



UNITED STATES DEPARTMENT OF LABOR

# OFFICE OF THE SOLICITOR OF LABOR





## OFFICE OF THE SOLICITOR OF LABOR

For more than one hundred years, the U.S. Department of Labor (DOL) has advanced the nation's economic vitality by safeguarding the rights of America's workforce. The Office of the Solicitor (SOL) plays a pivotal role in supporting this mission by providing a wide range of essential legal services to the Secretary of Labor and the Department's component agencies. In providing these legal services, SOL diligently works to ensure that federal labor laws are fairly enforced to protect over 150 million workers.



## OFFICE OF THE SOLICITOR OF LABOR

SOL is uncommon among the federal government's legal offices because it has independent litigating authority under numerous federal statutes. As a result, SOL attorneys regularly appear in courts throughout the United States pursuing enforcement actions against employers and others who violate labor laws. These statutes, and the work of SOL, have a significant impact on the health, safety, and financial security of America's most vulnerable workers. For example, SOL helps enforce employers' obligations to pay workers their earned wages and benefits, treat workers equitably in hiring and employment, provide safe working conditions, and protect the financial security of retired workers. SOL also seeks to enforce democratic standards applicable to union officer elections and fiscal responsibility in labor unions, supports employment and training programs, advises on benefits to certain workers who sustain injuries because of their employment (as well as benefits to survivors if such a worker were to die due to such injury), and helps establish international labor standards.

SOL has approximately 500 attorneys nationwide, who support the administration and enforcement of over 180 federal statutes and their implementing regulations. Half of SOL's attorneys are located in Regional Offices across the country and are primarily engaged in trial litigation in federal court and federal administrative tribunals. The remaining SOL attorneys are located in the Washington, D.C. National Office, where they provide advice on varied and complex legal issues, review and guide the development of policy initiatives, regulations and interpretative materials, represent the Secretary in appellate and defensive litigation, and, in some cases, litigate enforcement cases in federal district court and administrative tribunals.

## THE SOLICITOR OF LABOR

The Solicitor of Labor, a Presidential appointee confirmed by the Senate, serves as legal advisor to the Secretary and other Department of Labor officials. Based in Washington, D.C., the Solicitor is the Department's third highest-ranking official and chief legal officer. All attorneys in the Office of the Solicitor of Labor report to the Solicitor, rather than to client program agency heads, as is the practice in many executive branch departments. This independence gives SOL lawyers a uniquely strong voice in the handling of legal matters.

## SOL'S FRONT OFFICE

The SOL Front Office directly supports the Solicitor and provides centralized legal services within the Department. Three Deputy Solicitors, two of whom are career civil servants, assist the Solicitor by providing advice and overseeing legal work in the National Office and Regional Offices, including coordinating enforcement efforts in the Regional Offices, making recommendations on appellate and amicus briefs in appeals courts and the Supreme Court, and reviewing rulemakings and briefs provided to the Solicitor General for all Supreme Court cases in which DOL is a party or has an interest. Front Office attorneys also act as a resource on appellate matters and other legal issues for the Solicitor's Office, perform special assignments and legal analyses for the Solicitor, and comment on appeal and amicus recommendations generated by the National Office.



## SOL'S MISSION STATEMENT

SOL's mission is to meet the legal service demands of the entire Department of Labor. As the Secretary of Labor and other Department officials seek to accomplish the Department's overall mission and to further specific priorities, the Office of the Solicitor provides legal advice regarding how to achieve those goals. In doing so, SOL ensures that the Nation's labor laws are forcefully and fairly applied to protect the Nation's workers.

SOL fulfills its mission by representing the Secretary and the client agencies in all necessary litigation, including both enforcement actions and defensive litigation, and in alternative dispute resolution activities; by assisting in the development of regulations, standards and legislative proposals; and by providing legal opinions and advice concerning all the Department's activities.

## COMMITMENT TO DIVERSITY AND INCLUSION

SOL is committed to achieving and sustaining a diverse and inclusive workplace environment. In furtherance of this goal, SOL works tirelessly to cultivate a working environment which promotes the inclusion of every employee, regardless of individual differences. Throughout SOL, our diversity and inclusion initiatives are evident in all aspects of business operations, to include recruitment, placement, promotion, development, and strategic and succession planning.

