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DOL News Brief

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January 22, 2015

What's New

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

- [The Secret to Growing Our Middle Class](#): Too few employers recognize that apprenticeship is the perfect tool to develop a pipeline of skilled workers, writes Secretary Perez.
- [How We Brought Our Employee Turnover Rate to \(Nearly\) Zero](#): Years ago my husband, John, and I decided to offer paid sick days to our employees. To the surprise of many small business owners, it was one of the best business decisions we have ever made, writes Jennifer Kimmich, owner of the Alchemist Cannery, a small business in Vermont.
- [Secretary Perez Answers Paid Leave Letter Writers](#): Before the president's State of the Union address, Secretary Perez took some time to call Americans who wrote in to tell him how paid leave would benefit them.

Myth: The United States cannot afford to provide paid family leave.

Not true: Every other industrialized nation on Earth offers some form of government-ensured paid parental leave, according to a report by the International Labour Organization. About 11 percent of U.S. private sector employers offer some form of paid family leave, as do three states: California, New Jersey and Rhode Island. While roughly 60 percent of the U.S. workforce has access to 12 weeks of unpaid leave through the Family and Medical Leave Act, many workers still report being unable to afford the economic or professional costs of taking it. The lack of paid parental leave has costs for individuals, businesses and taxpayers — people without access to paid leave are more likely to leave the workforce after the birth of a child and more likely to require public assistance.

- [Learn About Paid Leave](#)

State of the Union — Promoting Middle-Class Economics

The nation's challenges, outlined by President Obama in his Jan. 20 State of the Union address, are exactly the same as those on the Labor Department's daily to-do list. "Will we accept an economy where only a few of us do spectacularly well? Or will we commit ourselves to an economy that generates rising incomes and chances for everyone who makes the effort?" Those questions on expanding opportunity and advancing middle-class economics are at the heart of U.S. Secretary of Labor Thomas E. Perez's and the department's priorities. In his address, the president urged Congress to send him a paid family leave bill and ensure equal pay for women. He discussed the importance of overtime pay and challenged members again to raise the minimum wage. He also called on them to pass laws that will strengthen unions and lift up worker voice. From there, the president continued to put Labor Department issues front and center. "We have to do more to help Americans upgrade their skills," he said, by increasing apprenticeships and making two years of community college free for responsible students. He also emphasized helping returning veterans find civilian jobs, another key department function. Before attending last night's address with his Cabinet colleagues, Perez visited with LeDaya Epps, a Los Angeles woman he first met last summer, who came to Washington as a State of the Union guest of the First Lady. Raised in foster care, Epps has faced a few roadblocks in life and struggled to find a career to support her family. After completing a union apprenticeship in construction, she now has a good job on the crew building a new light rail line. Epps is living proof that hard work and resilience can overcome tough odds. Families like Epps' are those for whom the president and the Labor Department fight for every day.

- [Read the Blog Post](#)

Unmistakable Progress Made in Realizing MLK's Dream

Before thousands gathered to honor Dr. Martin Luther King, Jr. in Columbia, S.C., on Jan. 19, Secretary Perez highlighted the connections between Dr. King's civil rights leadership and his activism on labor rights and anti-poverty issues. Quoting Dr. King, Perez said: "What does it profit a man to be able to eat at an integrated lunch counter if he doesn't earn enough to buy a hamburger and a cup of coffee?" The day began with a prayer service at Zion Baptist Church and a march to the State House where the rally was held. Perez told the crowd of the unmistakable progress made in realizing Dr. King's dream, and of the challenges and unfinished business that remain. Calling recent voter ID laws a "solution in search of a problem," he called for vigilance on voting rights nearly 50 years after the march from Selma to Montgomery, and the passage of the National Voting Rights Act of 1964. Perez closed his remarks by again quoting Dr. King: "The arc of the moral universe is long, but it bends toward justice." That said, he added, it doesn't bend on its own. It will require leadership and resilience from committed activists continuing the struggle for equal rights, expanded opportunity and shared prosperity.

Summer Jobs: Pathways to Success

• [Read the Huffington Post Blog](#)

Summer jobs give young people valuable work experience and hands-on learning that prepares them for future success — that makes increasing access to summer employment opportunities an important part of the nation's broader workforce development efforts. "For so many of our kids, summer jobs are the first opportunity to see the potential that exists," said Secretary Perez at a Jan. 21 workshop at the U.S. Conference of Mayors in Washington, D.C. "Your investments in summer youth jobs — it's not simply nice to do, this is in the 'have to do' category. Your investments in our youth are providing pathways to upward mobility."

