



DOL News Brief

December 13, 2012

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

His Legacy Was Worker Safety



James D. Hodgson spent most of his career at the Lockheed Aircraft Corp., where he worked mostly behind the scenes, until he was recruited to come to the Department of Labor by the Nixon administration. He

began as the deputy to Labor Secretary George P. Shultz, and when Shultz became the administration's budget director, Hodgson became secretary of labor, no longer a behind-the-scenes executive.

In 1970, the Occupational Safety and Health Act was passed, and Hodgson oversaw its implementation. He also led a major expansion of employment and training programs to stem the post-Vietnam War recession. James Hodgson died on Nov. 28 at his home in Malibu, Calif., at age 96. As Secretary Solis said, he leaves an "extraordinary legacy" in worker health and safety.



- Read the Secretary's Statement
• View the Centennial Video

Latina Path to Success

Women from across the nation attended the executive leadership training conference held by the National Hispana Leadership Institute this week. Secretary Solis delivered the keynote address to more than 300 members of the institute.



"We need to create more pathways out of poverty and into good jobs and meaningful careers," Solis said on Dec. 10. "I've long believed that it comes down to mentorship if we want young Latinas to succeed." The department's chief economist, Dr. Adriana Kugler, discussed the improving economic outlook for Latinas, including a declining unemployment rate that is at 10.2 percent today,

What's New

Website to Help States With Programs Encouraging Entrepreneurship

Helping the unemployed to get back to work by helping them start their own business is the goal of a new website announced Dec. 13 by the Department of Labor and the Small Business Administration. The website provides state workforce and unemployment agencies with tools to implement or enhance Self-Employment Assistance programs. "Small businesses are the country's economic engine, and programs like Self-Employment Assistance will encourage more Americans to pursue their dreams of becoming entrepreneurs," Secretary Solis said. The new website includes a toolkit from SBA that offers courses and training on several topics, such as how to start a business and how to develop a business or marketing plan. Self-Employment Assistance is part of a package of reforms to the Unemployment Insurance system in the Middle Class Tax Relief and Job Creation Act of 2012 signed by President Obama. The reforms are designed to help turn the unemployment system into a re-employment system.

- Read the News Release
• Read the Blog Post
• View the SEA Website

Assistance Continues for Sandy Cleanup and Recovery

The aftermath of Hurricane Sandy continues to call communities and organizations to action. The department on Dec. 13 provided New York state with an additional release of funds — a \$13,896,148 National Emergency Grant increment. It will help create temporary jobs in New York counties added to the



Federal Emergency Management Agency's disaster declaration. Under the original FEMA declaration, the department approved funding of up to \$27,792,296, and \$13,896,148 of that has already been released. The department also has provided funding to other Northeast states, including hard-hit New Jersey. "We know the cleanup and recovery from the devastation caused by Hurricane Sandy can't be completed overnight," Secretary Solis said. The emergency funding, she added, represents "the federal government's long-term commitment to providing support to impacted communities." On another Sandy front, the Occupational Safety and Health Administration continues to educate employers and workers about hazards associated with cleanup work and is also focusing its enforcement activity on the leading causes of workplace fatalities. These include falls, being struck-by or caught-in/between an object, electrical

down from 12.1 percent in June 2009. Other speakers included women leaders in the news media and business.

- [View the Slideshow](#)

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## Tis the Season of Holiday Hiring

Every year, temporary employment spikes as retailers, theme parks and other companies hire extra employees to accommodate a seasonal increase in business. To help guide employees and employers through the busy holiday temporary work season, the department's Wage and Hour Division has created a new Holiday Season Employment Information Fact Sheet. This handy resource contains answers to commonly asked questions, and provides valuable information about how the Fair Labor Standards Act's minimum wage, overtime pay, record-keeping and child labor requirements apply to seasonal or part-time employment.

- [View the Fact Sheet](#)
- [Read the Blog Entry on Holiday Hiring](#)

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## Friendly Warning to Women



Most workers tend to underestimate what they need to have saved for retirement and the issue for women is much more serious, according to

Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi. Speaking at a forum last week hosted by the Women's Institute for a Secure Retirement, she explained that the financial realities facing women saving for retirement are different than those facing men. Because they tend to be in and out of the workforce during their careers, women end up earning less and consequently saving less. Even though there are 28 million working women participating in a retirement plan, women are more likely to hold part-time jobs that do not qualify for such benefits. Finally, women live longer than men on average, and need their savings to go farther. But women can help themselves for tomorrow by taking action today, such as signing up for an available retirement plan through their employer, or starting an individual retirement account on their own.

