



DOL News Brief

September 19, 2013

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

Care and Healing for Those Injured 'While Faithfully Serving the Public'



Today, compensation for workers who get sick or injured on the job has become a pillar of our system of social protections, but its roots trace back to a time of discord and uncertainty, when deteriorating conditions in the

workplace gave rise to what would become the American labor movement. The first laws to provide some compensation for sickened or injured workers or their survivors in the mid-19th century came as a result of the Industrial Revolution, which led to tremendous productivity gains but also ushered in an era of new and dangerous work. The need for a legislative response was clear, and individual states began to develop mechanisms for some form of liability. In 1882, the federal government passed the first law related to compensation for federal employees, which was expanded in 1908, but remained limited in scope. Momentum for a new law continued, with

President Theodore Roosevelt saying that it was "a matter of humiliation to our Nation that there should be on our statute books no provision to meet and partially atone for cruel misfortune when it comes to a man through no fault of his



own, while faithfully serving the public." On Sept. 7, 1916, the Federal Employees Compensation Act was signed by President Woodrow Wilson. That law, amended several times since, is the basis for the federal program administered by the Office of Workers Compensation Programs today.

- [Read About Federal Workers' Compensation](#)
- [Learn About the Compensation Division](#)
- [View the Centennial Timeline](#)
- [View the Centennial Video](#)

What's New

Demand-Driven Training — Hallmark of Grants for Community Colleges

Speaking from Front Range Community College in Westminster, Colo., on Sept. 18, Secretary of Labor Thomas E. Perez announced the latest grants awarded under the Trade Adjustment Assistance and Community College Career Training program. This multiyear, nearly \$2 billion initiative is



helping to further develop targeted training programs for unemployed workers, especially those impacted by foreign trade, in growing industries such as advanced manufacturing, transportation and health care. The third installment of grants announced this week provided \$474.5 million to fund projects at nearly 200 community colleges and universities in every state plus the District of Columbia and Puerto Rico. Front Range Community College will lead a nearly \$25 million grant to a consortium of nine colleges across Colorado focused on expanding training curriculum for advanced manufacturing careers. During the announcement, Perez said: "This is an unprecedented investment in our community college system... and by extension in our people's ability to find solid work that can raise a family. This is about education, labor, business and community leaders coming together to meet the real-world challenges of a complex global economy." Perez was joined by Lt. Gov. Joseph Garcia, FRCC President Andy Dorsey, Colorado Community College System President Dr. Nancy McCallin, Executive Vice President of Mountainside Medical Peter Neidecker (one of the employer partners involved in the grant program), and FRCC precision machining student Sheri Dron. Following the announcement, Perez met with students from the school's automotive and machining programs to hear about the impact these funds will have on current and future students.

- [Read the News Release](#)
- [Read the Blog Post](#)
- [View the Slideshow](#)
- [Read the Secretary's Remarks](#)

Minimum Wage, Overtime Extended to Direct Care Workers

Fulfilling a promise by President Obama to ensure that direct care workers receive a fair day's pay for a fair day's work, the department announced a final rule on Sept. 17 extending the Fair Labor Standards Act's minimum wage and overtime protections to workers who provide essential home care assistance. This

WE COUNT ON HOME CARE



AFFORDABLE CARE ACT MYTH BUSTER

Myth: The health insurance marketplace won't be ready to open on Oct. 1.

Not true: Starting Oct. 1, people and businesses will be able to enroll for coverage that will begin Jan. 1, 2014. And it's already possible to research and compare options by visiting HealthCare.gov or calling 1-800-318-2596. The Small Business Health Options Program, or SHOP, is also on schedule to open on Oct. 1.

- [Learn About the Health Insurance Marketplace](#)
- [Visit SHOP](#)

change will result in nearly two million direct care workers — such as home health aides, personal care aides and certified nursing assistants — receiving the same basic protections as other U.S. workers. It will also help guarantee that those who rely on the assistance of direct care workers have access to consistent and high-quality care. "Many American families rely on the vital services provided by direct care workers," said Secretary Perez. "Today we are taking an important step toward guaranteeing that these professionals receive the wage protections they deserve."

