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Subject: The DOL Newsletter - June 4, 2015: Homes for Veterans; Summer Jobs for Youth; Paid Leave for Families

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DOL News Brief

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June 4, 2015

What's New

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

- **Promoting Opportunity for All Americans:** Pride Month gives us an opportunity to recognize the impact that lesbian, gay, bisexual and transgender Americans have had on our nation. Here at the Department of Labor, it's also a chance for us to recommit to ensuring equal rights for LGBT workers and to celebrate the great work we've done on this front, writes Secretary Perez.

- **Are You Ready for Summer:** Summer is upon us. That means it's time to make plans for beach trips and break out the barbeque grills. If you work outdoors, it's also time to prepare for the other hallmark of summer — severe weather and heat.

- **FMLA: Protecting One, Protecting All:** "In today's fast-paced world of super-productivity and fierce competition for good jobs, achieving a healthy work-life balance is more important than ever, and it continues to be a challenge for American families," writes Dr. David Weil, administrator of the Wage and Hour Division.

Finding Homes for Veterans, One City at a Time

Showing his commitment to end homelessness among our military veterans, U.S. Secretary of Labor Thomas E. Perez hit the road recently with Secretary of Veterans Affairs Robert McDonald, Housing and Urban Development Secretary Julian Castro and Executive Director of the U.S. Interagency Council on Homelessness Matthew Doherty. In Houston on June 1, the group joined Mayor Annise Parker at a rally as she announced that her city had joined Salt Lake City, Phoenix and New Orleans in the fight to end veteran homelessness. Later that day in Arizona, the group listened as veterans in Tucson delivered powerful stories about their difficulties. The trek ended the following day in Las Vegas, where they met with Mayor Carolyn Goodman and other Nevada mayors and elected officials to sign a declaration pledging to end homelessness. During the tour, Cliff Wade, once a homeless veteran in Tucson, said the services he received at the Sullivan Jackson Employment Center turned his life around. The center operates with funds from the department. Wade now works with other homeless veterans, helping them find housing and connecting them with marketable skills and job training. "My story is evidence that our efforts to end veteran homelessness can work," he said. "I'm lucky to have a job changing the lives of veterans like me."

- [Read the Blog Post](#)

National Paid Leave: When, Not If

Greeting his hosts as a "powerhouse organization" full of "serial activists," Secretary Perez addressed a crowd of about 800 at the National Partnership for Women & Families Annual Luncheon on June 4. Perez told the stories of women he's met in his travels — a bus driver from Connecticut who has to take her newborn to work because she doesn't have paid leave; a formerly homeless veteran from Arizona who used Department of Labor services to rebuild her life; a welder from Maine ("a modern-day Rosie the Riveter") whose apprenticeship program prepared her for a middle-class job helping the nation's submarine fleet. Perez highlighted the department's work on minimum wage, overtime, equal pay, LGBT rights and especially paid leave, calling a national paid leave law "a 'when' question, not an 'if' question." We have to keep fighting for it, he added, because "for a nation that values both hard work and family... [right now], we're not doing a very good job of supporting families who work hard."

Summer Jobs Brighten Baltimore's Future

The city of Baltimore has an ambitious goal of providing 8,000 young people with opportunities in its YouthWorks summer jobs program. On June 3, Secretary Perez joined Mayor Stephanie Rawlings-Blake, Sen. Barbara Mikulski and other officials to call on the city's employers to step up and be part of the solution. "Summer jobs tell young people that they have worth and can add value," Perez said. "This is a long-term investment with a big return. This isn't just about kids having a little spending money today. Young people who experience summer jobs have higher graduation rates, better future job prospects and higher lifetime earnings." Perez also noted that while summer jobs are critically important for youth, cities also need sustained, year-round employment opportunities to help people punch their ticket to the middle class.

