



DOL News Brief

December 6, 2012

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

A Plumber Among Millionaires



At 17, Martin Durkin was a steamfitter's apprentice, later elected business manager of Steamfitter Local 597 in Chicago. He went on to serve as Illinois' director of labor and president of the International Association of

Governmental Labor Officials, or IAGLO, before President Eisenhower tapped him for secretary of labor in 1953 as the department turned 40. From Jan. 21 to Sept. 10 of that year, he was the "plumber" in what the media coined Ike's "Nine Millionaires and a Plumber" Administration.

Durkin pushed for revisions in the Taft-Hartley Act, but the death of the act's author, Sen. Robert Taft, led the president to pull his support.



Durkin resigned after just eight months in office, the shortest tenure of any labor secretary. As a union colleague told Time magazine in 1953, "Like any old steamfitter, he knew when the pressure got too high."

- View the Centennial Video
• View the DOL Timeline
• Read About the Taft-Hartley Act

What's New

Continuing to Support Sandy Cleanup and Recovery

To continue assisting New Jersey with its cleanup and recovery efforts in the aftermath of Hurricane Sandy, the department has awarded a \$10,394,267 National Emergency Grant increment to the state. Under the original Federal Emergency Management Agency's



declaration, the department approved funding up to \$15,591,400 for the cleanup, with \$5,197,133 released initially. The new grant increment will assist in creating temporary jobs in the counties recently added to FEMA's declaration and represents the balance of the grant. Ongoing efforts, meanwhile, continue to educate workers and employers about hazards associated with cleanup work. The Occupational Safety and Health Administration is conducting outreach activities, such as briefings and technical interventions, to educate workers and employers about hazards and protective measures. A new fact sheet on appropriate personal protective equipment, such as respirators, and the training to properly use the equipment has been issued. Also available is a fact sheet on mold that provides information on cleanup and the use of appropriate engineering controls, work practices and personal protective equipment.

- Learn About Personal Protective Equipment
• Learn About Mold Hazards and Safeguards
• Read News Release on the New Jersey Grant

New Policy on Tribal Consultations

Communication with tribal nations was underscored as a departmental priority this week. A final Tribal Consultation Policy, published Dec. 4, established a formal process through which the department will consult with federally recognized tribes on actions or policies that will have a significant impact on tribal nations. Secretary Solis and Assistant Secretary of Labor for Employment and Training Jane Oates joined President Obama, senior administration officials, and representatives from 566 federally recognized tribes and Alaska native villages at the 2012 Tribal Nations Conference on Dec. 5, highlighting the department programs that help tribal communities. "Our Division of Indian and Native American Programs is



Leading the Way

Washington Post Live bills itself as "advancing the conversation," and on Dec. 5 the live Internet program did just that, pulling together a group of influential women to discuss how their lives and careers were shaped and to give advice to others. Secretary Solis led off the program, "Leading the Way: Women in 2012," held at The Post building. Asked to give advice to young people, Solis said, "Volunteer. Get involved in your community" and "attach yourself to people you can learn from." The interview with Solis set the stage for three panel discussions with other women leaders, including Cathy Lanier, the chief of police for the District of Columbia; Rep. Jaime Herrera Beutler of



Washington state; Nancy Ann DeParle, assistant to the president and deputy chief of staff at the White House; Andrea Mitchell, a correspondent at NBC News; and Michelle Kwan, the two-time Olympic medalist in figure skating who is a public diplomacy envoy at the State Department.

- [View the Slideshow](#)
- [View the Video Highlights](#)

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## Caring for Women Veterans



Community and private health care providers learned how to tailor their programs and policies to better serve women veterans at a recent Women's Bureau

webinar in Boston. The bureau collaborated with the Brain Injury Association of New York State to educate service organizations on the care of women veterans, and Gillian Gutierrez of the bureau's Boston office,

in a webinar presentation, described how health care providers may use the WB's trauma care guide to address certain needs, such as treating women veterans in settings that make them feel safe.



