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## DOL News Brief

May 21, 2015

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### What's New

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

- [Top 3 Things You Should Know About the Black Lung Benefits Act Rule](#): Did you know that, since 1968, black lung disease has caused or contributed to the deaths of more than 76,000 coal miners? Even today, miners continue to get the disease. A serious problem they encounter is the dearth of accurate medical evidence that could qualify them for the benefits they may be entitled to. Here's what we propose to do about it.
- [Siemens: An ApprenticeshipUSA LEADER in STEM Fields](#): When Siemens USA built a gas turbine factory in Charlotte, N.C., many job applicants failed to meet the minimum qualifications needed in math, reading and applied technology. To give workers the right skills, Siemens partnered with a local community college to create an apprenticeship program, where students are paid while working part time and going to school part time.
- [About \(Over\)time](#): To help build real, lasting economic security for more hardworking Americans, President Obama has directed Secretary Perez to update the Fair Labor Standard's Act's overtime protections and simplify the rules about overtime for employers and workers alike.

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### Training Grants Pay Off

Graduates from New Jersey's Camden County Community College welcomed Deputy Secretary Chris Lu at their commencement on May 16. Lu celebrated graduates who have benefited from the education, training and support services provided through Department of Labor grant programs: Kevin Strickler, an unemployed account manager for a trucking company, and Steven Gambrel, an unemployed single father. Both completed the advanced manufacturing program and obtained well-paying jobs as machinists. N.J. State Rep. Donald Norcross, a former electrical apprentice at the community college, delivered remarks. After the ceremony, Lu toured the school's mobile advanced manufacturing lab that was funded through a Trade Adjustment Assistance Community College and Career Training program

#### Coaching Veterans to Manage Money the Right Way

Achieving financial security is about more than just finding a job — it's also about making good decisions with the money you earn. In partnership with the Consumer Financial Protection Bureau, the department recently launched the Financial Coaching Initiative. U.S. Secretary of Labor Thomas E. Perez and CFPB Director Richard Cordray traveled to the Arlington Employment Center in Virginia on May 20 to promote the two-year pilot program. Approximately 60 certified financial coaches will be available at organizations around the country, including at 35 American Job Centers, to assist economically vulnerable consumers and recently transitioned veterans in creating and realizing their financial goals. "We will better serve those who've served us by providing them with a credentialed financial coach who has an understanding of the veteran community, military families and the challenges they face. These professionals will provide one-on-one free coaching to help them craft a personalized plan for financial success," said Perez.

- [Read the Blog Post](#)

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### National News

#### Safety Stand-Down Wrap-up

For two weeks starting in early May, thousands of employers and millions of workers around the world paused their workdays to talk about preventing fatal falls as part of the Occupational Safety and Health Administration's second annual National Fall Safety Stand-Down. Deputy Secretary of Labor Chris Lu got in on the action at an event hosted by Turner Construction, which is overseeing restoration of the U.S. Capitol Dome. OSHA area officers and regional directors stood down in all corners of the U.S., including major projects at Emory University in Atlanta, YouthBuild in Boston and Nippert Stadium in Cincinnati. Meanwhile, the U.S. Air Force paused at Nellis Air Force Base in Las Vegas, and 1,300 workers in Hindon, India, stopped work at a Boeing site. The stand-down ended on May 15 and was a record-breaking event, but the department's commitment to fall safety did not end there. OSHA continues to work with employers and workers alike as a part of its larger Fall Safety Campaign.

- [Read About the Stop Falls Campaign](#)
- [Read the Blog Post](#)

#### In Support of Older Americans and Their Caregivers

The year 2015 marks the 50th anniversary of Medicare, Medicaid and the Older Americans Act, as well as the 80th anniversary of Social Security. To recognize these historic initiatives, the White House has hosted a series of events under the umbrella of the White House Conference on Aging focused on improving and

grant, as well as its manufacturing training facility, which is funded through Ready-to-Work grants.

