



UNITED STATES
DEPARTMENT OF LABOR

Promoting and Protecting Opportunity

DOL News Brief

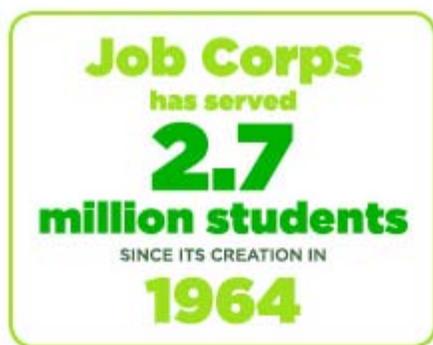
August 21, 2014

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BY THE NUMBERS



What's New

A Year of Accomplishments, and More Still to Do

After just over a year on the job, and with Labor Day approaching, U.S. Secretary of Labor Thomas E. Perez traveled across the country this week for a conversation with workers, employers and community leaders about where the nation's economy has been, where it is headed and how much more



must be done to put opportunity within reach of all. "We need to make sure our prosperity benefits everyone," Perez said. In major addresses in five cities, Perez discussed President Obama's opportunity agenda, including ensuring our workforce has the skills to succeed in today's economy, increasing the national minimum wage and providing paid leave to workers. During his Aug. 18-22 trip, Perez also visited a Los Angeles light rail construction site to see apprenticeship in action; a Houston YouthBuild program that combines traditional classroom learning with occupational skills training; the home of a Houston janitor who has organized for better wages and



working conditions; a Cleveland coffee shop to hear from jobs club leaders and unemployed workers; and an Atlanta animation studio that uses on-the-job training to develop employees' skills. He also met with business and community leaders in those cities. At the City Club of Cleveland on Aug.

21, Perez called for investing in job-driven training, boosting wages, pulling together to get the unemployed back to work and building a stronger middle class. "We're all in this together," Perez wrote in a *Houston Chronicle* op-ed. "To continue our economic recovery, we have to put down our pre-determined talking points, identify common ground and get to work."

- [Learn About the Secretary's Trip](#)
- [Join the Conversation](#)
- [Read the Cleveland Remarks](#)
- [Read the Houston Op-ed](#)

(Work in Progress) The Best of Our Blog

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

- [Strength in Diversity](#): Sex discrimination extends to gender identity and transgender status, according to new guidance issued by the Office of Federal Contract Compliance Programs that makes clear that "we provide the full protection of the federal non-discrimination laws that we enforce to transgender individuals," writes OFCCP Director Patricia Shiu.
- [When Protecting Workers' Rights, Even the Sky is Not the Limit](#): David Miljoner, the regional enforcement coordinator for the Wage and Hour Division in San Francisco, tells a vertigo-inducing story of the heights that investigators go to in order to interview workers and ensure that a fair day's work earns a fair day's pay.
- [Mine Rescue Teams — A Special Breed](#): A record 41 teams from 18 states participated in the 2014 National Metal and Nonmetal Mine Rescue Contest in Lexington, Ky., an event that simulates emergency exercises and — Assistant Secretary for Mine Safety and Health Joseph Main writes — helps those in the mining industry sharpen the skills they may one day need in an actual mine emergency.

Data Drives Deployment

Department officials and counterparts from state agencies gathered for the annual meeting of the Interstate Labor Standards Association



on Aug. 18 in Oklahoma City. Among the speakers was Wage and Hour Division Administrator Dr. David Weil, who discussed the agency's efforts to improve compliance with wage and hour laws through strategic enforcement and outreach to employers and stakeholders.

"Deploying our limited resources is data driven, and we investigate those industries where the problems are most prevalent, and where a large portion of the workforce consists of vulnerable workers who are less likely to exercise their rights," he said. "Utilizing that approach can ensure that the Labor Department and our state partners reach those who need us most." The association includes labor agency officials from all 50 states, the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

Dropping In on a Workshop



U.S. Marines attending the department's Transition Assistance Program Employment Workshop at Camp Pendleton, Calif., were treated to a visit by

Secretary of Defense Chuck Hagel on Aug. 13. The revamped Employment Workshop is a three-day program for transitioning service members that provides them with information about everything from resume writing to interviewing skills and a more complete understanding of the reality of today's job market. Stephanie Rozane, who instructs the class under a contract from the Veterans' Employment and Training Service, reported that Hagel was engaged in experiencing the workshop for himself. Addressing 25 Marines, he stressed the importance of developing a transition plan to achieve success in the civilian workforce.

