



UNITED STATES DEPARTMENT OF LABOR

Promoting and Protecting Opportunity

## DOL News Brief

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September 5, 2013

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### A Lifetime Above the Glass Ceiling



It came as a surprise to many when President George H.W. Bush named Elizabeth Hanford Dole as his secretary of labor after his election in 1988, making her the first woman in history to helm two different

Cabinet departments. Dole had resigned as President Reagan's secretary of transportation in 1987 to help run the presidential primary campaign of her husband, Sen. Bob Dole, against then-Vice President Bush. Known as a moderate who had the support of both sides of the political divide, Labor Secretary Dole oversaw a comprehensive workforce development agenda, appointing the Secretary's Commission on Achieving Necessary Skills to determine the abilities young people need to succeed in a high-performance economy characterized by high-skill, high-wage employment. As one of 25 women in her class of 550 at Harvard Law School, Dole had a long history with the obstacles faced by women in reaching management and decision-making positions in business and government, and she worked aggressively in her role at the Labor Department to expand opportunities for women and minorities to break the glass ceiling. During her tenure, 60 percent of political appointees at the department

were women. She also worked to fulfill Bush's campaign promise to raise the minimum wage (an increase from \$3.35 to \$3.80 in 1990, then \$4.25 the following year). She left the department to become president of the American Red Cross (the first woman to hold the position since its founder, Clara Barton). After a brief bid for the Republican nomination in the 2000 presidential campaign, Dole was elected to the Senate from North Carolina in 2002, where she served until 2009. Today, she runs the Elizabeth Dole Foundation, which provides support and services for military families and caregivers.



• [Meet the Secretaries of Labor](#)

### What's New

#### Great Hall Welcome for Secretary Perez

Before an extraordinary audience in the Great Hall of the Department of Labor, Vice President Joe Biden administered the oath of office to Secretary of Labor Thomas E. Perez during a formal ceremony on Sept. 4. Perez, who was confirmed by the U.S. Senate on July 18, is the 26th secretary of



labor. With his family at his side, he was sworn in after being hailed by the vice president as "the embodiment" of the American Dream, who has devoted his life to providing others with an opportunity to succeed. In remarks that drew rounds of applause, Perez spoke of mentors and encounters that shaped his life, including the belief that "you can make it if you try." He called for closing "the skills gap" by investing in the nation's workforce, ensuring a safe and level playing field for workers, reforming the immigration system, and increasing the minimum wage. Perez praised companies and unions engaged in partnerships that "create living wage jobs for tomorrow" and business leaders who recognize that a living wage "makes for a more productive workforce, which means a more profitable company." Boiled down to its essence, Perez said, "The Department of Labor is the Department of Opportunity." The swearing-in ceremony included remarks by Janet Murguia, president and CEO of the National Council of La Raza; Donna E. Shalala, president of the University of Miami and former secretary of the Department of Health and Human Services; and Seth D. Harris, the deputy secretary of labor. Guests included White House Chief of Staff Denis McDonough, Secretary of Commerce Penny Pritzker, former Sen. Paul Sarbanes, and Ambassador Anibal de Castro of the Dominican Republic. Rabbi David Saperstein provided the invocation.

- [Read the Secretary's Remarks](#)
- [Watch the Ceremony](#)
- [View the Slideshow](#)

#### Labor Day 2013 Recap

It seemed as if Secretary Perez was everywhere on his first Labor Day as a member of President Obama's Cabinet. The day before the official holiday, Perez paid a visit to firefighters in Fairfax, Va. He wanted to highlight and thank workers who didn't have the long weekend off. During his visit to Fire Station 40, Perez got an up-close look at the latest techniques and tools for firefighting



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

## AFFORDABLE CARE ACT MYTH BUSTER

Myth: Because of the Affordable Care Act, employers are cutting employees' hours.

Not true: While there are more part-time workers today than there were a decade ago, the trend of businesses hiring more part-time workers has been in evidence since 2007, years before the ACA was even introduced on Capitol Hill. A Center for Economic and Policy Research study observed that "employers do not appear to be changing hours in large numbers in response to the sanctions in the ACA." And analysis from the Center on Budget and Policy Priorities observes "scant evidence that health reform is causing a significant shift toward part-time work," noting that the percentage of involuntary part-time workers has decreased since the ACA was signed.

