



The U.S. Department of Labor

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, CNMI, Guam, 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 Department of Labor administers federal job training grants to three Pacific jurisdictions: Guam, Commonwealth of the Northern Mariana Islands and American Samoa, and the Republic of Palau.

GUAM

Guam's unemployment rate is significantly higher than the national-level, but is expected to improve over the next five years. 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 also allows the department to fund a labor-exchange system and to develop labor market information about products and services.

As an example, the department Labor provided a grant to help Guam produce critical labor market and workforce information needed to develop other core products and services to support the state and local workforce investment systems. A total of \$92,818.00 was allotted to Guam Department of Labor (GDOL) in PY 2012.

Guam's ETA funding for PY 2012:

WIA Adult Program Year - \$889,007

WIA Dislocated Worker -\$1,421,166

WIA Youth - \$953,260

Wagner-Peyser - \$453,733

The department also funds the Senior Community Service Employment Program (SCSEP). It provides subsidized, part-time community work based training for low- income individuals age 55 or older who have poor employment prospects. The program also provides earmark funds to help job seekers and incumbent workers receive construction industry-recognized credentials.

In June 2010, Guam received a \$285,000 Earmark Grant to help 200 construction workers receive National Center for Construction Education and Research (NCCER) certifications in their respective trades. Craft skills assessment, test preparation and certification were provided by the non-profit Guam Contractors Association Trades Academy. The Grant project also assessed the knowledge and skills of approximately 1,600 Guam residents who were either employed in the construction industry or those who were new to the industry and seeking training, industry-recognized credentials and employment in the construction industry.

Total Breakdown:

SCSEP (PY 2011-12) - \$1,008,565

Earmark Grant Project – (2010 -13) \$285,000

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 by Guam's very own American Job Center—a one stop shop for workers to access job training and other critical employment services.

In the absence of an unemployment insurance program, the GDOL is unable to participate in the Bureau of Labor Statistics (BLS) Quarterly Census of Employment and Wages (QCEW). However, the agency does conduct its own annual census of establishments of employers.

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.

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.

Finally, in November of 2011, the department recognized 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.

During FY 2012, Guam registered 20 new programs sponsored by employers in the construction, hospitality, transportation, engineering, and energy industries. The Office of Apprenticeship staff continues 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.

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 and 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 Funds for PY 12:

WIA Adult - \$328,977

WIA Dislocated Worker - \$525,903

WIA Youth - \$352,754

SCSEP - \$336,189

WIA-funded service delivery is coordinated through Saipan’s Workforce Investment Agency, 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. To this end, the CNMI’s Workforce Investment Board implemented PL 17-15 which is designed to provide over \$2,000,000 dollars in scholarship funds for qualifying students wishing to attend apprenticeship courses at Northern Marianas College.

AMERICAN SAMOA

American Samoa receives WIA funds to operate employment and training programs and activities for Adults, Dislocated Workers and Youth; SCSEP funds to provide subsidized, part-time community work based training for low income individuals age 55 or older; and National Emergency Disaster Grant funds to help the individuals who were displaced by the tsunami with job creation and workforce development activities.

American Samoa's funding for PY 2012:

WIA Adult - \$109,218

SCSEP - \$1,008,565

Tsunami Disaster National Emergency Grant (2010-13) - \$25,357,608

Through resource mapping, the State Workforce Investment Board (SWIB) has identified 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. Through this identification process, the SWIB has prioritized programs and is working to coordinate programs with similar objectives and shared clientele, in order to minimize duplication of efforts.

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.

Palau Funding for PY 2012

WIA Adult - \$75,000

WIA Dislocated Worker - \$119,895

WIA Youth - \$75,000

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

OSHA conducts inspections in the Pacific focusing on construction, manufacturing, long-shoring, ship repair, hotel industry and warehousing operations both on and off military installations. 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;
- 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.

Worker Fatalities in the Pacific

Over the last 8 years there have been 7 fatal industrial accidents in the Pacific. These are as follows:

- December 2005: Starkist Samoa, American Samoa
- September 2006: Military Sealift Command, Guam
- May 2007: Kinden Corporation and Guam Advance Enterprises, Inc., Guam
- March 2009: Hornet Bicycles & Sporting Goods, Guam
- September 2009: Tool Shop & Building Supplies, American Samoa
- August 2011: Pacific Stevedoring, American Samoa
- November 2011: GM Logistics, Guam

