



**UNITED STATES
DEPARTMENT OF LABOR**

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DOL News Brief

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June 13, 2013



WINNER OF 2013 AVA DIGITAL GOLD AWARD & NAGC AWARD OF EXCELLENCE

In the Era of Civil Rights, A Moment for Opportunity



Only two men in American history have served in four different Cabinet positions. One is Elliot L. Richardson. And the other is George P. Shultz, who became the 11th secretary of labor under President

Richard M. Nixon in 1969 and went on to lead the Office of Management and Budget and the departments of Treasury and State. Shultz was the dean of the University of Chicago School of Business before entering government. Called an "intellectual conglomerate" in his time, he helmed the department during a moment of major advancements for civil rights, with school desegregation, poverty reduction and equal employment making headlines. One of the enduring — if controversial — policies of Shultz's tenure was known as the "Philadelphia Plan." The program was intended to promote wage equality for African-American workers by requiring some federal contractors to make good-faith efforts to increase minority hiring from 5 percent to 25 percent in five years.



Responding to criticism that the program violated the prohibition of hiring quotas in the Civil Rights Act of 1964, Shultz said, "A quota is a system which keeps people out. What we are seeking are objectives to get people in." The program was effectively upheld in the courts when the Supreme Court refused to hear an appeal in 1971.

- [Watch Secretary Shultz Reflect on DOL](#)
- [View the Centennial Timeline](#)
- [View the Centennial Video](#)

MINIMUM WAGE MYTH BUSTER

Myth: Only part-time workers are paid the minimum wage.

Not true: About 53 percent of all minimum wage earners are full-time workers, and minimum wage

What's New

#VetsJobChat Draws Crowd

For more than an hour on June 13, acting Secretary of Labor Seth D. Harris took to Twitter to answer questions about assistance for veterans transitioning to civilian employment and to highlight the importance of veterans employment services. Harris was joined online by representatives



from veterans service organizations, including Veterans of Foreign Wars, Student Veterans of America, Military Officers' Association of America, AmVets and the American Legion. More than 150 Twitter users submitted questions and tweeted comments and responses, with the chat reaching a potential audience of more than 815,000 people. While recent data has shown improvement in the veterans unemployment rate, especially among younger veterans, Harris emphasized that much work remains to help veterans and returning service members make the often difficult transition to civilian careers.

- [Read the Recap](#)
- [Learn About Resources for Veterans](#)
- [View the Slideshow](#)

National News

Educating Girls Key to Combating Child Labor



During an event commemorating World Day Against Child Labor, acting Secretary Harris stressed the role of education in the lives of 66 million girls worldwide who don't attend school. "Educating girls is a matter of basic decency and critical to shared prosperity in an interconnected global economy," said Harris during the

June 12 event in Washington, D.C. A panel discussion featured Ambassador of Nepal to the U.S. Dr. Shankar Sharma; Holly Gordon, executive director of 10 x 10: Educate Girls, Change the World; Laura Bermudez of World Vision; and Carol Pier, acting deputy undersecretary of the Bureau of International Labor Affairs. There also was a screening of a portion of the new documentary "Girl Rising," which tells the stories of girls from nine countries and the power of education to change lives. In her

workers contributed almost half (46 percent) of their household's wage and salary income in 2011. Moreover, more than 80 percent of those who would benefit from President Obama's proposal to increase the federal minimum wage from \$7.25 to \$9 per hour by 2015 are working adults, and 60 percent are working women.

• [Subscribe to Minimum Wage Updates](#)

(Work in Progress) The Best of Our Blog

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

• [What Women Want: Equal Pay](#): On the 50th anniversary of the signing of the Equal Pay Act by President John F. Kennedy, Laura Fortman, deputy administrator of the Wage and Hour Division; Latifa Lyles, acting director of the Women's Bureau; and Patricia Shiu, director of the Office of Federal Contract Compliance Programs, join forces to assess a half-century of progress toward closing the gender pay gap. When the bill was passed, women earned an average of 59 cents on the dollar compared to their male colleagues. Today, for every dollar paid to a man, a woman is paid about 77 cents when the calculations are based on annual earnings. That increase represents important progress but, as Fortman, Lyles and Shiu write, "closing the pay gap once and for all will help millions of women and their families right now, but it also has implications for the economic future of our country."

