



Good Jobs Nation
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January 14, 2015

The Honorable Thomas E. Perez
Secretary of the United States Department of Labor
200 Constitution Ave, NW
Washington DC 20210

Mr. Mark Lara
Director, Baltimore District
United States Department of Labor
Wage and Hour Division
2 Hopkins Plaza, Room 601
Baltimore, MD 21201

By Fax, Email

Dear Secretary Perez and District Director Lara:

Good Jobs Nation requests that the Wage and Hour Division of the United States Department of Labor investigate and remedy the unlawful misclassification by Compass Group of its contracted-out food-service employees at the United States Senate.

1. Good Jobs Nation (GJN) is a new organization that advocates for low-wage federal contract workers.
2. The affected workers are employees of Restaurant Associates, a subsidiary of U.K.-based, food-service corporation, Compass Group (“Compass”), which since 2008 has operated various dining facilities at the U.S. Senate office buildings under contract with the Architect of the Capitol, a legislative branch agency of the United States Government.
3. Since late 2014 these workers have gone on strike against Compass seven times to protest their low wages and to call on Compass to respect their right to join a union without management coercion or interference. Senate staff have boycotted Compass’s dining facilities and 34 U.S. Senators signed a letter to Compass, in support of these demands.
4. Like other service contracts let by the Architect of the Capitol, the minimum wage rates to which Compass employees at the U.S. Senate are legally entitled are established by the Service Contract Act for each occupational category.



5. Compass employees at the Senate work within various occupations defined by the SCA, including (from lowest to highest minimum wage rate) cashier, dishwasher, food-service worker, and cook. Minimum rates for cooks are two to four dollars per hour more than those for the other occupations.
6. In early December, 2015, the Architect of the Capitol renewed Compass’s contract for a second seven-year term. On Dec 14th 2015 the Architect of the Capitol and the Chair of Senate Rules Committee, Sen. Roy Blunt, issued statements to media confirming that under the new contract Compass workers would be receiving substantial wage increases.
7. At a briefing to Senate staff on Dec 14th 2015, it was announced that minimum rates for the Compass employees within each SCA occupational category would be raised as follows:

<u>SCA Occupation</u>	<u>Old min wage</u>	<u>New min wage</u>
Dishwasher	\$10.50 (DC min)	\$13.30
Cashier	\$10.50 (DC min)	\$13.85
Food Service worker	\$10.66	\$13.80
Cook I	\$12.55	\$17.45
Cook II (Lead cook)	\$14.60	\$19.50

At the same briefing, it was also announced that the new rates were intended to track those paid to Compass’s unionized food-service employees at the House of Representatives.

8. The new wage rates went into effect in late December 2015, resulting in substantial wage increases for Compass workers in the lowest-paid SCA occupational categories (i.e., cashiers, dishwashers, and food-service workers).
9. However, Compass has evaded its obligation to raise wages for its cooks under the new contract (who constitute about one-third of its employees at the Senate) by falsely and unlawfully downgrading their occupational category under the SCA to that of “food-service worker,” thereby reducing their wage rate by between \$3.65 and \$5.70 per hour.
10. The Compass employees affected by this false reclassification continue to perform exactly the same duties (i.e., the duties of a cook, as defined by the SCA) as they did before. Only their purported classification under the SCA has changed.
11. The U.S. Department of Labor publishes legally binding rules which determine the correct occupational classification of workers under the SCA based on their actual work tasks, not the employer’s classification of those tasks. Compass’s false reclassification of its cooks as “food-service workers” violates these rules, and places Compass in breach of the letter and intent of its contract with the Architect of the Capitol.



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12. Good Jobs Nation has received testimony and documentary evidence from multiple Compass employees corroborating the facts alleged above, and can provide this evidence to DOL Wage and Hour Division. Please contact George Faraday, Esq. at Good Jobs Nation, 1900 L Street, NW, Ste. 900, Washington, DC 20036; Tel (202)721-0660; Fax (202)721-0661.
13. Good Jobs Nation requests that USDOL investigate these allegations; determine the correct occupational classification of Compass's Senate workers both before and after the renewal of the contract in December 2015; require Compass to pay its employees according to their correct occupation; make the workers whole for any wages they have lost as a result of Compass's unlawful conduct; and take any other actions it considers appropriate to ensure Compass's continuing compliance with its legal obligations as a contractor with the United States Government.

Very truly yours,

/s/ George W. Faraday, Esq.
Legal and Policy Director, Good Jobs Nation