



UNITED STATES DEPARTMENT OF LABOR

Good jobs for everyone.

## DOL News Brief

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January 31, 2013

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WINNER OF PRSA'S 2012 THOTH AWARD & RAGAN'S 2012 PR DAILY AWARD  
— BEST ELECTRONIC NEWSLETTER —

### Protecting Union Members



The department has protected the rights of union members — in both their dealings with management and union leadership — for decades. But it was not until January 1984 that Secretary of Labor Raymond J. Donovan

decreed that this mission be the focus of a single agency at the U.S. Department of Labor. The Office of Labor-Management Standards traces its roots to the Labor Management Reporting and Disclosure Act of 1959, which was enacted to guarantee basic standards of democracy and fiscal responsibility in labor organizations representing private-sector employees.

The LMRDA created the first agency dedicated to protecting union members, the Bureau of Labor Management Reports, which was renamed the



Labor Management Services Administration in 1963. At one time or another, the LMSA had responsibility for pension plans, federal labor relations, veterans' re-employment rights and anti-racketeering efforts. In the early 1980s the LMSA was dissolved, and the Office of Labor-Management Standards was created.

- [View the Centennial Timeline](#)
- [View the Centennial Video](#)

### What's New

#### Inaugural Meeting of Whistleblower Protection Advisory Committee

Highlighting its continued emphasis on protecting the rights of whistleblowers, the Occupational Safety and Health Administration hosted the inaugural meeting of the Whistleblower Protection Advisory Committee. Acting Secretary of Labor Harris commended the new committee



members on their passion for whistleblower protections during the January 29 meeting, which brought together the 12 voting and three ex-officio members. Dr. David Michaels, assistant secretary of labor for occupational safety and health, stressed the importance of whistleblowers to the broad economy, to worker safety, the environment, and the integrity of the financial system, transportation safety and food safety. He also updated the committee on the selection of Beth Slavet to head the whistleblower program, and a recent accord signed between OSHA and BNSF Railway Company that protects workers' rights to report safety concerns or injuries without fear of retaliation. In his closing remarks, Michaels reiterated the importance of whistleblowers who can "play an important role in preventing the next Deepwater Horizon or avoiding the next Enron."

- [View the Slideshow](#)
- [Learn About the Whistleblower Program](#)

### National News

#### Mine Fatality Rates at Historic Low; Reinstatement Requests Set Record

Mining fatality rates in 2012 reached an all-time low for the second straight year, according to preliminary data from the Mine Safety and Health Administration. The 36 mining deaths last year marked the second lowest annual fatality total on record. Meanwhile, an increased emphasis on protecting miners' rights to raise safety concerns resulted in 46 requests for temporary reinstatement filed by MSHA in 2012, more than double any previous year. MSHA filed the requests with the Federal Mine Safety and Health Review Commission on behalf of miners who submitted complaints of discrimination in the form of suspension, layoff, discharge or other adverse action. Last year also marked the highest number of complaints filed by MSHA alleging mine safety discrimination, with 34 filed with the commission. "MSHA urges miners to exercise their rights, and actively participate in monitoring safety and health conditions," said Joseph A. Main,



*AILA InfoNet Doc. No. 13020141. (Posted 2/1/13)*

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

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

• [A Moment for Renewal](#): Acting Secretary of Labor Seth Harris writes about stability, continuity and a renewed sense of mission at the Department of Labor. "This moment is an opportunity for renewal. I am honored to lead this department as we pursue our agenda and continue to do everything we

can to accelerate America's economic recovery and put more people back to work. We remain steadfast in our commitment to working families and to a stronger economy."

- [Reflecting on the Connections Between Us](#): Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez on actor John Hawkes and his connections to people with disabilities.
- [A Voice for Women Veterans](#): Acting Women's Bureau Director Latifa Lyles on good jobs and financial security for women veterans.

## Six Degrees of Connection

In the critically acclaimed film, "The Sessions," John Hawkes portrays Mark O'Brien, a writer paralyzed from the neck down and dependent on an iron lung. The film explores not only the challenges of living with physical limitations but the power of personal connections to lift the human spirit. Hawkes shares his reflections about the impact of O'Brien's life on his own in a submission to "What's Your Connection?," a department initiative celebrating the 10th anniversary of Disability.gov, that encourages people around the country to contribute to a conversation about disability, inclusion and the connections that unite us.



