



**UNITED STATES
DEPARTMENT OF LABOR**

Promoting and Protecting Opportunity

DOL News Brief

[Subscribe](#) | [Send Feedback](#) | [PDF Version](#)



December 19, 2013

[+](#) [SHARE](#) [f](#) [t](#) [e](#) ...

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

Gazing Into the Crystal Ball



When President Ronald Reagan appointed William Brock as the secretary of labor in 1985, Brock already had distinguished himself as an eminent figure in American public life. He had represented his native

Tennessee in the House and the Senate, chaired the Republican National Committee and, since 1981, served as Reagan's U.S. Trade Representative. Brock's vision for the department was ambitious and far-reaching; he believed that effective workforce development required an understanding of the challenges and opportunities of the economy years and even decades before they appeared. He knew that education was an essential component of economic success, and that youth needed to be prepared for the occupations that would be in demand when they entered the workforce (you can see evidence of Brock's belief in the importance of education in his essay on "*Books that Shaped Work in America*"). So, more than a decade before the dawn of the new century, Brock instituted the "Work Force in the Year 2000" initiative to advocate improved literacy and basic education. In his 1987 State of the Union address,

Reagan stressed the importance of the initiative for the future of the American workforce, saying "the quest for excellence into the twenty-first century begins in the schoolroom, but we must go next to the workplace... We must enable our workers to adapt to the rapidly changing nature of the workplace." The year 2000 has come and gone, but recent years underline the ongoing validity of Brock's vision, demonstrating a constant need to keep pace with the developing needs of employers to ensure opportunity for working families in the economy of tomorrow.



- [View Books that Shaped Work in America](#)
- [View the Centennial Timeline](#)
- [View the Centennial Video](#)
- [Suggest a Centennial Moment](#)

What's New

At Maryland Program, Meeting the 'Next Generation of Leaders'

U.S. Secretary of Labor Thomas E. Perez met with students at Don Bosco Cristo Rey High School in Tacoma Park, Md., his hometown, on Dec. 18. Nyideh Richardson and Mauricio Castro, seniors at Don Bosco, gave Perez a tour of the school and discussed the successful Corporate Work Study Program



that provides students with real-world experiences in the workforce. The school serves 338 students with limited financial resources and enables these students to gain professional work experience and skills. Since the school opened in 2007, 100 percent of the students of the first three graduating classes were accepted into college. Following the tour, Perez addressed approximately 250 students on the importance of the program. "Wisdom comes when you have life experiences," said Perez. "I always teach my children to get out of their comfort zones... I'm looking in this audience and I have a sense of optimism because you are the next generation of leaders." Perez was joined by Don Bosco Cristo Rey officials, including Principal Larry Savoy, the Rev. Steve Shafran and Executive Director of the Corporate Work Study Program Catina Negrete.

- [View the Slideshow](#)

International Scene

Global Competition on the Table at Trade Policy Meeting

Secretary Perez, along with U.S. Trade Representative Michael Froman, co-hosted a meeting of the Labor Advisory Committee for Trade Negotiations and Trade Policy on Dec. 16. During the meeting, Perez and Froman met with the members of the LAC and participated in a lively and frank exchange of views on



current international trade policies and issues affecting the labor community. Perez's message focused on the department's efforts to prepare the nation's workforce to meet the challenges of global competition, ensure a more level playing field for U.S. workers by enforcing labor obligations under our trade agreements, and increase U.S. jobs by opening foreign markets to U.S.

MINIMUM WAGE MYTH BUSTER

Myth: Increasing the minimum wage will result in job losses for newly hired and unskilled workers in what some call a "last-one-hired-equals-first-one-fired" scenario.

Not true: Minimum wage increases have little to no negative effect on employment as shown in independent studies from economists across the country. Academic research also has shown that higher wages sharply reduce employee turnover, which can reduce employment and training costs.

- [Subscribe to Minimum Wage Updates](#)

(Work in Progress) The Best of Our Blog

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

- [Digging Into the Diffusion Index](#): While most people are familiar with the monthly unemployment figure released by the Bureau of Labor Statistics, Secretary Perez highlights a different data point from the same monthly report that shows just how broad our recovery has been. It's called the "diffusion index" and, although it may sound complicated, it's actually quite simple. If the index is at zero, we know all industries saw an employment decline. If it's at 100, that means every industry added jobs. The diffusion index stands today at 63.5, "indicating strong and broad job growth across the economy," Perez writes.

