



**UNITED STATES  
DEPARTMENT OF LABOR**

Good jobs for everyone.

DOL News Brief

May 23, 2013

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WINNER OF 2013 AVA DIGITAL GOLD AWARD & NAGC AWARD OF EXCELLENCE

**Inspiring a Generation  
To Shatter the Glass Ceiling**



Secretary Lynn M. Martin had a long and intimate experience with the transition from school to the world of work when she addressed graduates of Villa Julie college in Maryland 21 years ago this week. A teacher

and school board member before being elected to the House of Representatives in 1981, Secretary Martin took the helm of the Labor Department in 1991 under President George H.W. Bush. On that spring day a generation ago, Secretary Martin laid bare the challenges facing young women as they began their ascent in the professional world.

"Often it is not their ability that stops [women and minorities] dead in their tracks," Secretary Martin said. "It is the manager's

inability to deal with someone who does not fit his — yes, his — mold." Now called Stevenson University and co-educational, Villa Julie was founded in 1947 as a medical-secretarial school for girls. It is a testament to her leadership, as



well as the courage of the generation of women graduates she addressed, that perhaps today that message would be different. As the chair of the bipartisan Glass Ceiling Commission, Secretary Martin became a powerful voice for the advancement of women in the workplace and continues to advocate on behalf of working women in the United States.

- [Meet Secretary Lynn Martin](#)
- [View the Centennial Timeline](#)
- [View the Centennial Video](#)

**What's New**

**Compelling Voices Call for Minimum Wage Increase**



For workers like Natasha Bishop in Akron, Ohio, who are earning at or near the current minimum wage, there's little money each month to afford the basics, let alone child care and emergency auto repairs. "The car doesn't know how to work when it needs to," she told acting Secretary of Labor Seth D. Harris at a

roundtable discussion on May 20. As working mother Sarah Sigler noted, she and her fellow workers are "between a rock and hard place," struggling with tough choices about which bills to pay. They gathered at the Akron Urban League for a discussion about raising the federal minimum wage, a proposal put forth by President Obama in his State of the Union address. The president has proposed increasing the wage from its current rate of \$7.25 per hour to \$9 per hour by 2015. Harris and other senior department officials have been on a listening tour, meeting with workers across the country in some two dozen cities to hear their stories and engage them in a national dialogue. "This is not money for a super-sized Coke at the mall," Harris said, explaining that significantly more working adults than teenagers will benefit from a minimum wage increase. Steven Titumus in Akron would appreciate just such a raise. "I might be able to take my kids camping," he told Harris. "Do something for them."

- [Read the President's Proposal](#)
- [View the Slideshow](#)

**Public-Private Jobs Effort to 'Rebuild America'**

While visiting Ohio this week, acting Secretary of Labor Seth D. Harris took part in the launch of the National Urban League's "Jobs Rebuild America" initiative. Announced in Cleveland on May 20, the multi-year, multi-faceted effort will invest \$100 million in public and private resources to spur job creation and



entrepreneurial activity in the nation's cities. Harris attended the event with National Urban League President Marc Morial and Cleveland Mayor Frank Jackson, along with community leaders and activists. Harris saluted the Urban League for more than a century of leadership and for continuing to "innovate and advocate." He also praised the group for identifying "smart solutions that respond to major national challenges of fighting poverty and

**MINIMUM WAGE  
MYTH BUSTER**

Myth: Restaurant servers don't need to be paid the minimum wage since they receive tips.  
Not true: An employer can pay a tipped

employee as little as \$2.13 per hour in direct wages, but only if that amount plus tips equal at least the federal minimum wage, and the worker retains all tips and customarily and regularly receives more than \$30 a month in tips. Often, an employee's tips combined with the employer's direct wages of at least \$2.13 an hour do not equal the federal minimum hourly wage. When that occurs, the employer must make up the difference. Some states have minimum wage laws specific to tipped employees. When an employee is subject to both the federal and state wage laws, he or she is entitled to the provisions of each law which provides the greater benefits.

