



DOL News Brief

July 12, 2012

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An Artistic Touch



The Frances Perkins Building is the home of agencies and programs committed to improving the American workplace, and four colorful murals in the department's lobby portray that commitment daily to all

visitors. Famed artist Jack Beal spent 2 and one half years depicting the history of work from colonial times to the space era in 12-by-12-foot paintings.

In one of the murals, Beal featured Labor Department employee Vivian Twisdale, who is now retired. "It's wonderful, and when I look back at the picture. I say, is that me? I'm very happy." Recently, in conjunction with the department's centennial, a team of art conservationists from the General Services Administration restored the murals to their luster.



• [Watch the Video](#)

What's New

BP to Pay More Than \$13 Million in Settlement Agreement

BP Products North America Inc. and the Occupational Safety and Health Administration have resolved 409 of 439 citations issued by OSHA after an October 2009 inspection, Secretary Solis announced July 12. The inspection followed up on previous citations and a settlement that grew out of a 2005 explosion at a refinery that killed 15 workers. BP has or will address all covered violations by the end of 2012, and will pay more than \$13 million in penalties. Solis was joined by Deputy Assistant Secretary of Labor for Occupational Safety and Health Jordan Barab in a teleconference call announcing the agreement. "For the workers at BP's Texas City refinery, this settlement will help establish a culture of safety," Solis said. "The workers who help keep our nation's oil and gas industries running deserve to go to work each day without fear of losing their lives."

- [Read the News Release](#)
- [Read the Settlement](#)
- [View the Website for Details](#)

Still Time for Summer Jobs



With summer well under way, the spotlight is once again on expanding job opportunities for young people as Secretary Solis participated in the grand opening of three new Jamba Juice stores in the D.C. area this week.

Jamba Juice, a strong partner in the Summer Jobs+ initiative, hired more than 50 local area

youth as part of the store openings. At the event to open the company's new Dupont Circle location, the company also announced on July 9 that it has already exceeded its national commitment to hire 3,500 young people this summer, and may reach as many as 5,000. The more than 150 organizations committed to the Summer Jobs+ initiative are still actively looking to fill training spots and hire employees. Check out the Summer Jobs+ Bank to find opportunities near you.

- [View the Slideshow](#)
- [Read the Blog Entry](#)
- [Search the Summer Jobs+ Bank](#)

Richmond Roundtable



Job training and career coaching programs are important resources that people should seek out and use, Secretary Solis said at a Richmond, Va.,

roundtable discussion with representatives of nonprofit organizations, schools, government agencies and the Latino community. The event was held at the Community College Workforce Alliance of the J. Sargeant Reynolds Community College on July 10. Solis urged job seekers to visit American Job Centers and noted that a department grant is funding a pilot program to provide mentoring and assistance to new entrepreneurs. "There are numerous federal programs available to help you land a job," Secretary Solis said, "and if you're an employer, we want to make it easier for you to find the workers you need."

• [View the Slideshow](#)

Record Settlement in Wage Case Involving Temporary Foreign Workers

Northern Nevada onion grower Peri & Sons has agreed to pay a record back wage settlement of \$2,338,700 to 1,365 workers along with a civil penalty of \$500,000 for violations under the H-2A temporary foreign agricultural workers program. "We are pleased to have reached this record agreement to pay workers the wages and expenses they are due," said Secretary Solis. "In order for the H-2A program to operate as intended, all

It's Time to 'Friend' Job Corps

Job Corps has created a Facebook page, "the first official step into the realm of social media" by the agency, Jobs Corps National Director Edna Primrose announced July 10. The page will be used to share text, web links, photos and videos with the Job Corps community, and will also include daily content, such as student testimonials, career technical training and news articles, she said.

- [Visit the Page](#)
- [Make a Suggestion](#)

Labor Department Steps Up to Bat

"Add Us In," a department-funded initiative that increases employment for people with disabilities in small businesses, partnered with the Negro Leagues Baseball Museum during All-Star week in Kansas City. The museum hired students with disabilities as greeters, ticket takers and gift shop assistants for the 2012 Major League Baseball summer classic. Participants were graduates of the Urban Career Academy, a seven-week job preparation curriculum developed and piloted by Add Us In Kansas City. Students will work a total of 50 hours at the museum, and may be recruited to work part time during peak seasonal events.



