



DOL News Brief

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August 30, 2012

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Who Invented Labor Day?



There is no debate as to why, on the first Monday in September, the nation pays tribute to the social and economic achievements of American workers. The message of Labor Day has been the same since it began,

informally in 1882, and officially, as a federal holiday, in 1894: the great American worker is what makes America great. But there is an ongoing debate about who first proposed a national commemoration and celebration for workers. One side credits Peter McGuire, a carpenter from New York.

Another claims Matthew McGuire (no relation), a machinist from New Jersey. It doesn't really matter now. Either or both deserve credit for thinking up what was then called a "workingman's holiday." During a recent radio interview in advance of Labor Day, Secretary Solis was asked: "Who came up with the idea of Labor Day?" She gave a very diplomatic response, and replied: "Mr. McGuire."



- Learn More About the McGuire Debate
• Learn More About Labor Day History

What's New

Every Day Is Labor Day at the Labor Department

The U.S. Department of Labor is going virtual this Labor Day, using various social media to get the message out. More than 1,400 microblogs were tweeted on Aug. 30 during a pre-Labor Day chat hosted by Labor Secretary Hilda Solis – better known as @HildaSolisDOL to her Twitter followers. The "conversation" ranged from understanding 401(k) fees to the work of the department's Wage and Hour Division investigators. Breaking-news about the winners of the Office of Disability Employment Policy's recent app challenge was also announced. Earlier in the day, Solis was the featured speaker during a "State of the Latino Worker" webinar for media and stakeholders across the country.



She discussed the economic progress in the Latino community, and work the department is doing on behalf of Hispanic women, youth, veterans and vulnerable workers. "Labor Day is every day here at the Labor Department," Solis stated at both events. And it's true. The department has



created a special Labor Day webpage, where you can watch Solis' Labor Day video message, find fascinating presentations about the history of the Labor Department, and resources available for workers.

- Visit the Labor Day Page

Labor Rights Week



Underscoring the important role our international partnerships play in promoting workers' rights here at home, the department is

commemorating Labor Rights Week 2012 with events nationwide. "Making America's workplaces safe and fair for everyone is the hallmark of Labor Rights Week," said Secretary Solis in kicking off the week's observances. Leaders from the Wage and Hour Division, which enforces federal laws governing a minimum wage, overtime pay, child labor and the rights of migrant workers, and

Secretary Announces \$75 million in YouthBuild Grants

While in Pawtucket, R.I., this week Secretary Solis announced more than \$75 million in YouthBuild grants to help out-of-school youth earn high school GEDs and learn critical job skills. She made the announcement at the Blackstone Valley Community Action Program, which was awarded \$1.1 million in grant funding. While there, Solis met with student workers, community and state officials and heard personal accounts of how the local program employed and helped educate and train at-risk youth. Solis told the dozens of student workers in attendance that "I don't think there is any bigger bang



OSHA, which is principally concerned with protecting workers from hazards on the job, are participating in more than a dozen events, including signing ceremonies at several consulates and an Univision labor rights telethon.

- [Read the Statement](#)
- [Read the Blog Post](#)
- [Watch the Video](#)
- [Read More on Partnerships](#)
- [View the Slideshow](#)

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## CONNECTing People With Careers

Secretary Solis traveled to Chelsea, Mass., this week to tour CONNECT, an innovative partnership of six organizations



who have co-located and bundled complementary services to improve the employment, educational and financial opportunities for job seekers, including low-wage, lesser-skilled, limited English and lesser educated workers. One aspect of the programming is pairing job seekers with life coaches with whom they can discuss, address and overcome barriers to education and job opportunities. Solis heard from program participant Adaliz Rodriguez how the program has improved her life. A \$3 million Workforce Innovation Grant will help CONNECT expand its services.

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## "Women in the Workforce"



Speaking to more than 120 people at a Beverly, Mass., forum, Secretary Solis said that part of her job focuses on the gender pay gap. "It's been

about 40 years since the Equal Pay Act, but women are still finding it hard to get equal pay," she said. Solis spoke at a "Women in the Workforce" forum on Aug. 29 held at the Cummings Center, a former shoe factory. "A lot of women work in jobs for minimum wage," she noted. "I think about women workers who have to take care of their families, their children, and we need to make sure that after their years of hard work they have pensions in place."

