

**UNITED STATES
DEPARTMENT OF LABOR****Good jobs for everyone.****DOL News Brief**

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August 1, 2013

**WINNER OF 2013 AVA DIGITAL GOLD AWARD & NAGC AWARD OF EXCELLENCE****Perez Joins Labor History**

In our new labor secretary, Tom Perez, the department has gained a true original, with a uniquely American life story and a peerless resume of public service. Perez is the first Dominican American to ever serve

in a president's Cabinet. There is little doubt he is the first secretary to put himself through college collecting trash. Yet Secretary Perez also brings with him several connections to the history of the department and to secretaries past. With his public policy and law degrees from Harvard University, Perez becomes the sixth secretary with an affiliation to the school (Chao, Reich, Dole, Dunlop, Wirtz). He is the third secretary born in New York State (Brennan, Schultz) and the fourth secretary to reside in Maryland (Brock, Durkin, Davis). As a former professor at University of Maryland School of Law and a part-time faculty member at George Washington University, he becomes the seventh secretary to have served a stint in academia (Reich, Martin, Dunlop, Schultz, Goldberg, Perkins). He is the sixth attorney to become labor secretary (Reich, Dole, Wirtz, Goldberg, Schwellenbach) and the sixth to come to the department after serving in state government (Solis, Martin, Durkin, Tobin and Perkins; Durkin and Perkins were also state labor chiefs).



- [Meet Former Secretaries of Labor](#)
- [See Secretary Perez's First Day at DOL](#)
- [View the Centennial Timeline](#)
- [View the Centennial Video](#)

**MINIMUM WAGE
MYTH BUSTER**

Myth: Raising the minimum wage will benefit only teenagers.

Not true: The typical minimum wage worker is not a high-school student earning weekend pocket money. In fact, less than 20 percent of those who would benefit from a federal minimum wage increase are teenagers, but 60 percent are women. Plus, those workers who would benefit

What's New**Week Two: Perez on the Job**

Employees in the department's Washington, D.C., headquarters found an unexpected greeter welcoming them to work on Aug. 1: Secretary Tom Perez. Dozens of staff members queued up outside the Frances Perkins Building to meet the new secretary, braving the morning humidity for a chance to chat with him about the department's



mission. Meeting the people who make the department run has been one of Perez's chief objectives in his second week on the job. He joined regional administrators of the Employment and Training Administration at their first in-person meeting since September. The Aug. 1 meeting focused on a broad range of topics related to managing the agency's programs to assisting the nation's workers in gaining skills and finding employment. At the meeting, Perez shared his vision for creating opportunities for all. On July 30, the secretary spent time discussing another vital part of the department's mission — protecting the nation's retirees and their pensions — at the annual managers' conference of the Employee Benefits Security Administration. And, in a ritual of the season, Perez met with departing summer interns to thank them for their contributions and wish them good luck in the coming school year.

- [View the Slideshow](#)

President Calls for Improved Chemical Safety, Security

President Obama on Aug. 1 signed an executive order instructing key federal agencies, including the Labor Department, to work together to reduce the risks of hazardous chemicals to workers and communities. Incidents such as the devastating explosion at a fertilizer plant in West, Texas, in April are tragic reminders that the handling and storage of chemicals present serious risks that must be addressed. The order directs federal agencies to initiate innovative approaches for collaborating with stakeholders to improve chemical facility safety and security through agency programs and private-sector initiatives, federal guidance, standards and regulation. Included in the order is a requirement for the department to review, along with the Environmental Protection Agency, the Occupational Safety and Health Administration's Process Safety Management standard and the EPA's Risk Management Program. The review will determine if the RMP or PSM can and should be expanded to address additional regulated substances and types of hazards. In a conference call to stakeholders, Assistant Secretary of Labor Dr. David Michaels, the head of OSHA, said his agency strongly supports the efforts of the president to improve and enhance chemical plant safety.

- [Read the Executive Order](#)
- [Read the Fact Sheet](#)
- [Learn About Process Safety Management](#)

from a minimum wage increase brought home 46 percent of their household's wage and salary income in 2011.

- [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.

- [A Grand Bargain for the Middle Class](#): In Chattanooga, Tenn., President Obama put forth a vision for creating jobs and ensuring a better bargain for the middle class by rebuilding our infrastructure, investing in manufacturing innovation, creating incentives for green energy and increasing U.S. exports. It's a vision that strengthens a rising middle class with investments in skills training, private-sector partnerships, and a living wage for all Americans. Here, Secretary Perez explains how that vision will guide his leadership of the department and sets achievable goals for improving the lives of American workers. "My No. 1 priority as secretary of labor is to create more opportunity for people willing to work hard and take responsibility," Perez writes. "And that's exactly what the president had in mind."