- [Read Hawkes' Contribution](#)
- [Read the Blog](#)
- [Read the News Release](#)

## Neighbors Networking in Jersey

Neighbors-*helping*-Neighbors, a network of volunteer-run job search support groups in nine counties across New Jersey, held a two-year anniversary celebration January 25. Members of the network, including job seekers, volunteer coordinators, and employers gathered at the Hasbrouck Heights Hilton in Bergen County, N.J., to celebrate 233 people who have landed new jobs since the groups started meeting in January 2011. Ben Seigel, deputy director of the Center for Faith-based and Neighborhood Partnerships, delivered the keynote. The CFBNP has been working with NhN through its Job Clubs Initiative by connecting the groups to other job clubs across the country and ensuring that NhN members are aware of critical department programs. In his remarks, Seigel praised NhN's founder and President John Fugazzie, and observed, "The work of Neighbors-*helping*-Neighbors proves the very real value of social capital in helping people land good jobs and ultimately mending communities."



- [View the Slideshow](#)
- [Visit Neighbors-helping-Neighbors](#)
- [Learn More About the Job Clubs Initiative](#)

assistant secretary of labor for mine safety and health. "We take these rights under the Mine Act very seriously and will vigorously investigate all discrimination complaints." Mine also said that while mining deaths and injuries have reached historic lows, "more actions are needed to prevent mining injuries, illnesses and deaths."

- [Read the News Release on Fatalities](#)
- [Read the News Release on Reinstatement Requests](#)

## Settlement Under Defense Base Act

A \$75,000 settlement was reached between the Office of Workers' Compensation Programs and a U.S. government contractor, the Sandi Group/Corporate Bank Financial Services. The company failed to report in a timely manner injuries and deaths of 30 employees in Iraq between 2003 and 2005. The Defense Base Act, administered by OWCP, requires that companies with U.S. government contracts performing work overseas secure workers' compensation insurance for their employees. It also requires employers to report any injury or death to OWCP within 10 days. OWCP has engaged a number of government agencies to address DBA challenges, culminating in the formation of an interagency group to promote best practices for contracting officers on the requirement to include DBA insurance in all appropriate contracts. The first online and in-person workshop held January 23 attracted nearly 100 officers from the departments of Defense and State stationed around the world.

- [Read the News Release](#)

## Celebrating 20 Years of FMLA

On February 5, 1993, President Clinton signed legislation and declared, "I am very proud that the first bill I sign as president truly puts people first. America's families have beaten the gridlock in Washington to pass Family and Medical Leave." FMLA



provides for job-protected parental leave for the birth or care of a child, but the Act also helps caretakers of injured or ill relatives, military families and caregivers, workers with personal health problems and so much more. On February 5, Acting Secretary Harris will be joined by former Sen. Chris Dodd, one of the original champions of FMLA, to commemorate this historic legislation, highlight 20 years of accomplishments and look to the future of family and medical leave. Next week's newsletter will highlight FMLA events and news.

- [Learn More About FMLA](#)

## Take Three: Global Fight Against Child Labor

The Bureau of International Labor Affairs (ILAB) leads the department's efforts to improve working conditions, raise living standards, protect workers' ability to exercise their rights, and address the workplace exploitation of children and other vulnerable populations. Acting Associate Deputy Undersecretary for International Affairs Eric Biel answers three questions about what the department is doing to reduce child labor around the world.

How does ILAB work with the global community to achieve this goal? *ILAB's Office of Child Labor, Forced Labor and Human Trafficking works to reduce the prevalence of the worst forms of child labor, forced labor and human trafficking worldwide through research, policy engagement and technical cooperation. There is no "one size fits all:" the best way to accomplish this goal is likely to vary from sector to sector and*

## Sailing Toward Success



As a teenager, Kathy Martinez was so passionate about the sea, she joined the Boy Scouts to learn to sail. Today, as the assistant secretary of labor for disability employment policy, this interest extends beyond the personal. In Florida on January 28, she discussed the value of inclusion in water-based

recreation — from both a consumer and employment perspective — with marine industry professionals and boating enthusiasts as part of the Global Initiative for Access-Ability Education. She shared that sailing helped her build confidence and skills. But, equally important, the experience helped her onboard peers without disabilities learn what people with disabilities can contribute, an important lesson whether on a boat or in a boardroom. "When you sail a boat, you're all working toward the same goal — getting from one place to another," she said. "Teamwork and collaboration are the very same skills we all need to do well in the workplace."

