

February 7, 2018

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

Dear Secretary Acosta,

Bloomberg/BNA has reported that the Department of Labor “scrubbed an unfavorable internal analysis from a new tip pooling proposal, shielding the public from estimates that potentially billions of dollars in gratuities could be transferred from workers to their employer.”¹

As organizations committed to worker rights and government accountability, we are writing to urge that you immediately release the economic transfer data that provided the basis for that analysis, as well as the analysis itself.

The Bloomberg/BNA report disturbingly states that senior Department officials sought and received authorization from the White House to exclude the economic transfer data altogether in order to conceal the expected impact of the rule.

If accurately reported, such actions are profoundly troubling. The report indicates that a predetermined outcome was sought, rather than an evidence-based analysis – and that when the data got in the way, it was suppressed.

At this point, it is imperative that the underlying data be made public, along with the analyses that the Department conducted. We call on the Department of Labor to do so immediately and to withdraw the related Notice of Proposed Rulemaking.² We await your reply and remedial action.

Sincerely,

American Association of University Women (AAUW)
American Federation of Teachers, AFL-CIO
Center for Law and Social Policy (CLASP)
Center for Progressive Reform
Colorado Fiscal Institute
Demand Progress Action
Demos
Economic Policy Institute
Equal Pay Today
Fair World Project

¹ Ben Penn, Labor Dept. Ditches Data on Worker Tips Retained by Business, Bloomberg (Feb. 1, 2018) <http://bit.ly/2rWnnSd>.

² Federal Register, Tip Regulations Under the Fair Labor Standards Act (FLSA) (visited on Jan. 2, 2018), <http://bit.ly/2jlbXki>.

Food & Water Watch
Freedom Network USA
Futures Without Violence
Government Accountability Project
Greater Syracuse Council on Occupational Safety and Health
Hawaii Appleseed Center for Law and Economic Justice
HEAL Trafficking
Indiana Institute for Working Families
Institute for Policy Studies, Global Economy Project
Interfaith Worker Justice
Jobs with Justice of East Tennessee
Labor Project for Working Families/Family Values @ Work
Legal Aid at Work
Maine AFL-CIO
Maine Labor Group on Health
Mississippi Workers' Center for Human Rights
NAACP
National Association of Consumer Advocates
National Center for Law and Economic Justice
National Center for Lesbian Rights
National Council of Jewish Women
National Employment Law Project
National Employment Lawyers Association
National Immigration Law Center
National LGBTQ Task Force
National Partnership for Women & Families
National Women's Law Center
Oxfam
Policy Matters Ohio
Protect All Children's Environment
Public Citizen
Restaurant Opportunities Centers United
SafeWork Washington
Sargent Shriver National Center on Poverty Law
Sciencecorps
SEIU 32BJ
Student Organization for Democratic Alternatives
Sunlight Foundation
The Leadership Conference on Civil and Human Rights
Union of Concerned Scientists
United Steelworkers
Voices for Progress
Washington Lawyers' Committee for Civil Rights and Urban Affairs
Women Employed
WV Center on Budget and Policy

Cc: The Honorable Scott Dahl, Inspector General, U.S. Department of Labor Office of Inspector General