



# UNITED STATES DEPARTMENT OF LABOR

## DOL News Brief

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August 29, 2013

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### Jobs. Freedom.



"A massive federal program to train and place all unemployed workers, Negro and white, on meaningful and dignified jobs at decent wages. A national minimum wage act that will give all Americans a decent

standard of living. (Government surveys show that anything less than \$2 an hour fails to do this.) A broadened fair labor standards act to include all areas of employment which are presently excluded. A federal fair employment practices act barring discrimination by federal, state and municipal governments and by employers, contractors, employment agencies and trade unions." These were the job-related demands outlined in Bayard Rustin's "Organizing Manual No. 2," which set the final agenda and the logistics for the March on Washington for Jobs and Freedom that took place on Aug. 28, 1963. Civil and labor rights leaders had been planning a massive demonstration on the National Mall since at least 1940, when A. Philip Randolph, the head of the Brotherhood of Sleeping Car Porters, approached President Franklin D. Roosevelt with demands that he end discrimination in the armed forces, promising a major march if the president failed to meet those demands. Roosevelt did not fail. But more than 20 years later, the fight for civil rights and economic justice had swelled into a national outcry against inequality and lack of opportunity. Randolph was joined by a broad coalition that included the labor and faith communities — and 250,000 Americans who had come from every corner of the nation by rail, bus and car — on that summer day 50 years ago to march and hear from the visionaries of the time: the fiery words of John Lewis, Martin Luther King, Jr.'s "I Have a Dream" speech, the songs of Bob Dylan. After the march, its leaders arrived for a meeting at the Oval Office, attended by President John F. Kennedy, Vice President Lyndon B. Johnson and Secretary of Labor Willard Wirtz. Later, appearing on ABC News' "Issues and Answers," Wirtz revealed the most urgent item on the meeting's agenda:



### What's New

#### Labor Day & Department in the News

What are Labor Secretary Thomas E. Perez's thoughts on jobs and the economy, raising the minimum wage, skills training and the state of the American workforce? Find out this Labor Day weekend, as he hits the airwaves and takes his message about the "Department of Opportunity" directly to viewers across the country and around the world. Highlights of Perez's many appearances include his first national television interview with Maria Bartiromo, host of CNBC's "On The Money." Taped outside the New York Stock Exchange and in front of a live audience, Bartiromo and Perez discussed a range of issues, including the department's outreach to the business community and the department's role in implementing the Affordable Care Act throughout the nation's workplaces. Perez also sat down for an interview with USA Today's Washington bureau chief Susan Page for a story that will appear in that paper's weekend edition, as well as a video segment called "Capital Download" on USA Today's website. Viewers of PBS's "NewsHour" will also learn about Perez's agenda for the Labor Department during an interview with national correspondent Ray Suarez. A recap of the secretary's Labor Day interviews will be available in next week's newsletter.



- [CNBC's "On the Money"](#)
- ["Capital Download" on USA Today](#)
- ["PBS NewsHour"](#)

#### Reflection and Renewal: The March on Washington

It was an exhilarating week of remembrance and celebration, as the nation marked the 50th anniversary of the March on Washington. Secretary Perez, as the current secretary of labor and former assistant attorney general for civil rights, was uniquely equipped to underscore the twin goals of marchers then and now — economic justice and racial justice. Perez kicked off the week with a keynote address to the A. Philip Randolph Institute's National Education Conference, where he described the labor rights and civil rights

"Equality of opportunity in general, but the necessity particularly of equality of opportunity for work."

- [Read the Transcript of Wirtz's Remarks](#)
- [View the Centennial Timeline](#)
- [View the Centennial Video](#)



movements as "inextricably intertwined, their interests converging time and time again, their goals essentially the same." Shortly after 50th anniversary marchers passed by the department's headquarters on Constitution Avenue on Aug. 28, Perez joined President Obama and thousands of others at the Lincoln Memorial for the "Let Freedom Ring" commemoration ceremony.

- [View the Slideshow](#)

## MINIMUM WAGE MYTH BUSTER

Myth: The main goal of the 1963 March on Washington was to eliminate racial discrimination. Not true: While the march and the Rev. Martin Luther King Jr.'s "I Have a Dream" speech in particular did call for racial equality and civil rights legislation, the event also had an economic component, including a call for a higher minimum wage. Organizers of the March on Washington for Jobs and Freedom also demanded a public works program and job training, and an end to discrimination in hiring, among other things.

