

Collaborating with the U.S. Department of Labor to Recover Unpaid Wages

An Advocate's Toolkit

***By the National Employment Law Project
for the Just Pay Working Group***

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Law Project**

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Introduction

Across the country, growing numbers of employers routinely violate our nation's core workplace standards by not paying the minimum or overtime wages, calling workers “independent contractors” to deny them basic protections, and providing unsafe working conditions. In a recent landmark study, *Broken Laws, Unprotected Workers*, researchers found that 26 percent of low-wage workers surveyed in Chicago, Los Angeles, and New York were paid less than the minimum wage, and 76 percent of those who worked more than 40 hours per week were not paid the required overtime.

These practices are driving down standards throughout the labor market, putting employers who play by the rules at an unfair disadvantage. At the same time, workers’ ability to respond is often constrained—by outdated government enforcement systems, fear of retaliation for speaking up, and lack of immigration status.

Because violations of minimum wage and overtime laws are growing in low-wage industries nationwide, government agencies must be engaged to play an active role in protecting workers and ensuring that they are paid the wages they are owed. But while our nation's economy and workplaces have changed fundamentally in recent decades, our federal and state government enforcement efforts have largely failed to keep pace. The United States Department of Labor (DOL) has fallen behind by some key measures. From 1997 to 2007, for example, the agency’s Wage and Hour Division (WHD) – charged with investigating minimum wage and overtime violations – has investigated a third fewer complaints, dropping from approximately 47,000 in 1997 to 30,000 in 2007.¹ The Office of the Solicitor (SOL) – which represents the WHD in litigation on behalf of workers – pursues only a fraction of these claims in court.

Given the magnitude of violations it faces, the WHD and the SOL lack sufficient resources to tackle the nation’s workplace standards violations alone. At the same time, local community-based worker centers, legal services and private attorneys, faith-based groups, labor unions, and state agency personnel have substantial expertise about workplace violations. Responsible employers too have begun to advocate for a level playing field that will ensure playing by the rules does not put them at a competitive disadvantage. Both WHD and SOL can gain by building relationships with these groups to ensure that federal enforcement resources are being used strategically and efficiently. The local groups can be the “eyes and ears” for the DOL, gathering facts, witnesses, and bringing egregious violators to the attention of the DOL.

In turn, advocates and their constituents can also benefit substantially from building relationships with the DOL – drawing attention to violations affecting their members and leveraging public resources to address them. The WHD’s regional offices can play a crucial role in protecting workers’ rights and enforcing penalties against unscrupulous employees.

¹ See UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE, FAIR LABOR STANDARD ACT: BETTER USE OF AVAILABLE RESOURCES AND CONSISTENT REPORTING COULD IMPROVE COMPLIANCE (2008), *available at* <http://www.gao.gov/new.items/d08962t.pdf>.



In this toolkit, we encourage community groups, worker centers, labor unions, and the public interest and private bar to reach out to local offices of the WHD and the SOL to build relationships and enter into collaborations.² These arrangements can be mutually beneficial, helping both the agency and advocates fulfill their shared mission of protecting workers.

More specifically, this toolkit provides some helpful resources for advocates including: a brief overview of the roles and function of the WHD and the SOL; direction on how to set up a meeting with the agency; and some examples of historical collaborations between advocates and state and federal enforcement agencies. The Appendices contain talking points to use in meetings, additional examples of collaboration between community organizations and state and federal agencies, contact and key personnel information for WHD and SOL offices around the nation, a sample outreach letter to these agencies, and a scorecard for keeping track of progress around the country.

NELP welcomes feedback on this toolkit, and urges you to share your experiences in partnering (or attempting to partner) with the WHD and the SOL. Please send your comments and ideas – and your completed scorecards from Appendix E – to the **National Employment Law Project, 75 Maiden Lane, Suite 601, New York, NY 10038**, or to Haeyoung Yoon at hyoon@nelp.org or Cathy Ruckelshaus at cruckelshaus@nelp.org.

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² Many of these ideas can also be applied to collaborative efforts with state labor agencies and state Attorneys General. More information on how state agencies can combat wage theft is available in NELP's report, *Justice for Workers: State Agencies Can Combat Wage Theft*, which is available at http://www.nelp.org/page/-/Justice/Justice_for_Workers.pdf.

The Wage and Hour Division (WHD)

The WHD's stated mission is to "promote and achieve compliance with labor standards to protect and enhance the welfare of the Nation's workforce."³ To that end, the WHD is charged with enforcing several workplace laws including the Fair Labor Standards Act (FLSA), the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), the Employee Polygraph Protect Act, the Family and Medical Leave Act (FMLA), the Davis Bacon Act, and the Service Contract Act (SCA).⁴ While individual worker complaints comprise a high percentage of the WHD's enforcement docket, the WHD can also pursue affirmative enforcement actions, ranging from audits and investigations gathering information on possible violations to conciliations, which is an abridged remediation process where the WHD calls the employer to try to resolve what is typically a single FLSA violation.

The WHD's investigators compute and attempt to collect back wages owed to workers after finding a violation. If an employer fails or refuses to pay back wages and penalties, when appropriate the WHD may ask the SOL to pursue the claim in litigation.⁵ On occasion, the WHD partners with external groups such as state agencies and advocacy groups to improve compliance, though some of these efforts have been less than effective. For example, in recent years the WHD spent considerable time hosting seminars and compliance workshops for employers, but spent less time reaching out to low-wage workers. And the agency's public hotline and website have been confusing and inaccessible for many workers, as clearly described in a series of Government Accountability Office (GAO) reports⁶.

Organization of the Wage and Hour Division

The Wage and Hour Administrator has direct authority over five Regional Administrators, who oversee the activities of district directors in each region. Workers usually have their first contact with WHD through investigators, who investigate complaints made by workers or conduct proactive investigations in low-wage industries.⁷ (See WHD's organizational chart and addresses and contact information for district and regional offices in Appendix F).

By the end of 2008, the WHD had approximately 730 investigators located nationwide in its headquarters office, five regional offices, and 74 district and field offices.⁸ This was the least

³ The WHD's website is located at <http://www.dol.gov/esa/whd/>.

⁴ More about these laws and others that the WHD enforces are available at <http://www.dol.gov/esa/whd/reg-library.htm>.

⁵ See United States Government Accountability Office, *supra* note 1.

⁶ DEPARTMENT OF LABOR: WAGE AND HOUR DIVISION'S COMPLAINT INTAKE AND INVESTIGATIVE PROCESSES LEAVE LOW WAGE WORKERS VUNLERABLE TO WAGE THEFT, March 25, 2009, available at <http://www.gao.gov/products/GAO-09-458T>; DEPARTMENT OF LABOR: WAGE AND HOUR DIVISION NEEDS IMPROVED INVESTIGATIVE PROCESSES AND ABILITY TO SUSPEND STATUTE OF LIMITATIONS TO BETTER PROTECT WORKERS AGAINST WAGE THEFT, June 2009, available at <http://www.gao.gov/products/GAO-09-629>

⁷ ELLEN C KEARNS ET AL., THE FAIR LABOR STANDARDS ACT 43 (1999).

⁸ Location and contact information for the WHD's field offices are located in Appendix F, below.

number of investigators since 1978, when the agency began maintaining these records.⁹ The WHD has since then received funding for an additional 250 investigators, who they hope to be in place by the end of 2009.¹⁰

Addressing Common Misperceptions

Keep in mind the following about the WHD and its role:

- The WHD is not supposed inquire about or inform Immigration and Customs Enforcement (ICE) of a complaining worker's immigration status, and if any instances of such communication arise, contact WHD in Washington, D.C. and NELP immediately.
- The WHD is highly unlikely to be able to fully investigate each complaint that it receives, given its resources. It should, however, be able to promptly communicate with any worker filing a complaint regarding next steps.
- A worker's time limit for bringing private litigation to seek unpaid wages is not suspended when he or she files a complaint with the WHD, at least for now.
- The WHD does not always inform other agencies like OSHA if it believes other workplace-related labor standards violations are present, but it should be encouraged to do so.
- The WHD cannot always force an employer to pay all back wages owed without litigation by the SOL.
- Sometimes the WHD must ask the SOL to pursue litigation on behalf of a worker – something that the WHD cannot do by itself.

Understanding the WHD's procedures – including the agency's inherent limitations – is key to fashioning strong relationships to help workers.

⁹ See EMPLOYMENT STANDARDS ADMINISTRATION, FISCAL YEAR 2010: CONGRESSIONAL BUDGET JUSTIFICATION, *available at* <http://www.dol.gov/dol/budget/2010/PDF/CBJ-2010-V2-03.pdf>.

¹⁰ *Id.*; Letter from Acting Assistant Secretary Shelby Hallmark to Gregory D. Kurtz 6, June 8, 2009, *reprinted in* U.S. GOVERNMENT ACCOUNTABILITY OFFICE, WAGE AND HOUR DIVISION NEEDS IMPROVED INVESTIGATIVE PROCESSES AND ABILITY TO SUSPEND STATUTE OF LIMITATIONS TO BETTER PROTECT WORKERS AGAINST WAGE THEFT 46 (2009), *available at* <http://www.gao.gov/new.items/d09629.pdf>.

The Office of the Solicitor (SOL)

The SOL is the legal arm of the DOL. Its stated mission is to “meet the legal service demands of the entire Department of Labor.”¹¹ The SOL represents and provides legal advice to the Secretary of Labor as well as the other agencies and departments within DOL. The SOL also assists agencies like the WHD to develop regulations, standards and legislative proposals by providing legal opinions and advice.

Advocates should try to meet with the SOL in the regions to communicate priorities and develop a relationship in order to encourage wage and hour litigation or litigation support by the SOL. The SOL may appear in courts throughout the country to pursue employers, file friend-of-the-court briefs to support other cases of interest to the DOL, or proceed before administrative tribunals, independent commissions, or the DOL’s Office of Administrative Law Judges.¹² The SOL and client agencies like the WHD may collaborate to target certain industries or problems together, but the SOL need not pursue every case that the WHD refers.

