

# GRAND THEFT PAYCHECK: THE LARGE CORPORATIONS SHORTCHANGING THEIR WORKERS' WAGES



JUNE 2018

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June 2018



Corporate Research Project of Good Jobs First

202-232-1616

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[www.goodjobsfirst.org](http://www.goodjobsfirst.org)

Jobs With Justice Education Fund

202-393-1044

[www.jwj.org](http://www.jwj.org)

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# TABLE OF CONTENTS

- Executive Summary ..... 2
- Introduction: Analyzing the Prevalence of Wage Theft in Big Business ..... 6
- The Big Picture ..... 8
  - Most Penalized Corporations ..... 8
  - Hidden Penalties ..... 10
  - Repeat Offenders ..... 10
  - Mega-Settlements ..... 11
  - Mega-Verdicts ..... 12
  - Mega-Fines ..... 12
  - Occupational Diversity ..... 13
  - Most Penalized Industries ..... 13
  - Disproportionate Impact ..... 14
  - Offense Types ..... 15
  - Geography of Wage Theft Litigation ..... 15
  - Penalty Trends Over Time ..... 17
- Conclusion: Wage Theft Should Not Be a Business Model .. 18
- Policy Recommendations to Combat Rampant Wage Theft 19
- Methodology ..... 25
- Appendices ..... 27
  - Appendix A: Parent Companies with \$1 Million or More in Wage Theft Penalties ..... 27
  - Appendix B: 100 Largest Wage Theft Lawsuit Settlements or Verdicts ..... 34
  - Appendix C: Wage Theft Lawsuits With Confidential Settlements ..... 40
- Endnotes ..... 44

## Acknowledgements

Good Jobs First gratefully acknowledges the support of the Surdna Foundation and the Bauman Foundation for the research that went into this report and the expansion of [Violation Tracker](#). The database is also supported by the Reva & David Logan Foundation.

# EXECUTIVE SUMMARY

Many of the largest companies operating in the United States have fattened their profits by forcing employees to work off the clock or depriving them of required overtime pay. An extensive analysis of federal and state court records shows that these corporations have been embroiled in hundreds of lawsuits over what is known as wage theft and have paid out billions of dollars to resolve the cases. The list of the most penalized employers includes the giant retailer Walmart, as well as big banks, major telecommunications and technology companies, and a leading pharmaceutical producer. More than 450 large firms have each paid out \$1 million or more in wage theft settlements.

These findings result from a yearlong compilation of records of collective action lawsuits. In this little-studied form of labor standards enforcement, groups of workers take their employer to court to recover the pay they were wrongly denied.

We identified more than 1,200 successful collective actions involving large companies that have been resolved since the beginning of 2000. In these cases, employers paid total penalties of \$8.8 billion.

We also compiled actions against large employers pursued by the U.S. Department of Labor and by regulatory agencies in eight states which enforce wage theft and provided data (California, Illinois, Kentucky, Massachusetts, Minnesota, Missouri, Pennsylvania and Washington). Combining the lawsuits with the state and federal administrative actions, we found 4,220 cases against large employers that generated total penalties of \$9.2 billion.

Among the dozen most penalized corporations, Walmart, with \$1.4 billion in total settlements and fines, is the only retailer. Second is FedEx with \$502 million. Five of the top dozen are banks and insurance companies, including Bank of America (\$381 million); Wells Fargo (\$205 million); JPMorgan Chase (\$160 million); and State Farm Insurance (\$140 million). The top 25 also include prominent companies in sectors not typically associated with wage theft, including telecommunications (AT&T); information technology (Microsoft and Oracle); pharmaceuticals (Novartis); and investment services (Morgan Stanley and UBS).

Focusing on the very largest corporations in our dataset—just those listed on the Fortune 500, the Forbes list of the biggest privately held companies, and the foreign-based firms on the Fortune Global 500—we found 2,167 cases with total penalties of \$6.8 billion. These mega-corporations thus account for half of the cases we found and 74 percent of the penalty dollar total.

We found seven individual settlements in excess of \$100 million, including the \$640 million omnibus settlement by Walmart of more than 60 lawsuits and two FedEx settlements each in excess of \$200 million. Since collective actions are usually settled before trial, there are few verdicts. But Walmart leads in that category too, with a judgment of \$242 million. It has also paid the largest single administrative-case fine: \$33 million to the U.S. Labor Department.

There is considerable variety in the types of workers who brought the cases. The occupations represented in the largest settlements and verdicts range from low-wage jobs such as cashiers, cooks and security guards to higher-paid positions such as package delivery drivers, nurses, pharmaceutical sales representatives, stockbrokers and financial advisors.

Thanks to Walmart, retailing is the industry with the highest aggregate penalties (\$2.7 billion) imposed on large companies. It is followed by financial services (\$1.4 billion); freight and logistics (\$828 million); business services (\$611 million); insurance (\$557 million); miscellaneous services (\$486 million); healthcare services (\$417 million); restaurants and foodservice (\$397 million); information technology (\$335 million); and food and beverage products (\$315 million).

Of the ten most penalized industries named above, all but two—freight and information technology—employ large numbers of women, according to the Bureau of Labor Statistics. Several of these industries—especially business services, insurance and healthcare services—are predominantly female. In about half of these top ten industries, the percentage of Black and Latino workers is greater than in the workforce as a whole. For example, Black workers account

for about 12 percent of the overall workforce but 20 percent of the labor force in business support services and 17 percent in freight. Latino workers account for about 17 percent of the overall workforce but about 25 percent in restaurants and foodservice and 29 percent in food and beverage production.

Wage and hour litigation is not evenly distributed across the country. Of the 1,283 private lawsuits we analyzed, more than half came from a single state: California, which has its own labor code that can be enforced either in state court or in combination with federal rules in U.S. courts.

Although there are fluctuations from year to year, the lawsuit penalty total reached a high of \$1.3 billion in 2016. The tally in 2017 was \$732 million, the fourth-largest yearly total.

Our totals and rankings are based only on penalties that have been publicly disclosed. In numerous collective actions, large companies successfully petitioned federal or state courts to keep the details of the settlement confidential. We found records of 127 confidential cases involving 89 large companies. Among those that had multiple sealed settlements are AT&T, Home Depot, Verizon Communications, Comcast, Lowe's and Best Buy.

Given that lawsuits are typically brought against the immediate employer, our findings do not fully reflect the involvement in wage theft of large corporations that rely on temp agencies and employee leasing services. The findings also do not cover situations in which employees are compelled to resolve wage and hour disputes through arbitration proceedings, which are

conducted in secret and are therefore not included in court records.

The employers accused of wage theft include many highly profitable companies. As shown in the table below, among the dozen most penalized corporations, all but two had an annual profit of more than \$1 billion in its most recent fiscal year. Some had tens of billions in profits, including AT&T (\$29 billion), JPMorgan Chase (\$24 billion) and Wells Fargo (\$22 billion).

These companies also award their chief executives generous salaries, bonuses and perks. The table shows that four of the corporations (JPMorgan Chase, AT&T, Walmart and Bank of America) paid their CEOs annual compensation in excess of \$20 million. When the realized gains from stock options and other stock awards are added in, total compensation can reach much higher; JPMorgan Chase's Jamie Dimon took in more than \$162 million in 2017.

Clearly, these corporations could afford to pay their workers properly. Wage theft may have been part of their business model, but it does not need to be—and should not be.

This analysis underscores the importance of reforms to combat wage theft. Because wage theft is such a persistent problem in the U.S. economy, reforms must build working people's power, while also making targeted improvements to enforcement.

First, the fact that the amount of money recovered through private litigation dwarfs the amount recovered through administrative action demonstrates that government enforcement must be strengthened. Government agencies must have the resources to investigate pervasive

wage theft, and use their resources in ways that will most effectively combat the practice. Government regulators must also partner with organizations that represent and advocate for working people so that those most impacted by wage theft have a say and role in enforcement policies and oversight.

Second, states should follow California's lead by ensuring that working people have access to the courts to enforce wage and hour laws. Our analysis provides no indication that California companies are engaged in wage theft at a greater level than those in other states. Its large number of successful state lawsuits are a result of its stronger anti-wage theft laws. Given that the U.S. Supreme Court recently restricted one of the strongest private litigation tools to combat wage theft, states should also enact a version of California's Private Attorney General Act. This law allows working people to band together to sue low-road corporations through collective or class action suits.

Third, corporations that profit from wage theft should not be able to insulate themselves from liability through franchise models, misclassification of employees as independent contractors, outsourcing, or other methods. Policy makers must update wage theft laws to effectively regulate 21st-century business and employment models.

Fourth, labor law more generally must also be updated to give working people the power to fight exploitation by negotiating as equals with the companies and executives who profit most from their labor.

## Profits and CEO Compensation for the Dozen Most Penalized Parent Companies

Parent	Profits	CEO annual compensation	CEO annual compensation plus realized gains from stock awards
Walmart	\$9.9 billion	\$22,352,143	\$37,460,812
FedEx	\$3.0 billion	\$15,605,597	\$28,603,991
Bank of America	\$18.2 billion	\$21,779,832	\$39,852,421
Wells Fargo	\$22.2 billion	\$17,564,014	\$22,723,169
JPMorgan Chase	\$24.4 billion	\$28,313,787	\$162,900,553
State Farm Insurance	\$2.2 billion	\$8,160,000	n.a.
AT&T	\$29.5 billion	\$28,720,720	\$41,920,869
United Parcel Service	\$4.9 billion	\$14,608,732	\$24,183,959
ABM Industries	\$3.8 million	\$4,686,371	\$5,596,827
Tenet Healthcare	-\$704 million	\$3,651,780	\$3,718,859
Allstate	\$3.1 billion	\$17,069,187	\$67,788,618
Ecolab	\$1.5 billion	\$14,383,229	\$33,394,729

**Note:** A list of parent companies with \$1 million or more in total penalties is included in Appendix A. Appendix B has a list of the 100 largest lawsuit settlements or verdicts. Appendix C has a list of lawsuits with confidential settlements. Details on the lawsuits can also be found, along with the federal and state administrative cases, in the Violation Tracker database at [violationtracker.org](http://violationtracker.org).

### The Varieties of Wage Theft

<b>Off-the-clock work:</b> Hourly workers may be required to perform certain tasks before they clock in or after they clock out and thus are not paid for those activities.
<b>Overtime violations:</b> Failure to pay non-exempt employees for time worked in excess of 40 hours per week.
<b>Misclassification:</b> The improper designation of certain workers as exempt from overtime pay (for example, by wrongly labeling them managers) or as independent contractors not subject to wage and hour requirements.
<b>Minimum wage violations:</b> Failure to pay workers the legally required federal or state rate. In some cases those rates may be a prevailing wage applicable to a government contractor or local living wage ordinance.
<b>Meal or rest break violations:</b> Failure to adhere to rules in some states requiring employers to provide breaks or compensate workers for that time.
<b>Uncompensated clothing purchase requirements:</b> Some apparel retailers require employees to purchase clothing sold at the store and wear it while working but fail to reimburse them for the expense.
<b>Tip violations:</b> Confiscating tips received by restaurant or hospitality workers or failing to pay tipped workers the difference between their tips and the required minimum wage. There are also controversies over pooling tips and sharing them with non-tipped employees and sometimes with management.
<b>Other wage and hour violations:</b> Issues that are often enforced by state agencies include late payment of wages or failure to pay at all.

# INTRODUCTION: ANALYZING THE PREVALENCE OF WAGE THEFT IN BIG BUSINESS

On June 25, 1938, President Franklin D. Roosevelt signed into law the Fair Labor Standards Act (FLSA). The culmination of decades of struggle over excessive workweeks, inadequate pay levels and child labor, the FLSA put the federal government in the business of combatting the worst forms of workplace exploitation.

While the FLSA did not completely eliminate abusive practices, it limited their prevalence. For decades, minimum wage and overtime violations became much less common among larger companies even as they remained perennial problems at smaller fly-by-night firms, especially in labor-intensive industries such as garment production. These sweatshops were a central focus of the enforcement activity of the Wage and Hour Division (WHD) of the U.S. Labor Department.

Starting in the late 1970s, the U.S. labor market started to become more precarious as U.S. labor unions lost clout and employers responded to globalization, the financialization of the economy, Wall Street's emphasis on corporate earnings reports, and other competitive pressures. Large companies began to subcontract and outsource more of their work abroad and to smaller domestic operations with substandard working conditions.

By the 1990s the deterioration of employment was becoming more common at large companies themselves, and compliance with the FLSA

declined. In 1993, for example, the Food Lion supermarket chain had to pay \$16 million to settle WHD allegations that it denied thousands of workers required overtime compensation; it was also accused of child labor violations.<sup>1</sup> In a similar overtime case the following year, WHD ordered General Dynamics to pay \$5 million in back wages to more than 1,000 workers at its Electric Boat division.<sup>2</sup> In 1996, WHD fined meatpacker IBP Inc. \$7 million for overtime violations.<sup>3</sup>

There were limits, however, to what WHD could do. Some of the abuses involved ambiguous provisions of the FLSA, especially the issue of which employees were exempt from overtime pay requirements because they were deemed to be managers or professionals.<sup>4</sup>

By the late 1990s a growing number of employers in businesses such as retailing were doing an end run around the FLSA by giving workers titles such as assistant manager and declaring them exempt from overtime requirements, even though most of their time was spent on non-supervisory duties. Another

increasingly common practice was to require employees to perform tasks before they clocked in for their shifts or after they clocked out.

Faced with this onslaught against labor standards, some worker advocates decided they could no longer rely on WHD alone. They began enforcing the FLSA through collective action lawsuits, a variation of class actions authorized by the FLSA. In 1986 the United Food and Commercial Workers union brought a collective action lawsuit as part of an organizing drive at the Delta Pride catfish processing plant in Mississippi. Four years later, the UFCW sued the department store chain Nordstrom for requiring workers to perform personal services for customers while off the clock. The company later agreed to pay more than \$20 million to settle the case.<sup>5</sup>

What started as a trickle soon developed into a wave as class action plaintiffs' lawyers started filing one suit after another, especially in California.<sup>6</sup> Walmart, known for its hardball labor practices, was sued repeatedly.<sup>7</sup>

For a time in the early 2000s, these lawsuits received a substantial amount of media attention, including several front-page stories in the *New York Times*.<sup>8</sup> Eventually this coverage declined, yet the flow of litigation did not. The number of federal FLSA cases filed throughout the United States rose from fewer than 2,000 in 2001 to more than 7,000 a year a decade later, by which time the term “wage theft” was in common usage to describe the practice by employers of flouting the FLSA’s overtime and minimum wage provisions.<sup>9</sup> Settlements with large companies piled up, including many in excess of \$1 million and some reaching tens of millions of dollars.

A main goal of the research behind this report is to reconstruct the history of those lawsuits and provide what we believe to be the first detailed public compilation of the cases. The project is part of the ongoing expansion of Violation Tracker, the database on corporate misconduct launched in 2015 by the Corporate Research Project of Good Jobs First.<sup>10</sup>

Until now, Violation Tracker has focused on enforcement actions brought by more than 40 federal regulatory agencies and all the divisions of the Justice Department. Using the research conducted for this report, the database is adding entries relating to private litigation and state enforcement, beginning with collective action lawsuits (both federal and state) dating back to 2000 as well as data on more than 12,000 enforcement actions by selected states. These cases complement the 34,000 federal WHD enforcement actions added to Violation Tracker in 2017.<sup>11</sup>

This report looks at a subset of those cases involving larger companies. From the federal and state lawsuits and enforcement actions, we identified roughly 4,000 cases in which the employer is included in the universe of parent companies for which data is aggregated in Violation Tracker and its sister database Subsidy Tracker.<sup>12</sup>

Our purpose is to analyze the prevalence of wage theft in big business and to identify the specific corporations and industry sectors that have been involved most often and paid the largest penalty amounts.