- [Honoring a Women's Rights Pioneer](#): Unfortunately, the ceremony to induct former Women's Bureau Director Esther Peterson into the department's Hall of Honor had to be canceled because of snow; however, as Secretary Perez notes here, "she would surely tell us not to worry about pomp and ceremony, and urge us instead to get down to the business of realizing the full promise of the nation's ideals." Peterson was a trailblazer and a glass-ceiling shatterer, one of the 20th century's most effective champions for women's rights at work. During her tenure, she helped produce a groundbreaking report that made bold recommendations about the role of women in work and society, among many other accomplishments.

- [On the Right Side of the Law](#): Imagine if your employer threatened to "make [an employee's] life bad" or "break [an employee's] teeth" if he found out which of his employees was cooperating with a government investigator. This was the scenario workers faced at six recycling facilities in California until a judge issued a restraining order to stop intimidation and retaliation against them. Using the case as a backdrop, Laura Fortman, principal deputy administrator for the Wage and Hour Division, explains how the agency makes sure that workers' rights are protected and obtains justice for those whose rights have been violated.

exports. The LAC is part of the U.S. international trade policy advisory committee structure. Its purpose is to reflect the voice and advice of organized labor on U.S. trade policy and trade negotiation objectives and advise the administration on issues related to current U.S. trade negotiations and trade policy.

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

\$2 Million Awarded to Support Labor Law Compliance in Georgia

The department recently announced a \$2 million grant to the International Labour Organization to improve compliance with labor laws in the Democratic Republic of Georgia. The award, announced on Dec. 19, will help the ILO develop and implement a project to improve the Georgian government's ability to enforce labor laws and adhere to international labor standards. The funding also will support worker organizations' efforts to represent worker rights and interest to the government, employers and courts. The award is part of an ongoing effort through the department's Bureau of International Labor Affairs to work with other governments and international organizations to identify assistance that countries may require to improve the labor conditions of their workers.

- [Read the News Release](#)

Take Three: Improving Job Opportunities

On Aug. 27, the Office of Federal Contract Compliance Programs announced two new rules to improve employment opportunities for 30 million working-age Americans with disabilities and for most of our nation's veterans, including nearly a million who are returning home from the wars in Iraq and Afghanistan. These rules represent the first comprehensive updates in almost 40 years to regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act of 1974 and Section 503 of the Rehabilitation Act of 1973. The rules require federal contractors and subcontractors to affirmatively recruit, hire, train and promote qualified veterans and people with disabilities respectively. The Section 503 and VEVRAA rules go into effect on March 24, 2014. OFCCP Director Patricia A. Shiu answers three questions about the final rules.

Do the new rules include hiring quotas? *No. Quotas are illegal under the existing regulations and the new rules. The 503 rule sets an aspirational 7 percent goal for the employment of people with disabilities in a contractor's workforce. Similarly, the VEVRAA rule requires contractors to either establish their own benchmark for the employment of protected veterans or use a national benchmark based on the percentage of veterans in the workforce (currently 8 percent). These metrics were created to give contractors a yardstick to measure the success of their outreach and recruitment programs. They are not quotas. Contractors will not be fined, penalized or sanctioned for simply failing to achieve a goal or a benchmark. But they do have to try. Contractors must demonstrate tangible steps taken to employ — and advance in employment — qualified workers from these populations.*

Will the metrics in these new rules really impact people with disabilities and veterans? *The rules' aspirational metrics are similar to those that have long been used to promote equal opportunities for women and minorities in the workforce. If you've heard me address this subject before, then you know I believe what gets measured gets done. These metrics are management tools that measure progress and inform decision making. If every federal contractor and subcontractor reaches the goal and benchmarks established in our new rules, we estimate that nearly 600,000 workers with disabilities and 200,000 veterans could be added to or identified in the federal contracting workforce in the first year alone! For two*

BOOKS THAT SHAPED WORK IN AMERICA

5 Books Added to the List

Five titles, suggested overwhelmingly by the public, have been added to the department's centennial commemoration project, *Books that Shaped Work in America*. They are: "Atlas Shrugged," Ayn Rand's fourth and last novel, and her strongest fictional assertion of objectivism; "Click Clack Moo: Cows That Type," a children's book by Doreen Cronin and illustrated by Betsy Lewin, which tells the story of a labor-management dispute between Farmer Brown and his resident bovines; "The Good Earth" by Pearl Buck, which describes life in agrarian China in the early 1900s; "Moby Dick" by Herman Melville, one of the most well-known pieces of America literature and considered a "quintessential" book about work; and "The Words of César Chávez," edited by Richard J. Jensen and John C. Hammerback, a compendium of the orations of the Mexican-American farm worker and labor leader who, in 1962, co-founded what would become the United Farm Workers of America.