- [Download the Trauma-Informed Care Guide](#)

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## Second Chances in Charm City

If all you know about West Baltimore comes from HBO's hit show "The Wire," you might think it's a hopeless place. But local organizations, in



partnership with federal agencies, are working hard to strengthen their communities by giving people a second chance. On Dec. 3, Ben Seigel, deputy director of the department's Center for Faith-based and Neighborhood Partnerships, participated in a summit hosted by Rep. Elijah E. Cummings. Held at Coppin State University, the event focused on efforts to support formerly incarcerated individuals. During a panel moderated by Joshua Dubois, executive director of the White House Office of Faith-based and Neighborhood Partnerships, Seigel shared information on the department's Reintegration of Ex-Offenders program as well as the central role played by faith- and community-based organizations in larger federal efforts. He also moderated a breakout panel featuring representatives of local re-entry employment programs, including the Mayor's Office of Employment Development's Civic Justice Corps, a grantee of the department's Employment and Training Administration.

- [View the Slideshow](#)

proof of our longstanding commitment to making sure Indian Country can compete for jobs in the 21st century," said Solis. "I want to ensure that nothing about Tribal Nations happens without the input of Tribal Nations," she said. "This policy is the first step in making that goal a reality."

- [View the Slideshow](#)
  - [Read the News Release](#)
  - [Read the Policy](#)
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## National News

### FAA and OSHA Team Up to Improve Flight Attendant Workplace Safety

A new policy for addressing flight attendant workplace safety was announced on Nov. 30 by the Federal Aviation Administration and the Occupational Safety and Health Administration. The FAA is proposing that OSHA be able to enforce certain occupational safety and health standards currently not covered by FAA oversight, including standards on noise and bloodborne pathogens. The agencies will continue to work to identify any additional conditions where OSHA requirements could apply, and will develop procedures to ensure that these requirements do not affect aviation safety. "The policy announced with the FAA will not only enhance the health and safety of flight attendants by connecting them directly with OSHA but will, by extension, improve the flying experience of millions of airline passengers," said Secretary Solis.

- [Read the News Release](#)
- [Read the Federal Register Notice](#)

### New Storm Assistance for Florida, Missouri and Vermont

Three National Emergency Grants to assist with ongoing cleanup and recovery efforts in Florida, Missouri and Vermont were announced on Dec. 3. The Florida Department of Economic Opportunity was awarded a \$2,699,712 supplement to fund temporary jobs for dislocated workers to assist with cleanup and recovery efforts following the devastation of Tropical Storm Debby that inflicted significant damage on the oyster beds in the Apalachicola Bay. "The Labor Department's supplemental funding will also create temporary jobs for dislocated workers to re-shell the bay in order to help restore the oyster population and the local economy," said Secretary Solis. In Missouri, a \$641,042 grant supplement to the Missouri Division of Workforce Development will continue funding 141 temporary jobs for workers to assist with cleanup of flood damage. A \$350,000 grant increment was awarded to the Vermont Department of Labor to fund temporary jobs to assist with continuing cleanup and recovery efforts following Tropical Storm Irene.

- [Read the Florida News Release](#)
- [Read the Missouri News Release](#)
- [Read the Vermont News Release](#)

### Decision in Miner Discrimination Case Upheld

In a decision applauded as a victory for miners' rights, the U.S. Court of Appeals for the 10th Circuit rejected an appeal by Cordero Mining LLC of Gillette, Wyo., in a worker discrimination case. The worker, a shovel operator with 28 years of experience as a miner, filed a complaint with the Mine Safety and Health Administration in May 2010, claiming she was terminated in retaliation for her repeated safety complaints. In December 2011, an administrative law judge with the Federal Mine Safety and Health Review Commission found that the company had unlawfully discriminated against the employee. The mine operator unsuccessfully appealed that decision. "This represents a resounding victory for miners and their right to identify hazardous conditions that imperil themselves and their fellow miners without fear of reprisal," said MSHA Assistant Secretary Joseph Main.

- [Learn About the Federal Interagency Re-entry Council](#)
- [Read the Latest Evaluation of the Reintegration of Ex-Offenders Program](#)

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## International Ability

Marking the 2012 International Day of Persons with Disabilities, Secretary Solis issued a statement on Dec. 3 encouraging all nations to recognize the skills and abilities of people with disabilities. "Today is an important opportunity to celebrate the diversity and innovation that people with disabilities bring to businesses of all sizes in all industries every day," she said. "Through their talents and skills, they are contributing to global economic growth and making the United States a stronger nation."