## SOL'S DIVERSITY AND INCLUSION POLICY

The Department of Labor's mission is to promote the welfare of wage earners, job seekers, and retirees, to improve working conditions, to advance opportunities for profitable employment, and to ensure work-related benefits and rights. The Office of the Solicitor plays a crucial role in enabling the Department to carry out its mission. SOL is more effective when its workforce embraces and includes individuals whose backgrounds reflect the rich diversity of the communities it serves.

For that reason, the Office of the Solicitor recognizes our employees are our most valuable asset. SOL strives to recruit, hire, compensate, promote, train, and retain diverse employees. SOL considers diversity as the unique experiences, characteristics, capabilities, and perspectives of its employees, including, but not limited to, age, religion, disability, race, color, ethnicity, national origin, gender, gender identity, sexual orientation, veteran status, political affiliation, language, family structure, marital status, socio-economic status, geographical background, education, and professional experience.

Additionally, SOL's ongoing commitment to diversity and inclusion is reflected in our agency's affinity groups, flexible work schedules, Diversity, Equity, Inclusion, and Accessibility Committee, trainings, and other endeavors—agency-specific and Department-wide—aimed at fostering, enhancing, and celebrating a diverse and inclusive workplace environment.



### FRANCES PERKINS

First female and longest-serving U.S. Secretary of Labor, 1933-1945





## THE WORK OF SOL'S DIVISIONS

The Office of the Solicitor National Office includes ten Divisions that provide varied legal services to the Department of Labor's client agencies and the Front Office. Associate Solicitors and Deputy Associate Solicitors head the National Office Divisions. Legal services include drafting and reviewing regulations and legislative proposals; providing legal advice; representing the Secretary in appellate litigation in circuit courts and administrative tribunals and in defensive litigation; briefing and arguing amicus briefs on behalf of the Secretary; assisting the U.S. Solicitor General in cases before the Supreme Court; assisting the Department of Justice (DOJ) in criminal and civil cases; and, for certain divisions, conducting enforcement litigation before Administrative Law Judges (ALJs) and in federal district court.

### **SOL's National Office Divisions:**

- Division of Black Lung and Longshore Legal Services
- Division of Civil Rights and Labor-Management
- Division of Employment and Training Legal Services
- Division of Fair Labor Standards
- Division of Federal Employees' and Energy Workers' Compensation
- Division of Management and Administrative Legal Services
- Division of Mine Safety and Health
- Division of Occupational Safety and Health
- Division of Plan Benefits Security
- Office of Legal Counsel

### **DIVISION OF BLACK LUNG AND LONGSHORE LEGAL SERVICES (BLLLS)**

BLLLS provides legal representation and advice under the Black Lung Benefits Act and the Longshore and Harbor Workers' Compensation Act to its client agency, the Office of Workers' Compensation Programs. BLLLS attorneys brief and argue cases before U.S. Courts of Appeals and a departmental appeals board. They also draft regulations, enforce benefits awards, and represent the government's interests in employer bankruptcies.

### **DIVISION OF CIVIL RIGHTS AND LABOR-MANAGEMENT (CRLM)**

CRLM provides legal services, including advice, rulemaking, and litigation, to numerous client agencies. CRLM provides legal services to the Office of Federal Contract Compliance Programs, Civil Rights Center, Office of Apprenticeship, Job Corps, and Center for Faith-Based & Neighborhood Partnerships in administering and enforcing a variety of civil rights laws that ensure equal opportunity in employment and in DOL-funded and conducted programs. CRLM provides legal services to the Office of Labor-Management Standards, which enforces labor laws that govern the internal operations of unions such as the conduct of union officer elections and financial reporting. CRLM also provides advice to the Office of Disability Employment Policy and the Women's Bureau.

### **DIVISION OF EMPLOYMENT AND TRAINING LEGAL SERVICES (ETLS)**

ETLS provides legal services to the Employment and Training Administration in the administration of the Federal-State unemployment compensation program; foreign labor certification programs; Job Corps; apprenticeship programs; and the national workforce investment and employment service programs. ETLS also provides legal services to the Veterans' Employment and Training Service's programs in its administration of employment and training programs for veterans and the Uniformed Services Employment and Reemployment Rights Act, and to the Bureau of International Labor Affairs related to all of the Department's international labor activities.