- [Learn More About the ACA](#)

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

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

- [A Labor Day Opportunity](#): In a week that included a trip to the Lincoln Memorial steps to observe the 50th Anniversary of the March on Washington and his first Labor Day on the job, Secretary Perez writes about how far we've come over the years and what we need to do to create more opportunity for more working people in the years ahead. He outlines some of the steps necessary to achieve his goal of making the public see the Labor Department as the "Department of Opportunity," including skills training and education, workplace safety and health, retirement security, job creation and a minimum wage increase. "Let's spend this day honoring those who marched then, and those who march now," he writes, drawing a comparison between those who came to demand jobs and freedom in 1963 and those who are striving to improve workers' lives today. "Let's draw inspiration from their stories; emulate their strength and resolve; summon their dignity and courage." This blog was cross-posted at the Huffington Post.

- [Know Your Rights: Breastfeeding in the Workplace](#): August was National Breastfeeding Month, and Laura Fortman, principal deputy administrator of the Wage and Hour Division, along with Women's Bureau Acting Director Latifa Lyles, take to the blogosphere to make sure employers and employees know that the Fair Labor Standards Act requires breaks for mothers to express breast milk during the workday, noting that breastfeeding requires supportive environments — including workplaces.

- [The Retirement Equity Act and Beyond](#): Phyllis Borzi, assistant secretary for employee benefits

and emergency rescue, and an "up-high" look at the area — 95 feet up — from a fire truck's "cherry picker." The next day, Perez traveled to Cincinnati, Ohio, home of one of the largest (nearly 10,000 people!) union-sponsored Labor Day picnics in the country. In between, Perez did dozens of interviews with local and national media outlets, taking his message of the "Department of Opportunity" far and wide. If you missed an interview, or want to view the slide shows from the secretary's trips or learn more about the history of Labor Day, visit the department's special Labor Day Web page.

- [Visit the Labor Day 2013 Website](#)

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## National News

### Excessive Heat Exposure Kills Drilling Worker

The death of a drill rig operator in June at Heartland Drilling Inc.'s Big Spring, Texas, location launched an investigation by the Occupational Safety and Health Administration. After being overcome by heat while working at the site, the driller was rushed to the hospital, where he later died. OSHA, which cited the company with a serious violation for exposing workers to hazards associated with excessive heat, has developed a number of heat illness educational materials in English and Spanish, as well as a curriculum for workplace training on heat illness prevention and what steps to take in an emergency. A free application for mobile devices enables workers and supervisors to monitor the heat index at their work sites and displays a risk level for workers based on the heat index, as well as reminders about protective measures that should be taken.

- [Read the News Release](#)
- [Read About Heat Illness Prevention](#)
- [Download the Mobile Heat App](#)

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## News You Can Use

### Online Dialogue on Hiring Workers With Disabilities

The Office of Disability Employment Policy will host "Employers: What Can We Do? Join the Conversation for Change," a two-day online dialogue beginning on Monday, Sept. 9. The goal is to understand employer needs and determine how ODEP can better assist employers on hiring people with disabilities. "Clearly, employers are a critical piece of the puzzle when it comes to increasing the employment rate of people with disabilities," said Kathy Martinez, assistant secretary of labor for disability employment policy. "We need to fully understand their needs and how we can assist them so they, in turn, can foster workplaces open to the talents of all qualified individuals, including those of us with disabilities."

- [Register for the Dialogue](#)

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## Around DOL

### Opportunity Knocks for Job Corps Students



Helping make the formal swearing-in ceremony for Secretary Perez a success were students from the Potomac Job Corps Center in Washington, D.C. These students prepared and served light fare at a reception following the Sept. 4 event at Labor Department headquarters. A Jobs Corps

security, discusses the Retirement Equity Act, which she helped create as the pension and employee benefit counsel for the House Education and Labor Committee 29 years ago. The law provides greater retirement protection for women throughout the country by recognizing the working patterns of women, who remain more likely to interrupt their careers to care for a family member.

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## Follow Perez on Social Media

While the department's mission has remained the same over the past 100 years, technology has not. That's why we want you to know that the best way to keep up with Secretary Perez is by following him on Facebook and Twitter. In fact, all of our social media communities are growing rapidly and we'd like for you to participate. Why follow us? It's a great way to keep up with our news as it happens, go behind the scenes of major events, find resources to share with your followers, and learn how we're expanding opportunity for people in many different ways. Most importantly, you can join conversations about the issues that matter to you. Secretary Perez is eager to hear from you — follow him and the department today!



