



DOL News Brief

January 3, 2013

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

The Wirtz Labor Library



The U.S. Department of Labor Library is one of the oldest Cabinet-level libraries in existence. In 1912, President Taft created a Federal Children's Bureau. A year later, the bureau was moved to the newly created

Department of Labor and the bureau's impressive library came with it. In 1917, the Children's Bureau library was combined with the library of the Bureau of Labor Statistics to form the department-wide library that is still in use today. From its earliest days, it has been the premier research and reference collection in the labor field, serving members of Congress, governmental agencies, research students, and unions.

Large portions of the library holdings are a unique documentation of the social and economic history of the United States, including the Folio Collection of labor union documents going back to the 1860's.



As the department moved from building to building since its founding in 1913, the library always moved with it. On March 28, 2000, Labor Secretary Alexis M. Herman dedicated the library to former Secretary W. Willard Wirtz and his wife Jane.

- View the Slideshow
• Visit the Wirtz Labor Library
• View the Centennial Video

What's New

Health Insurance for Dislocated Workers

The department has awarded funds to provide partial health insurance premium payments for eligible unemployed individuals in eight states and the District of Columbia. The Kentucky Department for Workforce Investment received a \$1.4 million increment as part of a \$6 million Health Coverage Tax Credit grant, bringing the total HCTC funding for these workers to \$5 million. Additionally, a \$1 million supplement will continue health insurance premium payments for eligible dislocated workers in six states and D.C., bringing the total HCTC funding for these workers to \$3.5 million. The supplement, awarded to the Maryland Department of Labor, Licensing and Regulation, will be administered in partnership with Alabama, Delaware, D.C., Mississippi, South Carolina and Virginia. Separately, the Georgia Department of Labor received \$105,600, which will provide two to three months of partial insurance payments for persons receiving Trade Adjustment Assistance benefits and eligible for the HCTC. "This funding will give dislocated workers the assurance that their job loss won't result in a total loss of health insurance for them and their families, allowing them to focus on searching for new careers that pay family-supporting wages and provide long-term benefits," said Secretary Solis.

- Read the Kentucky News Release
• Read the Georgia News Release
• Read the Maryland News Release

Take Three: Hiring Disabled Veterans

Secretary Solis has often said that the best way to honor veterans is to offer them jobs when they return stateside. This is especially true for veterans returning with disabilities suffered in service to their country. The department's Veterans' Employment and Training Service has created a web-based toolkit that is designed to assist and educate employers who have made the proactive decision to include wounded warriors in their recruitment and hiring initiatives.



Deputy Assistant Secretary John Moran answers three questions about the efforts by VETS to help employers find and place wounded warriors in jobs that can lead to successful careers:

Why is the information on America's Heroes at Work necessary? Due to the advances in medicine and protective equipment, increased numbers of veterans are surviving battlefield injuries. For many of the wounded and injured service members, employment will play a major role in their recovery. Thankfully, a lot of employers understand that and they want to help but they don't know where to start. It was clear to VETS that these same employers need support and education concerning how to

It Happened on the Hill

New VETS Assistant Secretary



The U.S. Senate on Jan. 1 confirmed Keith Kelly of Montana as the assistant secretary of labor for veterans' employment and training. President Obama in September announced his intention to nominate Kelly to head the department's Veterans' Employment and Training

Service. Since 2005, Kelly has been the commissioner of the Montana Department of Labor and Industry, where he previously served as the administrator of the Unemployment Insurance Division. From 2009 to 2010, Kelly served as chair and vice chair of the Veterans Affairs Committee of the National Association of State Workforce Agencies. He was awarded a Bronze Star and the Combat Infantryman's Badge for his service with the Army's 101st Airborne Division.