- [Read the Blog Post](#)
- [Books that Shaped Work in America](#)

Partnering to Protect Workers

A strategic partnership between the electrical transmission and distribution industry and the Occupational Safety and Health Administration was



renewed on Dec. 19 at Labor Department headquarters. Since establishing a national strategic partnership with OSHA in 2004, the industry has seen occupational fatalities drop from 11 in 2004 to 1 in 2013. During a signing ceremony, Secretary Perez applauded partners "for putting worker safety on the front burner." That partnership, comprising 10 of the nation's largest electrical transmission and distribution contractors, an electrical industry labor union and two trade associations, has developed best practices that directly correspond to key hazards and operations, and trained more than 33,000 workers and supervisors. On Dec. 18, OSHA renewed an alliance with the Scaffold and Access Industry Association to provide information and training to protect the safety and health of workers who use scaffolds and lift equipment.

- [Read the News Release on the Partnership](#)
- [Read the News Release on the Alliance](#)
- [View the Slideshow](#)

Spreading Holiday Cheer

populations that are underrepresented in the U.S. workforce, that is an important step forward.

What do contractors need to do before the March 2014 effective date? *Contractors can prepare for the effective date by ensuring their compliance with existing obligations for equal employment opportunity, educating human resources officials and managers tasked with making employment decisions about the new requirements, and making necessary changes to IT and personnel systems and policies. If they have questions, contractors should contact OFCCP for free, expert compliance assistance.*

- [Learn About Section 503](#)
- [Learn About VEVRAA](#)

News You Can Use

Self-employment Pilot Program

Helping the unemployed return to the workforce is a central mission of the Employment and Training Administration. In July, ETA launched the Self-Employment Training pilot program to test effective ways to help dislocated workers — those who lost a job through no fault of their own — start a business in their field of expertise. The pilot is currently available in four areas: Chicago, Cleveland, Los Angeles and Portland, Ore. To understand how best to serve dislocated workers, ETA is seeking interested and eligible participants to take part in the program and gain valuable entrepreneurial resources. Potential applicants should contact their state workforce agency for more information.

Webinar Provides Contractor Guidance

The Office of Federal Contract Compliance Programs held a public webinar on Dec. 17 on new data collection requirements of two rules which update the regulations implementing Section 503 of the Rehabilitation Act and the Vietnam Era Veterans' Readjustment Assistance Act. More than 650 people participated in the webinar, the first in a series entitled, "Moving Toward Compliance: Training Webinars on Section 503 and VEVRAA." Future sessions will cover such topics as developing employment programs under Section 503 (Jan. 16) and VEVRAA (Feb. 6), listing job openings (Feb. 20), and understanding the new disability goal and veterans' hiring benchmark (March 6). A recording of the Dec. 17 webinar will be posted on OFCCP's website by Dec. 27.

- [Bookmark the Training Schedule](#)
- [Learn About the Section 503 Rule](#)
- [Learn About the VEVRAA Rule](#)

DOL Working for You

Entrepreneurism Fostered by DOL Funding

Entrepreneurism is thriving in Florida thanks to Startup Quest, a training program funded by the department and managed by FloridaWorks, one of eight participating Florida workforce regions. Under the program, teams of unemployed and underemployed college-educated professionals receive guidance from successful mentors who choose a real technology to simulate a startup company. Participants are taught how to write a business plan aimed at marketing, distributing and funding their product or technology. Local





Job Corps Centers across the country are giving back to their communities and spreading holiday cheer through good deeds. For instance, Treasure

Island Job Corps Center students volunteered at a food drive held in San Francisco where more than 5,000 low-income immigrants, seniors and people with disabilities received much-needed groceries. Likewise, Sierra Nevada Job Corps Center students spent hundreds of hours sorting 250,000 pounds of groceries for Nevada's food banks. The students also gathered clothing for distribution to the homeless during winter. Students at Long Beach Job Corps Center created and delivered more than 200 holiday greeting cards, which were distributed with heartfelt thanks to veterans hospitalized in Long Beach, Calif. Meanwhile, students from Washington State's Cascades Job Corps Center continued its long-standing tradition of hosting a Christmas caroling outing at local nursing homes.

• [View the Slideshow](#)

Safety and Health Conference

For the third consecutive year, the National Council on Occupational Safety and Health hosted the National Worker Health and Safety Conference.



