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To: Kester, Tonykester@aging.sc.gov
Date: 2/19/2015 7:01:35 PM
Subject: Modernizing Workforce Development; the Fissured Workplace; Stand-Down for Fall Safety

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DOL News Brief

February 19, 2015

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What's New

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

- [Heroes Wanted: Submit a Nomination for the Iqbal Masih Award](#): At this moment, in nations around the globe, millions of children are working in fields and factories. Some are slave laborers, and many have never been in a classroom. Few have a voice to stand up to exploitation and determining their futures, writes Carol Pier, deputy undersecretary of the Bureau of International Labor Affairs.
- [The Interview That Changed My Life Forever](#): On a crisp fall day in 2011, I donned my best professional outfit, harnessed up my guide dog Railey, and headed off for another day of college classes, recalls Tiffany Jolliff, a program specialist in the Office of Disability Employment Policy.
- [A Lesson From Black History: "Have Faith and Stay Positive"](#): During Black History Month, we honor Addie Wyatt for her strength, her perseverance, her intellect and her heart, writes Carl Fillichio, senior advisor for communications and public affairs.

Fissuring of the Modern Workplace

Harvard University Law School's Labor and Worklife Program honored Wage and Hour Division Administrator Dr. David Weil by requesting he deliver the keynote address at the John T. Dunlop Memorial Forum in Cambridge, Mass., on Feb. 12. A former secretary of labor during the Ford administration, Dunlop mentored Weil as a graduate student. In his remarks, Weil discussed the so-called "fissuring of the modern workplace," particularly how employers — pressured to shed their non-core functions to other businesses — have added layers of contractors and subcontractors and muddled what used to be clearer, more direct employer-worker relationships. "The more layers, the greater the economic pressure, and the smaller the profit margins," Weil said. "The result of this pressure is that the most vulnerable employees, the lowest in the chain, face the greatest potential for exploitation." Weil outlined

Modernizing Workforce Development, With States as Key Partners

State workforce agencies are integral to the department's ability to expand employment opportunities and ensure fair and safe workplaces. On Feb. 19, representatives from many of these organizations gathered in Washington, D.C., for the National Association of State Workforce Agencies' 2015 Winter Policy Forum. Topics discussed included the president's proposed fiscal year 2016 budget and the continually improving economy and labor market. The implementation of the Workforce Innovation and Opportunity Act — the first major reform to federal job training programs in more than 15 years — was of particular interest to many. Deputy Secretary of Labor Christopher P. Lu thanked the participants for their contributions to the economic recovery. He emphasized the importance of partnerships at the federal, state and local levels and how partnerships are essential to WIOA's success. "WIOA will modernize workforce development, building an even more integrated, job-driven system that links job seekers with local and regional employers," Lu said.

- [Learn About the Workforce Innovation and Opportunity Act](#)

National News

Court Orders \$39.8 Million Returned to Benefit Plans

A federal court in Philadelphia recently entered a \$39.8 million judgment on behalf of workers who participated in more than 400 death benefit plans mismanaged by John J. Koresko V; companies he controlled; and a former associate, Jeanne Bonney. The decision follows a 2009 lawsuit filed by the department. The judge ruled that Koresko, of Bridgeport, Penn., and other defendants, diverted tens of millions of dollars in plan assets through more than 21 accounts using more than 18 different entities at more than eight different banks. Spanning more than 12 years, the scheme saw assets from the plans' trusts used for real estate purchases in South Carolina and the Caribbean island of Nevis, lobbying expenses, operational expenses of Penn-Mont Benefit Services, Inc., and Koresko's law firms, and for Koresko's personal expenses, such as boat rentals and utilities.

- [Read the News Release](#)

the Wage and Hour Division's work to adapt to these changing conditions, including strategic enforcement efforts. In fiscal year 2014, the division returned \$79 million in back wages to 109,000 workers in low-wage industries.