- [Construction Jobs are Good Jobs — for Women, Too!](#): When women are employed in construction work, they often face severe sexual harassment and hostile environments. Donna Lenhoff, the senior civil rights adviser in the Office of Federal Contract Compliance Programs, writes about what her agency is doing to combat this type of treatment in these growing and well-paying jobs, highlighting a major recent settlement with a construction firm in Maryland, where the agency found pervasive sexual harassment.

- [Back in the Job Corps Family](#): After serving in the same position from 2004-2006, newly returned Job Corps Director Grace Kilbane shares her experiences coming back to meet the current challenges of a new program year. Kilbane expresses her abiding connection to the program's mission and lays out her priorities for the future of a program where, she writes, "we develop more dreams than ever before."

Focus on Native Americans

Secretary Perez joined Secretaries Jewell, Vilsack, Duncan, Foxx and Sebelius on July 29 for the inaugural meeting of the White House Council on



Native American Affairs. Established by President Obama, the council brings together more than 30 federal agencies for the first time to find solutions to issues facing Indian Country. The council's main focus is to make recommendations to the president concerning policy priorities in Indian Country, coordinate federal government engagement with Tribal Nations, coordinate a more effective and efficient process for agencies to honor the U.S. commitment to tribal consultation as set forth in Executive Order 13175, and to assist in organizing

National News

\$550,000 in Funding for Mine Safety Programs

The Mine Safety and Health Administration has announced the availability of \$550,000 in grant funds for educational and training programs to help identify, avoid and prevent unsafe working conditions in and around mines. The focus of the funds — part of the Brookwood-Sago grants program — will be on training and training materials for mine emergency preparedness and mine emergency prevention for all underground mines. Established through a provision in the Mine Improvement and New Emergency Response Act of 2006, the Brookwood-Sago grants program was named in memory of the 13 men who died in two explosions at the Jim Walter Resources #5 mine in Brookwood, Ala., in 2001, and 12 men who died in an explosion at the Sago Mine in Buckhannon, W.Va., in 2006. The funding notice was published in the Federal Register on July 30. The closing date for applications is Aug. 31, and grants will be awarded on or before Sept. 30. Applicants may be states and nonprofit entities.

- [Read the Federal Register Notice](#)

Collaborating to Protect Retirement Savings

The department and the Securities and Exchange Commission have renewed their commitment to share information on retirement and investment matters. On July 30, Secretary Perez and SEC Chair Mary Jo White signed an extension of a 2008 memorandum of understanding. "Our experience with the SEC helps to boost the department's enforcement program and ensure that our regulatory and other programs work in tandem with the SEC's initiatives to provide meaningful protections for workers' retirement savings," said Assistant Secretary of Labor Phyllis C. Borzi, the head of the Employee Benefits Security Administration. The memorandum sets forth a process for EBSA and SEC staffs to share information and meet regularly to discuss topics of mutual interest.

- [Read the News Release](#)
- [Read the MOU](#)

News You Can Use

Promoting Opportunity for America's Workers

The department is updating its strategic plan to reinforce priorities and strengthen its efforts to ensure opportunity for all. The best way to promote and protect opportunity is through collaboration. The public, including stakeholders, is encouraged to contribute to the plan's development by joining a series of discussions on the department's priorities and strategies. These discussions will take place Aug. 5 - 8 at 2 p.m. EDT. Your participation will help assure that the department develops a strong roadmap designed to build an opportunity society for the nation's workers.

- [Review Strategy Proposals and Join Webchats](#)
- [Submit Ideas and Comments](#)

Webcasts for Employers

The Employee Benefits Security Administration will host two webcasts to increase awareness and understanding of basic responsibilities associated with operating private-sector retirement plans. The two-part "Getting It Right — Know Your Fiduciary Responsibilities" webcast will take place on Aug. 7 and 8 from 2 to 3:30 p.m. EDT. The first webcast will focus on basic fiduciary responsibilities as well as prohibited transactions and exemptions under the Employee Retirement Income Security Act. The second webcast will include information on the reporting and disclosure provisions of the law and the department's voluntary correction programs.

- [Register for the Aug. 7 Part I Webcast](#)
- [Register for the Aug. 8 Part II Webcast](#)

Affordable Health Care: 'If Teddy Can Do It, So Can You'

of the annual White House Tribal Nations Conference. Secretary Perez highlighted the department's work with Tribal Nations, including the Division of Indian and Native American Programs. Through the Employment and Training Administration, DINAP has awarded more than \$50 million to Tribal Nations and tribal organizations to assist Native Americans with job training and employment services.

