



DOL News Brief

January 19, 2012

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JFK Legacy: Diversity



As part of the JFK 50-Justice for All, a 50th anniversary commemoration and celebration of the Kennedy presidency, Secretary Solis joined

a panel of diverse leaders on Wednesday to discuss "Leading with Diversity in a Global Economy." Moderated by journalist Tom Brokaw, the group examined several issues, including the challenges of leading across cultures in a global economy; how diversity is a key to increased productivity and competitiveness; and strategies for developing and retaining a workforce to reflect the global marketplace. The event was one of a series to be co-sponsored by the John F. Kennedy Library Foundation and Bingham McCutchen over the next three years that will look at the ideals which propelled the civil rights movement and their continued importance in society today.

- [View the Slideshow](#)

Solis Talks Training in Virginia

Secretary Solis joined Rep. Bobby Scott during a recent trip focused on training in Hampton Roads, Virginia. The two participated in a



roundtable discussion at the Downing-Gross Cultural Arts Center in Newport News to learn about the challenges faced by community stakeholders engaged in ex-offender reintegration and training, and joined local labor leaders for a special luncheon held in the secretary's honor. They later met the students and staff of Tidewater Community College in Portsmouth, where they were provided an update on the college's plans for use of a grant of more than \$24 million awarded to the college for worker retraining programs.

- [View the Slideshow](#)

What's Hot

AFL-CIO Honors Secretary Solis at MLK Observance in Detroit

More than 500 activists and leaders from the labor and civil rights movements gathered in Detroit last weekend for the AFL-CIO's annual Martin Luther King Jr. holiday observance and national conference. Attendees engaged with families hit



hard by the recession during a day of community service projects around the city at shelters, food banks, schools and social service centers. At an awards banquet on Sunday evening, Secretary Solis was honored with the "At the River I Stand" award for her lifelong work to protect civil rights and improve the lives of all working people. In a passionate acceptance speech, she said, "History was first made right here along the Detroit River. So it's with great humility that I accept this award. And tonight, here by that same river,

I stand to make my voice heard for workers everywhere."

- [Read the Secretary's Remarks](#)
- [Download the Poster](#)

News You Can Use

Martinez Renews Alliance with SHRM

Assistant Secretary of Labor for the Office of Disability Employment Policy Kathy Martinez joined Society for Human Resource Management President and CEO Hank Jackson on Tuesday to renew an alliance agreement first formalized in 2006. "Today's alliance renewal is particularly important as hiring begins to rebound after a soft economy.



An ongoing relationship with SHRM is a perfect opportunity to alert hundreds of thousands of HR professionals about the skills and talents that those of us with disabilities bring to the workplace," Martinez said. SHRM is the world's largest association devoted to human resource management and represents more than 250,000 members in more than 140 countries.

Re-employment Help for Laid Off Pennsylvania Workers

Approximately 150 workers affected by the closure of Ocean Logistics LLC's Dunmore, Pa., facility will receive re-employment services under a \$306,838 National Emergency Grant provided by the Labor Department. The grant, awarded to the Pennsylvania Department of Labor and Industry, will be

EBSA Moving Forward with Rules to Protect Retirement Savings

The Employee Benefits Security Administration is moving forward with regulations and proposals that will increase the quality of advice being provided to individual retirement account investors and 401(k) plan sponsors and participants. Assistant Secretary of Labor Phyllis C. Borzi delivered this message to the American Society of Pension Professionals and Actuaries last week during the group's Los Angeles Benefits Conference. A final rule requiring financial services firms to disclose fees to retirement plan sponsors will be out soon, and EBSA is working toward re-proposing a separate rule that would re-define who is a fiduciary for the purposes of giving advice to retirement savers. These rules combined with other regulatory efforts will help ensure that employers and workers are able to make informed decisions and obtain the best possible advice when choosing how they save.

Celebrating Collective Bargaining



Fifty years ago, federal employees obtained the right to engage in collective bargaining when President John F. Kennedy issued Executive Order

10988, "Employee-Management Cooperation in the Federal Sector." Secretary Solis and Deputy Secretary Harris joined Office of Personnel Management Director John Berry, labor union leaders, and others for a reception Tuesday celebrating the order's anniversary. In her remarks, Solis noted, "In America, perhaps our most basic value is a belief that hard work should be respected. It is my honor to celebrate our federal workers and to celebrate the history of bipartisanship — from Kennedy to Nixon to Ford to Carter — that gave them a voice on the job."