- [Read the News Release](#)
- [Read the Blog Post](#)
- [Learn About Direct Care Worker Rule](#)

(Work in Progress) The Best of Our Blog

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

• [Investing in Skills, Investing in People's Dreams](#): This week, Secretary Perez announced \$474.5 million in grants under the Trade Adjustment Assistance Community College and Career Training program, known as TAACCCT. He made the announcement at Front Range Community College outside of Denver, the leader of a Colorado consortium receiving an award of nearly \$25 million to develop a pipeline of highly qualified workers in advanced manufacturing. "TAACCCT is a win-win," he writes. "It builds human capital, giving our people marketable skills that lead to good jobs. And it strengthens the overall economy, providing businesses the talented workers they need to compete, prosper and grow."

• [We Count on Home Care: Extending Protections to Direct Care Workers](#): In a major announcement this week, the department makes good on President Obama's promise to give nearly two million direct care workers the same basic minimum wage and overtime protections already provided to most U.S. workers. Laura Fortman, principal deputy administrator for the Wage and Hour Division, explains how engagement with the public and stakeholders shaped the final rule and provides information on the resources available to help everyone understand the new requirements.

• [Holding Accountable Those Who Put Workers' Lives at Risk](#): Responding to a New York Times editorial about the conviction and sentencing of the third executive to face jail time from Massey Energy — the company that ran the Upper Big Branch mine in West Virginia when 29 men were killed in an explosion there in 2010 — Assistant Secretary of Labor for Mine Safety and Health Joseph Main and Solicitor of Labor M. Patricia

National News

Employee Benefits for Same-Sex Spouses

New guidance issued by the Employee Benefits Security Administration on Sept. 18 interprets the impact of the Supreme Court's *United States v. Windsor* decision on the Employee Retirement Income Security Act. The guidance clarifies that same-sex spouses who are otherwise eligible for coverage under a plan are entitled to the same ERISA protections as spouses of the opposite sex. "By providing greater clarity," said Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi, "we are contributing to greater equality and greater protection for America's working families."

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

\$10 Million in Harwood Grants Awarded for Safety Training

Since 1978, nearly two million workers have benefited from training through the Occupational Safety and Health Administration's Susan Harwood Training Grant Program. That tradition continues, as OSHA announced on Sept. 16 that 70 organizations have been awarded \$10.1 million under the program, which provides one-year grants to fund education and training programs for workers and companies in recognizing workplace safety and health hazards and prevention measures, and understanding rights and responsibilities. "These grants reflect the department's commitment to ensuring all workers and employers have the tools and skills to identify hazards and prevent injuries," said Secretary Perez. "By further advancing a culture of workplace safety and health, we help to eliminate the false choice between enhancing workplace safety and productivity." The grants target small businesses, workers and employers in industries with high injury and fatality rates, and vulnerable workers.

- [Read the News Release](#)
- [View Targeted Topic Grantees](#)
- [View Capacity Building Developmental Grantees](#)
- [View Disaster Relief Grantees](#)

'Make Your Mark on Your Community'

On this Constitution Day,
Secretary Perez participated in a

Smith echo the Times' praise for the determination of federal prosecutors in seeking justice and advocate for stiffer criminal penalties in worker safety and health laws.

Saluting Workforce Innovation



It was old home week for Secretary Perez as he addressed the annual conference of the National Association of State Workforce Agencies,

an organization he belonged to when he served as labor secretary in the state of Maryland. Perez saluted the state officials, whose conference was overlapping with a meeting of the National Governors Association, for their innovative efforts to help people acquire the skills they need for middle-class jobs. He expressed his vision that the Labor Department should serve as the quarterback of the workforce system and urged all attendees to learn from each other's best practices. "I would come home [from NASWA meetings]," the secretary said of his tenure in state government, "with a thousand ideas of how we can do things better." He added that workforce development is vital at a time when the economy is still recovering from the recession: "There [has] never in our lifetime been more people who need our help."

