



DOL News Brief

November 8, 2012

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WINNER OF PRSA'S 2012 THOTH AWARD & RAGAN'S 2012 PR DAILY AWARD — BEST ELECTRONIC NEWSLETTER —

Help Us "Make History"



As part of our centennial commemoration, the U.S. Department of Labor has created an interactive timeline that highlights many of the key people, moments, legislation and events that make up our

history. The timeline is off to a great start with more than 75 entries.

But we know that there is so much more to our 100-year story, so we need your help to identify more! We want to keep adding to the story that the timeline

tells. Send suggestions for timeline entries to [webmaster@dol.gov](mailto:webmaster@dol.gov) and help us "make history."



- [View the Centennial Timeline](#)
• [View the Centennial Video](#)

In Honor of Veterans Day



"The best way we can honor our veterans is to employ them," Secretary Solis said in a Veterans Day statement issued on Nov. 8. Solis called on

the nation's employers to make a commitment to hire military veterans. "Our work will not be done until everyone who has worn the uniform can find civilian jobs worthy of their heroic sacrifice," she said. Prior to issuing the statement, Solis spoke at the 13th annual Veterans Day ceremony held by Coca-Cola, which announced it had delivered on its pledge to offer at least 800 career opportunities to veterans in 2012. Solis praised the company's hiring initiative, saying, "Talk about the 'real thing;' when it comes to veterans hiring, Coca-Cola is true to its brand." Solis also recognized another participant in the Atlanta ceremony, Frank Blake, chairman and CEO of The Home Depot, for his company's commitment to hiring veterans. The day before, Solis spoke at a wreath-laying ceremony to honor veterans at the department's Veterans' Park. The ceremony, attended by

What's New

Help for States Battered by Superstorm Sandy



With East Coast communities still reeling from the devastation caused by Hurricane Sandy, Secretary Solis met with state and local officials in New York on Nov. 5 and visited multiple sites to learn firsthand about the superstorm's impact from disaster victims, including business owners and residents

of Brooklyn and Queens. The department, meanwhile, continued to provide assistance and outreach to residents of New York, New Jersey and coastal states hit by Sandy. Following President Obama's call last week for federal agencies to act as quickly as possible in the wake of Sandy, the department mobilized to provide National Emergency Grants to support cleanup and recovery efforts.

The department announced a \$15.5 million NEG to assist New Jersey, \$27.7 million to help New York, and \$1.5 million for Rhode Island. In announcing the grants, Solis noted that "the Labor Department's funding is part of the federal government's collaborative efforts to ensure immediate emergency



assistance." In addition to the funding, the Occupational Safety and Health Administration field staff are providing safety assistance, technical support, and information and training to those involved in the recovery efforts.

- [Find All DOL Hurricane Recovery Assistance](#)
• [View the Slideshow](#)
• [Read the Secretary Blog Post](#)
• [View the Secretary's Interview in NY](#)

Job Corps Students Step Up After Sandy

Seventeen students and three staff members from the Mingo Job Corps Civilian Conservation Center in Puxico, Mo., are in New York to assist disaster workers with Hurricane Sandy recovery efforts. Students are working with the Federal



Emergency Management Agency to set up camps in

affected areas to provide food, showers and a place to rest for front-line disaster workers. The hurricane volunteers are members of Mingo's Wildland Fire Team and have received U.S. Forest Service emergency response training, said Tim Aslin, Mingo's Business and Community Liaison. "We are proud of our students and staff for offering a helping hand in the aftermath of this very destructive storm," he added. Mingo Job Corps is administered by the U.S. Forest Service.

department employees and invited guests, was hosted by the D.C. Chapter of the International Association of Workforce Professionals, the League of United Latin American Citizens Council 11118, and the Jewish War Veterans Post 692.

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

## Protecting Farmworkers



All workers in the United States have the right to clean, safe working conditions and fair pay, and protecting the rights of vulnerable workers is a priority for

the department. Representatives from the department's Wage and Hour Division and other government agencies met with the Inter-American Commission on Human Rights last week to discuss government efforts to protect the rights of farmworkers. Addressing about 50 IACHR and government representatives, Wage and Hour Division Assistant Administrator for Policy Michael Hancock described steps the division and other agencies have taken to ensure compliance with employment standards and expand educational outreach. Representatives from the Employment and Training Administration, the Bureau of International Labor Affairs and the Occupational Safety and Health Administration also attended.

## Take Three: Hurricane Sandy Relief Grants

In response to the destruction caused by Hurricane Sandy, the Department of Labor is working with the Federal Emergency Management Agency and other federal partners to rapidly approve and distribute emergency assistance to affected states. Jane Oates, assistant secretary of labor for employment and training, answers three questions about what the department is doing to help.



