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## DOL News Brief

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April 30, 2015

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### What's New

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

- [I'm a Federal Employee Thanks to Schedule A. You Can Be, Too!](#): Tiffany Jolliff, a program analyst in the department's Office of Disability Employment Policy, describes a streamlined hiring process for individuals with disabilities and notes that the number of employees with disabilities working in the federal government is the highest it has been in more than 30 years.
- [Hard-hitting Series on Food Service Industry Wins Pulitzer](#): "I applaud Kathleen Kingsbury for tackling this subject, and on behalf of the Labor Department, congratulate her on the well-deserved Pulitzer," writes Dr. David Weil, administrator of the Wage and Hour Division.
- [Help Wanted: More U.S. Employers Offering On-the-Job Training Programs](#): "As part of our commitment to help people find good jobs and assist employers to recruit the best workers, Glassdoor is launching the On-the-Job Training Finder," writes Robert Hohman, founder and CEO of the jobs and recruiting site.

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### New Growth in Manufacturing

Manufacturing jobs have been a bright spot in the nation's economic recovery in the past five years. Nearly 900,000 such jobs have been created, reversing a trend in the preceding years that saw the loss of millions of manufacturing jobs. Helping to build on this new growth was the theme of a summit hosted by Third Way, a nonpartisan policy and research think tank in Washington, D.C. Secretary Perez opened the summit April 29, noting the administration's focus on skills and workforce training and how employers are committing to expand manufacturing in the United States. Through partnerships with community colleges and the workforce system, and the expansion of apprenticeship opportunities, employers have developing a strong skills infrastructure to help them grow and thrive. "Manufacturing is back," said Perez. "America is making things again, and we're stronger for it."

#### 'We've Waited Long Enough' on Minimum Wage Hike

On Capitol Hill, U.S. Secretary of Labor Thomas E. Perez joined lawmakers, business owners and workers at a news conference on April 30 to support newly introduced legislation to raise the national minimum wage. Sponsored by Washington Sen. Patty Murray and Virginia Rep. Bobby Scott, the measure would raise the wage gradually to \$12 per hour by 2020, indexing it thereafter, and would also eliminate the tipped minimum wage. "It's been almost eight years since Congress last raised the national minimum wage," said Perez. "This step is overdue. We've waited long enough." Perez has championed the call for raising the wage while hearing from struggling workers and meeting with supportive business owners around the country. Raising the national minimum wage is the right thing to do, where giving low-wage workers a boost benefits them, businesses and the American economy, he noted. "The president first called for a national minimum wage increase in his 2013 State of the Union address, and we renew that call today — in the name of fundamental fairness, broad-based economic growth and shared prosperity," said Perez.

- [Read the Blog Post](#)

#### #LeadOnLeave Makes a Stop in Rhode Island

Walking into the lobby of Dan Gold's third-generation family business in Pawtucket, R.I., is like taking a time machine trip through American industrial history. In one direction, a collection of metal milling machines and presses look suitable for a museum. In the other, robotic lasers make precision parts for customers around the world. On April 24, Secretary Perez visited Gold International Machinery and LNA Laser Technology to see firsthand how forward thinking helps expand their product lines and paid leave increases their bottom line. Sen. Jack Reed, Rep. David Cicilline, Rep. Jim Langevin and Rhode Island Director of Labor and Training Scott Jensen joined Perez for this stop on the nationwide tour that highlights employers and communities leading the way on paid leave. Smart business practices like Gold's and Rhode Island's Temporary Caregiver Insurance program — one of three state paid-leave programs in the United States — are helping local families when they need it most. "We've built our business by trying to treat employees well," said Gold. "Providing paid leave is not only the right thing to do, it's good for business, enabling us to recruit and retain great staff."

