



DOL News Brief

January 5, 2012

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Meet the DOL Leadership Team



In her role as assistant secretary of labor for the Employee Benefits Security Administration, Phyllis C. Borzi is charged with protecting the retirement and health care benefits of millions of Americans. And with 40 years of experience in the benefits arena, she is well suited to the task. As a lawyer in private practice, she advised trustees of collectively bargained multiemployer pension and health plans on how best to leverage employer contributions to maximize the benefits provided to workers and their families. She also worked with the trustees to select service providers who put the interests of their clients ahead of their own financial interests. As an academic, she published writings that advanced policy debates in the benefits field. During more than 15 years as pension and employee benefit counsel for the House Subcommittee on Labor-Management Relations of the Committee on Education and Labor, she was Congress' benefits guru. In December, Borzi was named one of Investment News' "Power 20," sharing the list with the likes of Warren Buffett and German Chancellor Angela Merkel.

- [Read the Power 20 Article](#)
- [Learn More About Borzi](#)

Block gets NLRB Spot

During the Senate recess this week, President Obama appointed one of the department's very own – Deputy Assistant Secretary of Labor for Congressional and Intergovernmental Affairs Sharon Block – to the National Labor Relations Board. She'll start on the board as early as next week. The NLRB is an independent federal agency vested with the authority to safeguard employees' rights to organize and to determine whether to have a



What's Hot

White House Announces Summer Jobs+ Initiative

Secretary Solis joined President Obama today at the White House to announce "Summer Jobs +." This new call to action asks businesses, nonprofits and government agencies to provide pathways to employment for low-income and disconnected youth this summer. With help from a number of major corporations such as Jamba Juice, UPS and Wells Fargo, 80,000 young people had jobs last summer. "Summer Jobs + is yet another way we're partnering with employers to create good jobs," said Secretary Solis. The initiative already has commitments from employers to create 175,000 jobs for youth this summer, including paid positions, internships, mentoring relationships and job shadowing programs. And, in the next 60 days, a new online summer jobs bank will be created to help young people access opportunities in their local communities.



- [View the Slideshow](#)
- [Visit the Summer Jobs+ Website](#)
- [Read the Secretary's Blog Entry](#)
- [Read the White House News Release](#)

Piping Company Fined More Than \$1 Million for Safety Hazards

Following a complaint that the company exposed workers to amputation risks and other serious injuries, the department's Occupational Safety and Health Administration cited Piping Technology and Products Inc. of Houston, Texas, for 13 willful and 17 serious violations. "Repeatedly ignoring the law while risking workers' lives and providing misleading information to federal investigators will not be tolerated," said Secretary Solis. "Employers who endanger the lives and limbs of their employees must be held accountable." Proposed penalties total \$1,013,000.

- [Read the News Release](#)

Take Three: Child Labor in Agriculture

In September 2011, the Department of Labor proposed a rule to increase protections for workers age 15 and younger who are employed in agriculture. There are many misconceptions about how the rule would affect young agricultural workers. Deputy Administrator of the Wage and Hour Division Nancy Leppink answers three pressing questions about it.

Why was this rule proposed? *"Studies show that young workers are significantly more likely to die or suffer a serious injury while performing agricultural work than in any other industry. Agricultural workers ages 15-17 have a risk of fatality that is four times greater than that of the average 15-*

union as their collective bargaining representative. The board also prevents and remedies unfair labor practices committed by private sector employees and unions. In a message to the department's staff, Secretary Solis noted, "This is important work, and there is no one better suited to do it than Sharon."

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

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## Investigators Receive Recognition

Two investigators with the Employee Benefits Security Administration and two investigators with the Department of Labor's Office of Inspector General



were recently recognized by the Department of Justice for their work in uncovering a \$40 million dollar embezzlement scheme. Last month U.S. Attorney for the Southern District of New York Preet Bharara presented EBSA investigators Bernie Dolnansky and Dan Schiffer, along with two OIG investigators, congratulatory plaques for helping to investigate Melissa King who pleaded guilty in October to stealing from the employee benefit plans she administered on behalf of the Labor Union Local 147, also known as the



"Sandhogs Union." King also pleaded guilty to filing false personal income tax returns with the Internal Revenue Service. She has not

yet been sentenced. Dolnansky, Schiffer and the OIG investigators' work resulted in the seizing and liquidation of King's assets in an effort to return the money to the union members from whom it was stolen. The benefit plans fund various retirement, annuity, health and vacation benefits for workers and their beneficiaries.

