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Subject: The DOL Newsletter - January 15, 2015: Championing Paid Leave; Partnering With Colleges; Saving Miners' Lives

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DOL News Brief

January 15, 2015

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What's New

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

- [Healthy Workers, Healthy Business](#): My business bottom line is not only about dollars, it's about keeping my employees healthy and happy, writes New Jersey small business owner Tony Sandkamp.
- [Cracking Down on Pay Schemes That Cheat Workers Out of Millions in Overtime Pay](#): As more companies outsource business functions and enlist staffing agencies to provide workers, a fissure forms in the workplace, disrupting traditional employment relationships, writes Cynthia Watson, the regional administrator for the Wage and Hour Division's Southwest region.
- [Four Ways the ACA Helps Working Women](#): For women like Elena, Yvonne and Rachel who pursue the jobs they love, affordable coverage gives them peace of mind and access to quality care, writes Latifa Lyles, the director of the Women's Bureau.

High Note for Employment in 2014

When the December jobs report was released on Jan. 9, one thing was clear: 2014 was a strong year for jobs. The year ended with 252,000 new jobs added to the economy in December — the 11th straight month of growth over 200,000 — and nearly 3 million jobs for the year, the strongest since 1999. The average unemployment rate fell 1.2 percentage points between 2013 and 2014, the fastest drop since the mid-1980s. "Looking ahead to 2015 with great confidence, we'll be building on the momentum of the nation's remarkable economic performance over the last year," Secretary Perez said.

- [See the Year in Review Video](#)
- [Learn 14 Facts About the 2014 Economy](#)
- [Read Secretary Perez's Chat on the Jobs Report](#)
- [Listen to the "Diane Rehm Show" Interview](#)

Championing Paid Leave to Strengthen the Middle Class

President Obama unveiled new proposals to strengthen the middle class by giving working families greater flexibility to balance the competing demands of their families and jobs. On Jan. 15, the president called on Congress, states and cities to pass legislation that would allow millions of workers to earn paid sick leave. He also encouraged Congress to pass legislation giving federal employees six weeks of paid parental leave, and proposed more than \$2 billion in funds to encourage states to develop paid family and medical leave programs. In a related announcement, U.S. Secretary of Labor Thomas E. Perez disclosed that the department will use \$1 million in existing funds to help states and municipalities conduct studies on paid leave implementation. "This isn't just a question of work-family balance," Perez said. "It goes to the heart of economic security for millions of middle-class working families." Following the announcements, Obama and Perez discussed the benefits of paid leave with three workers at Charmington's Café in Baltimore, which pays all of its employees above the minimum wage and offers paid sick leave.

- [Learn About Paid Leave](#)
- [Read the Paid Leave Fact Sheet](#)
- [Read Valerie Jarrett's Blog Post](#)

National News

Apprenticeship — College Partnership Exceeds 100 Members

In April 2014, Vice President Joe Biden announced the launch of the Registered Apprenticeship College Consortium, a national network of post-secondary institutions, employers, unions and associations that is creating opportunities for apprentices to further their education and earn an undergraduate degree. This effort is part of the Obama administration's goal to transform apprenticeship for the 21st century by making them more accessible and relevant for more people. Interest in apprenticeships spiked after RACC. To date, 106 colleges representing 389 campuses, five national registered apprenticeship programs representing 575 training centers, and eight organizations representing post-secondary institutions or registered apprenticeship programs now participate in the RACC. The program's success means thousands of future apprentices have the opportunity to earn college credit toward degrees and progress through a Registered Apprenticeship. Colleges or apprenticeship sponsors interested in the RACC should contact the Office of Apprenticeship for information.

- [Learn About the RACC](#)
- [Learn About Apprenticeship](#)

Expanding Apprenticeship

A delegation of Swiss officials and business executives visited senior Obama administration officials at the White House on Jan. 13 to discuss Swiss investments in the United States. Labor Secretary Perez, Commerce Secretary Penny Pritzker and Director of the National Economic Council Jeffrey Zients hosted the meeting to discuss Switzerland's plans to increase foreign direct investment in the U.S. and expand apprenticeship programs for U.S. workers. Switzerland ranks 6th among foreign investors in the United States and supports hundreds of thousands of American jobs. At the meeting, Swiss officials announced plans to invest an additional \$3 billion in the United States, starting in 2015. The Swiss executives also discussed the value of apprenticeship programs and announced plans to expand such programs in their U.S. operations. "By partnering with Swiss companies, who have extensive experience with apprenticeships, to expand and start new Registered Apprenticeships in the U.S., we will provide many more Americans with access to good middle-class jobs," said Secretary Perez.

