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Thursday, April 28, 2011 • Number 82

### LEADING THE NEWS

#### FLSA

##### **Sixth Circuit Rejects DOL Child Labor Claims, Finds Vocational Students Weren't Employees**

A district court acted properly in declining to follow Labor Department guidelines distinguishing students from employees and concluding that vocational students who spent half of their school day in "wholesome" work activities...

### NEWS

#### Airlines

##### **NMB Ruling Sets Stage for Ramp Workers At United Continental to Choose Single Union**

The merged United and Continental airlines have sufficiently integrated their operations to form a single transportation system for representation purposes for fleet service workers, the National Mediation Board said April 28 (In re Application...

#### Employee Benefits

##### **EBSA Seeks Comments on Expanding Online Form**

The Department of Labor's Employee Benefits Security Administration is requesting comments on a proposal to expand the information collected when retirement and health plan participants contact the agency online seeking help in understanding...

#### ERISA

##### **District Court Approves 'Stock-Drop' Settlement**

The U.S. District Court for the Western District of Washington granted final approval April 26 to a \$750,000 settlement that ends an Employee Retirement Income Security Act "stock-drop" lawsuit that alleged the fiduciaries of an...

#### Federal Employees

##### **CRS Reports on Federal Workforce Trends,**

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### **Notes Increase in Size, Demographic Changes**

Noting the importance of understanding the federal workforce, the Congressional Research Service April 19 issued a report that said the number of federal employees is increasing, but the number of federal contractors appears to be increasing...

### *Health Care*

#### **EBRI Releases Report on Policy Forum On Employer-Provided Health Care Benefits**

Adoption of consumer-directed, high-deductible health plans is accelerating, the Employee Benefit Research Institute said April 26 in a report summarizing a 2010 EBRI policy forum on employer-provided health care benefits....

### *Hotels*

#### **UNITE HERE Members OK Starwood Pacts With Hotels in Chicago, San Francisco**

Members of UNITE HERE Local 1 in Chicago and Local 2 in San Francisco are working under a new contract with Starwood Hotels and Resorts Worldwide Inc. covering about 4,200 hotel employees, reached after 20 months of negotiations, spokeswoman...

### *Immigration*

#### **DOL Issues Protocols for Certifying U Visa Applications for Crime Victims**

The Labor Department April 28 announced new protocols the Wage and Hour Division will follow to determine whether to certify that a U visa applicant was a victim of a qualifying crime and is willing to help cooperate with law enforcement in the...

### *Mining*

#### **Black Lung Increasing Among Coal Miners, NIOSH Reports in Scientific Literature Review**

The incidence of pneumoconiosis among coal workers is rising, and miners are developing the lung disease at relatively young ages, the National Institute for Occupational Safety and Health reported in a scientific literature review April...

### *NLRB*

#### **Nine State Attorneys General Join in Protest Of Boeing Unfair Labor Practice Complaint**

The attorneys general of nine states April 28 sent a letter to National Labor Relations Board Acting General Counsel Lafe E. Solomon asserting that his approval of an unfair labor practice complaint challenging Boeing Co.'s decision...

### *Pay Equity*

#### **Administration Marks Equal Pay Day With Informational Sessions at EEOC**

The Equal Employment Opportunity Commission April 28 hosted panel discussions by government officials and private sector representatives on efforts to enforce federal laws prohibiting sex discrimination in pay, as the Obama administration...

### *Safety & Health*

**DOT Proposed Rule Would Ban Cell Phones  
For Drivers Transporting Hazardous Materials**

The Transportation Department's Pipeline and Hazardous Materials Safety Administration is proposing to ban mobile phone use by drivers of trucks carrying hazardous materials in intrastate commerce, and to prohibit employers from...

*Safety & Health*

**Grain Elevator Safety Infractions Now Qualify  
For Severe Violator Sanctions, OSHA Says**

Grain handling operations such as storage silos are the latest industry covered by the Labor Department's Occupational Safety and Health Administration's Severe Violator Enforcement Program (SVEP), making those businesses...

*Safety & Health*

**Indiana, Hawaii OSHA Cite Hyatt Hotels  
For Hazards, but Not Ergonomic Violations**

Hyatt hotels in Indiana and Hawaii were cited in April by the occupational safety and health agencies in those states for serious safety violations, but not for ergonomic issues, after inspections were conducted in response to a multicity...

*Safety & Health*

**Officials Mark Workers' Memorial Day,  
Celebrate 40th Anniversary of OSHA**

President Obama and senior administration officials marked both Workers' Memorial Day and the 40th anniversary of the Labor Department's Occupational Safety and Health Administration with a series of events and public remarks...

*Safety & Health*

**Texas Bakery Firm Faces \$229,400 in Fines  
For Alleged Safety Violations at Two Facilities**

HOUSTON—A Texas food manufacturer has been cited for 49 alleged safety violations at two plants and faces proposed penalties of \$229,400 following multiple inspections initiated after a fingertip amputation on a pie processing line,...

*State Laws*

**Indiana Governor Signs Bill Limiting  
Teachers' Collective Bargaining Rights**

LANISING, Mich.—Indiana Gov. Mitch Daniels (R) April 20 signed legislation (S.B. 575) that curtails teachers' collective bargaining rights, sets limits on the number of teachers that may sit on decisionmaking committees, and...

**No Unemployment Benefits for Nurse Fired for Cell Phone  
Use, Court Says**

A registered nurse in Pennsylvania who was fired for using her cell phone to make a Facebook posting while distributing medication to patients is ineligible to receive unemployment compensation benefits, a state court in Pennsylvania ruled...

**ALSO IN THE COURTS**

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## Also in the Courts: A Roundup of Recent Labor and Employment Rulings

### CONFERENCE REPORT

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#### *Immigration*

##### **High Court Ruling on Employer Sanctions Not Likely to Impact Arizona's S.B. 1070**

It is possible the U.S. Supreme Court may resolve a case challenging the Arizona employer sanctions law so narrowly as to have little impact on other immigration cases making their way through the judicial system, including a case challenging...

#### *Immigration*

##### **State Legislatures Increasingly Taking Lead On Immigration Through Comprehensive Bills**

State legislatures are taking the lead on immigration policy, introducing comprehensive bills that "represent a significant break" with past federal domination of the immigration debate, speakers said April 26 at an immigration...

### ECONOMIC NEWS

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#### *GDP*

##### **Economic Growth Slowed to 1.8 Percent In First Quarter, as Spending Weakened**

Economic growth slowed sharply in the first three months of the year, as the nation's real gross domestic product expanded 1.8 percent at a seasonally adjusted annual rate, down from a 3.1 percent gain in the fourth quarter of 2010, according...

#### *Unemployment Insurance*

##### **Initial UI Claims Rise 25,000 To 429,000 in Week Ended April 23**

New claims filed for unemployment insurance increased 25,000 to a seasonally adjusted total of 429,000 in the week ended April 23, according to data released April 28 by the Labor Department's Employment and Training Administration....

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