



UNITED STATES  
DEPARTMENT OF LABOR

Promoting and Protecting Opportunity

## DOL News Brief

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April 24, 2014



WINNER OF 2014 AVA DIGITAL GOLD AWARD

## BY THE NUMBERS

A total of  
**4,628**  
workers  
suffered **fatal**  
**occupational**  
**injuries** in 2012.

## WORKPLACE MYTH BUSTER

**Myth:** Becoming an apprentice means picking one career for the rest of your life.

**Not true:** Apprenticeships help individuals acquire skills that open doors for where they want to go.

Apprentice graduates have a relatively high starting salary (\$50,000+/year), and have opportunities to move up the career ladder and serve in management positions. The department recently announced a national initiative called the Registered Apprenticeship College Consortium, a partnership between apprenticeship sponsors and colleges that will work with apprenticeship graduates to turn their years of rigorous on-the-job training and classroom instructions into college credits toward an associate or bachelor degree. Apprentices earn credits, putting them on a fast-track toward a college degree, with little to no debt, all while getting paid to train.

- [Learn About RACC](#)
- [Read the Blog Post](#)

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

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

- [Enough: Saving Miners' Lives by Fighting Black Lung](#): Secretary Perez shares the stories of miners and their families whose lives have been devastated by black lung disease and announces a historic final rule that that will save miners' lives by limiting

## What's New

### Updating Coal Dust Rules to Reduce Black Lung Disease

On a day decades in the making, scores of coal miners and their families gathered on April 23 in Morgantown, W.Va., for the unveiling of a new rule aimed at preventing black lung disease. U.S. Secretary of Labor Thomas E. Perez was joined by Sen. Jay Rockefeller of West Virginia, Assistant Secretary of Labor for Mine Safety and Health Joseph A. Main, Director of the National Institute for Occupational Safety and Health Dr. John Howard, and a number of former miners for the historic announcement. Black lung is an incurable but preventable disease brought on by prolonged exposure to coal dust. It destroys the respiratory system, and leaves workers fighting to catch their breath. The final rule is designed to lower miners' exposure to respirable coal dust in underground and surface coal mines by closing loopholes and improving sampling practices to better reflect actual working conditions; increasing dust sampling requirements and making use of cutting-edge technology to provide real-time information about dust levels. "Today we advance a very basic principle: you shouldn't have to sacrifice your life for your livelihood," said Perez. "But that's been the fate of more than 76,000 miners who have died at least in part because of black lung since 1968. I believe we can have both healthy miners and a thriving coal industry." Added Main: "We are finally moving forward to overhaul an outdated program that has failed to adequately protect miners from breathing unhealthy levels of coal mine dust and achieving the intent of Congress to eliminate black lung disease."



- [Read the News Release](#)
- [Read Secretary Perez's Blog Post](#)
- [Read Assistant Secretary Main's Blog Post](#)
- [Learn About the Rule](#)
- [View the Slideshow](#)

### New Web Portal to Connect Employers With Veterans

A Veterans Employment Center web portal that will help simplify job searches for veterans and transitioning military service members was launched by First Lady Michelle Obama and Dr. Jill Biden on April 23 at a Fort Campbell, Ky., jobs summit. More than 1,000 veterans and family members and more than 100 employers attended the summit,



organized by the departments of Veterans Affairs, Defense and Labor and the U.S. Chamber of Commerce Foundation. "Our service members haven't

their exposure to respirable coal dust in all underground and surface coal mines.

- [Staying Healthy With EBSA](#): By helping people understand the laws that protect workers' employment benefits, Assistant Secretary of Labor for Employment Benefits Security Phyllis C. Borzi writes, EBSA is helping contribute to the good health of America's workers and their families.
- [Let's Talk About Work](#): Women's Bureau Director Latifa Lyles reports on the April 11 Denver Regional Forum on Working Families, the first in a series of events leading up to the June 23 White House Summit on Working Families.



This week's phrase is the **Job Corps**. Celebrating 50 years of success, Job Corps is the only federally funded residential education and training program in the nation, helping 2.7 million young people get the skills and credentials needed for a good job and a bright future.