Within some regional offices, there may be attorneys who serve as counsel for a particular client agency. For example, in San Francisco, there are different counsel for safety and health, civil rights, ERISA, the agencies in the Employment Standards Administration, and the WHD. (See SOL’s organizational chart and addresses and contact information for regional offices in Appendix G).

¹¹ See Office of the Solicitor, <http://www.dol.gov/sol/welcome.htm>.

¹² *Id.*

Steps for Reaching Out to the DOL

1. Choose Whether to Contact the WHD and the SOL

Your organization or coalition should decide whether to contact the WHD or the SOL depending on what you are seeking to accomplish and which agency has the most likely jurisdiction over those issues. For example, if you want to propose a mechanism for referring your members' complaints, you should contact the WHD. On the other hand, if you want to propose a program for the DOL to refer claims to panels of private attorneys, you may want to contact the SOL or both divisions. (Appendix C provides more examples of potential collaborations.) This could also be a good opportunity to ask any questions you might have about their existing procedures and programs.

In general, we suggest that you set up a meeting with the nearest office of the WHD first, because there are more offices of the WHD, and because the WHD refers cases to the SOL. If WHD and SOL are located in the same building or nearby, you may want to contact both offices to set up a joint meeting

2. Choose an Individual to Contact

First, contact those individuals either in the WHD or the SOL who are highest on the management level in your city or region even if they are not in the nearest office. For example, in Middletown, Connecticut, contact District Director Dianne M. Miller of the Hartford District Office instead of the New Haven Area Office. Although these individuals may not handle cases directly, they can instruct investigators, attorneys, or field offices to collaborate with community organizations.

For the SOL, contact the regional, district, and deputy solicitors as well as the Counsel for the WHD (if one is assigned to your region or district).

3. Start by Writing a Letter

We suggest that you first write a letter to the individual(s) you are planning to meet. This letter should be fairly brief and should introduce you, your organization or coalition, and what you want to accomplish during the meeting. Leave your contact information in the letter and inform the individual(s) that you will follow up on the letter in a week or two by phone. You can send this letter by either regular mail or email. Please look at Appendix D for a sample letter requesting a meeting with both the WHD and the SOL.

4. Make a Follow-up Call

If one or two weeks have passed without any contact from the WHD or the SOL, make follow-up calls to each agency that you initially contacted. Start with the highest person in charge and

work your way down the list until you are successful. Be persistent and as flexible as possible when scheduling meetings with them.

5. Prepare for the Meeting

You should take steps to prepare for your meeting, including:

- A) Build a coalition with other organizations in the region to show a united front and to make the case for on-going dialogue.

Reach out to other organizations in your region who may be interested in talking to the DOL with you. Together, you can build a consolidated list of issues and problems and also identify region-wide trends. Working with a group of other organizations brings more resources to continue talking with DOL, and you can reach more workers.

- B) Gather evidence and information on worker demographics and illegal employment practices.

Investigate the needs of the local workforce by entering into discussions with advocates and other workers, or even by fielding a survey. Key questions that you should answer include:

- Who are your members, or the workers you represent?
- What are local workers' greatest needs?
- What languages do workers speak?
- What local industries are marked by high rates of wage and hour violations?
- What key employers perpetuate illegal industry practices?
- What are some common violations and the means by which they may be concealed, including off-the-books payments and independent contractor abuses, subcontracting-out to evade labor standards, and tip credit abuses?
- What types of retaliation do workers face?
- What problems do workers and worker advocates have with, or perceive to be true about, the DOL?

- C) Prepare Recommendations for the DOL

Prepare a list of recommendations for the DOL that will help improve the way it resolves incoming claims.

Examples of Recommendations to the DOL

- With our group, jointly create an effective system for referring wage-and-hour claims to the WHD.
- Make DOL offices easily accessible to workers with limited English proficiency.

- Train WHD investigators to recognize health and safety violations, and increase cross-agency referrals to and from OSHA.

More suggested recommendations are available in Appendices A and B listing Talking Points for your meetings.

Tracy Dudzinski – a board member of the Direct Care Alliance – has written an excellent summary of her experience in a recent meeting with the DOL. You can find this summary online at <http://blog.directcarealliance.org/2009/08/stand-up-and-be-heard-my-meeting-with-the-u-s-department-of-labor/>.

Collaborations with the DOL

Your organization or coalition can take a key step toward protecting low-wage workers by establishing a relationship with the WHD and/or the SOL. While some worker advocacy groups may have had little success with the DOL in the past, the agency's leadership and most if not all of its district and regional offices are affirmatively open to building such relationships. In addition, the DOL recently established the Center for Faith-based and Neighborhood Partnerships to build partnerships and work in collaborations with faith-based groups and community organizations to assist workers who are most vulnerable to workplace violations.¹³

The following examples list just a few collaborations between advocates and state labor departments and the USDOL:

- Since the fall of 2008, Chicago's **Working Hands Legal Clinic (WHLC)** and its partner community-based worker centers have joined with the Illinois Department of Labor (IDOL) and the Illinois Attorney General to analyze the barriers to enforcing the state's wage payment laws, particularly for small claims. Together, they are recommending changes to the law and the enforcement scheme, some of which can be handled internally at the agencies, and others that will require legislative change. They are proposing several reforms, including: codifying the presumption in favor of workers where employers fail to comply with record-keeping requirements; creating an administrative procedure at IDOL to adjudicate wage claims; shortening the time to complete investigations; increasing fines and penalties (both civil and criminal) particularly for repeat wage violators; earmarking penalties for additional enforcement personnel; empowering the state with additional collection powers; providing fee-shifting for private attorneys; and creating a more worker-friendly *pro se* court system. WHLC and its worker center partners are also working with the Attorney General to identify cases that are appropriate for potential criminal enforcement. WHLC's worker

¹³ More information about the Center for Faith-based Neighborhood Partnerships, including its staff is available at <http://www.dol.gov/CFBNP/>

center partners include the Latino Union of Chicago (affiliated with the National Day Labor Organizing Network, NDLON), the Chicago Workers' Collaborative, the San Lucas Workers' Center, and Centro de Trabajadores Unidos.

- In July 2009, a group of Maryland and Virginia community-based organizations sponsored the first **regional wage theft forum**. The forum sought to educate workers and community agencies about the right to be paid the minimum wage and premium pay for overtime, and it shared recommendations with the wage and hour offices in Virginia, Maryland, and D.C. on how to better serve low-wage workers. Numerous enforcement agency representatives attended the event alongside community organizers, civil and workers' rights organizations, clergy, teachers, and attorneys. Key organizers included the Legal Aid Justice Center- Immigrant Advocacy Program, Tenants and Workers United, CASA de Maryland, DC Jobs with Justice, Employment Justice Center, LIUNA Local 11, and NDLON.¹⁴
- In December 2007, the **New York State Department of Labor** announced a collaboration with Make the Road New York (MRNY) and the Retail, Wholesale and Department Store Union (RWDSU) to improve wage-and-hour compliance in low-wage industries. Based on information it learned from MRNY, the Department of Labor inspected 26 businesses in Brooklyn and found that at least 19 of them committed labor law infractions, including wage-and-hour, and recordkeeping violations. According to then-state Labor Commissioner M. Patricia Smith, "this new initiative is about targeting industries that do not play by the rules and partnering with local groups to get the vital message out that we will protect all workers."¹⁵ In early 2008, the Department of Labor invited these groups and other community-based worker centers to form a new collaboration called Wage and Hour Watch – a Neighborhood Watch-styled program to promote labor law compliance.¹⁶
- **Interfaith Worker Justice (IWJ)** has partnered with the USDOL to advocate for the rights of low-wage workers on several occasions. For example, the DOL provided training on its laws to staff and volunteers of social service, faith-based, and other advocacy organizations across the country, teaching them how to determine whether workers' concerns could be addressed by the DOL. Together, IWJ and the DOL created short pieces to help educate workers about the minimum wage and overtime pay, teen labor, health and safety in the workplace, and discrimination. In Texas, IWJ affiliates also helped revive the *Justice and Equality in the Workplace* Program, encouraging the

¹⁴ Details on this event are available at http://www.immigrationadvocates.org/calendar/event.261926-First_Regional_Wage_Theft_Forum.

¹⁵ See NEW YORK STATE DEPARTMENT OF LABOR, LABOR DEPARTMENT ANNOUNCES NEW PROACTIVE APPROACH TO ENFORCEMENT (DEC. 19, 2007), http://www.labor.state.ny.us/pressreleases/2007/Dec19_2007.htm. See also NATIONAL EMPLOYMENT LAW PROJECT ET AL., PROTECTING NEW YORK'S WORKERS (2005), <http://www.nelp.org/page/-/EJP/NYSDOL%20Report.pdf>.

¹⁶ NEW YORK STATE DEPARTMENT OF LABOR, LABOR DEPARTMENT INITIATIVE EMPOWERS ORDINARY PEOPLE TO JOIN FIGHT AGAINST WAGE THEFT (Jan. 26, 2009), available at http://www.labor.state.ny.us/pressreleases/2009/Jan26_2009.htm.

regional DOL office to follow through on their commitment to partner with community groups.

Appendix C contains other examples of known collaborations between community organizations and state and federal labor agencies.

Conclusion

The USDOL is an important partner in the fight for wage justice. Its resources, while never sufficient, far surpass any private means to enforce labor standards. Give them a try! Reach out and see what happens. Then, be sure to keep in touch and share your experiences with the scorecard in the Appendix E, or by posting your news via email.

Appendix A: Talking Points for the WHD

Below are some suggested talking points for meetings with the WHD. Of course, this list is not comprehensive, but is intended to give you an idea of issues that can come up during the discussion. (See also Appendix B, listing talking points for meetings with the SOL.)