- [Subscribe to Minimum Wage Updates](#)

### Bayard Rustin Joins Hall of Honor



"Bayard Rustin is perhaps our most overlooked American hero. I don't know that there's a man or woman in our history who's done more for human rights, with less recognition, than Bayard Rustin," Secretary Perez noted at an emotional and long overdue tribute to the civil rights leader held earlier this week at

Washington's historic Lincoln Theater. "But that's changing now," Perez added, "thanks largely to President Obama's decision to posthumously award him the Presidential Medal of Freedom." And then the labor secretary surprised and delighted the crowd with this announcement: "Now, I don't have something quite that prestigious to bestow, but I want to do my part. So today, on my 34th day as your secretary of labor, I want to correct a longstanding oversight and injustice by formally inducting Bayard Rustin into the Labor Department's Hall of Honor." Rustin joins other luminaries in the prestigious Labor Hall of Honor, including former Labor Secretaries William Wilson, Frances Perkins and George Mitchell; civil rights and labor leaders A. Philip Randolph and Cesar Chavez; and mine worker icon Mary Harris "Mother" Jones.

- [Read the Blog Post](#)
- [Visit the Hall of Honor](#)

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

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

- [The Case for Comprehensive Immigration Reform: Las Vegas Edition](#): After sitting down with leaders from the travel and tourism industry in Las Vegas, Secretary Perez explains why that business community has placed itself firmly within the growing coalition calling for action on the bipartisan Senate bill to reform the immigration system. One overlooked aspect of the bill is the way it helps the travel and tourism industry by streamlining the visa system and reducing growing wait-times for travelers. That's a big deal for Las Vegas' \$40 billion tourism industry, which supports 370,000 jobs. "I like to say that the movement for comprehensive immigration reform must be both a grassroots and a *grasstops* movement," Perez writes. "In Las Vegas, that *grasstops* movement showed itself to be a compelling force for change with a strong, unified voice that can help us achieve real progress."
- [Giving Workers the Tools to Build a Brighter Future](#): In a testament to the power of good jobs to transform lives, Pilar Velasquez, an international relations officer in the department's Bureau of International Labor Affairs, tells the

### Standing Up for Workers During Labor Rights Week

Empowered workers and educated employers are the key to ensuring safe and fair workplaces. That's the message of Labor Rights Week, an annual observance dedicated to informing workers about their rights and responsibilities and assisting and encouraging employers to comply with labor laws. It's a partnership that includes the Labor Department, Equal Employment Opportunity Commission, National Labor Relations Board, and stakeholders. Among the stakeholders are foreign embassies and consulates, worker rights groups, faith-based organizations, neighborhood



story of Francisco, a worker from Brazil. Francisco had endured years of bondage tapping rubber (the process by which latex is collected from a rubber tree) before interventions supported by ILAB helped him gain the skills to operate a bakery.

• [Champions of Women's Work](#): Aug. 19 was Women's Equality Day — a day that commemorates the passage of the 19th Amendment, which guaranteed U.S. women the right to vote. In a week when we commemorate the zenith of the labor and civil rights movements with the March on Washington in 1963, Latifa Lyles, acting director of the Women's Bureau, traces the history of the fight for gender equality and the role of her agency in promoting economic security for working women.

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## Big Apple Partners

Who says the labor-management relationship always has to be adversarial? In New York City and elsewhere, labor and management have built



an innovative partnership to prepare workers for health-care jobs. On Aug. 23, Secretary Perez toured classrooms and talked with participants and staff at 1199SEIU's Training and Employment facility. With pride and emotion, Melissa Lovelace-Hendy told the secretary how she felt "truly blessed by the 1199 union" to receive the skills training that is allowing her to start work as a licensed practical nurse.

