



DOL News Brief

February 5, 2015

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BY THE NUMBERS

10%
The
INCREASE
In DOL's
discretionary
budget request
for FY 2016 above the
FY 2015 enacted budget

The BEST of our blog

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

- [Women in Statistics](#): Beyond the Headline: We both strongly believe that guiding more women into careers in science and math is essential. It's good for women and their families because there are so many new, exciting and rewarding opportunities in this field, writes Erica Groshen, the commissioner of the Bureau of Labor Statistics, and Heidi Shierholz, the department's chief economist.
- [Defending Miners' Rights](#): A record year: In 2014, we filed 49 complaints with the Federal Mine Safety and Health Review Commission alleging discrimination against miners — that's an all-time high, writes Joseph Main, assistant secretary of labor for mine safety and health.
- [Making 28 Million Lives a Little Bit Better](#): Sandra Amaya is a single mother of two teenagers. She has a full-time job as a maid at a hotel where she cleans 25 rooms per day for \$8 an hour. She wants her kids to have a better life, but on her current wages, it's very hard.

Disability Employment Summit



Nearly one out of five people — 56.7 million Americans — live with disabilities today. Nearly 70 percent of them are on the economic sidelines, left out of the workforce. To better use this valuable talent pool, the White House hosted a Summit on

What's New

In Tucson and Salt Lake City, Expanding Opportunity for All

In his recent State of the Union address, President Obama talked about the progress the United States has made since the last recession. He shared his plan for helping more people secure good jobs and climb the ladder of success. On Jan. 29 and 30, U.S. Secretary of Labor Thomas E. Perez traveled to



Tucson, Ariz., and Salt Lake City, Utah, to echo the president's message and visit programs that are providing people with pathways to opportunity. Before dawn in Tucson, Perez joined staff from the Department of Veterans Affairs and Mayor Jonathan Rothschild to conduct the Point-in-Time survey to bring attention to veterans' homelessness. Since the president's call for action in 2010, homelessness among veterans is down 33 percent. Perez then dropped by the #GetCoveredAZ healthcare enrollment fair at Pima Community College, where Department of Health and Human Services staff met with



students and community members to enroll them in a healthcare plan. The next day, Perez traveled to Salt Lake City to discuss with business leaders how partnerships can lead to continued economic growth. Perez then toured Palmer Court, a permanent supportive housing facility that serves as a model for

ending chronic homelessness. Wrapping up his visit, Perez met with members of the Utah Commission on Women and the Economy for a productive conversation on the importance of creating policies that support working families. Compared to our international counterparts, he noted, we're falling behind by not serving our nation's families. Before Leaving Utah, Secretary Perez stopped in to meet with OSHA's Salt Lake Technical Center staff to remind them of the important work they do to ensure you stay safe on the job.

- [Read the Blog Post](#)

The Faces of Health Care

Fifty-eight-year-old Victor Saldivar is a Utah native. For 31 years, he has owned and operated Kaos Hair Studios, a small business in Salt Lake City. A self-employed professional, Saldivar found health insurance



Disability and Employment on Feb. 3, with Secretary Perez as the keynote speaker. "A great nation," Perez said, "doesn't write people off or kick them to the curb; it embraces them. It taps their potential and invests in their future."

Attendees received a new resource guide for employers. The toolkit, with information and guidance from agencies across the federal government, provides businesses and stakeholders with best practices for recruiting, hiring, retaining and promoting individuals with disabilities. Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez also participated in the summit.

- [View the Employer Resource Guide](#)
- [Learn About Disability Employment](#)

too expensive in the past. That changed when the Affordable Care Act marketplace opened in Utah. Saldivar remembered his excitement in 2014 after he contacted the healthcare.gov call-center to enroll in a health plan and found one that — with the tax subsidy — cost him \$55 per month with a \$500 deductible that became effective last June. Several months ago, Saldivar was diagnosed with kidney cancer, and recently he underwent surgery to remove the cancerous tumor. "Without the Affordable Care Act, I'd have been dead within a year," he told Secretary Perez during a sit-down chat in Salt Lake City. Thanks to the ACA, Saldivar says that he's not worried that medical bills will bankrupt him. "The doctor removed the cancer and I got my life back." The open enrollment deadline for 2015 is near. Enroll by Feb. 15 for coverage beginning on March 1.

