



DOL News Brief

December 23, 2010

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Obama, Solis and Labor Leaders

President Obama, Secretary Solis and key White House staff met last week with a dozen leaders from several national labor unions to discuss ways to work together to strengthen the economy. The group talked about creating good jobs for the American people, and how the partnership with labor unions is essential to growing our economy and continuing our recovery. The president and the labor secretary also highlighted critical steps that the administration has taken and pledged to continue to work closely with organized labor in the coming months on important economic issues.

2011 ERISA Advisory Council

Five new appointments to the 2011 Advisory Council on Employee Welfare and Pension Benefit Plans were announced on Tuesday by Secretary Solis, along with the incoming chair and vice-chair of the council. "I am excited about the group of new members selected to serve on the council, and look forward to the contributions that they and the council's new leadership will make. The work of the council affects important issues concerning the retirement and health benefits of America's workers, and I appreciate their willingness to serve," Solis said. The new members are appointed to serve a term of three years and will represent the fields of accounting, employee organizations, insurance, employers and the general public.

- [Read the News Release](#)

See You Next Year!

The next issue of the DOL News Brief will arrive in your inbox on January 6, 2011, with more exciting news, information and events from the U.S.



What's Hot

Good News for Working Families



Last week included a major victory for middle-class families across the nation, when President Barack Obama signed groundbreaking legislation that prevents tax hikes on working families, grows the economy, and maintains important lifelines for millions of unemployed Americans. The moment he signed the legislation, 2 million Americans

looking for work who lost their jobs through no fault of their own knew with certainty that they won't lose their emergency unemployment insurance at the end of the month. In addition, middle-class Americans will not only avoid a tax increase, but tens of millions of Americans will start the New Year off right by opening their first paycheck to see that it's actually larger than the one they get right now. Over the course of 2011, 155 million workers will receive tax relief from the new payroll tax cut included in the legislation — about \$1,000 for the average family. And millions of entrepreneurs who have been waiting to invest in their businesses will receive new tax incentives to help them expand, buy new equipment, or make upgrades — freeing up other money to hire new workers.

- [Watch the Video](#)

Semiannual Regulatory Agenda Published, Outreach Scheduled

Earlier this week, the Department of Labor's semiannual regulatory agenda was published in the Federal Register. Over the past few days, the DOL blog has featured posts from several DOL assistant secretaries regarding their regulatory actions. During the week of Jan. 3, the department will hold a number of Web chats and a conference call focused on the Regulatory Agenda. The schedule and directions regarding how to participate are on the department's regulatory page.

- [View the DOL Regulatory Web Page](#)
- [Read the Blog Posts](#)

News You Can Use

DOL Seeks Request for Information on the Nursing Mothers Law

Working mothers, employees and members of the employment community are encouraged to comment on the Break Time for the Nursing Mothers Law. The law would require employers to provide nursing mothers with reasonable break time and a private space for expressing milk while at

Department of Labor. Until then, the DOL Newsletter team (pictured here with our honorary publisher, U.S. Secretary of Labor Hilda Solis) wishes you a safe and happy holiday. We will see you next year!

Philadelphia Job Corps Graduates Receive Congressional Honor



Philadelphia Job Corps Center graduates were recognized with a congressional honor during their graduation ceremony earlier this month. Long-term Job

Corps supporter Rep. Joe Sestak, although unable to attend the ceremony, provided each graduate with a certificate. Dr. Francis S. Cole, keynote speaker and Job Corps regional director in Philadelphia, delivered an inspiring and engaging message centered on the graduation theme: "The Sky Is the Limit If Only You Believe."

Alliance with Steel Erectors Association and Iron Workers

The Occupational Safety and Health Administration recently renewed an alliance with the Steel Erectors Association of Metropolitan Philadelphia and Vicinity Inc. and the Iron Workers Local Union No. 401. OSHA and its alliance partners will continue to promote workplace safety and health, and provide guidance and training resources for steel erection workers. Since its inception in November of 2008, the alliance has provided safety and health cross-training sessions to more than 1000 steel erection workers and safety and health professionals in the Philadelphia area.

