



DOL News Brief

February 10, 2011

Subscribe | Send Feedback | PDF Version

SHARE [social media icons]



The "Build" Tour



The ability of U.S. workers to out-innovate and out-build was on display earlier this week as Secretary Solis toured state-of-the-art workplaces in

Michigan and Ohio. On Monday, in Detroit, Solis explored a joint training program between the Laborers' Union and Job Corps, where young people are being trained in emerging green jobs like weatherization. Then, along with United Auto Workers' President Bob King, she visited the Detroit Hamtramck Assembly Plant, where the "2011 Car of the Year," the Chevy Volt, is being assembled.

Detroit's heavy oil upgrade project was next on the agenda, where Solis saw how Fluour Constructors and Marathon Oil are partners in workplace



safety. The following day provided an opportunity to watch the intricate work of making the Jeep Wrangler at the Jeep Supplier Park in Toledo before heading over to the Willard & Kelsey Solar Group to see their assembly of new solar panels. "American ingenuity, American creativity, and American know-how are back," said Solis. "These workers are proof."

- [View the Detroit Slideshow](#)
- [View the Ohio Slideshow](#)

Borzi Top Benefits Professional

Phyllis Borzi is the most influential person in the defined contribution field in 2011. She was ranked number one among 100 distinguished nominees in the employee benefit profession by 401(k) Wire. Borzi has a broad base of experience in employee benefits from her career with



What's Hot

Live Web Chat on FY 2012 Budget Request

Secretary Solis and assistant secretaries from Labor Department agencies will host a live Web chat to discuss the department's fiscal year 2012 budget request on February 14, beginning at 1:30 p.m. EST. A transcript of the chat will be posted on the department's website as soon as the chat has ended. Other budget documents, as well as a video recorded by the Secretary, will also be available on the website.

- [Join the Web Chat](#)

Grant Competitions to Assist both Youth and Adult Ex-Offenders

Young offenders often struggle to re-enter the communities in which they have committed their crimes. A new department initiative will help young ex-offenders redeem themselves within their communities and prepare for jobs. Approximately \$20 million is available for programs through the Civic Justice Corps grant program. Individual participants will take part in community service projects as well as vocational training and other career preparation activities.

The department has also announced the availability of funds through the fourth round of Reintegration of Ex-Offenders grants. Nearly \$12 million is available to non-profit faith-based and community organizations that are located in or have existing staff presence in high-poverty, high-crime areas. Grants will be used to provide employment-centered programs that help ex-offenders find jobs, and which reduce recidivism.

- [Read the Civic Justice Corps News Release](#)
- [Read the Reintegration of Ex-Offenders News Release](#)

Take Three

Secretary Solis answers three questions about how the Bureau of Labor Statistics calculates unemployment rates.

How does BLS determine the unemployment rate and the number of jobs that were added each month?

BLS uses two different surveys to get these numbers. The "household survey," or [Current Population Survey \(CPS\)](#), involves asking people, from about 60,000 households, a series of questions to assess each person in the household's activities including work and searching for work. Their responses give us the unemployment rate. The "establishment survey," or [Current Employment Statistics \(CES\)](#), surveys 140,000 employers about how many people they have on their payrolls. These results determine the number of jobs being added or lost.

The employment report last week seemed more confusing than usual, what happened?

A number of factors made last week's report tough to interpret. Weather

the House of Representatives, private legal practice, academia and the federal government. As Assistant Secretary of the Employee Benefits Security Administration, she directs the policy, regulatory and enforcement programs that protect the retirement, health and other workplace-related benefits that cover 150 million Americans and total over \$6 trillion in assets. "This honor recognizes Phyllis's professional intellect, longstanding commitment to protecting workers' benefits and passion to serve the American people," said Secretary Solis.

Business Innovation and DOL



Secretary Solis met with 25 members of the American Sustainable Business Council this week as part of her strategy to explore ideas that can

benefit both unemployed workers as well as the business community. ASBC is a growing coalition of business networks dedicated to identifying innovative solutions that will transform our society while creating a sustainable economy. The business members discussed challenges facing them as well as opportunities that if implemented could employ American workers. The meeting was the first in what the Secretary hopes will be an ongoing discussion with the Council and its members to further explore opportunities for collaboration and to implement good ideas to help the economy.

