



The Labor Advocate

The Labor Community's Source for Department of Labor News

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The Labor Advocate

Secretary Visits Police, National Guard in N.O.	2
Advanced Manufacturing Training Grants Awarded	2
DOL Sues Cleaning Service for \$1.8 M	3
OSHA Cites Painting Contractor for \$2.4 M	3
Secretary Chao Addresses UA Convention	4
Gulf Coast Contractor Sued for Pay Violations	4
Secretary Tours New Carpenters Training Center	5
STARS Program Launched for Job Corps Students	5
Secretary Chao Praises U.S. Merchant Marine	5

Strong Economic News (November 2006 Data)

- 39 consecutive months of job growth
- 2 million jobs created over the past 12 months
- 4.5% unemployment rate — 0.5% lower than this time last year
- More than 7 million jobs have been created since August 2003 — more jobs than all the other major industrialized countries combined
- Real after-tax income per person has risen by 9.4% - \$2,777 since President Bush took office
- Energy prices fell by 7%

Drug-Free Workplace Alliance Expanded

Secretary of Labor Elaine L. Chao was joined by leaders from five labor unions and five contractor associations in July at the new headquarters of the U.S. Census Bureau for a signing ceremony to expand the existing multi-union Drug-Free Workplace Alliance. Established in October 2004, the Drug-Free Workplace Alliance is the Department of Labor's first-ever cooperative agreement focusing exclusively on improving worker safety in the construction and mining industries through drug-free workplace programs.

Secretary Chao was joined by leaders from five unions: the International Union of Operating Engineers, the Laborers' International Union of North America, the International Union of Painters and Allied Trades, the United Association of Journeymen and Apprentices of the Plumbing and Pipe

Fitting Industry of the United States and Canada, and the International Association of Heat and Frost Insulators and Asbestos Workers.

Participating contractor organizations were the Associated General Contractors, the American Road and Transportation Builders Association, the National Asphalt Pavement Association, NEA—The Associa-

tion of Union Constructors, and the Specialized Carriers and Rigging Association.

The alliance agreement highlights the secretary's commitment to working cooperatively with unions and contractor associations on the shared goals of protecting worker safety and health.

For more information, please visit www.dol.gov/workingpartners/.



Secretary Chao and several labor and industry leaders sign the expanded Drug-Free Workplace Alliance. (DOL Photo)

DOL Celebrates 5th Anniversary of EEOICP

The U.S. Department of Labor marked the fifth anniversary of administering the Energy Employees Occupational Illness Compensation Program. The department has administered Part B of the program since its inception in 2001, and was charged with implementation of Part E, a provision created in October

2004 as part of an amendment to the energy program.

Over the past five years, more than 75,000 claims have been filed by workers or their families seeking benefits under the program's Part B provision. Of those claims, the department has reached final decisions on more than

51,000 of them, issuing lump sum payments exceeding \$1.5 billion. In addition, the department has paid \$104 million to cover costs of necessary medical care for employees with illnesses linked to their employment in the atomic weapons industry.

(Continued on page 2)

Secretary Visits Police, National Guard in New Orleans

In remarks before the Louisiana Fraternal Order of Police at their 26th Biennial State Conference, Secretary of Labor Elaine L. Chao thanked the officers whose service in the line of duty in the aftermath of Hurricane Katrina saved lives and restored civil order. Secretary Chao also highlighted the Bush Administration's efforts to help law enforcement officers serving at home and returning from military duty.

"Many Louisiana police officers lost their homes in last year's hurricanes and despite being separated from their families, they stayed on the job, rescuing citizens and helping to restore order in a difficult and dangerous situation," said Secretary Chao.

"We thank them for their service and want them to know that President George W. Bush, the U.S. Department of Labor and everyone in this Admini-

stration are deeply committed to rebuilding a better and stronger Gulf Coast region."



Secretary Chao with FOP National President Chuck Canterbury and members of the Louisiana FOP Executive Board. (Photo courtesy of the Louisiana FOP)

Secretary Chao paid tribute to members of the Fraternal Order of Police who have been called up for active duty in the U.S. Reserve and National Guard. She also discussed the Labor Department's role in providing services and training to America's veterans.

"The Fraternal Order of Police has a large number of members in the U.S. Reserve and National Guard. We are so grateful for their sacrifice and service to their country," said Secretary Chao. "That is why the Bush Administration acted to strengthen veterans' reemploy-

(Continued on page 3)

DOL Funds Advanced Manufacturing Training

On October 19, Labor Secretary Elaine L. Chao announced the awarding of \$16.8 million in grants to 11 organizations in 10 states to prepare workers for careers in advanced manufacturing.

