



**UNITED STATES
DEPARTMENT OF LABOR**

Good jobs for everyone.

DOL News Brief

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February 21, 2013

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WINNER OF AVA DIGITAL 2013 GOLD AWARD
- INTERACTIVE COMMUNICATION / E-NEWSLETTER -

**Black History/Our History:
The Father of Affirmative Action**



Arthur Allen Fletcher was known as the "father of affirmative action." Serving as assistant secretary of labor for employment standards during the Nixon administration, he was responsible for what is known as the

"revised Philadelphia Plan" — an effort to enforce the hiring of minorities by businesses and trade unions contracted by the government. The plan mandated a "good faith effort" by federal contractors to reach specified minority hiring goals.

This was the first affirmative action program at the federal level, which later became a national model, and was expanded to include women, veterans and people with disabilities. He went on to later advise Presidents Ford, Reagan and Bush. Up until his death in 2005, he defended his diversity efforts, which were at times criticized by a variety of groups and leaders. "Affirmative action changed the American workplace for the better, forever," he said later in his life. During his tenure as the head of the United Negro College Fund, Fletcher coined the phrase "A mind is a terrible thing to waste."



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

What's New

Former Hostess Workers Eligible for Employment Services

More than 18,000 former Hostess employees are now eligible to receive benefits through Trade Adjustment Assistance. The iconic snack food company closed its doors late last year. The department determined that an increase in imported baked products contributed importantly to the company's sales declines, qualifying the workers for TAA benefits. Workers covered by this TAA certification will be contacted by their respective state workforce agencies with instructions on how to apply for individual benefits and services. Those who qualify may receive case management and re-employment services, training in new skills and/or trade readjustment allowances that provide income support while workers are in training.

• [Read the News Release](#)

Sherwin-Williams to Pay \$80 Million to Participants in Savings Plan

The department has reached a settlement with the Cleveland-based Sherwin-Williams Co. that will provide \$80 million to current and past participants of its Employee Stock Purchase and Savings Plan. The agreement is the result of an investigation by the Employee Benefits Security Administration into whether Sherwin-Williams, seeking to take advantage of tax breaks, improperly managed the plan in violation of the Employee Retirement Income Security Act. The settlement also requires Illinois-based GreatBanc Trust Company to undergo an audit of its pension plan activities. The department's investigation focused on two transactions, one in 2003 and one in 2006, in which Sherwin-Williams and GreatBanc caused the plan to purchase specially designed stock issued by Sherwin-Williams solely for the purpose of the transactions. The investigation also looked at whether Sherwin-Williams had forwarded employee salary deferrals appropriately and promptly to their individual plan accounts.

• [Read the News Release](#)

Raising the Minimum Wage and Championing Jobs in Manufacturing

At the Employment Connection Jobs Center in Cleveland on Feb. 15, acting Secretary of Labor Seth D. Harris chaired a roundtable discussion with low-wage workers and advocates on President Obama's proposal to raise the minimum wage to rebuild America's middle class. "I want a real job that pays me real money," said Leslie Bass, who attended the discussion. "I'm not trying to get rich and go to the Cayman Islands — I'm trying to own a car, or at least own a bus pass. So I can keep the job!" In his remarks, Harris said, "Low-wage



**(Work in Progress)
The Best of Our Blog**

Each week, this space will bring you the best from our [\(Work in Progress\)](#) blog.

• [Cleveland Stories: An Argument for a Higher Minimum Wage](#): Acting Secretary of Labor Harris shares the poignant stories of minimum wage workers he met in Cleveland, Ohio. That visit followed a trip to Philadelphia last week, and the tour continues in Orlando, Fla., on Feb. 22. These roundtables give workers a chance to voice their support for a federal minimum wage increase and

explain to policymakers and the public how an increase would make a meaningful difference in their lives.