An Apprenticeship Success Story

Interest in apprenticeships is growing as states and businesses alike recognize its value. Few states have experienced the explosive growth in apprenticeships as has South Carolina, where participation is up 656 percent since instituting a tax credit for employers who hire apprentices. The growth is also leading to an expansion of apprenticeships to non-traditional occupations, such as pharmacy technician. Secretary Perez recently heard from apprenticeship leaders and workers how and why the training tool is gaining traction during a visit to South Carolina. Employers told Perez that tax credits combined with the ability to provide specific skills training to new workers is fueling the growth. Workers who complete an apprenticeship are typically more productive and stay with an employer longer — which contributes to business growth.

- [Learn About Apprenticeship](#)

Sharing a Universal Experience

Deputy Secretary of Labor Christopher P. Lu moderated a panel discussion on Jan. 21 with the cast and producers of the upcoming ABC comedy *Fresh Off The Boat* at the Newseum in Washington, D.C. The show focuses on a Taiwanese American family from D.C.'s Chinatown that relocates to Orlando, Fla., in the mid-1990s. The event provided Lu a forum for a larger conversation on the opportunities and challenges facing immigrants, as well as the media's portrayal of Asian Americans. "For the first time in 20 years, Asian American families will be able to sit down and watch a show that reflects the unique experiences of immigrant families, but also the universal experience — as the president reminded us during his speech this week — of being Americans," said Lu. Starring Randall Park and Constance Wu, *Fresh Off The Boat* premieres on Feb. 10.

Engaging Girls in STEM

Women's Bureau Director Latifa Lyles joined White House representatives and those from the Department of Education and the Georgetown Center on Poverty and Inequality at an event focused on engaging girls in Science, Technology, Engineering and Math. The event, "Front and Center: Bringing Marginalized Girls into Focus in STEM and Career

International Scene

\$11 Million Invested to Eliminate Child, Forced Labor

The Bureau of International Labor Affairs has announced \$11 million in grants for monitoring and evaluation activities to help ILAB answer the crucial question: What are the most effective tools for eliminating child labor and forced labor and providing vulnerable children and adults with opportunities for a better standard of living? The grants include \$10 million for 14 impact evaluations, a scientific evaluation technique that seeks to identify what changes or outcomes might be directly attributed to a particular intervention. An additional \$1 million will be used to develop a toolkit to guide the department's partners in efforts to address child labor as they design their monitoring practices. "With these funds, we will systematically collect evidence about which interventions work and which ones don't, and we will use these findings to inform our ongoing efforts to make a better world for vulnerable children and adults," said Secretary Perez.

• [Read the News Release](#)

News You Can Use

Be an Apprenticeship LEADER

Apprenticeships are a great way to fill a pipeline with talented, high-skilled workers to grow businesses. To increase the output, the department's ApprenticeshipUSA initiative is calling on businesses with an existing apprenticeship program, or those without one to commit to starting one, to become apprenticeship advocates. Apprenticeship LEADERS (Leaders of Excellence in Apprenticeship Development, Education and Research) will work with the department to share best practices and innovations aimed at increasing apprenticeships in their industries, supply chains and surrounding geographic locations. Organizations nationwide are invited to receive national recognition and become LEADERS in building a more a skilled workforce and enhancing apprenticeship programs across the country.

- [Learn About ApprenticeshipUSA](#)
- [Read the White House Fact Sheet on Apprenticeship](#)
- [Read the Blog Post](#)