- [Read About the Fissured Workplace](#)
- [Read About Strategic Enforcement](#)

Training for Safe Workplaces

When it comes to workplace safety, education and prevention can be the difference between life and death. Since 1978, the Susan Harwood Training Grant Program has trained more than 1.8 million workers on recognizing and preventing safety and health hazards. The program now funds 78 nonprofit organizations, which gathered in Washington, D. C., on Feb. 18-19 to share training best practices. "These organizations provide important hands-on training and education to small business employers and hard-to-reach, vulnerable workers," said Assistant Secretary of Labor for Occupational Safety and Health David Michaels. "This is a wonderful opportunity to support, educate and learn from the organizations whose programs play a major role in ensuring that workers and employers have the tools and skills to identify hazards and keep workers safe on the job."

- [Learn About Harwood Grants](#)

Tobacco Industry Outreach

Wage and Hour Division Administrator Dr. David Weil headed to Raleigh, N.C., on Feb. 19 to meet with the Farm Labor Practices Group, an organization of tobacco growers, companies and advocates for workers in the tobacco fields. The group's mission is to improve employer compliance with labor laws and conditions for workers, and it is collaborating with the Wage and Hour Division on improving compliance. In 2015, the group will educate and train more than 11,000 growers, while tobacco companies will monitor the compliance of their suppliers. "The department is serious about improving conditions for workers in this industry, and I am pleased to see that the tobacco industry is also making an effort to do so," said Weil. Since 2009, the Wage and Hour Division has concluded nearly 500 investigations involving tobacco growers, finding more than \$530,000 in unpaid wages, and assessing more than \$867,000 in civil money penalties.

Advancing Immigrant Integration

The New York City Employment and Training Coalition hosted a listening session for the department on how the federal government can take action to increase the economic integration of new immigrants. The session was part of the department's participation on the President's Task Force for New Americans, announced in November 2014, for identifying promising, local immigrant integration practices that can be replicated nationally. Held on Feb. 13, the meeting took place at Henry Street Settlement on Manhattan's Lower East Side and was led by Ben Seigel, policy advisor with the Employment and Training Administration. More than 10 local

News You Can Use

Stand-Down for Fall Safety

Falls remain the leading cause of construction industry deaths, killing hundreds of workers and injuring thousands more each year. In 2014, tens of thousands of employers and more than one million workers nationwide joined the Occupational Safety and Health Administration's weeklong Safety Stand-Down, the largest occupational safety event ever held. This year, OSHA hopes to triple those numbers. From May 4-15, employers and workers will pause during their workday for topic talks, demonstrations and training on fall prevention. "With the economy on the rebound and housing starts on the rise, now is the time for all of us to renew our commitment to sending workers home safe every night," said Secretary Perez.

- [Read the News Release](#)
- [Learn About the Stand-Down](#)

Working in a Winter Wonderland

For workers who must earn their living outdoors, winter weather presents unique challenges. Employers should know the dangers and act accordingly. Frigid cold weather makes all exertion more physically taxing: common jobs like shoveling snow can cause exhaustion, dehydration, back injuries or heart attacks. Regular rest breaks, drinking fluids and proper bending and lifting methods can greatly reduce the associated risks. Walking on snow and ice-coated surfaces also increases the risk of slips and falls. Clearing walking surfaces, removing ice and wearing insulated boots with good treads can help. Even without snow, working outdoors in cold temperatures can cause frostbite and hypothermia. Employers should learn to recognize the symptoms of these serious safety risks, be prepared to avoid them and respond quickly to avert disaster.

- [Read the Blog](#)
- [Read the Cold Stress Safety and Health Guide](#)

DOL Working for You

Job Corps Journey Reaches Pinnacle at Princeton University

As a new high school graduate in 1999, Matthew Parker was unsure about his future. His working parents, a bookkeeper and a phlebotomist with three children, couldn't afford his college education. Parker entered the workforce but, a year later he yearned for a change. At a friend's suggestion, Parker joined the computer repair trade program at the Alaska Job Corps Center. Five months later, he graduated and relocated to the Edison Job Corps Center in New Jersey to complete the advanced computer certification program. In just six months, Parker added a half a dozen industry-recognized information technology certifications. He then worked as an IT professional for four years before landing a job at Princeton University, first as a technical support specialist and today as an IT manager there. That was nine years ago. Parker fervently believes the knowledge and experience he gained from Job Corps "made the difference" in landing the Princeton job and, ultimately, a better life.

