



UNITED STATES
DEPARTMENT OF LABOR

Promoting and Protecting Opportunity

DOL News Brief

April 17, 2014

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WINNER OF 2014 AVA DIGITAL GOLD AWARD

BY THE NUMBERS



What's New

Expanding Job-Driven Training Partnerships to Create Opportunity

President Obama jokingly called it "a guy's trip" during his remarks, but when the president and Vice President Biden travel together there's usually serious business leading the way. Such was the case on April 16 when they visited the Community College of Allegheny County outside of Pittsburgh and



announced a \$450 million grant program to expand partnerships between community colleges, the workforce system, employers and national industry groups. A second grant program, worth \$100 million and previewed by the president, is designed to expand apprenticeships. Community colleges are one of the best ways to train workers with the skills they need for a job, and for the last three years, the Trade Adjustment Assistance Community College and Career Training initiative has been doing just that. More than 800 colleges around the country have already received funding through the first three rounds — including the Allegheny community college. It shared in a \$20 million grant in 2011 that is helping to expand training in advanced manufacturing, energy distribution and health-care technology throughout Pennsylvania. Applications for the fourth and final round will be accepted through July 7, with eligible institutions in each state plus the District of Columbia and Puerto Rico receiving at least \$2.25 million in funding. During his remarks, Obama highlighted the story of Tim Wright, who was able to make the transition from shift laborer to mechatronics technician after graduating from a 6-month program at the community college. Because of the new skills he gained, Wright is now earning more money, working better hours, and feeling more secure about his future.

- [Read the Blog Post](#)
- [Watch the Announcement](#)
- [Read the News Release](#)

(Work in Progress) The Best of Our Blog

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

- [Transforming Apprenticeships for the 21st Century](#): Acting Assistant Secretary of Labor for Employment and Training Eric Seleznow explores the ways apprenticeship programs can help companies make sure their workforce is the best in the business — more prepared, productive and better trained than their competition.
- [When Experience Pays: Paid vs. Unpaid Internships](#): As school terms across the country come to an end, Laura Fortman, principal deputy administrator for the Wage and Hour Division, explains the criteria that must be applied to unpaid internships under the Fair Labor Standards Act.
- [Meeting the Demands of an Expanding Health Care Workforce](#): By ensuring that it is fully inclusive of all qualified individuals, the health-care industry can help address its acute demand for skilled workers, writes Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez.

National News

\$6 Million in Job Training Grants for Veterans Announced

A competition that will award an estimated 24 or more Homeless Veteran Reintegration Program grants totaling approximately \$6 million was announced by U.S. Secretary of Labor Thomas E.

Championing Women Veterans

Two department officials recently were featured discussing employment opportunities for women



Latifa Lyles
Director, Veterans' Employment and Training Service

Contrary." The show's segment noted that, with more women veterans leaving the service, a coordinated effort is underway to match their military skills to available jobs. Women's Bureau Director Latifa Lyles said the department has developed a program specifically focused on the needs of women veterans. Terry Gerton, assistant secretary for policy, Veterans' Employment and Training Service, said women veterans have many different experiences to offer potential employees, and they "don't come out of a cookie cutter." The show also highlighted how two women Marine and Navy veterans found and used employment services available at the state and federal levels.

- [Watch the PBS Program](#)

Maritime Industry Safety

In support of ongoing efforts to improve worker safety and health in maritime industries, the Maritime Advisory Committee for Occupational Safety



and Health met on April 15-16 at department headquarters in Washington, D.C. This marked the first MACOSH committee to convene under the reestablished charter. Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels opened the meeting by encouraging participants to serve as the eyes and ears of industry stakeholders and engage with OSHA to improve safety and health in the industry. MACOSH's 15-member committee represents a diverse cross-section of maritime industries and interests, including representatives from shipyard and longshoring industries, with representatives from labor, management, safety and health professionals, and government.

