



UNITED STATES DEPARTMENT OF LABOR

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DOL News Brief

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January 24, 2013



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

Breaking From the Pack



Protecting the retirement and health benefits of workers is one of the department's core missions. But it was not until Jan. 20, 1984 that the Office of Pension and Welfare Benefit Programs was created as a stand-

alone agency. Not long after, the agency was transformed into a sub-cabinet level office with its own assistant secretary. The name was also changed to the Pension and Welfare Benefits Administration. Prior to becoming its own entity, the office was part of the larger Labor Management Services Administration. During the decade between the passage of the Employee Retirement Income Security Act in 1974 and the creation of PWBA, it became apparent that protecting retirement and health-care benefits would require an agency focused solely on that mission.

The traditional retirement world, with employer-managed pensions at its center, was changing, and with it, the risks and responsibilities of



saving for retirement were being placed on workers with 401(k)s and Individual Retirement Accounts. The financial industry and its dealings with retirement investments were also rapidly evolving and a streamlined agency with the ability to regulate in the interest of workers became a necessity. With these issues in mind, and late in his tenure, Secretary Raymond J. Donovan directed the department to disband LMSA and sets the wheels in motion for what soon becomes PWBA. In 2003, the agency was again renamed as the Employee Benefits Security Administration.

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

Day One for New VETS Head

With his new staff looking on, Keith Kelly took the oath of office and was sworn in as the assistant secretary

What's New

Saying Goodbye to Solis

More than 300 supporters in Washington, D.C., and thousands more across the country via webcast joined in saluting Secretary of Labor Hilda L. Solis on her last day at the department. Her mother, sisters, husband, as well as union presidents, White House staff and other dignitaries also



attended. After a shout out to her "amigo," Secretary of the Interior Ken Salazar, who made a surprise appearance, Solis said, "I decided I wanted to share my experience with journeys, with beginnings and endings... because when you come right down to it, that reflects what's in my mind, and more importantly, what is in my heart, at this moment. Public service is the very best way to make your own unique contribution to the world. The coming and going isn't what matters. Leaders may change, circumstances may change, but our service must be constant. It forms an unbreakable bond between ourselves and our communities, our country and the people we care about," she said.

- [View the Slideshow](#)
- [Read the Blog Entry](#)

Acting Secretary of Labor Named

Seth D. Harris, the department's deputy secretary since May 2009, has been selected to be the acting secretary of labor. In an email to department employees on Jan. 24, Harris wrote, "Our goals in the department are stability and continuity as we wait for a Secretary of Labor to be nominated by the president and confirmed by the Senate." Before joining the department, Harris was a professor of law at New York Law School and director of its Labor & Employment Law Programs. He served for seven years at the department during the Clinton administration in key positions, including counselor to the secretary of labor. Harris, who takes office with the resignation of Hilda L. Solis, told department employees in his email that "our mission has never been more important than it is today. Let's work together to carry it out, to help the people and organizations that depend on us, and to continue rebuilding America's economy."



of labor for veterans' employment and training on Jan. 22. Kelly, a Vietnam veteran, spent his first day getting acquainted with his staff and meeting other departmental employees. He is scheduled to make his first public appearance on Jan. 25 at the Secretary's Advisory Committee on Veterans' Employment, Training and Employer Outreach. Kelly was previously Montana's commissioner of labor and industry. At his confirmation hearing to head the department's Veterans' Employment and Training Service, Kelly said he would work "to provide veterans, transitioning service members and their families with the best possible resources and services to enable their success."



Mayors' Winter Meeting

Hundreds of city mayors, small business leaders and workforce development professionals gathered in Washington last week for the U.S.