- [Read the Statement](#)
- [Read the President's Proclamation](#)

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## CNBC Films at Job Corps Center

Washington, D.C.'s, Potomac Job Corps Center was selected as the backdrop for a CNBC report on the need for skilled workers to address the growth



in the housing market. At the Center, CNBC reporter Diana Olick interviewed John Courson, president and CEO of the Home Builders Institute, which helps train Job Corps students to enter the residential building sector. Job Corps electrical students Kee'yhana Turner and Brandon Alexander, as well as the Center's electrical instructor Chris Abresch, were also interviewed. In addition, the network filmed students taking part in carpentry, homebuilding and plumbing projects. The segment is expected to be aired nationally on Dec. 7.

- [View the Slideshow](#)

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## OSHA Advisors Meet



With new members present, the Advisory Committee on Construction Safety and Health met last week to focus on workplace safety and health

issues in the construction industry. ACCSH is chartered to advise the secretary of labor and assistant secretary of labor for occupational safety and health on construction standards and policy matters. Members discussed a series of items, including rulemaking in construction safety and requested information about reinforced concrete/post tensioning. Workshops focused on health hazard, ethnic/gender diversity, injury and illness prevention programs, training and outreach. Dr. David Michaels, the assistant secretary of labor who heads the Occupational Safety and

- [Read the News Release](#)

## Observing Miners Day

Honoring America's miners who made the ultimate sacrifice and those who make their living as miners is the premise behind National Miners Day. Passed three years ago in a Senate resolution, Dec. 6 also coincides with the anniversary of one of the country's worst industrial accidents. In 1907, 362 coal miners perished in an explosion at the Monongah Mine in West Virginia. "At the Labor Department, we honor our miners every day by making sure they have a safe place to work," said Secretary Solis. "No workers should have to sacrifice their lives for their livelihoods, and the Mine Safety and Health Administration has made great progress in creating safer workplaces for miners across this country." Joseph Main, the assistant secretary of labor for MSHA, noted, "Our nation's miners need to know we honor their hard work and will continue to look out for their safety and health so they can go to work every day and at the end of each shift, go home to their families free of injury or illness."

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

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## International Scene

### Leaders Meet in Mexico

The highest-ranking Mexican-American woman in the U.S. government, Secretary Solis, joined Vice President Joe Biden's delegation at the Dec. 1 inauguration of Mexico's new president, Enrique Peña Nieto. The new leader of our country's southern neighbor met with President Obama on Nov. 27 at the White House, where trade, immigration, border security and drug policy



were on the agenda. The U.S. delegation also included the American ambassador, E. Anthony Wayne; John Brennan, the president's top homeland security advisor; and Roberta Jacobson, the top State Department official for Western Hemisphere affairs. Solis joined the vice president for bilateral meetings with the new Mexican president, as well as with Colombia President Juan Manuel Santos. She also made time for a quick bilateral meeting with the new International Labor Organization's Director-General Guy Ryder, who took office in October 2012.

- [View the Slideshow](#)

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## News You Can Use

### Former Ventron Corp. Nuclear Workers Added to Special Cohort

Former nuclear workers of the Ventron Corp. in Beverly, Mass., were notified by the department about a new class of workers added to the Special Exposure Cohort of the Energy Employees Occupational Illness Compensation Program Act. Workers included in a designated SEC class and diagnosed with one of 22 specified cancers may receive a presumption of causation under the EEOICPA. Effective Nov. 11, the designation applies to those who worked for at least 250 workdays during a specified period of time and meet certain employment criteria. To date, the department has paid more than \$8.7 billion to eligible claimants nationwide.

- [Read the News Release](#)

Health Administration, highlighted statistics relating to OSHA's compliance outreach, its campaign to prevent falls, and enforcement measurements.

- [View the Slideshow](#)
- [Learn About ACCSH](#)

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## Visit With White House Fellows

Leadership was on display along Lafayette Square when Secretary Solis stopped by to have lunch with the White House Fellows on Dec. 5. A mix of military service members, doctors, lawyers, social entrepreneurs and academics, White House fellows serve at all levels of the federal



government. They act as apprentices, learning the intricacies of government, politics and public policy. Solis shared her thoughts on leadership, policy and politics with the impressive group. "It's not about how many times you get knocked down; it's about how many times you get back up. And it's what you do after you get back up and brush yourself off that will really matter," she advised the young leaders.

