



## **The U.S. Department of Labor: 2015 IGIA Briefing Paper**

The U. S. Department of Labor has been proud to foster, promote, and develop the welfare of wage earners, job seekers, and retirees in the jurisdictions of American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, the Republic of Palau, and the U.S. Virgin Islands.

Our efforts have reached far and wide into these communities, seeking to make the American workplace safer, healthier and fairer for everyone; to assure work-related benefits and rights, including the right to be paid fairly for every hour labored; and to meet the changing needs of a changing workforce by partnering with employers, community organizations and institutions of higher learning to improve job training, provide lifelong learning opportunities and advance efforts for profitable employment.

The impact of the Department of Labor has also reached outside the confines of the workplace, touching people's lives at all stages, by allowing parents to take leave and tend to loved ones; training veterans and young people for the careers of a lifetime; and guaranteeing the pensions of retired workers.

This is the result of the passion, dedication and hard work of more than 16,000 employees who proudly serve American workers every single day, and in every corner of the country. This briefing paper will explain their efforts and explore their achievements on behalf of workers and their families in insular areas.

### **EMPLOYMENT AND TRAINING ADMINISTRATION**

The Employment and Training Administration (ETA) administers federal job training grants to the U.S. Territory of Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Territory of American Samoa, and the Republic of Palau, as well as to the U.S. Virgin Islands. These grants will all be affected by the implementation of the Workforce Innovation and Opportunity Act (WIOA), which generally takes effect on July 1, 2015. The Department has conducted readiness assessments for each territory and jurisdiction, working with them to help with implementation.

ETA plans a trip in March to Guam, CNMI, and the Republic of Palau. The following ETA Region 6 officials will make the trip: Regional Administrator, Employment and Training Administration; Director, Office of State Systems; and Performance Specialist. Trip highlights will include WIOA implementation status and Trade Agreements (TA); monitoring, training, and

investigation on reporting; and both fiscal and performance data. The team will also do some work that other Department of Labor (DOL) agencies and Region 6 federal partners in San Francisco have requested. Examples include monitoring for Veterans Employment and Training Service (VETS) and conversations with Temporary Assistance for Needy Families (TANF) leadership. Team members will divide their time in order to accomplish this work in a reasonable period of time. (American Samoa will not be visited.)

#### THE UNITED STATES TERRITORY OF GUAM

Guam's unemployment rate, most recently estimated at 7.4 percent in March 2014, reduced significantly from 13.3 percent in 2013. Lack of industry-specific job skills and access to transportation and child care continue to present challenges to the completion of job-related training and job retention.

Through the Workforce Investment Act (WIA), Guam receives funds to operate employment and training programs and activities for Adults, Dislocated Workers, and Youth. The Wagner-Peyser Act allows the Guam Department of Labor (GDOL) to fund a labor-exchange system and to develop labor market information about products and services. ETA provides a Workforce Information Grant to help Guam produce critical labor market and workforce information in order to develop other core products and services to support the state and local workforce investment systems.

Additionally, ETA funds the Senior Community Service Employment Program (SCSEP), which provides subsidized, part-time community service-based training for low-income individuals age 55 or older who have poor employment prospects.

#### Guam's ETA funding for PY 2014 (July 2014 – June 2015)

A total of \$3,909,939 was awarded to Guam in PY 2014, as follows.

WIA Adult - \$662,814  
 WIA Dislocated Worker - \$1,030,445  
 WIA Youth - \$766,348  
 Wagner-Peyser Base Grant - \$310,787  
 Workforce Information Grant - \$93,090  
 SCSEP - \$974,891  
 Foreign Labor Certification - \$71,564

The Guam Workforce Investment Board and the administering agencies, Guam Department of Labor and the Agency for Human Resources Development, make up the policy and program delivery entities for the WIA and Wagner-Peyser-funded programs and activities. Much of this work is facilitated through Guam's American Job Center—a one-stop shop for workers to access job training and other critical employment services.

### *Unemployment Insurance*

In the absence of an unemployment insurance program, the GDOL worked with the Department to arrange for up to 600 returning service members to be eligible for Unemployment Insurance Compensation for Ex-service members (UCX). The service members, who returned from Afghanistan in January 2014, registered for UCX benefits while undergoing processing at Camp Shelby, Mississippi, and the GDOL will provide follow-up employment services.

The GDOL also conducts its own Current Employment Statistics (CES) program that produces quarterly estimates of employment by industry, including the government sector, as well as average hourly earnings, average hours worked per week, and average weekly earnings for private sector non-supervisory workers.

### *Partnerships*

Additionally, The Guam Community College, in conjunction with the GDOL, implemented the “WorkKeys” assessment tool. It is a nationally recognized tool used to help reduce employee turnover, decrease length of training for new employees, and increase employee productivity by ensuring those hired have the skills to do the jobs.