- [Read the Blog Post](#)

Skills Working Group Launched

With an eye to urging agencies to pool expertise and coordinate programs, Secretary Perez convened the inaugural meeting of the Skills Working Group on Feb. 4 with cabinet members and senior leaders from 14 federal agencies and the White House. The working group is an outgrowth of the Job-Driven Training initiative overseen by Vice President Biden and will focus on coordinated implementation of high priority interagency efforts, including apprenticeship and upskilling, both of which were highlighted in President Obama's State of the Union address in January. During the meeting, cabinet members discussed a range of issues, including increasing partnerships around jobs data, improving employment opportunities for veterans, and expanding job-driven training initiatives in the energy, transportation and technology sectors.

Military Transition Services

The Transition Assistance Program offers a 3-day workshop hosted by the department that has helped numerous veterans prepare for fulfilling careers after they leave the armed services. On Jan. 29, Deputy Secretary of Labor Christopher P. Lu visited a TAP program at Ft. Belvoir, Va., to see firsthand how these services are helping service members transition to civilian life. "One of the most important things we do at the Department of Labor is provide employment and training services to veterans," said Lu. Programs like TAP help veterans understand how military skills can be effectively translated to civilian careers. "Whether it is technical skills, whether it is leadership skills or managing large, complex organizations — the experience these people have gained through their military experience is invaluable in the civilian world."

- [Learn About TAP](#)

National News

In the Budget, Robust Support for Working Families

The president's Fiscal Year 2016 budget request bolsters middle-class economics, builds a system that rewards hard work, generates rising incomes, and allows everyone to share in the prosperity of a growing America. Announced on Feb. 2, the budget provides \$13.2 billion in discretionary funding for the department. Overall, that represents a 10 percent increase from the Fiscal Year 2015 budget. "This department's budget expands our investments on behalf of working families; it reinforces our commitment to job training and apprenticeship, fair and equal pay, paid leave, safe workplaces and secure retirements," Secretary Perez said.

- [Read the News Release](#)
- [Read the Blog Post](#)
- [View the Budget](#)

Ashley Furniture Faces \$1.76 Million in Fines

In a three-and-a-half year period, the 4,500 employees at Ashley Furniture Industries Inc., in Arcadia, Wis., experienced more than 1,000 work-related injuries. In a July 2014 investigation, the Occupational Safety and Health Administration identified 12 willful, 12 repeat and 14 serious safety violations at the manufacturing facility, carrying a total of \$1.76 million in penalties. The company has been placed in the Severe Violator Enforcement Program for failure to address these safety hazards. "Ashley Furniture has created a culture that values production and profit over worker safety, and employees are paying the price," said Secretary Perez. "Safety and profits are not an 'either/or' proposition. Successful companies across this nation have both." Forbes lists Ashley Furniture Industries, a furniture manufacturer with worldwide distribution, as the 117th largest private company in America. The company employs about 20,000 workers at 30 locations nationally.

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

Jail-Based Job Centers Will Help Break the Cycle of Incarceration

Strong employment prospects are critical in keeping previously incarcerated

Meet the DOL Leadership Team



Leonard J. Howie III was sworn in as director of the Office of Workers' Compensation Programs on Feb. 2. Howie has served in federal and state

government for more than a decade, most recently as secretary of Licensing and Regulation for the Maryland Department of Labor, where he oversaw 1,900 employees and a budget of \$360 million. He also held positions as deputy secretary of the Maryland Department of Human Resources and as a civil rights enforcement attorney with the Department of Education. Howie earned a JD and MBA from Georgetown University and a BA in Economics from the University of Cincinnati.

Mine Fatality Reduction Effort

Responding to a steady upswing in metal and nonmetal mining fatalities, Assistant Secretary of Labor for Mine Safety and Health Joseph Main conducted a conference call with industry stakeholders on Feb. 2. Main announced that federal inspectors and training specialists will conduct "walk and talk" visits at metal and nonmetal mines across the country in an effort to ensure that safety standards are met and increase awareness about the 37 mining deaths that have occurred over the past 16 months. "This increase in mining deaths is unacceptable for our industry," said Main.

- [Learn More About Outreach Efforts](#)

Preventing Working Deaths

Working together with the Occupational Safety and Health Administration, the oil and gas industry has reduced its fatal injury rate — but the rate is still too high. And as gas prices fall, focus on safety is more important than ever. That was the message Assistant Secretary of Labor for Occupational Safety and Health David Michaels delivered in Houston on Feb. 4. Speaking to the International Association of Drilling Contractors, Michaels emphasized the importance of preventive action. "Every one of these tragedies is preventable."

