

**UNITED STATES
DEPARTMENT OF LABOR**

Promoting and Protecting Opportunity

DOL News Brief

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October 31, 2013



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

Commemorating Our First 50 Years

When the department commemorated its golden anniversary on March 4, 1963, it celebrated amidst a climate of high style and lavish elegance that few would recognize in our current age of tightening budgets. It was a year of "Mad Men"-style cool, marked by the sounds of Charles Mingus' jazz and the sights of French New Wave cinema. The glitz and glamour of the period was on full display that night at a banquet marking 50 years of progress for working men and women held at Washington's tony Sheraton-Park Hotel. A youthful President John F. Kennedy joined 3,200 guests to mark the occasion, including then-Secretary of Labor Willard Wirtz; Vice President Lyndon B. Johnson; AFL-CIO President George Meany; former Secretaries of Labor James Mitchell, Frances Perkins, and Arthur Goldberg; and United Auto Workers President Walter Reuther. The dinner menu included jumbo Louisiana shrimp cocktail, roast prime ribs of beef, green beans amandine and potato rissole. Guests were treated to entertainment headlined by the legendary comedian and pianist Victor Borge, Broadway star Leslie Uggams and others. A history of American labor released by the

department at the time emphasized the freedoms and prosperity achieved by American workers over that first half-century.

"Original political guarantees of equal opportunity for all have made possible the progress described here. Living up to the scope of those guarantees is our continuing challenge. This is the true dimension of America," the department said. That true dimension endures, fulfilling the hopes expressed by President Kennedy in his remarks that night, when he said, "All of us are dedicated to the goal that, 50 years from now, other employees and another Secretary of Labor will gather and know that the same again will be true."

- [Read Kennedy's Remarks](#)
- [Explore the Centennial Timeline](#)
- [View the Centennial Video](#)
- [Suggest a Centennial Moment](#)

**What's New****Perez Highlights 'Up From Poverty' Success Story in Keynote**

Invoking history and highlighting one woman's powerful story, U.S. Secretary of Labor Thomas E. Perez delivered an anti-poverty keynote speech at the Center for American Progress on Oct. 29 in Washington, D.C. Noting that it was the anniversary of the 1929 stock market crash, Perez said that, from FDR's New Deal to LBJ's War on Poverty, America has risen to the challenge, choosing the common good instead of imposing austerity. He called for similar leadership and political will today, in the form of a minimum wage increase, immigration reform and other steps to create jobs and reduce income inequality. Throughout his speech, Perez directly addressed Chelsey Hagy, a Virginia woman who spoke about her successful struggle, thanks to a hand-up from government programs (including department-funded job training assistance), to lift herself out of poverty and support her family. "You give me optimism," Perez told Hagy, now a full-time nurse and new homeowner. "When people say these programs don't work, I say, 'Talk to Chelsey and tell her that.'"

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

**National News****Honoring the First Responders of Mine Emergencies**

When an emergency situation unfolds in a local community, police, fire, and search and rescue units are among the first to respond. And when disaster strikes below the earth's surface, specially trained groups of men and women are called upon to locate their trapped and missing colleagues. To acknowledge the courage and dedication of the



nation's mine rescue teams, the Mine Safety and Health Administration has declared Oct. 30 as Mine Rescue Day. The date was selected because of its historic significance. On Oct. 30, 1911, the first national mine rescue demonstration was held in the United States, at Forbes Field in Pittsburgh. Dr. Joseph A. Holmes, the first director of the U.S. Bureau of Mines, organized the inaugural event, which counted among its attendees President William Howard Taft. "The number of times that mine rescuers have placed their own safety and lives at risk to save others during our mining history is

(Work in Progress) The Best of Our Blog

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

- [100 Days on the Job](#): This week, Secretary Perez reached his first significant milestone as secretary of labor: 100 days on the job. Here, he reflects on what he has learned during this period and reports on what the department has already accomplished, including regulations that create opportunity for veterans and people with disabilities, a new rule that provides minimum wage and overtime protections for home health care workers, and bold investments in community colleges to prepare workers for 21st century jobs. "I love this job," Perez writes. "And I am approaching it with a sense of both optimism and urgency. Despite the partisan clash earlier this month, I believe there is plenty of common ground that can steer us away from false choices and toward constructive solutions."