ETA has also been working with the Department of Defense on plans to recruit U.S. workers for a Marine base on Guam, as part of a long-term strategy to transfer Marines from Okinawa to Guam. The Guam Military Base Realignment Contractor Recruitment Standards were posted in January 2013. Construction contractors are to follow these standards when recruiting U.S. workers for Guam military base realignment projects funded through the National Defense Authorization Act. A MOU between ETA and GDOL was signed on November 28, 2011, in which the latter took responsibility to oversee the recruitment of U.S. construction workers supporting the U.S. military realignment in Guam in connection with an employer’s application for an H-2B labor certification. As part of this recruitment, Guam will post all jobs related to base construction on its own job bank, which is then shared nationwide through the National Labor Exchange managed by the National Association of State Workforce Agencies. DOL continues to work with DoD as part of the Economic Adjustment Committee, specifically on issues involving workforce training and recruitment needs.

### *Registered Apprenticeship*

In November of 2011, the Department recognized the GDOL as a State Apprenticeship Agency. This authorized Guam to oversee the territory’s Registered Apprenticeship system. Guam has been an exceptional addition to the National Apprenticeship system, focusing on expansion of registered apprenticeship programs to a variety of industries and occupations, particularly in support of ongoing military expansion efforts.

Guam currently has 109 active registered apprenticeship programs with over 900 apprentices sponsored by employers in the construction, hospitality, transportation, engineering, and energy industries, including eight new programs registered during FY 2014. ETA Office of Apprenticeship staff members continue to work with GDOL to provide technical assistance in building Guam’s capacity to conduct necessary oversight and servicing of registered apprenticeship sponsors and maintaining high-quality training of apprentices.

### The COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI)

The CNMI receives Workforce Investment Act (WIA) funds to operate employment and training programs and activities for Adults, Dislocated Workers, and Youth. It also receives Senior Community Service Employment Program (SCSEP) funds to provide subsidized, part-time community work based training for low-income individuals age 55 or older who have poor employment prospects.

#### CNMI's ETA Funding for PY 2014 (July 2014 – June 2015):

A total of \$1,687,449 was awarded to the CNMI in PY 2014 (July 2014 June 2015), as follows:

WIA Adult - \$347,860  
 WIA Dislocated Worker - \$540,801  
 WIA Youth - \$402,258  
 SCSEP - \$324,965  
 Foreign Labor Certification - \$71,565

On August 1, 2013, the CNMI Governor issued an Executive Order changing the Commonwealth's previously independent Workforce Investment Act Agency into a division of the CNMI Department of Labor. In the absence of an American Job Center, WIA-funded service delivery is coordinated through the CNMI Department of Labor, the public school system, and the Northern Marianas College.

The CNMI's overarching workforce goal is to move to a model that is less focused on welfare programs and more on job training that results in industry-recognized credentials. The CNMI is also focused on training U.S. workers in order to reduce dependence on foreign labor.

### THE UNITED STATES TERRITORY OF AMERICAN SAMOA

American Samoa receives WIA funds to operate employment and training programs and activities for Adults, Dislocated Workers, and Youth. It also receives Senior Community Service Employment Program (SCSEP) funds to provide subsidized, part-time community work-based training for low-income individuals age 55 or older.

#### A total of \$1,605,352 was awarded to American Samoa in PY 2014 (July 2014 – June 2015)

#### American Samoa's ETA funding for PY 2014 (July 2014 – June 2015), as follows:

WIA Adult - \$169,897  
 WIA Dislocated Worker - \$264,130  
 WIA Youth - \$196,434  
 SCSEP - \$974,891

The Territory was devastated by a major Tsunami in May 2009, and received more than \$25 million through a Disaster National Emergency Grant (NEG). The NEG included a temporary work phase that emphasized cleanup and a workforce development phase that

included upgrading available assessment and training services. The NEG operated through June 30, 2013, and served 2,361 participants.

The State Workforce Investment Board (SWIB) used resource mapping to identify the goals and objectives of all workforce initiatives in the Territory, the amount of funding budgeted to implement each initiative, and the numbers and types of clientele served by overlapping programs. As a result, the SWIB prioritized programs and is working to coordinate programs with similar objectives and shared clientele, in order to minimize duplication of efforts.

#### THE REPUBLIC OF PALAU

The President of the Republic of Palau, as the Chief Elected Official, structured its State Workforce Investment Board in October of 2009 to consist of the primary private and public sector stakeholders of the Republic in an effort to enhance and coordinate workforce programs and services. The Republic of Palau receives WIA funds to operate employment and training programs and activities for Adults, Dislocated Workers, and Youth. Although funding for youth programs is minimal, Palau is noted for its active Summer Youth Employment Programs.