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## Partnerships Drive Success

At last week's Texas Workforce Solutions conference co-hosted by the Texas Workforce Commission and the International Association of Workforce Professionals, Assistant Secretary of Labor for Employment and Training Jane Oates had a simple message. She wanted the 1,400 attendees to know that accelerating training programs and helping get America back to work requires innovation and strong partnerships between the workforce system, employers and educators. During her keynote address, Oates shared success stories about states leveraging the national network of American Job Centers, local and regional partnerships, and federal resources to develop customized technical skills training to meet the needs of local employers and workers.

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## Connecting With a Mayor

Mayor Anthony Foxx of Charlotte, N.C., met with Secretary Solis and Assistant Secretary of Labor for Employment and Training Jane Oates on



Dec. 6 to discuss how federal and local governments can collaborate to promote the expansion of the advanced manufacturing industry. Foxx was recently named chair of the U.S. Conference of Mayors' Advanced Manufacturing Task Force. "Expanding the advanced manufacturing sector is one of the best ways for communities to strengthen the middle class and provide opportunities in high-growth,

## Database Bolsters Diversity in Recruiting

The Workforce Recruitment Program database for 2013 was launched this week by the Office of Disability Employment Policy, in collaboration with the Department of Defense's Office of Diversity Management and Equal Opportunity. A recruiting tool for employers, the database contains profiles of postsecondary students, recent graduates and veterans with disabilities. "These students and recent graduates have proven themselves academically and are now eager to demonstrate their skills and gain experience in the workplace," said Kathy Martinez, assistant secretary of labor for disability employment policy. More than 20 government agencies use the database each year as a recruiting source, helping more than 6,500 students obtain federal employment since 1995.

- [Visit the Workforce Recruitment Site](#)
- [Read the News Release](#)

## Making Retirement Savings Last

For many retirees, a lump-sum cash distribution from a 401(k) account will be the largest amount of money they will ever have under their direct control. Like those who win the lottery, they will be faced with a challenge: spend too much too soon, and they could go broke; hoard it or spend too little, and they won't get to use it as intended before time runs out. Addressing that problem is a key task before the Employee Benefits Security Administration and was discussed by Assistant Secretary of Labor for EBSA Phyllis C. Borzi this week at a gathering of benefit plan accountants in Washington, D.C. Among other issues, EBSA's lifetime income project is looking into possibly requiring that a retirement income illustration be included in the account statements provided to enrollees in 401(k) or similar savings plans. According to Borzi, such a gauge is needed to see how retirement savings could average out per month over what could be many years. A proposal, along with a request for public comment, could be issued soon.

- [Read Savings Fitness: A Guide to Your Money and Your Financial Future](#)
- [Read Taking the Mystery Out of Retirement Planning](#)

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## DOL Working for You

### Alabaman Gets Life 'Back on Track'



When she left incarceration, Nichole Letlow was determined to get her life "back on track" and gain employment. She enrolled in Alabama's The Dannon Project, a departmental grantee that offers a variety of programs to help ex-offenders. Letlow took courses in customer service, financial literacy and life skills, and learned computer techniques to search for employment and complete job applications. She also found time to volunteer at a local women's shelter. Letlow said the program gave her the comfort of knowing that "someone actually cares about you and wants to see you do well." She now works full time with benefits for a local hospital

and hopes to someday become a nurse.

### Homeless Program Helps Navy Veteran in Missouri

Navy veteran Elishia Perez served her country for four years, including a deployment to Iraq. But a series of what she termed bad personal decisions stateside eventually left her and her

high-wage jobs," said Solis.

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## Stakeholder Feedback in Chicago

The Office of Federal Contract Compliance Programs Midwest Region in Chicago recently hosted the second of several listening sessions as part of a new initiative designed to obtain customer service feedback from stakeholders. Community-based organizations and contractors attended the event, which focused on how OFCCP can meet President Obama's commitment to improve the delivery of public services to the American people. Regional Director Bradley Anderson welcomed the group of local community-based organizations and contractors and OFCCP Director Patricia Shiu joined the session via the web. "OFCCP wants to know how we can best achieve our dual goals of protecting the civil rights of workers while helping businesses succeed," Shiu said.

