



DOL News Brief

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January 10, 2013



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

Protections for Migrant Workers



Next week marks the 30th anniversary of the Migrant and Seasonal Agricultural Worker Protection Act. This landmark legislation provides employment-related protections to migrant and seasonal agricultural workers and

is administered and enforced by the department's Wage and Hour Division. The law requires that, among other things, every non-exempt farm labor contractor, agricultural employer, and agricultural association must disclose the terms and conditions of employment to each migrant worker in writing at the time of recruitment and to each seasonal worker when employment is offered, in writing if requested.

The law also says each worker must be paid the wages owed when due and provided with an itemized statement of earnings and deductions. Employers also must ensure that housing, if provided, complies with substantive federal and state safety and health standards, and that each vehicle, if transportation is provided, meets applicable federal and state safety standards, with each driver properly licensed.



- View the Centennial Video
• Learn More about the MSPA

What's New

Secretary Solis: 'We Have Achieved Extraordinary Things'

"Together we have achieved extraordinary things and I am so proud of our work on behalf of the nation's working families," Secretary Solis said in an email to the department's employees on Jan. 9 announcing her resignation. Over the last four years, she wrote employees, more than 1.7 million people have completed federally-funded job training programs. Solis said she was particularly proud of enforcement efforts that have saved workers' lives and recovered back wages owed to workers. "Leaving the department is one of the most difficult decisions I've ever made, because I have taken our mission to heart. As the daughter of parents who worked in



factories, paid their union dues and achieved their goal of a middle class life, and as the first Latina to head a major federal agency, it has been an incredible honor to serve," Solis said. She said she reached the decision over the holidays after much discussion with family and close friends. President Obama praised Solis and said he was grateful for her "steadfast commitment and service not only to the administration, but on behalf of the American people." The president said, "Over her long career in public service — as an advocate for environmental justice in California, state legislator, member of Congress and secretary of labor — Hilda Solis has been a tireless champion for working families."

- Read the Secretary's Letter
• Read the President's Statement

Job Training and Fellowship

Job training, English classes and meals are some of the many services offered by the Catholic Charities of the Archdiocese of Washington, D.C., and



it's a place where immigrant communities have found a safe haven. Church leaders and Latino immigrants met with Secretary Solis at the Catholic Charities' facility in D.C. on Jan. 8 to discuss several issues, including jobs and the economy. Solis informed the group about the resources available at the department and urged them to enter job training programs. "Faith-based

News You Can Use

Envelope Please: Worker Safety Challenge Winners Announced

The winners of the department's Worker Safety and Health Challenge have been announced by the Occupational Safety and Health Administration. Prizes totaling \$30,000 were awarded to the four entrants who submitted the tools that best demonstrate the importance of recognizing and preventing workplace safety and health hazards and help young people understand their rights in the workplace. "The winning entries place new technologies in the hands of young workers and their employers, making safety and health resources even more accessible," said Dr. David Michaels, assistant secretary of labor for occupational safety and health. The \$15,000 "Safety in the Workplace Innovator" grand prize went to a website developed by the University of Tennessee Construction Industry

organizations like this one are playing such a critical role in putting people back to work," Solis said. "The partnerships you've fostered with small businesses in the area to put people back to work are a model for this community" and for our nation, Solis said to the Rev. Mario Dorsonville, vice president for Mission and division director of Refugee and Immigrant Services. The department provides funds to faith-based communities around the country to help unemployed people with job training and other critical employment services.

- [View the Slideshow](#)

Make a 401(k) Resolution



The beginning of the new year is a great time to take stock of your personal finances, and paying attention to the fees charged in your employer's 401(k) or similar savings plan is a good place to start, according to Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi. She discussed

the issue with personal finance expert Ric Edelman on the Jan. 5 edition of his radio show. The department issued new rules last year that for the first time require fee disclosures to retirement plan participants with the intent that such transparency will help bring down savings costs. "We want employees to save more for retirement and to make sure that the savings they've accumulated, when they've done the right thing, aren't diluted by excessive fees," Borzi told listeners.