- [Read the Blog Post](#)
- [Learn More About Lead on Leave](#)

#### Upskilling Summit Stresses New Opportunities for More Workers

More than 100 employers gathered in Washington, D.C., on April 24 for the White House Upskilling Summit, part of an ongoing initiative that builds on President Obama's call to action for additional training and advancement opportunities for U.S. workers. The employers at the summit have made commitments to hire, train and collaborate with one another to develop new



## Economic Development Summit

More than 400 social entrepreneurs, academics, business leaders, impact investors and policymakers gathered at the Social Enterprise Ecosystem for Economic Development Summit at Brown University in Rhode Island. The two-day event in Providence gave attendees the chance to discuss building not only a stronger economy but also one that works for more people. Secretary Perez addressed an early morning session on April 25 and highlighted numerous examples from his travels nationwide that underscore his belief that "we all do well when we all do well." Now in its fourth year, the summit is a collaboration between the Social Innovation Initiative at Brown University, Worldways Social Marketing, the SEEED at Brown student group and Social Enterprise Greenhouse. Perez also reminded participants to get outside the comfort zone of like-minded businesses and find a common language that resonates more broadly.

## True Colors Shining Through

Pop singer and award-winning Broadway composer Cyndi Lauper visited the White House April 28, when the organization she co-founded — the True Colors Fund — hosted a policy briefing on efforts to combat youth homelessness. Secretary Perez joined Lauper at the event as chair of the U.S. Interagency Council on Homelessness. Before an audience of more than 150 nonprofit, philanthropic and youth leaders, Perez said, "The true colors of our nation are the colors of opportunity... and we're all part of the same orchestra focused on eliminating homelessness among youth and all populations." Once homeless herself, Lauper is a vocal advocate for the needs of LGBT youth who make up an estimated 40 percent of young people experiencing homelessness. Earlier in the day she testified before the Senate, where the USICH framework to end youth homelessness was discussed.

• [Read About USICH](#)

## Balancing Work and Caregiving

"It's time we start thinking of workers as people who have families," Women's Bureau Director Latifa Lyles told the New America Foundation's 2015 Annual Conference in Washington, D.C., on April 24. She served on a panel discussing the challenges families face balancing work and the care of their young children and aging loved ones. New America President and CEO Anne-Marie Slaughter moderated the panel, which featured Sheila Lirio Marcelo, Founder and CEO of Care.com; and Mohamed El-Erian, Chair of President Obama's Global Development Council.

• [Learn About Paid Leave](#)

## Recognizing a 'Star'

Dr. David Michaels, assistant secretary for occupational safety and health, traveled to Bethesda April 27 to officially recognize the Naval Surface Warfare Center's Carderock Division in Maryland as a "star" site. The "star" designation is the highest honor in the

opportunities for more workers, including expanding apprenticeship opportunities in their workforce. After delivering opening remarks, Secretary Perez engaged in a roundtable discussion on the importance and value of apprenticeships. "When all Americans are given the chance to master new skills — and be rewarded for it — our families and our communities thrive," said Perez.

• [Read the Blog Post](#)

## National News

### Honoring the Fallen on Workers' Memorial Day

Kathy Pierce was texting with her son Chad just hours before he died at work on a Maryland cellphone tower in Pasadena. She shared the wrenching story of his 2014 death at a Workers' Memorial Day observance April 28 at department headquarters in Washington, D.C. Jordan Barab, deputy assistant secretary for the Occupational Safety and Health Administration, reminded all of the extensive physical, personal and social costs of occupational injuries. He also unveiled an updated version of the legally required workplace safety poster. Joseph Main, assistant secretary of labor for mine safety and health, and Leonard J. Howie III, director for the Office of Workers' Compensation Programs, talked about progress their respective agencies have made to keep workers safe. AFL-CIO's Peg Seminario reflected on recent achievements in worker health and safety, and Deputy Secretary of Labor Chris Lu told those gathered: "On this day, we mourn not just for the lives lost, but also for the opportunity that is lost, the American dreams that are extinguished."