- [Q&A About the Minimum Wage](#)
- [Subscribe to Minimum Wage Updates](#)

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

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

- [No Limits for Wounded Veterans](#): Keith Kelly, assistant secretary of labor for veterans' employment and training, reports from Colorado Springs on his visit to the Warrior Games, an annual Paralympic competition for disabled, injured or ill service members. At the Opening Ceremony of the event, Kelly met Prince Harry of the United Kingdom, who currently serves in the British Armed Forces, where they looked on in awe at the athleticism on display. "For our veterans, there is no 'impossible,'" Kelly wrote. "There is no limit to what we are capable of, even when we are forced to overcome tremendous obstacles to succeed. That's true on both the athletic field and in the workplace."
- [Take Three: Lifetime Income Illustrations](#): Lifetime income illustrations are visual indicators on a quarterly or annual retirement account statement. For a person saving for retirement, the illustration would show the likely monthly income based on projected contribution amounts and annual growth over a period of years. Here, Assistant Secretary for Employee Benefits Security Administration Phyllis Borzi answers three key questions about these illustrations and why they matter.
- [Join the Conversation to Improve Transition from School to Work for Youth with Disabilities](#): Assistant Secretary for the Office of Disability Employment Policy Kathy Martinez is joined by Michael Yudin, acting assistant secretary of education for special education and rehabilitative services, to announce the first national online dialogue to help shape federal agency strategies for helping young people with disabilities successfully transition from school to work.

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## New Job Corps Leader

Grace A. Kilbane has been selected as the new administrator for the Office of Job Corps, effective June 2, the

administering social justice." The department is a contributor to "Jobs Rebuild America," providing grant funding for urban youth empowerment and support for mature workers, among other programs. Noting that the Urban League has referred to its local affiliates as "economic first responders," Harris said, "If you're first responders, then the Labor Department is providing some of the firehouses and EMT vehicles and other emergency tools necessary for you to do your work."

- [View the Slideshow](#)
- [Learn About Jobs Rebuild America](#)

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## International Scene

### Grant to Combat Child Labor in Colombia

A \$9 million grant solicitation to reduce child labor in the artisanal mining sector of Colombia was announced on May 20 by the Bureau of International Labor Affairs. Thousands of children work in Colombian mines, laboring alongside adults and being exposed to physical injuries, dangerous tools, hazardous substances, toxic gases and potential explosions. One or more qualifying organizations will receive funding to support Colombia's efforts to identify and combat child labor in the mining sector, thereby increasing educational opportunities for children and improving the livelihoods of families.

- [Read the News Release](#)

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## It Happened on the Hill

### ETA's Fiala on Bridging the Skills Gap

At a May 22 roundtable of the Senate Committee on Small Business and Entrepreneurship, Deputy Assistant Secretary of Labor for Employment and Training Gerri Fiala discussed how the department is helping to create effective partnerships between educational institutions and employers. "The department



operates a network of 2,700 American Job Centers that connect employees to skills training and customizes training to meet the skills needed by employers," said Fiala. Roundtable participants for "Bridging the Skills Gap: How the STEM Education Pipeline Can Develop a High-Skilled American Workforce for Small Business" examined the impact of comprehensive immigration reform on America's small businesses. In attendance were Sens. Mary L. Landrieu, James E. Risch, Jeanne Shaheen and Mark L. Pryor. Panelists from small businesses, technology industry, government and academia focused on workforce training and skills readiness challenges.

- [View the Slideshow](#)
- [View the Roundtable Discussion](#)

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## News You Can Use

### Identifying Growing Jobs That Are **Good Jobs**

The Employment and Training Administration has released two resources to help job seekers and service providers better identify quality occupations with current openings and long-term potential. The first is a webinar that explains how to use workforce data to identify growing and in-demand jobs,



Employment and Training Administration announced this week. Kilbane has extensive management experience, having served as administrator

for the Office of Workforce Investment and as an administrator for nearly all other ETA programs. She successfully provided leadership, financial management and oversight for WIA programs, the one-stop system, now known as the American Job Center network, and discretionary investments. Kilbane plans to build on her previous work with the Job Corps as it prepares at-risk young women and men for successful careers and bright futures.