- [Read the News Release](#)

President Obama Marks 50th Anniversary of Forsyth Tech

A big-name visitor can draw welcomed attention to good training and employment programs. December saw



President Obama travel to North Carolina to visit Forsyth Technical Community College. A past recipient of grant funding from the department, Forsyth has made a successful transition from a traditional technical school to one that now prepares students for careers in promising industries such as biotechnology. After touring the college, the

work. "What the department is seeking to do is to develop guidance for employers that will assist them in complying with this new law and that will support women who choose to continue nursing once they return to work," said Secretary Solis. The department will be accepting public comments in response to the request for information for the next 60 days. Comments must be received on or before Feb. 22, 2011.

- [Read the News Release](#)

DOL Working For You

Workforce Program Helps Marine Veteran Land Lab Tech Job

Marine veteran George "Woody" Garner has held a lot of jobs in his life – bouncer, tattoo artist, cab driver and laborer. He has felt the sting of unemployment and the uncertainty of finding seasonal work each year. But with help provided by the DOL-funded Pikes Peak Workforce center in Colorado, Garner has finally settled into a stable, full-time career. With assistance from the Center and the Colorado Asphalt and Paving Association, Garner took three months of courses to become certified as a laboratory technician. He now tests the quality of asphalt used on various road projects by his employer, a construction company. About the training he received, Garner said, "I am very grateful for government funding of programs to help veterans get jobs in the open market. The government really cares for its veterans."



Roosevelt Monument Gets Job Corps/Recovery Act Makeover



Twenty-one year old Nick Andrews was looking for real world bricklaying experience, and he found lots of it while restoring the Mount Roosevelt Friendship Tower in South Dakota's Black Hills region.

Andrews is a student at the state's Box Elder Job Corps Civilian Conservation Center. He joined other center students and a stone mason in an 11-week facelift of the tower, created to honor President Theodore Roosevelt's support of



conservation. The restoration was funded by the Recovery Act. Andrews said the monument's makeover included foundation and drainage upgrades and reconstruction of its stairs in an effort to restore the monument for public use by next July, its 90th birthday. "It is nice to give back to the public," he said about his restoration efforts, adding that at Job Corps. "I learned responsibility and leadership skills."

DOL in Action

Contractor Fined for Failing to Provide Trench Cave-In Protection

The Occupational Safety and Health Administration has issued Gerardi Sewer & Water Co. in Norridge, Ill., eight willful, two serious and three repeat safety citations for failing to protect workers from cave-ins during trenching operations. The citations arose from work the company performed in the Illinois municipalities of Elmhurst, Park Ridge, Oak Lawn and Des Plaines. Gerardi faces proposed penalties of \$360,000. "Cave-ins are a leading

president spoke to an audience of 350, telling them that America needs to be a producer, not just a consumer.

- [Watch the Video](#)
- [View the Slideshow](#)

MSHA: Impact Inspections

Federal inspectors issued 250 enforcement actions in November at 22 mines around the nation as part of their monthly sweep of operations with poor compliance records. These inspections began in April following the explosion at Upper Big Branch Mine.

- [Read the News Release](#)
- [View the Results](#)

Video Challenge: Vote Today



There is just one week left to make your vote count as the department seeks out the best short films about top careers through the Career

Videos for America's Job Seekers Challenge. Now is the time to review videos, cast your vote and make comments for the top video in each of the 15 occupational categories. Thousands of votes have already been cast and your input matters. Winners will be eligible for a \$1,000 cash prize.

- [Vote Today](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

The Department of Labor is holding a competition for grants to carry out original research projects, which can help inform the department's policy formulation or execution. Topics of interest include employment and training programs, and especially impacts of the American Recovery and Reinvestment Act of 2009. Please visit the [2011 Scholars Program Announcement](#).



cause of worker fatalities during excavations," said Assistant Secretary for OSHA Dr. David Michaels. "At each of these four jobsites, Gerardi's president and foreman were present and still failed to protect their workers despite their knowledge of required safety procedures."