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## Manufacturing in Chicago

While visiting Chicago on January 30, Jay Williams, director of the Office of Recovery for Auto Communities and Workers, met with the coalition of business, labor, government and community leaders that make up the Chicago Manufacturing Renaissance Council. Williams discussed federal programs and grant opportunities that can assist the council in its efforts to build Chicago's advanced manufacturing base in an economically and environmentally sustainable way. He also met with students, teachers and administrators at the Austin Polytechnic Academy, a college and career prep high school on Chicago's West Side. APA is a public school providing unique opportunities for students to earn metalworking skills accreditations and work with local manufacturers prior to high school graduation.

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## YouthBuild and Bright Futures

Every year, roughly 10,000 low-income young adults learn leadership, responsibility, community service and other job skills thanks to the YouthBuild program. Assistant Secretary of Labor for Employment and Training Jane Oates applauded the program at the YouthBuild Directors' Association meeting last week. Addressing about 100 YouthBuild directors and program managers via Skype, Oates said, "Supporting our youth is an investment that pays for itself by making our workforce and our economy stronger." The department recently made \$75 million in grants available for the YouthBuild program.

• [Read the Blog Post](#)

*from country to country. Solutions must be designed to fit each context and must account for a variety of factors. They include the legal, regulatory and enforcement mechanisms in place; employment policy and adequacy of social protection systems; structure of the economy; infrastructure, and levels of community activism. ILAB therefore works with national governments, the International Labor Organization, and many other stakeholders to develop solutions that are collaborative and cut across different sectors.*

Why do child labor and forced labor exist? *There are a variety of complex factors that contribute to child labor. They include high levels of poverty; limited educational opportunity; inadequate social and physical infrastructure (such as low quality health care, roads, water, and sanitation); legal and policy barriers; cultural factors and the type of family structures; and weak labor law enforcement. The same holds true for forced labor. The growing numbers of people moving in search of economic opportunities makes these migrants more vulnerable to labor exploitation. In addition to those impacted by traditional practices of forced or bonded labor, migrants seeking work in another country or a different part of their own country are more vulnerable to employers, labor recruiters, and others who seek to exploit them. Often they are victimized by false contract terms or other fraudulent schemes and find themselves owing debts they cannot repay.*

What new resources are being used to combat child labor and forced labor? *Let me cite just two examples. First, in December 2012, the department awarded more than \$39 million for projects in nine countries: Brazil, Colombia, Peru, Ecuador, Panama, Haiti, Tanzania, Burkina Faso and Indonesia. In addition, in December ILAB also launched a new resource called "Reducing Child Labor and Forced Labor: A Toolkit for Responsible Businesses," which is the first guide developed by the U.S. government to help businesses combat child labor and forced labor in their global supply chains. The toolkit highlights the need for businesses to put in place a strong social compliance program that integrates their policies and practices to ensure they address child labor and forced labor throughout their supply chains.*

• [Learn More About ILAB and Its Programs](#)

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## Around DOL

### Veterans Advisory Committee Discusses New Initiatives

The Secretary's Advisory Committee on Employment, Training and Employer Outreach met January 25 to discuss new initiatives to help veterans seek employment and to hear from Keith Kelly, the new assistant secretary of labor who heads the Veterans' Employment and Training Service. Kelly, a Vietnam veteran, told the audience he is committed to providing returning service men and women with the employment support, assistance and opportunities they need to find meaningful civilian careers. He said he hopes to improve outreach to service members, bolster intensive employment services to those with significant barriers to employment, implement and improve the redesigned department's Transition Assistance Program, and enhance his agency's ability to measure and report on the impact of its programs by improving data collection and reporting.