Oates Joins Women Leaders in LA

Creating leadership opportunities for women is something that may be best discussed by the very women who have found success in their



professional lives. Late last month Assistant Secretary of Labor for Employment and Training Jane Oates traveled to Los Angeles to participate in a Women Leaders in Workforce Development roundtable. The event, hosted by the UCLA Labor Center focused on the need to get more women into leadership positions in businesses and organizations in the Los Angeles area and around the nation. Oates was joined by more than 20 women representing the education and workforce development communities, labor management organizations, businesses, law enforcement agencies and others. The group discussed what policies and practices can be implemented to create more opportunities for

played a role, as many areas in the southeast were affected by abnormal amounts of snow. Another factor is the difference in how the two surveys count different categories of workers, like the self-employed, or people working at new start-ups. The household survey also lets us know how many jobs each person holds and how many hours they work in total. Adding to the confusion this month was the fact that each January BLS makes adjustments to accounts for population changes that have taken place in the past year, but it also makes changes between December and January difficult to interpret.

How does weather affect the way the statistics are calculated?

Weather can affect the stats in a few ways, especially by temporarily putting people out of work (i.e. delivery drivers, schools), by preventing people from finding and starting new jobs, and also by reducing BLS's ability to get a hold of employers. If firms aren't operating due to weather, they also aren't filling out their survey forms and mailing them back.

- [Read the Employment Situation Summary](#)

International Scene

Meeting on Global Green Economy

February 3-4, the Labor Department's Bureau of International Labor Affairs hosted the U.S.-Canada-European Commission Trilateral Roundtable at the Frances Perkins Building to discuss the employment dimension of transition to a green economy. ILAB Deputy Undersecretary Sandra Polaski opened the meeting and noted that this was a unique



"working meeting," in which U.S., Canadian, and European experts representing government, trade unions, industry, non-governmental organizations, and other key organizations could share information about experiences, challenges, and best practices to prepare workers for green jobs. Keynote speaker Secretary Solis spoke of the Obama Administration's efforts "to prepare workers for a greener, more sustainable economy," and the department's interest in working with Canada and the European Union to help each other address both the employment and environmental challenges we face.

- [View the Slideshow](#)
- [Read the Secretary's Blog](#)

News You Can Use

OSHA Celebrating 40 Years of Accomplishments in the Workplace

What president asked Congress to implement a workplace safety law and when? You can find the answer to this and more information in OSHA's 40th Anniversary timeline coming soon to the Occupational Safety and Health Administration website.

- [Stay Tuned](#)

DOL Working for You

EBSA Advisor Secures Affordable Care for Ill Patient

A 24-year-old Massachusetts cancer patient who was laid off from his job is receiving proper health care

women across industries in both the public and private sectors.

Regional Rep Gets Inside View of Underground Mine



Perhaps it was his familial ties to coal mining that drew Robert Asaro-Angelo to the Primrose Slope mine in Schuylkill

County, Pa. Or maybe

a desire to see up close what the Mine Safety and Health Administration's front-line employees and the workers they protect face each day.

Whatever the reason, Secretary Solis' regional representative from the northeast didn't hesitate when invited to tour an underground anthracite coal mine. Joining him on his subterranean journey were veteran mine inspectors Tom Garcia and George McIntyre, who work out of MSHA's field offices in Wilkes-Barre and Pottsville, Pa., respectively. During their 640-foot descent in a large metal bucket, Angelo paid special attention to the jagged edges of the shaft wall that encircled them, and dutifully kept his hands flat on the wire ropes and lanyards that were holding the gunboat. Once they safely reached bottom, the tour commenced. The trip was especially meaningful, noted Angelo, because decades earlier his great-grandfather had been a coal miner outside Wilkes-Barre, in a mine not much different than Primrose Slope. Eventually, the elder Asaro succumbed to black lung, a fatal occupational disease for which MSHA recently renewed its commitment to eradicate. "After seeing firsthand the hazardous conditions that can exist in an underground coal mine, I find it amazing that there aren't more injuries and fatalities. That speaks well of today's miners and the hard-working employees of MSHA."

