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## DOL News Brief

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March 5, 2015

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

- [Ten Good Jobs That Don't Need a Degree](#): Having a college degree is more important than ever when it comes to being competitive in today's job market. But there are occupations that don't require a degree — and pay good wages.
- [What You Need to Know About Women and Work](#): As Black History Month ends and Women's History Month begins, those of us at the department are reflecting on the important contributions that black women have made to our nation's workforce.
- [Celebrating Our Heritage and New Opportunities](#): There aren't a lot of places in the world where a group of people of similar heritage can come together to celebrate that heritage, while also celebrating the nation that they now call home. But in America, we consider diversity to be our greatest strength, writes Secretary Perez.

### Paid Leave, 'A Good Idea'

Running the issue gamut from civil rights to apprenticeship to retirement security, Secretary Perez addressed a receptive crowd of several hundred on March 2 at Delta Sigma Theta Sorority's 26th annual "Delta Days in the Nation's Capital" gathering. Much of Perez's remarks focused on family economics and specifically paid leave, which he called "not a liberal idea or a conservative idea — just a good idea." Noting that our failure to enact paid leave is out of step with the times, he added: "We live in a 'Modern Family' world, but we've got 'Leave it to Beaver' rules." Delta Sigma Theta is a predominantly African-American public service sorority of more than 200,000 members.

- [Learn About Paid Leave](#)

### Remembering A. Philip Randolph

Community leaders and labor activists from Delaware to New England gathered in Boston Feb. 27 to commemorate the 50th Anniversary of the A. Philip Randolph Institute, the senior constituency group of the AFL-CIO. Women's Bureau Director Latifa Lyles joined

## What's New

### Adding Inequality to Injury

The substantial impact of workplace injuries and illnesses on income inequality is explored in a new report released by the Occupational Safety and Health Administration. The report states these injuries can force working families out of the middle class and into poverty, and trap families of lower-wage workers there. With at least three million serious work-related injuries and countless occupational illnesses occurring every year, this issue affects a large number of people. "For many, a workplace injury or illness means the end of the American dream, and the beginning of a nightmare," said Dr. David Michaels, assistant secretary of labor for occupational safety and health. "Employers must do more to prevent these injuries from happening in the first place and insure that when they do, workers receive the benefits to which they are entitled."

- [Read the Report](#)
- [Tell Us Your Story](#)
- [Read the Blog Post](#)

## National News

### Crossing a Bridge Into History

A week before returning to Selma's Edmund Pettus Bridge to mark the 50th anniversary of "Bloody Sunday," Rep. John Lewis visited with U.S. Secretary of Labor Thomas E. Perez and a capacity crowd on Feb. 27 at department headquarters in Washington, D.C. The sole survivor of the "Big Six" leaders of the 1960s civil rights movement helped wrap up the celebration of Black History Month. Lewis reminded the audience about how the struggle for workers' rights was at the foundation of the civil rights movement. The Atlanta-area representative also recalled how, as a 17-year-old, he met Dr. Martin Luther King who, in time, inspired his life's commitment to non-violent change and social activism. "Meeting Dr. King was a way out of segregation and a way in to change America," Lewis recalled. And change it did. The vicious attacks on protestors in Selma by Alabama state troopers and local police on March 9, 1965, and the marches that followed led to the historic Voting Rights Act of 1965 and began a long, difficult journey that outlawed other forms of racial discrimination nationwide.

- [Read Rep. Lewis' Account of 'Bloody Sunday'](#)
- [Watch Secretary Perez's Conversation with Rep. Lewis](#)

Boston Mayor Marty Walsh, Mass. AFL-CIO President Steve Tolman, and APRI President Clayola Brown at the special commemoration of the statue of A. Philip Randolph, the organizer and first president of the Brotherhood of Sleeping Car Porters. Lyles addressed the group that evening at the "Keeper of the Flame Award" dinner, remarking: "This historic milestone is an opportunity to note the many African American women trailblazers in both the civil rights and labor rights movement who are often missing from documents of history and acclaim."