- [Learn About MACOSH](#)

(Un)Equal Pay

One week after President Obama took executive action to address pay inequality in the United States, representatives from the Women's Bureau delivered presentations on the pay gap to university audiences in Missouri and California. At the University of Missouri-Kansas City on April 16, Women's Bureau staff discussed salary negotiations and the laws that govern equal pay and compensation. The following day, they spoke at an educational program in San Jose, Calif., at Santa Clara University. The presentations addressed the persistence of the wage gap and strategies to promote pay equality.

- [Learn About Equal Pay](#)



Perez on April 14. The grants will provide an estimated 2,000 veterans with occupational, classroom and on-the-job

training, as well as job search and placement assistance, to help them succeed in the civilian labor market "The programs funded through this grant will work to help homeless veterans find good jobs and provide them with opportunities for a brighter future," said Perez. Funds are being awarded on a competitive basis to state and local workforce investment boards, local public agencies, and tribal governments and nonprofit organizations, including faith-based and community organizations. Successful applicants will design a program that addresses the multitude of challenges associated with homeless veterans.

- [Read the News Release](#)

Digital X-ray Rule Helps Black Lung Victims

Digital X-rays in black lung benefit cases will now be accepted, thanks to a new rule announced on April 17 by the Office of Workers' Compensation Programs. The rule adopts standards for administering and interpreting digital radiographs for the Federal Black Lung Program, which will allow physicians to use more modern medical technology to conduct pulmonary evaluations for coal miners. Until now, the standards for administering and interpreting chest X-rays addressed only film radiographs. But film-based technology is rapidly being replaced by digital radiography in medical facilities, and the number of physicians conducting diagnostic testing with older equipment has declined. "The number of facilities offering film-based X-rays has been shrinking rapidly, and miners have had to travel long distances to get to them," said acting Director of OWCP Gary A. Steinberg. "By expanding the number of available medical facilities, this rule will help eliminate that burden."

- [Read the News Release](#)
- [Learn About the Federal Black Lung Program](#)

Court Denies SeaWorld Appeal of Violations Following Trainer Fatality

SeaWorld has lost an appeal of Occupational Safety and Health Administration citations issued following an investigation into the death of trainer Dawn Brancheau, who was pulled into a pool by a killer whale named Tilikum in February 2010. In a two-to-one opinion on April 11, the U.S. Court of Appeals for the District of Columbia Circuit denied the company's appeal of a decision by the Occupational Safety and Health Review Commission. The commission found SeaWorld violated the OSH Act by permitting close contact between killer whales and trainers during shows at the company's Orlando, Fla., theme park. OSHA cited SeaWorld for two violations following its investigation into Brancheau's death. The D.C. Circuit Court found that SeaWorld knew about the hazards associated with killer whale performances and that the company did not adequately address those hazards. "OSHA works each day to uphold employers' legal responsibility to provide a workplace free of recognized hazards," said Assistant Secretary of Labor Dr. David Michaels, who heads OSHA. "This decision is reflective of that mission, and we trust that SeaWorld will move forward with a renewed acknowledgement of the vital role employers play in the safety and health of their employees."

Alliance Clears the Air



Brasfield & Gorrie LLC, the Georgia Local Section of the American Industrial Hygiene Association, the Georgia Chapter of the American Society

of Safety Engineers, Georgia Tech Research Institute's Occupational Safety and Health Division, and the Occupational Safety and Health Administration have formed an alliance to provide employers and workers in the construction industry with information, guidance and training to prevent overexposure to crystalline silica dust. The agreement was signed on April 15 at the Georgia Institute of Technology in Atlanta. Inhalation of respirable crystalline silica particles has long been known to cause silicosis, a disabling, non-reversible and sometimes fatal lung disease. Occupational exposure to crystalline silica often occurs as part of common workplace operations involving cutting, sawing, drilling and crushing of concrete, brick, block, rock and stone products.