- [Learn About the Employment Workshop](#)

Benefits Council Update

Forty years ago, the Employee Retirement Income Security Act ushered in new protections for America's retirement and health benefit



plans. On Aug. 19-21, the ERISA Advisory Council met to discuss issues related to the law, including outsourcing of plan services, fee disclosure and plan participation. Deputy Assistant Secretary of Labor for Employees Benefits Security Judy Mares provided an update to council members, including the new guidance issued recently on locating "lost participants" to

National News

A Golden Anniversary

When President Lyndon B. Johnson signed the Economic Opportunity Act on Aug. 20, 1964, a visionary model for providing education and opportunity to underserved young people was born. Fifty years later, that program — Job Corps — has transformed the lives of more than 2.7 million



young people. With 125 Job Corps centers across the country, it has become one of the nation's largest residential training programs. To mark this historic achievement and the anniversary, Secretary Perez visited the Benjamin L. Hooks Job Corps in Memphis, Tenn. — one of the highest-performing centers in the system. He spent the morning talking with Holley Stafford, a 20-year-old carpenter and Job Corps graduate. Stafford dropped out of high school but, because of the training she received at Job Corps, now earns a good wage and loves her job remodeling grocery store interiors. At the center, Perez was treated to demonstrations of its medical office support, accounting, computer service technician and carpentry trades. Addressing the student body with Memphis Mayor A.C. Wharton, Perez spoke about the continued vitality of the program, telling students that, with their skills, "The sky's the limit."

- [Watch the Anniversary Video](#)
- [Follow 'A Day in the Life'](#)

Job Corps Celebrated Across the Country



"As we mark the [Economic Opportunity Act's] 50th anniversary, let us rededicate ourselves to creating a fairer, freer America in our time and remember that, with enough perseverance and courage, people who love their country can change it," wrote President Obama in a message on the

anniversary of the signing of the bill that created Job Corps. He was joined in his acknowledgement of the historic occasion by many whose lives have been changed by the program at Job Corps celebrations all across the country. Elected officials, distinguished alumni, current students, their families and teachers, and many others held special events at Job Corps centers during the week of Aug. 18. In Georgia, community members came together to excavate strange artifacts (like VHS tapes) from a 20-year-old time capsule buried on the program's 30th anniversary. Culinary students in Maine are celebrating by making an attempt at creating the world's largest s'more. Students from Iowa's Ottumwa center visited Gov. Terry Branstad for the signing of a proclamation. These events and many more were fittingly joyous tributes to a program that has invested in the vast potential of our nation's young people for 50 years.

- [Read the Presidential Message](#)
- [Learn About Job Corps](#)

\$8.3 Million in Grants Announced for Training of Miners

Forty-six states and the Navajo Nation have received \$8,348,423 to fund federally mandated training for miners. The grants, which were announced on Aug. 21 by the Mine Safety and Health Administration, cover training and retraining of miners working at surface and underground coal and metal

ensure they receive the benefits they are due.

- [Learn About the Council](#)
- [Read the Guidance](#)

Equal at Work

Addressing pay discrimination is essential to expanding opportunities and creating a thriving workforce. Office of Federal Contract Compliance Programs Director Patricia A. Shiu emphasized this message at an Aug. 14 conference hosted by the Equal Employment Opportunity Commission in San Diego. The conference brought together nearly 200 corporate diversity officers, human resource professionals and employment lawyers with federal, state and local government leaders. Former NAACP Chair Myrlie Evers-Williams and EEOC Chair Jacqueline Berrien addressed the conference, as did representatives from the Wage and Hour Division and the Occupational Safety and Health Administration. Speakers tackled a wide range of topics, including guidance on using arrest and conviction records in employment, pregnancy discrimination and sexual harassment.

- [Learn More About OFCCP](#)

Request on Brokerage Windows

Some 401(k)-type plans offer participants access to brokerage windows, which can enable or require individual participants to independently select from a broad range of investments. On Aug. 20, the department published a request for information on the use of brokerage windows and similar features in 401(k)-type plans. "Our goal in issuing this RFI is to determine whether, and to what extent, regulatory standards or other guidance concerning the use of brokerage windows may be necessary to adequately protect participants' retirement savings," said Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi. The RFI asks questions about available options, participant demographics, selection processes, costs and available information. Comments are due by Nov. 19.