The Investigation Process

1. The WHD has not adequately investigated workers' complaints.

- Workers and advocacy groups alike often complain that the WHD does not efficiently and effectively process individual complaints.
- In March 2009, the Government Accountability Office (GAO) reported on its forensic audit and investigation of the WHD's intake and investigative processes from July 2008 to March 2009, finding that the WHD responded inadequately to complaints.
- After filing 10 fictitious but common complaints with WHD district offices across the country, the tests revealed "sluggish response times, a poor complaint intake process, and failed conciliation attempts, among other problems."

2. The WHD should improve its outreach to low-wage workers.

- Better publicize the department's commitment to wage enforcement regardless of immigration status. This is especially important in cities like New York, where ICE's field office and detention facility are located in the same building as the SOL and the WHD.
- Record and follow up on all complaints filed in a timely manner, even if the complaint will be given a low priority or will be rejected. Communicate the status of the complaint clearly to the worker.
- Use media outlets (community televisions, foreign language radio, and community/local papers) to encourage workers to seek out WHD help.

3. Improve a worker's first encounter with the WHD:

- Make WHD offices easily accessible to workers with limited English proficiency.
- Inform workers about the investigation process, timeline of investigations, tolling of the statute of limitations, and other options they have to seek assistance (for example, referrals to private attorneys, as available).
- Create a "one-stop" center that can receive complaints for the WHD, OSHA, EEOC, and state agencies (including wage-and-hour and workers' compensation) to encourage workers to address workplace problems.

4. Protect workers who file complaints from retaliation:

- Audit an entire workplace when an individual complaint arises.

- Take precautions to protect workers while conducting investigations:
 - Question most workers away from the workplaces.
 - Reassure workers that any information given to the WHD will be confidential.
 - Explain to workers that immigration status is not relevant and will not be sought.
 - Ensure that any immigration-related information inadvertently received will not be shared with ICE.
- Permit anonymous complaints unless or until it is necessary and the employee consents – understanding that the WHD may not be able to follow-up as effectively on these complaints.
- Seek all remedies – including quick reinstatement, if possible¹⁷ – for any workers fired after making complaints to DOL.
- Utilize community organizations as a conduit for complaints between the employees and the WHD for workers who fear retaliation.
- Involve workers and organizations in the investigation process:
 - Make sure that workers are in the information-gathering process.
 - Groups can offer to help develop facts, bring forward witnesses, provide tips to DOL, etc.
 - Maintain a consistent process for documenting the receipt of, and actions taken in response to, complaints.

5. Certify workers who are eligible for U visas

- The authority to issue U visa certifications to victims of qualifying crimes should be shared broadly across DOL sub-agencies and delegated to local level enforcement authorities.
- Certifications should be integrated into investigations.
- Certifications should be issued without any delay under a process that is accessible to workers.
- Investigations and certifications should respect confidentiality rules.

Strategic and Discretionary Targets

6. Target high-violation industries:

- Launch targeted investigations of high violation-industries or occupations (based on trends that advocates have identified, e.g., in day labor, domestic work, construction, independent contractor or off-the-books treatment, subcontracting and “joint employer” claims, restaurants and tips, etc.).

¹⁷ Note that workers known to be undocumented are not likely to be ordered reinstated by the DOL or a court, due to the U.S. Supreme Court case decision *Hoffman Plastic Compounds*..

7. Target repeat offenders:

- Re-inspect firms with a pattern or history of widespread violations (unannounced).
- Post information on employer violations on the DOL website and distribute lists to worker centers to deter future wage theft.
- Proactively investigate employers to send the signal that the agency will pursue violations even if workers are deterred from filing complaints.

8. Aggressively enforce workplace laws:

- Seek all remedies available (liquidated damages, penalties, injunctive relief) to send a message to employers that enforcement will cost them more than just what they would have paid had they followed the law in the first place – especially when retaliation is involved.
- Strengthen mechanisms for collection of unpaid wages.
- Seek ongoing monitoring of workplaces via settlement mechanisms.
- Follow up on employers who agree to pay to make sure they do.
- Partner with OSHA because workplaces with known wage and hour violations often have safety and health violations.

Collaborations with Advocates

9. Work with advocates to jointly target proactive enforcement:

- Community organizations, the WHD, and the SOL can train each other on trends that are particular to their community and how to recognize them. The groups can assist DOL in strategic planning and targeting, with information about on-the-ground problems.

10. Improve outreach to community organizations:

- Jointly create “know your rights” workshops and toolkits, where appropriate, including a training for the community to teach them how to complete forms and document violations in a way that is most helpful for the investigators.
- Advertise these workshops and any materials that would help workers determine whether their rights are being violated in local papers or ethnic media.
- Distribute WHD materials through community groups.
- DOL should translate its materials and check them for readability in multiple languages.
- Provide on-line access to information about enforcement actions so that state and local governments and consumers can make informed choices about the businesses they patronize.

11. Refer selected claims to private and public interest attorneys:

- Identify bar associations and listings of experienced non-profit and private attorneys to accept wage and hour claim referrals from the DOL (with the SOL).
- But do not drop claims or fail to pursue them simply because a worker is being assisted by a worker center or other advocate.

12. Improve communications with workers and advocates:

- Develop a hotline that would give advocates a direct line of communications with WHD investigators.
- Improve existing hotlines developed for worker partnerships, which the GAO has reported to have significant problems, including unanswered calls, calls that go straight to voicemail, failure to staff hotlines after hours, and failure to return calls.
- Notify the workers (and advocates who referred them) prior to a settlement conference to determine whether the settlement terms are satisfactory.
- Ask workers and worker advocacy groups for feedback on the handling of the case after the case is closed, for example, through a phone call or a survey.

13. Improve referrals from advocates:

- Inform advocates of how they can systematically refer cases to the WHD.
- Use community organizations to help develop facts, bring forward witnesses, etc.
- Rely on community organizations for hard-to-find information on employees or employers.
- Provide documents to workers and advocates and honor their Freedom of Information Act requests.

14. Formalize relationships with advocates:

- Build upon previous collaborations between community organizations and state or federal labor agencies as potential models for new partnerships.
- Attend community meetings to send a message to employees and employers that enforcing worker protections is a priority.
- Establish an ongoing structure for communicating with WHD and SOL going forward, be it a task force or even a liaison to advocacy groups.

Promote Strategic Intergovernmental Collaboration

15. Create protocols to refer claims to other federal and state agencies:

- Establish referral protocols between the WHD and OSHA.
- Work more with state labor enforcement agencies, especially around independent contractors or other strategic targets.

16. Revise the Memorandum of Understanding with Immigration and Customs Enforcement:

- Expressly forbid any information sharing about workers' immigration status, regardless of how it is discovered by the WHD or the SOL.
- Develop a protocol to train staff around the country on the substance of the MOU, and designate a point person to conduct outreach and provide information on the MOU and its application.
- Convene an interagency task force, including all labor agencies and ICE, with a mandate to ensure that ICE enforcement activities are undertaken to interfere as little as possible in the exercise of labor rights. For example, ICE should consult with labor agencies before undertaking enforcement activities, avoiding such activities where labor violations are being investigated, and cooperating with sister agencies to protect victims of trafficking and other crimes to ensure their continued presence in the United States with work authorization.

Appendix B: Talking Points for the SOL

As discussed above, the WHD forwards some cases to the SOL for legal advice and enforcement. While the SOL has not typically met with community members in the past, there may be opportunities now for lawyers and workers' advocates to collaborate with their regional solicitors across the country. Below are some talking points that are particularly salient for the SOL:

- Seek all remedies available (liquidated damages, penalties, injunctive relief) to send a message to employers that enforcement will cost them more than just what they would have paid had they followed the law in the first place – especially when retaliation is involved.
- Debar all employers working on public contracts who intentionally or repeatedly fail to pay the wages required under the Davis-Bacon Act and the McNamara-O'Hara Service Contract Act.
- Regularly communicate with WHD investigators on the investigation progress – ensuring that investigators are involved in settlement conferences.
- Review the standard by which cases are accepted from WHD. Pursue as many additional cases as possible, and offer to do amicus briefs or otherwise intervene in cases of importance.
- Create and train panels of experienced private attorneys to accept private referrals from the DOL to handle the overflow of claims (with the WHD).
- Train WHD investigators as well as other investigators from other agencies to collect and prepare evidence that would be most helpful to litigation (e.g. some investigators include too much information or do not digest information in a manner that can be easily understood by attorneys).
- Regularly discuss strategies to identify and target high-violation industries with community organizations, the WHD, and other client agencies.
- Notify the workers (and advocates who referred them) prior to a settlement conference to determine whether the settlement terms are satisfactory.
- Assign or hire more attorneys to file wage and hour cases, and specifically designate attorneys in the regional SOLs to handle wage and hour cases.

Appendix C: Additional Examples of Collaborations

Below are additional examples of collaborations between community organizations and state and federal wage enforcement agencies. Not all of these partnerships were effective, so they should not necessarily be considered models, but they do provide precedents for attempting to collaborate. If you have any knowledge about these collaborative efforts, or knowledge of other efforts that should be listed, please email Cathy Ruckelshaus or Haeyoung Yoon at NELP, cruckelshaus@nelp.org, or hyoon@nelp.org

Federal Agency Collaborations

Nationwide

- Center for Faith-Based and Community Initiatives Partnership - Between 2002 and 2007, the USDOL's Employment and Training Administration and the Center for Faith-Based and Community Initiatives created a pilot initiative to award mini-grants to local faith-based and community organizations across the USA.¹⁸

Illinois

- The Chicago Interfaith Committee on Worker Issues urged the Illinois Workers Compensation Commission to enter into a strategic partnership with the federal OSHA to improve workplace safety. They entered into an information-sharing agreement that allows the agencies to alert each other when claims are filed. Each agency can leverage the others' investigative resources to identify violators and target enforcement.¹⁹
- Chicago Area Workers' Rights Initiative Task Force - In November 1999, USDOL and community-based organizations created a task force to identify and eliminate sweatshop worksites. The initiative encompassed a range of activities including community organizing, education, outreach and enforcement. It also conducted policy research assessing the effectiveness of the community interventions to educate workers and employers about workplace laws, regulations and rights, as well as the "worker-friendly" enforcement process for responding to employers who will not comply with the law. This task force still exists however some worker advocates believe that while

¹⁸ For more information and for examples of grants given to community organizations see the United States Department of Labor's *Grassroots Organizations Partnering with the One-Stop Career Center System: Lessons Learned from the Grantees*, available at <http://www.dol.gov/cfbci/20090115b.pdf>.

