

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK,
by the Attorney General of the State of New York,

Case No.

Plaintiff,

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

-against-

UNITED STATES DEPARTMENT OF LABOR,

Defendant.

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I. NATURE OF ACTION

1. The State of New York brings this lawsuit to compel compliance by the United States Department of Labor with the Freedom of Information Act in connection with the Department’s new non-enforcement initiative for wage theft violations. In March 2018, Defendant United States Department of Labor (“USDOL”) announced a non-enforcement initiative called the Payroll Audit Independent Determination (“PAID”) Program that appears to offer employers a promise that they can avoid prosecution and penalties under federal wage laws if they self-identify and pay any back wages owed to their workers. In April 2018, concerned that the PAID Program would not adequately protect the rights of workers in New York and would potentially interfere with the State’s prosecution of both state and federal law, the State submitted a request under the Freedom of Information Act (“FOIA”) in order to better understand how USDOL developed and planned to implement the PAID Program. The USDOL has violated FOIA by failing to respond to Plaintiff’s request within the statutorily prescribed time limit, failing to disclose the requested documents, and unlawfully withholding the requested

information. Plaintiff now asks the Court to order Defendant USDOL to respond to the request and to disclose all responsive records improperly withheld from Plaintiff.

II. JURISDICTION AND VENUE

2. This Court has subject-matter jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

3. This Court has the authority to grant declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*

4. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

III. PARTIES

5. Plaintiff State of New York is represented by its Attorney General, Barbara D. Underwood, with a principal place of operation at 28 Liberty Street, 15th Floor, New York, New York 10005.

6. Defendant USDOL is the federal department that oversees working conditions and work-related benefits and rights, and is an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). USDOL is headquartered at 200 Constitution Avenue, NW, Washington, D.C. 20210, and its New York Regional Office is located at 33 Whitehall Street, New York, NY 10004.

IV. STATUTORY FRAMEWORK

7. FOIA promotes open government by providing every person with a right to request and receive federal agency records. 5 U.S.C. § 552(a)(3)(A).

8. In furtherance of its purpose to encourage open government, FOIA imposes strict deadlines on agencies to provide responsive documents to FOIA requests. *Id.* § 552(a)(6)(A).

9. An agency must comply with a FOIA request by issuing a determination within 20 business days after receipt of the request. *Id.* § 552(a)(6)(A)(i).

10. The determination “must at least inform the requester of the scope of the documents that the agency will produce, as well as the scope of the documents that the agency plans to withhold under any FOIA exemptions.” *Citizens for Responsibility & Ethics in Wash. v. Fed. Election Comm’n*, 711 F.3d 180, 186 (D.C. Cir. 2013).

11. An agency may be entitled to one ten-day extension of time to respond to a request if it provides written notice to the requester explaining that “unusual circumstances” exist that warrant additional time. 5 U.S.C. § 552(a)(6)(B).

12. An agency must immediately notify the requester of its determination whether to comply with a request, and the reasons for it, and of the right of such person to appeal an adverse determination. *Id.* § 552(a)(6)(A)(i).

13. An agency’s failure to comply with any timing requirements is deemed constructive denial and satisfies the requester’s requirement to exhaust administrative remedies. *Id.* § 552(a)(6)(C)(i).

14. A FOIA requester who exhausts administrative remedies may petition the court for injunctive and declaratory relief from the agency’s continued withholding of public records. *Id.* § 552(a)(4)(B).

V. FACTS

15. On April 11, 2018, Plaintiff New York sent a FOIA request by mail and electronic submission to USDOL (the “Request”; attached hereto as Exhibit A). The Request sought records from five USDOL agencies: the Office of the Secretary, the Office of the Solicitor, the Office of Congressional and Intergovernmental Affairs, the Wage and Hour Division, and the

Office of the Assistant Secretary for Policy. The Request sought records in three general categories: (1) records concerning the development, implementation, consideration, or evaluation of the PAID Program; (2) records of internal or external meetings or communications concerning the development, implementation, consideration, or evaluation of the PAID Program; and (3) guidance, training materials, and other communications with USDOL staff concerning the PAID Program. (*See Exhibit A.*)