• [Read the Blog Post](#)

• [Read the Secretary's Statement](#)

### Workers Remembered Across the Nation

From a candlelight vigil in Nebraska, to a moment of silence at a Cleveland Indians game, and in observances at job sites, union halls and city council meetings nationwide, Americans paused April 28 to honor workers killed and injured on the job. "On this day, we recognize the burden that workplace injuries and illnesses place on workers, their families, and society as a whole," said Dr. David Michaels, assistant secretary of labor for occupational safety and health. Dr. Michaels attended several Workers' Memorial Day events in the Cleveland area.

• [Learn About Workers' Memorial Day](#)

• [Learn About the Cost of Worker Injuries](#)

### \$150 Million to Enhance Regional Workforce, Industry Partnerships

The department is making \$150 million available to states to develop new programs to help expedite the employment of workers who have been laid off through no fault of their own. Awarded on April 29, the funding is available through the Sector Partnerships National Emergency Grant program. Sector partnerships are employer-driven partnerships of industry, education and training, and other stakeholders that focus on the workforce needs of key industries in a regional labor market. This initiative will encourage the development of training strategies based on these partnerships to better address regional workforce needs. The funds enable states to offer new services such as regional sector planning, enhanced career services to dislocated workers, and work-based training opportunities. States must apply by May 29.

• [Read the News Release](#)

### Rules Issued for H-2B Visa Program

Responding to uncertainty created by recent court decisions, the Departments of Labor and Homeland Security announced an interim final rule to reinstate and make improvements to the H-2B temporary foreign nonagricultural worker program and a final rule to establish its prevailing wage methodology. These rules strengthen protections for U.S. workers who apply for jobs for which employers are seeking H-2B workers, while also enabling employers to access foreign workers on a temporary basis when U.S. workers are not available.

• [Read the Interim Final Rule](#)

• [Read the Wage Methodology Final Rule](#)

### Advocacy for Veterans and Military Spouses



Occupational Safety and Health Administration's Voluntary Protection Program. Recognized for having injury and illness rates below the industry average, Carderock is the full-spectrum research and development, test and evaluation, engineering and fleet support organization for the Navy's ships, submarines, military watercraft and unmanned vehicles. "VPP is not just a program, it's a culture," said Dr. Michaels. "Maintaining safety and health every day on the job is no accident. It takes commitment by everyone involved."

- [Learn More About VPP](#)

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## International Statisticians Gather

More than 100 statisticians and economists from around the world gathered at the Bureau of Labor Statistics headquarters in Washington, D.C., recently to discuss the best ways to communicate and disseminate statistics. The three-day annual gathering of international statistical agencies is coordinated by the United Nations Economic Commission for Europe. Discussions ranged from using social media to data collaboration and collection. BLS Commissioner Erica L. Groshen told participants their collaboration is vital to enhancing statistical systems worldwide.

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## Wage Protection in Philadelphia

Changes in the workplace and the challenges enforcement agencies face were the focus of the AFL-CIO Union Lawyers Conference in Philadelphia on April 28. Dr. David Weil, administrator of the Wage and Hour Division, joined a panel discussion about worker protections in the fissured workplace, and various employment relationships used in new business models in today's labor market. "We have the ability to think creatively under existing statutes," Weil said of his agency's efforts to ensure compliance with the Fair Labor Standards Act. Later, Dr. Weil met members of the local worker advocacy community to discuss how the division can work with them to protect workers and their wages more effectively.

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

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## Mine Report Shows 10 Deaths

Ten miners died in U.S. coal and metal and nonmetal mines in the first three months of 2015, preliminary data from the Mine Safety and Health Administration shows. In its quarterly fatality report published April 29, MSHA provided details on each of the deaths that occurred. The report comes on the heels of the safest year in coal mining. "The fatalities in 2014 — historic lows in coal fatalities amid increases in metal and nonmetal deaths — remind us all of the progress we've made and the work ahead of us," said Assistant Secretary of Labor for Mine Safety and Health Joseph A. Main. He noted that, in spite of these numbers, zero fatalities in a single year are still possible. "It is a goal we pursue daily. We owe our miners that much."