- [Read More](#)

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## Long-Time OSHA Regional Administrator Says Good-Bye

Michael Connors, regional administrator for the Occupational Safety and Health Administration in Chicago, has devoted his 37-year career to



the agency's mission. "I am proud of how far America has come in protecting our workers," said Connors, who has been with OSHA nearly

to 17-year-old. The proposed rule targets the tasks that are most likely to result in death or serious injury."

How would the rule affect small family farms? "The proposed rule would not affect children working on family farms owned by their parents. A child of any age may perform any job at any time on a farm owned by his or her parent. A child of any age may perform any job on a farm operated, but not owned, by his or her parent, but only outside of school hours."

Would the rule prohibit all agricultural work for minors? "The department recognizes the valuable role of agricultural work in promoting a sense of responsibility and stewardship for the nation's land and animals. There will be many opportunities for children under the age of 16 to work on farms, just as they have done for decades, but the rule would restrict hired farmworkers under the age of 16 from performing specific tasks that have killed or injured a disproportionate number of young workers in the past."

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## DOL Working for You

Job Corps at Home and across the Globe



Former Clearfield, Utah, Job Corps student David Moses was one of the last American soldiers to "turn out the lights" at Camp Adder in Iraq, adding to his remarkable story of courage, perseverance and service to his adopted country. Moses was one of the "Lost Boys of the Sudan" tortured by government soldiers, but he escaped and spent a year in a Kenyan refugee camp before immigrating to Utah to live with a Sudanese family, where he earned a GED as well as high school and business clerical diplomas through the Job Corps program. Moses graduated from Weber State University and, "in gratitude to [his] country," became a U.S. citizen and joined the military. As an Army captain, Moses served three tours in Iraq and was awarded the Combat Infantry Badge, the Combat Action Badge, an Army Commendation Medal and two Bronze Star Medals. "My journey to success began the day I stepped onto the Clearfield Job Corps Center," Moses said. "Job Corps provided me with the basic foundation that I needed to succeed in life and in the military in particular."

WIA Helps Massachusetts Vet Find Health Care Job

As a Navy Corpsman, Frank Chavez was often called upon to dispense nursing assistance to his fellow servicemen. But when he sought a private sector job in medicine, Chavez found that his military medical skills were not transferable or recognized. Back home, Chavez held a series of low paying jobs and even experienced unemployment. Yet, he was determined to find a way "to get back to my roots in medicine." He received career and educational help through a Workforce Investment Act program in Massachusetts that helps veterans enroll in school to obtain credentialing in specific fields. Chavez eventually graduated at the top of his class with a patient care certification and now works at a local health care facility as a nurse's assistant.



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## DOL in Action

Davey Tree Surgery Cited After Fatality for Safety Violations

The department's Occupational Safety and Health Administration has cited a Livermore, Calif.-based utility service contractor, The Davey Tree Surgery

since it was created. "Injury and illness have decreased significantly for workers since OSHA was founded in 1971, and we have made significant strides in changing the culture in American workplaces." Connors has served as the regional administrator in Chicago since 1988.

- [Read More](#)

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## News You Can Use

### US Mining Deaths 2nd Lowest in a Century

Preliminary data released this week by the department's Mine Safety and Health Administration reported that 37 miners died on the job last year. That number represented a significant drop from the 71 miners who lost their lives in 2010 and was the second-lowest number of annual mining deaths since statistics were first recorded in 1910. "Mining deaths are preventable," said MSHA Assistant Secretary Joseph Main, who noted that 273 miners died in 1977, when Congress passed the Federal Mine Safety and Health Act. "While fewer miners are dying on the job, we can never alter our focus because things can change in a moment. Miners need the reassurance that they will return home safe and healthy after each shift."

- [Read the News Release](#)
- [See More Mining Statistics](#)

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## On the Job!

### Equal Opportunity Specialists

*What they do:* The Office of Federal Contract Compliance Programs enforces the contractual promise of affirmative action and equal employment opportunity required of those who do business with the federal government. Equal opportunity specialists carry out the OFCCP mission by conducting or leading contract compliance evaluations, fact finding and investigations. They negotiate remedies, write reports, conduct meaningful detailed analysis, and evaluate contractor development and implementation of affirmative action plans.