The conference, which took place at the Maritime Institute in Baltimore on Dec. 11 and 12, included 40 workshops — some in English and Spanish — ranging from workers' rights under the Occupational Safety and Health Act, outreach to immigrant workers, workplace violence, chemical hazards and other technical training topics. On Dec. 11, Dr. David Michaels, assistant secretary of labor for occupational safety and health, gave conference attendees an update on enhancing protection for temporary workers, strengthening whistleblower protections, and other topics.

Helping Newcomers to Chicago



Wage and Hour Principal Deputy Administrator Laura Fortman and other agency staff met with the Polish American Association in Chicago

on Dec. 13 to discuss wage protections and assistance available to workers who have come to the region from Poland. Currently, the PAA provides assistance to immigrants dealing with housing issues, hunger and family problems, and counsels them on a path to citizenship. Fortman and staff discussed their ongoing outreach activities, and ways that the agency's Polish-speaking employees can better collaborate with the PAA to serve Polish-speaking workers.

guest speakers are invited to talk about their experiences starting a company. Teams make final business presentations to a panel of expert judges, who evaluate the plans and pitches. Top-ranking teams receive financial incentives. "I had no idea what was involved in starting a company, but I do now," said David Lovett, who is receiving a PhD in chemical engineering from the University of Florida. Lovett's team won the most recent competition for its pitch of a chemical coating system to prevent barnacles and other organisms from adhering to marine vessels.

DOL in Action

Funds Awarded to Ease Transition for West Coast Soldiers

Approximately 900 soldiers transitioning from military service to civilian life will have access to employment services, support and job training, thanks to a \$5.5 million National Emergency Grant awarded on Dec. 17. "The Department of Labor, industry partners, educators and workforce professionals at the local level have made it our common mission to help our veterans transition successfully from military service to civilian life," said Secretary Perez. The funds are being awarded to the Pacific Mountain Workforce Consortium to serve military personnel from Joint Base Lewis-McChord, the largest military base on the West Coast. Funding will help these service members obtain case management and support services and training to transition their military skills into civilian occupations.

• [Read the News Release](#)

MSHA Announces Results of October and November Impact Inspections

In its continuing efforts to target poor compliance histories or particular compliance concerns, the Mine Safety and Health Administration conducted special impact inspections at nearly two dozen mines around the country in October and November. On Nov. 21, MSHA inspectors visited Maple Coal Co.'s Maple Eagle No. 1 Mine in Fayette County, W.Va., where they traveled belt lines, inspected mobile and stationary equipment, and evaluated section ventilation and roof control. Enforcement personnel observed a 20-foot crack in the mine roof at a belt feeder where miners regularly travel. They also found an area of loose roof strata where miners were at risk of being struck by falling rock. Ultimately, MSHA issued 36 citations and six orders at the mine.

• [Read the News Release](#)

Illinois Central Railroad Co. in Violation of Whistleblower Law

An investigation has determined that Illinois Central Railroad Co., in Jackson, Miss., violated the whistleblower protection provisions of the Federal Railroad Safety Act when the company retaliated against a worker for reporting a work-related injury. In the case, the conductor sustained injuries to the head, neck and back when falling into the bulkhead after the emergency brake was applied unexpectedly on a moving locomotive. The complainant was taken by ambulance to the hospital, admitted and diagnosed with a head injury. As a result of the investigation, the Occupational Safety and Health Administration has ordered the railroad to pay \$1,000 in punitive damages and take corrective action, including expunging disciplinary actions and its references to them from various records. OSHA also ordered the railroad to compensate the worker for reasonable attorney's fees.

• [Read the News Release](#)

Lawsuit Seeks Nearly \$2 Million in Back Wages, Damages

The department has filed a lawsuit against Wang's Partner Inc., doing business as Hibachi Grill & Supreme Buffet in Jonesboro, Ga., and its owner, Shu Wang, to recover unpaid wages and damages for 84

Forest Workers Partnership

The Wage and Hour Division district office in Portland, Ore., hosted a Forest Workers Partnership meeting on Dec. 12 to discuss various safety, labor



and outreach programs as well as regulatory requirements. The Forest Workers Partnership is comprised of numerous representatives from federal and state government agencies and nonprofit advocates working to advance and implement forest worker labor and safety protections. Wage and Hour investigations have found numerous labor violations in the forestry sector involving the Fair Labor Standards Act, the Migrant and Seasonal Agricultural Worker Protection Act, the McNamara-O'Hara Service Contract Act and foreign labor certification under the H-2B program.

