



DOL News Brief

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October 24, 2013



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

American Women



That was the title of the groundbreaking report issued 50 years ago this month that represented the deepest study of women in the workplace conducted to that date. The President's

Commission on the Status of Women, the body that produced the report, was established by executive order of President John F. Kennedy. The woman behind the scenes, whose energy and determination convinced Kennedy to sign the executive order (the text of which she wrote herself), was Esther Peterson, assistant secretary of labor and director of the Women's Bureau. It was Peterson who urged President Kennedy to appoint Eleanor Roosevelt (whose husband appointed the very first woman to the U.S. Cabinet, our own Frances Perkins) as the chair of the commission. Sadly, Eleanor Roosevelt did not live to see the fruits of her work when the commission sent its final report to President Kennedy on Oct. 11, 1963, but she was optimistic that it signaled a major step forward in promoting opportunity for women. "Because I anticipate success in achieving full employment and full use of America's magnificent potential," she said before her death, "I feel confident that in the years ahead many of the remaining outmoded barriers to women's aspirations will disappear." The report was conceived as an "invitation to action," and it outlined many recommendations for achieving equal opportunity in the workplace in areas such as education, employment and legal protections. Today, the department's Women's Bureau keeps the spirit of the commission alive, working to ensure that, as Kennedy put it, "women everywhere will have it within their power to develop their potential capacities to the maximum."



- [Read "American Women"](#)
- [Listen to an NBC Special Report](#)
- [Read the Blog Post on Peterson](#)
- [View the Centennial Timeline](#)

We're Back!

Returning to Work at the Department of Labor

Secretary of Labor Thomas E. Perez and other department leaders made it a top priority to welcome back employees who were impacted by the government shutdown. Perez heard from a number of employees who were eager to get back to business and continue serving working families



across the country. In an email to employees, Perez stated, "All of us at the Department serve the public and help fulfill the Department's mission, and I am excited that we will again be able to carry out our critical mission of protecting and empowering people, and expanding access to opportunity." On Oct. 17, Perez met with employees from the Office of Workers' Compensation Programs, Office of Labor Management Standards, Occupational Safety and Health Administration, and Employment and Training Administration. The following day, he greeted employees outside department headquarters, attended a staff meeting at the Bureau of Labor Statistics, and later headed to Arlington, Va., to visit Mine Safety and Health Administration employees, saying, "We are a far safer nation when you are here on the job."

- [View the Slideshow](#)

Perez Talks Employment Situation for September... Finally

The recent government shutdown put an unfortunate stop to the work of the department's Bureau of Labor Statistics, delaying the release of the monthly employment report from its usual "job numbers Friday" to Tuesday, Oct. 22. However, just three days after the resumption of work, BLS was



able to report that nonfarm payroll increased by 148,000 and the unemployment rate dipped to 7.2 percent in September, the lowest rate since November 2008. To help provide context for the numbers, Secretary Perez took part in 20 media interviews throughout the day, including television appearances on Bloomberg, CNN, Telemundo and Univision. "The shutdown cost a lot more than money in the economy. It also cost the confidence and respect of people both at home and abroad, and all it created was uncertainty for businesses looking to hire," Perez told journalists. The next employment report for October will be issued on Nov.

[View the Centennial Video](#)

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

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

• [Continuing on the Road to Recovery](#): Soon after the government reopened on Oct. 17, the department announced that the September employment situation report — canceled on Friday, Oct. 4 — would be released on Tuesday, Oct. 22. When the report was finally issued, it revealed that the economy added 148,000 total nonfarm jobs in September, a sign that the economy continues on the road to recovery, but at a more modest pace than the American people need or expect. Here, Secretary Perez identifies ways that the government shutdown strained that recovery. "The economy can't live up to its potential if it's hijacked every few months," he writes.

• [NDEAM 2013: Because We Are EQUAL to the Task](#): October is National Disability Employment Awareness Month and Kathy Martinez, assistant secretary for disability employment policy, takes this opportunity to call for everyone to celebrate the contributions of America's workers with disabilities and assess our progress toward building a workforce that welcomes the skills and talents of *all* qualified individuals.

• [The 1940s: The "Greatest Generation" Workforce Mobilizes for War](#): Carl Fillichio, head of the Office of Public Affairs and chair of the department's centennial program, continues his series of posts covering each decade of the department's 100 years with a look at the 1940s, a period that began with the sudden shock of the Japanese attack on Pearl Harbor in 1941 and ended with America's working men and women ushering in an era of peace and prosperity and securing America's position as a world superpower.

## Workforce Partnerships



In keeping with his belief that, "If you want to create jobs, you've got to talk to the job creators," Secretary Perez sat down on Oct. 21 with Business

Leaders United for Workforce Partnerships, a group of employers dedicated to working with government to build a stronger skills infrastructure. Joined by Commerce Secretary Penny Pritzker and National Economic Council Chair Gene Sperling at the Capital Hilton in Washington, D.C., Perez discussed the need to empower America's workers with the skills and certifications they need to succeed in middle-class jobs. He emphasized his belief in a demand-driven system that prepares people for positions that are currently available, aligning training programs with the workforce needs of businesses.