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## Outreach Forum in Boston



Several agencies within the department sponsored a free information and outreach forum in Boston on Aug. 27 to help New England

employers, contractors, community-based organizations and others learn more about the laws and regulations administered by the department. Attendees heard from and asked questions of representatives from the Employee Benefits Security Administration, Occupational Safety and Health Administration, Wage and Hour Division, Office of Federal Contract Compliance Programs, Employment and Training Administration and Women's Bureau. "Attendees found the information they received to be useful, and they appreciated the opportunity to ask questions and receive answers on a one-to-one basis," said EBSA Regional Director Susan Hensley, who organized the forum. "We look forward to future outreach forums."

- [View the Slideshow](#)
- [Find Compliance Assistance](#)

video crew also was on hand to capture the students in action for a documentary about working in the food services industry. Student Rachelle Dieudonne, who snagged an interview with the secretary for the film, said this about her fortuitous opportunity: "I didn't know when I woke up this morning that I'd be interviewing the secretary of labor." The Job Corps program is administered by the Employment and Training Administration and helps young people ages 16 through 24 improve the quality of their lives through career technical and academic training.

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

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## DOL Working for You

Retail, Security Jobs Await Recent Homestead Job Corps Grads

As National Job Corps Commencement Day was celebrated across the country on Aug. 23, a quartet of Homestead Job Corps Center graduates took full advantage of their achievements and landed employment opportunities in Florida. Natasha Ramirez earned a GED and was about to complete her studies in Business Technology while juggling a part-time job at Home Depot. Upon graduation, Ramirez was made a flooring specialist and given more hours and a raise by the store manager, thanks to her positive and enthusiastic attitude. Likewise, Norman Amor completed Business Technology courses and was hired by Office Depot as a cashier in customer service. Amor believes that, "If I can do it, others at Job Corps can do it, too." Rasiem Fredericks, who earned his high school diploma and security trade certification at Homestead, was characterized as "an outstanding student," according to the center's Business and Community Liaison Lesly Diaz. Rasiem was quickly hired as a guard by a Tampa security company. Security trades student Benjamin Carmona, who found time for community projects and served in the center's Color Guard, was locally hired as a security guard.



- [View the Slideshow](#)

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## DOL in Action

South Dakota Company to Resolve Criminal Penalties

Adams Thermal Systems Inc. will pay more than \$1.33 million to resolve criminal penalties and Occupational Safety and Health Administration fines levied after a worker was fatally crushed in November 2011 at its Canton, S.D., plant. The company has entered into a deferred prosecution agreement with the U.S. Attorney's Office and OSHA to pay the worker's surviving spouse \$450,000, a criminal fine of \$450,000 and the full OSHA fine of \$435,000 stemming from the regulatory violations that caused the fatality and additional violations discovered in subsequent inspections. The U.S. Attorney's Office filed the agreement on Sept. 5, and has asked that it be approved by the U.S. District Court for the District of South Dakota.

- [Read the News Release](#)

Advising Industry on Ammonium Nitrate

A chemical advisory about the hazards of ammonia nitrate was issued jointly on Aug. 30 by the Environmental Protection Agency; Bureau of Alcohol, Tobacco, Firearms and Explosives; and Occupational Safety and Health Administration. The ammonium nitrate advisory provides lessons learned for

## Soup Kitchen Volunteers

Chicago-based Employment and Training Administration staff recently extended a hand at a community soup kitchen in Sioux City, Iowa. Serving



dinner along with members of the Siouxland Human Investment Partnership — a Re-Integration of Ex-Offender grantee — were Federal Project Officer Lisa Dieterle and staff accountant Chanel Castañeda. RExO grant participants volunteer at the soup kitchen to complete service learning hours. Siouxland serves the ex-offender population through the Bridging and Overcoming Obstacles through Service and Training project. Funded in part by a \$1.5 million ETA grant, BOOST provides integrated service learning, education and vocational training to 105 young adult offenders ages 18 through 21.

## Jack Beal: Work of Art



The Labor Department has lost a member of its extended family. Artist Jack (Walter Henry) Beal Jr. died on Aug. 29 in Oneonta, N.Y., at age 82. But his immense artistic talent will be remembered and appreciated by department employees for a very long time.

Beal, a leader of the New York Realist movement, painted "The History of Labor In America," the murals depicting work from colonial times to the space era that have been on display in the department's Washington, D.C., headquarters since the 1970s. Beal spent two years painting the four 12-by-12-foot works of art. His paintings also have been exhibited at the Metropolitan Museum of Art and the Whitney Museum, and he was known for the colorful mosaics he created in the New York City subway. Beal is survived by his wife, Sandra Frekelton, a still life and watercolor artist.

## Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment Insurance claims was 323,000 for the week ending Aug. 31, a decrease of 9,000 from the previous week. The four-week moving average was 328,500, down 3,000 from the previous week's revised average.