- [Read About DINAP](#)

Teaming Up With the States



Solicitor of Labor Patricia Smith and Wage and Hour Division Principal Deputy Administrator Laura Fortman, both former state labor

officials, stressed the challenges and rewards of collaboration as they addressed the National Association of Government Labor Officials' annual meeting on July 29 in Boston. Smith spoke of "complementary enforcement" on issues including employee misclassification, using Memoranda of Understanding, joint enforcement and other collaborations between the department and states that maximize resources and results. "Our goal is not 'Gotcha!'," she said. "It is to get employers into compliance." Fortman noted the 75th anniversary of the Fair Labor Standards Act, describing the law as "still the fundamental protection for workers to ensure that they get decent wages." Of the more than \$927 million in back wages recovered by her agency since 2009, she said, "These monies are not gifts to workers. They are wages these folks earned but did not receive."

- [View the Slideshow](#)

Actors' Equity at 100

The U.S. Department of Labor and Actors' Equity Association, which represents actors and stage managers, have something very special in common: both



are commemorating their centennial this year. And since Actors' Equity turned 100, it has earned its rightful place in the department's "Century of Service Honor Roll of American Labor Organizations." The special exhibit, located in the lobby of the department's Washington, D.C., headquarters, recognizes labor unions that have reached their 100th anniversary. The exhibit began in 1992 and nearly 50 unions are included in it. During a ceremony held at Washington's famed Arena Stage July 29, Carl Fillichio, chairman of the department's centennial and senior advisor for public affairs and communications, inducted Actors' Equity into the exhibit, and noted: "Actors' Equity has not just made life and work better for those who hold an Equity card. For the past 100 years, this union has made life and work better for every stage actor and every stage manager in America. And the best is yet to come."

- [Learn More About The Century of Service](#)

In a new video, Secretary of Health and Human Services Kathleen Sebelius and Washington Nationals racing president Teddy Roosevelt demonstrate how to get information on new health insurance options made available through the Affordable Care Act. While Teddy lets Secretary Sebelius do the talking, his namesake was clear in his support of national health care when he said, "The health and vitality of our people are at least as well worth conserving as their forests, waters, lands and minerals, and in this great work the national government must bear a most important part." Health insurance marketplaces open on Oct. 1.

- [Watch the Video](#)
- [Learn More](#)

It Happened on the Hill

Senate Advances Workforce Investment Bill

In a strong bipartisan showing, the Senate Health, Education, Labor and Pension committee voted 18 to 3 to send Senate Bill S.1356, the Workforce Investment Act of 2013, to the full Senate for consideration. The bill offers a much needed update to the existing workforce system that ensures American workers have the skills they need to succeed and employers have the workforce they need to compete globally. It aims to improve the link between the workforce system and regional economies, while streamlining the overall system. In a statement, Secretary Perez praised the committee for advancing the legislation. "Reauthorizing the Workforce Investment Act will grow our economy, help restore middle-class security and empower more people to live the American Dream."

- [Read the Secretary's Statement](#)

International Scene

Improving Labor Compliance in Republic of Georgia

Up to \$2 million will be awarded to one or more organizations to improve compliance with labor laws in the Democratic Republic of Georgia. The Bureau of International Labor Affairs announced the competitive grant solicitation on July 29 to improve the government of Georgia's labor laws and respect for international labor standards. The project also will enhance the effectiveness of worker organizations in representing workers' rights and interests. The deadline for submitting applications is Oct. 2.

- [Read the News Release](#)

DOL Working for You

Gold Card Program Helps Delaware Veteran Land Energy Job

Air Force Master Sergeant David Wise taught members of the Afghanistan army how to store and handle petroleum fuel products for aircraft. But when he left the service and returned home to Delaware, he was uncertain about how to find a civilian job in his area of expertise. That's when Local Veterans Employment



Representative Clifford Rumph stepped in to help. Rumph enrolled Wise in the department's Gold Card program, which provides post-9/11-era veterans with guaranteed access to six months of intensive re-employment and case management services at thousands of American Job Centers. Wise said that Rumph "was a big help" in updating the veteran's resume, finding job openings, and sending him on multiple interviews. Rumph noted that "there is

In Sync With the Urban League



"I may be blind, but I can see clearly the promise of an American workforce that is inclusive of all people, including people with disabilities," said Kathy