• [View the Slideshow](#)

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## Outreach to American Legion

Following Vice President Biden's announcement a day earlier of two new final rules from the department, Deputy Secretary Seth D. Harris addressed the American Legion National Convention on Aug. 28 in Houston. Harris spoke about the Veterans' Employment and Training Service, including recent gains in federal hiring of veterans, partnerships that are spurring veterans' hiring in the private sector, and the work VETS is doing to guide service members through the Transition Assistance Program. Additionally, Harris discussed efforts to translate military credentials to civilian ones and the integrated services — and veterans' preference — available at American Jobs Centers. Finally, Harris spoke in detail about the Vietnam Era Veterans' Readjustment Assistance Act and 503 Final Regulations announced the previous day. "These rules are necessary because veterans and disability hiring doesn't just happen," said Harris. "It takes work. It takes a sustained commitment. It takes a plan. And it takes employers working with the federal government, and veteran service organizations like the American Legion."

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## Job Corps Grads Challenged

coalitions and unions. This year, in an energetic and widespread effort, the department's Wage and Hour Division and Occupational Safety and Health Administration conducted a series of events to get the word out. In Houston on Aug. 27, Principal Deputy Administrator for the Wage and Hour Division Laura Fortman spoke at the Mexican consulate's Labor Rights Week kick-off ceremony, discussing the many resources available to assist workers and employers. Other events included a presentation on safety at a Chinese Community Center in Houston, presentations to a high school of the construction arts in Tampa about construction safety hazards, and a forum at the Philippine Embassy in Washington for students from the Philippines and participants from the embassies of Indonesia, Singapore and Thailand. These initiatives help thousands of workers across the country gain awareness about minimum wage, overtime requirements, safety and health standards, family and medical leave, employment discrimination laws, complaint procedures and more.

- [View the Slideshow](#)
- [Read Our Labor Rights Week Blog](#)
- [Labor Rights Week Information, Outreach Materials](#)
- [Watch a Labor Rights Week Video Message from Secretary Perez](#)

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## National News

### Rules to Boost Hiring of Veterans, Persons With Disabilities

New Department of Labor regulations will improve hiring and employment of people with disabilities and veterans, Vice President Biden announced on Aug. 27. Two final rules will update requirements under the Vietnam Era Veterans' Readjustment Assistance Act and Section 503 of the Rehabilitation Act, which require federal contractors and subcontractors to affirmatively recruit, hire, train and promote qualified veterans and people with disabilities. "In a competitive job market, employers need access to the best possible employees," said Secretary Perez. "These rules make it easier for employers to tap into a large, diverse pool of qualified candidates." The rules will become effective 180 days after their publication in the Federal Register.

- [Read the News Release](#)
- [Read the Secretary's Blog](#)
- [Listen to the Press Call](#)
- [Learn About the VEVRAA Rule](#)
- [Learn About the Section 503 Rule](#)

### Silica Proposal Updates 40-Year-Old Permissible Exposure Limit



Millions of workers each year are exposed to crystalline silica, which puts them at risk of developing silicosis, lung cancer, chronic obstructive pulmonary disease and kidney disease. On Aug. 23, the Occupational Safety and Health Administration announced a proposed rule to lower that risk. The proposal

would update the current permissible exposure limit, which is more than 40 years old. Exposure to airborne silica dust occurs in operations involving cutting, sawing, drilling and crushing of concrete, brick, block and other stone products and in operations using sand products, such as in glass manufacturing, foundries and sand blasting. "Every year, exposed workers not only lose their ability to work, but also to breathe," said Assistant Secretary of Labor Dr. David Michaels, who heads OSHA. "This proposal is expected to prevent thousands of deaths from silicosis — an incurable and



Assistant Secretary of Labor for the Office of Disability Employment Policy Kathy Martinez delivered a heartfelt keynote at the Treasure Island Job

Corps Center graduation ceremony on Aug. 23 in San Francisco. Martinez shared her own stories of growing up with a disability and cajoled the graduates to challenge low expectations, aspire for greatness and lead by example. "Diversity drives innovation," she remarked. "It leads to better solutions to problems because it leverages everyone's strengths, abilities and perspectives — yours included." Treasure Island is one of 125 Job Corps centers helping young people ages 16 through 24 improve the quality of their lives through career, technical and academic training

- [View the Slideshow](#)

## Protections for Flight Attendants

A final rule aimed at improving the safety of flight attendants was issued on Aug. 22 by the Federal Aviation Administration, giving the Occupational Safety and Health Administration jurisdiction over certain safety issues not covered by FAA regulations. While the FAA's safety regulations take precedence, OSHA standards will apply towards hazardous chemical communication, bloodborne pathogen exposure, hearing conservation programs, record keeping, and access to worker and medical records. "It is imperative that cabin crewmembers have the same level of safety assurances they provide the public," said Secretary Perez. Citing alliance resources, Assistant Secretary of Labor Dr. David Michaels, who heads OSHA, added that his agency looks "forward to working with the FAA and, through our alliance with the aviation industry and labor organizations, improving the safety of cabin crewmembers."