- [Read About Oil and Gas Safety](#)

Agricultural Outreach

In fiscal year 2014, the Wage and Hour Division investigations in the agriculture industry yielded violations 80 percent of the time and collected more than \$4.5 million in back wages for workers. Enforcement alone, though, is not enough to improve labor law compliance and conditions for



people from returning to prison. To help transitioning inmates get the resources and support structure they need to succeed, the department is launching a \$5 million pilot program to place American Job Centers in 10 correction facilities around the country. The prison-based job centers will ensure that inmates nearing release get a head start in preparing for the job market. Once released, former inmates will be directly connected to one of the 2,500 American Job Centers nationwide to receive continued support and assistance. "These grants will give soon-to-be released inmates a real shot at success, keep our communities safe and go a long way toward breaking the cycle of incarceration that has plagued so many families around the country," said Secretary Perez.

- [Read the News Release](#)

DOL Working for You

Job Corps Student Making Waves in Pacific Northwest

Shameqwa McDowell has made quite a name for herself at the Tongue Point Job Corps Center in Astoria, Ore. The 23-year old native of Norfolk, Va., earned her maritime training aboard a retired Coast Guard cutter on the chilly, choppy waters off Oregon's coast, just south of an infamous area known as the "graveyard of the Pacific." McDowell is one of only 35 African American females to earn a certificate for Qualified Member of the Engineering Department, a distinction that makes her an unlicensed junior engineer



qualified to work on engines, steering and other mechanical operations at sea. "Tongue Point has made me the person I never thought I'd become," says McDowell. Tongue Point is the only Job Corps center in the country that boasts a "floating classroom." There, many of her female classmates gave up or decided a life at sea wasn't for them. Not McDowell, she hunkered down, studying every day and learning the ins and outs of the machinery aboard the Ironwood, a World War II-era buoy tender. When she graduates from Tongue Point this spring, McDowell hopes to work in an engine room for the military sealift command or find a similar job in Louisiana where the weather is a little milder than the Pacific Northwest.

DOL in Action

Multiple Hazards Found at Georgia Auto Parts Manufacturer

A Georgia-based automotive parts supplier failed to protect employees from workplace injuries, an Occupational Safety and Health Administration inspection found. The agency visited PAI Industries Inc.'s manufacturing facility in Suwanee last October as part of its Regional Emphasis Program for Safety Hazards in the Auto Parts Industry. OSHA issued 14 serious citations to the employer for failing to ensure machinery could not accidentally start up during maintenance and servicing; not requiring eye protection for workers changing propane tanks on forklifts; exposing workers to trip and fall hazards; and not providing a workplace free from recognized hazards. Proposed penalties total \$55,800.

- [Read the News Brief](#)

Las Vegas Telemarketer Ordered to Pay Back Wages, Damages

The U.S. District Court in Nevada has ordered a Las Vegas-based telemarketing company to pay \$280,000 in minimum wage and overtime back wages and an equal amount in liquidated damages to 398 employees

workers — direct outreach to industry employers is needed. Wage and Hour Division Administrator David Weil did just that when he met with the National Council of Agricultural Employers at its annual meeting in Washington, D.C., on Feb 4. Weil told the gathering of growers, contractors, attorneys and others that, by collaborating to address common labor violations, a fair and level playing field is possible. "Working together, through a combination of education and enforcement, we can affect change to benefit everyone in this industry — from the workers in the fields to the growers and contractors who employ them," he said.

• [Read About Compliance Outreach](#)

Braille Award Honoree

At an awards ceremony in Philadelphia on Jan. 30, Associated Services for the Blind and Visually Impaired presented a prestigious Louis Braille Award to Assistant Secretary of Labor for Disability Employment Policy, Kathy Martinez.



Sponsored since 1959 by ASB, the Braille Awards honor individuals and organizations for significant contributions on behalf of blind or visually impaired individuals. In recognizing Martinez, ASB lauded her years of service on behalf of people with disabilities.

