February 15, 2017

Oppose the Nomination of Andrew Puzder for U.S. Secretary of Labor

The Honorable Lamar Alexander  
Chair  
Committee on Health, Education, Labor and Pensions  
U.S. Senate  
Washington, D.C. 20510

The Honorable Patty Murray  
Ranking Member  
Committee on Health, Education, Labor and Pensions  
U.S. Senate  
Washington, D.C. 20510

Dear Chair Alexander and Ranking Member Murray:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 organizations to promote and protect the rights of all persons in the United States, we write to strongly oppose the nomination of Andrew Puzder for U.S. Secretary of Labor. The Secretary of Labor, the Cabinet official charged with ensuring the well-being and rights of working people and advancing their employment opportunities, plays a critical role in advancing the civil and human rights of all workers. Based on his record as CEO of CKE Restaurants Holdings—parent company of Carl’s Jr., Hardees, and other fast food restaurants, we believe Mr. Puzder is unfit to become the Secretary of Labor.

Mr. Puzder’s record in the fast food industry demonstrates a blatant disregard for his employees. Mr. Puzder, as CEO of CKE Restaurants, faced frequent and repeated lawsuits from workers alleging wage theft, workplace discrimination, and dangerous working conditions.1 For years, Mr. Puzder’s companies have been the very type of business that the U.S. Department of Labor was created to protect workers from. He has opposed the updated overtime rule, which would stop an egregious form of worker abuse by finally ending the practice of failing to pay overtime to low wage workers who work long hours without additional compensation. He has opposed increases to the minimum wage, which together with elimination of the tipped minimum wage, would help lift millions of people of color and women out of poverty.

The federal minimum wage has been stagnant since 2009 and nearly half of American workers—58.3 million hold jobs under $15 per hour—the highest proportion of low-wage jobs of any industrialized country.1 One in every three workers earn under $12 per hour, which is just above the poverty level for a family of four. Such jobs typically offer no health coverage, sick time, vacation time, or other benefits. More than half of all Black workers

1. See, for example, S.C. v. NLRB, 806 F.3d 1341 (D.C. Cir. 2015).
and 60 percent of Hispanic workers hold these kinds of jobs*, and more than half are women, particularly women of color.

In addition, Mr. Puzder’s CKE and its franchises have been the subject of numerous sexual harassment and sex discrimination lawsuits that reveal a disturbing lack of respect for female employees. A recent Restaurant Opportunities Centers United report, surveying 564 workers at CKE owned restaurants and franchises, revealed that 66 percent of female respondents “have experienced unwanted sexual behaviors at work” and “[56] percent of women reported unwanted sexual behaviors from customers and guests.”vi This may not be surprising given CKE’s use of suggestive ads featuring scantily clad women to sell their burgers.

In both his business activities and his personal life, Mr. Puzder has violated labor laws. The Department of Labor has investigated Puzder’s restaurants many times during his tenure as CEO and found that in 60 percent of the investigations since 2009, CKE restaurants and franchises were found to have violated wage and hour laws.vii DOL has also found nearly 100 safety violations, including 36 that inspectors found could result in death or grave physical harm.viii Most recently, Mr. Puzder admitted to failing to pay payroll taxes on a family housekeeper. As a lawyer, Mr. Puzder should have known he had a legal obligation to pay payroll taxes on any employee, regardless of immigration status.

Workers in America deserve a Secretary of Labor who is not only an advocate for improving their economic opportunities but also is one who follows and carries out the laws that protect workers. In contrast, Mr. Puzder opposes an update in the overtime rule, is a staunch opponent of raising the minimum wage, and has stated that he prefers robots to human workers because machines are “always polite, they always upsell, they never take a vacation, they never show up late, there’s never a slip-and-fall, or an age, sex, or race discrimination case.”ix

Based on Mr. Puzder’s record as the CEO and boss of thousands of fast food workers, we urge you to oppose his confirmation as Secretary of Labor. If you have any questions, please contact either of us or June Zeitlin, Director of Human Rights Policy, at 202-263-2852 or zeitlin@civilrights.org

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Executive Vice President

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v Ibid.