Conference of Mayors' Annual Winter Meeting. Secretary Solis kicked off an afternoon plenary session focused on manufacturing and the ways in which the federal and local governments can work together to create more jobs in this industry. In her remarks, Solis made it clear that she was there to "provide resources, not rhetoric" about job training opportunities and grant competitions currently available. Assistant Secretary of Labor for Employment and Training Jane Oates, participating in a panel at the conference, told an audience of about 100 that assisting veterans with training and job-seeking is a priority for the department. She described some of the department's national and local initiatives to help returning veterans find jobs, like the Gold Card, which provides unemployed post-9/11 era veterans with enhanced services at American Job Centers across the country, and My Next Move for Veterans, a website tailored to job-seeking veterans' unique needs and abilities.

- [View the Slideshow](#)
- [Learn About the Gold Card](#)
- [Visit My Next Move](#)

'Because' Campaign Hits Highways

The department's "Because" campaign got a boost this week from CBS Outdoors, which provided billboard space to promote the campaign's

National News

National Day of Service

The National Day of Service, which celebrates the legacy of Dr. Martin Luther King Jr., was a busy day for the Department of Labor. On Jan. 19, Secretary Solis volunteered at a citizenship and deferred action workshop at CASA de Maryland's Hyattsville office. Meanwhile, on the National Mall, department staff shared information about the department's programs at the National Day of Service fair, which was attended by 13,000 people, many in town for the Inauguration. At the department's information table, fairgoers searched for their nearest American Job Centers using the Service Locator e-tool, learned about the department's role in protecting workers, and signed up to volunteer at job clubs in their community.



- [Read the Secretary's Blog](#)
- [View the Service Locator](#)
- [View the Slideshow](#)

News You Can Use

Stewardship, Service and Skills

The department joined seven federal agencies in creating a council to help build and promote the 21st Century Conservation Service Corps, or 21CSC, which will provide training and work opportunities for youth and veterans. The council is just one part of President Obama's America's Great Outdoors initiative, introduced in 2010. Building on the legacy of the Civilian Conservation Corps, the 21CSC will provide service, training, education and employment opportunities for thousands of young Americans. Corps members will receive hands-on training and work experience while participating in conservation and restoration work across the nation.

- [Read the Department of Interior News Release](#)
- [Read the MOU](#)
- [Read the Secretary's Blog](#)

Staying Safe in Winter Weather

January's frigid temperatures are sweeping across much of the nation, and the Occupational Safety and Health Administration is on the case. Outdoor workers engaged in activities during extreme cold are at risk of trench foot, frostbite, hypothermia and other illnesses. OSHA has life-saving information available for employers and workers. If you're involved in emergency response after severe winter weather or everyday work happening outdoors, OSHA has information for you.

- [Learn About Emergency Preparedness and Response to Cold](#)
- [Tips to Protect Workers in Cold Environments](#)
- [Read the OSHA "Quick Card"](#)

Around DOL

@HildaSolisDOL's Last Twitter Chat



message of support and ability. Like the posters and PSA created for the "Because" campaign, the billboards feature real people with disabilities discussing the importance of their supporters in achieving their goals. Travelers to Dallas and St. Louis will be able to see the billboard over the next few weeks, and additional billboards may appear in Atlanta, Hartford and Nashville. "Because" is the latest product of the Campaign for Disability Employment, which is led by the department's Office of Disability Employment Policy.

• [Learn About the Campaign](#)

Outreach in the Midwest



At a roundtable in Chicago and a forum in Gary, Ind., Women's Bureau Regional Administrator Grace Protos spoke to women business leaders to

increase awareness about the department, its programs and resources on Jan. 15 and 16. Regional Representative Ken Bennett also spoke at both events along with representatives of the Employment and Training Administration, Office of Federal Contract Compliance Programs and the Wage and Hour Division. Indiana's event, attended by about 50 people, was hosted by Gary Mayor Karen Freeman-Wilson. "This was not only an excellent opportunity to reach women leaders and increase their awareness of the departments' resources but also for us to hear about issues facing women in their communities," Protos said.