### Forum for Women Veterans

More than 70 service providers and women veterans participated in the Women Veterans Resource Summit at the Sam Nunn Atlanta Federal Center on May



16. Sponsored by the department's Women's Bureau, the summit provided a venue for federal agencies to discuss information and resources available to assist women veterans with medical treatment, benefits and employment. Brenda Melton, with the Atlanta Veteran Affairs Medical Center, delivered the keynote address, in which she emphasized that women veterans do not have to face challenges and adversities alone once they transition out of the military. The summit included panel presentations by representatives of the Employment and Training Administration, Atlanta VA Medical Center, Veterans Benefits Administration, the Office of Federal Contract Compliance Programs and Georgia Perimeter College.

• [View the Slideshow](#)

### Focusing on Skills to Jobs



One of the unfortunate consequences of the recent recession is the rise in underemployment — jobs in which a person is either overqualified or

working fewer hours than desired. How to help the underemployed and better match skills to appropriate jobs was the focus of the *National Journal's* briefing, "The Underemployed Generation." Jane Oates, assistant secretary of labor for employment and training, delivered the keynote address, discussing the importance of up-to-date labor market information to help workers and training providers understand which occupations are currently available today and

determine which ones are "good jobs," and ascertain what education and training are needed to qualify for them. ETA also has developed a guide to help job seekers identify which online resource best serves the individual needs. Each online tool is different, and the guide explains what data is available with each resource, including current job openings, employment projections, wages, employment and unemployment data, education and training prerequisites, and much more.

- [View the Webinar](#)
- [Review the E-Tools Guide](#)

### Sounding the Theme: 'EQUAL to the Task'

Every October, people around the nation recognize National Disability Employment Awareness Month with proclamations, public awareness programs, job fairs and other events that showcase the abilities and talents of workers with disabilities. NDEAM is still months away, but the Office of Disability Employment Policy has already announced this year's theme: Because We Are EQUAL to the Task. The theme echoes the message of the agency's ongoing Campaign for Disability Employment, and underscores its efforts to promote positive employment outcomes for people with disabilities. "I urge all employers to benefit from the skills of workers with disabilities by giving them, including our returning veterans, a chance to show that they, too, are equal to the task," said ODEP Assistant Secretary Kathy Martinez.

- [Learn More About NDEAM](#)
- [Read the News Release](#)

## Around DOL

### Virtual Meeting Highlights Funding Opportunity



In its third year, the Trade Adjustment Assistance Community College Training grant program is setting the standard for collaborative grant making in the federal government. To highlight important focus areas for the third round of funding announced last month, representatives from

the departments of Labor and Education, along with current grantees, joined together for a virtual panel discussion. Jane Oates, assistant secretary of labor for employment and training; Gerri Fiala, ETA's deputy assistant secretary; and Johan Uvin, deputy assistant secretary of education in the Office of Vocational and Adult Education, moderated the discussions with grantees, employer partners and others. More than 350 people tuned in online to hear what works well and hopefully spark interest for additional grant applications. The hallmark of the TAACCCT grant program is the requirement for strong partnerships between educators, employers and community groups, along with the stipulation that all education materials created through the grant be made publically available. The closing date for applications for the third round of funding — totaling \$474 million — is June 18 for single institutions and July 3 for consortium applicants. A recording of the webcast will be available online at the TAACCCT link below as soon as possible.

- [Learn About TAACCCT](#)
- [View the Solicitation on Grants.gov](#)

AILA InfoNet Doc. No. 13052460. (Posted 5/24/13)

showing signs of growth in the future. Oates suggested a greater emphasis on science, technology, engineering, and mathematics and increased access to career-linked training — such as apprenticeship, co-ops and paid internships — to help recent graduates and the underemployed gain the experience to start a new career in high-demand industries.

• [View the Briefing](#)

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## At HUD, Supporting Veterans

The Labor Department is committed "to ensuring that our veterans who are coming home receive the assistance and support that they



deserve," Veterans' Employment and Training Service Assistant Secretary Keith Kelly said at a Department of Housing and Urban Development Veterans Memorial Day ceremony on May 22. Kelly noted that America is supporting veterans not only in finding good jobs but also in receiving necessary health care, education and housing. For example, Family and Medical Leave Act extended coverage allows families of disabled veterans and service members "to take the time to care for their wounded ones, knowing that their jobs are not at risk because of that care." Kelly added that the department is emphasizing services to Native American veterans on reservations and veterans in hard-to-reach rural areas to ensure they receive necessary support.