- [Learn More About TAACCCT](#)
- [Learn More About Ready to Work](#)

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## Support for Those Who Served

When it comes to preparing service members for civilian employment, the partnership between the Veterans' Employment and Training Service and the U.S. Army proves there is strength in numbers. VETS Assistant Secretary Keith Kelly and Deputy Assistant Secretary Teresa Gerton met with Sergeant Major Daniel A. Dailey on May 18 to discuss employment and training programs and initiatives for veterans and transitioning service members, specifically at American Job Centers. Later that day, Gerton and Deputy Secretary Chris Lu met with Colonel Adam Roche, director of the Soldier for Life Program to discuss how the two organizations can more closely align their efforts.

- [Learn About Soldier for Life](#)

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## Adapting With the Workforce

The Wage and Hour Division must adapt its outreach and enforcement strategies to the changing workplace to protect workers' rights and give employers a fair and level playing field, Administrator Dr. David Weil told those attending the AFL-CIO's Secretary-Treasurers' Conference. Weil shared his views at the Maryland event in Hanover on May 20. "As economic forces continue to spawn the development of new business models that put workers' rights at risk, we will continue to respond with a vigorous approach to strategic enforcement," Weil said. "In the last six years, we have embarked on a data-driven, evidence-based approach to enforcement that focuses our efforts on industries where we know violation rates are high, and where low-wage, vulnerable workers who are reluctant to raise their voice are often found." He asked the labor representatives to share ideas on how the division can better serve its mission, including finding ways to ensure that workers exercise their rights.

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

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## BLS' View of the Labor Market

Two recent events gave Bureau of Labor Statistics Commissioner Erica Groshen the chance to talk about how the bureau's data can be used to make critical and sound economic decisions. On May 19, at the century-old City Club of Cleveland — the nation's oldest continuous independent free speech forum — Groshen addressed about 100 business leaders, telling them "free markets and democracy require trustworthy data" and providing an update on national and local labor market developments. The commissioner then traveled to Indianapolis for the national Labor Market Information conference, where partners from 46 states, the District of Columbia, Puerto Rico and the Island Areas discussed how to provide the highest quality information possible on regional, state and local labor market trends.

- [Listen to the City Club Speech](#)

advancing the quality of life for older Americans. After convening regional events in Tampa, Phoenix, Seattle and Cleveland, they most recently hosted an event in Washington, D.C., on May 18 that focused on the role and importance of caregivers. *Supporting Older Americans and Their Caregivers* brought together advocates, caregivers, researchers and policymakers. As a member of one panel, Women's Bureau Director Latifa Lyles discussed the importance of improving the standards for caregivers — raising their wages, establishing overtime protections, improving retirement security, and granting access to paid leave and other workplace flexibility options. "Culturally, how we value care workers is something we have to continue to address," she said. Lyles was joined by officials from the Center for Medicaid and CHIP Services, the VA Caregiver Support Program, and the Office of Personnel Management to discuss policies and programs driven by federal agencies that provide support to caregivers.

- [Learn About the White House Conference on Aging](#)
- [Visit the Women's Bureau Web Page](#)

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## International Scene

### Improving Labor Rights in Burma

Officials from the Bureau of International Labor Affairs participated in the Stakeholders Forum on Labour Law Reform and Institutional Capacity Building in Burma on May 18-19. Associate Deputy Undersecretary Eric Biel joined domestic and foreign stakeholders, donor countries, Burmese government officials and International Labour Organization experts to discuss labor rights and responsible business practices in Burma. Topics included labor law reform, capacity building, labor disputes, child labor, minimum wage and other issues critical to the country's economic and social development. In November 2014, President Obama launched the Initiative to Promote Fundamental Labor Rights and Practices in Myanmar, which is designed to improve the country's labor rights through a multi-year reform plan. These efforts will help improve protection of Burma's workers and support its businesses, making it an attractive sourcing and investment destination.

- [Learn About the Initiative](#)

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## It Happened on the Hill

### First Compensation Reforms in 40 Years Addressed

The Federal Employees' Compensation Act protects approximately 2.7 million federal and postal workers from economic hardship due to work injury and illness. On May 20, Office of Workers' Compensation Programs Director Leonard J. Howie III discussed proposed FECA reforms before the House Committee on Education and the Workforce's Subcommittee on Workforce Protections. The reforms would improve and modernize FECA, which has not been amended in more than 40 years. "OWCP is fully committed to seeing that all injured workers receive the medical care and compensation they deserve, as well as the assistance needed to return to work when able to do so," Howie said. "FECA reform will enable OWCP to achieve those goals more effectively."