Logger Protection Alliance



The Occupational Safety and Health Administration signed a two-year alliance on Jan. 23 with the Louisiana Forestry Association and its

logging contractors, the Louisiana Logging Council. The alliance of some 200 logging employers will provide safety and health programs to protect Louisiana logging workers from industry hazards such as amputation, sprains and cuts through training and outreach programs. "When we first started working with the logging industry in the late 1990s, we were seeing more logging fatalities — Louisiana was averaging one every two months. Compare that to last year, when we saw one for the entire year," said Dorinda Folse, OSHA's area director in Baton Rouge. "Transitioning to a formal alliance will let us build on the work already being done to reduce deaths, and to work as a group to provide training that helps to keep these loggers safe."

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Focus on Wages in Recycling

The Wage and Hour Division in Los Angeles

for violations of the Fair Labor Standards Act. The consent judgment resolves a lawsuit the department filed against Intelliconnect Communications LLC, owners Brenda Portela and Stephanie Meehan, and S&M Management Services Inc., a successor employer. A Wage and Hour Division investigation learned that, from January 2010 through December 2012, Intelliconnect classified its telemarketers as independent contractors, denying them minimum wage and overtime wages. Investigators found the employer also paid the telemarketers based on a percentage of individual sales — forcing many of them to work weeks for little or no pay.

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Hawaii Steak Restaurant to Return \$150,000 in Tips, Back Wages

Hawaii's Buzz's Original Steak House will return \$150,000 in tips and other back wages to 109 employees at its Kailua and Pearl City restaurants after the Wage and Hour Division found the eateries violated the wage provisions of the Fair Labor Standards Act. During a two-year period, an investigation determined cash wages of tipped employees were reduced below the minimum wage of \$7.25 per hour, and servers were unlawfully required to pay a portion of their tips to managers.

Ohio Plant Worker's Death Preventable

A 49-year-old machine operator was fatally crushed last August as he reached into an extrusion press to remove unprocessed aluminum parts because his employer, BRT Extrusions Inc., failed to ensure the machine's power was fully off during maintenance. An Occupational Safety and Health Administration investigation identified six serious safety violations for exposing workers to dangerous machinery and other hazards at the Niles, Ohio-based facility. "This death was preventable, BRT Extrusion should have properly trained their workers on lockout/tagout and ensured the extrusion press had adequate guarding," said Brigitte Frank, OSHA's acting area director in Cleveland.

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Illinois Contractor Made Conscious Decision Not to Protect Its Workers

The Occupational Safety and Health Administration determined employees of Chicago-based, Era Valdivia Contractors Inc. were exposed to dangerous lead hazards while they sandblasted the steel structure of a bridge in Blue Island, Ill. A July 2014 inspection found the company failed to provide its workers with personal protective equipment. OSHA cited Era Valdivia for four willful, one serious and two repeated safety violations, carrying proposed penalties of \$287,440. "The company made a conscious decision not to protect its workers," said Kathy Webb, OSHA's area director in Calumet City. Era Valdivia has been cited 13 previous times for violating the lead construction standards.

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Pattern of Injuries Persists at Ohio Manufacturing Facility

Mere months after two employees were injured by dangerous machines, the Occupational Safety and Health Administration found Burrows Paper Corp. again put workers at risk as they unjammed and serviced machines without proper safeguards at its Franklin, Ohio, food box manufacturing facility. OSHA has proposed fines of \$122,500 for two repeated and two serious violations after the Aug. 25, 2014, inspection. "How long will it take before Burrows Paper begins to value the safety and health of its employees? Injuries caused by these machines often end in disfigurement, disability or death, yet this company continuously fails to fix those problems," said Bill Wilkerson, OSHA's area director in Cincinnati. This is the fourth time in the past year that Burrows has been cited for hazards.

• [Read the News Release](#)

recently launched an initiative to combat wage violations in the recycling industry. In Los Angeles County alone, nearly 5,000 low-wage workers are employed by the industry. The division partnered with the state of California's Department of Resources Recycling and Recovery, also called "Cal-Recycle," to investigate recycling centers in Los Angeles' San Fernando Valley. To enhance joint enforcement and combat issues such as wage theft, fraud and cash pay, the state offered training for division investigators. The initiative is part of a multi-year strategic approach to compliance to make lasting changes in the industry.



Inclusion in Transit

Fair and equitable transportation projects were the hot topics at the Civil Rights Symposium hosted by the Department of Transportation on Feb. 3. The featured speakers included Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez, who discussed the critical role transportation plays in the employment of people with disabilities, and her collaborative experiences working on civil rights' transportation issues. "Getting the best job, or being in the best employment program, means little if there is no reliable means of getting to work," said Martinez. The three-day, online symposium drew more than 1,000 representatives from federal and state transportation agencies, as well as transportation providers and metropolitan planning organizations.

