



**UNITED STATES
DEPARTMENT OF LABOR**

Good jobs for everyone.

DOL News Brief

[Subscribe](#) | [Send Feedback](#) | [PDF Version](#)

July 25, 2013



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

A Centennial of His Own: President Ford and DOL (Part 2)



We continue our celebration of President Gerald R. Ford on what would have been his 100th birthday with a look at his second secretary of labor — appointed after the abrupt resignation of John T. Dunlop —

Willie "Bill" Usery, Jr. As Cabinet tenures go, Usery's was not noteworthy for its longevity; President Ford was defeated in the November 1976 election by Jimmy Carter, and Usery left with the outgoing administration after only 11 months on the job. He made the most of his short time at the department though, especially as a mediator. He was successful at ending strikes, such as the 16-week United Rubber Workers' strike in 1976, as well as interventions that averted potential work stoppages, like a threatened nationwide strike of 400,000 truckers. Born and raised in Hardwick, Ga., Usery was a welder in the Navy and began

his career as a union representative with the International Association of Machinists before being named assistant secretary of labor for labor-management relations by President Nixon in 1969. While at the department, he



claimed that he had been involved in more than 300 collective bargaining agreements and only 11 strikes. Usery summed up his experience in politics and in Washington during a 2006 interview with the Washington Post: "For a country boy to get to where I am today — this nation offers a lot. I always wanted to leave it better than I found it."

- [Watch 2013 Usery Interview](#)
- [Read a 1976 People Magazine Profile](#)
- [View the Centennial Timeline](#)
- [View the Centennial Video](#)

What's New

Day One: Perez on the Job

"I'm excited to start this job at such a pivotal moment for working people, our economy, American business and the entire nation. The Department of Labor's mission is as important as ever." That was the "Day One" message from Tom Perez, the nation's 26th secretary of labor. Secretary Perez's first day



on the job was Tuesday, July 23. If his first week — which included meetings with agency heads and top staff, visits with stakeholders and departmental partners, and participation in White House events (and even a drop-by to the department's child care center) — is any indication, Secretary Perez intends to be very busy and actively engaged. He made a firm commitment to the department's 17,000 employees, as well as to working families across the nation: "For 100 years, our department has been central to safeguarding and expanding the American dream for working families. As the first Secretary of the department's second century, I will focus every day on creating more opportunity for more people."

- [Read the Day One Blog Post](#)
- [View the Slideshow](#)
- [Learn About Our Mission](#)

National News

ADA: "One of our Nation's Proudest Triumphs"

Secretary Perez traveled to the White House July 25 for a celebration of the 23rd anniversary of the Americans with Disabilities Act. Speaking to disability advocates in the South Court Auditorium, Perez talked about the landmark law as "one of our nation's proudest triumphs. It made us more inclusive. It made us more humane," said Perez, who led the federal government's ADA enforcement efforts in his previous position as assistant attorney general for civil rights at the Justice Department. ADA broke down physical barriers, he explained, but also "attitudinal barriers," revolutionizing the way we think about people with disabilities. Invoking the memory of disability leaders Paul Miller and Justin Dart, Perez reflected on 23 years of progress but also on the challenges remaining. He cited "unconscionably high" levels of joblessness among disabled persons, saying he would make disability employment a part of his opportunity agenda as labor secretary. "It's about expanding opportunity. Because if I had to give you a one-sentence description of the Department of Labor, the Department of Labor is the Department of Opportunity. That's what we do. We expand opportunity

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

Each week, this space will bring you the best from

our ([Work in Progress](#)) blog.

- [Raising the Minimum Wage: The Right Thing to Do, the Smart Thing to Do](#): On the four-year anniversary of the last increase in the federal minimum wage, Secretary Perez argues that now is the time to ensure that the minimum wage keeps workers from living in poverty. Since the last increase, the value of the minimum wage has eroded 7.3 percent due to the rising cost of living, and President Obama has proposed an increase from \$7.25 to \$9 an hour and indexing the minimum wage to inflation beginning in 2015. "A higher minimum wage boosts consumer demand, the engine that powers our economy during a recovery like this," Perez writes. "Study after study from credible economists demonstrates that raising the minimum wage has no negative effect on employment and may be good for business as it leads to a more stable workforce with less turnover, lower training costs and higher productivity."

