



Charbroiled:

Workers Tell All About Life Under Puzder



A HELP Committee Minority Staff Report
Prepared by the Offices of Senator Murray and Senator Warren

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Introduction

On December 8th, 2016, President Trump nominated Andrew Puzder to serve as the Secretary of Labor in his Administration.¹ Mr. Puzder is the CEO of CKE Restaurants, Inc., the parent company of Hardee's and Carl's Jr.² If confirmed as Secretary of Labor, Mr. Puzder will be responsible for carrying out the mission of the Department of Labor: to "foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights."³ He will lead the agency that enforces federal labor laws to ensure that workers are paid their fair wages, sets standards to prevent workplace injuries and deaths, and protects the retirement benefits of millions of workers and retirees.⁴

To determine whether he is qualified and capable of standing up for America's workers, we asked the men and women who work day in and day out at Mr. Puzder's companies whether he stands up for them.

This report details the first-hand accounts of the men and women who work for Mr. Puzder, cooking the food and serving the customers at Hardee's and Carl's Jr. These employees of Mr. Puzder come from all backgrounds. They come from all across the United States, coast to coast, from California to North Carolina. Some are 16-years-old and this is their first job. Others are 60 and have worked in Mr. Puzder's restaurants for over a decade. They are single mothers trying to put food on their tables, high school students scraping together a little money for college, and seniors working to pay for the rising costs of their prescription drugs.

These workers all tell a remarkably similar story about what it is like to work in Mr. Puzder's restaurants. It is a story of a CEO that racks up billions in profits for himself and his company at the expense of the men and women who go to work there every day.

Mr. Puzder's words – in addition to his actions – show his disrespect for his own workers. He has described the workers hired at his restaurants as the "the worst," albeit the "best of the worst," and as being at "the bottom of the [labor] pool."⁵ This report makes clear his company treats them that way, too. For example,

Mr. Puzder's company:

- **Paid these workers rock-bottom wages, at or just barely above the minimum wage – even for long-time employees.**
 - "I have been working for seven months at Nevada's minimum wage of \$8.25 per hour. While many people believe that only young people like myself work for minimum wage at places like Carl's Jr. I have co-workers in their late 40's who are also only getting paid minimum wage... I had planned to work at Carl's Jr. to save some money for college, but I don't even make enough for that." (*June, Carl's Jr., NV*)
 - "When I started [in 2006], I made \$5.85 an hour and the only wage increases I ever received were due to the federal minimum wage increases." (*Christina, Hardee's, NC*)
 - "When I left my position recently I was being paid \$10.75 per hour. Arizona's minimum wage just increased to \$10.00 per hour...which never allowed me to save enough money for nursing school... I am very angry that Carl's Jr. pays such low wages that it is impossible to participate in the American dream of paying for my education or owning a home." (*Zuylema, Carl's Jr., AZ*)
- **Forced workers to work off the clock without pay, up to 15-20 hours a week, and threatened to retaliate against them if they were unable to do so.**
 - "Working at CKE means being constantly afraid. Managers are afraid of getting fired if they don't work enough time off the clock to meet all their budgets." (*Maribel, Carl's Jr., CA*)
 - "Upper management is strict about not allowing people to work overtime. Instead of giving us overtime, they have us work off the clock. This happens on a nearly weekly basis. If they don't want to pay us for overtime, then they shouldn't expect us to work over 40 hours a week." (*Jade, Hardee's, TN*)
 - "Because we worked in an area with few jobs

other than service jobs, many of the people I worked with relied on Hardee's to get by, so really feared getting fired. The assistant manager, who did not qualify for overtime because of her position, only made around \$25-30K a year and was constantly working 60-70 hour weeks." (Christina, Hardee's, NC)

- ♦ **Forced workers to work unpredictable hours, sending workers home early – without pay – when business lagged, at times with far fewer hours than promised, jeopardizing the economic security of these workers and their families.**

- "On top of the company underpaying us, we were continually pressured to clock out early. Management was always looking to cut labor costs every way possible, making it impossible to make a living while working there. To put these words into perspective, my final paycheck for the last two weeks I worked was not even \$300 – and that was not the first time I received such a small paycheck from Hardee's." (Ashlee, Hardee's, TN)
- "When I make the schedule, I have to go and tell people with families to support that they aren't going to get all the hours they were expecting. It's really hard on people to work this way. Sometimes employees break down or cry." (Maribel, Carl's Jr., CA)
- "What affects me the most personally is the fact that my employer has cut my hours down to nine hours a week. That's right. Nine hours a week. No one can live on those kinds of hours even if they paid us a living wage." (Sheryl, Carl's Jr. AZ)

- ♦ **Discouraged workers from calling in sick and provided no sick leave, forcing workers to put their own health – and the health of the customers they served – at risk.**

- "One time I was so sick my sugar level was so low that I passed out and when my son found me, he called my manager and said that I was not able to work that day. My manager retaliated and suspended me for four days. And then they terminated me." (Blanca, Carl's Jr., CA)

- "Myself and many others at our location have come to work sick – like really sick. Management's response is that if we can't find someone to take our shift, we must come in, no matter how sick we are." (Jade, Hardee's, TN)

- "It was not uncommon for coworkers of mine to come in sick. I can recall multiple instances when the cooks in the back would be puking off into the garbage can and then finish up an order. Employees routinely worked while having pneumonia." (Ashlee, Hardee's, TN)

- ♦ **Forced workers to labor in unsafe workplaces (causing a litany of injuries that included severe burns from cooking grease and hernias from lifting heavy supply boxes) and workplaces where women were subject to sexual assault by their coworkers.**