#### Palau's ETA Funding for PY 2014 (July 2014 – June 2015)

A total of \$252,997 was awarded to Palau in PY 2014 (July 2014 - June 2015), as follows:

WIA Adult - \$69,652  
 WIA Dislocated Worker - \$108,345  
 WIA Youth - \$75,000

#### U.S. VIRGIN ISLANDS

The U.S. Virgin Islands Department of Labor (VIDOL) receives Workforce Investment Act (WIA) funds to operate employment and training programs and activities for Adults, Dislocated Workers, and Youth. Additionally, VIDOL receives funding to operate its Unemployment Insurance and Wagner-Peyser programs. The Senior Community Service Employment Program (SCSEP) is administered by the U.S. Virgin Islands Department of Human Services (VIDHS). The Virgin Islands Housing Authority (VIHA) recently received a YouthBuild grant.

#### U.S. Virgin Islands Funding for PY 2014 (July 2014 – June 2015)

A total of \$7,466,422 was awarded to the U.S. Virgin Islands in PY 2014 (July 2014-June2015), as follows:

WIA Adult - \$563,710  
 WIA Dislocated Worker - \$899,528  
 WIA Youth - \$605,383  
 Wagner-Peyser - \$1,308,263  
 Unemployment Insurance - \$1,930,937

SCSEP (VIDHS) - \$974,891  
 Workforce Information Grant - \$83,710  
 YouthBuild (VIHA) - \$1,100,000

As of January 2015, the USVI total unemployment rate is significantly higher (8.1 percent) than the national level (5.7 percent). Lack of industry-specific job skills, lack of training providers, and limited employment and educational opportunities continue to present challenges to the completion of job-related training and job retention for WIA program participants.

### *Registered Apprenticeship*

The USVI has applied for federal recognition as a State Apprenticeship Agency (SAA) that would be responsible for promoting registered apprenticeship and would collaborate with economic development and employment entities within the USVI. The Office of Apprenticeship is available to assist with the development and registration of apprenticeship programs, pending recognition of the SAA.

### *Discretionary Grants*

The SCSEP program provides subsidized, part-time community work-based training for low-income individuals age 55 or older. SCSEP funds were moved from VIDOL to VIDHS in PY 2013. The period of performance for this grant is July 1, 2014, to June 30, 2015.

VIHA recently received a \$1.1 million YouthBuild grant. The period of performance is August 11, 2014, to December 10, 2017. VIHA's YouthBuild program is designed to engage at-risk, low-income young people (ages 18-24) who need to complete their high school education and receive career training. VIHA's mission is to assist young people in transforming their lives and communities through training, community service, and jobs with sustainable wages.

### *Workforce Innovation and Opportunity Act*

On July 22, 2014, President Barack Obama signed the Workforce Innovation and Opportunity Act (WIOA). WIOA supersedes the Workforce Investment Act of 1998 and is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA presents an extraordinary opportunity to improve job and career options for our nation's workers and jobseekers through an integrated, job-driven public workforce system that links diverse talent to businesses. This revitalized workforce system is characterized by three critical hallmarks of excellence:

- ✓ The needs of business and workers drive workforce solutions and local boards are accountable to communities in which they are located;
- ✓ One-Stop Centers (or American Job Centers) provide excellent customer service to jobseekers and employers and focus on continuous improvement; and
- ✓ The workforce system supports strong regional economies and plays an active role in community and workforce development.

The Department of Labor is working with its Federal partners in Education and Health and Human Services and all workforce system stakeholders and grantees to support WIOA implementation. WIOA provisions take effect on July 1, 2015 with some exceptions.

The Departments of Labor and Education, in spring 2015, plan to concurrently publish five Notices of Proposed Rulemaking (NPRM) and provide an opportunity for public comment. One of these will be joint NPRM involving jointly administered activities including unified and combined state plans, performance, and aspects of the one-top delivery system. Another NPRM will implement the remaining provisions of WIOA Title I and Title III that are administered by the Department of Labor. Three additional NPRMS involve Department of Education programs, including one implementing Title II Adult Education and Literacy and two implementing the Title IV Amendments to the Rehabilitation Act of 1973 of WIOA. They will be published in the Federal Register and posted on [www.regulations.gov](http://www.regulations.gov). DOL and Education will analyze public comments and develop and issue Final Regulations by January 22, 2016. In addition, DOL will issue operating and programmatic guidance and continue to provide technical assistance throughout implementation. More information on WIOA, including technical assistance resources, is posted on DOL's official Website for WIOA at [www.doleta.gov/wioa](http://www.doleta.gov/wioa).

