

Re Facsimile

April 13, 2018

Nashville District Office
US Dept. of Labor
Wage & Hour Division
1321 Murfreesboro Pike
Suite 511
Nashville, TN 37217-2626

complaint by

again

n, TN 37708)

(1617 Hilton Rd., Bean Station

Dear District Director Lewis,

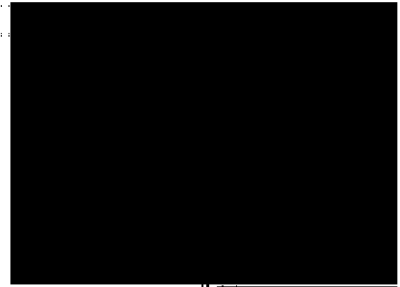
This office is assisting the following complainants

Southeastern Provisor, LLC.

complainants ("Workers") who were employed by



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- 7.
- 8.



Workers file this complaint against their employer to vindicate their rights under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201, *et seq.*, and the U.S. Department of Labor

The
Lab

(DOD) Regulations, 50 USC 5010(a)(1) and 50 USC 5010(a)(2) require the required federal minimum wage for each hour worked in lieu of (1) failing to pay the required federal minimum wage for each hour worked in violation of 29 U.S.C. § 207(a); and (3) failing to maintain proper records pursuant to 29 U.S.C. § 211(c) and 29 C.F.R. § 516.2.

5. Workers and other employees who suffered wage theft at the hands of Southeastern Provision, LLC.

Bean Station, TN on April 5, 2018. For that reason, we request expedited review of this

of this matter to the fullest extent possible.

I. Background

Monday through Friday, starting at approximately 7:00 AM and finishing at approximately 5:30 PM. Some of the workers reported that they had to arrive at work as early as 6:30 AM. Nevertheless, protective gear necessary for their jobs, sometimes as early as 6:30 AM. Nevertheless, on several occasions, the plant reportedly told workers that they would not be compensated for any time spent at the plant. Workers had two breaks every day, one from 9:00 to 9:30 AM and one from 12:00 to 12:30 PM. Workers typically ate lunch during their second break. The time spent donning and doffing protective equipment before and after their lunch break was not counted as work hours for purposes of pay. Workers were paid in cash once per week.

II. Violations of the FLSA and Accompanying Regulations

A. Southeastern Provision, LLC Failed to Pay the Workers Overtime.

Southeastern Provision, LLC did not pay the Workers overtime for the many hours they worked in violation of 29 U.S.C. § 207(a). Instead, Southeastern Provision, LLC paid the workers their regular salary. Southeastern Provision, LLC repeatedly informed the workers that the company did not pay overtime. The failure to pay overtime has been corroborated by a confidential informant working for law enforcement as part of their investigation of Southeastern Provision that ultimately resulted in the raid at the worksite. See <http://media.wate.com/nxs-watetv-media-us>

provisions_1523040876022_39246912_ver1.0.pdf.

¹ In prior years, Workers were required to sign-in and sign-out on an hours log that was kept on

...to approximately 50 hours
...10 hours of overtime each week. The Workers are
of forty hours.

B. Southeastern Provision, LLC Failed to Compensate the Workers for the Time They Spent Donning and Doffing Protective Equipment

Southeastern Provision, LLC failed to pay the Workers for time they spent donning and doffing protective equipment. See *IBP, Inc. v. Alvarez*, 546 U.S. 1 (2005). Workers used various kinds of masks, gloves, and eye-baths and gloves made of cotton, metal, and latex. Putting on or taking off this equipment thus effectively required the workers to arrive before 7:30 AM every day to don their protective gear without paying, since their time to don and doff the workers were required to spend such time to initiate break donning and doffing protective equipment, which was not included in the 50 hours of work performed during the standard work week for which an overtime premium was not paid. These unpaid hours are not being paid the regular rate of pay or their overtime premium for the time spent donning and doffing the required protective equipment.

C. Southeastern Provision, LLC Failed to Keep Accurate Records of Hours and Pay.

... LLC failed to maintain accurate records of the Workers' pay in violation of 29 U.S.C. § 211(c) and 29 C.F.R. § 516.2. Given that the Workers were paid exclusively in cash, there is reason to believe that Southeastern Provision, LLC does not have accurate records of the Workers' weekly pay. The Workers were never provided paystubs or any other documentation demonstrating their hours worked or their pay rate.