- [Learn About Job Corps](#)
- [See all the A-Z terms](#)

## Improving Career Pathways

The departments of Labor, Education, and Health and Human Services are asking the public for information on how the federal government can better align funding and services to develop effective career pathways programs that meet the needs of employers and job seekers. "Improving the link between workers and jobs that need to be filled will help strengthen our economy and the middle class," said Secretary Perez. The information request period is open from April 23 to June 9. The three departments will also host a webinar on May 1 to provide more information regarding this request for information and guidance on how to submit information.

- [Read the News Release](#)
- [Sign Up for the Webinar](#)

## 2012 Final Worker Fatalities

According to the Bureau of Labor Statistics, 4,628 people lost their lives on the job in 2012, up from the 4,383 fatalities reported in preliminary census results released last August. The final 2012 count is the second-lowest annual total recorded since BLS started conducting a national census in 1992. It also represents a slight decrease from the 2011 fatal injury rate for the United States. Despite these improvements, the construction sector saw a 9 percent fatality increase over 2011 figures, with 806 workers losing their lives in the industry. This is the first increase in construction fatalities since 2006. In addition, contractors accounted for more than 15 percent of all fatal work injuries in 2012, indicating that contracted workers are still among

always had the time or information they needed to prepare their resumes, to plot their career goals, to meet with employers and get the jobs they deserve. And that's simply not acceptable," Michelle Obama said. The Employment Center is the first interagency tool to bring together a wealth of public and private job opportunities, a resume-builder, military skills translator and detailed career and training resources in one place. More than 1 million service members are projected to leave the military in coming years, Secretary Perez noted, adding that "improving veterans' employment is an all-hands-on-deck enterprise." The summit marked the third anniversary of Joining Forces, the nationwide initiative that the First Lady and Dr. Biden started to boost employment, education and health care for active-duty service members, military families and veterans. Keith Kelly, assistant secretary of labor for veterans' employment and training, attended the summit and met with veterans and their families. Kelly, a Vietnam veteran who served with the 101st Airborne Division, was asked to stand up by Maj. Gen. James C. McConville, commanding general of the 101st, and received a "welcome home" ovation from the troops.

- [Visit the Employment Center](#)
- [Read the News Release](#)
- [Learn About Veterans Benefits](#)

## International Scene

### Statement Issued on Anniversary of Bangladesh Factory Collapse

One year ago, April 23, 2013, a catastrophic factory collapse in Dhaka, Bangladesh, took the lives of more than 1,100 workers. It was the worst industrial disaster in the history of the garment industry. On the anniversary of the disaster, the Labor Department, the Office of the U.S. Trade Representative, the Department of State and the U.S. Agency for International Development issued a statement on the progress made and the remaining work to be done to improve working conditions and protect workers' rights in Bangladesh's garment sector. "Like the Triangle Shirtwaist disaster in the United States over one hundred years ago, Rana Plaza, and the Tazreen factory fire that preceded it in November 2012, have become potent symbols of the significant, and unnecessary, risks that many workers are still forced to take in order to earn a living and support their families," the statement reads in part. "As we mourn the victims, we are again called to action so that tragedies like Rana Plaza and Tazreen never happen again."

- [Read the Joint Statement](#)

### Funding Available to Improve Labor Rights in Honduras

The Bureau of International Labor Affairs has announced a \$7 million competitive solicitation for a project to reduce child labor and improve labor rights and working conditions in Honduras, particularly in the agricultural areas of southern Honduras and in the San Pedro Sula area. One or more qualifying organizations will receive funding to support Honduras' efforts to combat child labor and improve labor rights and working conditions. The project will seek to reduce child labor in part by promoting education opportunities for children and improved livelihoods for their households. It will also employ a broader workers' rights-based approach that addresses exploitative working conditions and supports freedom of association and collective bargaining, among other labor rights.