¹⁹ See NATIONAL EMPLOYMENT LAW PROJECT, ET AL., PROTECTING NEW YORK'S WORKERS (2005), <http://www.nelp.org/page/-/EJP/NYSDOL%20Report.pdf>.

the ideas behind the task force are commendable, it has been ineffective due to its size. The task force meets infrequently now.²⁰

New Jersey

- Compliance Outreach to the Asian Community and Hispanics (Operation COACH) – This program was instituted in northern New Jersey in December 2003 to promote awareness of wage-and-hour laws and programs in the Asian and Hispanic communities, which have traditionally been reluctant to seek the DOL’s services. The main objectives of this program are to “provide direct outreach to the Hispanic and Asian communities; expand partnerships with community centers; and, effectively use the media to promote the program.” Bilingual and Asian WHD staff visit employers, provide compliance assistance materials, and reach out to business and professional organizations, community centers, and faith-based worker advocates.²¹

Nevada

- EMPLEO is a joint effort between local business and community organizations, state and federal government agencies (including the WHD), and the Consulate of Mexico in Las Vegas to help Spanish-speaking workers and employers understand federal and state workplace rights and responsibilities. After being alerted by EMPLEO partners, the WHD’s office in Las Vegas conducted an investigation of WestCor Construction, a Las Vegas home construction framing contractor. Following the investigation, the company agreed to pay \$528,580 in overtime back wages to 932 current and former workers plus \$25,000 in civil money penalties for repeated violations.²²

Texas

- The Information Group for Asian American Rights (TIGAAR) – This partnership in Houston, Texas, between Asian Pacific American community organizations, media outlets, the DOL, and other governmental agencies resulted in the WHD collecting over \$187,000 for 248 workers in March 2004. The main objectives of this collaboration are “to form a unique collaboration between government agencies and Asian American community organizations; to educate the Asian American community about their rights

²⁰ See Center for Impact Research, The Sweatshop Project, <http://www.impactresearch.org/policycenter/sweatshop.htm?ID=4>.

²¹ See United States Department of Labor, Outcome Goal 2.1 – Increase Compliance with Worker Protection Laws, http://www.dol.gov/sec/media/reports/annual2004/goal2_1.pdf.

²² U.S. DEPARTMENT OF LABOR, LAS VEGAS CONSTRUCTION COMPANY TO PAY NEARLY \$530,000 TO 932 WORKERS AFTER U.S. LABOR DEPARTMENT INVESTIGATION (FEB. 12, 2007), *available at* <http://www.dol.gov/esa/whd/media/press/whdpressVB2print.asp?pressdoc=Western/archived/20070150.xml>. For another example of EMPLEO’s partnership efforts, see U.S. Department of Labor, U.S. Labor Department Fines Southland Plasterer for Repeat Violations (2009), <http://www.dol.gov/esa/whd/media/press/whdpressVB3.asp?pressdoc=Western/20090226.xml>.

under the laws enforced by USDOL and the Equal Employment Opportunity Commission; to educate Asian American Organizations and Advocacy Groups; to educate Asian American community opinion leaders; and to encourage Asian Americans to come forward with information that will solve their problems in the workplace.”²³

- Collaboration in Dallas, Texas between the EEOC, WHD, OSHA, the Mexican and Salvadorian Consulates in Dallas, the Dallas Police Dept, and several community groups such as the Catholic Charities of Dallas, Inc. The initiative helped Latinos, regardless of their immigration status, about their employment rights. The program also promoted voluntary compliance by the employer community through enhanced outreach and education.²⁴

State Agency Collaborations

California

- Low-Wage Industries Office (LWIO). The LWIO worked with groups like California’s Coalition of Immigrant Worker Advocates to improve enforcement of California’s labor laws on behalf of low-wage workers. “The LWIO, through a statewide Low-Wage Industry Advisory Board, works to strategically bring more government resources to the low-wage industries that are most in need of additional labor law enforcement. The LWIO, among other things, educates the public about workers’ rights, expands access to speakers with limited English proficiency, and facilitates the complaint process for low-wage workers.”²⁵

²³ See Secretary of Labor Elaine L. Chao and the Asian Pacific American Community, http://www.dol.gov/sec/APA_fact_sheet.htm.

²⁴ Press Release, United States Equal Employment Opportunity Commission, EEOC to Offer New Source of Assistance for Immigrant Community in Dallas (June 6, 2003), available at <http://www.eeoc.gov/press/6-6-03.html>.

²⁵ See the Campaign to End Wage Theft’s report, *Protecting New York’s Workers: How the State Department of Labor Can Improve Wage-and-Hour Enforcement*, available at <http://www.workersrightsny.org/images/NYSDOLFull.pdf>.

Appendix D: Sample Outreach Letter

XYZ Worker Advocacy Group
1234 Main Street
San Francisco, CA 12345
(123) 456-7890

July 28, 2009

Lawrence Brewster, Regional Solicitor
Kathy Alejandro, Deputy Regional Solicitor
David M. Kahn, Counsel for ESA
Office of the Solicitor, San Francisco Regional Office
U.S. Department of Labor
90 7th Street, Suite 3-700
San Francisco, CA 94103

John Glyder, District Director
San Francisco District Office
US Dept. of Labor
ESA Wage & Hour Division
90 7th Street, Suite 18-300
San Francisco, CA 94103-6719

RE: Request for a meeting

Dear Ms. Alejandro and Messrs. Brewster, Kahn and Glyder:

My name is Shilpa Gutierrez and I am the director of XYZ Worker Advocacy Group. For 10 years, XYZ Workers Advocacy Group has been serving as a space for low-wage workers living or working in the Bay Area to organize to improve conditions at their workplaces, file complaints with government agencies, and connect with community allies and social services. Almost all of the workers we serve are victims of wage theft. Some of the wage and hour violations we have seen are employers not paying workers for overtime or for work done at all, workers being misclassified as independent contractors, and employers retaliating against employees who file complaints with the Wage and Hour Division.

We would like to schedule a meeting with representatives from the Office of the Solicitor as well as the Wage and Hour Division in San Francisco to talk about some of the concerns we have about the workers and ways we collaborate with each other in order to address these concerns.

I will call you in a week to follow up on this letter. In the meantime, you may contact me at (123) 456-7890 or email me at sgutierrez@xyzadvocates.org.

Thanks in advance for your cooperation. I hope to speak with you all soon.

Sincerely,

Shilpa Gutierrez
Director
XYZ Worker Advocacy Group

Appendix E: Wage and Hour Division Scorecard

The following is a scorecard for you to rate your experience with the Wage and Hour Division of the United States Department of Labor. Please forward all scorecards and messages to cruckelshaus@nelp.org or hyoon@nelp.org or send them to the **National Employment Law Project, 75 Maiden Lane, Suite 601, New York, NY 10038.**

	Yes	No	Details/Comments
Willing to meet with you or your group/coalition?			
Open to your ideas and suggestions?			
Had adequate Limited English Proficiency capabilities? (e.g. adequate number of multi-lingual investigators speaking "needed" languages?)			
Willing to meet with you or your group/coalition outside their offices?			
Responded quickly to your requests?			
Willing to collaborate with you or your group/collaboration in a meaningful way?			

Date(s) of Contact:

Method(s) of Contact:

The location of the office you contacted:

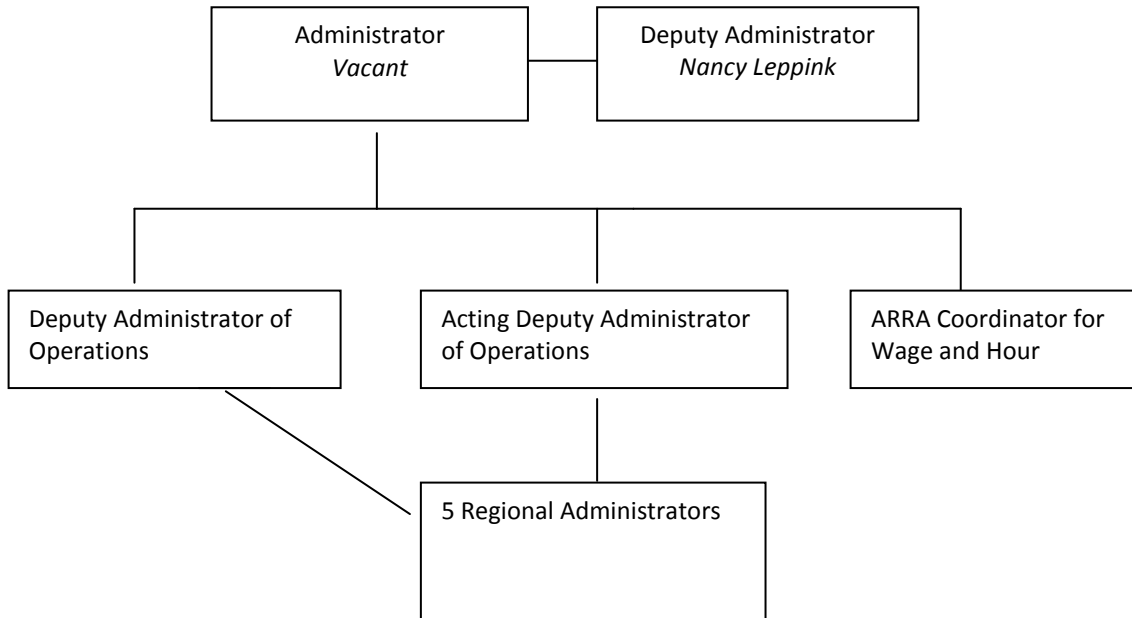
The name(s) of the individual(s) you contacted:

Was the toolkit helpful in preparing for your contact?