### **DIVISION OF FAIR LABOR STANDARDS (FLS)**

FLS provides legal services—including handling appellate cases before U.S. Courts of Appeals and an administrative appellate board, assisting with the promulgation of regulations, and providing legal advice—to the Wage and Hour Division (WHD). WHD administers and enforces a broad range of Federal labor standards, including the minimum wage, overtime pay, and child labor provisions of the Fair Labor Standards Act; leave entitlement and job protections under the Family and Medical Leave Act; prevailing wages for workers on federal contracts under the Service Contract Act and Davis-Bacon and Related Acts; various worker protections afforded to temporary foreign workers, including workers with H-1B, H-2B, and H-2A visas; and wage and working condition protections for farm workers under the Migrant and Seasonal Agricultural Workers Protection Act. FLS also provides legal services to the Directorate of Whistleblower Protection Programs within the Occupational Safety and Health Administration to assist with the administration and enforcement of the whistleblower protection provisions of various statutes.



### **DIVISION OF FEDERAL EMPLOYEES' AND ENERGY WORKERS' COMPENSATION (FEEWC)**

FEEWC provides legal services to the Office of Workers' Compensation Programs. FEEWC provides legal advice, review of legislative and regulatory proposals, and legal assistance to DOJ in representing the Department before the courts in connection with the Federal Employees' Compensation Act (FECA) and the Energy Employees Occupational Illness Compensation Program Act. FEEWC protects the subrogation interest of the United States in judgments and settlements obtained by beneficiaries of the FECA as well as adjudicates claims under the Federal Tort Claims Act.

### **DIVISION OF MANAGEMENT AND ADMINISTRATIVE LEGAL SERVICES (MALS)**

MALS is a combined legal and administrative office within SOL. On the legal side, MALS represents and advises the Department on varied legal issues, including appropriations law; delegations of authority; employment law and labor relations; Freedom of Information Act and Privacy Act; procurement law and government contracts; the Department's Suspension and Debarment program; and third party subpoenas. On the administrative side, MALS manages and administers services SOL provides to its Divisions and liaises with the Department's central business offices. MALS also handles SOL's internal systems for budgeting and financial management, human resources and labor relations, information technology, and litigation support.

### **DIVISION OF MINE SAFETY AND HEALTH (MSH)**

MSH assists the Mine Safety and Health Administration (MSHA) in enforcing the Federal Mine Safety and Health Act of 1977 to protect the safety and health of coal, ore, and other miners who often work in dangerous conditions and are subject to lung and other diseases. MSH attorneys provide legal advice, help MSHA promulgate rules, and defend these rule promulgations in the U.S. Courts of Appeals. When mine operators violate MSHA's laws and rules, MSH attorneys litigate at the trial and appellate levels, refer potential criminal cases to DOJ, and assist DOJ in criminal prosecutions.

### **DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (OSH)**

OSH provides legal services to the Occupational Safety and Health Administration (OSHA). OSH attorneys represent OSHA in enforcement cases at the appellate level, and defend agency rules in the U.S. Courts of Appeals when they are challenged after promulgation. OSH attorneys also advise OSHA on rulemakings and enforcement policy, and provide advice on novel, significant, and complex cases, including potential cases considered for referral to DOJ for criminal prosecution. In addition, OSH attorneys assist OSHA in administering the whistleblower protection provisions in the Occupational Safety and Health Act of 1970, and several other worker protection statutes.

### **DIVISION OF PLAN BENEFITS SECURITY (PBS)**

PBS provides legal services to the Employee Benefit Security Administration (EBSA), which protects the rights of America's workers and retirees to their pension, health, and other employment-related benefits under the Employee Retirement Income Security Act of 1974 (ERISA). PBS attorneys have three major practice areas: (1) District Court Litigation: enforcement actions throughout the nation and legal support to DOJ in legal challenges to the Department's ERISA regulations; (2) Appellate and Amicus Litigation: all appeals in ERISA enforcement actions in the U.S. Courts of Appeals, participation as amicus curiae in U.S. Courts of Appeals, and provision of legal support to the Solicitor General in ERISA cases before the Supreme Court; and (3) Regulations, Advice, and Opinions: legal support for all EBSA rulemaking and sub-regulatory guidance and legal advice and opinions concerning ERISA and the Federal Employee Retirement Income Security Act, which applies to the Thrift Savings Plan.

### **OFFICE OF LEGAL COUNSEL (OLC)**

OLC analyzes and prepares official views on legislation and Executive Orders that may affect the Department; drafts and clears testimony to be presented by Departmental officials appearing at congressional committee hearings; drafts legislation to accomplish Administration and Department objectives; advises and provides training to all Department employees on ethics laws and regulations; administers the Department's financial disclosure program; and advises on administrative law and regulatory procedure.



