



DOL News Brief

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November 7, 2013

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WINNER OF 2013 AVA DIGITAL GOLD AWARD & NAGC AWARD OF EXCELLENCE

A Diamond Jubilee



The 75th anniversary of the date when President William Taft signed the department into existence took place on March 4, 1988, with a banquet at the Washington Hilton and Towers. Ann Dore McLaughlin was the

freshly sworn-in 19th secretary of labor for the anniversary observance. For a commemorative program to mark the occasion, she penned a piece on her outlook for the future. "It should not be surprising that helping workers understand and adjust to the shifting currents in our economy has been a major concern of the Labor Department," she wrote. "After all, challenge and change have been an integral part of our Nation's history; they have, in fact, defined the American experience."

Though he sent his regrets for the banquet itself, President Ronald Reagan, in a letter to the department, expressed his gratitude for the department's



work, writing, "Through the years — during war and peace, in time of depression and poverty — your Department has stood by America's working men and women, unshakably committed to their welfare and to the health and well-being of their families."

- [Read About the Department's First 75 Years](#)
- [View the Centennial Timeline](#)
- [View the Centennial Video](#)
- [Suggest a Centennial Moment](#)

What's New

Honor Veterans by Hiring Veterans

At the department's annual Salute to Veterans, Secretary of Labor Thomas E. Perez highlighted the urgency of helping transition service members and veterans to find good jobs. Perez, the son of a VA physician, noted that hiring veterans is a matter of "enlightened self-interest," as



companies are looking for workers with precisely the skills that distinguish the men and women of the military. "The employers I talk to tell me the following things," explained Perez. "I need someone who understands teamwork. I need someone who understands discipline. I need someone who can... lead other people." To increase veterans hiring, Perez highlighted the importance of partnerships among various federal agencies, the business community, labor unions, nonprofit organizations and veterans service organizations. And he added that the federal government is practicing what it preaches with its own veteran hiring at a 20-year high. The Nov. 6 event featured a discussion on the challenges of reintegrating into civilian life and the department's programs to help ease that transition. Panelists included Sergeant Dakota Meyer, recipient of the Medal of Honor; Jose Serans, graduate of Veterans in Piping apprenticeship program; Eric Eversole, executive director of Hiring Our Heroes at the U.S. Chamber of Commerce Foundation; and Terry Gerton, deputy assistant secretary for policy at the department's Veterans' Employment and Training Service.

- [View the Slideshow](#)
- [Read the News Release](#)
- [Read the Blog Post](#)
- [View Highlights from the Program](#)
- [View the Program](#)

Creating Models for How Government, Business Can Work Together



Secretary Perez continued his outreach to the business community on Nov. 1, addressing the U.S. Chamber of Commerce's Labor Relations Committee. The group is comprised of business leaders representing a diverse array of companies and trade organizations that have a stake

(Work in Progress) The Best of Our Blog

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

- [Bridging the Gap: Older Americans in the Workforce](#): By 2020, the Bureau of Labor Statistics projects that there will be 41.4 million workers age 55 and older, with their share of the total labor force reaching 25.2 percent that year. These workers face a unique set of challenges. Here, acting Director of the Women's Bureau

Latifa Lyles writes about what her bureau is doing to bridge the gaps that exist in education and analysis. "Many experienced older workers are ready, willing, and, most importantly, able to fill the demands of the labor force," Lyles writes. "It is up to us to encourage them to continue in the workplace by providing them with the desired work environment, hours of work, and benefits that they need to succeed."

• [Autumn Observances](#): Now is a time of year when we honor several groups who make so many important contributions to our country. October was National Disability Employment Awareness Month. November is National American Indian/Alaska Native Heritage Month, and it's also the month when we observe Veterans Day. Patricia Shiu, director of the Office of Federal Contract Compliance, pauses to recognize those contributions and explain how her agency helps break down barriers to equal opportunity for all Americans.

• [The 1950s: Expanding the American Dream](#): In an ongoing series exploring each decade of the department's 100-year history, Carl Fillichio, head of the Office of Public Affairs and chair of the department's centennial, looks back at the 1950s — an era when the American workforce drove an economic boom that led to unprecedented prosperity for many American families.