8, a one-week delay from the originally scheduled date of Nov. 1.

- [Read the Secretary's Blog](#)
- [View the Calendar of BLS Releases](#)
- [View the Slideshow](#)

## National News

### \$20.5 Million Awarded to 'Make it in America'

Ten winners were awarded a total of \$20.5 million in the "Make it in America" challenge. Sponsored by the Departments of Labor and Commerce, along with the Delta Regional Authority, the program is part of an Obama administration initiative to accelerate job creation and encourage businesses to keep, expand or re-shore their manufacturing operations and jobs in the United States as well as to entice foreign companies to set up operations here. The challenge builds on and promotes the factors that make America a good place to do business, namely its strong business climate and highly-skilled and productive workforce. The initiative also encourages collaboration among federal agencies to make smarter, more effective investments that provide stakeholders with a seamless process for applying for federal resources.

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

### Mine Safety Agency Wields Toughest Enforcement Tool

Three underground coal mines have become the first recipients of a pattern of violations notification under a Mine Safety and Health Administration final rule that went into effect in March. A POV notice, one of the agency's toughest enforcement actions, is reserved for the mines that pose the greatest risk to the safety of miners. The three mines that received POV notices are Tram Energy LLC's Mine No. 1 in Floyd County, Ky.; Brody Mining LLC's Brody Mine No. 1 in Boone County, W.Va.; and Pocahontas Coal Company LLC's Affinity Mine in Raleigh County, W.Va. MSHA's review for POV covered all 14,600 of the nation's mines.

- [Read the News Release](#)
- [Visit the POV Single Source Page](#)

### Expanding Training and Opportunity in Los Angeles



When Melinda Salwet lost her job as a cost analyst in construction project management during the recent recession, she turned to Los Angeles Trade-Technical College for help discovering a new career path. Now a second-semester student focused on a career in the growing health-care

industry, Salwet had a chance to tell her story to Secretary Perez during his visit on Sept. 27 to highlight the department's ongoing efforts to link employers with the community college system. Thanks to a \$19.2 million grant as part of the Trade Adjustment Assistance Community College Career Training grant program, the nine colleges that make up the Los Angeles County Community College District will be able to expand health-care career training and ensure that more people like Salwet have access to these programs. Los Angeles Mayor Eric Garcetti, Los Angeles Community College District Chancellor Dr. Adriana Barrera, LATTTC President Lawrence Frank, and Los Angeles Children's Hospital Manager Rolando Gomez also spoke at the event, which brought more than 100 employers, faculty, and community partners to Magnolia Hall on the LATTTC campus. Perez also toured the nursing classrooms to talk with students

- [View the Slideshow](#)

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## Public Perceptions on Equality

Secretary Perez addressed an enthusiastic crowd of 300 union leaders at the SAG-AFTRA National Convention in Los Angeles on Sept.



28. Giving credit to members for helping change public perception on marriage equality through their work in the industry, he stated, "Vice President Joe Biden was right when he pointed out that we wouldn't have gotten so far without 'Will & Grace.'" With the implementation of the Affordable Care Act being a top priority for the administration, Perez emphasized the need to get the word out about the law that has and will continue to help millions of working families across the country receive quality, affordable health-care coverage and, in some cases, for less than \$100 per month. Perez was joined by members of SAG-AFTRA's leadership, including President Ken Howard, Executive Vice President Gabrielle Carteris, Executive Director David White and Associate Executive Director Mathis Dunne.

- [View the Slideshow](#)

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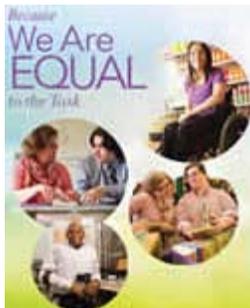
## Grants for Five States

Five states — California, Illinois, Iowa, Kansas and Kentucky — were awarded \$400,000 in grants on Sept. 30 to develop a more integrated workforce system. The grants are part of the Reemployment Connections initiative, whose goal is to better align a state's Unemployment Insurance program with the state's workforce development system. The funding will be used to develop a single registration protocol for all UI claimants and job seekers so that all workforce system resources are available to everyone. "The Reemployment Connections program will enhance states' ability to provide a full range of resources to the unemployed to help them quickly get back into the workforce," said Eric M. Seleznow, acting assistant secretary of labor for employment and training.

- [Read the News Release](#)
- [Learn About Reemployment Connections](#)

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## Disability Employment Month



Every October, the Office of Disability Employment Policy engages with employers, schools, community organizations and others to recognize National Disability Employment Awareness Month. This year, ODEP is

providing tips for highlighting the contributions of

about their experience in the program and hear from those earning class credit and a paid stipend to raise awareness of CoveredCA, the state health-care exchange made possible through the Affordable Care Act.

- [View the Slideshow](#)

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## Take Three: Economic Data Back on Track

Because of a lapse in appropriations, Bureau of Labor Statistics data collection, analysis, and dissemination activities were suspended from Oct. 1 through Oct. 16. Over this period, only three of the approximately 2,400 BLS employees worked full time. Erica Groshen, the BLS commissioner, answers three questions about the shutdown.