For PR and VI:

**Holly O'Brien**

Regional Administrator  
U.S. Department of Labor  
Employment and Training Administration  
John F. Kennedy Federal Building  
Room E-350 Boston, MA 02203  
Phone: (617) 788-0170  
Fax: (617) 788-0101

For Guam, AS, Palau, CNMI:

**Virginia Hamilton**

Regional Administrator  
U.S. Department of Labor/ETA  
90 7th Street, Suite 17-300  
San Francisco, CA 94103  
Phone: 415-625-7900  
Fax: 415-625-7903 (West)  
415-625-7923 (East)

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

OSHA conducts workplace inspections in the Pacific region focusing on construction, manufacturing, long-shoring, ship repair, the hotel industry and warehousing operations both on and off military installations. In 2009, the last garment factory closed in CNMI along with the temporary housing provided for some 20,000+ employees in that industry in CNMI. Accordingly, the level of enforcement in CNMI was reduced. Remaining industries include construction, service industry and limited general manufacturing. There is a large number of construction projects on Guam related to relocation of the Okinawa Marine Base to Guam. That project will move approximately 8,000 marines and their families to the area. The current Local Emphasis Programs used for scheduling inspections in the Pacific include:

- **Construction** – high-hazard industry, random scheduling based on local knowledge, field surveys of active projects and focused on hazards such as Falls, Struck-by, Electrocution, and caught-in;
- **Forklifts/Warehousing** – warehousing, storage and distribution yards, including Federally-owned;

- **Amputations** – local implementation of national program;
- **Shipyards** – high-hazard industry;
- **Hotel Industry** – high hazard areas including property-owned power and water plants and maintenance shops;
- **Silica** – health hazards associated with the use of crystalline silica;
- **Lead** – health hazards associated with lead.

### Worker Fatalities

Since 2004 there have been 25 occupational fatalities that OSHA investigated in the Pacific region covering Guam, CNMI, and American Samoa:

- February 2004: Feliciano Incorporated. American Samoa. A worker on a fishing boat slipped and fell 40 feet into a well in the hull of a boat.
- February 2004: Jins Construction Company, Guam. A worker died from injuries incurred using a cut-off saw.
- March 2004 JHC Corporation, Guam. A forklift driver was killed when the forklift tipped and he was pinned beneath it.
- June 2004: Guam Seawalker Tours, Guam. Five tour guides were killed when their kayaks capsized during a tropical storm.
- July 2004: D&J Equipment, CNMI. A worker was crushed between a concrete slab and the shovel of the loader he was using to lift the slab.
- August 2004: International Bridge Corporation, Guam. A worker was struck by a co-worker's truck while surveying locations for airport runway lights.
- November 2004: K&A Construction, Guam. A worker lost his balance and fell 8 feet off a roof.
- January 2005: Alliance Paper Products, Inc., CNMI. A worker was crushed while unloading large rolls of paper.
- March 2005: Big Light Construction, Guam. A worker working on a roof tripped and fell 15 feet.
- April 2005: Hyatt Regency, Guam. A service worker was electrocuted while performing maintenance on a washing machine.
- July 2005: J&G Construction, Guam. A worker was electrocuted when the scissor lift he was working from contacted on overhead power line.
- August 2005: Scuba World, Inc., Guam. A diving instructor drowned while working with a student.
- August 2005: Primo's Heavy Equipment, Guam. A driver was crushed in the cab of his vehicle when the front end of the tractor-trailer jack-knifed.
- December 2005: Starkist Samoa, American Samoa. A fishing boat worker fell out of a scow that was being lifted on a forklift; the scow landed on top of him.
- April 2006: Vargas Corporation, CNMI. A worker working in a drainage trench was struck and killed by a vehicle.
- September 2006: Military Sealift Command, Guam. Two workers fell 30 feet when the aerial lift they were working from tipped over.



- May 2007: Kinden Corporation and Guam Advance Enterprises, Inc., Guam. Two workers were injured while controlling traffic and standing in front of a pickup truck with arrow signage; another vehicle hit the truck, which hit the workers. One worker died from his injuries.
- April 2008: International Bridge & Construction, Guam. A worker was operating a small boat when it capsized due to high surf. The worker drowned in the choppy waters.
- March 2009: Hornet Bicycles & Sporting Goods, Guam. A worker working on a flat roof fell 35 feet.
- September 2009: Tool Shop & Building Supplies, American Samoa. A worker died after falling 4' 10".
- August 2011: Pacific Stevedoring, American Samoa. A fishing boat worker was struck on the head by the boom of the vessel's crane.
- November 2011: GM Logistics, Guam. A forklift driver was crushed under a forklift after he tried to jump from the forklift when he felt it tipping.
- May 2013: Paramount Builders, Inc., American Samoa. A painter fell 24 feet from an eave.
- July 2013: McConnell Dowell Constructors, American Samoa. A worker was electrocuted during a crane operation.
- October 2013: Starts Guam Golf Resort, Inc., Guam. A worker was crushed under a utility cart which had rolled onto its side.
- February 2014: E&Y Electric Co., Ltd., Guam. An employee fell as a result of an arc flash.
- October 2014: Hagens Inc., dba Solahart Guam. An employee fell off a ladder at the roof of a one-story residence.
- October 2014: Pacific Rim Land Development. An employee was crushed by a mobile scaffold which tipped over.