"These \$16.8 million in grants made possible by the *President's High Growth Job Training Initiative*, will prepare workers for rewarding careers in advanced manufacturing and help retain America's competitive edge in

the worldwide economy," said Secretary Chao.

Manufacturing remains a cornerstone of the U.S. economy and is responsible for more innovation than any other sector. It continues to contribute significantly to economic growth and to American competitiveness in world markets. Manufacturers, nonetheless, report persistent challenges in filling high-quality jobs available today.

The *President's High Growth Job Training Initiative* is a strategic effort to prepare workers to take advantage of new job opportunities in high growth sectors of the American economy. Through executive forums with leaders of expanding industries, critical workforce gaps and issues are identified. Regional solutions are chosen through competitions that involve area employers, educational institutions and the public workforce system. For more information, please visit www.doleta.gov/brg/JobTrainInitiative/.

...DOL Marks 5th Anniversary of Energy Workers Program

(Continued from page 1)

"Ever since Congress gave this program to the Department of Labor, we have been committed to ensuring that eligible injured workers and their families get the compensation they deserve as quickly as possible," said Secretary of Labor Elaine L. Chao.

Under the department's implementation of Part E, more than 25,000 cases were transferred to the department from the Energy Department. Within a matter of weeks, the Labor Department paid its first claimant benefit. Within seven months, it had paid out roughly \$55 million in benefits, even before it published implementing regulations for Part E. By June 2006, more than 3,000 qualified claimants had received

benefits under Part E, totaling more than \$395 million.

The department has established and continues to promote strong outreach efforts to advise employees and their families of the benefits provided under the program. In 2007, the new program will have eliminated the inherited backlog and will be current in processing all incoming claims.

...Secretary Visits New Orleans, Praises National Guard

(Continued from page 2)

ment rights and increased outreach to soldiers so they know their rights to return to their civilian jobs and employers know their responsibilities to protect them.”

Later that day, Secretary Chao expressed the nation’s heartfelt appreciation during her tour of the Army National Guard’s New Orleans Command Center-Jackson Barracks and her visit with Guard members on duty in the 5th District of New Orleans.



Secretary Chao with members of the National Guard in New Orleans’ Lower 9th Ward. (DOL photo)

“The Louisiana Guard is proving the value of the American ideal of the citizen-soldier. Louisiana units have deployed to Iraq to depose a brutal dictatorship and protect the fledgling democracy. They helped free Afghanistan from the Taliban. Today Guardsmen

are helping the police patrol in New Orleans,” said Secretary Chao. “The men and women of the Louisiana Guard are a fierce fighting force in the cause of freedom and the best of neighbors in a natural disaster such as last year’s devastating hurricanes.”

The Department of Labor is committed to helping the National Guard by providing health and safety training for workers who are engaged in disaster response, clean-up and rebuilding activities in the hurricane-impacted Gulf States region.

DOL Sues Cleaning Service for \$1.8 Million for Workers

The U.S. Department of Labor has filed a lawsuit against Gardena, Calif.-based Southern California Maid Services and Carpet Cleaning (SCMS) for minimum wage, overtime pay and recordkeeping violations of the federal Fair Labor Standards Act. The suit seeks more than \$1.8 million in unpaid back wages for approximately 386 employees.

“This administration is committed to ensuring that all wages earned are paid,

and has made special efforts to protect the most vulnerable workers,” said Secretary of Labor Elaine L. Chao. “In this case, the department is seeking more than \$1.8 million for these California workers whose employers violated federal minimum wage and overtime laws.”

The lawsuit, filed in U.S. District Court for the Central District of California, follows a Labor Department investigation that discovered SCMS’s violations of the Fair Labor Standards Act (FLSA). The

law requires that covered employees earn no less than the federal minimum wage of \$5.15 per hour and no less than one and one-half times their regular rate for hours worked over 40 per week.

For more information about the FLSA, call the the Department of Labor’s toll-free help line at 1-866-4US WAGE (1-866-487-9243). Information is also available on the Internet at www.wagehour.dol.gov.

OSHA Cites Painting Contractor for Nearly \$2.4 Million

The Occupational Safety and Health Administration (OSHA) cited Thomas Industrial Coatings Inc. of Pevely, Mo., for 33 willful, including “instance-by-instance” willful, and eight serious alleged violations of job safety and health standards. Proposed penalties total \$2,362,500.