- [View the Slideshow](#)
- [Read Asaro-Angelo's Blog](#)

Shiu Talks Civil Rights

The march toward equality has been a long and arduous one, spanning over 150 years in the U.S.

Substantive steps have been made,

particularly over the last 50 years, but there is still more work to do. Office of Federal Contract Compliance Programs Director Patricia Shiu this week spoke at the American Federation of



coverage thanks to the swift actions of local Employee Benefits Security Administration advisor Rebecca Kaplan. The young man's father sought to cover him under the new Affordable Care Act which allows children under 26 to be added to an employee's health plan. But the company denied the request claiming the young man was still covered under his old plan. When the family happened to ask Kaplan for advice on finding alternative health coverage, she determined that the company misinterpreted the new law and sought immediate remedy. Because of Kaplan, not only did the young man get coverage, but the company also reopened the enrollment period and informed its 49,500 employees of the coverage available to them. About her timely actions on behalf of the family, Kaplan said, "It made me feel like I had changed their lives for the better."



Georgian Bakes Up New Career Thanks to WIA



The recession caused Sharon Gordon to lose her job as a quality assurance technician at a Georgia bakery. But she took this challenge as an educational opportunity to reinvent herself thanks to the Workforce Investment Act. With help from the Atlanta Regional Commission, a DOL funding recipient, Gordon enrolled in a two-year technical college to study bioscience. When she earns her degree this summer, Gordon said her current contract job as a lab technician with an international food producer will become a full-time employee position. Gordon admitted she was "shocked and blindsided"

when she first lost her job but looked at it as "an opportunity to go back to school." Commission official Grace Trimble said that Gordon exemplifies one of the many individuals "who have been able to successfully re-enter the workforce thanks to assistance from USDOL."

DOL in Action

DOL Delivers For Air Park Workers

Sometimes layoffs do not happen all at once. An ongoing reduction in jobs can place a strain on a community and demands continued support for workers seeking re-employment. The department has provided more than \$2.9 million in National Emergency Grant supplemental funds to serve an additional 729 workers laid-off from several companies at the Wilmington Air Park in Wilmington, Ohio. This brings the total number of workers receiving employment and training services through this NEG since 2008 to more than 2,300.

- [Read the News Release](#)

Miner Reinstated to Job in Puerto Rico

The Labor Department has negotiated a settlement agreement with a San Juan, Puerto Rico mine operator in a discrimination case that began nearly two years ago. In August 2009, the Mine Safety and Health Administration received an anonymous hazard complaint about safety issues at the Comunidad Agricola Bianchi Inc. aggregates mine in Rincon, and an unreported accident involving miner Jose Chaparro. MSHA launched an investigation and, on the same day that federal investigators spoke with him, Chaparro was fired by the mine superintendent. In settlement, the company agreed to permanently reinstate Chaparro to his job at the mine and pay him full back wages. Secretary Solis weighed in on the settlement. "Miners have a right to participate in an MSHA investigation, and they may not be

Government Employees 2011 Civil Rights Luncheon about how our nation can keep moving forward. Before a crowd of more than 500 AFGE representatives, Shiu highlighted DOL's commitment to success for workers and businesses. "We are committed to enforcing our laws to keep the doors of opportunity open for all workers – even if we have to pry those doors open from time to time," said Director Shiu. "We believe businesses that play by the rules shouldn't have to compete at a disadvantage against those who don't."

Teaming up for Civil Rights

The Equal Employment Opportunity Commission hosted an unprecedented meeting earlier this week of the leadership and staff of three federal agencies responsible for protecting the civil rights of workers. Deputy Secretary of Labor Seth Harris moderated a panel featuring Patricia A. Shiu, director of DOL's Office of Federal Contract Compliance Programs; Tom Perez, assistant attorney general for civil rights at the Department of Justice and EEOC Chair Jacqueline Berrien. The panelists were joined by White House Domestic Policy Council Director Melody Barnes, who serves as a principal advisor to President Obama on civil rights. For the first time in the more-than 45 years since these agencies were created, the leaders spoke collectively to their national and field staff about the urgent need to build a unified civil rights agenda. Efforts include coordinating training and litigation, leveraging resources, sharing information and best practices, commissioning pilot programs, defining protocols for collaboration and reducing duplication across agencies.