Which BLS data releases were delayed by the shutdown? *Just like every month, the BLS Employment Situation and Consumer Price Index reports are among the most eagerly anticipated economic releases in the country. The release of these reports for September were delayed during the shutdown. Since the Social Security Administration uses CPI data from July to September to calculate cost-of-living increases for the coming year, their delay has caused particular anxiety for Social Security recipients. Other BLS releases that were originally scheduled during the shutdown period and also delayed include measures of job openings and labor turnover, changes in producer prices, changes in import and export prices, metropolitan area employment and unemployment, and real earnings.*

Is it true that data in upcoming reports may not be as reliable as usual? *The shutdown created challenges for collecting and releasing BLS economic data. Because of the shutdown, some data collection was missed entirely and some started late. As soon as the government reopened, however, the BLS staff got back to work to ensure that estimates continue to be as accurate and timely as possible. BLS releases always provides users the information needed to understand the limitations, if any, of the estimates. Going forward, BLS will document and explain, on a case-by-case basis, any impact the shutdown may have had on particular data sets.*

Is there a revised schedule for BLS data releases? Yes.

- [View the Revised Schedule](#)

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## News You Can Use

Online Resources to Protect Against Hazardous Chemicals

Each year in the United States, tens of thousands of workers are sickened or die from occupational exposures to hazardous chemicals that are used in workplaces every day. The Occupational Safety and Health Administration launched two new web resources on Oct. 24 to assist companies with keeping their workers safe. The first resource is a toolkit to identify safer chemicals that can be used in place of more hazardous ones. OSHA also has created the Annotated Permissible Exposure Limits, or annotated PEL tables, which enables employers to voluntarily adopt newer, more protective workplace exposure limits.

- [Read the News Release](#)
- [Use the Toolkit for Safer Chemicals](#)
- [Visit the Annotated PEL Tables Resource](#)

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## International Scene

Annual Report Puts Spotlight on Fight Against Child Labor

America's workers with disabilities. The agency also has issued a poster highlighting this year's theme, "Because We Are EQUAL to the Task," and a blog emphasizing the benefits of inexpensive accommodations for all employees. "The key to making the American workforce more inclusive of people with disabilities is making the conversation about disability and employment more inclusive," said Kathy Martinez, assistant secretary of labor for disability employment policy. "That's the essence of NDEAM."

- [Read the News Release](#)
- [Read the NDEAM Tips](#)
- [Learn More About NDEAM](#)
- [Read the Presidential Proclamation](#)

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## Older Women Roundtable

In an effort to bring attention to the unique challenges facing older women in the workforce, the Women's Bureau held a roundtable on Sept.



27 at department headquarters in Washington, D.C. Acting Director Latifa Lyles pointed out that, although workers 55 and older are less likely to become unemployed than younger workers, those who do are likely to remain so for a longer period. "Older workers tend to... see their financial circumstances decline, [and] many go without medical care," said Lyles. The roundtable united subject experts from research institutions, advocacy organizations, universities and federal departments, and covered topics including retirement, financial needs specific to older women, and age and gender discrimination.

- [View the Slideshow](#)

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## Hiring Persons With Disabilities



The department's regulatory updates to Section 503 of the Rehabilitation Act were the focus of Office of Federal Contract Compliance Programs

Director Patricia A. Shiu's keynote address at an Oct. 22 conference on disability employment research in Arlington, Va. Organized by the Employment and Disability Institute at Cornell University's School of Industrial Relations, the event focused on how employer practices can improve opportunities for people with disabilities in the workplace. "Good data is the cornerstone of good public policy," Shiu told 150 researchers, scholars, advocates, employers and government officials. "How can we expand the field of understanding about what it will take to improve a worker's willingness to self-identify as a person with a disability? I believe the answers could provide the key to the success of our new rule."

- [Read the Remarks](#)

"Findings on the Worst Forms of Child Labor" is an annual report from the Bureau of International Labor Affairs that provides assessments of efforts to address the global problem in 143 countries. On Sept. 30, Secretary Perez hosted an event to unveil the 2012 edition of the report for a standing-room only



audience at the department headquarters in Washington, D.C. He was joined by two towering figures of the movement to eliminate the worst forms of child labor — former Secretary of Labor Alexis Herman and Sen. Tom Harkin of Iowa. The panel, moderated by acting Deputy Undersecretary for the Bureau of International Labor Affairs Carol Pier, featured a video depicting children rescued from child labor through ILAB's grants abroad, with remarks by Dr. Maya Soetoro-Ng, University of Hawaii professor and sister of President Obama. In this year's report, 10 countries received an assessment of "significant advancement" in efforts to reduce child labor, a major improvement over last year, when only two countries received this assessment. During the event, Perez also announced \$26 million in awards for projects to combat the worst forms of child labor in four countries.

