



DOL News Brief

March 20, 2014

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WINNER OF 2014 AVA DIGITAL GOLD AWARD

Women's History/Our History:  
The Mink Brigade



Frances Perkins is rightly heralded as the visionary behind some of the most far-reaching labor reforms in American history, but throughout her long career as a leading voice for social change, she was never

alone. Perkins was a member of a long line of women, from Jane Addams to Eleanor Roosevelt, who took up the cause of women's rights in the workplace and led a swelling social movement that amplified the call for a voice for working people at the highest levels of government. The movement was galvanized on March 25, 1911, when a fire at the Triangle Shirtwaist Factory in Manhattan caused the deaths of 123 women and 23 men. Perkins witnessed the fire, and in its aftermath, stood in solidarity with the workers who rose up, many of them women of the International Ladies' Garment Workers' Union, to call for change. Perkins was among a group of women that became known, mockingly, as "the Mink Brigade" — a reference to their patrician roots. It included women from families of prominent industrialists, such as Anne Morgan (daughter of J.P. Morgan) and Alva Belmont

(a member by marriage of the Vanderbilt family). As Perkins ascended to state labor commissioner for New York and then U.S. secretary of labor, she never forgot the women of the Triangle factory and other victims. In 1933, she wrote an influential op-ed calling for a higher minimum wage and increased workplace protections, using the figure of the young woman toiling in a garment factory as her subject and titling it, "The Cost of a Five-Dollar Dress."



- [Read "The Cost of a Five-Dollar Dress"](#)
- [View the Centennial Timeline](#)
- [View the Centennial Video](#)

What's New

Welcoming Public Engagement on Silica Proposal

More than two million workers are exposed to respirable crystalline silica each year, a basic component of soil, sand and granite that may become respirable-size particles when chipped, cut, drilled or grinded. Prolonged overexposure can cause silicosis, lung cancer and a host of other deadly illnesses.



On March 18, an intensive three weeks of public hearings on the Occupational Safety and Health Administration's proposed rule on silica began at the Labor Department headquarters in Washington, D.C. Judge Daniel Solomon of the Office of Administrative Law Judges presided as more than 150 representatives of industry, labor, the science community and government attended during the first three days. Published in the Federal Register on Sept. 12, 2013, OSHA's proposal aims to update inconsistent and outdated permissible exposure limits for silica and also establish other provisions to better protect workers. Members of the public who signed up can also ask questions of OSHA officials and other witnesses during the hearings. "We look forward to receiving feedback from our stakeholders on our proposal, and we're grateful for the continuing high level of public engagement throughout the rulemaking," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "This is an open process, and the input we receive will help us ensure that a final rule adequately protects workers, is feasible for employers, and is based on the best available evidence." Hearings on the proposal will continue through April 4.

- [Learn More About the Silica Proposal](#)
- [View the Hearing Schedule](#)
- [Read the Blog Post](#)

'Change Professionals,' Helping the Long-term Unemployed

Hundreds of human resource professionals or, as U.S. Secretary of Labor Thomas E. Perez likes to call them, "change professionals," gathered on March 18 at the Society for Human Resource Management's 2014 Employment Law and Legislative Conference in Washington, D.C. Perez thanked the group for its work in helping the long-term unemployed get back on their



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

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

- [Choices: My Life on the Minimum Wage](#): Alicia McCrary is a mother of four boys from Iowa who recently testified about raising a family as a low-wage worker before the Senate HELP Committee. Here, she tells her story.
- [As Mines Reopen for Spring, Think Safety](#): Hundreds of surface mines are reopening across the country after the winter freeze. Brian Goepfert, the safety division chief for metal and nonmetal mines at MSHA, explains why this period can be a potentially dangerous one for miners.
- [A Collaborative Pathway to an Accessible Future](#): Kathy Martinez, assistant secretary for disability employment policy, discusses accessible technology and its impact on the employment of people with disabilities.

### 'I Want to Be a Taxpayer'



"How many people do you meet that say: 'I want to be a taxpayer!' Well, I meet a lot of people with disabilities who tell me that."  
Secretary Perez,

accepting the "Spirit of ADA Award" at the American Association of People with Disabilities Leadership Gala on March 18, underscored the imperative of helping people with disabilities achieve economic self-sufficiency. In his remarks, Perez celebrated the tradition of bipartisanship in advancing the rights of people with disabilities. He discussed his recent visit to a Walgreens distribution center, applauding the company for its leadership on disability hiring. He also highlighted a Labor Department rule, set to take effect on March 24, requiring federal contractors to take measurable action toward achieving a nationwide 7 percent utilization goal for the employment of qualified workers with disabilities.