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

## Focus on Financial Protections

Collaboration will expand access to services and resources people with disabilities can use to improve their financial capability.



On Aug. 26, Kathy Martinez, assistant secretary of labor for disability employment policy, joined Richard Cordray, director of the Consumer Financial Protection Bureau, in signing a Memorandum of Agreement between their respective agencies. ODEP and CFPB will team up on high-impact public policy initiatives to advance the employment of people with disabilities and help them achieve financial security. "ODEP looks forward to working with CFPB to create a national consumer financial protection policy platform that transcends our

progressive disease — as well as lung cancer, other respiratory diseases and kidney disease." Based on extensive scientific analysis and review, the rule would save hundreds of lives per year and prevent 1,600 new cases of silicosis annually, once the full effects of the rule are realized.

- [Read the News Release](#)
- [Read the Blog Post](#)
- [Learn More About the Proposal](#)

## Skills Matter for Women Veterans

To tackle unemployment among women veterans, who are the fastest-growing veteran population, the Veterans' Employment and Training Service in collaboration with the Women's Bureau continues its series of symposia and stakeholder dialogues. The Aug. 29 session in Washington



focused on identifying the skills women veterans possess and need in order to achieve economic security. It began with a welcome from Secretary Perez, who emphasized the guiding principle that "we must commit each and every day to serving our veterans as well as they've served us." VETS Assistant Secretary of Labor Keith Kelly and Deputy Assistant Secretary Teresa Gerton also addressed the assembly of some 60 participants from government, academia and the private sector before the group launched into a series of presentations and discussions focused on different aspects of women veteran employment efforts. In the afternoon, breakout groups engaged in dynamic discussions on topics such as "thinking outside the box for employment solutions for women veterans" and "where should the research be for employment solutions for women veterans." VETS also welcomed Army veteran Nancy Glowacki to the Women Veterans Initiative team. Glowacki will serve as the agency's first-ever women veterans program manager. The goal of the ongoing initiative is, as Gerton explained, "to establish data-informed programs that not only address the immediate needs of our unemployed women veterans, but resolve the challenges for the long term."

- [Listen to the Secretary's Remarks](#)
- [Learn About Women Veterans Initiative](#)
- [View the Slideshow](#)

## News You Can Use

### McGuire, Maguire and Labor Day

Today, we associate Labor Day with the end of summer and leisure time with our families and loved ones, but the holiday actually was forged in the fevered, chaotic and sometimes bloody struggles of the early labor movement. The first Labor Day celebration was held on Sept. 5, 1882, by the Central Labor Union in New York City as a street parade followed by a festival for the recreation and amusement of workers and their families. But who, exactly, deserves credit for its creation may be lost to history. Some records show that Peter J. McGuire, general secretary of the Brotherhood of Carpenters and Joiners and a cofounder of the American Federation of Labor, was first in suggesting a day to honor those "who from rude nature have delved and carved all the grandeur we behold." Other research suggests that Matthew Maguire proposed the holiday in 1882 while serving as secretary of the Central Labor Union. The first governmental recognition came through municipal ordinances passed during 1885 and 1886, with the first state law recognizing the holiday passed by Oregon on Feb. 21, 1887.

respective systems," Martinez said. "Through this agreement we will ensure that those most at risk of abusive financial practices have access to the resources they need to make informed financial choices."

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## Students Show Off Tech Skills



Four computer technician students from the Dr. Benjamin L. Hooks Job Corps Center in Memphis, Tenn., volunteered to update computers and software used by the United Way of the Mid-South and its Earned Income Tax Credit Alliance, which helps low-income families prepare their taxes. The students — Mitchell Pickens, Cliff Curry, Aaron Sanders and Ladarius Williams — installed software and updated programs on more than 60 United Way laptop computers. Hook's CST instructor Ileana Bowles said the project gave the students a chance to act "like IT professionals." Student Williams said the experience "enhanced my knowledge of computers."