- [OSHA Releases New Resources to Help Employers Protect Workers from Hazardous Chemicals](#): Dr. David Michaels, assistant secretary of labor for occupational safety and health, introduces readers to new resources available from OSHA to help reduce workplace exposure to hazardous substances. Every year, tens of thousands of workers are sickened by or die from occupational exposures to hazardous chemicals. OSHA's resources are designed to ensure employers and employees have ample information on chemical exposure limits and procedures to consider as they look for safer alternatives to dangerous chemicals.

- [After Three Decades, Reinstating Key Black Lung Benefits](#): Acting Director for the Office of Workers' Compensation Programs Gary Steinberg — with Michael Chance, acting director for OWCP's Division of Coal Mine Workers' Compensation — explains recently-published final rules from OWCP implementing provisions in the Affordable Care Act commonly known as the Byrd Amendments (after late Sen. Robert C. Byrd of West Virginia). These amendments to the Black Lung Benefits Act restore two key provisions in the law that were eliminated in 1981 — they have to do with entitlement to benefits for miners or their survivors affected by black lung disease.

Eagle Award for Perez

The Latino Leaders Network provides prominent Latino community leaders a platform to discuss their personal stories, how they have achieved

success, and their work to help Latinos across the country. This year, the group presented Secretary Perez with the Eagle Award for his vision, achievement and commitment to the Latino community. In an emotional speech, Perez discussed the loss of his father and his family's struggles, as well as his "We are all in this together" optimism that kept his family united. With



staggering," said Joseph Main, assistant secretary of labor for mine safety and health. "They travel for miles in dark, underground mine workings filled with debris and poisonous and explosive gases after devastating mine fires or explosions trying to find missing miners or recovering those who did not survive."

- [Read the News Release](#)
- [Read the Blog Post](#)
- [Watch the Mine Rescue Day Video](#)
- [View "The History of Mine Rescue" Exhibit](#)

Comment Period Extended on Proposed Silica Rule

Members of the public will have additional time to comment on a proposed rule to lower workers' exposure to respirable crystalline silica, the Occupational Safety and Health Administration announced on Oct. 25. The comment period will be extended by 47 days to Jan. 27, 2014, to allow stakeholders additional time to comment on the proposed rule and supporting analyses. OSHA also is extending the deadline to submit notices of intention to appear at its informal public hearings by an additional 30 days, to Dec. 12. Public hearings are scheduled to begin on March 18, 2014, and expected to continue for several weeks.

- [Read the News Release](#)

Take Three: One Year After Hurricane Sandy



On Oct. 29, 2012, Hurricane Sandy wrought serious destruction along the East Coast. Over the past year, the Department of Labor has played a key role in the Obama administration's Hurricane Sandy Rebuilding Task Force. We talked with the department's Northeast Regional Representative, Robert Asaro-

Angelo, for an update on the department's work.

Can you tell us about efforts to keep workers safe during the recovery and rebuilding efforts? *Hurricane cleanup and recovery work can be dangerous. Immediately after the storm, the Occupational Safety and Health Administration deployed personnel throughout the region to ensure workers engaged in storm response and recovery work were protected properly against health and safety hazards. OSHA educated employers and workers through extensive outreach, and conducted thousands of field interventions that protected or removed workers from unsafe conditions. Additionally, it awarded more than a million dollars in training grants for small employers and vulnerable workers.*

A storm's damage isn't only physical, but also economic. Can you tell us how the Labor Department has been able to help in that area?

Providing financial help to the region and protecting the incomes of workers has been vital for recovery. To that end, the department has issued millions of dollars in recovery grants to communities and unemployment assistance for individuals, engaged in outreach on wage and hour laws, and recovered more than \$700,000 in back wages for workers. In addition, we've worked hard to ensure that everyone has an equal opportunity for a job in the rebuilding effort.