• [View the Slideshow](#)

Promoting Farm Safety Week

The agriculture sector accounted for 475 worker deaths in 2012, the highest fatality rate of any industry sector. Additionally, the industry recorded 48,300 injuries in 2011, the last year for which injury statistics are available from the Bureau of Labor Statistics. The Occupational Safety and Health Administration is supporting the National Education Center for Agricultural Safety's National Farm Safety & Health Week, Sept. 15-21, by emphasizing the importance of worker safety in the agricultural industry. This year's theme is "Working Together for Safety in Agriculture." Farm Safety and Health Week has been observed annually since 1944.

• [Read the News Release](#)



First Responders Test Skills

Nearly 90 mine rescue teams representing coal companies from 12 states put their emergency skills to the



special naturalization ceremony in Sacramento for 956 people being sworn in as U.S. citizens. Sept. 17 marked 226 years since the U.S. Constitution was signed and 61 years since President Truman created Citizenship Day. To

commemorate the anniversary, this week 18,000 people will take similar oaths across the country to become U.S. citizens. Secretary Perez personalized his speech by talking about his own family's immigrant story and how both his parents were naturalized citizens. Perez told the citizens that this is more than just a jury duty requirement, and "as an American citizen now, you have a powerful voice. Use it. Raise that voice. Vote, volunteer, participate. Make your mark on your community. This is a nation of, by and for the people after all." And while this ceremony celebrated new citizens from 85 different countries, Perez reminded the crowd of the need to pass immigration reform. Perez closed his remarks by recognizing the new citizens as "my fellow Americans." U.S. Citizenship and Immigration Service Sacramento District Chief of Staff Ramon Castillo administered the oath.

• [View the Slideshow](#)

News You Can Use

Preparing for the New Health Care Exchanges

With the Oct. 1 launch of the new health care exchange enrollment period approaching, the Employment and Training Administration is preparing staff at American Job Centers around the country to assist individuals with information and resources on how to obtain coverage. In August, the department hosted a webinar for American Job Center staff, sharing information about the exchanges and how their clients can access online resources. Secretary Perez, while touring an American Job Center in Las Vegas, joined the webinar remotely and showed firsthand how to navigate people through the website. A video of the webinar is now posted on the Employment and Training Administration's Workforce3One website.

• [Watch the Webinar](#)

International Scene

Fighting Trafficking in Persons

More than 100 civil society representatives, primarily from faith-based and community organizations, participated in a White House meeting on Sept. 16 to take action against trafficking in persons, which has been described by President Obama as one of the great human rights causes of our time. The event, "Taking Action to Eradicate Modern-Day Slavery: Convening for Civil Society Leaders," was jointly hosted by the White House Office of Faith-based and Neighborhood Partnerships and the president's Advisory Council on Faith-based and Neighborhood Partnerships. Eric Biel, acting deputy associate undersecretary for the Bureau of International Labor Affairs, addressed the group alongside Ambassador Luis CdeBaca, head of the State Department's Office to Monitor and Combat Trafficking in Persons. Biel spoke about the department's work on forced labor and trafficking; the bureau's monitoring and reporting on forced labor and forced child labor overseas; and funding for projects that provide educational and training opportunities to more than 1.7 million children, some of whom were



test the week of Sept. 9 at the 2013 National

Coal Mine Rescue, First Aid, Bench and Preshift Competition. Held in Columbus, Ohio, the four-day event was sponsored by the National Mining Association and administered by the Mine Safety and Health Administration. In the field contest, teams solved a hypothetical mine emergency problem, working against the clock and staying mindful of proper mine rescue procedures. In the first-aid contest, participants demonstrated the correct method of caring for an injured miner. The bench competition required miners to thoroughly check equipment and supplies to ensure they work properly. The preshift event required miners to pinpoint hazards that could be present underground.