Janitorial Industry Initiative

More than three-quarters of janitorial service companies investigated nationally by the Wage and Hour Division in the past two fiscal years did not pay low-wage workers fairly and legally for their labor. Of the division's 1,221 janitorial industry investigations, 76 percent resulted in violations and led to the recovery of \$7.9 million in unpaid wages for nearly 10,000 workers. To combat the problem in Washington State, the division's Seattle District Office is undertaking a robust, multi-year enforcement and outreach initiative to educate the industry and identify employers who violate laws governing minimum wage or overtime pay, or fail to pay laborers for all hours worked. In addition to targeted enforcement, the initiative includes significant outreach and employer engagement with key industry, government and community stakeholders to increase awareness about labor law compliance obligations. "The janitorial industry has become one of the most fissured in the nation. Contracts for janitorial services that were once given to a single firm that directly employed workers now have layers of subcontractors," said Ruben Rosalez, the division's regional administrator in San Francisco.

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Storm Sewer Installer Put at Risk of Trench Cave In

An employee installing a storm sewer system in a 10-foot trench in Harrisburg, S.D., faced a dangerous cave-in risk because his employer, H&W Contracting, failed to provide proper protection. An inspection of the job site under the National Emphasis Program on Trenching by the Occupational Safety and Health Administration produced two willful and two serious safety violations with proposed penalties of \$47,740. "Unprotected trenches can become gravesites in seconds. Violations of OSHA's trench protection standards remain a pervasive condition in this industry and it needs to stop," said Eric Brooks, OSHA's area director in Bismarck.

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Drywall Contractor Pays Overtime Back Wages, Damages

Abayla Contracting Services, a drywall construction contractor in Livermore, Calif., agreed to pay \$108,900 in back wages and liquidated damages to 42 workers for violating provisions of the Fair Labor Standards Act. Wage and Hour Division investigators found employees were not paid an overtime premium when they exceeded 40 hours in a work week. The company also was assessed \$3,646.50 in penalties for willfully violating the FLSA and required to sign an enhanced compliance agreement. "Non-management construction workers, who perform work involving physically demanding, repetitive operations with their hands, are entitled to time and a half their regular rate of pay for all hours worked over 40 in a work week," said Susana Blanco, the division's district director in San Francisco.

Texas Workers Face Cancer Risk

Exposure to hexavalent chromium, a known carcinogen that can cause serious long-term health issues to workers, including lung cancer and kidney failure, shouldn't have been a surprise to the Lane Plating Works Inc. owner. Air-monitoring tests revealed that workers were being overexposed to the dangerous toxin, but he failed to correct the hazard, an investigation by the Occupational Safety and Health Administration found. Chromium dust was discovered on work surfaces and clothing of employees, who then exposed others to the substance at home and elsewhere. The Dallas-based chrome plating shop was cited for two willful violations for failing to use controls to reduce employee exposure to hexavalent chromium and monitor the chemical periodically. The employer also was cited for 19 serious violations. Proposed penalty totals \$110,200.

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Off-the-Clock Charting Nets Nurses \$114,690 in Back Wages, Damages

Nurses at a skilled nursing facility in Mountain View, Calif., failed to receive compensation for time spent updating patient's charts after their shifts ended. The Wage and Hour Division determined time spent on the charts was not recorded on the time sheets by the nurses' employer, Mountain View Health Healthcare Center. Informed of its violations of the Fair Labor Standards Act's overtime and record-keeping provisions, the employer agreed to return back wages and liquidated damages of \$114,690 to all 35 employees. "Unfortunately, we have found it is all too common for skilled nursing facilities and other businesses to create workloads for nurses so high that they are forced to finish their charting off the clock. This is unacceptable. It is the responsibility of the owners to ensure that off-the-clock work is not happening," said Susana Blanco, the division's district director in San Francisco.

Laid-Off Wisconsin Workers to Get Additional Aid

The Wisconsin Department of Workforce Development will receive \$659,640 from the department to continue employment and training services for workers impacted by layoffs at Milwaukee area businesses in 2013 and 2014. Twelve area businesses announced layoffs that began in May 2013

Weekly UI Claims

Seasonally adjusted initial Unemployment Insurance claims rose to 278,000 for the week ended Jan. 31, the department reported. The advance figure was up 11,000 from the previous week's revised level. The four-week moving average was 292,750, down 6,500 from the previous week's revised average.