Appendix F: WHD Organizational Chart and Key WHD Personnel

WHD Organizational Chart

As of 6/14/10



Regional Offices Information:

WHD is divided into 5 geographic regions:

➤ **Northeast**

- Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia and West Virginia
- Regional Administrator: Corlis L. Sellers
- Deputy Regional Administrator: George Ference
- Deputy Regional Administrator: Carl Smith
- Contact Information:
 - Curtis Center
170 South Independence Mall West
Room 850 West
Philadelphia, PA 19106
(215) 861-5800
FAX: (215) 861-5840

➤ **Southeast**

- *Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee*
- *Regional Administrator: Vacant*
- *Deputy Regional Administrator: Oliver Peebles III*
- *Contact Information:*
 - *61 Forsyth Street, SW, Room 7M40
Atlanta, GA 30303
(404) 893-4525
FAX: (404) 893-4524*

➤ **Midwest**

- *Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin*
- *Acting Regional Administrator: Karen Chaikin*
- *Contact Information:*
 - *230 South Dearborn Street
Room 530
Chicago, IL 60604-1591
(312) 596-7180
FAX: (312) 596-7205*

➤ **Southwest**

- *Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wyoming*
- *Regional Administrator: Cynthia Watson*
- *Deputy Regional Administrator: Betty Campbell*
- *Contact Information:*
 - *525 South Griffin Street
Suite 800
Dallas, TX 75202-5007
(972) 850-2600
FAX: (972) 850-2601*

➤ **Western**

- *Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon and Washington*
- *Regional Administrator: George Friday, Jr.*
- *Deputy Regional Administrator: Ruben Rosalez*
- *Contact Information:*
 - *90 7th Street
Suite 13100
San Francisco, CA 94103
(415) 625-7700
FAX: (415) 625-7699*

District and Field Offices Information

The following is a list of contact information for WHD’s district and field offices. Please note that the New York City District Office shared the same building with ICE.

Alabama

Also serving the <u>Northeast Quadrant of Mississippi</u> . Birmingham Alabama District Office US Dept. of Labor ESA Wage & Hour Division Medical Forum Building, Suite 656 950 22 nd Street North Birmingham, AL 35203-3711	Phone: (205) 397-7100 1-866-4-USWAGE (1-866-487-9243)	Diane Dawson District Director
Mobile Alabama Area Office 1141 Montlimar Drive Paramont Center Building Suite 1008 Mobile, AL 36609	Phone: (251) 441-5311 1-866-4-USWAGE (1-866-487-9243)	Charles Baker Assistant District Director

Alaska

See Seattle, WA.

American Samoa

See Honolulu, HI.

Arizona

Also serves the following counties in Nevada: Clark, Lincoln and Nye Counties (Las Vegas).

Phoenix District Office US Dept. of Labor ESA Wage & Hour Division 230 N. First Avenue, Suite 402 Phoenix, AZ 85003-1725	Phone: (602) 514-7100 1-866-4-USWAGE (1-866-487-9243)	Eric Murray District Director
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Arkansas

Also serving Oklahoma.

<p>Little Rock Arkansas District Office U.S. Department of Labor ESA/Wage and Hour Division Danville Building 2, Suite 220 10810 Executive Center Drive Little Rock, AR 72221</p>	<p>Phone: 501-223-9114 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Christine Schott District Director</p>
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California

<p><i>Serving San Bernardino county and portions of Los Angeles and Riverside counties:</i> East Los Angeles District Office US Dept. of Labor ESA Wage & Hour Division 100 N. Barranca Street, Suite 850 West Covina, CA 91791</p>	<p>Phone: (626) 966-0478 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Vacant District Director</p>
<p><i>Serving Kern, Santa Barbara, San Luis, Obispo, and Ventura counties and portions of Los Angeles county:</i> Los Angeles District Office US Dept. of Labor ESA Wage & Hour Division 915 Wilshire Blvd., Suite 960 Los Angeles, CA 90017-3446</p>	<p>Phone: (213) 894-6375 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Brian Taverner District Director</p>
<p>Also serving <u>various counties in Nevada.</u> Sacramento District Office US Dept. of Labor ESA Wage & Hour Division 2800 Cottage Way, Room W-1836 Sacramento, CA 95825-1886</p>	<p>Phone: (916) 978-6123 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Anthony Perrou District Director</p>
<p><i>Serving Imperial, San Diego counties and portions of Riverside county:</i> San Diego District Office US Dept. of Labor ESA Wage & Hour Division 5675 Ruffin Road, Suite 310 San Diego, CA 92123-1362</p>	<p>Phone: (858) 467-7015 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Kenneth Morrison District Director</p>

<p><i>Serving Orange county:</i> Orange Area Office 770 The City Drive South Suite 5710 Orange, CA 92868-4954</p>	<p>Phone: (714) 621-1650 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Eduardo Huerta Asst. District Director</p>
<p>Also serving the <u>Federated States of Micronesia</u> and the <u>Pacific Territories</u>. San Francisco District Office US Dept. of Labor ESA Wage & Hour Division 90 7th Street, Suite 18-300 San Francisco, CA 94103-6719</p>	<p>Phone: (415) 625-7720 1-866-4-USWAGE (1-866-487-9243)</p>	<p>John Glyder District Director</p>
<p>San Jose Area Office US Dept. of Labor ESA Wage & Hour Division 60 South Market Street, Suite 420 San Jose, CA 95113-2354</p>	<p>Phone: (408) 291-7730 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Susan Rincon Asst. District Director</p>

Caribbean

See Guaynabo, PR,

Colorado

Also serving North Dakota and South Dakota.

<p>Denver Colorado District Office US Dept. of Labor ESA Wage & Hour Division 1999 Broadway, Suite 2445 Denver, CO 80202-5712</p>	<p>Phone: (720) 264-3250 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Martin Barrow District Director</p>
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Connecticut

<p>Hartford Connecticut District Office US Dept. of Labor ESA Wage & Hour Division 135 High Street, Room 210 Hartford, CT 06103-1111</p>	<p>Phone: (860) 240-4160 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Dianne M. Miller District Director</p>
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<p>New Haven Connecticut Area Office US Dept. of Labor ESA Wage & Hour Division 150 Court Street Room 423 New Haven, CT 06510</p>	<p>Phone: (203) 773-2249 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Neil Patrick Asst. District Director</p>
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Delaware

See Baltimore, MD.

District of Columbia

See Baltimore, MD.

Federated States of Micronesia

See San Francisco, CA.

Florida

<p>Fort Lauderdale Area Office US Dept. of Labor ESA Wage & Hour Division Federal Building, Room 408 299 East Broward Blvd. Ft. Lauderdale, FL 33301-1976</p>	<p>Phone: (954) 356-6896 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Kathleen Noel Asst. District Director</p>
<p>Jacksonville District Office US Dept. of Labor ESA Wage & Hour Division Charles E. Bennett Federal Building 400 West Bay Street, Room 956, Box 017 Jacksonville, FL 32202</p>	<p>Phone: (904) 359-9292 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Michael Young District Director Daniel White Asst. District Director</p>
<p>Miami District Office US Dept. of Labor ESA Wage & Hour Division Sunset Center 10300 Sunset Drive, Room 255 Miami, FL 33173-3038</p>	<p>Phone: (305) 598-6607 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Will Garnitz District Director Daniel Ford III Asst. District Director</p>
<p>Orlando Area Office US Dept. of Labor ESA Wage & Hour Division</p>	<p>Phone: (407) 648-6471 1-866-4-USWAGE</p>	<p>Anita Gantt Asst. District Director</p>

1001 Executive Center Drive, #103 Orlando, Florida 32803	(1-866-487-9243)	
Tallahassee Area Office US Dept. of Labor ESA Wage & Hour Division 227 North Bronough Street Room 4120 Tallassee, FL 32301	Phone: (850) 942-8341 1-866-4-USWAGE (1-866-487-9243)	Vacant Asst. District Director
Tampa District Office US Dept. Of Labor ESA Wage & Hour Division Austin Laurel Building 4905 W. Laurel Avenue, Suite 300 Tampa, FL 33607-3838	Phone: (813) 288-1242 1-866-4-USWAGE (1-866-487-9243)	James Schmidt District Director Michelle Garvey & Jimmy Rogers Asst. District Director

Georgia

Atlanta District Office US Dept. of Labor ESA Wage & Hour Division 61 Forsyth Street, SW Room 7M10 Atlanta, GA 30303	Phone: (404) 893-4600 1-866-4-USWAGE (1-866-487-9243)	Janet Campbell District Director Wayne Kotowski Asst. District Director
Savannah Area Office US Dept. of Labor ESA Wage & Hour Division Juliette Gordon Low Federal Bldg. Complex 124 Barnard Street, Suite B-210 Savannah, GA 31401-3648	Phone: (912) 652-4221 1-866-4-USWAGE (1-866-487-9243)	Larry Benjamin Asst. District Director

Guam

See Honolulu, HI,

Hawaii

Also serving American Samoa and Guam.

Honolulu Area Office US Dept. of Labor ESA Wage & Hour Division	Phone: (808) 541-1361 1-866-4-USWAGE	Terrence Trotter Asst. District Director
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300 Ala Moana Blvd, Room 7225 Honolulu, HI 96850	(1-866-487-9243)	
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Idaho

See **Seattle, WA** for Northern Panhandle (Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties).