40 Years of Pension Protection

With the passage of the Employee Retirement Income Security Act, retirement plans could no longer simply fall apart and leave workers without their hard-earned savings. The act also created the Pension Benefit Guaranty Corporation. During the agency's 40 years, PBGC has protected the pensions of millions of workers whose employers have failed or are otherwise unable to meet their pension obligations. The agency's importance was underscored by Secretary Perez as he addressed a group commemorating the PBGC's anniversary at an event hosted by the U.S. Chamber of Commerce and co-sponsored by the Pension Rights Center in Washington, D.C., on Jan. 12. Perez noted that PBGC has come a long way in the four decades since issuing its first check — for \$140.75 to an International City Bank of New Orleans Employees Retirement Plan participant. Today, the PBGC protects the pensions of more than 41 million workers and retirees in nearly 24,000 plans.

• [Learn More About PBGC](#)

Worker Voice in the 21st Century

Throughout American history, there has been a direct relationship between the growth of the middle class and a strong labor movement. To build an economy that works for everyone, notes Secretary Perez, we have to ensure that workers have a voice in the workplace. Perez repeated his view at the "American Labor at a Crossroads" conference on Jan. 15 in Washington, D.C. Co-sponsored by the Albert Shanker Institute, the Sidney Hillman Foundation and *The American Prospect* magazine, the conference looked at new approaches to strengthen the labor movement in the 21st century. "It's a false choice to suggest that we either take care of our workers or we take care of our shareholders," said Perez. "We can do both." Perez encouraged labor leaders, including both traditional union leaders and those using new

A New Rule That Will Save Coal Miners' Lives

A final rule published by the Mine Safety and Health Administration on Jan. 15 is aimed at eliminating a serious safety hazard in underground coal mines. It requires mine operators to equip continuous mining machines with proximity detection systems that send warning signals and stop machines before they injure or kill miners working in the confined space of an underground mine. Since 1984, 35 miners have been fatally injured when they became pinned, crushed or struck by continuous mining machines. "Simply put, the proximity detection final rule will save lives and has the potential to dramatically improve the safety of mining operations," said Assistant Secretary of Labor for Mine Safety and Health Joseph Main. The rule already has the support of many in the mining industry, he noted. "In fact, a number of coal companies installed proximity detection systems long before there was a legal obligation to do so." One of those companies is Alliance Resource Partners LP which, on Jan. 13, hosted Main for an underground tour of its Gibson North mine in Princeton, Ind.

- [Read the News Release](#)
- [Learn More About the Rule](#)

Take Three: Pregnancy Discrimination

Women now make up nearly half of the U.S. labor force. Three out of every four women entering the workforce will experience at least one pregnancy while employed. Every year, thousands of women file charges of pregnancy discrimination. Latifa Lyles, director of the Women's Bureau, answers three questions on pregnancy discrimination and what it means for the workforce.

What is pregnancy discrimination? *Pregnancy discrimination occurs when an employer treats a job applicant or an employee unfavorably due to her pregnancy, childbirth or a related medical condition. It could involve refusing to hire or promote a qualified individual because she is pregnant, firing a woman because she missed a few days of work to give birth, or forcing a pregnant employee to take leave. Pregnancy discrimination is illegal, as is pregnancy-related harassment that creates a hostile or offensive work environment. Pregnancy discrimination negatively affects not just pregnant women and their families, but also employers, who may be cheating themselves by driving away skilled, qualified workers.*

What resources do pregnant workers have? *At the federal level, women are protected by laws like Title VII of the Civil Rights Act, the Pregnancy Discrimination Act, the Americans with Disabilities Act, and the Family and Medical Leave Act. Also, many states have enacted laws that provide women with additional protections against pregnancy discrimination.*

Why are these protections necessary? *Today, most women work during pregnancy, often into their third trimester. Laws prohibiting pregnancy discrimination are necessary because they ensure that women who want to work during pregnancy do so under the same conditions as non-pregnant employees. They also ensure that women who are not able to work due to a pregnancy-related disability are treated the same as non-pregnant workers who are similar in their inability to work. In turn, these laws ensure that the U.S. workforce is operating under the best possible conditions — those in which all workers have an equal opportunity to contribute their skills and experience.*

• [Learn About Employment Protections](#)