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## Help for the Underpaid, Overworked

Wage and Hour Division investigations in fiscal year 2014 determined that more than 270,000 workers in the U.S. were underpaid and due more than \$240 million in back wages. On a recent visit to North Carolina, Administrator David Weil met some of those workers, including Irma and Jose, whose earnings at a grocery store averaged about \$4 an hour while putting in 12-hour days, six days a week. Weil also spoke with Miriam, another grocery store worker who — after complaining to her employer that she wasn't being paid properly — was told she should be grateful to have a job. "Stories like Miriam's make it clear that while we're making progress in our enforcement efforts, our work must continue," said Weil. "Too many workers still aren't properly paid for their hard work. When working people like Irma, Jose and Miriam are deprived of their wages, it not only hurts them and their families but also their coworkers and their communities. It takes courage to come forward to say being deprived of your wages and your rights is not fair. That's why we focus our efforts particularly on workers who may be hesitant to come forward and complain no matter how bad their working conditions may be."

- [Read Blog on Investigation Results](#)
  - [See Resources for Workers](#)
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## Garment Industry Compliance

Sewing compliance in the garment industry — piece by piece — is the primary goal of the Los Angeles Garment Taskforce. Staff from the Wage and Hour Division, the Los Angeles District Attorney's Office and other federal and state agencies met on March 2 at Los Angeles' City Hall to discuss the rights of garment workers and how to better collaborate to increase garment industry compliance. "This is a great opportunity to work together using creativity, innovation and flexibility" said Juan Coria, the division's deputy regional administrator.

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## Contractors Play Ball for Safety

A new partnership has been formed between the Associated General Contractors of Georgia, American Builders 2017, the Georgia Tech Research Institute's Occupational Safety and Health Program and the Occupational Safety and Health Administration to ensure the highest level of employee safety and health protections are in place during construction of the new SunTrust Park, Atlanta Braves Stadium, in Atlanta. The parties signed the agreement on March 4 — at the site of the

## International Scene

### World Vision Awarded \$7 Million to Combat Exploitative Child Labor

A Bureau of International Labor

Affairs report released on Feb. 27 raises concerns regarding the effective enforcement of labor laws in Honduras. Deputy Undersecretary Carol Pier traveled to Honduras for the announcement and to reaffirm the U.S. government's continuing commitment to address Honduran labor concerns. As part of this effort, ILAB launched a \$7 million cooperative agreement with World Vision to combat exploitative child labor and improve labor rights and working conditions in Honduras. "To build an economy that works for everyone, we must stand up for workers at home and around the world," said Secretary Perez.

- [Read the News Release](#)
  - [Learn More About the Grant](#)
  - [Read the Blog Post](#)
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## DOL Working for You

### Massachusetts Worker Gets Back Wages — and Gets Involved

For more than a decade, workers like Reinaldo Franca have benefited from the valuable resources of Boston's Brazilian Immigrant Center, which works closely with the Wage and Hour Division. Executive Director Natalicia Tracy, Ph.D., credits the division's Boston district office with its hands-on approach that includes evening visits by office staff to workshops on workers' rights. "Our relationship has intensified with the Wage and Hour Division during the last four years, and it has helped many workers," said Tracy. District director Carlos Matos says since the Boston office received its first referral from BIC in April 2009, the division has successfully recovered \$2,864,702 in back wages and liquidated damages for 847 workers. Franca was one of those workers, receiving \$23,000 in restitution after the division found that his employer, Tasca Restaurant, underpaid him and other workers. "Through this money, I am able to give more support to my family," he said. Franca is paying it forward: He's now a member of the BIC and serves on the Workers' Council Committee to support others who have been victims of wage theft. Tracy said her organization's relationship with the department is one that should be mirrored. "We have a common cause and interest — protecting workers. Being able to work in collaboration with the Department of Labor and educate our community about fundamental labor protections this country guarantees for them, has been truly an honor and very beneficial to our community."

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## DOL in Action

### Arizona Whistleblower to Receive Back Wages, Damages

An employee who raised concerns that a truck driver employed by a Phoenix-based marketer and distributor had exceeded the maximum number of driving hours must be reinstated immediately and paid more than \$230,000 in back wages and compensatory damages. The Occupational Safety and Health Administration found that Core-Mark International's owners violated the Surface Transportation Assistance Act's whistleblower provisions when they terminated the employee after he went outside his chain of command in 2011 to file his complaint. The employee was responsible for routing, dispatching and managing driver performance. "An employee's right to report safety concerns without fear of reprisal contributes to maintaining a safe and healthy workplace for all workers," said Barbara Goto, acting OSHA regional administrator in San Francisco.

