



VIRGINIA FOXX, NC
Chairwoman

ROBERT C. "BOBBY" SCOTT, VA
Ranking Member

COMMITTEE ON EDUCATION
AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

MAJORITY – (202) 225-4527
FAX – (202) 225-9571

MINORITY – (202) 225-3725
FAX – (202) 226-5398

January 31, 2017

The Honorable Lamar Alexander
Chairman
Committee on Health, Education,
Labor and Pensions
428 Senate Dirksen Office Building
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education,
Labor and Pensions
428 Senate Dirksen Office Building
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

We write to urge you to conduct a complete and thorough investigation of Andrew Puzder, President Donald Trump's nominee for Secretary of the Department of Labor, before holding a vote on his nomination. The Department of Labor's mission is: "*To foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.*" In light of Mr. Puzder's past statements and business practices, we have concerns about whether he would fulfill this critical mission if confirmed as Secretary of Labor.

Mr. Puzder's restaurants have repeatedly been found in violation of the very workplace laws that, as Secretary of Labor, he would be charged with enforcing. In the past seven years, the Department of Labor has found wage and hour violations in 60 percent of its investigations of Carl's Jr. and Hardee's restaurants.ⁱ CKE franchise restaurants have also been found in violation of the Occupational Safety and Health Act (OSHA).ⁱⁱ In fact, Hardee's and Carl's Jr.'s restaurants have been found in violation of OSHA rules 87 times in the past sixteen years.ⁱⁱⁱ If confirmed, Mr. Puzder will lead the agency charged with enforcing many of our nation's workplace laws—the same agency that found his companies to be frequent violators of health and safety and wage and hour laws.

A new study also found that during Mr. Puzder's tenure as CEO of CKE Restaurants, Carl's Jr. and Hardee's have been subject to more employment discrimination lawsuits than any other major U.S. hamburger chain. Of the lawsuits examined by the study's authors, many were settled on confidential terms that prohibited workers from discussing their claims.^{iv}

The Honorable Lamar Alexander
The Honorable Patty Murray
January 31, 2017
Page 2

We urge this Committee to question Mr. Puzder about his willingness to continue the robust enforcement necessary to protect American workers from wage theft, on the job injuries, and workplace discrimination. Mr. Puzder's track record raises serious questions about whether he would carry out these responsibilities robustly or fairly.

As a CEO in an industry that pays workers some of the lowest wages in the nation, Mr. Puzder has opposed a meaningful increase in the federal minimum wage.^v He has also opposed updates to the overtime rule to restore the traditional forty hour workweek and give more workers the right to earn overtime pay when they work more than 40 hours in a week.^{vi} Mr. Puzder has claimed that some low-wage jobs do not "... produce enough economic value to bear [a minimum wage] increase..."^{vii} We urge you to ask Mr. Puzder what he would do to help raise the pay for America's workforce.

Prior to voting on his nomination, we urge you to insist that Mr. Puzder fully account for the working conditions in his own restaurants, and explain how he plans to protect American workers from exploitation and abuse.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member
House Committee on Education and the
Workforce



SUSAN A. DAVIS
Member of Congress



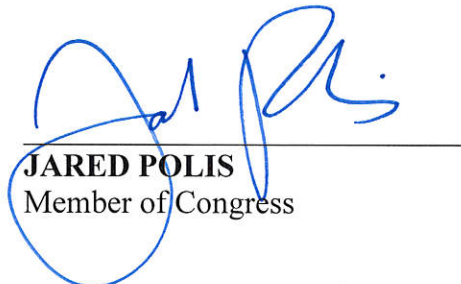
RAÚL M. GRIJALVA
Member of Congress



JOE COURTNEY
Member of Congress



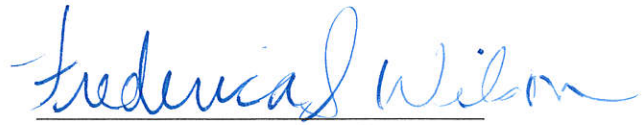
MARCIA L. FUDGE
Member of Congress



JARED POLIS
Member of Congress



**GREGORIO KILILI CAMACHO
SABLAN**
Member of Congress



FREDERICA S. WILSON
Member of Congress



SUZANNE BONAMICI
Member of Congress



MARK TAKANO
Member of Congress



ALMA S. ADAMS
Member of Congress



MARK DESAULNIER
Member of Congress



DONALD NORCROSS
Member of Congress



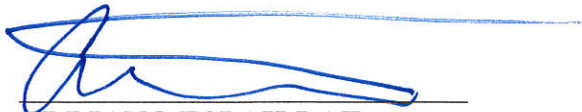
LISA BLUNT ROCHESTER
Member of Congress



RAJA KRISHNAMOORTHI
Member of Congress



CAROL SHEA-PORTER
Member of Congress



ADRIANO ESPAILLAT
Member of Congress

ⁱ Ben Penn, *Is Franchise Model a Recipe for Fast-Food Wage Violations?* Bloomberg BNA, Daily Labor Report, September 14, 2016, available at <https://www.bna.com/franchise-model-recipe-n57982076930/>.

ⁱⁱ Occupational Safety and Health Administration Establishment Search, available at <https://www.osha.gov/pls/imis/establishment.html>.

ⁱⁱⁱ Andrew Stettner, *GOP Secretaries of Labor: Puzder Is A Break from The Past*, The Century Foundation, January 23, 2017, available at <https://tcf.org/content/report/gop-secretaries-labor-puzder-break-past/>.

^{iv} Robin Urevich, *Under Labor Secretary Nominee Puzder, Company Hit with Race Discrimination and Sexual Harassment Lawsuits*, Capital and Main, January 23, 2017, available at <http://capitalandmain.com/under-labor-secretary-nominee-puzder-company-hit-with-race-discrimination-and-sexual-harassment-lawsuits-0123>.

^v Andy Puzder, *Minimum Wage, Maximum Politics. Obama's call for 40% wage increase may get out the vote, but get rid of jobs*, Andy Puzder's Blog, October 6, 2014, available at <http://andy.puzder.com/minimum-wage-maximum-politics-obamas-call-for-40-wage-increase-may-get-out-the-vote-but-get-rid-of-jobs/>.

^{vi} Andy Puzder, *The Harsh Reality of Regulating Overtime Pay*, Forbes, May 18, 2016, available at <http://www.forbes.com/sites/realspin/2016/05/18/the-harsh-reality-of-regulating-overtime-pay/#5c2d7b812321>.

^{vii} Tony Garcia, *Trump labor secretary pick Andy Puzder talked about replacing workers with robots*, Market Watch, December 10, 2016, available at <http://www.marketwatch.com/story/trump-labor-secretary-pick-andy-puzder-talked-about-replacing-workers-with-robots-2016-12-08>.