- [Sailing to Success](#): Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez on a landmark federal directive clarifying the responsibilities of schools to afford students with disabilities equal opportunities to participate in school athletics, using her own life experience sailing as a young woman.

- [Connecting Older Workers. Long-Term Unemployed With Jobs](#): Ben Siegel, deputy director of the Center for Faith-based and Neighborhood Partnerships, on the opportunities presented by local job clubs, career ministries and job search support groups for older, long-term unemployed workers.

Voice for Veterans

Veterans Service Organizations provide "the real world voices" on veterans' issues that "are critical to the success of Labor Department programs," Acting Secretary of Labor Harris told VSO representatives at a departmental meeting on Feb. 20. "We want your input and feedback so we can better serve



your constituents," Harris said. Veterans' Employment and Training Service represents "the lead voice for veterans at the Labor Department" and all of its agencies have a "department-wide responsibility" to serve veterans fully. Assistant Secretary of Labor for VETS Keith Kelly said, "This is our moment to work with you and do a better job for all veterans." VETS will improve its outreach to service members and veterans and help them achieve their career goals and also will bolster services to veterans who face significant barriers to employment. Kelly said VETS will continuously improve the redesigned DOL Transition Assistance Program for returning service members and improve the agency's data collection and reporting to accurately measure each program's impact on veterans.

- [View the Slideshow](#)

Los Angeles Restaurant Initiative

Widespread minimum wage, overtime and record-keeping violations found at many Los Angeles-area restaurants have prompted the Wage and Hour Division to announce the start of a second phase of its restaurant compliance initiative. The renewed emphasis by the division's Los Angeles District Office will extend investigations to establishments located in the San Fernando Valley, Hollywood, Beverly Hills, Mid-City and Koreatown. In the last seven years, the division recovered more than \$2.5 million in minimum wage and overtime back wages for more than 1,500 workers in Los Angeles. The second phase will include across-the-board education and outreach activities on Fair Labor Standards Act

working families will spend their money directly at the local grocery store, at the local tire shop, they'll pay their rent. A minimum wage increase will ricochet through the economy and give us greater growth. That's what the president means when he talks about growing an economy from the middle out." Earlier in the day, Harris had the opportunity to tour the ArcelorMittal steel plant, the world's number one steel and mining company, where he discussed the resurgence of manufacturing jobs in America.

- [View the Slideshow](#)

Skills to Expand, Strengthen the Middle Class

Saying that a thriving middle class is our nation's most powerful economic engine, acting Secretary of Labor Harris took President Obama's message about the need to strengthen workforce training programs to leaders in business, industry, education and government gathered in Charlotte, N.C., on Feb. 21. In his address at the Global Competitiveness Summit at Central Piedmont Community College, Harris said, "We can't talk about creating more jobs without also talking about skills development for America's workers. Skills are the leading edge of economic development for communities across our country." Over the past three years, the Labor Department has awarded Central Piedmont approximately \$6 million through various grants to develop workforce training programs. Collaborative programs like those in Charlotte, Harris said, "are the model, not just for job training and workforce development, but for what it will take for America to remain competitive over the coming decades and to build an economy driven by a well-trained middle class workforce."

- [Read the Acting Secretary's Remarks](#)
- [Learn About Job Training Partnerships](#)

Take Three: Expanding Manufacturing

In his State of the Union address, President Obama outlined a plan to strengthen the middle class by making the United States a magnet for jobs and manufacturing. The Employment and Training Administration is charged with ensuring American workers are prepared for jobs of the future. Jane Oates, assistant secretary of labor for employment and training, answers three questions on what American manufacturing means for the country:

What does 21st century manufacturing in America look like? *Manufacturing is changing from what it was a generation ago. It's becoming more high-tech in both the tools and the processes used to manufacture new products. There are more computers and an expanded use of robotics. Manufacturing workers today need to know how to operate this equipment, which will require them to develop a whole new set of skills and knowledge.*