- [Learn About FECA](#)

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## DOL Working for You

### Air Force Vet's Tough Past Behind, Road to Success Ahead

For almost a year, truck driver Dennis Green was away from his Pennsylvania home in Norristown, and happy about it. Hauling freight across the country allows the former U.S. Air Force veteran a freedom he once lacked as a convicted drug offender. For more than two decades, Green struggled to support his family with low-paying jobs, mostly as a machine operator. In 2002, his mistakes led him to a three-year prison sentence. While imprisoned, Green turned to the PA Career Link of Montgomery County, funded by an Employment and Training Administration grant, to find employment once his sentence was served. After his release, Green netted only temporary and part-time work for several years. In December 2013, a veterans' employment representative encouraged him to pursue the training needed for a Class A commercial drivers' license. Five

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## Resources for Veterans

At a recent Housing Assistance Council forum in Washington, D.C., Assistant Secretary of Labor for Veterans' Employment and Training Service Keith Kelly discussed federal resources available to veterans in rural settings. He also emphasized the value of the vast American Job Centers network around the country and the resources they offer veterans. Kelly also highlighted the Homeless Veterans' Reintegration Program, which helps link unemployed veterans who have experienced homelessness with jobs. Other speakers included Georgia Sen. Johnny Isakson, who chairs the Committee on Veterans' Affairs, and California Rep. Sam Farr.

- [Learn About American Job Centers Resources](#)
  - [Learn About HVRP](#)
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## Spotlight on Strategies for Detroit

Building stronger communities through effective workforce development programs is a key topic across the country. In Detroit, community and business leaders have come together to expand opportunities to help break down barriers and develop career pathways for formerly incarcerated individuals. On May 20, Deputy Assistant Secretary of the Employment and Training Administration Eric Seleznow traveled to Detroit for a roundtable discussion on re-entry efforts. The roundtable was moderated by U.S. Attorney Barbara McQuade. In his remarks, Seleznow talked about federal programs to expand employment and training opportunities for soon-to-be-released inmates and an upcoming pilot program to co-locate American Job Centers in jails. After the roundtable discussion, Seleznow met with representatives from the mayor's office to discuss youth workforce strategies, then toured the local Job Corps Center's Academic and Technical Training facilities.

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## Agricultural Outreach in Oklahoma

The watermelon growth season is underway in Oklahoma, which means lots of labor by hand to cultivate, harvest and handle the easily bruised crop. To help growers comply with federal labor laws, staff from the Wage and Hour Division's Oklahoma office met with Rush Springs Watermelon Festival Committee members, growers and farm workers to discuss the Fair Labor Standards Act, the Migrant and Seasonal Agricultural Worker Protection Act, the labor provisions of the H-2A visa program and the field sanitation provisions of the Occupational Safety and Health Act. The May 12 meeting was part of the division's ongoing agricultural initiative.

- [Read the News Brief](#)
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## Fall Safety a Year-round Concern

After record-setting snowfall this past winter, New Hampshire residents scrambled to get heavy snow off their roofs to avoid damage. At the same time, Occupational Safety and Health Administration inspectors found contractors who ignored hazards and required employees to remove snow from roofs without fall protection. From Jan. 29 to

months later, Green began work behind the wheel of a freight truck. Today, he makes \$1,100 a week and looks forward to owning his own rig. Like the many miles in his rear-view mirror, his troubled past is behind him now. "Your past is just that — the past. Don't let it stunt your growth," said Green, adding that he will always be grateful for the chance to get his life back on the road to success.