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## Safety Theme for Phone Bank

Five Spanish-speaking volunteers from the Occupational Safety and Health Administration

for the buck than for students to rise in life to better situations." This round of YouthBuild grants is the first since the program was expanded to include training in non-construction related occupations, such as health care, information technology and other fast-growing occupations.

- [View the Slideshow](#)
- [Read the News Release](#)
- [Read Secretary Solis' Remarks](#)

In Rhode Island, Seeing 'Work Share' Work

Donning a bright yellow reflective vest with her name printed on the front and back, Secretary Solis toured Safety Flag Co. of America in Central Falls, R.I., on Aug. 29 and learned about a pioneering program to keep people working. The facility, which manufactures and supplies reflective and/or



fluorescent safety vests, participates in the state's "Work Share" program. The program allows workers to continue in their employment on a part-time basis alongside counterparts who literally share their work and thus avoid layoffs during slack economic periods. Solis said the employer and employees struck an agreement that worked for them, and while the circumstances of a tough job market are not the ideal, finding ways to work through the tough patches is what makes America work. "In this case, work share is a win-win," she said.

- [View the Slideshow](#)

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## National News

Miner Job Reinstatements on the Rise

More miners are being temporarily reinstated to their jobs after filing complaints of discrimination. According to the Mine Safety and Health Administration, the number of requests for temporary reinstatements the department filed on behalf of miners who filed discrimination complaints more than tripled from FY 2007-2009 to FY 2010-2012, increasing from 22 to 71. The increase is due largely to stepped-up efforts by MSHA to educate miners about their safety and health rights. Under law, a miner cannot be discharged, discriminated against or interfered with in the exercise of statutory rights because he or she has filed a complaint alleging a health or safety violation. "All miners have the right to a safe workplace, and the right to identify hazardous conditions and refuse unsafe work without fear of discrimination or retaliation," said Joseph A. Main, the assistant secretary of labor who heads MSHA.

- [Read the News Release](#)
- [Visit the Miners' Rights Page](#)

\$5 Million to be Awarded to Combat Child Labor in Burkina Faso

The department is seeking grant applicants to combat child labor in Burkina Faso's cotton and artisanal gold mining industries. The Bureau of International Labor Affairs announced a \$5 million competitive solicitation on Aug. 30 for cooperative agreements to reduce child labor and raise awareness about the risks to children involved in the production of gold and cotton.

- [Read the News Release](#)
- [Read the Solicitation](#)



participated in Univision's Phone Bank Program in San Antonio last week to promote the Fall Prevention Campaign. The campaign focuses on preventing deadly falls in the construction industry and provides employers and workers with information and educational materials about working safely from ladders, scaffolds and roofs. The volunteers answered questions from call-in viewers asking about their rights should they become involved in any type of fall on the job and what action can be taken.

## Women's Rights Roundtable



Helping vulnerable workers in the Los Angeles region was foremost on the minds of participants during the Aug. 28 "Working for Women" roundtable

in Anaheim, Calif., hosted by the Women's Bureau. Attendees, including community leaders from women's and civil rights organizations and agencies representing workers with disabilities, left with a stronger, richer network of connections to continue their advocacy work. Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez delivered keynote remarks on the plight of vulnerable workers and the department's efforts to assist individuals with disabilities. The roundtable also included presentations by Kelly Jenkins-Pultz of the Women's Bureau, Suzanne Jones of the Office of Federal Contract Compliance Programs, Paul Chang of the Wage and Hour Division, and Marites AbadSantos of the Employee Benefits Security Administration.

## Renewed Safety Alliance

An alliance with the National Safety Council to continue enhancing worker safety and health by addressing construction hazards, injury and illness



prevention programs and motor vehicle safety has been renewed by the Occupational Safety and Health Administration. The council is a nonprofit organization founded in 1913 that offers training, educational programs and materials, consulting and advocacy on various safety and health topics. "Our continued alliance with NSC will focus on, among other things, preventing worker injuries and fatalities from falls in construction," said Dr. David Michaels, the assistant secretary of labor who heads OSHA.