# THE BIG PICTURE

We identified more than 4,000 cases in which larger corporations—defined as those included in the universe of Violation Tracker/Subsidy Tracker parent companies—have paid a penalty for an alleged wage and hour violation in the period from January 2000 through the present. The 4,220 cases include 1,283 lawsuit settlements and verdicts totaling \$8.8 billion, as well as 2,937 administrative fines totaling \$440 million, giving a grand total of \$9.2 billion in penalties. More than 450 of the corporations have each paid out \$1 million or more in settlements or judgments.

Focusing on a group of the largest corporations—consisting of those listed on the Fortune 500, the Forbes list of the biggest privately held companies, and the non-U.S. firms on the Fortune Global 500—we found 2,167 cases with total penalties of \$6.8 billion. These mega-corporations thus account for more than half of the cases we found and 74 percent of the penalty dollar total. We found at least one wage theft case for 303 of the Fortune 500 companies.

## Most Penalized Corporations

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The employer that has paid far and away the most in wage theft penalties is Walmart, with more than \$1.4 billion in fines and settlements since 2000. The giant retailer's personnel practices prompted some of the first major wage and hour private lawsuits and brought the issue to the attention of the public. Back in 2002, the *New York Times* published a front-page story headlined "Suits Say Wal-Mart Forces Workers to Toil Off the Clock."<sup>13</sup>

Walmart initially fought the lawsuits but eventually relented. In December 2008 the company agreed to pay up to \$640 million in an omnibus settlement of more than 60 cases filed in courts around the country.<sup>14</sup> This came after the company was fined \$33 million by the U.S. Labor Department.<sup>15</sup>

Despite these payouts, Walmart did not completely clean up its act. In 2016, for example, it had to pay \$242 million to settle a Pennsylvania case accusing it of preventing workers from taking meal and rest breaks.<sup>16</sup>

Although no other employer comes close to Walmart, others have racked up substantial penalties, and some of them are companies not commonly associated with wage theft. The second-highest penalty total—\$502 million—belongs to FedEx, which has settled more than a dozen private lawsuits accusing it of overtime and rest break violations, often combined with misclassification issues.

The next spots in Table 1 below, which shows the 25 most penalized firms, are taken by financial corporations, beginning with three giant bank holding companies: Bank of America (\$381 million in penalties), Wells Fargo (\$205 million) and JPMorgan Chase (\$160 million); Citigroup is 13th with \$110 million. Although these institutions are assumed to employ mostly high-paid analysts and traders, their payrolls also include many lower-wage back-office workers who have frequently accused the banks of cheating them out of overtime pay and rest

breaks. Higher paid bank workers have also brought suits. While Walmart is the only retailer among the dozen most penalized companies, banks and insurance companies account for five of those 12 spots.

Table 1 contains numerous other companies in businesses not typically associated with wage theft, including telecommunications (AT&T), information technology (Microsoft and Oracle), pharmaceuticals (Novartis) and investment services (Morgan Stanley and UBS).

**TABLE 1. Parent Companies With Largest Cumulative Wage Theft Penalty Totals**

Rank	Parent	Penalty total
1	Walmart	\$1,408,901,183
2	FedEx	\$502,165,827
3	Bank of America	\$381,499,089
4	Wells Fargo	\$205,403,723
5	JPMorgan Chase	\$160,459,643
6	State Farm Insurance	\$140,000,000
7	AT&T	\$139,390,011
8	United Parcel Service	\$138,077,624
9	ABM Industries	\$128,599,312
10	Tenet Healthcare	\$127,216,654
11	Allstate	\$122,000,000
12	Ecolab	\$111,288,882
13	Citigroup	\$110,005,835
14	Cerberus Capital Management (parent of Albertson's, Safeway and others)	\$103,494,221

Rank	Parent	Penalty total
15	Farmers Insurance Exchange	\$102,909,208
16	Microsoft	\$102,855,841
17	Morgan Stanley	\$102,695,000
18	Novartis	\$99,199,443
19	UBS	\$97,239,652
20	Oracle	\$92,268,000
21	Sycamore Partners Management (parent of Staples and other retailers)	\$89,480,288
22	CVS Health	\$87,691,026
23	RadioShack (shell company following bankruptcy and extensive liquidation)	\$85,136,789
24	Rite Aid	\$78,007,420
25	Tyson Foods	\$75,119,297

## Hidden Penalties

The rankings above may not be completely accurate, given that they are based only on penalties that have been publicly disclosed. In numerous cases, large companies have petitioned courts to keep the details of the settlement confidential. The terms of those agreements are reviewed by the presiding judge but are not made part of the public court docket.

Among the universe of large companies examined in this report, we found records of 127 confidential settlements involving 89 parents. Most of these (68) have one such settlement, but 12 have two, and nine showed up with three or more, as shown in Table 2.

Some of these nine companies, especially AT&T, are high in the rankings based on reported settlements and fines, but others are much farther down that list (see Appendix A), for example, Comcast at #111, McDonald's at #197 and Best Buy at #220. These companies might rank much higher on the penalty list if they had not been able to keep multiple wage theft settlements private.

Besides sealed settlements, the role of some parent companies in wage theft is not fully reflected in our data because of franchising, temp agencies and other forms of outsourcing. Unless the plaintiffs in a lawsuit were able to include the franchisor, the outsourcer or the client of the outside agency as a defendant and include them in the settlement or judgment, we were unable to attribute the penalties to the larger company that may be the ultimate employer.

Furthermore, companies are increasingly forcing employees to sign arbitration agreements as a condition of work. Such arbitration proceedings are conducted in secret and are therefore not included in court records. Arbitration may also occur if the court declines to grant class certification to the group of employees on whose behalf a lawsuit is filed.

**TABLE 2. Parent Companies With Three or More Confidential Settlements Found**

Parent	Number of confidential settlements found
AT&T	5
Home Depot	5
Verizon Communications	5
Comcast	4
Lowe's	4
Best Buy	3
IBM Corp.	3
McDonald's	3
Yum Brands	3

## Repeat Offenders

Walmart is not the only employer to have been charged with wage theft and paid its penalties, only to be later sued or cited for continuing to engage in similar illegal labor practices. Among the universe of large companies we examined, nearly 600 paid a penalty in multiple cases.

In some instances the number of cases reached into the dozens. Hertz, which tops the list with an astounding 167 entries, surpasses Walmart's total of 98.<sup>17</sup> All but one of the rental car company's entries are administrative matters, so its penalty total is just \$8.9 million, a tiny

fraction of the amount amassed by Walmart in numerous expensive lawsuit settlements.

The same is true for the security firm USProtect, which was fined 91 times by the federal Wage and Hour Division before it went out of business.<sup>18</sup> Among the other leading repeat offenders shown in Table 3, the ones with the largest penalty totals boosted by lawsuit settlements are, aside from Walmart, Bank of America (\$381 million in combined penalties), AT&T (\$139 million) and the janitorial services company ABM Industries (\$128 million).

**TABLE 3. Parent Companies With the Largest Number of Combined Fines and Settlements**

Company	Number of Cases
Hertz	167
Walmart	98
USProtect Corp. (defunct)	91
Pilot Corp.	51
Daniyal Enterprises	51
CVS Health	44
ABM Industries	43
Cerberus Capital Management (parent of Albertson's, Safeway, etc.)	42
AT&T	34
Bank of America	34
Apollo Global Management (parent of ADT Corp. and other firms)	30
AECOM	26

*Note: Includes confidential settlements for AT&T (5), Bank of America (1) and CVS (1).*

## Mega-Settlements

Companies such as Walmart and FedEx got to the top of the penalty rankings by entering into individual lawsuit settlements that sometimes reached nine-figure levels. As shown in Table 4, we found seven settlements in excess of \$100 million and 12 between \$50 million and \$99 million. Walmart accounts for five of these; FedEx has two. Twelve other parents have had a settlement of \$50 million or more.

There are 39 settlements between \$25 million and \$49 million, and 118 between \$10 million and \$24 million. Altogether, there are 176 settlements of \$10 million or more, with a combined dollar total of \$5.6 billion.

**TABLE 4. Lawsuit Settlements of \$50 Million or More**

Company	Amount	Year
Walmart (omnibus settlement)	\$640,000,000	2008
FedEx	\$226,500,000	2016
FedEx	\$204,000,000	2016
Walmart	\$152,000,000	2009
State Farm Insurance	\$135,000,000	2005
Allstate	\$120,000,000	2005
ABM Industries	\$110,000,000	2017
Novartis	\$99,000,000	2012
Citigroup	\$98,000,000	2008
Microsoft	\$97,000,000	2000
United Parcel Service	\$87,000,000	2007
Walmart	\$86,000,000	2010
Tenet Healthcare	\$85,000,000	2009
Walmart	\$85,000,000	2009
Bank of America	\$73,000,000	2013
IBM Corp.	\$65,000,000	2007
Walmart	\$54,000,000	2008
Cerberus Capital Management (Albertson's)	\$53,300,000	2007
Morgan Stanley	\$50,000,000	2009

## Mega-Verdicts

The vast majority of successful private wage and hour lawsuits end in a settlement rather than a verdict, given that few of the cases go to trial. Of the 1,156 non-confidential cases we examine, only 20 (or 1.7 percent) ended in a verdict. Table 5 below shows the largest awards we found. The table does not include a \$97.3 million verdict against Wells Fargo handed down in May 2018 because it is being appealed by the bank.

**TABLE 5. Ten Largest Wage and Hour Verdicts**

Company	Amount	Year
Walmart	\$242,000,000	2016
Farmers Insurance Exchange	\$90,009,208	2001
Walmart	\$60,800,000	2017
Family Dollar (now owned by Dollar Tree)	\$35,576,059	2009
Ecolab	\$27,400,000	2009
Tyson Foods	\$9,678,727	2006
Tyson Foods	\$5,785,757	2016
Panera (owned by JAB Holding Co.)	\$4,774,022	2016
Tyson Foods	\$4,420,271	2014
Gerber Products (owned by Nestle)	\$3,001,669	2016

**TABLE 6. Administrative Fines Above \$5 Million**

Company	Amount	Agency	Year
Walmart	\$33,000,000	U.S. DOL Wage and Hour Division	2007
Management & Training Corp.	\$20,998,873	U.S. DOL Wage and Hour Division	2009
Halliburton	\$18,293,557	U.S. DOL Wage and Hour Division	2015
Perdue Farms	\$10,000,000	U.S. DOL Wage and Hour Division	2002
Hensel Phelps	\$8,072,273	California Labor Commissioner's Office	2013
CoreCivic (CCA of Tennessee, LLC)	\$8,071,861	U.S. DOL Wage and Hour Division	2013
Chickie's & Pete's Inc.	\$6,892,412	U.S. DOL Wage and Hour Division	2014
Microsoft (LinkedIn Corp.)	\$5,855,841	U.S. DOL Wage and Hour Division	2014
Wells Fargo (Wachovia)	\$5,798,744	U.S. DOL Wage and Hour Division	2004
DXC Technology (Electronic Data Systems)	\$5,365,982	U.S. DOL Wage and Hour Division	2007
Walmart	\$5,058,550	U.S. DOL Wage and Hour Division	2007

## Mega-Fines

The penalties imposed in administrative cases are typically much smaller than lawsuit settlement amounts, but multimillion-dollar fines are not unknown. The largest single administrative penalty we found is the \$33 million fine against Walmart mentioned earlier. The case involved overtime pay for more than 86,000 workers over a period of five years.

The second-largest penalty, also imposed by the Wage and Hour Division, is the \$21 million fine against private prison operator Management & Training Corporation in 2009.<sup>19</sup> The largest state penalty we found in our limited sample of such data is the \$8 million fine imposed in 2013 by the California Labor Commissioner against Hensel Phelps Construction Company for prevailing wage violations.<sup>20</sup> Table 6 lists 11 fines of \$5 million or more.

## Occupational Diversity

There is considerable variety in the types of workers who brought the wage theft lawsuits. The occupations range from low-wage jobs such as cashiers, cooks and security guards to higher-paid positions such as package delivery drivers, nurses, pharmaceutical sales representatives, stockbrokers, and financial advisors.

While it was not always possible to identify the occupation of the plaintiffs, especially in older cases for which complete court records were not readily available, we looked at the types of plaintiffs involved in the 25 largest settlements and verdicts. Eight of those cases (seven of which were brought against Walmart and the other against Albertson's) involved a variety of retail positions. Four cases (two against UBS and one each against Citigroup and Morgan Stanley) involved financial advisors or stock brokers. Three cases (two against FedEx and one against United Parcel Service) involved package delivery drivers. Three cases (against State Farm, Allstate and Farmers Insurance Exchange) involved claims adjusters. Two cases involved various tech jobs (IBM and Microsoft). There was one case each involving security guards (ABM Industries), bank tellers (Bank of America), various restaurant jobs (Brinker International), pharmaceutical sales representatives (Novartis), and nurses and other hospital employees (Tenet Healthcare).

## Most Penalized Industries

Given the track record of Walmart, it is no surprise that retail turns out to be by far the industry with the largest aggregate penalty total, \$2.7 billion, for the universe of companies we examined. Even without Walmart, retailing accounts for \$1.3 billion.

Ranked second is an industry that one might not have expected to appear so high: financial services, with aggregate penalties of \$1.36 billion.

As shown in Table 7, no other industry group has a penalty total above \$1 billion. The one that comes closest is freight and logistics, followed by business services. Retail also leads in the number of cases with 608; second is business services with 495 followed by miscellaneous services with 473. Behind those are healthcare services, restaurants/foodservice and financial services.

Among the 50 most penalized parent companies, only three are from the goods-producing sector: Novartis, which ranks 18th with \$99 million in penalties, Tyson Foods (25th with \$75 million) and Coca-Cola (43rd with \$38 million).

**TABLE 7. Industry Sectors With Penalty Totals of \$50 Million or More; Most Penalized Parent in Each**

	Industry sector	Penalty total	Cases	Parent with most penalties
1	Retail	\$2,711,180,158	608	Walmart: \$1,408,901,183
2	Financial services	\$1,363,923,660	237	Bank of America: \$381,499,089
3	Freight and logistics	\$828,213,965	145	FedEx: \$502,165,827
4	Business services	\$611,498,890	495	ABM Industries: \$128,599,312
5	Insurance	\$557,239,251	85	State Farm Insurance: \$140,000,000
6	Miscellaneous services	\$486,239,946	473	24 Hour Fitness: \$55,448,500
7	Healthcare services	\$416,500,210	265	Tenet Healthcare: \$127,216,654
8	Restaurants and foodservice	\$396,616,532	238	Yum Brands: \$53,275,595
9	Information technology	\$335,548,366	101	Microsoft: \$102,855,841
10	Food and beverage products	\$315,147,724	147	Tyson Foods: \$75,119,297
11	Telecommunications	\$257,993,904	108	AT&T: \$139,390,011
12	Healthcare products	\$137,201,534	28	Novartis: \$99,199,443
13	Miscellaneous manufacturing	\$96,867,284	158	NCR Corp.: \$11,107,966
14	Entertainment	\$93,889,030	77	Electronic Arts: \$31,285,000
15	Wholesalers	\$84,601,927	58	Sysco: \$22,602,956
16	Oil and gas	\$59,423,191	50	ConocoPhillips: \$15,500,000
17	Construction and engineering	\$58,927,883	129	MasTec: \$13,194,901
18	Oilfield services	\$51,745,062	48	Halliburton: \$18,450,073

## Disproportionate Impact

Wage theft affects a wide range of workers, and neither the lawsuit data nor the government data breaks down wage theft victims by race, ethnicity, or gender, but the data on the industries sectors in Table 7 above suggests that women and people of color may be disproportionately the victims of wage theft.

Of the ten most penalized industries shown above, all but two—freight and information technology—employ large numbers of women, according to the Bureau of Labor Statistics.<sup>21</sup> Several—especially business services, insurance and healthcare services—are predominantly female.