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## Around DOL

### Atlanta Office Ready and Prepared, Weather or Not

The National Weather Service certified the department's Atlanta Regional Office as a StormReady agency in a ceremony on May 19. The StormReady certification recognizes state, local and federal agencies that have attained a high level of severe weather preparedness for employees and their families so they know what to do when bad weather strikes. Joseph Ramos, Atlanta's regional emergency management and security manager, completed the prerequisites and training to become one of only two federal organizations in the State of Georgia to earn the recognition. "This is just a testament to the enthusiasm and dedication that Joseph has for protecting the employees and families in this region from severe weather," said Kent Frantz of the National Weather Service. Ramos was presented with the official StormReady building sign and certificate during a Regional Executive Committee meeting.

- [Learn More About StormReady](#)
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## DOL in Action

### Lack of Safety Equipment, Training, Cost Technician His Life

A 31-year-old assembly technician working at a Missouri battery charger manufacturer was killed after one month on the job. In November 2014, the man was testing transformers when he was electrocuted. After an investigation, the Occupational Safety and Health Administration concluded that the man's death might have been prevented if his employer, Ferro Magnetics Corp. in Bridgeton had supplied adequate personal protective equipment, followed safety procedures and provided training. OSHA cited the company for one willful and 14 serious safety violations. "Companies that operate with high-voltage electricity must train workers to recognize hazards and use proper procedures to prevent electrical shock," said Bill McDonald, OSHA's area director in St. Louis.

- [Read the News Release](#)

### Tank Manufacturer Exposes Welders to Toxic Metal Hazards

Steel welders at a Wisconsin bulk storage tank manufacturer were exposed to hazardous levels of hexavalent chromium, Occupational Safety and Health Administration inspectors found. Acting on a complaint, OSHA visited Imperial Industries in Rothschild and identified two willful and 12 serious safety violations in its inspection. At high levels, hexavalent chromium can cause lung cancer and respiratory, eye and skin damage. "Each year 50,000 workers die from exposures to hazardous substances like chromium during their careers. Failing to take steps to limit exposure to this dangerous substance is inexcusable," said Robert Bonack, area director of OSHA's Appleton office. Proposed penalties total \$161,100.

- [Read the News Release](#)

### Amputation Risks Among Hazards Found at Georgia Recycling Center

Workers at a Georgia solid waste collection and processing company were exposed to safety hazards, Occupational Safety and Health Administration inspectors found. Federal inspectors visited Recycling Revolution LLC in Unadilla in November 2014 as part of its national emphasis program on amputations and issued the company 14 repeated and 12 serious citations. Among the violations were exposing workers to amputation hazards from machine parts; failing to establish procedures to protect workers from accidental machine startup while performing maintenance and repairs; and not providing readily accessible fire extinguishers. Proposed penalties total \$78,078.

- [Read the News Brief](#)

### Michigan Restaurant Workers to Receive \$116,000 in Back Wages

A Michigan restaurant violated the minimum wage, overtime and

March 4, OSHA recorded 42 violations of fall-related hazards by 16 employers in 12 Granite State communities. The employers collectively face fines totaling \$123,960. "This winter was difficult in New England, but safety is vital no matter the season," said Rosemarie Ohar Cole, OSHA's New Hampshire area director. "Without fall protection, workers risked serious injury, or worse. No concern ever outweighs the value of someone's livelihood or life."

- [Read the News Release](#)

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## Weekly UI Claims

Seasonally adjusted initial Unemployment Insurance claims rose to 274,000 for the week ended May 16, the department reported. The advance figure was up 10,000 from the previous week's unrevised level. The four-week moving average was 266,250, down 5,500 from the previous week's unrevised average. This is the lowest level for this average since April 15, 2000, when it was 266,250.

- [Read the News Release](#)

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## Upcoming Deadlines & Events

### Open Funding Opportunities

#### EBSA — Getting It Right: Know Your Fiduciary Responsibilities

- [June 4 — Salt Lake City, UT](#)
- [June 24 — Denver, CO](#)

#### EBSA — Health Benefits Laws Compliance Assistance Seminar

- [June 2 — Anchorage, AK](#)
- [June 3 — Anchorage, AK](#)

#### EBSA — Mental Health Parity Webcast: Important Information About Your Health Coverage

- [May 28 — Washington, DC](#)

#### OFCCP — An OFCCP Compliance Evaluation Through the Eyes of a Compliance Officer

- [May 26 — Denver, CO](#)

