



UNITED STATES
DEPARTMENT OF LABOR

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DOL News Brief

May 30, 2013

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

Broadway and Tinseltown



While President Franklin D. Roosevelt has been widely portrayed on stage and screen throughout the years (he has been played by Christopher Plummer, Jason Robards, Kenneth Branagh and Bill

Murray, to name just a few), the woman who helped him devise the social reforms that ushered in the New Deal has been far less represented in the entertainment world. A great deal of academic literature has examined Frances Perkins' tremendous influence on shaping the American workplace as we know it, but her representation in fiction remains elusive. She sings and dances briefly in the Broadway musical *Annie*, during a scene where the red-headed orphan is introduced to the president, who then calls on his Cabinet to join him in singing "Tomorrow." She also

is name-checked in the 1987 film *Dirty Dancing*. When "Baby," the young woman (played by Jennifer Grey) on her way to Mount Holyoke College (Perkins' alma mater), is asked her real name, she says, "Frances, for the first woman in the Cabinet." Johnny Castle, the dance instructor played by Patrick Swayze, replies, "Frances. That's a real grownup name." Have we missed any other appearances by Secretary Perkins in popular culture? Write to us at webmaster@dol.gov and let us know.



- [Learn About Frances Perkins](#)
- [Watch MSNBC on Secretary Perkins](#)
- [Explore the Centennial Timeline](#)
- [Watch the Centennial Video](#)

What's New

Boosting the Minimum Wage, Dispelling Myths

Department officials, led by acting Secretary of Labor Seth D. Harris, marked Asian American and Pacific Islander Heritage Month on May 29 with a discussion on how President Obama's proposal to increase the federal minimum wage will benefit AAPI workers and their families. They were joined in the



conversation by leaders from the AAPI community, who tackled the myth that such Americans are a so-called model minority. Panelist Kiran Ahuja, executive director for the White House Initiative on Asian Americans and Pacific Islanders, said, "Not every Asian American is a spelling bee champion, mathematician or lawyer." Lisa Hasegawa, with the National Coalition for Asian Pacific American Community Development, pointed out that one of the fastest growing poverty populations in the United States includes Americans of Asian or Pacific Island descent; many of these individuals work in the restaurant, garment and construction industries. The president's proposal would directly boost the earnings of some 15 million Americans, many of whom are AAPI workers. Said Harris: "The president and this department remain firmly committed to building an economy powered by a rising, thriving middle class that encompasses all communities, including Asian Americans and Pacific Islanders."

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

Supporting Workplace Wellness

Employment-based wellness programs can provide incentives for workers to maintain healthy habits, which can help reduce the burden of chronic illness, improve health and limit health care costs. On May 29, the department joined the departments of Health and Human Services and Treasury in announcing final rules to support workplace health promotion and prevention. The rules, which ensure flexibility for employers and protect consumers from unfair underwriting practices, become effective for plan years beginning on or after Jan. 1, 2014.

- [Read the News Release](#)

(Work in Progress) The Best of Our Blog

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

National News

\$10 Million Awarded for Oklahoma Tornado Recovery

Oklahoma will receive a grant of \$10 million to support clean-up

• [Working Hard for the Minimum Wage](#): Once again, Acting Secretary of Labor Harris hands over the duties of advocating for President Obama's proposal to raise the federal minimum wage to the workers who face tough economic choices every day. In this post, which originally was published as an op-ed in Ohio's *Akron Beacon Journal* online, Harris shares the personal histories of a group of workers he met at a minimum wage roundtable in Akron. Harris writes, in response to a pair of workers, "Keep the conversation going. Engage each other, and engage your elected officials who represent you in Washington. Just like life on the minimum wage, it's about hard work."

• [Beyond Service](#): Patricia Shiu, director of the Office of Federal Contract Compliance Programs, explains the role the agency plays in ensuring that veterans are protected against discrimination and receive equal opportunity in workplaces with federal contracts or subcontracts. She also describes an event in New Jersey honoring women veterans that showed how the government and the private sector can work together to help veterans transition to civilian employment.

• [The Cost of Falls and What You Can Do to Stop Them](#): Jim Maddux, head of the Occupational Safety and Health Administration's Directorate of Construction, writes about the terrible human and economic toll caused when construction workers fall from scaffolds and other heights. Falls are the leading cause of construction deaths, accounting for one-third of all work-related fatalities in the industry, and Maddux urged the public to help spread the word about OSHA's campaign to prevent fatal falls by making sure workers are safe and have the right equipment and training.