Meet the Leadership — New Inspector General Takes Office

Scott S. Dahl was sworn in on Nov. 4 by Secretary Perez as the seventh Inspector General of the department. As head of the Office of Inspector General, Dahl oversees the administration of a nationwide, independent program of audits and



investigations involving departmental programs and operations. He also directs investigations into organized crime influence and labor racketeering corruption in employee benefit plans, internal union affairs and labor-management relations. During the swearing-in ceremony, Perez recognized Dahl's commitment to public service and his extensive work within the Inspector General community. The secretary also acknowledged the value he places on the work of the OIG in identifying improvements to programs and operations.

• [Read About the Inspector General](#)

ERISA Council 2013 Reports



Another year of volunteer work by the ERISA Advisory Council will yield three reports on retirement and health-care issues

in the department's work. Perez told the group that, although they may not always agree completely, the chamber and the businesses it represents will always have a seat at the table. "Idealism and pragmatism are not mutually exclusive," said Perez, citing the department's recent release of the Section 503 regulation as a model for how government can work with the business community to solve a problem — in this case, the hiring of Americans with disabilities — without being unnecessarily burdensome to the private sector.

• [View the Slideshow](#)

Doing Business in the USA

The local level is where economic development partnerships are forged, Secretary Perez, who has been a local elected official, noted at the SelectUSA 2013 Investment Summit. These local workforces are talented, diverse and resilient and, having met workers across the country, Perez said,



"they are raring to go!" Perez spoke on Oct. 31 at the summit, which connects businesses and investors from around the world with state, regional and local economic development organizations. The summit, held in Washington, D.C., was hosted by the U.S. Department of Commerce, International Trade Administration and SelectUSA, and attracted more than 3,000 business leaders, entrepreneurs, government officials and others. Earlier in the day, President Obama addressed the summit on the importance of doing business in America, where "you'll find some of the world's best workers, some of the world's most innovative entrepreneurs. You'll find a government, and a president who is committed to helping you create more good jobs for the middle class, and helping you succeed well into the 21st century." Other participants included Commerce Secretary Penny Pritzker, Treasury Secretary Jack Lew, Secretary of State John Kerry, U.S. Trade Representative Michael Froman, and the chair of the Council of Economic Advisors, Jason Furman.

• [View the Slideshow](#)

National News

Tracking Workplace Injuries to Help Prevent Them

The Occupational Safety and Health Administration has issued a proposed rule to improve workplace safety and health through improved tracking of workplace injuries and illnesses. The proposed rule, announced Nov. 7, followed the release of a Bureau of Labor Statistics report that said nearly three million nonfatal workplace injuries and illnesses were reported by private-sector employers in 2012. "Three million injuries are three million too many," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. OSHA's proposed rule would require establishments with more than 250 employees to electronically submit the records on a quarterly basis. Establishments with 20 or more employees, in certain industries with high injury and illness rates, would be required to submit electronically a yearly summary of work-related injuries and illnesses. The proposal does not add new requirement to keep records; it only modifies an employer's obligation to transmit these records to OSHA.

• [Learn About the Proposal](#)

• [Read the News Release](#)

International Scene

facing workers and employers. The council came to Washington this week to brief Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi on their findings on locating missing and lost participants (in employee benefit plans); private-sector pension de-risking and participant protections; and successful retirement plan communications. The brief summaries presented on Nov. 5 are a lead-up to the final 2013 council reports that will be completed and soon made available to the public. Deputy Secretary of Labor Seth Harris and Borzi also took the opportunity to thank outgoing council members for their service. Council recommendations help the department better understand current benefits issues and set long-term priorities.

- [View the Slideshow](#)
- [Learn About the Council](#)

More Options for Health Care

Health care legislation affects employers and employees, and navigating this terrain was the focus of a Nov. 1 symposium in Hempstead, N.Y.,



hosted by the *Hofstra Labor & Employment Law Journal*. Panels discussed the legal implications of the Americans with Disabilities Act, the Family Medical Leave Act, and the Affordable Care Act before approximately 100 attendees. In her keynote speech, Assistant Secretary for Employee Benefits Security Phyllis C. Borzi addressed confusion surrounding the ACA and highlighted the intentions of the new law. "The Affordable Care Act is making important changes to America's health care," Borzi said. "We're seeing more options, more access and more affordability for millions of Americans."