#### OFCCP — Compliance Assistance by OFCCP and DOL Agencies for Employers

- [June 23 — Denver, CO](#)

#### OFCCP — Compliance Assistance for Newly Scheduled Contractors

- [June 11 — Denver, CO](#)

#### OFCCP — Complying with the Section 503 and VEVRAA Regulations

- [June 10 — Baltimore, MD](#)

#### OFCCP — Common Problem Areas for Federal Contractors

- [June 4 — Houston, TX](#)

#### OFCCP — Filing an Employment Discrimination Complaint

- [May 28 — Chicago, IL](#)

#### OFCCP — New Veterans' Regulations

recordkeeping provisions of the Fair Labor Standards Act, the Wage and Hour Division has found. After a federal investigation, Gourmet Gardens in Ann Arbor agreed to pay more than \$116,000 in back wages to 18 employees. The company also signed an enhanced compliance agreement which requires the installation of a new timekeeping system and training for its workers on their rights under the FLSA. "Failure to pay legally required minimum wage and overtime poses a serious problem to workers who, in many cases, are already struggling to get by," said Timolin Mitchell, director of the division's Detroit District Office.

- [Read the News Brief](#)

#### Houston Company Sued Over Missing Employee Deductions

The department has sued a Houston-based environmental engineering firm and its owner over missing 401(k) plan retirement monies and health insurance premiums deducted from employees' wages. The Employee Benefits Security Administration alleges AARC Environmental Inc. and Kishore Chainani violated the Employee Retirement Income Security Act of 1974 by failing to forward employee contributions and loan repayments of more than \$78,000 to the company's 401(k) plan. The defendant also failed to forward more than \$40,000 in employee and employer premiums to the group health plan, resulting in lapses in health coverage for their employees.

- [Read the News Brief](#)

#### Former Fiduciary's Wire Fraud Conviction Upheld

Convicted pension plan fraudster Matthew D. Hutcheson will remain incarcerated after his appeal was denied. Two years ago, Hutcheson was sentenced to 17 years in prison for misappropriating about \$5.3 million in assets from pension plans. On May 15, the 9th Circuit Court of Appeals in Seattle affirmed both his conviction on 17 counts of wire fraud and the sentence. Hutcheson is a former trustee and fiduciary for the G Fiduciary Retirement Income Security Plan (the "G Fid Plan") and the Retirement Security Plan & Trust (the "RSPT"). The case was investigated by the Employee Benefits Security Administration and the FBI.

- [Read the 2013 News Release](#)

#### Propane Marketer in Texas Faces \$114,000 in Penalties

A complaint about unsafe conditions led Occupational Safety and Health Administration inspectors to a Texas oil and gas marketer. OSHA found one willful, 10 serious and two other safety violations at Suburban Propane Partners LP in Fort Worth. The company used temporary electrical cords as permanent electrical wiring, did not properly maintain propane tanks, and failed to mark emergency exits. Proposed penalties total \$114,000.

- [Read the News Brief](#)

#### Florida Contractors Learn Safety Is No Luxury, Face \$153,000 in Fines

Nine contractors at a luxury housing complex in Florida were cited for safety violations when Occupational Safety and Health Administration inspectors visited the work site in November 2014. OSHA found numerous repeated and serious violations at the newly built Oasis Park Square in Doral. They proposed nearly \$153,000 in penalties for the nine companies. Among the violations, inspectors found workers without fall protection; safety gear to protect workers' heads and eyes, and a ladder being improperly used.

- [Read the News Release](#)

#### Dollar General Again Cited for Workplace Hazards

National discount retailer Dollar General Corp., was cited by Occupational Safety and Health Administration inspectors for exposing Delaware employees to safety hazards at its store in Bear. OSHA's November 2014 inspection exposed blocked emergency exits, and electrical panel and fire extinguisher hazards. Proposed penalties total \$122,100. The recent violations continue a six-year history of similar safety hazards found in more than 70 inspections of Dollar General stores nationwide.

