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**NEWS CLIPS**

**January 8, 2010**

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# Labor Chief Moves on Job Safety, Workers' Rights

**Labor secretary works quickly to strengthen enforcement, raising concern among employers**

By **SAM HANANEL**

*The Associated Press*

**WASHINGTON**

Soon after she became the nation's labor secretary, Hilda Solis warned corporate America there was "a new sheriff in town."

Less than a year into her tenure, that figurative badge of authority is unmistakable. Her aggressive moves to boost enforcement and crack down on businesses that violate workplace safety rules have sent employers scrambling to make sure they are following the rules.

The changes are a departure from the policies of Solis' predecessor, Elaine Chao. They follow through on President Barack Obama's campaign promise to boost funding for the Occupational Safety and Health Administration, increase enforcement and safeguard workers in dangerous industries.

Solis made a splash in October when OSHA slapped the largest fine in its history on oil giant BP PLC for failing to fix safety problems after a 2005 explosion at its Texas City refinery.

Garnering less attention, she just finished hiring 250 new investigators to protect workers from being cheated out of wage and overtime pay. She also started a new program that scrutinizes business records to make sure worker injury and illness reports are accurate. And she is proposing new standards to protect workers from industrial dust explosions — an effort the Bush administration had long resisted.

Some business groups say they prefer a more cooperative approach between government and businesses — what the Bush administration called "compliance assistance."

"Our members are concerned that the department is shifting its focus from compliance assistance back to more of the 'gotcha' or aggressive enforcement first approach," said Karen Harned, executive director of the National Federation of Independent Business' small business legal center.

Other business leaders point out that the rate of workplace deaths and injuries actually fell to record lows in the previous administration, while the agency also helped employees collect a record amount of back pay for overtime and minimum

wage violations. Chao has claimed that success was the result of cooperating with businesses to help them understand the myriad regulations.

Keith Smith, a spokesman for the National Association of Manufacturers, said his members "want to build upon that progress and recognize what's working."

But a November report from the Government Accountability Office suggested there is widespread underreporting of workplace safety issues. Investigators cited evidence that some employers pressure workers not to report illnesses and injuries and urged OSHA to be more aggressive in verifying business records.

Labor Department spokesman Jaime Zapata said the idea of helping businesses understand the rules remains an important part of the agency's strategy, along with stepped-up enforcement. Solis plans to hire 100 new OSHA inspectors next year.

"Compliance assistance was not a creation of the last administration," Zapata said.

The changes have drawn praise from organized labor leaders who spent millions to help get Obama elected. Solis, a former California congresswoman and daughter of immigrant parents who were both union members, is a favorite of labor unions and a longtime advocate for workers' rights.

"We will not rest until the law is followed by every employer, and each worker is treated and compensated fairly," Solis said last month as she described a new national public awareness campaign to make sure workers know their rights on the job.

The massive fine against BP certainly caught the public's attention, but other businesses are also paying a steep price for violating safety rules.

Two months into the new fiscal year, OSHA has already cited six companies for "egregious" violations that carry the highest penalties. There were only four such egregious cases in all of the previous year.

Solis said her agency this year will tackle 90 new rules and regulations next year. One change would give workers more information about how their pay is computed. Another would make employers disclose whether they sought advice from anti-union labor consultants.

Glenn Spencer, executive director of the U.S. Chamber of Commerce's Workforce Freedom Initiative, said Solis so far has been willing to listen to some of his group's concerns. But he worries most about the possibility that Labor officials will try to revive costly ergonomics rules. Such rules would force businesses to redesign work spaces to protect employees from repetitive stress injuries.

One of the first acts of the Bush administration was to rescind ergonomics rules that were passed in the Clinton administration. Solis supported the rules at the time, and has not spoken about plans to revive them.

## **Senate rejects controversial NLRB nominee**

The nomination of union attorney Craig Becker to the National Labor Relations Board (NLRB) has been rejected by the full US Senate, which last week returned the nomination to President Obama for reconsideration after failing to act on it before the close of the legislative session. By unanimous consent agreement on December 24, the Senate waived a standing rule that all nominations upon which no actions are taken before the Senate adjourns are essentially rejected, so that all pending nominations will remain in status quo notwithstanding adjournment. However, Becker was among seven Obama nominees who were deemed "exceptions" to this agreement.