Pacific Enforcement Summary

	Guam	CNMI	American Samoa
Total Inspections			
FY 2006 - 2010	1999	411	235
FY 2011 - 2012	380	66	55
FY 2013 to date	25	0	14
Average			
Violations/Inspection	2.3	2.6	3.3
FY 2006 - 2010	2.05	2.78	2.57
FY 2011 – 2012	2.33	N/A	2.00
FY 2013 to date			
% Serious			
FY 2006 – 2010	60.5%	50.0%	64.7%
FY 2011 – 2012	78.10%	77.60%	54.7%
FY 2013 to date	68.30%	N/A	100%
Average \$/Serious			
Violation	\$707	\$554	\$667
FY 2006 – 2010	\$1,381	\$1,739	\$1,316
FY 2011 – 2012	\$1,585	N/A	\$2,400
FY 2013 to date			

OSHA Cooperative Programs

Alliances The Alliance Program enables trade or professional organizations, employers, labor organizations, and educational institutions to collaborate with OSHA to prevent injuries and illnesses in the workplace. OSHA and the organization sign a formal agreement with goals that address training and education, outreach and communication, and promoting the national dialogue on workplace safety and health.

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 systems.

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, employees, and employee representatives (sometimes including other stakeholders, and sometimes involving only one employer) in order to encourage, assist, and recognize their efforts to eliminate serious hazards and achieve a high level of worker safety and health.

On-Site Consultation Small businesses, particularly those in high-hazard industries or involved in hazardous operations, can use this free service to help improve their safety performance. Safety and health consultants work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing safety and health programs.

Safety and Health Achievement Recognition Program (SHARP) Employers that participate in the On-Site Consultation Program may seek recognition under SHARP for their exemplary safety and health programs. SHARP provides incentives and support for small businesses to develop, implement, and continuously improve safety and health programs.

OSHA also conducts a significant amount of outreach in the Pacific, to workers and employers, about how to make workplaces safer and healthier. Here are just a few ways OSHA has made a difference in the region:

- Provided trainers for the annual Guam Contractors Association Safety and Health Conference;
- Provided training for contractors at both the Navy Base and Andersen Air Force Base;
- Provided trainers in conjunction with the CNMI Chamber of Commerce;
- Provided technical assistance to the A. Samoa Government and private enterprises after the tsunami.
- Provided safety & health training to businesses at the A. Samoa Community College.

Additionally, OSHA provides critical health and safety consultation in the Pacific. Each region within OSHA has free and confidential safety and health consultation programs for all employers. The program is known as the OSHA 21(d) Consultation program. 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 services, these programs provide

free safety and/or health training for employers. The following is a breakdown of how the Pacific region has benefitted:

- **Guam:** The Guam Consultation Program has a staff of three, and an annual 100% federally funded grant of \$273,000.
- **CNMI:** The CNMI Consultation Program has a staff of three, and an annual 100% federally funded grant of \$196,000.

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.

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 175 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 two 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).

For example, WHD is conducting a robust, multi-year enforcement initiative in Guam's construction industry to increase employer compliance and to remind construction workers, including those hired under the H-2B temporary nonimmigrant worker program, of their rights under applicable labor laws. WHD investigators – many of whom speak Tagalog, Mandarin and other languages – are interviewing employees and conducting thorough reviews of employment practices, pay records and circumstances of joint employment to identify and remedy common violations. WHD is also engaging local stakeholders, such the Guam Department of Labor and

the Guam Contractors' Association, to assist the Division in identifying and addressing local patterns of noncompliance.

Finally, WHD makes frequent and varied outreach and education efforts to employee and employer communities to increasing 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 170 publications into 11 different languages for dissemination through its website. Nearly 90 publications have been translated into Samoan and 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.

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 2011 and 2012, EBSA handled 7 inquiries from American Samoa, 34 inquiries from Guam, and 4 inquiries from the Northern Mariana Islands. There were no inquiries from the Marshall Islands, Micronesia, or Palau.

In calendar years 2011 and 2012, EBSA opened 1 investigation in American Samoa and five investigations in Guam. There were no investigations opened in the other territories.

In Guam EBSA accomplished the following:

- EBSA's investigation of the Hilton Guam Resort and Spa 401(k) Retirement Savings Plan was predicated on untimely contributions to the Plan's trust. The investigation, opened in April 2011 and closed in March 2012, resulted in \$1,449 in plan assets restored to the Plan, benefitting 344 participants.
- EBSA's investigation of the South Pacific Petroleum Corporation Retirement Plan was predicated on untimely contributions to the Plan. The investigation, opened in May 2011 and closed in September 2012, resulted in \$1,805 in plan assets restored to the Plan, benefitting 100 participants.
- EBSA's investigation of the Maeda Pacific Corporation Employee 401(k) Plan was predicated on untimely contributions to the Plan. The investigation, opened in December 2011 and closed in July 2012, resulted in \$95 in plan assets restored to the Plan, benefitting 36 participants.

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/>

VETERANS EMPLOYMENT AND TRAINING SERVICE (VETS)

Assistant Secretary Keith Kelly began his tenure in January of 2013 at the Veterans Employment and Training Service (VETS) at the Department of Labor (DOL or Department).