Meeting With the Mayors

Acting Secretary of Labor Harris may, by his own admission, have rusty skills on the basketball court, but he still excels at the podium. After joking with Sacramento, Calif., Mayor Kevin Johnson that he wouldn't challenge the former NBA star to a game of one-on-one, Harris discussed President Obama's economic agenda in his May 30 address to the 39th Annual Convention of the National Conference of Black Mayors in Atlanta. Harris applauded the mayors for their leadership in communities around the country. "Municipal government is where the rubber meets the road," Harris said. "It's accountability at its most personal. It's where public servants can look their constituents in the eye and help them solve some of their important problems." Harris added that the Obama administration stands ready to help mayors meet the big challenges they face, highlighting efforts to create jobs, invest in workers' skills, raise the minimum wage and implement the Affordable Care Act.

Global Thinking at BLS

and recovery efforts following a series of severe storms and devastating tornadoes earlier this month. On May 26, President Obama traveled through the tornado-ravaged community of Moore, Okla., delivering remarks at Plaza Towers Elementary



School. The president also met with first responders at Moore Fire Department Station #1, which served as the local incident command center, to discuss recovery efforts. For its part, the department's funding will allow the state to create temporary jobs for eligible individuals to assist in cleaning up the widespread storm damage. The state will receive an initial award of \$5 million with additional funding, up to the amount approved, will be made available as needed. "The loss of life and decimation of property in Oklahoma is extremely sad and hard to grasp," said acting Secretary of Labor Harris. "I am pleased the Labor Department will be able to join in the efforts to provide assistance to the communities impacted by this epic storm and tornado activity." The Occupational Safety and Health Administration's area director in Oklahoma, David Bates, along with office field staff at the command center, are providing assistance and education to contractors and others involved in the recovery and clean-up. OSHA has provided safety training and is distributing materials on preventing injuries during the clean-up and recovery. OSHA also assisted in distributing personal protective equipment donated from outside organizations to those involved in the clean-up.

- [Read the News Release](#)
- [Read About Tornado Recovery Safety](#)
- [Read More About the President's Visit](#)

West Virginia Coal Mine Cited for Improper Ventilation

Some mine operators still don't get it. That's according to Mine Safety and Health Administration Assistant Secretary Joseph Main, reacting to the results of last month's impact inspections at 11 of the nation's mining operations. On April 17, federal inspectors issued four closure orders and 10 citations at Fork Creek No. 1 Mine in Lincoln County, W.Va. They found that the mine operator failed to follow the MSHA-approved methane/dust control plan for the roof bolter. Without proper ventilation to dilute the air and carry away dust and harmful gases, miners are exposed to respiratory hazards that increase their risk of developing black lung, silicosis and other respiratory diseases. Just two months earlier, the mine was issued 16 ventilation violations, 13 for the operator's unwarrantable failure to comply with health and safety standards. "The violations that were issued show the troublesome behavior that takes place at some mines when MSHA inspectors are not expected to show up," said Main.

- [Read the News Release](#)

Take Three: Employment-based Wellness

The Labor Department's Employee Benefits Security Administration on May 29 joined the departments of Health and Human Services and Treasury in announcing the publication of final rules related to employment-based wellness programs. These rules represent the latest step in implementing the Affordable Care Act. Assistant Secretary of Labor Phyllis C. Borzi answers three questions about the rules.

Why are these rules important? *The final rules promote health and provide a way for employers to reward behaviors that could improve health and ultimately limit the growth of health-care costs. Employees will have*

Improving the quality of data is one of the big goals at the Bureau of Labor Statistics. There "are many issues we are thinking about, including how to collect data in the globalized market, using BLS statistical definitions. We need to provide tools that will allow BLS to measure and compare international competitiveness and maybe update the industrial classification system," BLS Commissioner Erica L. Groshen said in a recent interview published in The Washington Post. Groshen was interviewed for The Post's "On Leadership" feature by Tom Fox, a vice president at the Partnership for Public Service.

- [Read the Transcript](#)

South Florida Symposium

Southeast Secretary's Regional Representative Millie Herrera participated in the Community Impact Symposium sponsored by the United Way in



Miami on May 23. Herrera was one of four panelists, discussing various department grant programs and initiatives that have impacted South Florida families, such as workforce training for careers in science, technology, engineering and mathematics. Additionally, Herrera discussed the role of the Employee Benefits Security Administration in the Affordable Care Act, how an increase in the minimum wage would positively impact many families, and the importance of saving for retirement to ensure financial stability. Approximately 100 volunteers and grantees attended the symposium and offered feedback on the needs of the community.