## EXAMPLES OF HOW SOL DIVISIONS ADVOCATE FOR U.S. WORKERS

### **FLS GETS AFFIRMANCE OF \$1.4 MILLION JUDGMENT UNDER FAIR LABOR STANDARDS ACT FOR CALL CENTER WORKERS**

Wellfleet Communications operated a call center business in Las Vegas and treated its workers as independent contractors rather than employees and failed to pay them the minimum wage required by the Fair Labor Standards Act. The district court granted judgment in the Department's favor and awarded over \$1.4 million in damages to the affected workers. Wellfleet appealed to the U.S. Court of Appeals for the Ninth Circuit. FLS defended the judgment on appeal. The Court of Appeals affirmed, concluding that, as a matter of economic reality, the call center workers were Wellfleet's employees under the Fair Labor Standards Act. The Court also affirmed that Wellfleet willfully violated the Act, entitling the workers to three years of back wages rather than two, and that the Department's calculation of the back wages owed was reasonable.



### **MSH HELPS PROTECT MINERS BY ENFORCING STRINGENT PENALTIES AGAINST OPERATORS WHO FAIL TO CORRECT KNOWN HEALTH AND SAFETY VIOLATIONS**

MSH attorneys won an important mine safety victory in the U.S. Court of Appeals for the Eighth Circuit, overturning a Federal Mine Safety and Health Review Commission finding that a mine operator did not commit a flagrant violation when it instructed miners to work for months on an elevated walkway that it knew was unsuitable for use; the walkway eventually collapsed and injured a miner. Under the Mine Act, the Secretary may designate a violation as flagrant when an operator fails to make efforts to eliminate a known violation of a serious mandatory health or safety standard. A flagrant designation carries with it more stringent penalties (almost four times greater than other penalties). Here, the Eighth Circuit reinstated the flagrant designation. This ruling will incentivize mine operators to proactively correct known violations of a serious mandatory health or safety standard to avoid the hefty penalties associated with a flagrant designation.

### **FEEWC ASSISTS IN DEVELOPMENT OF REAL-TIME SOLUTIONS TO THE OPIOID EPIDEMIC**

Working closely with the Office of Workers' Compensation Programs, FEEWC developed a pre-authorization process to apply to newly-injured federal employees who are prescribed opioids for an employment injury. FEEWC also continues to work with the Department to develop policies and procedures to address the prescribing of opioids to existing claimants under the Federal Employees' Compensation Act, to remove barriers to treatment for opioid dependence, and to reduce the use of opioid drugs.

### **CRLM DEFENDS UNION DEMOCRACY IN SUCCESSFUL CHALLENGE TO UNREASONABLE CANDIDATE REQUIREMENTS**

CRLM, in collaboration with the U.S. Department of Justice, received a favorable U.S. District Court decision supporting union democracy. Several years back, a local union added a new candidate eligibility requirement to its bylaws that provided that no person who has been employed as a superintendent, foreman or assistant foreman within the 24 months immediately preceding the nominations meeting would be eligible to run for office. The union subsequently ignored this rule and did not enforce it for nine years. In its 2019 election, the union gave union members two months' notice that it would apply the rule, and then disqualified three union members from running for office because they did not meet this eligibility requirement. For nine years, members had no reason to believe the union would follow the rule and could not have known that they had to resign from their supervisory positions in 2017 if they wanted to run in 2019. The court held that the union did not give adequate notice and ordered that the union re-run its officer election under the supervision of the Department.



### **BLLLS OBTAINS FAVORABLE DECISION REGARDING COMPENSATION FOR TINNITUS IN LONGSHORE CASE**

After an Administrative Law Judge (ALJ) denied an employee compensation for tinnitus (ringing in the ears) because he had a ratable hearing loss in only one ear, BLLLS attorneys requested that the Benefits Review Board overturn the denial. The employee had tinnitus in both ears that affected his daily activities, BLLLS noted, and required hearing aids for both ears. BLLLS argued that, to ensure workers recover full compensation for hearing loss, it was legally permissible to first convert the worker's hearing loss to account for hearing loss in both ears, and then provide additional compensation for tinnitus. The Board agreed with BLLLS and allowed the worker to receive compensation for tinnitus.