DOL Working for You

With a Little Help, Massachusetts Vet Dresses for Success

As proud as he was to wear his U.S. Navy uniform, veteran Jimmy Fitzgerald always knew that it was the man inside who made the suit, not the suit itself. In the military, the suit spoke volumes. In recent years as a civilian, Fitzgerald struggled with homelessness and his attire masked the man inside. Fighting to land gainful employment and in need of the clothes to win the job, he turned to the Homeless Veterans' Reintegration Program administered by the Veterans' Employment and Training Service. That outreach led him to the Veterans Training School at the New England Center for Homeless Veterans in Boston where staff worked with clothing retailer Men's Wearhouse to provide Fitzgerald and other veterans with suits appropriate for meeting prospective employers. "The new suit gave me the confidence I needed to interview for the job," he said. "It allowed me to not walk into the interview wearing street clothes, but interview attire. My whole mindset was different. When you feel good, you project a different aura." In addition to helping him obtain a suit, the Veterans' Training School prepared Fitzgerald with career coaching, employment contacts and an internship. The "interview suit" was "the icing on the cake," Fitzgerald said. His efforts paid off as he has accepted a full-time position with a Walgreens store in Quincy, Mass. Since its inception in 2011, approximately 300 suits have been provided to homeless and at-risk veterans. NECHV is a Department of Labor grantee.

and Technical Education" at the Georgetown University Law Center in Washington, D.C., on Jan. 15, brought together 140 education and workforce development leaders to share best practices. After opening remarks from Valerie Jarrett, senior advisor to the president, the event included a series of group discussions. Lyles joined Karen Peterson of the National Girls Collaborative Project to moderate a working group tasked with generating ideas for a portal designed to help young girls interested in STEM fields.

Webinar Promotes Paid Leave

Five days after President Obama announced his support for efforts to provide paid family and medical leave to America's workers, the department's Chief Economist Heidi Shierholz participated in a paid leave webinar hosted by the National Association of Women Business Owners on Jan. 20. In her presentation, Shierholz cited data indicating the costs and benefits of paid leave. Currently, California, New Jersey and Rhode Island are the only states with paid family and medical leave laws in effect; Connecticut and California have paid sick leave laws. "After implementing state paid leave programs, most businesses report no negative effect on their bottom line," Shierholz said. "In fact, the vast majority report either no effect or a positive effect on profitability, turnover and morale."

- [Learn About Paid Leave](#)
- [Read the White House Fact Sheet](#)

Pact on Misclassification

The department began a partnership on Jan. 20 with the Wisconsin Department of Workforce Development to protect employees by preventing employers from misclassifying them as independent contractors or other nonemployee statuses. The agreement will improve information sharing and coordinated enforcement of state and federal laws. The agreement is part of a larger effort to protect the employee rights and ensure fair business competition by reducing the practice of misclassification. The Wisconsin DWD is the latest of 18 state agencies that have joined the Labor Department's effort.

- [Read the Brief](#)
- [Learn About the Misclassification Initiative](#)

National Mentoring Month

January may be National Mentoring Month, but rest assured the department's Division of Youth Services grantees are hard at work year-round. Grantees connect young people with companies who then encourage their employees to serve as mentors. Through that connection, budding professionals can explore employment possibilities and learn firsthand from more experienced workers. In addition to serving as role models, mentors can provide academic and career guidance. The department encourages its partners to show their support of mentoring — during National Mentoring Month and throughout the year — by using the digital materials and toolkits available through Mentor-National Mentoring Partnership. This effort aims to ensure young people find jobs as well as

DOL in Action

Johns Hopkins University Lab Settles Discrimination Charges

The Applied Physics Laboratory at Johns Hopkins University will pay \$359,253 to settle allegations of discrimination made by two African-American women, the department announced on Jan. 22. An investigation by the Office of Federal Contract Compliance Programs determined that the lab violated Executive Order 11246, which prohibits federal contractors from discriminating in employment on the basis of race or sex. OFCCP compliance officers found that the Laurel, Md., lab had discriminated against the two employees because of their race and then retaliated against the women for filing complaints. "All workers deserve to be treated fairly and, when they are not, should be able to report it without fear of being harassed or retaliated against," said OFCCP Director Patricia A. Shiu.

- [Read the News Release](#)

Worker Suffers Severe Injuries at Illinois Grain Company

A 24-year-old man is lucky to be alive after his leg and foot were caught in a running mechanical auger inside a grain bin in Newark, Ill. The Occupational Safety and Health Administration investigated the July 2014 accident at Grainco FS Inc. and cited the company with three willful and five serious safety violations. Grainco faces penalties of \$241,500 and has been placed in the Severe Violator Enforcement Program.

- [Read the News Release](#)

12 Mines Undergo Impact Inspections

Federal inspectors with the Mine Safety and Health Administration issued 117 citations and four orders during special impact inspections conducted at 10 coal mines and two metal and nonmetal mines in December. Begun in force in April 2010, the monthly inspections, involve mines that merit increased agency attention and enforcement due to their poor compliance history or particular compliance concerns. MSHA has conducted 863 impact inspections and issued 13,580 citations, 1,221 orders and 55 safeguards since April 2010.