- [Read the News Release](#)
- [See the Full Announcement](#)

### Grant Competition to Reduce Child Labor in at Least 8 Countries

A \$7 million competitive solicitation for a project supporting efforts to reduce the worst forms of child labor by building local and national capacity of governments in at least eight countries has been announced by the Bureau of International Labor Affairs. Applicants must propose to work with host governments to build national capacities to reduce child labor in target countries, such as Burkina Faso and Nepal. Applicants must also describe their capacity to implement similar activities in six additional countries to be selected by ILAB after award.

the most vulnerable.

- [Review the Data](#)

## Worker Protection MOU

A memorandum of understanding between the National Institute for Occupational Safety and Health and the Occupational Safety and Health



Administration was established on April 22. The MOU, signed by NIOSH Director Dr. John Howard and Assistant Secretary of Labor Dr. David Michaels, hopes to enhance continued collaboration and streamline the development of occupational safety and health standards between the agencies. It also aims to increase cooperation in the fields of research and policy, while advancing the protection of workers through the promotion of best practices, and encourage employers to develop and use safety and health management programs that include effective injury and illness prevention strategies and technologies. NIOSH and OSHA have a longstanding relationship, in which the agencies work together regularly to ensure worker safety across the country.

## Worker Outreach in Idaho



Continuing to build relationships, as well as educate Spanish-speaking communities, representatives from Wage and Hour Division visited Radio

Católica Sal y Luz in Boise, Idaho, on April 21. The division's District Director Jeff Genkos and regional Public Relations Director Priscilla Garcia participated in "Aprendamos Juntos," a radio program hosted by Patricia Canto and the Rev. Jesus Camacho. Participants discussed labor rights topics, including the recently launched EMPLEO workers assistance program in Idaho.

- [View the Slideshow](#)

## In Boston, Theater is Life



Attorneys from the department's Boston Regional Office of the Solicitor met on April 17 with Boston middle- and high-school students in a unique outreach

session that combined information and theater. Attorneys Christine Eskilson, Merle Hyman and Marjorie Butler penned a series of skits, set in an imaginary fast-food restaurant called Burgers-N-More. The mini-play, acted out by the students, depicted a series of workplace issues that youth might expect to confront: an unguarded meat slicer, work hours beyond those allowed under the law, failure to pay overtime, and threat of retaliation for an employee complaint. The students were asked

- [Read the News Release](#)
- [See the Full Announcement](#)

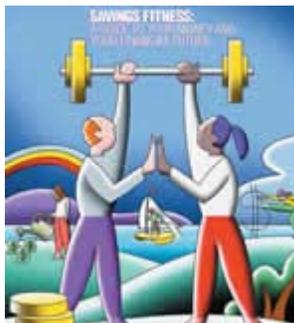
## News You Can Use

### Workers' Memorial Day Events to Honor Fallen

To honor individuals who have died on the job, the department will commemorate Workers' Memorial Day on April 28 with various events scheduled across the country. At department headquarters in Washington, D.C., Secretary Perez, Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels and Assistant Secretary of Labor for Mine Safety and Health Joseph A. Main will deliver remarks focusing on the hazards of toxic chemical exposure in the workplace. Attendees will then proceed to the memorial garden for a brief ceremony. Deputy Assistant Secretary of Labor for Occupational Safety and Health Jordan Barab will attend a memorial event in Philadelphia, followed by a casting of flowers into the Delaware River. The Occupational Safety and Health Administration's Manhattan Office will host an event at St. Patrick's Cathedral to read the names of construction workers killed over the past year in New York City.

- [Learn About Other Workers' Memorial Day Events](#)

### Savings Fitness Worksheets



The right tools can make any job easier. On April 22, the Employee Benefits Security Administration launched new online worksheets to help workers take charge of their financial future. EBSA developed the worksheets with the Certified Financial Planner Board as part of the popular publication, Savings Fitness: A Guide to Your Money and Your Financial Future. The worksheets can help users set financial goals, calculate net worth, estimate how much to save for retirement, develop a cash flow spending plan, and reduce debt.