- [View the Slideshow](#)

### No Shutdown for Firefighters

Despite a snowy day that all but closed down Washington, D.C., Secretary Perez addressed approximately 1,000 firefighters at the



International Association of Fire Fighters Annual Conference on March 17. Perez delivered heartfelt remarks about his deep respect for emergency responders and how they've helped families around the country, including his family when his father became ill. Perez also discussed pension security and told the firefighters that, "When you put your life on the line every day, you

feet and addressed issues such as updating overtime requirements and the important role the department plays in "up-skilling" the nation's workforce. He discussed his previous roles in public service and how, throughout the years, he has learned that human resource professionals drive, manage and lead change. When he asks employers across the country about their biggest challenge, they generally respond that they want a workforce with the skills to compete, Perez said.

- [View the Slideshow](#)

## National News

### Veterans' Unemployment Rates Edged Downward in 2013, Data Shows

The overall veterans' unemployment rate, reported in a new annual report, showed "an encouraging drop" from 7 percent in 2012 to 6.6 percent in 2013, Secretary Perez said on March 20. According to a Bureau of Labor Statistics report on veterans' employment, the jobless rate for women veterans dropped from 8.3 percent in 2012 to 6.9 percent in 2013 and for all Gulf War-era II veterans decreased from 9.9 percent to 9 percent. "Veterans have the skills that employers are looking for. They make our nation's workforce more productive, our companies more profitable and our economy more competitive," Perez said. "The best way to honor our veterans is to hire them."

- [Read the Secretary's Statement](#)
- [Read the BLS Report](#)

### National Safety Stand-down Announced for Construction Industry



Falls continue to be the leading cause of deaths in the construction industry, with nearly 300 fatalities in 2012. To help combat this deadly hazard, the Occupational Safety and Health Administration is leading efforts to hold a nationwide safety stand-down June 2-6 to raise awareness among employers

and workers about the hazards of falls. The stand-down is part of OSHA's ongoing Fall Prevention Campaign, which began in 2012 and was developed in partnership with the National Institute for Occupational Safety and Health's National Occupational Research Agenda program. "Falls account for more than a third of all deaths in this industry," said Dr. David Michaels, assistant secretary of labor for occupational safety and health. "We're working with employers, workers, industry groups, state OSH plans, and civic and faith-based organizations to host safety stand-downs that focus on recognizing hazards and preventing falls. We are getting the message out to America's employers that safety pays and falls cost."

- [Learn About the Stand-down](#)
- [Learn About OSHA's Fall Prevention Campaign](#)
- [Listen to the Secretary's Message](#)

### Spring — and Aggregate Mining — Have Sprung

Flowers are blooming, birds are chirping and many surface mines around the country that went dormant in the winter are resuming production. It's a busy but potentially dangerous time of year, notes the Mine Safety and

should retire with dignity. You have worked too hard to sacrifice pension security, and this administration stands with you." Secretary of Homeland Security Jeh Johnson also spoke at the conference.

- [View the Slideshow](#)

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## Old Home Week



Returning to Department of Justice headquarters where by his own recollection he first worked in the mid-1980s, Secretary Perez spoke on March

20 at the United States Attorneys National Conference. Perez thanked the prosecutors for their leadership — for living and working "with a remarkable sense of urgency" — while reminiscing about the "the foxholes we crawled in" together. Noting the parallels between his last job as assistant attorney general for civil rights and his current job, Perez highlighted partnerships and opportunities for further collaboration between the department and U.S. attorneys, particularly in the areas of workplace safety and worker exploitation.

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## Advancing Inclusion in Health Care

More than 40 employers, federal and state policymakers, researchers and nursing school administrators convened at the U.S.