• [View the Slideshow](#)

Hispanic Heritage Month

For 26 years, the Hispanic Heritage Foundation has honored Latino leaders who have made a positive impact in the U.S. and around the world. This year, Secretary Perez took part in festivities at the John F. Kennedy



Center for the Performing Arts, where he presented the Science, Technology, Engineering and Math Education Award to the National Math and Science Initiative for its work to increase participation and success of underrepresented students in Advanced Placement courses, which are key indicators of college success. The award was accepted by Tom Luce, chairman of NMSI. Perez told the more than 1,000 attendees, "For our economy to grow in the 21st century, the United States needs to invest more in science, technology, engineering and math. This is a challenge and an opportunity created by global competition." The Hispanic Heritage Awards are considered the highest honors bestowed upon Latinos to celebrate cultural pride and achievements of Hispanics. The awards were established by the White House in 1987 to commemorate Hispanic Heritage Month, which is celebrated from Sept. 15 to Oct. 15.

Aid for Ex-Nuclear Workers

Assisting former nuclear weapons workers with claims under the Energy Employees Occupational Illness Compensation Program Act was at the top of the agenda at two town hall meetings on Sept. 17 in Livermore and Emeryville, Calif. More than 120 attendees — including former workers of the Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory and Sandia

trafficked or at risk of being trafficked.

- [Join Us for the Launch of the Worst Forms of Child Labor Report](#)
- [Read the Toolkit for Responsible Businesses](#)
- [Read the President's Advisory Council Report](#)

Of Note

PR Excellence

Work from the department's Office of Public Affairs won top honors on Sept. 18 from the Public Relations Society of America — National Capital Chapter. OPA won three "Thoth Awards" — the highest prize for outstanding public relations campaigns and initiatives produced by Washington, D.C., area industry professionals. In the "Reputation/Brand Management" category, the department's 2012 Labor Day campaign drew praise for coupling traditional print and broadcast media efforts with social media, showcasing the department's historic legacy, enduring relevance, and role in accelerating economic recovery. OPA's excellence in PR tactics were recognized with two awards, including a top nod for an op-ed article that ran in 37 newspapers in 19 states over Labor Day 2012. The article provided vital, timely information about departmental resources for veterans seeking employment and drove remarkable increases in traffic to employment tools available to veterans on dol.gov. The third award was presented to OPA for excellence in video, for "Then, Now, Next" — a cinematic celebration of the department's employees and its remarkable history of service to America's working families, which was made to commemorate the 100th anniversary of the department.



DOL Working for You

USERRA Helps Army Reservist in Florida



For 10 of the past 12 years, Army reservist Scott Harrison was repeatedly called up to spend years at a time planning and supporting global military operations in places such as Kuwait, Afghanistan and Iraq. Over the course of his time abroad as a reservist, he achieved the rank of colonel in the Army. But back at home in Florida, the large telecommunication company Harrison worked for failed to provide him with promotions and raises for a variety of reasons, including what the company said was the lack of sufficient annual evaluations by his supervisor to support promotions during his

military service. After trying to collaborate with the company to recapture the raises and promotions, Harrison filed a claim with the department under the Uniformed Services Employment and Reemployment Rights Act. USERRA mandates that returning service members must be promptly re-employed in the same position that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority. As part of the complaint review

National Laboratories-Livermore — learned about the benefits provided under parts B and E of the EEOICPA, administered by the Office of Workers Compensation Programs. The meetings were hosted by the Joint Outreach Task Group, of which OWCP's Division of Energy Employees Occupational Illness Compensation is a member along with other federal agencies. DEEOIC works with physicians who have enrolled in the program, home health care providers and approved beneficiaries to administer the fair and expeditious delivery of benefits and services. To date, \$357 million in EEOICPA compensation and medical benefits have been paid to 3,453 claimants living in California, while more than \$9.7 billion has been paid nationwide.