• [View the Slideshow](#)

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## College to Careers in STEM

Promoting people with disabilities into the fields of science, technology engineering and math is key to securing America's future, Kathy Martinez, assistant secretary of labor for disability employment policy, told an audience at Purdue University's Institute for Accessible Science on May 21. The theme of Martinez's keynote address was "College to Careers: Fostering Inclusion of Persons with Disabilities in Science, Technology, Engineering and Mathematics Careers." The event brought together thought leaders, educators, researchers and employers. Applauding the attendees for their leadership and commitment to college students with disabilities, Martinez said, "By making STEM-related education and job experiences a possibility for young adults with disabilities, you're also investing in America's future — a future where workplaces are open to and benefiting from the talents of all qualified individuals." The Institute works to promote the inclusion and retention of people with disabilities in biomedical science careers through laboratory experiences, technology and research.

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## BLS and 'Big Data'

Economists at the Philadelphia Federal

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## Of Note

### Award Presented to OSHA's Michaels

The William Steiger Memorial Award honors individuals whose efforts have contributed to advancements in occupational safety and health, and this year's award recipient is Dr. David Michaels, the assistant secretary of labor who heads the Occupational Safety and Health Administration. Michaels was



honored for his commitment to OSHA's efforts in high-hazard industries, small business compliance and outreach to vulnerable workers. The award was presented by the American Conference of Governmental Industrial Hygienists on May 21 in Montreal. Thousands of experienced and aspiring occupational health and safety professionals were in Montreal for the American Industrial Hygiene Conference and Exposition last week. The conference featured Michaels in "A Conversation on Occupational Safety and Health — Straight From the Top." At that plenary session, moderated by John Henshaw, vice president of the American Industrial Hygiene Association and former head of OSHA, Michaels highlighted injury and illness prevention programs, chemical exposure standards, and OSHA's enforcement measures. Michaels and Allan Fleeger, president of AIHA, renewed OSHA's alliance with the AIHA in a signing ceremony.

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## DOL Working for You

### Job Corps Grads Help Power Northeast

On any given day, David and Patrick Knudsen can be found 100 feet up in the air working as electrical linemen for utility companies and providing much needed power to homes and businesses in the Northeast. The Knudsens are graduates of New York's Oneonta Job Corps Academy, where both were trained in the electrician trades under the Overhead Line Technician, "Smart Grid" advanced training program. Students in that program go through



rigorous course work that includes studying Occupational Safety and Health Administration safety rules, overhead line and underground residential power repairs, meter reading and pole climbing. Although the brothers are only in their mid-to late 20's, they have already been tested in their jobs. Both worked more than 35 straight days to restore power to communities during Hurricanes Sandy and Irene. Patrick Knudsen said the Job Corps program gave him and his brother the confidence to work those long 10-to-16-hour days. "I feel accomplished," he said.

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## DOL in Action

Glass Company to Pay Back Wages to Kansas, Nebraska

AILA InfoNet Doc. No. 13052460. (Posted 5/24/13)



Reserve Bank who use data from the Bureau of Labor Statistics in their research gathered on May 17 for a roundtable

discussion that included BLS Commissioner Erica Groshen. She discussed major challenges BLS will address during her tenure, including measuring a dynamic economy impacted by globalization and understanding and effectively using "big data," the large and complex data sets difficult to process using traditional data processing applications. BLS and the Philadelphia Fed plan future roundtables to further assist the bank's researchers with understanding BLS data series. Groshen, who joined BLS in January, also met with BLS regional staff while in Philadelphia.