- [Use the Worksheets](#)

## Around DOL

### Daughters and Sons Day

More than 125 girls and boys participated in the department's national office Bring Your Daughters and Sons to Work Day on April 24, where they got to learn about the important work their parents do. The day kicked off with a welcome from Secretary Perez, followed by activities that included a mock trial, a panel discussion about law, and a roundtable on workers' rights. Later, students toured the Frances Perkins Building and visited the DOL Security Center, audiovisual studio, and fitness center. Deputy Secretary Christopher P. Lu provided closing remarks. Lu noted, "Your parents work very hard to make sure people across the country are safe in their workplaces, that they are treated fairly by their bosses, and that they have access to training and benefits." Events also were held in some regional offices, including Philadelphia.



## DOL Working for You

### Air Force Vet Tenaciously Follows Pharmacy Career

what problems they perceived and, later in the "play," learned what role the department has in investigating and addressing such violations. "The students were quite good at spotting the issues," said Regional Solicitor Michael Felsen, who introduced the session. "The situations were real for them." The outreach was part of the solicitor's office partnership with the Boston chapter of Blacks in Government-Future Leaders in America's Government.

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### Assisting LA's Chinese Community

Officials from the Wage and Hour Division provided a labor law compliance seminar to members of the China Enterprise Council in Los Angeles on April 16. The Council's mission includes bridging gaps between U.S. government agencies and the Chinese business community. The current partnership between the department and the council aims to promote compliance of labor laws to many companies creating jobs in Los Angeles and Southern California. The primary subject of the seminar was the Fair Labor Standards Act, which requires proper payment of minimum wage, overtime and record-keeping. Participants asked questions on application of the laws to their businesses. Wage and Hour will provide more seminars to the Enterprise Council along with other agencies in the near future.

• [Read About FLSA Compliance Assistance](#)

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### Prevailing Wages in San Diego

A three-day prevailing wage conference was held at the San Diego Convention Center by the Wage and Hour Division. Nearly 400 attended the conference that began April 22, including contracting officers and subcontractors, labor groups, and state and federal regulatory agencies. "This record-setting conference is indicative of the eagerness of the federal contracting community to learn about the Davis-Bacon Act, Service Contract Act and other laws and regulations enforced by the Labor Department," said Juan Coria, acting regional administrator for the Wage and Hour Division in the Western Region.

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### Networking in Philly

Approximately 20 past and prospective public affairs interns representing 10 colleges and universities throughout the Philadelphia



metropolitan area gathered for a night of networking on April 23. The department's Philadelphia Regional Office of Public Affairs hosted its Annual Intern Reunion and Networking event to celebrate 11 successful years of its internship program. The event builds a "community of young professionals" who share an interest in public affairs as well as public service.



Mia Starks was a woman with a plan. After maintaining Minuteman Missiles and providing personnel security in Baghdad for the Air Force, Starks returned stateside and received a scholarship to enroll in college in New Orleans and study pharmacy. But after Hurricane Katrina struck in 2005, the college revoked scholarships in order to cover damage costs incurred in the storm. So Starks relocated to Illinois, working numerous restaurant jobs and pursuing pharmacy studies at a community college. But during an economic downturn, she lost her job and housing. Turning to America Works of Illinois, a Homeless Veterans Reintegration Program grantee, she came to the attention of Program Director Emily Jensen. Starks "is tenacious and goal oriented and was easy to work with," Jensen said. In turn, Starks said that Jensen helped her with career counseling and retooled her resume by putting "military skills into user-friendly civilian language." America Works sent Starks' resume to a local hospital, which hired her. She has since enrolled in another college to become a pharmacy technician.

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## DOL in Action

### Funding Provided After Flooding and Mudslides in Washington State

Following the flooding and mudslides that occurred in the community of Oso, Wash., on March 22, the department has announced a \$2,867,947 National Emergency Grant to assist with cleanup and recovery efforts. "A massive mudslide and flooding caused tremendous devastation to the small rural community of Oso," said Secretary Perez. "Today's grant will assist the important recovery work and help those in need of employment contribute to the cleanup efforts through temporary employment opportunities." Awarded to the Washington State Employment Security Department, the funds will be used to create temporary jobs to assist with the recovery efforts. Of the \$2,867,947 announced today, \$955,982 will be released initially.