## New Commissioner for BLS



Erica L. Groshen of New York was confirmed by the U.S. Senate on Jan. 2 as the commissioner of the Bureau of Labor Statistics. She has served at the Federal Reserve Bank of New York since 1994, and is currently the vice president and economist in the Regional Analysis Function of the Research and Statistics Group. She also has held a number of other positions, including vice president and director of regional affairs in the Communications Group and assistant vice president in the Microeconomic and Regional Studies Function. She began her career at the Federal Reserve Bank of Cleveland. Groshen, who earned her Ph.D. at Harvard, is a member of the Bureau of Labor Statistics Data Users' Advisory Committee.

## Aid for Sandy Recovery

A \$300,000 National Emergency Grant to WorkForce West Virginia will help fund temporary jobs for dislocated workers to assist with cleanup and recovery efforts. The Federal Emergency Management Agency declared 18 West Virginia counties eligible for FEMA's public assistance programs, and the department's Employment and Training Administration announced the grant on Dec. 28. "We are committed to helping the citizens of West Virginia recover from the aftermath of Hurricane Sandy," said Secretary Solis. "Today's grant will assist with cleanup and repair of the state's infrastructure and help those affected by Hurricane Sandy to return to normalcy."

- [Read the News Release](#)

## MSHA Impact Inspections

Federal inspectors with the Mine Safety and Health Administration issued 285 citations, 11 orders and two safeguards during special impact inspections conducted at nine coal mines and seven metal/nonmetal mines last month. Among the mines receiving targeted inspections was TRC Mining Corp. #2 mine in Letcher County, Ky. On Nov. 27, enforcement personnel issued 23 citations and seven orders, including five unwarrantable failure orders for failure to follow the approved ventilation plan, to properly maintain and repair mine seals, and to conduct adequate pre-shift examinations. The mine also was cited

*assist returning service members in their transition to civilian life and employment.*

*What resources are provided? The site is geared toward assisting the employer to better respond to the needs and capacities of the returning service member. It provides fact sheets, Web-based training tools, success stories, links to available resources and educational presentations designed specifically for employers. It also contains an employer toolkit that is intended to simplify the recruitment, interviewing, hiring and accommodations processes for employers interested in hiring veterans.*

*What is the one message you would like to convey to employers interested in — but concerned about — hiring veterans? Employers are concerned about the impact of Post Traumatic Stress Disorder and Traumatic Brain Injury on a veteran's job performance as well as the cost of accommodating these veterans in the workplace. The first step is to help employers understand that not all veterans need accommodations in the workplace but when they do, many can be made easily. The focus needs to be on what the veteran can do — not the disability. Many injuries do not affect a veterans' ability to work. PTSD and TBI are treatable conditions and are not unique to the military. We have found a great deal of success when the returning service members, regardless of the disability, are provided with the proper employment support in the workplace.*

- [Learn About Veterans Hiring](#)
- [Learn About VETS Programs](#)

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## International Scene

### Supporting Labor Rights in Haiti, Peru, Colombia

Three nations will work to strengthen worker organizations and labor rights in the new year, thanks to grants announced by Secretary Solis last week. A \$2.2 million grant to the Solidarity Center will fund projects in Peru and Haiti, and a \$1.5 million grant to the Escuela Nacional Sindical will fund the development of centers in Colombia for educating workers on their labor rights and responsibilities and providing legal assistance. "Supporting the ability to organize and protect their rights is important to leveling the playing field for all workers," said Solis. Both grants were issued by the department's Bureau of International Labor Affairs.

- [Read the Haiti and Peru News Release](#)
- [Read the Colombia News Release](#)

### Reducing Child Domestic Work in Indonesia

A recently announced grant offers hope to Indonesian children engaged in or at risk of involvement in domestic work. The Bureau of International Labor Affairs awarded a \$5 million cooperative agreement to the International Labor Organization for a project to reduce child domestic work in Indonesia by promoting decent work for domestic workers. The ILO's International Program on the Elimination of Child Labor will broaden the outreach of domestic worker organizations and their ability to respond to instances of exploitive labor. The project will also focus on expanding legal protections and raising awareness on these issues.