What work remains to be done? *The long-term rebuilding is only just beginning. We are working closely with our federal partners to help communities rebuild in a way that makes them stronger, more economically competitive and better able to withstand future storms. Also, we will continue to ensure an equal opportunity for jobs, that workers receive the pay and benefits they've earned and return home safely at the end of the*

an understanding toward the struggles of other Latino families, Perez encouraged lawmakers to put aside their differences and support comprehensive immigration reform and an increase in the minimum wage. Through his life experiences and in his new role as secretary of labor, Perez said that he believes his purpose is to expand opportunity for all. Perez was joined by Latino Leaders Network founder and Chairman Mickey Ibarra, as well as hundreds of Latino business leaders, elected officials, policy makers and community activists.

- [View the Slideshow](#)

Accessible Technology Initiative



At a recent California meeting of technology and disability leaders, Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez unveiled

her agency's new resource for employers and technology developers, the Partnership on Employment and Accessible Technology. PEAT is a multifaceted initiative to advance employment, retention and career advancement of people with disabilities through the development, adoption and promotion of accessible technology. Martinez also spoke about the critical role technology plays in the recruitment, hiring and retention of workers during her keynote address on Oct. 24 to the 2013 Policy Summit on Accessible Technology in the Workplace. The event was hosted by Silicon Valley Business Leadership Network and the World Institute on Disability. "Access to technology is the great equalizer for people with disabilities looking for a job or trying to advance in their professions and in the workplace," noted Martinez. "It's important to build accessibility into products and services from the beginning, not as a costly afterthought."

Learning and Succeeding

Community colleges play an important role in improving economic prospects for millions of women each year. On Oct. 28, North Shore Community College in Lynn, Mass., hosted a forum examining that role. Women's Bureau Regional Administrator Jacqueline Cooke addressed approximately 50 people at the "Women in Community Colleges: Access to Success" forum, noting that 72 percent of Massachusetts jobs will soon require some post-secondary education. The bureau planned the event with the American Association of University Women, NSCC and the Essex County Commission on the Status of Women.



day.

- [Read Hurricane Recovery and Rebuilding Efforts by the Numbers](#)
- [View the Slideshow](#)

News You Can Use

Webinars to Help Prepare for the Home Care Rule

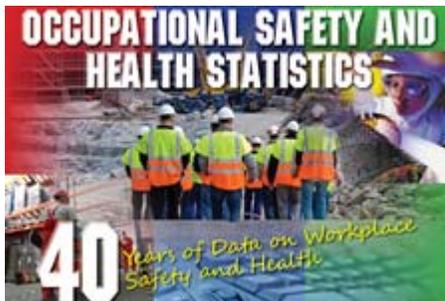
The Wage and Hour Division is working hard to inform the public about the recently announced Home Care Final Rule, which extends minimum wage and overtime to direct care workers. So far, the agency has held the first of five scheduled webinars that are intended to prepare those who will be affected by the rule before it goes into effect on



Jan. 1, 2015. "The direct care workforce is growing faster than any other occupation in the country. An investment in these workers is an investment in the individuals and families they assist," said Laura Fortman, principal deputy administrator of WHD. The webinars are free and closed-captioned and allow time to address questions from participants.

- [Register for a Webinars](#)
- [Learn More About the Home Care Final Rule](#)

Using Data for Injury Prevention and Safety



According to the October issue of Monthly Labor Review, the Bureau of Labor Statistics will publish a series of papers from the May 2013 Occupational Safety and Health Data Users' Workshop. The workshop, which coincided with the 40-year anniversary of the Occupational Safety and Health Statistics program, was attended by health and safety researchers from within government, private industry,

labor and academia. The papers' topics will focus on research from the Survey of Occupational Injuries and Illnesses Census of Fatal Occupational Injuries and include using data for injury prevention, fatal occupational injuries involving contractors, and analysis of fatalities at road construction sites.

- [Read the Monthly Labor Review Article](#)

Around DOL

HAPPY HALLOWEEN!

Secretary Perez greets the super heroes and princesses in the Halloween parade at the Department of Labor headquarters.



Equal Opportunity Training

"The work we are called to do is important," said Naomi Barry-Perez, director of the department's

DOL Working for You

Single Mom Navigates 'Roadmap to Success'

Roseen Red Star was a straight-A student and her future seemed bright. But



Civil Rights Center. "To give people a fair chance to develop skills, find meaningful employment, take care of their families and contribute to the

community." Barry-Perez, along with Office of Federal Contract Compliance Programs Director Patricia Shiu and Office of Disability Employment Policy Deputy Assistant Secretary Jennifer Sheehy, emphasized the importance of equal opportunity in the workforce on Oct. 30 at a training session hosted by the National Association of State Workforce Agency's Equal Opportunity Committee. Approximately 125 people attended the training at the department in Washington, D.C., which included presentations from other federal agencies and nongovernmental partners.