- [View the Slideshow](#)

Farm Worker Assistance



More than 30 representatives from federal and state agencies, advocacy groups and community-based organizations concerned with

protecting labor rights of farm workers gathered at the Northwest Communities Education Center in Granger, Wash., on Dec. 11. Representatives from the Wage and Hour Division discussed ongoing collaborative and outreach efforts between the division, the state of Washington and employee advocacy groups. The division's director of public relations in the West, Priscilla Garcia, introduced the EMPLEO labor assistance program to all the stakeholders. EMPLEO is an alliance of employers, labor, community organizations, consulates and government agencies that provides information on workplace rights and responsibilities. In Southern California, the program integrates and streamlines the labor complaint processes among agencies.

- [View the Slideshow](#)

Women: Send Us Your Work Story

The role of women in the workforce has changed significantly over the past 50 years. In 1963, President John F. Kennedy commissioned a report on the status of the nation's women workers. As part of an effort to commemorate the report's anniversary, the Women's Bureau recently launched a webpage to gather feedback on what America's working women currently experience. Today, more women than ever are working, taking on leadership positions and starting their own businesses. What else has changed? The Women's Bureau is inviting working women

employees. The suit is based on an investigation by the Wage and Hour Division, which revealed numerous violations of the Fair Labor Standards Act. Investigators found that the employer misclassified servers as independent contractors, failed to pay servers and kitchen staff at least the federal minimum wage and did not pay overtime compensation. The department is seeking \$1,997,726 in back wages and damages.

- [Read the News Release](#)

Postal Service Cited After Heat Stroke Death of Mail Carrier

The Occupational Safety and Health Administration has cited the U.S. Postal Service for a serious safety violation in connection with the heat-related death of a letter carrier in Medford, Mass. The carrier collapsed on July 5 after walking his route for about five hours in 94-degree heat with a heat index in excess of 100 degrees. He died the next day as a result of heat stroke. OSHA's investigation found that the Postal Service exposed workers to the recognized hazard of working in excessive heat by failing to implement an adequate heat stress management program that would have addressed and informed mail carriers how to identify, prevent and report symptoms of heat-related illnesses.

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

Worker at Florida Roofing Job Site Electrocuted

Tim Graboski Roofing Inc. of Delray Beach, Fla., has been cited by the Occupational Safety and Health Administration with two willful and two serious safety violations following a worker's death. The worker was electrocuted while attempting to reposition a metal ladder that made contact with overhead power lines at a residential job site in Boca Raton, Fla. The violations included the employer directing a worker to use a metal ladder in close proximity to power lines that were not de-energized, guarded or grounded, and exposing workers to fall hazards by not ensuring the use of a fall protection system. OSHA initiated the first inspection in response to the fatality and the second inspection was conducted as part of its local emphasis program on fall hazards.

- [Read the News Release](#)

Georgia Tortilla Manufacturer Fined \$151,030 for Workplace Hazards

Olé Mexican Foods Inc. in Norcross, Ga., has been cited by the Occupational Safety and Health Administration for two repeat, 14 serious and four other-than-serious safety and health violations following a June inspection at the company's corporate headquarters in Norcross. The violations included the employer's failure to ensure workers performing maintenance and service on equipment understood the energy control program and procedures, ensure workers spraying corrosive chemicals use splash goggles, provide emergency eyewash stations, ensure workers used lockout procedures, and prevent exposure to amputation and caught-in hazards. OSHA initiated the inspection as a result of a complaint. Penalties of \$151,030 have been proposed.

- [Read the News Release](#)

Connecticut Welding Company Fails to Correct Hazards

A Hartford, Conn.-based welding company that failed to fix safety hazards first cited in August 2012 by the Occupational Safety and Health Administration now faces an additional \$167,750 in proposed penalties. In a follow-up inspection, OSHA's Hartford Area Office found that Jarosz Welding Company Inc. had not corrected eight specific hazards and also was cited with one serious citation for a new violation of blocking access to electrical panels.

- [Read the News Release](#)

Roofing Contractor to Pay \$556,360 for Violations

throughout the country to share their personal experiences.

- [Go to the Website](#)

Asian Outreach in the Northeast

Wage and Hour Division staff in Massachusetts and New York reached out to Asian communities in two separate events on Dec. 10. Boston District Office Community Outreach and Planning Specialist Patricia Colarossi discussed the Fair Labor Standards Act and its minimum wage, overtime and child labor requirements with about 50 teenagers at a multi-agency forum at Quincy Asia Resources in Quincy, Mass. The forum, sponsored by the Equal Employment Opportunity Commission, introduced Asian teens to government agencies that can assist them. In Flushing, N.Y., the division's Long Island and New York City District Office visited the Chinese Cultural Center to educate several dozen Asian employers and their legal representatives about the FLSA and the office's ongoing strategic enforcement initiative in Long Island's Asian restaurant industry.