- [Read the News Release](#)

The American Legion held its National Credentialing Summit at the Mayflower Hotel in Washington, D.C., on April 28. In his opening remarks, Secretary Perez told an audience of credentialing experts and advocates for veterans and military spouses to explore connections between military experience and civilian credentials. He also touched on ways for government and business to overcome recertification challenges faced by military spouses who often move across state lines. "The American Legion has a long and steady tradition of service to our nation and to our veterans," Perez said. "I'm grateful to you for convening this forum — we owe it to our veterans to break down the barriers to employment that they too often face as they reintegrate into civilian life." Perez also challenged attendees to return to their communities, companies and state legislatures recommitted to removing obstacles to good careers for our veterans and military spouses. "America works best when we field a full team, and veterans are among our most valuable players. We need them in the game."

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

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## International Scene

### Global Safety and Health Initiative Receives \$10 Million in Funding

A \$10.5 million cooperative agreement to the International Labour Organization for a technical cooperation project to support its new Global Initiative on Occupational Safety and Health has been awarded by the Bureau of International Labor Affairs. This technical cooperation initiative starts with pilot projects to increase the capacity of governments, employers and workers in Vietnam and the Philippines to improve occupational safety and health, particularly for working youth. It also will build and strengthen partnerships across international and regional organizations to share best practices, raise awareness and contribute to improved legislation and enforcement. "We need a greater focus on prevention and enforcement efforts, particularly for vulnerable workers in hazardous sectors," said Deputy Undersecretary for International Affairs Carol Pier. The ILO estimates more than 2.3 million people die every year from occupational and work-related injuries and diseases.

- [Read the News Release](#)

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## News You Can Use

### Summer Jobs, A Learning Experience

As the school year nears its end, the summer months provide youth with the opportunity to gain valuable work experience. Summer jobs offer an early experience with the labor force, and a chance to learn job and social skills needed for long-term career success. To help employers and community groups ensure summer jobs are productive for all, the department held an April 24 webinar to share best practices in summer job programs, and possible funding sources to scale summer job opportunities and create pathways for long-term careers. It was supported by the Obama administration's *My Brother's Keeper* initiative to ensure that all young people have access to entry-level job opportunities that allow them to gain critical career skills, strengthen pathways to employment and increase future earnings.

- [Read the Lessons Learned](#)

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## Of Note

### DOL Employee Receives Distinguished Rank Honor

A senior Labor Department employee was one of 24 honorees at the Senior Executives Association's 29th Annual Distinguished Rank Awards Banquet. Tom Dowd, deputy director of the Office of Federal Contract Compliance Programs, was recognized as a Presidential Distinguished Rank Awardee for providing outstanding leadership and superior accomplishments in public service. The Presidential Distinguished Rank Award is the highest commendation given to career Senior Executive Service members. Deputy Secretary Chris Lu attended the April 23 event at State Department headquarters in Washington, D.C.



## Focusing on Compliance

Misclassification of construction workers as independent contractors and improving labor law compliance in government-funded construction are priorities for the Wage and Hour Division, Administrator Dr. David Weil told a Quality Construction Alliance national issues conference in Washington, D.C., on April 28. "I challenge you to be creative and to work with us to build innovative solutions to these issues," said Weil. "We are committed to combating violations, to protect workers and contractors alike. Doing the right thing must not cost law-abiding contractors opportunities when bidding against those skirting the law. That is the principal behind the president's executive order on fair pay and safe workplaces. " The QCA is a coalition of specialty construction contracting groups formed to ensure that taxpayer money is respected and spent wisely.