Protecting Temporary Workers

Boston began November with a series of safety and health events that shed light on protections for temporary workers. At the National Forum on Temp Worker Health and Safety on Nov. 2, Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels led a discussion with moderator Linda Delp, director of the UCLA Labor Occupational Safety and Health Program and chair of the American Public Health Association's Occupational Health and Safety Section. He received policy recommendations from the National Council on Occupational Safety and Health, the National Staffing Workers Alliance and the Massachusetts Coalition for Occupational Safety and Health. Michaels also participated at the American Public Health Association's 141th annual meeting on Nov. 5, which gathered 12,500 public health professionals from across the globe, to underscore OSHA's efforts to protect this sector of the workforce.

- [View Remarks at the National Temp Forum](#)
- [Learn About Temporary Workers](#)

Dialogue Held with Chinese Labor Officials



Since 2001, the Bureau of International Labor Affairs has worked to develop and maintain cooperation with the Chinese government on labor and employment issues. That effort continued on Nov. 5, when Deputy Secretary of Labor Seth Harris hosted the 2013 session of the annual senior dialogue

with a delegation from China's Ministry of Human Resources and Social Security at the department's headquarters in Washington, D.C. Vice Minister Qiu Xiaoping of MOHRSS led the Chinese delegation to the dialogue, which was established in 2010 under the Obama administration's U.S.-China Strategic and Economic Dialogue. Qiu, whom Harris called "an old friend of the Department of Labor," previously worked with the Bureau of International Labor Affairs on a labor rule of law project in his role as director-general of the Labor and Wages Department of MOHRSS. On the agenda for this year's dialogue were wage and hour enforcement strategies, methodology, performance measures to evaluate program results, and the latest development in both countries in the area of legal reform, dispute resolution and collective bargaining. Representatives from ILAB and the Wage and Hour Division joined Harris in welcoming the delegation, discussed each country's priorities in labor and employment and explored directions for cooperation.

- [View the Slideshow](#)

News You Can Use

Statistical Agencies to Host Symposium at BLS

Statistics have powerful and far-reaching effects on everyone, yet most people are unaware of how it improves their lives. Our world depends increasingly on this rich volume of data to aid decision making in all types of organizations. To mark the International Year of Statistics 2013, representatives from several federal principle statistical agencies are hosting a symposium Nov. 13-14 at the Bureau of Labor Statistics. The symposium will highlight the variety of federal statistics and the numerous statistical careers available in the public sector. Each session of the symposium is targeted for different users and uses of federal statistics. Some of the topics covered are using health statistics to better understand health-care-related concerns, using statistics to make career decisions, and demonstrating data tools. The symposium is open to all without cost.

- [Register for the Symposium](#)

Outreach on Home Care Rule

The department has undertaken an ongoing effort to ensure that workers, their families, employers, and state administrators have the information they need to prepare for the Jan. 1, 2015, effective date of the recently issued Home





Mine Safety for the Future

More than 500 hundred industry professionals gathered Nov. 5-7 in Birmingham, Ala., for the 8th annual Southeastern U.S. Mine Safety and Health Conference. This year's theme was "Working Together to Build a Safe and Healthy Future." Joseph Main, assistant secretary of labor in charge of the Mine Safety and Health Administration, updated the audience on actions by MSHA and the mining community to improve mine safety. He noted that the agency has made several strategic changes affecting enforcement, regulations, training, and stakeholder outreach and education. "These changes are working," said Main, "evidenced by the lowest fatal and injury rates in mining history, repeated two years in a row, as well as improved operator compliance with mining safety and health standards."

Care Final Rule. On Nov. 4, representatives from the Wage and Hour Division and the Solicitor's Office went to Baltimore to host a question-and-answer session at the National Resource Center for Participant-Directed Services' fifth biennial Financial Management Services Conference. In opening remarks, Laura Fortman, the principal deputy administrator for the Wage and Hour Division, told the approximately 200 attendees that the department is working closely with the Department of Health and Human Services to ensure that the final rule is implemented in a way that supports the progress made in developing home and community-based services.