• [Read the News Release](#)

### Former W.Va. Coal Miners to Receive \$5.6 Million in Supplemental Aid

A \$5,639,376 National Emergency Grant supplemental award to continue providing services to workers affected by layoffs and mine closures occurring within the coal mining industry in West Virginia has been announced by the department. These supplemental funds, awarded to WorkForce West Virginia, will continue the delivery of re-employment assistance to the 200 workers included in the initial award, as well as provide services to approximately 500 additional workers. "This supplemental funding will continue to serve workers in the coal mining industry who have been impacted by a job loss, giving them access to critical training and job search services," said Secretary Perez.

• [Read the News Release](#)

### \$3.5 Million for Continued Recovery Efforts After Hurricane Sandy

"The recovery work from the damage caused by Hurricane Sandy continues for the people of New Jersey," said Secretary Perez in an announcement that the department is providing a \$3,599,600 National Emergency Grant supplemental award. This supplemental award, to the New Jersey Department of Labor and Workforce Development, will assist the state with completing cleanup and recovery efforts. Immediately after the storm, this grant was approved on Nov. 1, 2012, for up to \$15,591,400, with \$5,197,133 released initially. On Dec. 5, 2012, incremental funding of \$10,394,267 was approved, to bring the project up to its full approval amount of \$15,591,400. This supplemental funding approval of \$3,599,600 brings the total funds awarded for this project to \$19,191,000.

• [Read the News Release](#)

### Paving Contractor Cited Following Fatality

## Helping Women in Cambodia

Washington State Sens. Steve Conway and Bob Hasegawa, President of the Cambodian Leadership Union Rong Chhun, Women Bureau's Seattle Regional Administrator Betty Lock and representatives of the Cambodian Women's Networking Association joined in a roundtable on women workers. The roundtable took place April 18 at the Asia Pacific Cultural Center in Tacoma, Wash. Participants covered issues faced by working women in Cambodia, including working conditions, occupational segregation in low-wage jobs and the minimum wage. Lock provided information about best practices for women workers and information on the Women's Bureau's efforts to help workers in the United States.

## Court Freezes Fiduciary's Account

The department has obtained a court order from the U.S. District Court for the Western District of Washington that temporarily freezes the account balance of Brenda Lukas-Jones, former president of Lukas Machine Inc., in the company's 401(k) profit-sharing plan and trust. On April 14, the department filed a complaint against Lukas Machine Inc., Lukas-Jones and others, alleging that they had violated the Employee Retirement Income Security Act, causing more than \$41,000 in losses to the 401(k) plan. The department's suit seeks to recover those losses by taking an offset from Lukas-Jones' plan account. Immediately before filing the complaint, investigators learned that Lukas-Jones had requested a rollover withdrawal of her entire plan account balance. In response, the department filed a motion for a temporary restraining order and preliminary injunction to freeze those assets.

• [Read the News Release](#)

## North Carolina Company Debarred

A Labor Department investigation has resulted in the debarment of Garcia Forest Service LLC, and its president, Samuel Garcia, from eligibility for further service contracts with any U.S. government agency for three years. The investigation found that the Rockingham, N.C., company violated the McNamara-O'Hara Service Contract Act and the Contract Work Hours and Safety Standards Act by failing to pay fringe benefits, minimum wage, overtime and holiday pay to workers hired for a U.S. Forest Service project in the Superior National Forest in Minnesota. Administrative Law Judge Kenneth A. Krantz issued the debarment order in Newport News, Va.

• [Read the News Release](#)

## Railroad to Reinstate Worker

Union Pacific Railroad has been ordered to reinstate an injured employee and pay the worker more than \$85,000 in damages following an investigation by the Occupational Safety and Health Administration. The Omaha, Neb., company was found in violation of the whistleblower provisions of the Federal Railroad Safety Act for terminating an

Following the October 2013 death of a laborer working for paving contractor K. Dolan Corp., the Occupational Safety and Health Administration initiated an inspection of the company. OSHA has cited the company for nine serious and eight other-than-serious safety violations. Among the violations were failure to establish a lockout/tagout program and procedures to protect workers from moving parts of a machine during servicing and/or maintenance activities.