- [Read the News Release](#)

Trauma Care for Women Vets

"There is an educational need for trauma care training for organizations that support women veterans," noted Lucia Bruce at a Center for Continuous Learning class in Rockville, Md., on April 10. Bruce, regional administrator of the Women's Bureau in Philadelphia, collaborated with the Montgomery County, Md., Department of Health and Human Services and the Veterans Affairs Trauma Services to train 50 DHHS employees and staff from non-profit veterans' assistance organizations on trauma care for women veterans.



- [Read the Women's Bureau Trauma Guide](#)

Observing César Chávez Day



More than 2,900 students gathered at Pittsburg High School in Pittsburg, Calif. to honor labor leader and farm worker advocate César Chávez. Dolores

Huerta, who co-founded the National Farm Workers Association with Chávez, and the Wage and Hour Division's West Regional Administrator Ruben Rosalez, were special guests at the event. "Every time I come home to hear the band it brings back the feeling of being in Pittsburg High School. I'm a Pirate!" enthused Rosalez, who shared that working at the department has allowed him to live out his dream of helping others. The event, held on March 28, occurs annually to observe César Chávez Day.

Take Three: TAACCCT

During a recent visit to the Community College of Allegheny County near Pittsburgh, President Obama and Vice President Biden announced the availability of approximately \$450 million in new grant funds to help expand job-driven training partnerships between community colleges and employers. This is the fourth and final round of funding available under the four-year, nearly \$2 billion Trade Adjustment Assistance Community College and Career Training — or TAACCCT — initiative. Eric Seleznow, acting assistant secretary of labor for employment and training, answered three questions on why that's a big deal for colleges, employers and American workers.



What's the goal of this initiative? *The economy has been growing steadily over the past several years, but with six out of every 10 new jobs expected to require more than a high school diploma but less than a four-year college degree, there's still much more to do to ensure that Americans can access the training they need to secure these growing middle-class jobs. These grants are helping to transform the community college system by using the power of partnerships to expand targeted, efficient, demand-driven training programs that can quickly provide unemployed or underemployed workers with the skills they need to meet the real-world needs of local employers.*

What's the deal with that acronym? *It's definitely a mouthful, but there's no question it is also a truly innovative program that is making a profound difference in people's lives. Knowing that makes it a little easier to swallow. For a bit of history, it all started in 2009 when the American Recovery and Reinvestment Act amended the Trade Adjustment Assistance legislation to add a "Community College and Career Training" grant program. So, one TAA plus a CCCT later, and a great program was born. Just don't try to say it too many times in a sentence.*

What's new for this last round? *Since we have 185 previous grants worth of lessons learned, we're definitely using this last round of funding to promote what's worked while encouraging additional unique approaches. Specifically, we're looking for projects that can leverage national industry partnerships to take promising practices from previous grantees to scale across the country; projects that align education and training systems at the state level, such as enabling Registered Apprenticeship participants to gain both credentials and academic credit toward a college degree; and projects that improve the integration of statewide education and employment data to better track outcomes and assess effectiveness. We're also looking for an expanded role for the workforce system, increased emphasis on registered apprenticeship strategies, and programs that meet the needs of multiple employers within an industry sector, rather than just a few employers.*

- [Learn More About TAACCCT](#)
- [View the Full Grant Solicitation](#)

News You Can Use

Working Families Summit

Denver was the site of the kickoff for the department's regional forums on working families on April 11. As the first in a series of events leading up to the White

Asian American Outreach



Representatives from several Labor Department agencies in California and Hawaii participated in two outreach events recently. The

community roundtables, sponsored by the White House Initiative on Asian Americans and Pacific Islanders, were held on April 8 in Los Angeles and Honolulu. They engaged dozens of community and business leaders, elected officials and foreign consulates in discussions about how to better make the AAPI community aware of the federal services available to them.