## Exploring Career Options

America's women have more career options today than ever before, and the Women's Bureau has many resources to educate working women about



potential job opportunities. At a May 18 conference in Tacoma, Wash., Women's Bureau staff provided guidance and resources on careers in green, nontraditional, science, technology, engineering and math fields. The Cambodian Women Networking Association sponsored the conference, which nearly 300 people attended, including state Sens. Steve Conway and Bob Hasegawa, Lt. Gov. Brad Owens and Tacoma Mayor Marilyn Strickland. Educating women about sustainable, innovative, lucrative careers is one of the Women's Bureau's chief priorities.

## Celebrating College Graduates

"The certificate or degree that you receive today is your ticket to change the world," said Jane Oates, assistant secretary of labor for employment and training, during the commencement address for 2013 graduates of William Rainey Harper College in Palatine, Ill. Harper College, a Trade Adjustment Assistance Community College and Career Training grantee, serves students who were displaced from their jobs and seeking to develop new skills. Oates encouraged the students to focus on their passions and not to be afraid to take risks, while noting that changing direction in life can be invigorating. "So dream big, commit to doing the hard work to make those dreams come true, and you'll be amazed at where the road takes you."

• [Read Oates' Remarks](#)

## Retirement Security

Assuring the security of retirement, health and other workplace-related benefits for America's workers and their families is at the heart of the

### Workers

Kryger Glass Co. has agreed to pay 53 workers back wages of \$107,476 following an investigation by the department's Wage and Hour Division. According to the investigation, the company violated the Fair Labor Standards Act's overtime and record-keeping provisions when night delivery drivers were improperly classified as exempt from overtime pay. Investigators found that \$52,187 was due to 33 employees at the Omaha, Neb., location, and \$55,289 to 20 employees at the Kansas City location. The Kansas City, Mo.-based company operates retail auto glass repair shops and wholesales products to those retail stores and auto dealerships.

• [Read the News Release](#)

### Alaska Energy Company Agrees to Resolve FMLA Violations

ASRC Energy Services Alaska Inc. has agreed to pay \$43,000 in back wages to an employee terminated in violation of the Family and Medical Leave Act, resolving a lawsuit filed by the department in U.S. District Court of the District of Alaska. An investigation by the Wage and Hour Division found the employee was illegally terminated while on leave for a serious health condition. The division also found that the employer incorrectly counted against the employee's FMLA leave entitlement weeks that he was not scheduled to work, and terminated him for exceeding the approved amount of leave. The oil and gas support services company has operations in remote locations such as North Slope, Alaska, and commonly assigns employees to these locations on rotational schedules, with periods of several weeks of continuous work followed by weeks of time off. As a result of the lawsuit, the company agreed to change its policies with regard to rotational employees.

• [Read the News Release](#)

• [Read the Judgment and Order](#)

### Auto Repair Chain Faces More Than \$221,000 in Fines

Monro Muffler Brake Inc.'s Portsmouth, N.H., facility faces more than \$221,000 in fines following an inspection by the Occupational Safety and Health Administration. OSHA inspectors found that workers were in danger of electric shock from exposed, energized wires, a hazard that the company did not correct after knowing of its existence. Defective work ladders, unsecured oxygen and acetylene cylinders, and inadequate eye washing facilities — hazards similar to those cited at company locations in three other states — accounted for five repeat violations. Serious citations also were issued for obstructed exit routes, improper storage and disposal of combustible material, damaged gas pressure regulators and inadequately grounded electrical equipment.

• [Read the News Release](#)

### Ohio Foundry Cited for Dozens of Violations, Faces Penalty

A & B Foundry & Machining LLC received a proposed fine of \$170,107 for 33 health and safety violations issued during an inspection at the Franklin, Ohio facility. The Occupational Safety and Health Administration initiated the inspection under its national emphasis program targeting the primary metals industry. Among the violations found were four repeat violations previously cited in 2009, which involved failing to provide fire extinguisher, noise and chemical hazards training; as well as failure to perform medical evaluations of workers required to use respirators and to fit-test respirators.