- [See the List of Mines](#)

Florida Freezer Manufacturer Not Hot On Safety

A Miami-based freezer manufacturer exposed its employees to electrocution, amputation and serious illness, reports the Occupational Safety and Health Administration. In July 2014, OSHA inspectors visited the Arctic Industries Inc., facility and issued 16 safety and health citations for electrocution risks due to improper wiring; amputation hazards from unguarded machinery; and not equipping workers handling hazardous chemicals with protective equipment. Additionally, the employer did not remove defective forklifts from service. OSHA began the inspection as part of its Site-Specific Targeting Program. Proposed penalties total \$64,680.

- [Read the News Release](#)

Louisiana Union to Rerun Officer Election

The American Federation of Government Employees Veterans Affairs Council 227, located in Pineville, La., recently agreed to conduct new local delegate elections, a new election and, if necessary, new nominations, for the council offices of president, treasurer and recording secretary under the supervision of the Office of Labor-Management Standards. An OLMS investigation of the union's May 2014 election determined that it failed to elect officers by secret ballot vote, in violation of the AFGE Constitution and the Council 227 Constitution. The new election will be held by May 29, 2015.

Lockheed Martin Settles Wage Dispute With Coast Guard

The department recently reached an agreement with Lockheed Martin Corp. to settle allegations that the military contractor violated prevailing wage laws while under contract with the U.S. Coast Guard in Petaluma, Calif. According to the settlement, the company agreed to pay 18 workers \$201,000 in back wages. A Wage and Hour Division investigation found Lockheed violated the prevailing wage requirements of the Service Contract Act by improperly classifying technical instructors/course developers in job categories that did not reflect the duties they performed. Improper classification led the company to pay incorrect prevailing wages. "Government contracts specify in detailed language how pay and benefits are to be determined. Employers must follow these rules, so that workers are paid correctly," said Susana Blanco, district director for the Wage and Hour Division in San Francisco.

- [Read the News Release](#)

rewarding careers.

- [Get the Mentoring Toolkit](#)
- [Learn More About the Division of Youth Services](#)

Protecting Farm Workers

Nearly 400 farm labor contractors, crew leaders, supervisors and growers gathered at a Fresno, Calif., training workshop on Jan. 15 to learn about the Migrant and Seasonal Agricultural Worker Protection Act. Sponsored by Nisei Farmers League and the Fresno County Farm Bureau Federation, the workshop's discussion turned to illegal and unsafe transportation of Central Valley farmworkers after two recent fatal vehicular accidents in the area. Presenters took questions on vehicle inspection and safety requirements, vehicle insurance and driver licensing.

"Transportation safety for farmworkers is an important part of the Wage and Hour Division's enforcement responsibility," said Nora Pedraza, the division's assistant district director in Fresno. "Training sessions like this for crew leaders and supervisors give us the opportunity to get our message out to a large number of people and improve the safety of transportation for farmworkers."

Weekly UI Claims

Seasonally adjusted initial Unemployment Insurance claims fell to 307,000 for the week ended Jan. 17, the department reported. The advance figure was down 10,000 from the previous week's revised level. The four-week moving average was 306,500, up 6,500 from the previous week's revised average.

- [Read the News Release](#)

Upcoming Deadlines & Events

Open Funding Opportunities

EBSA — Health Benefits Laws Compliance Assistance Seminar

- [February 10 — Austin, TX](#)
- [February 11 — Austin, TX](#)

EBSA — Apprenticeship Plans and Fiduciary Responsibilities Webcast

- [January 28 — Washington, DC](#)

OFCCP — Best Practices for Corporate Management Compliance Evaluations (CMCE)

- [January 28 — Chicago, IL](#)

OFCCP — Construction 16 EEO & Affirmative Action Specification

- [February 18 — Columbia, SC](#)

OFCCP — Everything You Want to Know About Adverse Impact

- [January 23 — Chicago, IL](#)

OFCCP — Section 503 and VEVRAA Regulations

- [January 29 — Houston, TX](#)