- [Read the News Release](#)
- [Review the Request for Information](#)

Reaching Vulnerable Workers



In a push to strengthen partnerships and expand efforts to reach and protect vulnerable workers, Wage and Hour Division

Administrator Dr. David

Weil met with advocates and consular officials during a visit to Los Angeles on Aug. 15. "Workers in the garment industry, agriculture and other low-wage sectors of the economy often don't know about the protections they're afforded under the law, such as the right to be paid at least the minimum wage," said Weil. "These workers typically don't speak English, are hard to locate, and fearful of retaliation. That's why our strategic

and nonmetal mines, including miners engaged in shell dredging or employed at surface stone, sand and gravel mining operations. State mine inspectors' offices, state departments of labor, and state-supported colleges and universities administer the grants, tailoring individual programs to the respective needs of its mines and miners.

- [Read the News Release](#)

DOL Working for You

Worker Well-Trained to Land Job in Building Trades

For Philadelphia native Darrell Hendricks, training provided by the Philadelphia Area Project on Occupational Safety and Health, and funded through a Susan Harwood Grant awarded by the Occupational Safety and Health Administration, was key to his career change from youth services to construction. "I was seeking employment in the building trades, and I knew the PhilaPOSH training would prepare me. It definitely gave me a chance to compete and qualify for the position," Hendricks said. The fall protection training he took at a local church not only equipped him with the resources



he needed to successfully land a well-paying building trades job, it also boosted his confidence about his ability to stay safe each day in a dangerous industry. "My first job involves helping to build an intensive care hospital for children," Hendricks said. "I feel that my passion for serving youth is being fulfilled in a different capacity." PhilaPOSH has been a Susan Harwood grantee since 2007 and has trained more than 2,400 people on fall protection in Philadelphia and the surrounding area.

- [Learn About the Susan Harwood Grant Program](#)

DOL in Action

Prison Guards in California Receive Back Wages, Benefits

Federal prison subcontractor Corrections Corp. of America has paid more than \$8 million in back wages and fringe benefits to 362 current and former prison guards, maintenance workers and administrative personnel employed at California City Correctional Center, a federal correctional facility. A Wage and Hour investigation found that Corrections Corp. of America violated the Service Contract Act and the Contract Work Hours and Safety Standards Act by failing to pay proper prevailing wages, health and welfare benefits, overtime and holiday pay. "Many of the workers, some of whom commuted up to two to three hours to keep our communities safe, will receive more than \$30,000 in back pay," said Ruben Rosalez, regional administrator for the division's West region. "This recovery sends a message to the prison industry and others that we are watching for workplace violations."

- [Read the News Release](#)

Settlement Reached in Whistleblower Case Involving Truck Drivers

Gaines Motor Lines Inc., including Tim Gaines and Rick Tompkins, have entered into a settlement agreement with the Occupational Safety and Health Administration to resolve findings alleging that four former truck drivers were terminated for participating in an inspection audit, in violation of the whistleblower protection provision of the Surface Transportation Assistance Act. The March 2012 inspection identified log violations at the commercial motor carrier's facility in Hickory, N.C. Following the audit and subsequent citations issued against Gaines Motor Lines, the workers

partnerships with advocates and consulates are so important to our fundamental goal of ensuring a fair day's pay for a fair day's work." Meeting with Weil were officials from the Dominican Republic, Costa Rica, the Philippines, Mexico and China.

Masonry Worker Pact

The Mason Contractors Association of St. Louis, Mo., and the Occupational Safety and Health Administration have renewed a partnership



focused on training employers and workers about hazards masonry workers face, including fall, electrical, trenching and struck-by hazards. The 10-year partnership has reduced injury rates and lost workdays to levels far below industry averages, according to the Bureau of Labor Statistics. "The Mason Contractors Association shows a real commitment to safety because of its effort to protect workers," said Bill McDonald, OSHA's area director in St. Louis. The partnership was first signed in June 2003 and was renewed on July 31.

