

DOL Moves On-Line

The US Department of Labor (DOL) has launched a new online resource – the online enforcement database. With this database, the DOL is now allowing the public to see *all* (EEOC, W&H, OSHA, EBSA, OFCCP, etc.) of the Department’s prior compliance and enforcement audit results, which can be sorted by ZIP code, industry sector, company name and any number of other ways.

This is the database that government used to use as a private database to determine who’s a “bad actor” in compliance with President Obama’s Executive Order for greater interagency cooperation. But achieving “transparency” by opening the database to the public means it is now accessible to labor unions (which employer might be ripe for unionization and what themes could be most effective?) and plaintiffs’ attorneys (where might a class action be lurking?).

It is definitely worth a trip to <http://ogesdw.DOL.gov/index.php> to see what information the site offers about YOUR company.

In addition, DOL – which, by the way, estimates that 70 percent of employers are *not* in compliance with the Fair Labor Standards Act (FLSA) – has unveiled a free smartphone application that allows workers to track their hours so they can figure out exactly how much compensation they’re owed for time worked.

Yes, there’s an app for *that*.

Plus, the app includes a prominent “contact us” icon, making DOL just a quick finger-tap away for any employee who believes he or she is being underpaid. Secretary of Labor Hilda Solis notes that the technology could prove “invaluable” during wage/hour investigations that allege inaccurate employer time records.

More on DOL and Technology

The U.S. Department of Labor (DOL) has launched a first-of-a-kind federal website to make it easier for software developers to incorporate DOL data into online and mobile applications. The site features published application program interfaces (APIs) and software development kits (SDKs) that allow developers to remotely access data collected by the department.

The tools, available at <http://developer.DOL.gov>, are part of the DOL’s ongoing efforts to increase transparency, participation, and collaboration through the Obama administration’s Open Government Initiative.

In announcing the effort, Deputy Secretary Seth Harris stated, “While a handful of other federal agencies are making data available through one or more APIs, the inclusion of SDKs is a federal first. By doing so, we’re lowering the technical barriers and providing developers of all experience levels the opportunity to turn good ideas into powerful software applications for the American public.”

The site currently features seven APIs providing access to items ranging from employment and wage data gathered by DOL’s Bureau of Labor Statistics to details of inspections conducted by the department’s Wage and Hour Division and its Occupational Safety and Health Administration. Additional data is expected to be added weekly.

Limits on Employer Use of Credit Checks

A Pennsylvania bill S.B. 128 would restrict employers from using consumer credit report data to make decisions regarding job applicants and employees.

The measure would amend the state Human Relations Act to include the improper use of credit report information in the workplace as an “unlawful discriminatory practice.” S.B. 128 only would allow employers to use credit data if it were:

... substantially job related and the employer's or potential employer's reasons for the use of the information are disclosed to the employee or potential employee in writing, in which case, the burden of proof shall be on the employer or potential employer to demonstrate that the employee's or potential employee's credit worthiness, credit standing or credit capacity is substantially job related.

Under the bill, employers also would be allowed to use consumer credit report data if it were required by law. Individuals would be authorized to seek enforcement of the proposed law through a complaint to the state human relations commission and then by filing a lawsuit.