- [Read the News Release](#)

### Warehouse Worker's Fatal Electrocution a 'Preventable Tragedy'

After a worker was killed in September 2014 by electrocution at a Dayton, N. J., warehouse, Occupational Safety and Health Administration investigators identified 10 serious violations at Seldat Distribution Inc. The death resulted when the man was electrocuted by an improperly wired, powered conveyor system. In addition to the electrical hazards, investigators found blocked exit routes, obstructed passageways, unstable storage of materials and products and fire extinguishers not mounted with locations not properly marked. "Electrical hazards are one of the most common issues impacting workers,

stadium's future home, and pledged that more than 6,000 workers will receive safety and health training and work in the safest environment possible. "It is through partnerships like this that we will send workers home safe each night," said Teresa Harrison, OSHA's deputy regional administrator for the Southeast.

• [Read the Strategic Partnership Program](#)

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## **'Working off the Clock' in Texas**

Many housekeepers, cooks, maintenance workers, front-desk clerks and event managers in the Dallas area are working off the clock in violation of the law, the Wage and Hour Division discovered. More than 30 investigations of motels, hotels, hotel managing and hotel staffing agencies in Arlington, Dallas, Garland, Grapevine, Irving, Plano and Abilene found the practice was widespread. As a result, 639 hotel workers will receive \$180,000 in back wages. Investigators identified Dallas-based S & A Staffing as a major violator.

• [Read the News Release](#)

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## **Job Corps Center Answers the Call**

The Denison Job Corps is answering the call for skilled workers, a need expressed by Iowa Gov. Terry Branstad and Lt. Gov. Kim Reynolds during a visit to the center on Feb. 26. Center management provided the state's leaders with a tour of the training programs and discussed some of the major construction projects on which recent graduates have worked. "The governor and his team had an opportunity to meet our students and see the future of the state's workforce," said Center Director Steve Reitan. "Many of our recent graduates credit their positions to the training they received through Job Corps." Currently 268 students are enrolled at the Denison Job Corps Center, learning skills such as brick masonry, tile setting, facilities management and carpentry. Medical training also is offered.

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## **Weekly UI Claims**

Seasonally adjusted initial Unemployment Insurance claims rose to 320,000 for the week ended Feb. 28, the department reported. The advance figure was up 7,000 from the previous week's unrevised level. The four-week moving average was 304,750, up 10,250 from the previous week's unrevised average.

• [Read the News Release](#)

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## **Upcoming Deadlines & Events**

### **Open Funding Opportunities**

#### **EBSA — Getting It Right: Know Your Fiduciary Responsibilities Webcast Series**

- [March 12 — Webcast: Day 1](#)
- [March 18 — Webcast: Day 2](#)
- [March 19 — Webcast: Day 3](#)

#### **OFCCP — A Better Bottom Line: Building Blocks for Disability and Veteran Inclusion**

- [March 12 — Houston, TX](#)

#### **OFCCP — Affirmative Action Program**

and the dangers involved are hardly a secret to employers. This was a preventable tragedy," said Patricia Jones, director of OSHA's Avenel Area Office.

• [Read the News Brief](#)

#### **Pennsylvania Contractor Fined \$181,000 for Scaffolding Violations**

A Lansdowne, Pa., masonry contractor has been cited once again by the Occupational Safety and Health Administration. In October 2014, OSHA inspectors found that JC Stucco and Stone Inc. failed to provide proper fall protection for employees working on unsafe scaffolding while applying a stucco exterior to new residential housing in Philadelphia. The company received three willful violations with proposed fines of \$181,500. In 2011, the company was placed in OSHA's Severe Violator Enforcement Program for multiple instances of repeated, high-gravity violations. Since then, the employer has received 41 citations related to scaffolding.