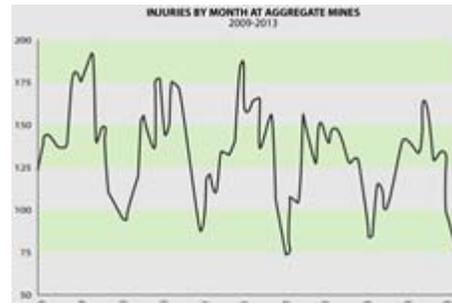


Access Board on March 18 for a policy roundtable hosted by the Office of Disability Employment Policy in collaboration with the National Organization of Nurses with Disabilities. "We know that health-care occupations dominate the list of jobs predicted to be in most demand in coming years," said Assistant Secretary of Labor Kathy Martinez, who heads ODEP, as she welcomed attendees. Martinez was joined by acting Assistant Secretary of Labor for Employment and Training Eric Seleznow, along with leaders from the Health Resources and Services Administration and the Department of Education. They explored strategies for using the skills and talents of people with disabilities, including veterans, to meet anticipated labor shortages in nursing and allied health occupations. Because "there is simply not enough talent in the pipeline," that people with disabilities "have an important role to play in meeting the

Health Administration, as miners return to work and prepare equipment for the new season.

According to MSHA data, injuries at aggregate operations typically climb sharply in the spring, so this is a good time to brush up on safety procedures that can carry mines and miners safely through the warmer months.

- [Read MSHA's Blog Post](#)



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## News You Can Use

### Be Prepared When Floodwaters Rise

Did you know your workplace might be located in a floodplain? During a heavy storm, rivers, dams and even small creeks or drainage ditches can spill over with little or no notice. This year, the Occupational Safety and Health Administration and the National Oceanic and Atmospheric Administration have joined forces to promote Flood Safety Awareness Week, March 16-22. OSHA and its partners are encouraging workers and companies to be aware of dangerous conditions during and after floods. Employers should pay attention to weather forecasts, train workers on severe weather plans and keep emergency supplies, including a battery-operated weather radio, on hand to be better prepared for flooding.

- [Read the Blog](#)
- [Learn About Flood Safety](#)



### Women, Work, and the Challenges Ahead

"Working women have made great strides in recent decades, but challenges remain." That was one of the messages Women's Bureau Director Latifa Lyles shared at a March 19 public policy forum for Women's History Month hosted by Dialogue on Diversity and the American Federation of Teachers in Washington, D.C. Addressing an audience of about 50, Lyles discussed many of the factors that hinder women's equality today, such as occupational segregation and inadequate supports for balancing work and family life, as well as the bureau's efforts to address those issues at forums such as the June 23 White House Summit on Working Families.

- [Learn About the White House Summit](#)
- [Read About the Women's Bureau](#)
- [See Women's Bureau Publications](#)

### Affordable Care for Women and Families

Women's History Month draws to a close soon — and so does the window for health care enrollment through the Affordable Care Act. Thanks to the ACA, nearly 27 million women have expanded access to health coverage and preventive care. In addition, there are new protections in place. For example, women in the individual insurance market can no longer be charged more for health insurance just because they're women, and they cannot be denied coverage or charged more due to pre-existing conditions

demands of this changing landscape," Martinez told attendees.

- [View the Slideshow](#)
- [Learn About Health Care Resources](#)

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## Job Corps Hosts Hiring Event



James D. White, chief executive officer of Jamba Juice, a San Francisco Bay area company, reaffirmed Jamba Juice's partnership with the

Treasure Island Job Corps Center on March 19 during the company's third National Hiring Day kick-off at the center. "To the Job Corps students, I applaud you for your leadership and hard work," said White. "Through active partnerships with Job Corps, I am convinced we have a winning recipe." The Treasure Island Job Corps Center is currently ranked the top-performing center in the nation and is home to the Job Corps' premier Advanced Culinary Arts training program.

- [View the Slideshow](#)

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## 'Fireside Chat' in Atlanta

The Women's Bureau, along with the YWCA of Greater Atlanta and the National Center for Civil and Human Rights, presented "The Story Behind the Story:



A Fireside Chat" on March 13. Nearly 200 women attended the Women's Herstory Month event that featured a diverse panel of women leaders from the Atlanta community who have made remarkable contributions to the city and beyond. A memorable moment came when Tiffany Dufu, chief leadership officer at the Levo League and the event's keynote speaker, urged attendees, "If you want something you've never had before, you have to do something that you've never done before."