• [Read the News Release](#)

### School Board to Pay Former Employee \$50,000

The Putnam County Board of Education in Winfield, W.Va., has been ordered to pay \$50,000 in back wages to a former employee for Family and Medical Leave Act violations. An investigation by the Wage and Hour Division determined the school board unlawfully terminated a maintenance electrician when he requested leave that was FMLA-protected. Under a

Employee Benefit Security Administration's mission. In support of this work, Assistant Secretary Phyllis C. Borzi delivered two addresses this week. On May 20, Borzi spoke at the International Foundation Employee Benefit Plans Legislative Update. Before an audience of more than 170 labor and management trustees of multi-employer and public sector pension and health-care plans, she described updates to the agency's regulatory projects and guidance issued for multi-employer plans. The next day, Borzi discussed developments in EBSA civil and criminal enforcement projects, as well as major case initiatives, in a webcast to the Joint Committee on Employee Benefits National Institute on ERISA Litigation.

- [Learn About EBSA](#)
- [Read the EBSA Newsletter](#)

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## In Sync on Public Health



It's graduation season, and for Dr. David Michaels, assistant secretary of labor for occupational safety and health, it's also a special time to speak to

graduates at George Washington University's School of Public Health and Health Services. Michaels currently is on leave from his position as professor of environmental and occupational health at SPHHS, which has more than 1,200 students pursuing undergraduate, graduate and doctoral-level degrees in public health. During his remarks on May 18, Michaels focused on the importance of public health in society over the last hundred years, linking it to curbing the spread of tuberculosis in the early-20th century, and finally including women in epidemiological research. "Whatever your plans are," Michaels told the students, "history is being made right now and you will be part of it. You will see it, you will learn from it, and you will shape it. Each one of you can be forceful, effective advocates for change."

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## Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 340,000 for the week ending May 18, a decrease of 23,000 from the previous week. The four-week moving average was 339,500, down 500 from the previous week's revised average.

- [Read the News Release](#)

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## Calendar Highlight

Minimum Wage for Maximum Impact

Marking Asian American and Pacific Islander Heritage Month, acting Secretary Harris on May 29 will host a "Minimum Wage for Maximum Impact" panel discussion about AAPI workers earning at or near the current federal minimum wage, and how a boost in the federal minimum wage would benefit them and their families. This

consent judgment obtained by the department, the school board has agreed to implement a number of measures to prevent future violations of the FMLA, including the review of all denied requests for employee leave for the 2012-2013 school year.

- [Read the News Release](#)

Engineer Reports Unsafe Work Practices, Awarded Damages

Enercon Services Inc. has been ordered to pay \$261,152 in back wages, compensatory damages and interest, plus attorney's fees, to a senior engineer following an investigation by the Occupational Safety and Health Administration. OSHA staff in Kansas City, Mo., found that the company violated the whistle-blower provisions of the Energy Reorganization Act and wrongfully terminated an engineer for raising safety concerns during construction projects at the Wolf Creek Generating Station, a licensee of the Nuclear Regulatory Commission in Burlington, Kan.

- [Read the News Release](#)

Louisiana Servers, Chefs Receive \$115,000 in Back Wages

Hana Japanese Steakhouse and Sushi Bar, headquartered in New Llano, La., has agreed to pay 135 servers and chefs \$114,978 in back wages after an investigation by the Wage and Hour Division. Investigators found the workers were paid a fixed salary, regardless of hours worked, that often resulted in their hourly wages falling below the federal minimum wage of \$7.25 per hour. Averaging 50 to 55 hours per week, the employees were paid straight time wages, rather than time and one-half their regular rates of pay for hours worked beyond 40 in a workweek, as required by the Fair Labor Standards Act. The employer also failed to maintain accurate records of employees' work hours, in violation of the act's record-keeping requirements.

- [Read the News Release](#)

\$157,000 in Back Wages for Houston Tow Truck Drivers

United Towing & Transport Inc. has paid \$157,362 in back wages to 72 tow truck drivers and roadside assistance technicians following an investigation by the Wage and Hour Division's Houston District Office. Investigators found the employer made illegal deductions from employees' wages to pay for damages made to vehicles in tow or serviced by the company, which resulted in their wages falling below the minimum wage requirement of \$7.25 per hour. The employer violated the overtime provisions of the Fair Labor Standards Act by paying overtime premiums for those hours worked over eight on a workday rather than paying time and one-half the regular rates of pay for hours worked in excess of 40 in a workweek. The employer also failed to include discretionary bonuses in the regular rate of pay when computing overtime and failed to maintain accurate time and payroll records.