- [View the Slideshow](#)
- [Read the Secretary's Remarks](#)
- [View the 50th Anniversary Site](#)

Disability Employment Workshop

Kathy Martinez, assistant secretary of labor for disability employment policy, welcomed federal staff



operated by the Lackawanna County Workforce Investment Board.

- [Read the News Release](#)

DOL Working for You

DOL Grants Help Veteran Find Employment



Former Army medic Carols Canas has rebuilt his life thanks to help from department funding to assist veterans. After losing his job and having no immediate employment prospects, Canas was forced to turn to public assistance to overcome more than a year of unemployment. "This was one of the most difficult times in my life, standing in formation as a soldier to standing in the welfare office," he said. However, a veterans' assistance program provided by department grantee Way Station Inc. of Frederick, Md., paid for Canas' classes at a community college. He eventually

graduated with a certificate in phlebotomy and found full-time employment at a local hospital. The program, Canas said, "helped get me into school and succeed."

WRP Grad Lands DHS Job Helping People with Disabilities

Ann Kaufmann was determined to follow in her parents' footsteps and work for the federal government. The department's Workforce Recruitment Program helped her do just that. Kaufmann, who has attention deficit disorder, excelled in undergraduate studies and law school. She applied for a number of jobs without success. But then she entered the WRP, a job recruitment and referral program managed by the Office of Disability Employment Policy. Her resume led to an interview with the U.S. Department of Homeland Security and an eventual job offer to become the disability program manager for its Customs and Border Protection agency. Kaufmann said her goal now is "to pay it forward and help other people with disabilities succeed."



DOL in Action

Labor Department Continues Storm Cleanup in Ohio

The Labor Department provided a \$5 million National Emergency Grant increment to continue temporary jobs for eligible dislocated workers. These workers will assist with cleanup and recovery efforts following severe storms and floods in April and May 2011 that affected southeastern Ohio. "The additional federal funding will help prevent future flooding in the Appalachian region while continuing to provide temporary work for those in need of employment," said secretary Solis.

- [Read the News Release](#)

Department Settles Charges of Discrimination with Defense Contractor

The Office of Federal Contract Compliance Programs and government contractor JacintoPort International LLC agreed to settle allegations of hiring discrimination on the basis of race involving 48 African-American and 21 Caucasian job applicants who were rejected for longshoreman positions at the company's cargo facility in Houston. "In this day and age, it is shocking that any company would allow race to be a factor in determining who gets hired," said OFCCP Director Patricia A. Shiu. Under the terms of the latest conciliation agreement, JacintoPort will pay \$219,000 in back wages and

to the department last week for a training event jointly planned with the White House, the U.S. Office of Personnel Management and the American Association of People with Disabilities. Attendees, all members of teams responsible for implementation of Executive Order 13548, heard fresh perspectives from private sector employers about successfully hiring, retaining and developing people with disabilities within their workforces. The program was moderated by Michael Murray, director of programs, AAPD, and co-hosted by Kareem Dale, associate director, White House Office of Public Engagement and special assistant to the president for disability policy; Veronica E. Villalobos, director, Office of Diversity and Inclusion, U.S. Office of Personnel Management; and Mark Perriello, president and CEO, AAPD.

- [View the Slideshow](#)

For Mayors: Resources, Not Rhetoric



Hundreds of city mayors, small business leaders and workforce development professionals gathered in Washington on

Tuesday for the U.S.

Conference of Mayors' 80th Winter Meeting. This annual gathering is the premiere forum for mayors and Washington leaders to discuss pressing issues impacting cities and metropolitan areas. Secretary Solis keynoted a luncheon focused on job creation and the ways in which the federal and local governments can maximize their work together. In her speech, she made it clear that she was there to "provide resources, not rhetoric" about job training opportunities and grant competitions currently available. "I'm here to give you resources – dates, deadlines and dollar amounts – that will help you access the services we currently have available at the Department of Labor," she said.

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

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

Event Spotlight: CFBNP Job Clubs Event

The U.S. Department of Labor's Center for Faith-based and Neighborhood Partnerships and the administration's Office of Recovery for Auto Communities and Workers will host a Jan. 26 symposium in Kansas City, Mo., on the important role of job clubs and career

interest to the affected individuals, and make 17 job offers to members of the original class as longshoreman positions become available.