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

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## Recognizing Leaders in California



Women's Bureau program analyst Kelly Jenkins-Pultz was the keynote speaker on March 15 at a ceremony honoring several local women

for their leadership work in the San Luis Obispo, Calif., community. The event was hosted and organized by the San Luis Obispo County Commission on the Status of Women and the South Bay Women's Network. In her remarks, Jenkins-Pultz spoke about the local economic status of women and also highlighted opportunities and challenges in today's workplace.

like pregnancy. But women aren't the only people benefiting from the ACA. Women and men across the country are finding more affordable coverage through the marketplace. And more than 3 million young adults now have health insurance on their parents' plan.

- [Learn About the Marketplace](#)
- [Get Covered](#)
- [Watch the Video #YourMomCares](#)

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## Retirement Savings for Future Financial Security

Saving for retirement can be complicated, but Labor Department regulations are helping savers prepare for the future by increasing the process's transparency. Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi addressed this issue at a March 13 Financial Planning Association symposium in New York City. Before an audience of about 300, Borzi discussed the department's work and how regulatory changes will impact consumers and the retirement planning industry. "When people understand their retirement plans, they can make more informed decisions about their future financial security," she said.

- [Read the Lifetime Income Illustrations Fact Sheet](#)

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## International Scene

### A Little Luck of the Irish for the Labor Department

Irish Minister of Social Protection Joan Burton met with Secretary Perez at department



headquarters on March 20 to exchange views on shared labor market challenges in the United States and Ireland. They were joined by Ireland's ambassador to the United States, Anne Anderson, to discuss both

governments' approaches to spurring economic growth and promoting opportunity for workers after the devastating effects of the 2008 financial crisis, which also hit Ireland's economy particularly hard. Some of the shared challenges addressed were long-term unemployment, promoting youth employment and strategies for working with the private sector and trade unions. Burton is part of a larger Irish delegation that visits the United States annually around Ireland's National Day on March 17.

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## Around DOL

### Focusing on Native American Employment

Representatives from 89 tribal nations, colleges, urban centers and community groups joined a conference call with department officials on March 13. The conversation centered around the Office of Federal Contract Compliance Programs' worker protection role and the agency's new Indian and Native American Employment Rights Program. Participants discussed strategies for advancing OFCCP partnerships with Tribal Employment Rights offices across the country and considered the benefits of establishing linkage systems between tribes and federal contractors in order to increase job opportunities for American Indians and Alaska Natives. Leaders from OFCCP, including Deputy Director Tom Dowd, Branch Chief Herman Narcho and INAERP Director Theresa Lujan led the call, which was organized by the Office of Public Engagement.

Rep. Lois Capps and Assemblyman Katcho Achadjian presented commendations from the U.S. House of Representatives and the California State Assembly.

- [View the Slideshow](#)

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## Wage Conference in Phoenix



The Wage and Hour Division hosted a three-day prevailing wage conference at the Phoenix Convention Center March 18-20. The

nearly 300 participants included contracting officers and subcontractors, labor groups, state and federal regulatory agencies, and others. Seminars covered a variety of topics under the Davis-Bacon and Related Acts and the McNamara-O'Hara Service Contract Act, such as the proper payment of prevailing wage rates and fringe benefits, correct worker classifications, wage determinations, and submission and management of certified payrolls.

- [View the Slideshow](#)

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## Voices of Women on Careers

Women comprise 13.7 percent of civil engineers and 15.6 percent of transportation, storage and distribution managers, where



wages are approximately twice the median annual earnings of all women. Other transportation occupations, such as drivers, truck and tractor operators, rail road conductors and yardmasters, pay significantly higher than the more traditional occupations available to women without advanced education. To learn from the experiences women face in non-traditional careers and in the transportation field, the Women's Bureau is hosting a series of roundtable discussions. The most recent took place on March 14 at the California Polytechnic State University in San Luis Obispo. Participant feedback is helping complement a national research project by the Women's Bureau that aims to highlight the voices of women in non-traditional careers.