- [Read the White House AAPI Newsletter](#)
- [View the Slideshow](#)

Cementing Safety Alliance Ties

Among the invited speakers at the annual Cement Industry Conference was Joseph Main, assistant secretary of labor for mine safety and health. The event, held on April 17 in National Harbor, Md., brought together representatives from Portland Cement Association member companies. Main highlighted the organization's two-year-old safety alliance with the Mine Safety and Health Administration, lauding a joint coal firing safety project that has resulted in a dramatic reduction in fuel firing explosions at cement plants. He also noted how PCA has shared MSHA accident and violation data with its member companies in order for them to benchmark their performance against other plants in the cement industry.

Recruitment in Seattle

As part of its effort to diversify the department's workforce and attract a quality talent pool, staff from the Wage and Hour Division's Western



Region met with members of Alpha Phi Alpha fraternity at its annual convention April 11 in Seattle. APA is the country's largest African-American fraternity, and many convention participants expressed an interest in working for the department. "This outreach effort served as a reminder of our commitment to reach out to all sectors of society to actively cultivate interest and increase awareness about job opportunities within the department," said Juan Coria, the division's acting regional administrator.

- [View the Slideshow](#)

House Summit on Working Families on June 23, the forum featured a multifaceted conversation on workplace policies that can improve the

lives of working families. Workers and business leaders shared their perspectives on multiple issues, including recent local initiatives on paid leave. Colorado Gov. John Hickenlooper introduced Office of Personnel Management Director Katherine Archuleta, who delivered a keynote address to an audience of approximately 150, highlighting how the federal government serves as a model employer for leave and workplace flexibility.

- [Find Out About the Regional Forums](#)
- [Learn About the Summit](#)
- [View the Slideshow](#)



DOL Working for You

Job Corps Helps Youth Bridge a Career



At times during his troubled teen years, Seth Wannamaker made the lower portion of bridges in the Pacific Northwest his home.

Now, thanks to the Job Corps program, he is helping to repair those same bridges.

Wannamaker spent his early years bouncing around neighborhoods, taking advantage of social services and shelters and earning the nickname "streetwise." A Good Samaritan couple took him in and gave his life stability.

Then he enrolled in Oregon's Tongue Point

Job Corps Center, where he found the structure of life appealing and a painting trades program that sparked his interest. The program "opened me up, brought up my true talent and gave me a value," he said. Following graduation, Wannamaker was accepted into the International Union of Painters and Allied Trades. One of his tasks, expected to run for several years, is to repaint the Astoria Bridge, which spans the Columbia River between Oregon and Washington State.

DOL in Action

Back Wages for New York Restaurant Workers Total \$1.6 Million

More than 360 employees of seven Long Island, N.Y., restaurants will receive a total of \$1,693,507 in back wages and damages as the result of department investigations and litigation. The employees are low-wage workers, chiefly servers and kitchen workers. Investigations by the Long Island District Office of the Wage and Hour Division found widespread violations by the restaurants, such as paying workers below the federal minimum wage, paying cash off the books, not paying overtime, illegal tip pools, failing to pay wages to certain employees, and not keeping records of hours worked and wages paid to employees. The restaurants also will pay \$114,737 in civil penalties.

- [Read the News Release](#)
- [Read About Restaurant Workers' Wage Rights](#)

Did You Know?

More than 7 million people signed up for health-care coverage under the Affordable Care Act before open enrollment closed on March 31. But you may still be able to enroll if you qualify for a special enrollment period. Qualifying events include major life changes like getting married or divorced, having a baby, moving to a new state or losing existing health coverage.

- [Learn About Special Enrollment](#)
- [Use Your New Insurance Coverage](#)

Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment Insurance claims was 304,000 for the week ending April 12, an increase of 2,000 from the previous week's revised level. The four-week moving average was 312,000, down 4,750 from the previous week's revised average.