- [Learn About Job Corps Recruitment](#)

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## Construction Safety Update

A new website for women in construction and a proposed rule on protecting workers from crystalline silica were among the announcements made at the Aug. 22-23 meeting of the Advisory Committee for Construction Safety and Health. ACCSH, enacted under the Construction Safety Act, has for nearly 40 years advised the assistant secretary of labor for occupational safety and health on construction standards and policy matters. The current assistant secretary, Dr. David Michaels, gave an agency update and highlighted new Bureau of Labor Statistics' preliminary data on fatal occupational injuries, which showed a decrease from 2011 to 2012. The committee meets up to four times a year, and its 15 members serve two-year terms representing the interests of the public, employers, employees and state government.

- [Learn About ACCSH](#)
- [Visit Women in Construction Website](#)

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## Safety Campaign on Big D Buses

Posters proclaiming the message, "Stop falls in construction," currently are appearing on Dallas Area Rapid Transit buses, courtesy of the Occupational Safety



and Health Administration. OSHA's fall prevention awareness campaign is aimed at educating employers and workers about working safely from heights. According to agency data, from Aug. 15, 2012 to Aug. 15, 2013, 33 percent of construction fatalities in the Dallas/Fort Worth area were

On June 28, 1894, Congress passed an act making the first Monday in September a legal holiday in the District of Columbia and the territories, which has evolved over the years to become a celebration of the social and economic achievements of American workers and their contributions to the strength, prosperity and well-being of our country.

- [Read About the History of Labor Day](#)

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## DOL Working for You

### Army Vet Lands Technology Job in California

After two tours of duty in Afghanistan as a telecommunications specialist, Army veteran Joe Hernandez was determined to find a good career position stateside to support his wife and infant daughter. So he turned to the Veterans Network Workshops, run by California's Employment Development Department. Under the guidance of Disabled Veteran Outreach Program Specialist John Plane, himself a Vietnam Army veteran, Hernandez received help crafting his resume,



looking for employment and preparing for job interviews. "Joe absorbed the workshop lessons with astonishing speed and moved his resume from military jargon to civilian bullet points," Plane said. Hernandez's hard work soon paid off. Recently he was hired by the California Highway Patrol as an associate information systems analyst. "It is good to know people care about you being a vet," Hernandez said of the help he received.

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## DOL in Action

### San Francisco Giants Pay \$545,000 in Back Wages, Damages

The San Francisco Giants baseball team has paid \$544,715 in back wages and liquidated damages to 74 employees after an investigation determined that the major league club failed to properly pay the workers. As a result of the investigation, Major League Baseball and the department are now working to ensure that all teams are aware of and adhere to the requirements of the Fair Labor Standards Act. Investigators with the department's Wage and Hour Division found minimum wage, overtime pay and record-keeping violations. The violations affected a range of employees in the organization at the major and minor league levels, including clubhouse assistants and managers.

- [Read the News Release](#)

### Ohio Company Liable for Nearly \$1.5 Million in Back Wages

The U.S. District Court for the Southern District of Ohio found Cascom Inc. liable for \$1,474,266 in back wages and liquidated damages. According to the lawsuit filed by the department, approximately 250 cable installers had been misclassified as independent contractors by the Fairfield, Ohio, company. The court issued its findings following an investigation by the Wage and Hour Division. Previously, the court ruled that the company and its owner, Julia J. Gress, had misclassified the employees and violated the Fair Labor Standards Act by failing to compensate them for hours worked in excess of 40 per workweek.

- [Read the News Release](#)

related to a fall. The percentage was slightly less for the entire state. OSHA regulations dictate that employers must provide fall protection and the right equipment for the job, including the correct kinds of ladders, scaffolds and safety gear. Workers also need training to understand the proper setup and safe use of specific equipment they will use to complete the job.

- [Read the News Release](#)
- [Learn About the Fall Prevention Campaign](#)

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## ERISA Council Briefings

Retirement and health-care policy experts from the Employee Benefits Security Administration updated the ERISA Advisory Council on Aug. 28 about agency activities and priorities. Coming amid a three-day public meeting, updates included the release of an online retirement toolkit, status of a project examining lifetime income illustrations for 401(k)-type plan participants, and the extension and renewal of a memorandum of understanding with the Securities Exchange Commission. On the health-care front, officials briefed the council on Affordable Care Act implementation efforts underway for the Oct. 1 opening of the new health insurance marketplaces. During a question-and-answer session, EBSA staff affirmed that an upcoming re-proposal of a rule to reduce conflicts of interest in the retirement marketplace remains a top priority.