• [View the Slideshow](#)

## John T. Dunlop Memorial Forum

Professors and students of Harvard Law School gathered on January 30 in the Harvard Faculty Club for a program led by Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. The event, "Protecting Health and Safety in a Changing Workplace," was part of the John T. Dunlop Memorial Forum and was sponsored by the law school's Labor and Worklife Program. John T. Dunlop, the forum's namesake, was a mainstay in the labor community throughout his career, and served as President Ford's first labor secretary. Michaels underscored the importance of OSHA's mission, looking back at the past 42 years of OSHA's history, and noted the significant reduction in the number of workplace fatalities and the commitment to changing the culture of occupational safety.

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## Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 368,000 for the week ending Jan. 26, an increase of 38,000 from the previous week. The four-week moving average was 352,000, up 250 from the previous week's revised average of 351,750.

- [Read the News Release](#)

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## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

EBSA — Getting It Right: Know Your Fiduciary Responsibilities Seminar

- [March 7 — San Francisco, CA](#)

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [March 13-14 — Baton Rouge, LA](#)

OFCCP — 2013 Community Resource Fair

- [February 14 — Bloomington, MN](#)

OFCCP — Compliance Assistance Seminar

- [February 6 — Boston, MA](#)

OFCCP — Construction Best Practice Seminar

- [February 21 — Milwaukee, WI](#)

OFCCP — Construction: Nuts and Bolts

- [March 12 — Dallas, TX](#)

OFCCP — Construction Requirements

- [February 21 — Omaha, NE](#)

## DOL Working for You

### Brunswick Job Corps Replicates Hospital for Students



When Georgia's Brunswick Job Corps wanted to become the only center that offers a Patient Care Technician Training Program, it turned to its own students for help. Participants in Brunswick's electrical, plumbing, painting and other programs renovated an old classroom and transformed it into replicas of a hospital emergency room and a patient's room. Carol Grant, the center's technical training manager, estimates that effort saved Job Corps about \$50,000 by avoiding hiring an outside building contractor. Students studying to become nurses and home health aides through the center's program can receive additional health care certifications and become more attractive

to employers in areas such as long-term care facilities. Student Betty Tripp is about to graduate from the program. She said, "I have a good chance at employment" through Brunswick's program because of the growing need for health care providers.

### WIA Helps Californian Attain Employment

With five children to support, California's Atilana Ramos was living "paycheck to paycheck" when she suddenly got laid off from her loan processing job. Ramos felt further education was the ticket to employment, so she turned to her local Workforce Investment Board's employment resource center for help. The center offered Ramos workshops on how to write resumes and interview for jobs, giving her confidence, self-esteem and optimism. She also obtained additional skills training at a vocational college that was funded through the Workforce Investment Act. Ramos, who now works as an insurance billing specialist for an air ambulance company, credits the help she received "with having a positive impact on my life."



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## DOL in Action

### Storm Recovery Assistance for Mississippi

The Mississippi Department of Employment Security was awarded a \$1 million National Emergency Grant increment on January 31 by the department to continue funding for temporary cleanup and recovery jobs following the devastation caused by Hurricane Isaac. "While much progress has been made in Mississippi, the state continues to recover from the destruction caused by Hurricane Isaac," said acting Secretary Harris. "The Labor Department's funding will provide additional assistance to affected communities while also creating temporary employment for local workers."

- [Read the News Release](#)

### Grant to Assist Laid-off Siltronic Workers

A \$529,837 National Emergency Grant to assist about 150 workers affected by the closure of Siltronic Corp. in Portland, Ore., was announced by the department on January 31. The company manufactures silicon wafers for computers, smartphones, navigation systems and similar devices. This grant will provide training and supportive services to workers in conjunction with

OFCCP — Everything You Want to Know About Adverse Impact, Records and Record Retention

- [February 21 — Houston, TX](#)

OFCCP — Maintaining Applicant Flow Data

- [March 7 — Omaha, NE](#)

OFCCP — Preparing Small and New Supply and Service Contractors for an OFCCP Audit

- [March 6 — Pittsburgh, PA](#)
- [March 6 — Philadelphia, PA](#)

OFCCP — Record Keeping Required by OFCCP

- [February 20 — Orange, CA](#)

OFCCP — What to Expect During an OFCCP Audit/ Overview of Section 503 and 4212

- [February 8 — Columbus, OH](#)

OFCCP — Women in Nontraditional Jobs

- [February 7 — Omaha, NE](#)
- [March 7 — Columbus, OH](#)