- [Read the Secretary's Remarks](#)

Innovation Leads to Job Opportunities in Pittsburgh

Innovation and opportunity for all are essential to America's competitiveness in the 21st century global economy — that was the recurring theme during Secretary Perez's trip through Pittsburgh on May 29. He first visited Carnegie Mellon University and its "New App for Making it in America" initiative. With funds from a \$3 million 2012 Workforce Innovation Grant, the program brings together Pittsburgh-area workforce, education, labor and technology partners to cultivate new start-up companies. These start-ups are building a new base for domestic

Fraud Prevention Gathering

The nation's safety net programs provide a crucial lifeline to individuals and families in need, but often are targets for fraud. As overseer of the Unemployment Insurance program, the department has been engaged in several fraud prevention and detection strategies, including an interagency meeting on June 3 in Washington, D.C., to discuss these challenges. Participants included managers of the Earned Income Tax Credit, Medicaid, Supplemental Nutrition Assistance Program, Social Security Disability Insurance and Temporary Assistance for Needy Families programs. Deputy Secretary of Labor Chris Lu kicked off the meeting, extolling the importance of these programs and the need to prevent improper use of funding.

CONNECTing to Opportunity

Shared prosperity is a cornerstone of the department's economic strategy. To see this concept in action, Deputy Secretary Lu traveled to Massachusetts on June 4 to visit CONNECT. Based in Chelsea, CONNECT is an innovative partnership of six non-profit organizations that provide employment, housing, financial and educational services in one location. This partnership which is partially funded by a department Workforce Innovation Grant, delivers high-quality integrated services to 4,000 people each year, half of whom are first-generation immigrants.

African American Mayors Meet

From large cities and small towns across the U.S., 40 mayors attended the African American Mayors Association annual conference in Washington, D.C., on May 28-29. At the gathering, participants shared best practices for partnering with federal agencies and businesses to expand opportunities in their communities. Deputy Secretary Lu thanked the mayors for their commitment to public service, saying, "At a time of federal gridlock, we are pleased that state and city leaders have supported common-sense policies that strengthen working families — policies like minimum wage and paid leave." Lu also discussed the president's TechHire and My Brother's Keeper Initiatives, which are equipping more Americans with the necessary tools for 21st century jobs.

The Changing Nature of Work

As more companies contract out activities not central to their core operations to third parties, fissures may develop in the traditional employer-employee relationship. This often increases the risk of labor violations and issues of accountability. The Wage and Hour Division and the Occupational Safety and Health Administration are tackling these challenges head-on with strategic enforcement. At an American Industrial Hygiene Association meeting in Salt Lake City on June 2, WHD Administrator Dr. David Weil and Deputy Assistant Secretary of Labor for OSHA Jordan Barab discussed their respective agencies' efforts to combat the fissured landscape. "Who actually is responsible depends

manufacturing and expanding apprenticeship opportunities in the technology sector. Later that day, Perez delivered remarks at the Pittsburgh chapter of the A. Philip Randolph Institute's "Breaking the Chains of Poverty" graduation ceremony. Graduates completed an eight-week, pre-apprenticeship program — in partnership with the United Steelworkers — for careers in the building trades, manufacturing, green jobs and the emerging energy sector. Its participants come mostly from low-income and minority communities. "These graduates have demonstrated resilience and resolve that you don't see every day," said Perez. "They are proving that your zip code does not determine your destiny in America, that you can overcome long odds through hard work."

- [Learn About Apprenticeship](#)
- [Learn About the Workforce Innovation Fund](#)

National News

Investment in Inmates' Employment Options May Reduce Recidivism

With many policy makers currently focused on criminal justice and sentencing reform, often overlooked are the challenges of finding employment for nearly nine million individuals released from county or local jails every year. Good jobs are a key factor in reducing recidivism, strengthening communities and improving public safety. On June 4, the department announced a \$10 million investment in 20 communities to help connect inmates to the workforce system prior to their release and stay well-connected afterwards. The grants will fund the development of career centers within local jails that are extensions of existing career centers in the community, a crucial connection for the newly released to guide them on a path toward a productive career and away from the risks that often return them to jail.

