



**UNITED STATES
DEPARTMENT OF LABOR**

Promoting and Protecting Opportunity

DOL News Brief

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October 23, 2014

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WINNER OF 2014 AVA DIGITAL GOLD AWARD

BY THE NUMBERS

40 years ago
ERISA
created IRAs
APPROXIMATELY
\$6.6
trillion
Is now held in these accounts

What's New

Calling for an Economy That Works for Everyone

The nation needs an economy that works for everyone, where prosperity is broadly shared, argued U.S. Secretary of Labor Thomas E. Perez in a major address at the National Press Club on Oct. 20. Even as the recovery from the Great Recession continues, Perez said that there are too many people



still working harder but falling further behind. "The pie is getting bigger," he said. "American workers helped bake it, but they're not getting a bigger slice." As a prescription, Perez embraced several policy proposals currently before Congress that have historically enjoyed bipartisan support: raising the national minimum wage, investing in infrastructure and fixing our broken immigration system. We also must "lead on leave," according to Perez, who noted that the United States is the only industrialized nation that does not have a paid national leave law. "Why are we making people choose between the job they need and the family they love," he asked. Perez added



that worker voice is critical to shared prosperity, and he underscored the importance of leadership — from policymakers, but also from forward-looking businesses that treat their workers with dignity and respect — recognizing that "the high road is... the smart road" and "you don't have to be a bottom-

feeder to serve the bottom line." Later in the day, Perez hosted five managers from Market Basket to hear about the values that drove them to put their livelihoods on the line to save their beloved CEO, Arthur T. Demoulas. Perez held up Market Basket as a real life example of the commitment to shared prosperity that will keep America great for generations to come. Cindy Whelan, a 26-year veteran of Market Basket, summed up the company's business model: "Invest in the foundation of your people and your customers and your community. That's what Market Basket is — shared prosperity."

- [Read the Secretary's Blog Post](#)
- [Read the Secretary's Remarks](#)
- [Watch the Video](#)

High-Tech Apprenticeship Program a Model for Success
As part of the department's

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

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

- [Domestic Violence Doesn't Always Stay at Home](#): According to the Centers for Disease Control, more than one in three women in the United States has experienced some form of violence at the hands of an intimate partner in her lifetime. Sometimes domestic violence can follow women to the workplace, writes Latifa Lyles, director of the Women's Bureau.
- [Working Together for a Future of Safe Jobs](#): Working together with the mining industry and using all of the department's resources, we will be able to envision a future of good, safe jobs, writes Joseph Main, assistant secretary of labor for mine safety and health.
- [The Fissured Workplace](#): In recent years, the employment relationship between workers and businesses receiving the benefit of their labor has fissured as companies have contracted out or otherwise shed activities to be performed by other businesses, writes Dr. David Weil, administrator of the Wage and Hour Division.

Mining Industry Roundtable

In the first meeting of its kind, Secretary Perez welcomed members of the metal and nonmetal mining



industry to department headquarters on Oct. 20. The businesses represented at the roundtable included quarries, sand and gravel pits, stone mines, mills, and lime and cement producers. Joining Perez and Assistant Secretary of Labor for Mine Safety and Health Joseph A. Main were approximately 30 business leaders who discussed mine safety, current and future jobs, skills and training needs, and the opportunities and challenges facing the mining industry. Representatives of the Veterans' Employment and Training Service and Employment and Training Administration also were on hand to explain how their respective programs can help in recruiting workers and providing skills training opportunities.

Championing Disability Inclusion



The National Disability Employment Awareness Month spirit continues. Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez

was in Miami on Oct. 17 for the "Esteemed Employee Awards," where she delivered the keynote address. The awards are bestowed annually in October during NDEAM. Sponsored by Spinal Cord Living-Assistance Development, Inc., the awards honored 10 outstanding individuals with disabilities in the workforce. On Oct. 20, Martinez paid a visit to the Washington, D.C., headquarters of the Federal Deposit Insurance Corp. and on Oct. 21 to the U.S. Mint. During both visits, Martinez addressed federal employees on disability employment best practices and resources for federal managers. "When people with disabilities are integrated into the federal workforce, people really see in action what America means when it talks about equality," said Martinez at the FDIC. "They see America's ideals in action."