**What financial assistance is the department offering hurricane-ravaged states?** *The department is providing tens of millions of dollars in National Emergency Grants to assist hard-hit states with cleanup and recovery efforts. These federal emergency relief funds will supplement state and local response and recovery efforts in counties affected by hurricane damage. Once FEMA declares a state of emergency, states may apply for funds to assist with clean-up activities. Labor Department staff will educate state officials about available resources and help them assess how National Emergency Grants and Disaster Unemployment Assistance could be most effective.*

**How do the department grants help workers?** *National Emergency Grants provide funding assistance for qualifying states in response to hurricanes and other emergencies resulting in significant job losses. These funds help states and local workforce investment bodies quickly employ dislocated workers to assist with the cleanup and rebuilding process. For example, New Jersey's grant will enable the state to hire about 1,000 workers to assist with cleanup, demolition, repair, renovation and reconstruction. Last week I joined Secretary Solis in New York to visit some of the communities that were devastated by the storm. Witnessing the destruction underscored how important funds like these are to facilitate employment and expedite recovery for the millions of people whose lives have been disrupted.*

**Where can people learn more?** *These grants represent one part of the department's hurricane recovery assistance. For example, the Occupational Safety and Health Administration is providing resources and support to protect cleanup and recovery workers, and the Wage and Hour Division is*

## Working for Veterans

"Be a Hero-Hire a Hero," an employment initiative in New York, presented Ismael Ortiz Jr., deputy assistant secretary of labor for the Veterans' Employment and Training Service, with its "Lifetime Achievement Award" on Nov. 5. Ortiz said he was honored and that all his life "I have done whatever it takes to get the job done and to support my brothers and sisters in the military." After accepting his award, he attended a hiring fair for veterans in New York City. On the same day, John Moran, deputy assistant secretary with VETS, spoke to unemployed veterans at the Department of Employment Services in Washington, D.C. Moran promised that VETS is "doing everything in our power" to ensure that every veteran who is looking for employment finds employment.

## Focus on Misclassification

Speaking to an overflow crowd in Atlanta, Solicitor M. Patricia Smith discussed the importance of enforcing the law on misclassification of workers at the American Bar Association's Section of Labor and Employment Law annual meeting on Nov. 2. Smith described how the Office of Federal Contract Compliance Programs, Wage and Hour Division and Occupational Safety and Health Administration are collaborating with each other and how in some industries, such as landscaping, misclassification has been a particular challenge.

- [Learn About the Misclassification Initiative](#)

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## Connecting Women Veterans

Representatives from the Women's Bureau connected with organizations in Denver, Lansing, Mich., and Seattle this week to focus on the challenges faced by women veterans. Manuelita Ybarra, program analyst with the bureau's Seattle office, discussed the bureau's trauma care guide and careers in "green" industries at a Veterans Day observance sponsored by the King County Diversity, Equity and Social Justice Committee. Chicago's Acting Regional Administrator Grace Protos reinforced the message of serving women veterans at a Stand Down hosted by Volunteers of America in Lansing. The bureau's staff in Denver volunteered at the Homeless Veterans Stand Down, where they handed out trauma care guides to service providers and supplies to women veterans.

- [Read the Trauma Care Guide](#)
- [View "Giving a Voice to Hope"](#)

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## Advisory Committee to Meet

A meeting of the National Advisory Committee on Occupational Safety and Health has been scheduled for Nov. 14-15 in Washington, D.C. The NACOSH Effectiveness Measures Work Group will meet on Nov. 14, and the full committee will meet on Nov. 15. The group was established to provide recommendations for measuring the effectiveness of the Occupational Safety and Health Administration's strategies, programs and activities. The tentative agenda includes a report from the work group; remarks by Dr. David Michaels, assistant secretary of labor for occupational safety and health, and by Dr. John Howard, director, National Institute for Occupational Safety and Health; and comments from the public. These meetings are open to the public. NACOSH was established to advise the secretaries of labor and health and human services.

- [Read the News Release](#)

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## Showing the Way on APIs

In recognition of the department's innovative leadership in the use of Application Programming Interfaces, the General Services Administration

providing wage guidance. Please activate the links below to learn more.