Inclusion in 140 Characters

Facebook, Google, Twitter — each is a major player in the social media revolution, informing and connecting people like never before. And yet,



as Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez told representatives from social media sites at Twitter headquarters in San Francisco, its reach and effectiveness is limited when its content is not accessible to people with disabilities. "When social media is inaccessible, it excludes," said Martinez. "And when you consider how mainstream social media has become today, it has the potential to really exclude a sizeable segment of the population." During the Oct. 29 dialogue organized by the National Council on Disability, Martinez encouraged employers to be inclusive when using social media. She suggested best practices such as spelling out acronyms and putting hashtags at the end of a tweet, both of which make content more logical for those using screen readers.

Outreach in the Northwest

Reaching out to employers and workers, building partnerships and providing compliance assistance with federal labor laws were topics of discussions between the Wage and Hour Division, the Washington Blueberry Commission and the Washington Red Raspberry Commission in Seattle on Oct. 24. The two organizations represent about 400 growers and processors throughout Washington and Oregon. A representative from Washington's agriculture department also was on hand to participate in the discussions.

The Value of Diverse Perspectives

"If someone isn't able to bring their full self — all their identities — to work, the perspective they can contribute to business success is diminished," said Kathy Martinez, assistant secretary of labor for disability employment policy, as she kicked off a

family move to a new location caused her to fall in with the wrong crowd and develop bad habits, which led to her incarceration. The single mother turned to a Christian support group for counseling and then received help from Washington State's Pioneer Human Services, a departmental grantee. Red Star enrolled in Pioneer's "Roadmap to Success" training program, a soft-skills development course that focuses on teaching people "professional communication and conflict resolution, time management and computer skills," according to Julie Lord, Pioneer's director of workforce development. Red Star said the program "gave me confidence in my abilities." She eventually was hired as an administrative assistant and is now enrolled in a technical college, where she hopes to earn a degree in graphic design.



DOL in Action

\$1.6 Million of Sunkist Retirement Savings Restored

Sunkist Growers Inc. and fiduciaries for the company's retirement plans must restore \$1,620,420 in losses to employee benefit plans, the department announced on Oct. 31. The decision follows an investigation by the Employee Benefits Security Administration that found that the Sherman Oaks, Calif.-based citrus farming cooperative and the plans' fiduciaries mishandled employee retirement funds. "Retirement plan assets represent workers' hard-earned savings, not a source of operating funds that companies can choose to use as they see fit," said Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi. "This is a case of plan fiduciaries failing in their legal and ethical duties to act solely in the interest of plan participants."

• [Read the News Release](#)

Construction Contractor Settles Discrimination Suit for \$875,000

A federal construction contractor has settled allegations that it failed to provide equal employment opportunity to 381 African-American, Hispanic and Asian-American workers who applied for jobs at the company's Dulles, Va., headquarters. An Office of Federal Contract Compliance Programs review found M.C. Dean Inc. used selection procedures that unfairly prevented qualified candidates from securing jobs as apprentices and electricians. The company will pay \$875,000 in back wages and interest to the applicants and will undertake efforts to improve hiring practices.

• [Read the News Release](#)

Department Seeks \$300,000 for Idaho Whistleblower

The department has filed a whistleblower complaint in U.S. District Court for the District of Idaho against Clearwater Paper Corp. in Lewiston for allegedly retaliating against an employee who raised workplace safety and health concerns. The complaint seeks reinstatement of the employee as well as more than \$300,000 in back pay and damages. The department alleges that an employee was fired in retaliation for filing a safety complaint with the Occupational Safety and Health Administration's Boise Area Office. The employee was first suspended and then fired soon after OSHA conducted an inspection to assess excessive exposure to red cedar dust at a company facility in Lewiston.