How will we train workers with the right skills for these manufacturing jobs? *Employers are looking for workers with the skills to operate the high-tech equipment used in advanced manufacturing. To help upgrade the skills of existing workers and prepare new workers in this industry, the Labor Department is investing \$2 billion to expand the capacity of community colleges to train students in new and in-demand skills, like automation, robotics, and information technology. We are also encouraging community colleges to partner with local businesses and the workforce system so students can earn industry-recognized credentials. We also try to bolster manufacturing careers through our H-1B technical skills training grants.*

What else can we do to bring jobs here? *As President Obama said in the State of the Union, one critical step is to remove the incentives businesses have to set up shop overseas. We can end tax breaks for companies that ship jobs abroad and reward companies that hire here at home. We can help communities use local labor market data to ensure they are preparing workers for high-demand jobs, so that trained workers are*

requirements, with sessions tailored to Los Angeles-area employee and employer-based groups.

- [Learn About Wage and Hour and FLSA](#)
- [Read About Restaurants Under the FLSA](#)

Mine Rescue Exercise

An underground coal mine explosion has occurred and five miners are missing. With no time to squander, mine rescue units are deployed and a central command center is established. Another disaster for the record books? Not quite. Last week, dozens of state, federal and mine company officials gathered at the Mine Safety and Health Administration's training facility in Beckley, W.Va., for a hands-on emergency exercise. Within the walls of the mine academy's simulated mine laboratory is a state-of-the-art command center where, for the next two hours, critical decision-making played out. Designated government officials, with the aid of mine maps and communication and tracking devices, facilitated the movements of rescue teams underground.



"There's a lot of pressure in the command center during a mine emergency, and we strive to make this training as realistic as possible," said Rocky McKinney, manager of the academy's Department of Mining Technology. Those efforts paid off, when four miners were discovered awaiting rescue in an underground refuge and the fifth was located in another area. Rescue teams escorted them to the surface, safe and uninjured.

Training the Trainers

Speaking at the "Training Day" conference for the Association of Farmworker Opportunity Programs, Jane Oates, assistant secretary of labor for employment and training, thanked the organization for its work in preparing department grantees that serve the migrant and seasonal farmworker community. The department awards grants to nonprofit and community organizations through the National Farmworker Job Program. It helps migrant and seasonal farmworkers learn new skills for work in the agriculture industry or develop skills for different occupations that provide higher wages and more stable employment. The department offers training and technical assistance to NFJP grantees, helping to improve their performance. The training also pays off with improved retention of jobs and higher wages for farmworkers.

A Precise Message on Safety

Managers from small manufacturing firms gathered in Glendale, Ariz., for the Precision Machined Products Association management meeting, Feb. 14-17. PMPA members, who span the globe, produce complex parts for finished products such as cars and medical devices. Dr. David Michaels, assistant secretary of labor for occupational safety

ready when companies bring operations back home. At the department, we are working with our interagency partners, such as the Commerce Department and the Small Business Administration, to assist in economic development and encourage smart investments that benefit businesses and the public.

News You Can Use

E-Deposits for Black Lung Benefits

Black Lung beneficiaries and medical providers, like other recipients of direct federal payments, must begin receiving their benefits by direct deposit or prepaid debit card by March 1. The Division of Coal Mine Workers' Compensation administers claims filed under the Black Lung Benefits Act, which provides compensation and medical benefits to current and former coal miners disabled from pneumoconiosis due to coal mining work. Survivors of eligible workers may also receive benefits. The upcoming conversion from paper checks to electronic funds transfer will be established by the Department of Treasury, which will be contacting beneficiaries to make the transition as smooth as possible. Beneficiaries may request exemption, and these requests will be handled by the Treasury Department. Before the deadline, all beneficiaries still receiving paper checks are encouraged to contact their Black Lung District Office to enroll in Direct Deposit.