- [Watch the Video](#)

Promoting Job Clubs



Phil Tom, director of the department's Center for Faith-Based and Neighborhood Partnership, recently presented information about the Center's Job

Clubs program at the Church of God in Christ Auxiliaries in Mission Convention in Birmingham, Ala. Presentations also were made by the Cathedral of Faith Church of God in Christ's Saved and Out of Work Ministry in Atlanta; the Dawson Memorial Baptist Church Crossroads Career Ministry in Birmingham; the Alabama Department of Economic and Community Affairs Workforce Development Division; and the Jefferson County Center for Workforce Development.

- [View the Slideshow](#)
- [Learn About Job Clubs](#)

Innovators Convene

employers must comply with the law." An investigation by the department's Wage and Hour Division determined that the workers were not paid properly, with earnings at times falling below the hourly wage required by the program, as well as below the federal minimum wage of \$7.25 per hour. The H-2A temporary agriculture worker program establishes a means for employers who anticipate a shortage of domestic workers to bring foreign workers to the United States. Employers must meet a number of conditions for recruitment, wages, housing, meals and transportation.

- [Read the News Release](#)
- [View the Settlement Agreement](#)

News You Can Use

New Classes of Workers Added to the Special Exposure Cohort

The department is notifying former employees of Brookhaven National Laboratories in Upton, N.Y., Sandia National Laboratories in Albuquerque, N.M.; Electro Metallurgical facility in Niagara Falls, N.Y., and the Clinton Engineer Works in Oak Ridge, Tenn., about four new classes of employees added to the Special Exposure Cohort of the Energy Employees Occupational Illness Compensation Program Act. Workers included in a designated class, and diagnosed with one of 22 specified cancers, may receive a presumption of causation under the EEOICPA. The department has paid more than \$8.2 billion to eligible workers nationwide.

- [Read the Brookhaven National Laboratories Town Hall Meeting Release](#)
- [Read the Sandia National Laboratories Release](#)
- [Read the Electro Metallurgical Release](#)
- [Read the Clinton Engineer Works Release](#)
- [Read the Blog Entry](#)

Closing the Pay Gap

New publications on equal pay for women and employers formed the centerpiece of remarks by Women's Bureau Regional Administrator Jacqueline Cooke to an audience of about 100 people attending the recent Equal Pay Conference in Burlington, Vermont. "A Guide to Women's Equal Pay Rights" and "An Employer's Guide to Equal Pay" were produced by the Women's Bureau to inform women about their rights and employers about their legal obligations. Cooke also discussed the President's National Equal Pay Task Force, the Equal Pay App Challenge, and Secretary Solis's commitment to close the wage gap. The event was sponsored by the Office of the Vermont Attorney General and the Equal Employment Opportunity Commission. Speakers included former Vermont governor Madeleine Kunin; Mary Ellen Bentivogli, director of the Hartford District Office of the department's Office of Federal Contract Compliance Programs, and representatives of community and business groups. Sen. Patrick J. Leahy of Vermont provided remarks via a video.

- [Read A Guide to Women's Equal Pay Rights](#)
- [Read An Employer's Guide to Equal Pay Laws](#)

National News

Mine Academy Shines Light in the Darkness

Following the unexpectedly violent and deadly storm June 29 that caused widespread damage from northern Indiana to the southern mid-Atlantic coast, hundreds of thousands of people

The White House held a Faith-based Social Innovator Conference on July 11 that brought together about 100 community leaders from across the country who



are implementing faith-based solutions to address local, national, and global challenges. Valerie Jarrett, senior advisor to the president, brought greetings from President Obama, who expressed his gratitude for the invaluable work these social innovators perform in struggling communities. The department's Center for Faith-based and Neighborhood Partnerships' Job Clubs Initiative was well represented at the conference. Job Club leaders from Los Angeles, Minneapolis and Charlotte, N.C., participated in the conference. Earlier, Job Club leaders met with Secretary Solis to discuss the innovative ways their ministries partner with the workforce investment system to help get Americans back to work.

EU/US on Worker Safety

The European Union played host this week to the 7th EU/US Joint Conference on Occupational Safety and Health. Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels joined European safety leaders at the joint session in Brussels. During remarks on July 11, Michaels underscored the importance of transatlantic engagement and cooperation between countries. "These meetings provide us a valuable opportunity to collaborate, share ideas and, together, develop solutions to key occupational safety and health problems," he said. "It is my earnest hope that the discussions taking place this week will strengthen our partnerships and lead to enhanced worker rights on both sides of the Atlantic."