- [Read About Women and Retirement](#)
- [Read About WISER](#)

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## Historic Safety Alliance

A nearly 10-year-old safety alliance between the Mine Safety and Health Administration and National Stone, Sand and Gravel



Association was renewed last week. Joseph Main, the assistant secretary of labor who heads MSHA, and R.A.

hazards, confined spaces and hazardous materials. OSHA is conducting outreach activities, such as briefings and technical interventions, to educate workers and employers about cleanup hazards and protective measures.

- [Learn About Personal Protective Equipment](#)
- [Learn About Mold Hazards and Safeguards](#)
- [Read the New York Grant News Release](#)
- [Learn About Hurricane Recovery Assistance](#)
- [Read More on OSHA Keeping Sandy Workers Safe](#)

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## Help for Workers, Retirees of Bankrupt Companies

The department took action this week to help workers and retirees of bankrupt companies gain access to their retirement money sooner. Far too often the legal status of a former employer impedes retirees' access to their own funds, especially at the very time they need them most. A proposed rule from the Employee Benefits Security Administration would enable Chapter 7 bankruptcy trustees to more quickly and efficiently distribute benefits to retirement plan participants. It would also reduce the possibility of participants' accounts being eroded by excessive and unnecessary administrative and termination fees while their retirement plans remain frozen.

- [Read the News Release](#)
- [Read the Fact Sheet](#)

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## National News

### Whistleblower Protection Advisory Committee

The inaugural appointees of the Whistleblower Protection Advisory Committee were announced Dec. 13 by Secretary Solis. The purpose of the WPAC is to advise, consult with, and make recommendations to the secretary of labor and the assistant secretary of labor for occupational safety and health on ways to improve the fairness, efficiency, effectiveness and transparency of OSHA's administration of whistleblower protections. Twelve voting and three ad-hoc members were appointed by the secretary for two-year terms. They include members representing the public, management, labor, and state plans. The committee will meet at least twice a year, with its first meeting to be held on Jan. 29, 2013, in the department's Frances Perkins Building. "Protecting workers who identify wrongdoing is an essential cornerstone of the Department of Labor's worker protection enforcement efforts," said Solis.

- [Read the News Release](#)

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## News You Can Use

### Online Tool to Help Protect Workers Exposed to Cadmium

To help protect workers at risk of exposure to cadmium, the Occupational Safety and Health Administration has announced a new, interactive online tool. It will assist employers in complying with OSHA's cadmium standard. The Cadmium Biological Monitoring Advisor, as the online tool is known, is intended for use by medical professionals who assess workers' cadmium exposure. Cadmium is a soft, silver-white metal used in many industries, including metal machining, plastics, ceramics, painting and welding operations. Workers may also be exposed from the smelting and refining of metals or from air in industrial plants that manufacture batteries, coatings or plastics. Chronic cadmium poisoning can cause kidney damage and cancer of the lung or prostate. Cadmium also is believed to cause pulmonary emphysema and bone disease including osteomalacia and osteoporosis.

- [Read the News Release](#)

Edwards III, the association's president and CEO, resigned the agreement established in 2003. The safety alliance, MSHA's first ever, underscores the two organizations' commitment to protecting the health and safety of miners working at aggregate operations through information-sharing, education and training, and technical assistance.

- [Read the Alliance Agreement](#)

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## Education and Jobs

Access to industry-recognized training and credentials is vital to getting a good job, said Jane Oates, assistant secretary of labor for employment and training. Keynoting the Association of Private Sector Colleges and Universities symposium luncheon in Washington, D.C., last week, Oates emphasized the strong employer and education partnerships developed by the department. The Trade Adjustment Assistance Community College and Career Training grant program, which encouraged workforce development agencies and local employers to help design community college training curriculum, is just one example of this effort. The symposium, "From Politics to Policy," attracted approximately 250 leaders in the education, government and investment community.

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## All in a Good Day's Work

On some days, danger is just around the corner. On Dec. 12, two Occupational Safety and Health compliance officers in San



Francisco jumped into action after spotting imminent hazards at an office building construction site, not far from the regional office. They found the site's superintendent directing work from the top of the concrete wall and not wearing a personal fall arrest system. He was at risk of falling forward over the side of the building or backwards into the elevator shaft for the six-story building. An employee was working suspended off the side of the wall, held up by his positioning device that was hooked on the rebar. He was exposed to a fall of approximately 23 feet. Another employee was exposed to a potential fall from a ladder that was not secured. The OSHA staff members got the employees to safety, and then worked with the employer to ensure future compliance with OSHA safety regulations.