- [Enroll Online or by Mail](#)
- [Call Your DCMWC District Office](#)

DOL Working for You

Marine Lands Job With Help of Transition Class

Marine Joseph Hoeksema was not expecting much when he took part in a week-long Transition Assistance Program designed to prepare him for civilian life and work. But his attitude completely changed thanks to TAP instructor Jazz Busenbark. "She was very knowledgeable" about what transitioning service members would face when applying for a job and going for job interviews, Hoeksema said. Busenbark helped Hoeksema rewrite and strengthen his resume. "Joe had skills and attributes that he didn't think about listing for an employer," she said. She used the TAP "CAR" approach — Challenge, Action, and Result — to highlight his skill sets. She also drilled him on potential questions and answers in a job interview and helped him find online job boards where he could send his resume.



While still in the TAP program, Hoeksema's online resume received employment interest from several companies, including a phone interview with giant retailer Target. An in-person interview with that company followed with Hoeksema accepting the job offer. "At the end of the day, I had received and accepted an offer in the location I wanted, making more money than I ever expected," he said. Last July President Obama announced the first major re-design of the TAP program in 20 years. Under it, service members receive

and health, highlighted the benefits of OSHA's free on-site safety consultation programs for precision machined small businesses in remarks on Feb. 14. Michaels stressed that on-site consultation can help forge proactive safety practices; touted the benefits of injury and illness prevention programs; and encouraged participants to take advantage of OSHA's area offices for compliance assistance. "The best programs that manage for safety are not those that wait for someone to be injured," said Michaels. "The best programs look for job hazards that can cause injuries, and set in place actions to correct the hazard."

- [Learn About Free On-Site Consultation Programs](#)
- [Learn About Injury and Illness Prevention](#)

Grants for Academic Research

The availability of approximately \$80,000 in funding for the 2012 Employment and Training Administration's Research Paper Program was announced this week. During this fourth round of funding, the department plans to make eight-to-ten awards on a competitive basis to doctoral students to carry out policy relevant research on employment and training. Topics of interest include but are not limited to Understanding Changing Labor Markets, Identifying Effective Strategies, Improving Workforce System Infrastructure, Addressing the Needs of Special Populations, and Building Research Infrastructure and Support. The application deadline is March 15.

- [Learn About the Research Grants](#)

Chicago Resources Forum

A federal government resources forum for local government officials hosted by Rep. Jan Schakowsky of Illinois was held in Mount Prospect, Ill., on



Feb. 11. Federal representatives were joined by Regional Representative Ken Bennett, who spoke about the department's priorities and resources. Employment and Training Regional Administrator Byron Zuidema detailed ETA's publicly funded workforce development system, including the American Job Centers.

- [Learn About American Job Centers](#)

Ex-Nuclear Workers Notified

Former nuclear workers at the Mound Plant in Miamisburg, Ohio, and Nuclear Metals Inc. in West Concord, Mass., have been notified by the Office of Workers' Compensation Programs about new classes of workers added to the Special Exposure Cohort of the Energy Employees Occupational Illness Compensation Program Act. Workers included in a designated class, and diagnosed with one of 22 specified cancers may receive a presumption of causation under the

counseling in budget planning, veterans'

benefits, military skills translation, and career advice. They can also participate in training programs to pursue their post-military goals such as attending college, earning a professional license, or starting a small business.

- [Learn More About the TAP Program](#)

DOL in Action

Boston Restaurants to Pay \$424,000 to Employees

A group of 15 Boston-area restaurants and their owners have agreed to pay \$424,000 — including \$212,000 in back wages and an equal amount in liquidated damages — to 409 employees to resolve alleged violations of the Fair Labor Standards Act. Owner Patrick Lyons will also issue a public statement warning his fellow restaurant owners of the hazards of using contract labor providers who do not comply with the FLSA. Investigations by the Wage and Hour Division found that many of the employees were paid straight time wages rather than time and one-half their regular rates of pay for hours worked in excess of 40 in a workweek. The bulk of the underpayments affected kitchen staff, paid by a separate company.