- [Learn About the FLSA and Young Workers](#)
- [Read a FLSA Fact Sheet](#)

Big Turnout for STEM

America's global leadership relies on the development of talented science, technology, engineering and mathematics, or STEM, professionals. As part of the department's efforts to address this need, the Women's Bureau's New York and Chicago regions hosted a webinar on Dec. 12 for about 350 educators, career counselors, students, researchers and advocates from around the country. "Women in STEM: Why it Matters and How You Can Help Them Get There" was a collaboration with the American Association of University Women that united resources from the Bureau of Labor Statistics and the Society of Women Engineers, as well as the National Institute for Women in Trades, Technology and Science. "We've clearly struck a topic that is important to educators and others, and we're delighted by the overwhelming response," said Women's Bureau Regional Administrator Grace Protos.

Focus on Labor Rights

The Wage and Hour Division in Phoenix is reaching out to Hispanic workers in Arizona and elsewhere to expand labor rights awareness and services, especially during the holiday season. The division's community outreach and resource planning specialist in Phoenix, Jesús Olivares, was invited to speak during Campesina Radio network's "Despierta Ya!" morning talk show on



Barrier Specialty Roofing and Coatings Inc. voluntarily agreed to pay \$556,360 in back wages and damages to 85 current and former workers after an investigation by the Wage and Hour Division. Investigators from the Sacramento District Office found the Fresno, Calif. roofing contractor violated the Fair Labor Standards Act when it failed to pay workers for travel time to and from job sites on weekends. The employer sometimes also failed to pay employees compensatory wages of time and a half their regular hourly rate for hours worked beyond 40 in a workweek. Although the contractor initially believed that its payroll policies were in compliance, it agreed to pay both back wages and liquidated damages to the affected employees upon receiving the investigation findings.

Pizza Company Delivers on Back Wages

When a Sacramento, Calif., franchisee for Papa John's Pizza closed eight local stores and filed for Chapter 7 bankruptcy last September, employees were left without paychecks. After receiving several complaints, the Wage and Hour Division's Sacramento District Office contacted Papa John's International Inc.'s corporate counsel to explore what could be done to resolve the resulting violations of the Fair Labor Standards Act. The company agreed that employees of the franchisee, APNA Investments Inc., could make claims for unpaid wages against corporate "Franchise Team Member Relief Fund," the franchisor's separately incorporated 501(c)(3) charitable arm. To date, more than \$28,000 in back wages has been paid to employees.

- [Learn About Severance Pay and the FLSA](#)
- [Find Out About Rules for Restaurant Workers](#)

Fines Proposed After Worker Loses Fingers in Unguarded Machine

Ohio-based Grand Rock Co. Inc. has been cited by the Occupational Safety and Health Administration for one willful and one serious safety violation after a worker suffered the amputation of four fingers on June 12. The employee was operating an unguarded machine that bends tubes at the Painesville automotive parts manufacturer. OSHA has proposed penalties of \$52,500. One willful violation was cited for failing to ensure points of operation were guarded on the tube bending machine, which is used to manufacture automotive exhaust systems. One serious violation was cited for failing to develop specific lockout/tagout procedures.

- [Read the News Release](#)

Scaffolding Hazards Found at Georgia Worksite

Joe Newman Drywall of Phenix City, Ala., has been cited by the Occupational Safety and Health Administration with six repeat and one serious safety violation following an inspection at a worksite in Columbus, Ga. The violations included the employer's failure to ensure scaffolding was properly braced and protected with a guardrail, and failure to provide workers with head protective equipment and a ladder for access to the upper level of the working platform. OSHA initiated the August inspection as part of the agency's regional emphasis program on falls in construction. Proposed penalties total \$66,440.

- [Read the News Release](#)

Hawaii Contractor to Restore More Than \$460,000 to Employee Plan

A cement construction and contracting company will restore more than \$460,000 in lost principal and interest to its employee profit-sharing plan. An investigation by the Employee Benefits Security Administration found that Reef Development of Hawaii Inc. and its president, Samuel Sanchez Aguirre, violated the Employee Retirement Income Security Act by mismanaging investment of the plan's assets. Investigators found that Aguirre did not carefully select and monitor investments made on behalf of the profit-sharing plan. Aguirre's lack of due diligence prior to making

Dec. 13. Listeners tune in from Phoenix, Yuma County, Ariz., Bakersfield, Calif., and even Washington State. Campesina host Mayte Figueroa focused on the issue of labor rights and employment benefits. Workers not familiar with part-time or temporary employment, and employers that are unaccustomed with hiring part-time and/or seasonal employees, may not be aware of all of the rules that apply, Olivares said.

Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment Insurance claims was 379,000 for the week ending Dec. 14, an increase of 10,000 from the previous week. The four-week moving average was 343,500, up 13,250 from the previous week's revised average.

- [Read the News Release](#)

See You in 2014!

The next issue of the DOL News Brief will arrive in your inbox on Jan. 2, with more exciting news, information and events from the Department of Labor. In the interim, you can visit us on [Facebook](#) or [Twitter](#), and we hope that you'll like, share and retweet our latest stories. The e-newsletter team wishes you a safe and happy holiday season!

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

EBSA — Getting It Right - Know Your Fiduciary Responsibilities Seminar

- [January 7 — New York, NY](#)

OFCCP — Best Practices for Corporate Management Compliance Evaluations

- [February 12 — Memphis, TN](#)

OFCCP — Common Problems Areas for Federal Contractors

- [January 16 — Houston, TX](#)

OFCCP — Construction Companies and OFCCP Compliance

- [January 22 — Detroit, MI](#)

OFCCP — Laws Enforced by OFCCP

- [February 19 — Detroit, MI](#)

OFCCP — Moving Toward Compliance with Section 503 and VEVRAA

- [January 16 — Webinar](#)

OFCCP — Scheduling and AAP Requirements

- [February 21 — Houston, TX](#)

investments violates ERISA's requirements of acting solely in the interest of participants and beneficiaries of the plan. Aguirre directed \$550,000 to shares of a Texas-based company that later filed for bankruptcy and was exposed as a Ponzi scheme. The plan also suffered a loss of \$950,000 in debt instruments invested in a hotel restoration project that was foreclosed. Aguirre has been assessed a penalty equal to 20 percent of the recovery amount, or \$92,647.

- [Read the News Release](#)

West Virginia Receives Grant for Ongoing Storm Recovery Work

WorkForce West Virginia will receive \$242,000 in supplemental National Emergency Grant funding to assist with continuing clean up and recovery efforts following the devastating snowfall associated with Hurricane Sandy between Oct. 29 and Nov. 8, 2012. The funds will provide temporary employment of eligible individuals to assist with clean up in the affected areas. "West Virginia has made substantial progress in the recovery efforts; however, the devastating impact of Hurricane Sandy continues to linger," said Eric Seleznow, acting assistant secretary of labor for employment and training. The supplemental grant, awarded on Dec. 17, brings the total funding awarded for this project to \$542,000.

- [Read the News Release](#)

Store Unfairly Terminated Nursing Mother, Investigation Finds

A Wage and Hour Division investigation has resulted in the reinstatement of an employee fired from a Wawa's convenience store in Bethlehem, Pa. The investigation conducted by the Wilkes-Barre District Office began in August after the employee filed a complaint about Wawa's lack of flexibility for her to express breast milk in an acceptable space during the workday. During the investigation, when the worker and Wawa could not reach an agreement about the issue, she was fired and lost health-care coverage for her and her ill 7-month-old baby. Wawa was found in violation of the Fair Labor Standards Act nursing mother provision. The company ultimately reinstated the employee, paid back wages of \$4,900, and will soon restore her health benefits.

- [Learn About Rights For Nursing Mothers](#)

Ohio Company Faces Fines After Worker Suffers Head Injury

Columbus, Ohio-based McNeil Group, doing business as Pinnacle Metal Products, has been cited by the Occupational Safety and Health Administration after a worker suffered a serious head injury that resulted in blindness in one eye and 50 percent vision loss in the other. In June, the 42-year-old worker was on a scissors lift while painting steel ceiling beams when the lift caught his head between the beam and the lift's guardrail. OSHA's investigation cited 11 violations at the metal staircase manufacturing facility and has proposed penalties of \$90,090.

- [Read the News Release](#)

Safety Violations Found at Postal Service in Alabama

The U.S. Postal Service in Dothan, Ala., has been cited by the Occupational Safety and Health Administration with four safety violations following an inspection brought on by a complaint. Two repeat violations involved the employer's failure to provide adequate exit routes and for allowing blocked and obstructed exits. A serious violation was cited for exposing workers to slip and fall hazards by not addressing damp and wet conditions in the shop area. One other-than-serious violation was cited for failing to train workers on basic information related to the voluntary use of respirators, which is contained in Appendix D of the respirator protection standard. Proposed penalties total \$84,000.