- [Explore the 2012 Findings on the Worst Forms of Child Labor Report](#)
- [View the Slideshow](#)

## Labor Concerns in Dominican Sugar Sector

In response to a public submission filed under the Labor Chapter of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR), the department released a report on Sept. 27 regarding labor concerns in the Dominican sugar sector. The department offers 11 recommendations to the government of the Dominican Republic to address the report's findings and improve enforcement of Dominican labor laws in the sugar sector. The department also announced a \$10 million, four-year project to reduce child labor and improve labor rights and working conditions in the Dominican agriculture sector.

- [Read the News Release](#)

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## Of Note

There From the Start: EBSA's Alan Lebowitz Bids Farewell

Alan Lebowitz was in the right place at the right time — and with the right skills — when he took a position with the fledgling Pension and Welfare Benefits Administration (precursor to today's Employee Benefits Security Administration) in 1979. He was working at the Internal Revenue Service and was a Suffolk University Law School graduate. Lebowitz soon rose to become director of program operations, a position that was elevated to deputy assistant secretary in the mid-1980s.



He is the only person to serve in the position since its creation. Although he has seen dramatic improvement in enforcement, consumer education and assistance during his career, Lebowitz says more needs to be done, in particular, with legislation that improves oversight of benefit plan audits and the accountants who conduct them. "People think that audits are a protective mechanism, but the rules are so weak and our ability to police the accounting profession is non-existent." After he leaves EBSA, the Boston native plans to spend time with his family in Cape Cod, travel and remain involved in the employee benefits

## EMPLEO 10-Year Anniversary

The department joined the Mexican Consulate in Las Vegas on Sept. 30 to mark the 10-year anniversary of the Las Vegas EMPLEO (EMPLOYment



Education and Outreach) program. Partners from other federal and state agencies also attended the event. EMPLEO is an alliance of employers, labor, community organizations, consulates and government agencies in Southern Nevada that provides information on workplace rights and responsibilities. Representatives from the offices of Senators Harry Reid and Dean Heller extended the Wage and Hour Division's Las Vegas District Office senatorial recognitions in praise of the program's efforts. Since 2003, Las Vegas EMPLEO has helped recover nearly \$6 million in back wages for approximately 6,000 workers.

- [View the Slideshow](#)
- [Read the Recognition from Sen. Reid](#)
- [Read the Recognition from Sen. Heller](#)

## Honor for Barry-Perez



Naomi Barry-Perez, the director of the department's Civil Rights Center, received the Distinguished Alumnus Award from the Congressional Hispanic Caucus Institute on Oct. 1. The award recognizes Barry-Perez's efforts in

founding the CHCI's Alumni Association in 1998 and honors her "exceptional vision, leadership and commitment to develop the next generation of Latino leaders through civic engagement and giving back to the CHCI." This year, the CHCI Alumni Association celebrates its 15th anniversary, boasting more than 2,600 members and eight regional chapters. Barry-Perez served as a CHCI intern in Congress in 1994 and a fellow at the Department of Education, Office for Civil Rights in 1996-1997. She also received a CHCI scholarship to attend the Georgetown University Law Center.

## Ecuadorian Community Outreach

George Ference, administrator of the Wage and Hour Division Northeast Region, participated in a small business event on Sept. 27 in an effort to reach members of the Ecuadorian community.



Joining Jessica Escala Maccaferri, consul general of Ecuador, the two agencies signed an agreement of understanding focused on protecting

legal community.

## DOL Working for You

### Indiana Student Buckles Down and Earns Her Degree

When she was pregnant with her second child, single mom Geneva Brown was determined to get her GED and find a career. Brown came to Indiana's YouthWorks Indy, a Workforce Investment Act funded program, for help and enrolled in its program for out-of-school youth. Working to improve her English and math skills for her GED test, she determinedly attended practice classes before and after delivering a healthy baby. Brown's first GED test scores were insufficient, so she buckled down and studied harder. She cried when she learned her second score was just two points short of a



passing grade. "My parents and teachers encouraged me, and I knew I would eventually pass," she said. After some more practice, Brown finally passed and earned her GED. She will be "proudly marching in commencement in November," said Victoria Britton, a program case manager. But Brown isn't stopping there — she is working toward a cosmetology license and hopes to open her own hair salon someday.

## DOL in Action

### CFO Fired by Technology Company to be Awarded \$1.9 Million

Clean Diesel Technologies Inc. has been ordered to pay \$1.9 million to its former chief financial officer who was fired for reporting conduct he believed was detrimental to the company's shareholders. An investigation by the Occupational Safety and Health Administration found that the company violated the whistleblower provisions of the Sarbanes-Oxley Act when it wrongfully terminated the former CFO for warning the board of directors about ethical and financial concerns raised by a proposed merger. OSHA ordered the manufacturer and distributor of emission control systems — based in Ventura, Calif., and formerly headquartered in Stamford, Conn., — to pay the complainant more than \$486,000 in lost wages, bonuses, stock options and severance pay. In addition, the company must pay the complainant more than \$1.4 million in compensatory damages for pain and suffering, damage to career and professional reputation, and lost 401(k) employer matches and expenses.