- "While working on the grill, many of the employees, including myself, would get burned from the grease that would shoot up from the sizzling hot grill. When I asked about obtaining burn cream to alleviate the pain, I was told that they did not have any at the time." (Ashlee, Hardee's, TN)
- "The other problem, which is much worse, is the sexual harassment that I went through. One of my coworkers that was a crew member like me would constantly grab me and grope me. He'd force me to hug him when I didn't want to and he'd make sexual comments towards me." (Faith, Carl's Jr., OR)
- "A supervisor also had inappropriate interactions with me when I first started working there. Once, he just grabbed me and kissed me while we were cleaning in the back." (Christina, Hardee's, NC)

These are not mere anecdotes – they are backed up by the data. During Mr. Puzder's tenure he paid out millions of dollars to settle claims when he was caught cheating managers out of overtime pay.⁶ In more than half of inspections conducted at Carl's Jr. and Hardee's restaurants over the past 8 years, Department of Labor investigators identified violations of basic protections of workers' rights.⁷ And its most recent SEC filing revealed that the company was involved in multiple

legal disputes, the most significant of which “relate to employee meal and rest break disputes, and wage and hour disputes.”⁸

According to a nationwide survey of 550 Carl’s Junior and Hardee’s employees by the Restaurant Opportunities Centers United, about one-third of workers reported that they were illegally forced to work extra hours without pay. Over one-third reported having to work unpaid overtime or not receiving the required breaks. Almost four in five reported working while sick either because they could not get the day off, or they needed the money. And over half experienced unwanted sexual advances at work.⁹

This data and the firsthand accounts from Mr. Puzder’s employees tell a consistent story. They reveal that Mr. Puzder has built his career and his fortune at the expense of his low-paid, low-benefit workforce. If confirmed as Secretary of Labor, Mr. Puzder’s choices will touch the lives of 150 million American workers. Whether he chooses to stand up for every worker’s right to a fair day’s wages for a fair day’s work will impact the economic security of these workers and their families.

The accounts in this report make clear that workers at Mr. Puzder’s restaurants are overworked and underpaid and lack basic benefits, and that he has repeatedly refused to stand up for workers during his tenure as CEO of CKE Restaurants, Inc. They provide new and compelling evidence that Mr. Puzder is unqualified to lead the Department of Labor.

Research Note: While some names and identifying information have been altered to preserve privacy, these accounts have been minimally edited to preserve the voices of the workers who have been directly impacted by Mr. Puzder. Some of the stories in this report have been previously reported in the press and came to the committee through intermediaries, such as worker organizations and attorneys who helped the workers draft their stories.

First-Hand Accounts of Mr. Puzder's Workers

Christina, Washington

Hardee's Cashier, North Carolina from 2006 until 2011

I worked at Hardee's in North Carolina from around 2006 until 2011. As an employee, it was very clear to me the top priority for the store was profit – regardless of how that impacted workers or customers.

When I started, I made \$5.85 an hour and the only wage increases I ever received were due to the federal minimum wage increases. Hourly, the supervisors looked at the cost of labor compared to sales, and whenever that ratio was supposedly too high, they kicked people off the clock. There would be times when we would not be allowed to clock-in for our shift and would have to wait until the supervisors let us. We never had paid sick days. If we were sick, we could call out, although there was pressure not to do so – both from management as well as the fact that many of us could not afford to lose a shift.

We were constantly understaffed, which led to long wait times for customers and just incredibly stressful situations for us workers. I can't count the number of times I was yelled at because food took too long or an order was messed up...all because we only had three or four workers in the entire store, even during a major rush period. There was a timer for the drive-thru, but the store manager told us to just tell the customers to park after they paid so average wait time would seem low. After I turned 18, I no longer was legally required to have breaks, so I was not always given one (breaks were typically determined by the ratio of labor costs to sales...if we were slow, we'd get breaks, if not, oh well).

The store manager put profit over absolutely anything else. Once, while I was cleaning equipment, I was burned. The store manager wanted me to use my personal insurance to go to the doctor because she did not want it to be reported. I refused and filed a claim. She tried to make it seem like it was in my best interest to use my own insurance, but I knew she didn't want me to file a claim because workplace injuries impacted her bonus.

Her concern over profit was seen in the way she treated the most desperate employees. Because we worked in

an area with few jobs other than service jobs, many of the people I worked with relied on Hardee's to get by, so really feared getting fired. The assistant manager, who did not qualify for overtime because of her position, only made around \$25-30K a year and was constantly working 60-70 hour weeks. I saw a supervisor be forced to unload the truck off the clock.

We had to be incredibly stingy with any food or supplies. All food had to have timers on the container that listed the time the food should be thrown away. But, if we had not sold the food or if the produce looked okay, we would be told to change the timers instead of throwing the food away.

The internal dynamics within the store were also not healthy. The store manager had clear favorites, especially those who shared the same religious beliefs as her. This resulted in her favorites getting the best shifts. A supervisor also had inappropriate interactions with me when I first started working there. Once, he just grabbed me and kissed me while we were cleaning in the back. It was a very confusing – as a teenager, I wasn't totally sure what to make of my relationship with him. I felt very pressured by him.

The store is incredibly hierarchical and, especially in a state like North Carolina, there is absolutely no respect for the rights of workers. Because this was my first job, I just felt like this is how it is to work. Your boss tells you to do something and you do it or you get fired. I needed to save money for school, so I worked there.

It might sound surprising that anyone would put up working in a place like this, but most of the people who work at businesses like Hardee's feel like they do not have options. I now have a college degree and knowledge of the legal system, so of course now I would have walked out fairly quickly, but most people do not have that option. I also have learned through school and other jobs what my rights are and how to assert them... but you don't learn that knowledge or those skills at Hardee's.

While I'm sure many executives higher up would blame the store manager for these incidents – and while she definitely implemented many of the specific unspoken policies – the executives created the culture in which these practices thrived. The company only cared about profit – and clearly turned their head to anything

blatant (such as overworking the assistant manager) and obviously never did any sort of internal audits (otherwise, I'm sure they would of caught on to the fact that we used food until it was gone, even if it should be thrown out). It is both bewildering and infuriating that someone who ran a business that created a culture of profit over the interests of either workers or customers is going to be in charge of enforcing labor laws.