- [Learn About Compliance Assistance](#)
- [Read About the Executive Order](#)

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## Black Lung Claims Rule

The Office of Workers' Compensation Programs published a notice of proposed rulemaking for public comment April 29 in the *Federal Register*. The proposed rule gives coal miners greater access to their health records and requires coal miner owners to pay all benefits due in a claim before the award can be challenged through modification. Requiring all parties to exchange medical data in claims for black lung benefits would protect the nation's coal miners, and making medical information freely available to all parties will also enhance the accuracy of entitlement determinations. "Our goal is to work with all parties involved to make the black lung claims process as transparent and efficient as possible," said Leonard J. Howie III, director of OWCP.

- [Read the News Release](#)
- [View the Proposed Rule](#)

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## 50+ Women 2 Work

Working women and employment trends were the topics of discussion at three conferences in Dallas in the last two months. Women's Bureau Deputy Director Pronita Gupta used the opportunity to remind attendees that older women need tools to navigate the job market and become more economically stable. Held in collaboration with Dallas County Community College District's Brookhaven College, Cedar Valley College and Richland College, the bureau organized the 50+ Women 2 Work: Ready, Set, Employed conferences, the last of which took place April 29. They brought together speakers on educational opportunities at community colleges, job readiness, applying for a job, interviewing skills, basic finances and fraud/scam awareness and entrepreneurship.

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## Labor Law Primer for Consulates

South and Central American diplomats from Argentina, Uruguay, Peru, Chile, Costa Rica, the Dominican Republic, Bolivia and Mexico learned about federal and state wage and hour regulations, equal employment and immigration laws at a training event coordinated by the Wage

## DOL Working for You

### Grateful Plumber Goes a Long Way to Thank Federal Investigators

A recent visit to Phoenix gave Wage and Hour Division Administrator Dr. David Weil the chance to talk to workers helped by recent federal investigations. One was Baltazar Rincón, a certified plumber who drove more than three-and-a-half hours from Yuma to personally thank the Phoenix District Office team that helped him recoup more than \$11,600 in back wages from his former employer. Wage and Hour investigators found that Tempe Mechanical, Inc. owed Baltazar for plumbing and sheet metal work done at a federally funded construction project in Yuma. A husband and father of six, Baltazar said, "The back wage check I received helped my family tremendously, but you also helped the families of my coworkers. The economic stimulus they received with the back pay made them very happy. " He added, "Your agency helps many people and you do it without expecting anything in return." A grateful Baltazar and 23 of his former coworkers ended up receiving more than \$145,000 in back wages and damages. "I want my story to educate others who are being mistreated at work that there is help for them," he said. "Workers can contact this agency without any fear; you do care about people. If you ever open an office in Yuma, I am willing to volunteer and distribute flyers so people go talk to you!"

- [Read the Blog Post](#)

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## DOL in Action

### Comcast Settles Sex and Race Discrimination Case

Comcast Corporation has entered into a conciliation agreement with the Office of Federal Contract Compliance Programs to resolve allegations of sex and race discrimination. Investigators determined that — between March 2006 and September 2007 — in Everett, Wash., Comcast steered 96 women into lower-paying positions that assisted customers with cable services rather than higher-paid ones providing assistance for Internet services because those positions were considered "technical." Comcast also disproportionately rejected 100 African-American, Asian and Hispanic applicants for call center jobs because its hiring tests were neither uniformly applied nor validated as related to the job. This resulted in systemic hiring discrimination on the basis of race. Comcast Corporation is a federal contractor. "Sex-based compensation discrimination and race-based hiring discrimination are not only illegal, they also hurt our economy," said OFCCP Director Patricia A. Shiu. "We cannot build an economy that works for everyone by depriving women and minorities of opportunities to get ahead."

- [Read the News Release](#)

### \$5 Million Offers Employment Support to Youth in St. Louis

St. Louis area youth are getting a boost, thanks to a \$5 million department grant. Awarded to the State of Missouri on April 28, it will help fund a demonstration project to help young adults prepare for and find jobs. The region has faced high unemployment and poverty in recent years, with a youth unemployment rate exceeding 25 percent. The funding will expand the community's network of American Job Centers and foster greater collaboration between the workforce system and community organizations to better serve area youth with little-to-no work experience or post-secondary education. Approximately 3,000 young adults are expected to benefit from the services funded by the grant. The announcement coincided with the Obama administration declaring St. Louis and seven other U.S. communities as new Promise Zones, allowing them improved access to federal resources.

