



DOL News Brief

February 13, 2014

Subscribe | Send Feedback | PDF Version

SHARE [social media icons]

WINNER OF 2014 AVA DIGITAL GOLD AWARD

An Imagined Meeting: Shirley Temple & Frances Perkins



The world said goodbye to one of the most beloved figures of the 20th century, when Shirley Temple Black passed away at 85 on Feb. 10. As a child in the 1930s, Shirley Temple was one of America's most

recognizable movie stars. In 1938, she appeared in the film "Rebecca of Sunnybrook Farm" and earned, according to The Washington Post, the seventh-highest income in the country. That was also the year that Congress passed the Fair Labor Standards Act, establishing limits on child labor. While the law contained what was then known as the "Shirley Temple Clause" — exempting child performers from some of its requirements — Temple's example served as a flashpoint for the bill's supporters and opponents. In 1935, Vanity Fair published a famous tongue-in-cheek "interview" between Temple and Secretary Frances Perkins,



with artwork by celebrated Mexican illustrator Miguel Covarrubias. In it, a fictional Perkins expresses a comically prim concern for the young star's well-being — complete with a "tut-tut-tut" — prompting somewhat insolent responses from the mischievously cherubic youngster. It's a simplification of a complex debate that wouldn't be resolved until the Supreme Court upheld the law in the 1941 case *United States v. Darby Lumber Co.*, but it does give a sense of how the issue was perceived in popular culture at the time.

- Read the Perkins-Temple "Impossible Interview"
• View the Centennial Timeline
• View the Centennial Video

What's New

Taking Action to Raise the Wage and Reward Hard Work



Fulfilling a promise in his State of the Union Address, President Obama signed an executive order on Feb. 12 that will boost the minimum wage of federal contract workers to \$10.10 per hour. The move also includes workers with disabilities, who will now be covered by the new \$10.10 minimum wage. "We've

got to build an economy that works for everybody, not just the fortunate few," the president said during the signing ceremony in the East Room of the White House. "And we've got to restore opportunity for everybody, so that no matter who you are, no matter how you started out, no matter what you look like, no matter what your last name is, you can get ahead in America if you're willing to work hard and take responsibility for your life." Speaking to White House reporters earlier in the day, U.S. Secretary of Labor Thomas E. Perez put a face on those who will benefit.

"If you're serving food or doing laundry on a military base, if you're a nursing assistant caring for our nation's veterans, if you're staffing the parking lot at a federal courthouse, or if you're working concessions at our national parks, then you deserve a raise," Perez said. "As the president said in the State of the Union address, if you cook our troops' meals or wash their dishes, you shouldn't have to live in poverty." The executive order will raise the minimum wage to \$10.10 effective for new federal contracts beginning Jan. 1, 2015.



- Read the President's Remarks
• Read the Secretary's Remarks
• View the MSNBC Video

Construction Industry Pledges 100,000 Jobs for Veterans

Secretary Perez welcomed First Lady Michelle Obama to department headquarters on Feb. 10 to announce a broad coalition of construction employers and associations that have collectively pledged to hire 100,000 veterans over the next

## WORKPLACE MYTH BUSTER

Myth: Employers have no way of knowing how to comply with OSHA rules.

Not true: The Occupational Safety and Health Administration offers a variety of easy-to-access resources to assist employers in understanding and meeting OSHA standards, including a free on-site compliance assistance service for small and medium-sized businesses. OSHA's on-site consultation services are separate from enforcement and help close to 30,000 businesses a year. OSHA consultants can identify hazards and suggest possible solutions with no potential for enforcement, citations or secondary inspection based on the consultation service. In addition, OSHA has compliance assistance specialists in area offices throughout the country to help companies understand pertinent regulations and how to fulfill them. OSHA also maintains a toll-free number (800-321-OSHA) that can be contacted during regular business hours. Calling this number does not generate an inspection, and it can even be done anonymously. OSHA responds to more than 200,000 calls a year on this line. In addition, OSHA's website contains OSHA standards in detail, as well as FAQs, topic pages on different hazards, fact sheets and other information to assist employers in providing a safe workplace.