- [Read the News Release](#)

Job Corps Students Go to Sea for Clean Up of California Oil Spill

Five students from the Oregon's Tongue Point Job Corps center were among 300 volunteers who worked to clean up the damage after a pipeline rupture spewed more than 100,000 gallons of crude oil into the Pacific Ocean near California's Refugio State Beach in Santa Barbara on May 19. The spill devastated the surrounding marine ecosystem, killing dozens of birds and aquatic mammals. Students Erik Cruz, Kody Neil, Matthew Bosnich, Brandon Bogan and Keolahou Adams left the Astoria center to help in the cleanup. They are trainees in the center's seamanship program under the direction of retired Coast Guard Capt. Len Tumbarello. The students piloted small boats and worked with divers to search for submerged oil and remove it from the ocean. So far, officials say the effort has removed 12,000 gallons of oily water and 5,000 cubic yards of contaminated sand and soil. It was a valuable, real-world experience for the students preparing for maritime careers. Representatives of Global Diving and Salvage, with whom the students worked, described the Job Corp team as "incredible" and said the students are "welcome to work for us anytime, anywhere."

- [Learn More About Job Corps](#)

News You Can Use

As Texas Recovers from Floods, Safety and Health Remains a Priority

The Occupational Safety and Health Administration urges everyone engaged in cleanup after the recent floods in Texas — employers, workers and the public — to take steps to protect themselves. Before entering buildings or structures after a flood, assess the potential hazards and exposure. And note that the nature of cleanups may vary by location. While a flooded residential home may not present the obvious hazards that a commercial property would, each situation has its own challenges. Damaged homes face the risk of collapse and the onset of mold growing in areas not easily detected. Workplaces have their own set of serious safety threats, including exposure to chemicals stored on the property.

- [Read the News Release](#)
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on the situation, and it can be a challenge for us to figure that out," Barab said. Publicly identifying all parties in a supply chain in an effort to spread responsibility and bring about compliance is part of the enforcement strategy, he added. "The common challenge presented by the changing nature of work has further spurred OSHA and Wage and Hour to work more closely together," Weil said.

Committed to 'Fair Shot, Fair Shake'

"We are in the business of making sure that everyone who wants to work gets a fair shot and a fair shake. And that's 50 years well spent," so said Office of Federal Contract Compliance Programs Director Patricia A. Shiu to a national conference on workplace diversity. On June 3 at the American Association for Access, Equity and Diversity's 41st National Conference and Annual Meeting in New Orleans, Shiu discussed the achievements of OFCCP in creating opportunities for all in federal contractor workplaces, and outlined the work ahead. The conference's theme, "Toward a More Perfect Union: Celebrating 50 Years of Equal Opportunity," honors the 50th anniversary of both Executive Order 11246 and the Equal Employment Opportunity Commission, which coincide with the creation of OFCCP.

- [Learn More About OFCCP](#)

Transgender Restroom Access

The Occupational Safety and Health Administration is offering employer guidance on restroom access for transgender workers. OSHA requires that all employers under its jurisdiction provide employees with sanitary and available toilet facilities. The core principle of the guidance is that all employees, including transgender employees, should have access to restrooms that correspond to their gender identity. The guide was developed through OSHA's alliance with the National Center for Transgender Equality to help foster safer and more healthful American workplaces.

- [Read the News Release](#)
- [Read the Guidance](#)

Listening to New Jersey Workers

A listening session in New Jersey brought approximately 50 workers to Jersey City on May 30 where the moderator Patricia A. Shiu, director of the Office of Federal Contract Compliance Programs and deputy chief of staff Seema Nanda focused on employees' rights in the workplace and how to raise issues with the appropriate government agency. The event was an extension of the president's Initiative on Asian Americans and Pacific Islanders. In addition to OFCCP representatives, officials from the Wage and Hour Division and Occupational Safety and Health Administration, the Equal Employment Opportunity Commission, National Labor Relations Board and the New Jersey Department of Labor and Office of Civil Rights were present.

It Happened on the Hill

Working Hard for Those Who Served

Highlighting the department's ongoing efforts to serve the nation's veterans, Acting Assistant Secretary of Labor for the Veterans' Employment and Training Service Terry Gerton testified before the House Veterans' Affairs Subcommittee on Economic Opportunity on June 2. Gerton told the committee the department provided services to more than 1.1 million veterans at American Job Centers in 2013, and approximately one-quarter of these veterans received intensive assistance to deal with service-connected disabilities and long-term unemployment. She also discussed the performance of the Homeless Veterans Reintegration Program. Gerton said the Workforce Innovation and Opportunity Act would improve veteran employment services. "The department is the federal government's leader on training and employment services," said Gerton. "It has the expertise and a nationwide network to best provide skills, training and employment opportunities for anyone who needs them, including veterans."