Women's Retirement Security



Women earn about 80 cents on the dollar compared to men — a gap that results in the loss of nearly \$400,000 over a woman's career.

The pay gap for African-American women and Latinas is often greater. For that and other reasons, women are more likely to have smaller savings or no nest egg at all when heading into retirement — a problem that is magnified because women in general tend



were thrust suddenly into the dark. In West Virginia, Gov. Earl Ray Tomblin declared a state of emergency, and utility

companies quickly scrambled to repair fallen power lines and restore electricity. As emergency crews from Florida, Georgia, South Carolina and Tennessee arrived, American Electric Power was soon into the logistics of lodging. Rod Lively, an AEP customer service representative, contacted the Mine Safety and Health Administration's training academy in Beckley, W.Va., and struck gold. The dormitories, normally filled with mine safety and health professionals and students, were empty because of the approaching holiday. The first utility workers arrived July 1, and nearly 150 were in temporary residence by July 3. According to Academy Superintendent Janet Bertinuson, the grateful lodgers equated their accommodations to those of a five-star hotel, compared to typical emergency housing. "Usually they're staying in semi-trailers with bunks stacked three high," recounted Bertinuson. Students returned the following week, but with some creative juggling, academy staff managed to maintain 40 dorm rooms for the utility workers and commandeered an additional 40 cots from the Raleigh County Emergency Operations Center. These gestures did not go unacknowledged. "You and the Academy have been great, and we are so very thankful," e-mailed Rick Wiseman, region support manager for AEP. Gov. Tomblin also expressed his appreciation to MSHA's academy for opening its doors to the workers.

International Scene

Nominations Open for 2012 Iqbal Masih Award

Since 2009, the department has annually presented the Iqbal Masih Award to an individual or organization that demonstrates extraordinary efforts to reduce the worst forms of child labor. The award is named after Iqbal Masih, a Pakistani carpet weaver who at the age of 12 escaped servitude and became an advocate against child labor until his murder a year later. The department's Office of Child Labor, Forced Labor and Human Trafficking is soliciting nominations for the 2012 Iqbal Masih Award for the Elimination of Child Labor. Nominations for this non-monetary award must be submitted by July 31. Last year's award winner was filmmaker Len Morris, who has produced documentaries about the plight of child workers in numerous countries.

- [Read More About the Award](#)

DOL Working for You

FMLA for All Families

Naz Meftah was pregnant with triplets when doctors told her that one of her babies was not developing properly. On Christmas Eve 2008, she was hospitalized, and her spouse, Lydia Banuelos, was unable to be with her at the time because her employer would not allow her to take time off because it did not recognize

to live longer than men. That's why the Women's Bureau and the Employee Benefits Security Administration recently teamed up for roundtable discussions in New York and Boston on women's economic and retirement security. The keynote presenter at both events was Deputy Assistant Secretary of Labor Michael L. Davis of EBSA, who discussed the importance of protecting employee earnings and benefits and assisting workers in understanding their rights related to health and retirement plans. The roundtables brought together nearly 80 participants from women's educational and advocacy organizations, the legal community, non-profit groups, financial services providers, immigrant and faith-based organizations, and federal, state and local government.

- [Visit the Women's Bureau Website](#)
- [Visit the Women and Retirement Savings Website](#)

Focus on Disability Hiring

Throughout the month of June, the Office of Federal Contract Compliance Programs Baltimore District Office District Director Tom Wells and the Arlington



Area Office Assistant District Director Andrew Ransome spread the word about OFCCP's current section 503 of the Rehabilitation Act regulations and the 503 Notice of Proposed Rulemaking. More than 800 representatives of businesses, community organizations and other groups were provided with information on why regulatory changes are necessary to address the wide discrepancy in employment between Americans with and without disabilities. The OFCCP outreach included the American Association for Affirmative Action's 38th National Conference, the Corporate Immersion Employer Roundtable, and the Association for Persons in Supported Employment's 23rd Annual National Conference in Washington, D.C., and Maryland areas.