Martinez, assistant secretary of labor for disability employment policy, in opening remarks at the Jobs Rebuild America plenary session of the National Urban League conference on July 25 in Philadelphia. Speaking before more than 200 people, Martinez outlined plans to explore how NUL and its affiliates can use ODEP's evidence-based practices and tools to help serve youth. Ben Seigel, deputy director of the Center for Faith-based and Neighborhood Partnerships, spoke at a conference workshop on Registered Apprenticeship. Seigel praised the work of the department's Advisory Committee on Apprenticeship for ensuring that under-represented groups are prepared for apprenticeship success. He challenged community leaders to reach out to the local apprenticeship office in their area and connect with existing RA programs or inquire about creating a new program.

- [Learn About Apprenticeship](#)

Raising Our Game

Office of Federal Contract Compliance Programs Director Patricia A. Shiu kicked off the 31st annual conference of the National Industry



Liaison Group in Indianapolis on July 31. Speaking to a standing-room-only crowd of more than 700 government contractors, Shiu urged proactive compliance. "I want you to understand that success for OFCCP and success for federal contractors is about more than just compliance," she said. "We all have to raise our game. We need to create a culture where diversity is not merely tolerated, or a result of tokenism, but where it is embraced." This was Shiu's fourth consecutive address to the NILG conference, which also featured a speech on Aug. 1 by Assistant Secretary for Disability Employment Policy Kathy Martinez, as well as presentations by OFCCP leaders and staff.

- [Read the Speech](#)
- [View the Slideshow](#)

Job Corps: YouTube Sensation?



Job Corps has launched a series of student interviews on a YouTube channel designed to raise awareness about the program and serve "as

an additional recruitment tool," according to National Director Grace Kilbane. Under the theme,

a hidden job market out there" made accessible only through continuous networking. Wise eventually was offered an energy industry job analyzing fuel samples at refineries along the East Coast.

Tongue Point Job Corps Makes River Data Shipshape



When a weather buoy at the mouth of the Columbia River went silent from a drained battery, Oregon's Tongue Point Job Corps Center dispatched its ship, the Ironwood, a 70-year-old, 180-foot former Coast Guard cutter, to replace it. More than 50 student crew members, under the direction of Len Tumbarello, a Coast Guard veteran and director

of the center's seamanship and technical training program, pulled the old buoy out of the water, then positioned and started a new one in its place. The new buoy immediately began to transmit wave height, direction and surface water temperatures — data used by the National Weather Service to alert vessels to water conditions. The students "got to help their maritime partners in person," Tumbarello said.

- [Learn About Job Corps Recruitment](#)
- [View the Slideshow](#)

DOL in Action

Hazard Alert on 1-Bromopropane

The chemical 1-bromopropane is used increasingly as a substitute for other solvents in degreasing operations, furniture manufacturing and dry cleaning. Exposure to the chemical, by breathing in vapors or spray mists and absorption through the skin, has been associated with damage to the nervous system. "Workers exposed to this toxic chemical can suffer serious health effects, even long after exposure has ended," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. On July 31, OSHA and the National Institute for Occupational Safety and Health jointly issued a hazard alert, which urges employers to take appropriate steps to protect workers and covers effective ways to minimize exposure, including eliminating the use of 1-BP and substituting the chemical with a less toxic substance or less hazardous material. The alert also highlights engineering controls, such as the installation of proper ventilation systems.

- [Read the Hazard Alert](#)
- [Read the News Release](#)

Mid-Year Mine Fatality Update

During the first half of 2013, 18 miners died in work-related accidents, according to the Mine Safety and Health Administration's mid-year summary of mining deaths. Nine miners each died in coal mining and metal and nonmetal mining accidents. Six coal miners died in less than 30 days — four of them in West Virginia — which led to increased actions by MSHA. "The one recurring element in the fatalities we've seen this year is that they were preventable," said Assistant Secretary of Labor Joseph Main, who heads MSHA. "Many mines operate every shift of every day, year in and year out, without a fatality or a lost-time injury. Mining workplaces can and must be made safe for all miners."

- [Read the News Release](#)
- [Read 'From the Assistant Secretary's Desk'](#)

Idaho Man Sentenced for Stealing Retirement Savings

The U.S. Attorney for the District of Idaho announced that former retirement plan trustee Matthew Hutcherson of Eagle, Idaho, has been sentenced to 210 months in prison for stealing more than \$5.3 million in retirement savings. The July 31 sentencing follows an investigation by the department's Employee Benefits Security Administration and the Federal Bureau of

"Success Lasts a Lifetime," the videos feature students explaining what courses they studied, the practical training they received, and how Job Corps helped prepare them to pursue a career path in blue and white collar occupations. Kilbane recently issued a directive throughout the Job Corps community, in which she asks outreach and admissions counselors, business and community liaisons, learning coordinators and Job Corps staff members to publicize and share information about the YouTube channel site.