- [Diverse Perspectives: A Competitive Advantage](#): Diversity drives innovation, writes Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez in this reflection on the power of employee diversity in creating higher-performing organizations. Martinez cites recent academic research on the measurable benefits of fostering a corporate culture that's respectful of individual differences, including disabilities.

- [Get the Download on Ladder Safety](#): "Falling Off Ladders Can Kill: Use Them Safely," is an English-Spanish bilingual booklet that was recently published by OSHA as its first mobile e-publication, making it easily accessible from smartphones, tablets and e-readers. In this post, we explain how this type of format makes workplace safety information more accessible for young people, Latinos and other vulnerable workers who are significantly more likely than other groups to go online for information.

AFFORDABLE CARE ACT MYTH BUSTER

Myth: If you already have insurance through your employer, health reform won't benefit you.

Fact: The Affordable Care Act has many benefits for workers — even those who already have insurance. These include improved access to affordable preventive health services, coverage for children through the age of 26, increased protections against unfair premium increases, and a prohibition against denying coverage based on pre-existing conditions. Plus, the ACA provides incentives for employers to offer better coverage and wellness programs.

- [Learn About the Health Insurance Marketplace](#)
- [Learn About Wellness Programs](#)

First Meeting With Labor Leaders

Secretary Perez met July 24 with members

for everyone."

- [Read the Blog Post](#)

Grants Available to Improve State Unemployment Insurance Programs

The availability of supplemental funding for states to improve their Unemployment Insurance programs was announced July 25. The funding will help states implement strategies to prevent, reduce and recover improper payments and to modernize the UI tax and benefit systems. In order to qualify for funding, states must implement a set of core integrity strategies, such as the implementation or expansion of the State Information Data Exchange System to reduce improper payments. This round of funding also provides an opportunity for states to go beyond improper payments to focus on additional UI technology system improvements, data exchange enhancements for UI for Ex-military Service members, and integration of state UI, Employment Service, and Workforce Investment Act IT systems.

- [Read the News Release](#)
- [Read the Unemployment Insurance Program Letter](#)

International Scene

Aligning Economic Growth With Employment

Addressing the first-ever joint meeting of G-20 labor and finance ministers in Moscow, Deputy Secretary Seth D. Harris called on the participants to work together toward a sounder and fairer global economy. He underscored the urgent need to further sustainable economic growth, a strong and expanded middle class, and reduce unemployment and economic disadvantages that threaten workers and their families. The July 18-19 session focused on the global labor market and employment challenges faced by G-20 countries. Harris said, "With roughly 200 million unemployed people around the world according to the ILO's estimate, there must be no higher priority for our governments than expanded economic growth and the job creation that comes with it."



- [Read the Blog Post](#)
- [View the Video Clip](#)

Six New Products Involving Child Labor on Watch List

The updated "List of Products Produced by Forced or Indentured Child Labor" was published by the Bureau of International Labor Affairs in the July 23 Federal Register. The list adds six new products from five countries. Federal contractors supplying products on the list must certify that goods were not produced by forced or indentured child labor in accordance with Executive Order 13126. Additional products included on the list include cattle from South Sudan, dried fish from Bangladesh, fish from Ghana, garments from Vietnam, and gold and wolframite from the Democratic Republic of Congo.