Most of the people I worked with were single moms in way worse off financial situations than me and didn't have other choices. Working there, you do not feel empowered enough to challenge anything, so you just accept the injustice.

Maribel, California

**General Manager, Carl Karcher Enterprises, Inc.,
1999-2016**

I have worked for CKE since 1999. From 2010 until now, I have worked for CKE as a restaurant General Manager. Running a fast food restaurant is a hard job. I spend most of my days doing the exact same work as the other employees in the restaurant: I take orders, serve customers, move boxes of food and clean restrooms. I do hard physical work, so much that I have developed a hernia.

Before my hernia, I worked more than 60 hours a week. I worked inside the restaurant, I worked driving to pick up needed supplies and I worked on the phone whenever there was a problem at the restaurant or whenever my boss wanted to talk to me.

Working at CKE means making big sacrifices. Because I have to work so many hours, I miss time with my kids and I miss time with my husband. I try to get home for dinner with my kids as often as I can, but a lot of the time I have to stay at work or I am interrupted at home and have to go back to work if there is a problem.

Even though it's hard, I don't mind the work. My family needs the money and I am happy to work hard for them. What's hard is that CKE does not pay me for all the time that I work.

What I'm describing is not some kind of accident. What happened to me is perfectly normal. CKE uses its budget system to pressure us into working hours every week without pay. It's built into the system.

Even full-time employees often don't get the hours they've been promised. Because of the way CKE runs its labor budgets, I often have to tell employees who thought they had a full-time position that they will get less than 40 hours in a given week. When I make the schedule, I have to go and tell people with families to support that they aren't going to get all the hours they were expecting. It's really hard on people to work this way. Sometimes employees break down or cry because the store just doesn't have the labor budget to give them the hours they were expecting.

All of these problems have gotten worse in the last few years. Since 2012, CKE has continued to tighten its budgets and that makes things even harder on employees. CKE also does other things to make it harder on its workers. The company has imposed a system where we all get paid using debit cards. But the debit cards have fees for some transactions and it can be very expensive for people who don't pay attention to the fine print on the fees. The debit cards also mean that we don't generally give paystubs to employees. An employee can ask for a paystub, or in some cases get one from the restaurant, but CKE makes it hard for employees to even know what they are being paid.

Working at CKE means being constantly afraid. Managers are afraid of getting fired if they don't work enough time off the clock to meet all their budgets. The other employees must constantly be afraid of having their hours cut or being sent home when they need work to feed their families.

I'm proud of how hard I work for CKE. But I'm ashamed that the company I work for doesn't always follow the law. I want to work hard for a company that makes money by serving great food and providing great service. I wish CKE didn't also make money by stealing from its employees. CKE has a system set up to take advantage of its employees and it works. We work off the clock and we are always afraid.

Ashlee, Tennessee

Hardee's Shift Leader

My name is Ashlee and I live in East Tennessee. I was a shift leader at Hardee's until just recently, when I quit after I decided I should no longer have to put up with the poor working conditions. I was being paid \$7.50/hour to handle the drive-thru, cashier, and

other front of house positions, while also occasionally working in the back when my help was needed. We were repeatedly told that we would receive raises but did not ever see the promises come to fruition. One of my former coworkers was still making \$7.50 an hour after being with the company for over two years. Because of the false promises, our biscuit maker recently quit to find another job that doesn't string her along the way Hardee's did.

Working at Hardee's was very difficult. It was not uncommon for coworkers of mine to come in sick. I can recall multiple instances when the cooks in the back would be puking off into the garbage can and then finish up an order. Employees routinely worked while having pneumonia. We also couldn't plan when to make doctor visits because we would get the schedule on Saturday for Monday – meaning we would only have a two day notice of our upcoming schedule. Sometimes when we would request a day off for doctor's appointments or for important family matters, they would simply ignore the request, leaving us to scramble to come up with an alternative plan.

While working on the grill, many of the employees, including myself, would get burned from the grease that would shoot up from the sizzling hot grill. When I asked about obtaining burn cream to alleviate the pain, I was told that they did not have any at the time. Over time I realized that this wasn't on accident – they in fact never had burn cream during future incidents. Basic medicinal items like a first-aid kit or band aids were absent from our store, even though people would accidentally cut themselves (myself included) from the laborious work.

I've even experienced wage theft. Our general manager would occasionally have me handle laundry duties and then proceed to not pay me for the work that I did. I was promised I would be paid in cash, but to this day I still haven't seen a single penny.

Even when it came to training us for positions, they invested as little amount of resources as possible. I never received any formal training for the positions I learned. Instead, we were forced to figure it out as we went along, which certainly had an impact on the quality of the food and the morale of our staff.

On top of the company underpaying us, we were

continually pressured to clock out early. Management was always looking to cut labor costs every way possible, making it impossible to make a living while working there. To put these words into perspective, my final paycheck for the last two weeks I worked was not even \$300 – and that was not the first time I received such a small paycheck from Hardee's against my will.

The overarching theme of the anecdotes that I've shared with you is that the company just doesn't care about the wellbeing of their employees. Even when my papaw (grandfather) passed away, instead of allowing me to take the day off, they forced me to work on the day of his funeral. In fact just this past Christmas Eve, management told us that we would be receiving holiday pay only to find out when we showed up that no one was going to receive holiday pay. I later found out that the general manager actually received a bonus for keeping the labor costs so low. This is not the right way to run a business.

Since I left Hardee's, I've found a much better job, making \$15/hour doing housekeeping. I am not nearly as stressed as I used to be and I feel like I am actually being treated well. I hope my words shed some light on the difficult working conditions that I and countless other employees of Hardee's have had to endure for too long.