## News You Can Use

### Safety in the Aftermath of Hurricane Isaac

Hurricanes and storms often leave communities devastated, with much cleanup work needed to restore homes, stores, schools and churches damaged by storms and flooding. In anticipation of recovery efforts for Hurricane Isaac, the Occupational Safety and Health Administration is urging workers and members of the public engaged in cleanup efforts to be aware of hazards and the steps necessary to stay safe. OSHA maintains a comprehensive website with life-saving information for cleanup workers that includes OSHA's Hurricane eMatrix, which features information on hazard exposures and risk assessments. The information in the matrix is organized by types of activities so that it is easy for workers to identify the precautions they should take based on the tasks they will be performing.

- [Visit DOL's Hurricane Recovery Page](#)
- [Visit Ready.gov's Hurricane Page](#)

### Webcast on 401(k) Fees to Feature Solis, Borzi and Sperling

Saving for retirement is challenging enough without losing tens – or even hundreds – of thousands of dollars to excessive or hidden fees. Join Secretary Solis, Assistant Secretary of Labor for Employee Benefits Security Phyllis Borzi and special guest, Gene Sperling, director of the National Economic Council and assistant to the president for economic policy, for a Sept. 13 webcast on new 401(k) fee disclosure rules. The new rules, effective this summer, are giving workers and families the information they need to make sound retirement investment decisions.

- [Register Today](#)

## DOL Working for You

### Single Mom Gains Life Lessons Through YouthBuild

Single teen mother Sara Little learned a construction trade and gained valuable life lessons thanks to the YouthBuild program at the Ogden-Weber Applied Technology College in Utah. Little received training in basic construction skills, and took classes in leadership, health and communication, to help



prepare her for life as an adult. After remodeling apartments for homeless veterans and victims of domestic violence, Little recently graduated from the YouthBuild construction program and plans to enroll in a college nursing program where she can continue to help others. Little said "the program taught me leadership and maturity." Sean Mathias, her YouthBuild Program Coordinator said that graduates leave the program "more confident and prepared for the world."

### Career Takes Off for Air Force Veteran After Job-Search Assistance

Air Force veteran Angel Mendez was always looking to get ahead and learn new skills. He held a series of jobs as a truck driver, a factory worker and even ran a relative's grocery store.

- [Read the News Release](#)

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## Workplace Inclusion



More than 1,500 human resource professionals and practitioners gathered to discuss ways to diversify their organizations at the Professionals in Human

Resources Association annual conference this week in Anaheim, Calif. Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez delivered the keynote address and participated in a panel discussion, "The Business Case: Why Disability-Based Diversity and Inclusion Initiatives Are Good for Business." She introduced ODEP's new policy framework, "Business Strategies That Work," and said that "change begins at the top, so getting leadership to commit to advancing people with disabilities is vital. By fostering a work culture respectful of individual differences, employers benefit from varied perspectives on how to confront challenges and achieve success."

- [Learn About Strategies That Work](#)

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## Workers Defense Project

An alliance with the Workers Defense Project in Austin, Texas, that enhances workplace safety for non-English-speaking workers in the construction industry was renewed by the Occupational Safety and Health Administration on Aug. 23. "We are pleased to continue efforts with the Workers Defense Project to increase workers' awareness of hazardous conditions and to provide training for safer and healthier workplaces in the construction industry," said John Hermanson, OSHA's regional administrator in Dallas. The Workers Defense Project empowers low-income workers to achieve fair employment through education, direct services, organizing and strategic partnerships. Through its Alliance Program, OSHA works with unions, consulates, trade and professional organizations, faith- and community-based organizations, businesses and educational institutions to prevent workplace fatalities, injuries and illnesses.

- [Read the News Release](#)

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## Update for ERISA Council

The Employee Benefits Security Administration



"I am a high-energy guy, but I needed help with my resume and finding secure work," he said. The single parent's search for a well-paying job with benefits brought him to Impact Services Corp. of Pennsylvania for help. Impact Services, which receives department grants, improved Mendez's resume and interviewing skills, gave him career guidance and matched his skills to a number of employers seeking help. Mendez landed full-time employment in the shipbuilding and

welding industry.