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

### Millions Recovered for Employee Stock Ownership Plan

Fiduciaries of the California-based Parrot Cellular Employee Stock Ownership Plan must pay nearly \$4.2 million to the plan, according to a consent order obtained by the department on Oct. 17. The settlement resolves allegations that plan fiduciaries caused or permitted the ESOP to purchase Parrot Cellular stock for more than fair market value. Defendants Dennis Webb, Matthew Fidiham, J. Robert Gallucci and Consulting Fiduciaries Inc. have agreed to pay \$4,181,818 to the plan under the terms of the settlement agreement.

- [Read the News Release](#)

### OSHA Cites 4 Employers in Deadly Arkansas Crane Collapse

Four employers were cited by the Occupational Safety and Health

Ecuadorian workers and educating Ecuadorian small businesses throughout New Jersey and Pennsylvania about the laws enforced by the Wage and Hour Division. The event, held as part of Hispanic Heritage Month, was attended by New Jersey Lt. Gov. Kim Guadagno and representatives of the U.S. Equal Employment Opportunity Commission.

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## Listening Mode on Rules

Office of Federal Contract Compliance Programs Director Patricia A. Shiu and Policy Branch Chief Naomi Levin were in "listening mode" when they met with 160 employers in Arlington, Va. on Oct. 18 for the National Employment Law Institute's annual Affirmative Action Briefing. Shiu spoke about two new rules aimed at improving employment opportunities for protected veterans and qualified workers with disabilities. Published in the Federal Register last month, the rules become effective on March 24, 2014. Shiu explained that OFCCP senior staff will engage federal contractors in coming months to hear their questions about how to implement the new requirements. Based on those conversations, OFCCP will enhance training for compliance officers and stakeholders, and update information on the agency's website.

- [Learn About the Veterans Rule](#)
- [Learn About the Disability Rule](#)

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## Severe Weather Clean-up Grants

Tornadoes, storms, floods and high winds have caused millions of dollars of damage in Arkansas, Missouri and Florida, and emergency assistance for recovery efforts is urgently needed. On Sept. 30, the department announced three grants totaling nearly \$5 million to these states to create temporary jobs for eligible individuals to assist with clean-up and recovery efforts. The largest of the grants was awarded to the Missouri Division of Workforce Development, with an emergency grant approved for up to \$3,470,527 with \$2,872,696 released initially. In Florida, \$409,494 was awarded to the Florida Department of Economic Opportunity for temporary employment on projects that will repair considerable damage to roads and bridges in affected counties. To clean up damage from severe storms and flooding in Arkansas, \$893,200 was awarded to the Arkansas Department of Workforce Services.

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## Florida Whistleblower Case

An eight-member jury found that Renaissance Arts and Education Inc., doing business as Manatee School for the Arts in Palmetto, Fla., and its principal, Dr. Bill Jones, violated the whistleblower protection provisions of Section 11(c) of the Occupational Safety and Health Act, when they unlawfully and intentionally terminated an employee for voicing and reporting work-related safety hazards. The jury verdict was reached on Sept. 12 and adopted by the U.S.

Administration after one Precision Surveillance worker was fatally injured in March when a crane collapsed at the Arkansas Nuclear One Power Plant. Eight other workers were injured in the collapse. Precision Surveillance Corp., Bigge Crane and Rigging Co., Siemens Power Generation Inc. and Entergy Operations Inc. were cited for 26 safety violations. "This tragedy could have been prevented had the employer ensured vital safeguards to protect workers from potential hazards and proper planning for a project of this magnitude," said Carlos Reynolds, OSHA's area director in Little Rock.

- [Read the News Release](#)

### Fort Worth Workers Exposed to Struck-by, Amputation Hazards

Fort Worth F&D Head Co. was cited by the Occupational Safety and Health Administration for 18 serious safety violations for exposing its workers to struck-by and amputation hazards. The April 17 inspection began under the agency's Site-Specific Targeting Program, which focuses on workplaces with the highest rates of injuries and illnesses. The inspection found that workers were exposed to struck-by hazards associated with rigging and moving of heavy metal with overhead cranes, and to amputation hazards from a lack of guarding and lockout/tagout procedures. The company faces \$88,200 in proposed penalties.

- [Read the News Release](#)

### Back Wages, Damages Recovered for Animal Hide Employees

The department has secured a court judgment ordering Boston Hides & Furs Ltd., and its owner to pay \$825,000 in back wages and liquidated damages to 14 underpaid employees of the Chelsea, Mass., wholesale animal hide business. The defendants must also pay \$100,000 in compensatory and punitive damages to 10 workers, who were unlawfully fired for cooperating with the investigation by the Wage and Hour Division. Civil penalties total \$50,000.

- [Read the News Release](#)

### Safety Violations Found at New Jersey Demolition Site

Waterside Construction LLC was cited by the Occupational Safety and Health Administration for safety and health violations at a demolition site in Edgewater, N.J. Thirteen serious and two other-than-serious violations were found following OSHA's April inspection prompted in response to a complaint alleging demolition hazards. Penalties of \$70,980 have been proposed.