### **OSH SUCCESSFULLY DEFENDS CITATION AGAINST INTEGRA HEALTH MANAGEMENT, INC.**

After an employee was killed while attempting to provide social services at the home of a client with a history of violent behavior, the Occupational Safety and Health Administration cited Integra under a provision of the Occupational Safety and Health Act (OSH Act) that requires every employer to provide employment that is free of recognized hazards likely to cause death or serious physical injury. Integra appealed to the Occupational Safety and Health Review Commission after an ALJ affirmed the citation. OSH attorneys briefed and argued the case, and the Commission ruled in the Department's favor. In a case of first impression, the Commission held that the OSH Act covered workplace violence hazards where there is a direct nexus between the risk of violence and the work done by the employee. It also held that Integra recognized the hazardousness of meeting one-on-one at the home of a client with a history of violent behavior, yet Integra failed to implement basic precautions to keep its employees safe.

### **PBS OBTAINS \$131.8 MILLION SETTLEMENT TO REMEDIATE IMPROPER RETIREMENT PLAN TRANSACTIONS**

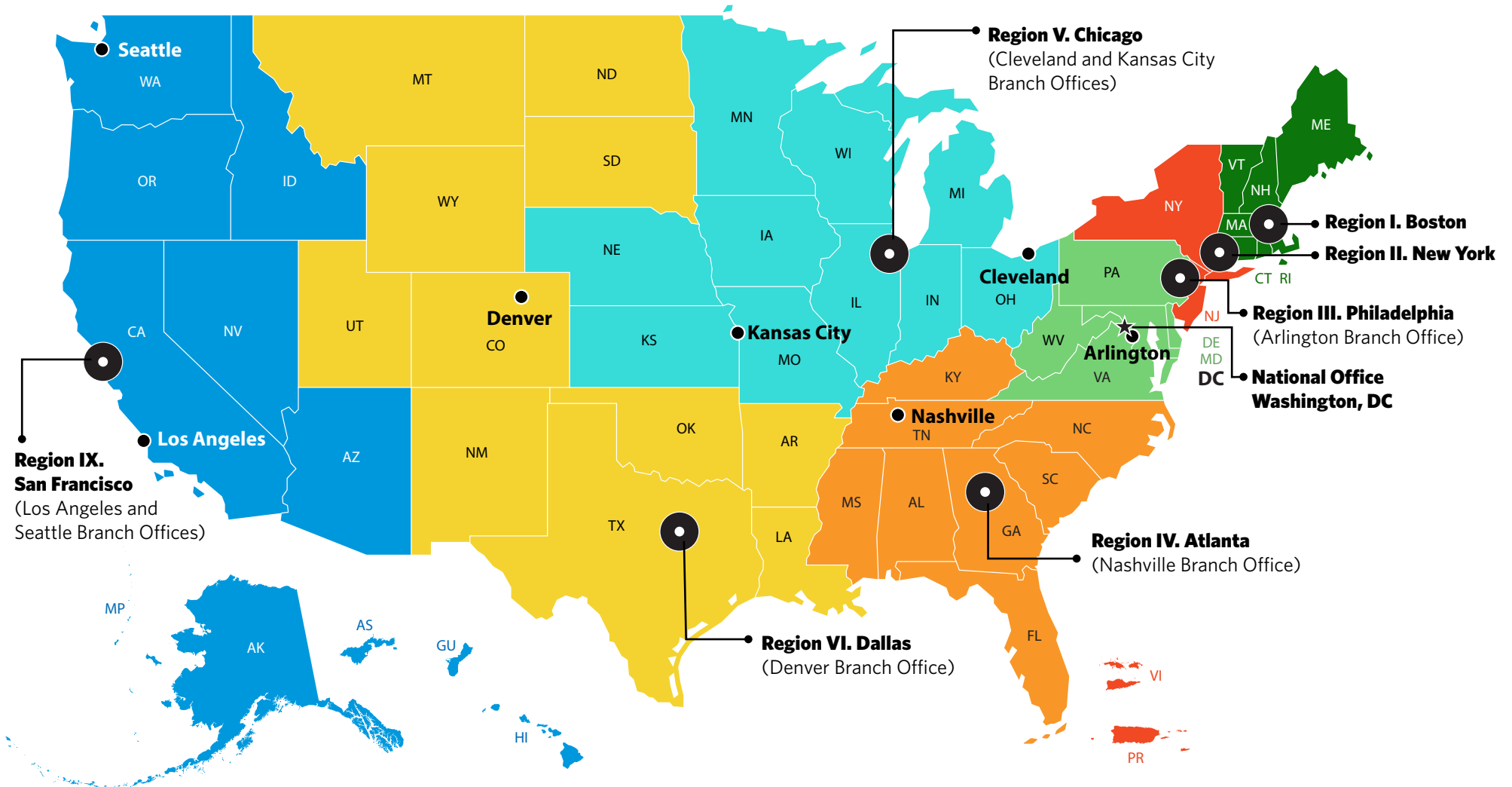
The Employee Benefits Security Administration investigated a major bank's handling of its in-house employee benefit plan. The investigation revealed that the bank engaged in six leveraged transactions with the Employee Stock Ownership Plan (ESOP) it sponsored for its own employees between 2013 and 2018, to the detriment of the employees' retirement savings in the ESOP. The ESOP borrowed money from the bank to purchase convertible preferred stock issued by the bank. The bank sold the convertible preferred stock to the ESOP at prices ranging between \$1,033 and \$1,090 per share, depending upon the year. However, the convertible preferred stock could only "convert" to a set value of \$1,000 in common stock per preferred share at the time of distribution to participants. Essentially, the ESOP overpaid for the preferred stock it purchased from the bank, which is a violation of ERISA. PBS negotiated a settlement agreement that recovered \$131.8 million for the ESOP's participants.