Workers of color do not constitute anything close to a majority of the labor force in any of the most penalized industries. Yet in about half of the top ten sectors, the percentage of Black and Latino workers is greater than the presence of those groups in the workforce as a whole. For example, black workers account for about 12 percent of the overall workforce but 20 percent of the labor force in business support services and 17 percent in freight. Latino workers account for about 17 percent of the overall workforce but about 25 percent in restaurants and foodservice and 29 percent in food production.<sup>22</sup>

## Offense Types

Wage theft has numerous aspects: failure to pay overtime, off-the-clock work, misclassification, prevailing wage violations, etc. For each of the private litigation settlements and verdicts we found, we assigned one of nine categories, based on what issue was mentioned most prominently in the source materials we used. We were unable to do this with the administrative cases because the available data often did not contain enough detail.

As Table 8 shows, overtime is the most common issue, followed by misclassification and meal/rest break violations. Many cases, however, involve a combination of issues. For example, misclassified workers usually end up performing unpaid overtime and may put in enough total hours so that they are receiving less than the legal hourly minimum wage.

“Donning and doffing” cases involve disputes over whether workers should be paid for the time required to put on and take off protective gear. Clothing purchase disputes are situations in which workers challenge the refusal of retailers to reimburse them for apparel they are required to buy from the store and wear while on the job.

Given the recent attempt by the federal government and restaurant industry to allow restaurant owners and managers to take employee tips for themselves, it is worth noting that we found 15 lawsuits on this issue. The largest settlements include Starbucks (\$23.5 million), TGI Friday’s (\$19.1 million), and Morton’s Restaurant Group (\$12 million).

**Table 8. Breakdown of Settlements and Verdicts by Main Offense Cited**

Main offense cited	Number
Overtime violation	497
Misclassification	172
Meal/rest break violation	159
Other pay violation	151
Off-the-clock work	97
Donning and doffing	33
Minimum wage violation	25
Tip dispute	15
Clothing purchase dispute	5

## Geography of Wage Theft Litigation

Wage and hour lawsuits are not evenly distributed across the country. Of the 1,283 cases we analyze, more than half come from a single state: California. The reason is that California has stronger labor standards that can be enforced either in state court or in federal court in cases that concern both these standards and the federal wage and hour regulations. As Table 9 below shows, New York ranks second and no other state comes close after that.

California is even more dominant when looking at state lawsuits alone. Of the 252 we found, California accounts for 233, or more than 90 percent of the cases. The other states where we found such cases are: Pennsylvania (5 cases), Massachusetts (2), Oregon (2), Washington (2), and one each in Arkansas, Colorado, Minnesota, Missouri, New York, Wisconsin and West Virginia.

Within California, the state litigation is highly concentrated in Superior Court in Los Angeles County, which accounts for 116 of the 233

cases. Next is Orange County with 29, Alameda and San Francisco counties with 17 each, San Diego with 13, and Santa Clara with 12.

California’s federal cases are also concentrated. Of the 443 cases, 185 come from the Northern District (Bay Area), 171 from the Central District (Los Angeles area), 49 from the Southern District (San Diego) and 38 from the Eastern District (Sacramento, Fresno, etc.). One is from multiple districts.

For the country as a whole, we found cases in 77 of the 94 federal court districts, but only 22 of those have had ten or more cases. These districts, which include many of the country’s largest metropolitan areas, are shown in Table 10.

**Table 9. States With the Most Wage and Hour Private Lawsuits**

State	Federal cases	State cases	Total cases
California	443	233	676
New York	131	1	132
Illinois	56	0	56
Pennsylvania	39	5	44
Florida	34	0	34
New Jersey	27	0	27
Massachusetts	24	2	26
Texas	26	0	26
Ohio	21	0	21

**Table 10. Federal District Courts With the Most Cases**

Court district	Cases
Northern District of California	185
Central District of California	171
Southern District of New York	88
Northern District of Illinois	54
Southern District of California	49
Eastern District of California	38
Eastern District of New York	34
District of New Jersey	27
District of Massachusetts	22
Southern District of Florida	19
District of Minnesota	17
Western District of Pennsylvania	17
Middle District of Florida	15
Eastern District of Pennsylvania	14
District of Connecticut	13
District of Kansas	13
Eastern District of Michigan	13
Southern District of Texas	12
Northern District of Georgia	11
Southern District of Ohio	11
Northern District of Ohio	10
Western District of Washington	10

## Penalty Trends Over Time

The annual penalty totals among the lawsuits we examined do not follow a continuous trend, but they indicate that wage and hour litigation is still going strong nearly 20 years since it first became a frequent legal tool in the early 2000s. As Table 11 below shows, the single highest penalty total

was \$1.3 billion in 2016, and the 2017 total of \$732 million was the fourth highest.

There has also been fluctuation in the size of the largest penalty from year to year. While no year has had a top case close to Walmart's 2008 omnibus \$640 million settlement, the all-time second-place penalty of \$242 million, also involving a Walmart settlement, came in 2016.

**Table 11. Annual Lawsuit Penalty Totals and Each Year's Largest Case**

Year	Total penalties	Largest case	Defendant company
2000	\$100,000,000	\$97,000,000	Microsoft
2001	\$253,809,208	\$90,009,208	Farmers Insurance Exchange
2002	\$117,550,000	\$29,900,000	RadioShack
2003	\$30,400,000	\$14,200,000	Royal Caribbean Cruises
2004	\$111,158,320	\$19,500,000	Automobile Club of Southern California
2005	\$427,496,750	\$135,000,000	State Farm
2006	\$372,767,083	\$42,500,000	Morgan Stanley
2007	\$460,562,180	\$87,000,000	United Parcel Service
2008	\$1,085,019,585	\$640,000,000	Walmart
2009	\$883,493,304	\$152,000,000	Walmart
2010	\$458,494,623	\$86,000,000	Walmart
2011	\$400,014,239	\$42,000,000	JPMorgan Chase and Staples (two separate cases with same amount)
2012	\$439,366,135	\$99,000,000	Novartis
2013	\$568,448,166	\$73,000,000	Bank of America
2014	\$422,372,915	\$44,300,000	Brinker International
2015	\$406,319,647	\$42,000,000	Tenet Healthcare
2016	\$1,330,762,178	\$242,000,000	Walmart
2017	\$732,469,487	\$110,000,000	ABM Industries

# CONCLUSION: WAGE THEFT SHOULD NOT BE A BUSINESS MODEL

The findings above suggest that big business remains heavily involved in wage theft and that plaintiffs’ lawyers continue to extract substantial sums in back pay and other compensation for victims of abusive labor practices.

Less clear is whether these escalating penalties are deterring employers from continuing to engage in wage theft. Penalty amounts may have to be increased and combined with other forms of punishment to fully restore economic justice to the workplace.<sup>23</sup>

The employers accused of wage theft include many highly profitable companies. As shown in Table 12 below, among the dozen most penalized corporations, all but two had an annual profit of more than \$1 billion in its most recent fiscal year. Some had bottom lines well above that figure, including AT&T (\$29 billion), JPMorgan Chase (\$24 billion) and Wells Fargo (\$22 billion).

They are also companies that pay their chief executives generous salaries, bonuses and perks. The table shows that CEOs at four of the corporations (JPMorgan Chase, AT&T, Walmart and Bank of America) got annual compensation in excess of \$20 million. When the realized gains from stock options and other stock awards are added in, total compensation can soar much higher; JPMorgan Chase’s Jamie Dimon took in more than \$162 million in 2017.

Clearly, these corporations could afford to pay their workers properly. Wage theft may have been part of their business model, but it does not need to be—and should not be.

**Table 12. Profits and CEO Compensation for the Dozen Most Penalized Parent Companies**

Parent	Profits	CEO annual compensation	CEO annual compensation plus realized gains from stock awards
Walmart	\$9.9 billion	\$22,352,143	\$37,460,812
FedEx	\$3.0 billion	\$15,605,597	\$28,603,991
Bank of America	\$18.2 billion	\$21,779,832	\$39,852,421
Wells Fargo	\$22.2 billion	\$17,564,014	\$22,723,169
JPMorgan Chase	\$24.4 billion	\$28,313,787	\$162,900,553
State Farm Insurance	\$2.2 billion	\$8,160,000	n.a.
AT&T	\$29.5 billion	\$28,720,720	\$41,920,869
United Parcel Service	\$4.9 billion	\$14,608,732	\$24,183,959
ABM Industries	\$3.8 million	\$4,686,371	\$5,596,827
Tenet Healthcare	-\$704 million	\$3,651,780	\$3,718,859
Allstate	\$3.1 billion	\$17,069,187	\$67,788,618
Ecolab	\$1.5 billion	\$14,383,229	\$33,394,729

# POLICY RECOMMENDATIONS TO COMBAT RAMPANT WAGE THEFT

by Adam Shah  
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As this report shows, many of the largest U.S. companies routinely engage in wage theft. These corporations apparently consider private litigation and government enforcement of wage and hour laws a cost of doing business rather than a real threat to their bottom lines or their reputations. Furthermore, because government penalties are orders of magnitude smaller than the sums recovered through private collective actions, the U.S. Supreme Court's recent decision to allow corporations to force their employees to sign away their right to engage in such collective actions will make it even harder to fight wage theft.

Working people and their advocates must press for policy changes to address these problems and must build collective power for working people to ensure companies do not come up with new ways to exploit their employees. First, federal and state regulators should increase appropriations for wage and hour enforcement. Regulators should also use strategic enforcement and other methods to maximize impact on labor law violators in a way that builds working people's collective power, shifting workplace dynamics so fewer bosses have the ability to underpay. Second, states and localities should use California's anti-wage-theft laws as a guide to reform their own laws and to deal with the Supreme Court's recent decision to give corporations the power to ban private collective wage theft actions. Third, federal and state law

must be updated for the modern workplace to ensure corporations that benefit most from wage theft are subject to penalties when caught. Fourth, working people must have the right to challenge the ultimate beneficiaries of the wage theft such as franchisors or outsourcers, not just their immediate employers. Working people organizing formally as labor unions or through more informal methods may be the best means of stopping wage theft.

## **Government enforcement must be strengthened at both the federal and state level.**

Government enforcement is a necessary tool for fighting wage theft. The fact that working people have had to rely so heavily on private litigation to recoup lost wages shows that government regulations need strengthening.

Using private litigation to recover stolen pay will always pose barriers for working people. It is often difficult to find an attorney.<sup>24</sup> Private litigation can be lengthy, expensive, and time-consuming. Even for wage theft victims who have the time and means, private litigation is not always an option. Many individuals have been forced to sign away their ability to pursue court cases because their employers required them to sign forced arbitration clauses as a condition of being hired.<sup>25</sup>

As a result, the government's own enforcement of its minimum wage and overtime laws has always been a crucially important part of stopping the exploitation of working people. Indeed, shortly after passing of the first federal minimum wage and overtime law, the federal Department of Labor's Wage and Hour Division (WHD) was created to enforce the law.<sup>26</sup> However, an investigation by *Politico* found that "workers are so lightly protected that six states have no investigators to handle minimum-wage violations, while 26 additional states have fewer than 10 investigators."<sup>27</sup> *Politico* also found that the number of federal Department of Labor wage theft investigators had shrunk by more than ten percent since 1948 even though the population of U.S. workers has grown seven-fold over the same time period.

There are several policy proposals that can strengthen government wage-theft investigation:

- *States and the federal government should greatly increase their enforcement budgets to hire more investigators.* This recommendation is the clearest and most obvious way to ensure stronger government enforcement.
- *Government agencies should be strategic in their inquiries into possible wage and hour violations.* David Weil, who served as administrator of the WHD during the latter part of the Obama administration, laid out key factors that enforcement agencies need to take into account in deciding whom to investigate. Using Violation Tracker and other data, enforcement agencies can identify and prioritize the industries and geographic areas where wage theft appears most often, and can determine the key companies responsible. These agencies can should take steps to make

sure their limited resources are used to punish the worst offenders and deter others from offending.<sup>28</sup>

- *Government agencies should use co-enforcement strategies to target their enforcement activities by partnering with organizations with industry expertise and relationships with working people.* A groundbreaking report by Rutgers Professor Janice Fine explained that government will never be able to fully enforce anti-wage theft laws unless it partners with unions and other organizations of working people.<sup>29</sup> Unions, worker centers, and other worker organizations can reach vulnerable workers who do not know how to reach out to the government or are afraid to do so. These organizations can also help identify low-road employers through their membership and organizing efforts and can engage in more aggressive publicity campaigns against wage theft than a government agency typically can. Furthermore, co-enforcement can lead to a virtuous circle in which organizations that represent and advocate for working people gain strength through co-enforcement of wage theft laws, allowing working people to achieve more power directly for themselves, which will end up decreasing wage and hour violations in industries that have become organized and allowing government enforcement resources to shift to other industries for enforcement that are not as organized.

## States should use California as a model to strengthen their own wage and hour laws.

As the body of the report states, California cases dominate the field of private wage and hour litigation, accounting for 90 percent of state court cases and more than half of federal and state court cases combined. There is no indication that litigation occurs so often in California because that state's corporations are particularly likely to engage in wage theft. Rather, California has strengthened its anti-wage theft laws in a manner that all states and, where applicable, localities should do.

California also has a unique statute that allows working people to have their day in court even when companies try to ban wage-theft collective actions through forced arbitration clauses. The large settlements and judgments described in the body of this report were not the result of one plaintiff taking a company to court over a wage theft violation. These payouts came as the result of collective actions under the Fair Labor Standards Act<sup>30</sup> or similar class actions under state law. Corporations have sought to close off this route by forcing employees to sign forced arbitration clauses banning class action lawsuits. The National Labor Relations Board has held that required signing of such clauses violates employees' rights to act collectively,<sup>31</sup> but the U.S. Supreme Court recently overruled that decision and allowed corporations to scuttle wage theft collective actions.<sup>32</sup>

- *States should follow California's lead on access to courts.* California allows working people to enforce each aspect of its wage and hour law directly by going to court rather than by asking government to enforce the laws on

their behalf. Most of the California counties and municipalities that have enacted wage and hour laws have done likewise.<sup>33</sup> In most cases, California law also requires companies found to have violated wage theft laws to pay the plaintiffs' attorneys fees.<sup>34</sup> Furthermore, California allows working people to band together in class actions to sue corporations that engage in wage theft. While many states and localities have some of these types of protections on the books, few have all of these protections. For instance, a 2006 American Bar Association study found that only 17 states unambiguously allow working people to band together to pursue wage theft class actions.<sup>35</sup>

- *States should follow California's lead on strong protections for working people beyond federal standards.* California has also adopted wage and hour rules that go well beyond federal standards, including an increased minimum wage,<sup>36</sup> additional overtime rules,<sup>37</sup> and meal and rest break requirements.<sup>38</sup>
- *States should adopt California's Private Attorney General Act.* Although the Supreme Court recently allowed corporations to force their employees to sign away the right to file wage theft collective actions, California has a statute that still allows wage theft victims to have their day in court: the California Private Attorney General Act (PAGA). This statute gives victims an additional avenue to bring enforcement actions against wage and hour law violators. Rather than bringing a collective action, they can bring enforcement actions to subject their employers to the same civil penalties that the California attorney general could seek if she or he brought the case instead. In other words, rather than

sue in their own names for their own back wages and other damages, victims can sue the company in the name of the state to collect penalties. The California courts have already held that the right to file PAGA lawsuits cannot be signed away through a forced arbitration clause.<sup>39</sup> This remedy is not a panacea, however, since 75 percent of the award under PAGA goes to the state and only 25 percent to the victims. But other states can adjust that provision when adopting similar laws. Given the Supreme Court's decision, this regulation is one of the few ways to enforce wage theft violations through private litigation.

### **Federal and state laws must be clarified to ensure that working people can hold the ultimate profiteers from wage theft responsible.**

The body of the report shows that large corporations in a wide variety of industries are engaged in wage theft. However, one important industry appears to be severely underrepresented: the restaurant industry. According to studies, nine out of ten people working in fast food have experienced wage theft.<sup>40</sup> Yet high-profile companies such as McDonald's are not among the top violators according to the data. This mismatch is likely due to the fact that McDonald's, like many other large restaurant chains and retailers, operates on a franchise model, in which McDonald's Corporation does not sign the paychecks of the vast majority of the people who work at McDonald's restaurants. Rather, individual franchisees sign the checks.