- [View the Slideshow](#)

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## Vote for Worker Safety App

Voting is underway for the Worker Safety Challenge People's Choice Award. Votes may be cast until Jan. 4, and a \$3,000 prize will be awarded to the entry that receives the most public support. The goal of the challenge was to spur development of an app that educates young people about their rights and demonstrates the importance of safety and health in the workplace. Twenty-one entries were submitted that met the

## DOL Working for You

### Ex-offender Earns His Second Chance



When he left prison at the age of 60, Warren Williams acknowledges, he did not know "what I was going to do to make a new life for myself." Williams' probation officer referred him to Alabama's The Dannon Project, a departmental grantee that helps ex-offenders gain training and re-entry support. Williams received career counseling and threw himself into a computer training course, using the project's computers to check for job leads and submit his resume to potential employers. He also received medical, food and transportation assistance. Williams recently landed a full-time job with benefits as a forklift operator for a manufacturer and is about to move into his

own apartment. The program "gave me a second chance and put me into the workforce," he said.

### Job Corps Helps Michigan Student Train for Health Care Career

When Nagee Hakim found himself homeless as a teenager, he knew he needed a lifeline to survive. Hakim enrolled in the Gerald R. Ford Job Corps Center in Grand Rapids, Mich., for a new start. In less than a year he completed his health occupations trade certification, received CPR training, and



passed the state test to become a certified nursing assistant. He did this while being a member of the Center's Student Government Association, serving as president of his dorm wing, and receiving "Most Improved Student" recognition. "Job Corps taught me how to be a great leader, communicator and what it takes to become employable," Hakim said. He now works full time as a nursing assistant for a retirement home and has his sights set on going to school to become a doctor.

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## DOL in Action

### Extensive Violations Found at LA Garment Shops

Serious violations of state and federal laws were found by investigators of the Wage and Hour Division and the California Division of Labor Standards Enforcement during a sweep of a single building in the Los Angeles Fashion District earlier this year. Widespread violations of the Fair Labor Standards Act resulted in \$326,200 in back wages due to 185 employees at 10 garment contractors in the building. The garments being produced by violators were destined for sale at more than 30 well-known retailers nationwide. "The extent of the violations discovered by these investigations was disappointing. Retailers need to actively ensure that clothes produced in the U.S. for sale to the American public are made by workers who are paid at least the minimum wage and proper overtime," said Secretary Solis.

- [Read the News Release](#)

Strategic Partnership Renewed With Wisconsin Foundries  
A strategic partnership with several northeast Wisconsin foundries and

competition's criteria. To vote, go to the online gallery of apps with descriptions and previews of their functionality made available by the contestants. The challenge, launched by the Occupational Safety and Health Administration, asked that developers create apps that use publicly available government information, be creative and attract users with different skill sets and language preferences, and consider partnerships to ensure app sustainability. Check back on Jan. 8 for the winner.

- [Cast Your Vote](#)

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## Helping All Seek Careers

Helping people with disabilities pursue competitive wages and autonomy at work was the focus of the 2012 National Employment Conference, hosted by the Department of Education's Rehabilitation Services Administration last week in Washington, D.C. The three-day conference gathered vocational rehabilitation professionals from around the country to share best practices. On Dec. 7, Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez addressed about 350 professionals, emphasizing the importance of their role in helping people with disabilities pursue meaningful careers and achieve economic self-sufficiency. "We here in Washington know that real change happens at the state and community level, and we are your partners in thinking differently to help people pursue their goals," said Martinez.

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## Protecting Children From Violence

Expanding employment opportunities for families and formerly incarcerated youth, in particular, can have a measurable impact in preventing children's exposure to violence, according to Jane Oates, assistant secretary of labor for employment and training. She highlighted re-integration of ex-offender programs as one example the department is offering to help break a cycle of poverty and violence. Her remarks were made during a meeting of the Defending Childhood Initiative's Task Force on Children Exposed to Violence, launched by Attorney General Eric Holder. The task force is part of the Coordinating Council on Juvenile Justice and Delinquency Prevention. It is tasked with reducing children's exposure to violence, raising public awareness about its consequences and advancing research on ways to counter its destructive impact.

- [Read About the Re-Integration Program](#)
- [Read About the Defending Childhood Initiative](#)

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## Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 343,000 for the week ending Dec. 8, a decrease of 29,000 from the previous week. The four-week moving average was 381,500, down 27,000 from the previous

weeks to improve ergonomic programs and reduce the rate of musculoskeletal injuries has been renewed by the Occupational Safety and Health Administration. The foundry industry has a high rate of such injuries because of tasks that involve moving heavy equipment, handling material and using pneumatic equipment, such as grinders and sanders. The collaborative work of the partnership, which was established in 2003, resulted in the 2012 OSHA publication "Solutions for the Prevention of Musculoskeletal Injuries in Foundries," which provides cost-effective approaches to help reduce injuries.