- [Watch the Videos](#)

Equal Pay Symposium

The National Association of Commissions for Women held an equal pay symposium on July 25 as part of its three-day national



conference in San Jose, Calif. Department participants included Elmy Bermejo, director of Intergovernmental Affairs, who served on a panel with other leaders seeking to ensure pay equity. Bermejo focused on the department's efforts to promote equal pay and highlighted plans to mark the upcoming 50th anniversary release of "American Women: The Report of the President's Commission on the Status of Women." Bermejo lauded members of state and local commissions for their work promoting equal pay and workplace flexibility and encouraged further collaboration with the Women's Bureau.

- [Read White House Task Force Report](#)
- [View the Slideshow](#)

In Denver, All About Resources



The department joined Metropolitan State University in Denver to co-host a forum on resources and programs for employers, workers and

jobseekers. More than 140 federal contractors, community-based organizations and business representatives attended the July 24 event, which included presentations on the Affordable Care Act, federal contract compliance, affirmative action, fair compensation, veterans' resources and job seeking. Representatives from the Office of Federal Contract Compliance, Wage and Hour Division, Occupational Safety and Health Administration, Women's Bureau, Veterans' Employment and Training Service, Employee Benefits Security Administration and Office of the Solicitor all provided information about the department's activities, as did Dusti Gurule, the secretary of labor's Southwest regional representative.

- [View the Slideshow](#)

Investigation, which revealed that Hutcheson took money from retirement plans to pay for renovations to his home, purchase luxury vehicles and cover other personal expenses. In one instance, Hutcheson attempted to use more than \$3 million to purchase the Tamarack Resort, a golf and ski resort in Donnelly, Idaho. Hutcheson also was ordered to pay restitution to his more than 250 victims. "The defendant's despicable conduct jeopardized the financial security of workers covered by these pension plans," said Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi. "He funded a life of luxury at the expense of hundreds of people who were just trying to save for retirement. This case is indicative of our close and continued partnership with fellow federal agencies to vigorously pursue those who abuse their positions of trust and commit crimes against employee benefit plan participants."

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

Raising Awareness About High Noise Levels in New England

The Occupational Safety and Health Administration has launched a new outreach and enforcement regional emphasis program targeting the hazards of high noise levels in New England. With an emphasis on manufacturers of metal, plastic, stone and wood products, as well as meat, dairy and bakery production, the program aims to identify and inspect workplaces with high noise levels and raise awareness about the hazards associated with exposure to those levels. Approximately 22 million workers nationwide are exposed to potentially damaging noise each year, and thousands of workers suffer from preventable hearing loss.

- [Read the News Release](#)

Ohio Glass Manufacturing Plant Faces \$61,000 in Fines

Owens-Brockway Glass Container has been cited by the Occupational Safety and Health Administration with six safety violations following a complaint inspection initiated in March. Among the infractions was a repeat violation for lack of signs marking exit directions at the Zanesville, Ohio, facility. This same violation was cited at a plant in Atlanta in 2011. Five additional serious violations were cited for a lack of fall protection for workers on open-sided platforms, nonworking emergency lighting, failure to require the use of head protection; lack of an emergency eye washing station, and the use of an electrical panel box that not was protected from water and damp conditions. The violations carry proposed penalties of \$61,000.

- [Read the News Release](#)

Colorado Union to Hold New Election

The officers of American Postal Workers Union Local 229 in Aurora, Colo., have agreed to conduct a new election for the offices of clerk craft director, maintenance director, maintenance trustee and motor vehicle trustee. The election will be supervised by the Office of Labor-Management Standards and held by Jan. 10, 2014. An OLMS investigation found that Local 229's meeting attendance requirement disqualified more than 97 percent of the union's membership. The investigation determined that there were qualified members who would have run for office except for the union's meeting attendance requirement. The union's agreement with OLMS specifically states that the meeting attendance requirement will not be enforced in the supervised election. Additionally, the union agreed to remove this requirement from its bylaws.