- [Learn More About 401\(k\) Plan Fees](#)
- [Listen to the Radio Show](#)

Welcome to the 113th Congress

The Congressional Hispanic Caucus Institute held a swearing-in and welcome reception for a record number of Hispanic members of



Congress on Jan 3. Secretary Solis was among the speakers, telling the members of the 113th Congress that the Labor Department will "help all working families across the country. And I know that President Obama is with us." The welcome reception, attended by about 600 people, took place at Union Station in Washington, D.C. Speakers included Executive Vice President and Chief Financial Officer of Time Warner Cable Irene Esteves; Sen. Robert Menendez of New Jersey; Secretary of Interior Ken Salazar; the outgoing CHCI chair, retired Rep. Charles A. Gonzalez of Texas, and the incoming CHCI chair, Rep. Ruben Hinojosa of Texas. Vice President Biden and Dr. Jill Biden attended. After his remarks, the vice president conducted the swearing-in ceremony.

- [View the Slideshow](#)

Research and Policy Center and the Department of Industrial and Systems Engineering. The \$6,000 "Safety and Health Data Award" went to the United Steelworkers union for its Chemical Safety app. A safety campaign website developed by the Montana State Fund was awarded the \$6,000 "Workers' Rights Award." And developer Sidharth Garg won the \$3,000 People's Choice Award for his Ergonomics iOS Application, which offers ergonomic equipment setup advice, a variety of stretching exercises and programmable break reminders. Congratulations to the winners!

- [Read the News Release](#)
- [View the Winners](#)

Around DOL

The 'Super Mediator' Comes Home

He has rightly earned the reputation as America's "Super Mediator," but when former Secretary of Labor W.J. "Bill" Usery came back to the department for a visit earlier this week, he earned another moniker: "Super Storyteller." The nation's 15th Secretary of Labor (Usery) and the 25th (Solis) told stories and shared experiences while Usery was visiting Washington, D.C., for the centennial celebration of President Nixon's birth. Before being appointed as labor secretary by President Gerald Ford in February 1976, Usery served as an assistant secretary of labor and as director of the Federal Mediation and Conciliation Service. After leaving office, he founded and chaired the Friends of the Department of Labor, which created what is now known as the Labor Hall of Honor. He has also traveled the country and the world providing mediation services and working to settle labor disputes.



- [View the Slideshow](#)
- [Watch the Video Interview](#)

Employees Embrace Spirit of the Holidays by Giving Back

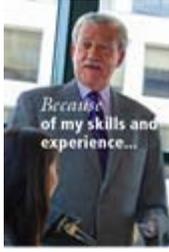
T'was the Season! The International Association of Workforce Professionals showed the holiday spirit by coordinating a giving tree for the N Street Village in Washington, D.C. Employees from the department's Employment and Training Administration joined with IAWP to provide new bath product gift sets, pajamas and slippers to residents and toiletries to homeless women. N Street Village is a community of empowerment and recovery for homeless and low-income women providing comprehensive services addressing both emergency and long-term needs and helps women overcome employment barriers. Rounding out the year with their community service efforts, IAWP, together with the local chapter of the League of United Latin American Citizens and Belaborers Toastmasters Club, donated two boxes of donations to Toys for Tots.



DOL Working for You

Job Corps Grad Transitions to Academia and Poetry

'Because' PSA Launched



The department's Campaign for Disability Employment has released a public service announcement titled "Because" encouraging youth with disabilities to pursue their dreams. The video features individuals with disabilities who are achieving their goals with the help of a mentor. "Many

people who achieve success and have found satisfaction in their careers have done so because one person believed in them and urged them to set their expectations high," said Kathy Martinez, assistant secretary of labor for disability employment policy.