- [Learn About NDEAM](#)
- [Learn About Disability Inclusion](#)

Hoorah! Veterans Job Fair

With estimated attendance of more than 4,500 service members, veterans and their families, the Washington State Service Member for Life Transition Summit at Joint Base Lewis-McChord is the largest hiring event to date. Organized by the U.S.



efforts to expand apprenticeship programs in the United States, Secretary Perez traveled to Landover, Md., on Oct. 22 to tour the United Parcel Services' regional hub and its Integrad apprenticeship training facility. Integrad combines 3-D simulator technology with hands-on experience to increase driving proficiency, while also instilling techniques to reduce on-the-job injuries. UPS apprentices who have gone through the Integrad training have reported fewer on-the-job injuries and auto accidents, as well as increased productivity and retention rates. Perez also participated in a roundtable discussion with UPS senior executive Teri McClure, employees and union representatives to learn about the training program. A national leader on apprenticeship, UPS recently committed to hiring 2,000 new apprentices over the next several years while expanding apprenticeship training to occupations in information technology, logistics and operational management. The department is preparing to announce a \$100 million grant competition this fall to expand apprenticeships across the country and in additional industries.



Ready to Partner, Ready to Hire, Ready to Work



At a roundtable discussion on Oct. 23, Secretary Perez met with representatives from three new grantee organizations based in Maryland, New Jersey and Pennsylvania. The meeting, held at department headquarters, focused on helping the long-term unemployed return to work. Participants discussed strategies for partnering with employers, community colleges and supportive services providers to help the long-term unemployed upgrade their skills and connect to jobs in in-demand industries under the Ready to Work

Partnership grants announced a week earlier. Joining the grantees were industry and nonprofit partners, as well as a group of individuals facing long-term unemployment who will benefit from these grants. Perez pressed the grantees and their partners to act as ambassadors to help take these programs to scale and ensure that promising practices get replicated nationwide. His simple message to those in the room and around the country who struggle with long-term unemployment: the Department of Labor and its partners in the workforce system have their backs.

- [Learn About Ready to Work Grants](#)
- [Read About Resources to Address Long-Term Unemployment](#)

Lead on Leave: You Wrote, We Answered

Hundreds of Americans wrote in after the department launched the Lead on Leave campaign. Recently, Secretary Perez sat down for lunch with two working families who shared their stories on how paid leave would help their families succeed. Dan, a fireman from Virginia, and his wife, Laura, are expecting a



Chamber of Commerce Foundation's Hiring our Heroes program, the three-day conference connected veterans, transitioning service members, and military spouses with government, military and business leaders. Deputy Assistant Secretary for Veterans' Employment and Training Teresa Gerton spoke on an Oct. 21 panel of senior government officials, responding to questions about free employment services for veterans and strategies for connecting with employers. Elected officials, including Washington State Gov. Jay Inslee, Sen. Patty Murray and Rep. Denny Heck, also addressed the attendees.

- [Find Veterans Job Fairs](#)

Dialogue With Retailers



Wage and Hour Division Administrator Dr. David Weil is committed to an ongoing dialogue with employers in an effort to encourage

compliance with federal labor laws. As part of that commitment, Weil attended the National Retail Federation's 2014 Human Resources Summit in Chicago on Oct. 16, where he discussed agency enforcement efforts, policy priorities and how retailers can bring about compliance beyond their own stores. "Your industry is uniquely positioned to affect the compliance behaviors of all those who work for you in the front rooms and back rooms of your enterprises, as well as the companies that you rely on in your supply chains," he told the audience of approximately 100 corporate and labor counsels and senior human resources executives.

- [Learn About Rules for Retail Workers](#)
- [Learn About Rules for Employers](#)

Combating Misclassification



The Wage and Hour Division is tasked with enforcing the prevailing wage rates on federally funded construction projects and tackling the related problem of

worker misclassification, which can cheat workers out of income to which they are legally entitled. To combat misclassification, the division enlists the support of stakeholders, such as the International Union of Bricklayers and Allied Craftworkers. On Oct. 21, Administrator David Weil addressed the union's 2014 leadership conference in Washington, D.C. "We need to hear from you when you know of situations where employees are being misclassified or spot violations as soon as possible," Weil said. "And we need to hear from you, as with all stakeholders, on wage determinations so that prevailing wage rates accurately reflect conditions on the ground."