Becker, a former law school professor and attorney for both the Service Employees International Union (SEIU) and AFL-CIO, was formally nominated by the President in July, but his nomination has met with fierce resistance by the business community and Republican lawmakers. The US Chamber of Commerce, in a July 24 letter, urged the Senate Health, Education, Labor, and Pensions (HELP) Committee to hold a hearing on the nominee, citing concerns over Becker's "out of the mainstream" views on the National Labor Relations Act (NLRA) as well as concerns that his SEIU ties would "lead him to advance 'card check' organizing through administrative action by the NLRB, regardless of what Congress does" with the Employee Free Choice Act. Other employer groups and industry associations have opposed Becker's nomination as well.

Sen. Tom Harkin (D-Iowa), Senate HELP Committee chairman, downplayed these concerns. "[W]hile Mr. Becker has been a dedicated union lawyer for many years — and he has achieved an impressive record of success in that field — I am confident that he will approach his new position objectively and without bias," Harkin said, at an October executive committee session on pending nominees. "Most labor lawyers devote their careers either to representing unions and workers or to representing management. We have confirmed Board members with both union-side and management-side backgrounds in the past without cause for concern. Like these past members, I am sure that Mr. Becker will approach the job with an impartial and open mind."

The HELP Committee confirmed Becker's nomination in October by a 15-8 vote, as Sen. Michael Enzi (R-Wyo), ranking committee member, agreed to move a package of three Board nominees forward despite "serious concerns with Mr. Becker's writings — particularly the potential for radical changes in labor law he has advocated, and argued can be implemented, without Congressional authorization." (Becker was nominated alongside Democrat Mark Pearce, previously an attorney for the Board, and Republican nominee Brian Hayes, labor policy director for the minority on the Senate HELP Committee.)

Sen. John McCain (R-Ariz), however, put a hold on the nomination after it made its way out of committee. "I have concerns regarding Mr. Becker's written views, which indicate that he would prevent employers from having a role in union representation elections in their workplaces by doing away with requiring fair, secret ballot union elections when requested by an employer and I would like the opportunity to question Mr. Becker about these positions in person and in public," wrote McCain, in a letter to Enzi. McCain's hold on the nominee remains.

"There is no question that Mr. Becker has been thoroughly vetted for this position," said Harkin, noting the nominee had answered 282 written questions from Republicans.

## **The Past Decade the Worst for America's Workers**

Posted By [Tula Connell](#) On January 2, 2010 @ 2:31 pm In [Economy](#) | [6 Comments](#)

Whoa. [1] [This](#) from the Washington Post:

The past decade was the worst for the U.S. economy in modern times...

WaPo is the kind of newspaper that leans heavily toward emphasizing happy economic news, even in the face of 10 percent unemployment. So its coverage of the [2] [decade of disaster](#) means the situation must really be bad. How bad?

There has been zero net job creation since December 1999. No previous decade going back to the 1940s had job growth of less than 20 percent. Economic output rose at its slowest rate of any decade since the 1930s as well.

How bad?

Middle-income households made less in 2008, when adjusted for inflation, than they did in 1999—and the number is sure to have declined further during a difficult 2009. The Aughts were the first decade of falling median incomes since figures were first compiled in the 1960s.

How bad?

It was, according to a wide range of data, a lost decade for American workers.

But not for the CEOs of the corporations who fueled the nation's growing economic inequality. Take AIG, which taxpayers bailed out at a cost of \$182.3 billion. When one of its execs balked at a salary cut required by the Obama administration because AIG was surviving on taxpayer funds, the corporation [3] [paid her \\$3.8 million in severance](#).

The cataclysmic widening of the income gap between the obscenely rich and the rest of us is the very definition of the decade of disaster.

1/4/2010 Traffic

## **AAR weekly report: Intermodal up, carloads down for U.S. railroads**

During the week including Christmas, U.S. railroads boosted intermodal volume but registered a drop in carloads. In 2009's 51st week ending Dec. 26, they originated 197,754 carloads, down 1.1 percent, and 141,699 containers and trailers, up 14.2 percent compared with volumes from the same week in 2008, according to the [Association of American Railroads \(AAR\)](#). Total volume fell 0.9 percent to 22.1 billion ton-miles.