• [Read the News Release](#)

Partnership for Construction Project in Houston

To meet the goal of reducing occupational fatalities, injuries and illnesses, the Occupational Safety and Health Administration, W.S. Bellows Construction Corp. and Phillips 66 have agreed to enter into a cooperative partnership agreement during the construction of the Phillips 66 headquarters in Houston. W.S. Bellows will begin construction operations in

panel discussion about the value that diversity adds to America's workplaces. The panel focused on the commonalities between two groups — people with disabilities and members of the lesbian, gay, bisexual, and transgender community — as part of the annual "Out and Equal in the Workplace Summit," which attracted more than 2,500 corporate executives and their allies in Minneapolis on Oct. 30. "By fostering corporate cultures respectful of individual differences, businesses benefit from varied perspectives that contribute to innovation and success," Martinez explained. Among the panelists was Geri Jewell, actor of "Facts of Life" fame and author of "I'm Walking as Straight as I Can."

Assisting Filipino Workers



An agreement signed on Oct. 28 by the Wage and Hour Division and the Consulate of the Philippines in Los Angeles will promote education and

assistance with workplace rights and protections for Filipino workers in Southern California, Nevada, Arizona, New Mexico and Texas. Ruben Rosalez, regional administrator for the Wage and Hour Division, and Maria Hellen Barber-de la Vega, consul general of the Consulate of the Philippines in Los Angeles, formalized a partnership to help Filipino nationals understand federal laws about fair pay and other workplace protections. The agreement establishes a system for contacting workers who have returned to the Philippines and are owed back wages that the division has collected from employers. This is the first agreement in Los Angeles between the Wage and Hour Division and the consulate of an Asian nation.

- [Read the Consulate's News Release](#)
- [View the Slideshow](#)

Retirement Security

The Employee Benefits Security Administration remains dedicated to bolstering the retirement security of America's workers, says Assistant Secretary of Labor Phyllis C. Borzi. She spoke on Oct. 29 in National Harbor, Md., before the annual gathering of the American Society of Pension Professionals and Actuaries. According to Borzi, EBSA continues to examine how retirement income illustrations could be presented in the account statements provided to all participants now enrolled in 401(k) or similar savings plans. Borzi says such a gauge is needed so savers can see how an account balance would translate into income over what could be many years of retirement. Additionally, work continues on a rule to protect retirement savers from conflicts of interest when they receive investment advice. "Conflicted investment advice can lead to higher investment costs and possibly lower returns," Borzi said.

early December and will employ approximately 1,000 workers and 100 contractors at the site when fully operational. The construction project is the largest W.S. Bellows has to date and will include two multistory buildings and a garage in excess of one million square feet each. OSHA's Houston South Area Office will support training efforts by participating in the quarterly management audit team and monthly safety meetings, and it will provide technical assistance as needed.

- [Read the News Release](#)

United Ethanol Cited After Worker Fatally Engulfed

United Ethanol LLC has been cited for 15 health and safety violations by the Occupational Safety and Health Administration after a worker was fatally engulfed inside a grain storage bin at the Milton, Wis., ethanol manufacturing facility. One willful violation was cited under OSHA's grain handling regulations for failing to lock out conveyors used to empty grain bins, which exposed the worker to the engulfment hazard. The company has been placed in OSHA's Severe Violator Enforcement Program.

- [Read the News Release](#)

Workers Exposed to Amputation Hazards, Inspection Finds

Napoleon Spring Works Inc., a manufacturer of garage door hardware, has been cited by the Occupational Safety and Health Administration for 16 violations, including exposing workers to amputation hazards at its Archbold, Ohio, plant. Prompted by complaints alleging multiple safety hazards, the April inspection was expanded under OSHA's national emphasis program on amputations and local emphasis program for powered industrial vehicles. One willful violation was cited for failing to guard two of the company's mechanical power presses. The company faces \$147,600 in proposed penalties.

- [Read the News Release](#)

200 Hotel Employees in New Mexico, Texas Receive Back Wages

MCM Elegante and MCM Grande Hotels in New Mexico and Texas have paid \$78,876 in overtime back wages to 200 dishwashers, bartenders, wait staff, bellmen, housekeeping and maintenance workers following an investigation by the Wage and Hour Division. The investigation found overtime, minimum wage and record-keeping violations of the Fair Labor Standards Act. Employees in Albuquerque, N.M., and Abilene, Beaumont, Dallas, DeSoto and Odessa, Texas, were not properly paid wages they were due. The hotels are owned by HTL Operating LLC, based in Odessa.

