



UNITED STATES DEPARTMENT OF LABOR

Good jobs for everyone.

DOL News Brief

February 7, 2013

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*Celebrating 20 Years of the Family and Medical Leave Act!*

**Black History/Our History: A Trailblazer in the Women's Bureau**



Elizabeth Duncan Koontz was the first black president of the National Education Association and the first African-American director of the department's Women's Bureau. She served from 1969 to 1973, in

the administration of President Nixon,

and was at that time the highest-ranking black woman in government. Although raised in the segregated South, her upbringing centered around educational achievement. She became a national figure in 1967 when the National Education Association elected her president. As head of the Women's Bureau, she stood up for equal rights and opportunities for blacks, women and the working poor, and was a vocal advocate for equal pay.



- [View the Centennial Timeline](#)
- [View the Centennial Video](#)

**(Work in Progress)  
The Best of Our Blog**

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

- [The Family and Medical Leave Act: Then, Now and Next:](#)

Acting Secretary of Labor Harris reflects on the tremendous progress for working families gained after 20 years of the Family and Medical Leave Act in a commentary also posted at Huffington Post Business. "FMLA is based on the simple idea that workers should not have to choose between the jobs they need and the families they love," he writes. The department's Wage and Hour Division "will continue to make



**What's New**

**FMLA Observance Honors the Past and Looks to the Future**

The department's observance of the 20th anniversary of the Family and Medical Leave Act looked to the past and to the future during a Feb. 5 ceremony that reflected on how the landmark legislation has contributed to the health and well-being of American families.



"Twenty years ago today, the Family and Medical Leave Act codified a simple and fundamental principle: workers should not have to choose between the job they need and the family members they love and who need their care," acting Secretary Harris said. He hosted a commemoration program that featured instrumental and influential supporters of the FMLA — former president Bill Clinton, former senator Christopher J. Dodd of Connecticut, Rep. Rosa DeLauro of Connecticut, and Tina Tchen, chief of staff to the First Lady and executive director of the White House Council on Women and Girls. Other honored guests included former labor secretaries Hilda L. Solis and Alexis Herman, U.S. Army Sgt. Ryan Major, and Veda Shook, international president of the Association of Flight Attendants.

In his remarks, Clinton spoke of the importance of work and family balance. "People desperately want to have successful families, to be good parents and to have a job and succeed in it. If you take one away to get the other, the country pays a grievous price, and every life is diminished." He went on to note that more people have mentioned FMLA to him — both while he was in the White House and in the 12 years since — than any other piece of legislation he signed. Dodd, who played an integral role in passing FMLA, thanked Clinton and Hillary Rodham Clinton in her role as U.S. senator for fighting to keep and expand the FMLA. DeLauro, who has championed the FMLA, said, "Since the law passed in 1993, workers have used up to 12 weeks of unpaid leave 100 million times to care for a newborn child, for an injured or sick family member or just to get better themselves." To underscore the need to continue updating the FMLA, the Wage and Hour Division, which is charged with enforcing the FMLA, issued a final rule implementing expansions that cover military families and airline flight crews. In addition, a survey, "Family and Medical Leave Act in 2012: Final Report," was released that shows the law has had a positive effect on the lives of millions of workers and their families without imposing an undue burden on employers.



sure that the law is enforced. And as a working father, married to a wonderful working mother, I'm grateful it is."

- [Veterans Employment: Our Duty](#): Harris also charts recent declines in veterans' unemployment and recommends employment and support services available from the department for veterans and military families.

- [A Combat Veteran's Vision for Leading VETS](#): Assistant Secretary of Labor for Veterans' Employment and Training Keith Kelly reflects on his military service and lays out a vision for his agency in the years to come.

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## FMLA and Flight Crews

For airline flight crews, whose work hours are often difficult to track, the department announced final revisions to the Family and Medical Leave Act



that will make it easier for crews to take time to care for a family member. The announcement was part of this week's FMLA 20th Anniversary commemoration. "The final rule will help flight crews tend to their loved ones and to their own health conditions without worrying about losing their jobs or their benefits," said acting Secretary Harris. He was joined by Association of Flight Attendants International President Veda Shook for a conference call with the news media.