- [View the Slideshow](#)

Diversity and Disability

Kathy Martinez, assistant secretary of labor for disability employment policy, emphasized the importance of diversity during meetings with private



their relationship. "We lost our son on January 10th, and Lydia couldn't even come with me," Meftah said. "Those kinds of wounds are real hard to heal." Under new interpretations of the Family and Medical Leave Act, inspired by stories like that of Naz and Lydia, any person acting in the role of a parent – including the same-sex partner of a biological parent – may

exercise their right to FMLA leave.

- [Download the FMLA Guide](#)
- [Read More About FMLA](#)

South Dakota Veterans See VRAP as Catalyst for Careers

Two Army veterans in Sioux Falls, S.D., are hoping to learn new skills for high-demand jobs through a joint program sponsored by the department and the Department of Veterans Affairs. Daniel Booker, who served as an Army medic, learned of the Veterans Retraining Assistance Program, known as VRAP, at a Veterans Outreach Center in Sioux Falls.

Booker plans to enroll in a welding program at Southwest Technical Institute in Sioux Falls this fall through VRAP, which provides funding and training for unemployed veterans ages 35 to 60. "I think the teamwork and discipline I learned in the Army make me a valuable employee," Booker said. "I hope this program



will lead me to a profitable career and self-sustainment." Army veteran Kenneth Harmer (pictured) is also hoping the program will be the pathway to a better future. Harmer signed up for the program at the Sioux Falls workforce center on the advice of the veterans representative. "He really felt I was a good candidate for the program because I fit all the qualifications," Hammer said. "I hope this program will provide me the skills and opportunities to have a successful career." Hammer also plans to enroll for training this fall.

- [Learn More About VRAP](#)

DOL in Action

Alabama Company Pays Nearly \$258,000 in Back Wages to 21 Workers

The Wage and Hour Division has recovered \$257,635 in back wages for 21 H-1B employees of SVK Systems Inc., in Montgomery, Ala., hired for information technology jobs in 17 states. An investigator found the employer failed to pay the workers when they were required to report to the Montgomery office for training. Additionally, there were instances in which the employer did not pay the required prevailing wage rate for some hours worked. The investigation was conducted by the Wage and Hour Division's Birmingham District Office.

- [Read the News Release](#)



sector and federal employers this week. Speaking at a D.C. Metro Business Leadership Network event in Arlington, Va., she said, "America's economic

success requires us to capitalize on the talents of all segments of the population, including people with disabilities." Later in the week, Martinez participated in the Unity Through Diversity Day celebration at the U.S. Citizenship and Immigration Service in Washington, D.C. Noting the special mission of the agency, Martinez told the group, "When people with disabilities are integrated into your workforce, people really see in action what America means when it talks about equality, diversity and inclusion. They see America's ideals in action, which is so important as your agency works to support immigrants' integration and participation in American civic culture."

Strengthening Communities

Local workforce and community development leaders from Baltimore, Chicago, New Orleans, the Twin Cities, and Seattle gathered in Washington, D.C., this week to participate in a summit hosted by the National Skills Coalition to explore strategies for better aligning workforce development and community economic development efforts. Jane Oates, assistant secretary of labor for employment and training, participated in a July 10 roundtable with colleagues from the departments of Education, Transportation, and Housing and Urban Development. Ben Seigel, deputy director of the Center for Faith-based and Neighborhood Partnerships, led a breakfast discussion around federal interagency collaborations. Finally, staff from the White House Council on Strong Cities, Strong Communities discussed efforts to spark community economic development through partnerships among federal agencies and localities.

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

Calendar Highlight

The Office of Workers' Compensation Programs will participate in a town hall meeting and send its travelling resource center to Upton, N.Y., on July 17 to provide former Brookhaven National Laboratory employees with information about a new class of employees recently added to the Special

Alliance to Focus on Construction Workers in Chicago

The Occupational Safety and Health Administration has partnered with the Polish American Contractors Builders Association to provide information, guidance and training resources to protect the health and safety of construction workers in and around Chicago. All three of OSHA's Chicago area offices – in Des Plaines, Calumet City and North Aurora – are participating. Materials will be provided in Polish and English.

- [Read the News Release](#)

Workers Exposed to Lead, Cadmium at Ohio Plant

Toxco Inc. has been cited for 14 serious safety and health violations at the company's battery recycling facility in Lancaster, Ohio. The Occupational Safety and Health Administration found violations that included failing to protect workers from overexposure to lead and cadmium. Proposed penalties total \$59,400.