- [Read the News Release](#)

Safety, Health Violations Found at Connecticut Cosmetics Plant

U.S. Cosmetics Corp. of Dayville, Conn., has been cited by the Occupational Safety and Health Administration for 20 alleged serious violations at its manufacturing plant. Several inspections occurred as part of an OSHA Site-Specific Targeting Program, which directs enforcement resources to workplaces where the highest rates of injuries and illnesses occur. The company faces \$53,561 in fines. OSHA inspectors determined that the company failed to address a cross section of electrical, mechanical, chemical and other hazards that can exist in a manufacturing environment, but which must be addressed systematically and effectively to protect the safety and health of workers at the plant.

- [Read the News Release](#)

Suit Filed to Recover an Additional \$57,000 for Workers in Tennessee

A lawsuit has been filed by the department against Aaron Donald Vallett and his company, A.D. Vallett & Co. LLC, which provided third-party administrative services to a number of retirement plans in the Nashville, Tenn., area. The department alleges that in December 2009 and January 2010 Vallett illegally removed money from participant accounts in five retirement plans he administered and placed it into his company's general operating fund. Vallett used the money for personal expenses and to pay his company's operating expenses. The total amount allegedly stolen was \$888,237.69. The department's suit seeks to recover for plan participants lost opportunity costs and interest of approximately \$57,606. The defendant has been separately prosecuted for theft from retirement plans, and the full amount stolen was restored.

- [Read the News Release](#)

Employees of Landes Foods in Dallas Exposed to Workplace Hazards

Landes Foods LLC was cited by the Occupational Safety and Health Administration with six safety and health violations, including four repeat violations. An August follow-up inspection found workers were continuing to be exposed to workplace hazards at the company's tortilla manufacturing facility on Hines Place in Dallas. Penalties of \$129,500 have been proposed. The three repeat safety violations were cited for failing to provide

EEOICPA. The EEOICPA provides compensation and medical benefits to employees who became ill as a result of working in the nuclear weapons industry. Survivors of qualified employees also may be entitled to benefits. To date, more than \$9 billion in benefits has been paid to eligible claimants nationwide.

- [Read the Mound Plant News Release](#)
- [Read the Nuclear Metals Inc. News Release](#)

Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 362,000 for the week ending Feb. 16, an increase of 20,000 from the previous week. The four-week moving average was 360,750, up 8,000 from the previous week's revised average.

- [Read the News Release](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

EBSA — Getting It Right: Know Your Fiduciary Responsibilities Seminar

- [March 7 — San Francisco, CA](#)

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [March 13-14 — Baton Rouge, LA](#)

EBSA — Helping Small Business Owners with New Retirement Plan Fee Disclosures Webcast

- [February 28 — Washington, DC](#)

OFCCP — Analyzing Personnel Activity Data

- [March 21 — Omaha, NE](#)
- [April 3 — Columbus, OH](#)

OFCCP — Analyzing Your Compensation Data

- [March 27 — Milwaukee, WI](#)

OFCCP — Compliance Assistance Seminar: Construction Contractors

- [February 27 — Nashville, TN](#)

OFCCP — Compliance Assistance Seminar: Supply & Service Contractors

- [March 21 — Memphis, TN](#)

OFCCP — Compliance Presentation

- [February 26 — Burr Ridge, IL](#)

OFCCP — Connecting the Dots-

quick drench and eyewash facilities for employees working with corrosive sanitation chemicals, ensure electrical receptacles had appropriate polarity and ensure the use of protective footwear. A repeat health violation was cited for failing to monitor exposure to formaldehyde released during the chip frying process. Similar violations were cited in May 2010 that resulted in penalties totaling \$123,200. The company contested the citations, and the case is currently in collection.

- [Read the News Release](#)

Agricultural Employer Pays Back Wages and Penalties

A Plant City, Fla., agricultural employer, San-Way Farms Inc., has paid \$53,800 in back wages to 391 employees and an additional \$35,000 in civil penalties following an investigation by the Wage and Hour Division.