• [View the Slideshow](#)

Environmental Excellence

The Alaska Job Corps Center of Palmer, Alaska, is the first center to achieve the Center of Environmental Excellence certification.



The certification demonstrates the implementation of a broad range of sustainability measures, including savings in energy and water consumption, green purchasing, and enhanced indoor environmental quality. Robert W. Pitulej, acting national director of the Job Corps, said, "The Job Corps is very proud of the Alaska center, and the way its staff and students exemplify the Department of Labor's commitments to sustainability and cost-effectiveness." Alaska's measures meet the stringent requirements mandated in Executive Order 13514 to establish resource conservation and energy efficiency in the federal government. A review panel of architects,

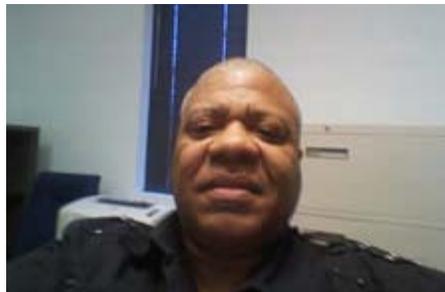
Members of the public had the chance to "visit" the department on Friday during a virtual open house hosted by Secretary Solis. Using the hashtag #DOL100, people took to Twitter to ask questions about everything from the Fair Labor Standards Act and workplace flexibility to job opportunities for older workers, and even what tips Solis had for the next labor secretary. She topped off the chat by sharing the department's Centennial resources and later tweeted a picture of herself holding a #iserve sign to encourage participation in the National Day of Service.



- [View the Slideshow](#)
- [Read the #DOL100 Twitter Conversation](#)

DOL Working for You

Outreach Program Helps Disabled Veteran in Georgia



Kim Orrin Williams, a deaf Army veteran who used a push wheelchair to get around, was 11 days away from losing his temporary housing in Georgia. That's when his plight came to the attention of Disabled Veteran Outreach Program specialist Victoria Hilliard.

Over the course of three months, Hilliard contacted various programs and agencies to help Williams get a motorized wheelchair, receive medical attention from the Department of Veterans Affairs, and apply for disability and Social Security benefits. She also helped him find better housing and search for a job. Williams said Hilliard "saved my life." Williams is expected to be hired soon at a nonprofit that helps the disabled find employment. "I wanted to make sure he got the services he needed to find a livelihood," said Hilliard, who is a retired 20-year Navy and Gulf War veteran.



From Driver to Welder Through WIA

When David Lee lost his long-time delivery truck driving job, he was forced to spend his retirement savings to get by. When the savings ran out, Lee turned to training in a high-demand occupation that is funded by the department through the Workforce Investment Act. Because he likes to work with his hands, Lee said, "welding sparked my interest as a career." He enrolled in Wisconsin's Fox Valley

engineers, and sustainability experts reviewed the submittal.

- [Read the Blog Post](#)

All Ears in Philadelphia

Michele Hodge, regional director of the Mid-Atlantic Region, and Lisa M. Jordan, national training specialist from the Office of Federal Contract Compliance Programs, hosted a listening session for community-based organizations and federal contractors in Philadelphia on Jan. 16. OFCCP Director Patricia Shiu addressed the group from Washington, D.C., via WebEx. Comments on the session, the third of its kind, will be used to bolster OFCCP's customer service efforts.

ERISA Advisory Council

The 165th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans, known as the ERISA Advisory Council, will be held on March 1 from 1:30 p.m. to 4:30 p.m. Eastern Standard Time at department headquarters. The council will welcome new members, introduce the council chair and vice chair, receive an update from the Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi, and determine the topics to be addressed in 2013.

- [Read the Federal Register Notice](#)

Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 330,000 for the week ending Jan. 19, a decrease of 5,000 from the previous week. The four-week moving average was 351,750, down 8,250 from the previous week's revised average of 360,000.