Jobs for Veterans State Grant (JVSG):

Over 300,000 Service Members will be separating from the military each year over the next 5 years, totaling approximately 1.5 million individuals. The federally-funded public workforce system, comprised of approximately 2,800 AJCs across the nation, will be challenged in meeting the increased demand for employment services for these heroes. The public workforce system provides priority of service for Veterans in all DOL-funded employment and training programs.

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 provided by two primary types of staff positions, Disabled Veterans' Outreach Program (DVOP) specialists and Local Veterans' Employment Representative (LVER) staff. Specially trained DVOPs provide intensive services for Veterans who have significant barriers to employment to focus on improved employment prospects. LVERs conduct outreach to employers to develop and identify employment opportunities for all Veterans served by the American Job Centers, and to educate and advise all AJC staff on Veteran issues.

- **Guam:** Currently, DOL VETS is providing close to \$70,000 in funds which supports a JVSG staffer in Guam for FY 2012. Guam does not report on outcomes.
- **Virgin Islands:** In FY 2012 VETS will provide \$58,000 to the Virgin Islands under JVSG. As of June 30, 2012, 67 veterans and other eligible persons received intensive services from JVSG funded staff in the previous four quarters.

Transition Assistance Program (TAP):

In August 2011, President Obama directed the Departments of Defense and Veterans Affairs to lead a task force to develop the first major redesign of the military's Transition Assistance Program (TAP) in over 20 years. This new transition program, entitled "Transition GPS" will be implemented throughout the Armed Forces by the end of 2013.

TAP includes a comprehensive three-day DOL Employment Workshop given at military installations worldwide. Professionally-trained workshop facilitators present material associated with job searches, career decisions, current occupational and labor-market conditions, résumé preparation, and interviewing techniques.

- In Fiscal Year 2011, DOL provided more than 4,200 Employment Workshops to nearly 152,000 participants at locations worldwide including over 50 sites in Germany, the United Kingdom, Guam (Anderson Air Force Base and the Guam Naval Base), Japan, Korea, Belgium, Italy, Bahrain, Turkey and the Azores (Portugal).

VOW to Hire Heroes Act:

The Department is working with the U.S. Department of Veterans Affairs (VA), the U.S. Department of Defense, and other Federal agencies to implement the VOW to Hire Heroes Act of 2011 that contains several provisions designed to improve and smooth the transition of veterans to civilian employment.

Veterans Retraining Assistance Program (VRAP):

The VOW Act established the VRAP for unemployed veterans aged 35 to 60 to provide eligible veterans with up to 12 months of VA-funded retraining assistance to pursue an associate degree or certificate in a high-demand occupation. VRAP is designed to provide eligible veterans with up to one year of retraining assistance for jobs in high-demand sectors, from trucking to technology. The program may enroll up to 45,000 veterans in Fiscal Year 2012, beginning July 1, 2012, and up to 54,000 veterans from October 1, 2012 through October 1, 2013, with training to be concluded by March 31, 2014.

- As of December 13, 2012, there were 68, 869 Veterans accepted into the VRAP including close to 80 Veterans living outside the United States (including 19 Veterans in Guam in 9 in the Virgin Islands,)

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (OFCCP)

The Office of Federal Contract Compliance Programs (OFCCP) has jurisdiction over 170,000-plus establishments that profit from over \$700 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 2012, OFCCP conducted compliance evaluations at over 4,000 contractor establishments, resolved 139 cases of employment bias, recovered more than \$11 million in financial remedies for victims of discrimination, and negotiated approximately 3,500 potential

job offers for qualified applicants. During the first Obama administration, OFCCP reviewed about 17,000 establishments employing more than 7 million workers, recovered \$42.5 million in back wages, and obtained more than 8,300 potential job offers for over 80,000 workers.

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

- **Executive Order 11246, as amended (“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, or national origin.
- **Section 503 of the Rehabilitation Act of 1973, as amended, 29 USC Sec. 793 (“Section 503”).** Section 503 protects the employment rights of individuals with disabilities.
- **The Vietnam ERA Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212 (“VEVRAA”).** VEVRAA sets forth the requirements for nondiscrimination against veterans by federal contractors.

OFFICE OF WORKERS’ COMPENSATION PROGRAMS

The Office of Workers' Compensation Programs administers four major disability compensation programs and provides workers' compensation coverage to three million Federal and Postal workers around the world for employment-related injuries and occupational diseases. Benefits include wage replacement, payment for medical care, and where necessary, medical and vocational rehabilitation assistance in returning to work. The program has 12 district offices nationwide including one in San Francisco that is proudly serving the workers of the Pacific region.

For more information, please call Carrianna Suiter, Intergovernmental Affairs, 202 693-4600