- [How to File a Complaint](#)
- [Learn About the Davis-Bacon and Related Acts](#)

baby in a few months. As they started planning a family, they realized it was going to be harder financially than they originally thought. "We planned, we saved, we paid off our debt," Dan said. "Yet we're still in this situation." Kate, a social worker from Maryland, and her husband, Chris, also discussed how paid leave is an issue that spans income level, age, zip code and gender. Both couples agreed that people should not have to choose between being good parents and good workers.

- [Read More About Lead on Leave](#)

Developing a Data-Driven Approach to Jobs

The Obama administration's emphasis on job-driven training is rooted in the awareness that data plays a critical role in understanding which strategies are successful at placing ready-to-work Americans into ready-to-be-filled jobs. This summer, Secretary Perez participated in "data jams" to encouraged software developers and thought leaders to think creatively about how publicly available workforce data can be used to improve training outcomes and inform youth career counseling. Following those meetings, the developers were asked to develop user-friendly online tools to help job seekers connect with employers looking to hire. On Oct. 21, Perez joined Vice President Biden in asking the developers who participated in the summer meetings to share their findings and demonstrate their early prototypes. The department intends to continue working with these developers, in partnership with state workforce agencies, to further develop these tools for public use.

National News

ERISA at 40: the Best Protection for America's Benefits



For 40 years, the Employee Retirement Income Security Act of 1974 has been the bedrock of employee benefits protections for America's workers. On Oct. 21, the department celebrated ERISA's anniversary with a symposium at the department's headquarters in Washington, D.C. Secretary Perez opened the

event with a focus on the challenges faced by the middle class four decades ago and today. Laws like ERISA, he said, keep people from going broke when they get sick and help make sure that a lifetime of hard work can lead to a financially secure retirement. Former and current department officials, including Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi, participated in panel discussions regarding changes to the agency and the marketplace since the passage of ERISA, particularly the shift from traditional pensions to 401(k) plans. Several panelists commented on the need for additional changes to the retirement system in order to improve financial security for future generations.

- [Watch Part 1 of the Event](#)
- [Watch Part 2 of the Event](#)
- [Learn About ERISA](#)

International Scene

Building on the Progress on Labor Rights in Colombia

As part of ongoing dialogue and collaboration between Colombia and the United States on the commitments contained in the Colombian Action Plan Related to Labor Rights, Secretary Perez met with Colombian Minister of

'Can't Be Afraid to Fail'

Secretary Perez, a 1987 graduate of Harvard Law School and the Kennedy School of Government, was honored by the Harvard Club this week



with their award for distinguished public service. Perez told the crowd of the irony that, while he was receiving the award because of his professional successes, it was his professional failures that have most shaped his outlook on life and service. "You can't be afraid to fail," said Perez. "The only failure in life is the failure to try."

Grant for Storm Clean-Up

The department announced a \$626,159 National Emergency Grant incremental award on Oct. 20 to continue providing temporary employment for eligible individuals assisting with the clean-up and recovery efforts following the flooding and mudslides that occurred in Snohomish County, Wash., on March 22. The funds are being awarded to the Washington State Employment Security Department and brings the total amount awarded to date to \$1,582,141. "The small, rural community of Oso continues to suffer the effects of the massive mudslides and flooding that caused such terrible loss of life and devastation," said Assistant Secretary of Labor for Employment and Training Portia Wu.

- [Read the News Release](#)

Longshore Claims Processing

Nearly 100 representatives of the maritime and defense contracting industries attended a one-day conference at the department's regional



office in San Francisco on Oct. 20 to discuss workers' compensation issues under the Longshore and Harbor Workers' Compensation Act. The annual event, a partnership between the Office of Workers' Compensation Programs and Loyola University's New Orleans College of Law, draws labor representatives, claims professionals, attorneys, judges and others to discuss ways to expedite and improve claims processes in the longshore community. According to Todd Bruininks, OWCP district director, "We look for ways to help deserving injured workers get expedited benefits delivery without disadvantaging the industry."

Focus on Residential Care

Wage and Hour Division officials met with California's Department of Social

Labor Luis Eduardo "Lucho" Garzon on Oct. 21. Perez agreed that Colombia has made meaningful progress under the Action Plan. Important work, however, remains to be done to improve labor rights in Colombia. Specific topics under discussion included fine collection, sub-contracting and investigations of violence against trade unionists. Deputy Undersecretary for International Affairs Carol Pier joined the meeting, as did Colombia's Vice Minister for Labor Relations, the ambassador and representatives of Colombia's Prosecutor General's Office. The Bureau of International Labor Affairs currently provides Colombia significant technical assistance, funding three projects in the country focused on issues such as building the capacity of the Ministry of Labor's Labor Inspectorate, eliminating child labor in mining, and providing legal advice to workers via workers' rights centers.