• [Read the News Release](#)

## Pennsylvania Concrete Manufacturer Repeats Safety Violations

Precast concrete manufacturer Universal Concrete Products Corp. has been cited again by the Occupational Safety and Health Administration after a follow-up inspection that began in December 2013 at the company's Pottstown, Pa., plant. The company faces \$58,753 in proposed penalties for 14 health and safety workplace violations, including 10 repeat violations and four serious citations. The new repeat violations include failure to provide workers with required safety and health training on respirator use and the safe use of powered industrial trucks.

• [Read the News Release](#)

## Texas Contractor Willfully Exposes Workers to Fall Hazards

Amalda Enterprises Inc. has been cited by the Occupational Safety and Health Administration with one willful violation for exposing workers to fall hazards while installing gutters at a construction site in Houston. The willful violation was cited for exposing employees who were working on an unprotected side or edge of a building to falls. Three workers were installing gutters from the roof of a newly built warehouse without fall protection, ultimately exposing these workers to falls of 21 feet or more. Two of the workers were wearing body harnesses, but the employer failed to install a guardrail system, safety net system or personal fall arrest system that included an anchorage point for attachment of the worker's body harness and lanyard. The proposed penalty is \$70,000.

• [Learn About Fall Protection](#)

• [Read the News Release](#)

## Waikiki Tour Bus Company to Pay Overtime Back Wages, Damages

A lawsuit filed by the department has resulted in a federal district court order that requires Honolulu-based Blue Wave Tours Inc. to pay \$40,000 in back wages and liquidated damages to 22 workers. The case arose after an investigation found the employer in violation of the overtime provisions of the Fair Labor Standards Act. Investigators with the Wage and Hour Division in Hawaii determined that the employer paid tour bus drivers solely on a trip basis without regard to the number of hours actually worked in excess of 40 in a workweek. "Regardless of whether an employee is paid on a trip or an hourly basis, their work time must be accurately recorded and properly paid, including the overtime premium for hours worked after 40 in a workweek," said Terence Trotter, the division's district director in Hawaii. Blue Wave Tours must also post a copy of a legal notice to employees advising them of their rights under the FLSA.

## Worker's Leg Broken When Trench Wall Collapses

Kuechle Underground Inc. has been cited with one willful safety violation by the Occupational Safety and Health Administration for failing to protect workers from cave-in hazards. OSHA initiated the inspection after an employee's leg was broken when a trench wall collapsed while he was installing residential sewer lines in Mapleton, N.D. OSHA has proposed fines of \$46,200 for the Kimball, Minn.-based company, which specializes in sewer installation, and placed the company in the Severe Violator Enforcement Program. The worker was operating a gas-powered soil packing machine and tamping down the sand surrounding the newly installed sewer line when a portion of the nearby trench wall collapsed on his leg, causing the injury.

• [Read the News Release](#)

## Tucson Hotel to Pay Overtime Back Wages

A Comfort Inn & Suites hotel in Tucson, Ariz., has agreed to pay \$18,076 in

employee following the reporting of a workplace injury to his back that occurred at the company's North Platte, Neb., terminal in 2012. The company must also remove disciplinary information from the employee's personnel record and provide whistleblower rights material to its employees.

- [Read the News Release](#)

## Truck Driver Gets His Job Back

Absolute Waste Removal was found in violation of the Surface Transportation Assistance Act by the Occupational Safety and Health Administration for wrongfully terminating a truck driver who raised safety concerns during the reorganization of company routes. Headquartered in Clear Lake, Iowa, Absolute Waste Removal was ordered to reinstate the driver to his former position with all pay, benefits and rights, in addition to paying back wages of \$23,203, plus interest. OSHA also ordered the company to pay \$50,000 in compensatory and \$50,000 in punitive damages and reasonable attorney's fees.