International Scene

\$1.3 Million Awarded to Fight Job Discrimination in Mexico

The Bureau of International Labor Affairs has awarded \$1,389,000 to the human rights group, Heartland Alliance International, to help the Mexican government implement its 2012 labor law reforms on discrimination, focusing on sexual orientation- and gender-based discrimination, and including sexual harassment and forced pregnancy testing. "Protecting workers' rights, including those of women and LGBT workers, is a moral and economic imperative and requires a global effort," said Deputy Undersecretary of Labor for International Affairs Carol Pier. "We are confident that this funding will strengthen that effort by promoting effective implementation of Mexico's historic reforms." The project will improve government enforcement of Mexican labor discrimination laws; amend private sector social compliance

and emerging models of organizing, to continue to look for new approaches to expanding worker voice and creating shared prosperity.

Compliance Outreach Proliferates

Reaching those served by the Wage and Hour Division — workers, employers, community associations and others — is an ongoing priority for the agency. Since 2009, WHD has conducted more than 12,000 outreach events and presentations, and distributed educational materials to thousands of stakeholders nationwide. At a Jan. 9 meeting with the Public Welfare Foundation, a private national grant-making organization with a focus on workers' rights, WHD Administrator Dr. David Weil said enforcement alone is not enough to protect workers' pay and that outreach to the employer and worker communities benefits compliance. "To achieve a more ongoing presence in communities with at-risk workers, and to improve availability to employers and other stakeholders, the Wage and Hour Division is deploying Community Outreach and Resource Planning Specialists working in our district offices across the country," he said. These officers are establishing and maintaining lines of communication at the local level; engaging partners in dialogue about local industry practices and labor concerns; providing training and resources to advocates, employers and other stakeholders on wage and hour laws; and providing the Wage and Hour Division with recommendations on how to better serve workers and communities.

• [Read the Compliance Outreach Blog Post](#)

Support System for Veterans

More than 1,200 student veterans attended the Student Veterans of America national conference in San Antonio, Texas, on Jan. 9. Prior to remarks by Secretary of Veterans Affairs Bob McDonald, Vice President Joe Biden and Dr. Jill Biden, Assistant Secretary of Labor for Veterans' Employment and Training Keith Kelly, spoke on a panel entitled "Pathways to Success: Overcoming Life's Challenges." There, Kelly talked about his transition from the military, and the department's many resources to support service members and veterans seeking employment. "Life can be a difficult journey sometimes, but relying on your fellow veterans, and using the support that is available to you, will make all the difference in the world," Kelly told the gathering. "Don't be afraid to ask for help and to use the benefits that you have earned to help you get ahead."

• [Find Resources for Veterans](#)

Misclassification Agreement

The Florida Department of Revenue and the Wage and Hour Division's Southeast Region signed a memorandum of understanding on Jan. 13, in Tallahassee, Fla., to share enforcement data in an effort to eliminate misclassification of employees as independent contractors. The agreement represents a new effort on the part of state and federal agencies to work together to protect the rights of employees as well as level the playing field for responsible companies by reducing the practice of

programs to better combat labor discrimination and increase employer participation in those programs; and expand worker awareness of the reformed Mexican labor laws on discrimination and how to report violations.

• [Read the News Release](#)

DOL Working for You

Apprenticeship Grad Soars at Aerospace Company

Eight years ago, Adam Arroyo could not have imagined that, at age 26, he would be a first-generation college graduate and first-time homeowner who negotiates federal contracts for Lockheed Martin in San Antonio, Texas. The Alamo College Aerospace Academy and the Employment and Training Administration's Registered Apprenticeship program allowed Arroyo to earn college credits while in high school, obtain a national industry certificate, and receive on-the-job and classroom training. Arroyo's career at Lockheed Martin as an aviation mechanic apprentice began when he was just 17. After completing the apprenticeship program, he assembled and tested engines. The "business side" of the company intrigued Arroyo immensely, so much so that he pursued a bachelor's degree in business, which then brought him to Lockheed Martin's finance department. His success with the Aerospace Academy and Registered Apprenticeship brought him another unexpected benefit — the chance to join in a roundtable discussion with Secretary Perez and to testify before the Texas State Legislature about his experiences.