In addition, FLSA and state laws contain many inexcusable exemptions from coverage, many which are due to compromises made in the 1930s to gain the votes of racist members of Congress.<sup>41</sup> As a result, several industries that have traditionally been staffed by people of color are exempt from some or all wage and hour protections, including farmworkers, people in the eldercare industry, and live-in domestic employees.<sup>42</sup>

The Obama administration tried to deal with many of the ways corporations make an end run around FLSA compliance. The Trump administration is seeking to undo much of the progress. For instance, the WHD under President Obama pointed out that the FLSA definition of "employer" was very broad and likely covered many of the types of arrangements, such as franchising, outsourcing, and subcontracting that corporations now use to put distance between themselves and the people from whose labor they profit.<sup>43</sup> However, the Trump administration has rescinded both of these interpretations.<sup>44</sup> Thus, the Trump administration has signaled that it will not try to rein in rampant wage theft in restaurant, retail, and other industries, but will continue to pretend that large corporations benefiting from wage theft have no duty to repay.

There are straightforward fixes for many of these issues, however.

- *States and the federal government should amend their anti-wage-theft laws to reflect the 21st-century workplace.* The FLSA was written before franchise models, subcontracting, outsourcing and other techniques to lessen tax and employee liability became popular in the corporate world. The language of wage and

hour laws must be updated to make crystal clear that the entity ultimately profiting from wage theft is liable.

- *Statutes and regulations must be updated to counteract rampant misclassification of employees as FLSA-exempt.* The exemption to wage and hour laws most used by corporations is the exemption for executive, administrative, and professional personnel. Today, many companies classify low-level employees as managers to force them to work overtime hours for free. The Obama administration tried to deal with this issue by increasing the salary threshold below which all employees are covered by overtime and minimum wage protections. This would have extended overtime protections to 4 million working people now largely misclassified as managers. Unfortunately, a federal judge struck down that move, and the Trump administration has taken actions to undo the regulations. Therefore, there is a necessity for new regulations and a strong legal defense of those regulations in court as well as stronger statutory language to prevent misclassification.
- *States and the federal government must end racist exemptions.* Working people in industries such as eldercare and agriculture should not be subject to sub-minimum-wage work or to brutal workweeks. This legacy of slavery and Jim Crow should be erased from federal labor laws.

## **Collective bargaining and collective worker power are the most effective way to stop wage theft.**

As Professor Fine has pointed out, “Multiple studies have shown that the presence of unions, worker centers, and empowered workers at the worksite improves enforcement.”<sup>45</sup> Government enforcement is subject to regulatory capture, hostile administrations and legislatures, and scarce resources. Private litigation is expensive and time-consuming, and judges and courts are subject to forces similar to regulatory capture, especially given big business’s current intense focus on the courts.<sup>46</sup>

And Fine’s insight is borne out by the private litigation data. After all, it was a union of working people, the UFCW, that pioneered the use of collective action litigation in the 1980s and 1990s. The employment law bar has followed UFCW’s lead and filed more private wage theft litigation, but unions remain involved in the issue. The Communications Workers of America most recently filed a complaint with the federal Department of Labor calling for an investigation of General Dynamics Information Technology call centers.<sup>47</sup>

Working people cannot wait for government to be on their side. Instead, they must assert their power in numbers, through a union or other organization that advocates on behalf of working people, to call offending corporations to account. Strengthening and modernizing laws governing unionization and collective action are important in the fight against wage theft. Worker advocates must also focus on building working people’s power.

- *Wage theft law reforms must include mechanisms to build power for working people.* Fixing wage and hour laws will help fight wage theft in the short run. However, corporations and their legal advisors will think up ways to get around the fixes soon enough. Therefore, a more strategic approach that builds power for working people is necessary. For instance, rather than simply calling for more resources for government regulators, it is important to ensure that some of the enforcement resources go toward a co-enforcement strategy in which government regulators work alongside organizations represent working people and mutually build each other up. Rather than simply clarifying the FLSA definition of “employer,” it is necessary to design a standard that gives working people the power to negotiate directly with corporate executives.
- *Re-imagine labor law to combat wage theft.* The traditional National Labor Relations Act model that worked so well to build power for working people and lift up living conditions is not working in the 21st century. Ten percent of working people belong to a union.<sup>48</sup> While some working people are also affiliated with non-union worker advocates, such as worker centers, on the whole, very few working people in the United States have the collective power to stand up to greedy corporations engaged in wage theft. Given the steady attacks on working people’s ability to join together for a better life, and the resulting decline of working people in unions, it is unlikely that small fixes will build the collective power of working people. Instead, there needs to be large-scale reform for the current century.

# METHODOLOGY

Setting out to compile a list of successful wage and hour lawsuits, we were confronted with the fact that, according to statistics from the Administrative Office of the U.S. Courts, approximately 100,000 federal lawsuits have been filed under the Fair Labor Standards Act since 2000.<sup>49</sup> Filings in state courts made the number even higher. It was simply not practical to check the dockets of all those cases.

We used two alternative approaches. First, we looked for sources that reported on significant settlements and verdicts. A big boost to our effort came in the list of private wage and hour lawsuits contained in Appendix B of Kim Bobo's 2009 book *Wage Theft in America*.<sup>50</sup> Also helpful were the Seyfarth Shaw annual surveys of employment litigation, which include lists of the ten largest wage and hour settlements of the year.<sup>51</sup> We also did extensive searching in news archives, academic journals, law review articles, and reports from public policy organizations for references to cases. We also consulted web resources such as Law360.com, Lawyersandsettlements.com and the websites of plaintiffs' law firms.

From these sources we assembled a spreadsheet of more than 1,500 case leads. For those that involved larger companies (about two-thirds of the total) we confirmed outcomes and collected details by using the PACER database, which brings together dockets from all federal courts, and the subscription service Courtlink, which provides the best access to state court dockets.<sup>52</sup> The larger companies are ones that are included in the Violation Tracker/Subsidy Tracker universe of parent corporations.<sup>53</sup>

Our second approach was to search for additional settlements and verdicts involving roughly 1,000 of the largest companies doing business in the United States, deriving the list from the Fortune 500, the Forbes list of the largest privately held firms, and the non-U.S.-based companies in the Fortune Global 500. We did this by running the names of the companies and their main subsidiaries through the online archives of two specialized publications—*Mealey's Litigation Report: Employment Law* and the *Class Action Reporter*—as well as Bloomberg Law's FLSA Litigation Tracker, which collects PACER docket information on cases filed in recent years.

For each case we collected data such as case name, court, case number, nature of the case, resolution date, settlement or verdict amount and online source (for federal cases we also captured a link to the PACER docket). In addition, we collected a copy of the key court document listing the penalty amount and often other key details about each case. These documents had various names, including Settlement Agreement, Memorandum of Points and Authorities, Stipulation, Motion for Approval, etc. In some cases the penalty amount appears in a motion for preliminary approval but not the motion for final approval.

Settlement amounts include legal fees, which are not always clearly separated out in court documents. For settlements in which the penalty was expressed as a range, we used the maximum amount. For cases with confidential settlements we collected all the data listed above except for the penalty amount. We excluded cases that were settlements with individual plaintiffs rather than collective actions. We included some recent settlements that have received preliminary court approval but not yet received final approval. Dates reflect when the settlement was approved or when a verdict was announced.

Once we had our list of cases, we added the name of the parent company of the employer, an industry designation and an indication of whether the parent is part of lists such as the Fortune 500.

We obtained most of the federal administrative cases from the Wage and Hour Division dataset downloadable at [https://enforcedata.dol.gov/views/data\\_summary.php](https://enforcedata.dol.gov/views/data_summary.php). That dataset does not include dates on which fines were imposed or cases were closed, so we used the Findings End Date provided. This dataset is supplemented by enforcement actions reported in press releases posted at <https://www.dol.gov/newsroom/releases/agency/whd>. We excluded cases with fines below \$5,000.

State administrative cases were obtained from several online sources as well as open records requests submitted to those states that appear to be most active in wage and hour enforcement. The online sources included a downloadable list of cases handled by the Massachusetts Attorney General's Fair Labor Division<sup>54</sup> as well as individual case press releases posted by the California Labor Commissioner<sup>55</sup> and the New York Attorney General's Office.<sup>56</sup>

We filed open records requests with 20 states, asking each for a list of cases in electronic spreadsheet form. A number of states denied the request, saying we were in effect asking them to create a new record, which they are not required to do. Ten states provided data. The data for three of those states (Hawaii, Indiana and Oregon), showed fines that were nearly all below our \$5,000 threshold, so we excluded them. The states whose open records data we used (in addition to the posted Massachusetts data) are California, Illinois, Kentucky, Minnesota, Missouri, Pennsylvania and Washington. Although all the cases from these states with penalties of at least \$5,000 are being added to Violation Tracker, only those linked to a Tracker parent company are included in the dataset analyzed for this report.

The research for this report was completed on May 1, 2018.

# APPENDICES

## Appendix A: Parent companies with \$1 million or more in wage theft penalties

Rank	Parent Company	Total Penalties	Number of Cases
1	Walmart	\$1,408,901,183	36
2	FedEx	\$502,165,827	15
3	Bank of America	\$381,499,089	34
4	Wells Fargo	\$205,403,723	24
5	JPMorgan Chase	\$160,459,643	22
6	State Farm Insurance	\$140,000,000	2
7	AT&T	\$139,390,011	34
8	United Parcel Service	\$138,077,624	8
9	ABM Industries	\$128,599,312	43
10	Tenet Healthcare	\$127,216,654	3
11	Allstate	\$122,000,000	2
12	Ecolab	\$111,288,882	8
13	Citigroup	\$110,005,835	8
14	Cerberus Capital Management	\$103,494,221	42
15	Farmers Insurance Exchange	\$102,909,208	3
16	Microsoft	\$102,855,841	2
17	Morgan Stanley	\$102,695,000	4
18	Novartis	\$99,199,443	2
19	UBS	\$97,239,652	6
20	Oracle	\$92,268,000	10
21	Sycamore Partners Management	\$89,480,288	18
22	CVS Health	\$87,691,026	43
23	RadioShack	\$85,136,789	4
24	Rite Aid	\$78,007,420	13
25	Tyson Foods	\$75,119,297	14
26	IBM Corp.	\$72,604,764	4
27	Dollar Tree	\$63,960,057	11
28	PNC Financial Services	\$58,006,150	6
29	Schneider National	\$57,527,656	6
30	Sears	\$57,007,484	17

Rank	Parent Company	Total Penalties	Number of Cases
31	24 Hour Fitness	\$55,448,500	2
32	Yum Brands	\$53,275,595	18
33	Lowe's	\$52,989,375	7
34	Starbucks	\$46,088,966	5
35	Brinker International	\$45,855,077	5
36	H&R Block	\$44,532,777	7
37	DXC Technology	\$43,890,868	23
38	Chemed	\$43,607,817	6
39	Kindred Healthcare	\$40,046,270	21
40	Walgreens Boots Alliance	\$40,018,870	5
41	Jones Financial	\$40,000,000	2
42	Verizon Communications	\$38,727,966	12
43	Coca-Cola	\$38,300,000	5
44	Abercrombie & Fitch	\$35,681,200	8
45	Loews	\$33,000,000	1
46	SoftBank	\$32,554,726	12
47	Cintas	\$32,169,806	7
48	Electronic Arts	\$31,285,000	3
49	Publix Super Markets	\$30,000,000	1
50	Charter Communications	\$29,996,839	11
51	Dick's Sporting Goods	\$29,790,000	5
52	Tata Group	\$29,750,000	1
53	Home Depot	\$29,679,541	8
54	Lyft	\$28,950,000	2
55	Blackstone	\$27,966,805	5
56	Costco	\$27,898,467	8
57	Kaiser Permanente	\$27,757,368	9
58	Smart & Final Stores	\$27,400,000	3
59	Children's Hospital Los Angeles	\$27,000,000	1
60	Leonard Green & Partners	\$26,082,979	11
61	Prudential Financial	\$24,516,500	3

Rank	Parent Company	Total Penalties	Number of Cases
62	Darden Restaurants	\$24,224,907	11
63	Apollo Global Management	\$23,862,753	30
64	Management & Training Corporation	\$23,796,373	14
65	U.S. Security Associates	\$23,299,933	19
66	HSBC	\$23,162,188	11
67	Rent-A-Center	\$22,910,000	5
68	Perdue	\$22,705,235	4
69	Sysco	\$22,602,956	5
70	Waste Management	\$22,602,589	14
71	Digital First Media	\$22,093,551	6
72	Zurich Insurance	\$21,069,210	6
73	PepsiCo	\$20,849,491	11
74	Siemens	\$20,611,043	9
75	Deutsche Post	\$19,914,105	7
76	Sentinel Capital Partners	\$19,827,931	9
77	Robert Half International	\$19,615,000	2
78	American Automobile Association	\$19,500,000	1
79	CVC Capital Partners	\$19,395,987	6
80	JAB Holding Co.	\$19,336,877	10
81	XPO Logistics	\$19,017,674	13
82	Beaumont Health	\$18,525,904	2
83	Halliburton	\$18,450,073	3
84	Big Lots	\$18,314,690	5
85	Manpower	\$18,306,705	10
86	U.S. Bancorp	\$18,044,572	7
87	Randstad	\$17,972,983	12
88	Kellogg	\$17,530,070	4
89	Kelly Services	\$17,513,094	9
90	US Foods Holding	\$17,500,000	2
91	PG&E Corp.	\$17,327,748	2
92	Toronto-Dominion Bank	\$17,305,208	5
93	Jack in the Box Inc.	\$17,300,000	2
94	MetLife	\$17,197,296	7
95	Post Holdings	\$16,528,491	4
96	Nordstrom	\$16,505,000	2
97	L Brands	\$16,457,532	5
98	KeyCorp	\$16,266,691	6
99	J.C. Penney	\$16,102,495	6
100	GNC Holdings	\$15,992,318	6
101	Landry's	\$15,875,188	6

Rank	Parent Company	Total Penalties	Number of Cases
102	Sykes Enterprises	\$15,820,689	6
103	ConocoPhillips	\$15,500,000	1
104	Bloomberg	\$15,498,887	6
105	Aon	\$15,495,234	4
106	Maxim Healthcare Services	\$15,272,234	22
107	Ares Management	\$15,182,970	11
108	Popular Inc.	\$14,994,104	6
109	C&S Wholesale Grocers	\$14,921,377	7
110	Royal Dutch Shell	\$14,832,887	12
111	Comcast	\$14,556,683	13
112	BC Partners	\$14,535,145	5
113	Citizens Financial Group	\$14,501,500	2
114	KPC Healthcare	\$14,500,000	1
115	Royal Caribbean Cruises	\$14,200,000	1
116	Arlington Asset Investment	\$14,000,000	1
116	Group Voyagers	\$14,000,000	1
116	Kenan Advantage Group	\$14,000,000	1
119	St. John Health	\$13,583,475	1
120	Target	\$13,363,520	8
121	TJX	\$13,356,754	8
122	MasTec	\$13,194,901	5
123	Transdev	\$12,949,003	6
124	Clayton Dubilier & Rice	\$12,848,275	10
125	Warburg Pincus	\$12,763,208	19
126	Andeavor	\$12,679,805	3
127	Papa John's International	\$12,634,500	4
128	Related Companies	\$12,513,027	3
129	Apollo Education Group	\$12,277,621	4
130	Domino's Pizza Inc.	\$12,010,571	5
131	Old Republic International	\$12,000,000	1
132	AXA	\$11,809,534	4
133	Casey's General Stores	\$11,709,735	3
134	JBS	\$11,659,105	14
134	CRST International	\$11,625,000	1
136	Alphabet Inc.	\$11,543,907	4
137	NCR Corp.	\$11,107,966	3
138	Marriott International	\$11,079,096	20
139	Shippers Transport Express	\$11,040,000	1
140	General Electric	\$10,990,474	7
141	Butterball LLC	\$10,826,000	2