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Upcoming Deadlines & Events

[Open Funding Opportunities](#)

EBSA — Choose a Retirement Solution for Your Small Business Today Webcast

- [February 26 — Washington, DC](#)

EBSA — Getting It Right: Know Your Fiduciary Responsibilities Seminar

- [March 5 — Philadelphia, PA](#)

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [February 10 — Austin, TX](#)
- [February 11 — Austin, TX](#)

EBSA — Savings Fitness Workshop

- [February 26 — Boston, MA](#)

OFCCP — Affirmative Action Program Development for Small or First-Time Supply and Service Contractors

- [February 18 — Baltimore, MD](#)
- [March 18 — Baltimore, MD](#)

OFCCP — Audit Through the Eyes of an Investigator

- [February 24 — Chicago, IL](#)

OFCCP — Complaint Procedures

- [March 18 — Orange, CA](#)

OFCCP — Complying with the Section 503 and VEVRAA Regulations

- [March 11 — Baltimore, MD](#)

OFCCP — Construction 16 EEO & Affirmative Action Specification

- [February 18 — Columbia, SC](#)
- [March 18 — Columbia, SC](#)
- [April 15 — Columbia, SC](#)

OFCCP — Good Faith Efforts, Exceptional Results

- [February 17 — Chicago, IL](#)

OFCCP — New Regulations Implementing the Section 503 of the

and continued through April 2014. Approximately 310 workers will be eligible for continued assistance, including job training, resume and interview preparation, and job search assistance. This award brings the total amount for these workers to \$1,510,320.

- [Read the News Release](#)

Auto Parts Supplier, Temp Agency Face \$158,000 in Fines
SCA Inc., an auto supplier, and Liberty Staffing LLC were cited for exposing permanent and temporary employees to electrocution and amputation hazards while working at the SCA facility in Auburn, Ala. Occupational Safety and Health Administration inspectors cited the companies for 21 safety violations after an inspection last October as part of the agency's Regional Emphasis Program for Safety Hazards in the Auto Parts Industry. Four repeat citations issued to SCA included not having standard railings installed on open-sided floors or platforms and exposing workers to shock from live electrical parts. Liberty Staffing was cited for the same two violations. Proposed penalties for the two companies total \$158,020.

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New York Roofing Contractor Gambled with Workers' Safety

A Brooklyn-based roofing contractor, AMB Construction Inc., exposed workers to the threat of deadly falls as they replaced the 20,000-square-foot roof of Westchester County's Bedford Hills Elementary School. An Occupational Safety and Health Administration inspection found workers at risk of falling 16 to 25 feet, some performing their jobs with no fall protection and other workers using ineffective protective equipment. As a result, OSHA cited the roofing contractor for 14 violations of workplace safety standards with proposed fines of \$113,300. "The sizeable fines proposed here reflect this employer's prior history and clear knowledge of their existence coupled with the gravity of these hazards. This culture or reckless risks must stop," said Diana Cortez, OSHA's area director in Tarrytown, N.Y.

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Oregon Businessman Ordered to Pay Workers \$512,000

A federal court has ordered prominent local developer David Emami and three of his affiliated companies to pay 33 Portland-area employees \$512,290 in unpaid wages and liquidated damages. The U.S. District Court for the District of Oregon echoed the department's finding that Emami and companies Oak Grove Cinemas Inc., Barrington Management LLC and Barrington Venture LLC willfully violated the overtime and record-keeping provisions of the Fair Labor Standards Act. The court also held that Emami violated the anti-retaliation protections of the FLSA by threatening employees who cooperated with the investigation. "Those who flagrantly disregard basic wage obligations and then try to cover up those actions should think twice before threatening workers when they simply exercise their right to be paid fairly, as the law requires," said Janet Herold, the department's regional solicitor in San Francisco. "This judgment makes clear that we will not allow employers to violate the law and then try to bully their way out of trouble."