- [Read the News Release](#)

\$148,000 in Fines Proposed to Basic Marine for 32 Violations

Basic Marine Inc., a shipyard and boat fabricating facility in Escanaba, Mich., has been cited by the Occupational Safety and Health Administration for 32 – including five repeat – violations of safety and health standards. Proposed fines total \$147,840. The OSHA inspections were initiated based on a referral from the Michigan Occupational Safety and Health Administration after a worker sustained an amputation injury.

- [Read the News Release](#)

Cordero Mining Ordered to Pay Civil Penalty, Reinstate Worker

An administrative law judge with the Federal Mine Safety and Health Review Commission has ordered Cordero Mining LLC of Gillette, Wyo., to pay a \$40,000 civil penalty as well as reinstate an employee to her former position, provide compensation for lost wages and remove personnel files referencing the unlawful discharge. In May 2010, the miner filed a complaint with the Mine Safety and Health Administration against Cordero, alleging that the coal mining company had terminated her employment in retaliation for her repeated safety complaints.

- [Read the News Release](#)

American Marazzi Tile Placed in Severe Violator Enforcement Program

American Marazzi Tile Inc. has been cited by the Occupational Safety and Health Administration with 25 safety and health violations for exposing workers to excessive noise levels, machine guarding hazards and other dangerous conditions at its facility in Sunnyvale, Texas. The company has been placed in OSHA's Severe Violator Enforcement Program. Proposed penalties total \$318,000.

- [Read the News Release](#)

Former Web Development Co. CEO Sued to Restore Pension Funds

The Labor Department is suing Garrison Enterprises' former chief executive officer and chairman of the board, Cameron Garrison, to restore \$103,481.37 to the Web development company's 401(k) pension plan. The lawsuit follows an investigation by the Employee Benefits Security Administration that found employees' plan contributions had been commingled with the general assets of the company, a violation of the Employee Retirement Income Security Act.

- [Read the News Release](#)

AirTran Airways Ordered to Reinstate Pilot, Pay \$1 Million+

The Occupational Safety and Health Administration has ordered AirTran Airways, a subsidiary of Dallas, Texas-based Southwest Airlines Co., to reinstate a former pilot who was fired after reporting numerous mechanical concerns. The agency also has ordered that the pilot be paid more than \$1 million in back wages plus interest and compensatory damages.

- [Read the News Release](#)

Custer State Park Resort to Pay 72 Foreign Guest Workers \$93,000+

The Labor Department has ordered Custer State Park Resort of Custer, S.D., to pay \$93,000 in back wages to 72 workers employed at a major

ministries in getting Americans back to work. Job club coordinators, workforce development officials, government leaders, faith and nonprofit leaders, employers, job seekers and workers are encouraged to attend.

CFBNP — Job Clubs and Career Ministries: On the Front Lines of Getting Americans Back to Work

- [January 26 — Kansas City, MO](#)

OFCCP — 16 AA steps and Other Requirements for Construction Contractors

- [February 23 — San Diego, CA](#)

OFCCP — Building Partnerships for the Community

- [January 24 — Baltimore, MD](#)
- [January 26 — Memphis, TN](#)
- [February 9 — Charlotte, NC](#)
- [February 9 — Memphis, TN](#)
- [February 14 — Baltimore, MD](#)
- [February 16 — Memphis, TN](#)
- [February 22 — Atlanta, GA](#)
- [February 22 — Jacksonville, FL](#)

OFCCP — Community Based Organizations Roundtable Collaboration

- [January 25 — Richmond, VA](#)
- [February 1 — Richmond, VA](#)
- [February 2 — Pittsburgh, PA](#)
- [February 15 — Pittsburgh, PA](#)
- [February 16 — Boston, MA](#)

OFCCP — Community Outreach and Education Event

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

OFCCP — Compliance Assistance Seminar

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

OFCCP — Compliance Assistance Seminar - Supply & Service Contractors

- [January 26 — Online](#)
- [February 15 — Richmond, VA](#)

OFCCP — Internet Applicant Rule

- [January 26 — San Diego, CA](#)

resort in South Dakota's Black Hills. The action is the result of an investigation by the Wage and Hour Division that disclosed willful violations of the H-2B temporary visa program, through which the workers were hired. Additionally, the department has assessed \$65,000 in civil money penalties.