- [Learn About American Job Centers Resources](#)
- [Learn About HVRP](#)

Around DOL

#ThankFrank for His Fight for Justice

Frank Kameny, who fought for decades to end discrimination in the federal workplace, will be honored by the department on June 23 with an induction into its Hall of Honor. Kameny's legacy as a civil rights leader has made a monumental difference in improving the lives of workers all across America. A World War II veteran and Harvard-educated doctor of astronomy with the U.S. Army Map Service, Kameny was discharged and barred from federal government employment in 1958 after U.S. Civil Service Commission investigators asked if he was a homosexual. The experience led to his lifelong campaign to force the nation's largest employer — the federal government — to end discrimination in its employment practices based on sexual orientation. Join the month-long effort to honor Frank Kameny on Twitter at #ThankFrank.

- [Watch the #ThankFrank Video](#)
- [Read the News Release](#)

DOL Working for You

Bay Area Residential Care Worker Gets Much-Needed Back Wages

If there's such a thing as karma, Bernal Cubabub will be well taken care of in his later life. For the past several years, Cubabub has worked long hours for little pay as a residential caregiver in the San Francisco Bay Area, tending around the clock to elders in failing health, many of whom suffer from dementia. He regularly sends a good portion of his paycheck to his native Philippines to pay for food, vitamins and medicine for his bedridden mother's care. Yet Cubabub, and hundreds of others like him, routinely get cheated out of pay and benefits. The Wage and Hour Division's office in San Francisco recently announced that over the past five years, investigators have returned more than \$6.8 million to residential care workers in the area who were denied overtime or paid less than minimum wage. When Cubabub received a \$29,223.66 check for back wages and damages resulting from a Wage and Hour investigation, he responded in his usual manner — he sent most of it to pay for his mother's care overseas.

DOL in Action

Lawsuit Victory for Former Staples Worker Denied FMLA Protection

A former sales executive will receive \$275,000 in back wages, benefits and damages after Staples, Inc., the global office supply retailer, and its subsidiary entered into a settlement agreement with the federal government. In 2012, the Wage and Hour Division opened an investigation and found the companies failed to inform the employee of his right to take job-protected, unpaid leave under the Family and Medical Leave Act when his wife became critically ill. In settling the lawsuit brought by the department, Staples agreed

Black Lung Conference

Every year, the National Coalition of Black Lung and Respiratory Disease Clinics diagnoses, treats and educates thousands of patients suffering from lung disease, many of them coal miners. On June 3 and 4, coalition members gathered for the annual West Virginia Black Lung Clinics Conference in Pipestem. Assistant Secretary of Labor for Mine Safety and Health Joseph Main delivered the keynote address, noting that respirable coal mine dust levels in underground coal mines have dropped successively to new lows since the launch of the Mine Safety and Health Administration's End Black Lung-Act Now campaign in 2009. Office of Workers' Compensation Programs Director Leonard J. Howie III also spoke, emphasizing his agency's intent to help coal miners and their families get improved access to the benefits they deserve. OWCP representatives provided a program update on departmental efforts to level the playing field for coal miners and their survivors.

- [Read About the Black Lung Benefits Act](#)
- [Learn About End Black Lung Campaign](#)

Fall Hazard Alliance Formed

The Occupational Safety and Health Administration and Lee Lewis Construction Co. in Lubbock, Texas, signed a two-year alliance agreement on June 3 to share information and provide access to training resources to protect worker safety and health. The alliance will focus on reducing and preventing fall hazards — the leading cause of death in the construction industry — electrical hazards, and struck-by and caught-in-between hazards from vehicles, cranes and other machinery. Addressing construction and industrial contractor issues will be a priority. Through its Alliance Program, OSHA works with businesses, trade associations, unions, consultancies, professional organizations, faith- and community-based organizations and educational institutions to prevent workplace fatalities, injuries and illnesses.