- [Read the News Release](#)
- [Learn About OSHA's Partnership Program](#)

'Partner of the Year'



The Office of Federal Contract Compliance Programs' Portland Area Office has been designated Oregon's Vocational Rehabilitation Program

"Partner of the Year." The statewide award was announced in Salem on Aug. 13. "The State of Oregon Vocational Rehabilitation Services has been an important part of meeting our outreach goals for employing people with disabilities and job seekers at the local, regional and national levels," said Mary Sneed-Royston, OFCCP's area director. The federal-state partnership was forged in late 2012 and in 2013 the area office began disability awareness training for federal contractors.

Safety Fair in Georgia

Construction workers, companies and construction industry officials gathered on Aug. 18 at the Lowes Home Center in Chamblee, Ga., to



discuss worker safety and construction-specific hazards. The event was jointly hosted by the Occupational Safety and Health Administration and the Georgia Hispanic Construction Association. Attendees observed tool and equipment safety demonstrations and participated

suffered adverse retaliation by company officials, including termination, layoffs and removal of employee benefits. The settlement requires the employer to pay the complainants a total of \$262,500, which includes back pay and interest, and compensatory damages.

- [Read the News Release](#)

Nuclear Facility Contractor Ordered to Reinstate Worker

A contractor for the U.S. Department of Energy's Hanford nuclear facility in Washington State has been ordered to reinstate an environmental specialist and pay more than \$220,000 in back wages and other expenses after it fired the employee for voicing nuclear and environmental safety concerns, a violation of federal whistleblower provisions. The Occupational Safety and Health Administration took the actions against Washington River Protection Solutions, of Richland, after the employee repeatedly reported nuclear and environmental safety and permit and record-keeping violations. "Employees must never be punished for sounding an alarm when they see a problem that could injure, sicken or kill someone, or harm the environment," said Galen Lemke, OSHA's acting regional administrator.

- [Read the News Release](#)

New Hampshire Company Prohibited From Intimidating Employees

The department has secured a preliminary injunction against New Hampshire painting contractor Kevin Corriveau Painting Inc., and its officers and agents to prevent them from intimidating, retaliating or discriminating against current or former employees involved in a federal investigation and lawsuit. A Wage and Hour Division investigation found that the defendants violated the minimum wage, overtime and record-keeping provisions of the Fair Labor Standards Act and required employees to falsify time cards. In court papers, the department alleged that, in July 2014, former employees informed the division that Kevin Corriveau and Jeffrey Levinson, who represented himself as Corriveau's legal counsel, harassed and intimidated workers into signing affidavits that contained false statements.

- [Read the News Release](#)

Amputation Hazards Found at Illinois Plants

McLaughlin Body Co. has been cited for exposing workers to amputation hazards at the company's two plants in Rock Island and East Moline, Ill. The Occupational Safety and Health Administration initiated the inspections in March after receiving complaints alleging unsafe working conditions at both plants. The inspection found nine serious violations. Proposed penalties total \$43,000.

- [Read the News Release](#)

Lawsuit Filed Against Transit Union Local

The department recently filed suit against Amalgamated Transit Union Local 1700 in Washington, D.C., seeking to void its January 2014 leadership election and obtain a new one under the supervision of the Office of Labor-Management Standards. The suit, filed in U.S. District Court for the District of Columbia, concerns the union's mail ballot election for president and alternate delegates. An OLMS investigation of the challenged election determined that the union denied members in good standing of their right to vote when it failed to re-mail ballot packages that had been returned as undeliverable, even though corrected forwarding addresses for the members were available.

Michigan Truck Drivers Were Fired for Raising Safety Concerns

Asphalt Specialists Inc. was found in violation of the Surface Transportation Assistance Act by the Occupational Safety and Health Administration for wrongfully terminating a foreman and two truck drivers. The three workers had raised safety concerns after being directed to violate U.S. Department

in workshops covering topics such as trench safety, personal protective equipment and hazards associated with working in excessive heat. "This was a great opportunity for OSHA to talk to workers, employers and others in the construction industry about safety before someone is injured or killed," said Christi Griffin, director of the Atlanta-West area office. More than 400 people attended the half-day safety fair.