16. On April 23, 2018, USDOL confirmed receipt of the Request by email and assigned it tracking number 856986. USDOL's confirmation email did not seek an extension of time to respond pursuant to 5 U.S.C. § 552(a)(6)(B), or provide a timeframe for a response to the Request. (*See Exhibit B.*)

17. On July 24, 2018, one of the five USDOL agencies from which records were requested—the Wage and Hour Division—sent a separate acknowledgment letter that referenced the same tracking number and that also confirmed receipt of the Request on April 23. The July 24 letter from the Wage and Hour Division did not seek an extension of time to respond pursuant to 5 U.S.C. § 552(a)(6)(B), and did not otherwise provide a timeframe for a response to the Request. (*See Exhibit C.*)

18. Since receiving USDOL's initial email acknowledging receipt of the Request on April 23, Plaintiff has monitored the progress of the Request and contacted USDOL and its FOIA Public Liaison on multiple occasions to follow up on the status of the Request.

19. Despite these efforts, USDOL has not produced any responsive documents. USDOL has not objected to the Request nor provided any information regarding the specific circumstances preventing the disclosure of the records sought.

20. Because USDOL has failed to provide any substantive responses to the Request within the statutory timeframe, it has constructively denied the Request. As such, Plaintiff has exhausted its administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i).

21. Plaintiff has a legal right to the requested records. Defendant has improperly withheld those records, forcing Plaintiff to file this lawsuit to enforce its right under FOIA.

22. As set forth in the April 11, 2018 letter sent to Labor Secretary Alexander Acosta by the Attorney General on behalf of New York, nine other states, and the District of Columbia, Plaintiff has serious concerns that the PAID Program allows “employers who violate labor laws to avoid prosecution and penalties in exchange for simply paying the back wages their employees were already owed under federal law,” and “may require workers receiving overdue, legally-owed wages to waive their rights to seek and obtain any and all additional remedies available under state and federal labor laws.” (*See* Exhibit D.)

23. As chief law enforcement officer of New York State, responsible for protecting the safety, welfare, and labor rights of its residents, it is critical for the Attorney General to understand the nature of the PAID Program and its possible effect on the residents of New York and enforcement of the state’s labor laws.

VI. STATEMENT OF CLAIMS

Count I: Failure to Respond to Request Within Statutory Timeframe

24. Plaintiff re-alleges and incorporates the foregoing paragraphs as if set forth in full.

25. Defendant USDOL failed to respond to the Request within the statutorily mandated timeframe, in violation of Plaintiff New York’s rights under FOIA, including but not limited to 5 U.S.C. § 552(a)(6)(A)(i) and (a)(6)(B).

Count II: Failure to Produce Responsive Records

26. Plaintiff re-alleges and incorporates the foregoing paragraphs as if set forth in full.

27. Defendant USDOL failed to make reasonable efforts to search for records responsive to the Request, in violation of Plaintiff's rights under FOIA, including but not limited to 5 U.S.C. § 552(a)(3).

28. Defendant USDOL failed to disclose and produce any records responsive to the Request, in violation of Plaintiff's rights to those records under FOIA, including but not limited to 5 U.S.C. § 552(a)(3)(A).

29. Defendant USDOL failed to disclose and produce records responsive to the Request without a legal basis for withholding such records, in violation of FOIA, including but not limited to 5 U.S.C. § 552(a)(3)(A) and (a)(6)(A).

30. Plaintiff State is entitled to its reasonable attorneys' fees and costs under 5 U.S.C. § 552(a)(4)(E).

PRAYER FOR RELIEF

WHEREFORE, the State of New York requests that this Court:

- (a) Find that Defendant's failure timely to respond or disclose records was unlawful;
- (b) Order Defendant to search for and promptly disclose all records responsive to Plaintiff's Request;
- (c) Award Plaintiff attorneys' fees and costs; and
- (d) Grant such other relief as the Court may deem just and proper;

Respectfully Submitted,

BARBARA D. UNDERWOOD
Attorney General of the State of New York



By:

ReNika Moore, Bureau Chief
Julie Ulmet, Assistant Attorney General
Mayur Saxena, Assistant Attorney General
Kevin Lynch*, Assistant Attorney General
Labor Bureau
Office of the New York State Attorney General
28 Liberty Street, 15th Floor
New York, NY 10005
Phone: (212) 416-6280
Fax: (212) 416-8694
ReNika.Moore@ag.ny.gov
Julie.Ulmet@ag.ny.gov
Mayur.Saxena@ag.ny.gov
Kevin.Lynch@ag.ny.gov
*Admission pending

Dated: August 6, 2018

EXHIBIT A



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 11, 2018

Via email (foiarequest@dol.gov)

Office of the Secretary
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Office of the Solicitor
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Office of the Assistant Secretary for Policy
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Office of Congressional &
Intergovernmental Affairs
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Re: Freedom of Information Act Request

Dear FOIA Officer:

To better understand how the U.S. Department of Labor (USDOL) developed and implemented its new Payroll Audit Independent Determination (PAID) Program, the Office of the Attorney General of the State of New York makes the following request for records pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the Department of Labor implementing regulations, 29 C.F.R. Part 70.

Requested Records:

The Office of the Attorney General requests that the Department produce the following within twenty business days:

1. All records concerning the development, implementation, consideration, or evaluation of the PAID Program, including without limitation documents concerning the following:
 - a. the need for and goals of the PAID Program;
 - b. the impact of the PAID Program on employers, workers, and litigants seeking to vindicate their rights under labor laws;
 - c. the determination not to seek liquidated damages, civil monetary penalties, and interest as part of the PAID Program;
 - d. whether and how the PAID Program will require employers to pay employees at any applicable higher state minimum wage or overtime wage rates or to pay wages owed during longer state statute of limitations periods;
 - e. whether and how the PAID Program will determine whether a participating employer is being investigated by state labor enforcement agencies or state attorneys general; and
 - f. whether any releases required of any worker receiving unpaid wages under the PAID Program would purport to waive an employee's ability to recover back wages, damages, and other relief available under state law.
2. All records reflecting any meetings, internal or external, concerning the development, implementation, consideration, or evaluation of the PAID Program, including without limitation the following:
 - a. meeting agendas and lists of attendees;
 - b. communications sent in preparation for or following any such meetings; and
 - c. calendar entries. For calendar entries created in Outlook or similar programs, the documents should be produced in "memo" form to include all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar used to track or coordinate how these individuals allocate their time on agency business.
3. All records of written or oral communications, internal or external, concerning the development, implementation, consideration, or evaluation of the PAID Program, including without limitation any communications with or by any employer, business association, trade group, non-governmental person or entity, or any member of Congress or their staff.

4. All records, including emails, calendars, memoranda, analyses, or reports reflecting meetings or communications with, or records created by, any member of the USDOL's Chief Evaluation Office concerning the development, implementation, consideration, or evaluation of the PAID Program.
5. All communications, training materials, guidance, memoranda, emails, or other documents provided to USDOL staff regarding the PAID Program.

Please provide all responsive records from January 20, 2017, to the date the search is conducted. Your search for responsive records should include the Office of the Secretary, the Office of the Assistant Secretary for Policy, the Office of the Solicitor, the Wage and Hour Division, and the Office of Congressional and Intergovernmental Affairs.

Because this request seeks responsive records from a number of different components of the Department, we request that your response be coordinated by the Office of Information Services in the Office of the Solicitor. *See* 29 C.F.R. § 70.20(a).