Advancing Job Opportunities

The National Governors Association gathered state policy teams in Seattle on May 24 to discuss strategies for advancing employment opportunities for individuals with disabilities in a competitive labor market. Assistant Secretary of Labor for Disability Employment Policy Kathy Martinez delivered an address on leveraging federal resources to improve employment outcomes for individuals with disabilities. "We believe that a presumption of employability should exist for everyone, and that includes youth and adults with significant disabilities," Martinez said. She also highlighted the results of ODEP's Employment First State Leadership Mentoring Program, which helps states improve employment outcomes of youth and adults with significant disabilities by providing technical assistance and training, as well as access to subject matter experts.

- [Learn About Employment First](#)
- [Learn About the NGA's Initiative](#)

Listening to Oregon Workers

Traveling to Oregon this week, Jay Williams, director of the Office of Recovery for Auto

greater access to programs that promote healthy lifestyles, as well as incentives for complying with the requirements of a wellness program. Those incentives might include reimbursement for fitness center membership fees; a reward for attending monthly, no-cost health education seminar programs; programs that provide a reward to those who do not use (or decrease use of) tobacco; and programs that reward those who achieve a health outcome such as cholesterol level or weight goal, as well as to those who fail to meet targets but take certain additional healthy actions.

Could employees be penalized for having poor health? *No. The final rules forbid discrimination based on a health factor and ensure individuals are protected from unfair or discriminatory underwriting practices. They require that health-contingent wellness programs be reasonably designed and uniformly available to all similarly situated individuals. The rules also clarify that reasonable alternative standards must be available for all workers who do not meet an outcome-based initial standard. If an employee's personal physician says that a plan standard is not medically appropriate for that individual, the plan or issuer must provide a reasonable alternative standard that accommodates the physician's recommendations.*

How will the rules benefit employers? *The final rules ensure flexibility for employers by increasing the maximum reward that may be offered under appropriately designed wellness programs, including outcome-based programs. The rules allow employers to offer up to a 30 percent incentive for health-contingent wellness programs, and an additional 20 percent incentive for wellness programs designed to prevent or reduce tobacco use. The final rules do not dictate the types of wellness programs employers can offer. If an employer chooses to offer a participation-based wellness program, for example, the rules only require an employer to offer the program to all similarly situated individuals. If an employer offers a health-contingent program, it must ensure the program is designed to promote health and prevent disease, and is not a subterfuge for discrimination or underwriting based on a health factor.*

News You Can Use

#HackForChange

Cities across the nation will host a National Day of Civic Hacking on June 1 and 2. This year, the department is encouraging civic-minded, technologically savvy hackers to help develop new tools to assist America's workforce. One project aims to disseminate information about retirement savings plans to workers of all ages, while another focuses on providing women veterans with tools to help them find good jobs. The ultimate goal is improving access to the department's information and resources for workers and job seekers.



- [Become Involved with #HackForChange](#)
- [View the Retirement Savings Video](#)
- [View the Women Veterans Video](#)

New Members for FACOSH

Four newly appointed members of the Federal Advisory Committee on Occupational Safety and Health will join the 16-member committee for a June 6 meeting at the department. Established in 1971, the committee's objective is to help reduce injuries and illnesses in the federal workplace, and to encourage agencies and departments to establish effective safety and health programs. The new members are management representatives

Communities and Workers, met with a broad range of community advocates. Williams joined low-wage workers in the Portland area on May 29 to discuss how President Obama's goal of raising the federal minimum wage would improve lives. Oregon recently passed a statewide increase in the hourly minimum wage to \$8.95. Workers talked about how the increase is helping reduce financial stress and making it easier to pay for groceries and rent. Williams also met with Portland city officials and community development leaders at an event sponsored by the National Academy of Sciences. Discussions concentrated on how the city is leading efforts to support economic and environmental sustainability in urban neighborhoods and communities.

Preventing Workplace Fatalities

Nearly 5,000 workers nationwide died in 2011 as a result of fatal injuries from work-related incidents. Examining the impact of workplace fatalities on businesses and communities was the focus of a full-day training session hosted by the Lehigh Valley Safety Committee earlier this month in Bethlehem, Pa. Approximately 125 professionals from regulatory agencies, law enforcement, business, labor and academia participated in a scenario simulating a workplace accident at a plant that resulted in employee fatalities, and also discussed proper responses and prevention. The training was developed through the Occupational Safety and Health Administration's alliance with the Lehigh Valley Area Labor Management Council, which was established in 2005 to foster safer and more healthful workplaces.

On Track in Seattle

During a meeting convened by the City of Seattle Aging and Disability Services on May 24, Kathy Martinez, assistant secretary of labor for disability employment policy, discussed available tools and resources that can assist communities in employing people with disabilities. "More than ever before, people are working with age-related disabilities," Martinez told a group of city administrators and community advocates. She applauded the city for hiring 71 people with significant disabilities for a variety of jobs. "I'm pleased that my office can provide practical technical assistance and respond to employees and employers about expanding diversity employment efforts for people with disabilities," Martinez said.

Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 354,000 for the week ending May 25, an increase of 10,000 from the previous week. The four-week moving average was 347,250, up 6,750 from the previous week's revised average.

- [Read the News Release](#)

Dr. Joe Hoagland, senior vice president of policy and oversight for the Tennessee Valley Authority; Dr. Gregory Parham, administrator of the Department of Agriculture's Animal and Plant Health Inspection Service; Lola Ward, director of the National Transportation Safety Board's Office of Administration; and labor representative Irma Westmoreland, chair of National Nurses United-Veterans Affairs. FACOSH advises the secretary of labor on all matters relating to the occupational safety and health of federal employees.

- [Read the News Release](#)

Of Note

Office of the Chief Financial Officer Awarded Certificate of Excellence



The Office of the Chief Financial Officer was honored by the Association of Government Accountants for the department's outstanding Fiscal Year 2012 Performance and Accountability Report. Chief Financial Officer James Taylor and staff members accepted OCFO's 12th Certificate of Excellence in

Accountability Reporting Award at a National Press Club ceremony on May 23 in Washington, D.C. The FY 2012 report earned the department a Best in Class Award for demonstrated excellence in the area of most complete schedule of spending. Award recipients are selected by a panel representing chief financial and inspector general offices, performance measurement experts and independent public accounting firms.

- [Learn About OCFO](#)

DOL Working for You

An 'Awesome' Experience for Air Force Veteran

When Air Force veteran Miguel Cumbo left military service, his outgoing personality helped him quickly find work in the human resources field. But a disagreement with a stubborn roommate escalated into an argument, and Cumbo was charged with a misdemeanor. That incident haunted Cumbo, who lost his job and could not find other work. Eventually he became homeless. Cumbo sought help from America Works of Washington, D.C., a job-placement organization that assists veterans under the Homeless Veterans Reintegration Program. He received life skills training, updated his resume, and learned how to straightforwardly address the misdemeanor with potential employers. Through the program, he received clothing and was set up for job interviews. "It is awesome that I served my country and now my country's program is serving me," Cumbo said about his experience. Cumbo's enthusiasm and impressive interviewing skills ultimately landed him three job offers. Because he "likes working with the public," Cumbo accepted a full-time position with the department's Office of Workers' Compensation Programs, where he serves as a customer service representative.



Calendar Highlight

Town Halls in Washington State

The Office of Workers' Compensation Programs will host two town hall meetings in Pasco, Wash., on June 6 to explain medical benefits provided under the Energy Employees Occupational Illness Compensation Program Act. The department's Hanford Resource Center in Richland, Wash., will extend its hours to assist individuals with new and existing claims

- [Learn More About the Event](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [June 12 — Burlington, VT](#)

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

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

OFCCP — Construction and Compliance Webinar

- [June 20 — Portland, OR](#)

OFCCP — Developing Written Affirmative Action Programs / Workplace Accommodations

- [June 6 — Columbus, OH](#)

OFCCP — Diversity in Tech

- [June 5 — Santa Clara, CA](#)

OFCCP — DOL Educational & Outreach Symposium

- [June 27 — Houston, TX](#)

DOL in Action

Contractor Faulted for Hazards at New Hampshire Work Site



PLAN. PROVIDE. TRAIN.

Three simple steps to preventing falls.

Employees of Twin Pines Construction Inc. of Everett, Mass., were exposed to falls of up to 30 feet at a Durham, N.H., work site. The wood framing contractor faces \$290,700 in fines for willful, repeat and serious hazards. An inspection by the Occupational Safety and Health Administration's Concord office found a lack of adequate fall protection during framing work. Additional fall hazards stemmed from ladder misuse, lack of fall protection training, and personal fall arrest systems that allowed workers to fall more than 6 feet and strike lower levels.

- [Read the News Release](#)

Grant Awarded to Support Storm Recovery in Ohio

The department this week awarded a \$15,438,000 grant to help create 1,191 temporary jobs across Ohio for continuing clean up and recovery efforts following a series of severe storms last summer. The award was part of a \$21 million National Emergency Grant, the first \$6 million of which was awarded in September 2012. "The grant announced May 28 represents the Labor Department's commitment to help Ohioans rebuild their communities and their lives," said acting Secretary Harris.