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## Oil and Gas Safety Conference

Dallas served as the host city for this year's Oil and Gas Safety Conference sponsored by the Occupational Safety and Health Administration. Fifteen hundred industry leaders, safety professionals, managers and workers convened on Dec. 4 to discuss best operating practices, safeguards and worker training strategies to meet the challenges of increased production in oil and gas drilling. Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels kicked off the general and breakout sessions by highlighting the success of the STEPS (Service, Transmission, Exploration and Production Safety) Network, whose mission is to assure safe and healthful working conditions in upstream operations. STEPS has expanded to include 17 independent networks nationwide. Michaels also discussed OSHA's upstream oil and gas safety workgroup; the agency's collaborative training efforts, including a new drilling safety course developed by Red Rocks Community College; and exposure to respirable crystalline silica during hydraulic fracturing.

- [Learn About the Conference](#)
- [View OSHA Fact Sheets](#)
- [Learn About STEPS](#)

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## It's All About Inclusion

"By working together, we can make inclusion not just a buzz word, but an ingrained culture," Kathy Martinez, assistant secretary of labor for disability employment policy, said at the annual conference of the Association of University Centers on Disability. Martinez appeared on a panel with representatives from the departments of Education and Health & Human Services, speaking to an

two small sons homeless. Perez moved to St. Louis, Mo. and turned to the local St. Patrick Center's Homeless Veterans Reintegration Program, funded by the department, for help. Perez updated her resume, improved her interview skills and received career guidance. She also took courses in various computer applications. Some paid internships and then temporary full-time work followed where she helped the disabled and low-income individuals find housing and other social services. Without the Center's HVRP "I could not have achieved this much this fast," she said. Perez' future goals are aimed at finding a permanent full-time job and getting a college degree in occupational therapy.



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## DOL in Action

### Focus on ESOPs: One Company, Three Cases

Employee Benefits Security Administration investigations have led the department to file three lawsuits in the past six months, including two in the past week, against First Bankers Trust Services Inc. In each case, the company allegedly advised Employee Stock Ownership Plans to purchase overvalued parent-company stock resulting in significant losses to the plans. The department alleges that First Bankers Trust breached its fiduciary duty to the plans when it authorized the transactions, and in doing so, violated the Employee Retirement Income Security Act. The department's efforts to recover funds for participants involved the ESOP plans of New Jersey paving company SJP Inc.; New York apparel manufacturer Maran Inc.; and New York metal fabricator Rembar Inc.

- [Read the SJP News Release](#)
- [Read the Maran News Release](#)
- [Read the Rembar News Release](#)

### Norfolk Southern Again in Violation of Federal Railroad Safety Act

Norfolk Southern Railway Co. has been ordered by the Occupational Safety and Health Administration to pay an employee \$288,000, including back pay, interest, mental anguish, punitive damages and reasonable attorney's fees. OSHA's investigations found that the company violated the whistleblower protection provisions of the Federal Railroad Safety Act and continued to retaliate against employees for reporting work-related injuries.

- [Read the News Release](#)

### Jersey Coffee Warehouse Cited for Willful Hazards

Continental Terminals Inc. was cited by the Occupational Safety and Health Administration for nine serious and two willful safety violations at the company's Jersey City, N.J., facility. OSHA's investigation uncovered violations involving the company's failure to protect workers from fall hazards, sealed exit doors, lack of a hazard communication program, use of damaged vehicles and damaged, mislabeled electrical panels. OSHA has proposed \$130,900 in penalties against the coffee and cocoa warehouse business.

- [Read the News Release](#)

audience of about 250 researchers, clinicians, other professionals, individuals with disabilities and family members at the Dec. 4 conference in Silver Spring, Md. "Ultimately, we must change the landscape of disability employment, because with each person that gets hired, the barrier of fear is lowered," Martinez said. She also discussed her office's priorities and initiatives at the Consumer Financial Protection Bureau in Washington, D.C., on Nov. 29. Martinez joined in a panel discussion on the need for federal, state and local agencies to work together to provide financial education and support services to low-income workers and families.