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

Worker Rights and Safety in Bangladesh

The United States outlined the next steps in a longstanding effort to address worker rights and worker safety problems in Bangladesh. The Department of Labor, Office of the U.S. Trade Representative and State Department issued a July 19 statement making public the action plan which, if implemented, could provide a basis for President Obama to consider the



of the AFL-CIO's Executive Council. He thanked the group for their support of his nomination and their efforts to fix the nation's immigration system. Perez also discussed his vision of a Labor Department that helps build an "opportunity society" where all of our people have the tools they need to succeed. He noted the importance of collective bargaining to ensure a rising, thriving middle class, and expressed his intent and interest in working with everyone — workers and their advocates, as well as employers — to create opportunity for all.

• [View the Slideshow](#)

Steady Improvements at Mines

Mines receiving enhanced scrutiny by the Mine Safety and Health Administration have seen decreases in total violations by 18 percent since the program began, according to the latest data following June's impact inspections. The latest round of inspections, targeting nine coal mines and four metal/nonmetal mines, resulted in 157 citations, 10 orders and one safeguard. Since impact inspections began in April 2010, significant and substantial violations have decreased 23 percent in coal mines and 37 percent in metal/nonmetal mines; unwarrantable failure violations decreased 45 percent in coal mines and 65 percent in metal/nonmetal mines, and operator-reported lost-time injuries rates decreased 9 percent in coal mines and 26 percent in metal/nonmetal mines.

• [Read the News Release](#)

Inspiring Words at School for Blind



Students of the Perkins School for the Blind in Watertown, Mass., were inspired when Assistant Secretary of Labor for Disability Employment Policy

Kathy Martinez shared stories from her own experience growing up blind in a world with low expectations of what she could achieve. "Clearly, it's time to turn those attitudes around and rid society of low expectations about the employment potential of people with disabilities," said Martinez on July 19 to 100 students and staff. Later that evening, Martinez addressed about 300 parents attending the National Association of Parents of Children with Visual Impairments National Conference. She showed a version of the "Because" public service announcement that highlights the importance of mentors to employment success in the lives of people with disabilities.

• [Read More About the Visit](#)
• [Lean About The Campaign](#)

reinstatement of Bangladesh's trade benefits under the Generalized System of Preferences. The president announced the decision to suspend Bangladesh's GSP benefits on June 27, in view of insufficient progress by Bangladesh in affording Bangladeshi workers internationally recognized worker rights. In the July 19 statement, the United States also announced its full association with the recently launched European Union-Bangladesh-International Labor Organization "Sustainability Compact for continuous improvements in labor rights and factory safety in the ready-made garment and knitwear industry in Bangladesh."

• [Read the Joint Statement](#)

Take Three: Focusing on Jobs at the G-20

Deputy Secretary Harris led a delegation to the Group of 20 Labor and Employment Ministers meeting in Moscow on July 18-19. The G-20 is an opportunity for leaders from 19 countries and the European Union to meet to develop strategies for achieving global economic stability and sustainable growth, and this year marked the first time that labor and finance ministers met jointly to tackle global employment issues. Bureau of International Labor Affairs Associate Deputy Undersecretary Mark Mittelhauser answers questions about the G-20.

Why does the G-20 matter to the department and the nation's workers? *The G-20 is the premier forum for coordinating economic policy among the world's major economies. Thus, the decisions and commitments made there can have a real impact on jobs here in the United States. In 2010, the Obama administration established a G-20 labor and employment ministers' process. We held the first meeting of labor ministers here at the Department of Labor in April of that year. These annual meetings have helped to ensure that creating good jobs and promoting inclusive economic growth remain at the forefront of discussions among G-20 leaders. This year, for the first time, the labor ministers met jointly with the G-20 finance ministers, which allowed labor ministers to discuss the ongoing jobs crisis in many countries with the officials who control many of the levers of macroeconomic policy.*

What were the key priorities that DOL brought to the table at the meeting? *Deputy Secretary Harris delivered a strong message in Moscow about the need to ensure that national economic policies promote growth and job creation. He also highlighted the ways that labor policies can ensure that new jobs are good middle-class jobs that help to improve opportunities for youth, the long-term unemployed, people with disabilities and other groups. Finally, he recommended that in light of the recent tragedy in Bangladesh, the G-20 labor and employment ministers take a more active role in addressing workplace safety.*