- [Read the News Release](#)

### Combating Child Labor in Ecuador and Panama

Cooperative agreements to combat child labor in Ecuador and Panama were recently awarded by the Bureau of International Labor Affairs. The International Labor Organization received \$3.5 million and the Partners of the Americas received \$6.5 million to support efforts by the governments of Ecuador and Panama to combat child labor among vulnerable groups. Both projects focus on children from Afro-descendant, indigenous and migrant

for other violations, including inadequate roof support and no warning devices at the end of permanent roof support. "We continue to identify operators who have not gotten the message," said Joseph Main, the assistant secretary of labor in charge of MSHA. "Exposure to harmful levels of respirable dust is unacceptable. Not conducting adequate examinations is unacceptable. Miners deserve better."

- [Read the News Release](#)
- [View the Impact Inspection Results](#)

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## Training Grants for Teachers

Department funds have sent 11 Long Beach Unified School District teachers back to school following a recent round of district layoffs. The funds, part of a grant awarded by the Employment and Training Administration, cover tuition, fees and textbooks for students in a one-year program at California State University, Long Beach that provides teaching credentials in the high-demand field of special education. "This program shows how academic-government partnerships can benefit local communities," said Assistant Secretary of Labor for Employment and Training Jane Oates. "By promoting the development of much-needed skills, this program expands the pool of qualified teachers in a growing field, with benefits for students and teachers alike." The \$140,000 program was made possible by a \$45 million National Emergency Grant awarded to the South Bay Workforce Investment Consortium Inc. in 2011 to provide re-employment services to about 5,880 workers affected by layoffs in 20 California counties.

- [Read About the Original Grant Release](#)

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## Vote for Safety App!

Time is running out to vote in the Worker Safety Challenge! Twenty entries are vying for prizes, including the \$3,000 "Peoples' Choice Award" given to the entry that receives the most public votes by Jan. 4. The challenge, launched by the Occupational Safety and Health Administration, asked members of the public to develop an app that educates young people about their rights and demonstrates the importance of safety and health in the workplace. In addition to the "Peoples' Choice Award," monetary prizes will also be awarded for the "Safety in the Workplace Innovator Award," the "Safety and Health Data Award" and for the "Workers' Rights Award." Judges include Adam Savage and Jamie Hyneman, co-hosts of the popular Discovery Channel show "Myth Busters." To cast your vote, go to the online gallery, read their descriptions and preview their functionality. Check back next week to find out who won!

- [Cast Your Vote](#)

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## OFCCP Looks to 2013

Major activities throughout the Mid-Atlantic region are setting the stage for a successful new year for

populations. In Ecuador, the projects will address the relationship between child labor and disability, an area often neglected in the global effort to end child labor. Since 1995, Bureau of International Labor Affairs' projects have rescued approximately 1.5 million children from exploitive child labor.

- [Read the News Release](#)

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## DOL Working for You

Training Programs Lead Brothers to Transportation Careers



When they were younger, brothers Sept Muyage and Steven Toko walked 24 miles each day to go to school in East Central Africa. Thanks to training through Job Corps and the Transportation Communications Union/International Association of Machinists and Aerospace Workers, they now hurtle across the country as railway conductors. After high school, the brothers enrolled in Virginia's Old Dominion Job Corps Center, with Sept concentrating on nursing and Steven on electrical work. But both wanted careers in mass transit. So Sept enrolled in the TCU/IAM transportation program at the Shriver Job Corps Center in Massachusetts, while Steven

did the same at the Gary Job Corps Center in Texas. They were apart for the first time in their lives. Their choices paid off. Sept now works for Amtrak and Steven for Union Pacific. Job Corps and TCU/IAM "taught us how to work hard and find a career," Sept said.

Army Vet Gets Help at American Job Center

Over the course of 20 months, Army veteran Brooke Leyva was a fixture at an American Job Center in Chico, Calif. "She took advantage of the one-stop universal services — Internet, emails, faxes — she was job ready," said Career Advisor Mark Alvidrez, who assisted her. Leyva also took computer and typing courses and improved her resume and interview skills. She went on numerous job interviews only to come up short because of the competitive local job market. But Leyva did not give up and finally received a job offer from a local hospital. "I would not have gotten as far as I did without their help," Leyva said of the assistance she received at the center. Leyva also plans to attend community college to earn a nursing degree.