- [Read the News Release](#)

OLMS to Supervise Union Election in Texas

Communications Workers of America Local 6215 in Dallas has agreed to conduct new nominations and a new election for the offices of chief steward for jurisdictions 4, 7, 8, and 17 under the supervision of the Office of Labor-Management Standards. The agreement follows an OLMS investigation that found that the local imposed an unreasonable candidacy requirement—attendance at six of the 12 monthly local meetings prior to the nomination meeting. The requirement disqualified 98 percent of the members from running for office. The investigation also revealed that an ineligible person voted and an eligible member's vote was not counted in the union's October 2011 election.

Wage Violations Found at Seafood Market in Louisiana

The Wage and Hour Division has assessed civil penalties totaling \$21,173 against Pace Enterprises LLC, doing business as Feliciana Seafood Market and Deli in St. Francisville, La., and Frank T. Pace, the company's owner. "This employer breached its agreement and did not pay either U.S. or nonimmigrant guest workers the wages they rightfully earned," said Cynthia Watson, the Wage and Hour Division's regional administrator for the Southwest. The investigation found violations of the overtime, minimum wage and record-keeping provisions of the Fair Labor Standards Act, as well of the H-2B provisions of the Immigration and Nationality Act. Violations resulted in \$22,281 in back wages due to 10 employees.

- [Read the News Release](#)

Wilderness Company in Hawaii Pays Back Wages

Pacific Quest has paid \$225,413 in back wages to 121 current and former employees for violations of the Fair Labor Standards Act's overtime, minimum wage and record-keeping provisions. The Wage and Hour Division found that the overnight wilderness therapy company never calculated or paid an overtime premium for field instructors who worked in excess of 40 hours per week. Employees served their shifts residing at a campsite and averaged 122 hours of work over a two-week period but were paid straight time that did not always meet the federal minimum wage.

- [Read the News Release](#)

Exposure Cohort of the Energy Employees
Occupational Illness Compensation Program
Act.

**OWCP — DEEOIC staff participating in
town hall meeting to assist nuclear
weapons workers**

- [July 17 — Upton, NY](#)

**EBSA — Health Benefits Laws Compliance
Assistance Seminar**

- [July 25-26 — Billings, MT](#)

OFCCP — The ABC's of the AAP

- [July 19 — Los Angeles, CA](#)

**OFCCP — ADA Celebration Town Hall
Meeting**

- [July 26 — Pittsburgh, PA](#)

**OFCCP — Analyzing Personnel Activity
Data**

- [July 26 — Omaha, NE](#)

**OFCCP — Beyond the Affirmative Action
Program: The Spirit of the Law**

- [August 1 — Chicago, IL](#)

**OFCCP — Building Partnerships for the
Community**

- [July 17-18 — Jackson, MS](#)
- [August 9 — Charlotte, NC](#)

**OFCCP — Community Based Organization
Event**

- [August 2 — Philadelphia, PA](#)

OFCCP — Compliance Assistance Seminar

- [July 18 — Boston, MA](#)

**OFCCP — Compliance Assistance for First
Time Supply and Service Contractors**

- [July 17 — Atlanta, GA](#)
- [August 3 — Philadelphia, PA](#)

**OFCCP — Compliance Assistance Seminar
for Construction Contractors**

- [July 18 — Philadelphia, PA](#)
- [August 15 — Philadelphia, PA](#)

**OFCCP — Compliance Assistance Seminar
for Supply & Service Contractors**

- [July 25 — Nashville, TN](#)
- [August 1 — Nashville, TN](#)

**OFCCP — Developing Written Affirmative
Action Plans**

- [July 25 — Columbus, OH](#)
- [August 9 — Omaha, NE](#)

Reaffirming the Legal Rights of Miners

Among the most critical provisions of the Federal Mine Safety and Health Act of 1977 is the protection of miners against retaliation for raising health and safety concerns. Two recent decisions by the Federal Mine Safety and Health Review Commission have affirmed the legal rights of miners to be protected against discrimination in the workplace. In these cases, administrative law judges ordered the underground coal miners reinstated to their respective jobs, one temporarily and one permanently. Said Joseph Main, assistant secretary of labor for mine safety and health: "Miners must be able to freely address health and safety concerns in the workplace. If a miner is denied the right to participate in safeguarding health and safety, it puts at risk not only his safety, but the safety of his fellow miners."