• [Learn About the Registered Apprenticeship Program](#)

DOL in Action

Displaced Casino Workers in Atlantic City to Get Employment Support

Relief is coming for the thousands of casino workers whose employment ended when four major casinos in Atlantic City, N.J., closed in 2014. On Jan. 13, the department awarded New Jersey a National Emergency Grant totaling \$29,385,743 to assist displaced workers with re-employment assistance and job support services. An initial amount of \$13,154,140 has been released, with additional funds available if the state demonstrates continued need. "The Atlantic City economy was dealt a staggering blow with the closure of these casinos," said Secretary Perez. "For the thousands of workers who lost their jobs as a result, we are committed to providing the resources, support and training they need to get back on their feet."

• [Read the News Release](#)

Dust Levels in Underground Coal Mines Continue Downward Trend

In the first five months since a new rule designed to combat black lung took effect, coal dust sampling tests by the Mine Safety and Health Administration found compliance in 99 percent of the samplings. In all, more than 23,600 coal dust samples were collected between Aug. 1 and Dec. 31, 2014. At the same time, the yearly average of respirable dust levels of designated mining occupations in underground coal mines reached the lowest level ever recorded in 2014. "These results show that the new dust rule is working, and miners should be breathing cleaner air at coal mines," said Assistant Secretary of Labor for Mine Safety and Health Joseph Main. "That's good news for the health of all coal miners and our efforts to end black lung disease."

• [Read the News Release](#)

New York Investment Advisor Sued for Fiduciary Breaches

The department has filed suit against Roger Ramsay, who provided investment advice to at least nine employee benefit plans in New York covered under the Employee Retirement Income Security Act. An Employee Benefits Security Administration investigation found Ramsay breached his fiduciary duties under ERISA and the plans suffered financial losses for which he was liable. The suit asks the court to require Ramsay and his company, Compensation Planning Corp. of Rochester Inc., to restore the plan's losses, take other corrective action and be prohibited from serving as a fiduciary or advisor to any ERISA-covered plans in the future.

• [Read the News Release](#)

Funding Helps Missourians Rebuild After Storms and Flooding

After a series of storms and floods destroyed homes, businesses and

misclassification. The Florida Department of Revenue is the latest state agency to partner with the Wage and Hour Division. In fiscal year 2013, investigators worked more than 13,750 cases resulting in over \$83,051,160 in back wages for more than 108,050 vulnerable workers in low-wage industries such as janitorial, food, construction, day care, hospitality and garment manufacturing.

- [Read the News Release](#)

Reaching Out to Consulates

Staff from the Wage and Hour Division visited the consulates of Costa Rica, Belize, Guatemala and Nicaragua in Los Angeles on Jan. 9 to discuss means to further fulfill current agreements for the joint promotion of labor rights among Central American nationals. Attendees shared information on opportunities for outreach at scheduled events throughout the year. The division reiterated its commitment to coordinate and conduct training workshops for consular officials on basic employment laws and worker protections in the United States.

Midwest Construction Alliance

To protect the safety and health of Missouri and Kansas workers, the Occupational Safety and Health Administration and Associated Builders and Contractors-Heart of America Chapter, signed an alliance in Kansas City, Mo., on Jan. 15. The alliance establishes a collaborative relationship to provide information, guidance and access to education and training resources, particularly by reducing and preventing exposure to occupational hazards including struck-by, fall, caught-in-between and electrical. The alliance also will provide safety and health training for employers and workers in Missouri and Kansas.

Weekly UI Claims

Seasonally adjusted initial Unemployment Insurance claims rose to 316,000 for the week ended Jan. 10, the department reported. The advance figure was up 19,000 from the previous week's revised level. The four-week moving average was 298,000, an increase of 6,750 from the previous week's revised average.

- [Read the News Release](#)

Upcoming Deadlines & Events

Open Funding Opportunities

ETA — Permanent Labor Certification Program Listening Session

- [January 22 — Washington, DC](#)

OASAM — Vendor Outreach Session

- [January 21 — Washington, DC](#)

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

- [January 28 — Chicago, IL](#)

OFCCP — Everything You Want to Know

infrastructure in Missouri in August 2013, the Federal Emergency Management Agency declared 18 counties in the state eligible for its Public Assistance Program. The renewal effort that followed was bolstered by a National Emergency Grant of \$2,044,035, with an initial release of \$1 Million. The initial funds helped the region make progress, but the work of restoring normalcy continues. On Jan. 14, the department announced the release of an additional \$200,000 to aid the state's cleanup and recovery efforts. These funds are being awarded to the Missouri Division of Workforce Development to continue temporary employment for eligible individuals to assist with the clean-up of affected areas.