- [Read the News Brief](#)

ERISA Advisory Council Update

The Advisory Council on Employee Welfare and Pension Benefit Plans convened in Washington, D.C., May 27-29 to discuss retirement and health-care issues facing workers and families and for briefings on the department's work in these areas. After advisory council Chairman Paul Secunda offered a brief introduction, Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi discussed the proposed rule to reduce conflicts of interest in the retirement advice marketplace. She also detailed recent efforts on Lifetime Income and the Affordable Care Act. Borzi encouraged people to "look closely and provide comments," on the conflicts of interest proposal. "The best comments are the specific ones," she added.

- [Learn About the Proposed Rule](#)
- [Learn About the Advisory Council](#)

to pay back wages, benefits and damages and to promote an enterprise-wide policy for FMLA compliance. It will provide training for human resources and other managerial personnel with respect to FMLA notice and eligibility requirements. "This case shows the department's strong commitment to use all enforcement tools at our disposal, including litigation, to uphold FMLA protections for workers and make sure that all employers operate in compliance with the law and get it right the first time," said Wage and Hour Division Administrator Dr. David Weil.

- [Read the News Release](#)
- [Read the Blog Post](#)

Idaho Contractor Repeatedly Ignores Cave-In Risks for Workers

In the United States, two people die in trench cave-ins every month. The Occupational Safety and Health Administration says such deaths can be prevented with proper protections in place. Both of these messages were lost on an Idaho contractor who recently put its workers at risk of serious injury. The Boise-based company marked a sewer line location without shoring up the area below ground level. This is the third time in three years that Titan Technologies Inc. has committed the same violation. For its actions, the company faces proposed fines of \$24,200. "We are very fortunate to have found these hazards before workers were badly hurt or killed," said David Kearns, area director of OSHA's Boise office.

- [Read the News Release](#)

Utah Construction Workers Underpaid by Nearly \$2 Million

More than 2,700 Utah construction workers will receive wages they earned after a nearly two-year Wage and Hour Division investigation. The division found that employers owed more than \$1.8 million in back wages to workers from October 2013 to March 2015. Many violations were for misclassifying employees as independent contractors to avoid paying overtime, important benefits and payroll taxes. "When workers are misclassified as independent contractors — a common practice in the construction industry — they lose out on legally entitled wages and benefits, including workers' compensation if they're hurt on-the-job, and unemployment insurance if they're laid off," said Dr. David Weil, administrator for the Wage and Hour Division.

- [Read the News Release](#)

Shipyard Faces More Than \$100,000 in Fines

A South Carolina shipyard has been cited for 15 safety violations after an inspection that began last December. Occupational Safety and Health Administration inspectors found that Detyens Shipyards Inc. in North Charleston exposed workers to fall, electrical and amputations hazards. Inspectors determined the employer did not ensure wire rope guardrails were pulled tight to prevent workers from falling overboard, allowed workers to use forklifts with broken safety equipment, lacked safety guards on machinery, and exposed employees to electrical shock hazards. Proposed penalties total \$101,600. Detyens Shipyards Inc. is the East Coast's largest commercial shipyard and employs more than 450 workers.

- [Read the News Brief](#)

Company to Pay Nearly \$500,000 in Back Wages to Detention Officers

The nation's largest prisoner extradition company will pay \$445,715 in back wages to 204 employees for violating provisions of the McNamara O'Hara Service Contract Act and the Contract Work Hours and Safety Standards Act. A Wage and Hour Division investigation conducted at Prisoner Transportation Services of America and three airports determined that PTS failed to pay detention officers the required prevailing wages along with health and welfare fringe benefits and improperly calculated overtime compensation. Based in Nashville, PTS also violated Executive Order 13495 by failing to offer jobs to three employees who worked with the previous contractor. Transporting more than 100,000 detainees a year, PTS is a subcontractor of CSI Aviation Services Inc., a prime contractor for U.S. Immigration and Customs Enforcement.