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## DOL in Action

### Illinois Company Ordered to Restore \$2.7 Million to Retirement Plan

A Chicago federal court has issued a default judgment against A.B.D. Tank & Pump Co. to restore more than \$2.7 million to the company's retirement plan, following an investigation by the Employee Benefits Security Administration and resulting lawsuit against the Elmhurst, Ill., company. The company's president and sole owner depleted the assets of the plan through a series of withdrawals and transfers to himself and the company from Dec. 6, 2006, through Nov. 4, 2010, in violation of the Employee Retirement Income Security Act.

- [Read the News Release](#)

### Norfolk Southern to Pay \$932,000 After Terminating Two Workers

Norfolk Southern Railway Co. has been found in violation of the whistleblower protection provisions of the Federal Railroad Safety Act. As a result, the Occupational Safety and Health Administration has ordered the company to pay two whistleblowers \$932,070 in damages, including \$387,813 in punitive damages and attorney's fees. The investigations were completed by OSHA's office in Chicago and revealed reasonable cause to believe that the employees' reporting of their workplace injuries led to internal investigations and, ultimately, dismissals from the company. Additionally, the company has been ordered to expunge the disciplinary records of the whistleblowers, post workplace notices regarding railroad employees' whistleblower protection rights, and provide training to its employees about these rights.

- [Read the News Release](#)

### New Jersey Produce Broker to Pay \$650,000 in Back Wages, Damages

Frank Donio Inc. has agreed to pay \$657,069 in back wages and liquidated damages to 519 workers at the company's Hammonton, N.J., packing facility following a Wage and Hour Division investigation. Investigators found the employees were hired by Heng Heng Agency Inc., a temporary employment agency in Philadelphia, and were paid \$6.50 per hour, which is below the required minimum wage, in violation of the Fair Labor Standards Act. The employees also were not paid overtime when they worked in excess of 40 hours per week.

gets valuable insights on retirement and health benefits topics from the ERISA Advisory Council, a group that was established by law in 1974. This week, the council – made up of employers, benefits experts, retirement services professionals and members of the general public – received insights on EBSA from Deputy Assistant Secretary of Labor Michael Davis. He offered status reports on agency regulations and initiatives and answered questions from council members. One question involved the status of the re-proposal of a rule to redefine who is a "fiduciary" for the purposes of providing investment advice to retirement plan sponsors, plan participants, and IRA holders. The rule is designed to provide added protections to recipients of investment advice by ensuring that the advice they receive is rendered solely in their best interest and is free of conflicts. Davis stressed that the project is progressing, and that the agency will take the time needed to get it right.

- [Learn More About the Council](#)

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## Economic Development Forum

Dr. Adriana Kugler, the department's chief economist, and Roberta Gassman, deputy assistant secretary of labor for employment and training, participated in the Economic Development Forum hosted by the White House Business Council, the International Economic Development Council and SelectUSA this week. The forum brought together government officials and approximately 50 economic development leaders from across the country. The discussion focused on the effectiveness of the department's core programs in placing workers into jobs as well as recent innovative grants that encourage public-private partnerships, including the Trade Adjustment Assistance Community College to Career Training program, Workforce Innovation Fund programs, and the Jobs and Innovation Accelerator grants.

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## Disability App Awards

The winners of the disability employment application challenge were announced by Secretary Solis and the Office of Disability and Employment Policy. The goal of the app challenge was to promote recruitment resources for employers, develop job training and skill-building tools for job seekers, facilitate employment-related transportation options and expand technology accessibility. The "Access Jobs" application, which is specifically designed for job seekers with disabilities, received the Innovation Award and a \$5,000 prize. The "VoisPal-Speak as You Think!" application, an Android-based augmentative and alternative communication app designed to help people with speech difficulties, was awarded the People's Choice Award through a public voting process, with \$3,000 going to the winner. The

- [Read the News Release](#)

Agreement to Protect Workers From Hydraulic Lift Hazards  
Monro Muffler Brake Inc., which operates a chain of more than 800 stores that provide automotive repair and tire services throughout the eastern United States, has reached an enterprise-wide settlement agreement with the department in which it will institute procedures to protect its workers against being crushed or struck by automotive hydraulic lifts. The Occupational Safety and Health Administration cited the company's Stoughton, Mass., location in September 2011 for improperly inspecting and maintaining hydraulic lifts, as well as other hazards. Monro initially contested these citations but now has agreed to address the issue, and will develop and implement an inspection and maintenance program for all automotive lifts at all of its federal OSHA-covered work sites. The program will comply with industry standards and include periodic inspections by qualified inspectors, procedures to remedy any potentially unsafe conditions, mandatory training for lift operators, and the submission of written compliance reports to OSHA.