- [Read the News Release](#)

Indiana Trucking Firm to Repay Employees \$51,000 in Back Wages

A federal district court in Hammond, Ind. has entered a consent order and judgment requiring Wheatfield, Ind.-based Kevin Misch Trucking and Excavating Inc. and its owner, Kevin Misch, to repay \$50,952 in back wages to 31 employees. The judgment follows an investigation conducted by the department's Wage and Hour Division into alleged violations of the Fair Labor Standards Act. The judgment requires the repayment of back wages, including overtime compensation and interest, to employees who worked for the company from Nov. 1, 2003, through May 27, 2007.

- [Read the News Release](#)

DOL Recovers Nearly \$436,000 for Employees of NYC Restaurant

The Labor Department has recovered nearly \$436,000 in minimum wages, overtime pay, liquidated damages and interest for 27 employees of Back Stage Eatery, a New York City restaurant. The settlement resolves a lawsuit filed by DOL in the U.S. District Court for the Southern District of New York against the parent company 3 East Bakery Corp. and company officials Holly Kim and Joon Kim alleging violations of the federal Fair Labor Standards Act. The alleged violations included failing to pay employees at least the federal minimum wage, requiring employees to work more than 40 hours in many workweeks without properly compensating them for the overtime hours worked, and failing to maintain proper records of the number of hours worked by employees and the compensation they were paid. A consent judgment, entered by the court, permanently prohibits the defendants from future violations of the FLSA's minimum wage, overtime pay, recordkeeping and anti-retaliation requirements. The judgment orders the defendants to pay a total of \$435,913 owed in back wages, damages and interest in accordance with a payment schedule. If the defendants fail to make the payments in a timely manner, the court will appoint a receiver with the power to seize and liquidate their assets to satisfy the order.

- [Read the News Release](#)

OSHA Cites Kansas Grain Operator Following Fatality

The Occupational Safety and Health Administration has issued CHS Inc., doing business as United Plains Ag in Weskan, Kan., one willful and one serious citation for the death of a worker who fell through an access hole in a grain bin. The company allegedly exposed employees to fall and unguarded machinery hazards. "Unfortunately, incidents in grain elevators are not rare occurrences," said Charles E. Adkins, OSHA's regional administrator in Kansas City, Mo. "OSHA has found that deaths in grain elevators generally occur because of employer negligence, failure to comply with OSHA standards, and/or poor safety and health practices."

- [Read the News Release](#)

EBSA — Regulatory Agenda Chat

- [January 4 — Online](#)

ETA — Regulatory Agenda Chat

- [January 6 — Online](#)

MSHA — Partners in Safety: Missouri Mine Safety and Health Conference

- [January 13-14 — Osage Beach, MO](#)

MSHA — Public Hearing on Proposed Rule to End Black Lung

- [January 11 — Evansville, IN](#)

OFCCP — 503 and the ADA

- [January 21 — Petaluma, CA](#)

OFCCP — Best Practices

- [January 26 — Houston, TX](#)

OFCCP — Compliance Assistance Seminar

- [January 26 — San Jose, CA](#)

OFCCP — Compliance Assistance Seminar for Construction Contractors

- [January 13 — Seattle, WA](#)
- [January 20 — Los Angeles, CA](#)

OFCCP — Compliance Assistance Seminar for Supply and Service Contractors

- [December 28 — Mountainside, NJ](#)
- [December 29 — Nashville, TN](#)
- [January 12 — San Francisco, CA](#)
- [January 20 — Seattle, WA](#)

OFCCP — Equal Employment Practices for Federal Contractors

- [January 18 — Dallas, TX](#)

OFCCP — How to Compile an Affirmative Action Program and Support Data for a Compliance Review

- [December 28 — Richmond, VA](#)

OFCCP — Internet Applicant Rule

- [January 12 — Denver, CO](#)