See **Portland, OR** for the remainder of the state.

Illinois

See **St. Louis, MO** for Calhoun, Jersey, Madison, Monroe, Randolph, and St. Clair Counties.

Chicago District Office US Dept. of Labor ESA Wage & Hour Division 230 S. Dearborn Street Room 412 Chicago, IL 60604-1591	Phone: (312) 596-7230 1-866-4-USWAGE (1-866-487-9243)	Thomas Gauza District Director
Springfield Area Office US Dept. of Labor ESA Wage & Hour Division 3161 W. White Oaks Drive Suite 203 Springfield, Illinois 62704	Phone: (217) 793-5028 1-866-4-USWAGE (1-866-487-9243)	Enrique Rodriquez District Director

Indiana

Indianapolis District Office US Dept. of Labor ESA Wage & Hour Division U.S. Courthouse 46 E. Ohio Street Room 413 Indianapolis, IN 46204	Phone: (317) 226-6801 1-866-4-USWAGE (1-866-487-9243)	Patricia Lewis District Director
South Bend Area Office US Dept. of Labor ESA Wage & Hour Division 2420 Viridian Drive, Suite 160 South Bend, IN 46628	Phone: (574) 236-8331 1-866-4-USWAGE (1-866-487-9243)	Robert J. Buckley Asst. District Director

Iowa

Des Moines District Office US Dept. of Labor ESA Wage & Hour Division Federal Building 210 Walnut Street, Room 643 Des Moines, IA 50309-2407	Phone: (515) 284-4625 1-866-4-USWAGE (1-866-487-9243)	Percella Maupins District Director
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Kansas

Also serves the Western Half of Missouri.

Kansas City District Office US Dept. of Labor ESA Wage & Hour Division Gateway Tower II 400 State Avenue Suite 1010 Kansas City, KS 66101-2414	Phone: (913) 551-5721 1-866-4-USWAGE (1-866-487-9243)	James Koren District Director
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Kentucky

Louisville District Office US Dept. of Labor ESA Wage & Hour Division Gene Snyder US Courthouse and Customhouse Room 31 601 West Broadway Louisville, KY 40202-9570	Phone: (502) 582-5226 1-866-4-USWAGE (1-866-487-9243)	James Karn District Director Karen Garnett Asst. District Director
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Louisiana

New Orleans District Office US Dept. of Labor ESA Wage & Hour Division F. Edward Hebert Building 600 South Maestri Place Room 615 New Orleans, LA 70130	Phone: (504) 589-6172 1-866-4-USWAGE (1-866-487-9243)	Frank McGriggs District Director
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Maine

See Manchester, NH.

Maryland

Also serves Delaware, District of Columbia, Northern Virginia and the Eastern Panhandle of West Virginia.

Baltimore District Office US Dept. of Labor ESA Wage & Hour Division Room 207 Appraisers Stores Building 103 South Gay Street, Room 207 Baltimore, MD 21202-4061	Phone: (410) 962-6211 1-866-4-USWAGE (1-866-487-9243)	Bezarah Gaither District Director
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Massachusetts

Boston District Office US Dept. of Labor ESA Wage & Hour Division John F. Kennedy Federal Building Room 525 Boston, MA 02203	Phone: (617) 624-6700 1-866-4-USWAGE (1-866-487-9243)	George Rioux District Director
Taunton Area Office US Dept. of Labor ESA Wage & Hour Division 17 Broadway Room 308 Taunton, MA 02780	Phone: (508) 821-9106 1-866-4-USWAGE (1-866-487-9243)	Vacant Asst. District Director

Michigan

Detroit District Office US Dept. of Labor ESA Wage & Hour Division 211 W. Fort Street Room 1317 Detroit, MI 48226-3237	Phone: (313) 226-7448 Español: (313) 226-5649 1-866-4-USWAGE (1-866-487-9243)	James Smith District Director
Grand Rapids Area Office US Dept. of Labor	Phone: (616) 456-2004	Mary O' Rourke Asst. District Director

ESA Wage & Hour Division 800 Monroe Avenue, NW Suite 315 Grand Rapids, MI 49503-1451	1-866-4-USWAGE (1-866-487-9243)	
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Minnesota

Minneapolis District Office US Dept. of Labor ESA Wage & Hour Division Tri-Tech Center, Suite 920 331 Second Avenue South Minneapolis, MN 55401-1321	Phone: (612) 370-3371 1-866-4-USWAGE (1-866-487-9243)	Jose Medina District Director
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Mississippi

See **Birmingham, AL** for Northeast Quadrant.

Rest of State:

Jackson Area Office US Dept. of Labor ESA Wage & Hour Division McCoy Federal Building 100 West Capitol Street Ste. 608 Jackson, MS 39269	Phone: (601) 965-4347 1-866-4-USWAGE (1-866-487-9243)	Kenneth Stripling Asst. District Director
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Missouri

See **Kansas City, KS** for Western Half.

Serving the Eastern Half of MO as well as the following counties in Illinois: Calhoun, Hersey, Madison, Monroe, Randolph, and St. Clair:

St. Louis District Office US Dept. of Labor ESA Wage & Hour Division 1222 Spruce Street Room 9.102B St. Louis, MO 63103-2830	Phone: (314) 539-2706 1-866-4-USWAGE (1-866-487-9243)	Enrique Rodriguez District Director
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Montana

See Salt Lake City, UT.

Nebraska

Omaha Area Office US Dept. of Labor ESA Wage & Hour Division 111 South 18th Plaza, Suite 2238 Omaha, NE 68102-1615	Phone: (402) 221-4682 1-866-4-USWAGE (1-866-487-9243)	Richard Tesarek Asst. District Director
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Nevada

See Phoenix, AZ for Clark, Lincoln, and Nye Counties (Las Vegas).

See Sacramento, CA for Remainder of State.

New Hampshire

Also serving Maine and Vermont.

Manchester Area Office US Dept. of Labor ESA Wage & Hour Division 1750 Elm Street, Suite 111 Manchester, NH 03104-2907	Phone: (603) 666-7716 1-866-4-USWAGE (1-866-487-9243)	George Rioux District Director
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New Jersey

Northern New Jersey District Office US Dept. of Labor ESA Wage & Hour Division 200 Sheffield Street, Room 102 Mountainside, NJ 07092	Phone: (908) 317-8611 1-866-4-USWAGE (1-866-487-9243)	Joseph Petrecca District Director
Southern New Jersey District Office US Dept. of Labor ESA Wage & Hour Division 3131 Princeton Pike, Bldg. 5, Rm. 216 Lawrenceville, NJ 08648	Phone: (609) 538-8310 1-866-4-USWAGE (1-866-487-9243)	Pat Reilly District Director

New Mexico

Also serving the West Panhandle and the Northwest Quadrant of Texas.

Albuquerque District Office Mailing Address: US Dept. of Labor Wage and Hour Division P.O. Box 907 Albuquerque, NM 87103-0907 Physical Address: 500 Gold, SW - Suite 12000 Albuquerque, NM 87102	Phone: (505) 248-6100 1-866-4-USWAGE (1-866-487-9243)	Patricia Davidson District Director
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New York

Albany District Office US Dept. of Labor ESA Wage & Hour Division Leo W. O'Brien Federal Building Room 822 Albany, NY 12207	Phone: (518) 431-4278 1-866-4-USWAGE (1-866-487-9243)	Christopher Martin District Director
Brooklyn Area Office US Dept. of Labor ESA Wage & Hour Division 625 Fulton Street, 7th Floor Brooklyn, NY 11201	Phone: (718) 254-9410 1-866-4-USWAGE (1-866-487-9243)	Phil Jacobson District Director Maria Rosado Asst. District Director
Buffalo Area Office US Dept. of Labor ESA Wage & Hour Division 130 S. Elmwood Avenue Room 534 Buffalo, NY 14202	Phone: (716)842-2950 1-866-4-USWAGE (1-866-487-9243)	Michael Fitzgerald Asst. District Director
Long Island District Office US Dept. of Labor ESA Wage & Hour Division 1400 Old Country Road Suite 410 Westbury, NY 11590-5119	Phone: (516) 338-1890 1-866-4-USWAGE (1-866-487-9243)	Irv Miljoner District Director

New York City District Office US Dept. of Labor ESA Wage & Hour Division 26 Federal Plaza, Room 3700 New York, NY 10278	Phone: (212) 264-8185 1-866-4-USWAGE (1-866-487-9243)	Philip Jacobson District Director
Syracuse Area Office US Dept. of Labor ESA Wage & Hour Division 100 South Clinton Street FOB Room 1373 Syracuse, NY 13261	Phone: (315) 448-0630 1-866-4-USWAGE (1-866-487-9243)	Catherine Quinn Asst. District Director
Hudson Valley Area Office US Dept. of Labor ESA Wage & Hour Division 140 Grand Street Suite 304 White Plains, NY 10601	Phone: (914) 682-6348 1-866-4-USWAGE (1-866-487-9243)	Sonia Rybak Asst. District Director

- An ICE field office (serving the five boroughs of New York City as well as Dutchess, Nassau, Putnam, Suffolk, Sullivan, Orange, Rockland, Ulster, and Westchester) is located in the same building as the New York City District.