*How to qualify:* Equal opportunity specialists need a solid understanding of investigative techniques and statistical concepts so they can identify and correct workplace discrimination. They also need a working knowledge of requirements and methods for developing, implementing and evaluating the progress of affirmative action programs in contractor organizations. Knowledge of private sector employment practices is also helpful in conducting evaluations. Finally, they must be able to express their findings succinctly through written

Co., for safety violations after a worker was killed at an Idaho City, Idaho, job site in June. OSHA has cited the company for serious violations including failing to have adequate first-aid supplies, ensure that workers maintain a safe distance from trees being felled, evaluate the work area prior to the tree being felled, provide training for tool and equipment use, and provide training for determining tree length.

- [Read the News Release](#)

### Wisconsin Union Official Sentenced for Embezzlement

Royce Austin, former president of the Progressive Organization of Worker Representatives in Milwaukee, Wis., was sentenced last month to eight months of home confinement and three years of probation, and ordered to pay more than \$26,000 in restitution. Austin pleaded guilty in August to one count of embezzlement after an Office of Labor-Management Standards investigation found that he cashed dues checks and made unauthorized ATM withdrawals and purchases using a union debit card.

### Model Screw Products Cited for Compressed Air Ruptures

Following an inspection by the Occupational Safety and Health Administration, Model Screw Products Inc. of Clearwater, Fla., has been cited for 18 safety violations involving transport of compressed air through PVC piping that ruptured and resulted in an employee suffering hearing loss and trauma. Proposed penalties total \$109,800.

- [Read the News Release](#)

### Piggly Wiggly Faces Child Labor, Wage Violations

A multiyear enforcement initiative by the Wage and Hour Division has uncovered significant violations of the Fair Labor Standards Act's child labor and wage provisions at 14 franchisee-owned Piggly Wiggly grocery stores in Alabama and Mississippi. Employers have been assessed \$53,037 in civil money penalties for permitting 31 minor employees to conduct prohibited hazardous tasks. Additionally, minimum wage and overtime back wages totaling \$12,547 will be paid to 56 employees who were denied proper compensation for all hours worked.

- [Read the News Release](#)

### Ohio Chicken Processing Facility Fined \$288,000

Case Farms Processing Inc., which operates Case Farms Chicken in Winesburg, Ohio, has been cited by the Occupational Safety and Health Administration for 61 safety and health violations related to OSHA's process safety management standards. These allegedly resulted in an ammonia release at the facility on June 30. Proposed fines total \$288,000.

- [Read the News Release](#)

### Final Rule on Recreational Vessels Issued

A final rule defining what is considered a recreational vessel under the Longshore and Harbor Workers' Compensation Act has been issued by the Office of Workers' Compensation Programs. The rule was prompted by a provision in the American Recovery and Reinvestment Act of 2009. Prior to 2009, workers who repaired or dismantled vessels fewer than 65 feet in length were excluded from coverage under the Longshore Act if they were covered by a state workers' compensation program. The Recovery Act removed that 65-foot limitation and excluded workers on recreational vessels of any length.

- [Read the News Release](#)
- [Learn More About the Rule](#)

### Roofing Contractor Cited for Lack of Fall Protection

Martha M. Alvarez, a residential roofing contractor based in Houston, Texas,

and oral communication.

Learn more about other job opportunities at the Labor Department at [www.dol.gov/jobs](http://www.dol.gov/jobs).

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## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

MSHA — 16th Professional Development Mine Safety Seminar for Supervisors

- [January 18-19 — Allentown, PA](#)

MSHA — Mining Blasting Safety and Application Seminar

- [January 18-19 — Beaver, WV](#)

MSHA — Missouri Mine Safety and Health Conference

- [January 19-20 — Osage Beach, MO](#)

OFCCP — Building Partnerships for the Community

- [January 12 — Charlotte, NC](#)
- [January 24 — Baltimore, MD](#)
- [January 26 — Memphis, TN](#)

OFCCP — Community Based Organizations Roundtable Collaboration

- [January 10 — Baltimore, MD](#)
- [January 18 — Pittsburgh, PA](#)

OFCCP — Community Outreach and Education Event

- [February 1 — Philadelphia, PA](#)
- [February 15 — Dover, DE](#)
- [February 28 — Baltimore, MD](#)