- [Read the News Release](#)

#### Safety and Health Hazards Found at Florida Recycling Center

A metal recycler in Miami has been cited for 17 safety and health violations after an inspection that began last November. Occupational Safety and Health Administration inspectors found that Allied Metals LLC exposed workers to electrocution and amputation hazards, as well as electrocution risks. Inspectors found a loading dock with missing safety rails, unguarded machinery, improperly spliced power cords, and workers eating lunch on tables contaminated with lead. Proposed penalties total \$57,600.

- [June 17 — Orange, CA](#)

#### **OFCCP — Protecting Your Workplace Rights**

- [June 8 — Chicago, IL](#)

#### **OFCCP — Scheduling and AAP Requirements**

- [June 25 — Houston, TX](#)

#### **OFCCP — Scheduling Letter Updates**

- [June 23 — New Orleans, LA](#)

#### **OWCP — Traveling Resource Center to assist nuclear weapons workers**

- [June 8 — Los Alamos, NM](#)
- [June 10 — Grand Junction, CO](#)
- [June 11 — Albuquerque, NM](#)
- [June 11 — Moab, UT](#)
- [June 15 — Los Alamos, NM](#)
- [June 18 — Albuquerque, NM](#)
- [June 22 — Los Alamos, NM](#)

#### **WHD — Educational workshop for Farm Labor Contractors**

- [May 27 — Goldsboro, NC](#)

#### **WHD — Free Seminar: Understanding Subminimum Wages under Section 14(c) of the FLSA**

- [June 3 — New York, NY](#)
- [June 11 — Frederick, MD](#)

#### **WHD — The Family and Medical Leave Act**

- [June 16 — Houston, TX](#)
- [June 18 — Houston, TX](#)

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#### **Absent Safety Guards on Skylight Led to Roofer's Death**

A Florida roofer plunged through a skylight more than 24 feet to his death on the floor below because his employer did not have an adequate safety cage or cover around it. Pinnacle Roofing Contractors Inc., failed to install the protective safety guards, an Occupational Safety and Health Administration investigation found. The Jacksonville company received willful and two serious citations for allowing employees to work at heights greater than 6 feet without guardrails or fall protection and failing to install protective systems on the skylights. Two serious violations were cited for failing to ensure the edge of the roof was marked and installing skylight protection systems capable of supporting a worker's fall. OSHA has proposed that Pinnacle Roofing be placed in the Severe Violator Enforcement Program.

- [Read the News Release](#)

#### **Ohio Forging Plant Exposes Employees to Molten Metal**

Workers at a Cleveland forging plant were at risk as they used steam hammers and hot metal power presses to forge metal, Occupational Safety and Health Administration inspectors found. OSHA determined that employees of Sifco Industries Inc. faced debilitating injuries because machines with dangerous moving parts lacked proper safety mechanisms. They also were at risk of encountering hazardous flying particles and molten metal. A global manufacturer for the aerospace and energy industries, Sifco faces penalties of \$118,400 for one willful and nine serious safety violations.

- [Read the News Release](#)

#### **'Silent Killer' Endangers Workers at Missouri Plant**

Eighteen workers at Missouri plant that manufactures industrial parts were hospitalized after exposure to deadly carbon monoxide gas levels, inspectors with the Occupational Safety and Health Administration found. OSHA determined that JRI Holdings Inc. in Springfield exposed workers to toxic levels of the gas last November while testing a commercial industrial parts washer powered by two natural gas heaters. The company was cited for one willful and three serious safety violations for failing to provide respiratory protection, monitoring and adequate ventilation of the work site. Proposed penalties total \$70,700. "Carbon monoxide is a silent killer because it's odorless, tasteless and invisible," said Barbara Theriot, OSHA's area director in Kansas City, Missouri.

- [Read the News Release](#)

#### **Illinois Dollar Tree Stores Endanger Workers**

Workers at two Chicago-area Dollar Tree Inc., stores were exposed to safety hazards from blocked exit routes and boxes piled at dangerous heights. After employee complaints, Occupational Safety and Health Administration inspectors proposed \$121,000 in penalties for two repeated violations at the Chicago Ridge store and one repeated violation at the South Chicago Heights store. The national retailer, which recorded sales of \$8.6 billion in 2014, has been cited by OSHA for more than 200 safety and health violations across the nation since 2009.

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