Rank	Parent Company	Total Penalties	Number of Cases
142	Uber Technologies	\$10,750,000	2
143	Office Depot	\$10,707,424	7
144	Red Apple Group	\$10,656,982	3
145	Carlyle Group	\$10,525,638	6
146	Ascena Retail Group	\$10,424,276	5
147	Sun Capital Partners	\$10,304,053	5
148	Universal Health Services Inc.	\$10,266,768	5
149	CoreCivic	\$10,030,008	10
150	Audax Group	\$10,000,000	1
150	Barnes & Noble	\$10,000,000	1
150	Fastenal	\$10,000,000	1
153	Alorica	\$9,991,901	4
154	Bimbo Group	\$9,984,781	8
155	Kraft Heinz	\$9,894,699	7
156	Chickie's & Pete's Inc.	\$9,804,669	4
157	Cargill	\$9,609,547	5
158	Nestle	\$9,583,762	10
159	DaVita HealthCare Partners	\$9,418,456	4
160	Aramark	\$9,329,393	6
161	Roark Capital	\$9,309,142	7
162	Whirlpool	\$9,250,000	1
163	Wyndham Worldwide	\$9,113,405	15
164	Flowers Foods	\$9,079,397	2
165	Mountaire Farms	\$9,026,071	2
166	O'Reilly Automotive	\$9,025,362	3
167	Hertz	\$8,919,084	167
168	Knight-Swift Transportation	\$8,918,404	21
169	WH Group	\$8,915,788	4
170	Enterprise Holdings	\$8,875,000	2
171	Amedisys	\$8,832,634	7
172	Schlumberger	\$8,791,374	6
173	Postmates	\$8,750,000	1
174	TrueBlue Inc.	\$8,654,075	24
175	Dollar General	\$8,651,792	7
176	WestRock	\$8,599,797	4
177	Sony	\$8,550,000	2
178	TopBuild	\$8,549,638	2
179	CareGroup Healthcare System	\$8,500,000	1
179	Veritiv	\$8,500,000	1
181	Regis	\$8,450,000	3

Rank	Parent Company	Total Penalties	Number of Cases
182	Henry Ford Health System	\$8,443,973	1
183	Fifth Third Bancorp	\$8,370,426	4
184	John Menzies PLC	\$8,185,000	1
185	Johnson Controls	\$8,170,840	13
186	Hensel Phelps	\$8,135,905	2
187	CalAmp	\$8,100,000	1
188	C.H. Robinson	\$8,014,057	3
189	Convergys	\$7,998,431	9
190	AECOM	\$7,964,334	26
191	Trinity Health	\$7,958,744	7
192	Ulta Beauty	\$7,840,000	3
193	Avis Budget Group	\$7,806,706	2
194	Cross Country Healthcare	\$7,804,519	4
195	USProtect Corporation	\$7,798,720	91
196	Foot Locker	\$7,759,449	4
197	McDonald's	\$7,715,358	7
198	Mitsubishi Group	\$7,709,933	9
199	Healthfirst	\$7,675,000	1
200	Cadence Design Systems	\$7,664,856	1
201	Lone Star Funds	\$7,624,666	4
202	Burlington Stores	\$7,587,895	4
203	PVH Corp.	\$7,551,814	9
204	Ditech Financial	\$7,533,000	2
205	AMERCO	\$7,510,667	2
206	CleanNet	\$7,500,000	1
206	Rubio's Restaurants	\$7,500,000	1
208	LVMH	\$7,450,000	3
209	Icahn Enterprises	\$7,217,837	3
210	Golden Gate Capital	\$7,188,000	3
211	Deutsche Telekom	\$7,179,985	3
212	KBR	\$7,152,129	6
213	DexYP	\$7,110,000	4
214	Michaels Companies	\$7,100,000	3
215	Genesis Group Inc.	\$7,016,196	2
216	Berkshire Hathaway	\$6,903,831	14
217	Signet Jewelers	\$6,891,069	3
218	PPG Industries	\$6,815,466	4
219	Cisco Systems	\$6,700,000	1
220	Best Buy	\$6,674,410	5
221	Pilot Corporation	\$6,561,690	51
222	Liberty Mutual Insurance	\$6,551,864	4
223	Golub	\$6,505,280	2

Rank	Parent Company	Total Penalties	Number of Cases
224	Lithia Motors	\$6,500,000	1
224	Pacifica Host	\$6,500,000	1
224	WellCare Health Plans	\$6,500,000	1
227	Anthem	\$6,491,398	4
228	Weatherford International	\$6,429,906	3
229	Carnival Corp.	\$6,291,100	2
230	Viacom	\$6,274,042	2
231	Southern Glazer's Wine & Spirits	\$6,250,000	3
232	Capital One Financial	\$6,200,000	2
232	Red Rock Resorts	\$6,200,000	1
234	Urban Outfitters	\$6,193,298	3
235	Giumarra Vineyards	\$6,110,368	2
236	AHMC Healthcare	\$6,000,000	1
236	Calfrac Well Services	\$6,000,000	1
236	Chubb Limited	\$6,000,000	1
236	Delano Farms	\$6,000,000	1
236	Mistras Group	\$6,000,000	1
236	Zillow Group	\$6,000,000	1
242	Compass Group	\$5,975,376	18
243	American Greetings	\$5,880,000	2
244	Macy's	\$5,858,026	5
245	Stanley Black & Decker	\$5,853,666	5
246	Advance Publications	\$5,850,000	1
247	Phillips 66	\$5,812,016	3
248	Cardinal Logistics	\$5,750,000	2
248	Ikea	\$5,750,000	1
248	Siltronic Corporation	\$5,750,000	1
251	SSM Health	\$5,739,946	13
252	Thomas H. Lee Partners	\$5,679,448	4
253	Delta Air Lines	\$5,665,444	2
254	Hallmark Cards	\$5,625,000	1
255	Recruit Holding Co.	\$5,600,000	1
256	Masco	\$5,538,217	6
257	Coverall	\$5,505,849	2
258	Ralph Lauren Corp.	\$5,500,000	2
258	Hewlett Packard Enterprise	\$5,500,000	1
260	Aetna	\$5,493,434	10
261	FirstGroup	\$5,448,657	18
262	Progressive	\$5,446,000	2
263	UniFirst	\$5,440,955	7
264	SP Plus Corporation	\$5,411,797	4

Rank	Parent Company	Total Penalties	Number of Cases
265	Gap Inc.	\$5,310,560	3
266	International Workplace Group	\$5,300,000	1
267	3M Company	\$5,288,088	2
268	L-3 Technologies	\$5,272,329	20
269	Guess Inc.	\$5,255,746	2
270	Texas Roadhouse Inc.	\$5,201,482	11
271	Advanced Micro Devices	\$5,200,000	1
271	Alle Processing	\$5,200,000	1
273	Walt Disney	\$5,170,204	4
274	Quest Diagnostics	\$5,151,553	7
275	Oshkosh Corp.	\$5,108,188	2
276	Dr Pepper Snapple	\$5,042,354	5
277	Hudson's Bay Co.	\$5,037,920	2
278	DoorDash	\$5,000,000	1
278	Johnson & Johnson	\$5,000,000	1
280	Onex	\$4,994,215	17
281	BrightView Landscapes	\$4,971,778	2
282	Adecco	\$4,893,112	9
283	Toys R Us	\$4,855,387	5
284	Bloomin' Brands	\$4,823,421	9
285	AutoZone	\$4,819,804	4
286	Service Corporation International	\$4,800,396	14
287	National Grid	\$4,800,000	1
288	Securitas	\$4,793,782	20
289	Advocate Health Care	\$4,750,000	1
290	Kohl's	\$4,733,174	3
291	Conduent	\$4,720,254	7
291	Roche	\$4,700,000	2
293	New United Motor Manufacturing	\$4,650,000	1
294	GEO Group	\$4,646,134	14
295	Toyota	\$4,636,961	1
296	Instacart	\$4,630,000	1
297	Bank of Montreal	\$4,600,000	2
298	Estee Lauder	\$4,585,000	2
299	International Paper	\$4,511,758	2
300	Cheesecake Factory	\$4,510,710	2
301	Ross Stores	\$4,500,000	3
301	Centene	\$4,500,000	1
303	Express Inc.	\$4,455,000	2
304	United Continental	\$4,440,749	4

Rank	Parent Company	Total Penalties	Number of Cases
305	Canon	\$4,435,305	2
306	BAE Systems	\$4,375,118	10
307	General Dynamics	\$4,361,876	11
308	Konica Minolta	\$4,350,000	1
309	Genesco	\$4,285,084	15
310	Access Industries	\$4,230,750	1
311	Hilton Worldwide	\$4,221,610	6
312	Celestica	\$4,207,996	3
313	Illinois Tool Works	\$4,200,000	1
314	Matrix Service Co.	\$4,000,000	1
315	Space Exploration Technologies (SpaceX)	\$3,975,000	1
316	Mckesson	\$3,972,280	6
317	Arthur J. Gallagher & Co.	\$3,900,000	1
318	Akal Security	\$3,879,303	20
319	Hartford Financial Services	\$3,875,448	3
320	Cigna	\$3,866,688	2
321	C.R. England	\$3,862,633	5
322	Superior Energy Services	\$3,828,876	2
323	ExlService Holdings	\$3,816,198	2
324	Charles Schwab Corp.	\$3,800,000	1
325	Heartland Express	\$3,750,238	2
326	Performance Food Group	\$3,700,000	2
327	Bain Capital	\$3,649,949	8
328	Sanderson Farms	\$3,570,000	2
329	Honda	\$3,557,750	2
330	United States Steel	\$3,506,708	2
331	Pier 1 Imports Inc.	\$3,500,000	1
332	Ruby Tuesday	\$3,495,293	3
333	KB Home	\$3,490,793	4
334	W.W. Grainger	\$3,465,000	2
335	GameStop	\$3,461,554	3
336	Constellis	\$3,442,060	14
337	Lockheed Martin	\$3,435,153	21
338	Old Dominion Freight Line	\$3,411,295	2
339	Key Energy Services	\$3,364,696	4
340	ConAgra Brands	\$3,331,014	3
341	Parker-Hannifin	\$3,282,684	2
342	Penske Automotive	\$3,275,000	1
343	CRH PLC	\$3,245,209	9
344	Dycom Industries	\$3,211,480	4
345	Lee Enterprises	\$3,200,000	1

Rank	Parent Company	Total Penalties	Number of Cases
346	Huntington Bancshares	\$3,193,819	4
347	Kroger	\$3,149,868	10
348	AMN Healthcare Services	\$3,124,722	3
349	Bridgestone	\$3,123,210	2
350	G4S	\$3,114,848	20
351	Gerdau	\$3,075,000	1
351	Lindt & Sprungli	\$3,075,000	1
353	Dave and Buster's Entertainment Inc.	\$3,067,590	3
354	DISH Network	\$3,066,012	6
355	Tapestry Inc.	\$3,050,000	2
356	Kinder Morgan	\$3,048,613	6
357	Medtronic	\$3,020,674	2
358	Great Atlantic & Pacific Tea	\$3,015,840	4
359	Angelica Corp.	\$3,000,000	1
359	Fidelity National Information Services	\$3,000,000	1
359	Public Storage	\$3,000,000	1
362	Panda Restaurant Group	\$2,975,000	1
363	Lennar	\$2,919,709	2
364	Serco Group	\$2,912,382	8
365	A.C. Moore	\$2,900,000	1
366	Penn Mutual	\$2,880,000	1
367	Lufthansa	\$2,850,000	2
368	SunTrust Banks	\$2,802,393	3
369	Skechers USA Inc.	\$2,800,000	2
370	Raytheon	\$2,782,567	9
371	Islands Restaurants	\$2,750,000	1
372	Red Robin Gourmet Burgers Inc.	\$2,746,430	4
373	Denny's Corp.	\$2,739,100	9
374	Penske Truck Leasing	\$2,697,251	12
375	Baxter International	\$2,695,676	2
376	Six Flags Entertainment	\$2,600,510	3
377	Big 5 Sporting Goods	\$2,600,000	2
377	John B. Sanfilippo & Son	\$2,600,000	1
379	Brambles	\$2,587,695	8
380	UnitedHealth Group	\$2,568,230	9
381	Burberry	\$2,540,000	1
382	KKR & Co.	\$2,533,050	3
383	Lendlease Group	\$2,530,000	1
384	Masonite International	\$2,525,000	1

Rank	Parent Company	Total Penalties	Number of Cases
385	Children's Place Retail Stores	\$2,506,089	3
386	Freedom Mortgage	\$2,500,000	2
386	A.H. Belo	\$2,500,000	1
386	Groupon	\$2,500,000	1
386	LendingTree	\$2,500,000	1
386	TD Ameritrade	\$2,500,000	1
386	Utz Quality Foods	\$2,500,000	1
392	National Consolidated Couriers	\$2,497,193	5
393	Recreational Equipment Inc.	\$2,450,000	1
394	E-Trade Financial	\$2,400,000	2
395	Oppenheimer Holdings	\$2,375,901	1
396	New Mountain Capital	\$2,334,965	5
397	IAP Worldwide Services	\$2,328,120	7
398	Northrop Grumman	\$2,250,005	13
399	Wolseley	\$2,250,000	1
400	Dean Foods	\$2,230,829	2
401	Williams-Sonoma	\$2,200,553	3
402	Wolfgang Puck	\$2,200,000	2
402	Macerich	\$2,200,000	1
404	Calumet Specialty Products	\$2,100,000	1
405	Western Digital	\$2,094,813	2
406	Nielsen	\$2,055,561	3
407	McLaren Health Care	\$2,036,791	1
408	Stericycle	\$2,024,252	2
409	On Assignment Inc.	\$2,015,888	2
410	Daniyal Enterprises	\$2,011,467	51
411	TDK Corporation	\$2,003,000	1
412	Ally Financial	\$2,000,000	1
412	Apple Inc.	\$2,000,000	1
412	Herr Foods	\$2,000,000	1
415	Goodyear Tire & Rubber	\$1,974,029	6
416	Bed Bath & Beyond	\$1,968,739	5
417	Cemex	\$1,967,957	2
418	ManTech International	\$1,935,942	10
419	Werner Enterprises	\$1,914,569	2
420	Archer Limited	\$1,900,000	1
420	Cathay Pacific Airways	\$1,900,000	1
422	Americus Mortgage	\$1,869,556	5
423	Zachry Group	\$1,806,748	2
424	Yelp Inc.	\$1,800,000	2

Rank	Parent Company	Total Penalties	Number of Cases
425	Patriarch Partners LLC	\$1,793,707	4
426	Follett	\$1,755,819	2
427	Edison International	\$1,750,000	1
428	Tuesday Morning Corp.	\$1,678,500	2
429	Dell Technologies	\$1,665,618	7
430	Lam Research	\$1,650,000	1
431	Medline Industries	\$1,643,571	2
432	Autogrill	\$1,621,725	3
433	Laboratory Corp. of America	\$1,620,000	2
434	La Quinta Holdings	\$1,609,515	7
435	Quanta Services	\$1,592,845	11
436	Saint-Gobain	\$1,580,543	5
437	Humana	\$1,561,884	6
438	Maximus Inc.	\$1,552,780	1
439	Wendy's	\$1,548,734	5
440	Restoration Hardware	\$1,545,224	3
441	Parsons	\$1,544,536	3
442	CenturyLink	\$1,518,613	5
443	Chevron	\$1,515,443	2
444	Fresenius	\$1,512,967	2
445	Chico's FAS	\$1,510,527	2
446	Sutter Health	\$1,507,000	1
447	Activision Blizzard	\$1,500,000	1
447	Brookstone	\$1,500,000	1
447	Caleres Inc.	\$1,500,000	1
447	Deloitte Touche Tohmatsu	\$1,500,000	1
447	Foster Farms	\$1,500,000	1
447	PricewaterhouseCoopers	\$1,500,000	1
452	Atlas Van Lines	\$1,480,000	1
454	Envision Healthcare Holdings	\$1,460,954	11
455	TriNet Group	\$1,384,879	2
456	Supervalu	\$1,384,312	5
457	Continental Grain	\$1,375,000	1
458	Aaron's	\$1,366,681	2
459	Otto Group	\$1,365,000	1
460	NextEra Energy	\$1,350,000	2
461	Banco Bilbao Vizcaya Argentaria	\$1,346,798	4
462	Lions Gate Entertainment	\$1,341,752	1
463	DeVry	\$1,300,000	1
464	Sirius XM Holdings	\$1,297,350	1