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

Workforce Development in D.C.

As part of her ongoing efforts to support community organizations that focus on workforce development and training, Secretary Solis



paid a visit this week to the Columbia Heights/Shaw Family Support Collaborative. Founded in 1996, the CH/SFSC serves communities in the District of Columbia by providing family support services, workforce development, and youth violence prevention and intervention. During her visit, Solis heard from program participants who have received the necessary skills and training to finish their high school education and obtain job training skills. Solis also met with young adults who are now thriving because of the support and assurance they receive from the collaborative and its staff. CH/SFSC also provides technical assistance and training to community, local and national nonprofit organizations.

- [View the Slideshow](#)

Preventing Back-over Injuries

A series of informal stakeholder meetings to address and prevent vehicle back-over injuries and deaths were held this week by the Occupational Safety and Health Administration. The purpose of the meetings is to gather information from employers, workers, safety professionals and equipment manufacturers to evaluate back-over hazards across various industries. The meetings also aim to determine the effectiveness of new technology, training, best practices or other methods to protect workers from harm. About two dozen representatives from industry and worker groups participated in or observed the first meeting on Jan. 8. Earlier this year, OSHA published a request for information in



From gang life to the Navy, from Job Corps to academia, and now as a soon-to-be-published author of poems, David Tomas Martinez's life has been a series of transitions. Martinez left gang life to enter the Navy and then went on to the Job Corps. His time at California's San Diego Job Corps Center, he said, "gave me direction and helped me figure out what I wanted to do." Martinez later graduated with a bachelor's degree in English and a master's in fine arts and poetry, both from San Diego State University. He is studying for his Ph.D. in literature at the University of Houston while also serving as reviews and interviews editor

for that school's Gulf Coast magazine. The writer said his collection of poetry, "Hustle," to be published in 2014, follows him from his teen years through school, and deals with issues such as gender, ethnicity, economics and education. "There were a lot of things in my life that could have broken me," Martinez said, "but Job Corps gave me a platform to do more."

Workforce Investment Act Leads to Job in Advanced Manufacturing

As a teenager, Wisconsin's Valarie Wojcik amazed her peers by helping to build a mini-motorcycle from the ground up. Her desire to "work with my hands" had been fostered by department funding of advanced manufacturing careers through the Workforce Investment Act.



Wojcik earned an associate's degree in welding from Fox Valley Technical College, and then transferred to Michigan's Ferris State University where she earned her bachelor's in Welding Engineering Technology. Wojcik now works as a project engineer where she designs robotics for the manufacture of automotive parts. Wojcik said she does not feel like a woman pioneer in a male-dominated industry. But, she added, "When I help to install a new assembly line system, I usually surprise a lot of plant workers because I know how to weld."

DOL in Action

Dallas Car Wash to Pay \$230,000 in Back Wages

Eighty-two current and former detail and car wash employees will receive \$229,475 in back wages following an investigation by the Wage and Hour Division that found violations of the overtime and minimum wage provisions of the Fair Labor Standards Act. The investigation determined that the company's timekeeping system always rounded time worked in the employer's favor, resulting in paying employees for fewer hours than they had actually worked. The company also failed to pay overtime at time and one-half the regular rate of pay for hours worked over 40 in a workweek.

- [Read the News Release](#)

Assistance for Massachusetts Solar Workers

A \$408,403 National Emergency Grant increment was announced by Secretary Solis on Jan. 7 to continue assistance to about 320 workers affected by the 2011 closure of two Evergreen Solar Inc. facilities in Massachusetts and related layoffs. The incremental funding brings the total funds awarded for this project to \$738,179. "The former workers of

the Federal Register on how workers get injured from back-over incidents and what solutions exist to prevent injury and death. In 2011, 79 workers were killed when vehicles or mobile equipment were backing up and crushed them against an object or rolled over them, according to the Bureau of Labor Statistics.