Under the FOIA Improvement Act of 2016, agencies are required to adopt a presumption of openness, withholding information only if “disclosure is prohibited by law” or “disclosure would harm an interest protected by a FOIA exemption.” 29 C.F.R. § 70.1(d); *see also* 29 C.F.R. § 70.3. If it is your position that any portion of the requested records is exempt from disclosure notwithstanding this mandatory presumption of openness, we request that you provide an index of those records as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). As you are aware, the Vaughn index should describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.” *Founding Church of Scientology of Washington, D.C. v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

Fee Waiver Request:

We request a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 29 C.F.R. § 70.41(a)(1). Disclosure of the requested records is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government. The PAID Program has been the subject of extensive public attention since Secretary Acosta announced it on March 6, 2018,¹ and the Department has publicly characterized the program as benefiting workers, employers, and taxpayers.² Disclosure of the requested records will contribute to the public's understanding of this enforcement program, including whether it will in

¹ See, e.g., Lydia Wheeler, *Labor Department launches pilot program to allow businesses to self-report wage/hour violations*, The Hill, March 6, 2018, available at <http://thehill.com/regulation/labor/377032-labor-department-launches-pilot-program-to-allow-businesses-to-self-report>; Vin Gurrieri, *4 Questions About DOL's Self-Audit Plan For Wage Violations*, Law360, March 7, 2018, available at <https://www.law360.com/articles/1019616/4-questions-about-dol-s-self-audit-plan-for-wage-violations>; Ben Penn, *Labor Dept. Plan to Circumvent Wage-Hour Lawyers May Backfire*, Bloomberg Law, April 3, 2017, available at <https://www.bna.com/labor-dept-plan-n57982090698/>.

² Bryan Jarrett, *Dept. of Labor's new PAID program a win-win-win for employers, taxpayers, employees*, The Hill, March 6, 2018, available at <http://thehill.com/opinion/white-house/376886-dept-of-labors-new-paid-program-a-win-win-for-employers-taxpayers>.

fact benefit – and was designed to benefit – workers and employers alike, as the Department has asserted.

In addition, this request is for non-commercial purposes. *See* 5 U.S.C. § 552(a)(4)(A)(iii); 29 C.F.R. § 70.41(a)(1)(ii). The Office of the New York State Attorney General is a law enforcement agency with no commercial interest in the requested information. The Office of the Attorney General anticipates making records obtained from this request available to the public at no cost.

If this request for a fee waiver is denied, please contact us before incurring any costs in responding to this request. We request that your responses be fulfilled electronically. Thank you for your attention to this matter. If you have any questions or wish to clarify any request, please do not hesitate to contact Labor Bureau Deputy Chief Julie Ulmet at Julie.Ulmet@ag.ny.gov or 212-416-8681. We look forward to receiving your response to these requests within twenty business days, as required by FOIA.

Respectfully,

/s/ Julie R. Ulmet
Julie R. Ulmet, Deputy Bureau Chief
Labor Bureau
New York State Office of the Attorney General
120 Broadway, 26th Floor
New York, NY 10271-0332
(212) 416-8681

EXHIBIT B

Ulmet, Julie

From: Miller, Darlene - SOL <Miller.Darlene@dol.gov>
Sent: Monday, April 23, 2018 4:04 PM
To: Ulmet, Julie
Cc: Oliver, Ramona - SOL; DeBusk, Thomas - OSEC; Moreno, Michelle - WHD; Hudson, Sharon - SOL; Manning, Glenda - OCIA; Fryer, Terry L - ASP
Subject: Acknowledgment

Ms. Ulmet:

Your request has been assigned to tracking number **856986**. When the agency begins processing it, you will be able to track its progress at www.dol.gov/foia. If you need to contact us about it for any reason, please submit your inquiry through miller.darlene@dol.gov or phone 202-693-5442. In addition, it would be helpful to include the tracking number in the Subject line of any submission to the us or to have it available at the time of a call.

Sincerely,

Darlene Miller

Government Information Specialist, Office of Information Services

OFFICE OF THE SOLICITOR | MANAGEMENT & ADMINISTRATIVE LEGAL SERVICES

U.S. Department of Labor

200 Constitution Avenue NW, Rm N2420

Washington, DC 20210

(202) 693-5442 (O) | (202) 693-5389 (F) | miller.darlene@dol.gov (E)

e-FOIAs: foiarequests@dol.gov

From: Ulmet, Julie <Julie.Ulmet@ag.ny.gov>
Sent: Wednesday, April 11, 2018 11:50 AM
To: FOIARRequests <FOIARRegulations@dol.gov>
Subject: FOIA Request Re: Payroll Audit Independent Determination (PAID) Program

Please see the attached FOIA Request from the New York State Office of the Attorney General.