- [View the Slideshow](#)
- [Learn About Leading Occupations for Women](#)

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## Progress in Safety and Health Law

A committee from the American Bar Association gathered in Tucson, Ariz., March 11-14 for a midwinter meeting to highlight recent legal progress in the area of safety and health law. The 350-member Occupational Safety and Health Law Committee follows developments under the Occupational Safety and Health Act and the

## Of Note

### Nicaraguan Coffee Grower Honored for Elimination of Child Labor



Isidro León-York of Nicaragua has been honored with the Bureau of International Labor Affairs' 2013 Iqbal Masih Award for the Elimination of Child Labor. León-York, selected by Secretary Perez, is being recognized for his efforts to eliminate child labor from the production of coffee. Announcing the award, Deputy Undersecretary of Labor for International Affairs Carol Pier said, "Isidro León-York exemplifies the positive role that the

private sector can play combatting harmful child labor. This award is a tribute to all those private-sector leaders, who like Mr. León-York, have embraced this role as a better way of doing business." León-York, who employs more than 760 workers at his coffee farm, uses a portion of his farm's profits to fund a school for the children of workers there and has committed to provide his workers and their families with decent wages, food and health care. The non-monetary award honors the spirit of Iqbal Masih, a Pakistani child sold into bonded labor as a carpet weaver at age four. U.S. Ambassador to Nicaragua Phyllis M. Powers presented the award to León-York at a ceremony in Managua on March 20.

- [Read the News Release](#)

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## DOL Working for You

### Army Veteran Gets Boost From Outreach Program

Vietnam-era Army veteran Floyd Godfrey held a number of key management jobs throughout his career, but when funding for his nonprofit organization dried up, the Washington, D.C., resident found himself unemployed. Godfrey came to the attention of Disabled Veteran Outreach Program specialist Michael Ervin, a 26-year Army veteran at the city's Department of Employment Services. Ervin helped Godfrey update his resume, sharpen his interview



skills and assess his career choices. Ervin "kept me motivated and consistently sent me job opportunities," Godfrey said of the help he received. Ervin said he derives satisfaction from helping veterans become "job ready." Godfrey eventually accepted a job in quality assurance with the D.C. police.

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## DOL in Action

### DISH Network Ordered to Pay \$257,000 to Whistleblower

The Occupational Safety and Health Administration has ordered DISH Network to pay a former employee \$157,024 in back wages, \$100,000 in compensatory damages and take other corrective action. An OSHA whistleblower investigation found that the Colorado-based satellite service provider, with offices in New York, violated the anti-retaliatory provisions of

Federal Mine Safety and Health Act of 1977, in addition to other state laws. Deputy Assistant Secretary of Labor for Occupational Safety and Health Jordan Barab delivered remarks on March 13 highlighting OSHA's initiative to improve conditions for temporary workers and to enhance safety in the cell tower industry. In addition, several representatives from the department participated in panel discussions that included workplace violence, whistleblowers, silica and OSHA's Severe Violator Enforcement Program.

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## Empowering Women

A "Women's Empowerment Event" hosted by Rep. Charles Rangel in New York City on March 17 featured the work of the Women's Bureau. Regional Administrator Grace Protos highlighted the agency's efforts to assist women in their careers, discussing initiatives for better paying jobs, worker rights and equal pay. She encouraged the approximately 85 audience members to increase their knowledge about the challenges facing older women workers and workers who are women of color, citing agency resources. Rangel ended the event by echoing a theme in President Obama's State of the Union address in January: "When women succeed, America succeeds."

- [Read About Older Women and Work](#)
- [Learn About Working Women of Color](#)
- [Learn About the Equal Pay Act](#)

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## Mine Rescue Competition



Staff from the Mine Safety and Health Administration's Western District participated in the Nevada Regional Mine Rescue Contest March

11-13 in Winnemucca, Nev. The industry-sponsored event pitted eight teams from Colorado, Idaho and Nevada against each other in a simulated mine emergency exercise. Newmont U.S.A.'s Leeville Mine in Carlin, Nev., was the overall winner.

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## Outreach in Boston

A White House summit for the Asian American and Pacific Islanders community was held in Boston on March 18, focusing on educating the area's AAPI community about the programs and services offered by various federal agencies. Wage and Hour Division Community Outreach and Resource Planning Specialist Patricia Colarossi and Occupational Safety and Health Administration Compliance Assistance Specialist Carol Bates gave presentations on workers' rights to proper wage payments, safe and healthful working conditions, and available resources for workers. Kiran Ahuja, executive director of the White House Initiative on AAPI, was the keynote speaker. Other participating agencies included

the Sarbanes-Oxley Act by blacklisting the former employee after he reported a vendor for submitting fraudulent invoices and testifying at a deposition. "A worker has a right to report wrongdoing to their employer without fear of retaliation during their employment and after," said Robert Kulick, OSHA's regional administrator in New York. "Blacklisting is a particularly insidious form of retaliation that can follow workers and even cost them new jobs. It is not only an unacceptable practice, it's illegal."