Maine Safety Alliance



The Augusta Area Office of the Occupational Safety and Health Administration recently signed an alliance with the Maine Labor Group

on Health to work jointly on developing and delivering training and education programs to workers in the state's construction and general industry sectors. Training will focus on fall, electrical, "struck-by", noise, silica, lead exposure and ergonomic hazards. In addition, the alliance set the following goals: develop innovative solutions, provide input on emerging safety and health issues, and use electronic media to deliver safety and health information to workers in Maine.

• [Learn About the Alliance Program](#)

New York Health Group Is 25

A ceremony celebrating 25 years of the New York State Occupational Health Clinical Network on Sept. 18 brought together health care providers, public health professionals, union leaders and activists at the New York Academy of Medicine. The network is the only publicly-funded statewide network of clinical centers of excellence in occupational medicine in the nation, and it pursues a mission of promoting safer workplaces and preventing disease, disability and death at work. Dr. David Michaels, assistant secretary of labor for occupational safety and health, congratulated the network on a quarter-century of important work, and he stressed the important link the group provides between the world of work and the world of health care. "Networks like this can help identify hazardous situations where other workers are being exposed and are at increased risk of developing work-related illnesses," Michaels said. "The work done here can help prevent other workers from getting sick."

Serving Veterans in Seattle

Employees from several offices of the department in Seattle provided information and assistance to

process, an investigator from the department's Veterans' Employment and Training Service collects and reviews evidence and conducts witness interviews in order to obtain a resolution. Regardless of the outcome of the case, if a claimant is dissatisfied, he or she may request that the case be referred to the Department of Justice. After several months of review, Harrison's company settled the claim. He has been promoted and paid \$96,000 in lost wages. Harrison said, "The Department of Labor was able to advocate on my behalf and get results I could not get on my own."

DOL in Action

Assistance for Laid-Off Workers at Fort Hood, Red River Army Depot

Approximately 1,120 workers affected by layoffs at Fort Hood in Killeen, Texas, and the Red River Army Depot in Texarkana, Texas, will receive re-employment assistance under a \$4,131,089 National Emergency Grant. The grant, awarded by the department on Sept. 16 to the Texas Workforce Commission, provides the affected workers with training and other services necessary to compete for high-demand occupations in their local areas. "Civilian workers, who often serve alongside military service members, play an important role in defending our nation and deserve our support when layoffs occur," said Secretary Perez. "This grant will provide job training for these former Department of Defense civilian workers and contractors and create new opportunities for them and their families."

• [Read the News Release](#)

Massachusetts Contractor Cited for Repeat and Serious Violations

Massachusetts contractor Twin Pines Construction Inc. of Everett, Mass., has been cited by the Occupational Safety and Health Administration for willful, repeat and serious violations of workplace safety standards at worksites in Plymouth and Reading, Mass. The wood framing contractor faces a combined total of \$336,200 in proposed fines following inspections by OSHA's Braintree and Andover area offices, which began in March. An OSHA inspection was initiated after a worker suffered broken ribs and leg injuries when an unbraced roof truss system collapsed around him at a worksite in Plymouth. The Reading inspection commenced after OSHA received a complaint about possible safety hazards on the same day the Plymouth inspection was opened.

• [Read the News Release](#)

Harris County, Texas, Health System to Pay \$4 Million

Harris County Hospital District, doing business as Harris Health System in Houston, has agreed to pay more than \$4 million in back wages and liquidated damages to 4,573 technicians and current and former nurses. This action follows an investigation by the Wage and Hour Division that found violations of the Fair Labor Standards Act's overtime and record-keeping provisions. The investigation revealed that Harris Health System did not include the workers' incentive pay when calculating overtime premiums. Because of that, Harris Health System failed to pay workers the correct overtime rate when they worked more than 40 hours in a workweek.