Canadian railroads reported weekly carload volume of 55,572 units, up 33.5 percent, and intermodal volume of 30,653 units, up 49 percent. Mexican railroads' weekly carloads jumped 37.7 percent to 10,718 units and intermodal volume soared 53.3 percent to 5,462 containers and trailers.

## **Rail accidents/incidents down 18.2% in 10 months of 2009**



January 5, 2010

U.S. railroads reported 8,861 accidents and incidents to the Federal Railroad Administration in the first 10 months of 2009, down 18.2% from the prior-year period, according to a preliminary report released Dec. 31 by the FRA's Office of Safety Analysis.

Rail fatalities for the period, mainly caused by grade crossing collisions and trespassing incidents, declined 12.8% to 598. Crossing fatalities dropped 13.6% to 294. Trespassing deaths were down 6.6% to 350.

There were 13 employee fatalities during the 2009 period, down 40.9% from last year's 23 and the lowest since the 10 deaths recorded in the first 10 months of 2006.

Train accidents were down 29.9% to 1,514 in January-October 2009, collisions were down 29.2% to 114, derailments were down 28.7% to 114, and yard accidents were down 29.8% to 814.

## **Metro train nearly hits independent safety inspectors**

By Joe Stephens and Lena H. Sun  
Washington Post Staff Writers  
Thursday, January 7, 2010; A01

A team of independent safety inspectors was nearly hit last month by a Metro train that appeared to be traveling at full speed and making no attempt to slow, as required by agency rules.

The inspectors "experienced a near-miss situation" and "were forced to quickly scramble out of the way to avoid being struck," according to a report released late Wednesday by the Tri-State Oversight Committee, which monitors safety at Metro. No one was injured.

The Dec. 10 incident came just days after Metro lifted a [six-month ban](#) on monitors accessing live subway tracks.

The near-miss near Alexandria's Braddock Road Station was one of numerous safety violations identified in the report. In other instances, inspectors said that train operators failed to respond to hand signals from track personnel and that Metro's control center failed to give operators adequate warning about where workers were stationed on the tracks. The report also said inspectors detected antagonism between track workers and train operators.

The review concluded that Metro's safety training was inadequate and that the transit agency needed to take "immediate, short-term corrective action" to ensure worker safety.

Metro officials acknowledged in a statement released Wednesday night that the train that nearly hit the inspectors was traveling too fast.

"The policy is that the train operators are to slow the trains as they approach a work zone," Michael Taborn, Metro's chief safety officer, said in the statement. "That policy was violated and an investigation was launched immediately."

Metro officials said the agency has increased training and oversight of workers and plans to set up a safety task force and establish new worker safety rules.

Metro barred inspectors from live tracks in the spring, citing concerns about their safety. After the ban was revealed in a November article in The Washington Post, members of Congress demanded an explanation. Metro's board chairman rescinded the ban, and the agency announced an executive-level shake-up.

The near-miss came during the deadliest year in Metro's history and while the agency was under intense scrutiny because of news accounts revealing safety lapses at the nation's second-busiest subway system. It also took place the same day [Sen. Barbara A. Mikulski \(D-Md.\) testified at a Senate hearing](#) that Metro was merely paying "lip service" to safety concerns and said she had lost confidence in Metro's management.

"This is outrageous," Mikulski said Wednesday when told of the near-miss. "It shows again that safety and accountability are not yet priorities at Metro. It is another example of why greater oversight of Metro is needed."

Metro has had six worker fatalities on the tracks in the past four years, accounting for almost 40 percent of the national total.

In the spring, Metro told inspectors from the Tri-State Oversight Committee that they could no longer walk along live tracks to assess compliance with safety rules. In the months following, a track vehicle on the Orange Line struck and killed Metro worker Michael Nash, and a train near Reagan National Airport struck and fatally injured Metro technician John T. Moore.

The inspectors were given access to live tracks Dec. 2 and returned for a second look Dec. 10. The team was assessing whether Metro employees were following rules designed to protect track workers, such as slowing and stopping as required when trains approached people on the tracks.

One team comprised two representatives from the oversight committee and an escort from Metro. They accompanied two Metro track inspectors. The report did not name the team members.

Near the Braddock Road Station, a Metro train unexpectedly bore down on the team, according to the report. The team members "experienced a near-miss situation when a train that appeared to be operating at full track speed passed the employees working along the [tracks] without appearing to slow down at all or acknowledge the employees' presence in any other way," the report said.