- [Read the News Release](#)

Funding Announced to Assist Maine Workers Affected by Layoffs

A \$256,696 National Emergency Grant from the department will assist approximately 100 workers impacted by layoffs at Lincoln Paper and Tissue LLC in Lincoln, Maine. "These layoffs have had a significant impact on an area already suffering from high unemployment," said acting Assistant Secretary of Labor for Employment and Training Eric M. Seleznow. "This National Emergency Grant will provide the workers affected by these layoffs with the critical services needed in order for them to succeed in finding new employment."

- [Read the News Release](#)

Georgia Masonry Company Faces Fines Following Worker Fatality

Jack Smiley, doing business as Smiley Plaster Co. in Twin City, Ga., was cited for five safety violations by the Occupational Safety and Health Administration following a worker fatality last September. The employee fell to his death while applying stucco to a building that was being renovated. The violations included failure to provide fall protection to employees who work from scaffolding at heights over 10 feet, adequate scaffolding foundation, and debris protection for employees working on scaffolding. Smiley Plaster, a stucco and masonry construction company, has been placed into OSHA's Severe Violator Enforcement Program.

- [Read the News Release](#)

Inadequate Machine Guarding Found at Ohio Flour Mill

ConAgra Foods Inc. has been cited for multiple safety violations at its Columbus, Ohio, flour mill. Most of the citations were issued because machines lacked proper guarding, one of the 10 most frequently cited standards by the Occupational Safety and Health Administration. The 13 safety violations carry proposed penalties of \$117,000. OSHA initiated an inspection of the plant in September 2013 after receiving a complaint. Three repeat violations were issued for lack of machine guarding on horizontal shafts in the flour mill, failure to provide all required information on OSHA injury and illness logs, and exposing workers to falls.

- [Read the News Release](#)

Violations Pile Up for Louisiana Company

The Occupational Safety and Health Administration has cited U.S. Minerals LLC with 11 safety and health violations from a follow-up inspection that began last September at the Harvey, La., facility. The manufacturer of abrasive blasting and roofing materials faces \$77,770 in fines for failing to train and protect workers when entering hazardous confined spaces, implement safe lockout/tagout procedures when maintaining equipment, provide required protection for workers exposed to dangerously high noise levels, and ensure forklift operators know how to work safely. OSHA's Baton Rouge Area Office conducted the initial inspection in June 2010 as a referral from OSHA's National Office and issued 18 serious, 10 repeat and two other-than-serious violations. The company contested the citations, and a formal settlement agreement was reached.

- [Read the News Release](#)

Nursery Erroneously Claimed Agricultural Employer Exemption

the Equal Employment Opportunity Commission and the Social Security Administration.

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## Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment Insurance claims was 320,000 for the week ending March 15, an increase of 5,000 from the previous week. The four-week moving average was 327,000, down 3,500 from the previous week's unrevised average.

- [Read the News Release](#)

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## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

OFCCP — "Common Problem Areas" Compliance Assistance Session for S&S Contractors

- [March 27 — Richmond, VA](#)

OFCCP — Construction Compliance Evaluations in 16 Steps

- [March 25 — Atlanta, GA](#)
- [April 3 — Omaha, NE](#)
- [April 22 — Atlanta, GA](#)

OFCCP — Everything You Want to Know About Adverse Impact

- [April 15 — Birmingham, AL](#)
- [April 15 — Jackson, MS](#)

OFCCP — Filing Employment Discrimination Complaints Webinar

- [March 25 — Seattle, WA](#)

OFCCP — Protecting Your Workplace Rights

- [March 26 — Memphis, TN](#)

OFCCP — What to Expect During an OFCCP Audit

- [April 15 — Atlanta, GA](#)
- [April 15 — Orange, CA](#)

OLMS — Compliance Assistance Seminar

- [March 25 — Hurst, TX](#)

WHD — Prevailing Wage Seminar

- [April 1 — Chicago, IL](#)
- [April 22 — San Diego, CA](#)

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Harmony Gardens Inc. in Fort Collins, Colo., has agreed to pay 72 employees \$127,301 in back wages after an investigation by the Wage and Hour Division found violations of the Fair Labor Standards Act's overtime and record-keeping provisions. The firm incorrectly claimed an exemption from the overtime provisions of the FLSA. The investigation found that the nursery violated the FLSA when it paid its workers straight time for all hours worked and did not pay the additional overtime premium for hours worked over 40 in a workweek. Additionally, the company failed to maintain accurate time and payroll records.