### Georgia Power Plant Explosion Results in \$119,000 in Proposed Fines

Georgia Power Co., a subsidiary of Southern Co., has been cited by the Occupational Safety and Health Administration with 17 safety violations following an April explosion. The explosion occurred during a maintenance shutdown at the company's Plant Bowen facility in Cartersville, Ga. The violations included failing to perform an annual inspection of all energy control procedures, prohibit ignition sources near hydrogen or hydrogen sealing systems, assign a worker the responsibility for overall tagout control, and not verifying the isolation and de-energization of the machine or equipment. Penalties of \$119,000 have been proposed.

- [Read the News Release](#)

### Wisconsin Workers Exposed to Airborne Hazards

Fiberdome Inc. has been cited by the Occupational Safety and Health Administration for 10 health violations and issued \$49,500 in penalties following a March investigation of the Lake Mills, Wis., fiberglass manufacturing plant. Workers were exposed to styrene — a chemical used extensively in the manufacture of plastics, rubber and resins — in excess of permissible limits. OSHA initiated the inspection after receiving a referral alleging workers were experiencing respiratory irritation due to exposure.

District Court for the Middle District of Florida on Sept. 30. The court order includes monetary relief for the employee in the amount of \$55,000 in back wages and \$120,000 in punitive damages.

- [Read the News Release](#)

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## BG&E Settles Bias Charges

Federal contractor Baltimore Gas and Electric has entered into a conciliation agreement with the Office of Federal Contract Compliance Programs to resolve allegations of discrimination. OFCCP determined the company's hiring process led to systematic discrimination against 58 male African-Americans who applied for cable splicer trainee and distribution construction trainee positions at its Baltimore facility from December 2007 through November 2008. Under the agreement, BG&E will pay the rejected applicants \$350,000 in back wages and interest and make job offers as opportunities become available.

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## Home Care Rule Webinars

The Wage and Hour Division has scheduled five free informational webinars to help families, employers and workers learn more about the changes associated with its recently issued Home Care Final Rule. The rule extended the Fair Labor Standards Act's minimum wage and overtime protections to most direct care workers.

- [Visit the Home Care Website](#)
- [Read the News Release](#)

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## Mine Safety Grants

Five organizations that provide education and training within the mining industry have been awarded \$582,804 in grants through the Mine Safety and Health Administration's Brookwood-Sago program. The funding will be used to develop and implement training and related materials for mine emergency preparedness, as well as for the prevention of accidents in underground mines. The five recipients are the United Mine Workers of America Career Centers Inc., based in Washington, Pa.; Center for Strategic Management Public Leadership Institute Inc. in Severna Park, Md.; Colorado School of Mines in Golden, Colo.; Colorado Division of Reclamation Mining and Safety in Denver; and Virginia Department of Mines, Minerals and Energy, in Richmond, Va.

- [Read the News Release](#)

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## Promoting Worker Safety in El Paso

In an effort to increase access to material and knowledge of workplace safety and health rights in the general and construction industries, the Occupational Safety and Health Administration has renewed its alliance with T&T Staff Management Inc. in El Paso, Texas. As part of the alliance, T&T will develop training and

- [Read the News Release](#)

### New York Rail Car Interior Manufacturer Cited

Testori Interiors Inc. of Champlain, N.Y., has been cited by the Occupational Safety and Health Administration for 24 violations of workplace safety and health standards. The manufacturer of rail car interiors faces \$170,100 in fines following an OSHA inspection by the Albany Area Office that began in March. The company was cited for one willful violation for failure to develop, document and use lockout and tagout procedures for controlling potentially hazardous energy during maintenance and servicing of equipment. Testori also received 22 serious violations and one other-than-serious violation.

- [Read the News Release](#)

### Pipe Manufacturer Cited After Fatal Forklift Accident

National Pipe and Plastics Inc. of Vestal, N.Y., was cited by the Occupational Safety and Health Administration for 16 serious violations of workplace health and safety standards after a truck driver working for a separate company was fatally struck by a forklift driven by an employee of the pipe manufacturer. In response to the March incident, inspectors found that the forklift had an inoperative backup alarm and the forklift driver did not have a clear view of the path traveled. OSHA inspectors found additional serious health and safety violations, including failure to maintain surfaces free of combustible dust.

- [Read the News Release](#)

### Texas Company Convicted of Felony, Fined

Belton, Texas-based High Performance Ropes of America was convicted of one felony count of making false statements and ordered to pay \$165,356 in overtime back wages and liquidated damages to 31 employees. Other fines included \$12,100 in civil penalties for repeat and willful violations of the Fair Labor Standards Act. The two-year investigation by the Wage and Hour Division found that the employer failed to pay its workers time and one-half for hours worked over 40 in each workweek. A second investigation revealed that the employer submitted false payment evidence to the department and demanded kickbacks from the workers while continuing to avoid overtime obligations. The employer also kept a second set of time records hidden from investigators. The owner, plant manager and office manager were convicted on separate felony counts.

- [Read the News Release](#)

### Montana Company Faulted on Lead Exposure, Safeguards

USA Brass Company Inc. in Bozeman, Mont., has been cited by the Occupational Safety and Health Administration with multiple violations following an inspection under the national emphasis program for lead. The company faces \$45,000 in proposed fines. Violations included failure to conduct initial determinations of worker overexposure to lead, implement engineering and work practice controls to reduce lead exposure, provide workers with adequate respiratory protection and personal protective clothing, prohibit food and beverages from areas with excessive accumulations of lead, and train workers on lead hazards. The company also failed to implement respiratory protection, hearing conservation and hazard communication programs.