Rank	Parent Company	Total Penalties	Number of Cases
465	Associated Banc-Corp	\$1,275,000	1
466	Loehmann's	\$1,250,000	1
467	Fresh Direct	\$1,235,000	1
468	Bridgepoint Capital	\$1,209,000	2
469	Bealls Inc.	\$1,200,000	1
469	Rockwell Collins	\$1,200,000	1
471	LafargeHolcim	\$1,199,749	6
472	Ericsson	\$1,184,535	1
473	FESCO	\$1,173,830	2
474	G-III Apparel Group	\$1,156,200	2
475	Sodexo	\$1,146,296	7
476	Intercontinental Hotels	\$1,119,897	8
477	Danaher	\$1,119,711	2
478	Schneider Electric	\$1,085,000	1
479	Norwegian Cruise Line	\$1,053,204	2
480	Under Armour	\$1,050,000	1

Rank	Parent Company	Total Penalties	Number of Cases
481	Infosys Limited	\$1,045,101	2
482	Accenture	\$1,025,000	1
483	Allegis Group	\$1,024,664	13
484	Couche-Tard	\$1,024,513	3
485	Levi Strauss	\$1,023,989	1
486	Chicago Bridge & Iron	\$1,020,024	5
487	Saudi Arabian Oil Company (Saudi Aramco)	\$1,020,022	2
488	YRC Worldwide	\$1,015,691	2
489	First Republic Bank	\$1,009,644	1
490	Tractor Supply Co.	\$1,006,000	2
491	Becton Dickinson	\$1,000,000	1
491	Graham Holdings	\$1,000,000	1
491	Live Nation Entertainment	\$1,000,000	1
491	Southwest Airlines	\$1,000,000	1
491	Young's Market Company	\$1,000,000	1

*Note: Penalty amounts include non-confidential settlements and verdicts in wage and hour lawsuits; fines imposed by the U.S. Department of Labor; and fines imposed by state or local agencies in nine states. This information is also available in the Violation Tracker database at [violationtracker.org](http://violationtracker.org).*

## Appendix B: 100 largest wage theft lawsuit settlements or verdicts

Rank	Parent Company	Case Title	Court Type	Court	Case Number	Year	Amount
1	Walmart	omnibus wage and hour settlement	multiple	mutiple	multiple	2008	\$640,000,000
2	Walmart	Braun/Hummel v. Wal-Mart Stores Inc.	state	Pennsylvania Court of Common Pleas	No. 3127	2016	\$242,000,000
3	FedEx	Alexander et al v. FedEx Ground Package System, Inc. et al	federal	Northern District of California	05-cv-00038	2016	\$226,500,000
4	FedEx	In re MDL-1700 FedEx Ground Package System Inc Employment Practices Litigation No II	federal	Northern District of Indiana	05-md-0527	2016	\$204,000,000
5	Walmart	Savaglio v. Wal-Mart Inc.	state	California Supreme Court	No. C-835687	2009	\$152,000,000
6	State Farm Insurance	John Gutierrez vs. State Farm Mutual Automobile Ins	state	Superior Court of State of California, County of Los Angeles	BC236552	2005	\$135,000,000
7	Allstate	William Sekly, et. al., v. Allstate Insurance Company,	state	Superior Court of State of California, County of Los Angeles	BC240813	2005	\$120,000,000
8	ABM Industries	JENNIFER AUGUSTUS vs. AMERICAN COMMERCIAL SECURITY SERVICES	state	Superior Court of State of California, County of Los Angeles	BC336416	2017	\$110,000,000
9	Novartis	In Re: Novartis Wage and Hour Litigation	federal	Southern District of New York	06-md-1794	2012	\$99,000,000
10	Citigroup	Guita Bahramipour, et al. v. Citigroup Global Markets Inc., f/k/a Salomon Smith Barney Inc. and Larry A. LaVoice, et al. v. Citigroup Global Markets Inc., f/k/a Salomon Smith Barney Inc.	federal	Northern District of California	04-cv-04440 and 07-cv--801	2008	\$98,000,000
11	Microsoft	Vizcaino v. Microsoft Corp. and Hughes v. Microsoft Corp.	federal	Western District of Washington	C93-178C and C98-1646C	2000	\$97,000,000
12	Farmers Insurance Exchange	Bell vs. Farmers Insurance Exchange	state	Superior Court of State of California, County of Alameda	774013-0	2001	\$90,009,208
13	United Parcel Service	Cornn et al v. United Parcel Service, Inc. et al	federal	Northern District of California	03-cv-02001	2007	\$87,000,000
14	Walmart	Ballard v. Wal-Mart Stores Inc.; Smith v. Wal-Mart Stores Inc.	federal	Northern District of California	06-cv-05411; 06-cv-02069	2010	\$86,000,000
15	Tenet Healthcare	Pagaduan VS Tenet Healthcare Corporation	state	Superior Court of State of California, County of Orange	03CC00565	2009	\$85,000,000

Rank	Parent Company	Case Title	Court Type	Court	Case Number	Year	Amount
15	Walmart	In Re Wal-Mart Wage & Hour Employment Practices Litigation	federal	District of Nevada	MDL 1735	2009	\$85,000,000
17	Bank of America	In Re: Bank of America Wage and Hour Employment Practices Litigation	federal	District of Kansas	10-md-02138-JWL-KGS	2013	\$73,000,000
18	IBM Corp.	Rosenburg et al v. International Business Machines Corporation	federal	Northern District of California	06-cv-00430	2007	\$65,000,000
19	Walmart	Bryan et al v. Wal-Mart Stores Inc. et al (later called Ridgeway v. Wal-Mart Stores)	federal	Northern District of California	08-cv-5221	2017	\$60,800,000
20	Walmart	Braun v. Wal-Mart Inc.	state	Minnesota District Court	19-CO-01-9790	2008	\$54,000,000
21	Cerberus Capital Management	In re: Albertson's Inc. Employment Practices Litigation	federal	District of Idaho	98-md-01215	2007	\$53,300,000
22	Morgan Stanley	Steinberg et al v. Morgan Stanley & Co. Incorporated et al	federal	Southern District of California	06-cv-02628	2009	\$50,000,000
23	UBS	Glass et al v. UBS Financial Services Inc. et al	federal	Northern District of California	06-cv-4068	2007	\$45,000,000
24	Brinker International	Hohnbaum VS Brinker Restaurant Corporation	state	Superior Court of State of California, County of San Diego	GIC834348	2014	\$44,300,000
25	UBS	Bowman v. UBS Financial Services, Inc.	federal	Northern District of California	04-cv-3525	2007	\$44,000,000
26	Bank of America	Poole v. Merrill Lynch, Pierce, Fenner & Smith Inc.	federal	District of Oregon	06-cv-01657	2010	\$43,500,000
27	Morgan Stanley	Garett, et al v. Morgan Stanley and C, et al	federal	Southern District of California	04-cv-01858	2006	\$42,500,000
28	JPMorgan Chase	Davis, et al v. J.P. Morgan Chase	federal	Western District of New York	01-cv-06492	2011	\$42,000,000
28	Sycamore Partners Management	In Re Staples, Inc. Wage & Hour Employment Practices Litigation	federal	District of New Jersey	08-cv-5746	2011	\$42,000,000
28	Tenet Healthcare	Cason-Merendo et al v. VHS of Michigan, Inc. et al	federal	Eastern District of Michigan	06-cv-15601	2015	\$42,000,000
31	RadioShack	In re: RS Legacy Corporation	federal	District of Delaware Bankruptcy Court	15-bk-10197	2016	\$41,029,237
32	Walmart	Salvas v. Wal-Mart Stores	state	Middlesex (Massachusetts) Superior Court	01-3645	2009	\$40,000,000
33	Wells Fargo	In Re Wachovia Securities, LLC Wage and Hour Litigation	federal	Central District of California	07-ml-01807	2009	\$39,000,000
34	24 Hour Fitness	Boyce, et al v. Sports And Fitness, et al	federal	Southern District of California	03-cv-2140	2006	\$38,000,000
34	JPMorgan Chase	Westerfield et al. v. Washington Mutual Inc.; Jordan et al. v. Washington Mutual Bank; and Jumapao et al. v. Washington Mutual Bank	federal	Eastern District of New York	06-cv-02817; 08-cv-00287; and 07-cv-5095	2009	\$38,000,000
34	Sycamore Partners Management	Williams v. Staples Inc.	state	Superior Court of State of California, County of Orange	816121	2008	\$38,000,000

Rank	Parent Company	Case Title	Court Type	Court	Case Number	Year	Amount
37	Bank of America	Ken Burns, et al. v. Merrill Lynch, Pierce, Fenner & Smith Inc.	federal	Northern District of California	04-CV-04135	2006	\$37,000,000
38	Bank of America	Boyd v. Bank of America Corp et al	federal	Central District of California	13-cv-00561-DOC-JPR	2016	\$36,000,000
39	Dollar Tree	Morgan, et al v. Family Dollar Stores	federal	Northern District of Alabama	01-cv-00303	2009	\$35,576,059
40	AT&T	Kelly, et al v. SBC, Inc., et al	federal	Northern District of California	97-cv-02729	2001	\$35,000,000
40	Ecolab	Ross v. Ecolab Inc.	federal	Northern District of California	13-cv-5097	2016	\$35,000,000
40	H&R Block	Lemus v. H&R Block Tax And Business Services, Inc. et al	federal	Northern District of California	09-cv-3179	2012	\$35,000,000
40	Oracle	Garcia v. Oracle Corp.	state	Superior Court of State of California, County of Alameda	RG07321026	2011	\$35,000,000
44	CVS Health	Nash v. CVS Caremark Corporation et al	federal	District of Rhode Island	09-cv-00079	2012	\$34,000,000
45	Loews	CNA Insurance Overtime Cases	state	Superior Court of State of California, County of Los Angeles	JCCP4230	2006	\$33,000,000
46	Tyson Foods	In Re: Tyson Foods, Inc., Fair Labor Standards Act Litigation	federal	multidistrict case	MDL No. 1854	2011	\$32,000,000
47	Bank of America	Butler, et al. v. Countrywide Home Loans, Inc	state	Superior Court of State of California, County of Los Angeles	BC 268250	2005	\$30,000,000
47	Publix Super Markets	Ott v. Publix Super Markets, Inc.	federal	Middle District of Tennessee	12-cv-00486	2015	\$30,000,000
49	RadioShack	Omar Belazi, et al. vs. Tandy Corporation, et al.	state	Superior Court of State of California, County of Orange		2002	\$29,900,000
50	Tata Group	Vedachalam v. Tata America International Corporation et al	federal	Northern District of California	06-cv-0963	2013	\$29,750,000
51	Lowe's	Cynthia Parris et al. vs. Lowes HIW Inc. et al	state	Superior Court of State of California, County of Los Angeles	BC260702	2009	\$29,500,000
52	Ecolab	Doug Ladore v. Ecolab Inc et al	federal	Central District of California	11-cv-09386	2013	\$29,000,000
53	Schneider National	Bickley v. Schneider National, Inc. et al	federal	Northern District of California	08-cv-5806	2016	\$28,000,000
54	Oracle	Lin, et al. v. Siebel Systems, Inc., et al.,	state	Superior Court of State of California, County of San Mateo	CIV435601	2006	\$27,500,000

Rank	Parent Company	Case Title	Court Type	Court	Case Number	Year	Amount
54	PNC Financial Services	Perry v. National City Mortgage, Inc.	federal	Southern District of Illinois	05-cv-0891	2008	\$27,500,000
54	Wells Fargo	Wells Fargo Bank Wage and Hour Cases	state	Superior Court of State of California, County of Alameda	JCCP004821	2018	\$27,500,000
57	Ecolab	Jefferson P. Roe VS Ecolab Inc	state	Superior Court of State of California, County of Ventura	CIV233936	2009	\$27,400,000
58	Blackstone	Wren et al v. RGIS Inventory Specialists	federal	Northern District of California	06-cv-5778	2011	\$27,000,000
58	Children's Hospital Los Angeles	Denise Mays v. Childrens Hospital Los Angeles	state	Superior Court of State of California, County of Los Angeles	BC477830	2016	\$27,000,000
58	Lyft	Cotter v. Lyft, Inc.	federal	Northern District of California	13-cv-4065	2017	\$27,000,000
61	Home Depot	Artiaga v. Home Depot U.S.A. Inc. and other consolidated cases	state	Superior Court of State of California, County of Los Angeles	Judicial Council Coordination Proceeding No. 4383	2009	\$25,500,000
62	Abercrombie & Fitch	Alma Bojorquez et al v. Abercrombie and Fitch Co. et al	federal	Southern District of Ohio	16-cv-0551	2018	\$25,000,000
62	Rite Aid	Albrecht v. Rite Aid Corporation	state	Superior Court of State of California, County of San Diego	729219	2001	\$25,000,000
64	DXC Technology	Fred Giannetto, et al v. Computer Sciences	federal	Northern District of California	03-cv-8201	2005	\$24,000,000
65	Starbucks	Matamoros et al v. Starbucks Corporation	federal	District of Massachusetts	08-cv-10772	2013	\$23,500,000
66	Walgreens Boots Alliance	In Re Walgreen Co. Wage and Hour Litigation	federal	Central District of California	11-cv-07664	2014	\$23,000,000
67	Cintas	Veliz et al v. Cintas Corporation et al	federal	Northern District of California	03-cv-1180	2011	\$22,750,000
68	Bank of America	Maloney v. Bank of America	state	Superior Court of State of California, County of Los Angeles	BC250199	2001	\$22,000,000
68	Digital First Media	Gonzalez VS Freedom Communications, Inc.	state	Superior Court of State of California, County of Orange	03CC08756	2009	\$22,000,000
70	Bank of America	Chambers et al v. Merrill Lynch & Co., Inc.	federal	Southern District of New York	10-cv-07109	2013	\$21,000,000