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## A Community Built for Jobs

Community, government and business leaders of the lesbian, gay, bisexual and transgender community came together last weekend in Long Beach, Calif., for the LGBT Leaders 2012 conference. The three-day event provided participants with an opportunity to network, improve leadership skills and discuss key issues facing the LGBT community. Labor Department Deputy Chief of Staff Mary Beth Maxwell represented the department during a panel discussion titled "A Community Built for Jobs: Economic Development and Workforce Readiness." Maxwell highlighted numerous programs the Obama administration has advocated to encourage job growth and job training for the unemployed, as well as strategies state and local communities can use to best leverage government resources. She was joined on the panel by Todd Greene of the Federal Reserve Bank in Atlanta and Jason Hall, deputy director of the Missouri Department of Economic Development. The three also discussed local efforts to facilitate better workforce readiness strategies.

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## Forum on Job Training

At a recent World Bank forum, Dr. Adriana Kugler, chief economist at the department, highlighted innovative solutions to ensure American workers are prepared for jobs in high-growth, high-wage industries. Skill gaps are not the primary driver of current unemployment, she said, noting that a number of studies point to weak economic activity behind the unemployment rate. Her remarks came during a panel discussion on the release of a new World Bank report, "The Right Skills for the Job: Rethinking Training Policies for Workers." In order to bridge the skill gap in rapidly growing or changing industries like advanced manufacturing, Kugler said the administration is facilitating expanded partnerships between local employers and community colleges to design effective and localized training programs. Other efforts include reducing the dependence on foreign workers through high-tech skills training, and funding training for regional manufacturing networks through the Jobs Innovation Acceleration Challenge.

[Listen to Kugler's Remarks](#)

## Missouri Union to Rerun Election for Vice President

Officers of Steelworkers Local 13 in Independence, Mo., have agreed to conduct new nominations and a new election for the position of vice president under supervision of the Office of Labor-Management Standards before the end of next February. An investigation disclosed that the union did not adequately update member address information, did not use an accurate voter eligibility list, and failed to verify that eligible members voted only once. The union also failed to keep a record of why some ballots were invalidated and not opened or counted, unreasonably imposed a candidacy requirement, failed to notify candidates of enforcement of the requirement until after nominations, and improperly voided five ballots in their entirety.

## Safety Violations Found at Ohio Plant After Worker Fatality

ATW Automation Inc. has been cited for nine Occupational Safety and Health Administration violations after a worker sustained blunt force trauma injuries at the company's machine manufacturing facility in Dayton, Ohio. The worker was caught and pinned by a conveyor that had lowered during a "power down" process, and he died from his injuries a few days later. One repeat violation cited for failing to conduct and document periodic inspections of specific energy control procedures in the fabrication and tool room departments.

• [Read the News Release](#)

## Penalties Proposed for Food Products Company in Dallas

BCW Food Products Inc. in Dallas was cited by the Occupational Safety and Health Administration for 12 serious safety violations and one serious health violation for exposing workers to possible amputations and other hazards. OSHA's Dallas Area Office began its investigation on June 4 following a report that an employee had become trapped in a blending mixer while performing maintenance work. Proposed penalties total \$53,900.

• [Read the News Release](#)

## Alliance on Grain Bin Hazards Established for Wisconsin

An alliance has been established between the Wisconsin Agri-Business Association and the Occupational Safety and Health Administration that will focus on addressing the grain and feed industry's six major danger areas, which are outlined in OSHA's Local Emphasis Program for Grain Handling Facilities. These include engulfment, falls, auger entanglement, "struck-by," combustible dust and electrocution hazards. OSHA and the Wisconsin Agri-Business Association will provide information and guidance to employees and employers, and develop training programs to reduce injuries and improve overall safety and health. Additionally, the partners jointly will identify and develop speaker resources for local meetings and conventions and informational materials to be disseminated at these events.