- [Read the News Release](#)
- [Learn About Back-over Hazards](#)
- [Participate in Meetings in Texas](#)

Auto Jobs in Louisiana

More than 100 state and local officials, private-sector leaders and others gathered on Jan. 3 to celebrate the creation of 1,500 new jobs made possible by



the announcement that Elio Motors has agreed to purchase a former General Motors plant near Shreveport, La. "Returning the property to productive use will yield significant economic benefits to the region and can serve as a model approach for other similarly situated communities across the country," the department's Jay Williams said. Williams, executive director of the department's Office of Recovery for Auto Communities and Workers, spoke at the event. The Shreveport plant was among the assets assigned to the RACER Trust, a private entity that was established by the U.S. Bankruptcy Court to clean up and position for redevelopment properties and other facilities owned by the former General Motors Corp. before its 2009 bankruptcy.

Job Corps' Utah 'Cool School'

The Clearfield Job Corps Center in Clearfield, Utah, was selected as the "Cool School of The Week" by local television channel Fox-13. The TV station's morning show featured the school in eight segments and highlighted the school's cooking, welding, electrical and automotive programs. The center offers training in 17 trades for young people 16 to 24 years of age. Melissa Freigang, the center's director of admissions for business and community, said the center is similar to an applied technology college that helps students receive, maintain and keep a great job or career. The station's features reporter Big Budah profiled the Clearfield center on Dec. 12, 2012. The center has been recognized in past years by Big Budah, who has showcased the center as a premiere career technical training facility.

- [View the Video](#)

Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 371,000 for the week ending Jan. 5, an increase of 4,000 from the previous week. The four-week moving average was 365,750, up 6,750 from the previous week's revised average of 359,000.

Evergreen Solar continue to face significant obstacles in finding good jobs in their region," Solis said. "This funding will make it possible for these workers to receive training and re-employment services to help them find good jobs."

- [Read the News Release](#)

Diesel Hazard Alert Issued by OSHA, MSHA

When not properly controlled, exhaust from diesel engines, which contains a mixture of gases and very small particles, including diesel particulate matter, can create a health hazard. Consequently, the Occupational Safety and Health Administration and Mine Safety and Health Administration have issued a hazard alert about workers' exposure to these materials. Diesel engines provide power to a wide variety of vehicles, heavy equipment, and other machinery used in industries such as mining, transportation, construction, agriculture, maritime and other types of manufacturing operations. The health effects of short-term exposure can be headache, dizziness, and irritation of the eye, nose and throat severe enough to distract or disable miners and other workers, while long-term exposure can increase the risk of cancer. The hazard alert contains information for employers and workers on engineering controls to mitigate exposure, as well as the OSHA and MSHA enforcement standards for a variety of industries.

- [Read the Hazard Alert](#)

Battery Manufacturer in Texas Cited for Health Violations

Marathon Norco Aerospace in Waco, Texas, has been cited for serious health violations following an investigation by the Occupational Safety and Health Administration's Fort Worth, Texas, office. The investigation found that workers were exposed to hazardous materials, such as nickel and cadmium. Violations included failing to ensure that cadmium contaminated trash cans containing used personal protective equipment and other contaminated discarded items were properly labeled; failing to provide effective hazard communication training regarding the dangers of exposure to nickel nitrate and sulfuric acid compounds, and failing to provide proper respiratory protection.

- [Read the News Release](#)

Company Found in Violation of Service Contract Act

L-3 Communications Vertex Aerospace LLC, a government contractor at Hunter Army Airfield in Savannah, Ga., has agreed to pay 361 employees \$261,899 in back wages following an investigation by the Wage and Hour Division. Investigators found that the company violated the McNamara-O'Hara Service Contract Act when it incorrectly computed employees' vacation benefits. L-3 Communications Vertex Aerospace is an aviation and aerospace technical services company, managing and servicing fixed-and rotary-wing aircraft, as well as other equipment, primarily for government customers. The company is based in Madison, Miss.