Sheryl, Arizona

Carl's Jr. Worker in Nevada and Arizona

My name is Sheryl and I live in Golden Valley, Arizona. I have been working for Carl's Jr. on and off for the past several years – both in Arizona and in Las Vegas, Nevada. Working at Carl's Jr. has been a very difficult experience for me personally. Despite being a dedicated employee for the company for years, I make only slightly above minimum wage. Now that the minimum wage in Arizona has gone up, which is great, I will likely be back at minimum wage.

I can't imagine Carl's Jr. giving employees like myself a raise. What affects me the most personally is the fact that my employer has cut my hours down to nine hours a week. That's right. Nine hours a week. No one can live on those kinds of hours even if they paid us a living wage. I know several other employees are only getting 30 hours a week. We can't even get healthcare through our employer when they keep our hours that low.

As for how management handles the staffing, much can be done to improve the operations. It seems like they don't care, probably because they also make low wages. They frequently promote people with less experience and less seniority in the company, which in turn not only hurts the quality of our service, but also has a negative impact on longstanding employees like myself. Things have gotten so bad that even my partner recently quit Carl's Jr.

Blanca, California

Carl's Jr. Worker, 6 years

Hi my name is Blanca. I am a 59-year-old, single mom and grandmother of nine. I have been working in the fast food industry for twenty years and I have worked at Carl's Jr. for last six years.

I have diabetes and still work when I am sick. In California it's the law to have at least 3 days of sick leave, but at Carl's Jr. the times that I ask for my paid sick days the manager denies them to me. I cannot afford to miss to work.

I have to pay out of pocket for the insulin I need. I have to choose between buying things that my teenage son needs, or my medicine. One time I was so sick my sugar level was so low that I passed out and when my son found me, he called my manager and said that I was not able to work that day. My manager retaliated and suspended me for four days. And then they terminated me.

One week later, the store manager called me and asked me to come back to work but at another Carl's Jr. I was upset with them but I needed to work and pay my bills so I could not afford to say no, I had to suck up my pride and go to work.

In Carl's Jr. I don't get the breaks that the law requires. When I take my breaks I have to come back to work if a customer needs to be attended to, if we are short on personnel, or if we have new employees I need to train. There is always something.

Now, in Fight For 15 I learned that that is called wage theft. That's why I worry that a person like Andrew Puzder as Secretary of Labor will not care about working people, like me. Workers who need two jobs because we get paid so little working for corporations

that make billions of dollars every year and their workers go without basic necessities of breaks and health insurance.

How is it that the CEO of Carl's Jr. could be a good Secretary of Labor when he is against raising minimum wage? He'd rather talk about replacing workers with robots, than insuring working with health care. It seems to me, that he only cares about profit and he is on the side of big corporations, not our on our side. I, like many, struggle every day to support my family and to try to do something see a real change. I would hate to see Andrew Puzder reverse all our hard work.

Abel, California

Carl's Jr. Assistant Manager

My name is Abel, I am 42-years-old and I have worked in the restaurant industry since I was 10-years-old, beginning in my parent's Mexican restaurant where I grew to love cooking and connecting with people through food and hospitality. I appreciate how you can build a relationship with someone while sharing a meal. Before I came to Carl's Jr., I worked at several restaurants, doing everything from line cook to Front of the House Supervisor for a large chain. I experienced opening up new restaurants for this chain.

Early last year I was hired as Assistant Manager for Carl's Jr. I was scouted for the position by the General Manager and hired to work \$11.50 an hour 40 hours a week. However, during my interview with the District Manager, I was informed that I would be working at a different location farther from my home.

When I started working at the new location, I could sense right away that this location's General Manager was not happy with me being hired. She did not fully train me for my all my managerial responsibilities, and when I asked her about receiving training materials, her response was, "I trained myself, so you should do the same. Don't expect training materials." I felt unsupported, despite being more than willing to make the effort to learn.

As an Assistant Manager, I was constantly pressured to cut labor costs – this meant that employees were stressed out and customer service suffered because there weren't enough employees working on my shifts. Favoritism was also a huge problem at Carl's Jr. The

General Manager would staff her and her favorite crew members' shifts fully, while leaving mine and others' shifts working with skeleton crews.

When I was scheduled to work graveyard shifts, the favoritism in scheduling also led to me not receiving proper breaks. I would always have to clock out, but many times I would have to work during my breaks – I had to get up to take customer orders, expedite orders, and receive payment. I was never compensated for working through my breaks, even after I brought this issue to the attention of the District Manager and General Manager. Their response was that I was an Assistant Manager and that sometimes I would have to work through my breaks. However, I was an hourly employee and I knew that it was illegal.

There were times when I would come home from a hectic shift where I wasn't able to take my breaks, and I would have nightmares of working at the restaurant – bagging orders and ringing in orders on the screen. I suspect that other coworkers also experienced wage theft – I witnessed others working through their breaks or taking their breaks late. Every day I also saw Post It notes in the manager's office that had owed hours written on them, for example, "I owe Abel 5 hours."

Around the end of October, the restaurant had a plumbing problem in the restaurant, in between the drive-through station and the center post where orders were expedited. I called the General Manager and she told me that a repair crew would come and begin jackhammering the floor, and at that point she wanted me to close the dining room. She instructed me to keep the drive through open, but that I would have to go outside the restaurant to take customer orders – however it is against company policy for any employee to go outside to work after dark. This was clearly posted in our drive-through station. My shift ended at 12am, and my relief was a young woman who would work 12am - 6am. I recommended to my coworker that she should not go outside. When I returned to work a couple days later, I was given a final warning write up for making that decision.

Throughout my time at Carl's Jr., I contacted corporate HR to try to get some advice. I thought HR was there to help us and they did in the beginning. They recommended that I take medical leave to deal with the stress, but after returning from medical leave, I was told that I would not be guaranteed to return to work full

time. My experience at Carl's Jr. left me feeling hopeless. I tried to communicate the problems I experienced with my superiors, and yet the problem continued and nothing was done about it. If Andrew Puzder allowed these things to happen at a company like Carl's Jr., how would he protect workers across the country?