OFCCP — Your Construction Requirements

- [February 20 — Columbus, OH](#)

OLMS — Compliance Assistance Seminar

- [February 19 — San Francisco, CA](#)
- [February 22 — Buffalo, NY](#)
- [March 5 — Dallas, TX](#)
- [March 6 — Monroe, OH](#)

OSHA — Informal Stakeholder Meetings on Preventing Injuries and Fatalities from Vehicle Backovers

- [February 5 — Arlington, TX](#)

OWCP — Town Hall Meetings to Assist Nuclear Weapons Workers

- [February 13 — Oak Ridge, TN](#)

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USDOL DOL reaches settlement with contractor on failure to report injuries and fatalities under Defense Base Act  
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services received as a result of their eligibility for Trade Adjustment Assistance benefits. "The strength of the U.S. economy depends upon workers getting the skills they need and being ready to respond quickly to market and business changes," said acting Secretary Harris. "As our economy continues its recovery, this Labor Department grant will help eligible workers find new jobs in the area."

- [Read the News Release](#)

Ohio Roofing Company Cited After Worker Dies From Heat Stroke

A.H. Sturgill Roofing Inc. of Miamisburg, Ohio, has been cited by the Occupational Safety and Health Administration for two serious safety violations after a worker died from complications caused by heat stroke on Aug. 22, 2012. The 60-year-old temporary worker sustained heat stroke while working in direct sunlight on a commercial flat roof, throwing rubber roofing material into a dump truck. Two serious violations involve failing to provide a program addressing heat-related hazards in the workplace and to train workers on recognizing the signs and symptoms of heat-related illnesses.

- [Read the News Release](#)

Suit Filed to Help Participants of New York 401(k) Plan

The department has filed suit seeking the appointment of an independent fiduciary to manage the 401(k) plan of defunct Windswept Environmental Group Inc. of Holtsville, N.Y. The plan's administrator, trustee and sole fiduciary passed away and the company subsequently ceased operations. As a result, former employees of the company have been unable to access their 401(k) accounts, make investments or collect retirement benefits. The department's lawsuit asks the U.S. District Court for the Eastern District of New York to appoint an independent fiduciary to administer the plan and distribute the assets to its participants and beneficiaries.

- [Read the News Release](#)

Maker of Sports Team Apparel to Pay Back Wages

It's Greek to Me Inc., which operates as GTM Sportswear, has agreed to pay 133 workers a total of \$97,762 in back wages following an investigation by the Wage and Hour Division. The investigation found violations of the Fair Labor Standards Act when certain sales representatives were found to be improperly classified as exempt from overtime requirements. The investigation determined that GTM Sportswear failed to pay employees overtime compensation at time and one-half their regular rates of pay for hours worked beyond 40 in a week. The violations affected employees from GTM Sportswear's headquarters facility in Manhattan, Kan.

- [Read the News Release](#)

Worker Suffers Finger Amputation at Auto Parts Plant in Alabama

Pyongsan America Inc. has been cited by the Occupational Safety and Health Administration with one willful safety violation after a worker had a finger amputated. The worker was crimping air conditioning hoses on a new vehicle at the company's manufacturing facility in Auburn, Ala. The willful violation involves failing to provide machine guarding for the points of operation on the crimping machines. Pyongsan America manufactures automotive parts for Hyundai Motor Co. Proposed penalties total \$69,300.

- [Read the News Release](#)

Pennsylvania Painting Company Added to Severe Violator Program

Panthera Painting Inc. in Canonsburg, Pa., has been cited with 38 violations — 14 willful, 11 repeat, 11 serious, and two other-than-serious — by the Occupational Safety and Health Administration. The alleged hazards were found at bridge work sites in Slatington, Harrisburg and Slatedale, Pa.,

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USDOL DOL to assist Oregon workers affected by Siltronic Corp. layoffs

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where workers were performing abrasive blasting and repainting projects. The willful violations were due to failure to properly protect workers from lead exposure and a lack of fall protection. The repeat and serious violations include workers exposed to lead above the permissible exposure level and a lack of personal protective equipment. Penalties of \$459,844 have been proposed and the company has been placed in OSHA's Severe Violator Enforcement Program.

- [Read the News Release](#)

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