- [Read the News Release](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

EBSA — Savings Fitness: A Guide to Your Money and Your Financial Future Webcast

- [April 23 — Washington, DC](#)

OASAM — Vendor Outreach Session

- [April 23 — Washington, DC](#)

OFCCP — AAP: Creating an Inclusive Workforce

- [April 23 — Los Angeles, CA](#)

OFCCP — Compliance Assistance Seminar

- [April 23 — Columbus, OH](#)
- [May 5 — Chicago, IL](#)

OFCCP — Construction Compliance Evaluations in 16 Steps

- [April 22 — Atlanta, GA](#)
- [April 24 — Columbia, SC](#)
- [May 7 — Chicago, IL](#)

OFCCP — Introduction to the New Section 503 of the Rehabilitation Act Regulations

- [May 1 — Portland, OR](#)
- [May 8 — Portland, OR](#)

OFCCP — What to Expect During an OFCCP Audit

- [May 1 — Omaha, NE](#)

OFCCP — The New VEVRAA

Deplorable Conditions at Hawaii's Fat Law's Farm

Fat Law's Farm Inc. has been ordered to pay \$428,800 in back wages and damages to workers after an investigation by the Wage and Hour Division found the Oahu, Hawaii-based employer in violation of the Fair Labor Standards Act. The company will also pay \$31,200 in penalties because of deplorable



housing, safety and health conditions for workers. "This judgment makes clear that the department will not permit the creation of a second-tier workforce in which coercion, substandard housing and underpayment of wages rule the day," said Janet Herold, regional solicitor in San Francisco. The company employed two primary groups of workers. Filipino workers were predominantly paid at \$7.25 per hour, with overtime compensation. Workers primarily from Laos were paid \$5 per hour in cash, without overtime, for 70 hours per week on average.

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

Kansas Communications Tower Company Cited in Worker Death

Optica Network Technologies, which operates as Pinpoint Towers LLC, has been cited by the Occupational Safety and Health Administration with three serious safety violations after a worker was fatally injured during a fall from a communications tower last November in Wichita, Kan. The 25-year-old worker was performing maintenance when he fell about 50 feet while descending the tower. The serious citations allege that Pinpoint Towers failed to ensure fall protection was maintained at all times and did not conduct a comprehensive job hazard assessment to include fall protection methods prior to allowing employees to traverse the tower.

- [Read the News Release](#)
- [Learn About OSHA Outreach With Communication Towers](#)

Iowa Investment Advisor Restores \$341,000 to Benefit Plans

Iowa-based investment advisor Donald Gene DeWaay Jr. has paid \$341,487 to 68 pension plans covered by the Employee Retirement Income Security Act. The payments were made as part of a settlement agreement following an investigation by the Employee Benefits Security Administration, which found that DeWaay, entities he owns and former employees violated federal law when they recommended certain investments to clients participating in ERISA-covered employee benefit plans between May 2007 and November 2011. DeWaay also has agreed to pay up to an additional \$212,727 over the next five years to other ERISA plans he managed.

- [Read the News Release](#)

Lumber Manufacturer Cited for Amputation and Struck-By Hazards

L&L Lumber Co. Inc. has been cited by the Occupational Safety and Health Administration for 26 safety and health violations following an inspection at the company's facility in Huntsville, Ala. OSHA initiated the October 2013 inspection after receiving a complaint concerning hazardous working conditions. Of the 26 violations cited, 15 were serious safety and health violations because the employer failed to guard dangerous equipment, which created amputation, laceration and struck-by hazards. The company also was cited for 11 other-than-serious violations for the employer's failure to provide training and information to workers exposed to wood dust, diesel fuel and lubricants. L&L makes lumber pallets and railings, and employs approximately 60 workers. Proposed penalties total \$45,780.