June, Nevada

Carl's Jr., Shift Leader

My name is June and I am 17-years-old and I am working in my first job at Carl's Jr. where I have been working for seven months at Nevada's minimum wage of \$8.25 per hour. While many people believe that only young people like myself work for minimum wage at places like Carl's Jr. I have co-workers in their late 40's who are also only getting paid minimum wage.

The thing that makes working for minimum wage at Carl's Jr. difficult is the constant and intentional understaffing which basically forces workers to do two jobs while being paid—or underpaid—for one. For example, when I was hired, I was trained on a one person/one station policy, meaning that the person working drive-thru didn't work the counter. We are constantly being forced to perform two jobs during our shift.

While I am fortunate enough to have been accepted at UNLV where I will be studying political science in the fall, I really feel that franchises like Carl's Jr. which pay their CEO millions of dollars should pay workers more than poverty wages. I had planned to work at Carl's Jr. to save some money for college, but I don't even make enough for that. I will be getting a job on campus to help with expenses. I know that I am one of the lucky ones, but it is unfair that my 40-year-old co-workers struggle to make ends meet while working at Carl's Jr.

Zuleyma, Arizona

Carl's Jr., Former Supervisor

My name is Zuleyma and I live in Arizona. I am now 25-years-old and I recently left my job at Carl's Jr. for a better paying position as a security guard. I began working at Carl's Jr. at the age of sixteen with the hope of saving enough money over the years to enter a nursing program after completing high school. After starting at minimum wage, I worked for eight years and advanced to the position of supervisor but the pay was still exceptionally low.

When I left my position recently I was being paid \$10.75 per hour. Arizona's minimum wage just increased to \$10.00 per hour. Besides the indignity of low pay, which never allowed me to save enough money for nursing school, I was often forced to work while I was sick. In addition, I was sometimes forced to work "off the clock" and I wasn't always paid overtime when working more than 40 hours a week.

While working at Carl's Jr. I suffered a few injuries at work including a twisted knee and an arm injury. I was sent to a company doctor where I received substandard treatment. During my time at Carl's Jr. we were constantly understaffed often forcing workers to perform the jobs of two people without any increase in pay. I am very angry that Carl's Jr. pays such low wages that it is impossible to participate in the American dream of paying for my education or owning a home.

Faith, Oregon

Carl's Jr., Shift Leader

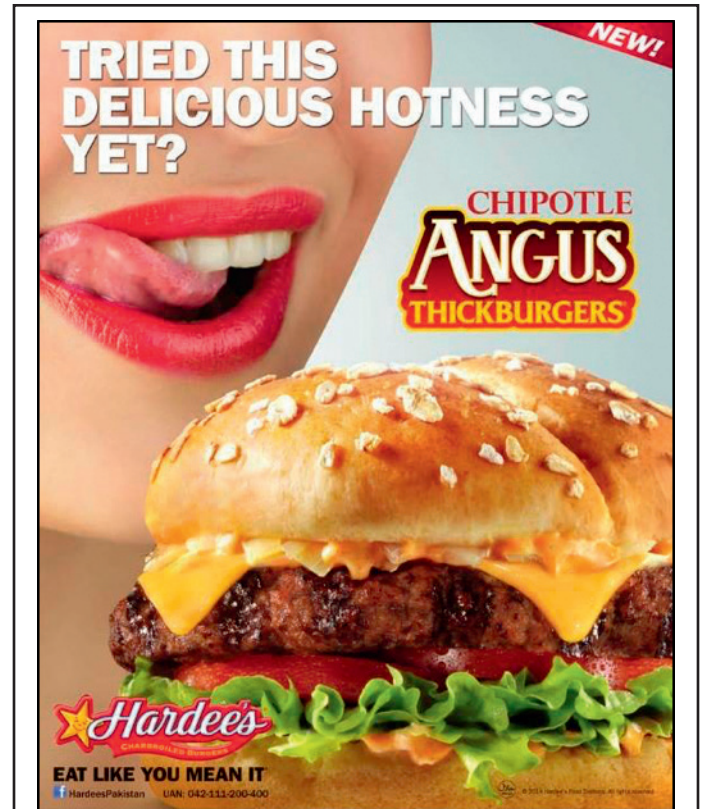
My name is Faith and I live in Oregon. I have been working at Carl's Jr. for over two years. I've experienced two different issues at the restaurant. The first is that the general manager routinely has us breaking company policies which could get us fired if anyone higher up found out. For example, the food safety policy is that after seven days of being in the refrigerator, we toss out the meat. Our general manager will have us retag the meat, so that we don't need to toss out the meat, even though we really should.

The other problem, which is much worse, is the sexual harassment that I went through. One of my coworkers that was a crew member like me would constantly grab me and grope me. He'd force me to hug him when I didn't want to and he'd make sexual comments towards me.

Then we both got promoted to shift leader positions, he walked into the office after me and shut the door. He then actually started putting his hands around my hips. I pushed him off the best that I could and ran to the front and didn't say anything because I was embarrassed and was fearful of retaliation.

He eventually was fired for an unrelated reason — making comments to a customer, calling out his number and making comments on her looks. I never reported anything because I never thought anything would

change. That's the culture of Carl's Jr. I did report him regarding the customer. The workplace became hostile towards me. Then someone wrote "talk to Faith if you want a **** buddy". I eventually got transferred to a new location because I couldn't take it any longer. Thank you for listening to me and what I've had to deal with.



Faith is not the only employee of Carl's Jr. and Hardee's to experience harassment. In a recent survey of CKE workers by Restaurant Opportunities Centers United, 66% of workers they surveyed reported that they had experienced "unwanted sexual behaviors at work"—compared to just 40% of women in the fast food industry as a whole. They also reported that some of this harassment—often coming from customers—was inspired by CKE's sexual advertisements. One female Hardee's employee from Tennessee, for example, reported that customers "have asked why I don't dress like the women in the commercials."