- [View the Retirement Toolkit](#)
- [Read the MOU](#)
- [Visit the Marketplace](#)

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## Keeping Workers Safe

The Voluntary Protection Program Participant's Association welcomed Dr. David Michaels, assistant secretary of labor for occupational safety and health, to its 29th Annual National Conference on Aug. 26 in Nashville, Tenn. The four-day event brings together management and labor from VPP establishments nationwide for workshops, a safety products exposition and networking events to exchange best practices. As a keynote speaker, Michaels discussed the role of VPP members in protecting the growing temporary workforce and highlighted OSHA's proposed rule for crystalline silica, which will save hundreds of lives each year once the full effects of the rule are realized. In a video appearance, Secretary Perez greeted participants and praised the VPPPA for going above and beyond what the law requires. "I want to thank all of you for the leadership you've shown in the pro-active prevention of workplace fatalities, injuries and illnesses," said Perez. "I reject the false choice that says we can have job growth or job safety, but not both. You are proof positive that the two can go hand in hand."

- [Learn About Voluntary Protection Programs](#)

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## Safety and Health Star

The employees and management of Croda Inc.

### \$4.7 Million for Storm Relief in New York

A \$4,760,671 National Emergency Grant announced by the department on Aug. 26 will assist New York with cleanup and recovery efforts after severe storms and flooding struck the state's Mohawk Valley area from June 26 through July 4. The grant was awarded to the New York Department of Labor. "With this federal grant, impacted communities can move forward with cleanup and restoration activities while also providing temporary work opportunities for those in need of employment," said Secretary Perez.

- [Read the News Release](#)

### Home Depot Store in Ohio Fined for Blocking Exit Routes

The Occupational Safety and Health Administration has cited Home Depot Inc. for eight safety violations and fined the company \$150,700 following an inspection at its Reynoldsburg, Ohio, store. The inspection was initiated under the site-specific targeting program that directs enforcement resources to workplaces where the highest rates of injuries and illnesses occur. Several repeat violations included blocking exit routes and exposing workers to 120 volts of electricity. OSHA issues repeat violations if an employer was previously cited for the same or a similar violation of any standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. These same violations were cited at various Home Depot stores nationwide from 2010 through 2012.

- [Read the News Release](#)

### Lawsuit Alleges \$1.4 Million in Stock Losses

The department has filed a lawsuit against San Francisco's California Pacific Bank and four of its directors. The suit alleges that the defendants mismanaged Employee Stock Ownership Plan assets resulting in potential plan losses totaling approximately \$1.4 million. Furthermore, after terminating the ESOP in 2010, the fiduciaries violated the Employee Retirement Income Security Act by failing to liquidate and distribute plan assets in cash to plan participants, as required. Because the bank is not a publicly traded company, participants were left with shares of the company's stock they could not easily liquidate for cash, if at all. The lawsuit asks the court to require the defendants to restore all plan losses and permanently bar them from serving as fiduciaries or service providers to any employee benefit plan subject to ERISA.

- [Read the News Release](#)

### 2 Ohio Workers Injured by Unguarded Machines

American Excelsior Co. has been cited by the Occupational Safety and Health Administration for 12 serious safety violations. Proposed penalties total \$65,000 following incidents where two workers were injured because of a lack of machine guarding at the Norwalk, Ohio, production facility. OSHA initiated its inspection in May after receiving multiple complaints about unsafe working conditions. Violations included lack of personal protective equipment for the hands, not having standard guard and stair railings, failing to use energy control procedures and train workers in lockout/tag out procedures, and a lack of machine guarding on various pieces of equipment.