Rank	Parent Company	Case Title	Court Type	Court	Case Number	Year	Amount
70	Jones Financial	Thill v. Edward D. Jones & Co., L.P.	federal	Northern District of California	05-cv-4893	2008	\$21,000,000
70	Schneider National	Everardo Carrillo et al v. Schneider Logistics Inc et al	federal	Central District of California	11-cv-8557	2015	\$21,000,000
70	U.S. Security Associates	Muhammed Abdullah v. U.S. Security Associates, Inc. et al	federal	Central District of California	09-cv-9554	2017	\$21,000,000
74	Rite Aid	Craig v. Rite Aid Corporation	federal	Middle District of Pennsylvania	08-cv-02317	2013	\$20,900,000
75	Coca-Cola	Evans v. BCI Coca- Cola Bottling Co. of Los Angeles	state	Superior Court of State of California, County of Los Angeles	BC 220 525	2001	\$20,200,000
76	Wells Fargo	Takacs, et al v. AG Edwards And Sons, et al	federal	Southern District of California	04-cv-1852	2007	\$20,000,000
76	Wells Fargo	In Re Wells Fargo Home Mortgage Overtime Pay Litigation	federal	Northern District of California	06-md-1770	2010	\$20,000,000
78	American Automobile Association	William Bullock, et al v. Automobile Club Sc, et al	federal	Central District of California	01-cv-0731	2004	\$19,500,000
79	Sentinel Capital Partners	Flood et al v. Carlson Restaurants Inc. et al	federal	Southern District of New York	14-cv-2740	2017	\$19,100,000
80	Chemed	ANN MARIE COSTA ET AL vs. VITAS HEALTHCARE CORP OF CALIF	state	Superior Court of State of California, County of Los Angeles	BC313552	2006	\$19,000,000
80	Jones Financial	ELLIS v. EDWARD D. JONES & CO., L.P.	federal	Western District of Pennsylvania	06-cv-0066	2008	\$19,000,000
80	Robert Half International	MARK LAFITTE vs. ROBERT HALF INTERNATIONAL INC	state	Superior Court of State of California, County of Los Angeles	BC321317	2013	\$19,000,000
83	AT&T	Luque et al v. AT&T Corp. et al	federal	Northern District of California	09-cv-05885-CRB	2013	\$18,920,325
84	Siemens	Street v. Siemens Medical Solutions Health Services Corp.	state	Philadelphia Court of Common Pleas	2003-0885	2005	\$18,730,000
85	Charter Communications	Goodell v. CHARTER COMMUNICATIONS, LLC et al	federal	Western District of Wisconsin	08-cv-00512	2010	\$18,000,000
85	Starbucks	Carr et al v. Starbucks Corporation; Olivia Shields, et al v. Starbucks Corp, et al	federal	Northern District of California; Central District of California	01-cv-2922; 01-cv-6446	2002	\$18,000,000
85	United Parcel Service	Russell Archie vs United Parcel Service Inc.	state	Superior Court of State of California, County of San Diego	GIC748880	2002	\$18,000,000

Rank	Parent Company	Case Title	Court Type	Court	Case Number	Year	Amount
85	Zurich Insurance	Roberts vs. Coast National Insurance	state	Superior Court of State of California, County of Orange	01CC08478	2002	\$18,000,000
89	Sysco	Watts, et. al. v. Sysco Corporation et. al.	state	Superior Court of State of California, County of Alameda	RG09-464228	2011	\$17,995,000
90	Sears	Sears Roebuck and Co v. Lisa Fitts et al	federal	Central District of California	05-cv-00238	2007	\$17,500,000
91	24 Hour Fitness	Beauperthuy et al v. 24 Hour Fitness USA, Inc. et al	federal	Northern District of California	06-cv-0715	2013	\$17,448,500
92	PG&E Corp.	John Conley, et al. v. Pacific Gas and Electric Company	state	Superior Court of State of California, County of San Francisco	310938	2009	\$17,250,000
93	AT&T	Waters et al v. AT&T Services, Inc.	federal	Northern District of California	09-cv-03983	2010	\$17,000,000
94	Kellogg	Thomas v. Kellogg Company et al	federal	Western District of Washington	13-cv-5136	2018	\$16,750,000
95	JPMorgan Chase	Taylor et al v. Jpmorgan Chase & Co. et al	federal	Southern District of New York	15-cv-3023	2017	\$16,666,667
96	Bank of America	Contreras v. Bank of America	state	Superior Court of State of California, County of San Francisco	CGC-07-467749	2010	\$16,650,000
97	Kindred Healthcare	Flordeliza Escano et al v. Kindred Healthcare Operating Company, Inc. et al	federal	Central District of California	09-cv-4778	2015	\$16,500,000
97	Post Holdings	David Snodgrass v Bob Evans Farms Inc. (originally Thorn v. Bob Evans Farms Inc)	federal	Southern District of Ohio	12-cv-0768	2016	\$16,500,000
99	Costco	Greg Randall v. Costco Wholesale Corp.	state	Superior Court of State of California, County of Los Angeles	BC-296369	2009	\$16,000,000
99	JPMorgan Chase	Royer et al v. J.P. Morgan Chase & Co. et al	federal	Southern District of New York	11-cv-08205	2014	\$16,000,000
99	PNC Financial Services	BLAND et al v. PNC BANK, N.A.	federal	Western District of Pennsylvania	15-cv-1042	2017	\$16,000,000

*Note: This information is also available in the Violation Tracker database at [violationtracker.org](http://violationtracker.org).*

## Appendix C: Wage theft lawsuits with confidential settlements

Parent Company	Case Name	Court	Case Number	Year
Altice	Wolfson v. Cablevision Systems Corporation	Eastern District of New York	04-cv-2479	2005
American Express	Longnecker et al v. American Express Company et al	District of Arizona	14-cv-00069	2015
AmTrust Financial Services	Belony v. Amtrust Bank et al	Southern District of Florida	09-cv-82335	2011
Apache	Hernandez v. Apache Corporation	Southern District of Texas	16-cv-3454	2018
Apollo Education Group	SABOL et al v. APOLLO GROUP, INC. et al	Eastern District of Pennsylvania	09-cv-3439	2011
ASR Group	Rosario v. American Sugar Refining, Inc.	Northern District of Ohio	16-cv-2639	2017
AT&T	BISHOP et al v. AT&T CORP	Western District of Pennsylvania	08-cv-00468	2010
AT&T	Blakes et al v. AT&T Corp.	Northern District of Illinois	11-cv-0336	2016
AT&T	Lang et al v. Directv, Inc. et al	Eastern District of Louisiana	10-cv-1085	2014
AT&T	LaMarr et al v. Illinois Bell Telephone Company et al	Northern District of Illinois	15-cv-8660	2017
AT&T	Kayser et al v. Southwestern Bell Telephone Company	Eastern District of Missouri	10-cv-1495	2014
Automatic Data Processing	Gryder v. Automatic Data Processing Inc.	Southern District of Texas	11-cv-1411	2012
Avis Budget Group	Johnson et al v. Avis Budget Car Rental, LLC. et al	District of Massachusetts	13-cv-11796	2014
Bank of America	Cramer et al v. Bank of America, N.A. et al	Northern District of Illinois	12-cv-8681	2015
Bank of New York Mellon	Smith v. Bank of New York Mellon	Western District of Pennsylvania	10-cv-00678	2012
Best Buy	Lopez v. Best Buy Stores, L.P.	Southern District of Florida	15-cv-22876	2016
Best Buy	Watkins v. Best Buy Stores, L.P.	Eastern District of Tennessee	15-cv-00433	2016
Best Buy	Connolly v. Best Buy Co., Inc. et al	Northern District of Georgia	09-cv-01954	2010
Big 5 Sporting Goods	Jack Lima v. Big 5 Sporting Goods Corporation	California Superior Court-County of Orange	06CC00243	2007
Big Lots	Gromek v. Big Lots Stores, Inc.	Northern District of Illinois	10-cv-4070	2012
Black & Veatch	Brevik v. Black & Veatch Corporation	Northern District of California	10-cv-4872	2012
BP	Brewer et al v. BP p.l.c. et al	Eastern District of Louisiana	11-cv-0401	2012
BP	IBEW Local 2295 v. BP Products North America	California Superior Court-County of Los Angeles	BC427813	2011
British American Tobacco	Marshall v. R.J. Reynolds Tobacco Co.	Western District of Missouri	07-cv-0227	2010
Calumet Specialty Products	Abner et al v. Calumet G P L L C	Western District of Louisiana	12-cv-669	2014
Capital One Financial	Payson v. Capital One Home Loans, LLC	District of Kansas	07-cv-2282	2009
Cargill	Martinez v. Cargill Meat Solutions	District of Nebraska	09-cv-3079	2011
Case Farms Chicken	Dillworth v. Case Farms Processing, Inc	Northern District of Ohio	08-cv-1694	2010
CBRE Group	Rulli v. CB Richard Ellis, Inc.	Eastern District of Wisconsin	09-cv-00289	2011
CenturyLink	Grady et al v. CenturyLink Communications, LLC	District of Montana	15-cv-0085	2017
CenturyLink	Burch et al v. Qwest Communications International, Inc. et al	District of Minnesota	06-cv-3523	2012
Charter Communications	Keeton et al v. Time Warner Cable, Inc.,	Southern District of Ohio	09-cv-01085	2011

Parent Company	Case Name	Court	Case Number	Year
Citigroup	Lucille M. Smith et al. v. Citigroup Inc.	Eastern District of New York	07-cv-1791	2011
Coca-Cola	Condento v. Coca-Cola Refreshments USA, Inc. et al	Middle District of Florida	14-cv-2453	2015
Comcast	Harris et al v. Comcast Corporation et al	Northern District of Illinois	15-cv-07611	2016
Comcast	Pack et al v. Comcast Corporation	Middle District of Tennessee	10-cv-01152	2011
Comcast	Seligstein v. Comcast of the South, Inc. et al	Western District of Tennessee	09-cv-02688	2010
Comcast	DARE et al v. COMCAST CORPORATION et al	District of New Jersey	09-cv-04175	2011
Constellis	Williams et al v. Xe Services, LLC et al	Eastern District of North Carolina	09-cv-0059	2011
Convergys	Grant v. Convergys Corporation	Eastern District of Missouri	12-cv-0496	2014
CoreCivic	Barnwell v. Corrections Corporation of America	District of Kansas	08-cv-2151	2009
Cracker Barrel Old Country Store	Proper v. Cracker Barrel Old Country Store, Inc.	Northern District of New York	14-cv-0413	2015
CVS Health	Dicristofano vs. CVS Caremark Corporation	Northern District of Illinois	13-cv-05743	2014
Dell Technologies	Norman et al v. Dell, Inc. et al	District of Oregon	07-cv-06028	2009
Dell Technologies	Gandhi v. Dell Inc. et al	Western District of Texas	08-cv-00248	2011
Deutsche Telekom	Ware et al v. T-Mobile USA et al	Middle District of Tennessee	11-cv-0411	2013
Deutsche Telekom	Agui et al v. T-Mobile, USA et al	Eastern District of New York	09-cv-2955	2010
Dollar Tree	Green v. Dollar Tree Stores, Inc.	Western District of Texas	11-cv-0610	2011
Domino's Pizza Inc.	Luiken et al v. Domino's Pizza, Inc. et al	District of Minnesota	09-cv-516	2014
Edison International	Stannard v. Southern California Edison Company et al	Southern District of California	07-cv-0589	2010
Entergy	Vire et al v. Entergy Operations Inc et al	Eastern District of Arkansas	15-cv-0214	2017
Express Inc.	Reynosa v. Express, Inc.	District of New Jersey	17-cv-2424	2017
Express Scripts	Infante v. Express Scripts, Inc. et al	District of Minnesota	15-cv-2049	2016
Farmers Insurance Exchange	Fenton v. Farmers Insurance Exchange	District of Minnesota	07-cv-4864	2011
Fanuc	Hilyer et al v. Fanuc Robotics America Corporation	Eastern District of Michigan	11-cv-11983	2012
General Electric	Williams v. Baker Hughes Oilfield Operations, Inc.	District of North Dakota	15-cv-0049	2017
General Electric	Settles v. General Electric	Western District of Missouri	12-cv-602	2014
GoDaddy Inc.	Dickson v. Godaddy.Com Llc	District of Arizona	16-cv-2414	2017
GoDaddy Inc.	Careaga et al v. Godaddy.Com Llc	District of Arizona	15-cv-1282	2016
H&R Block	Melissa Schueler v. H&R Block Mortgage Corporation et al	Central District of California	07-cv-0342	2010
Hartford Financial Services	Drummond et al v. Hartford Financial Services Group, Inc. et al	District of Connecticut	14-cv-1837	2016
Hershey	Campanelli et al v. The Hershey Company	Northern District of California	08-cv-1862	2011
Hershey	Zulewski et al v. The Hershey Company	Northern District of California	11-cv-5117	2013
Home Depot	December v. The Home Depot, Inc. et al	Southern District of New York	15-cv-05232	2015
Home Depot	RUSS v. HOME DEPOT U.S.A., INC.	Southern District of Florida	14-cv-62707	2015
Home Depot	Stapler et al v. Home Depot USA Inc et al	Northern District of Alabama	12-cv-02904	2013
Home Depot	Rideman et al v. Home Depot U.S.A., Inc. et al	District of Massachusetts	16-cv-12022	2017
Home Depot	Costello et al v. Home Depot, Inc.	District of Connecticut	11-cv-0953	2013
Humana	Schroeder et al v. Humana Inc et al	Eastern District of Wisconsin	12-cv-00137	2013
IBM Corp.	Benjamin v. IBM Corp.	Northern District of Georgia	10-cv-02646	2012
IBM Corp.	Silva v. IBM	Central District of California	10-cv-01282	2012
IBM Corp.	Banks v. IBM Corp.	Northern District of Texas	10-cv-01599	2012
Johnson Controls	MAXIMOVSKIKH v. JOHNSON CONTROLS, INC.	Southern District of Florida	13-cv-62179	2014

Parent Company	Case Name	Court	Case Number	Year
Jones Lang Lasalle	Jackson v. Jones Lang LaSalle Americas Inc.	Northern District of Texas	12-cv-2700	2013
JPMorgan Chase	Strangis v. J.P. Morgan Chase National Corporate Services, Inc.	Southern District of Ohio	15-cv-02553	2016
JPMorgan Chase	Vogel v. JPMorgan Chase Bank, N.A. et al	Southern District of New York	14-cv-08422	2015
Kindred Healthcare	Starmed Health Personnel Inc Fair Labor Standards Act Litigation	Central District of California	04-ml-1601	2006
Koch Foods	Johnson et al v. Koch Foods, Inc.	Eastern District of Tennessee	07-cv-0051	2010
Kroger	Gillum et al v. Kroger Limited Partnership I	Eastern District of Virginia	10-cv-00585	2011
Loews	Cejvan v. Loews Hotels Holding Corp.	Middle District of Tennessee	15-cv-00830	2016
Lowe's	Hammond, et al v. Lowe's Home Centers	District of Kansas	02-cv-02509	2007
Lowe's	Triggs et al v. Lowe's Home Centers, Inc. et al	Northern District of Ohio	13-cv-01897	2014
Lowe's	Rodriguez v. Lowe's Companies, Inc.	Western District of Texas	13-cv-00510	2015
Lowe's	Seivley et al v. Lowe's Home Centers, Inc.	Eastern District of Texas	06-cv-00368	2009
Luxottica	King et al v. Lenscrafters, Inc.	Northern District of California	09-cv-3081	2010
Marriott International	Serritiello v. Starwood Hotels & Resorts Worldwide, Inc. et al	Southern District of Florida	15-cv-24122	2016
Marsh & McLennan	Petersen et al v. Marsh & McLennan Companies et al	Northern District of Illinois	10-cv-1506	2011
MasTec	Baffield et al v. Mastec North America, Inc. et al	Northern District of Illinois	15-cv-5843	2016
Maxim Healthcare Services	Lawrence v. Maxim Healthcare Services, Inc.	Northern District of Ohio	12-cv-2600	2017
McDonald's	Pullen et al v. McDonald's Corporation et al	Eastern District of Michigan	14-cv-11081	2016
McDonald's	Wilson et al v. McDonald's Corporation et al	Eastern District of Michigan	14-cv-11082	2016
McDonald's	Ramos v. McDonald's Corporation	Southern District of Florida	12-cv-21847	2012
Memorial Hermann Health System	Brandt v. Memorial Hermann Health System	Southern District of Texas	16-cv-0033	2018
Merck	REINHOLD et al v. MERCK & CO., INC. et al	District of New Jersey	15-cv-8580	2017
Penn National Gaming	Nehmelman v. Penn National Gaming, Inc.	Northern District of Illinois	11-cv-0023	2012
Pfizer	Bentson v. Pfizer, Inc	Northern District of Illinois	10-cv-07680	2012
PPG Industries	SEYMOUR et al v. PPG INDUSTRIES, INC	Western District of Pennsylvania	09-cv-1707	2012
PPG Industries	Duarte v. PPG Industries, Inc.	District of Kansas	09-cv-1366	2011
Regions Financial	Saliford v. Regions Financial Corporation et al	Southern District of Florida	10-cv-61031	2011
Ruby Tuesday	Morgan et al v. Ruby Tuesday, Inc	Southern District of Ohio	12-cv-0023	2012
Ruby Tuesday	Lafrance v. Ruby Tuesday, Inc. et al	Northern District of New York	14-cv-1158	2016
Ryder System	Anuszewski v. Ryder Truck Rental, Inc	Eastern District of Pennsylvania	10-cv-3271	2012
Seacor Holdings	Rainbolt v. Seacor Holdings Inc. et al	Southern District of Texas	12-cv-0012	2013
Sears	Persaud v. K Mart Corporation	Southern District of Florida	15-cv-81315	2015
Sears	Yarris v. Sears, Roebuck and Co.	Eastern District of New York	14-cv-05512	2015
Serco Group	Noble v. Serco, Inc.	Eastern District of Kentucky	08-cv-0076	2010
Sherwin-Williams	Simmons et al v. Valspar Corporation	District of Minnesota	10-cv-3026	2014
Starbucks	Falcon v. Starbucks Corporation et al.	Southern District of Texas	05-cv-0792	2008
Sumitomo Group	Hamm et al v. TBC Corporation	Southern District of Florida	07-cv-80829	2010
SunTrust Banks	Allen v. Suntrust Banks, Inc.	Northern District of Georgia	06-cv-3075	2009
SunTrust Banks	Foster et al v. SunTrust Mortgage, Inc.	Northern District of Georgia	12-cv-1716	2013
TJX	Halton-Hurt et al v. The TJX Companies, Inc.	Northern District of Texas	09-cv-02171	2013