- [Read the News Release](#)

Ohio Fabric Manufacturing Plant Pegged as Severe Violator

Formed Fiber Technologies Inc., a Sidney, Ohio, automotive fabric manufacturing plant, has been cited for 11 violations carrying proposed fines of \$115,000 after a complaint was filed and an investigation conducted by the Occupational Safety and Health Administration. As a result of the investigation, the company has been placed in OSHA's Severe Violator Enforcement Program. Three repeat violations cited involve machine-specific energy control procedures, including failure to ensure lockout devices on equipment to prevent energization during servicing and maintenance, conduct annual periodic inspections of energy control procedures, and record complete injury and illness information in the OSHA record logs.

- [Read the News Release](#)

5 Workers at Army Ammunition Activity Hospitalized After Explosion

Crane Army Ammunition Activity has been issued 36 notices of unsafe or unhealthful working conditions by the Occupational Safety and Health Administration following a March explosion and fire in the Crane, Ind., facility. Five workers were hospitalized after the incident, then treated and released. The explosion and fire occurred in two dust collectors in the pyrotechnic building, where workers were in the process of cleaning the production area. The explosion forced the access door open, causing the fire and pressure wave to strike the production building. Multiple violations of OSHA's Process Safety Management standards for facilities that use highly hazardous materials and chemicals were found.

Winter Hazards in Mining

Statistics show that deadly mine explosions historically occur more often between October and March than during warmer months. As part of its annual "Winter Alert" campaign, the Mine Safety and Health Administration warns coal mine operators and miners of the hazards that may be caused by colder air and the accompanying low barometric pressures and lower humidity. Inspectors will emphasize four critical remedies for keeping underground coal mines safe: thorough examinations, sufficient ventilation, adequate rock dusting and maintenance of escape routes.

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

Focus on Agriculture in Hawaii

The Wage and Hour Division addressed members of the Hawaii Farm Bureau Federation attending their annual convention on Oct. 24 in Maui.



Herbert Lee, Honolulu District Office community outreach and resource planning specialist, answered questions from an audience of approximately 80 attendees. Executive Director Joy Gold and President Dean Okimoto expressed interest in continuing to work with the division to ensure compliance under the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act.

Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment Insurance claims was 340,000 for the week ending Oct. 26, a decrease of 10,000 from the previous week. The four-week moving average was 356,250, up 8,000 from the previous week's unrevised average.

- [Read the News Release](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

EBSA — ERISA Advisory Council Open Meeting

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

- [November 7 — Washington, DC](#)

- [Read the News Release](#)

Motel 6 in Knoxville, Tenn., to Pay Back Wages

Envy 27 LLC, doing business as Motel 6 in Knoxville, Tenn., has agreed to pay employees \$51,967 in overtime back wages after an investigation by the department's Wage and Hour Division identified violations of the Fair Labor Standards Act and the Family and Medical Leave Act. The investigation revealed that employees regularly worked more than 40 hours a week, but were only paid straight-time wages for all hours worked. Additionally, the employer did not post the required FMLA poster in a visible area and failed to provide information about FMLA in the company handbook, in violation of FMLA requirements.

- [Read the News Release](#)

Ohio Tile Manufacturer Fails to Abate Previous Safety Violations

Frost Tile and Marble Co. has been cited by the Occupational Safety and Health Administration for 10 health and safety violations at its Norton, Ohio, tile manufacturing facility. The company failed to abate eight violations cited in 2012, including not implementing engineering controls to prevent exposure to respirable dust containing silica in excess of permissible limits. Additional violations involved failure to implement engineering controls to achieve compliance with exposure limits, develop a respiratory protection program, verify that the required workplace hazard assessment was performed and certified, and provide workers with information on hazardous chemicals. The company faces \$136,400 in penalties.