• [Read the News Release](#)

Recurring Hazards Lead to Nearly \$200,000 Fine for CVS

Exit access and other hazards at a Brooklyn CVS store have resulted in \$199,500 in proposed Occupational Safety and Health Administration fines for the pharmacy/retail chain. Hazards included: an obstructed exit route; a locked gate in front of an emergency exit; unsecured and unstable stacks of boxes stored close to fire sprinkler heads, and floors covered by a disorganized assortment of boxes, garbage bags and loose merchandise. Five of the 10 cited hazards were similar to hazards previously cited by

local homeless and at-risk veterans on Sept. 11 at the annual Seattle Stand Down. Jeannie Gorman, an attorney with the Office of the Solicitor, joined Veterans' Employment and Training Service staffer Ron Magdaleno, Wage and Hour Division's Brooke Kent and Lauren Andre with the Office of Federal Contract Compliance Programs in answering questions and providing information. Topics included: anti-discrimination laws in hiring, navigating and accessing programs and assistance; the Family Medical Leave Act program for veterans; various wage and hour provisions; how to apply for federal government employment and the compensation program for former Department of Energy workers and contractors. "It was gratifying to be able to serve those who have served us," said Gorman.

- [Find Programs Serving Veterans](#)
- [Learn About the FMLA Program for Veterans](#)

Focus on EMPLEO in Vegas

The Employment Education and Outreach Program in Las Vega will celebrate its 10-year anniversary at the Mexican Consulate in Las Vegas on Sept. 30. EMPLEO is an alliance of employers; labor; community organizations; consulates and federal, state and local agencies that educate employers and employees, especially recent immigrants, in Southern Nevada on workplace rights and responsibilities. The program in Las Vegas was a catalyst for similar initiatives in the Western Region, spurring the creation of other partnerships such as the EMPLEO Los Angeles program in 2004. Since its creation in 2003, the Las Vegas program has helped recover nearly \$6 million in back wages.

Improving Worker Safety in Hawaii

The Hawaii State Department of Labor & Industrial Relations on Sept. 13 announced that it would reassume jurisdiction over the state's manufacturing industries following a 2012 operational status agreement aimed at rebuilding the safety and health program overseen by the department's Occupational Safety and Health Division. The agreement with the federal Occupational Safety and Health Administration gave OSHA jurisdiction over several industries in Hawaii to allow the state time to improve its oversight of worker safety and health. "While these statistics are good, it's the fact that the number of worker deaths on the job decreased that is most rewarding," said acting Deputy Assistant Secretary of Labor for Occupational Safety and Health Dorothy Dougherty. The status agreement remains in effect until 2015.

- [Read About Hawaii's State Plan](#)
- [Read the Operational Status Agreement](#)

Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment

OSHA at CVS stores in Connecticut, New York and Rhode Island.

- [Read the News Release](#)

New York City Restaurant Workers to Receive Back Wages

Twenty-one low-wage employees of a Flushing, Queens, restaurant will receive \$329,000 in back wages and liquidated damages following action by the department. The Wage and Hour Division found that Panmark Ltd., doing business as Mythos Restaurant, and its owners underpaid employees between Aug. 23, 2008, and Aug. 20, 2011. Specifically, restaurant wait staff were not paid any wages and worked for tips only, while busboys and kitchen staff were paid a fixed shift rate, but not overtime, for hours worked above 40 in a workweek. The consent judgment, obtained in federal court, also requires the defendants to inform workers of their rights and prohibits retaliation against workers.

- [Read the News Release](#)

Heat Stress Fatality Leads to Citations for 2 Houston Companies

BFI Waste Services of Texas LP, doing business as Republic Services Inc., and their temporary labor provider Recana Solutions LLC were cited for exposing workers to excessive heat after a worker died from heat stress in June. The Occupational Safety and Health Administration cited BFI Waste Services of Texas for failing to provide first aid training and protect workers from recognized heat stress hazards. Recana Solutions' violations included failing to protect workers from recognized heat stress hazards.