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## DOL in Action

San Antonio Restaurants Sued for \$1 Million in Back Wages

The department, citing violations of the Fair Labor Standards Act, has filed suit to recover back wages of about \$1,018,000 for 164 restaurant workers in Texas. The suit was filed against PCXAC LLC, XXT Investment LLC, Xac's Investment Co., WKHK Investment LLC, DLKJ Investments Inc. and Peter Xac, manager, all doing business as China Sea Restaurants 1, 2, and 3 in San Antonio. An investigation by the Wage and Hour Division found minimum wage, overtime and record-keeping violations of the FLSA.

"Restaurant workers are among the most vulnerable workers in this country.

area Office of Federal Contract Compliance Programs offices. The region's Philadelphia team recently collaborated with the General Services Administration and the Small Business Administration for an event last month to provide information to small contractors and community-based organizations on becoming a federal contractor and developing a relationship with OFCCP. The day before, the Baltimore leadership team represented the agency at a national conference to promote the agency's Section 503 regulations, which bolster employment of persons with disabilities. Earlier, the region collaborated with the Department of Justice and the Equal Employment Opportunity Commission on a similar presentation to stakeholders and community organizations, in Lewisburg, Pa., hosted by the Small Business Development Center at Bucknell University.

- [Learn More About OFCCP](#)
- [Learn More About Section 503](#)

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## Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 372,000 for the week ending Dec. 29, an increase of 10,000 from the previous week. The four-week moving average was 360,000, up 250 from the previous week's revised average of 359,750.

- [Read the News Release](#)

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## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

OASAM — Small Business Vendor Outreach Session

- [January 23 — Washington, DC](#)

OFCCP — Analyzing Personnel Activity Data/ Internet Applicant Recordkeeping Rule

- [January 24 — Columbus, OH](#)

OFCCP — Beyond the Affirmative Action Plan

- [January 16 — Orange, CA](#)

OFCCP — Beyond the Written AAP

- [January 8 — Dallas, TX](#)
- [January 17 — Houston, TX](#)

OFCCP — Construction Best Practice Seminar

- [February 21 — Milwaukee, WI](#)

OFCCP — Construction - Nuts and Bolts

- [January 10 — New Orleans, LA](#)

This lawsuit demonstrates the department's commitment to using all enforcement tools available, including litigation, to recover workers' wages and to ensure a level playing field for law-abiding employers," said Secretary Solis.

- [Read the News Release](#)

Machine Manufacturer Exposed Workers to Amputation Hazards

Worldwide Oilfield Machine BOP Division Inc. was cited by the Occupational Safety and Health Administration with exposing workers to unguarded machinery and electrical hazards at the company's facility in Houston. Violations include failing to provide machine guarding on equipment, ensure machinery is securely anchored and ensure electrical cords, panels and boxes are not exposed to prevent shocks or electrocution. OSHA's Houston North Area Office initiated an inspection on Oct. 24, under its national emphasis program on amputations. Proposed penalties total \$71,200.

- [Read the News Release](#)

Group Sued in Whistleblower Case

The National Council of La Raza Action Fund Inc., successor to Democracia USA, has been sued by the Occupational Safety and Health Administration for allegedly firing an employee for raising health concerns about potential exposure to mold and other environmental factors at his workplace in Orlando, Fla. The lawsuit follows an OSHA investigation that found the termination of the employee violated the whistleblower provisions of the OSH Act. The suit seeks to reinstate the employee and pay all back wages, interest, compensatory and punitive damages, along with expunging adverse information in the employee's personal records.