Describe the process leading up to the ministerial and to the meeting of country leaders scheduled to take place in September. *It takes a lot of work to ensure that a meeting with at least 20 ministers goes well. ILAB staff consulted widely within the department and with the White House to determine our positions at the ministerial level. ILAB staff participated in a year-long process at the G-20 to negotiate the conclusions and provide input and analysis for a new database that will help labor ministries to learn from each other's policies and programs. The labor ministers' declaration that was adopted in Moscow will be submitted to G-20 leaders and will influence the priorities of G-20 countries as well as key international organizations on labor and employment issues. In an effort to increase accountability and coordination within the G-20, ministers also*

- [View the Slideshow](#)

Protecting Illinois Road Crews

A strategic partnership with Fred Weber Inc. and state and local agencies to protect workers during the reconstruction project for Interstate 74 and Interstate 155 through Illinois' Tazewell County has been established by the Occupational Safety and Health Administration. The Illinois Onsite Safety and Health Consultation Program is also a partner in the project. The project involves the demolition of six bridges and two tunnels, replacing several miles of pavement as well as rebuilding ramps, structures and installing lighting. Expected completion of the project is August 2015. Safety goals will focus on implementing innovative strategies to eliminate serious accidents, including the four primary construction hazards of falls, struck-by, caught-in and electrical.



The Illinois Onsite Safety and Health Consultation Program is also a partner in the project. The project involves the demolition of six bridges and two tunnels, replacing several miles of pavement as well as rebuilding ramps, structures and installing lighting. Expected completion of the project is August 2015. Safety goals will focus on implementing innovative strategies to eliminate serious accidents, including the four primary construction hazards of falls, struck-by, caught-in and electrical.

- [Read the News Release](#)

Safety for Temporary Workers

The American Staffing Association joined the Occupational Safety and Health Administration on July 18 to present a webinar focused on improving safety and health for temporary workers. The webinar, "Playing It Safe — Workplace Safety Obligations of Staffing Firms and Their Clients and Others," drew about 1,000 participants representing employers, staffing agencies and stakeholders. Citing the rapid growth in the temporary workforce and their increased risk of injury as new workers to a job site, Dr. David Michaels, the assistant secretary of labor who heads OSHA, said, "together, we can make sure that at the end of their shift, every work day, every temporary worker in the United States goes home safely to their families." OSHA directors highlighted the agency's recent initiative to use enforcement, outreach and training to ensure temporary workers are protected from workplace hazards, and stressed the legal responsibility of companies to protect temporary workers.

- [Read About OSHA's Temporary Worker Initiative](#)

Hazard Communication Webinar

As the deadline for worker training on the Occupational Safety and Health Administration's revised hazard communication standard approaches, OSHA and the Society of Chemical Hazard Communication took to the Web on July 25 for a webinar on the transition to the Globally Harmonized System of Classification and Labeling of Chemicals. More than 3,800 employers and industry professionals participated in the online session, aimed at educating affected industries ahead of the Dec. 1 training deadline. Building on their longtime alliance, SCHC and OSHA staff

agreed to take steps to ensure that these statements and commitments translate into real actions and policies that help create good jobs and advance worker rights in the global economy.

Of Note

Shriver Job Corps Grad Wins BOOT Award

Alex Segar-Reid, a graduate of the Shriver Job Corps in Devens, Mass., was named 2013 winner of the Better Occupational Opportunities for Tradeswomen award, Job Corps National Director Grace Kilbane announced on July 22. The BOOT award is given to a candidate who succeeds in a nontraditional occupation. It "acknowledges the hard work and dedication of one female student who saw an opportunity for a better life and pursued it with vision, fortitude, and passion," Kilbane said. At Job Corps, Segar-Reid, who was born in Ethiopia and had limited English skills when adopted by an American family as a teenager, was active in student government and was a Youth Ambassador for Job Corps. She completed the United Brotherhood of Carpentry Program and the International Union of Painters and Allied Trades Program. "I want to be a role model for girls and young women to achieve their dreams," she said. Segar-Reid now lives in Boston and works for a large painting company. "Job Corps is proud to be instrumental in moving women into opportunities that can lead to life-long skill development, economic opportunity, and a sustainable career," Kilbane said.