• [Learn About OSHA's Consultation Program](#)

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

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

- [Best Practices for Hiring the Long-Term Unemployed](#): A cross-post from the White House's Gene Sperling and Valerie Jarrett on ways to ensure the long-term unemployed receive a fair shot in the hiring and recruiting process.
- [Fight for Your Right \(to Healthy\)](#): Assistant Secretary for the Employee Benefits Security Administration Phyllis C. Borzi on the 15th anniversary of her agency's Health Benefits Education Campaign, which aims to help workers and small business owners make the most of their health benefit plans.
- [The 1980s: A Decade of Service](#): The latest in a series of centennial blog posts reviews a decade in the Labor Department's history marked by service – to veterans, migrant and seasonal employees, women and low-wage workers, among many others.



five years. *A National Symposium: Veterans' Employment in Construction*

was hosted by the department and Joining Forces. In an op-ed in the Wall Street Journal, Michelle Obama praised the initiative, writing that these companies "made this commitment not just because it's the patriotic thing to do, and not just because they want to repay our veterans for their service to our country, but because they know that it's the smart thing to do for their business." Perez and the first lady were joined by two veterans in the construction industry — Larry Melton of Bechtel and Katie Sanicky, a Cleveland, Ohio, ironworker apprentice — who spoke movingly about their experiences transitioning to civilian employment. The Bureau of Labor Statistics estimates that construction is one of the fastest-growing industries in the nation, with job growth of more than 1.5 million jobs between now and 2022. "What we have here is a perfect fit — veterans who are ready to work and the construction industry that needs exactly what veterans have to offer," Perez said. "But we have to do more to make the right connections, build the right partnerships and take the best practices to scale."

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

### Roundtables Convened on Veterans' Employment Services



Following First Lady Michelle Obama's announcement on Feb. 10 that the construction industry has pledged to hire 100,000 veterans over the next five years, the Veterans' Employment and Training Service and the Employment and Training Administration hosted a series of breakout sessions and

roundtables to discuss veterans' employment. *A National Symposium: Veterans' Employment in Construction* included information sessions on how to access veterans' employment services, which are available at more than 2,600 American Jobs Centers across the country; details regarding registered apprenticeship programs; and an overview of credentialing and certifications for veterans interested in careers in the construction industry. Employers, workers' organizations, veterans service organizations, and educators explored the opportunities and programs available through the department for veterans to get the skills they need to fill the construction jobs.

- [See Resources for Veterans](#)
- [Learn About Apprenticeships](#)
- [View the Slideshow](#)

## National News

No More Falling Workers — Calling on the Cell Tower Industry for Help

The Occupational Safety and

## BOOKS THAT SHAPED WORK IN AMERICA

### 'Heroes of Democracy'

The titles on the department's list of Books that Shaped Work in America continues to grow. More than 700 suggestions have been submitted by the public. Former labor secretaries have also made provocative recommendations. One of the suggestions from former Labor Secretary George Shultz (he served from 1969 to 1970 and later went on to head OMB, Treasury and State) is "Leaves of Grass." Published in 1855, the collection of free verse is, according to Shultz, "filled with images of workers on farms, in factories and on boats — heroes of democracy. Before Leaves of Grass, the American worker was not described this way; after Whitman wrote, people felt a new sense of respect for the work involved in building our country." What poem or collection of poems do you believe shaped our notion of work and workers in our country? Send us your suggestions.

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

### On the Go for Labor Rights

The Employment, Education and Outreach alliance is gaining new strength following a meeting between



representatives from the department and Washington State officials in Olympia, Wash. Labor Secretary's Representative John Lund and the acting Regional Administrator for the Wage and Hour Division Juan Coria met with the state's Department of Labor and Industries Deputy Director Ernie LaPalm on Feb. 7 to discuss the expansion of the program and its toll-free helpline in the Pacific Northwest. In addition, the division's public relations director for the Western Region, Priscilla Garcia, traveled to Seattle for a television interview on the importance of EMPLEO, accompanied by Consul Keny Yamileth Lopez de Zuleta of El Salvador.