- [Read the News Release](#)

### Arizona Car Wash Pays \$313,000 in Back Wages

A Tucson car wash franchisee has paid \$313,333 in back wages following an investigation by the Wage and Hour Division, which found the company violated the Fair Labor Standards Act's minimum wage requirements. Nearly 300 current and former employees at three Octopus Car Wash locations are eligible for back pay. Workers were required to remain on the premises when business was slow but placed in non-pay status, on average, three hours per day. The employer also was fined for child labor violations after investigators found one 14-year-old and two 15-year-olds working more than 8 hours per day at one location.

were recognized by the Occupational Safety and health Administration for excellence concerning the company's employee safety and health program during a ceremony on Aug. 27 at the manufacturer's Mill Hall, Pa., facility. Croda Inc. was designated a "star," the highest honor in OSHA's Voluntary Protection Programs, following a comprehensive on-site evaluation by a team of the agency's safety and health experts. The company employs 148 workers at the facility and 10-to-15 contract employees.

- [Read the News Release](#)

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## Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment Insurance claims was 331,000 for the week ending Aug. 24, a decrease of 6,000 from the previous week. The four-week moving average was 331,250, up 750 from the previous week's unrevised average.

- [Read the News Release](#)

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## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [September 11 — Madison, WI](#)

OFCCP — Common Problem Areas for Federal Contractors

- [September 21 — Chicago, IL](#)

OFCCP — Compliance Assistance for New/Small Contractors

- [September 12 — Richmond, VA](#)

OFCCP — Construction: Construction 16 Steps

- [September 10 — Chicago, IL](#)

OFCCP — Everything You Want to Know About Adverse Impact, Records and Record Retention

- [September 10 — Dallas, TX](#)

OFCCP — Meet and Greet for Federal Contractors & CBOs

- [September 11 — New Orleans, LA](#)

OFCCP — National Origin Discrimination

- [September 19 — Omaha, NE](#)

OFCCP — Open House for Community Based Organizations and Federal Contractors

- [September 19 — Richmond, VA](#)

OFCCP — What to Expect During an

- [Read the News Release](#)

Nearly \$150,000 in Fines for Nationwide Retail Icemaker

Arctic Glacier Inc., a nationwide manufacturer and distributor of commercial and retail ice, has been cited by the Occupational Safety and Health Administration for nine serious and three repeat violations of workplace safety standards at the company's Fairport, N.Y., manufacturing facility. The proposed penalties total \$147,400. The company, which operates production plants and distribution facilities in 17 states, was inspected by OSHA's Buffalo Office beginning in February. The inspection found significant safety hazards, including failure to establish written mechanical integrity procedures for repair work and inspections, failure to inspect and test process equipment in accordance with the manufacturer's recommendations, and potential fall hazards due to the lack of handrails on stairways.

- [Read the News Release](#)

Texas Facility Exposes Workers to Combustible Dust

ProBuild Co. LLC in Buda, Texas, was cited with 17 safety and health violations by the Occupational Safety and Health Administration for exposing workers to a variety of hazards, including combustible dust. OSHA began investigating the materials manufacturing facility on Cement Plant Road in March. Sixteen violations were deemed serious, including failure to provide dust collection systems for combustible dust accumulated from saw use, provide and inspect portable fire extinguishers, provide handrails on staircases, and properly store gas containers to minimize physical damage. Other serious violations included failure to properly guard machinery, keep hand and portable power tools or equipment in safe operating condition, and develop and implement a monitoring program for workers exposed to excessive noise levels. Proposed penalties total \$54,000.

- [Read the News Release](#)

Nearly \$200,000 in Back Wages for Dunkin' Donuts Employees

Edison, N.J.-based QSR Management LLC, operator of 55 Dunkin' Donuts franchise locations throughout New Jersey and Staten Island, N.Y., has agreed to pay \$197,787 in back wages to 64 employees after a Wage and Hour investigation found the company did not pay store managers overtime, as required by the Fair Labor Standards Act. QSR incorrectly claimed that its managers at all 55 locations were exempt from overtime. Investigators also found that management took tips from customer service workers to cover register shortages, resulting in minimum wage violations of \$237 for eight employees.

- [Read the News Release](#)

Penalties Proposed in Deadly Accident at Texas Waterpark

Enterprize Management Inc. and Schlitterbahn Beach Resort Management LLC, both doing business as Schlitterbahn Beach Waterpark and Resort in South Padre Island, Texas, were cited with six safety violations following the death of a 20-year-old lifeguard and the serious injury of a maintenance supervisor. The Occupational Safety and Health Administration's Corpus Christi Area Office began its investigation in March after two workers became pinned between the gate and wall of a wave machine that was inadvertently activated.