- [Learn About the Home Care Rule](#)

Workplace Safety Training



More than 400 workers from the New York metropolitan area participated at the National Day Laborers Training Event on Nov. 3 at the Borough of

Manhattan Community College. The event, hosted by the National Day Laborers Organizing Network and other community organizations, focused on providing workplace safety and health training to day laborers and temporary workers under the theme "Building Strength After the Hurricane." Diana Cortez, area director for the Occupational Safety and Health Administration's Bronx, Westchester and Rockland counties, gave a presentation on workers' rights, employer responsibilities and fatality and injury/illness data. OSHA field staff conducted Spanish-language presentations at four "Intro to OSHA" workshops.

- [View the Slideshow](#)

Philippine Safety Alliance

The Occupational Safety and Health Administration and Embassy of the Philippines signed an alliance on Nov. 1 to provide education and training resources that promote workers' rights and protect the safety and health of Filipino workers in Alabama and Georgia. OSHA's Acting



Secretary of Labor, Thomas Ichniowski, signed the alliance on behalf of the United States. The alliance is a key component of the Department of Labor's ongoing efforts to improve the safety and health of workers in the United States.

Around DOL

Montel Williams Boosts VETS Programs



The Veterans' Employment and Training Service program received a boost this week when celebrity talk show host and Marine and Navy veteran Montel Williams recorded public service announcements championing employment of veterans. Secretary Perez met with Williams and thanked him for

lending his professional talents to promoting programs aimed at helping transitioning service members and veterans receive educational assistance, career guidance and job placement. The 30-second PSAs urge employers to hire veterans because of the skills and discipline they bring to the workplace. The PSAs also provide military service men and women and veterans with employment and training information available at 2,600 American Job Centers nationwide. When the filming wrapped, Williams met with VETS employees, including Assistant Secretary of Labor for Veterans' Employment and Training Keith Kelly.

Recognizing Veterans for Their Service to the Nation

In observance of Veterans Day and to recognize veterans, the 4th annual Veterans' Memorial Service and Wreath Laying Ceremony was held on Nov. 6 at the department's Veterans Park. About 40 people attended the ceremony, held by the D.C. chapter of the International Association of Workforce Professionals, in conjunction with the local chapter of League of Latin American Citizens and the DOL-Asian Pacific American Council.



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Regional Administrator Teresa Harrison and Embassy of the Philippines Minister and Consul General Ariel Penaranda formalized the agreement in Tucker, Ga., to help Filipino workers understand their rights as well as employers' responsibilities under the Occupational Safety and Health Act. The following day, OSHA supported an outreach event with pamphlets, fact sheets and CD's for Philippine workers. According to the Consul, Georgia is third behind California and Florida in Philippine population.

Training on the FLSA

The Wage and Hour Division's Sacramento District Office conducted a two-hour Fair Labor Standards Act presentation on Oct. 30 for more than 30 residential care operators in Visalia, Calif. The district office hosted a similar outreach event in Fresno the following day, with up to 24 operators attending. These residential care operators are funded and monitored by the Central Valley Regional Center. The regional centers, contracted by the state of California, serve as the placement and regulatory agencies for licensed adult residential care facilities.

- [Residential Care Fact Sheet](#)

From Classroom to Career

It was "back to school" for Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez, who recently urged attendees at a higher education conference to create a university culture in which employees are comfortable self-identifying as a person with a disability. "Clearly, employers want the best from their employees, and colleges are not different," Martinez told scholars and advocates at the University of Delaware in Newark on Oct. 26. Martinez stressed that a major component of National Disability Employment Awareness Month is creating workplaces where employees are free from the fears or worries about disclosing their disability.

California Garment Initiative

A garment contractor workshop was conducted Oct. 24 by the Wage and Hour Division's Orange Area Office and San Diego District Office. The all-day session was held at the Dayle McIntosh Center in Garden Grove, Calif., as part of the ongoing educational outreach activities conducted under the department's garment initiative. Nine garment contractors, three garment manufacturers and a garment monitoring company were in attendance. The division provided informational materials on the legal requirements under the Fair Labor Standards Act. Recent investigations in Orange County found numerous violations under the FLSA.