Christopher Shanahan, Field Office Director

26 Federal Plaza, Rm. 1105
New York, NY 10278

Phone: (212) 264-4213

Varick Street Facility: (212) 863-3401

Area of Responsibility: The five boroughs (counties of NYC) and the following counties: Dutchess, Nassau, Putnam, Suffolk, Sullivan, Orange, Rockland, Ulster, and Westchester

North Carolina

Raleigh District Office US Dept. of Labor ESA Wage & Hour Division Somerset Bank Building 4407 Bland Road, Suite 260 Raleigh, NC 27609-6296	Phone: (919) 790-2741 1-866-4-USWAGE (1-866-487-9243)	Richard Blaylock District Director Vacant Asst. District Director
Charlotte Area Office US Dept. of Labor ESA Wage & Hour Division	Phone: (704) 749-3360 1-866-4-USWAGE	Caryl Stribling Asst. District Director

3800 Arco Corporate Drive Suite 460 Charlotte, NC 28273-3409	(1-866-487-9243)	Maxine Mills Asst. District Director
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North Dakota

See Denver, CO.

Ohio

Cincinnati Area Office US Dept. of Labor ESA Wage & Hour Division 550 Main Street Room 10-409 Cincinnati, OH 45202-5208	Phone: (513) 684-2908 1-866-4-USWAGE (1-866-487-9243)	Donald W. Harrison Asst. District Director
Cleveland Area Office US Dept. of Labor ESA Wage & Hour Division Federal Office Building 1240 E. 9th Street, Room 817 Cleveland, OH 44199-2054	Phone: (216) 357-5400 1-866-4-USWAGE (1-866-487-9243)	David Rodenhausen Assistant District Director
Columbus District Office US Dept. of Labor ESA Wage & Hour Division 200 North High Street, Room 646 Columbus, OH 43215-2408	Phone: (614) 469-5677 1-866-4-USWAGE (1-866-487-9243)	George Victory District Director

Oklahoma

Oklahoma City District Office US Dept. of Labor Wage & Hour Division Old Post Office Building, Room 321 215 Dean A. McGee Avenue Oklahoma City, OK 73102-3475	Phone: (405) 231-4158 1-866-4-USWAGE (1-866-487-9243)	Glynda Smith District Director
Tulsa Area Office US Dept. of Labor Wage & Hour Division 1645 South 101 East Avenue, Suite 170 Tulsa, Oklahoma 74128	Phone: (918) 581-6303 1-866-4-USWAGE (1-866-487-9243)	Ray Birkhead Asst. District Director

Oregon

Also serving areas of Idaho outside of the Northern Panhandle and Wahkiakum and Klickitat counties in Washington.

Portland District Office US Dept. of Labor ESA Wage & Hour Division 620 SW Main Street Room 423 Portland, OR 97205	Phone: (503) 326-3057 1-866-4-USWAGE (1-866-487-9243)	Jeffrey Genkos District Director
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Pacific Territories

See San Francisco, CA.

Pennsylvania

Philadelphia District Office US Dept. of Labor ESA Wage & Hour Division US Custom House, Room 400 Second & Chestnut Streets Philadelphia, PA 19106	Phone: (215) 597-4950 1-866-4-USWAGE (1-866-487-9243)	Stewart Bostic District Director
Pittsburgh District Office US Dept. of Labor ESA Wage & Hour Division Federal Building 1000 Liberty Ave., Suite 1416 Pittsburgh, PA 15222	Phone: (412) 395-4996 1-866-4-USWAGE (1-866-487-9243)	John DuMont District Director
Wilkes Barre District Office US Dept. of Labor ESA Wage & Hour Division 7 North Wilkes Barre Blvd. Stegmaier Bldg. Suite 373M Wilkes Barre, PA 18702-5284	Phone: (570) 826-6316 1-866-4-USWAGE (1-866-487-9243)	Alfonso J. Gristina District Director

Puerto Rico

Also serving the Caribbean and the Virgin Islands.

<p>Caribbean District Office US Dept. of Labor ESA Wage & Hour Division 7 Tabonuco Street San Patricio Office Center Suite 402 Guaynabo, PR 00968</p>	<p>Phone: (787) 775-1924 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Jose R. Vazquez District Director Ed Fernandez Asst. District Director</p>
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Rhode Island

<p>Providence Area Office US Dept. of Labor ESA Wage & Hour Division 380 Westminster Mall, Room 546 Providence, RI 02903</p>	<p>Phone: (401) 528-4431 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Dianne M. Miller District Director</p>
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South Carolina

<p>Columbia District Office US Dept. of Labor ESA Wage & Hour Division Federal Building, Room 1072 1835 Assembly Street Columbia, SC 29201-9863</p>	<p>Phone: (803) 765-5981 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Scott Gear District Director Naixa Franquiz Asst. District Director</p>
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South Dakota

See Denver, CO.

Tennessee

<p>Nashville District Office US Dept. of Labor ESA Wage & Hour Division 1321 Murfreesboro Road Suite 511 Nashville, TN 37217-2626</p>	<p>Phone: (615) 781-5344 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Marcia Collins District Director</p>
<p>Knoxville Area Office John J. Duncan Federal Building 710 Locust Street, Room 101 Knoxville, TN 37902-2557</p>	<p>Phone: (865) 545-4619 1-866-4-USWAGE (1-866-487-9243)</p>	<p>Sandra Sanders Asst. District Director</p>

Memphis Area Office Federal Office Bldg 167 North Main Street Room 484 Memphis, TN 38103-1814	Phone: (901) 544-3418 1-866-4-USWAGE (1-866-487-9243)	Nettie Lewis Asst. District Director
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Texas

See **Albuquerque, NM** for **West Texas Panhandle and Northwest Quadrant.**

Remainder of State:

Dallas District Office US Dept. of Labor ESA Wage & Hour Division The Offices @ Brookhollow 1701 E. Lamar Blvd., Suite 270, Box 22 Arlington, TX 76006-7303	Phone: (817) 861-2150 1-866-4-USWAGE (1-866-487-9243)	Curtis L. Poer District Director
Houston District Office US Dept. of Labor ESA Wage & Hour Division 8701 S. Gessner Drive, Suite 1164 Houston, TX 77074-2944	Phone: (713) 339-5525 1-866-4-USWAGE (1-866-487-9243)	Robin Mallet District Director
McAllen District Office US Dept. of Labor Wage & Hour Division 320 N. Main Street, Room 238 McAllen, TX 78501	Phone: (956) 682-4631 1-866-4-USWAGE (1-866-487-9243)	Eden Ramirez District Director
Corpus Christi Area Office US Dept. of Labor Wage & Hour Division Wilson Plaza 606 W. Carancahua, Suite 705 Corpus Christi, Texas 78476	Phone: (361) 888-3152 1-866-4-USWAGE (1-866-487-9243)	Vacant Asst. District Director
San Antonio District Office US Dept. of Labor ESA Wage & Hour Division Northchase 1 Office Building 10127 Morocco, Suite 140 San Antonio, TX 78216	Phone: (210) 308-4515 1-866-4-USWAGE (1-866-487-9243)	Juan Coria District Director

Utah

Also serves Montana and Wyoming.

Salt Lake City District Office 150 East Social Hall Avenue Suite 695 Salt Lake City, UT 84111	Phone: (801) 524-5706 1-866-4-USWAGE (1-866-487-9243)	Dean Campbell District Director
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Vermont

See Manchester, NH.

Virginia

See Baltimore, MD for Northern VA.

See Charleston, WV for Southwestern VA.

Remainder of State:

Richmond District Office US Dept. of Labor ESA Wage & Hour Division 400 N. 8th Street, Room 416 Richmond, VA 23219-4815	Phone: (804) 771-2995 1-866-4-USWAGE (1-866-487-9243)	Bruce W. Clark District Director
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Virgin Islands

See Guaynabo, PR.

Washington

See Portland, OR for Wahkiakum and Klickitat counties.

Remainder of State, Alaska and the Northern Panhandle of Idaho:

Seattle District Office US Dept. of Labor ESA Wage & Hour Division	Phone: (206) 398-8039 1-866-4-USWAGE	Donna Hart District Director
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1111 Third Avenue, Suite 755 Seattle, WA 98101-3212	(1-866-487-9243)	
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West Virginia

See **Baltimore, MD** for the Eastern Panhandle.

Also serving the remainder of the State and Southwestern Virginia:

Charleston Area Office US Dept. of Labor ESA Wage & Hour Division 500 Quarrier Street Suite 120 Charleston, WV 25301-2130	Phone: (304) 347-5206 1-866-4-USWAGE (1-866-487-9243)	Catherine Glencoe Asst. District Director
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Wisconsin

Madison Area Office US Dept. of Labor ESA Wage & Hour Division 740 Regent Street, Suite 102 Madison, WI 53715-1233	Phone: (608) 441-5221 1-866-4-USWAGE (1-866-487-9243)	Hector Lopez Asst. District Director
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Wyoming