OFCCP — Compliance Assistance Seminar

- [January 11 — Boston, MA](#)
- [January 18 — Boston, MA](#)
- [January 26 — Boston, MA](#)
- [February 1 — Boston, MA](#)
- [February 8 — Boston, MA](#)
- [February 15 — Boston, MA](#)

OFCCP — Preparing for an OFCCP Evaluation

- [January 26 — Philadelphia, PA](#)

OFCCP — Supply and Service AAP Development Seminar

- [January 11 — Pittsburgh, PA](#)
- [February 1 — Pittsburgh, PA](#)

has been cited by the Occupational Safety and Health Administration with six safety violations for failing to provide fall protections at three Wisconsin job sites — two in Cambridge and one in Janesville. Proposed fines total \$102,300.

- [Read the News Release](#)

Los Agaves Restaurant Pays More Than \$74,000 in Back Wages

Los Agaves Mexican Restaurant of Hot Springs, Ark., paid \$74,413 in back wages to 28 current and former servers, cooks and dishwashers following an investigation by the department's Wage and Hour Division. Violations of the Fair Labor Standards Act's minimum wage and overtime provisions were found at the restaurants in the Arkansas cities of Nashville, Glenwood, Murfreesboro and Prescott.

- [Read the News Release](#)

Mississippi Shipyard to Pay More Than \$176,000 in Proposed Penalties

Government contractor Huntington Ingalls Industries International Shipbuilding Inc. and five subcontractors have been cited by the Occupational Safety and Health Administration for a total of 50 safety and health violations at the company's Pascagoula, Miss., shipyard. OSHA opened an investigation after receiving a complaint about safety hazards, which was expanded to a comprehensive safety and health inspection under OSHA's Site-Specific Targeting Program. Proposed penalties total \$176,444.

- [Read the News Release](#)

MSHA Settles With Pennsylvania Coal Operator

Hepburnia Coal Co. Inc. has agreed to provide special training to employees on miners' rights and pay a civil penalty of \$3,750 to settle charges of unlawful discrimination against one of its employees. The mine issued a suspension against an employee, suspecting the miner of making the safety complaints to the Mine Safety and Health Administration that resulted in the issuance of numerous violations. "Every miner has the right to identify hazardous conditions and refuse unsafe work without fear of discrimination or retaliation," said Joseph A. Main, assistant secretary of labor for mine safety and health.

- [Read the News Release](#)

LaBolt Farmers Grain Cited for Unsafe Working Conditions

LaBolt Farmers Grain Co. Inc. in LaBolt, S.D., has been cited by the Occupational Safety and Health Administration for exposing workers to unsafe working conditions at its grain handling facility following an incident in which a worker was caught in a moving bin sweep auger and suffered severe injuries to his leg and arm. The company was issued 13 citations with proposed penalties totaling \$95,920.

- [Read the News Release](#)

DOL Sues Ohio Health Company for Misclassification

The Labor Department has filed a lawsuit seeking more than \$84,000 in back wages and liquidated damages for 10 workers employed by Healthy Solutions Home Health Services LLC of Columbus, Ohio. The Wage and Hour Division found that the employer misclassified employees as independent contractors, resulting in violations of the Fair Labor Standards Act's minimum wage and overtime pay provisions.

- [Read the News Release](#)

Conway Stores Cited for Locked Exits

## OFCCP — The Journey to Equal Pay

- [January 19 — Houston, TX](#)

## OFCCP Webinar — Proposed Revisions to Section 503 Regulations

- [January 11](#)

Conway Stores Inc. of the Bronx, N.Y., has been cited by the Occupational Safety and Health Administration for willful, repeat and serious violations of workplace safety standards. Among the violations are several instances in which emergency exit doors were padlocked during work hours and emergency exit routes were obstructed by racks of clothing and boxes of stock. The retailer faces a total of \$90,000 in proposed fines.

- [Read the News Release](#)

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## Follow USDOL on

- New on the Blog - It's Cold Outside ... and I'm Thinking of Summer (Jobs)  
<http://t.co/LipkgaL1> about an hour ago
- Secretary Hilda Solis shares more on the Summer Jobs+ initiative in her latest blog post.  
<http://t.co/5ksErcRU> about an hour ago

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