Bring 'Whole Selves' to Work

A worker's disability is only a small part of his or

DOL Working for You

St. Louis Veteran Lands Green Job

Vietnam Army veteran Tommie Johnson held a number of jobs after leaving the service, including working for the government and as a home improvement contractor. A brush with the law, however, led to unemployment and homelessness. Johnson turned to the St. Patrick Center in Missouri, a Department of Labor grantee, for help. He received counseling, employment assistance and housing help from St. Patrick through the department's Homeless Veterans Reintegration Program and its Veterans Workforce Investment Program. "I decided to make something of myself, and the programs offered me the help I needed," he said. Johnson recently purchased a truck, which he uses in his work for a local commercial landscaper. The St. Patrick Center reported that, in fiscal year 2013, its employment programs placed more than 400 people who are homeless, including veterans, into full - and part-time jobs. "Our employment programs had another successful year of getting clients ready for work, teaching them new skills and helping them find good jobs," said St. Patrick Center CEO Tom Etling.



DOL in Action

California Uniform Company Settles Discrimination Allegations

Uniform rental company G&K Services Co. has agreed to pay nearly \$266,000 to 59 women to settle allegations that it steered female laundry workers into lower-paying positions at its Santa Fe Springs, Calif., facility. During a compliance evaluation, Office of Federal Contract Compliance Programs determined that the federal contractor, which provides services to NASA, the Defense Commissary Agency and Bureau of Reclamation, routinely assigned laundry workers to different tasks and different pay rates on the basis of gender, with female employees hired as general laborers assigned to "light duty" jobs that paid less than those reserved for men. Denying women access to higher-paying opportunities because of sex stereotyping is a form of pay discrimination.

- [Read the News Release](#)

Third-Quarter Summary of Mining Deaths

The Mine Safety and Health Administration has released its quarterly summary of mining deaths. From July 1 to Sept. 30, 2013, there were nine mine fatalities in the U.S. Two coal miners died in machinery accidents, and one each died in powered haulage, fall of roof or rib, and drowning accidents. Two metal/nonmetal miners died in powered haulage accidents, and one each died in machinery and falling/sliding material accidents. Twenty-seven miners died in mining accidents in 2013 through Sept. 30, compared to 30 through Sept. 30, 2012.

- [Read the News Release](#)

Recycling Company Lacks Respiratory Protection, Inspection Finds

Strategic Materials Inc., a glass and plastic recycling company, has been cited for 11 health violations carrying proposed fines of \$82,000. The Occupational Safety and Health Administration found a repeat violation involving the company's failure to develop and implement a respiratory protection program following a complaint inspection of the East Troy, Wis.,

her whole being, Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez told more than 100 corporate employees at PepsiCo headquarters on Nov. 6 in Chicago. "I would argue that none of us has just one identity," said Martinez. "It is my sincere hope that your companies encourage your employees to bring their whole selves — all of their identities — to work each day." The event was hosted by PepsiCo's employee resource groups in collaboration with partner companies from the Chicagoland Out & Equal chapter.

Weekly UI Claims

The department reported that the advance figure for seasonally adjusted initial Unemployment Insurance claims was 336,000 for the week ending Nov. 2, a decrease of 9,000 from the previous week. The four-week moving average was 348,250, down 9,250 from the previous week's revised average.

- [Read the News Release](#)

Upcoming Deadlines & Events

Open Funding Opportunities

OWCP — Town Hall Meetings to assist nuclear weapons workers

- [December 10 — Farmington, NM](#)

WHD — Home Care Webinar: Minimum Wage and Overtime Pay for Direct Care Workers (Southeast Region)

- [November 12 — Washington, DC](#)

WHD — Home Care Webinar: Minimum Wage and Overtime Pay for Direct Care Workers (Southwest Region)

- [November 14 — Washington, DC](#)

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Learn more about the final rule on [#MinimumWage](#) & overtime for direct care workers. Register today for free webinars: ow.ly/qAX0J

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facility. Nine serious violations included failure to prevent workplace exposure to airborne concentrations of dust and lead above the eight-hour, time-weighted average limit, prevent excessive accumulation of combustible dust, and provide respiratory protection.