- [Listen to the Conference Call](#)
- [Learn About FMLA's Revisions](#)
- [Learn About the FMLA](#)

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## Training Grants for Farmworkers

Migrant and seasonal farmworkers experiencing chronic unemployment and underemployment will soon have opportunities to upgrade skills or prepare for new occupations, the department announced on Feb. 7. The funding, made available through the National Farmworker Jobs Program, will provide career training, employment and support services to improve economic opportunities for farmworkers and their families. Approximately \$9.6 million is available for grants to operate the program in agricultural communities in central California, Hawaii, Indiana, Michigan, Mississippi, New Jersey and Puerto Rico. Community-based organizations, public agencies and others with experience assisting farmworkers and their families are encouraged to apply.

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

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## Montana Grain Industry Alliance

Preventing workers' exposure to hazards in the grain handling industry is the goal of an alliance signed Jan. 31 in Great Falls,

- [Watch the FMLA Event Video](#)
- [Read the News Release on the Final Rule](#)
- [Read the News Release on the Survey](#)
- [View the Slideshow](#)

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## Take Three: The Family and Medical Leave Act

The FMLA entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons. It also allows for the continuation of health insurance coverage during leave. The Wage and Hour Division administers and enforces the FMLA, and on Feb. 4 published a final rule to implement amendments that improve benefits for military families and airline workers. Acting Deputy Administrator of the Wage and Hour Division Mary Beth Maxwell answers three questions about FMLA.

Who does the FMLA help? *The FMLA helps families. It helps the young mother bond with her new-born child. It helps the middle-aged man nurse his wife through post-operative care. It helps the 20-year-old woman care for the dying grandmother who raised her from childhood and it helps the father care for the son who lost his legs defending this country. Children thrive, the sick recover, the wounded heal and the aged take their final journey in peace, surrounded by the families they love. The protections provided by the FMLA mean that workers do not have to choose between the jobs they need and the families they love.*

*The FMLA helps individual workers. It helps the 30-year-old special education teacher recover from surgery, so she can get back to the students that depend on her. It helps the 50-year-old nursing home janitor with pneumonia recover at home, so patients are not exposed, and it helps the young man keep his family's health insurance while he recovers from a car accident.*

*Finally, the FMLA helps businesses. It helps employers maintain a healthy workplace, and, it helps employers retain a skilled, productive and committed workforce. Families benefit, workers succeed, businesses profit and economies prosper when nations address the challenges of balancing work and family.*

How does the FMLA help? *The FMLA protects jobs. Eligible employees may take up to 12 weeks of unpaid leave in a 12-month period to care for a spouse, parent or child with a serious health condition, or to recover from their own serious health condition. And they may take up to 26 weeks of leave to care for a family member injured during covered service in the armed forces. Eligible mothers and fathers can take job-protected leave for the birth or adoption of a child and workers can continue employer-sponsored health coverage for themselves and their families while on FMLA leave. Military families may take leave to address issues that arise when a military member is deployed to a foreign country and to spend time with the military member on Rest and Recuperation leave. The FMLA protects workers who just 20 years ago were too often forced to choose between keeping their job or caring for a loved one or newborn child.*

What do the new regulations do? *Now, military family members can take leave to care for a covered veteran who is seriously ill or injured. They can now take additional time, up to 15 days of leave, to be with a service member who is on leave from active duty. It is in honor of those service men and women who have given the ultimate sacrifice that the new rule makes clear the FMLA protects the jobs of family members who must take leave to attend funeral services. Now, airline pilots and flight crews who were frequently ineligible for FMLA due to their unique work schedules are entitled to the same protections as other workers in their industry.*



Mont., during the industry's annual state convention. The Occupational Safety and Health Administration, the Montana Department of Labor and Industry and the Montana Grain Elevators Association will develop training programs to improve overall safety and health throughout the state. Suffocation and falls are two leading causes of fatalities at grain handling facilities, along with fires, explosions from combustible dust, electrocutions and injuries from improperly guarded machinery.