Jade, Tennessee

Hardee's Shift Leader, 3 years

My name is Jade and I work at a Hardee's in Tennessee. I have been working at Hardee's for over three years. As a shift leader, I only make \$10.25. It's infuriating that I'm one of the longest tenured members of the restaurant, but still barely make over \$10/hour. I

struggle to support myself on this wage and I cannot fathom how those with children get by.

Upper management is strict about not allowing people to work overtime. Instead of giving us overtime, they have us work off the clock. This happens on a nearly weekly basis. If they don't want to pay us for overtime, then they shouldn't expect us to work over 40 hours a week.

Myself and many others at our location have come to work sick – like really sick. Management's response is that if we can't find someone to take our shift, we must come in, no matter how sick we are. The only reason why I stick around is because I feel bad for the general manager, who is constantly pressured to cut corners to keep the profits up. Please do something about this company. It's awful to work here.

Lupe, Nevada

Carl's Jr., Shift Leader, 7 years

I am 47-year-old, single mother of six. I've worked at Carl's Jr. in Las Vegas for the last seven years. I am a shift leader on the graveyard shift for five days a week. After seven years, and more than three decades working in the food service industry, I am paid just \$8.75 an hour.

In 2008, during the financial crisis, the job I had then was eliminated. My husband and I separated and I attempted to support my children on my own. I could not afford our rent and bills on my savings alone. We moved around from motel to motel. I can't even begin to go into how hard that was on all of us. We were on a wait list for quite some time, and we finally landed in a housing community in North Las Vegas.

I applied for a job at Carl's Jr. and was hired right away.

In the beginning, I was making a dollar and a quarter more as management. I worked 40 to 50 hours a week. I drove from store to store according to the company's needs. It was difficult to get my children to and from school when I had no idea what part of the city I would be in on any given day. To make sure I could be there for my kids, I asked to be placed at one store, but that also meant Carl's Jr. would pay me less.

I am no longer considered a "manager," and I am paid

just slightly more than Nevada's minimum wage. I count money. I do inventory. I prep food, clean restrooms, wipe down tables, and provide excellent customer service. I lock up and tend to the drive through. I doubt there is a robot that can do all of these tasks.

My store is located on the Las Vegas Strip. On graveyard shift, it's just me and the cook for the evening. At Carl's Jr., every dollar counts. Every order matters. Even when you are supposedly on your break, you're expected to keep taking orders. The "break" is that you're allowed to sit down. Nevada law requires Carl's Jr. to give us all a 30-minute uninterrupted unpaid meal break for every 8 hours worked, and 10-minute paid breaks for every 4 hours worked. But on the overnight shift, we don't always get those breaks, or we are expected to work during our breaks.

It's been like this from my first day working at Carl's Jr. For example, after only after a few paychecks, I noticed that 30-minute lunch breaks were being removed from my check even though I was still working during some of those breaks. Instead of 7 hours, my check reflected 6.3 hours. Every two weeks, I'm paid just under \$500. Every dollar, after bills and rent, is accounted for. When there is money missing, I notice. For about a year this happened. I said something to management and it didn't happen again, but I never got the back pay for that time. I know other people, who have not complained, who still get half an hour taken out of every shift, sometimes they even clock out and are told to keep working.

We are often understaffed. I work doubles and get overtime. But my store doesn't pay time and a half. Sometimes they just cut off the extra hours entirely. When I spoke with my manager, they said they would put the extra hours on the next check. I had to wait to be paid on time for my hard work.

This isn't the first or last time I've played the waiting game with Carl's Jr. The computer that tracks our hours often freezes. We leave notes that read "I came in from this time to this time, please put in my hours." But two weeks later, I'm still missing those hours. I told my boss: "please put my hours on my paycheck." He said okay, it'll go on my next paycheck. I told him I need my 5 hours. He said, "We'll take care of it next time."

It is simply wrong that Carl's Jr. does not pay us for every hour we work. I try not to complain, but when I

see an injustice, I am going to open my mouth. When I'm shorted on my paycheck, I won't keep quiet. But I know that others are too afraid to speak up.

I've been held up twice. Twice, I've had a gun pointed at me. Corporate didn't care about what I went through. I was throwing up and shaking, and they asked if anything was stolen. They didn't say anything about my well-being, except "good job", for protecting their money. There is no protection when I open that window. The only thing securing the window is a stick. It's an old building. I think that because our work generates significant profits some of that money should be used to ensure employees' safety. Right now, it feels like Carl's Jr. does not really care about my safety, about me.

My car hasn't worked in months. I walk my children to school, and on the way, they say, "Mom, you work so much, you're never home." My children, who only have me. They have no idea how close I've come to not ever coming home again.

And for what?

We don't get health insurance. One of my coworkers couldn't take any maternity leave until she gave birth. People have to work every hour we can because we desperately need every dime we can get. Once they have a baby they have to go back to work after just a couple of weeks because they need the money so badly.

Carl's Jr. recently raised prices by 10 cents, but the money hasn't gone to employees. Our wages stay the same. If it wasn't for minimum wage increases required by the law, I'd likely be paid the same as I was when I started working in the industry at 17. There are people that have been working there for years and are making the same as they have when they walked in. Without a minimum wage increase, we don't have a chance. We can't survive with what we are making now.

I work almost every day and am still considered poor. I live on housing assistance, food stamps, and Medicaid just to survive. There is no way we can make rent, bills, and transportation without public assistance. Even if you are a single person. People like Andrew Puzder don't see how regular Americans are living day to day. The only people who are not hurting, are people with money. People that are hurting are people like me,

families like mine. Struggling to survive on minimum wage. When all we want is to live and sustain our families.

I worked on Christmas and Christmas Eve. My children were disappointed. It breaks my heart to leave them. I asked for it off, but the manager said there isn't anybody else to cover the shift.

When I work, I have to leave my children alone. We have dinner, I put them to bed and I go to work. That's our routine.