#### OSHA Enforcement Summary

	Guam	CNMI	American Samoa
Total Inspections			
FY 2006 - 2010	1999	411	235
FY 2011 - 2014	1214	158	176
Average Violations/Inspection			
FY 2006 - 2010	2.30	2.60	3.30
FY 2011 - 2014	2.39	3.19	2.89
% Serious			
FY 2006 - 2010	60.5%	50.0%	64.7%
FY 2011 - 2014	70.9%	51.2%	79.9%
Average \$/Serious Violation			
FY 2006 - 2010	\$707	\$554	\$667

FY 2011 – 2014	\$1,411	\$1,295	\$1,820
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### OSHA Cooperative Programs

**Alliances** The Alliance Program enables groups committed to worker safety and health to collaborate with OSHA to prevent injuries and illnesses in the workplace. These groups include unions, consulates, trade or professional organizations, businesses, faith- and community-based organizations, and educational institutions. OSHA and the organization sign a formal agreement with goals that address training and education, outreach and communication, and raising awareness of OSHA’s rulemaking and enforcement initiatives.

OSHA signed an Alliance with the Consulate of the Philippines on November 14, 2013 to promote workplace safety for Filipino workers in American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and several states (Arizona, California, Hawaii, and Nevada).

**Voluntary Protection Programs (VPP)** The VPP is designed to recognize and promote effective safety and health management. A hallmark of VPP is the principle that management, labor, and OSHA work together in pursuit of a safe and healthy workplace. VPP participants are work sites that have successfully designed and implemented outstanding health and safety management programs. Guam currently has one VPP site, ECC. The company engages in environmental remediation work.

**Strategic Partnerships** Organizations can foster partnerships with OSHA to address specific safety and health issues. In a partnership, OSHA enters into an extended, voluntary, cooperative relationship with groups of employers, workers, professional or trade associations, labor organizations and other interested stakeholders in order to encourage, assist, and recognize partner efforts to eliminate serious hazards and enhance workplace safety and health practices.

**On-Site Consultation** OSHA’s On-site Consultation Program offers free and confidential safety and occupational health advice to small and medium-sized businesses, with priority given to high-hazard worksites. Employers who request this free service are provided with a safety and/or health consultation visit, followed up with a formal written report. In addition to the free consultation service, this program provides free safety and/or health training for employers. On-site Consultation services are separate from enforcement and do not result in penalties or citations. Consultants work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing safety and health management systems. The following is a breakdown of how the Pacific region has benefitted:

- Guam: The Guam On-site Consultation Program has a staff of three, and an annual 100% federally funded grant of \$273,000;
- CNMI: The CNMI On-site Consultation Program has a staff of two (however one is currently vacant), and an annual 100% federally funded grant of \$196,000.

OSHA’s On-site Consultation program also conducts a significant amount of outreach to workers and employers in the Pacific about how to make workplaces safer and healthier, including:

- Providing trainers for the annual Guam Contractors Association Safety and Health Conference;
- Providing training on construction and general industry safety and health to employers and their supervisors in CNMI;
- Providing focused training on Heat Stress, Lock-out/Tag-out, Distracted Driving, Safety and Health Management Programs and summer youth employment in CNMI.

**Safety and Health Achievement Recognition Program (SHARP)** The Safety and Health Achievement Recognition Program (SHARP) recognizes small employers who operate an exemplary safety and health management system. This program is designed to provide incentives and support to employers to develop, implement, and continuously improve effective safety and health programs at their worksite. It is one of the highest awards OSHA can give to a small business. Upon receiving SHARP recognition, the employer's worksite will be exempt from OSHA programmed inspections during that period that their SHARP status is valid.

Finally, OSHA prides itself in awarding grants to nonprofit organizations on a competitive basis through its Susan Harwood Training Grant Program. These grants are awarded to provide training and education programs for employers and workers on the recognition, avoidance, and prevention of safety and health hazards in their workplaces. OSHA selects the safety and health topics and holds a national competition to award grants. Entities located in American Samoa, Guam and the CNMI are eligible and encouraged to apply for these grants.