Investigators discovered violations of the Migrant and Seasonal Agricultural Worker Protection Act and the Fair Labor Standards Act. Employees were paid piece-rate wages varying from \$1.75 to \$3 per flat, or container, of picked crops. The employer failed to keep daily and weekly time records when employees were paid on a piece-rate basis; these employees were not paid for all hours worked, causing some employees' wages to fall below the federal minimum wage of \$7.25. MSPA violations include failure to pay wages when due and failure to disclose employment terms and conditions to workers in a language they could understand.

- [Read the News Release](#)

Investigation Faults Wisconsin Restaurant on Pay Practices, Records

Meyer's Family Restaurant has agreed to pay \$116,102 in back wages to 38 employees following an investigation by the Wage and Hour Division. The investigation, conducted primarily in Spanish by bilingual Wage and Hour investigators, determined the Greenfield, Wis., restaurant failed to compensate workers with overtime pay at time and one-half their regular rates of pay for hours worked beyond 40 in a week, as required by the Fair Labor Standards Act. The company also failed to record all hours worked by employees, paid cash for some hours, and kept no record of those hours worked, the cash payments made, or the tips received.

- [Read the News Release](#)

Consent Order Secured Against Long Island Caterer

The department obtained a consent order against Chateau Briand after discovering that the catering hall and its executives were in contempt of a 2005 court order enjoining them from violating the Fair Labor Standards Act. The Long Island, N.Y., business was found to have repeatedly failed to pay minimum wage and overtime to employees. The order resolves a motion of contempt filed by the department following an investigation by the Wage and Hour Division. It found that the catering hall had again violated the FLSA, after previously agreeing to comply with the law. The consent order requires the payment of \$278,000 in back wages, interest and other costs.

- [Read the News Release](#)

Violations for 3 Companies After Combustible Dust Flash Fire Kills 2

Watco Mechanical Services, Jordan General Contractors Inc. and JP Electric were cited by the Occupational Safety and Health Administration following the deaths of two workers in Hockley, Texas. Employees were cutting metal with a torch at a Watco Mechanical Services worksite when a combustible dust flash fire broke out, killing two workers employed by Jordan General Contractors of Magnolia, Texas. OSHA cited Jordan General Contractors with seven serious violations, and Watco Mechanical Services of Pittsburg, Kan., with 14 serious violations and two other-than-serious violations. JP Electric in Conroe, Texas, was cited with one serious safety violation. "This incident underscores the seriousness of exposing workers to the inadequate control of combustible dust," said David Doucet,

Outreach Obligations of Federal Contractors

- [March 19 — Richmond, VA](#)

OFCCP — Construction: Nuts and Bolts

- [March 12 — Dallas, TX](#)

OFCCP — Construction Requirements

- [April 4 — Omaha, NE](#)

OFCCP — Convention for National Federation of the Blind of Massachusetts

- [February 24 — Boston, MA](#)

OFCCP — Developing Written Affirmative Action Programs/ Workplace Accommodations

- [March 22 — Columbus, OH](#)

OFCCP — Good faith efforts, exceptional results!

- [March 6 — San Francisco, CA](#)

OFCCP — How to Avoid Costly Employment Practices

- [April 17 — Houston, TX](#)

OFCCP — Internet Applicant Record Keeping

- [April 17 — Orange, CA](#)

OFCCP — Individuals with Disabilities Seminar

- [April 3 — Milwaukee, WI](#)

OFCCP — Maintaining Applicant Flow Data

- [March 7 — Omaha, NE](#)

OFCCP — Meet and Greet for Federal Contractors & CBOs

- [March 20 — New Orleans, LA](#)

OFCCP — Meeting with Asian American Civic Association

- [February 22 — Boston, MA](#)

OFCCP — Preparing for Construction Contractors for Audit and Meeting Utilization Goals for Females and Minorities

- [March 19 — Philadelphia, PA](#)

OFCCP — Preparing Small and New Supply and Service Contractors for an Audit

- [February 26 — Philadelphia, PA](#)
- [March 5 — Richmond, VA](#)

OSHA's area director at its Houston North office.