- [Read the News Release](#)

Chemical Manufacturer Cited Following Fatality

Chemical manufacturer AC&S Inc. has been cited by the Occupational Safety and Health Administration with 12 serious violations following a July investigation initiated when a worker died while performing sandblasting activities at the company's Nitro, W.Va., facility. The worker performing sandblasting activities, became unconscious when the air line for a supplied air hood was hooked up to a nitrogen gas line. The serious violations related to the fatality included failing to label nitrogen lines at connection points and not ensuring that breathing air couplings were incompatible with other gas systems.

- [Read the News Release](#)

Employees at Printing Company to Receive \$96,000 in Back Wages

Dallas-based Nieman Printing Inc. has paid \$96,335 in overtime back wages to 101 employees following an investigation by the Wage and Hour Division in Dallas that found violations of the Fair Labor Standards Act. Additionally, the company was assessed civil penalties totaling \$26,000. "This company knowingly used illegal employment tactics to avoid paying workers overtime," said Cynthia Watson, regional administrator of the Wage and Hour Division in the Southwest. The investigation determined that the company required employees to record hours worked on two different time clocks at the same facility and failed to combine those hours when computing overtime compensation.

- [Read the News Release](#)

New Jersey Contractor Fined for Electrical Hazards

Bender Enterprises Inc. of Union, N.J., has been cited by the Occupational Safety and Health Administration with three repeat violations for continuing to expose workers to electrical hazards at a Fort Lee, N.J., work site. OSHA initiated an investigation when a worker was injured while servicing an electrical panel. Proposed penalties total \$41,580. The repeat violations

OFCCP — Construction Requirements

- [February 21 — Omaha, NE](#)

OFCCP — Determining Availability Seminar

- [January 10 — Milwaukee, WI](#)

OFCCP — Developing Written Affirmative Action Programs/ Workplace Accommodations

- [January 9 — Columbus, OH](#)

OFCCP — Everything You Want to Know About Adverse Impact, Records and Record Retention

- [February 21 — Houston, TX](#)

OFCCP — Record Keeping Required by OFCCP

- [February 20 — Orange, CA](#)

OFCCP — Tracking/Monitoring/Analyzing Personnel Activity Data

- [January 31 — Milwaukee, WI](#)

OFCCP — WebEx Seminar for Small and New Supply and Service Contractors

- [January 17 — Arlington, VA](#)
- [February 14 — Arlington, VA](#)

OFCCP — What to Expect During an OFCCP Audit

- [January 17 — Omaha, NE](#)

OFCCP — What to Expect During an OFCCP Audit/Overview of Section 503 and 4212

- [February 8 — Columbus, OH](#)

OFCCP — Women in Nontraditional Jobs

- [February 7 — Omaha, NE](#)

OFCCP — Your Construction Requirements

- [February 20 — Columbus, OH](#)

OLMS — Compliance Assistance Seminar

- [February 19 — San Francisco, CA](#)

OSHA — Informal Stakeholder Meetings on Preventing Injuries and Fatalities from Vehicle Backovers

- [January 8-9 — Washington, DC](#)
- [February 5 — Arlington, TX](#)

include failing to protect workers from contact with live electrical parts, provide eye and face protection from electric arcs, flashes or flying objects, and provide insulated tools and equipment for workers exposed to energized conductors or circuit parts.

- [Read the News Release](#)

Memphis-based Tent Company Pays \$133,000 in Back Wages, Benefits

Memphis-based Mahaffey Tent and Awning Co. Inc., doing business as Mahaffey Fabric Structures in New Orleans, has paid \$133,285 in back wages and fringe benefits to 28 current and former workers. This action follows an investigation by the Wage and Hour Division that found violations of the McNamara-O'Hara Service Contract Act and the Contract Work Hours and Safety Standards Act. The investigation by the division's New Orleans District Office found the company failed to pay employees working at Fort Polk the proper prevailing wage rates and fringe benefits and some employees were wrongly classified as laborers rather than general maintenance workers.