- [Read the EMPLEO Alliance Fact Sheet](#)
- [View the Slideshow](#)

### Job Corps' Super Rescue



Three Washington State Job Corps students attending a Seattle Seahawks Super Bowl victory celebration on Feb. 5 came to the rescue of a pregnant fan who suddenly went into labor.

Health Administration is increasing outreach to the cell tower industry in response to the recent uptick in the number of fatal falls. As part of the outreach, OSHA will work with the National Association of Tower Erectors and other industry stakeholders to ensure



that employers understand their responsibility to protect workers performing these dangerous jobs. Thirteen fatalities occurred in 2013 from falls, tower collapses and other worksite hazards, more than the previous two years combined. In the first five weeks of 2014, four workers died. In a letter sent on Feb. 11, OSHA urged the industry to adhere to safety standards and common sense practices that would save worker lives. The agency also launched a new Web page with educational resources about communication towers.

- [Read the Letter](#)
- [Visit the Website](#)

### It Happened on the Hill

Senate Committee Hears Updates on Workers' Rights in Bangladesh

During a Senate committee hearing, Acting Associate Deputy Undersecretary for International Affairs Eric Biel spoke about the department's engagement on improving workers' rights in Bangladesh. Last June, President Obama suspended Bangladesh's trade benefits under the Generalized



System of Preferences program based on numerous labor rights and safety concerns. Since then, the Department of Labor, U.S. Trade Representative and Department of State have tracked the Government of Bangladesh's progress under an action plan that identifies the specific steps needed to provide a basis for reinstating those benefits. At the hearing, Biel noted Bangladesh has made progress in some areas but added that "a great deal remains to be done to implement some of the most important elements of the action plan." Biel also answered questions about the role of the private sector, including buyers and retailers, in improving workers' rights and workplace safety. He also expressed appreciation for Senate Foreign Relations Committee Chairman Robert Menendez's leadership in efforts to establish a full-time labor attaché in the U.S. Embassy in Dhaka.

- [Watch the Hearing](#)
- [Read Biel's Testimony](#)

### International Scene

Agreement Signed to Protect Belizean Workers' Rights

Under an agreement signed on Feb. 10 by Secretary Perez and Belizean Ambassador Nestor E. Mendez, the enforcement field



Garrett Roush, Samuel Corbett and Robert Wright of the Fort Simcoe Job Corps Civilian Conservation Center were among the estimated 700,000 Seattle Seahawks fans who braved sub-freezing temperatures to celebrate the team's first football title at a parade through downtown Seattle. According to Roush, the three were alerted by sudden screams of distress from a woman. "I was nervous, but my CPR training kicked in," he said. The three stabilized the woman, then carried her through the crowd to an EMT ambulance, which rushed her to a hospital. "These students embodied the values of Job Corps, using their training to give back to the community and assist others in need," said Brian Lawrence, Fort Simcoe's safety and health officer.

offices of the Occupational Safety and Health Administration and the Wage and Hour Division will collaborate with the embassy and consulates of Belize to provide Belizean nationals

working in the United States and their U.S. employers with information about U.S. health, safety and wage laws. Deputy Undersecretary for International Affairs Carol Pier; Assistant Secretary for Occupational Safety and Health Dr. David Michaels; and Laura Fortman, principal deputy administrator for the Wage and Hour Division, also participated in the ceremony. "We want all workers in the United States to know they are protected by our labor laws, and we want employers to know we have tools to help them comply with those laws," said Perez. Consular partnerships like this one can help the department enforce U.S. laws more effectively, especially in high-risk and low-wage industries where violations are more likely to occur.

- [View the Slideshow](#)
- [Read the News Release](#)
- [Learn About the Consular Partnership Program](#)

## Focusing on Employee Benefits

Nationally-recognized experts in employee benefits, including the department's own, gathered in New Orleans for last week's midwinter meeting of the ABA Labor Section's Employee Benefits Committee. Representing the Employee Benefits Security Administration were Assistant Secretary of Labor Phyllis C. Borzi and Deputy Assistant Secretary Tim Hauser. The pair delivered presentations Feb. 7 on EBSA priorities and initiatives, highlighting agency interpretation of recent Supreme Court decisions, enforcement achievements and regulatory plans for the coming year. Addressing the need for increased accountability in retirement investment advising, Borzi said, "Reducing conflicts of interest could save retirement plan investors billions of dollars every year."