- [Learn About the Action Plan](#)

Labor Affairs Council Meets in Peru

The Labor Chapter of the Trade Promotion Agreement between the United States and Peru sets out the labor commitments of each party to the Agreement and charges a Labor Affairs Council with overseeing implementation and progress. On Oct. 17, Deputy Undersecretary for International Affairs Carol Pier, accompanied by colleagues from the department, the Department of State and the Office of the U.S. Trade Representative met with representatives of the Peruvian Ministries of Labor and Trade in Lima for the second meeting of the council. In addition to discussing areas of labor cooperation and technical assistance, the parties also addressed matters related to the promotion and protection of fundamental labor rights. Specifically, the council discussed the potential impact on workers' rights of various forms of contracting, such as outsourcing and temporary contracting. A joint statement of the council was released at the conclusion of the proceedings.



- [Learn About Labor Affairs Councils](#)
- [Read the Joint Statement](#)

DOL Working for You

Homeless Veteran Finds Work and Purpose

U.S. Army veteran Tony Foreman's life has taken many dramatic turns, from a proud soldier to a homeless, drug-addicted shell of his former self. During his seven-year tenure in the Army, Foreman worked as a specialty cargo handler in locations around the world, such as South Korea and Japan. After leaving the service, he began his decades-long battle with drug addiction and slid into homelessness for nearly eight years in the Atlanta area. With nowhere else to turn, Foreman began a substance abuse recovery program and was



referred to the Atlanta Center For Self Sufficiency, a nonprofit organization that aims to break the cycle of homelessness. The center operates a Homeless Veteran Reintegration Program funded by a grant from the Veterans' Employment and Training Service. At the center, which serves more than 120 homeless veterans, Foreman was trained on how to write a resume and conduct a job interview. After a search for work, he was hired by Hyatt Atlanta Midtown to work in the facilities maintenance department.



Services in Sacramento on Oct. 15 to discuss strategies to tackle

labor issues found in the residential care industry. "We must continue to work with the state and with various stakeholders here in California to jointly address the rampant, systemic rates of non-compliance with federal labor laws that we still see in the industry," said Susana Blanco, the division's district director in San Francisco. The division has conducted more than 100 investigations of residential care facilities across five counties in the San Francisco Bay area during fiscal year 2014. These enforcement actions resulted in approximately \$4 million in back wages and liquidated damages due to 400 vulnerable, low-wage employees.

Pay, Paid Leave Discussion

Women from across the Merrimack Valley in Massachusetts participated in an Oct. 17 roundtable where participants addressed the importance of pay transparency, paid leave to care for children and aging parents, and assistance for immigrants who speak English as a second language. The roundtable was hosted by Rep. Niki Tsongas at Nevins Memorial Library in Methuen. Women's Bureau Regional Administrator Jacqueline Cooke discussed the work of the bureau, women's pay and the minimum wage.

- [Learn About Paid Leave](#)
- [Learn About the Women's Bureau](#)

Misclassification Pact Signed

The misclassification of employees as something other than employees — such as independent contractors — denies workers access to critical benefits and protections and generates losses to Treasury, Social Security and Medicare funds, as well as state unemployment insurance and workers compensation funds. To help combat the problem, Wage and Hour Division Administrator Dr. David Weil renewed a memorandum of understanding with Joseph Costigan, director of the Illinois Department of Labor, in Chicago on Oct. 17. The renewal of the MOU represents a continued effort on the part of the two agencies to protect workers and level the playing field for responsible employers by reducing the practice of misclassification. "We value our partnership with the U.S. Department of Labor," said Director Costigan. "We appreciate working together on cases, and I am excited to renew this agreement."

- [Read About Employee Misclassification](#)
- [Learn About the Wage and Hour Division](#)

Windy City Outreach

The Wage and Hour Division is committed to robust outreach to

And he recently completed an Occupational Safety and Health Administration certification program to become a licensed forklift operator. "It wasn't until I couldn't find work that I realized how much I missed it," Foreman said.