OSHA — White House Initiative on Asian Americans and Pacific Islanders

Judge Orders Kentucky Restaurant Owners to Pay \$90,000

A district court judge has ordered three owners of the El Mariachi Mexican Restaurant to pay 17 employees \$90,000 in back wages and liquidated damages after an investigation by the Wage and Hour Division. Louisville, Ky., district office investigators found that the owners, Jaime Magana, Abel Leon and Damian Rodriguez violated Fair Labor Standards Act provisions by not paying minimum wage and overtime to several employees working as cooks, dishwashers and busboys. The workers were paid a salary for all hours worked, but no paid overtime. During some pay periods, they did not receive the minimum wage. The judgement adds to the \$18,700 the employer has already paid in civil money penalties for repeat and willful violations.

- [Read the News Brief](#)

Construction Subcontractor Faces Penalty in Worker Deadly Plunge

Fastrack Erectors Inc. ignored a serious fall hazard at a Kansas City job site, leading to the death of a 22-year-old apprentice ironworker after he fell more than 30 feet off a 9-inch girder last July. Occupational Safety and Health Administration inspectors determined no fall protection was in place at the time and identified seven willful and three serious safety violations with penalties of \$511,000. Fastrack also was placed in OSHA's Severe Violator Enforcement Program. The site's general contractor, ARCO National Construction-KC Inc. was also cited with four serious violations, including lack of fall protection during steel erection activities and faces \$24,000 in penalties. In 2013, fatal falls, slips or trips took the lives of 699 workers. Falls remain the leading cause of death in the construction industry.

- [Read the News Release](#)

Construction Company Cited After Teen Worker Severely Injured

The Occupational Safety and Health Administration has cited Reybold Homes Inc., of Bear, Del., after a teenage worker fell from an unguarded balcony and suffered a severe head injury. The cooperative education student was hurt while removing construction debris at a new multifamily construction site. OSHA cited the company for failing to provide fall protection and training, assessing a total of \$77,000 in penalties.

- [Read the News Release](#)

Blast Kills Worker at Fireworks Storage Facility

An explosion and fire at a fireworks storage facility, which killed a 28-year-old man and left a 43-year-old coworker with burns over 80 percent of his body, led the the Occupational Safety and Health Administration to identify nine serious safety violations at a Pittsburg, Kan., warehouse after an investigation of the August 2014 incident. Lone Star Management LLC was cited for the safety infraction, including failing to properly provide fire extinguishers and train employees to use them. "Fireworks are meant to be fun, but by their nature, are highly explosive," said Judy Freeman, OSHA's area director in Wichita. "This employer knew the hazards and how to protect staff. The families of these workers should not suffer because a company did not show a commitment to worker safety."

- [Read the News Release](#)

Company Fined When Workers Sickened by Chlorine Gas Release

A chlorine gas leak that led to a building evacuation and the treatment of sickened workers at a medical device manufacturer in New Jersey last September prompted the Occupational Safety and Health Administration to cite Zimmer Holdings Inc. for lacking an emergency response plan, failing to train employees in proper response and not provide adequate respiratory protection. The leak occurred when a chlorine gas cylinder fell as workers were moving it at the Parsippany, N.J., plant. A leak then began as the cylinder had no valve protective cap. Workers were sickened as they tried to contain the leak. OSHA levied \$56,000 in penalties following its investigation.

- [Read the News Release](#)

Fiduciary Must Restore Funds to New York Retirement Plan

The trustee of the Central NY Weight Loss LLC Employee Savings Retirement Plan and Trust violated the Employee Retirement Income Security Act when they failed to remit withheld employee contributions to the plan. An Employee Benefits Security Administration investigation found contributions were withheld for five pay periods between June 2012 and October 2013, leaving a total of \$8,646 owed to the plan. The department obtained a consent judgment in U.S. District Court ordering Richard Curtis

Interagency Working Group Webinar

- [February 10 — Philadelphia, PA](#)

OWCP — Town Hall Meetings to assist nuclear weapons workers

- [February 25 — Carlsbad, NM](#)

WB — Policies and Programs on Pregnancy Protections Webinar

- [January 27 — Washington, DC](#)

Herring, owner of Central NY Weight Loss, LLC, a Jenny Craig franchise with eight locations in New York, to pay \$8,646 plus interest to the plan on a monthly basis and submit monthly proofs of payment to EBSA.

- [Read the News Brief](#)

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