- [Read the Blog Entry](#)

Whistleblower Complaint Prompts OSHA Penalties

DKS Structural Services Inc., doing business as Don Kennedy and Sons House Moving Co., has been cited by the Occupational Safety and Health Administration with \$122,400 in penalties for trenching violations. OSHA opened an investigation of the Huntsville, Ala. company after receiving a complaint from a whistleblower. "Risking the safety of workers is not an acceptable business decision," said Lisa Strunk, OSHA's acting area director in Birmingham.

- [Read the News Release](#)
- [View the Citations](#)

Probe at Benefits Fund Found \$1.7 Million in Improper Loans

A lawsuit filed by the department against the United Employee Benefit Fund in Northbrook, Ill., has been resolved. A federal judge in Chicago signed a consent order between the benefit fund and the secretary of labor to amend the fund's governing documents so that they comply with the Employee Retirement Income Security Act and the Internal Revenue Code. An investigation by the Employee Benefits Security Administration found that the fund's trustees made loans to participants that were improper, unsecured and allowed to become delinquent. Pursuant to the consent order, the amount of the improper loans – totaling more than \$1.7 million – will be subject to corrected loan documentation, repaid by plan participants, or treated as taxable distributions.

- [Read the News Release](#)

Inspection Finds Safety Violations at Paint Coating Company

Kronis Coatings Division of Jay Industries Inc. in Mansfield, Ohio, has been cited with 14 safety violations that include failing to provide fall protection and requiring the use of personal protective equipment while handling chemicals and performing electrical work. The Occupational Safety and Health Administration initiated an inspection as a part of its Site-Specific Targeting Program, which focuses inspections on employers in high-injury and -illness industries. Proposed penalties total \$51,000.

- [Read the News Release](#)

Kentucky Coal Company Fined \$594,000

The Mine Safety and Health Administration has proposed \$594,100 in fines to Manalapan Mining Co. Inc.'s P-1 Mine in Harlan County, Ky., for the 2011 death of a miner. A 49-year-old continuous haulage cable attendant was struck by a large section of rock in the underground coal mine, knocked into a dolly and dragged along the conveyor belt structure. MSHA determined that the accident occurred because the mine operator failed to support or

OFCCP — Implementing an Effective Affirmative Action Program: Obtaining Meaningful Results

- [July 16 — Chicago, IL](#)

OFCCP — Maintaining Applicant Flow Data

- [July 19 — Omaha, NE](#)

OFCCP — New Contractor Introduction to AAPs

- [July 26 — Houston, TX](#)

OFCCP — Preparing for an Evaluation by OFCCP (Non-Construction Contractors)

- [July 17 — Philadelphia, PA](#)
- [August 7 — Philadelphia, PA](#)

OFCCP — Supply and Service AAP Seminar for Small and New Contractors

- [July 18 — Mountainside, NJ](#)

OFCCP — Women in Non-Traditional Occupations

- [August 2 — Omaha, NE](#)

OFCCP — Workplace Accommodations Occupations

- [August 16 — Omaha, NE](#)

OLMS — Compliance Seminar

- [July 19 — Nashville, TN](#)
- [July 26 — Charlotte, NC](#)

OSHA — Maritime Advisory Committee for Occupational Safety and Health Meeting

- [July 24-25 — Seattle, WA](#)

OWCP — DEEOIC staff participating in town hall meeting to assist nuclear weapons workers

- [July 17 — Upton, NY](#)

WB — Stand Down for Women Veterans

- [July 20 — Los Angeles, CA](#)

WHD — Freedom Family Foundation Mental Health Awareness Day

- [July 14 — Washington, NC](#)

WHD — Prevailing Wage Conference

- [July 24-26 — Los Angeles, CA](#)
- [July 31-Aug 2 — Miami, FL](#)
- [August 7-9 — Seattle, WA](#)

WHD — Understanding Special Minimum Wages under Section 14(c) of the FLSA

- [July 13 — Sacramento, CA](#)
- [July 19 — Birmingham, AL](#)

control the ribs, or walls, of the mine. Additionally, the operator failed to conduct adequate pre-shift and on-shift examinations, and failed to revise and upgrade the roof control plan to address changing geological conditions. According to MSHA, dozens of miners are injured by rib and roof falls every year. Last year, two miners died in rib falls, and three died the previous year.