- [Read the News Release](#)

Temporary Worker in Arkansas Was Asphyxiated

Sherman Brothers Trucking Inc., doing business as Team Transport Inc., has been cited by the Occupational Safety and Health Administration for 11 safety and health violations, including one willful, for deficiencies of its permit-required confined space program and other workplace hazards at its Crossett facility. An inspection began in April after a temporary worker, who was cleaning the inside of a tanker trailer without proper training, was found unconscious and later died from an oxygen-deficient atmosphere. "Confined spaces can potentially contain hazardous atmospheres. In this case, the employer failed to implement all aspects of a confined space program, including training its workers," said Carlos Reynolds, OSHA's area director in Little Rock. "This lack of regard for worker safety is unacceptable and led to a loss of life."

- [Read the News Release](#)
- [Learn About Protecting Temporary Workers](#)

Third-Party Insurance Administrator Found Guilty in Theft

A Middlesex County, N.J., jury found Catarina Young guilty of stealing \$462,341 from a trust fund that administered health insurance policies and prescription coverage for employees and their families. The primary owner and operator of a third-party insurance administrator, Young was convicted on Oct. 29 of second-degree theft by unlawful taking and second-degree misapplication of entrusted property or property of a government or financial institution. "Third-party administrators are placed in a position of trust," said Phyllis C. Borzi, the assistant secretary of labor who heads the Employee Benefits Security Administration, which assisted with the investigation. "This is an excellent example of our commitment to working with state and local agencies to seek justice when this trust is violated." Young faces up to 10 years in prison for each of the second-degree convictions.

- [Read the News Release](#)

Virginia Companies Cited after Death of Temporary Worker

B R Flowers & Co. Inc., a ship repair company in Hampton, Va., and temporary staffing provider Tidewater Staffing Inc. in Portsmouth, Va., have each been cited by the Occupational Safety and Health Administration for a serious violation of OSHA's general duty clause following a July fatality. The companies were cited after a temporary worker died from excessive heat while cleaning up debris on the deck of the USS Nitze, which was docked at Pier 5 of the Naval Operations Base in Norfolk, Va. The violation involved

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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failing to develop and implement procedures for protecting workers while working outside during extreme temperature conditions.

• [Read the News Release](#)

Ohio Foundry Faulted for Lack of Hearing Conservation Measures

Quaker City Castings Inc. has been cited by the Occupational Safety and Health Administration for nine serious safety and health violations. Proposed fines of \$45,000 followed a July complaint inspection at the Salem, Ohio, iron and steel foundry. The serious violations included failing to implement engineering controls to protect workers exposed to noise levels above 90 decibels, provide annual hearing conservation training, allowing workers to be exposed to live electrical wires, and using visibly damaged electrical equipment. Additionally, the company was cited for violations that expose workers to amputation injuries.

• [Read the News Release](#)

Explosion and Fire Injure 2 Workers at Illinois Sheet Metal Company

Northstar Metal Products has been cited by the Occupational Safety and Health Administration for 11 safety and health violations following an April dust collector explosion and ensuing fire at the Glendale Heights, Ill., sheet metal production facility. Two workers were injured, one of whom suffered face, arm and hand burns. OSHA has proposed fines of \$51,480.

• [Read the News Release](#)

Unsafe Work Conditions Lead to Fines for Alabama Manufacturer

Southeast Forest Products Inc., doing business as Southeast Pallet & Box Co., has been cited by the Occupational Safety and Health Administration for seven repeat and three serious safety and health violations following an April inspection at the company's Montgomery, Ala., facility. The violations included exposing workers to electrical/shock, burn and amputation hazards, along with failing to ensure industrial-powered trucks were in safe operating condition. OSHA initiated the inspection as part of its local emphasis program on noise reduction and proposed penalties of \$76,230.

• [Read the News Release](#)

Southwest Virginia Coal Mine Operator Disregarded Safety Precautions

Monthly impact inspections in September at 10 mining operations around the country netted 130 citations and 13 orders, according to the Mine Safety and Health Administration. One of those targeted inspections occurred at Red River Coal Co.'s No. 1 Prep Plant in Wise County, Va. Among the violations inspectors found were the mine operator's failure to conduct adequate on-shift examinations and to record, report and correct hazardous conditions. These violations pointed to management's inattention to safety precautions and lack of maintenance at the preparation plant and loadout facility. Since April 2010, MSHA has conducted 666 impact inspections and issued 11,133 citations, 1,031 orders and 46 safeguards.

• [Read the News Release](#)

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