## THE WORK OF THE REGIONS

The Office of the Solicitor's seven Regional Offices and seven Branch Offices (RSOLs) are trial litigation centers. Regional Solicitors and Deputy Regional Solicitors head the Regional Offices. Associate Regional Solicitors head the Branch Offices. These offices provide trial litigation and general legal services to the Department, recommend and prosecute litigation at the administrative and district court levels, prepare legal interpretations and opinions, advise the client agencies on issues that arise during investigations, and assist the United States Attorney in the prosecution of criminal cases.





## EXAMPLES OF HOW SOL REGIONS ADVOCATE FOR U.S. WORKERS

### **NEW YORK RESOLVES NOVEL MENTAL HEALTH PARITY CASE AGAINST LARGE HEALTH INSURER FOR \$15.6 MILLION**

New York RSOL filed in the U.S. District Court for the Eastern District of New York a settlement agreement resolving its litigation against UnitedHealth Group, the nation's largest health insurer, for violations of the Mental Health Parity and Addiction Equity Act (MHPAEA). MHPAEA prohibits health insurance companies from discriminating in their coverage decisions of mental health services as compared to coverage decisions for medical and surgical services. New York RSOL's complaint, which was the government's first under MHPAEA, alleged that United had overcharged workers by: (1) paying reimbursement rates for out-of-network mental health services improperly low; and (2) impermissibly reviewing claims from participants undergoing mental health treatments, resulting in many denials of payment for those services. In the settlement, United agreed to correct these mental health treatment violations and to pay \$15.6 million in benefits to workers, plus penalties.

### **BOSTON ACTS QUICKLY TO PROTECT WORKERS FROM RETALIATION**

Boston RSOL is committed to vigorously combatting retaliation against workers including by seeking temporary restraining orders and preliminary injunctions to quickly address and stop retaliatory conduct and prevent employer obstruction of Department of Labor investigations. As part of that effort, Boston RSOL sought preliminary injunctive relief in U.S. District Court to stop retaliation in 10 Fair Labor Standards Act and Occupational Safety and Health Act cases over a recent 2-year period. Boston RSOL has used these fast-paced actions to stop retaliation in the form of physical and non-physical attacks and threats to workers and their families, firing and threats of firing, demanding kickbacks of wages, blacklisting employees with potential future employers, and threats to call immigration authorities and law enforcement. Boston RSOL has also quickly leveraged preliminary relief into resolution of all violations, resulting, for example, in a consent judgment against a Connecticut bakery that obtained \$952,433 in overtime back wages and liquidated damages for 74 employees. Similarly, Boston RSOL successfully tried a jury case against an employer who retaliated against an employee for reporting a workplace injury by reporting him to police and facilitating his arrest by Immigration and Customs Enforcement. Boston RSOL obtained a jury award for the employee of \$650,000 in compensatory and punitive damages.



