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July 23, 2013

The Honorable Thomas E. Perez
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Secretary Perez:

In the last decade, the line between so-called "worker centers" and labor organizations has blurred. Today, many of these "worker centers" are dealing with employers directly on behalf of employees. Given these activities, a case has been made that at least some "worker centers" are labor organizations as defined by the Labor-Management Reporting and Disclosure Act (LMRDA), which would make them subject to annual filing requirements.¹ We therefore respectfully request an official determination as to the LMRDA filing requirements of "worker centers" and all documents and communications used to reach such determination.

In 2006, there were at least 139 "worker centers" in 32 states.² Traditionally, "worker centers" are "defined as community-based and community-led organizations that engage in a combination of service, advocacy, and organizing to provide support to low-wage workers."³ They provide "information and training in workers' rights, employment, labor and immigration law, legal services, the English language, and many other programs."⁴ However, they have also taken direct action to alter conditions of employment and organize employees.⁵

¹ See Marculewicz, Stefan J., Jennifer Thomas, *Labor Organizations by Another Name: The Worker Center Movement and its Evolution into Coverage under the NLRA and LMRDA*, Labor and Employment Law (October 2012).

² *Id.*

³ Fine, Janice, *Worker Centers: Organizing Communities at the Edge of the Dream*, Economic Policy Institutes (December 13, 2005) available at <http://www.epi.org/publication/bp159/>.

⁴ *Id.*

⁵ *Id.*

For example, after a four year campaign that began in 1996, the Korean Immigrant Worker Advocates (KIWA), via industry-wide organizing, successfully increased payment of minimum wage in restaurants in the Koreatown area of Los Angeles.⁶ During the course of its campaign, KIWA picketed and boycotted more than a dozen restaurants.⁷ KIWA has also attempted to organize an independent workers union specifically for low-wage workers in Koreatown.⁸

Under section 2(i) of the LMRDA, a labor organization “means a labor organization engaged in an industry affecting commerce and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or condition of employment.”⁹

Under this definition, a case can be made that KIWA is a labor organization, and therefore subject to the LMRDA’s filing requirements.¹⁰ The restaurants in Los Angeles’ Koreatown and KIWA are engaged in an industry affecting commerce, employees are picketing and boycotting Koreatown restaurants, and KIWA exists, at least in part, for the purpose of dealing with employers concerning the terms and conditions of employment, including rates of pay and wages.

Under section 201(b) of the LMRDA, “Every labor organization shall file annually with the Secretary [of Labor] a financial report signed by its president and treasurer or corresponding principal officers containing...information in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year,” including assets and liabilities at the beginning and end of the fiscal year.¹¹ These reports are essential to transparency and accountability.

As such, we request an official determination as to the LMRDA filing requirements of “worker centers,” including KIWA, the Organization United for Respect at Walmart, the Retail Action Project, the Coalition of Immokalee Workers, the Restaurant Opportunities Center, and Fast Food Forward, and all documents and communications used to reach such determination no later than August 6, 2013. Additionally, we request committee staff be

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ 29 U.S.C 402(i).

¹⁰ See also Marculewicz, Stefan J., Jennifer Thomas, *Labor Organizations by Another Name: The Worker Center Movement and its Evolution into Coverage under the NLRA and LMRDA*, Labor and Employment Law (October 2012).

¹¹ 29 U.S.C. 431(b).

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contacted to arrange a briefing on this matter. If you have any questions regarding this request, please contact Marvin Kaplan or Joe Wheeler, Committee on Education and the Workforce, at (202) 225-7101.

Sincerely,



JOHN KLINE
Chairman
Committee on Education and the Workforce



DAVID P. ROE
Chairman
Subcommittee on Health, Employment,
Labor, and Pensions

Enclosure

cc: The Honorable George Miller, Senior Democratic Member, Committee on Education and the Workforce