- [Learn About HVRP](#)

DOL in Action

Nearly \$2 Million Recovered for Workers at Nevada Solar Project

The department has recovered \$1,914,681 in back wages and fringe benefits for 147 workers at Proimtu Mmi-Nv LLC, a Henderson, Nev.-based subcontractor providing construction services at the federally funded Crescent Dunes Solar Energy Project in Tonopah, Nev. "The money we've recovered for these workers is not a windfall — it is their hard-earned pay that their employer was legally obligated to pay them but did not," said Dr. David Weil, administrator of the Wage and Hour Division. "Companies that benefit from federal funding must see to it that the money is used properly, and that their workers are compensated according to the law."

- [Read the News Release](#)

Findings Released in Deadly Colorado Mine Accident

The Mine Safety and Health Administration has concluded its investigation into the November 2013 deaths of two miners at an underground silver ore operation in Ouray County, Colo. According to MSHA's report, released on Oct. 21, the operator of Revenue Mine improperly detonated deteriorated explosives underground, which created a buildup of carbon monoxide. A miner with just one month of experience and his shift boss succumbed to the effects of the toxic gas. Calling the deaths entirely preventable, Assistant Secretary of Labor for Mine Safety and Health Joseph A. Main said they were "the result of mine management's failure to establish and follow basic safety precautions."

- [Read the News Release](#)
- [View the Accident Investigation Report](#)

Georgia Trash Hauler Failed to Provide Vaccine to Employees

Stafford Transport Inc., a solid waste removal trucking company, has been cited by the Occupational Safety and Health Administration for five safety and health violations following an inspection at the company's Mableton, Ga., facility. Violations included the employer's failure to provide the Hepatitis B vaccine to employees, train workers to operate a forklift, conduct an annual review of the written bloodborne pathogen program, and train employees on new labeling requirements. OSHA initiated the inspection in July as part of the agency's Site-Specific Targeting Program, which directs enforcement resources to workplaces with higher-than-average rates of injuries and illnesses. Proposed penalties total \$43,000.

- [Read the News Release](#)

Former Union Employee Sentenced in Embezzlement Scheme

Amy Atherton, former office manager for Laborers Local 366 in Sheffield, Ala., recently was sentenced to six months in prison and six months of home detention, and was ordered to pay restitution totaling \$174,283 after embezzling funds from the union. In June, Atherton pleaded guilty to one count of providing false statements in the U.S. District Court for the Northern District of Alabama. An investigation conducted by the Office of Labor-Management Standards found that, from June 2006 through April 2011,



educate employers about their responsibilities under federal labor laws, and to inform workers about their rights. In Chicago on Oct. 17, Wage and Hour Division Administrator David Weil met with faith groups and advocates to discuss the changing workplace, worker retaliation and how stakeholders can partner with the agency. "The Wage and Hour Division is about ensuring the basic social contract fundamental to the workplace, which is a fair day's pay for a fair day's work," Weil said. "If you have wage and hour violations, such as requiring off-the-clock hours, this sends a message about the workplace relationship. We need to confront this together along with our state counterparts and local advocates."

- [View Worker Resources](#)

Assistance in Agriculture

The Wage and Hour Division's Tampa District Office hosted free compliance assistance seminars for agricultural employers and farm labor contractors in Arcadia and Sebring, Fla., on Oct. 15 and 16. The seminar topics included housing and transportation arrangements, employee work hours and wage rates and record-keeping requirements, as well as ways to improve vehicle safety when transporting agricultural workers. These seminars are part of the division's multiyear enforcement initiative aimed at promoting compliance with the Migrant and Seasonal Agricultural Worker Protection Act and the H-2A temporary worker program. Approximately 50 people attended the English- and Spanish-language seminars.

- [Read the News Release](#)

Coal Dust Sampling Results

The majority of respirable coal dust samples are in compliance, according to the Mine Safety and Health Administration. Two months after a new rule went into effect, MSHA found that 99 percent of the more than 7,400 valid dust samples taken had met the requirements of the regulation.

"These samples were all generated under the new, more rigid standard that requires them to be taken when mines are operating at 80 percent production or more," said Assistant Secretary of Labor for Mine Safety and Health Joseph A. Main. "And the results clearly show that mine operators are able to comply with the rule. That's good news for the health of all coal miners and our efforts to end black lung disease."

- [Read the News Release](#)

Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment Insurance claims was 283,000 for the week

Atherton embezzled more than \$300,000 in cash receipts from the union. In an attempt to hide her embezzlement, Atherton created two deposit tickets — one maintained in the union records, the other submitted to the bank with her deposits. Atherton pleaded guilty after making false statements in an attempt to clear her name and implicate a witness who had died. Much of the embezzled money had been spent at nearby casinos.