- [Learn About Job Corps Recruitment](#)

DOL Working for You

Louisiana Job Corps Students Help Homeowner Rebuild



Louisiana contractor Joe Robert never hesitated to help his neighbors rebuild their houses destroyed by Hurricane Katrina. And for the last eight years he has methodically tried to rebuild his own damaged house. This year, students from the New Orleans Job Corps Center pitched in to help. Under the

supervision of the center's electrical instructor, Preston Stephens, students have worked for weeks helping to install the circuit breakers, fuses and electrical wiring that helps light the home and its appliances and runs its heating and air conditioning. "This is an excellent opportunity for the students to work on a real life situation," Stephens said. Student Dannico Blair will graduate from Job Corps soon with an expertise in electrical wiring. He said the experience of working on the Robert home made it feel "good to give back to the community."

DOL in Action

Worker Dies When Struck by Truck at Nebraska Grain Handling Facility

highlighted educational resources available to manufacturers, importers, distributors and employers to fulfill training requirements, which include educating workers on new chemical label elements and safety data sheets.

- [Read the Hazard Communication Fact Sheet](#)
- [Read About Hazard Communications](#)
- [Learn About the Alliance](#)

'Change the Paradigm'

Challenges and success factors in the transition and employment process for youth with disabilities was the focus of the National Council for Independent Living's preconference on July 23 in Washington, D.C. At the session, "Employment Policy and Practice: The Challenge for NCIL's Next Generation," Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez shared information about her office's efforts to improve services and outcomes for youth with disabilities. Martinez told the group of about 100 that "work versus benefits is an untenable choice for many, and our nation can clearly no longer afford this model if our economy is to grow. We need to change the paradigm — from one that breeds a cycle of dependency to one where public policy encourages work, and at the same time safeguards support services that are critical to achieving self-sufficiency."

Alliance With Louisiana Contractors

Protecting Louisiana workers from construction industry hazards is the goal of an alliance signed July 25 between the Occupational Safety and Health Administration and the Louisiana Associated General Contractors. Through its Alliance Program, OSHA works with businesses, trade associations, unions, consulates, professional organizations, faith- and community-based organizations, and educational institutions to prevent workplace fatalities, injuries and illnesses. The purpose of each alliance is to develop compliance assistance tools and resources and educate workers and employers about their rights and responsibilities. The LAGC is a statewide, full-service construction trade association representing about 800 general contractors, subcontractors, suppliers and service firms throughout Louisiana.

- [Read the News Release](#)

Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 343,000 for the week ending July 20, an increase of 7,000 from the previous week. The four-week moving average was 345,250, down 1,250 from the previous week's revised average.

- [Read the News Release](#)

Farmers Cooperative Co. has been cited by the Occupational Safety and Health Administration for nine serious safety violations after a worker was fatally injured on Jan. 29. The worker was struck by a truck that was backing into a loading position at the Talmage, Neb., grain handling facility. The inspection was expanded to include hazards associated with grain handling activities. The violations include a general duty citation for failing to protect employees exposed to vehicular traffic, and failure to guard belts and pulleys.

- [Read the News Release](#)

Arkansas Awarded Grant for Storm Cleanup

The department awarded a \$1,054,112 National Emergency Grant on July 23 to the Arkansas Department of Workforce Services to assist with cleanup and recovery efforts after the severe storms, tornadoes and flooding that struck the state from May 30 to June 3. The funds will create temporary jobs to assist with cleanup, demolition, repair, renovation and reconstruction of destroyed public facilities and lands in affected communities. "There is a great deal of recovery work to be done, and the Labor Department is committed to helping Arkansans rebuild their communities," said Acting Assistant Secretary of Labor for Employment and Training Eric Seleznow.