Back Wages and Damages for Underpaid Agricultural Workers

Puerto Rico-based agricultural employers Jose V. Fabre Laboy, doing business as Bananera Fabre, and his son, Jose V. Fabre Santiago, doing business as Finca La Plata, have been ordered to pay \$275,000 in back wages and liquidated damages to 174 agricultural workers. An investigation by the Caribbean District Office of the Wage and Hour Division found that the defendants paid workers only \$6.25 to \$6.50 per hour instead of the legally required minimum of \$7.25 per hour. "These back wages can be life changing for these workers, who have worked long hours in the fields without earning the minimum wage to which they are entitled," said Jose R. Vazquez, director of the division's Caribbean District Office.

Construction Safety Fair

Construction workers, family members, employers and construction industry officials gathered on July 28 at the Santé Fe Mall in Duluth, Ga., to discuss worker safety and construction specific hazards. The event was jointly hosted by the Occupational Safety and Health Administration and the Georgia Hispanic Construction Association. Participants observed tool and equipment safety demonstrations, and took part in workshops covering ladder usage, landscaping, heat illness and personal protective equipment usage. "This was an opportunity for Hispanic workers to also involve their families and educate them on the culture of workplace safety and health, so that everyone knows what to expect in a safe workplace," said Christi Griffin, director of the Atlanta-West Area Office. More than 175 people attended the half-day safety fair.



• [Read the News Release](#)

Safety Training for Federal Workers

One-hundred and fifty federal personnel responsible for keeping federal workers safe and healthy on the job attended a series of half-day seminars from July 30 to Aug. 1. This week-long activity, also known as FEDWEEK, is hosted by the Occupational Safety and Health Administration and held at OSHA's Training Institute in Arlington Heights, Ill. The event consisted of 18 seminars featuring 625 separate performances conducted by the Training Institute in collaboration with the agency's Office of Federal Agency Programs. The training courses, also open to private sector workers and federal contractors, focused on potential workplace hazards, such as distracted driving, ergonomics, confined spaces, hearing conservation and fall protection.

• [Read About the Seminars](#)
 • [Visit the FEDWEEK 2013 Page](#)

Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 326,000 for the week ending July 27, a decrease of 19,000 from the previous week. The four-week moving average was 341,250, down 4,500 from the previous week's revised average.

• [Read the News Release](#)

Upcoming Deadlines & Events

Open Funding Opportunities

EBSA — Health Benefits Laws Compliance Assistance Seminar

• [August 6 — Mesa, AZ](#)

OFCCP — Common Problem Areas for Federal Contractors

• [Read the News Release](#)

Texas Employer Cited After Worker Killed When Barrel Explodes

SCR Construction Co. Inc. was cited with 17 safety violations by the Occupational Safety and Health Administration and placed in the agency's Severe Violator Enforcement Program following a worker's death in January. The worker was killed when the flammable barrel he was torch-cutting exploded at the employer's maintenance yard in Richmond, Texas. A willful violation was cited for failing to thoroughly clean drums or barrels containing flammable substances before welding or cutting work to prevent worker exposure to ignition or toxic emissions. Twelve serious violations were cited for failing to provide hand and eye protection, lockout and tagout energy sources, train and certify workers on powered industrial trucks, provide machine guarding, properly store and handle compressed gas, and provide hazard communication training. SVEP mandates targeted follow-up inspections to ensure compliance with the law.

• [Read the News Release](#)

California Noodle Maker to Pay \$208,864 for Labor Violations

Rama Food Manufacture Corp. in Ontario, Calif., along with company officers Karen Trang Ving and Jonathan Ving, have been ordered to pay 36 current and former employees \$195,400 in back wages and liquidated damages, and \$13,464 in civil penalties. A consent judgment obtained by the department in federal court resolves an investigation by the Wage and Hour Division that found the company willfully violated the Fair Labor Standards Act's overtime and record-keeping provisions. The penalties and damages were assessed after investigators found the employer had posters at its facility that identified current labor laws, yet continued to commit willful violations of the FLSA.

• [Read the News Release](#)

Safety Partnership in Milwaukee

The Occupational Safety and Health Administration has established a strategic partnership with Greenfire/Gilbane and the Milwaukee Building & Construction Trades Council, AFL-CIO, to protect workers during the Potawatomi Hotel construction project in Milwaukee. The 371,000-square-foot hotel, a \$47 million project, will be constructed adjacent to the Potawatomi Bingo Casino, which is expected to be completed in the summer of 2014. Safety goals will focus on maintaining lost-time injury and illnesses at a rate 25 percent below the national industry average; increasing the number of workers, employers and supervisors who have completed relevant safety training; and increasing awareness of ladder hazards.