**Honolulu Area Office:**

Jeff Romeo

[Romeo.jeffrey@dol.gov](mailto:Romeo.jeffrey@dol.gov)

808-541-2684 – office

**WAGE AND HOUR DIVISION**

The Wage and Hour Division (WHD) is committed to promoting and achieving compliance with labor standards for which it has enforcement authority in the Pacific Rim. WHD staff is available to provide assistance to employees and employers in the Pacific Rim personally, over the phone, or by email.

Individuals in the Pacific Rim area can obtain confidential assistance by calling the WHD toll-free help line, or by visiting the Division's offices in Guam or Saipan. WHD has also contracted with an interpreter service line with a capacity of more than 200 languages, which represent over 98 percent of the languages spoken in the world. Now, when a person with limited English proficiency contacts WHD staff, personnel can obtain interpretation services within a few minutes in the desired language.

Overall, WHD has stepped up enforcement efforts on behalf of vulnerable workers – such as low-wage workers, migrant/seasonal laborers and workers with limited English language skills. These workers are often unaware of their rights or are reluctant to file a complaint when subject to labor violations. WHD offices around the country, including those with jurisdiction over the

Pacific Rim, conduct strategic enforcement initiatives in low-wage industries with large populations of vulnerable workers and where labor violations are most prevalent (i.e. janitorial, agriculture, construction, healthcare, hotel and motel, garment and restaurants). In the last two fiscal years, WHD's Guam office concluded 155 cases resulting in more than \$3.5 million in back wages for over 2,000 workers. During the same time period, WHD's Saipan office also concluded 155 cases, resulting in more than \$1.3 million in back wages for over 1,700 workers.

Creating and maintaining partnerships with governmental entities is an important part of increasing the effectiveness of WHD's services and efforts. These partnerships help the agencies better communicate and work together to strengthen compliance at the local level. For example, the Division established a formal partnership with the American Samoa Government (ASG), which is responsible for administering and enforcing locally entitled wages, overtime premiums and recordkeeping requirements for its government-wide workforce. A locally stationed USDOL WHD investigator works with local ASG staff to provide technical assistance for their formation of a federally mandated FMLA policy for its employees as well as ensuring compliance (via training) with the federal Fair Labor Standards Act (FLSA). The ASG, which has recently paid approximately \$1 million in minimum wage and overtime back wages in fiscal year 2013, has described its WHD-ASG partnership as "historic" in a half hour television program on February 6<sup>th</sup> 2014 that announced the significance of the signing of a Memorandum of Understanding with the Division.

The ASG is working with the WHD's locally stationed investigator to identify additional back wages owed for potential non-compliant policies in its semi-autonomous agencies such as their community college, public library, hospital and telecommunications center. The MOU also acknowledges that the ASG does not have a local department of labor to enforce any safeguards for wages, work conditions or child labor employment in the private sector. Therefore, the MOU states that the USDOL Wage Hour will train local ASG managerial and investigative staff after the ASG formulates their own DOL to assist private sector workers who are not covered by federal wage or safety standards.

In addition to our local commitment to safeguard the pay, working conditions and FMLA protections of the government workers, our locally stationed WHD investigator is a point of contact to assist federally covered employers and employees in the American Samoa private sector who have not had a USDOL local contact office for either technical assistance/outreach or complaint in-take purposes. Our locally stationed Wage Hour Investigator will create a more timely service in the future to assist low wage workers in this remote island community who had never experienced a sustained DOL federal presence. Specifically, we plan to continue staffing the American Samoa location with rotational WHIs over the course of the fiscal year to enhance compliance levels in the private and public sectors.

Another key component of a sustained Division presence in American Samoa is our outreach work in an NGO community that is assisting exploited and/or trafficked individuals housed in their shelters. Specifically, the Division will continue to educate the American Samoa community that all live-in domestic workers (foreign national and local) are entitled to a federal minimum wage. The aforementioned MOU allows us to provide federal compliance assistance

materials (via ASG Immigration) to employers petitioning foreign nationals to work in the homes of American Samoan residents.

Similarly, the Division collaborates with the government of the Commonwealth of the Northern Mariana Islands to identify opportunities for working together on strengthening federal labor law compliance at the local level. Our mutual commitment to promote and enforce baseline protections for workers in the western pacific region is exemplified in the August 2014 MOUs between the USDOL Wage Hour Division and the Department of Labor for both the Government of Guam and also the Commonwealth of the Northern Mariana Islands. These MOUs formalized sharing and cooperation protocols between the federal and local governments of Guam and the CNMI while promoting compliance labor standards through education and enforcement.

In American Samoa, WHD has developed a three year strategic plan to grow compliance levels through enforcement and education outreach within the government and private sectors as well as assist live-in foreign national domestic workers who are not paid their lawfully entitled minimum wage. The WHD continues to uncover and resolve violations of the Fair Labor Standards Act and the Family Medical Leave Act.