- [Find All DOL Hurricane Recovery Assistance](#)
- [Learn More About National Emergency Grants](#)
- [To Provide or Request Assistance](#)

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## DOL Working for You

### Grant Supports Life-Like Training for First Responders



In Wyoming, Casper College freshman Emily Brunelle's career goal is to be trained as a first responder and save lives. Her education will be aided with the help of a simulation lab and high-tech mannequins purchased over the next few years through a Trade Adjustment Assistance

Community College and Career Training grant. The new lab will have hospital beds with mannequins that not only simulate breathing, heart sounds and a pulse, but "can also be given drug injections and duplicate life-threatening situations from heart attacks to allergic reactions," said Tammy Frankland, the school's dean of Health Science. Brunelle said the equipment will give her life-like experiences and skills that "I can use right away in an emergency situation."

### Job Corps Grads Return to Programs to Serve Others

Two former Job Corps graduates who served in the Army are now enriching the lives of students at the Angell Job Corps Civilian Conservation Center in Yachats, Ore. After troubled teenage years, Mikell Sumerau enlisted in the Army at 18 and was injured in Operation Desert Storm. After returning, he enrolled in the



Columbia Basin Job Corps in Washington state where he studied culinary arts and nursing, received his GED and graduated with certification in computer sciences. College and various jobs followed. But because Job Corps "never gave up on me" and "gave me the skills to succeed in the civilian world," Sumerau sought to give back to the program. He now works for Angell and mentors students. Rob MacGregor also sought to escape his troubled East Los Angeles neighborhood when he enrolled in the Curlew Job Corps Civilian Conservation Center in Washington state. There he earned his GED and training in forestry, eventually working as a firefighter. He served in the Army National Guard and earned a college degree in addiction counseling. With a goal to return to the program that helped him succeed, MacGregor was hired at Angell as a career specialist. He said "my mission statement is to help any student who wants a job to get a job."

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## DOL in Action

### Contractor to Pay \$200,000 Fine for Cave-in Hazards

As part of a settlement with the department, P. Gioioso & Sons Inc., a Hyde Park, Mass., contractor, has agreed to pay a \$200,000 fine for exposing its employees to cave-in hazards. The contractor also will significantly overhaul its safety practices to minimize trenching hazards and enhance worker

DigitalGov University last week asked Mike Pulsifer of the Office of Public Affairs to share his experience. The Gov+API Unconference was organized by GSA to help agencies carry out elements of the recently announced federal digital government strategy focused on making data readily available online. Attendees learned from Pulsifer and others how agencies like the Labor Department are using APIs to access vital government data and drive innovation internally and externally. DigitalGov University is the federal government's training program for digital media and citizen engagement. DGU provides high-quality, cost-effective training to thousands of federal employees each year.

- [Learn About DOL's APIs](#)
- [Learn About the Digital Government Strategy](#)
- [Learn About Digital Government University](#)

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## Cast a Vote for Innovation

Standing out in the crowded federal government IT space can be tough, but two department programs are well on their way and you can help them get the recognition they deserve. The department's Online Enforcement Database, a flagship of the department's open government plan, and the Office of Disability Employment Policy's ePolicyWorks platform were nominated for FedScoop 50 Awards, sponsored by a Washington-based media company. Both are providing unprecedented ways to promote collaboration and participatory decision making – and both could use your vote in the Federal Innovation of the Year or Federal IT Program of the Year categories.

- [Learn About the Online Enforcement Database](#)
- [Learn About ePolicyWorks](#)
- [View Nominees and Cast Your Vote](#)

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## Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 355,000 for the week ending Nov. 3, a decrease of 8,000 from the previous week. The four-week moving average was 370,500, up 3,250 from the previous week's unrevised average of 367,250.

- [Read the News Release](#)

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## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

**EBSA — The Affordable Care Act: Important New Protections for You and Your Family Webcast**

- [November 28 — Online](#)

**OFCCP — Applicant Tracking**

- [November 15 — Wichita, KS](#)

safety. P. Gioioso & Sons Inc., which primarily works on underground water and sewer mains, has been cited nine times since 2000 by the Occupational Safety and Health Administration for violations of OSHA's trenching and excavation safety standards. Under the settlement, Gioioso agrees to notify OSHA of all excavation jobs to be undertaken by the company in the next three years, and allow OSHA inspectors free access to enter and inspect the work sites without a warrant. Gioioso also will develop and put into effect a comprehensive safety and health program that includes an annual audit by an independent, qualified safety and health consultant.

- [Read the News Release](#)

## 25 Safety and Health Violations Found at Ohio Iron Foundry

B.W. Grinding Co., doing business as B.W. Supply, has been cited for 25 safety and health violations at the company's Lyons, Ohio, iron foundry. The Occupational Safety and Health Administration initiated an inspection May 7 upon receiving complaints alleging hazards, and the inspection later was expanded under the agency's local emphasis programs on powered industrial vehicles and primary metals industries. Proposed penalties total \$205,100. Willful violations include failing to implement hearing conservation and respirator protection programs, and provide personal protective equipment for employees working around molten metal.