- [Read the News Brief](#)

Ohio Chicken Processor Fails to Fix Previous Violations

Less than two years after agreeing to address safety violations in a settlement agreement with the Occupational Safety and Health Administration, Case Farms Processing Inc. exposed workers to the same dangerous machinery hazards at its facility in Winesburg, Ohio. OSHA found seven violations at the chicken processing facility in two follow-up inspections, and cited the company for 23 safety violations in 2011. The

Compliance for Florida Businesses

The Office of Federal Contract Compliance Programs in Florida teamed up with CareerSource in Palm Beach County on May 29 for a compliance and enforcement workshop. The event was designed to educate businesses in the Sunshine State — especially growing small businesses — about OFCCP requirements, and offered tools and tips for successful compliance. Hosted by Palm Beach State College and co-sponsored by Florida's Small Business Development Center, the workshop attracted representatives from 35 businesses and featured opening remarks from U.S. Rep. Ted Deutch.

• [Learn About OFCCP](#)

'On-the-Farm' Training

More than 300 North Carolina area farmworkers and tobacco growers attended a training session on worker rights, wages and safety issues on June 3. At Ross Farms in Williamston, staff from the Wage and Hour Division's North Carolina District Office provided comprehensive training on the Migrant and Seasonal Agricultural Worker Protection Act, Fair Labor Standards Act and provisions of the H-2A visa program. Also on hand were representatives of the North Carolina Department of Labor's Bureau of Agriculture, Safety and Health; the Greene County Health Center; and the Equal Employment Opportunity Commission. They made presentations on first aid, heat stress, green tobacco sickness, sexual harassment in the migrant farmworker community and the Affordable Care Act. The "on-the-farm" exercise, which included training on a harvester and baler, was sponsored by Alliance One International and RJ Reynolds Tobacco Co. Growers and farmworkers within a 50-mile radius from the host farm were invited.

Weekly UI Claims

Seasonally adjusted initial Unemployment Insurance claims fell to 276,000 for the week ended May 30, the department reported. The advance figure was down 8,000 from the previous week's revised level. The four-week moving average was 274,750, up 2,750 from the previous week's revised average.

• [Read the News Release](#)

Upcoming Deadlines & Events

Open Funding Opportunities

EBSA — Getting It Right: Know Your Fiduciary Responsibilities

- [June 24 — Denver, CO](#)
- [July 9 — Erlanger, KY](#)

EBSA — The Affordable Care Act Compliance Assistance Webcast

- [June 10 — Washington, DC](#)

OASAM — Vendor Outreach Session

- [July 23 — Washington, DC](#)

OFCCP — 16 Steps to Construction

follow-up inspections were launched to verify that previously cited hazards had been corrected. Case Farms faces proposed penalties of \$126,500.

• [Read the News Release](#)

Companies Exposed Temporary Workers to Multiple Hazards

Temporary workers were exposed to workplace hazards by three New Jersey companies according to an Occupational Safety and Health Administration. Blocked exit routes, lack of machine guarding, and noise and fall hazards were among the nine cited safety and health violations at the Wharton warehouse of soft drink manufacturer Whitlock Packaging Corp. OSHA also cited Customized Distribution Services — a Wharton-based contractor hired by Whitlock to run warehouse operations — for hazards involving exit routes. Staffing agency Drake Nelson LLC, doing business as Action Group Staffing in Dover, provided forklift operators and production line employees for the warehouse and was cited for noise hazards. Proposed penalties total \$171,900.

• [Read the News Brief](#)

Dozens of Produce Packagers to Get Their Full Pay

G R Produce, a produce warehouse for grocery stores in McAllen, Texas, violated the Fair Labor Standards Act when it paid its workers \$7 per hour without overtime. In a federal investigation, the Wage and Hour Division found that two employees who packed produce were incorrectly considered exempt from overtime requirements because they were paid a salary, when in fact they didn't meet the requirements under the law for the exemption to apply. G R Produce, which also failed to maintain required payroll records, agreed to pay 38 employees \$34,307 in back wages.

• [Read the News Brief](#)

Suit Alleges Employee Retirement Accounts Funded Struggling Firm

The department has sued Gruber Systems Inc. and its CEO John Hoskinson in Southern California for prohibited stock transactions. The suit alleges that the defendants caused the company's employee stock ownership plan participants to lose money when the plan purchased \$2.6 million in additional company stock for significantly more than fair market value. Money that should have been set aside to fund the retirement accounts of Gruber retirees was steered into the stock purchase to fund the financially distressed company. "Plan funds must be invested in the interest of workers and retirees, not used to prop up a struggling firm," said Crisanta Johnson, Los Angeles regional director of the Employee Benefits Security Administration.