- [Read the News Release](#)

Southern California Garment Manufacturer Shortchanges Workers

A Wage and Hour Division investigation of a South El Monte, Calif., garment contractor engaged in the production of women's garments found that Kiki's Fashion Contractor paid a piece rate for all hours worked, prompting a minimum wage violation of \$40,237 and an overtime violation of \$52,358. The employer has agreed to future compliance and to pay the total back wages of \$92,595 to 24 employees. Kiki's failed to maintain an accurate payment of wages, and some employees were paid in cash with no regard of hours worked. Investigators in the West Covina District Office also found recordkeeping violations. The garments were shipped to retailer stores Urban Outfitters, Nordstrom Rack, Dillard's and Ross.

Renovation Workers Face Fall Hazards in Massachusetts

Employees performing renovation work at the former Dye Works in Easthampton, Mass., faced potentially fatal falls of up to 40 feet because the contractors who employed them failed to provide proper fall protection. After an investigation by the Occupational Safety and Health Administration, four contractors were fined a total of \$110,670. The general contractor, James J. Welch & Co. Inc., of Salem, was cited for most of the violations, including the lack of fall protection for roofing employees, unguarded floor holes, insufficient anchorage for fall protection, and for not training employees to recognize fall hazards. Welch was flagged for one willful, one repeat and three serious violations of workplace safety standards with \$93,170 in fines. Air conditioning contractor, Atlantis Comfort Systems Corp., masonry subcontractor Jean Beauthier (doing business as All Custom Masonry), and window contractor J&R Glass Service were cited for fall hazards also.

- [Read the News Release](#)

Department Wins Election Lawsuit Against Arizona Union

The U.S. District Court for the District of Arizona recently granted the department's motion for default judgment against Independent Certified Emergency Professionals of Arizona Local 1 in Mesa, Ariz. After an investigation, the Office of Labor-Management Standards sued the union, alleging it had not conducted an officer election since 2006. This marked a continuing violation affecting all union officer positions: president, vice-president/business manager, secretary-treasurer and three trustees. The election must be completed and certified by April 16.

Connecticut Employees Exposed to Respiratory, Chemical Hazards

U.S. Chutes Corp. exposed employees to chemical, mechanical, electrical and respiratory hazards during the manufacturing process at its Bantam, Conn., plant, an investigation by the Occupational Safety and Health Administration found. The manufacturer of galvanized laundry and trash chutes faces \$94,248 in fines for having an out-of-date respiratory protection program, doing no medical evaluations and fit testing for workers who wore respirators, and not analyzing hazards to determine the need for protective equipment. The company also failed to train employees on health hazards from exposure to hexavalent chromium, a known carcinogen.

- [Read the News Release](#)

Oklahoma City Nurse Breaks and Pay Are Cut Short

Every time nurses at three long-term care nursing facilities in Oklahoma City, Okla., sat down to eat and get a well-earned rest, their employer asked them to "keep an eye on" and assist residents, who also shared the same dining facility. While they willingly assisted their patients, the nurses' lunches were cut short. Those cuts, however, were not reflected in their timesheets. This pattern went on for years, until the Wage and Hour Division got involved. Investigators found that the interrupted lunch break time was automatically deducted by the nurses' employer, Professional Service Group LLC, whether they worked through lunch or not. Informed of its violations of the Fair Labor

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 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](#)

Standards Act's minimum wage, overtime and record-keeping provisions, the employer agreed to return back wages of \$79,799 to all 88 employees and provide facilities available only to them for their lunch breaks.

Foundry Workers Exposed to Dangerous Noise Levels

At MCM Precision Castings Inc., an Ohio-based foundry, employees were exposed to dangerously high noise levels and crystalline silica dust, a cause of chronic lung disease, the Occupational Safety and Health Administration has found. OSHA cited one willful and 17 serious health and safety violations for not conducting noise testing or providing protective equipment and not monitoring worker exposure to noise at its Weston facility. The company faces proposed penalties of \$76,200.

- [Read the News Release](#)

Excavating Company Cited 8th Time for Trench Hazards

For the eighth time, the Occupational Safety and Health Administration cited Northern Excavating Co. for allowing its employees to work in trenches without cave-in protection and a safe means to exit the trench. In July 2014, OSHA inspectors witnessed two employees repairing a valve on a city water line in Ross, N.D., in an 8-foot trench. OSHA cited the company for two willful and one serious violation with penalties of \$147,000.

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