• [Read the News Release](#)

## Agricultural Employers in Puerto Rico Sued Over Wage Violations

The department has filed suit in federal court in Puerto Rico against agricultural employers Jose V. Fabre Laboy, doing business as Bananera Fabre, and his son, Jose V. Fabre Santiago, doing business as Finca La Plata, for failing to pay their workers the minimum wage as required by the Fair Labor Standards Act. The defendants cultivate and package bananas, tomatoes and other fruits and vegetables for wholesale in Sabana Grande. An investigation by the department's Wage and Hour Division found that the defendants willfully and repeatedly violated the law by paying many employees less than the federal minimum wage of \$7.25 per hour. The suit

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## Update on Feds Feed Families

What happened to all those huge white boxes full of canned goods that labor department employees in the Frances Perkins Building collected back



in August? On Dec. 2, volunteers from across the department (and even some non-department friends) visited the Capital Area Food Bank's new facility in Northeast Washington, D.C., to help out with the next step. The new warehouse facility is full from floor to ceiling with the distinctive boxes from the Feds Feed Families drive. Volunteers spent three hours sorting the various cans, boxes, and bags by contents and packing them up for delivery to the neighborhood shelters, churches and community centers that distribute food to those in need.

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## Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 370,000 for the week ending Dec. 1, a decrease of 25,000 from the previous week. The four-week moving average was 408,000, up 2,250 from the previous week's revised average of 405,750.

- [Read the full News Release](#)

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## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

OFCCP — Changes to Section 503 and VEVRAA

- [January 15 — New Orleans, LA](#)

OFCCP — Community Based Education & Outreach

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

OFCCP — Best Practices for Construction Contractors

- [December 27 — Baltimore, MD](#)

OFCCP — Beyond the Affirmative Action Plan

- [January 16 — Orange, CA](#)

OFCCP — Compliance Assistance Seminar

- [December 12 — Boston, MA](#)

OFCCP — Construction Contractors Educational Seminar

- [December 13 — Baltimore, MD](#)

asks the court to order the defendants to pay the full amount of back wages due plus an equal amount in liquidated damages to the affected workers.

- [Read the News Release](#)

New Jersey Manufacturer Faulted on Workplace Safety and Health

Pandrol USA LP, a rail fastening system manufacturer, has been cited by the Occupational Safety and Health Administration with 25 safety and health violations at the company's Bridgeport, N.J., facility. A complaint alleging hazards prompted OSHA's inspection and resulted in \$283,500 in proposed penalties. The violations include electrical hazards, a lack of machine guarding and personal protective equipment, not periodically inspecting energy control procedures, the company's failure to develop and implement a confined space program and not mounting fire extinguishers.

- [Read the News Release](#)

Child Labor, Other Violations Found at Fast-Food Franchise in Denver

A McDonald's Corp. franchisee, Boselli Investments LLC, has paid \$58,227 in back wages to 1,258 employees following an investigation by the Wage and Hour Division at 16 locations in the Denver area. Investigators found minimum wage and record-keeping violations of the Fair Labor Standards Act. Child labor violations were also disclosed, resulting in an additional \$8,220 in civil penalties. The investigation found the company made illegal deductions from employees' paychecks for work uniforms and did not pay employees for all hours worked. The company also allowed 16-year-olds to operate motor vehicles and power-driven trash compactors as part of their employment. The franchisee also violated child labor provisions by employing a 15-year-old to work past 9 p.m. during the summer and as late as 8 p.m. on school nights.

- [Read the News Release](#)

Broadcasting Company in Wyoming Sued for Unpaid Wages

Casper, Wyo.-based Mount Rushmore Broadcasting Inc. and its owner Jan Charles Gray are the subject of a lawsuit by the department alleging that the defendants willfully violated the Fair Labor Standards Act. The complaint, filed in the U.S. District Court of Wyoming, alleges that six employees are due a total of \$79,445 in unpaid overtime and minimum wages, plus an equal amount in liquidated damages. The lawsuit seeks to recover the full amount of back wages and liquidated damages, and an injunction prohibiting future violations of the FLSA.

- [Read the News Release](#)

Lawsuit Filed in New Mexico to Recover Wages for Restaurant Staff

The department has filed a lawsuit against Nine Fortune LLC, doing business as China Wok in Albuquerque, N.M., and its owner, Hau Fu Cheng, to recover \$38,508 in wages and an additional equal amount in liquidated damages on behalf of 19 kitchen staff, cooks and dishwashers. The department's investigation, conducted by the Wage and Hour Division, found the company violated the Fair Labor Standards Act by failing to pay employees overtime compensation as required by law. Investigators also found that employees were required to clock out at the end of their scheduled shifts, even though they continued to work. Civil penalties assessed for willful, repeat violations total an additional \$20,900

- [Read the News Release](#)

