. Proposed fines total \$195,930.

- [Read the News Release](#)

Emil's Pizza Fined: Workers Exposed to Oxygen Deficient Atmosphere

The Occupational Safety and Health Administration has cited Emil's Pizza Inc. in Watertown, Wis., with nine alleged safety and health violations, including one willful violation for exposing workers to an oxygen deficient atmosphere at its manufacturing plant. Proposed fines total \$76,300.

- [Read the News Release](#)

Arkansas Union Official Sentenced for Embezzlement

Peggy Bolen, former financial secretary for United Steelworkers Local 898 in Redfield, Ark., was sentenced in early December to five years of probation and ordered to pay more than \$61,000 in restitution. Bolen pleaded guilty in August to one count of embezzling union funds after an Office of Labor-Management Standards investigation found that she had stolen from her union by writing unauthorized checks to herself.

Connecticut Contractor Cited for Worker Fall Hazards

G.A. Denison & Sons Inc., a New London, Conn., contractor, has been cited for 14 alleged willful and serious violations of workplace safety standards at an Old Lyme work site. The Occupational Safety and Health Administration's enforcement action follows an inspection opened June 7, when employees were observed being exposed to falls from heights of 15–26 feet while working without protection on both a scaffold and the roof of a building.

- [Read the News Release](#)

Nationwide Supply, Owner Sued Over Pension Deposits

The Labor Department has filed a lawsuit against Nationwide Supply Inc., operating as Business Outfitters in Cheyenne, Wyo., and Guy Baldino, the company's president and owner, for failing to deposit employee contributions into the company's pension plan in violation of the Employee Retirement Income Security Act. The suit follows an investigation by the Employee Benefits Security Administration revealing that the defendants withheld nearly \$20,000 in employee payroll contributions, as well as additional employee contributions exceeding \$17,000. The department is seeking repayment of all losses, plus interest, to the plan.

- [Read the News Release](#)

Heat Seal Fined More Than \$95,000 for 15 Safety, Health Violations

The Occupational Safety and Health Administration has cited Heat Seal

recently addressed a meeting of the Coalition of Latin American Consuls in New York. Cortez provided consul generals from several Central and South American nations with information about OSHA's mission, injuries and issues impacting immigrant workers, and the importance of the agency and the consulates collaborating to protect workers.

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## Borzi: Regulatory Efforts Increase Transparency

Employee Benefits Security Administration regulatory efforts are focused on increasing transparency in the retirement investment marketplace and making more information available to people who are saving in 401(k) type plans and individual retirement accounts. Assistant Secretary of Labor for EBSA Phyllis C. Borzi shared this emphasis with the American Institute of Certified Public Accountants as she joined the group in Washington for its Employee Benefit Plans Accounting, Auditing and Regulatory Update. Rules around fee disclosure to employer sponsors of retirement plans and employees saving for retirement will help people understand what advisers and brokers are really charging for their services. And an upcoming proposal to redefine who is a fiduciary for the purposes of giving advice to retirement savers will bring accountability to the retirement advice marketplace.

- [Learn More About EBSA](#)

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## Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

- [Open Funding Opportunities](#)

OFCCP — Building Partnerships for the Community

- [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

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

OFCCP — Community Outreach and Education Event

- [January 15 — Philadelphia, PA](#)

OFCCP — Proposed Section 503 Regulation Revisions

LLC in Cleveland, Ohio, with 15 safety and health violations, including one willful safety violation for failing to ensure machine points of operation were guarded. OSHA initiated the inspection after receiving a complaint alleging that there were no guards on press brakes. Proposed fines total \$95,200.

- [Read the News Release](#)

Initiative Protects Rights of Tennessee Hotel and Motel Workers

The Wage and Hour Division is conducting a multiyear enforcement initiative focused on the hotel and motel industry in Tennessee, where it has found widespread noncompliance with the Fair Labor Standards Act. Investigators are visiting hotels and motels in major tourism areas, including Nashville and the Great Smoky Mountains, to assess compliance among establishment owners, third-party management companies and staffing agencies that provide workers.

- [Read the News Release](#)

Laid Off Michigan Workers Receive Help

The Labor Department awarded a \$186,000 National Emergency Grant to the Michigan Strategic Fund to assist about 40 workers affected by layoffs from CCI Systems Inc. in Iron Mountain. Layoffs at this facility, which provides design, engineering and implementation services for communication network equipment, occurred from August 2010 through August 2011. The grant will provide assistance to dislocated workers in conjunction with services they will receive under the Trade Adjustment Assistance program.

- [Read the News Release](#)

Re-employment Help for Laid Off Wisconsin Workers

The state of Wisconsin was awarded a \$3,390,230 National Emergency Grant increment to continue providing re-employment services to approximately 2,500 workers of 79 companies, predominantly in the manufacturing sector, who have been affected by layoffs and plant closures. The funds will be used to continue assisting the workers, many of whom also are certified as eligible for Trade Adjustment Assistance, by providing supportive services not available through the TAA program.

- [Read the News Release](#)

Boomerang Tube Cited Following Severe Worker Injuries

Boomerang Tube LLC in Liberty, Texas, has been cited by the Occupational Safety and Health Administration for willful, serious and other-than-serious violations following severe injuries to three of the company's workers over a five-month period. The willful violations include failing to repair a damaged crane, ensure the use of lockout/tagout procedures to control energy sources of equipment and provide the required machine guarding. Proposed penalties total \$468,000.

- [Read the News Release](#)

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## On the Job: Economists

*What they do:* The Bureau of Labor Statistics is the principal federal agency responsible for measuring labor market activity, working conditions and price changes in the economy. Its mission is to collect, analyze and disseminate essential economic information to support public and private decision-making. BLS economists are responsible for the review, collection and compilation of data as well as preparing analyses of findings. Typical duties may include: planning and conducting surveys to collect economic data; analyzing and interpreting data; preparing reports on economic trends and activities; and briefing the news media, industry, labor, and federal and

- [December 20 — Webinar](#)

OFCCP — Supply and Service AAP Development Seminar

- [January 11 — Pittsburgh, PA](#)

OFCCP — The Journey to Equal Pay

- [January 19 — Houston, TX](#)

OSHA — Advisory Committee on Construction Safety and Health Meeting

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

WHD — Mobile Mexican Consulate

- [December 17 — Raleigh, NC](#)

state governments about economic trends.

*How to qualify:* For all economist positions, candidates must have a bachelor's degree with 21 semester hours in economics and three semester hours in statistics, accounting or calculus. Positions begin at the GS-5 level. However, a higher grade and pay may be available to candidates who meet certain additional criteria. To learn more about this or other career opportunities at BLS, visit <http://www.bls.gov/jobs/faq.htm>.

Learn more about other job opportunities at the Labor Department at <http://www.dol.gov/dol/jobs.htm>.

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- New on the Blog - The Impact on Women of Failing to Extend UI <http://t.co/ICFjvtq7> about 4 hours ago
- Women, an increasingly a critical part of the economy and contributors to their family, will be greatly affected... <http://t.co/OrJvEY2d> about 4 hours ago

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