

## Microsoft Outlook

**From:** BNA Highlights [bhighlig@bna.com]  
**Sent:** Wednesday, July 13, 2011 9:59 PM  
**To:** Solomon, Lafe E.  
**Subject:** Jul. 13 -- BNA, Inc. Daily Labor Report

E-mail not displaying correctly? View publication in your browser: <http://news.bna.com/dlIn>

[PUBLICATION HOME](#) [ABOUT](#) [CONTACT US](#)



**Daily Labor**  
REPORT®

[LATEST NEWS](#) [BNA INSIGHTS](#)

[SEARCH FULL PUBLICATION](#)

Wednesday, July 13, 2011 • Number 134

### LEADING THE NEWS

#### *Independent Contractors*

##### **Technicians' Employment Status Under FLSA, State Law Is Jury Question, Court Determines**

Whether three DirecTV Inc. satellite television technicians are employees or independent contractors under the Fair Labor Standards Act and Louisiana law is a jury question, the U.S. District Court for the Eastern District of Louisiana...

### NEWS

#### *Arbitration*

##### **High Court's AT&T Arbitration Decision Has No Effect on PAGA Waivers, Court Says**

LOS ANGELES—The U.S. Supreme Court's recent ruling finding preempted by the Federal Arbitration Act California courts' practice of invalidating class action waivers in consumer arbitration agreements does not apply to...

#### *EEOC*

##### **House Subcommittee Clears Spending Bill That Would Give EEOC No Boost for FY 2012**

The House Appropriations Committee July 13 approved a fiscal year 2012 Commerce, Justice, Science, and Related Agencies spending bill that would give the Equal Employment Opportunity Commission a \$366.5 million budget for the next fiscal...

#### *Employment*

##### **Employee Confidence Retreats To Recession Levels, Poll Finds**

As the "economy falters amid recent market volatility and mixed labor reports," employee confidence related to job security, pay raises, and the job market has retreated to levels last seen during the depths of the recent recession,...

#### *Employment*

#### **NLRB New Filing Finder** [Display Latest Filings](#)

#### **View Recent Articles By:**

[Agencies](#)  
[States](#)  
[Courts/Tribunals](#)  
[Federal Statutes](#)  
[Industries](#)  
[Law Firms](#)  
[Unions](#)  
[Cases Reported](#)

#### **Key Features:**

[Analysis & Perspective](#)  
[Special Reports](#)  
[Also in the Courts](#)  
[NLRB Summaries](#)  
[Wage Trend Indicator](#)  
[Calendar of Events](#)

**Report Says Market, Policy Challenges Hinder  
'Clean' Sector From Achieving Potential**

The U.S. private sector "clean" economy employs millions of people in "green" jobs across some of the largest metropolitan areas, but market challenges and policy uncertainty have hindered the sector's ability to...

*Federal Employees*

**Congressional Committee Approves Update  
To Federal Employees' Compensation Act**

Legislation (H.R. 2465) that would update the Federal Employees' Compensation Act by allowing treatment and certification by physicians' assistants and nurse practitioners, clarifying that injuries caused by terrorist attacks...

*Health Care*

**Factors Other Than PPACA, Recession  
To Affect Health Costs in 2012, Speakers Say**

Two factors that many people fear will have a major impact on health care costs in 2012—the federal health care law and the recent economic recession—actually will not play a big part in cost trends next year, speakers said during...

*Labor Law*

**Eighth Circuit Revives ABF Freight Lawsuit  
Against YRC, Teamsters Over Concessions**

The U.S. Court of Appeals for the Eighth Circuit July 6 revived a previously dismissed lawsuit filed by ABF Freight System against the International Brotherhood of Teamsters and competing trucking company YRC Worldwide over allegations...

*Minimum Wage*

**Employment Fell Sharply in U.S. Territories  
After Minimum Wage Hike, GAO Report Says**

Employment fell drastically in American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) during the period when minimum wages were increased, according to a recent Government Accountability Office report....

*NLRB*

**House Panel Presses NLRB for Documents,  
Calling Boeing Case Disclosures Incomplete**

National Labor Relations Board Acting General Counsel Lafe E. Solomon has not satisfied lawmakers' requests for documents concerning an unfair labor practice complaint against Boeing Co., Rep. Darrell Issa (R-Calif.), chairman...