- [Read the News Release](#)
- [Read Solutions for Prevention Publication](#)

Inspection Finds Deadly Fall Hazards at New Hampshire Roofing

High & Dry roofing of Litchfield, N.H., has been cited by the Occupational Safety and Health Administration after inspectors found employees were exposed to potentially deadly or disabling falls from a two-story residential roof that lacked fall protection. The inspection of a Hampton work site found that High & Dry allowed workers to improperly use extension ladders that did not extend 3 feet above the upper landing surface; scaffold planking that did not have sufficient overlap; as well as unguarded belt and pulleys on a compressor that was tagged out of service, among other violations of safety standards. The company had been previously cited for similar violations. Citations were issued for willful and serious violations and \$118,500 has been proposed in fines.

- [Read the News Release](#)

California Restaurant Initiatives Uncover Widespread Wage Violations

Significant violations of federal minimum wage and overtime laws have been identified during ongoing enforcement initiatives focused on the restaurant industry in San Francisco and Los Angeles. To date, Wage and Hour Division investigations have determined that \$672,333 in wages and overtime compensation is due 273 employees working as cooks, servers, bussers and staff. Common violations of the Fair Labor Standards Act that were identified included not paying employees for pre-shift and post-shift work; paying workers cash wages "off the books," and paying fixed salaries, without regard to minimum wage and overtime requirements. Investigators found workers frequently worked 10-hour shifts, five to six days a week.

- [Read the News Release](#)

Employees Exposed to Hazardous Chemicals at Texas Facility

Honeywell Electronic Chemicals has been cited with 10 serious safety and health violations at the company's facility in Mansfield, Texas. The investigation by the Occupational Safety and Health Administration was part of the agency's national emphasis program on process safety management for covered chemical facilities. Employees were found to be exposed to catastrophic releases of highly hazardous chemicals while conducting operations at the plant site. Proposed penalties total \$53,000.

- [Read the News Release](#)

Oklahoma Electric Company Violates Davis-Bacon

Third Generation Electric Inc. in Tulsa, Okla., has paid \$26,770 in back wages to 19 current and former electricians and equipment operators following an investigation by the Wage and Hour Division. The company failed to pay employees the prevailing wage rates and fringe benefits required by the Davis-Bacon and Related Acts for work on federally-funded construction contracts. The contract was to construct a new water treatment



week's revised average of 408,500.

- [Read the News Release](#)

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## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

OFCCP — Analyzing Personnel Activity Data/ Internet Applicant Recordkeeping Rule

- [January 24 — Columbus, OH](#)

OFCCP — Beyond the Written AAP

- [January 8 — Dallas, TX](#)

OFCCP — Community Based Education & Outreach

- [December 20 — Memphis, TN](#)

OFCCP — Construction - Nuts and Bolts

- [January 10 — New Orleans, LA](#)

OFCCP — Best Practices for Construction Contractors

- [December 27 — Baltimore, MD](#)

OFCCP — Beyond the Affirmative Action Plan

- [January 16 — Orange, CA](#)

OFCCP — Beyond the Written AAP

- [January 17 — Houston, TX](#)

OFCCP — Construction Contractors Educational Seminar

- [December 18 — Richmond, VA](#)
- [December 19 — Boston, MA](#)

OFCCP — Determining Availability Seminar

- [January 10 — Milwaukee, WI](#)

OFCCP — Developing Written Affirmative Action Programs/ Workplace Accommodations

- [January 9 — Columbus, OH](#)

OFCCP — Incumbency vs. Availability Seminar

- [December 19 — Milwaukee, WI](#)

OFCCP — Internet Applicant Recordkeeping Rule

- [December 20 — Omaha, NE](#)

OFCCP — Small and New S and S Contractors Seminar

plant in Tahlequah and a demilitarization processing center at the U.S. Army Ammunition Plant in McAlester, Okla.

- [Read the News Release](#)

Motors and Controls Company in Houston Cited With 28 Violations

Amerimex Motors & Controls Inc. in Houston has been cited with 28 violations following an investigation by the Occupational Safety and Health Administration. The investigation found that workers were exposed to hazardous chemicals and other safety hazards, including electrical and unguarded machines, at the company's North Milby facility. "Failing to protect employees from exposure to, and inhalation of, hazardous chemicals can be fatal," said Mark Briggs, OSHA's area director at its Houston South Area Office. Proposed penalties total \$82,900.