• [Working Toward a World Without Child Labor](#): To commemorate World Day Against Child Labor on June 12, acting Deputy Undersecretary of the Bureau of International Labor Affairs Carol Pier writes about her agency's efforts around the world to empower girls through education and combat exploitative child labor. After a screening of the new documentary "Girl Rising" at the department's headquarters, Pier highlights the stories of girls who were given a chance to overcome barriers to education, break the cycle of poverty, and empower and inspire their communities.

• [Working Together to Improve Mine Emergency Response](#): Joseph Main, assistant secretary of labor for mine safety and health, describes collaborative efforts by MSHA and the mine safety community to address gaps in mine emergency response. He tells the story of Joseph A. Holmes, who became the first director of the U.S. Bureau of Mines in 1910, and how the Holmes Mine Rescue Association — a new organization that bears his name — is developing innovative best practices for mine rescue today.

Enforcement and the Law

Solicitor of Labor M. Patricia Smith addressed approximately 100 professors, lawyers and law students during

remarks, Pier underscored the department's longstanding commitment to combat child labor. She told an audience of more than 200 that "the department has been a tireless champion of protecting the most vulnerable, including child laborers." Gordon, the film's executive producer, provided insight into the creative process of putting a human face on the barriers girls encounter in getting an education. During the panel discussion led by Pier, participants discussed effective strategies to improve the lives of children, and the significance of hearing the "voices of the adolescent girls" interviewed in the film. You can see the film "Girl Rising" when it premieres on CNN at 9 p.m. EDT on Sunday, June 16.

• [View the Slideshow](#)

Job Training for Farmworkers

Migrant and seasonal farmworkers play a significant role in the nation's economy but face many obstacles to gaining stable employment. To help them acquire job skills and take advantage of employment services the department announced \$9.1 million in employment and training grants for farmworkers. The grants, funded through the National Farmworker Jobs Program, were awarded to seven organizations to set up programs in dense agricultural regions of the country. The department also announced it will continue \$70.3 million in grant awards to grantees that performed successfully during the previous grant period.

• [Read the News Release](#)

• [Learn About NFJP](#)

Improving Workforce Data Quality

To advance understanding and improve the performance of job training programs, the department announced more than \$6 million in grants to six states to build or expand longitudinal workforce databases. These grants, part of the Workforce Data Quality Initiative, will enable states to better link workforce and education data to enhance the effectiveness of employment and training programs. "These grants will give consumers more information about which programs will better serve their needs," said Gerri Fiala, acting assistant secretary of labor for employment and training. This is the third round of the WDQI. To date, the department has awarded approximately \$30 million to 29 states to develop a more comprehensive workforce database.

• [Read the News Release](#)

• [Learn About WDQI](#)

Around DOL

Project Search Graduates on Path to Success

Sixteen high school seniors with disabilities, along with family members, colleagues and mentors, gathered in the Frances Perkins Building's Great Hall on June 13 to celebrate a major achievement: graduation. The students participate in Project Search, a program that provides youth with significant disabilities



relevant work experience to transition from school to the workforce. It is administered by D.C. Public Schools, D.C. Department of Disability Services, D.C. Rehabilitation Services Administration, and the departments of Education, Labor, and Health and Human Services. Dr. Nathaniel Beers, chief of special education for DCPS, delivered the commencement address for the fourth class hosted by the department. "These students have shown tremendous tenacity, endurance and perseverance through the school year,"



New York University's 66th Annual Conference on Labor. Her remarks, delivered June 6, included an analysis of the department's focus on combating minimum wage and overtime violations and how courts are responding to these efforts. Smith also outlined investigation and litigation methods, such as enterprise-wide enforcement, directed investigations and reforms to whistleblower protections as ways in which the department is making the most of its enforcement resources.