- [Read the News Release](#)
- [View the Slideshow](#)
- [Read About Grain Handling Health and Safety](#)

## Strategic Partnership in Atlanta

Brasfield & Gorrie and Georgia Tech Research Institute's On-site Consultation Services Program signed a strategic partnership agreement with the Occupational Safety and Health Administration on Jan. 25 in Dallas, Ga. The agreement is to ensure the highest level of employee safety and health during construction of a new Wellstar Paulding Hospital in Dallas.



• [Learn More About Strategic Partnerships](#)

## 'Sew Right' in LA

Garment Worker Center members invited the Wage and Hour Division's Community Outreach and Resource Planning Specialist to inform them about their labor rights in the downtown Los Angeles Fashion District on Feb. 2. During the meeting with the 20 garment workers, the CORPS staff provided information about how to file a complaint with WHD and how the investigative process works to recover past wages and generate compliance in the apparel industry. The CORPS team works in the field to maintain lines of communication at the local level; engage partners in dialogue about local industry practices and labor concerns; provide training and resources to advocates and other stakeholders on wage and hour laws; and provide recommendations to the division on how they can better serve workers at the local level.

## Weekly UI Claims

The department reported the advance figure for seasonally adjusted initial Unemployment Insurance claims was 366,000 for the week ending Feb. 2, a decrease of 5,000 from the previous week. The four-week moving average was 350,500, down 2,250 from the previous week's revised average of 352,750.

## National News

### Settlement Reached to Restore Funds to 1,400 Retirement Plans

ING Life Insurance and Annuity Co. has agreed to a \$5.2 million settlement with the department that will benefit some of the retirement plans it services. The department alleged that ILIAC violated the Employee Retirement Income Security Act by not disclosing that it kept investment gains achieved when it failed to process requested transactions in a timely manner. "This Labor Department settlement will restore funds to about 1,400 retirement plans and ultimately benefit hard-working Americans who are making sacrifices now in order to save for their retirement years," said acting Secretary Harris. "All of us who are planning for retirement deserve to know how our savings and investments are being handled, how much is being charged in fees and how much these transactions impact final account balances." In addition to the settlement amount, ILIAC will pay the government a civil penalty of nearly \$525,000.

- [Read the News Release](#)

## DOL Working for You

### After Career Counseling, Air Force Veteran Jets to Success



New Mexico's Kacee Daugherty had 19 years in the Air Force, including tours in Iraq and Afghanistan as a medic. When she left the service she wanted to do something completely different with her life and become a human resources expert. She asked Local Veterans' Employment Representative Richard Coffel, who had served in the Air Force, for help. Coffel enrolled Daugherty in the department's Gold Card program, which provides post-9/11 era veterans with six months of intensive re-employment and case management

services through all American Job Centers. Gold Card holders receive increased access

to personalized career guidance and counseling to assist in making training and career decisions. Daugherty said every time she applied for a human resources job, she received a notice that Coffel had contacted the potential employer to advise them of her veteran's status. "Rich was my number one supporter and was always there for me," she said of Coffel's work. Their collaboration paid off for Daugherty, who now works in human resources for a local firearms company.

- [Learn About the Gold Card](#)



## DOL in Action

### Roofing Contractor Cited for Repeat and Serious Fall Hazards

Amilicar Samper Perez,

- [Read the News Release](#)

## Upcoming Deadlines & Events

### [Open Funding Opportunities](#)

#### Calendar Highlight

##### Town Halls in Oak Ridge

##### The Office of Workers' Compensation

Programs will host three town hall meetings in Oak Ridge, Tenn., on Feb. 13 to provide information about the medical benefits under the Energy Employees Occupational Illness Compensation Program Act, and an additional meeting to provide former National Laboratory (X-10) employees with information about a new class of employees recently added to the Special Exposure Cohort of the EEOICPA.

