

CONGRESSMAN
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PROUDLY SERVING KENTUCKY'S THIRD DISTRICT



Workers POWER Act

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BACKGROUND

Across the US, the number of minors employed in violation of child labor laws has increased by 283% since 2015.[1] For example, in Louisville, Kentucky, the Department of Labor (DOL) uncovered that 10-year-old children were working as late as 2:00 a.m. in a Louisville McDonald's. Additionally, the federal investigation found that three Kentucky-based McDonald's franchise operators violated the labor rights of 305 minors – breaking federal law.[2] These violations have no place in the 21st century.

The **Workers Protecting Our Wage Earners Rights Act** or "Workers POWER Act" seeks to increase the capacity and resources of DOL's Wage and Hour Division (WHD) and the Occupational Safety and Health Administration (OSHA) to investigate and enforce federal labor law related to wage theft, workplace safety, child labor, and other violations. We know that the hardworking public servants at WHD are struggling to keep up with these increasing violations due to budget constraints and staffing shortages.[3] This bill seeks to increase pipeline programs, incentivize recruitment and retention, promote reports on the needs of DOL to best enforce labor laws, and creates a \$250 million grant program to states to increase their own labor violations enforcement. Overall, we hope this bill, coupled with other bills to increase penalties on violators and increased appropriations, will allow for a more dignified and healthy future for our country's workers.

LEGISLATIVE SUMMARY SECTION-BY-SECTION

SECTION 1. SHORT TITLE; FINDINGS; DEFINITIONS.

- This section provides key definitions and findings that the DOL needs "robustly increased funding."

SEC. 2. EXPANSION OF DEPARTMENT OF LABOR POST-SECONDARY STUDENT PROGRAM, RECENT GRADUATES, AND PMF PROGRAMS.

- This section seeks to increase the pipeline of talent into WHD and OSHA by:
 - Creating five additional paid internship slots at WHD-DC and two additional paid internship slots in each WHD regional office, compensated hourly at the GS-7 level.
 - Doubling the slots in the Recent Graduates Program.
 - Creating a slot for a Presidential Management Fellow in the WHD and a slot in OSHA.

[1] <https://www.epi.org/press/with-child-labor-violations-on-the-rise-new-report-shows-that-child-labor-laws-are-under-attack-in-states-across-the-country/>

[2] <https://www.dol.gov/newsroom/releases/whd/whd20230502-0>

[3] <https://news.bloomberglaw.com/daily-labor-report/wage-and-hour-staff-crunch-may-hinder-dol-child-labor-crackdown>

SEC. 3. CHILD LABOR FELLOW POSITION.

- This section creates five Child Labor Fellow positions to assist investigatory teams in the WHD and OSHA specifically on child labor violations; the fellows will be external experts selected from unions, academia, and other relevant organizations. The fellowship is one-year, but the Secretary may convert the fellow into a full-time employee.

SEC. 4. EXPAND THE DOL HONORS ATTORNEYS PROGRAM.

- This section increases the number of Honors Attorneys positions in the DOL's Office of the Solicitor to a minimum of 20, an important pipeline program for investigatory attorneys recently out of law school.

SEC. 5. PERFORMANCE, RECRUITMENT AND RELOCATION, AND RETENTION BONUS PROGRAMS.

- This section seeks to support the employees of WHD and OSHA and other relevant DOL employees by authorizing and making more flexible certain bonus programs. These incentives will help supervisors with the transition to a larger workforce and reward non-supervisory positions. This expansion includes building upon:
 - Bonus programs.
 - Recruitment and relocation bonuses.
 - Retention bonuses.
 - Merit awards.
 - Providing an incentive for critical needs.

SEC. 6. INCREASE IN STUDENT LOAN REPAYMENT FOR DEPARTMENT EMPLOYEES.

- This section seeks to recruit and retain employees by tripling the eligible loan forgiveness amount and rate for DOL employees if they agree to stay with DOL for 5 years.

SEC. 7. REPORTS.

- This section calls for a joint GAO-DOL report on the current needs and capacity of DOL to enforce federal labor law. Specifically, the report asks for findings and recommendations on:
 - How to address the need for increased capacity at DOL.
 - Identifying current limitations regarding staffing size and organizational structure
 - Exploring ways DOL can partner with unions and community organizations to enforce labor law, and
 - Developing a recruitment strategy for underrepresented groups into DOL
 - How best to utilize incentives for recruitment and retention
- The section also authorizes DOL to disburse funds to a university to produce a separate and additional external report on how best to enforce labor law.

SEC. 8. GRANT PROGRAM.

- This section authorizes a \$250 million grant program to states to increase staffing and other resources at their relevant labor departments or other entities. The states can also utilize the money in subgrants to local governments for enforcement of labor law. The grant is competitive, and awards are determined by DOL by prioritizing states that have the greatest need. To be eligible, states enter into a data sharing agreement to improve coordination between state and federal government in labor rights violations investigations and enforcement.