- [Read the News Release](#)

## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

EBSA — Health Benefits Laws

facility owners and operators, as well as emergency planners and first responders from recent incidents, including the April explosion in West, Texas. Part of an ongoing, coordinated effort to improve chemical safety, the advisory includes information on ensuring proper building design, storage containers and fire protection; learning from other accidents; and knowing and understanding the hazards that exist when developing emergency response plans. The release follows President Obama's August 2013 executive order on "Improving Chemical Facility Safety and Security." Dr. David Michaels, assistant secretary of labor for occupational safety and health, said of the effort: "Ammonium nitrate can be very dangerous, and it's imperative that employers, workers and first responders all understand the hazards. With this understanding, together they can control these hazards and save lives and limbs."

- [Read the Chemical Advisory](#)
- [Read the News Release](#)
- [Read the President's Executive Order](#)

## Unsafe Work Conditions at Georgia Company Result in Proposed Fines

Total Building Services Group in Marietta, Ga., has been cited by the Occupational Safety and Health Administration for 10 safety and health violations following an April inspection. Violations included the employer's failure to train employees on the hazards associated with combustible dust and failure to ensure proper explosion-proof lighting was used. OSHA initiated its inspection under the agency's Site-Specific Targeting Program, which directs enforcement resources to workplaces with higher-than-average rates of injuries and illnesses. Proposed penalties total \$42,120.

- [Read the News Release](#)

## Lawsuit Seeks \$272,000 in Back Wages for Ohio Restaurant Workers

The department has filed a lawsuit in federal district court against Arriaga Inc., of Orrville, Ohio, to recover \$272,346 in unpaid wages for 34 employees at the company's Señor Pancho's restaurant. An investigation by the Wage and Hour Division disclosed evidence of violations of the Fair Labor Standards Act's overtime, minimum wage and record-keeping provisions. Investigators found that tipped employees, such as servers, were forced to rely primarily on tips for pay. Their wages amounted to less than the federal minimum wage of \$7.25 per hour in some workweeks. The lawsuit also seeks liquidated damages for the employees and asks the court to permanently enjoin the defendants from committing future violations of the FLSA.

- [Read the News Release](#)

## Worker Electrocuted at St. Louis Steel Facility

St. Louis Cold Drawn has been cited for 26 safety violations after a worker was electrocuted in May when he reached into an energized electrical panel box to retrieve work gloves at the company's St. Louis steel bar manufacturing facility. The Occupational Safety and Health Administration cited 19 serious safety violations — several of which related directly to safe electrical work practices — such as exposing workers to live electricity, open grounding of electrical equipment, using electrical equipment in disrepair, and not providing personal protective equipment for workers.

- [Read the News Release](#)

## Retaliation by Pan Am Railways Nets Worker \$50,000 in Damages

An Occupational Safety and Health Administration investigation has found that Massachusetts-based Pan Am Railways Inc. took retaliatory action against a Maine rail yard worker who filed a whistleblower complaint with OSHA. The employee filed the complaint on Dec. 6, 2011, claiming that the

#### Compliance Assistance Seminar

- [September 11 — Madison, WI](#)

#### MSHA — National Coal Mine Rescue, First Aid, Bench and Preshift Competition

- [September 9-12 — Columbus, OH](#)

#### OFCCP — Common Problem Areas for Federal Contractors

- [September 21 — Chicago, IL](#)

#### OFCCP — Compliance Assistance Seminar 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 — Outreach and Recruitment: The Road to Success

- [September 16 — Chicago, IL](#)

#### OFCCP — What to Expect During an OFCCP Audit/ Overview of Sections 503 and 4212

- [September 20 — Columbus, OH](#)

#### OLMS — Compliance Assistance Seminar

- [September 11 — St. Paul, MN](#)
- [September 17 — Appleton, 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

railroad had subjected him to earlier disciplinary action for reporting an injury and unsafe working conditions. Shortly after the filing, Pan Am Railways held a second disciplinary hearing on Jan. 4, 2012. It alleged that the worker made false statements to OSHA and the railroad. OSHA found that the employee engaged in protected activity when filing the complaint, and the railroad took retaliatory action by charging him with lying and by holding the second disciplinary hearing. OSHA has ordered the railroad to pay the worker \$50,000 in compensatory and punitive damages and take other corrective action.