Parent Company	Case Name	Court	Case Number	Year
Toronto-Dominion Bank	Lay v. TD Bank, National Association	Southern District of Florida	17-cv-62143	2018
Tyson Foods	Harmon v. Tyson Foods, Inc.	District of Maryland	00-cv-01997	2001
U.S. Bancorp	Ramon Silva v. US Bancorp et al	Central District of California	10-cv-1854	2011
United States Steel	ANDRAKO et al v. UNITED STATES STEEL CORPORATION	Western District of Pennsylvania	07-cv-1629	2011
Verizon Communications	McAdoo v. Cellco P'ship	Eastern District of Michigan	14-cv-10257	2014
Verizon Communications	Jennings v. Cellco Partnership	District of Minnesota	12-cv-00293	2013
Verizon Communications	McCray v. Cellco Partnership	Northern District of Georgia	10-cv-02821	2011
Verizon Communications	Hughes et al v. Verizon Communications, Inc. et al	Eastern District of Virginia	11-cv-00430	2011
Verizon Communications	Keaton et al v. Cellco Partnership	District of South Carolina	11-cv-0857	2011
VF	Campos et al v. Nautica Retail USA, Inc.	Northern District of Illinois	12-cv-3061	2012
Walgreens Boots Alliance	Short v. Walgreen Co.	Northern District of California	14-cv-03747	2015
Wells Fargo	McNeill et al v. Wachovia Corporation et al	Southern District of Texas	11-cv-1401	2012
Yum Brands	In re: KFC Corp. Fair Labor Standard Act Litigation, MDL No. 1892	District of Minnesota	MDL No. 1892	2008
Yum Brands	Kelly v. Cent. Fla. KFC, Inc.	Southern District of Florida	13-cv-62152	2014
Yum Brands	Smith v. Pizza Hut, Inc.	District of Colorado	09-cv-1632	2015

*Note: Includes some cases whose terms were not completely confidential but whose settlement document did not include a dollar total.*

# ENDNOTES

- 1 “Food Lion to Pay \$16.2 Million in Child Labor, Overtime Cases,” Associated Press, August 3, 1993 (via Nexis).
- 2 Frank Swoboda, “General Dynamics to Pay \$5 Million in Overtime Case,” *Washington Post*, October 28, 1994 (via Nexis).
- 3 “Iowa Packing Giant Ordered to Pay \$7 Million in Back Wages,” Associated Press, April 2, 1996 (via Nexis).
- 4 One long-standing area of contention was newspaper and magazine publishing. While a young researcher at *Fortune* magazine in the early 1980s, the principal author of this report was part of an effort to extend overtime coverage to journalists at all the Time Inc. magazines represented by The Newspaper Guild.
- 5 Frank Swoboda, “Nordstrom Settles Suit on Overtime,” *Washington Post*, January 12, 1993 (via Nexis).
- 6 Ilana DeBare, “Who’s a Manager? Companies in California are facing a growing number of class-action lawsuits over this complex, far-reaching issue,” *San Francisco Chronicle*, October 20, 1997.
- 7 Steven Greenhouse, “Suits Say Wal-Mart Forces Workers to Toil Off the Clock,” *New York Times*, June 25, 2002; online at <https://www.nytimes.com/2002/06/25/us/suits-say-wal-mart-forces-workers-to-toil-off-the-clock.html>
- 8 See, for example, these two articles by Steven Greenhouse: “Altering of Worker Time Cards Spurs Growing Number of Suits” (April 4, 2004; <https://www.nytimes.com/2004/04/04/us/altering-of-worker-time-cards-spurs-growing-number-of-suits.html>) and “Forced to Work Off the Clock, Some Fight Back” (November 19, 2004; <https://www.nytimes.com/2004/11/19/us/forced-to-work-off-the-clock-some-fight-back.html>).
- 9 Derived from Table C-2 in the annual Federal Judicial Caseload Statistics reports posted at <http://www.uscourts.gov/statistics-reports/analysis-reports/federal-judicial-caseload-statistics>
- 10 The database can be found at <https://www.goodjobsfirst.org/violation-tracker>
- 11 <https://www.goodjobsfirst.org/news/releases/violation-tracker-expansion-adds-34000-wage-theft-cases>
- 12 For details on how this universe is determined, see <https://www.goodjobsfirst.org/violation-tracker-parent-coverage>
- 13 Steven Greenhouse. “Suits Say Wal-Mart Forces Workers to Toil Off the Clock,” *New York Times*, June 25, 2002; online at <https://www.nytimes.com/2002/06/25/us/suits-say-wal-mart-forces-workers-to-toil-off-the-clock.html>.
- 14 [https://corporate.walmart.com/\\_news\\_/news-archive/2008/12/23/walmart-plaintiffs-counsel-announce-settlement-of-most-wage-hour-class-action-lawsuits-against-the-company](https://corporate.walmart.com/_news_/news-archive/2008/12/23/walmart-plaintiffs-counsel-announce-settlement-of-most-wage-hour-class-action-lawsuits-against-the-company)
- 15 <https://violationtracker.goodjobsfirst.org/violation-tracker/-wal-mart-stores-inc-4>
- 16 <https://www.sec.gov/Archives/edgar/data/104169/000010416916000119/wmtform10-qx7312016.htm>
- 17 The figure 98 treats the 63 lawsuits included in the \$640 million omnibus as separate cases for the purposes of this section. Elsewhere in the report the omnibus is treated as a single case.
- 18 <https://www.dol.gov/opa/media/press/ebsa/EBSA20111705.htm>
- 19 <https://violationtracker.goodjobsfirst.org/violation-tracker/tx-management-and-training-corp>
- 20 <https://www.dir.ca.gov/DIRNews/2013/IR2013-30.pdf#zoom=100>
- 21 <https://www.bls.gov/cps/cpsaat18.htm>
- 22 Ibid.
- 23 Currently, the FLSA allows plaintiffs to receive twice the amount of wages that were stolen from them as well as reasonable attorney’s fees, but it generally does not allow them to recover damages for pain and suffering or punitive damages, even if the plaintiffs can prove the wage theft was intentional. See 29 U.S.C. § 216.
- 24 The organization Workplace Fairness explains that “most attorneys cannot take a contingent fee case unless the merits and client are very strong and the damages are significant.” See Workplace Fairness, Do I Need a Lawyer, available at <https://www.workplacefairness.org/needlawyer> (last visited May 9, 2018).
- 25 See Matthew Finkin, Dealing with harassment? Discrimination? Wage theft? Good luck getting justice with mandatory arbitration, *Los Angeles Times*, February 9, 2018.
- 26 See Wage and Hour Division History, U.S. Department of Labor, available at <https://www.dol.gov/whd/about/history/whdhist.htm> (last visited May 9, 2018).
- 27 See Marianne Levine, Behind the minimum wage fight, a sweeping failure to enforce the law, *Politico*, February 18, 2018.
- 28 See David Weil, Improving Workplace Conditions through Strategic Enforcement, U.S. Department of Labor, May 2010, available at <https://www.dol.gov/whd/resources/strategicEnforcement.pdf>.
- 29 See, e.g., Janice Fine, Enforcing Labor Standards in Partnership with Civil Society: Can Co-enforcement Succeed Where the State Alone Has Failed? 45 *Politics & Society* 359 (2017), available at <http://journals.sagepub.com/doi/pdf/10.1177/0032329217702603>.
- 30 See 29 U.S.C. § 216(b).
- 31 See *D.R. Horton, Inc.*, 357 N.L.R.B. 2277, 2278-2283 (2012).
- 32 See *Epic Systems Corp. v. Lewis*, Docket No. 16-285 \_\_\_ U.S. \_\_\_ (2018) (slip op. available at [https://www.supremecourt.gov/opinions/17pdf/16-285\\_q8l1.pdf](https://www.supremecourt.gov/opinions/17pdf/16-285_q8l1.pdf)).
- 33 See Tia Koonse, et al., Enforcing City Minimum Wage Laws in California: Best Practices and City-State Partnership, UCLA Center for Labor Research and Education & UC Berkeley Center for Labor Research and Education, October 2015 (available at <http://laborcenter.berkeley.edu/pdf/2015/minimum-wage-enforcement.pdf>).
- 34 See California Labor Code, § 1194. Oddly, the California Supreme Court has determined that attorneys’ fees are not available for plaintiffs whose companies illegally fail to provide meal and rest breaks to them. See *Kirby v. Immoos Fire Protection, Inc.*, 274 P.3d 1160 (2012).

- 35 According to an American Bar Association report, in 2006 only 17 states unambiguously provided plaintiffs the right to bring class actions to enforce state anti-wage-theft laws. See Gregory K. McGillivray, Opt-Out Wage And Hour Class Actions Under State Law: The Next Big Increase in Litigation to Enforce Workers' Rights? American Bar Association, August 6, 2006, available at <http://apps.americanbar.org/labor/lel-aba-annual/papers/2006/19.pdf>.
- 36 See California Department of Industrial Relations, History of California Minimum Wage, available at <https://www.dir.ca.gov/iwc/MinimumWageHistory.htm> (last visited May 10, 2018).
- 37 See California Department of Industrial Relations, Frequently Asked Questions on Overtime, available at [https://www.dir.ca.gov/dlse/FAQ\\_Overtime.htm](https://www.dir.ca.gov/dlse/FAQ_Overtime.htm) (last visited May 10, 2018).
- 38 See California Department of Industrial Relations, Frequently Asked Questions on Meal Breaks, available at [https://www.dir.ca.gov/dlse/FAQ\\_MealPeriods.htm](https://www.dir.ca.gov/dlse/FAQ_MealPeriods.htm) (last visited May 10, 2018); California Department of Industrial Relations, Frequently Asked Questions on Rest/Lactation Breaks, available at [https://www.dir.ca.gov/dlse/FAQ\\_RestPeriods.htm](https://www.dir.ca.gov/dlse/FAQ_RestPeriods.htm) (last visited May 10, 2018).
- 39 See *Iskanian v. CLS Transportation Los Angeles LLC*, 327 P.3d 129 (Cal. 2014).
- 40 See Alan Pyke, Hamburgled: Nine Out Of Ten Fast Food Workers Have Experienced Wage Theft, Think Progress, April 2, 2014, available at <https://thinkprogress.org/hamburgled-nine-out-of-ten-fast-food-workers-have-experienced-wage-theft-ee6a4cf35e14/>; Josh Eidelson, McDonald's ex-managers sound off to Salon: Non-existent breaks and illegal overtime, Salon.com, April 1, 2014, available at [https://www.salon.com/2014/04/01/thats\\_illegal\\_mcdonalds\\_ex\\_managers\\_sound\\_off\\_to\\_salon/](https://www.salon.com/2014/04/01/thats_illegal_mcdonalds_ex_managers_sound_off_to_salon/); Fight for \$15, In Fast Food, Wage Theft Runs Rampant, available at <http://fightfor15.org/laborday/fast-food/in-fast-food-wage-theft-runs-rampant/> (last visited May 10, 2018).
- 41 See Ariela Migdal, The Legacies of Slavery and Jim Crow Live on With Exclusion of Home Health Care Workers from Fair Labor Laws, ACLU, March 6, 2015, available at <https://www.aclu.org/blog/speakeasy/legacies-slavery-and-jim-crow-live-exclusion-home-health-care-workers-fair-labor-laws>.
- 42 See Department of Labor Fair Labor Standards Act Advisor, Exemptions, available at <https://webapps.dol.gov/elaws/whd/flsa/screen75.asp> (last visited May 14, 2018).
- 43 See David Weil, Joint Employment under the Fair Labor Standards Act and Migrant and Seasonal Agricultural Worker Protection Act, Administrator's Interpretation No. 2016-1, January 20, 2016, available at [http://www.smithmoorelaw.com/webfiles/DOL\\_Joint\\_Employment2016.pdf](http://www.smithmoorelaw.com/webfiles/DOL_Joint_Employment2016.pdf); David Weil, The Application of the Fair Labor Standards Act's "Suffer or Permit" Standard in the Identification of Employees Who Are Misclassified as Independent Contractors, Administrator's Interpretation No. 2015-1, July 15, 2015, available at [https://www.shrm.org/ResourcesAndTools/legal-and-compliance/employment-law/Documents/AI-2015\\_1.pdf](https://www.shrm.org/ResourcesAndTools/legal-and-compliance/employment-law/Documents/AI-2015_1.pdf).
- 44 See U.S. Department of Labor, U.S. Secretary of Labor Withdraws Joint Employment, Independent Contractor Informal Guidance, June 7, 2017, available at <https://www.dol.gov/newsroom/releases/opa/opa20170607>.
- 45 Fine, *supra*, note 6.
- 46 See Bill Blum, The Right-Wing Legacy Of Justice Lewis Powell And What It Means For The Supreme Court Today, Huffington Post, August 8, 2016, available at [https://www.huffingtonpost.com/bill-blum/the-rightwing-legacy-of-j\\_b\\_11521804.html](https://www.huffingtonpost.com/bill-blum/the-rightwing-legacy-of-j_b_11521804.html).
- 47 See Communications Workers of America, Workers Call on Labor Department to Investigate General Dynamics as Wage Theft is Uncovered at Five More Call Centers, April 23, 2018, available at <https://www.cwa-union.org/news/releases/workers-call-on-labor-department-investigate-general-dynamics-wage-theft-uncovered>.
- 48 See Bureau of Labor Statistics, Union Members 2017, January 19, 2018, available at <https://www.bls.gov/news.release/union2.nr0.htm>.
- 49 Derived from Table C-2 in the annual Federal Judicial Caseload Statistics reports posted at <http://www.uscourts.gov/statistics-reports/analysis-reports/federal-judicial-caseload-statistics>
- 50 Kim Bobo, *Wage Theft in America* (New York: New Press, 2009), p.259.
- 51 Workplace Class Action Litigation (Seyfarth Shaw LLP, various years); an excerpt of the 2018 edition is posted at <https://www.workplaceclassaction.com/2018/01/seyfathsh-2018-workplace-class-action-litigation-report-is-now-available/>
- 52 Information on PACER, which requires a subscription, can be found at <https://www.pacer.gov/>. Information on Courtlink is at <https://www.lexisnexis.com/en-us/products/courtlink-for-corporate-or-professionals.page>
- 53 For details on how that universe was chosen, see <https://www.goodjobsfirst.org/violation-tracker-parent-coverage>
- 54 <https://www.mass.gov/service-details/fair-labor-division-data>
- 55 [https://www.dir.ca.gov/dlse/DLSE\\_whatsnew.htm](https://www.dir.ca.gov/dlse/DLSE_whatsnew.htm)
- 56 <https://ag.ny.gov/press-releases>

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