• [Read the News Release](#)

#### **Samsung Device Tester Pays \$266,000 in Back Wages**

A mobile testing device company wrongly classified salaried engineers and drivers as exempt from overtime requirements, a Wage and Hour Division investigation in Washington State and Texas has found. Forty-six employees in the Seattle area and 72 employees in the Dallas area were owed \$149,671 and \$116,662 in back wages, respectively. Device Inside Inc., which provides mobile device testing and other related services for Samsung, also failed to include bonuses in overtime pay computations and keep accurate records. In some cases, the employer improperly deducted time from workers' pay for breaks under 20 minutes. The Dallas-based company has since paid all back wages.

• [Read the News Brief](#)

#### **Qualified Workers Denied Employment at Arizona Resort**

A Wage and Hour Division investigation in Scottsdale, Ariz., discovered Westin Kierland Resort & Spa owed 104 housekeepers and two job applicants more than \$47,300 in back wages. The Westin Kierland Resort & Spa violated wage and employment laws when it failed to pay workers overtime and denied employment to local, qualified applicants in favor of foreign workers, predominantly from the Philippines.

• [Read the News Release](#)

#### **Oregon Drywall Company Failed to Pay Prevailing Wage**

Seven workers at a drywall company in Hillsboro, Ore., will receive more than \$98,000 in back wages after an investigation found PR Drywall LLC failed to pay prevailing wages and overtime. Construction of the Tualatin Marquis Assisted Living Center, which received federal financial assistance from the Department of Housing and Urban Development, was subject to the Davis-Bacon and Related Acts and the Fair Labor Standards Act. "Taxpayers have a right to expect federal contractors to understand their obligations and comply with the law," said Thomas Silva, district director of the Wage and Hour Division in Portland.

• [Read the News Release](#)

#### **Ohio Wood Pallet Facility Fined \$133,000 for Serious Violations**

An employee complaint that prompted an inspection by the Occupational Safety and Health Administration, led to citations being issued for amputation, explosion and other life-threatening hazards found at an Ohio wood pallet manufacturing facility. A & D Wood Products of Elida received 19 serious health and safety violations, was placed in the agency's Severe Violator Enforcement Program and now faces \$133,540 in penalties.

• [Read the News Release](#)

#### **Alabama Contractor Leaves Workers Vulnerable to Potential Cave-ins**

An Auburn, Ala.-based contractor exposed workers to dangerous cave-in hazards and failed to use safety measures to prevent excavation collapse, Occupational Safety and Health Administration inspectors found. As part of its National Emphasis Program on Trenching and Excavations, OSHA investigators discovered that D&J Enterprises Inc. allowed employees to work in an excavation without cave-in protection. OSHA requires that all trenches and excavation sites 5 feet or deeper be protected against sidewall collapses by shoring of trench walls, sloping of the soil at a shallow angle, or by using a protective trench box.

• [Read the News Brief](#)

#### **Bronx Hair Salon Sued for 'Illegal and Inexcusable' Firing**

## **Development for Small or First-Time Supply and Service Contractors**

- [March 18 — Baltimore, MD](#)

## **OFCCP — Complaint Procedures**

- [March 18 — Orange, CA](#)

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

- [March 11 — Baltimore, MD](#)

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

- [March 18 — Columbia, SC](#)
- [April 15 — Columbia, SC](#)

## **OFCCP — Construction Review and the Sixteen Specifications**

- [March 23 — San Francisco, CA](#)

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

- [May 7 — Orange, CA](#)

## **OFCCP — New Regulations Implementing the Section 503 of the Rehabilitation Act**

- [March 19 — Richmond, VA](#)

## **OFCCP — New Scheduling Letter**

- [April 16 — Orange, CA](#)

## **OFCCP — New Supply and Service Scheduling Letter and Itemized Listing**

- [March 17 — Chicago, IL](#)

## **OFCCP — Outreach and Positive Recruitment for Section 503/VEVRAA**

- [April 16 — Houston, TX](#)

## **OFCCP — Town Hall Meetings to assist nuclear weapons workers**

- [March 18 — Westminster, CO](#)

## **OFCCP — Veterans & Persons with Disabilities Hiring Expo**

- [March 27 — Los Angeles, CA](#)

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

- [March 10 — Casper, WY](#)
- [March 11 — Riverton, WY](#)