- [Read the News Release](#)

Up to \$4.2 Million Restored to Pension Plans at Defunct Companies

The department has obtained a consent judgment in federal court in which the trustee of two defined benefit pension plans admits to entering into \$4.2 million in alleged unlawful plan transactions. Colette Mordo, trustee and fiduciary to the pension plans of the Manhattan-based Sadimara Knitwear Inc. and the Stallion Knits Ltd., also agrees to restore any shortfall in assets, up to \$4.2 million, owed to the plans' participants and beneficiaries. The judgment removes Mordo from fiduciary positions with respect to the plans. "If you've been entrusted with the assets of an employee benefit plan, it's illegal to enrich yourself or your family at the plan's expense," said Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi. "That's not just common sense; it's the law, and the Labor Department will not hesitate to investigate and pursue appropriate legal remedies whenever fiduciaries fail to meet this standard."

- [Read the News Release](#)

21 Safety Citations Issued Following Ohio Plant Explosion

IVEX Protective Packaging Inc. has been cited by the Occupational Safety and Health Administration with 21 safety violations carrying fines of \$128,700. OSHA's January inspection followed an explosion that resulted in the injury of three workers and significant property damage at the Sidney, Ohio, polyethylene foam product manufacturing facility. The explosion occurred when isobutane gas entered exhaust ductwork associated with the foam extrusion manufacturing process, and it was ignited by the regenerative thermal oxidizer. When OSHA inspected the facility, it found multiple violations of OSHA's standards for process safety management of highly hazardous chemicals.

- [Read the News Release](#)

Repeat Violations Found at Georgia Manufacturing Facility

Quality Industries LLC has been cited by the Occupational Safety and Health Administration with three repeat and five serious safety violations after a February inspection at the company's facility in Hartwell, Ga. The manufacturer of boat seats and molds for city transportation services was cited for exposing workers to fall, burn and caught-in hazards, along with failing to provide specific steps to remove lockout/tagout devices. OSHA initiated the inspection as a part of its national emphasis program on amputations. Penalties of \$44,100 have been proposed.

- [Read the News Release](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [August 6 — Mesa, AZ](#)

MSHA — 2013 National Metal/Non-Metal Mine Rescue Competition

- [July 30 — Reno, NV](#)

OFCCP — Analyzing Personnel Activity Data

- [August 1 — Omaha, NE](#)

OFCCP — Common Problem Areas for Federal Contractors

- [August 13 — Chicago, IL](#)
- [August 21 — Detroit, MI](#)

OFCCP — Compliance Assistance for New/Small Contractors

- [August 21 — Chicago, IL](#)

OFCCP — Compliance Assistance Webinar for Federal Supply and Service Contractors and Subcontractors

- [August 6 — Portland, OR](#)

OFCCP — Construction: Nuts and Bolts

- [August 14 — New Orleans, LA](#)

OFCCP — Developing Written Affirmative Action Programs / Workplace Accommodations

- [August 21 — Columbus, OH](#)

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

- [August 15 — Baltimore, MD](#)

OFCCP — Examining Conflicts in Employment Laws

- [August 27 — Denver, CO](#)

OFCCP — FMLA and Reasonable Accommodations

- [August 20 — Chicago, IL](#)

OFCCP — Getting It Right: Know Your Fiduciary Responsibilities Seminar

- [August 6 — Fairfax, VA](#)
- [August 7 — Washington, DC](#)

OFCCP — Nuts and Bolts of

Former Nevada Union Official Sentenced for Embezzlement

A judge has sentenced the former administrative assistant and bookkeeper for Painters Local 567 in Sparks, Nev., to 10 months of home confinement with electronic monitoring, five years of probation and 100 hours community service. The bookkeeper has also been ordered to repay \$81,564 that she stole from the union. An Office of Labor-Management Standards investigation found that Kristine Stephens took cash dues from the union. In March, Stephens pleaded guilty to one count of embezzlement of labor union funds in the U.S. District Court for the District of Nevada.