- [Read the News Release](#)
- [Learn About Promise Zones](#)

### BabyVision Inc. to Pay \$121,000 to Underpaid, Threatened Workers

A New York maker and distributor of baby apparel and accessories denied 49 workers overtime pay and then attempted to thwart federal investigators by hiding workers and threatening them if they spoke to federal investigators, a year-long probe has found. The Wage and Hour Division determined that the workers are due \$121,349 in overtime back wages and liquidated damages due to violations of the Fair Labor Standards Act by Poughkeepsie-based BabyVision Inc. and its owners, Shreenivas Shah and Malti Shah. Early in the investigation, the Shahs told employees to hide from investigators or provide false information. Workers were told they'd be fired if



and Hour Division in Los Angeles on April 22. Approximately 20 consul generals and consular personnel attended training with experts from the Coalition for Humane Immigrant Rights, the Equal Employment Opportunity Commission and California's Division of Labor Standards Enforcement. "Latin American consulates often hear the stories of labor abuses suffered by their nationals, and this training provided the precise tools consulate officials need to serve and provide guidance to their constituents on labor and employment rights here in the U.S.," said Justin Emerick, the division's community outreach and resource planning specialist in Los Angeles.

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## Weekly UI Claims

Seasonally adjusted initial Unemployment Insurance claims fell to 262,000 for the week ended April 25, the department reported. The advance figure was down 34,000 from the previous week's revised level. The four-week moving average was 283,750, down 1,250 from the previous week's revised average.

• [Read the News Release](#)

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## Calendar Highlight

### Pacific Coast Safety Fest

Staying safe and healthy at work is the aim of Pacific Coast Safety Fest as workers, employers, health professionals and others in the San Diego area gather from May 6-8. The event includes classes and seminars provided by the Occupational Safety and Health Administration in partnership with the OSHA Training Institute Education Centers at the University of California, San Diego; Chabot-Las Positas Community College District; California State University, Dominguez Hills; and Arizona State University. The event is free, but registration is required.

• [Read More About the Safety Fest](#)

## Upcoming Deadlines & Events

### Open Funding Opportunities

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

- [May 12 — Indianapolis, IN](#)
- [May 13 — Indianapolis, IN](#)
- [June 2 — Anchorage, AK](#)
- [June 3 — Anchorage, AK](#)

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

- [May 7 — Pasadena, CA](#)
- [May 19 — Philadelphia, PA](#)
- [June 4 — Salt Lake City, UT](#)
- [June 24 — Denver, CO](#)

#### OFCCP — An OFCCP Audit Through the Eyes of An Investigator

- [May 14 — Houston, TX](#)

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

- [May 7 — Dallas, TX](#)

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

they cooperated with investigators. The department responded by obtaining a temporary restraining order to protect the workers and their rights, allowing the review of the company's employment practices to continue. The department has now secured a consent judgment in federal court that orders the Shahs to pay back wages and damages, take extensive corrective action to prevent future violations and pay \$13,744.50 in civil money penalties, given the willful nature of their violations.

• [Read the News Release](#)

### Colorado Roofers Exposed to Fall Hazards

After a federal safety official witnessed Colorado workers at risk of falling, Occupational Safety and Health Administration inspectors launched an inspection of a residential roofing site in Greenwood Village. The inspection, initiated in January under the agency's Fall Prevention program, encompassed 13 contractors, with 12 being cited for a total of \$93,800 in proposed penalties. General contractor BluSky Restoration Contractor Inc. was cited for a willful violation for failing to ensure that subcontractors were protected from fall hazards, facing a proposed penalty is \$63,000. "A fall from just six feet can lead to serious injury or death," said David Nelson, OSHA's area director in Englewood. "That's why it's so important for employers to provide proper fall protection equipment like anchor points, full body harnesses or, better still, a retractable life line."