- [Read the News Release](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

EBSA — Getting It Right: Know Your Fiduciary Responsibilities Seminar

- [March 7 — San Francisco, CA](#)



Technical College's production welding program. Lee eventually became one of the first graduates from the college's Advanced Manufacturing Technology Center, built to address the growing demand for skilled workers. He now works as a welder for a local snow blower and lawn mower manufacturer. The program, Lee said, "gave me a career in a high-demand industry."

DOL in Action

Impact Inspections Last Month Show Safety Improvements at Mines

Mines undergoing enhanced enforcement are seeing improved safety conditions based on the results of impact inspections conducted in December 2012 by the Mine Safety and Health Administration. Inspectors issued 150 citations and nine orders during special inspections conducted at eight coal mines and three metal/nonmetal mines last month. The monthly inspections, which began in force in April 2010 following the explosion at the Upper Big Branch Mine, involve mines that merit increased agency attention and enforcement due to their poor compliance history or particular compliance concerns. "December's impact inspections found one of the lowest numbers of violations to date, which tells us broadly that mines undergoing impact inspections are improving," said Joseph A. Main, assistant secretary of labor for mine safety and health. "But we still see some mines that fail to address recurring problems that put miners at risk."

- [Read the News Release](#)

Wage Violations Found at Golf Clubs in Carolinas

Carolina Trail Golf Partners Inc. has paid \$758,465 in back wages to 347 employees following an investigation of seven of its facilities by the Wage and Hour Division. Investigators discovered the company missed several payrolls, and employees were issued paychecks five to six weeks late. Employees had received no wages for the hours they worked in pay periods for which a payroll was missed, resulting in minimum wage violations under the Fair Labor Standards Act. Additionally, due to the missed payrolls, employees who worked more than 40 hours in a work week were denied overtime compensation. The investigation included Charlotte Golf Links, Highland Creek Golf Club and The Tradition Golf Club, all of Charlotte; Birkdale Golf Club and Skybrook Golf Club in Huntersville; The Divide Golf Club in Matthews; and The Links at Waterford in Rock Hill, S.C.

- [Read the News Release](#)

Asbestos Removal Company Cited for Safety Violations

Lorice Enterprises LLC of Albany, N.Y., has been cited by the Occupational Safety and Health Administration for one willful and eight serious violations of safety standards after the company was inspected in August 2012. The company was reported to OSHA by the New York State Asbestos Control Bureau after it was found that workers were improperly removing asbestos-containing roofing material at a worksite. OSHA inspectors determined the company failed to conduct an initial exposure assessment to gage worker

OFCCP — 2013 Community Resource Fair

- [February 14 — Bloomington, MN](#)

OFCCP — Construction Best Practice Seminar

- [February 21 — Milwaukee, WI](#)

OFCCP — Construction Requirements

- [February 21 — Omaha, NE](#)

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

- [February 21 — Houston, TX](#)

OFCCP — Maintaining Applicant Flow Data

- [March 7 — Omaha, NE](#)

OFCCP — Record Keeping Required by OFCCP

- [February 20 — Orange, CA](#)

OFCCP — Tracking/Monitoring/Analyzing Personnel Activity Data

- [January 31 — Milwaukee, WI](#)

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

- [February 8 — Columbus, OH](#)

OFCCP — Women in Nontraditional Jobs

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

OFCCP — Your Construction Requirements

- [February 20 — Columbus, OH](#)

OLMS — Compliance Assistance Seminar

- [January 30 — Euless, TX](#)
- [February 19 — San Francisco, CA](#)
- [February 22 — Buffalo, NY](#)

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

- [February 5 — Arlington, TX](#)

OWCP — Town Hall Meetings to Assist Nuclear Weapons Workers

- [February 13 — Oak Ridge, TN](#)

exposure. In addition, the company did not ensure that workers used "wet methods" to prevent the asbestos from becoming airborne, and failed to ensure that head and eye protection was used by employees. The asbestos remediation company faces a total of \$83,300 in proposed fines.