Regulations

- [April 24 — Memphis, TN](#)
- [May 8 — Memphis, TN](#)

OLMS — Compliance Assistance Seminar

- [May 9 — Lansing, MI](#)

WHD — Prevailing Wage Seminar

- [April 22 — San Diego, CA](#)
- [April 23 — San Diego, CA](#)
- [April 24 — San Diego, CA](#)
- [May 7 — Houston, TX](#)
- [May 8 — Houston, TX](#)
- [May 9 — Houston, TX](#)

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Great news: [#8Million](#) Americans have signed up for private health plans thanks to the Affordable Care Act.
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Retweeted by US Labor Department

- [Read the News Release](#)

Preventing Retail Injuries, Fatalities in Pacific

The Occupational Safety and Health Administration is launching a local emphasis program to prevent retail sector injuries and fatalities in Hawaii, Guam, American Samoa and the Northern Mariana Islands. Clothing, department and general merchandise stores, along with other retailers, can expect random inspections. "We are not in the business of waiting to act only after a preventable injury or fatality occurs," said Mike Rivera, acting area director of OSHA's Honolulu Area Office. "Stores must be safe for customers to shop and for employees to work."

- [Read the News Release](#)

Knowing Your Rights as Workers

Enforcement staff from the Wage Hour Division in Seattle met with masseuses and cooks employed by J and J Mongolian Grill and Spa of Bellingham, Wash., on April 12 to inform them of their rights under the Fair Labor Standards Act. Previously, the U.S. District Court for Western District of Washington issued a preliminary injunction order against the company, enjoining J and J Mongolian Grill and Spa from violating the FLSA's anti-retaliation provisions. Wage and Hour staff told workers they are entitled to be paid at least the minimum wage for all hours worked in addition to overtime rates for hours worked beyond 40 in a workweek. Employees also were advised of FLSA's anti-retaliation provisions. An investigation disclosed that the employer paid workers a lump sum regardless of the number of hours worked, without guarantee of minimum wage or payment of overtime. The employer also engaged in acts of intimidation to deter employees from exercising their rights under the FLSA.

- [Learn About the FLSA](#)

Lawsuits Filed to Recover Wages for Ohio Hotel Workers

The department has filed two lawsuits in federal district court in Columbus against Hilliard, Ohio-based Darpan Management Inc.; five Ohio hotels the company owns and manages; and its owners, Darshan Shah, Vibhakar Shah and Prakash Patel. One of the lawsuits addresses violations of the Fair Labor Standards Act's minimum wage and overtime provisions for the hotel staff directly working for Darpan Management, and the other addresses similar violations for workers jointly employed by Fantastic Cleaning Ltd., a company that provided hotel staff to Darpan Management. The lawsuits seek back wages and an equal amount in liquidated damages for 89 workers.

- [Read the News Release](#)

American Samoa Retailer to Pay Nearly \$120,000 in Back Wages

American Samoa department store retailer Manua's Inc. has agreed to pay \$119,850 in minimum wage and overtime back wages to 252 workers employed at stores in Tafuna, Pago Pago and Maleimi from Sept. 21, 2013, through Jan. 25, 2014. According to the Wage and Hour Division, new employees worked five, eight or more hours daily and were paid a flat daily rate of \$20. The employer failed to pay workers for all hours, including time worked past the end of their scheduled shift or during their lunch period. "Regardless of a probationary status, new employees are entitled to at least the minimum wage rate, and all employees should be paid not just their weekly scheduled hours but for their time actually worked," said Terence Trotter, the division's district director in Hawaii.

Tucson Group Homes to Pay Overtime Back Wages to Employees

Infinity Assisted Living has agreed to pay \$45,669 in overtime back wages due to 43 employees who worked at four elderly care group homes located in Tucson, Ariz. Investigators with the Wage and Hour Division established

that the employer paid straight-time for all hours worked to hourly and salaried non-exempt workers without regard to required overtime compensation for hours worked beyond 40 in a workweek. The employer routinely paid overtime hours to employees on a separate check, but at their regular rate of pay. In addition, the affected workers were not paid for pre- and post-shift activities such as medicine inventory tasks and briefing sessions on patient activity. Infinity Assisted Living also failed to keep and maintain accurate records of hours worked, in violation of the Fair Labor Standards Act.

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