- [December 18 — Richmond, VA](#)
- [December 19 — Boston, MA](#)

OFCCP — Determining Availability Seminar

- [January 10 — Milwaukee, WI](#)

OFCCP — Developing Written Affirmative Action Programs/ Workplace Accommodations

- [January 9 — Columbus, OH](#)

OFCCP — Hispanic Outreach Community-Based Roundtable Forum

- [December 13 — St. Louis, MO](#)

OFCCP — Incumbency vs. Availability Seminar

- [December 19 — Milwaukee, WI](#)

OFCCP — Internet Applicant Recordkeeping Rule

- [December 20 — Omaha, NE](#)

OFCCP — Small and New S and S Contractors Seminar

- [December 13 — Richmond, VA](#)
- [December 20 — Baltimore, MD](#)
- [December 20 — Richmond, VA](#)

OFCCP — The Complaint Process

- [January 3 — Omaha, NE](#)

WB — Sustainable Green Jobs Forum

- [December 10 — Brockton, MA](#)

WB — Green Jobs Guide Workshop

- [December 11 — Atlanta, GA](#)

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USDOL DOL sues to recover losses to employee stock ownership plan of Rembar Inc. [1.usa.gov/VOMtbb](http://1.usa.gov/VOMtbb)  
35 minutes ago · reply · retweet · favorite

USDOL RT @bls\_gov: November payroll employment rises (+146,000); unemployment rate edges down (7.7%)  
[go.usa.gov/vrK](http://go.usa.gov/vrK) #JobsReport #BLSdata  
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New Jersey Ice Cream Company to Pay Back Wages and Penalties

Popsy Pop LLC, headquartered in Somerdale, N.J., has agreed to pay \$34,200 in back wages to 55 workers and \$48,000 in civil money penalties after an investigation by the Wage and Hour Division uncovered willful violations of the H-2B provisions of the Immigration and Nationality Act. The company, which recruited workers from Eastern Europe, Central and South America and the Caribbean, violated the law when it misrepresented the wages to be paid when recruiting U.S. workers and failed to pay workers the offered wage rate indicated on the H-2B application.

- [Read the News Release](#)

Chicago Nursing Home Pays \$138,000 in Back Wages

The Renaissance at South Shore nursing home and rehabilitation facility in Chicago has paid 295 workers a total of \$138,075 following an investigation by the Wage and Hour Division. Investigators found back wages were owed due to violations of the Fair Labor Standards Act. The department also has assessed \$62,480 in civil penalties because of the repeat nature of the violations. The investigation determined that the Renaissance at South Shore failed to pay employees for hours they worked beyond their scheduled shifts and overtime compensation at time and one-half regular rates for hours exceeding 40 in a week.

- [Read the News Release](#)

Union Head Convicted of Theft From Pension Plan, Operating Fund

An investigation by the department has led to the conviction of the president of the National Association of Special Police and Security Officers union. Caleb Gray-Burriss of Washington, D.C., was found guilty this week after a jury trial on 18 counts related to his theft from the union pension fund and treasury account. The union, which Burriss also founded, represents private security guards assigned to protect federal buildings in the metropolitan Washington area. Burriss wrote checks from the pension fund totaling \$100,000 and issued those checks to himself and others, and stole \$150,000 from the union's operating fund. Sentencing is set for February. The Employee Benefits Security Administration, Office of the Inspector General, and Office of Labor-Management Standards investigated the case, which was prosecuted by the Justice Department's Organized Crime and Gang Section, and its Public Integrity Section.

- [Read the Justice Department News Release](#)

Wage Violations Found at Tennessee Clinic

Dr. Robert Maughon, doing business as First Med Family Clinic, has paid 14 clinic employees \$22,240 in back wages following an investigation by the Wage and Hour Division that found violations of the Fair Labor Standards Act. Investigators determined the he improperly classified salaried employees, such as lab technicians, receptionists and medical billing personnel as exempt from FLSA's overtime requirements and denied them the required overtime compensation. He also paid hourly employees "straight time" for all hours worked over 40 instead of time and one-half the employees' regular rates. Additionally, Maughon failed to maintain records of hours worked, destroying time sheets after employees were paid. The investigation included five medical offices in Gatlinburg, Morristown, Sevierville and Pigeon Forge, Tenn.

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