• [Read the News Release](#)

Construction Company Fined \$470,000 for Willful Worker Hazards

A Pennsylvania construction company, the Occupational Safety and Health Administration reports, exposed workers to scaffolding and electrical hazards. After learning of "imminent dangers" at two Philadelphia construction sites, OSHA began inspections at the sites overseen by DMAC Construction LLC of Haverton. They found that bricklayers erected a scaffold too close to power lines at one site and were working 35 feet above ground with no fall protection at the other. The company, which received citations for eight violations with penalties totaling \$470,300, has been placed in OSHA's Severe Violator Enforcement Program.

• [Read the News Release](#)

Misused Funds Send Former Missouri Union President to Prison

The former president of the American Federation of State, County and Municipal Employees Local 1707 in Kansas City, Mo., was sentenced recently to 21 months in prison with three years of supervised release to follow, and was ordered to pay \$138,011 in restitution. The sentence came after Jesse E. Morgan pleaded guilty to one count of wire fraud in the U.S. District Court for the Western District of Missouri. An investigation by the Office of Labor-Management Standards found that Morgan issued union checks to himself, electronically transferred union funds to pay his personal expenses, and made unauthorized withdrawals from union bank accounts.

• [Read the News Release](#)

Arizona Contractor Makes Common Mistake, Fails to Pay Overtime

An industrial and commercial underground utilities contractor in Phoenix failed to pay its foremen legally required overtime, a Wage and Hour investigation found. Instead, Andale Construction Inc., paid flat salaries without regard to the number of hours the foremen worked, which routinely amounted to 50-55 hours per week. After the investigation, Andale agreed to

Compliance

- [July 16 — Orange, CA](#)

OFCCP — AAP: Creating an Inclusive Workforce

- [July 16 — Houston, TX](#)

OFCCP — Compliance Assistance for Construction Contractors

- [July 14 — Denver, CO](#)

OFCCP — Compliance Assistance and Coordination Meeting by OFCCP and the EEOC

- [July 29 — 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 — Compliance Assistance: Requirements Under Section 503 and 4212 (VEVRAA)

- [June 18 — Milwaukee, WI](#)

OFCCP — Compliance Assistance Webinar: Robert A Young Federal Building Seismic Renovation Project

- [June 9 — Webinar](#)

OFCCP — Complying with the Section 503 and VEVRAA Regulations

- [June 10 — Baltimore, MD](#)

OFCCP — New Veterans' Regulations

- [June 17 — Orange, CA](#)

OFCCP — Scheduling and AAP Requirements

- [June 25 — Houston, TX](#)

OFCCP — Scheduling Letter Updates

- [June 23 — New Orleans, LA](#)

OWCP — Town Hall Meeting to Assist Nuclear Weapons Workers

- [June 16 — Bridgeton, MO](#)
- [June 18 — Bridgeton, MO](#)

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

- [June 11 — Frederick, MD](#)
- [June 30 — Portland, OR](#)
- [July 16 — Charlotte, NC](#)

pay \$52,735 to eight employees. "This employer made a very common mistake in the construction industry. Simply paying someone a salary does not necessarily mean that they're not due overtime," said Eric Murray, division director in Phoenix.

- [Read the News Brief](#)

Subcontractor Violates Federal Contract Laws in Hawaii

A California-based heating, ventilation and air conditioning subcontractor paid 58 workers \$99,681 in back wages after an investigation found labor law violations on three federally funded construction projects awarded by the U. S. Army in Hawaii. Wage and Hour investigators discovered that Critchfield Pacific Inc., of San Jose, improperly categorized employees as lower-paid maintenance workers rather than plumbers and pipefitters at the Schofield Barracks and Kunia job sites in Oahu. "Federal contractors owe it to taxpayers to comply with all applicable laws, including paying their workers fairly and fully, in accordance with the government contract," said Terence Trotter, the division's district director in Honolulu.