- [Read Parker's Blog Post](#)

DOL in Action

Warning Letter Issued to 'COPS' Producers in Sound Tech's Death

A hazard warning letter has been issued to Los Angeles-based producers of "COPS," the iconic, long-running crime reality TV show, after a 38-year-old sound technician was killed by a stray bullet in August 2014 during filming in Omaha. The letter from the Occupational Safety and Health Administration to Langley Productions outlined several recommendations to the company on how to prevent fatalities and injuries, including additional employee training, filming from a distance and removing bonus incentives that may encourage employees to take risks. "This tragedy is painful proof that those producing reality shows can encounter potentially fatal hazards. It is imperative that Langley Productions and other film industry companies take greater steps to protect workers during filming," said Bonita Winingham, OSHA's area director in Omaha.

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organizations — including community colleges, community-based groups and advocacy organizations that provide workforce development and vocational English-language training services to new immigrants — took part.

Teachers Review Rights

Teachers of Filipino descent participated at a Feb. 14 event in Baton Rouge, La., to learn more about laws enforced by the Wage and Hour Division. Hosted by the White House Initiative on Asian Americans and Pacific Islanders and coordinated by the Philippine Embassy, the event featured discussions about workers' rights and employer responsibilities under the Fair Labor Standards Act, the Family and Medical Leave Act, and H-2A, H-2B and H-1B visa worker rights.

- [Learn About the White House Initiative on AAPI](#)

Training for Arkansas Employers

After the Wage and Hour Division's Little Rock District Office uncovered violations in dozens of investigations of northwest Arkansas restaurants in fiscal year 2014, Spanish-speaking restaurant employers sought training on the Fair Labor Standards Act. Specifically, they wanted to better understand who may be paid as a tipped or salaried employee and what the requirements for paying overtime and the minimum wage are. Joseph Diaz, a Wage and Hour investigator in Little Rock, organized the outreach event to more than 25 employers on Feb. 4 in Fort Smith, Ark.

Protecting Nebraska Workers

The Nebraska Appleseed Center for Law in the Public Interest and the Occupational Safety and Health Administration signed an alliance on Feb. 10 to promote an understanding of workers' rights and employer responsibilities in the Occupational Safety and Health Act. The alliance seeks to educate and protect the health and safety of Nebraska's immigrant workers. "This alliance reflects a commitment to the safety of all employees, including immigrant workers. We must keep in mind that no job is a good job unless it's a safe job," said Bonita Winingham, OSHA's area director in Omaha.

- [Read the News Release](#)
- [Learn About OSHA's Alliance Program](#)

Weekly UI Claims

Seasonally adjusted initial Unemployment Insurance claims fell to 283,000 for the week ending Feb. 14, the department reported. The advance figure was down 21,000 from the previous week's unrevised level. The four-week moving average was 283,250, down 6,500 from the previous week's unrevised average.

- [Read the News Release](#)

Trash-to-Energy Plant Employees Exposed to Numerous Hazards

Responding to a complaint, Occupational Safety and Health Administration inspectors found 16 serious violations at Covanta Energy Bristol Inc., a trash-to-energy plant in Bristol, Conn. Workers were exposed to numerous hazards, including combustible dust accumulated on ledges, conduits, floors, guardrails, work platforms and catwalks. The company also failed to determine employees' exposure level to ash containing toxic metals such as lead, cadmium and arsenic; and provided inadequate training and protective clothing for an employee who performed testing on live electrical parts. Covanta Energy Bristol faces \$80,100 in fines.

- [Read the News Brief](#)

Famous Wok Franchisee Ordered to Pay Back Wages

When two Famous Wok restaurant employees in Santa Fe, N.M., were owed back wages after a Wage and Hour Division investigation, franchise owner Lixin Zhang agreed to pay them. He didn't and then forced the workers to sign the backs of blank checks to make it appear he had. Investigators caught Zhang lying about those payments and also found he hadn't paid overtime to employees who worked between 72 to 80 hours per week. The department responded with a lawsuit which led the U.S. District Court for the District of New Mexico to grant a summary judgment against Zhang, ordering him to pay \$25,168 in back wages and an equal amount in liquidated damages to the employees for violating the Fair Labor Standards Act's minimum wage, overtime and record-keeping provisions.