- [Read the News Release](#)

## Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment Insurance claims was 329,000 for the week ending April 19, an increase of 24,000 from the previous week's revised level. The four-week moving average was 316,750, up 4,750 from the previous week's unrevised average.

- [Read the News Release](#)

## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

**EBSA — Women: Make the Most of Your Health Coverage Webcast in Spanish**

- [May 13 — Washington, DC](#)

**OFCCP — Health Benefits Laws Compliance Assistance Seminar**

- [May 13 — Des Moines, IA](#)

**OFCCP — Adverse Impact**

- [May 14 — Chicago, IL](#)

**OFCCP — Compliance Assistance Seminar**

- [May 5 — Chicago, IL](#)
- [May 14 — Orange, CA](#)

**OFCCP — Construction Compliance Evaluations in 16 Steps**

- [May 7 — Chicago, IL](#)
- [May 27 — Atlanta, GA](#)

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

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

back wages to eight employees for overtime violations. An investigation by the Wage and Hour Division established that the hotel failed to pay the workers the required time and one-half their hourly rate of pay for hours worked over 40 in a workweek. Overtime hours were routinely paid at straight-time, in cash and off-the-books.

## Grain Operator Cited in Montana for Repeat, Serious Violations

Cenex Harvest States Inc. has been cited for 19 violations of workplace safety and health standards at grain-handling facilities in Montana. The company faces \$211,000 in fines as a result of four Occupational Safety and Health Administration inspections at facilities in Cut Bank, Glendive, Denton and Valier. Repeat violations involve failing to test the air quality in permit-required confined spaces; failing to have effective procedures to remove fugitive grain dust accumulations and failing to have safe electrical equipment in combustible dust areas. The serious violations include inadequate confined space entry and recovery procedures, inadequate machine guarding, obstructed exit routes, and live exposed electrical wiring. The company has been inspected 15 times since 2008 in Montana, North Dakota, Iowa, Kansas and Texas, resulting in multiple violations.

- [Read the News Release](#)

## Auto Shop in California Found Violating Wage Law

Auto restyling center West Coast Customs of Corona, Calif., and its owner Ryan Friedlinghaus, have agreed to pay \$157,592 in back wages and liquidated damages to 45 employees following an investigation by the Wage and Hour Division. The employer willfully violated the Fair Labor Standards Act's overtime, minimum wage and record-keeping provisions. The settlement includes \$16,830 in penalties. The auto shop paid a weekly salary to employees regardless of the number of hours worked. West Coast Customs was featured on MTV's program, "Pimp My Ride," during the cable TV show's first few seasons.

- [Read the News Release](#)

## Ohio Metal Workers Exposed to Amputation Hazards

Metal & Wire Products Co. Inc., which manufactures metal parts for recreational vehicles, has been cited by the Occupational Safety and Health Administration for 25 safety and health violations at its Salem, Ohio, facility. OSHA's complaint investigation found several violations of machine guarding and lockout/tag-out procedures, which protect workers from lacerations, caught-in and amputation hazards. Many of the violations involved the plant's power presses, which form metal materials. Penalties of \$72,800 have been proposed.

- [Read the News Release](#)

## Invalid Tip Pool at Idaho Sports Bar

Kurly's Sports Bar and Grill in Idaho has agreed to pay \$39,114 following an investigation by the Wage and Hour Division. Investigators found that the Mountain Home-based employer established an invalid tip pool. Servers paid 3 percent of food sales to cooks from their daily tips earned, thereby invalidating the tip credit. In addition, employees were not paid at least time and one-half their regular rates of pay for all hours worked in excess of 40 in a workweek. The employer claimed the tip credit but failed to include the tip credit to arrive at the correct regular rate of \$7.25, in violation of the Fair Labor Standards Act. Kurly's Sports Bar and Grill agreed to pay \$37,724 in minimum wages found due 13 employees and an additional \$1,390 in overtime wages to seven employees.