Because my car isn't working, I try to get to work on the bus. My store is 40 minutes away on the bus. If I miss the bus, I have to wait another 30-40 minutes. After I get home, I walk my kids to school. Then I come back home and fall asleep. I wake up and start all over.

I am so proud of my kids. They tell me, "Mom, you never have to work when I grow up. You don't have to work anymore. I'm going to buy you a house or a nice car." They are why I'm telling you my story and why I fight for something better.

When I've gone on strike, my kids are right up front, with the banners. They believe that everyone who works deserves to be paid fairly and have a voice on the job.

I'm making my voice heard. I've never been to jail. But on November 29 I took a stand and participated in civil disobedience alongside hundreds of people in the Fight for \$15 movement.

The corporate office sent word that they are "discussing" me. My co-workers said, "I'm proud of you."

Today, I believe that I'm not only speaking for myself, I'm fighting for all people who can't support our families independently because we're not paid enough. People who know that they could lose their jobs at any time, because there is no job security, no protection for our rights.

I am in this fight until we win. I'm going to see it through until we win 15 and union rights. When we stick together and speak out together, we are getting heard. We are getting taken seriously.

Laura, California

Carl's Jr., General Manager, 20 years

I worked at Carl Karcher Enterprises for more than twenty years. I want to tell you what it is like to work for Mr. Puzder.

Everything at CKE is controlled from the top. There are thousands of pages of manuals that control everything. There are also strict standards. Every restaurant has to meet strict standards for wait time service time drive-through time and a long list of other standards.

Meeting all of those standards is a huge amount of work. CKE requires all of its General Managers to be available "24/7." They specifically tell you that you must always be available by phone both to address problems in the restaurant and to answer calls from your District Manager. The work is non-stop. I worked more than 60 hours a week.

Until 2009, CKE paid a flat salary to General Managers. Even though we do the exact same work as hourly employees, the company refused to pay any overtime or even to pay anything to recognize the fact that we always work much more than 40 hours each week.

After 2009, CKE changed the rules and said that General Managers in California were all hourly employees. But CKE still would not pay for all the time we work. When CKE made general managers into hourly employees it set our wages so low that we had to work 47½ hours a week just to earn the same money we've been being paid as a salary. In other words, CKE avoided paying overtime by setting our hourly wages so low that we didn't make anything extra working more than 40 hours a week.

Besides cutting our wages, CKE also forced us to work off the clock by imposing a strict labor budget. The labor budget is a specific percentage of sales that you are allowed to spend on paying employees, including the General Manager. At CKE you have to work off the clock in order to get all the work done without going over your budget.

The labor budget only allowed us to be paid for 47.5 hours per week. But it takes more than that to do all of the work. General Managers have to spend most of their

time cooking, cleaning, and helping guests. The labor budget is just not enough to do all of the hourly work and the manager work as well. If a General Manager goes over the labor budget, we would be disciplined or fired. So we worked without pay.

All General Managers work off the clock, and CKE knows we do it. Our district Managers talk to us when they know we are not on the schedule and not clocked in. The whole system is set up to pressure General Managers into working without being paid.

For work outside the restaurant, it is even worse. CKE allows only one hour per week for work outside the restaurant. That's just one hour per week when General Managers spend more than an hour per day answering calls and addressing problems from outside the restaurant.

The situation is bad for the other employees at the restaurant too. In order to avoid providing healthcare to its employees, CKE puts a strict limit on the number of full-time workers we are allowed to have. As a result, we had to hire most of our workers as part-time employees even though the restaurant could provide more full-time jobs.

Very often, the CKE labor budget means that we will give workers a shift of just two or three hours and even then we sometimes have to send people home when it is slow. No matter how hard they work, there's just no way for an employee to know how much she will make in a given week because we have to hit the labor budget.

The benefits that CKE offers don't do much to improve the lives of employees either. Even where an employee qualifies for the healthcare benefits they are just too expensive and almost all employees have to decline. The same thing is true of the retirement program, especially because CKE does not match employee contributions.

All of these problems got worse in my last few years at CKE. When Carl Karcher was alive and in charge, we felt like someone in the company at least cared about the workers. Since Mr. Karcher passed away, CKE has tightened its budgets in a way that makes it impossible to do the job without working off the clock. Worse, the company just seemed not to care about the employees anymore.

I think Carl Karcher would be ashamed of what CKE has done to its employees. Stealing wages from employees who need money to feed their families is not what Carl would have wanted and it's not what I want from an employer. I ultimately left CKE and went to work for a company that cares more about its workers.

I gave more than 20 years of my life to CKE. Mr. Puzder took a company that I loved and turned it into a business that makes money by stealing from its workers. I honestly can't think of anyone less qualified to enforce laws that are supposed to protect employees. He never protected the employees he was in charge of at CKE, so I do not think he would be the person to protect American workers' rights.

In Brief

Atrice, Hardee's, Orlando, Florida, age 46

Atrice has worked as a Cashier at Hardee's for 2.5 years. She also worked an earlier stint at the same store. She has two grown children and five grandchildren and she makes \$8.65 per hour. At times she has not been able to pay her electric bills because her pay is too low. She has stayed and worked off the clock to help clean up when the store is very messy. She is frustrated that there is no path to higher wages or management.

Jessenia, Carl's Jr., Austin, Texas, age 26

Jessenia has worked as a Shift Leader for two months. She has three children, ages 8, 5, and 4. She is paid \$9.50 per hour and struggles to pay for gas to get to work. She has been required to come to work off the clock to watch videos in order to be eligible for a raise. She closes her store at 11 pm every Friday and then opens on Saturday morning at 5 am. She once burned her foot with hot grease and despite a note from a doctor was pressured to continue working.

Michelle, Hardee's, Tampa, Florida, age 42

Michelle has worked as a Shift Manager at Hardee's for 2.5 years. She has three kids and is paid \$9.50 per hour. She has been given one \$.25 raise. She has not been able to pay for rent, groceries, or the bus because the pay is so low. She has also relied on a church food pantry at times for food for her family.