Disability Data Demo



In March, the U.S. Census Bureau released the Disability Employment Tabulation, to further education, research and policy initiatives

designed to improve employment opportunities for people with disabilities. Produced for the department, the tabulation uses three years of data collected from the American Community Survey on employment status, occupation, educational attainment, earnings and other demographic characteristics. On June 6, the department's Office of Disability Employment Policy hosted a webinar with the Census Bureau's Melissa Chiu, which included a live demonstration on accessing the data. More than 400 employers, service providers, policymakers and researchers participated in the webinar. "We were delighted by the breadth and diversity of the participants who logged on to learn more about this great new resource," said Kathy Martinez, assistant secretary of labor for disability employment policy.

- [Access the Census Data](#)
- [View More Policies in Practice](#)

Digital Black Lung Claims

Physicians use chest X-rays as a tool to evaluate whether a coal miner suffers from pneumoconiosis, or black lung disease. On June 13, the Office of Workers' Compensation Programs announced a rule adopting updated standards for administering and interpreting digital radiographs submitted in black lung compensation claims. Currently, under the Black Lung Benefits Act, standards for administering and interpreting X-rays in benefit-claim proceedings address only film radiographs. But medical facilities are transitioning to digital radiography, and the number of physicians conducting diagnostic testing with older equipment has declined. OWCP's Division of Coal Mine Workers' Compensation based the new digital x-ray standards on those adopted last year by the National Institute for Occupational Safety and Health. The revised rule also updates existing film

said Vance Wilkerson, the department's Project Search coordinator.

- [Learn About Project Search](#)
- [View the Slideshow](#)

NACOSH Stresses Protection of Temporary Workers

Protecting temporary workers was the focus of the June 11 meeting of the National Advisory Committee for Occupational Safety and Health in Washington, D.C. The committee, active for 40 years, meets twice annually to advise the secretaries of labor and health and human services on worker safety issues. Ben Seigel, policy advisor in the office of the assistant secretary of labor for policy, presented research showing that the growing number of temporary workers in industrial occupations earn about 30 percent less in wages than direct-hire counterparts in industrial jobs. They also face greater risks for workplace injury because they are placed in hazardous jobs and often receive less safety training than direct-hires. Following Seigel's presentation, Dr. David Michaels, assistant secretary of labor for occupational safety and health, highlighted OSHA's initiative to use enforcement, outreach and training to ensure that temporary workers are protected from workplace hazards. Michaels cited the tragic pattern of temporary workers who die during their first days on the job, and discussed OSHA's upcoming webinar with the American Staffing Association to ensure better worker training and protections. NACOSH concluded with recommendations for OSHA to further protect this growing segment of the workforce.

It Happened on the Hill

Senate Committee Investigates Labor Issues in Bangladesh

After the catastrophic collapse of the Rana Plaza building in Bangladesh on April 24 — which took more than 1,100 lives — policymakers have applied increased scrutiny to fire and building safety and broader labor rights concerns in that country. The Senate Foreign Relations Committee convened a hearing on June 6 to discuss those issues. Eric Biel, acting associate deputy undersecretary of labor for international affairs, joined Robert Blake, assistant secretary of state for South and Central Asian affairs, and Assistant U.S. Trade Representative for Labor Lewis Karesh to spotlight the U.S. government's ongoing efforts to address labor rights and workplace protections for Bangladeshi workers. Biel addressed ILAB's deep engagement, including ongoing deliberations on the status of the country's trade benefits under the Generalized System of Preferences program, partnerships with the International Labor Organization to improve labor rights protections, and ILAB's funding of technical assistance projects to improve fire and building safety enforcement and monitoring in the ready-made garment sector. "Our goal in all of this is not to stifle Bangladesh's remarkable growth and development," Biel told the committee, "but rather to work with the government, industry, workers' and other civil society groups and others to ensure that job creation occurs hand in hand with increased respect for worker rights and improved workplace health and safety."

- [Read the Testimony](#)
- [Watch Video of the Hearing](#)

International Scene

Bangladesh Grant to Improve Fire, Building Safety

radiology standards.

- [Read the News Release](#)

'Diversity in Tech' Conference

Recognizing the lack of underrepresented groups in the software engineering field, the Office of Federal Contract Compliance Programs Pacific



Region and its district office in San Jose sponsored a "Diversity in Tech" conference on June 5 in Santa Clara, Calif. The all-day event drew more than 150 representatives from major universities, technology firms, and professional organizations for minorities and women. Sessions focused on recruitment, retention and advancement of underrepresented groups in the tech industry; best practices for diversifying the talent pool pipeline; and ways employers can get involved in supporting educational institutions, such as by providing internship opportunities.