Upcoming Deadlines & Events

Check out the grant opportunities with DOL.

[Open Funding Opportunities](#)

MSHA — Mine Safety, Health and Environmental Conference

- [February 21-24 — Kissimmee, FL](#)

MSHA — Public Hearing on Proposed Rule to End Black Lung

- [February 15 — Arlington, VA](#)

MSHA — Spring Thaw Workshop

- [February 15 — Glasgow, MT](#)
- [February 24 — New Braunfels, TX](#)

OFCCP — Compliance Assistance Seminar

- [February 23 — Miami, FL](#)

OFCCP — Compliance Assistance

fired, demoted, harassed, transferred, refused employment or suffer any loss of wages for exercising their right."

- [Read the News Release](#)
- [Read the News Release \(Spanish\)](#)
- [A Guide to Miners' Rights and Responsibilities](#)

Mine Deaths are not Inevitable, says MSHA Head

In the mining community, 2010 will be remembered for the explosion that killed 29 men at Upper Big Branch Mine in Raleigh County, W.Va. But 42 additional miners died in on-the-job accidents last year as well. In a letter to mine operators, Mine Safety and Health Administration Assistant Secretary Joe Main urged them to take the lessons to be learned by these fatal accidents and act on them to prevent additional fatalities. "Fatalities are not inevitable," wrote Main. "They can be prevented using effective safety and health management programs in the workplace, workplace examinations for hazards, and effective and appropriate training so that miners recognize and understand the hazards and how to control or eliminate them."

- [Read the News Release](#)

WHD Recovers Nearly \$200,000 for Chicago Glass Installers

The Wage and Hour Division has recovered \$199,464 in back wages for 30 current and former workers of Aaron Auto Glass Inc., a retail auto glass installation and repair shop in Chicago, for Fair Labor Standards Act violations, including failing to pay the federal minimum wage and failing to compensate for overtime hours. "It is the employer's responsibility to ensure that all workers are paid properly and in accordance with the law," said Thomas Gauza, director of the WHD district office in Chicago. "When violations are found, the Labor Department will act swiftly to ensure that workers receive their rightful pay."

- [Read the News Release](#)

OSHA Cites North Central Power Co. Inc. After Worker Electrocuted

The Occupational Safety and Health Administration has cited North Central Power Co. Inc. of Radisson, Wis., following an investigation into the death of a lineman who was electrocuted while working to repair a 7,200-volt power line. The company has been issued four willful and two serious violations. "North Central Power has jeopardized the health and safety of its workers by failing to take proper safety precautions, such as requiring the use of personal protective gear and de-energizing power lines," said Mark Hysell, OSHA's area director in Eau Claire, Wis. North Central Power Co. Inc. faces fines of \$199,800 as a result of the investigation.

- [Read the News Release](#)

Nearly \$400,000 in Back Wages Recovered for 129 Ohio Workers

The Wage and Hour Division has recovered \$397,703 in back wages for 129 workers at nine Ohio Mexican restaurants who were denied minimum wage and overtime pay in violation of the Fair Labor Standards Act. The restaurant chain was also fined \$11,000 in civil money penalties for willful and repeat violations of the FLSA. "Vulnerable, low-wage workers often do not know their legal rights under federal labor laws and have limited employment options," said George Victory, district director of the WHD in Columbus. "The Labor Department will ensure that those who are taken advantage of are properly compensated for all of their work."

- [Read the News Release](#)

Dept. Recovers More Than \$54,000 for NYC Parking Garage Employees

Seminar for Construction Contractors

- [February 11 — Richmond, VA](#)
- [February 18 — Orange, CA](#)
- [February 23 — Hartford, CT](#)
- [February 24 — Monterey, CA](#)
- [March 8 — Mountainside, NJ](#)
- [March 9 — Orange, CA](#)
- [March 9 — Buffalo, NY](#)
- [March 10 — Seattle, WA](#)