Julie R. Ulmet | Deputy Bureau Chief

New York State Office of the Attorney General, Labor Bureau

120 Broadway, 26th Floor | New York, NY 10271-0332

Tel: 212-416-8681 | julie.ulmet@ag.ny.gov | www.ag.ny.gov

Please be advised that as of April 13, 2018, our 120 Broadway office will be moving and the new mailing address is: 28 Liberty St., New York, NY 10005. All other contact information will remain the same.

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

EXHIBIT C

EXHIBIT D



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 11, 2018

Via email (executivesecretariat@dol.gov)

The Honorable R. Alexander Acosta
Secretary
United States Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: Payroll Audit Independent Determination (PAID) Program

Dear Secretary Acosta:

We write on behalf of the states of New York, California, Connecticut, Delaware, Illinois, Maryland, Massachusetts, New Jersey, Pennsylvania, Washington, and the District of Columbia to raise serious concerns that the Payroll Audit Independent Determination (PAID) Program announced by the United States Department of Labor encroaches on workers' rights under state labor laws. The PAID Program appears to be an amnesty program allowing employers who violate labor laws to avoid prosecution and penalties in exchange for simply paying the back wages their employees were already owed under federal law. The undersigned state attorneys general are particularly concerned that the Program may require workers receiving overdue, legally-owed wages to waive their rights to seek and obtain any and all additional remedies available under state and federal labor laws.

The PAID Program releases employers from the obligation to pay liquidated damages, interest, or penalties. This is troubling on all counts. First, failure to include interest means that employers who commit wage theft are, in effect, getting an unlawful, interest-free loan from their employees – including from low-wage workers who rely on their hard-earned wages to pay for rent, groceries, and childcare. Second, failure to include liquidated damages removes an essential deterrent for employers not to break the law. Third, federal law provides that willful or repeated violations warrant the imposition of civil monetary penalties, but this Program leaves penalties out of the equation. Additionally, it appears that the PAID Program will not require employers to pay employees at any applicable higher state or local minimum wage or overtime wage rates, or to pay wages owed during longer state statute of limitations periods.

We are also concerned that employers currently under investigation by state attorneys general or labor enforcement authorities may still participate in the PAID Program. We note that

the PAID Program materials provide that employers must “certify” that they “are not specifically aware of any recent complaints by your employees or their representatives . . . to a state wage enforcement agency asserting that the compensation practices at issue in this proposed PAID self-audit violate FLSA minimum wage and/or overtime requirements.” However, the Program does not seem to account in any way for employers who do not have specific knowledge of employee complaints, but are, in fact, under investigation by a state or local labor enforcement agency. This suggests that such employers may participate in the PAID Program and obtain employee waivers for violations that state agencies are actively investigating.

More generally, it is unclear whether the releases required of any worker receiving unpaid wages under the PAID Program would purport to waive an employee’s ability to recover back wages, damages, and other relief available under state or local law. While the Wage and Hour Division has recently posted an FAQ explaining that the Division cannot “supervise payments or provide releases” for state law violations, the Division’s materials also inform employers that the “PAID program does not preclude an employer from separately settling claims as allowed under state law.” This language invites employers to require employees, who may be unaware of their rights under more protective state labor laws, to sign separate state-law releases in order to receive their wages under the PAID Program. Because the Department will not supervise these state-claim settlements, there is a significant danger that employers will abuse the PAID Program to pressure employees to broadly waive their rights under state labor laws.


As you know, state and local laws often provide for higher wage rates than the FLSA, with longer statutes of limitation and greater availability of liquidated damages, interest, and penalties. The Fair Labor Standards Act “specifically mandates that state law, rather than federal law, applies where the state law provides for . . . a higher minimum wage.” *Soler v. G & U, Inc.*, 768 F. Supp. 452, 462 n.16 (S.D.N.Y. 1991) (citing 29 U.S.C. § 218(a)). *Accord Estanislau v. Manchester Developers, LLC*, 316 F. Supp. 2d 104, 112 n.2 (D. Conn. 2004) (“To the extent that state law provides a greater remedy than the FLSA, [p]laintiff would not be precluded from recovering under it.”). In fact, “every Circuit that has considered the issue has reached the same conclusion—state overtime wage law is not preempted by . . . the FLSA.” *Overnite Transp. Co. v. Tianti*, 926 F.2d 220, 222 (2d Cir. 1991).