OFCCP — Regulatory Agenda Chat

- [January 7 — Online](#)

OLMS — Regulatory Agenda Chat

- [January 7 — Online](#)

OSHA — Public hearing on Walking-Working Surfaces and Personal Protective Equipment

- [Learn More about Fall Prevention](#)
- [Learn More about Safety in the Grain Handling Industry](#)

OSHA Acts to Protect Residential Roofing Workers

The Occupational Safety and Health Administration has issued a new directive rescinding one that had allowed residential builders to bypass fall protection requirements. The prior directive, issued in 1995, was intended as a temporary policy and was the result of concerns about the feasibility of fall protection in residential building construction. There continues to be a high number of fall-related deaths in construction and industry experts now feel that feasibility is no longer an issue or concern. "Fatalities from falls are the number one cause of workplace death in construction. We can no longer tolerate workers getting killed in residential construction when effective means are readily available to prevent those deaths," said Assistant Secretary of Labor for OSHA, Dr. David Michaels. The new directive means builders must now meet the full requirements mandated by the residential construction fall protection standard.

- [Read the News Release](#)
- [Read the Directive and View Compliance Information](#)
- [Read the Federal Register Notice](#)

West Virginia Coal Mine Faces Strict Enforcement Measures

Maple Coal Co.'s Maple Eagle No. 1 Mine in Powellton, W.Va., has been notified that it has a potential pattern of violations of mandatory health or safety standards. The Mine Safety and Health Administration, which issued similar notifications last month to 13 other mining operations, learned of the mine's eligibility for one of the agency's toughest enforcement actions through an audit of injury data. The additional check revealed that the company had not reported or under-reported 12 injuries and 241 unreported lost workdays. "We will not simply rely on injury data submitted by mine operators when conducting reviews for a potential POV enforcement action," said Joseph A. Main, assistant secretary of labor for mine safety and health. "MSHA will continue to conduct audits at mine operations that appear close to qualifying for a potential POV."

- [Read the News Release](#)

Workplace Examinations are a Miner's "First Line of Defense"

The Mine Safety and Health Administration has proposed revisions to an existing regulation covering workplace exams in underground coal mines. Coal mine operators are required to conduct thorough examinations of the mine site prior to a miner's shift — when workers are particularly vulnerable to hazards and conditions in the workplace that may have developed during the prior shift — as well as during the shift. The proposed rule, "Examinations of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards," would require mine operators to take responsibility for conducting complete workplace examinations, correcting violations, and reviewing with mine examiners on a quarterly basis all citations and orders issued in areas where pre-shift, supplemental, on-shift and weekly examinations are required.

- [Read the News Release](#)

Spotlight on States: Kansas & Missouri

Help for Kansans

The department this week released a \$2,994,763 National Emergency Grant increment to continue to provide services to workers affected by layoffs from multiple companies in the aviation, construction, healthcare, manufacturing and retail industries in south central Kansas. The majority of the layoffs

- [January 18 — Washington, DC](#)

OSHA — Regulatory Agenda Chat

- [January 5 — Online](#)

WHD — Regulatory Agenda Chat

- [January 6 — Online](#)

Follow USDOL on 

- Unemployment Insurance Weekly Claims Report [12/23/2010] <http://bit.ly/eaCKX1> [about 5 hours ago](#)
- MSHA proposes revisions to examination requirements in underground coal mines [12/22/2010] <http://bit.ly/eoGXVT> [about 22 hours ago](#)

were from four companies in the area's aviation manufacturing industry: Boeing, Bombardier Aerospace, Cessna and Hawker Beechcraft Corp.

- [Read the News Release](#)

Re-employment Support Provided for Missourians

Workers in Missouri will benefit from a \$543,705 National Emergency Grant supplemental award to continue re-employment services to nearly 400 civilian defense workers affected by 2005 Base Realignment and Closure actions. "Civilian workers who support our armed forces play an important role in the defense of our nation, and they deserve our support when layoffs happen," said Secretary Solis.

- [Read the News Release](#)

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