- [Read the News Release](#)

3 New York Restaurants Ordered to Pay \$1 Million to 255 Employees

A chain of three full-service restaurants in Nassau and Westchester counties and its president will pay \$1,085,752 in back wages, interest and liquidated damages to 255 employees, according to the terms of consent judgments obtained in federal court by the department. Defendants Asian Moon Restaurant of Massapequa Park Inc., Asian Moon Restaurant Corp. in Garden City, Golden Rod Restaurant Corp. in New Rochelle and Vickie Sue Li also will pay \$98,231 in civil penalties and interest for violations of the Fair Labor Standard Act's minimum wage, overtime and record-keeping provisions. The judgments resolve lawsuits filed by the department that were based on investigations by the Wage and Hour Division. The investigations found employees working as servers and kitchen staff at all three locations were paid wages that did not equal at least the hourly minimum wage and did not include proper compensation for overtime hours worked.

- [Read the News Release](#)

Ohio Union Official Sentenced for Embezzling \$110,000 in Union Funds

Claude Huff, former president and business manager of Amalgamated Transit Union Local 1385 in Dayton, Ohio, was recently sentenced to five years of probation and ordered to pay \$110,348 in restitution after being convicted of embezzlement. An Office of Labor-Management Standards investigation disclosed that, between 2004 and 2010, Huff embezzled union funds through unauthorized checks to himself for salary, vacation pay and sick leave. Huff also altered union financial records in an attempt to conceal his actions. Huff pleaded guilty in September 2012 to one count of embezzlement of union funds.

Illinois-based Fitness Center Faulted on Hazardous Chemicals

Capital Fitness Inc., which operates as Xsport Fitness in Libertyville, Ill., has been cited by the Occupational Safety and Health Administration with four repeat safety violations for failing to provide personal protective equipment to employees working with hazardous chemicals. The complaint inspection in November resulted in proposed penalties of \$60,000. The repeat violations included failing to provide eye, face and hand protection for workers using liquid and other hazardous chemicals and provide them with information regarding hazardous chemicals in their work area. Similar violations were cited in May 2012 at another of the company's facilities in Chicago.

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[ow.ly/gus9t](https://ow.ly/gus9t) to eliminate [#childlabor](#) and  
[#forcedlabor](#) from their supply chains  
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- [Read the News Release](#)

Minimum Wage Violations Found at Oklahoma Restaurant  
Peyton's Place LLC in Duncan, Okla., has agreed to pay \$84,864 to 31 current and former servers following an investigation by the Wage and Hour Division in Oklahoma City. The investigation revealed minimum wage and record-keeping violations of the Fair Labor Standards Act. Investigators found that the company failed to pay the required minimum wage of \$2.13 per hour for tipped employees, maintain records of the numbers of hours worked by employees, and to maintain records of dates of birth for workers under 18 years of age as required by the FLSA.

- [Read the News Release](#)

Food Products Manufacturer Cited for Process Safety  
Management

Rosina Food Products Inc. has been cited by the Occupational Safety and Health Administration with nine serious violations of workplace safety standards at its West Seneca production facility. The manufacturer of frozen food products faces a proposed penalty of \$54,750. OSHA found several deficiencies in the plant's process safety management program, a detailed set of requirements and procedures employers must follow to proactively address hazards associated with processes and equipment involving large amounts of hazardous chemicals. In this case, the process is the operation and maintenance of the plant's refrigeration system and the chemical is anhydrous ammonia, used in the refrigeration system. The plant also did not develop specific procedures for locking out machines to prevent their unintended startup during servicing, did not inspect such procedures, and did not use group lockout/tagout procedures as required.

- [Read the News Release](#)

Wisconsin Companies Cited Following Worker's Death

Lunda Construction Inc. in Black River Falls and Choice Construction Cos. Inc. in Menomonee Falls have been cited by the Occupational Safety and Health Administration with 10 safety citations after a truck driver was killed and another worker seriously injured. The July 5 incident occurred when a crane collapsed at a bridge construction site near Oshkosh. A truck driver died when he was struck by the boom of a crane that overturned while bridge girders were being erected with multiple cranes.

- [Read the News Release](#)

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