- [Read the News Release](#)

Maine Steel Fabricator Cited for Serious Safety Hazards

The Occupational Safety and Health Administration has cited Cives Steel Co. for alleged willful, repeat and serious workplace safety violations at its Augusta, Maine, production facility. The steel products fabricator is facing \$132,000 in proposed penalties for several violations, including electrical, crushing, fall and laceration hazards, failure to provide employees with personal protective equipment, the use of extension cords as a substitute for fixed wiring, and an incomplete confined space entry program. The inspection was conducted under OSHA's Site-Specific Targeting Program.

- [Read the News Release](#)

FLSA Violations Decline at Louisiana Child Care Facilities

A multiyear enforcement initiative conducted by the department's Wage and Hour Division focused on child care facilities in northern Louisiana has made a positive impact on employer compliance with and remedied significant violations of the Fair Labor Standards Act's minimum wage, overtime and record-keeping provisions. In 2012, 57 percent of investigated employers were in violation of the FLSA, a decline from 2011, when 81 percent were found in violation. The 2011 investigations resulted in the recovery of \$146,105 in back wages for nearly 680 employees. "Several employers reported to us that, after hearing news in 2011 about the division's multiyear enforcement initiative, they took immediate steps to review their pay practices and come into compliance with the FLSA," said Cynthia Watson, the Wage and Hour Division's regional administrator in the Southwest.

- [Read the News Release](#)

Investigation at Two El Paso Restaurants Recovers Back Wages

El Paso-based Vivar's Villa Del Mar has agreed to pay \$72,709 in minimum and overtime back wages to 116 current and former servers at two restaurants in El Paso following an investigation by the department's Wage and Hour Division, which found systemic violations of the Fair Labor Standards Act. "Investigators found illegal and exploitative practices that deprived workers of the wages they rightfully earned," said Cynthia Watson, regional administrator of the Wage and Hour Division in the Southwest.

- [Read the News Release](#)

Settlement in Case Involving Residential Care Operator

The department has settled a lawsuit with the operators of a group of Sacramento, Calif. area residential care homes, resulting in an agreement to pay 52 current and former employees \$850,000 in unpaid wages. The settlement, which came after five days of trial and testimony from 17 witnesses for the department, resolves a suit against Jasmine Hall Care Homes Inc., filed in U.S. District Court for the Eastern District of California in June 2005. An investigation by the Wage and Hour Division found that employees were on duty around the clock, yet were paid for only eight hours of every 24-hour shift. The consent judgment includes terms for the voluntary surrender of licenses if future violations are found. "This settlement

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not only provides for back wages and scheduled time off for the employees, it also provides a solution that will allow the homes to continue to care for their residents," said Ruben Rosalez, regional administrator for Wage and Hour in San Francisco.

- [Read the Consent Judgment](#)

Complaints Filed Against Three Sand, Stone Mining Companies

The Mine Safety and Health Administration has filed complaints with federal district courts against three mining companies in New England to collect more than \$267,000 in delinquent civil penalties from mine safety violations. To guarantee the timely payment of any future penalties, MSHA will also seek injunctions and cash performance bonds from the three companies. American Industry Inc., of Connecticut, a construction sand and gravel operation; R.J. Cincotta Company, of Massachusetts, a crushed stone operation; and Raymond Sand and Gravel, of New Hampshire, a sand and gravel operation. "The Department of Labor will use all the tools available, including litigation in federal court, to pursue these scofflaws," said Michael Felsen, the regional solicitor of labor for New England.

- [Read the News Release](#)

Ensuring Fair Pay for Virginia Construction Workers

The Wage and Hour Division's Richmond District Office is conducting an enforcement initiative in Virginia's construction industry. The goal is to protect workers against wage violations by ensuring that they are not misclassified as independent contractors and by promoting sustained compliance among all contractors and subcontractors working on construction projects. Because the division has found significant noncompliance with provisions of the Fair Labor Standards Act in the construction industry throughout the nation, similar initiatives are underway in Connecticut, Oklahoma, Texas, and Guam.

- [Read the News Release](#)

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