AT&T Dealer to Pay Overtime Back Wages to Employees in 11 States

An AT&T authorized dealer has agreed to pay \$122,254 in back wages to 255 current and former employees following an investigation by the Wage and Hour Division, which found violations of the Fair Labor Standards Act. According to an investigation by the Albuquerque District Office, Prime Communications LP, doing business as AT&T Prime Communications LP, failed to include commissions earned by hourly nonexempt employees into the regular rate of pay for overtime purposes at all affected locations.

- [Read the News Release](#)

Silicon Valley Employer Paid As Little as \$1.21 per Hour

A Silicon Valley-area employer paid as little as \$1.21 per hour in Indian rupees to employees brought in temporarily from India to work at the company's U.S. headquarters. An investigation by the Wage and Hour Division found that Electronics for Imaging, doing business as EFI, failed to pay minimum wage and overtime compensation to several employees, some of whom worked as many as 122 hours per week. Technicians were flown in from the employer's office in Bangalore, India, to assist with the installation of the company's network and server during the company headquarters move from Foster City to Fremont, Calif. EFI has paid \$40,156 in back wages and liquidated damages to eight employees for up to two months of work, and \$3,520 in penalties.

- [Read the News Release](#)

Lawsuit Alleges Retaliation Against Workers Seeking Overtime Pay

The department has sued Carl's Landscape Service Inc. in Arpin, Wis., alleging that the company retaliated against two workers for contacting the Wage and Hour Division with a complaint about unpaid overtime. After the company learned of the worker's contact with the division, one employee was fired and the second was not called back following a seasonal layoff.

"The law prohibits employers from retaliating against any employee who files a complaint or cooperates in a Wage and Hour investigation," said Theresa Walls, district director in Minneapolis.

- [Read the News Release](#)

\$344,000 in Back Wages, Damages for Care Workers

C & H Collins-Hartwell Programs Inc., which operates throughout Southern California, has agreed to pay \$344,000 in overtime back wages and damages to 32 workers. An investigation by the Wage and Hour Division found that the employer failed to pay time and one-half for hours worked beyond 40 in a workweek. The employer also failed to combine hours for employees working in multiple locations, and when these hours exceeded 40 in a workweek, overtime was due and not paid. "Failure to follow federal labor laws is not only detrimental to employees and competitors, but can be costly for the employer," said Danny Pasquil, the division's district director in West Covina, Calif. Headquartered in Paramount, the employer operates day and residential programs for children, adults and seniors with disabilities in Los Angeles, Compton, Downey and Inglewood.

- [Read the News Release](#)

Wage Violations Found at American Samoa Restaurant

ending Oct. 18, an increase of 17,000 from the previous week's revised level. The four-week moving average was 281,000, down 3,000 from the previous week's revised average.

• [Read the News Release](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

OASAM — Vendor Outreach Session

• [October 22 — Washington, DC](#)

OFCCP — What to expect during an OFCCP Audit

• [November 6 — Houston, TX](#)

OFCCP — Employment 411: Conference for Business and Community Based Organizations

• [October 24 — Columbus, OH](#)

OFCCP — Federal Advisory Council on Occupational Safety and Health Meeting

• [November 6 — Washington, DC](#)

OSHA — Stakeholder Meeting on Improving OSHA's Nationally Recognized Testing Laboratory Program

• [October 22 — Washington, DC](#)

OWCP — Town Hall Meeting to assist nuclear weapons workers

• [October 21 — Paducah, KY](#)

• [October 22 — Paducah, KY](#)

• [October 22 — Paducah, KY](#)

OWCP — Traveling Resource Center to assist nuclear weapons workers

• [November 3 — Los Alamos, NM](#)

• [November 10 — Los Alamos, NM](#)

• [November 13 — Los Alamos, NM](#)

• [November 17 — Los Alamos, NM](#)

• [November 20 — Los Alamos, NM](#)

• [November 24 — Los Alamos, NM](#)

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American Samoa-based Toa Communications Inc., doing business as Toa Bar and Grill, a full-service restaurant, has agreed to pay \$50,819 in back wages to 58 employees. An investigation by the Wage and Hour Division covering a two-year period found that the employer failed to pay employees an overtime premium for hours worked beyond 40 in a workweek. In addition, Toa Bar and Grill unlawfully paid a base wage rate of \$4.20 per hour, which is below the \$4.60 rate required in the American Samoa retail sector.