- [Read the News Release](#)

## Flight Center Ordered to Reinstate Whistleblower

An investigation by the Occupational Safety and Health Administration found that Northern Illinois Flight Center violated statutory whistleblower protections in terminating an employee. The whistleblower, a pilot from Illinois, was dismissed after contacting the Federal Aviation Administration to discuss violations of the pilot certification process. As a result, OSHA has ordered the company to immediately reinstate the employee and pay more than \$500,000 in back wages, benefits and damages. Northern Illinois Flight Center is based in Lake in the Hills, Ill., and employs pilots to fly aircraft for the transportation of passengers and property.

- [Read the News Release](#)

## Recycling Company Fined for Multiple Hazards

Donald R. Klein, doing business as Vortex Recycling Inc., was fined \$58,000 by the Occupational Safety and Health Administration for violations at the company's New Castle, Pa., recycling facility. OSHA investigators found one repeat, 25 serious, and one other-than-serious violation. The repeat violation, which the company was previously cited for in 2008, involved failure to remove defective or unsafe powered industrial trucks from service. The other violations against the oil filter recycler include fall, electrical and struck-by hazards; unguarded machinery; and failure to develop programs for energy control.

- [Read the News Release](#)

## Citation Upheld in Case Involving Fall Hazards and Painting of Bridge

An administrative law judge with the Occupational Safety and Health Review Commission has upheld a citation issued by the Occupational Safety and Health Administration against Ohio-based M & J Painting Co. Inc. for failing to abate a safety violation first cited in 2010. The company, which was painting the Charles M. Braga Jr. Bridge in Fall River, Mass., was initially cited for inadequate fall protection. A follow-up inspection of the bridge site in 2011 found that the hazard had not been addressed.

- [Read the News Release](#)

### **OFCCP — Basic Requirements of an Affirmative Action Program**

- [November 14 — New Orleans, LA](#)

### **OFCCP — Common OFCCP Audit Violations**

- [November 14 — Wichita, KS](#)

### **OFCCP — Community Based Education & Outreach**

- [November 15 — Memphis, TN](#)
- [December 6 — Memphis, TN](#)
- [December 13 — Memphis, TN](#)
- [December 20 — Memphis, TN](#)

### **OFCCP — Compliance Assistance Seminar — Construction Contractors**

- [November 29 — Memphis, TN](#)
- [December 20 — Miami, FL](#)

### **OFCCP — Compliance Assistance Seminar — Supply & Service Contractors**

- [November 14 — Nashville, TN](#)
- [November 15 — Miami, FL](#)
- [November 27 — Milwaukee, WI](#)
- [November 28 — Nashville, TN](#)

### **OFCCP — Compliance Evaluation Audit Process**

- [November 15 — Wichita, KS](#)

### **OFCCP — Construction — Nuts and Bolts**

- [December 5 — Houston, TX](#)

### **OFCCP — Construction Requirements**

- [December 6 — Columbus, OH](#)

### **OFCCP — How to Develop an AAP — Small and First Time Contractors**

- [December 5 — Houston, TX](#)

### **OFCCP — Incumbency vs. Availability Seminar**

- [December 19 — Milwaukee, WI](#)

### **OFCCP — Internet Applicant Recordkeeping Rule**

- [December 20 — Omaha, NE](#)

### **OFCCP — National Origin Discrimination**

- [November 15 — Omaha, NE](#)

### **OFCCP — Retaliation Complaints**

- [December 6 — Omaha, NE](#)

### **OFCCP — What to Expect During an OFCCP Audit/ OFCCP Regulatory Update**

- [November 14 — Columbus, OH](#)

### **Illinois Tank Cleaning Service Faces Penalties**

Dedicated TCS LLC has been cited for 11 safety and health violations, primarily for failing to protect workers in confined spaces. The Occupational Safety and Health Administration opened an inspection of the company's Lansing, Ill., facility, which cleans tank trailers, upon receiving a complaint alleging hazards. Proposed penalties total \$142,100. OSHA's confined space standard establishes procedures to protect workers who must enter, work in or exit spaces with configurations that hinder their activities. In addition, the configurations of such spaces may increase workers' exposure to hazards such as entrapment, engulfment and/or hazardous atmospheric conditions, which can lead to serious physical injury, illness or death.