## Settlement Reached on Child Labor at Indiana Pallet Manufacturer

S & H Pallet Industries has reached a settlement agreement with the department after the company's violation of the Fair Labor Standards Act's child labor provisions. The violations involved a 17-year-old worker's arm being severed at the Waveland, Ind.,-based wood pallet manufacturing plant in 2010. An investigation by the Wage and Hour Division also found that the company employed three other minors, including an 11-year-old, who were operating hazardous equipment, in violation of federal law.

- [Read the News Release](#)

**OFCCP — What to Expect During an OFCCP Audit**

- [May 1 — Omaha, NE](#)
- [May 20 — Birmingham, AL](#)
- [May 20 — Atlanta, GA](#)
- [May 20 — Jackson, MS](#)

**OFCCP — The New VEVRAA Regulations**

- [May 8 — Memphis, TN](#)

**OFCCP — Best Practices for Corporate Management Compliance Evaluations**

- [May 22 — Memphis, TN](#)

**OLMS — Compliance Assistance Seminar**

- [May 9 — Lansing, MI](#)
- [May 14 — Houston, TX](#)
- [May 20 — Metairie, LA](#)

**WB — Women and Workplace Negotiations**

- [May 5 — Philadelphia, PA](#)

**WHD — Prevailing Wage Seminar**

- [May 7 — Houston, TX](#)
- [May 8 — Houston, TX](#)
- [May 9 — Houston, TX](#)

**American Samoa Store to Pay \$41,507 in Back Wages**

O & O Inc., an American Samoa department store that also wholesales to smaller grocery and convenience stores, failed to pay the Fair Labor Standards Act's required minimum wage and overtime premium to 49 workers, the Wage and Hour Division found. The investigation centered on the company's Nu'uuli village location for a period of two years, beginning in March 2012. The company, investigators said, paid "day rate" employees between \$25 and \$30 for 8-hour shifts, which did not equate to the American Samoa minimum wage of \$4.60 per hour for the retail and wholesale industry. Employees also did not receive the premium pay for all hours worked in excess of 40 in a workweek. The company endorsed an agreement to comply with FLSA requirements and to pay \$41,507 in back wages.

**Illinois Roofers Faced Risk of Falling**

Rogers Roofing Inc. has been issued citations for two safety violations by the Occupational Safety and Health Administration for exposing workers to fall hazards at a residential site in Frankfort, Ill. OSHA has proposed \$44,660 in penalties for the Hammond, Ind.-based company, which was cited six times in the past six years for similar violations. OSHA found that roofers were working without required fall protection, such as a personal fall arrest system, and were allowed to carry objects or loads while accessing the roof that could cause them to lose their balance and fall.

- [Read the News Release](#)

**Houston Metal Fabricator Fined \$124,000 for Failing to Fix Hazards**

American Sheet Metal Co. has been cited by the Occupational Safety and Health Administration for failing to correct safety hazards found during a previous inspection. The company's Houston facility received four failure-to-abate violations, with a proposed penalty of \$124,000. OSHA's Houston North Area Office began its most recent investigation of American Sheet Metal last November, after the company failed to provide the agency with proof of abatement regarding safety hazards found during an inspection the previous July. Following the most recent inspection, OSHA cited the company for failing to guard dangerous machinery to prevent worker injuries, install a seat belt on a forklift, and repair a broken fastener for a forklift fuel cylinder. A failure-to-abate condition exists when a previously cited violation continues unabated and the abatement date has passed.

- [Read the News Release](#)

**Workers at Florida Manufacturer Exposed to Toxic Chemical**

Dixie Tank Co. in Jacksonville, Fla., has been cited by the Occupational Safety and Health Administration for 23 safety and health violations. The violations were issued for exposing full-time and temporary workers to chemical hexavalent chromium in excess of federal standards; failing to provide appropriate respirators for workers; failing to provide medical surveillance for employees exposed to the chemical; and not monitoring hexavalent chromium levels. Hexavalent chromium is known to cause cancer. It also targets the respiratory system, kidneys, liver, skin and eyes. OSHA initiated an inspection last October as part of the agency's national emphasis program on amputations. Proposed penalties total \$106,100.

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