- [Read the News Release](#)

Safety Violations Found at Ohio Steel Mill

Timken Co. has been cited for 12 alleged safety violations after the Occupational Safety and Health Administration conducted a complaint inspection in June at the Canton, Ohio, steel mill, which manufactures roller bearings. Penalties of \$170,500 have been proposed. Five repeat safety violations involve failing to machine guard ingoing nip points, points of operation and rotating parts. Additionally, the company lacked guardrails on elevated platforms and failed to ensure electrical boxes with unused openings were closed. Similar violations were cited at other Timken Co. facilities in Canton, including the Harrison steel plant in 2007 and 2011, and the Gambrinus roller bearing plant in 2007 and 2009.

- [Read the News Release](#)

Florida Painting Company Misclassifies Workers

Clark Cooper Painting LLC of Jacksonville, Fla., has agreed to pay \$45,983 in back wages to 26 painters. The agreement follows an investigation by the Wage and Hour Division that found the employees were misclassified as independent contractors and as a result were denied overtime compensation. Investigators determined that the employer paid painters on a piece-rate basis for work performed on weekends, without regard to the number of hours worked or overtime requirements. The employer improperly changed their status to "independent contractors" on the weekends for the same work they performed as employees Monday through Friday.

- [Read the News Release](#)

DKS Structural Services Sued in Whistleblower Case

DKS Structural Services, doing business as Don Kennedy and Sons House Moving Co., and owner Jeffery Kennedy are being sued by the Occupational Safety and Health Administration. The company allegedly terminated an employee for refusing to enter a 15-foot-deep trench that did not have adequate protection to prevent cave-ins at a worksite in Huntsville, Ala. The lawsuit follows an OSHA investigation that found firing the employee violated the whistleblower provisions of the Occupational Safety and Health Act. The suit seeks back wages, interest, and compensatory and punitive damages.

- [Read the News Release](#)

Pilgrim's Pride Plant Found Exposing Workers to Hazardous Chemicals

Pilgrim's Pride Corp. in Lufkin, Texas, has been cited by the Occupational Safety and Health Administration with three repeat and four serious violations following a June inspection. Citations were issued for process safety management standard violations, including failing to ensure that process equipment complied with generally accepted good engineering practices and failing to properly label containers holding hazardous chemicals. Penalties of \$99,000 have been proposed.

- [December 20 — Baltimore, MD](#)
- [December 20 — Richmond, VA](#)

OFCCP — The Complaint Process

- [January 3 — Omaha, NE](#)

OFCCP —

Tracking/Monitoring/Analyzing  
Personnel Activity Data

- [January 31 — Milwaukee, WI](#)

OFCCP — What to Expect During an  
OFCCP Audit

- [January 17 — Omaha, NE](#)

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Two Texas Companies Cited for Multiple Safety Violations

Five Star Custom Foods Ltd. in Fort Worth, Texas, has been cited for 25 serious safety and health violations by the Occupational Safety and Health Administration. Subcontractor Packers Sanitation Services Inc. also has been cited for two serious safety violations. Penalties total \$134,000 collectively. OSHA officials opened an investigation under the agency's national emphasis program on process safety management for covered chemical facilities.

- [Read the News Release](#)

Ohio Excavating Company Cited for Failing to Protect Trench  
Workers

Bontrager Excavating Ltd. in Uniontown, Ohio, has been cited with three willful safety violations for failing to protect workers from cave-ins during trenching operations. The Occupational Safety and Health Administration initiated the inspection in June after receiving a complaint alleging unsafe working conditions. Proposed penalties total \$115,500. OSHA placed the company in its Severe Violator Enforcement Program in 2011, after one worker was killed and another injured in a trench collapse in December 2010 in Stark County. The violations cited from this most recent inspection include failing to provide cave-in protection to workers installing storm connection lines in a trench approximately 6-feet deep.

- [Read the News Release](#)

Workers at San Antonio Site Exposed to Electrical and Fall  
Hazards

Salt Lake City-based Certifit Inc. was cited by the Occupational Safety and Health Administration with two repeat and one serious violation from an August follow-up inspection. Penalties of \$71,500 have been proposed for continued exposure of workers to fall and electrical hazards at a San Antonio work site. The initial January inspection, which resulted in \$12,000 in fines, determined that defective rolling ladders exposed workers to fall hazards, and the employer failed to ensure a competent, on-site person was trained and certified in first aid. The August inspection resulted in the same repeat violations.

- [Read the News Release](#)

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