Nuclear Worker Claims

Former nuclear workers in South Carolina, Arizona and New Mexico recently were paid a visit by staff from the Office of Workers' Compensation Programs to help with claims filing. OWCP provides medical benefits and compensation to people who became ill as a result of working in the nuclear weapons industry. Staff hosted a town hall meeting on Aug. 19 in Window Rock, Ariz., as well as meetings on Aug. 20 in Shiprock, N.M., and North Augusta, S.C. To date, \$10.6 billion in compensation and medical benefits has been paid to claimants nationwide under the Energy Employees Occupational Illness Compensation Program Act.

- [Learn About EEOICPA](#)

Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment Insurance claims was 298,000 for the week ending Aug. 16, a decrease of 14,000 from the previous week's revised level. The four-week moving average was 300,750, up 4,750 from the previous week's revised average.

- [Read the News Release](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

EBSA — Get Prepared to Make Timely Decisions for Your Retirement Webcast

- [September 9 — Washington, DC](#)

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [September 9 — Los Angeles, CA](#)
- [September 10 — Los Angeles, CA](#)

ODEP — Improving Job Opportunities for Georgians with Disabilities

- [August 27 — Warm Springs, GA](#)

OFCCP — Construction 16 EEO & Affirmative Action Requirements

- [August 26 — Atlanta, GA](#)

OFCCP — Incentives and Resources for Hiring People with Past Criminal Records

of Transportation-mandated hours of service for commercial truck drivers. Headquartered in Pontiac, Mich., the asphalt paving company was ordered to reinstate the employees and pay \$953,916 in back wages and damages. "It is illegal for an employer to retaliate against employees who report work-related safety concerns or violations of federal transportation regulations, which require drivers to have a minimum 10-hour rest period between shifts," said Assistant Secretary for Occupational Safety and Health Dr. David Michaels.

- [Read the News Release](#)

Unsafe Handling of Hazardous Chemicals at Fiberglass Manufacturer

Perry Fiberglass Products Inc. was cited for 13 safety and health violations after the Occupational Safety and Health Administration received a complaint alleging unsafe handling of hazardous chemicals at the company's Avon Lake, Ohio, facility, which manufactures fiberglass pipes and tanks. OSHA initiated an inspection in February and has proposed penalties of \$53,130.

- [Read the News Release](#)

Hawaii Restaurant Pays Back Tips to Servers

Castle Resorts and Hotels Inc., which operates the Kauai-based Bull Shed restaurant in Hawaii, returned \$55,674 in tips and \$2,959 in minimum wages to 17 servers for violating the wage provisions of the Fair Labor Standards Act. Wage and Hour investigators found the company reduced the cash wage of tipped employees below the minimum wage of \$7.25 per hour. The employer unlawfully required servers to pay a portion of their shift tips to non-tipped hourly kitchen staff who were already paid at least the full minimum wage. "We appreciate this employer's full cooperation in resolving this matter," said Terence Trotter, the division's district director in Hawaii. "Employers cannot take a credit against their minimum wage obligation to tipped staff when they required a portion of those tips to be shared with traditionally non-tipped staff such as kitchen employees."

Alabama Masonry Contractor Faulted on Scaffolding

Auburn, Ala.-based Gonzalez Stucco & Stone LLC has been cited by the Occupational Safety and Health Administration for safety violations following an inspection at a residential construction site. The citations involved the employer's failure to plank scaffolds fully, ensure guardrails were installed on open sides, and provide adequate access to scaffolding. The employer also neglected to train workers regarding scaffolding hazards. Proposed penalties total \$54,120.

- [Read the News Release](#)

Workers Faced Hazards at Historic Rhode Island Mansion

Employees of The Preservation Society of Newport County were exposed to lead and potentially fatal falls while scraping and abrasively removing lead-based paint from an outbuilding at the Newport, R.I., mansion known as Chateau-sur-Mer, according to the Occupational Safety and Health Administration. OSHA's Providence Area Office opened inspections when two inspectors observed employees climbing an extension ladder that was set up at an unsafe angle. In addition to the fall hazard, OSHA found that the employer did not determine the level of lead exposure for each employee and did not provide interim safeguards, including appropriate respiratory protection, personal protective clothing and equipment, clean changing areas, hand-washing facilities, biological monitoring and hazard communication training. As a result, OSHA cited the organization for 10 serious violations and proposed \$51,840 in fines.