- [View the Slideshow](#)

Chicago Safety Stand Down



The Occupational Safety and Health Administration partnered with the Builders Association, Construction Safety Council, the Chicago Area Laborers-Employers Cooperation and Education Trust, construction contractors and other safety and health organizations for a 30-minute safety stand down on June 12 at construction sites throughout the Chicago area. The stand down raised awareness among employers and workers about the hazards of falls in construction, which are the leading cause of job site deaths in the construction industry. In 2011, 262 of the 738 construction fatalities were fall-related.

- [Read the News Release](#)

Accessible Technology at Work

Making mobile communications work for users of all abilities was the focus of a panel of international technology experts at M-Enabling Global Summit on Accessible Technology. Moderator Kathy Martinez, assistant secretary of labor for disability employment policy, highlighted the role of mobile technology in the workplace at the June 6 event in Arlington, Va. "For me and so many others with disabilities, accessible smart phones and tablets are revolutionizing how we work, and the range of accessible apps out there is growing every day," Martinez said. The summit united 500 policy makers, mobile service providers, equipment and software application developers, researchers, accessibility experts and technology manufacturers from more than 40 countries.

A \$2.5 million competitive grant solicitation announced on June 13 by the Bureau of International Labor Affairs will fund improvements in the enforcement and monitoring of fire and building safety standards in the ready-made garment sector of Bangladesh. This industry is the focus of longstanding concerns over violations of worker rights and workplace safety standards. Furthermore, the Government of Bangladesh has been the subject of a review under the Generalized System of Preferences trade program since 2007. The department's funding of technical assistance represents one important element in a strategy to address these issues.

- [Read the News Release](#)

DOL Working for You

Priority of Service Helps Veteran's Spouse Find Employment

Sally Wingo "loves interacting with the public" and was determined to find a customer service position in the beauty industry, no matter how long it took. As the spouse of a deceased military veteran, Wingo was eligible and entitled to priority-of-service job training and placement help under Delaware's employment and training-funded programs. Wingo met and worked with Dawn Smith, a Local Veterans' Employment Representative and herself an Air Force veteran. Smith helped Wingo rewrite her resume, become computer proficient and create an employment development plan. Over a period of four years, Smith kept in touch with



Wingo by email and telephone, often sending her job leads and encouraging her to keep applying for various positions. "Sally always kept a very positive attitude, and I wanted to make sure she got all the help she needed," Smith said. Their collaboration finally paid off, when Smith heard about an opening with a cosmetics company and recommended Wingo to its manager. Wingo was hired and is now employed as a "beauty ambassador."

DOL in Action

Rhode Island Employer Willfully Violated FLSA

The Wage and Hour Division has revoked authorization allowing Training Thru Placement, Inc., based in Providence, R.I., to pay less than the current federal minimum wage to its workers, after an investigation found willful violations of the Fair Labor Standards Act. This action was part of a new strategic enforcement effort to remedy labor violations and protect workers with disabilities. The agency found that TTP, a nonprofit educational and vocational training center, failed to determine the appropriate sub-minimum wage to be paid to each worker as allowed under Section 14(c) of the FLSA. The company also falsified documents in order to mislead investigators. In an effort to comprehensively redress violations under all applicable laws, the agency referred the matter to the Department of Justice's Civil Rights Division, which reached an interim settlement agreement with the state of Rhode Island and the city of Providence. That agreement will resolve violations of the Americans with Disabilities Act for

Green Jobs in Philadelphia

Opportunities for women in the green industry was the focus of a green jobs forum hosted by the Women's Bureau in collaboration with Congreso de



Latinos Unidos in Philadelphia on June 10. More than 65 women received the Green Jobs Guide, which outlines how women can get a green job and learn how to start a green company. The Energy Coordinating Agency, Infinite Solar Inc., and Community College of Philadelphia, all department grantees and forum participants, discussed the availability of free certified training opportunities at their companies. "This program was a great opportunity to introduce sustainable occupations to the Latino community," remarked Women's Bureau Regional Administrator Lucia Bruce. "A green job can help Latinas realize a higher earning potential."