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Contaminated Laundry Imperils Medical Center Employees

New York Presbyterian-Columbia University Medical Center exposed its employees to blood and body fluids when it began using laundry bags that broke and spewed contaminated clothing, sheets, towels and other soiled laundry on floors. Occupational Safety and Health Administration investigators found workers were exposed again when they had to repack the contaminated laundry in new bags. As a result, OSHA cited the medical center for numerous violations of the agency's standard to protect workers against bloodborne pathogens and for insufficient protections against tuberculosis. New York Presbyterian-Columbia University Medical Center faces \$201,000 in fines. "Management knew that these bags were deficient

Rehabilitation Act

- [March 19 — Richmond, VA](#)

OFCCP — New Regulations Implementing the Vietnam Era Veterans Readjustment Assistance Act

- [April 16 — Orange, CA](#)

OFCCP — New Scheduling Letter

- [April 16 — Orange, CA](#)

OFCCP — New Section 503 of the Rehabilitation Act & VEVRAA Regulations

- [March 5 — Pittsburgh, PA](#)

OLMS — Compliance Assistance Seminar

- [March 5 — Dallas, TX](#)

OSHA — White House Initiative on Asian Americans and Pacific Islanders Interagency Working Group Webinar

- [February 19 — Richmond, VA](#)

OWCP — Town Hall Meetings to assist nuclear weapons workers

- [February 25 — Carlsbad, NM](#)

WHD — Presentation on Labor Standards to Mexican Nationals

- [February 24 — Springdale, AR](#)

yet continued using them, even though they posed a potential health hazard for employees. This must change," said Kay Gee, OSHA's area director in Manhattan.

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Aircraft Workers Exposed to Hazardous Chemicals

As the result of a complaint filed last August, the Occupational Safety and Health Administration launched an inspection at the Northrup Grumman Corp. aircraft facility in Lake Charles, La. Inspectors determined that workers painting and conducting paint removal from aircraft parts were exposed to methylene chloride and hexavalent chromium and cited the company for eight serious health violations. These violations were issued for failure to provide engineering controls to keep worker exposure below the permissible exposure levels for these chemicals and adequate respiratory protection and equipment for painters. Proposed penalties total \$42,000.

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Ohio Company Fined \$85,000 in Electrical Equipment Mishap

A 24-year-old temporary maintenance employee at International Paper Co. in Madison, Ohio, suffered electrical burns that hospitalized him and left him unable to work for more than four months after an accident last September. Occupational Safety and Health Administration investigators found the paperboard mill lacked procedures for preventing workers from contacting operating and energized machinery parts, which resulted in three repeated and two serious safety violations. Proposed penalties total \$85,000.

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Explosive Dust at Animal Feed Facility Threatens Workers

Left uncontrolled or suspended in the air, grain dust can become dangerously explosive. This was one of many safety hazards discovered after an inspection at the Thomas Moore Feed facility in Navasota, Texas. A complaint last September led the Occupational Safety and Health Administration to find 18 violations, citing the feed producer for not protecting workers from a potential dust explosion; allowing openings in the dust collection exhaust path of the hammer mill; failing to keep dust accumulations below 1/8 inch in a priority area; not maintaining a functioning monitoring device on the dust collector or making repairs to the dust collector; and not having an adequate dust emission source. Proposed penalties total \$58,100.

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Lack of Protections Led to Worker's Death at Texas Bolt Maker

A 31-year-old man became the second fatality victim in one year at a custom steel manufacturer in Houston, when a cutting-table explosion hurled the employee and a steel plate into the air last August. The plate landed on the fallen worker, prompting the Occupational Safety and Health Administration to cite Madden Bolt Corp for 10 serious violations. These included failure to ensure that the air and gas concentration around the cutting table did not accumulate to create an explosion; protect fuel cylinders from damage; place safety guards on band saws and a pipe press that exposed workers to being caught in the machinery; cover live electrical parts on equipment; and outline proper procedures to shut down equipment while performing maintenance.

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Judgment Restores Missing Premiums to Health Plan Participants

SR Plastics Inc., Gary Anderson and Daniel Fetsch have been ordered to restore more than \$28,000 to participants of the company's health plan due to a consent judgment obtained by the Employee Benefits Security Administration. The complaint states the fully insured health care plan

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How this business brought their employee turnover rate to (nearly) zero: 1.usa.gov/1yNO6bu #LeadOnLeave

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provided health, dental and vision benefits to the employees of the company. Premium payments were being funded by both employee and employer contributions and the defendants continued to withhold employee contributions even after the policy was terminated. The judgment permanently bars the defendants from acting as fiduciaries, or representatives to any employee benefit plan, as defined by the Employee Retirement Income Security Act of 1974.

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