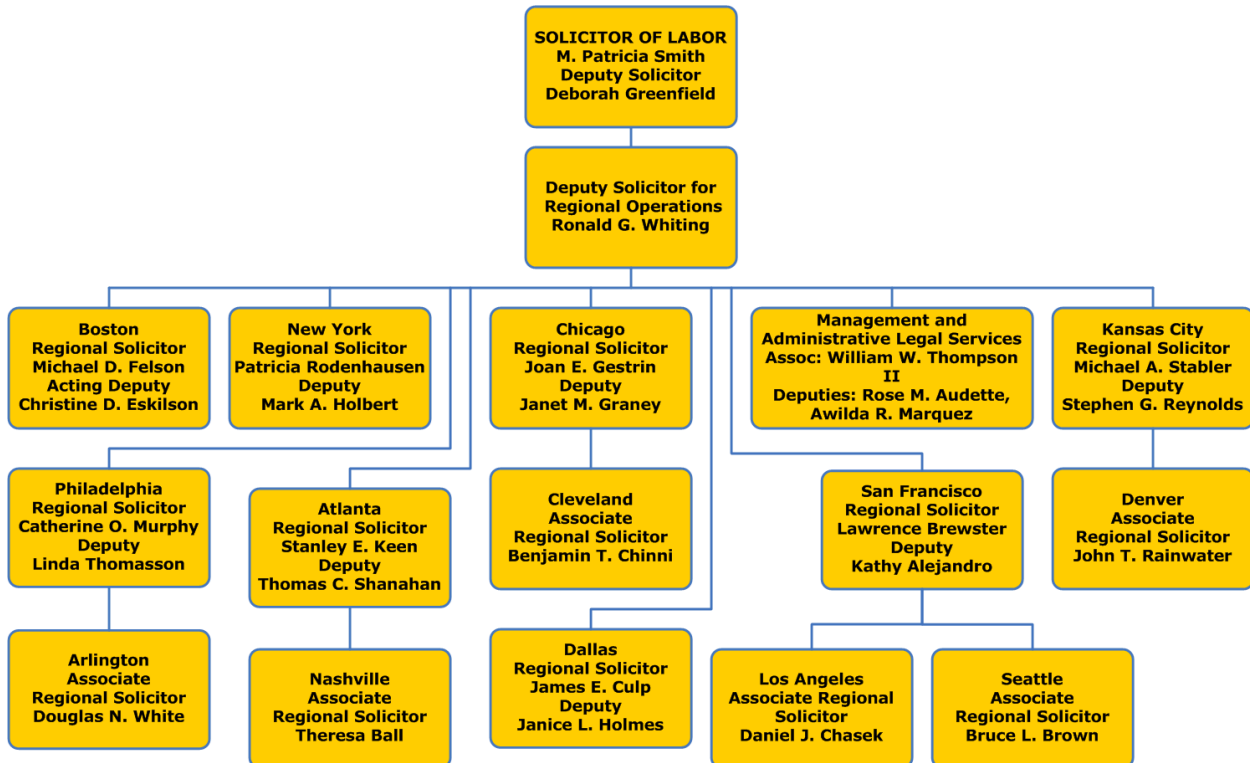
See Salt Lake City, UT.

Appendix G: Key SOL Personnel

OFFICE OF THE SOLICITOR'S DIRECTORY²⁶

SOL has eight regional and six branch offices which serve as lower court trial litigation centers. The regional offices are headed by Regional Solicitors and Deputy Regional Solicitors; each branch office is headed by an Associate Regional Solicitor. The regional offices provide trial litigation and general legal services to the Department, and aid regional officials in carrying out their responsibilities. The regional offices recommend and prosecute litigation at the administrative and District trial levels, prepare legal interpretations and opinions, and assist the United States Attorney in the prosecution of criminal cases.

SOL Regional Office Organizational Chart²⁷



²⁶ This information was updated on July 13, 2009. For the most up-to-date information, visit <http://www.dol.gov/sol/organizations/regions/main.htm>.

²⁷ This chart is available at <http://www.dol.gov/sol/organizations/charts/regchart.htm>

In several instances, WHD and SOL share the same building. We made note of these instances below.

Region 1: Boston Regional Office

John F. Kennedy Federal Office Building
Government Center, Room E-375
Boston, MA 02203
Main Telephone: 617-565-2500
FAX: 617-565-2142

Acting Solicitor: John S. Casler
Deputy Regional Solicitor: John S. Casler
Counsel for ESA John S. Casler

Counsel for ERISA: Michael Felsen
Counsel for OSHA: Christine Eskilson
Counsel for Civil Rights: David Baskin
Administrative Officer: Judy Nelson

- Jurisdiction: Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and Massachusetts
- The WHD office serving the Boston District in Massachusetts is also located in the same building.

Region 2: New York Regional Office

201 Varick Street Room 983
New York, NY 10014
Main Telephone: 646-264-3650

Regional Solicitor: Patricia M. Rodenhausen
Deputy Regional Solicitor: Mark A. Holbert

Counsel for Employment Standards: Diane Z. Wade
Counsel for Safety and Health: Diane C. Sherman
Counsel for ERISA: Dennis K. Kade
Counsel for Civil Rights: Marc G. Sheris
Administrative Officer: Wilma O. Johnson

- Jurisdiction: New York, New Jersey, Puerto Rico and the Virgin Islands
- An ICE detention facility is also located in the same building.

Region 3: Philadelphia Regional Office

Suite 630 East
The Curtis Center
70 S. Independence Mall West
Philadelphia, PA 19106-3306
Main Telephone: 215-861-5121

Regional Solicitor: Catherine Oliver Murphy
Deputy Regional Solicitor: Linda T. Thomasson

Counsel for BLBA/MSHA/LR: Susan M. Jordan
Counsel for Civil Rights: Richard Buchanan
Counsel for ERISA: Joan M. Roller
Counsel for ESA: Alfred J. Fisher, Jr.
Counsel for OSHA: Myrna A. Butkovitz

Arlington Branch Office

1100 Wilson Boulevard 22nd Floor
West Arlington, VA 22209-2247
Main Telephone: 202-693-9393

Associate Regional Solicitor: Douglas N. White
Counsel for ESA: Elizabeth Lopes Beason

- Jurisdiction: Pennsylvania, Maryland, Delaware, Virginia, West Virginia and the District of Columbia

Region 4: Atlanta Regional Office

Sam Nunn Atlanta Federal Center
61 Forsyth Street, Room 7T10
Atlanta, GA 30303
Main Telephone: 404-302-5435

Regional Solicitor: Stanley E. Keen
Deputy Regional Solicitor: James E. Culp

Counsel for Employment Standards: Robert L. Walter
Counsel for OSHA: Sharon D. Calhoun
Counsel for ERISA: Robert M. Lewis
Counsel for Civil Rights/MSHA: Channah S. Broyde

Nashville Branch Office

618 Church Street Suite 230
Nashville, TN 37219-2456
Main Telephone: 615-781-5330

Associate Regional Solicitor: Theresa Ball
Counsel for MSHA: Thomas Grooms

- Jurisdiction: Florida, Georgia, Alabama, Mississippi, Tennessee, Kentucky, North Carolina and South Carolina
- The WHD office serving the Atlanta District in Georgia is also located in the Atlanta regional office's building.

Region 5: Chicago Regional Office

Federal Office Building
230 South Dearborn Street, Room 844
Chicago, IL 60604-1502
Main Telephone: 312-886-5260
Fax: 312-353-5698

Regional Solicitor: Joan E. Gestrin
Deputy Regional Solicitor: Janet M. Graney

Counsel for Employment Standards: William C. Posternack
Counsel for Safety and Health: Allen H. Bean
Counsel for Civil Rights: Dorothy J. Stephens
Counsel for ERISA: Peter D. Broitman
Counsel for MSHA: Christine M. Kassak-Smith
Counsel for OSHA: Allen H. Bean

Cleveland Branch Office

U.S. Department of Labor
Office of the Solicitor
Federal Office Building
1240 East Ninth Street, Room 881
Cleveland, OH 44199
Main Telephone: 216-522-3870
Fax: 216-522-7172

Associate Regional Solicitor: Benjamin T. Chinni
Counsel for Safety and Health: Mary Anne Garvey

- Jurisdiction: Illinois, Wisconsin, Minnesota, Indiana, Michigan and Ohio

- Note: The Cleveland Branch Office covers Ohio.
- The WHD office serving the Chicago District in Illinois is also located in the Chicago regional office's building.
- The WHD office serving the Cleveland Area in Ohio is also located in the Cleveland branch office's building.

Region 6: Dallas Regional Office

525 South Griffin Street, Suite 501
Dallas, TX 75202-5020
Main Telephone: 972-850-3100

Regional Solicitor: James E. Culp
Deputy Regional Solicitor: Janice L. Holmes

Counsel for Safety and Health: Madeleine Le
Counsel for MSHA: Mary K. Cobb
Counsel for ERISA: Robert A. Goldberg
Counsel for Wage and Hour: Margaret T. Cranford
Counsel for Civil Rights: Connie M. Ackermann

- Jurisdiction: Texas, Louisiana, Oklahoma, Arkansas and New Mexico

Region 7: Kansas City Regional Office

Two Pershing Square Building
2300 Main Street, Suite 1020
Kansas City, MO 64108
Main Telephone: 816-285-7260

Regional Solicitor: Michael A. Stabler
Deputy Regional Solicitor: Stephen G. Reynolds

Counsel for Wage and Hour: Malinda Schoeb
Counsel for ERISA: Robert Milgrim
Counsel for Discrimination: H. Alice Jacks

Denver Branch Office

1999 Broadway, Suite 1600
P.O. Box 46550
Denver, CO 80201-6550
Main Telephone: 303-844-1745

Associate Regional Solicitor: John T. Rainwater

- Jurisdiction: Missouri, Kansas, Iowa, Nebraska, Colorado, Wyoming, Utah, Montana, North Dakota and South Dakota
- The WHD office serving Colorado is also located in the Denver branch office building.

Region 9: San Francisco Regional Office

90 7th Street
Suite 3-700
San Francisco, CA 94103
Main Telephone: 415-625-7740

Regional Solicitor: Lawrence Brewster
Deputy Regional Solicitor: Kathy Alejandro

Counsel for Safety and Health: Susan Gillett Kumli
Counsel for ESA: David M. Kahn
Counsel for Civil Rights: Christopher B. Wilkinson
Counsel for ERISA: Danielle L. Jaberg

Los Angeles Branch Office

World Trade Center, Suite 370
350 South Figueroa Street
Los Angeles, CA 90071
Main Telephone: 213-894-4980

Acting Associate Regional Solicitor: Daniel J. Chasek

Seattle Branch Office

1111 Third Avenue, Suite 945
Seattle, WA 98101-3212
Main Telephone: (206) 553-0940

Associate Regional Solicitor: Bruce L. Brown

- Jurisdiction: California, Arizona, Nevada, Idaho, Washington, Oregon, Alaska, Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa
- The WHD office serving the San Francisco District in California, the Federated State of Micronesia and the Pacific Territories is also located in the San Francisco regional office's building.
- The WHD office serving Washington, Alaska and the Northern Panhandle of Idaho is located in the same building as the Seattle branch office.