- [Read the News Release](#)

Omaha Roofing Company Cited in Wake of Worker's Fatal Fall

Ghaleb N. Suleiman, who operates JMA Roofing, has been cited by the Occupational Safety and Health Administration for one repeat and one other-than-serious safety violation following the death of a worker in July at an Omaha, Neb., job site. The worker fell to the ground while replacing the rubber membrane on the roof. One repeat violation was issued for failure to protect workers from falls while performing work on a low-slope roof more than 6 feet above the ground. A similar violation was cited in 2010.

- [Read the News Release](#)

Re-employment, Training for Maine Military Authority Workers

Workers affected by layoffs at the Maine Military Authority in Limestone, Maine, will be able to receive re-employment and training services as a result of a National Emergency Grant supplement of \$305,714 from the department. The company refurbishes vehicles, including military Humvees, other equipment and component parts. In 2011, the department approved a \$463,083 grant to the Maine Department of Labor for affected workers, with an additional \$100,485 in supplemental funding awarded on June 25, 2012. The latest award of supplemental funding will aid in the delivery of re-employment and retraining services to 47 additional workers from the facility.

- [Read the News Release](#)

Skills Training, Career Guidance for Idaho Potato Processing Workers

In February 2013, Nonpareil Farms in Blackfoot, Idaho, announced that it would be selling its dehydrated potato processing operation to focus on its fresh produce brand, resulting in layoffs of approximately 130 workers between February and May 2013. In response to these layoffs, the department announced a \$366,087 National Emergency Grant to provide re-employment services to approximately 50 workers affected by the sale.

"This grant will help these workers get the necessary skills they need to re-enter the workforce," said acting Assistant Secretary of Labor for Employment and Training Eric M. Seleznow.

- [Read the News Release](#)

Safety Hazards at New Hampshire Manufacturer Prompt Citations


A Hampton, N.H., textile manufacturer faces \$115,000 in potential fines for 21 serious safety violations. The Occupational Safety and Health Administration cited Foss Manufacturing Co. LLC following an inspection prompted by a worker complaint. During the inspection, OSHA found instances where workers were exposed to an arc flash when electrical equipment had not been de-energized prior to servicing, lack of personal protective equipment, unguarded moving machine parts, unidentified confined workspace hazards, not providing workers with timely baseline audiograms and not refitting hearing protection for employees who experienced a standard threshold shift in their hearing.

- [Read the News Release](#)

Armored Car Service Cited for Hazardous Chemical Violations

Garda Cash Logistics, an armored car service, has been cited by the Occupational Safety and Health Administration for four safety and health violations following a September inspection at the company's facility in Norcross, Ga. Three failure-to-abate violations involve failing to develop a written hazard communication program for employees that are required to



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The [#OilAndGas](#) safety standdown is coming up, register before Nov 14 to participate! [ow.ly/qwJg3](#) [#OSHA](#)

work with hazardous chemicals; ensure the emergency exit does not require a key; and develop a lockout/tagout program where workers perform vehicle maintenance. A serious citation was also issued for not providing an emergency eyewash station in areas where employees worked with corrosive chemicals. Proposed fines total \$55,400.

- [Read the News Release](#)

Ex-President of California's Largest Union Sentenced

The former president of Service Employees International Union Local 6434 in California has been sentenced to 33 months of imprisonment followed by five years of probation. He also has been ordered to pay restitution of \$123,540 and a \$1,100 special assessment. Tyrone Ricky Freeman, who headed the United Long Term Care Workers in Los Angeles, the state's largest union, was convicted in January of four counts mail fraud, one count making a false statement to a federally insured financial institution, and six counts of embezzlement of labor union assets. Freeman was sentenced on Oct. 7 in the U.S. District Court for the Central District of Los Angeles. An investigation conducted by the Office of Labor-Management Standards, the department's Office of Inspector General, the Employee Benefits Security Administration, the Federal Bureau of Investigation and the Internal Revenue Service disclosed that Freeman pilfered money from Local 6434 by diverting to himself reimbursement payments from a public sector union, California United Homecare Workers, that were meant for his union. He also was found guilty of lying to a bank when applying for a home loan of nearly \$700,000 by falsely saying that the union paid for his personal credit card debt and monthly auto lease payments.

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