• [Read the Green Guide](#)

Supporting Women Veterans

Several weeks of training sponsored by the Women's Bureau culminated in a June 7 event serving women veterans at Westchester Community College in New York. More than 250 people attended Stand Up for Female Veterans, which included 65 exhibiting organizations providing legal, health, employment, training and other services. All 65 participants received training in the Women's Bureau Trauma-Informed Care Guide, and Regional Administrator Grace Protos noted that, after attending the training, several made organizational changes to better serve the female veteran population. "We are delighted to see them follow through with organizational changes in such a short amount of time after our training," Protos said.

Equal Pay's 50th

Paulette Lewis, Women's Bureau regional administrator in Atlanta, participated in two events marking the 50th anniversary of the Equal Pay Act.



Lewis served as keynote speaker in Birmingham, Ala., on June 10, addressing a group of staff members from the Equal Employment Opportunity Commission. She also participated in "Equal Pay for Women: Lunch & Learn" on June 13 at Atlanta's City Hall. Lewis recalled the history of the bureau's involvement in the Equal Pay policy and discussed the current economic status of women in the workplace. Yvonne Cowser Yancy commissioner of human resources for Atlanta, presented a proclamation honoring the Women's Bureau's efforts over the years to promote pay equity. Both events were sponsored by several

approximately 200 Rhode Islanders.

• [Read the News Release](#)

Help for Laid-Off Grocery Chain Workers in Minnesota

The department awarded a National Emergency Grant totaling \$838,390 to assist about 200 workers affected by layoffs at the headquarter offices of SUPERVALU located in Eden Prairie and Stillwater, Minn. The grant was awarded to the Minnesota Department of Employment and Economic Development and will be operated by HIRED. "Former workers of SUPERVALU face a challenge in finding jobs comparable to the ones they lost," said acting Assistant Secretary for Employment and Training Gerri Fiala. "The Labor Department's grant will help these individuals to update current job skills or train for a new occupation in expanding sectors of the state's economy."

• [Read the News Release](#)

Suits Filed to Restore \$4.9 Million in Pension Funds

The department has filed complaints on behalf of pension plans at Iowa-based foundry Fairfield Casting LLC and Michigan-based manufacturer Fourslides Inc. The suits, filed in U.S. District Court for the Eastern District of Kentucky, alleged improper use of pension funds and seek to restore \$4.9 million to the defined benefit plans. The suits followed an investigation by the Employee Benefits Security Administration, which found violations of the Employee Retirement Income Security Act, including use of plan assets for the purchase and lease of company property, purchase of customer notes from affiliated companies, transfer of assets in favor of a party-in-interest, payment of excessive fees to services providers, payment of fees on behalf of the companies, and failure to provide an updated summary plan description to participants.

• [Read the News Release](#)

Department Seeks to Recover Wages for Drywall Workers

The department has filed a lawsuit against Washington-based Summit Drywall Inc. and its owner Thomas Kauzlarich to recover unpaid overtime back wages and damages for more than 250 current and former workers. The suit resulted from an investigation by the Wage and Hour Division in Seattle that found the employer failed to pay overtime at time and one-half their regular rates of pay for all hours worked beyond 40 in a workweek, as required by the Fair Labor Standards Act. Employees working as drywall hangers and tapers were paid on a piece-rate basis and not compensated for all hours worked, such as time spent traveling and transporting equipment to the job site. Summit Drywall provides drywall installation services for residential, commercial and multifamily construction projects throughout the state.

• [Read the News Release](#)

More Than \$225,000 in Retirement Assets Returned to Workers

A federal court in Milwaukee has ordered Michael J. Losik to restore \$225,274 to the Losik Engineering Design Group Ltd. defined benefit retirement plan. Losik, the company's president and owner, violated the Employee Retirement Income Security Act by imprudently investing plan assets in a hedge fund, making an improper distribution to his own account, and failing to properly administer the plan. The judgment resolves a lawsuit filed by the department following an investigation by the Employee Benefits Security Administration. Losik is barred from serving as a fiduciary or service provider to any employee benefit plan subject to ERISA in the future.