##### OWCP — DEEOIC Meetings to Assist Nuclear Weapons Workers

- [February 13 — Oak Ridge, TN](#)

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

- [March 7 — San Francisco, CA](#)

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

- [March 13-14 — Baton Rouge, LA](#)

##### EBSA — Helping Small Business Owners Save for Retirement Webcast

- [February 27 — Washington, DC](#)

##### OFCCP — 2013 Community Resource Fair

- [February 14 — Bloomington, MN](#)

##### OFCCP — Analyzing Personnel Activity Data

- [March 21 — Omaha, NE](#)

##### OFCCP — Analyzing Your Compensation Data

- [March 27 — Milwaukee, WI](#)

##### OFCCP — Compliance Assistance Seminar: Construction Contractors

- [February 27 — Nashville, TN](#)

##### OFCCP — Compliance Assistance Seminar: Supply & Service Contractors

- [February 13 — Nashville, TN](#)
- [February 21 — Memphis, TN](#)
- [March 21 — Memphis, TN](#)

doing business as Roof Systems of Connecticut,

has been cited by the Occupational Safety and Health Administration for alleged repeat and serious violations of workplace safety standards. OSHA found employees at a Milford, Conn., worksite exposed to falls of up to 11 feet 2 inches while they installed roofing without the use of fall protection. The workers also had not been trained to recognize fall hazards, were exposed to ladder hazards and were not wearing eye protection while using a pneumatic nail gun. The Milford-based roofing contractor, who faces \$44,880 in proposed fines, was previously cited in 2008 and 2009 for fall-related hazards.

- [Read the News Release](#)

##### Florida Farm Labor Contractor Suspended

The certification of farm labor contractor Henry Robinson Jr., of Tampa, Fla., has been suspended following an investigation by the Wage and Hour Division. The investigation found repeat violations, including failing to register employees who drove workers from their housing to the fields, as required by the Migrant and Seasonal Agricultural Worker Protection Act. During the investigation, the department received a report of an alleged assault with a weapon against a migrant worker by one of the unregistered farm labor contractor employees. In addition to suspending the contractor's certification, the department also assessed \$7,975 in civil penalties against Robinson for the repeat violations.

- [Read the News Release](#)

##### Whistleblower Lawsuit Filed Against Dairy Queen Franchisee

The department has filed a lawsuit in the U.S. District Court for the District of Montana alleging that Kbec Inc., a Dairy Queen franchisee based in Helena, Mont., illegally terminated an employee for making complaints regarding workplace violence. The department is seeking reinstatement of the employee, payment of lost wages and benefits and enjoining the company from future retaliation against its employees. Kbec Inc. operates two Dairy Queen franchises in Helena. The Occupational Safety and Health Act prohibits discharge or other retaliation against workers for filing a safety or health complaint, or for exercising other rights afforded by the act.

- [Read the News Release](#)

##### Houston Manufacturer of Eye Care Products to Pay Back Wages

Alcon Laboratories Inc. in Houston, a pharmaceutical manufacturer of eye care products, has agreed to pay \$199,443 in back wages to 342 assemblers, material handlers and production technicians. This action follows an investigation by the Wage and Hour Division that found systemic violations of the Fair Labor Standards Act at the company's Houston manufacturing facility. The division's Houston and Dallas District Offices determined that the company failed to pay workers for time spent donning, doffing and sanitizing protective personal equipment.

- [Read the News Release](#)

##### Arizona Contractor Failed to Protect Worker in Trench

Ellison-Mills Contracting has been cited by the Occupational Safety and Health Administration with three serious violations following an investigation into the death of a worker installing a water line at the Gila River Indian Community in Chandler, Ariz. The employee was working in a trench when he was struck by a bucket shovel that was not properly secured via a quick coupler to excavating equipment.