• [Read the News Brief](#)

### Former Nebraska Union Official Gets Prison for Embezzlement

The former legislative director of the United Transportation Union Nebraska State Legislative Board will spend four months in prison, four months with an electronic monitoring device and three years of supervised release, and pay \$102,907 in restitution. All of this in exchange for a guilty plea by Ray L. Lineweber to one count of embezzlement from a labor organization. The plea was entered before the U.S. Court for the District of Nebraska in January. Office of Labor-Management Standards investigators found Lineweber misused union funds for his personal use, including laptop computers, a TV and more than \$24,000 in gift cards. Investigators determined Lineweber falsified expense vouchers for meeting with state senators and legislators that never occurred.

### Lawsuit Alleges Bank Charged Excessive Fees to Retirement Plan

The department has filed a lawsuit against the fiduciaries of the City National Corp.'s Profit Sharing Plan. The action alleges that the plan lost more than \$4 million when fiduciaries engaged in self-dealing and conflicted transactions involving plan assets when they caused the plan to pay excessive fees to City National Bank and its affiliates. "This case is significant because we have a financial institution reaping excessive profits from the plan that its employees participate in," said Crisanta Johnson, Los Angeles regional director for the Employee Benefits Security Administration.

• [Read the News Release](#)

### Soap and Shampoo Manufacturer Fined for Workplace Hazards

A leading maker of soap and shampoo for hotels and retail sale exposed workers to chemical and fire hazards and blocked emergency exit routes at its Cortland, N.Y., plant, Occupational Safety and Health Administration inspectors found. Acting on employee complaints, inspectors visited Marietta Corp. and found flammable liquids were not stored or used properly; employees with respirators were not trained or checked medically; and containers with hazardous chemicals were not labeled correctly. Similar hazards were found at the Cortland plant in 2011 and at the company's Chicago facility in 2010. Inspectors also found workers without needed eye and face protection and emergency eyewash stations; workers untrained in the use of dangerous chemicals; and forklift operators who did not receive refresher training. In total, Marietta was cited for three repeat and six serious violations with \$103,800 in proposed fines.

• [Read the News Release](#)

### Colorado Utility Installers Faulted on Trench Protection

Two Colorado construction companies with underground utilities projects were cited by the Occupational Safety and Health Administration for failing to provide workers with cave-in protections. An inspection of K.R. Swerdfeger Construction Inc. in Pueblo was prompted by a complaint and Pate Construction Co. Inc. underwent an inspection in Penrose after an OSHA compliance officer observed an unprotected trench. Swerdfeger had one willful and one serious violation, and Pate was cited for one willful violation.



- [June 4 — Houston, TX](#)

#### **OFCCP — Compliance Assistance Webinar: New Section 503 and VEVRAA Requirements**

- [May 14 — Anchorage, AK](#)

#### **OFCCP — Construction 16 EEO & Affirmative Action Specifications**

- [May 13 — Arlington, VA](#)

#### **OFCCP — Filing an Employment Discrimination Complaint**

- [May 28 — Chicago, IL](#)

#### **OFCCP — Good Faith Efforts Required by OFCCP**

- [May 7 — Orange, CA](#)

#### **OFCCP — New Veterans' Regulations**

- [June 17 — Orange, CA](#)

#### **OFCCP — New VEVRAA and Section 503 Regulations Affecting Veterans & Disabled Persons**

- [May 21 — Dallas, TX](#)

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

- [May 4 — Chicago, IL](#)

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

- [June 25 — Houston, TX](#)

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

- [May 13 — New Orleans, LA](#)
- [June 23 — New Orleans, LA](#)

#### **OLMS — Compliance Assistance Seminar**

- [May 19 — Appleton, WI](#)
- [May 21 — Maple Grove, MN](#)

#### **OSHA — Pacific Coast Safety Fest**

- [May 6 — San Diego, CA](#)
- [May 7 — San Diego, CA](#)
- [May 8 — San Diego, CA](#)

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

- [May 27 — Goldsboro, NC](#)

#### **WHD — Executive Order 13658: Establishing a Minimum Wage for Federal Contractors**

- [May 14 — Webinar](#)

The proposed penalty for both companies totals \$101,200. The inspections are part of the agency's National Emphasis Program on Trenches.