- [Read the News Release](#)

Asbestos Hazards Found at New Jersey Storage Warehouse

A federal investigation at a Newark, N.J., warehouse netted 14 serious safety violations for Brantley Brothers Moving & Storage Co. Inc. An October 2014 complaint investigation by the Occupational Safety and Health Administration found the company had put no safety and health precautions in place for workers removing pipes and pipe insulation containing asbestos. Brantley also did not train employees on proper handling of asbestos and related health hazards. Additionally, workers were exposed to fire hazards and asbestos was not identified and labeled in the warehouse. OSHA proposed fines of \$89,600.

- [Read the News Brief](#)

Medical Products Company Creates Unsafe Environment for Workers

Workers at a medical products company in Oxford, Pa., were exposed to chemical hazards, Occupational Safety and Health Administration investigators found. A September 2014 investigation identified three repeat and five serious violations at Seitz Technical Products Inc. which now faces \$42,350 in proposed penalties. The violations arise from unsafe exposure to chemical hazards as workers assembled surgical carts, a lack of a hazardous communication program for employees, and improperly labeled chemicals. "For employees who work with hazardous chemicals, chemical containers labels, safety data sheets and training can mean the difference between a safe environment and serious harm," said Nicholas DeJesse, director of OSHA's Philadelphia Area Office.

- [Read the News Brief](#)

Dust Accumulation Exposes Workers to Hazards

Richardson Milling Inc., in Dawn, Texas, was flagged for 11 serious violations for exposing workers to safety hazards, including the accumulation of grain milling dust near equipment that could cause an explosion. Initiated in October 2014 by the Occupational Safety and Health Administration, the inspection is part of the agency's Regional Emphasis Program for industries engaged in grain-handling activities. Inspectors found the company did not use approved electrical equipment in areas with dangerous levels of combustible dust; did not remove an unapproved forklift truck with exposed conductor cables that could have ignited the combustible dust; did not secure compressed gas cylinders to prevent them from being knocked over; and lacked guards on belts and pulleys to prevent amputations. Richardson faces penalties totaling \$63,000.

- [Read the News Brief](#)

Reinvestigation of Massachusetts Company Finds More Violations

A return investigation by the Wage and Hour Division found that agribusiness Chang & Sons Enterprises Inc., and its owner Sidney Chang, continue to deny workers wages legally earned, despite prior investigations and a legal

Upcoming Deadlines & Events

Open Funding Opportunities

EBSA — Choose a Retirement Solution for Your Small Business Today Webcast

- February 26 — Washington, DC

EBSA — Getting It Right: Know Your Fiduciary Responsibilities Seminar

- March 5 — Philadelphia, PA

EBSA — Savings Fitness Workshop

- February 26 — Boston, MA

ETA — Online Skills Academy Listening Session Webinar

- February 20 — Washington, DC

OFCCP — Audit Through the Eyes of an Investigator

- February 24 — Chicago, IL

OFCCP — Complying with the Section 503 and VEVRAA Regulations

- March 11 — Baltimore, MD

OFCCP — New Section 503 of the Rehabilitation Act & VEVRAA Regulations

- March 5 — Pittsburgh, PA

OLMS — Compliance Assistance Seminar

- March 5 — Dallas, TX

OWCP — Town Hall Meetings to assist nuclear weapons workers

- February 25 — Carlsbad, NM

WHD — Presentation on Labor Standards to Mexican Nationals

- February 24 — Springdale, AR

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judgment in 2013 requiring the employer to pay back wages and comply with federal wage and hour laws. The Whately, Mass., company paid \$305,500 in back wages and liquidated damages to 14 workers for prior violations of the Fair Labor Standards Act. The reinvestigation revealed additional minimum wage violations, resulting in \$73,535 in newly owed back wages and liquidated damages for six employees. The new consent judgment requires that the employer hire a qualified, independent consultant to monitor the firm's FLSA compliance and provide the Wage and Hour Division with quarterly reports for the next three years.