## **WHD — Wage and Hour 101: What to expect during a WH investigation**

- [March 27 — Houston, TX](#)
- [March 31 — Houston, TX](#)

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A receptionist at a Bronx, N.Y., hair salon wanted to educate her co-workers about the health hazards associated with formaldehyde found in styling products that were regularly used by the stylists. Her employer fired her in response, which prompted a lawsuit by the department against Salon Zoë and its owner for discrimination. The suit seeks redress and compensation for the worker who exercised her rights under the Occupational Safety and Health Act. It asks the court to permanently prohibit the defendants from illegally retaliating against employees in the future and seeks payment of lost wages as well as compensatory, punitive and emotional distress damages to the employee. "This firing was illegal and inexcusable," said Robert Kulick, Occupational Safety and Health Administration regional administrator in New York.

- [Read the News Release](#)

## **Conditions at Wisconsin Company Faulted**

Despite pledging to address health and safety violations two years ago in a corporate settlement agreement over workers' exposure to dangerous machinery and fall hazards, U.S. Minerals Inc. again endangered employees at its coal slag facility in Roberts, Wisc. In September 2014, Occupational Safety and Health Administration inspectors found workers at risk of amputation and crushing hazards at a conveyor and while clearing pallet jams and debris from a pallet elevator. "This inspection demonstrates that the company has failed to meet the goals outlined in the 2012 agreement. This is a disheartening setback for worker safety at this company," said Mark Hysell, area director of OSHA's Eau Claire office.

- [Read the News Release](#)

## **Federal Court Bans Sewer and Water Contractor From Excavating**

A federal judge in Chicago has banned Mike Neri Sewer and Water Contractor of Elk Grove Village, Ill., from trenching, excavation, construction or related work after repeatedly placing employees at risk. The U.S. Court of Appeals for the 7th Circuit issued the order, which also permits the secretary of labor to pursue collection action against Neri to recover \$110,440 in penalties assessed in April 2013. The department pursued coercive court sanctions out of concern for Neri's continued violation of Occupational Safety and Health Administration trenching standards.

- [Read the News Release](#)

## **Workers at Chemical Spill Lacked Training**

Employees at a Wallingford, Conn., freight terminal faced dangerous chemical, fire and explosion hazards when they tried to contain a highly flammable chemical spill without proper training and personal protective equipment. An Occupational Safety and Health Administration investigation at R+L Carriers Shared Services LLC found a 55-gallon drum of tetrahydrofuran was accidentally punctured by a forklift during transport. Company employees attempted to contain the spill with sorbent material and by cordoning off the area. OSHA investigators determined that the company had no emergency response plan at the terminal and employees were not adequately trained as first responders. These conditions led OSHA to impose two repeated and four serious violations of workplace safety standards. The company faces \$86,900 in proposed fines.

- [Read the News Release](#)

## **Mississippi Furniture Maker Cited in Worker Fatality**

A Mississippi furniture manufacturer was cited for nine safety violations after an investigation into the death of a 46-year-old maintenance worker. The employee was fatally electrocuted as he disconnected wiring on a saw at a temporary facility in Guntown. An Occupational Safety and Health Administration investigation at H.M. Richards Inc., in October 2014 found the company failed to properly train employees doing electrical work, and did not properly mark circuit breakers and ground conductors. "Regrettably, a spouse and two children are left without a husband, father and the support he provided to make ends meet because H.M. Richards failed to train or qualify the worker in the duties he was assigned," said Eugene Stewart, OSHA's area director in Jackson.

- [Read the News Release](#)

## **Damages Sought for School Employee Concerned About Asbestos**

The department filed suit against the Idaho Falls School District alleging that the dismissal of an employee violated the whistleblower provisions of federal asbestos worker protection law. The complaint seeks the employee's reinstatement and back pay with interest and other damages of more than

\$300,000. According to the suit, the employee questioned whether the timeline of a construction project would allow enough time to follow regulations for asbestos removal and that accidental release of dangerous asbestos fibers might occur. "Protecting children, teachers and others who care for them at school should be appreciated, not condemned for any reason," said Galen Blanton, deputy regional administrator in Seattle.

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