- [Read the News Release](#)

Mechanics Receive \$216,000 in Back Wages From Overtime Violations

DJR Holding Corp., doing business as Heartland Tire and Auto, Raceway Tire and Exhaust, and Muscatine Tire, has paid 25 mechanics a total of \$216,960 following an investigation by the Wage and Hour Division. The investigation determined that the Iowa company paid mechanics a weekly salary, which was reduced when hours fell below 40 per workweek, but was not increased with overtime compensation when hours exceeded 40. The violations of the Fair Labor Standards Act overtime provisions impacted employees of six DJR Holding Corp. retail tire sales and installation outlets.

- [Read the News Release](#)

Florida Woman Sentenced for Stealing From Employee Benefit Plan

A Panama City, Fla., woman has been sentenced to 96 months in prison and ordered to pay \$2.28 million in restitution after pleading guilty to stealing from an employee benefit plan. Wendy Corbitt was also ordered to forfeit her interests in a home in Panama City and a vacation villa in Hawaii. The indictment charges her with 61 counts of theft during the years 2007 to 2012 from the People's First Properties Retirement Savings Plan. The indictment and prosecution resulted from an investigation by the Atlanta Regional Office of the Employee Benefits Security Administration; a detective of the Panama City Police Department; and agents of the IRS-Criminal Investigations Division. The case was prosecuted by Assistant U.S. Attorney Katy Risinger.

Texas Construction Company Exposed Workers to Excavation Hazards

SER Construction Partners LLC has been cited by the Occupational Safety and Health Administration with one willful violation for exposing workers to excavation hazards at its Conroe, Texas, work site. OSHA's Houston North Area Office began its December 2012 inspection as part of a national emphasis program on trenching and excavation. The willful violation was cited for failing to provide proper shoring protection while repairing a damaged 16-inch water line. Proposed penalties total \$69,300.

- [Read the News Release](#)

Former Indiana Union Officer Sentenced for Embezzlement

Lawrence E. Minas, former general chairman for United Transportation Union General Committee of Adjustment 449 in Munster, Ind., was recently sentenced to six months of home detention after admitting to embezzling union funds. He was also ordered to pay 10 percent of his monthly income in restitution. On Sept. 20, 2012, Minas pled guilty to one-count of embezzling \$71,160 in union funds. An investigation conducted by the Office of Labor-Management Standards discovered the embezzlement and false records relative to unauthorized salary reimbursements, per diem payments, and vacation reimbursements. Minas admitted guilt in a signed statement to OLMS.

St. Louis Pizza Delivery Drivers to Receive Back Pay

Cecil Whittaker's Pizzeria has agreed to pay 58 delivery drivers and servers at three pizzeria locations \$100,569 following an investigation by the Wage and Hour Division. The investigation found the company misclassified delivery drivers as independent contractors rather than employees. Drivers were paid \$3 per delivery, without regard to how many hours they worked, and were not reimbursed for vehicle mileage. The company has agreed to pay all back wages found due, to train all current and future employees regarding the Fair Labor Standards Act compliance, and conduct training at franchisees on department compliance.