In this context, it would be an improper federal overreach for the Department to attempt to permit employers, under the auspices of the PAID Program, to require employees to waive state law protections in exchange for the employer’s payment of overdue wages. In many jurisdictions, such waivers would not be enforceable against state law enforcement entities, yet they would mislead employees into believing that they have no further legal recourse. Please be advised that we will continue to prosecute labor violations to the fullest extent of our authority, both civilly and criminally, regardless of whether employers have participated in the PAID Program. No worker should be required to waive wage theft protections in order to obtain only the partial relief your program is offering, and we intend to pursue every available option to ensure that workers’ rights to fair pay and overtime are protected to the fullest possible extent.

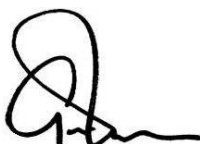
Respectfully submitted,



ERIC T. SCHNEIDERMAN
New York Attorney General



XAVIER BECERRA
California Attorney General



GEORGE JEPSEN
Connecticut Attorney General



MATTHEW P. DENN
Delaware Attorney General



LISA MADIGAN
Illinois Attorney General



BRIAN E. FROSH
Maryland Attorney General



MAURA HEALEY
Massachusetts Attorney General



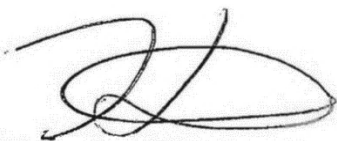
GURBIR S. GREWAL
New Jersey Attorney General



JOSH SHAPIRO
Pennsylvania



BOB FERGUSON
Washington Attorney General



KARL A. RACINE
District of Columbia

U.S. Department of Labor

Wage and Hour Division
Washington, D.C. 20210



July 24, 2018

Julie R. Ulmet
New York State Office of the Attorney General
120 Broadway
16th Floor
New York, New York 10271-0332

Sent via email to julie.ulmet@ag.ny.gov

RE: Freedom of Information Act Acknowledgment Letter
FOIA Tracking Number 856986 – Subject: Records re the Department's PAID Program

Dear Ms. Ulmet:

The U.S. Department of Labor (Department), Wage and Hour Division (WHD) acknowledges receipt of your Freedom of Information Act (FOIA) request dated April 11, 2018, for all responsive records regarding Department's PAID Program, dating from January 20, 2017, to the date the search is conducted. The WHD received your request on April 23, 2018.

If WHD maintains the documents you are seeking, we will process your request pursuant to the FOIA, 5 U.S.C. § 552. As noted in the request, some of the documents you are seeking are maintained in whole or in part by another Departmental component; therefore, you may receive multiple responses if this request is not coordinated.

Next, your FOIA request has been assigned the FOIA tracking number noted above. You may use the FOIA tracking number to check the status of your request on the Department FOIA Public Portal at <http://www.dol.gov/foia/>. Please refer to this number in any future correspondence about your request.

Additionally, our goal is to respond to request(s) as quickly as possible, in the order received and within the statutory time frame. However, WHD receives a large volume of requests and we have acquired a processing backlog. Consequently, we may not complete your request within the statutory time period. Therefore, we ask that you allow 30 days before checking the status of your request.

If you have any questions or concerns regarding this matter you may contact WHD National Office as follows:

Email: WHD-FOIA@dol.gov
Telephone: 202-693-1004
Fax: 202-693-0637
Mail: U.S. Department of Labor
Wage and Hour Division, Room S3016
Attn: FOIA Coordinator
200 Constitution Avenue, NW

Washington, D.C. 20210

We hope this information has been helpful.

Sincerely,

PATRICE TORRES  Digitally signed by
PATRICE TORRES

Patrice Rachel Torres
Assistant Administrator
Wage and Hour Division