- [Read the News Release](#)

## Mine Inspectors Find Serious Safety Violations

Federal inspectors with the Mine Safety and Health Administration conducted impact inspections at 13 mines around the country last month. Among the operations that underwent a targeted inspection was Rebco Coal Inc.'s Valley Mine No. 1 in Claiborne County, Tenn. Inspectors found a number of serious violations. The continuous mining machine was discovered cutting coal on the wrong side in conflict with the approved ventilation plan, and the area had only a third of the required amount of ventilation. Several water sprays on the machine were functioning with only half of the required water pressure, and the ventilation curtain was not properly placed. Joseph A. Main, the assistant secretary of labor who heads MSHA, stressed the responsibility of mine operators to conduct thorough examinations of workplaces and equipment to find and fix hazards. "A failure to do so can expose miners to injury, illness and death," said Main. "MSHA takes these failures to comply seriously and, on August 6, issued new rules requiring more thorough operator examinations." Since April 2010, MSHA has conducted 477 impact inspections.

- [Read the News Release](#)

Steel Wire Maker Cited for 19 Violations Following Fatality  
Koswire Inc. in Flowery Branch, Ga., has been cited by the Occupational Safety and Health Administration with 19 safety and health violations following the death of a worker who became caught in moving wire and was pulled into rotating rolls. A willful violation was cited for failing to provide machine guarding to protect operators and other workers from hazards created by ingoing pinch points and rotating parts on equipment. The company also received 18 serious violations involving failing to develop specific written procedures for the control of potentially hazardous energy, not training employees to recognize hazardous energy sources, and fall hazards. "This incident was preventable. Employers cannot allow employees to be exposed to unguarded equipment or other workplace hazards," said Bill Fulcher, director of OSHA's Atlanta-East Area Office.

- [Read the News Release](#)

## Former Union Officer Sentenced for Embezzlement

A former United Steelworkers local president in Massachusetts who pled guilty to conspiracy and embezzling union funds has been sentenced to six

Above and Beyond Accessibility Award went to "AccDC," which automates the rendering of dynamic content to ensure accessibility for screen reader and keyboard-only users.

- [Read the Blog Post](#)

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## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

EBSA — Getting It Right...Know Your Fiduciary Responsibilities

- [September 11 — North Charleston, SC](#)

OASAM — Small Business Vendor Outreach Session

- [September 19 — Washington, DC](#)

ODEP — Inspiring Innovation — Engaging Citizens in the Development of Accessible Workplace Technology

- [September 5 — Washington, DC](#)

OFCCP — Analyzing Personnel Activity Data

- [September 20 — Omaha, NE](#)

OFCCP — Building Partnerships for the Community

- [September 14 — Anniston, AL](#)

OFCCP — Community Based Organization Event

- [September 6 — Philadelphia, PA](#)

OFCCP — Compliance Assistance Seminar

- [August 31 — Columbus, OH](#)

OFCCP — Compliance Assistance Seminar for Construction Contractors

- [September 5 — Nashville, TN](#)
- [September 18 — Atlanta, GA](#)
- [September 19 — Philadelphia, PA](#)

OFCCP — Compliance Assistance Seminar for Supply & Service Contractors

- [September 12 — Nashville, TN](#)
- [September 18 — Nashville, TN](#)
- [September 26 — Nashville, TN](#)

OFCCP — Developing Written Affirmative Action Plans

- [September 26 — Columbus, OH](#)

OFCCP — Employer Outreach

months of home confinement, electronic monitoring and five years probation. Stennett Bernard, who led Local 421 in Auburn, Mass., was also ordered to pay restitution of more than \$173,000. An Office of Labor-Management Standards investigation disclosed that Bernard embezzled union money by accepting lost time payments for periods when he was terminated from employment, absent from work due to personal reasons, on disability leave or for non-work days. The restitution amount includes money Bernard conspired to pay several co-conspirators in the case. They await sentencing.