### Agenda for G20 Task Force on Employment Set in Sydney

As the U.S. representative to the G20's Task Force on Employment, Mark Mittelhauser, associate deputy undersecretary of labor for international affairs, visited Sydney, Australia, to chart out the G20 labor and employment agenda for 2014. Two of the major proposals set forth by Mittelhauser were adopted by the group in Sydney: a suggestion that member countries author strategic plans that detail their national employment strategies and a suggestion that the G20 create a special task force to address global workplace safety and health issues. The employment strategies are an effort to focus far greater attention on the difficulties workers have faced since the 2008 financial crisis. The U.S. safety and health proposal, endorsed by the task force, will help raise awareness about safety and health while also providing countries with a mechanism for exchanging best practices and learning how to address major issues. The G20, a group of the world's 20 key economic powers, was created to coordinate international economic and financial policies. The labor and employment ministers of the G20 are scheduled to meet in Melbourne, Australia, in September 2014.

- [Learn About the G20](#)

## Prevailing Wage Seminars

The Wage and Hour Division will host six free seminars across the country to provide outreach on the rules concerning prevailing wage requirements under the Davis-Bacon Act, McNamara-O'Hara Service Contract Act, and Executive Order 13495 "Nondisplacement of Qualified Workers." The seminars represent the department's commitment to ensuring that contractors, contracting officials, unions, workers and other interested parties understand and are in compliance with applicable law for federal and federally-assisted contracts. The first seminar is scheduled for March 4-6 in Manchester, N.H.

- [Get Seminar Dates and Locations](#)
- [Learn About the DBA and SCA](#)

## Safety, Health Panel Meets

The National Advisory Committee on Occupational Safety and Health convened at department headquarters on Feb. 11 and 12 and received an update from Dr. David Michaels,

## DOL Working for You

### Veteran's Transferable Skill Opens Way for a Fresh Start

Army veteran Fawn Mathis pulled a lot of guard duty while deployed in Afghanistan, protecting his base from enemy attack. But when he returned to Oregon, he was unable to find work and forced to sleep in his car. Mathis, who had served in the National Guard, enrolled in a department-funded Homeless



Veterans Reintegration Program run by the St. Vincent de Paul Society in Eugene. According to St. Vincent's Vocational Assessment staffer Karen Fleener, Mathis' military security work was a skill easily transferable to



assistant secretary of labor for occupational safety and health. Michaels discussed the department's efforts to improve safety and health for temporary workers, and the committee discussed best practices for protecting those workers. Michaels also spoke about new resources developed to help hospitals assess workplace safety needs and implement safety and health management systems. Deputy Assistant Secretary of Labor for Occupational Safety and Health Jordan Barab spoke about progress made under the implementation of Executive Order 13650, which seeks to improve chemical facility safety and security. The 12-member NACOSH is comprised of representatives of management, labor, occupational safety and health professions, and four members representing the public.

- [Learn About Temporary Worker Safety](#)
- [Learn About Hospital Resources](#)
- [Learn About Executive Order 13650](#)
- [Learn About NACOSH](#)

---

## Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment Insurance claims was 339,000 for the week ending Feb. 8, an increase of 8,000 from the previous week. The four-week moving average was 336,750, up 3,500 from the previous week's revised average.

- [Read the News Release](#)

---

## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

OASAM — Vendor Outreach Session

- [February 19 — Washington, DC](#)

OFCCP — Compliance Assistance Session for Construction Contractors and Subcontractors

- [February 27 — Richmond, VA](#)

OFCCP — Construction Compliance Evaluations in 16 Steps

- [February 25 — Atlanta, GA](#)

OFCCP — Essential Elements of The AAP Part I

- [February 18 — Webinar](#)

OFCCP — Essential Elements of The AAP Part II

- [February 25 — Webinar](#)

OFCCP — Filing an Employment

civilian security jobs. Harold McCain, a Navy veteran and employment specialist at St. Vincent's, helped Mathis write his resume, prepare for interviews and take and pass a class to obtain his security certificate. The program "gave me the confidence and the skill sets to succeed," Mathis said. He now works 40 hours a week at two security jobs and, with St. Vincent's help, plans to move onto better employment.