- [Read the News Release](#)

New Hampshire Restaurant Ordered to Pay Back Wages and Damages

The Labor Department has obtained a consent judgment in federal court ordering a Claremont, N.H., restaurant and its owners to pay \$30,000 in back wages and liquidated damages to 32 employees following an investigation by the Wage and Hour Division. The judgment resolves a lawsuit alleging violations of the minimum wage, overtime and record-keeping provisions of the Fair Labor Standards Act by Legacy Holdings LLC, doing business as Ramunto's Brick Oven Pizza Restaurant, and owners Desmond Willey and Kelly Willey. Investigators found that the defendants paid employees in cash at their regular hourly rate of pay for hours worked above 40 in a workweek, rather than one and one-half times that rate, as required by law.

- [Read the News Release](#)

Worker Suffers Finger Amputation at Missouri Glass Factory

Piramal Glass USA Inc. has been cited by the Occupational Safety and Health Administration for 21 safety and health violations after a worker suffered a finger amputation while repairing a machine at the Park Hills, Mo., manufacturing plant. Prior to maintenance, the machine was not isolated from its energy source. Thirteen of the serious violations were safety-related, including several violations of OSHA's lockout/tagout standards and failing to train workers on isolating energy sources to a bottle-making machine. Additionally, five serious health violations and one repeat violation were cited. Penalties of \$137,400 have been proposed.

- [Read the News Release](#)

Former New Orleans Union Officer Sentenced for Embezzlement

A judge has sentenced Wayne Patrick Boudoin, former president of Security, Police, and Fire Professionals of America Local 709 in New Orleans, to two years of probation, including six months of home confinement, for embezzling union funds. Boudoin was also ordered to pay restitution in the amount of \$16,398. This is in addition to \$20,988 that he previously paid. An Office of Labor-Management Standards investigation

Insurance claims was 309,000 for the week ending Sept. 14, an increase of 15,000 from the previous week. The four-week moving average was 314,750, down 7,000 from the previous week's revised average.

- [Read the News Release](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

OASAM — Vendor Outreach Session

- [October 16 — Washington, DC](#)

OFCCP — Common Problem Areas for Federal Contractors

- [September 21 — Chicago, IL](#)

OFCCP — Employment 411 Seminar

- [October 30 — Columbus, OH](#)

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

- [September 20 — Columbus, OH](#)

WHD — Home Care Final Rule Webinar: Northeast Region

- [October 3 — Washington, DC](#)

WHD — Home Care Final Rule Webinar: Western Region

- [October 8 — Washington, DC](#)

WHD — Home Care Final Rule Webinar: Midwest Region

- [October 10 — Washington, DC](#)

WHD — Home Care Final Rule Webinar: Southeast Region

- [October 15 — Washington, DC](#)

WHD — Home Care Final Rule Webinar: Southwest/Mountain Region

- [October 17 — Washington, DC](#)
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RT @laborsec: The #TAACCCT grant program may have a funny name, but it changes people's lives. Here's how: social.dol.gov/blog/?p=8627#wkdev

found that while serving as union president from September 2003 through January 2011, Boudoin embezzled union funds by writing checks to himself and using the union's debit card to make unauthorized cash withdrawals and to cover personal purchases. On May 30, 2013, Boudoin pleaded guilty to one count of embezzlement of labor union funds in the U.S. District Court for the Eastern District of Louisiana.

Illinois Companies Failed to Protect Workers in Trenching Operations

Two Illinois companies have been cited by Occupational Safety and Health Administration for failing to protect workers from cave-ins during trenching operations. Urbana-based Cross Construction Inc. was cited for three safety violations, including two repeat, at a job site in Danville in May and is facing \$75,460 in penalties. The company was also placed in OSHA's Severe Violator Enforcement Program. Feutz Contractors Inc. of Paris was cited for four violations, including one willful, at a job site in Mahomet in April. Fines of \$67,760 have been proposed for Feutz Contractors.