- [Read the News Release](#)

##### Industrial Chemical Provider Pays \$184,000 in Back Wages

The department has recovered \$184,284 in back wages for 38 employees



OFCCP — Compliance Presentation

- [February 19 — Springfield, IL](#)
- [February 26 — Burr Ridge, IL](#)

OFCCP — Construction Best Practice Seminar

- [February 21 — Milwaukee, WI](#)

OFCCP — Construction: Nuts and Bolts

- [March 12 — Dallas, TX](#)

OFCCP — Construction Requirements

- [February 21 — Omaha, NE](#)

OFCCP — Developing Written Affirmative Action Programs/ Workplace Accommodations

- [March 22 — Columbus, OH](#)

OFCCP — Everything You Want to Know About Adverse Impact, Records and Record Retention

- [February 21 — Houston, TX](#)

OFCCP — Good faith efforts, exceptional results!

- [March 6 — San Francisco, CA](#)

OFCCP — Maintaining Applicant Flow Data

- [March 7 — Omaha, NE](#)

OFCCP — Meet and Greet for Federal Contractors & CBOs

- [March 20 — New Orleans, LA](#)

OFCCP — Open House (Linkage/Recruitment/Outreach)

- [March 28 — Houston, TX](#)

OFCCP — Preparing Small and New Supply and Service Contractors for an OFCCP Audit

- [March 6 — Pittsburgh, PA](#)

OFCCP — Record Keeping Required by OFCCP

- [February 20 — Orange, CA](#)

OFCCP — What to Expect During an OFCCP Audit/ Overview of Section 503 and 4212

- [February 8 — Columbus, OH](#)

OFCCP — Women in Nontraditional Jobs

- [March 7 — Columbus, OH](#)

of Air Products and Chemicals Inc. after an investigation by the Wage and Hour Division at the company's facilities in Reserve, La. and Milton, Wis. An additional \$2,090 in civil penalties for repeat and/or willful violations of the Fair Labor Standards Act was assessed. After conducting reviews of payroll records and employment practices, as well as employee interviews, investigators determined that the company failed to apply a standardized workweek and paid employees straight-time wages for all hours.

- [Read the News Release](#)

Wisconsin Company Placed in Severe Violator Program

Grede Wisconsin Subsidiaries LLC has been cited for 28 health violations by the Occupational Safety and Health Administration. The action took place under OSHA's national and regional emphasis program on primary metal industries for exposing workers to crystalline silica dust and other hazards. Penalties of \$274,500 have been proposed. Three repeat violations were found at the Browntown, Wis., iron foundry for exposing workers to respirable dust containing silica above the recommended exposure level, unguarded conveyor tail pulleys and failing to apply energy isolating devices to equipment during service and maintenance. OSHA has placed the company in its Severe Violator Enforcement Program.

- [Read the News Release](#)

Silicon Valley Employer Paid Mexican Workers \$2.66 an Hour

California-based Bloom Energy Corp. has been ordered to pay \$31,922 in back wages and an equal amount in liquidated damages to 14 workers that the company brought in from Chihuahua, Mexico, to work at its headquarters in Silicon Valley. The department also assessed \$6,160 in civil penalties. The order came after an investigation by the Wage and Hour Division found that Bloom Energy willfully violated the minimum wage, overtime and record-keeping provisions of the Fair Labor Standards Act. The company paid the workers the equivalent of \$2.66 per hour, which they received in Mexican pesos. Bloom Energy manufactures clean energy power generating systems and contracts with major brand-name companies such as Google, Wal-Mart and Coca-Cola.

- [Read the News Release](#)

Pennsylvania Soft Drink Company Faces Fines for Repeat Hazards

A-Treat Bottling Co. in Allentown, Pa., has been cited with 16 safety and health violations — 14 repeat, one serious and one other-than-serious — by the Occupational Safety and Health Administration. The company faces \$129,745 in fines for violations including electrical hazards, failing to conduct baseline and annual audiograms; failure to provide machine guarding, and improper material storage in an electrical service room. OSHA's inspection was conducted as a follow-up from an earlier inspection in January 2011.