- [Read the News Release](#)

Union Representing VA Employees to Hold New Officer Election

National Association of Government Employees Local R4-17 in Virginia will conduct a new officer election under the supervision of the Office of Labor-Management Standards. An OLMS investigation discovered that the Hampton-based union failed to notify members of its September 2014 election as required, did not conduct the vote by secret ballot and denied some members their right to vote. The union represents approximately 250 Department of Veterans Affairs Medical Center employees. The union will hold a new election this summer.

Worker Seen At-Risk of Deadly Trench Cave-In

After seeing a worker repair a water service line in an unprotected, six-foot deep trench, an Occupational Safety and Health Administration inspector cited the man's Illinois employer, Suburban General Construction Inc., with one willful violation. Based in La Grange Park, the contractor was performing work in neighboring River Forest. OSHA standards require cave-in protection in trenches 5 feet or deeper. "Unprotected trenches can become gravesites in seconds," said Angeline Loftus, OSHA's area director at its Chicago North Office in Des Plaines. "Violations of OSHA's trench protection standards remain a pervasive condition in this industry and it needs to stop." Proposed penalties totaled \$42,350.

- [Read the News Brief](#)

Steakhouse Chain Agrees to Pay \$275,000 in Back Wages, Damages

Two steakhouses in Alabama and Kentucky have agreed to pay \$275,000 in back wages and damages to 67 employees after investigations by the Wage and Hour Division's Louisville and Gulf Coast District Offices. Investigators found that Shogun Japanese Steakhouse Inc., of Huntsville and Shogun Japanese Steakhouse of Louisville Inc., violated minimum wage, overtime and record-keeping provisions of the Fair Labor Standards Act. A number of employees were paid a day rate or weekly salary and received less than the federal minimum wage. Non-exempt workers should have been paid time plus one-half their regular rate for hours worked over 40 in a work week.

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Loan Service Provider to Pay \$288,000 in Back Wages, Benefits

A Texas-based federal contractor for loan servicing support failed to pay its employees the prevailing wages or fringe benefits rightfully earned under the McNamara-O'Hara Service Contract Act, a Wage and Hour Division investigation found. Deval LLC in Irving violated federal law when it did not pay permanent employees and temporary employees hired through staffing agencies for health and welfare benefits or holidays. The investigation by the division's Dallas District office led Deval to agree to pay 58 employees \$253,072 in fringe benefits and \$35,593 in prevailing wages for Service Contract Act violations. Deval has a contract with the Department of Housing and Urban Development.

- [Read the News Release](#)

New Jersey Manufacturer Fined Nearly \$54,000

A New Jersey manufacturer of soft magnetic materials for motors and transformers failed to protect workers from machine-related hazards, Occupational Safety and Health Administration inspectors found last December. OSHA visited Magnetic Metals Corp. in Camden and found no

- [July 30 — Salt Lake City, UT](#)
- [July 30 — San Jose, CA](#)

WHD — The Family and Medical Leave Act

- [June 16 — Houston, TX](#)
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protective devices on machinery to prevent the machine's sudden start or movement of equipment during service and maintenance, a procedure known as lockout/tagout. Penalties total \$53,900.

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Oregon Grocer to Pay \$99,000 in Overtime, Damages

A Wage and Hour Division investigation found that an Oregon grocery store incorrectly categorized a number of employees as exempt from overtime and failed to pay them additional half time for hours worked beyond 40 in a work week. Instead, Supermercado Tapatia in Gresham paid a flat salary regardless of how many hours the employees worked; this violates the Fair Labor Standards Act. The store's owner agreed to pay 11 employees \$49,600 in unpaid overtime wages and an additional \$49,600 in damages.

- [Read the News Brief](#)

Improperly Trained Divers at Risk of Drowning

After an anonymous complaint led to an inspection, a Florida marine construction company was cited for 15 safety violations by the Occupational Safety and Health Administration late last year. OSHA issued citations to Shoreline Foundation Inc., of Pembroke Park for not training workers to perform diving operations; not training divers in CPR; not ensuring divers wore safety harnesses; and failing to ensure a two-way voice communication system was operational. Proposed penalties total \$83,600.

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