Arizona Trucking Company Ordered to Reinstate Whistleblower

A Glendale, Ariz., trucking company has been ordered by the Occupational Safety and Health Administration to reinstate a former employee and pay \$280,000 in back wages and interest, \$15,000 in compensatory damages and \$20,000 in punitive damages. An OSHA investigation found that M3 Transport LLC/SLT Expressway Inc. violated provisions of the Surface Transportation Assistance Act when it terminated an employee in retaliation for refusing to drive a truck containing explosives with a co-driver who smoked in the vehicle. M3 and its successors-in-interest, Lyons Capital LLC, now operating as the Roadmaster Group, specializes in transporting explosives for military and defense contractors.

- [Read the News Release](#)

Texas Day Care Company Made Illegal Paycheck Deductions

Ice Castles Daycare Too Inc., doing business as Ice Castles Too Learning Center and Child Care, in El Paso, Texas, has agreed to pay 92 former and current employees \$23,391 following an investigation by the Wage and Hour Division. The investigation by the division's Albuquerque District Office found the company failed to pay employees for training time and made illegal deductions from employees' paychecks for uniforms and other items at two of the company's El Paso locations

- [Read the News Release](#)

Penalties Proposed for Steel Services Company in Ohio

A Toledo, Ohio, company has been cited by the Occupational Safety and Health Administration with 11 safety violations, including a repeat violation for failing to remove from service a forklift that was in need of repair. Precision Steel Services Inc. faces proposed penalties of \$66,330. Violations include failing to protect workers from falls on elevated workspaces, provide lockout/tagout procedures, properly inspect forklifts, ensure forklift brakes were set when parked, provide electrical safe work training, and use electrical personal protective equipment.

- [Read the New Release](#)

Texas Company Pays Back Wages Due to Misclassification of Workers

Pipe Coatings International LLC, doing business as PCI in Beasley, Texas, has paid \$104,760 in overtime back wages to 55 shop employees following an investigation by the Wage and Hour Division. "Employees were not being properly paid for all hours worked over 40 in a week," said Cynthia Watson, regional administrator for the Wage and Hour Division in the Southwest. The company incorrectly misclassified workers as independent contractors who were paid "straight time" for all hours worked rather than paying time and one-half their regular rates of pay for all hours over 40 in a workweek.

- [Read the News Release](#)

- [September 7 — Phoenix, AZ](#)

OFCCP — Getting to Know the OFCCP - What We Do and What We Can Do for You

- [September 6 — Chicago, IL](#)

OFCCP — Maintaining Applicant Flow Data

- [September 13 — Omaha, NE](#)

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

- [September 7 — Philadelphia, PA](#)

OFCCP — Retaliation Complaints

- [September 6 — Omaha, NE](#)

OFCCP — Seminar for First Time Service and Supply Contractors

- [September 23 — Philadelphia, PA](#)

OLMS — Compliance Seminar

- [September 13 — Albany, NY](#)

OLMS — Trustee Workshop

- [September 18 — Huntington, WV](#)

OSHA — Expert Forum on the Use of Performance-based Regulatory Models in the U.S. Oil and Gas Industry, Offshore and Onshore

- [September 20-21 — Texas, TX](#)

WHD — Greene County Health Care, Inc.'s 15th Annual International Fiesta

- [September 9 — Snow Hill, NC](#)

WHD — Labor Rights Week

- [August 27-31 — Las Vegas, NV](#)
- [August 27-31 — Los Angeles, CA](#)
- [August 27-31 — San Francisco, CA](#)
- [August 27-31 — Albuquerque, NM](#)
- [August 27-31 — El Paso, TX](#)
- [August 27-31 — Denver, CO](#)
- [August 27-31 — Houston, TX](#)
- [August 27-31 — Salt Lake City, UT](#)
- [August 27-31 — New Orleans, LA](#)
- [August 27-31 — Dallas, TX](#)
- [August 27-31 — Little Rock, AR](#)

WHD — Mexican Consulate's Labor Rights Week

- [August 27-31 — Chicago, IL](#)

Inspection Finds Safety Violations at Tyson Foods Plant in Nebraska

Tyson Foods Inc. has been cited by the Occupational Safety and Health Administration for seven safety violations after conducting an inspection at the company's Dakota City, Neb., beef processing facility, where a mechanic was fatally injured on March 14. The mechanic was performing maintenance work beneath a piece of equipment that had been secured in an elevated position by a chain and quick link, but the chain failed and the equipment crushed the mechanic. A willful violation was cited for ineffective periodic safety equipment inspections and failing to make necessary modifications to the worker safety protection process through the inspections.