D. Southeastern Provision, LLC Failed to Pay the Workers Any Wages for their Final Eight Days of Work

Southeastern Provision, LLC did not compensate the Workers for their final eight days of work, in violation of 29 U.S.C. §§ 206 and 207. On April 5, 2016, Immigration and Customs Enforcement (ICE) engaged in enforcement operations at the plant. ICE interrogated and arrested a number of employees, including the Workers. As a result of the ICE raid the Workers were not received their wages for their final eight days of work. Due to ICE's enforcement operations and absent DOJ's immediate intervention, the Workers and many other employees will never receive the wages they are owed.

III. Conclusion

On behalf of the Workers, we respectfully request that you consider this matter as soon as

~~possible to Shere~~ ~~the employees can fully participate in any investigation and~~

~~Please contact me with any questions and to initiate interviews~~

~~at (404) 496-2127 or julia.solorzano@calcenter.org. If I am not~~

~~available, please contact M. M. at (404) 591-6700~~

~~at calcenter.org~~

Sincerely,



Julia Solórzano
Staff Attorney

~~M. M.~~
Outreach Paralegal



Via Email

April 23, 2018

District Director Nettie Lewis
Nashville District Office
U.S. Department of Labor
Wage & Hour Division
1321 Murfreesboro Pike
Suite 511
Nashville, TN 37217-2626

RE: SUPPLEMENTAL COMPLAINT on behalf of

against Southeastern Provision, LLC (1617 Hilton Rd., Bean Station, TN 37708)

Dear District Director Lewis,

We file this supplement to the original Complaint that we filed on April 13, 2018 to reflect the inclusion of 19 additional complainants:

. The allegations in the original Complaint are applicable to the 19 additional workers included here.

Eight of these workers—

—are currently in immigration detention in Louisiana, in the Pine Prairie and LaSalle detention centers.

As was previously urged in the original Complaint, we respectfully request that you act as soon as possible to ensure the Workers can fully participate in any investigation and receive the wages they are owed. Please contact me with any questions and to initiate interviews with the Workers.

I can be reached at (334) 425-2137 or julia.solorzano@splcenter.org. If I am not available, you can contact Carmen Martínez at (404) 521-6700 or carmen.martinez@splcenter.org.

Sincerely,

/s Julia Solórzano

Julia Solórzano

Staff AttorneyP <</MCaTj ETegID aTjDC 0.002 Tc 2 t63



150 East Ponce de Leon Ave., Suite 340
Decatur, GA 30030
T404.521.6700 F404.221.5857
www.splcenter.org

Via Email

May 7, 2018

District Director Nettie Lewis
Nashville District Office
U.S. Department of Labor
Wage & Hour Division
1321 Murfreesboro Pike
Suite 511
Nashville, TN 37217-2626

RE: SECOND SUPPLEMENTAL COMPLAINT on behalf of [REDACTED]
[REDACTED]
[REDACTED] against Southeastern Provision, LLC (1617 Hilton Rd.,
Bean Station, TN 37708)

Dear District Director Lewis

We file this supplement to the original Complaint filed on April 13, 2018 and the First Supplement filed on April 23, 2018 to reflect the inclusion of eight additional complainants:

[REDACTED]
[REDACTED]. The allegations in the original Complaint are applicable to the additional workers included here.

Five of these workers [REDACTED]
[REDACTED]—are currently detained at the LaSalle ICE Processing Center located 830 Pine Hill Road, Jena, LA, 71342. The three others—[REDACTED]—are currently detained in at the Pine Prairie ICE Processing Center located 1633 Hampton Dupre Road, Pine Prairie, LA, 70576.

As was previously urged in the original Complaint and First Supplement, we respectfully request that you act as soon as possible to ensure the Workers can fully participate in any investigation and receive the wages they are owed. Please contact me with any questions and to initiate interviews with the Workers. I can be reached at (334) 425-2137 or julia.solorzano@splcenter.org. If I am not available, you can contact Carmen Martinez at (404) 521-6700 or carmen.martinez@splcenter.org

Sincerely,

/s Julia Solórzano
Julia Solórzano
Staff Attorney

/s Carmen Martínez

Via Email

May 31, 2018

**District Director Nettie Lewis
Nashville District Office
U.S. Department of Labor
Wage & Hour Division
1321 Murfreesboro Pike
Suite 511
Nashville, TN 37217-2626**

RE: THIRD SUPPLEMENTAL COMPLAINT on behalf of

against Southeastern Provision,
LLC (1617 Hilton Rd., Bean Station, TN 37708)

Dear District Director Lewis

Sincerely,

/s/Julia Solórzano
Julia Solórzano
Staff Attorney

/s/Carmen Martínez
Carmen Martínez
OutreachParalegal