- [Read the News Release](#)

Trailer Manufacturer Cited for Lack of Personal Protective Equipment

Quality Trailers Enterprise Inc. has been cited for 15 serious safety and health violations at its Salem, Ohio, trailer manufacturing facility. The Occupational Safety and Health Administration proposed \$55,300 in fines from the Feb. 4 complaint inspection, which included safety violations involving lack of personal protective equipment and worker exposure to machine guarding hazards. Additionally, serious health violations included exposure to noise; improper oxygen cylinder storage; allowing combustible paint residue to accumulate in the paint booth; and failing to conduct a workplace hazard assessment program.

- [Read the News Release](#)

Job Assistance for Former Boise Paper Workers

Under a \$175,318 National Emergency Grant awarded by the department on May 24, approximately 70 workers affected by the closure of Boise White Paper LLC will receive training and re-employment services. The grant was awarded to the Oregon Department of Community College and Workforce Development to provide eligible workers with access to training and a broad range of support services, in conjunction with services they may receive as a result of eligibility for Trade Adjustment Assistance benefits.

- [Read the News Release](#)

Inadequate Safeguards Found at New York Medical Lab

Laboratory Corp. of America Holdings faces \$58,000 in fines for repeat and serious health hazards at its Schenectady, N.Y., medical lab. The Occupational Safety and Health Administration found that phlebotomy technicians who drew blood did not receive required training on bloodborne pathogen hazards until after working with the blood. They also were not trained on procedures to follow in the event of an exposure incident. The lab failed to have specific procedures to inform workers on obtaining post-exposure care, update its exposure control program, and train workers about the physical and health hazards of traysol, a chemical used in stabilizing and shipping blood samples.

- [Read the News Release](#)

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 — Internet Applicant Rule Refresher

- [June 20 — Houston, TX](#)

OFCCP — Requirements for Filing a Complaint

- [June 19 — Milwaukee, WI](#)

OFCCP — The Complaint Process

- [June 6 — Omaha, NE](#)

OFCCP — Town Hall Meetings to assist nuclear weapons workers

- [June 6 — Pasco, WA](#)

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

- [June 20 — Omaha, NE](#)

OSHA — Federal Advisory Council on Occupational Safety and Health Meeting

- [June 6 — Washington, DC](#)

OSHA — National Advisory Committee on Occupational Safety and Health Meeting

- [June 11 — Washington, DC](#)

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ActingSecHarris Always happy to share @USDOL & labor history with the next generation, especially during our centennial! #DOL100
[pic.twitter.com/6C1NEedIP](#)



Join the conversation

Albuquerque Roofer Pays More Than \$52,000 in Back Wages

BAC Enterprises Inc. has paid \$52,141 in back wages to 57 current and former roofers after an investigation by the Wage and Hour Division found violations of the Fair Labor Standards Act's minimum wage, overtime and record-keeping provisions. Investigators found that roofers at the company's Albuquerque and Roswell, N.M., locations were paid a piece rate, without consideration of hours worked and were not compensated at time and one-half their regular rates of pay for hours worked over 40 in a workweek. Additionally, the company failed to keep accurate records of employees' work hours and wages.

- [Read the News Release](#)

Lawsuit Filed Against Transport Workers Union

The department has filed a lawsuit against Transport Workers Local 100, a labor union representing more than 38,000 public and private sector transit workers in New York City. The complaint alleges that during its December 2012 election the union unreasonably applied a candidate eligibility requirement prohibiting members who had recently applied for a supervisory position outside of the bargaining unit from running for or holding office. The suit seeks to force the union to conduct a new election for two executive board positions under the supervision of the Office of Labor-Management Standards.

Wal-Mart Store in Montana Faulted for Repeat Violations

A Wal-Mart store in Great Falls, Mont., has been cited by the Occupational Safety and Health Administration with two repeat safety and health violations following an inspection under the agency's Site Specific Targeting Program. The Bentonville, Ark.-based retailer faces \$50,000 in proposed fines. Violations involve exposing workers to amputation hazards and not having suitable facilities for quick drenching or flushing of the eyes and body in the event of an emergency due to potential electrolyte exposure near a battery-charging station. Wal-Mart was cited for similar violations in 2009 and 2010.

- [Read the News Release](#)

Hawaii Resort Faces Fines for Safety Violations

A Hawaii resort has been cited by the Occupational Safety and Health Administration with 14 safety and health violations, including nine serious ones. Kauai Beach Resort in Lihue faces \$48,000 in proposed fines. Violations include failure to safely and properly store and label propane tanks, electrical wiring deficiencies, unsafe electrical work practices by untrained maintenance personnel, and inadequate assessment and use of personal protective equipment. The Kauai Beach Resort employs more than 270 workers.

- [Read the News Release](#)

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