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Wednesday, May 4, 2011 • Number 86

LEADING THE NEWS

OFCCP

Research Group Says OFCCP Settlements In 2009, 2010 Include More Pay Bias Cases

The vast majority of settlements reached by the Labor Department's Office of Federal Contract Compliance Programs with federal contractors in fiscal years 2009 and 2010 involved alleged race or sex discrimination in hiring for entry-level...

NEWS

Appropriations

Solis Touts FY 2012 Budget Request As GOP Senator Cites Job Training for Cuts

The administration's fiscal year 2012 budget request for the Labor Department would provide targeted investments to help place workers in jobs, prepare workers with job skills, and ensure an equitable labor market for employers and...

Arbitration

Court Decides Back Pay Award to Fired Pilot Does Not Violate Public Policy Within LMRDA

The U.S. Court of Appeals for the Eighth Circuit held May 3 that an arbitration board's back pay award to a discharged pilot—an active Air Line Pilots Association representative—does not violate the public policy against...

Autos

Industry Should Aid Workforce 'Greening,' Not Just Focus on Cost Savings, Study Says

DEARBORN, Mich.—Automakers and their suppliers would do well to take "a 'high-road' production approach" to planning for the future, including a shift to green products and production techniques, working with...

Economic Activity

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**Expansion in Services Sector Weakened
In April, as Growth in Orders, Jobs Slowed**

Overall economic activity in service-providing industries expanded in April but at a slower pace than in the prior month, the Institute for Supply Management said May 4....

Health Care Employees

**Eastern Maine Medical Center Nurses Accept
One-Year Contract With MSNA in Close Vote**

BOSTON—Members of the Maine State Nurses Association May 3 narrowly approved a one-year contract at Eastern Maine Medical Center in Bangor that averted a second one-day strike at the hospital....

Health Care Employees

**Washington Hospital Center, NNU Reach
Tentative Agreement for 1,700 RNs in D.C.**

Nearly a year after a collective bargaining contract expired, the Washington Hospital Center in Washington, D.C., and National Nurses United reached agreement late May 3 on a new contract for nearly 1,700 registered nurses, both sides announced...

Health Care

**Treasury, IRS Request Comments on Shared
Responsibility Provisions of Health Care Law**

The Treasury Department and the Internal Revenue Service in Notice 2011-36 released May 3 requested public comment on issues relating to the shared responsibility provisions included in the Patient Protection and Affordable Care Act that...

Labor Law

New Hampshire House OKs Right-to-Work Bill

BOSTON—The New Hampshire House May 4 accepted the Senate-passed version of a right-to-work bill (H.B. 474) and sent the measure to Gov. John Lynch (D), who has threatened to veto it....

Manufacturing

**Democrats Continuing Legislative Push
To Bolster Manufacturing Jobs, Hoyer Says**

Democratic lawmakers plan to continue pursuing legislation that supports job creation by encouraging businesses to "make products that innovate in the United States," House Minority Whip Steny Hoyer (D-Md.) told reporters May...

Minimum Wage

**Florida Court Orders Minimum Wage Hike;
Says State Constitution Bars Deflation Cut**

TAMPA, Fla.—A Florida circuit court judge in Tallahassee May 3 ordered state officials to recalculate the minimum wage to \$7.31 per hour for 2011, saying the state was wrong to reduce the rate because of deflation (Cadet v. Agency for...

Pensions

**Seventh Circuit Denies Motorola Plan's Bid
To Take Portion of Securities Fraud Payout**

Motorola Inc.'s defined contribution pension plan cannot take a piece of a \$190 million securities fraud class action settlement, the U.S. Court of Appeals for the Seventh Circuit ruled May 4 (In re Motorola Sec. Litig., 7th Cir., No. 09-1750,...

Privacy Rights

Improper Disclosure of FCRA Form To Employer Not Actionable Under Act

Neither a prospective employer nor a consumer reporting agency that negligently provided a background check report to a current employer that then fired its job-hunting executive are liable for invasion of privacy or violation of the federal...

Regulations

Snowe's Regulatory Review Plan Stalls As Senate Shelves Small Business Bill

Senate Democrats May 4 skirted what might have been "tough votes" on a Republican amendment to a small business bill calling for periodic reviews of federal regulations....

Safety & Health

Commission Rules Informer Privilege Applies To Cell Phone Records of Compliance Officer

The government informer's privilege shields the identity of anyone who supplied information to an Occupational Safety and Health Administration compliance officer relevant to an investigation of a worksite incident, not just those...

Safety & Health

MSHA Should Stress Compliance Assistance Over Inspections, Mining Officials Tell Panel

Mining industry representatives testified before a House panel May 4 that the Labor Department's Mine Safety and Health Administration should focus its limited resources on training and assisting the mining industry to comply with...

Safety & Health

Multiple Repeat Violations at Machine Plant In Mississippi Net \$487,000 Proposed Fine

ATLANTA—A Cleveland, Ohio-based manufacturer of machinery was cited for numerous alleged safety and health violations at its manufacturing plant in Batesville, Miss., and faces proposed fines of \$487,700, the Labor Department's...

Safety & Health

OSHA Inspectors Get New Field Manual; Severe Violator, Maritime Sections Added

The newly updated Field Operations Manual used by inspectors with the Labor Department's Occupational Safety and Health Administration incorporates changes related to the maritime industry and provides information on the agency's...

State Laws

New Law Provides Admissibility Of Hearsay in Unemployment Hearings

RALEIGH, N.C.—Hearsay and uncorroborated evidence may be

included in records submitted by businesses in Tennessee unemployment compensation hearings under a bill (H.B. 884) signed into law by Gov. Bill Haslam (R) April 29....

Technology

Many Workers Use Social Networking Sites In Job Hunt, Edit Own Content, Survey Finds

Although just 1 percent of U.S. workers found their latest jobs through social media websites, 22 percent are using such sites in their job hunt, according to survey results released May 4 by Kelly Services....

Trade

Administration Ready to Start Talks With Congress on U.S.-Colombia FTA

After years of delay, U.S. Trade Representative Ron Kirk May 4 said the Obama administration was ready to begin technical discussions with Congress on the U.S.-Colombia free trade agreement on May 5 after Colombia took some key steps to address...

Unfair Labor Practices

Boeing Complaints of Misstatements by NLRB, Denies 'Transferring' Work to South Carolina

Boeing Co.'s top lawyer, Executive Vice President and General Counsel J. Michael Luttig, charged in a May 3 letter that National Labor Relations Board Acting General Counsel Lafe E. Solomon and agency officials have mischaracterized...

Workforce Reductions

36,490 Job Cuts Announced in April, Lowest Total Since August, Challenger Says

Layoffs and other workforce reductions announced by employers declined in April to the lowest monthly total since last August, to 36,490, down 12 percent from the 41,528 job cuts the prior month, Challenger, Gray & Christmas said May 4....

REGULATIONS

Regulations

Pension, Workplace Safety Comments Dominate DOL's Feedback Website

Pension and workplace safety issues dominated the comments submitted to a website recently set up by the Labor Department to capture the public's thoughts on its regulations and processes....

ECONOMIC NEWS

Collective Bargaining

BNA Review of Latest Bargaining Data Shows Average First-Year Wage Hike of 1.5 Percent

An analysis of collective bargaining data compiled by BNA through May 2, 2011, for all settlements showed that the

average first-year wage increase was 1.5 percent, compared with 1.6 percent in the comparable period of 2010. The median first-year...

Major Settlements Reported to Date in 2011

TEXT

NLRB's Weekly Summary of Cases, Dated April 25-29, 2011

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