Finally, WHD makes frequent and varied outreach and education efforts to employee and employer communities to increase public awareness and compliance with federal wage and hour laws. WHD has also made significant investments in the creation of extensive multi-lingual guidance to inform employees of their rights and employers of their responsibilities under the law. WHD has translated more than 210 publications into 13 different languages for dissemination through its website. Over 100 publications have been translated into several AAPI languages (including Chinese, Korean, Thai, Vietnamese, Hmong and Tagalog). These publications include fact sheets, posters, Employee Rights Cards, bookmarks, forms, and public service announcements. These and other useful resources are also widely distributed to stakeholders at various WHD outreach events in the Pacific Rim.

**For the Guam Area Office:**

U.S. District Courthouse Building  
520 W. Soledad Avenue  
Hagatna, Guam 96910-4950

Phone Number: 671-473-9178

**For the Saipan Field Office:**

Marina Heights Business Park  
MH II Bldg Suite 205  
Saipan, MP 96950

Phone Number: 670-233-0740

**EMPLOYEE BENEFITS SECURITY ADMINISTRATION**

The mission of the Employee Benefits Security Administration (EBSA) is to assure the security of the retirement, health and other workplace related benefits of America's workers and their families. EBSA develops effective regulations; assists and educates workers, plan sponsors, fiduciaries and service providers; and vigorously enforces the law.

In calendar years 2012 and 2013, EBSA handled 5 inquiries from American Samoa, 45 inquiries from Guam, and 2 inquiries from the Northern Mariana Islands. There were no inquiries from the Marshall Islands, Micronesia, or Palau.

In calendar year 2014, EBSA opened one civil investigation in Guam. There were no civil investigations opened in the other territories.

In Guam, EBSA's investigation of the Calvo Fisher & Jacob Attorneys Basic Plan was predicated on a review of the Plan's Form 5500, which indicated that the Plan was not covered by a fidelity bond. The case closed with no action as the Plan was terminated in 2013 and plan assets no longer remained.

Additionally, participants from these territories can (and sometimes do) participate in webinars hosted by EBSA, which they can learn about from EBSA's website, where they can subscribe to updates and information on upcoming webinars. <http://www.dol.gov/ebsa/>

EBSA Contact for the Insular Areas:

Crisanta Johnson  
1055 East Colorado Blvd, Ste 200  
Pasadena, CA 91106-2357  
Tel (626) 229-1000  
Fax (626) 229-1098

**VETERANS EMPLOYMENT AND TRAINING SERVICE (VETS)**

Jobs for Veterans State Grant (JVSG):

Over 200,000 Service Members will be separating from the military each year over the next several years. The federally-funded public workforce system, comprised of nearly 2,500 AJCs across the nation, provides priority of service for Veterans in all DOL-funded employment and training programs. Through the Department's mainline employment and training programs and services administered through this nationwide network of American Job Centers, we have served approximately 1.2 million veteran participants in Program Year 2013 (July 1, 2013 - June 30, 2014).

In addition, VETS offers employment and training services to eligible Veterans through the Jobs for Veterans State Grant (JVSG) program. Services are provided to maximize employment and training opportunities for Veterans. VETS allocates program funds to each state, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

JVSG program funds support services to veterans and employers through two staff positions:

- Disabled Veterans' Outreach Program (DVOP) specialists provide intensive services to veterans with significant barriers to employment, or other eligible populations. Intensive services are designed to mitigate an individual's barriers to employment through comprehensive and specialized assessments of skill levels and needs, the development of an individual employment plan, group and individual career counseling and planning, and short-term instruction to augment skills development (such as interview and communication skills).
- Local Veterans' Employment Representative (LVER) staff conduct job development activities to facilitate veterans' transition into civilian employment. This includes outreach to and engagement of business and community leaders, to identify job prospects for veterans and promote veteran hiring. LVER staff coordinate with DVOP specialists and other American Job Center staff to seamlessly transition veteran clients into appropriate employment in the local community.

Currently, DOL VETS provides funding to Guam and the Virgin Islands to hire JVSG staff. In PY 2013, 63 veterans and other eligible persons in the Virgin Islands received services from JVSG funded staff.

Transition Assistance Program (TAP):

The Transition Assistance Program (TAP), now known as "Transition GPS," is an important inter-agency effort led by the Departments of Labor, Defense, Veterans Affairs and Homeland Security, designed to prepare separating service members and their spouses to successfully transition from the military to civilian employment. Through Transition GPS, DOL brings to bear its extensive expertise in employment services to provide a comprehensive three-day Employment Workshop at U.S. military installations around the world.

In FY 2012, the Department completed a major redesign of the Employment Workshop curriculum to incorporate emerging best practices in career development and adult learning and make it more engaging and relevant in light of the distinctive challenges facing separating service members. The result is an enhanced Employment Workshop that provides a highly effective training forum to prepare servicemembers for a successful transition to the civilian workplace.