- [Read the News Release](#)

Food Manufacturer Fined \$259,000 for Safety Hazards

Food product manufacturer and distributor Supreme Oil Co. Inc. has been cited by the Occupational Safety and Health Administration for one alleged willful, one repeat, and 30 serious safety and health violations found at the company's Englewood, N.J., plant. OSHA initiated an inspection in February as part of the agency's Site-Specific Targeting 2012 inspection plan and

## OFCCP Audit/ Overview of Sections 503 and 4212

- [September 20 — Columbus, OH](#)

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

- [August 30 — Milwaukee, WI](#)
- [September 4 — Milwaukee, WI](#)

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

- [September 17 — Providence, RI](#)

## WHD — Webinar: Nondisplacement of Qualified Workers Under Service Contracts

- [September 12 — Washington, DC](#)
- [September 12 — Washington, DC](#)

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proposed \$259,000 in penalties. The violations included the company's failure to develop, document and use lockout/tagout procedures, which prevent inadvertent machine start-ups; provide lockout/tagout training for employees involved in service and maintenance activities; and provide appropriate machine guarding and fall protection.

- [Read the News Release](#)

## Lawsuit Seeks Back Wages for Ohio Mechanics

The department has filed a lawsuit in U.S. District Court for the Northern District of Ohio against Phil's Sales and Service LLC and shareholders Phillip Welce and Jodee Boerio. The lawsuit follows an investigation by the Wage and Hour Division, which disclosed evidence of violations of the Fair Labor Standards Act's overtime provisions. The lawsuit seeks to recover unpaid overtime compensation, as well as an equal amount in liquidated damages, for nine mechanics and/or parts department staff of the Columbiana, Ohio, company, which sells and services lawn and yard equipment such as mowers, tractors and chain saws.

- [Read the News Release](#)

## New Jersey Trash Company Agrees to Greater Heat Protection

The Occupational Safety and Health Administration has reached a settlement agreement with Waste Management of New Jersey Inc. to abate violations involving excessive heat hazards that resulted in the death of a temporary worker in June 2012. The settlement resolves litigation that began after OSHA's investigation led to a citation for one serious violation of the agency's general duty clause. A temporary worker of Waste Management, employed as a garbage collector, died while picking up trash on a collection route in Hopewell Borough.

- [Read the News Release](#)

## Serious Violations Found at Coal Mine Where Two Workers Died

Thirteen mines from around the country received specially targeted impact inspections by the Mine Safety and Health Administration in July. Among the 13 was Affinity Mine, an underground coal operation in Raleigh County, W.Va., where two miners have died in accidents this year involving scoops, equipment used to transport materials around the mine. Inspectors issued an imminent danger order when a foreman was observed riding as a passenger in the bucket of a rubber-tired scoop in a wet, rough and uneven entry. "While many mine operators have improved working conditions at their mines, we continue to see unacceptable conditions at some mines that put lives at risk," said Assistant Secretary of Labor Joseph A. Main, the head of MSHA. "The type of conditions found by inspectors during this surprise inspection are the type that can expose miners to methane and coal dust explosions and black lung, and cannot be tolerated in the mining industry."

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## Wire Manufacturer Faces Nearly \$61,000 in Fines

Koswire Inc., a manufacturer of steel wire, has been cited by the Occupational Safety and Health Administration for one repeat and four serious safety violations following a workplace hazard complaint at the company's facility in Flowery Branch, Ga. The repeat violation involved the employer's failure to provide training on energy control procedures for workers performing cleaning operations. The serious safety violations included the employer's failure to ensure that those same workers use lockout/tagout procedures and devices and are allowed sufficient access to an electrical panel. Penalties of \$60,805 have been proposed.

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## Ohio Furniture Company Fined for Lack of Energy Control

#### Procedures

Ameriwood Industries Inc. faces a \$50,000 penalty from the Occupational Safety and Health Administration for failing to use energy control procedures on foam cutting machines at its Tiffin, Ohio, wood furniture production facility. OSHA initiated its inspection in March after receiving a complaint alleging unsafe work practices in the manufacturing facility. Ameriwood was cited for this violation in 2009 and 2010 at the same facility.

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