- [Read the News Release](#)

Illinois Roofer Faulted for Lack of Worker Fall Protection

Zamastil Exteriors, a roofing company in Wonder Lake, Ill., has been cited by the Occupational Safety and Health Administration with seven safety violations following two separate inspections. The violations included one willful and one repeat for failing to provide and ensure workers use proper fall protection while conducting roof work on an apartment building.

Proposed fines from both inspections total \$87,010.

- [Read the News Release](#)

Compliance Agreement With Southern Utah Pecan Ranch

The department has reached an agreement with Southern Utah Pecan Ranch Ltd. to ensure its labor contractors are in compliance with federal labor laws, following news media reports that possible child labor violations were occurring on its pecan grove in Hurricane, Utah. News reports of the

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Upcoming Deadlines & Events

[Open Funding Opportunities](#)

Calendar Highlight

WB — Green Jobs Guide Workshop

- [January 15 — Chicago, IL](#)

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 17 — Houston, TX](#)

OFCCP — Construction Best Practice Seminar

- [February 21 — Milwaukee, WI](#)

OFCCP — Construction - Nuts and Bolts

- [January 10 — New Orleans, LA](#)

OFCCP — Construction Requirements

- [February 21 — Omaha, NE](#)

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](#)

December 2012 pecan harvest showed young children working in the fields in possible violation of the child labor and minimum wage provisions of the Fair Labor Standards Act. The agreement includes the Southern Utah Pecan Ranch to pay any civil money penalties, back wages and/or liquidated damages assessed by the department and requires the grower to include language in future contracts that requires contractors to comply with federal and state laws, post informational posters on the ranch regarding labor laws and to hire a third party to conduct annual audits evaluating its compliance with all applicable regulations. While the investigation continues, growers have agreed to take steps to prevent any future violations.

- [Read the News Release](#)

Massachusetts Contractor Cited for Cave-in Hazards

A Dracut, Mass., contractor faces proposed fines for excavation and other hazards at a Nashua, N.H., worksite. DeFelice Inc. was cited by the Occupational Safety and Health Administration for alleged willful and serious safety violations. Inspectors from OSHA's Concord Area Office observed a DeFelice employee working in an inadequately guarded excavation that was more than eight feet deep. OSHA standards require that trenches or excavations five feet or deeper be protected against collapse. OSHA's inspection also found that the excavation lacked a ladder or other safe means of exit, and the workers in the excavation were not protected against being struck by material falling into the hole.

- [Read the News Release](#)

Union Office Manager Pleads Guilty to Embezzlement

Grace Rathke, a former office manager for Local 32 of the Laborers International Union of North America, pled guilty on Jan. 3 in federal court in Rockford, Ill., to embezzling almost \$200,000 between November 2004 and March 2009 from union dues and initiation fees. The guilty plea was announced by Gary S. Shapiro, acting U.S. attorney for the Northern District of Illinois; James Vanderberg, special agent-in-charge of the Chicago office of the department's Office of Inspector General; and Mary Kebisek, district director of the department's Office of Labor-Management Standards in Chicago. Rathke will be sentenced April 9, and faces a maximum sentence of five years in prison and fines of \$250,000, in addition to paying restitution of the money she embezzled.

- [Read the U.S. Department of Justice News Release](#)

New Jersey Stucco Contractor Faces Fines for Repeat Hazards

Rochelle Park, N.J.-based Beno Stucco Systems was cited with six safety violations by the Occupational Safety and Health Administration. The stucco contractor faces \$61,600 in proposed penalties for six violations. Five repeat violations were cited for exposing workers to fall and scaffolding hazards and failing to provide workers with protective helmets to prevent injuries from falling objects. OSHA's investigation was initiated as a result of an imminent danger fall hazard.