- [Read the News Release](#)

OSHA — Public Meeting on Proposed Rule to Improve Tracking of Workplace Injuries and Illnesses

- [January 9 — Washington, DC](#)

Follow @USDOL on 

Tweets 



US Labor Department  1h
@USDOL

Gilman Brothers Co. of #CT faces more than \$105,000 in #OSHA fines for hazards at manufacturing plant ow.ly/rTbjp

Expand



US Labor Department  13h
@USDOL

Based on YOUR suggestions, we added 5 new titles to the "Books that Shaped Work in America"! --> huff.to/1cV0Gxg #WorkBookList

Tyson Foods Faces Penalties After Worker's Hand Severed

Tyson Foods Inc. has been cited by the Occupational Safety and Health Administration for four workplace safety violations at the Hutchinson, Kan., prepared foods manufacturing plant after a worker's hand was severed by an unguarded conveyor belt. OSHA proposed fines of \$147,000 and placed the company in its Severe Violator Enforcement Program. Two willful violations involved failure to train workers on lockout/tagout procedures and lockout equipment to prevent the unintentional operation of equipment and exposure to amputation hazards. One serious violation involved fall hazards when workers ascend the upper platform work area in two separate plant locations.

- [Read the News Release](#)

Lack of Machine Guarding and Other Hazards Found at Manufacturer

Barrette Outdoor Living Inc., a vinyl, wood and aluminum manufacturer, has been cited by the Occupational Safety and Health Administration with 14 safety and health violations. The violations included failure to require workers handling corrosive chemicals to use personal protective equipment, provide machine guarding on several pieces of equipment to prevent amputation hazards, inspect storage racks to prevent collapse, and post a copy of the hearing protection standard where hearing protection is required. The inspection of the fence manufacturing facility in Pendergrass, Ga., began in August after OSHA received a complaint. The agency has proposed \$66,550 in penalties.

- [Read the News Release](#)

Trenching Hazards Discovered at Alabama Work Site

Jones Utility and Contracting Co. Inc. has been cited by the Occupational Safety and Health Administration with three repeat and one serious safety violation following a July inspection at a job site in Birmingham, Ala. The repeat violations involved the employer's failure to provide workers a safe means to enter and exit a trench, failure to provide cave-in protection for workers in a trench greater than 5 feet deep, and allowing workers to operate in a trench containing a known cave-in hazard. The serious safety violation involved failing to train workers to recognize and avoid hazards within a trench. OSHA initiated the inspection after receiving a complaint. Proposed penalties total \$68,530.

- [Read the News Release](#)

3 Workers Hospitalized for Heat Stress; Roofing Company Faces Fine

Boothwyn, Pa.,-based United States Roofing Corp. was cited by the Occupational Safety and Health Administration for a serious violation of its general duty clause related to exposing workers to heat hazards. The workers were outdoors in direct sunlight in July, under a peak heat index of 105 degrees, performing hot tar roofing operations at Chichester Middle School in Boothwyn. Following OSHA's inspection, which began after three workers suffered from heat stress at the work site and were hospitalized, a \$7,000 penalty was proposed.

- [Read the News Release](#)

Former Postal Union Local President Sentenced

The former president of the American Postal Workers Union Local 1241 in Long Island City, N.Y., has been sentenced to one- to three years in prison and ordered to pay \$50,000 in restitution for stealing from the union. Neil Cardoso pleaded guilty in October to second-degree grand larceny. An investigation by the Office of Labor-Management Standards found that Cardoso used an automatic teller machine card to make approximately 900 withdrawals from the union's account between 2006 and 2010. Many of the ATMs were at or near off-track betting locations. Cardoso was sentenced on Nov. 14.

Drugstore Chain Faces Penalties for Hazards at Brooklyn Store

Fall and laceration hazards at a Rite Aid store in New York have resulted in \$83,200 in proposed fines for the Pennsylvania-based drugstore chain. An inspection by the Occupational Safety and Health Administration's Manhattan Area Office found employees at the Brooklyn store were exposed to falls of up to 11 feet from the sales floor to the basement through an unguarded opening. This hazard was similar to one cited by OSHA in 2012 at another Brooklyn location. Workers also faced severe laceration hazards due to an uncovered section between a conveyor belt and its drive mechanism, while accumulated merchandise and garbage on the storage room floor presented trip-and-fall hazards.

- [Read the News Release](#)

[Previous Issues](#) | [Follow us on Twitter](#) | [Subscribe](#) | [Send Feedback](#) | [Unsubscribe](#)

U.S. Department of Labor, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210
www.dol.gov | Telephone: 1-866-4-USA-DOL (1-866-487-2365) | [TTY](#) | [Contact Us](#)