- [Read the News Release](#)

Exposure to Fall Hazards was 'Real and Avoidable' at Work Site

- [August 27 — San Francisco, CA](#)

OFCCP — Open House/Networking Event

- [September 9 — Houston, TX](#)

OFCCP — Section 503 and VEVRAA Regulations Update

- [September 11 — Dallas, TX](#)

OFCCP — Seminar for Federal Contractors "The New VEVRAA Regulations"

- [September 10 — Orange, CA](#)

OFCCP — Understanding the Nuts and Bolts of a Construction Audit

- [August 24 — Houston, TX](#)

OSHA — Whistleblower Protection Advisory Committee Meeting

- [September 3 — Washington, DC](#)

- [September 4 — Washington, DC](#)

OWCP — Town Hall Meetings to assist nuclear weapons workers

- [August 26 — Richland, WA](#)

- [August 27 — Spokane, WA](#)

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14h

4 cities down, 1 to go! Follow @LaborSec Perez's trip across the country in real time ahead of #LaborDay2014 --> 1.usa.gov/1n1Ie8D

Expand

 **US Labor Department** 
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15h

RT @LaborSec: Great day in Cleveland! Engaging conversation w/3 long-term unemployed workers who have no quit in them 1.usa.gov/VIO9YI

A Hamburg, N.Y., home improvement business was found to have repeatedly exposed its employees to potentially fatal falls of 20 feet or more at a Lackawanna work site. Inspectors from the Occupational Safety and Health Administration observed employees of Kevin Burke Home Improvement at risk of falls from a roof and a scaffold. They instructed the company to ensure that all workers used fall protection before continuing work. However, when an OSHA inspector returned to the site the next day, he found the fall protection equipment had been removed or was not in use. As a result, OSHA cited Kevin Burke Home Improvement for two willful violations of fall protection requirements. The company faces more than \$56,000 in fines.

- [Read the News Release](#)
- [Learn About Stop Falls Campaign](#)

California Landscaper Agrees to Pay Back Wages

Sacramento, Calif.-based Frank Carson Landscape & Maintenance Inc., doing business as Carson Landscape Industries, The Grove and TurfPro, has agreed to pay \$185,270 in back wages and liquidated damages to 164 of its employees because of Fair Labor Standards Act overtime and record-keeping violations. The agreement followed an investigation by the Wage and Hour Division, in which investigators in Sacramento found that the company failed to pay time-and-one-half for hours worked beyond 40 hours in a workweek, as required. The company also failed to maintain accurate records of hours worked by employees before and after their scheduled shifts, and paid only for scheduled hours rather than actual hours worked.

- [Read the News Release](#)

Roofing Contractor Cited for Fifth Time in Three Years

Roofing contractor Juan Manuel Antonio-Martinez has been cited for three willful safety violations for exposing workers to fall hazards at two separate residential home sites in Savoy, Ill., in March and April. The Occupational Safety and Health Administration has proposed penalties of \$85,800. This marks the fifth time in the past three years that OSHA has cited the company for similar violations. The roofing contractor has not cooperated with OSHA during previous inspections, nor has it paid any portion of the \$110,880 in total penalties assessed from those inspections.

- [Read the News Release](#)

Florida Waste Disposal Plant Cited in Explosion That Injured Workers

As a result of an explosion in March at Indianhead Biomass Services, a solid waste disposal facility and processing plant in St. Augustine, Fla., the Occupational Safety and Health Administration has cited the company with two willful and seven serious safety violations. The accident, which permanently disabled one employee and caused the other to suffer a leg injury, occurred when the workers cut into a gas supply pipe with a torch. The residual gas ignited inside the pipe and exploded due to pressure. OSHA cited the company for failure to clean, ventilate or test the gas cooling system pipe prior to use; and failure to provide a vent or opening to release the built-up pressure and heat while using a cutting torch. Penalties of \$93,300 have been proposed.

- [Read the News Release](#)

Machine Hazards Found at Ohio Tower Plant

FWT LLC, which manufactures telecommunication towers, was cited for safety violations by the Occupational Safety and Health Administration after two employees were injured in separate incidents at the company's Hicksville, Ohio, facility. In February, an employee's hands were crushed by machinery, and one month later, an employee was pinned between a telecommunication pole and the frame of a squaring press, which is used to flatten part of the pole. FWT failed to provide adequate protection on the squaring press, which exposed workers to amputation hazards. The

company was cited for a similar violation at the Hicksville facility in 2013.

- [Read the News Release](#)

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