- [Read the News Release](#)

Henry Gurtzweiler Cited, Repeat Violations for Lack of Fall Protection

The Occupational Safety and Health Administration has cited Henry Gurtzweiler Inc. with six safety violations at a job site in Oregon, Ohio, including repeat violations for failing to provide fall protection during steel erection operations and allowing workers to climb out of an aerial lift. Proposed fines total \$50,820.

- [Read the News Release](#)

Former Employee of University Health System to Receive Back Wages

Bexar County Hospital District, doing business as University Health System in San Antonio, Texas, has agreed to pay a former employee \$7,915 in back wages following an investigation by the Wage and Hour Division that found the hospital violated the Family and Medical Leave Act. The company had denied the employee's request for intermittent leave related to a serious chronic health condition.

- [Read the News Release](#)

Unsafe Working Conditions at St. Cloud VA Health Care System

The department has issued 19 notices of unsafe and unhealthful working conditions at the St. Cloud Veterans Affairs Health Care System facility in St. Cloud, Minn., following a combined health and safety inspection conducted as part of the Occupational Safety and Health Administration's Federal Agency Targeting Inspection Program. Violations involve failing to provide guardrails, keep exit routes unobstructed and train housekeeping staff on the specific location of asbestos in their assigned work areas.

- [Read the News Release](#)

DOL Sues Restaurant for FLSA Violations, Retaliation

The department has sued Marin County's Seafood Peddler restaurant in San Rafael, Calif., for alleged violations of the federal Fair Labor Standards Act. An investigation by the Wage and Hour Division determined that the employer owes at least \$137,938 in overtime back wages to 11 employees as well as \$26,434 to eight employees fired for cooperating with the investigation, and assessed \$15,400 in civil money penalties for willful violations of the FLSA's overtime and nonretaliation provisions.

- [Read the News Release](#)

Curt Manufacturing Cited After Worker's Thumb Crushed

Curt Manufacturing LLC in Eau Claire, Wis., has been cited by the Occupational Safety and Health Administration with eight safety violations, including one willful violation for allowing workers to continue operating an unguarded hydraulic power press brake after a worker's thumb was crushed by an unguarded machine. Proposed fines total \$105,000.

- [Read the News Release](#)

Complaint Filed Against DeMoulas Super Markets

The department's regional solicitor's office in Boston has filed a complaint against DeMoulas Super Markets Inc., doing business as Market Basket, with the Occupational Safety and Health Review Commission. The complaint asks the commission to order the Tewksbury, Mass.-based chain

OFCCP — Paper and Electronic Recordkeeping

- [January 25 — Orange, CA](#)

OFCCP — Preparing for an OFCCP Evaluation

- [January 26 — Philadelphia, PA](#)
- [February 9 — Philadelphia, PA](#)

OFCCP — Supply and Service AAP Development Seminar

- [February 1 — Pittsburgh, PA](#)

OLMS — Compliance Assistance Seminar

- [January 26 — Aurora, CO](#)

OLMS — Trustee Workshop Seminar

- [January 25 — Aurora, CO](#)

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- See the latest #OSHA QuickTakes for news such as OSHA publishes Injury and Illness Prevention Programs White Paper. <http://t.co/1t7MpqR> about 3 hours ago

to comply with the Occupational Safety and Health Administration's safety standards to protect employees from fall and laceration hazards at more than 60 stores in Massachusetts and New Hampshire. This request for enterprise-wide relief is based upon recent inspections that resulted in citations and proposed fines totaling \$589,200.

- [Read the News Release](#)

Pennsylvania Union Official Sentenced for Embezzling \$494,000

Jennine Prince, former bookkeeper and office secretary for Iron Workers Local 3 in Pittsburgh, Pa., has been sentenced to two years of imprisonment followed by three years of supervised release after pleading guilty to embezzling union funds. She also was ordered to pay restitution in the amount of \$494,598.89. The guilty plea and sentencing follow an Office of Labor-Management Standards investigation that found Prince had embezzled union funds by writing checks to herself, taking cash dues and falsifying union records.

American Railcar Industries Cited After Worker Electrocuted

The Occupational Safety and Health Administration has cited Saint Charles, Mo.-based American Railcar Industries Inc. with 10 serious safety violations after an employee was electrocuted while performing repair work on a tanker-style railcar at the company's work site near Marmaduke, Ark. Proposed penalties total \$61,400.

- [Read the News Release](#)

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