• [Read the News Release](#)

New York Manufacturer Faces Additional Fines

A Chester, N.Y., architectural hardware manufacturer faces \$117,920 in additional fines for failing to correct hazards previously cited during an

agencies in collaboration with the Women's Bureau.

Industry Milestone in Ohio

Youngstown, Ohio celebrated the opening of the first fully integrated oil and gas manufacturing plant in the United States on June 12. On hand for the dedication ceremony was Jay Williams, director of the Office of Recovery for Auto Communities and Workers and former mayor of Youngstown. The Obama administration invested \$20 million in infrastructure development funding to help launch the project and encouraged more than \$600 million in private investment. Once fully operational, the plant will employ more than 350 full-time workers and is expected to grow as the oil and gas industry continues to expand in Northeast Ohio. Williams praised the launch of the new plant and reiterated the president's commitment to rebuild manufacturing in America.

Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 334,000 for the week ending June 8, a decrease of 12,000 from the previous week. The four-week moving average was 345,250, down 7,250 from the previous week's unrevised average.

- [Read the News Release](#)

Calendar Highlight

Women Veterans Listening Session

The Department of Labor is kicking off its Women Veterans Employment Initiative with a listening session Wednesday, June 19, 2013, from 1 to 3:30 p.m. EDT in the Great Hall of the Frances Perkins Building in Washington, D.C. We hope you will join us for a facilitated discussion of the challenges facing women veterans seeking employment.

- [Register to join us in person by June 17](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

EBSA — Getting It Right: Know Your Fiduciary Responsibilities Seminar

- [July 11 — Overland Park, KS](#)

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [June 26 — Portland, OR](#)

OFCCP — Analyzing Personnel Activity Data / Internet Applicant Recordkeeping Rule

- [June 21 — Columbus, OH](#)

OFCCP — Annual Consumer

inspection by the Occupational Safety and Health Administration. S.A. Baxter LLC did not correct specific respiratory protection, fire extinguisher training, electrical and exit hazards, while hazard communication and other respiratory protection deficiencies were allowed to recur. "The sizable fines proposed reflect both the severity of these hazards as well as this employer's failure to take necessary corrective action," said Kim Castillon, OSHA's area director in Albany.

- [Read the News Release](#)

Texas Employer Pays More Than \$176,000 in Back Wages

Ratech Construction Inc. in Rhome, Texas, paid \$176,204 in back wages to 17 maintenance employees following an investigation by the Wage and Hour Division. The investigation found the employees were misclassified as independent contractors and, consequently, denied overtime compensation in violation of the Fair Labor Standards Act. Ratech is a general contractor that services heavy industrial and commercial sector construction projects throughout Texas. The company provided maintenance employees to Hanson Aggregates LLC, a mining operation in Bridgeport.

- [Read the News Release](#)

Three New York Contractors Cited for Electrocution Hazards

A trio of New York contractors faces a total of \$465,410 in federal fines for exposing employees to electrocution hazards at a Long Island work site. Inspectors from the Occupational Safety and Health Administration found workers performing concrete work and crane operations too close to 13,200-volt overhead power lines. Cited for willful violations were Vordonia Contracting and Supplies Corp./Alma Realty Corp. of Long Island City; Masonry Services Inc., doing business as MSI, of Brooklyn; and North Eastern Precast LLC, of Fultonville. "OSHA standards prohibit working in close proximity to live power lines. These employers allowed workers to be exposed to electrocution hazards despite repeated cease and desist notices from the Long Island Power Authority," said Anthony Ciuffo, OSHA's Long Island area director. "Their workers should never have been placed in harm's way. They were fortunate not to be electrocuted."

- [Read the News Release](#)

Former Postal Union Official in Georgia Pleads Guilty

Joseph Allen, former secretary-treasurer of National Association of Letter Carriers Branch 588 in Athens, Ga., recently pleaded guilty in federal court to filing a false labor organization annual report. Allen was sentenced to serve one year in prison and one year of probation, and pay \$50,000 in restitution to Branch 588. In November 2012, Allen was indicted on federal charges after an investigation determined he took out a bank loan in the union's name without authorization of the executive board or membership. The plea agreement and sentencing follow a joint investigation by the department's Office of Labor-Management Standards and Office of Inspector General and the U.S. Postal Service Office of Inspector General.