Ohio Glass Manufacturing Plant Fined After Worker Suffers Burns

EveryWare Global Inc., which operates as Anchor Hocking in Lancaster, Ohio, has been cited by the Occupational Safety and Health Administration with nine safety violations carrying proposed penalties of \$74,600. An inspection was opened on Jan. 25 after a machine operator reportedly suffered burns when his clothing caught fire after being saturated with oil mist.

- [Read the News Release](#)

New York Hospital and Contractor Face Fines for Asbestos Hazards

Failure to adhere to workplace health and safety standards during demolition/renovation work at the University of Rochester Strong Memorial Hospital has led to \$53,200 in fines for the hospital and contractor DGA Builders LLC. An inspection by the Occupational Safety and Health Administration found that the hospital did not determine the presence, location and quantity of asbestos-containing materials in the work area before work started. Both employers also failed to provide proper exposure monitoring, implement controls to reduce exposure levels and provide adequate training.

- [Read the News Release](#)

Mud Logging Technicians to Receive \$595,000 in Back Wages

Morco Geological Services Inc., doing business as Morco Geological in Carlsbad, N.M., has agreed to pay \$595,737 in back wages to 121 current and former mud logging technicians. This action follows an investigation by the Wage and Hour Division that found violations of the minimum wage, overtime and record-keeping provisions of the Fair Labor Standards Act. Investigators determined that Morco Geological improperly classified nonexempt employees, such as mud logging technicians, as exempt from overtime pay. It paid them a fixed daily rate of \$75 daily. This investigation was conducted under a multiyear enforcement initiative focused on vendors who perform various phases of the oil and gas fracking process at active shale drilling sites in the Southwest.

- [Read the News Release](#)

Texas Manufacturer Cited for Amputation and Other Hazards

DeWalch Technologies Inc. in Houston, Texas, was cited with 32 safety and health violations by the Occupational Safety and Health Administration. Fines of \$85,400 have been proposed for exposing workers to amputation, electrical, noise and other workplace hazards. OSHA began the inspection under its regional emphasis program on the manufacture of fabricated metal products. The violations included failing to implement a hearing conservation program, secure hoisted loads, and implement a hazard communication program that includes employee training and proper labeling on chemicals.

- [Read the News Release](#)

Consent Order Restores \$150,000 to Profit Sharing Plan in Illinois

Construction Evaluations and Best Practices on Minority/Female Utilization Goal Attainment

- [August 21 — Pittsburgh, PA](#)

OFCCP — Organizational Profile and Job Group Analysis

- [July 31 — Milwaukee, WI](#)

OFCCP — Outreach and Recruitment

- [August 27 — Chicago, IL](#)

OFCCP — Pathways to Respecting American Indian Civil Rights Training & Education

- [August 8 — Denver, CO](#)

OFCCP — Preparing for an OFCCP Construction Review

- [August 2 — Milwaukee, WI](#)

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

- [August 30 — Milwaukee, WI](#)

OFCCP — Retaliation Complaints

- [August 15 — Omaha, NE](#)

OFCCP — US DOL Forum

- [August 7 — Dallas, TX](#)

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

- [August 14 — Detroit, MI](#)

OFCCP — Women in Nontraditional Jobs/ The Complaint Process

- [August 9 — Columbus, OH](#)

OSHA — Advisory Committee on Construction Safety and Health Meeting

- [August 22 — Washington, DC](#)

Follow @USDOL on 

Under terms of a consent order and judgment, \$150,226 must be restored to the Profit Sharing Plan of the defunct Cougar Package Designers Inc. The judgment follows an investigation by the Employee Benefits Security Administration that found plan assets were improperly transferred and commingled with the Lemont-III. based company's operating funds between Jan. 1, 2009 and Sept. 30, 2010, in violation of the Employee Retirement Income Security Act. Cougar Packaging Solutions Inc. bought part of the assets of Cougar Package Designers but did not adopt the retirement plan. Because the plan was not adopted, its governing documents required that it be terminated.