- To date, the Department has provided training and services through the DOL Employment Workshops to over 2.6 million separating or retiring service members and their spouses.
- Last year, DOL conducted more than 6,600 Employment Workshops for over 207,000 participants at 206 military installations worldwide. Of the 207,000 participants, more than 9,000 were members of the National Guard and Reserve.

### USERRA and VEOA:

The Department also protects the employment rights of the men and women who serve this Nation. Among the important worker protection laws enforced by DOL is the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which prohibits discrimination against members of the Armed Services, Guard and Reserve because of their past, present, or future military obligations. In Fiscal Year 2014, VETS investigated 1,137 new USERRA complaints and closed 1,134 cases.<sup>1</sup> Two of the cases investigated and closed in FY 2014 were from the Virgin Islands. The Department also works diligently to investigate and resolve Veterans' Employment Opportunities Act (VEOA) complaints and to ensure veterans receive their due preference in Federal employment.

### **VETS Contacts:**

#### **For Guam:**

Ann Greenlee, DVET  
[greenlee.ann.m@dol.gov](mailto:greenlee.ann.m@dol.gov)  
 (808) 522-8216

#### **For the U.S. Virgin Islands:**

Miguel Gonzalez, DVET  
[gonzalez.miguel@dol.gov](mailto:gonzalez.miguel@dol.gov)  
 (787) 625-3137, ext 2530

### **OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS**

The Office of Federal Contract Compliance Programs (OFCCP) has jurisdiction over more than 170,000 establishments that profit from an estimated \$500 billion in government contracts annually and enforces the contractual promise of equal employment opportunity (both nondiscrimination and affirmative action) required of those who do business with the federal government.

In fiscal year 2013, OFCCP conducted compliance evaluations at almost 4,000 contractor establishments; uncovered violations of equal employment opportunity laws in nearly one-third of those reviews and, specifically, found evidence of discrimination at 76 establishments; recovered almost \$10 million in financial remedies for victims of discrimination; and negotiated approximately 1,250 potential job offers on behalf of 11,397 workers affected by discrimination.

OFCCP has a national network of six Regional Offices, each with District and Area Offices in Major Metropolitan Centers including a field office in Guam, Hawaii (Hawaii office also serves Guam, American Samoa, and the Northern Marianas Islands) and a Caribbean Field Station through which OFCC enforces and monitors compliance of contractors in the territories and the

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<sup>1</sup> \*Note: Because many USERRA case investigations carry over from one fiscal year into the next, the number of cases closed by VETS in FY 2014 was less than the number of new cases reported by VETS for FY 2014



states. OFCCP administers and enforces three legal authorities that require equal employment opportunity:

**Executive Order 11246** (“the Order” or “EO 11246”): The Executive Order prohibits federal contractors and federally-assisted construction contractors and subcontractors who have contracts of at least \$10,000 with the federal government from discriminating in employment on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin.

**Section 503 of the Rehabilitation Act of 1973**, (“Section 503”): Section 503 protects the employment rights of individuals with disabilities.

**The Vietnam ERA Veterans’ Readjustment Assistance Act of 1974** (“VEVRAA”): VEVRAA sets forth the requirements for nondiscrimination against veterans by federal contractors.

**For the U.S. Virgin Islands:**

Diana Sen, Regional Director  
Northeast Region  
[Sen.diana@dol.gov](mailto:Sen.diana@dol.gov)  
(646) 264-3196

Thomas M. Dowd, Acting Northeast Regional Director  
[Dowd.thomas@dol.gov](mailto:Dowd.thomas@dol.gov)  
(202) 693-0101

**For American Samoa, Commonwealth of the Northern Mariana Islands, Guam and the Republic of Palau**

Janette Wipper, Regional Director  
Pacific Region  
(415) 625-7801  
[Wipper.janette@dol.gov](mailto:Wipper.janette@dol.gov)

**OFFICE OF WORKERS COMPENSATION PROGRAM**

The Office of Workers’ Compensation Program (OWCP) administers four major disability compensation programs which provide wage replacement benefits, medical treatment, vocational rehabilitation and other benefits to three million Federal and Postal workers or their dependents that experience work-related injury or occupational disease. These programs serve the specific employee groups who are covered under the relevant statutes and regulations by mitigating the financial burden resulting from workplace injury.

The program has six regional offices nationwide including one in San Francisco that is proudly serving the workers of the Pacific region.

**Point of contact for Pacific Insular Area:**

Sharon Tyler  
Regional Director  
Pacific Region  
90 7th Street, Suite 15100 F  
San Francisco, CA 94103  
(415) 241-3489