OFCCP — Community Connections

- [February 15 — Marieta, GA](#)
- [February 15 — Columbia, SC](#)
- [February 15 — Raleigh, NC](#)
- [February 15 — Austell, GA](#)
- [February 17 — Kosciusko, MS](#)
- [February 18 — Tougaloo, MS](#)
- [March 1 — Alcorn State, MS](#)
- [March 2 — Holly Springs, MS](#)
- [March 2 — Riverdale, GA](#)
- [March 3 — Charlotte, NC](#)
- [March 8 — Columbia, SC](#)
- [March 9 — Atlanta, GA](#)
- [March 10 — Doraville, GA](#)

OFCCP — Compliance Assistance Seminar for Supply and Service Contractors

- [February 16 — San Marcos, CA](#)
- [February 17 — Memphis, TN](#)
- [February 22 — Jacksonville, FL](#)
- [February 23 — Portland, OR](#)
- [February 23 — Orange, CA](#)
- [February 23 — Nashville, TN](#)
- [February 23 — Buffalo, NY](#)
- [February 24 — Memphis, TN](#)
- [February 24 — Richmond, VA](#)
- [March 2 — Nashville, TN](#)
- [March 3 — Memphis, TN](#)
- [March 3 — Monterey, CA](#)
- [March 4 — Richmond, VA](#)
- [March 9 — Nashville, TN](#)
- [March 9 — Birmingham, AL](#)
- [March 10 — Memphis, TN](#)

OFCCP — Information Session with Non-Government Civil Rights Groups

- [March 9 — Denver, CO](#)

OFCCP — National Council of Negro Women

- [February 19 — Jackson, MS](#)

A federal district court has ordered Park It Management Inc., a New York City parking garage company, to pay 14 employees nearly \$48,000 in back wages and liquidated damages, along with civil money penalties totaling \$6,545. An investigation conducted by the Labor Department's Wage and Hour Division disclosed that the company had willfully and repeatedly violated the Fair Labor Standards Act by requiring employees to work more than 40 hours in many weeks without paying them full and fair compensation, and by failing to maintain proper records of the hours worked by employees and the compensation they were paid.

- [Read the News Release](#)

More Than \$934,000 in Overtime for Employees of UnitedHealthcare

The department has recovered a total of \$934,551 in overtime back wages for 479 employees of UnitedHealthcare and \$104,280 in civil money penalties after an investigation by the Wage and Hour Division determined that the employees had been incorrectly classified as exempt from the Fair Labor Standards Act and consequently denied compensation for all hours worked. UnitedHealthcare is the largest single health insurance carrier in the United States. This action was limited to the company's Hartford, Conn., location, which specializes in the IT, finance, actuarial and underwriting operations for UnitedHealth Group Inc.

- [Read the News Release](#)

Penalty Against NY Restaurant Upheld Following Death of Teen Employee

The Pearl Room, a catering hall and restaurant located in Brooklyn, N.Y., and company owners and officers have agreed to pay a penalty of \$50,604 to the Labor Department for violations of the child labor provisions of the federal Fair Labor Standards Act. The penalty was assessed by the Wage and Hour Division following the death of a 17-year-old employee who was working for The Pearl Room as a parking valet. He was parking cars when the fatal accident occurred.

- [Read the News Release](#)

WHD Recovers Back Wages for Workers on Kentucky Dam Project

The department's Wage and Hour Division has recovered more than \$104,000 in overtime back wages for 24 employees of Treviicos-Soletanche JV who were working on Kentucky's Wolf Creek Dam repair project funded by the Recovery Act. After conducting interviews and reviewing documents, WHD determined that 24 administrative and technical support workers were incorrectly identified as exempt from the Fair Labor Standards Act. "The resolution of this case should remind all contractors that the department will not hesitate to investigate them if they deny workers of federally-funded projects the proper pay that they are due," said Oliver Peebles III, the Wage and Hour Division's regional administrator in Atlanta, Ga.