- [Read the News Release](#)

### Concrete Company Faces Fines for Willful, Serious Hazards

County Concrete Corp. has been cited by the Occupational Safety and Health Administration for 18 alleged safety and health violations at the company's East Orange, N.J., site. The violations included the lack of an established lockout/tagout program and equipment-specific procedures, and the company's failure to evaluate the workplace for permit-required confined spaces, develop and implement a permit-required space program or written hazard communication program, and provide Appendix D of the respiratory

education programs for workers employed throughout El Paso on issues such as falls from elevated work surfaces, electrocution, heat illness, exposure to hazardous chemicals, and struck-by and caught-in or between hazards. Through the alliance program, OSHA works with unions, consulates, trade and professional organizations, faith- and community-based organizations, businesses and educational institutions to prevent workplace fatalities, injuries and illnesses.

- [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 350,000 for the week ending Oct. 19, a decrease of 12,000 from the previous week. The four-week moving average was 348,250, up 10,750 from the previous week's revised average.

- [Read the News Release](#)

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## Calendar Highlight

A meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans, known as the ERISA Advisory Council, will take place on Nov. 4 and 5. Issues under consideration include retirement plan communications, locating missing and lost plan participants, and private sector pension de-risking and participant protections.

- [Read the News Release](#)

## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

EBSA — ERISA Advisory Council  
Open Meeting

- [November 4 — Washington, DC](#)
- [November 5 — Washington, DC](#)

OFCCP — Employment 411 Seminar

- [October 30 — Columbus, OH](#)

OFCCP — Let's Talk Talent! Reaching  
Individuals with Disabilities

- [October 29 — San Francisco, CA](#)

WHD — Home Care Webinar:  
Minimum Wage and Overtime Pay for  
Direct Care Workers (Northeast  
Region)

- [October 31 — Washington, DC](#)

WHD — Home Care Webinar:  
Minimum Wage and Overtime Pay for  
Direct Care Workers (Western  
Region)

- [November 5 — Washington, DC](#)

WHD — Home Care Webinar:  
Minimum Wage and Overtime Pay for  
Direct Care Workers (Midwest

protection standard to workers wearing respirator protection. Proposed penalties total \$153,000.

- [Read the News Release](#)

Tennessee Employer Pays Back Wages, Penalties

Sitel Operating Corp. has paid \$68,901 in back wages to 486 workers after an investigation by the Wage and Hour Division found violations of the Fair Labor Standards Act's overtime and record-keeping provisions at the company's facility in Oak Ridge, Tenn. The investigation found employees working on the United Services Automobile Association client account were not paid for preparatory work before they could access the time clock to start their shift, which resulted in workers being denied overtime compensation. Additionally, the employer failed to keep accurate records of the time employees spent conducting preparatory work. Sitel was assessed civil penalties totaling \$74,900, due to repeat violations.

- [Read the News Release](#)

Workplace Hazards Lead to Citations, Proposed Fines for  
Manufacturer

A cross section of hazards has led to \$56,000 in proposed Occupational Safety and Health Administration fines for a Cicero, N.Y., manufacturer. EJ USA Inc. was cited for 13 serious violations of workplace safety standards following an inspection by OSHA's Syracuse Area Office. OSHA found that the company failed to prevent overexposure to metal fume, including hexavalent chromium; adequately clean combustible residue; lock out machinery while performing maintenance; and adequately guard moving machine parts and live electrical parts.

- [Read the News Release](#)

Coffee Grower in Puerto Rico Faces Lawsuit for FLSA  
Violations

Beneficiado de Café Las Indieras, doing business as Hacienda Remanso de Paz, and its president, Wilfredo Ruiz Vargas, face a lawsuit in federal court for violations of the Fair Labor Standards Act's minimum wage and record-keeping provisions. An investigation by the Wage and Hour Division found the Yauco coffee grower employed farm workers and coffee harvesters, but failed to pay them the legally required minimum wage for all hours worked. Several coffee pickers were paid by the pound, amounting to hourly wages between \$1.25 and \$6.54, and some seasonal hourly workers were paid \$5.25 per hour instead of the legally required minimum wage of \$7.25 per hour. Investigators also found that the defendants failed to create and maintain accurate records of their employees' wages, hours and other conditions of employment, in violation of the FLSA.

- [Read the News Release](#)

Safety Violations Found at New Jersey Manufacturer's  
Facility

The Occupational Safety and Health Administration has cited AFE Victory Inc. for 20 alleged serious and three other-than-serious violations of workplace safety standards. The citations followed an April investigation at the Cherry Hill, N.J., facility as part of OSHA's Site-Specific Targeting Program for industries with high injury and illness rates. The violations included failure to address electrical hazards, establish written bloodborne pathogen procedures for workers designated as first aiders, provide shaded eye protection, and train employees on the hazards of chemicals. OSHA proposed \$83,900 in penalties.