- [Read the News Release](#)

Missouri Carpenters Union to Rerun Election

Carpenters Local 315 in Kansas City, Mo., has agreed to conduct a new runoff election for two delegate positions before March 31 under the supervision of the Office of Labor-Management Standards. An OLSM investigation of the union's June 2012 runoff election concluded that a district council business representative used a union cell phone and member contact information to make campaign calls to members, in violation of the Labor-Management Reporting and Disclosure Act.

Texas Company Exposed Workers to Electrical Hazards

BMC Building Materials and Construction Services Inc. in New Braunfels, Texas, has been cited with seven serious violations by the Occupational

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

- [February 5 — Arlington, TX](#)

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Safety and Health Administration. The company exposed workers to electrical and machine guarding hazards, including failure to provide machine guarding while employees operated saws. Other violations included failing to ensure electrical wiring was protected and to properly maintain electrical cords. Proposed penalties total \$41,000.

- [Read the News Release](#)

Ohio Restaurant to Pay \$45,000 in Back Wages to 18 Workers

Azteca Restaurante Mexicano Inc. and Salvador B. Alatorre, manager and part-owner of the Akron, Ohio, establishment, have agreed to pay \$45,781 in back wages and liquidated damages to 18 employees following an investigation by the Wage and Hour Division. The investigation found violations of the Fair Labor Standards Act's minimum wage, overtime pay and record-keeping provisions. The department filed a consent order and judgment in U.S. District Court, Northern District of Ohio, Eastern Division, stipulating the terms of the settlement. The investigation determined that Azteca Restaurante Mexicano paid some non-exempt workers — including bussers, cooks and dishwashers — flat weekly salaries instead of hourly wages.

- [Read the News Release](#)

Inspection Finds Ohio Foundry Exposed Workers to Noise Hazards

COL-Pump Co. Inc. has been cited by the Occupational Safety and Health Administration with 10 health and safety violations, including two willful, for failing to monitor workers' exposure to noise hazards above 85 decibels at the Columbiana foundry. OSHA initiated an inspection on Sept. 14, after receiving a complaint that alleged the lack of an effective hearing protection program. The willful violations involved failing to establish a baseline audiogram within six months of an employees' first exposure to noise above the action level of 85 decibels and to provide annual audiograms to workers exposed to noise levels at or above allowable levels. Proposed fines are \$56,880.

- [Read the News Release](#)

Home Furnishings Retailer Pays Back Wages to Kansas

Furniture Loft has paid \$16,489 in back wages and liquidated damages to six workers at the company's Osage City and Emporia stores in Kansas. An investigation by the department's Wage and Hour Division determined the stores violated the Fair Labor Standards Act by failing to pay workers proper minimum wage and overtime compensation. Delivery drivers at both Furniture Loft locations were paid by separate checks for hours worked at each location, the investigation found. Those hours were not combined each week to determine if employees had worked beyond 40 hours in total, thus entitling them to overtime compensation. The Kansas City Wage and Hour Division office conducted the investigation.

- [Read the News Release](#)

Penalties Proposed for Noise Hazards at Cleveland Company

Cleveland Granite & Marble has been cited by the Occupational Safety and Health Administration for 21 health violations following a complaint inspection initiated in August. The violations include three willful violations for failing to maintain a hearing conservation program and to train workers who operate powered industrial trucks and perform daily and monthly crane inspections to ensure the equipment is in safe working order. Proposed penalties total \$98,000.

- [Read the News Release](#)

Houston Utilities Company Cited for Cave-in Hazards

Tejas Underground Utilities LLC was cited by the Occupational Safety and Health Administration with one willful and one serious violation for exposing workers to excavation hazards at its work site in Houston. The willful

violation was for failing to provide workers with shoring or shielding to protect them from a possible cave-in. The serious violation was cited for having excavated materials, such as dirt and rocks, within 2 feet from the edge of the excavation. Proposed penalties total \$59,290.

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