- [Read the News Release](#)

Repeat Safety, Health Violations Found at Ohio Flour Mill

H. Nagel and Sons Co. has been cited by the Occupational Safety and Health Administration for 23 safety and health, including two repeat, violations related to OSHA's respirator and machine guarding standards. The company faces proposed penalties of \$62,090 following an inspection of its Brookville, Ohio, flour mill and mix facility, which was initiated by OSHA in May under the agency's local emphasis program on grain handling operations. One repeat health violation is failing to provide workers with information on respirator standards, and one repeat safety violation is failing to properly guard vertical and inclined belts. Similar violations were cited in 2011 at the company's Cincinnati facility.

- [Read the News Release](#)

Montana Sawmill Faulted for Inadequate Employee Safeguards

Tricon Timber LLC has been cited for 27 serious and repeat safety violations following an Occupational Safety and Health Administration inspection at the company's St. Regis, Mont., sawmill. The employer failed to ensure that workers were protected from fall hazards, include workers in a fully implemented respiratory protection program, and provide adequate personal protective equipment. OSHA found two repeat violations for failing to guard augers in the boiler room and failing to ensure that the shaft ends on stackers were guarded. OSHA has proposed \$128,700 in penalties.

- [Read the News Release](#)

Workers Exposed to Serious Hazards at Oklahoma Facility

Wenco Energy Corp. in Tulsa, Okla., has been cited by the Occupational Health and Safety Administration with 23 serious and eight repeat safety and health violations, including exposure to unguarded saws and sanders, at the company's East 56th Street manufacturing facility. OSHA initiated an inspection in February as a follow-up to a September 2010 inspection that was conducted after a worker was killed at the facility. Proposed penalties total \$167,090

- [Read the News Release](#)

New Jersey Contractor Fined for Scaffold-Related Hazards

La Conti Concrete & Masonry Inc. of Brick, N.J., was fined \$74,830 by the Occupational Safety and Health Administration for nine safety and health, including two repeat, violations at a Secaucus, N.J., work site. OSHA's March investigation was initiated in response to an imminent danger complaint alleging employees were working on the fifth level of a supported scaffold without fall protection. Violations against the company included failure to provide safe access to a scaffold, and ensure workers were not exposed to a 35-foot fall while working on an unguarded scaffold.

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**USDOL**

USDOL MSHA's actions lead to more miners receiving temporary job reinstatements after registering discrimination complaints

[1.usa.gov/OvL0U9](http://1.usa.gov/OvL0U9)

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USDOL Judge orders A.B.D. Tank and Pump Co. to restore \$2.7 million to worker retirement plan following DOL investigation [1.usa.gov/OvEv27](http://1.usa.gov/OvEv27)



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- [Read the News Release](#)

#### Virginia Construction Company Cited for Misclassifying Workers

A&M Drywall Construction Inc., of Woodbridge, Va., has agreed to pay \$101,007 in back wages to 120 employees after a Wage and Hour Division investigation found the company misclassified employees as independent contractors and failed to pay them the proper overtime compensation. The company, in violation of the Fair Labor Standards Act and the Contract Work Hours and Safety Standards Act, also failed to keep time records for employees who were misclassified as subcontractors.

- [Read the News Release](#)

#### Safety Violations Found Following Explosion That Injured Worker

Plains Gas Solutions LLC in Eunice, La., was cited by the Occupational Safety and Health Administration for one willful and seven serious violations involving OSHA's process safety management standards following an explosion and fire that severely burned a worker. The company's facility in Eunice specializes in the production of liquid natural gas through a cryogenic process. The incident occurred while employees were restarting the process. Cryogenic liquids were improperly routed through equipment not rated to withstand extreme cold temperatures, resulting in the explosion and fire.

- [Read the News Release](#)

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