*Organizing*

**Global Unions File Complaint With OECD  
Against Deutsche Telekom for 'Union Busting'**

The Communications Workers of America, the UNI Global Union federation, and the German-based ver.di union July 12 alleged that Deutsche Telekom AG, the parent company of T-Mobile USA, has violated the guidelines of the Organization for Economic...

*Pensions*

**DOL Extends Applicability Deadlines  
For Service Provider Fee Disclosure Rules**

The Labor Department's Employee Benefits Security Administration issued a final rule July 13 that extends by three months the applicability date of the department's interim final rule on fee disclosures by plan service providers...

*Pensions*

**Employers Say Funding, Accounting Rules  
Caused Exodus From Defined Benefit Plans**

Defined benefit pensions are engines of economic growth and middle-class retirement security, but employers will not offer them in the future unless they see significant changes in defined benefit funding and accounting rules that are damaging...

*Race Discrimination*

**Black Bank Manager Raises Bias Claim  
On Termination, but Lacks Harassment Claim**

A black assistant bank manager fired for an alleged violation of ethical rules raised a triable issue of race discrimination under Title VII of the 1964 Civil Rights Act when he produced direct evidence that his supervisor twice made racial...

*Race Discrimination*

**Fifth Circuit Splits on Grant of JAML  
In Reverse Race Discrimination Case**

Judgment as a matter of law was proper in an employment discrimination case by a white attorney who was fired by a hospital board and replaced by a black attorney, a divided U.S. Court of Appeals for the Fifth Circuit ruled July 8 (*Dulin v. Board...*

*Safety & Health*

**Contractor Faces \$354,000 Trenching Fine**

BOSTON—A Massachusetts contractor with what federal officials called "a long history of violating workplace standards" faces \$354,000 in new proposed fines related primarily to alleged trenching hazards, the Labor Department's...

*Safety & Health*

**Illinois Metal Fabricator Fined \$214,830  
By OSHA Following Two Amputation Incidents**

CHICAGO—The Labor Department's Occupational Safety and Health Administration has proposed penalties of \$214,830 against an Illinois metal fabrication company, alleging that a series of safety failures led to two separate...

*Safety & Health*

**Indiana Safety Agency, Notre Dame Reach  
Settlement Over Death of Student Employee**

The Indiana Department of Labor and the University of Notre Dame agreed on a settlement related to the death of a student employee whereby the school will launch a nationwide safety education program, the agency announced July 1....

*Safety & Health*

**Prerule for Steel Reinforced Concrete,  
Construction Delivered to OMB for Review**

An early version of a proposed worker safety standard for steel reinforced concrete and post-tensioned steel construction now is with the White House Office of Management and Budget for review. The Labor Department's Occupational...

*Safety & Health*

**Regulatory Agenda Sends Mixed Signals  
On OSHA's Path Forward, Safety Reps Say**

The Labor Department's latest semiannual regulatory agenda contained a number of obsolete deadlines, leaving some safety representatives interviewed by BNA unclear about the direction of DOL's Occupational Safety and Health...

*Wage & Hour*

**Commenters Question Wisdom of Applying  
FLSA to Home Care, Burden of Right-to-Know**

Judging from the discussion on a live web chat hosted July 13 by the Labor Department's Wage and Hour Division, the public is very concerned about WHD's intentions to modify rules relating to pay for in-home companions and workers'...

## **ECONOMIC NEWS**

---

*Compensation*

**Private Sector Workers Likely to See  
Higher Pay Increases, BNA Index Signals**

Private sector workers likely will see higher annual pay increases in the near future, according to the final second quarter Wage Trend Indicator scheduled for release July 14 by BNA....

**Listing**

**WTI Components and Index, 1st Quarter 2003 — 1st  
Quarter 2011**

---

This e-mail is part of your subscription to Daily Labor Report® (ISSN 1522-5968), which is published on the Web daily by The Bureau of National Affairs, Inc., 1801 S. Bell Street, Arlington, VA 22202.

To change your e-mail preferences, click on the "Sign-Up For or Modify E-Mail Preferences" under the Getting Started heading on your product's [home page](#).

Request a [FREE Web trial](#). For subscription information, customer assistance and other inquiries, contact your local BNA Representative or call BNA Customer Relations at 800-372-1033, Mon. - Fri. 8:30 am - 7:00 pm (ET), excluding most federal holidays.

Copyright (c) 2011 by The Bureau of National Affairs, Inc., 1801 S. Bell Street, Arlington, VA 22202. Use of this service is subject to the [terms and conditions of the license agreement](#) with BNA. Unauthorized access or distribution is prohibited.