---

## DOL in Action

### Suspension of 13 AT&T Workers Prompts Lawsuit

The department has filed a lawsuit against the Ohio Bell Telephone Co., which operates as AT&T, on behalf of 13 employees who received unpaid suspensions after reporting workplace injuries from 2011 to 2013. The complaint alleges that in 13 separate incidents, employees were disciplined and given one- to three-day unpaid suspensions for reporting injuries that occurred on the job. The company claimed that each employee violated a corporate workplace safety standard; however, the Occupational Safety and Health Administration's investigation found that the suspensions were a result of workers reporting their injuries. The suit alleges the company violated the whistleblower provisions of the Occupational Safety and Health Act.

- [Read the News Release](#)

### Plant Workers in Illinois Exposed to Guarding, Electrical Hazards

Arlington Plating Co. has been issued 25 safety violations, carrying proposed penalties of \$155,430, by the Occupational Safety and Health Administration. OSHA initiated an inspection of the Palatine, Ill., automotive plating plant in August 2013 under the Site-Specific Targeting Program, which focuses on facilities with a higher-than-average illness and injury rate. Repeat violations included a lack of machine guarding on rotating parts; not closing unused openings in electrical boxes, and using electrical outlet boxes that were missing basic safety features.

- [Read the News Release](#)

### Flavoring Manufacturer Faulted After Worker Severely Burned

After a worker was injured in an August 2013 chemical fire, the Occupational Safety and Health Administration cited Carol Callahan, doing business as Natural Advantage, for 19 serious safety and health violations at the Oakdale, La., facility. OSHA's Baton Rouge Area Office cited serious health violations regarding overexposure to methylene chloride. These included failure to institute and maintain effective engineering controls and work practices to reduce airborne concentrations of methylene chloride below the permissible exposure limits. The company faces proposed penalties of \$91,000.

- [Read the News Release](#)

### Systemic Labor Violations Found at Phoenix Deli

City Market Deli, with nine branches throughout the Phoenix area, has agreed to pay \$66,648 in back wages for labor violations. Investigators found the company incurred minimum wage and overtime violations under the Fair Labor Standards Act. Citi Market Deli failed to pay employees for all hours worked during their initial two-week training, resulting in \$44,599 owed to 119 employees. In addition, \$22,049 in overtime back wages was found due to 62 employees who were paid regular hourly rates for all hours

## Discrimination Complaint

- [February 19 — Portland, OR](#)

## OFCCP — Jurisdiction and Compliance Overview

- [February 18 — Birmingham, AL](#)
- [February 18 — Jackson, MS](#)

## OFCCP — Laws Enforced by OFCCP

- [February 19 — Detroit, MI](#)

## OFCCP — Scheduling and AAP Requirements

- [February 21 — Houston, TX](#)

## OFCCP — What To Expect During An OFCCP Audit

- [February 18 — Atlanta, GA](#)

## OLMS — Compliance Assistance Seminar

- [February 26 — Springfield, IL](#)
- [February 26 — Pittsburgh, PA](#)
- [February 27 — Pittsburgh, PA](#)

## OWCP — Town Hall Meetings to Assist Nuclear Weapons Workers

- [February 19 — Dever, CO](#)
- [February 20 — Dever, CO](#)

Follow @USDOL on



Tweets Follow



US Labor Department   
@USDOL

3h

We're bringing the 80s back on this [#ThrowbackThursday!](#) Check out our latest centennial blog post: [social.dol.gov/blog/1980s/](http://social.dol.gov/blog/1980s/) [#DOL100](#)

Expand



US Labor Department   
@USDOL

6h

Working outside in the snow? Stay safe with these 4 tips from [#OSHA](#) --> [1.usa.gov/1kq01HA](http://1.usa.gov/1kq01HA) [#ColdStress](#) [#WinterWeather](#)

worked without regard to overtime. The company also misclassified some workers as non-employees, paid them off the books, and failed to keep accurate records of all hours worked and other conditions of employment, as required.