Energy Storage and Handling Facility in Omaha Cited for  
Hazards

Kinder Morgan has been cited by the Occupational Safety and Health Administration for 17 serious safety and health violations, carrying proposed penalties of \$84,000, at its Omaha, Neb., energy storage and handling

Region)

- [November 7 — Washington, DC](#)

WHD — Home Care Webinar: Minimum Wage and Overtime Pay for Direct Care Workers (Southeast Region)

- [November 12 — Washington, DC](#)

WHD — Home Care Webinar: Minimum Wage and Overtime Pay for Direct Care Workers (Southwest Region)

- [November 14 — Washington, DC](#)

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Coming Monday: 5 day discussion w/Ass. Sec Kelly of [@USDOL](#) on ACE's Toolkit for Veteran Friendly Institutions [ow.ly/q97jA](#)

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facility. OSHA initiated the July inspection under its High Hazard Workplaces Safety Inspection Local Emphasis Program. Kinder Morgan owns an interest in or operates about 80,000 miles of pipelines and 180 terminals that store or handle gasoline, jet fuel, ethanol, coal and steel.

Workers Exposed to Lead, Cadmium at Missouri Battery Plant  
Exide Technologies has been cited by the Occupational Safety and Health Administration for eight safety and health violations for overexposing workers to lead and cadmium at its Forest City battery recycling and lead smelting plant. OSHA, which has proposed fines of \$63,000, initiated its inspection in March under the Site Specific Targeting Program, which targets workplaces with the highest rates of injuries and illnesses. One repeat violation was cited for allowing workers to be exposed to lead at concentrations greater than the permissible limit and failing to implement engineering and work-practice controls to reduce lead exposure.

Trucking Company Ordered to Withdraw Lawsuit Against Workers

Palumbo Trucking Inc. of North Branford, Conn., and owner David Palumbo have been ordered to withdraw a retaliatory lawsuit filed against two former workers who raised safety concerns, pay them \$60,000 in damages and take other corrective actions. An investigation by the Occupational Safety and Health Administration found that the company and Palumbo violated the whistleblower protection provisions of the Surface Transportation Assistance Act when they filed the lawsuit against two former workers, a mechanic and a driver who had registered complaints about a potentially unsafe truck with the North Branford Police Department and the Connecticut Department of Motor Vehicles. "Filing a baseless, retaliatory lawsuit against workers who engaged in protected activity has a profound chilling effect. It can intimidate workers into remaining silent about safety and health concerns that could have consequences for them and others on the road," said Marthe Kent, OSHA's New England regional administrator.

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

New Jersey Steel Company Cited For Failing to Abate Hazards

Jersey Shore Steel was cited by the Occupational Safety and Health Administration for four alleged safety violations — including three failure-to-abate citations — found at its facility in Jackson, N.J. The failure-to-abate citations involved the company's failure to develop and implement a written lockout/tagout program that prevents inadvertent machine start-up, require fork truck operators to have their performance evaluated at least once every three years, and train workers to use portable fire extinguishers. One repeat violation was due to lack of machine guarding on a press brake. The company faces \$172,400 in proposed penalties.

- [Read the News Release](#)

Publisher Ordered to Restore \$360,000 to Employee Pension Plan

Richard Housman, president of former Santa Monica, Calif., magazine publisher Twelve Signs Inc., has been ordered to restore \$363,913 in losses to the company's employee pension plan. An investigation by the Employee Benefit Security Administration found Housman violated the Employee Retirement Income Security Act by mismanaging plan assets that resulted in losses of \$617,839 to the plan. Housman authorized 41 loans from the company's money purchase pension plan over a three-year period to cover operational expenses, including payroll, which were never repaid. In breaching his fiduciary responsibilities, Housman will no longer serve as the plan's fiduciary and is enjoined from serving in similar capacities in the future.

- [Read the News Release](#)

#### Manhattan Fashion Retailer Cited for Exit Hazards

Rebecca Minkoff LLC was cited by the Occupational Safety and Health Administration for willful and serious violations of workplace safety standards at the fashion retailer's corporate office and showroom in downtown Manhattan. The company, which manufactures handbags, accessories and apparel for women, faces \$77,000 in fines for hazardous conditions that included impeding a swift and safe exit in case of an emergency within the company's office and showroom. The citations and fines followed an inspection by OSHA's Manhattan Area Office that was prompted by worker complaints.

- [Read the News Release](#)

#### Multiple Hazards Found at New Hampshire Construction Site

A variety of hazards have resulted in \$280,880 in proposed fines for the general contractor and several subcontractors constructing a power plant in Berlin, N.H. The largest fines, \$116,280, were proposed for general contractor Babcock & Wilcox Construction Co. Inc., of Barberton, Ohio, for assembling and using cranes on unstable ground, creating a 100-foot fall hazard through an unguarded wall opening, failing to train workers adequately to install fall protection systems, respirator hazards, and exposing workers to arc flash and blast hazards. The subcontractors' violations included electrical, scaffold and cave-in hazards.

- [Read the News Release](#)

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