



February 15, 2017

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

Officers

Chair

Judith L. Lichtman
National Partnership for
Women & Families

Vice Chairs

Jacqueline Pata
National Congress of American Indians
Thomas A. Saenz

Mexican American Legal
Defense and Educational Fund

Hilary Shelton

NAACP

Secretary

Jo Ann Jenkins

AARP

Treasurer

Lee A. Saunders

American Federation of State,
County & Municipal Employees

Board of Directors

Helena Berger

American Association of
People with Disabilities

Cornell William Brooks

NAACP

Kristen Clarke

Lawyers' Committee for
Civil Rights Under Law

Lily Eskelsen Garcia

National Education Association

Marcia D. Greenberger

National Women's Law Center

Chad Griffin

Human Rights Campaign

Wylecia Wiggs Harris

League of Women Voters of the
United States

Mary Kay Henry

Service Employees International Union

Mark Hopkins

AAUW

Sherrilyn Ifill

NAACP Legal Defense and
Educational Fund, Inc.

Michael B. Keegan

People for the American Way

Samer E. Khalaf

American-Arab

Anti-Discrimination Committee

Marc Morial

National Urban League

Mee Moua

Asian Americans Advancing Justice |

AAJC

Janet Murguía

National Council of La Raza

Debra Ness

National Partnership for
Women & Families

Terry O'Neill

National Organization for Women

Rabbi Jonah Pesner

Religious Action Center

Of Reform Judaism

Anthony Romero

American Civil Liberties Union

Shanna Smith

National Fair Housing Alliance

Richard L. Trumka

AFL-CIO

Randi Weingarten

American Federation of Teachers

Dennis Williams

International Union, UAW

William Yoshino

Japanese American Citizens League

Policy and Enforcement

Committee Chair

Michael Lieberman

Anti-Defamation League

President & CEO

Wade J. Henderson

Executive Vice President & COO

Karen McGill Lawson

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 Restaurant 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.ⁱ 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 ruleⁱⁱ, 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 wageⁱⁱⁱ, 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.^{iv} 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

and 60 percent of Hispanic workers hold these kinds of jobs^v, 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

ⁱ Mak, Tim and Amelie Warshaw. "Trump's Labor Secretary Pick, Andrew Puzder, Is Swamped in His Own Workplace Lawsuits." *The Daily Beast*. Dec. 9, 2016. <http://www.thedailybeast.com/articles/2016/12/09/trump-s-labor-secretary-pick-andrew-puzder-is-swamped-in-his-own-workplace-lawsuits.html>.

-
- ⁱⁱ Puzder, Andrew. "The Harsh Reality of Regulating Overtime Pay." *Forbes*. May 18, 2016. <http://www.forbes.com/sites/realspin/2016/05/18/the-harsh-reality-of-regulating-overtime-pay/#679cd32a2321>.
- ⁱⁱⁱ Bluey, Rob. "The One Policy That Would 'Devastate' Restaurants, According to Carl's Jr. CEO." *The Daily Signal*. May 27, 2014. <http://dailysignal.com//2014/05/27/one-policy-devastate-restaurants-according-carls-jr-ceo>.
- ^{iv} Economic Policy Institute and Oxfam America. "Few Rewards: An Agenda to Give America's Working Poor a Raise." June 22, 2016. <https://www.oxfamamerica.org/explore/research-publications/few-rewards/>.
- ^v Ibid.
- ^{vi} Restaurant Opportunities Center United. "New Report: Labor Secretary nominee Andrew Puzder's employees report high rates of wage and hour violations, age discrimination, and sexual harassment." Jan. 10, 2017. <http://rocunited.org/2017/01/new-report-labor-secretary-nominee-andrew-puzders-employees-report-high-rates-wage-hour-violations-age-discrimination-sexual-harassment/>.
- ^{vii} Penn, Ben. "Is Franchise Model a Recipe for Fast-Food Wage Violations?" *Bloomberg BNA*. Sep.13, 2016. <https://bna.com/franchise-model-recipe-n57982076930/>.
- ^{viii} Jamieson, Dave. "Donald Trump's Labor Pick Should Know Worker Safety Laws. His Company's Been Fined for Breaking Them," *Huffington Post*. Dec. 13, 2016. http://www.huffingtonpost.com/entry/andrew-puzder-workplace-safety_us_584f1709e4b04c8e2bb14947.
- ^{ix} Taylor, Kate. "Fast-food CEO says he's investing in machines because the government is making it difficult to afford employees." *Business Insider*. Mar. 16, 2016. www.businessinsider.com/carls-jr-wants-open-automated-location-2016-3.