- [Read the Cross Construction News Release](#)

- [Read the Feutz Contractors News Release](#)

Agapito Agrees to Settlement in Crandall Canyon Case

A settlement agreement stemming from the 2007 Crandall Canyon mine collapse between Agapito Associates Inc. and the Mine Safety and Health Administration was submitted on Sept. 18 to the Federal Mine Safety and Health Review Commission. If approved, the settlement will mark the end of legal proceedings brought by the federal government arising from the disaster, which killed six miners and three rescue workers. The mining engineering consulting firm accepted responsibility for its role in the tragedy and agreed to pay \$100,000 for a high negligence violation.

- [Read the News Release](#)

Tree-Trimming Company Found Demanding Kickbacks

Under a consent judgment and court-ordered injunction, Diamond Tree Experts, based in Salt Lake City and its owner, Robert Trent Van Dam, are prohibited from retaliating against employees who refused to kickback mandatory overtime pay. This action followed the second investigation of Diamond Tree Experts by the Wage and Hour Division. In the first investigation, the agency found that the tree-trimming and stump-removal company paid straight-time for all hours worked rather than time and one-half the employees' regular rates of pay. The company paid the back wages following the first investigation, but then required employees to return those funds to the company. When one of the employees refused to do so, his employment was terminated, which led to the second investigation being opened.

- [Read the News Release](#)

4 Workers Suffer Fractures at Ohio Plastics Plant

Optimum Plastics Inc. has been cited by the Occupational Safety and Health Administration after four workers suffered forearm fractures while operating winder machines with inadequate guarding at the company's Delaware, Ohio, packaging plant. OSHA cited three safety violations carrying proposed penalties of \$81,000. On May 16, 2012, an employee had his left arm pulled into the machine, resulting in the fracture of both bones in his left forearm. Similar injuries occurred in January, February and April of this year. During the March complaint inspection, OSHA determined that at least 15 other less severe injuries occurred to employees during the past five years.

- [Read the News Release](#)

Chinese Restaurants in Washington State Ordered to Pay \$2.7 Million

Two Chinese buffet restaurants in Lacey and Dupont, Wash., have been ordered to pay \$2,743,584 in back wages and liquidated damages to 68

Expand



US Labor Department 
@USDOL

4h

#MSHA's Joe Main, DOL Solicitor M. Patricia Smith weigh in on @NYTimes editorial about sentencing of fmr Massey exec: ow.ly/p29VV

employees. On Sept. 11, a federal judge in Seattle granted the Office of the Solicitor's motions for summary judgment in the two Fair Labor Standards Act cases. Wage and Hour Division investigators found the two restaurants in violation of minimum wage, overtime and record-keeping provisions over a three-year period beginning in 2008. Chief Judge Marsha Pechman found the Wage and Hour investigators' declarations sufficient to establish back wage amounts, willfulness and entitlement to liquidated damages.

- [Read the Dupont Summary Judgment](#)
- [Read the Lacey Summary Judgment](#)

\$230,000 in Discrimination Damages Recovered From Foster Farms

The Office of the Solicitor secured a fully-executed conciliation agreement on Aug. 23 with poultry industry employer Foster Farms. The company agreed to pay approximately \$230,000 in back wages and lost retroactivity compensation to a class of black applicants that the Office of Federal Contract Compliance Programs determined were discriminated against in the application process at the federal contractor's plant on Belgravia Street in Fresno, Calif. Foster Farms also agreed to hire 86 class members. The agreement includes a provision by which Foster Farms will allow class members to apply for jobs at any of 10 facilities located in five states, providing class members that have relocated since the date of their application for the opportunity do not have to return to Fresno.

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