Phoenix Diner Willfully Violated Labor Laws

5 & Diner, a 1950's-style restaurant in Phoenix, has agreed to pay \$13,100 in back wages due to five employees for overtime violations found during an investigation. The employer also agreed to pay \$1,496 in civil penalties because of the willful nature of the violations found. The employer paid two cooks straight-time for all hours worked without regard to overtime compensation. Three servers were paid an insufficient overtime rate calculated on the tip credit rate and not the applicable Arizona minimum wage. None of the affected employees was paid the required time and one-half for hours worked beyond 40 in a workweek.

Florida Company Cited After Painter Shocked by Power Lines

A 30-year-old painter was hospitalized after he received second and third degree burns when his ladder came into contact with overhead power lines. As a result, the Occupational Safety and Health Administration cited ShayCore Enterprises with five safety and health violations. A willful citation was issued for allowing employees to use aluminum ladders near power lines. Other violations included exposing workers to falls up to 27 feet and for not providing employees with a fall protection system. ShayCore Enterprises was subcontracted to paint the exterior of a furniture store and warehouse in Jacksonville, Fla. Proposed penalties total \$63,700.

• [Read the News Release](#)

Citations Involving Bloodborne Pathogen Exposure Upheld

Drivers and loading dock workers at UniFirst Corp. were exposed to hazards that involved bloodborne pathogens and lead at the company's West Caldwell, N.J., facility, according to an administrative law judge at the independent Occupational Safety and Health Review Commission. On Sept. 30, the judge issued a ruling that affirmed all citations and penalties against the company from a 2011 inspection by the Occupational Safety and Health Administration. OSHA cited the company for violations of its Bloodborne Pathogens Standard, including failure to conduct proper training and provide workers with hepatitis B vaccinations.

• [Read the News Release](#)

Wisconsin Paint Manufacturer Failed to Manage Hazardous Chemicals

Quest Specialty Coatings has been issued eight safety violations by the Occupational Safety and Health Administration. OSHA initiated an inspection on May 1, 2013, after receiving a complaint alleging three separate fires at the Menomonee Falls, Wis., aerosol paint and coatings manufacturer. Many of the violations involved OSHA's Process Safety Management Standards, which contain specific requirements for managing highly hazardous chemicals in work processes. Proposed penalties total \$132,800.

• [Read the News Release](#)

Jury Finds California Restaurant Retaliated Against Workers

A federal jury in the U.S. District Court of Northern California returned a verdict against Seafood Peddler of San Rafael Inc., and its owner, Alphonse Silvestri, that found the Marin County seafood restaurant owner retaliated against kitchen workers who had cooperated with a department investigation Judge William H. Orrick issued an injunction prohibiting Silvestri

accommodation. ow.ly/DfKAq #Disability #OFCCP

Expand



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from retaliating against his workforce, and ordered the restaurant to pay its kitchen staff more than \$185,000 in back wages and liquidated damages for overtime violations of the Fair Labor Standards Act. The judge also ordered Silvestri and his restaurant to improve record-keeping practices. "Though all too common in the restaurant industry, Silvestri's intimidation and retaliation against employees who were simply trying to receive their hard-earned wages is unconscionable," said regional solicitor Janet Herold. "The jury got this verdict right. We will continue to go after employers that bully and intimidate workers for reporting violations of federal labor laws."

- [Read the News Release](#)

Texas Oil Driller Failed to Maintain Emergency Escape Line

Ensign United States Drilling (S.W.) Inc. was cited with two repeat safety violations by the Occupational Safety and Health Administration for exposing workers to possible hazards during oil well explosions. The repeat violations were cited for obstruction of and damage to the emergency escape zip line, also known as the Geronimo Line, which was blocked by a rack of pipes and contained four knots that could stop workers' full slide to safety during a fire or explosion. Proposed penalties total \$65,000.

- [Read the News Release](#)

Illinois Trucking Company Repeatedly Violated Safety Standards

Central Transport LLC has been cited for 16 safety and health violations at its trucking terminal in Hillside, Ill. During an Occupational Safety and Health Administration inspection, OSHA found repeat and willful violations that involved defective powered industrial vehicles and lack of fall protection. Proposed penalties total \$145,420.

- [Read the News Release](#)

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