- [Read the News Release](#)

Poultry Processor Faulted for Exposing Workers to Chemical Hazards

The De Queen poultry processing plant owned by Pilgrim's Pride Corp. has been cited with 11 safety violations and proposed penalties of \$170,000 by the Occupational Safety and Health Administration for exposing workers to hazardous chemicals. The inspection, which began in January, was initiated under the agency's Process Safety Management Covered Chemical Facilities National Emphasis Program. PSM encompasses a detailed set of requirements and procedures employers must follow to address hazards proactively that are associated with processes and equipment that use large amounts of hazardous chemicals. In this case, it was the use of anhydrous ammonia in the refrigeration system.

- [Read the News Release](#)

Theatrical Equipment Company Fined for Safety and Health Hazards

Jersey City, N.J.-based Acadia Scenic Inc., which builds scenery for the entertainment industry, was cited by the Occupational Safety and Health Administration for 22 safety and health violations, including two willful. The citations followed an April inspection, prompted by the agency's Health-High-Hazard Top 50 Local Emphasis Program and its Amputations and Combustible Dust Emphasis Program. The violations include a lack of machine guarding and the company's failure to prevent accumulations of explosive dust. Penalties of \$49,600 have been proposed.

- [Read the News Release](#)

Wisconsin Frozen Foods Manufacturer Faces \$150,000 Penalty

Echo Lake Foods Inc. has been cited by the Occupational Safety and Health Administration with 27 safety violations carrying fines of \$150,000. Multiple violations of OSHA's process safety management standards for facilities that use highly hazardous chemicals were found at the company's Burlington and Franksville, Wis., frozen food production plants. OSHA received complaints alleging hazards with the ammonia refrigeration systems at those facilities. A fire at the Burlington facility on Jan. 30 resulted in the destruction of a portion of the plant's ammonia refrigeration system, causing significant property damage. No serious injuries were reported.

- [Read the News Release](#)

Company Violated H-2B Worker Provisions, Investigation Finds

A Pittsburgh landscape company, the Ed Bayer Design Group, has been ordered to pay \$9,372 in back wages to 11 temporary workers from Mexico employed as landscape laborers and \$17,483 in civil penalties. This action follows an investigation by the Wage and Hour Division that disclosed violations of the H-2B temporary nonimmigrant visa program. Administrative Law Judge Thomas M. Burke upheld the division's findings that the company misrepresented the dates of need, number of employees sought, job requirements and job duties to be performed, and drug testing

requirements when submitting an application for workers under the H-2B program. The company also made impermissible deductions from the workers' wages for employer-provided, substandard housing as well as application and recruitment fees.

- [Read the News Release](#)

Penalties Proposed for Safety Violations at Arkansas Refinery

Martin Operating Partnership LP has been cited for five safety and health violations, including one willful and one repeat, with proposed penalties of \$126,900. The Occupational Safety and Health Administration found deficiencies in the employer's process safety management program and other workplace hazards at its Smackover, Ark., refinery. The inspection was a follow-up to a 2010 inspection initiated under the Agency's Petroleum Refinery Process Safety Management National Emphasis Program. The willful violation involved failing to ensure relief valves were properly sized and of adequate capacity to provide relief, for units such as, but not limited to, Crude Unit #1. The repeat violation involved failing to ensure process safety information included the relief system design for a Crude Unit.

- [Read the News Release](#)

[Previous Issues](#) | [Follow us on Twitter](#) | [Subscribe](#) | [Send Feedback](#) | [Unsubscribe](#)

U.S. Department of Labor, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210
www.dol.gov | Telephone: 1-866-4-USA-DOL (1-866-487-2365) (1-866-487-2365) | [TTY](#) | [Contact Us](#)