- [Read the News Brief](#)

#### **Exposure to Hydrogen Sulfide Hospitalizes Worker in Texas**

An Odessa, Texas, energy services company failed to protect workers from the hazards of hydrogen sulfide and was cited by the Occupational Safety and Health Administration. OSHA inspectors responded to J&M Energy Services in January in keeping with the agency's new reporting requirements after in-patient hospitalization of an employee. Investigators determined that workers were directed to an area where warning monitors indicated unsafe levels of hydrogen sulfide. As a result, one worker was sickened and required hospital treatment. OSHA's Lubbock Area Office issued a willful health citation for failing to protect workers. A serious violation was also cited for failing to provide workers with the required personal protective equipment. Proposed penalties total \$60,900. Hydrogen sulfide is a flammable, colorless gas with a characteristic rotten egg odor. It can be fatal if inhaled at certain concentrations.

- [Read the News Brief](#)

#### **Nursing Home Operator Underserves Its Employees**

A Fresno, Calif., nursing home operator failed to pay time and one-half for hours worked beyond 40 in a workweek in violation of the Fair Labor Standards Act. Employees of Bonavente Corporation, doing business as Bonavente ICF/DD-N Home, Bonavente Fremont Home and Bonavente Laureen Home, were not properly compensated for time spent conferring during shift changes or in educational meetings. Wage and Hour Division investigators in Sacramento established that 34 employees working at the three locations were owed \$13,784 in unpaid overtime wages and \$13,784 in damages. Bonavente Corporation has agreed to pay these amounts. "We urge all workers to contact the division if they believe that their basic rights have been violated," said Nora Pedraza, the division's assistant district director in Sacramento.

- [Read the News Brief](#)

#### **Failure to Communicate Leads to Wrongful Termination**

Federal Express Ground Package System Inc., doing business as FedEx Ground, fired a California worker who was on approved leave to care for an ailing parent. As his mother's condition worsened, the employee requested additional time off from work, but FedEx Ground fired the employee in Fairfield for job abandonment. Wage and Hour Division investigators found that AETNA, the employer's benefits provider, did not tell FedEx Ground that the employee was approved for additional leave. FedEx acknowledged the miscommunication with AETNA, offered to reinstate the employee and pay him \$35,000 in lost wages, benefits and vacation accrual. The termination violated the Family and Medical Leave Act.

- [Read the News Brief](#)

#### **Lack of Training Led to Worker's Fingers Being Amputated**

The life of a 23-year-old worker at an Ohio metal stamping company in Wellington was changed forever when three fingers on his right hand were crushed in a power press in January. Occupational Safety and Health Administration inspectors say the incident at Wellington Stamping could have been prevented. They determined the company did not train the man on safe operation of the mechanical press, which also lacked adequate safety mechanisms. "Our investigation found this young man's serious injuries could have been prevented if his employer had complied with OSHA safety standards. The company must correct these discrepancies," said Kimberly Nelson, OSHA's area director in Toledo.

- [Read the News Release](#)

#### **20 Mines Cited in Impact Inspections**

Mine Safety and Health Administration inspectors issued 188 citations and two orders during special impact inspections at 20 U.S. mines in March. On March 16, an MSHA inspection in Massachusetts at Georgia Stone Industries, Inc.'s Chelmsford Quarry in Middlesex County resulted in 21 citations and one order to the mine operator. Since April 2010, MSHA has conducted 916 impact inspections and issued 14,139 citations, 1,246 orders and 56 safeguards.

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