- [Read the News Release](#)

Ex-Union Official and Spouse Sentenced to Prison

A former union official and his wife were sentenced to prison May 17 for stealing at least \$120,000 from the Plumbers Local 228, located in Yuba City, Calif. Last year, Robert L. Carr and his wife, Theresa A. Carr, pleaded guilty to conspiracy to misappropriating funds from a labor union when they fraudulently used union credit cards and a union checking account. Robert Carr, the union's former financial secretary-treasurer and business manager, was sentenced to 30 months in prison. Theresa Carr was sentenced to three months in prison. The couple also was ordered to pay \$120,000 in restitution. Investigators found that between January 2000 and May 2009, the Carrs wrote checks to themselves for unauthorized salary increases and bonuses, and unlawfully used union checks and credit cards to pay for goods and services, including clothing, sporting goods, jewelry, meals and concert tickets for their personal benefit. The department's Office of Labor-Management Standards San Francisco District Office and Office of

event will be held at the Frances Perkins Building.

- [Learn More About the Event](#)

## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

EBSA — Getting It Right: Know Your Fiduciary Responsibilities Seminar

- [June 6 — Louisville, KY](#)

MSHA — Joseph A. Holmes Association 2013 National Meeting and Training Seminar

- [June 4 — Virginia Beach, VA](#)

OFCCP — Analyzing Personnel Activity Data / Internet Applicant Recordkeeping Rule

- [June 21 — Columbus, OH](#)

OFCCP — Annual Consumer Conference

- [June 20 — Norwood, MA](#)

OFCCP — Compliance Assistance Seminar: Supply & Service Contractors

- [May 29 — Nashville, TN](#)
- [June 5 — Nashville, TN](#)
- [June 12 — Nashville, TN](#)
- [June 19 — Nashville, TN](#)
- [June 26 — Nashville, TN](#)

OFCCP — Developing Written Affirmative Action Programs / Workplace Accommodations

- [June 6 — Columbus, OH](#)

OFCCP — Diversity in Tech

- [June 5 — Santa Clara, CA](#)

OFCCP — "Empowerment Session" on Developing AAPs for New and Small Supply and Service Contractors and Outreach Best Practices for a Diverse / Inclusive Workforce

- [June 18 — Richmond, VA](#)

OFCCP — Equal Pay Act 50th Anniversary Celebration

- [May 29 — Seattle, WA](#)

OFCCP — Internet Applicant Rule Refresher

- [June 20 — Houston, TX](#)

OFCCP — Nuts and Bolts of Construction Evaluations and Best Practices for Minority/Female Utilization Goal Attainment

- [May 30 — Baltimore, MD](#)

Inspector General investigated the case with the U.S. Postal Inspection Service.

- [Read the News Release](#)

Suit Seeks Independent Fiduciary for 401(k) Plan

A lawsuit filed by the department in federal court seeks the appointment of an independent fiduciary to manage the 401(k) plan of the defunct David J. Hardy Construction Co. of Syracuse, N.Y. No individual has come forth to assume fiduciary responsibility for the plan. In the absence of a plan fiduciary, the plan's participants and beneficiaries cannot obtain plan information, make investments or collect retirement benefits. The department is asking the court to appoint a fiduciary to distribute the plan's more than \$270,000 in assets to its 19 participants.

- [Read the News Release](#)

Improving Housing Camps for Migrant Agricultural Workers

The Labor Department has entered into an agreed order with Berrybrook Enterprises and its owners to improve conditions at four migrant agricultural worker housing facilities located in Cass County, Mich. The agreed order resolves a petition for civil contempt filed by the Wage and Hour Division in August 2012. In July 2011, an investigation determined the company and one of its owners were in violation of a June 2010 consent judgment for failing to comply with safety and health requirements under the Migrant and Seasonal Agricultural Worker Protection Act. Berrybrook, which is based in Dowagiac, Mich., also agreed to provide training on migrant housing standards to its farm labor contractors and pay \$9,700 in penalties. The order will remain in effect for five years.