Megan, Hardee's, Valrico, Florida, age 16

Megan has worked as a Drive-Thru Cashier at Hardee's for two months. She is paid \$8.50 per hour. It is a challenge for her to afford her phone bill and food. She has also dealt with pay missing from her paycheck.

Michelle, Hardee's, Orlando, Florida, age 35

Michelle has worked as a Shift Manager for six months. She has five kids: an 18-year-old boy and 16, 14, 8 and 6-year-old girls. Two of her children have reading disabilities. She is paid \$9.05 and is two months behind on paying her car loan and is in danger of having her car taken away by the lender.

Daniel, left Hardee's in January 2017, Roanoke, Virginia, age 25

Daniel worked at Hardee's for two years but left for Taco Bell because he was frustrated with the poor management at Hardee's. He saw co-workers get fired for trivial infractions and management refuse to pay overtime. He went on strike on November 29 and is strongly opposed to Andrew Puzder serving as Secretary of Labor.

Antwon, former Hardee's worker, Birmingham, Alabama, age 23

Antwon worked at Hardee's for eight months but was recently fired after allegedly giving away a drink cup. Some of his former co-workers have been at the store for up to three years and have not been given a pay raise in that time. Employees are required to come in off the clock to train new hires. On one occasion when the store's air conditioning was broken the General Manager and District Manager called police after workers complained.

Anthony, Carl's Jr., Las Vegas, Nevada, age 17

Anthony has worked as a cook for Carl's Jr. for 5 months and is paid \$8.25 an hour. He never takes a break because he is the only cook on the shift but Carl's Jr. deducts money from his paycheck for the breaks he does not take. He has worked off the clock and past the end of shifts when the store is busy and is not paid for those hours. He thinks it would be a very bad idea to make Andrew Puzder U.S. Secretary Of Labor.

Francisca, Carl's Jr., Las Vegas, Nevada, age 41

Francisca has been a cook at Carl's Jr. for 18 years. Two months ago she started being paid \$9 an hour after she demanded a raise. She had previously been paid \$8.35, just 10 cents above Nevada's minimum wage, after working at Carl's Jr. for 18 years. She has three children ages 17, 15 and 10 months. She says she only has health insurance because her husband is a union member. She says that Carl's Jr.'s workers do not get insurance, paid days off, or any other benefits and she urges Senators to vote against Andrew Puzder for U.S. Secretary Of Labor.

Cony, Carl's Jr., Alameda, California, age 35

Cony has worked at Carl's Jr. for six years. He's single with no kids and he emigrated from Guerrero, Mexico to the United States in 2008. Five years ago, Cony's co-workers sued Carl's Jr. for being paid less than the hours they worked. The employees in the store would work 8 hours a day and they would be compensated for only 6 hours a day.

During that time, the manager, Ellen, gave Cony and his coworkers a document to sign. The document was in English and Cony could not read it. Ellen told them that signing the document was mandatory and would not let any of the monolingual Spanish speakers have it reviewed by someone that read English.

Later, they learned what the document said – "I declare my employer Carl's Jr. has compensated me for all hours worked and allowed legally required breaks." The wage theft continues to this day. Cony's coworker from Carl's Jr. quit on January 9, 2017. He was also working 8 to 10 hours a day and only being paid for 6. Many of the workers in his store are Filipino and he believes that Ellen targets them and scares them.

- ¹ The Trump-Pence Transition Team, “President-Elect Donald J. Trump Nominates Andy Puzder as Secretary of the Department of Labor,” GreatAgain.gov (December 8, 2016) (online at <https://greatagain.gov/president-elect-trump-nominates-andy-puzder-as-secretary-of-the-department-of-labor-b8ec0bfc9818#.sep5vka2k>).
- ² CKE Restaurants, “Management Team: Andrew F. Puzder, Chief Executive Officer” (online at http://www.ckr.com/about_management.html).
- ³ United States Department of Labor, “Our Mission” (online at <https://www.dol.gov/opa/aboutdol/mission.htm>).
- ⁴ United States Department of Labor, “Frequently Asked Questions (FAQs): Question: What does the Department of Labor do?” (online at <http://webapps.dol.gov/dolfaq/go-dol-faq.asp?faqid=478>).
- ⁵ Andrew Kaczynski, “Trump labor pick in 2011 on his fast-food workers: We hire ‘the best of the worst,’” CNN Money (January 23, 2017) (online at <http://money.cnn.com/2017/01/23/news/kfile-puzder-best-of-the-worst/>).
- ⁶ Jodi Kantor and Jennifer Medina, “Workers Say Andrew Puzder Is ‘Not the One to Protect’ Them, but He’s Been Chosen To,” New York Times (January 15, 2017) (online at <https://www.nytimes.com/2017/01/15/us/politics/andrew-puzder-labor-secretary.html>).
- ⁷ Ben Penn, “Is Franchise Model a Recipe for Fast-Food Wage Violations?” Bloomberg BNA (September 14, 2016) (online at <https://www.bna.com/franchise-model-recipe-n57982076930/>).
- ⁸ Securities and Exchange Commission, CKE Restaurants, Inc., Form 10-Q (for the quarterly period ended November 12, 2012) (online at <https://www.sec.gov/Archives/edgar/data/919628/000091962812000011/cke-11052012x10q.htm>); Jodi Kantor and Jennifer Medina, “Workers Say Andrew Puzder Is ‘Not the One to Protect’ Them, but He’s Been Chosen To,” New York Times (January 15, 2017) (online at <https://www.nytimes.com/2017/01/15/us/politics/andrew-puzder-labor-secretary.html>).
- ⁹ Olivia Laughland and Lauren Gambino, “Restaurants run by labor secretary nominee report ‘disturbing’ rates of sexual harassment,” The Guardian (January 10, 2017) (online at <https://www.theguardian.com/business/2017/jan/10/andrew-puzder-cke-sexual-harassment-labor-secretary>).