- [March 6 — Pittsburgh, PA](#)
- [March 14 — Philadelphia, PA](#)
- [March 21 — Baltimore, MD](#)
- [April 3 — Pittsburgh, PA](#)
- [April 16 — Philadelphia, PA](#)

OFCCP — Understanding AAP Requirements

- [April 9 — Dallas, TX](#)

OFCCP — Women in Nontraditional Jobs

- [March 7 — Columbus, OH](#)

OLMS — Compliance Assistance Seminar

- [February 22 — Buffalo, NY](#)
- [March 5 — Dallas, TX](#)
- [March 6 — Monroe, OH](#)
- [March 26 — San Francisco, CA](#)

OSHA — Nationally Recognized Testing Laboratory Program Public Forum

- [March 6 — Washington, DC](#)

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USDOL Being blind didn't stop @USDOL's Kathy Martinez from joining @BoyScouts & learning to sail. [#ToughScout @usedgov](http://social.dol.gov/blog/?p=6391)
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USDOL New on the Blog - Cleveland Stories: An Argument for a Higher Minimum Wage 1.usa.gov/VQCXsT
about 1 hour ago · reply · retweet · favorite



Join the conversation

- [Read the News Release](#)

California Community Officials Plead Guilty to Stealing Funds

A joint investigation by the Employee Benefits Security Administration and the Santa Clara County, Calif., District Attorney's Office has led to guilty pleas on grand theft charges of two former community group officials. Olivia Soza Mendiola and Benjamin Tan, former chief executive officer and chief finance officer of the Mexican American Community Services Agency, pleaded guilty this month to stealing more than \$170,000 in employee retirement funds. Over the course of five years, the two spent the money on agency operations even though they knew the funds were intended for employee retirement accounts. Mendiola and Tan must make restitution within 90 days or face jail time.

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

Wage Violations Found at 7 Miyo's in South Carolina

Seven South Carolina Miyo's restaurants owned and operated by Xiaolan (Michelle) Wang and Rui (Ray) Cao have agreed to pay \$44,441 in back wages to 97 employees following an investigation by the Wage and Hour Division. The investigation uncovered that Miyo's employees often worked in excess of 40 hours a week without any overtime compensation. Many kitchen staff employees were improperly classified as exempt from overtime pay and were paid a fixed monthly salary — without regard to the actual amount of hours worked — that totaled less than the minimum wage. Additionally, tipped employees, such as servers, hosts and bartenders, were paid wages in violation of the Fair Labor Standard Act's minimum wage and overtime provisions.

- [Read the News Release](#)

Unsafe Working Conditions at San Francisco VA Medical Center

A notice of unsafe and unhealthful working conditions has been issued to the San Francisco Veterans Affairs Medical Center by the Occupational Safety and Health Administration after an investigation into the death of a research associate at the center's research laboratory. The notice focuses on the failure to protect laboratory workers researching *Neisseria meningitidis*, a bacterium that can cause meningitis. Lab workers were inoculating live bacteria outside of a biosafety cabinet, an enclosed workspace used to handle pathogens safely in a laboratory environment. In addition to failing to require workers to use a safety enclosure, violations included failing to provide workers available vaccines and training on the signs and symptoms of illnesses as a result of exposure to a viable bacteria.

- [Read the News Release](#)

Florida Company Missed Payroll, Misclassified Employees

Emerald Coast Quality LLC has paid nearly \$4,000 in minimum wage and overtime back wages to six construction employees following an investigation by the Wage and Hour Division's Albuquerque District Office. The company, based in Freeport, Fla., failed to make its payroll for two pay periods while performing work on a student apartment building in Lubbock, Texas. Investigators found that the employer misclassified employees as independent contractors when they were employees entitled to federal minimum wage and overtime for hours worked over 40 in a workweek.

- [Read the News Release](#)

Worker at Chicago's McCormick Place Injured by Forklift

Global Experience Specialists has been cited with four alleged safety violations by the Occupational Safety and Health Administration after a worker was injured in a forklift incident at Chicago's McCormick Place Convention Center. The Las Vegas-based trade show and exposition contractor faces proposed fines of \$91,000. An employee from another

company working in the convention center severely injured his foot when he was struck by a Global Experience Specialist worker operating a powered industrial truck. After the incident, Global Experience Specialists failed to train or check the certification of the forklift operator.

- [Read the News Release](#)

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