That was a "direct violation" of rules put in place after a string of accidents in 2005 and 2006, in which four subway workers were struck and killed by trains, the report said.

All five people on the tracks "were forced to quickly scramble out of the way to avoid being struck by the train in question due to the speed with which it appeared to approach."

Metro trains routinely travel at 59 mph through that section of track. Trains are supposed to slow to 35 mph two stations before a site where personnel are known to be working and to 10 mph after work crews are spotted.

Beyond that incident, inspectors said they saw multiple instances of trains going faster than rules allow when approaching workers on the tracks.

Other problems highlighted included a lack of clear written procedures for how to handle lookout duties for track workers and improper use of hand signals. Inspectors saw one track worker text-message Metro's control center with a cell phone instead of using a radio. Inspectors also saw track walkers with their backs turned to an oncoming train.

In addition to immediate corrective action, the report said Metro should evaluate all the rules and procedures governing workers on the tracks.

Metro has scheduled a safety work session next week that will include experts from other transit agencies.

Breaking News Alert  
The New York Times  
Fri, January 08, 2010 -- 8:35 AM ET  
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U.S. Economy Lost 85,000 Jobs in December; Unemployment Steady at 10%

The unemployment rate held steady at 10 percent, tempering hopes for a swift and sustained recovery from the Great Recession.

The monthly figures from the Labor Department included a revision for November that showed a gain of 4,000 jobs, the first increase in almost two years.

1/8/2010 Traffic

## **AAR weekly report: U.S. roads end year on carload downtick**

U.S. railroads capped off 2009 with a slightly disappointing weekly traffic ledger, although their intermodal volume continued to rebound slightly. During the week ending Jan. 2, which included New Year's Day, they originated 227,327 carloads, down 1.5 percent, and 149,128 intermodal loads, up 1.8 percent compared with totals from the same week in 2008, according to the [Association of American Railroads](#) (AAR).

For the year, U.S. railroads originated 13.8 million carloads, down 16.1 percent, and 9.9 million containers and trailers — the lowest volume since 2003 — down 14.1 percent vs. 2008 totals. Ton-miles fell 15.1 percent to an estimated 1.49 trillion.

During the fourth quarter, U.S. freight demand continued to “modestly strengthen” because of inventory re-stocking and last minute holiday-related traffic surges, according to a transportation and logistics report issued by Stifel Nicolaus & Co. Inc. yesterday. However, the uptick's sustainability “remains in doubt” as the “shape of the economic recovery remains uncertain,” the report states.

Meanwhile, for the week ending Jan. 2, Canadian railroads reported 56,608 carloads, up 16.9 percent, and 31,466 intermodal loads, up 7.4 percent year over year. However, their full-year carloads dropped 17.7 percent to 3.2 million units and total intermodal volume declined 14 percent to 2.1 million units.

Mexican railroads' weekly carloads rose 17.1 percent to 7,907 units and intermodal volume jumped 23.3 percent to 3,702 units. For the year, their carloads decreased 9.3 percent to 601,610 units and intermodal volume fell 12.5 percent to 288,076 units.

1/8/2010 Labor

## **Rail labor unions to launch national contract talks with NCCC**

The National Carriers' Conference Committee (NCCC) and United Transportation Union (UTU) plan to hold their first formal bargaining session next month on a national contract, which became open to amendments on Jan. 1. The parties will meet Feb. 10 and 11.

NCCC and the UTU exchanged their proposed amendments concerning pay rates, benefits and work rules on Nov. 1. About 40,000 UTU members are covered by the national contract.

During the current round of national contract bargaining with the UTU, the NCCC will serve as the chief negotiator for more than 30 U.S. railroads, including the Class I's. CN (U.S. operations), Canadian Pacific and Amtrak negotiate individually with the UTU.

Meanwhile, the International Brotherhood of Teamsters' Brotherhood of Maintenance of Way Employees Division (BMWED) plans to begin national contract bargaining with the NCCC on Jan. 13. The BMWED will negotiate as part of the Rail Labor Bargaining Coalition, which also

includes the Brotherhood of Locomotive Engineers and Trainmen; Brotherhood of Railroad Signalmen; International Brotherhood of Boilermakers, Blacksmiths, Iron Ship Builders, Forgers and Helpers; National Conference of Firemen & Oilers-SEIU; and Sheet Metal Workers' National Association.