- [Read the News Release](#)

- [Learn About the FLSA](#)

Ohio Manufacturer Repeatedly Puts Workers at Risk of Injury

Twice in one year, Alliance Tubular Products LLC has put workers at risk of amputation and other serious injury by allowing dangerous machinery to operate unsafely. A July 2014 Occupational Safety and Health Administration inspection found three repeated and four serious violations and assessed fines of \$139,800 at the high-end, industrial steel tubing manufacturer's Alliance, Ohio, facility. The company also was placed in OSHA's Severe Violator Enforcement Program for its failure to address safety violations. OSHA cited similar violations at the company's facility in Darlington, Penn., in March.

- [Read the News Release](#)

Florida Roofers at Risk of Dangerous Falls Lacked Protection

A Jacksonville contractor received one willful and two serious safety citations after an October 2014 investigation by the Occupational Safety and Health Administration found workers at risk of serious fall hazards. At a residential site in St. Johns, Fla., OSHA inspectors found Transformers Construction Services Inc., allowed employees to work on roofs at heights up to 16 feet without fall protection; did not properly brace roof trusses to avoid collapse; and had no ladder or stairs to access the upper level of the roof structure. The inspection was conducted under the agency's Regional Emphasis Program on Falls in Construction. Transformers faces penalties totaling \$79,900.

- [Read the News Brief](#)

Amputation Hazards Found at Michigan Shipyard

In the past six years, Occupational Safety and Health Administration inspectors have found amputation hazards three times at Basic Marine Inc., a shipyard and boat fabricating facility in Escanaba, Mich., where a worker's arm was amputated in 2008. An August 2014 follow-up OSHA inspection produced five repeated, three willful and 10 serious safety violations and assessed penalties of \$242,940. The company has been placed in the agency's Severe Violator Enforcement Program.

- [Read the News Release](#)

Tarnished Safety Record for Aluminum Foil Producer

ATI Foil Inc., of Huntsville, Ala., exposed workers to numerous workplace safety hazards, an Occupational Safety and Health Administration inspection discovered. A complaint led the agency to inspect the aluminum foil manufacturer in August 2014. The visit yielded 25 serious citations for the employer; among them, not providing workers exposed to corrosive liquids with personal protective equipment, emergency showers or eyewash stations, and not prohibiting accidental start-up of machinery during maintenance and servicing. Proposed penalties total \$57,600.

- [Read the News Brief](#)

Lack of Protection Could Have Sealed Texas Excavation Workers' Fates

Workers in a 9-foot trench in Texas risked serious injury and even death because their employer, Angel Brothers Enterprises Ltd., of Baytown, Texas, failed to provide cave-in protection, such as a trench box or shoring and allowed water to accumulate in the hole and make it unstable. Occupational Safety and Health Administration inspectors followed up on an August 2014 complaint and identified four violations, including one willful violation related to the lack cave-in protection and three of a serious nature for failing to place and keep excavated or other materials or equipment more than 2 feet from the trench's edge; not removing water from the trench; and not permanently affixing durable identification to alloy steel chain slings for lifting capacity and size. The violations carry penalties of \$89,500. Workers were replacing an old fire hydrant and water line at the time of the inspection. The investigation was part of the agency's National Emphasis Program on Trenching and

Excavation.

- [Read the News Brief](#)

Focus on EEO for Kentucky Bridges Project

Walsh Construction, the primary contractor for the Ohio River Bridges Downtown Crossing project, and the Louisville, Ky., Area Office of the Office of Federal Contract Compliance Programs met on Feb. 1. The session, a quarterly Equal Employment Opportunity community meeting, gathered government agencies, unions and contractors to discuss available employment opportunities and barriers that impact recruiting from a diverse applicant pool. More than 25 stakeholders attended, including representatives from Congressman John Yarmuth's office and employers. The committee's next meeting is tentatively scheduled for May 13.

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