• [Read the News Release](#)

Sugar Producer Faulted for Combustible Dust, Other Violations

The Western Sugar Cooperative in Billings, Mont., has been cited for 17 safety and health violations, including 12 serious and four repeat, following a January inspection by the Occupational Safety and Health Administration. Repeat violations involve excessive accumulations of combustible coal dust, unguarded elevated platforms, lack of signs on permit spaces and unguarded horizontal shafting. OSHA has inspected the company 16 times since February 2008, finding 30 violations at work sites in Montana, Nebraska, Colorado and Wyoming. The Denver-based sugar producer faces \$193,300 in proposed fines.

• [Read the News Release](#)

Arizona Contractor Pays \$103,000 in Back Wages, Damages

Flooring Demolition Specialists LLC in Tempe, Ariz., paid \$103,544 in back wages and liquidated damages to 24 employees after the Wage and Hour Division found that the employer willfully violated the Fair Labor Standards Act's overtime and record-keeping provisions. The employer also has paid \$6,000 in civil money penalties because of the willful nature of the violations. Investigators found that some employees did not receive an overtime premium for hours worked beyond 40 per week. Other employees performing the same type of work did receive proper overtime pay.

• [Read the News Release](#)

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

OFCCP — Compliance Assistance for New/Small Contractors

- [August 21 — Chicago, IL](#)

OFCCP — Construction and Compliance Webinar

- [August 15 — Portland, OR](#)

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

- [August 21 — Pittsburgh, PA](#)

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

Court Grants Injunction to Remove Plan Trustee

The department has obtained a preliminary injunction in part against George S. Hofmeister and Bernard Tew, former fiduciaries of four Lexington, Ky.-based pension plans: the Hillsdale Salaried, Hillsdale Hourly, Revstone Casting Fairfield GMP Local 359 and Fourslides Inc. The motion, entered in U.S. District Court for the Eastern District of Kentucky, followed previously filed lawsuits in the same court that named Hofmeister and Tew, among others. Hofmeister was the trustee of the four pension plans, and Tew was managing director of their investment service provider, Bluegrass Investment Management LLC. The court's order removes Hofmeister as a fiduciary of the plans and prohibits him from taking any actions with respect to the pensions plans or their assets. Tew resigned as fiduciary of the plans a few days before a hearing regarding the department's motion. The suits follow an Employee Benefits Security Administration investigation that found violations of the Employee Retirement Income Security Act, alleging improper use of \$4.9 million in pension funds.

- [Read the News Release](#)

Lawsuit Filed to Secure Back Wages for 63 Ohio Workers

The department filed a lawsuit in federal district court against MPW Industrial Services Inc. and company president Monte Black after an investigation by the Wage and Hour Division disclosed evidence of violations of the Fair Labor Standards Act's minimum wage, overtime and record-keeping provisions. The lawsuit seeks to recover unpaid minimum wage and overtime compensation for 63 current and former employees of the Lorain, Ohio, facility, and requests the court to permanently enjoin the defendants from committing future violations of the FLSA. MPW Industrial Services provides industrial support services, such as cleaning, to area steel mills.

- [Read the News Release](#)

Minors Subjected to Hazardous Jobs at Big Fireworks

American Eagle Superstore Inc. and its subsidiary Bib Primo LLC, both doing business as Big Fireworks in Lansing, Mich., agreed to pay 119 employees \$55,891 after the Wage and Hour Division found overtime and minimum wage violations under the Fair Labor Standards Act. The employees worked in Michigan, South Carolina and Indiana. American Eagle also paid \$4,650 in civil penalties for child labor violations. The investigation found that the company violated hazardous orders regulating child labor when it allowed minors to operate forklifts and work in warehouses where fireworks were stored. The company and its subsidiary also failed to pay warehouse, retail store and tent employees at time and one-half their hourly rates of pay for hours worked beyond 40 per week, instead paying straight time or a salary for all hours worked.

- [Read the News Release](#)

Army Test Center on Notice for Safety Violations

The U.S. Army's Aberdeen Test Center has received notices from the Occupational Safety and Health Administration regarding 11 alleged violations of commercial diving safety standards at its Aberdeen, Md., facility. OSHA's investigation began in January following the fatality of a civilian engineering technician, who died while performing routine maintenance at ATC's Underwater Explosion Test Facility, known as the "super pond." Violations include the lack of a qualified, designated person in charge on the surface to manage all aspects of a dive; allowing diving activities to be performed without a standby diver; and no available reserve breathing air supply during diving activities.