- [Read the News Release](#)

Dept. Wins Decision Affirming OSHA Citations, Fines Against Contractor

The department has won a decision from an administrative law judge of the Occupational Safety and Health Review Commission upholding eight Occupational Safety and Health Administration citations and \$91,200 in fines issued to a Boston contractor. OSHA found employees of Shawn Telsi, doing business as Life Time Homes, Green Pines and/or Telsi Builders, working without cave-in protection in an excavation up to 14 feet deep in Newton, Mass. "This decision not only affirms OSHA's findings, it also shows that the Department of Labor will not hesitate to pursue appropriate

OFCCP — New York Construction Union Education Exchange Forum

- [February 28 — New York, NY](#)

OFCCP — Outreach Activity

- [February 11 — Boston, MA](#)

OFCCP — Reasonable Accommodations under the ADA and Section 503 of the Rehabilitation Act

- [February 18 — Richmond, VA](#)

OFCCP — Section 503 of the Rehabilitation Act of 1973

- [February 17 — Los Angeles, CA](#)

OLMS — Compliance Assistance Seminar

- [February 15 — Springfield, IL](#)
- [February 17 — Oklahoma City, OK](#)
- [February 18 — Burr Ridge, IL](#)
- [February 23 — Pittsburgh, PA](#)
- [February 24 — Akron, OH](#)
- [February 24 — Pittsburgh, PA](#)
- [March 1 — Columbus, OH](#)
- [March 1 — Little Rock, AR](#)
- [March 3 — Cincinnati, OH](#)
- [March 3 — Charleston, WV](#)

OSHA — 12th Annual Safety Day

- [February 15 — Cincinnati, OH](#)

WB — Women Working Together: Writing the Next Chapter of herSTORY

- [February 11 — Boston, MA](#)

Follow USDOL on 

- DOL sues Houston-based Kinder Morgan [02/10/2011] <http://bit.ly/egdRQI> about 4 hours ago
- In effort to prevent fatalities, MSHA issues alert to mining community [02/10/2011] <http://bit.ly/dPt9p5> about 5 hours ago

legal action on behalf of America's workers," said Michael Felsen, the Labor Department's regional solicitor for New England.

- [Read the News Release](#)

OSHA Cites Georgia Company for Combustible Dust and Other Hazards

The Occupational Safety and Health Administration has issued 46 serious safety and health citations against south Georgia company Protech Environmental South Inc., doing business as U.S. Erosion Control Products Inc., following an inspection that uncovered alleged safety and health hazards including worker exposure to heavy accumulations of combustible dust. Proposed penalties total \$55,250. The inspection was related to OSHA's Combustible Dust National Emphasis Program, and the citations come three years after another south Georgia plant, Imperial Sugar, suffered an explosion that killed 14 workers and injured many more.

- [Read the News Release](#)

OSHA Cites Louisiana Payroll Company for Recordkeeping Violations

Superior Energy Services Inc., payroll company SESI LLC and five subsidiary companies in Louisiana have been cited with 38 violations of the Occupational Safety and Health Administration recordkeeping standard. It is alleged that employees' work-related injuries and illnesses were not being recorded in the OSHA 300 log. Employers are required to record fatalities as well as all significant injuries and illnesses, including the number of days away from work, the days of job transfer or any restriction that results from the injury or illness. "These records are needed to prevent future hazards," said Dorinda Folse, director of OSHA's Baton Rouge, La., area office. Proposed penalties total \$337,500.

- [Read the News Release](#)

Action Secures More Than \$1 Million for Kinder Morgan Employees

A lawsuit against Houston-based Kinder Morgan Inc. and Kinder Morgan Energy Partners has been filed to secure more than \$1 million in overtime compensation for 4,500 operators, technicians, maintenance workers, laborers and administrative non-exempt employees, nationwide. The department found systemic violations of the Fair Labor Standards Act and is asking the court to prohibit the defendants from future violations of the law and order them to pay the full amount of back wages due, along with liquidated damages. "There is no excuse for denying workers their rightful wages," said Secretary Solis. Kinder Morgan failed to include certain bonuses in overtime pay calculations for these employees.

- [Read the News Release](#)

Spotlight on States: Kentucky

Help for Kentucky Workers

Layoffs hurt, but they are not the end of the line in terms of continued career advancement. This week the department provided a \$4,883,709 grant to assist 1,000 workers affected by layoffs and closures at 21 companies in multiple industries located throughout Kentucky. Awarded to the Kentucky Education and Workforce Development Cabinet, the grant will be operated by seven workforce agencies around the state.

- [Read the News Release](#)