- [Read the News Release](#)

Workers at Milwaukee Construction Project to Get Back Wages

Anointed Cleaners LLC has agreed to pay \$16,963 in back wages to 13 employees who were performing cleanup work on the Westlawn housing construction project in Milwaukee. An investigation by the Wage and Hour Division found that the subcontractor violated provisions of the Davis-Bacon and Related Acts and the Contract Work Hours and Safety Standards Act. Workers were paid \$2 to \$3 less per hour in base wages than the required prevailing rates and were not paid required fringe benefits of \$3 per hour. Investigators also found that the company failed to pay employees overtime compensation.

- [Read the News Release](#)

Duane Thomas Marine Construction Sued in Whistleblower Case

#### OFCCP — Your Construction Requirements

- [February 20 — Columbus, OH](#)

#### OLMS — Compliance Assistance Seminar

- [February 19 — San Francisco, CA](#)
- [February 22 — Buffalo, NY](#)
- [March 5 — Dallas, TX](#)
- [March 6 — Monroe, OH](#)
- [March 26 — San Francisco, CA](#)

#### OWCP — Town Hall Meetings to Assist Nuclear Weapons Workers

- [February 13 — Oak Ridge, TN](#)
- [February 20 — Espanola, NM](#)

#### WB — 15th Annual Texas Veterans Summit

- [February 12 — Austin, TX](#)

#### WB — Equal Pay Roundtable

- [February 12 — Chicago, IL](#)

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[1.usa.gov/WDTpzs](http://1.usa.gov/WDTpzs)

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Duane Thomas Marine Construction LLC and owner Duane Thomas are being sued by the Occupational Safety and Health Administration for allegedly terminating an employee for reporting workplace violence at the company's custom marine dock installation services site on Marco Island in Florida. The lawsuit follows an OSHA investigation that found firing the employee violated the whistleblower provisions of the OSH Act. The lawsuit seeks back wages, interest, and compensatory and punitive damages, as well as front pay in lieu of reinstatement. Additionally, it seeks to have the employee's personnel records expunged with respect to the matters at issue in this case and to bar the employer against future violations of the OSH Act.

- [Read the News Release](#)

#### Former California Union President Found Guilty of Embezzlement

A jury has found Tyrone Ricky Freeman, former president of Service Employees International Union Locals 6434 and 434-B in Los Angeles, Calif., guilty of four counts of mail fraud, seven counts of embezzlement and/or theft of labor union assets, one count of making a false statement to a federally insured financial institution, and two counts of subscribing to a false tax return. The verdict was returned after a 10-day trial in U.S. District Court for the Central District of Los Angeles. Sentencing is scheduled for April 22, 2013. The case grew out of an investigation by the department's Office of Inspector General, Employee Benefits Security Administration, Office of Labor-Management Standards, the Federal Bureau of Investigation and the Internal Revenue Service.

- [Read the Department of Justice News Release](#)

#### Investigation Finds Texas Company Failed to Pay Overtime

Austin Industrial Inc., doing business as Austin Industrial Services LP in Borger, Texas, has paid \$214,398 in overtime back wages to 13 employees following an investigation by the Wage and Hour Division. The investigation by the division's Albuquerque District Office revealed the employer did not pay overtime to managers who were promised a salary but were then paid on an hourly basis. Employees regularly worked over 50 hours, yet they did not receive time and one-half their regular rates of pay for hours worked beyond 40 in a workweek, as required.

- [Read the News Release](#)

#### Fines Proposed for Safety Violations by Milwaukee Tire Recycler

Shindler Tire Recycling LLC in Milwaukee has been cited by the Occupational Safety and Health Administration with 12 safety violations. This action follows a November 2012 follow-up inspection that found the company had failed to abate previous citations. The company had not developed a written hazard communication program and had not trained workers on its requirements. Fines of \$53,856 have been proposed.

- [Read the News Release](#)

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