Railroad Faulted for Reprimanding Whistle-blower

A whistle-blower investigation by the Occupational Safety and Health Administration found that Metro North Commuter Railroad Co. violated the Federal Railroad Safety Act when it reprimanded an employee who reported a workplace injury. OSHA's investigation found that the railroad had not disciplined other employees commonly committing the same violation, making it appear that Metro North singled out this employee for discipline. The railroad, which provides commuter rail service to Connecticut, New York and New Jersey, has been ordered to pay more than \$6,800 in punitive damages and attorney's fees and take other corrective action.

- [Read the News Release](#)

Ohio Restaurant Ran Illegal Tip Pool

Sanchez Corp., which operates as Rancho Fiesta Restaurant in Mansfield,

Conference

- [June 20 — Norwood, MA](#)

OFCCP — Common Problem Areas for Federal Contractors

- [July 10 — Detroit, MI](#)

OFCCP — Compliance Assistance Seminar: Supply & Service Contractors

- [June 19 — Nashville, TN](#)
- [June 19 — Detroit, MI](#)
- [June 26 — Nashville, TN](#)

OFCCP — Construction and Compliance Webinar

- [June 20 — Portland, OR](#)
- [June 26 — Detroit, MI](#)
- [July 17 — Detroit, MI](#)

OFCCP — Construction Requirements

- [July 25 — Columbus, OH](#)

OFCCP — Developing Written Affirmative Action Programs

- [July 11 — Omaha, NE](#)

OFCCP — DOL Educational & Outreach Symposium

- [June 27 — Houston, TX](#)

OFCCP — DOL Information & Outreach Forum

- [July 24 — Denver, CO](#)

OFCCP — "Empowerment Session" on Developing AAPs for New and Small Supply and Service Contractors and Outreach Best Practices for a Diverse / Inclusive Workforce

- [June 18 — Richmond, VA](#)
- [July 18 — Baltimore, MD](#)

OFCCP — Internet Applicant Rule Refresher

- [June 20 — Houston, TX](#)
- [July 25 — Omaha, NE](#)

OFCCP — Organizational Profile and Job Group Analysis

- [July 31 — Milwaukee, WI](#)

OFCCP — Records Retention and Internet Applicant Requirements

- [July 17 — Milwaukee, WI](#)

OFCCP — What to Expect During an OFCCP Audit / OFCCP Regulatory

Ohio, has agreed to pay \$51,949 in back wages to 18 employees following an investigation by the Wage and Hour Division. The investigation disclosed violations of the Fair Labor Standards Act's minimum wage, overtime pay and record-keeping provisions. The company also was assessed \$2,772 in civil penalties for repeat violations of the FLSA. Investigators found that Rancho Fiesta had an illegal tip pool where management deducted 3 percent of a waiter's gross sales from the waiter's tips and used it to pay non-tipped employees.

- [Read the News Release](#)

Violent Encounter, Death Underscore Importance of Safety Efforts

Integra Health Management of Owings Mills, Md, has been cited by the Occupational Safety and Health Administration with two violations following an incident last December when a patient fatally stabbed a service coordinator in front of the patient's Dade City, Fla., home. The employee was meeting the patient for a required face-to-face hospitalization risk assessment. OSHA issued the company a serious safety violation for exposing employees to incidents of violent behavior by a patient that resulted in death and one other-than-serious violation for the employer's failure to report a workplace fatality. The employee, who had previously raised concerns about the patient, was stabbed multiple times after attempting to flee.

- [Read the News Release](#)

Investigation Finds Wage Violations at Concrete Company

Giorgi Concrete, a Detroit-based commercial cement company, has paid \$106,334 in back wages to 38 workers following an investigation by the Wage and Hour Division. The investigation found violations of the Fair Labor Standards Act's overtime and record-keeping provisions. The company, which was assessed an additional \$5,984 in penalties for repeat violations of the FLSA, signed a settlement agreement with the department agreeing to specific measures to ensure future compliance with the law.