- [Read the News Release](#)
- [Learn About Whistleblower Protections](#)

Nearly \$243,000 in Back Wages for 101 California Workers  
Solis Lighting and Electrical Services paid \$242,563 in back wages to 101 employees after an investigation by the Wage and Hour Division found violations of the overtime and record-keeping provisions of the Fair Labor Standards Act. The San Clemente, Calif.-based company failed to pay an overtime premium and paid employees separately for work time spent in travel at the regular hourly rate, even when the total work hours exceeded 40 per week. Investigators also found that, although employees worked through their meal breaks, the company routinely deducted a 30-minute meal break from their pay. The company has now implemented new policies to comply with FLSA requirements.

- [Read the News Release](#)

#### Worker Burned in Fire at Wisconsin Paper Mill

Packaging Corporation of America has been cited by the Occupational Safety and Health Administration for 30 safety violations, carrying proposed penalties of \$185,560, after a worker was severely burned while attempting to relight a steam boiler in the plant. The incident took place at the Tomahawk, Wis., pulp and paper mill in March. In 2012, a steam and ash release triggered by fly ash at the Tomahawk plant fatally injured two contractors. In 2008, three workers were killed and another injured during an explosion in the mill's storage area. The Lake Forest, Ill.-based company employs 440 workers at the Tomahawk facility and 8,700 corporate-wide at facilities in 30 states.

- [Read the News Release](#)

#### Cleveland Manufacturer Cited for Failing to Abate Safety Violations

E.L. Mustee & Sons Inc. has been cited by the Occupational Safety and Health Administration for five violations at its manufacturing facility in Cleveland. Fines of \$63,490 have been proposed. The violations include a failure-to-abate violation for not developing an inspection program for mechanical power presses. In March 2012, a citation was issued for the same violation. The follow-up inspection also found two repeat violations for failing to develop and implement a written confined space entry program and develop specific procedures for isolating and controlling hazardous energy.

- [Read the News Release](#)

#### Hawaii Union to Rerun Election

A labor union based in Mililani, Hawaii, has agreed to hold a new officer election under the supervision of the Office of Labor-Management Standards. The Security, Police and Fire Professionals of America Local 652 will conduct new nominations and a new election for president, vice president, financial secretary-treasurer, recording secretary, sergeant-at-arms and three trustees after an OLMS investigation of the local's February 2013 election disclosed multiple issues. The investigation found that the union failed to provide proper notice of the election to all members, denied certain members the right to vote when they were not provided an opportunity to vote by absentee ballot, improperly provided some Oahu

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

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Worker's death leads to \$1.33 million agreement; includes payment to family, as well as #OSHA & criminal penalties: [ow.ly/oBM3t](http://ow.ly/oBM3t)

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South Dakota manufacturer to pay \$1.33 million to resolve #OSHA citations, criminal penalties following worker death: [ow.ly/oBLur](http://ow.ly/oBLur)

members absentee ballots, allowed at least one non-member to vote, and failed to preserve election records for one year.

#### Company Faces Fines for Safety Hazards at Highway Work Zone

Henkels & McCoy Inc., operating from its Burlington, N.J., center, was cited by the Occupational Safety and Health Administration for six serious safety violations at a Neptune, N.J., work site, where workers were performing water service repair on a road. The company faces \$42,000 in proposed penalties for violations including failure to have a competent person provide frequent and regular inspections of the job site, materials and equipment; and failure to place the required three advance warning signs to indicate highway space undergoing work ahead. The company is headquartered in Blue Bell, Pa., and operates centers and offices nationwide and abroad.

- [Read the News Release](#)

#### Illinois Paint Plant Cited After 3 Injured in Explosion

Fox Valley Systems Inc. has been cited for multiple safety violations following an explosion and fire that resulted in serious injuries to three employees at the Cary, Ill., plant in March. The Occupational Safety and Health Administration cited the company for 26 safety violations, including two willful violations where locked doors impeded exit routes and snow blocked exits, preventing employees from exiting the plant quickly. OSHA proposed penalties of \$262,000 and placed the aerosol paint manufacturer in its Severe Violator Enforcement Program.

- [Read the News Release](#)

#### Vienna Beef Cited for Safety Violations at Chicago Plant

Vienna Beef Ltd. has been cited by the Occupational Safety and Health Administration for 10 serious safety violations with proposed fines of \$53,000. The citations follow a May inspection at the Chicago meat processing facility initiated under OSHA's Site-Specific Targeting Program, which targets employers that record a higher-than-average injury and illness rate. The company was cited for violations that expose workers to amputation injuries, including failing to lockout and tag out equipment during maintenance to prevent unintentional operation and lack of machine guarding. The company, which was established in 1893, produces hot dogs, sausages, soups and deli meats.

- [Read the News Release](#)

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