- [Read the News Release](#)

Company Agrees to Improve Family and Medical Leave Compliance

Hawker Beechcraft Inc. of Wichita, Kan., signed a compliance agreement after the Wage and Hour Division found the company interfered with employees' rights under the Family and Medical Leave Act. "Our investigation revealed that Hawker Beechcraft's policies discouraged workers from applying for FMLA leave because employees feared reprisals, violation of privacy and, ultimately, loss of employment," said Patricia Preston, the

OFCCP Audit

- [August 30 — Milwaukee, WI](#)

OFCCP — Retaliation Complaints

- [August 15 — Omaha, NE](#)

OFCCP — US DOL Forum

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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](#)

OLMS — Compliance Assistance Seminar

- [August 6 — Philadelphia, PA](#)

OSHA — Advisory Committee on Construction Safety and Health Meeting

- [August 22 — Washington, DC](#)

WB — Green Businesses for Latinas Workshop

- [August 19 — Philadelphia, PA](#)

WHD — Understanding Special Minimum Wages under Section 14(c) of the FLSA

- [August 5 — Charlottesville, VA](#)
- [August 9 — Denton, TX](#)

division's district director in Kansas City, Mo. The investigation found that Hawker Beechcraft required employees to submit complete medical records to the company physician prior to scheduling an appointment for a second opinion. It allegedly terminated those employees who failed to provide these private medical records in a timely manner. The company has agreed to provide FMLA training to its 6,000-member workforce.

- [Read the News Release](#)

Guam Shipyard Faces Nearly \$300,000 in Fines

Guam Industrial Services Inc. in Santa Rita, doing business as Guam Shipyard, has been cited by the Occupational Safety and Health Administration with 61 safety and health violations, including 46 serious and seven repeat ones. Serious violations include electrical hazards, such as failure to guard lights from damage, ground equipment, provide covers on electrical box openings, and ensure wiring was protected from abrasion and strain. Repeat violations involve inadequate guardrails and fall prevention, failure to remove defective gear used with cranes, lack of eye protection and electrical wiring hazards. The company faces \$293,450 in proposed fines. OSHA's Honolulu Area Office conducted this inspection under the agency's Local Emphasis Program for Shipyards.

- [Read the News Release](#)

Maryland Federal Contractor Settles Sexual Harassment Case

L&M Construction, a federal contractor based in Capitol Heights, Md., has entered into a conciliation agreement with the Office of Federal Contract Compliance Programs to settle allegations that it permitted sexual harassment, retaliated against workers who complained about a hostile work environment, and interfered with a federal investigation. The agreement resolves these and other violations of law at the company's construction work sites across the Washington metropolitan area. Under the terms of the agreement, the company will pay \$112,573 in back wages to 14 terminated workers and will make job offers as opportunities become available.

- [Read the News Release](#)

Virginia Air Carrier Ordered to Reinstate Whistle-blower

Manassas, Va.-based Metropolitan Aviation LLC has been ordered by the Occupational Safety and Health Administration to reinstate a pilot after a whistle-blower investigation determined the company violated the pilot's rights when he was fired for reporting an emergency landing. OSHA found merit to the pilot's complaint alleging retaliation for protected activity under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century and has ordered the company to pay back wages of more than \$140,000 for the period June 2010 through June 2013.

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Brokerage Firm Agrees to Return Illegal Retirement Plan Profits

Plymouth Meeting, Pa.-based Dietrich & Associates Inc., and CEO and sole shareholder Kurt E. Dietrich have been ordered under a consent judgment to return \$272,722 to the participants and beneficiaries of a retirement plan sponsored by Memorial Hospital-West Volusia Inc. in Deland, Fla. The judgment resolves a lawsuit filed by the department following an investigation by the Employee Benefits Security Administration. The lawsuit alleges that the company violated ERISA when it obtained the money inappropriately while providing services to the plan. The company also has been ordered to pay a \$27,273 penalty for the violation.

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Iowa, Nebraska Grocery Stores Violated Child Labor Laws

A multiyear enforcement initiative by the Wage and Hour Division that focused on grocery stores in Iowa and Nebraska found widespread violations of the Fair Labor Standards Act's child labor provisions. The investigations uncovered child labor violations among 28 grocery stores under the names of Fareway Stores Inc. and Hy-Vee — two of the largest grocery store chains in the area. These violations included allowing minors to perform prohibited hazardous occupations, such as loading and/or operating power-driving paper balers, meat slicers, bakery machines and a motor vehicle. Fareway

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Stores Inc. has signed a settlement agreement with the department, committing to ensure future compliance with the FLSA at all of its present and future establishments. Civil penalties total more than \$128,500.

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