OSHA’s citations resulted from the investigation of two fatal workplace accidents within two months involving the painting contractor. Both accidents occurred at the same bridge painting worksite in Kansas City and the same suspended scaffold. One employee died when he fell through a hole in the platform while he was painting. The other employee fell to his death while dismantling the scaffold.

“Not only did two workers suffer fatal falls while working in Kansas City, but another employee of this company suffered a fatal fall in a similar accident earlier in the year in the St. Louis area,” said Edwin G. Foulke Jr., Assistant Secretary of Labor for Occupational Safety and Health. “Three fatalities in five months show gross plain indifference to employee safety. Employers must ensure

(Continued on page 4)

Secretary Chao Addresses UA Convention

On August 8, Secretary of Labor Elaine L. Chao addressed the attendees of the 37th General Convention of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

The secretary noted the commitment of the United Association (UA) to provide training and educational opportunities to their members, and for helping to rebuild the Gulf Coast devastated by last year's hurricanes and recruiting veterans. She thanked the union, which represents over 300,000 plumbers and pipe fitters, for joining with the U.S.

Department of Labor in helping to keep America's workplaces drug-free.

Secretary Chao stated, "A clear trend is emerging in our workforce. The majority of new jobs being created require higher

skills and more educational attainment than before. The UA is placing its bet on the future by investing over \$120 million a year to train approximately 100,000 apprentices and journeymen in over 400 local training facilities at any given time. As they say in Las Vegas, that's a safe bet."



Secretary Chao with President Hite and other UA officers at the UA's 37th General Convention. (Photo courtesy of UA)

Secretary Chao also thanked UA members for their continuing efforts to ensure safe and healthy conditions for workers. In July 2006, the UA, along with four other unions and five contractor associations, joined the Department of Labor in signing the Drug-Free Workplace Alliance. This agreement brings together labor, management, and government to help prevent alcohol and drug use on the job, and to encourage a drug-free culture at work.

DOL Sues Gulf Coast Contractor for Paycheck Violations

The Labor Department sued Benitez Drywall LLC, a Houston-based dry-wall company, and its owners for violations of the overtime and recordkeeping provisions of the Fair Labor Standards Act. The complaint was filed following an investigation by the department's Wage and Hour Division (WHD). Back wages are expected to exceed \$500,000 for more than 500 workers.

"To protect workers engaged in hurricane recovery and rebuilding, last year the department deployed additional investigators to the Gulf Coast region to better ensure that employers fully comply with wage and hour laws," said Secretary Elaine L. Chao.

Benitez Drywall performed on contracts for reconstruction along the Mississippi Gulf Coast. The WHD investigation found that Benitez regularly misclassified

employees as independent contractors and failed to pay them the additional half time overtime premium for hours worked over 40 in a workweek.

The Labor Department lawsuit asks the court to permanently enjoin the defendants from future violations of the law and to order them to pay employees overtime back wages due, along with an equal amount in liquidated damages, or prejudgment interest.

...OSHA Cites Contractor Nearly \$2.4 Million

(Continued from page 3)

that their workers are protected from unsafe working conditions."

The instance-by-instance willful violations alleged the lack of fall protection and training for employees, especially in the use of fall protection and the safe dismantling of the scaffold. The

single willful citations alleged the lack of safe scaffold access; that a qualified person did not design the scaffold; and that there were no competent persons to supervise the work.

The serious citations addressed other unsafe practices including the employer's permitting debris that employees could trip over in front of the large platform holes and overloading the personnel lift.

OSHA's role is to assure the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit www.osha.gov.

Secretary Chao Tours New Carpenters Training Center

On July 27, Secretary of Labor Elaine L. Chao praised the United Brotherhood of Carpenters and Joiners during a dedication ceremony for the new Indiana-Kentucky Carpenter's Regional Council training center. The new 112,000 square foot facility — seven times larger than the building it replaced — will offer training courses in the evenings and weekends for carpenters and millwrights across Kentucky and southern Indiana who want to continually upgrade their skills.

“This new training facility is critical not only to this region but to America, because our country is facing a shortage of workers in the skilled trades,” said Secretary

Chao. “New tools, new materials and new techniques are changing the way we all do our jobs, so workers must continually upgrade their skills to build solid career paths, no matter their profession.”



Secretary Chao, with UBC President McCarron (r) and David Sharp, at the training center dedication. (Photo courtesy of UBC)

The Secretary also commended the Carpenters and Joiners union's effort to improve workplace safety.