## Massachusetts Contractor Exposed Workers to Cave-in Hazards

Joseph P. Cardillo & Son Inc., an excavation and utilities contractor based in Wakefield, Mass., faces \$144,400 in Occupational Safety and Health Administration fines for safety hazards at a Milton, Mass., worksite. An inspection by OSHA's Braintree Area Office found workers installing water mains in a 6-foot, 8-inch trench that lacked cave-in protection and an exit ladder. The workers also were exposed to falling debris that accumulated above the trench. As a result, OSHA issued two willful citations for the cave-in and exit hazards and one serious citation for the debris hazard. OSHA, which cited the employer for the same willful violations in December 2010 at a New Hampshire worksite, requires that excavations and trenches 5 feet or deeper must be protected against collapse.

- [Read the News Release](#)
- [Learn More About Excavation Safety](#)

## Violations Found After Explosion That Killed Worker

Serious workplace safety violations were found in connection with the September 2013 explosion at the Canastota, N.Y., Wastewater Treatment Plant that killed one worker and injured another. Joy Process Mechanical Inc. of East Syracuse and M. Hubbard Construction Inc. of Mottville were hired to replace piping inside a methane gas dome, a confined space. The Joy Process Mechanical worker was welding inside the dome when the explosion occurred, burning him and a Hubbard Construction worker who was standing atop a stepladder opening to the confined space. Investigators from OSHA's Syracuse Area Office found that the companies failed to ensure safeguards and train workers on the hazards associated with methane gas and confined spaces. Workers were not provided with a meter to measure the presence of combustible gas. The confined space also lacked adequate ventilation and a retrieval system for swift exits in an emergency.

- [Read the News Release](#)

## Colorado Union Agrees to Rerun Election

Laborers Local 720 in Denver has agreed to conduct a new election, including new nominations, for the office of recording secretary under supervision of the Office of Labor-Management Standards. An OLMS investigation of an officers election conducted on June 8, 2013, found that Local 720 improperly applied candidate qualifications. The new election will be held prior to May 31.

## Plastic Manufacturer Cited for Amputation, Laceration Hazards

Amtech Southeast Inc. has been cited by the Occupational Safety and Health Administration for 12 serious and three other-than-serious safety and health violations following a September 2013 inspection at the company's manufacturing facility in Elmore, Ala. Inspectors found workers were exposed to amputation, laceration and caught-in hazards as well as excessive noise over the permissible limit. Other violations included the employer's failure to ensure protection from fire/explosion hazards, provide training on hazardous chemicals and develop a respiratory protection program. Amtech produces fiber-reinforced plastic components. Proposed penalties total \$50,000.

- [Read the News Release](#)

## Willful Labor Violations at Tucson's DoubleTree Hotel

The Tucson DoubleTree Suites hotel by Hilton has been ordered to pay

\$51,715 in minimum and overtime back wages, damages and penalties for willful labor violations found during an investigation by the department. As part of a consent judgment obtained in federal court, Viharas Group Inc., doing business as DoubleTree Suites in Tucson, Ariz., and owner Ashok Kumar Patel, will pay the back wages to 44 employees. Hotel management deliberately deleted from the electronic time system most overtime hours worked by employees, recorded those hours on separate time sheets and paid cash wages for those hours at rates much lower than the legally required rate for overtime.

- [Read the News Release](#)

#### Florida Wire Manufacturer Cited Following Worker's Death

A 32-year-old machine helper working at Wire Mesh Sales LLC in Jacksonville, Fla., entered a manufacturing machine to retrieve a fallen metal bar and was struck and killed by a moving part on the machine. The company was cited by the Occupational Safety and Health Administration for 22 serious, eight willful, one repeat and other violations. The willful violations included the employer's failure to guard the wire mesh manufacturing machines as well as failing to assure that machines, including the one involved in the incident, were shut down and hazardous sources of energy were locked or tagged out prior to employees entering to service the equipment. "This was a preventable and senseless tragedy," said Secretary Perez.

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

[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](http://www.dol.gov) | Telephone: 1-866-4-USA-DOL (1-866-487-2365) | [TTY](#) | [Contact Us](#)