- [Read the News Release](#)

Focus on Crane Safety in Northwest

The Occupational Safety and Health Administration is launching a program to curb fatalities and injuries related to crane operations, especially in the maritime and construction industries. Over the past five years, OSHA investigated 13 fatal accidents involving cranes in areas where the federal agency has jurisdiction in Washington, Oregon, Idaho and Alaska. To help improve compliance and prevent injuries and deaths, compliance officers will inspect ports, construction sites and other locations where cranes are in use, and will conduct outreach, training, on-site consultation and collaboration with employers and stakeholders.

- [Read the News Release](#)

Violations Found After Electrocution at Missouri Company

Davis Tool & Die has been cited by the Occupational Safety and Health Administration for 17 safety violations after a maintenance worker was electrocuted on March 6 at the Fenton, Mo., facility. One repeat safety violation involved failing to have point of operation guards on three milling machines. The same violation was cited in January 2012 at Poplar Bluff Tool & Die, which is under the same ownership. Among the 16 serious violations cited was lack of personal protective equipment. OSHA has proposed penalties of \$77,000.

- [Read the News Release](#)

Trenching Hazards Lead to Fines

VM Construction Inc., based in Miami, and Concrete Systems Inc., based in Stirling, N.J., were cited by the Occupational Safety and Health Administration for willful and repeat trenching hazards found at a Kearny,

Update

- [June 20 — Omaha, NE](#)
- [July 10 — Columbus, OH](#)
- [July 12 — Detroit, MI](#)
- [July 24 — Detroit, MI](#)

OFCCP — Workers' Rights

- [July 17 — New Orleans, LA](#)

OWCP — Town Hall Meetings to assist nuclear weapons workers

- [June 18 — Santa Fe, NM](#)
- [June 19 — Albuquerque, NM](#)
- [June 20 — Grants, NM](#)

WHD — Prevailing Wage Conference

- [June 20 — Stony Brook, NY](#)
- [June 26 — Atlantic City, NJ](#)

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N.J., work site. OSHA's November 2012 investigation was prompted by an imminent danger complaint alleging employees were working in an unprotected 8-foot-deep excavation. One willful violation, carrying a \$28,000 penalty, was cited against VM Construction Inc. for those workers operating in an unprotected excavation. Concrete Systems Inc., a concrete and masonry contractor, faces \$100,100 in penalties for two repeat violations involving workers operating in an unprotected excavation and entering an excavation that was not inspected beforehand by a competent person.

- [Read the News Release](#)

Connecticut Manufacturer Ignored Power Press, Electrical Hazards

Brake system manufacturer Nucap U.S. Inc. has been cited by the Occupational Safety and Health Administration for 17 alleged serious violations of workplace safety and health standards at its Watertown, Conn., plant. Inspectors found several hazardous conditions involving mechanical power presses, which exposed workers to potential crushing and amputation injuries from the unintended operation of a press or from entering a press's point of operation. Other hazards involved possible electrocution, hearing loss, exposure to blood and body fluids and exposure to hazardous chemicals. The company faces \$55,505 in fines.

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Wisconsin Cheese Factory Cited in Worker Amputation

A Gilman, Wis., cheese factory was cited for 10 safety violations and fined \$126,700 after a worker had two fingers amputated by an unguarded cheese packing and labeling machine. The accident, which occurred last December at Gilman Cheese Corp., prompted an inspection. During its investigation, the Occupational Safety and Health Administration found that another worker suffered a similar amputation in January 2012. The company was cited for two willful violations involving failure to develop and train workers on machine-specific lockout procedures to prevent unexpected start-up and lockout machinery during servicing and maintenance, and failing to provide adequate machine guarding.

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Hazards Found at Texas Pressure Pumping Company

PumpCo Energy Services Inc., an oil and gas industry pressure pumping services company, was cited by the Occupational Safety and health Administration with 14 safety and health workplace violations. OSHA inspectors found that workers were exposed to a number of hazards at the company's maintenance facility in Valley View, Texas. Serious safety violations include failing to take effective measures to prevent employee entry into permit confined spaces; failing to ensure proper personal protective equipment is worn at all times to prevent eye and overhead injuries, and failing to provide permit confined space training, forklift training and daily inspections on overhead cranes. Penalties of \$72,900 have been proposed.

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