- [Read the News Release](#)

### **Former Ohio Union Employee Sentenced for Embezzling**

Rachel Lanham, former office secretary for Machinists District Lodge 34 in Columbus, Ohio, has been sentenced to six months of home confinement and three years of supervised release for embezzling nearly \$105,000. On June 30, Lanham pled guilty to one count of embezzling labor union funds. An Office of Labor-Management Standards investigation found that Lanham made unauthorized salary payments to herself via electronic fund transfers and used a union credit card to make unauthorized personal purchases. Lanham was also ordered to pay \$104,867 in restitution.

### **Suit Filed Against Assisted Living Company in Dallas**

Lexington Place Assisted Living Homes Inc. and company officials in Dallas are being sued by the department for alleged violations of the Fair Labor Standards Act. The suit is based on investigations by the Wage and Hour Division that found the employer had committed willful and/or repeated violations resulting in approximately \$40,000 in unpaid overtime compensation owed to 88 caregivers employed at six Dallas locations. The division has also assessed the employer \$20,570 in civil penalties.

- [Read the News Release](#)

### **Union Local in California Sued for Election Violations**

The department has filed suit against the International Brotherhood of Teamsters Local 848, in Covina, Calif. The lawsuit seeks to nullify the union's Dec. 1, 2011, election for president, vice president, recording secretary, secretary-treasurer and three trustee positions and seeks a new election under the supervision of the Office of Labor-Management Standards. The lawsuit alleges that the union subjected one slate of candidates to a pre-election trial for campaign speech and failed to ensure the removal of material from union bulletin boards that unnecessarily cast a negative view on the slate. The suit also alleges that the union failed to adhere to voter eligibility requirements set forth in the union's constitution and bylaws, resulting in ineligible members being permitted to vote.

### **Partnership Seeks to Enhance Safety at Energy Center Project**

A strategic partnership between Black & Veatch Construction Inc. and the Occupational Safety and Health Administration has been established to reduce workers' exposure to hazards and the likelihood of serious injuries at the Columbia Energy Center Air Quality Control Systems Project site in Pardeeville, Wis. The Wisconsin On-Site Occupational Safety and Health Consultation Program, which is operated by the state and funded by OSHA, also is participating in the partnership. Black & Veatch Construction will implement a site-specific safety and health program. Approximately 600 workers are anticipated to be on-site at the peak of the project.

**OFCCP — Workplace Accommodations under the Rehabilitation Act of 1973**

- [December 5 — Chicago, IL](#)

**OSHA — Advisory Committee on Construction Safety and Health**

- [November 27-30 — Washington, DC](#)

**OSHA — National Advisory Committee on Occupational Safety and Health (NACOSH) Meeting**

- [November 14-15 — Washington, DC](#)

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**OSHA Urges New York Employers to 'Stop Falls'**

Willful and repeat Occupational Safety and Health Administration



**PLAN. PROVIDE. TRAIN.**

Three simple steps to preventing falls.

citations issued to a Syracuse contractor for fall protection violations highlight the seriousness of falls. They are the No. 1 killer in construction work and the focus of OSHA's "Stop Falls" public awareness campaign. Employees at a Michael C. Graham & Son Construction site in Liverpool, N.Y., were exposed to potentially deadly or disabling falls of up to 17 feet due to a lack of fall protection, resulting in proposed fines of \$64,600. OSHA's Syracuse Area Office is calling upon central New York employers to review their fall protection programs, provide effective fall protection and ensure their employees are trained to recognize and address fall hazards.

- [Read the News Release](#)

**Rhode Island Lawn Care Company Cited After Electrocution**

The fatal electrocution of a Rhode Island worker could have been avoided if the employer had ensured that the 7,200-volt power line was de-energized or otherwise properly protected, the Occupational Safety and Health Administration found. The agency's Providence Area Office issued seven serious citations to AAA Professional Lawn Care Inc. of Johnston in connection with the July 30 death. In addition to not grounding the power line, the employer failed to insulate equipment, provide proper training and protective gloves, and institute work practices to reduce the electrical hazard.

- [Read the News Release](#)

**Equipment and Fall Hazards Found at Florida Job Site**

RCP Services Inc. of Saratoga Springs, N.Y., has been cited by the Occupational Safety and Health Administration with nine safety violations while performing concrete work at a job site in Jacksonville, Fla. One willful violation was cited for allowing employees to work on elevated surfaces without fall protection. Eight serious violations involve a lack of eye and face protection, using a welding cable that required repair, using damaged extension cords and having unprotected holes in the floor that could cause workers to trip or fall. Proposed penalties total \$47,000.

- [Read the News Release](#)

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