- [Read the News Release](#)

Ex-Atomic Weapons Workers Notified

Former atomic weapons workers of Battelle Laboratories in Columbus, Ohio; Baker Brothers in Toledo, Ohio; and the Joslyn Manufacturing and Supply Co. in Fort Wayne, Ind., have been notified by the Labor Department about three new classes of workers added to the Special Exposure Cohort of the Energy Employees Occupational Illness Compensation Program. Workers included in a designated class, and diagnosed with one of 22 specified cancers, may receive a presumption of causation under the Energy Employees Occupational Illness Compensation Program Act. The EEOICPA provides benefits to employees who became ill as a result of working in the nuclear weapons industry. Effective April 5, the designation applies to those who worked for at least 250 workdays during a specified period of time, either solely under one of the three Special Exposure Cohort worksites or in combination with other SEC classes. Survivors of qualified employees also may be entitled to benefits. To date, more than \$9.2 billion in benefits has been paid to eligible claimants nationwide.

- [Read the Battelle Laboratories Release](#)
- [Read the Baker Brothers Release](#)
- [Read the Joslyn Manufacturing Release](#)

Cave-in Hazards Prompt Safety Call in Western New York

Cave-in hazards at a Niagara Falls worksite highlight the need for western New York companies to safeguard employees against excavation hazards. "The coming of warmer weather and the accompanying thaw of the soil bring with them an increase in excavation work. Unfortunately, it also brings an increase in cave-in hazards and unsafe work practices," said Arthur Dube, area director for the Occupational Safety and Health Administration in western New York. Accadia Site Contracting Inc. faces \$84,000 in proposed fines after OSHA found workers in a 7-foot deep vertical-walled excavation that lacked protection to prevent wall cave-ins. As a result, OSHA is reminding companies that all excavations must be guarded against collapse before employees enter them. "An unprotected excavation can turn into a grave in seconds, crushing and burying workers beneath tons of soil

OFCCP — Requirements for Filing a Complaint

- [June 19 — Milwaukee, WI](#)

OFCCP — The Complaint Process

- [June 6 — Omaha, NE](#)

OFCCP — What to Expect During an OFCCP Audit / OFCCP Regulatory Update

- [June 20 — Omaha, NE](#)

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USDOL New on the Blog - No Limits for Wounded Veterans [1.usa.gov/11ftHS](http://1.usa.gov/11ftHS)  
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USDOL (2/2) Can't join the #TAACCCT webinar live? Check back later for the archived video. Closed captioning available.

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Join the conversation

before they have an opportunity to react or escape," Dube said.

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Wages Recovered for Boston Restaurant Workers

A restaurant and lounge in Boston's Charlestown neighborhood have paid \$77,143 in back wages and liquidated damages to 22 low-wage workers. Wage and Hour Division investigators found that workers at Tangierino Restaurant and Koullshi Lounge worked an average of 45- to 60 hours per week but were only paid straight time for their work hours. The businesses also issued two paychecks to workers and recorded work hours on two separate payroll systems to avoid paying the legally required overtime premium. They also have paid \$2,000 in civil money penalties for their violations. "This is not the way to do business," said George A. Rioux, the division's district director in Boston. "Employers cannot avoid paying legally required overtime with sleight-of-hand tricks, such as paying with two separate checks and hiding overtime hours."

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New York Wood Shavings Manufacturer Faces Fines

Wood-shavings maker RWS Manufacturing Inc. has been cited by the Occupational Safety and Health Administration for combustible dust, confined space, noise, chemical, mechanical and electrical hazards at its Queensbury manufacturing plant. OSHA found a hazardous accumulation of combustible wood dust on supports, pipes, fixtures, ductwork, equipment and floors throughout the plant, which exposed workers to fire and explosion dangers. The accumulation of wood shavings was as deep as one foot in some locations, posing a fall and slipping hazard for workers. Other conditions exposed employees to the risk of engulfment, hearing loss, struck-by injuries, amputation and electrocution. The company faces \$233,870 in proposed fines.

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