- [Read the News Release](#)

Court Order Sought to Protect Workers From Retaliation

The department filed a request in the U.S. District Court in McAllen, Texas, for a temporary restraining order to protect workers from retaliation and threats of retaliation from some ISPE Produce Inc. officials. The Wage and Hour Division currently is investigating ISPE Produce under the minimum wage, overtime, record-keeping and anti-retaliation provisions of the Fair Labor Standards Act. During the investigation, the employer required workers to leave the job site when Wage and Hour investigators arrived to conduct interviews. Company officials threatened workers with termination of employment and deportation for cooperating with the department. The temporary restraining order asks the court to enjoin the owner and two company officials from continuing threatening and retaliatory conduct aimed at employees who cooperate in the investigation. The department also seeks an order requiring the owner or a department employee to read aloud a statement to all employees informing them of their right to speak with Wage and Hour investigators without fear of retaliation.

- [Read the News Release](#)

Keeping Close Watch on Worker Retaliation in the Southwest

The Wage and Hour Division has increased its focus on identifying and resolving instances of employer retaliation against workers in the Southwestern United States. In fiscal year 2012, the division concluded seven cases where employers were accused of retaliating against workers. By fiscal year 2013, that number jumped to 40 retaliation investigations concluded across the region. The Fair Labor Standards Act affords workers legal protections from retaliation in instances where they raise an internal complaint with their employer or file a complaint with Wage and Hour officials, or if they cooperate in a Wage and Hour investigation. Any employee discharged, or in any other way retaliated against, may file a complaint with the division. Based on the division's enforcement experience, a regional anti-retaliation enforcement training program was implemented. As part of this effort, four recent case settlements required employers to pay lost wages, liquidated damages and compensatory damages to affected workers.

- [Read the News Release](#)

New Energy Worker Cohort

The Office of Workers' Compensation Programs is leading efforts to notify former employees of the Sandia National Laboratories — Livermore in California about a new class of employees added to the special exposure cohort of the Energy Employees Occupational Illness Compensation Program Act. The EEOICPA provides compensation and medical benefits to workers who became ill as a result of working in the nuclear weapons industry. Survivors of qualified workers also may be entitled to benefits. A worker who is included in a designated special exposure cohort class of employees, and who is diagnosed with one of 22 specified cancers, may receive a presumption of causation under the EEOICPA. People who worked at the Livermore facility from Oct. 1, 1957, through Dec. 31, 1994, should visit the cohort's web page or contact an agency resource center for information about eligibility.

- [Read the News Release](#)
- [Learn About the Special Exposure Cohort](#)
- [Learn About the EEOICPA](#)
- [Find a Resource Center Near You](#)

#### Worker Assistance Hotline in Idaho

The Employment Education and Outreach program has launched a Spanish-language hotline geared specifically for workers in Idaho. The Wage and Hour Division made the announcement in Boise on March 13 following a meeting held at the Mexican Consulate. Attendees include representatives from federal and state agencies, the consulate, worker advocates, faith-based groups and community-based organizations. Since the program started in Southern California in 2004, EMPLEO's hotline has been instrumental in helping approximately 10,000 workers recover more than \$14 million in back wages.

- [View the Slideshow](#)

#### Migrant Worker Training in Southwest

More than 125 seasonal and migrant workers attended the Work Search Skills Enhancement Workshop in Deming, N.M., recently. The workshop dispensed information on employer obligations under the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act, disability benefits, health and safety laws, worker compensation, health insurance and pesticide training. The training session was organized by the Migrant and Seasonal Farm Worker Social Services Agencies Committee and included a presentation by the Wage and Hour Division. Since its inception in 2004, the committee has provided educational tools to thousands of migrant and seasonal workers in Southwestern New Mexico and West Texas and compliance training to agricultural employers and farm labor contractors. Additionally, the committee sponsors an annual agricultural employer forum.

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