“We also share a commitment to ensuring that our nation's workers are the safest and healthiest in the world, and this center will be teaching everyone from the newest apprentice to veteran journeymen, the best safety practices.”

To learn more about how the Department of Labor is contributing to the more efficient functioning of the U.S. labor market by providing high quality job training, employment, labor market information, and income maintenance services, visit www.doleta.gov.

Job Corps Launches Innovative STARS Initiative

Secretary Chao announced the launch of a Job Corps initiative designed to improve students' preparedness for high-demand occupations of the 21st century. The new program called STARS (Speakers, Tutors, Achievement, Retention and Success) will increase students' academic achievement, career skills attainment and retention in the program by providing tutors and mentors to assist them with academics and personal skills.

“The Job Corps STARS Initiative addresses a top Labor Department priority: ensuring that workers attain the education and skills to compete in the new, changing knowledge-based economy,” Secretary Chao stated. “The level of education has a direct impact on a worker's lifetime earnings. By increasing motivation and stressing the need to stay in school, our Job Corps students will take the first step toward a life of employment choices.”

Students will have the opportunity to hear and interact with real-life achievers who will convey what it takes to succeed and the challenges they will face. Tutors will assist students with academic assistance, based on their individual needs. Mentors will provide guidance in career technical areas and offer strategies to enhance personal development and life skills.

For more information, visit www.jobcorps.dol.gov.

Secretary Chao Praises Merchant Mariners

Secretary of Labor Elaine L. Chao extolled the importance of the maritime industry to America's security and economy in an address to the United States Merchant Marine Academy Alumni Foundation on September 28 in New York.

“When the history of this era is written, the U.S. Merchant Marine will be remembered as a key part of the effort to defend our homeland,” said Secretary Chao. “More than 8,000 brave merchant mariners crew auxiliary vessels for the United States Navy to support our troops in Afghanistan and Iraq. Merchant mariners have delivered over 92 percent of the equipment and

(Continued on page 6)



The U.S. Merchant Marine Academy Band performs. (Photo courtesy of USMMAA)

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OLMS Internet Public Disclosure Room

www.union-reports.dol.gov

- View and print reports filed by unions, union officers and employees, employers, and labor relations consultants for the year 2000 and after and reports filed by unions for trusts in which they have an interest
- Order reports for the year 1999 and prior
- Search the union annual financial reports for the year 2000 and after and the trust reports for key data items



Winter Alert 2006

Don't Let Safety Slip!

The Mine Safety and Health Administration (MSHA) has kicked off its 2006 Winter Alert campaign reminding mine operators and miners to increase awareness about the hazards that lead to fatal accidents in both underground and surface mines due to the onset of colder weather. MSHA's statistics show that most explosions in coal mines occur during winter months.

MSHA's Winter Alert campaign runs annually from October through March. This year's theme of "Don't Let Safety Slip" reminds mine operators and miners to be alert for environmental hazards such as slippery walkways and icy mine access roads, and to make sure safety rules are not compromised.

MSHA personnel will distribute Winter Alert posters, hard hat stickers, and decals to mine operators and miners displaying MSHA's safety practices for working in underground and surface mines during wintertime. For more information, visit www.msha.gov.

...Secretary Chao Celebrates the U.S. Merchant Marine

(Continued from page 5)

supplies needed by our men and women in uniform and are vital to winning the War on Terror."

"Merchant mariners also make America's economy stronger as they transport our nation's energy supplies, goods and passengers."

The addition of three new cruise ships in Hawaii also received mention in the Secretary's remarks as an example of the Bush Administration's commitment to revitalize the U.S.-flagged cruise ship industry. The new ships are expected to create more than 20,000 jobs, including 4,000 seafaring jobs.

"President Bush supported the expansion of the Maritime Security Program and 13 new U.S.-flagged ships have been added to America's fleet of deep sea domestic carriers," Secretary Chao observed. "The tankers in this fleet help improve America's energy security and are one of the

reasons President Bush is committed to strengthening our nation's domestic fleet."

The event benefited the American Merchant Marine Museum which commemorates the important role that the Merchant Marine has played in peace and war.



Secretary Chao with the U.S. Merchant Marine Academy Color Guard.
(Photo courtesy of USMMAA)

"In World War II, the Merchant Marine suffered a higher casualty rate than any armed service but the U.S. Marines," Secretary Chao noted. "Challenge and danger are part of the tremendous heritage of the U.S. Merchant Marine."

Secretary Chao is a former Chairman of the Federal Maritime Commission (1988-1989) and served as Deputy Administrator of the Maritime Administration (1986-1988).