- [Read the News Release](#)

North Carolina Residential Care Initiative Finds Wage Violations

An ongoing enforcement initiative that focuses on the residential care industry in North Carolina has found widespread violations of the Fair Labor Standards Act. Minimum wage, overtime and record-keeping provisions, in particular, were found at group home facilities in the counties of Buncombe, Cumberland, Forsyth, Guilford, Mecklenburg and Wake. Since 2009, the Wage and Hour Division's North Carolina District Office has conducted 200 investigations of residential care facilities within its jurisdiction, resulting in approximately \$2.1 million in back wages for 1,800 employees who were denied fair compensation for all hours worked. The division also conducted 16 outreach sessions in 2012, providing FLSA education and compliance assistance to hundreds of employers, employees and stakeholders throughout North Carolina.

- [Read the News Release](#)

Illinois Manufacturing Plant Faulted on Safety Management

Rana Meal Solutions LLC has been cited with 12 safety violations by the Occupational Safety and Health Administration following a complaint alleging workers were exposed to ammonia hazards at the Bartlett, Ill., plant. The plant was being retrofitted for use as a pasta production facility. Eight serious violations of OSHA's process safety management standards were cited for deficiencies in the company's ammonia refrigeration process. Fines of \$54,000 have been proposed.

- [Read the News Release](#)

Employees of Texas Company Receive \$76,000 in Back Wages

Diversified Interiors of Amarillo Ltd. in Amarillo, Texas, has paid 63 current and former employees \$76,417 in overtime back wages following an investigation that found violations of the Fair Labor Standards Act. The investigation by the Wage and Hour Division revealed that the employer failed to pay employees required overtime premium for hours they worked beyond their scheduled workdays. Hours spent traveling to and from work sites, and any unscheduled hours that employees worked beyond their normal shifts, were paid at straight time rather than the time and-one-half of the employees' regular rates of pay required by the FLSA.

- [Read the News Release](#)

Former Maryland Union Trustee Sentenced for Embezzling

Ava Ramey, former trustee of United Government Security Officers of America Local 21 in Bowie, Md., was recently sentenced to two years in prison, three years of probation, and ordered to pay restitution in the amount of \$379,000 after pleading guilty to embezzlement. An Office of Labor-Management Standards investigation revealed that between December 2005 and October 2009 Ramey wrote more than \$80,000 in checks from the union's account to either herself or to cash for personal use. She also used the union's debit card for more than \$70,000 in personal expenses and withdrew more than \$60,000 from the union's account in unapproved ATM withdrawals. In addition, Ramey, according to the investigation, withdrew in person or transferred to her personal account more than \$100,000 in union funds and wrote more than \$60,000 in checks from the union's account to her family members.

- [Read the Department of Justice News Release](#)

Overtime Violations Found at North Carolina Company

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Join the conversation

PCM Construction Services LLC in Apex, N.C., has agreed to pay \$72,143 in back wages to 195 employees following an investigation by the Wage and Hour Division that identified violations of the Fair Labor Standards Act. The investigation found the employer failed to pay overtime compensation at time and one-half the employees' regular rates of pay for hours worked over 40 in a workweek. The department also assessed \$36,465 in civil money penalties for repeat violations.

- [Read the News Release](#)

Safety Stand-down at Oil and Gas Sites

The Occupational Safety and Health Administration, in partnership with the National Service, Transmission, Exploration & Production Safety Network, will sponsor a regional safety stand-down kickoff from Jan. 24 through Feb. 28. The stand-down will promote safety and health practices at oil and gas exploration and production sites in Arkansas, Louisiana, New Mexico, Oklahoma and Texas. Following the kickoff, participating companies can choose stand-down training events to take place at their work sites during the month-long event. Some employers have already voluntarily committed to conduct site inspections, document and eliminate hazards, and train workers at oil and gas sites.

- [Read the News Release](#)

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