### **SAN FRANCISCO COMBATS WAGE THEFT AND DIRE LIVING CONDITIONS FOR H-2B VISA WORKERS IN SAIPAN, RECOVERING OVER \$20 MILLION IN BACK WAGES**

Attorneys from the San Francisco RSOL recovered over \$20 million in back wages and damages and addressed humanitarian conditions for thousands of overseas workers brought to Saipan to build the Imperial Pacific International (IPI) Casino. Twice in two years, thousands of international workers were stranded on Saipan with their wages unpaid and living in deplorable housing conditions. To make matters worse, many workers were in debt because of the high recruiting fees they paid in their home countries to get the jobs. IPI failed to pay the employees and failed to make back wage and liquidated damages payments under a prior settlement with the Department. Within months, IPI owed over \$1 million to hundreds of vulnerable low-wage construction workers. In addition, IPI failed to pay its electric bills, causing power and water to be shut off in the employee housing. San Francisco RSOL responded quickly to obtain an order directing IPI to halt work on the construction of the Saipan casino pending IPI's payment of back wages to workers. The court also ordered that work could not restart until IPI provided habitable housing conditions for the workers. In so ordering, the court agreed with the San Francisco attorneys' "express[ion] of humanitarian concerns of the living conditions for IPI's workers" and admonished IPI and its chairperson to "take care to treat their workers humanely and respectfully."

### **ATLANTA WINS WORKPLACE SAFETY CASE INVOLVING EMPLOYEE FATALITY IN THE FILM INDUSTRY**

Film Allman, a movie company, knowingly trespassed onto a private train trestle to film a movie scene and intentionally misled its employees into believing it was safe to film on the trestle. The company directed the crew to set up filming equipment on the trestle and to set up a bed across the railroad tracks. During filming, a train came through and killed one employee and injured others. The Occupational Safety and Health Administration cited Film Allman for a willful violation of the Occupational Safety and Health Act's general duty clause. After a multi-day trial, an ALJ upheld the willful violation and assessed the maximum \$70,000 penalty. The company appealed the decision to the U.S. Court of Appeals for the Eleventh Circuit, which upheld the ALJ's opinion and affirmed both the willful violation and the \$70,000 penalty.



### **PHILADELPHIA RECOVERS \$1.3 MILLION FOR RESTAURANT EMPLOYEES FOR FAIR LABOR STANDARDS ACT VIOLATIONS**

Philadelphia RSOL obtained a fully favorable decision in a Fair Labor Standards Act (FLSA) case involving Empire Diner, a 24/7 diner in the outskirts of Philadelphia. The court found that the Defendants violated the FLSA by improperly taking the tips from servers. For decades, Defendants took between 10-15% of their servers' total tips to fund (as much as possible) the bussers' wages. Defendants also interfered with the Wage and Hour investigation by telling employees to lie about the policies and violative practices at Empire Diner. In addition, Defendants created a fictitious tip amount which they then reported to payroll and showed to the Wage and Hour investigators. Finally, Defendants paid other employees in cash and at their straight time rate for any hours worked over forty in any given workweek. The court found that Defendants' actions demonstrated, at the very least, a reckless disregard for the FLSA's minimum wage and recordkeeping requirements and held that Defendants owed approximately \$1.3 million in back wages and liquidated damages to 107 employees. The court also enjoined Defendants from further violating the FLSA.





### **CHICAGO OBTAINS \$12 MILLION SETTLEMENT TO RESTORE LOSSES TO PARTICIPANTS IN RETIREMENT PLAN**

Chicago RSOL filed a consent order and judgment in the U.S. District Court for the District of Minnesota resolving its litigation against Reliance Trust Company and three of the directors of the Kurt Manufacturing Company. The company sponsored an Employee Stock Ownership Plan (ESOP) retirement plan for its employees. The complaint alleged Reliance Trust breached its fiduciary duties under ERISA by approving the ESOP's purchase of the company's stock at an inflated price. The complaint also alleged Kurt's three directors failed to monitor Reliance Trust or prevent Reliance Trust from causing the ESOP to overpay for the stock. Pursuant to the consent order, Reliance Trust paid \$8.4 million to the ESOP and agreed to abide by certain processes for similar transactions in the future. Kurt's directors also paid approximately \$1 million to the ESOP, gave up approximately \$2 million in severance payments and stock appreciation rights, and ceased receiving approximately \$600,000 in contributions to their executive retirement plans. The directors were also prohibited from acting as fiduciaries to the ESOP.

### **DALLAS RESOLVES SYSTEMIC HIRING DISCRIMINATION CASE FOR MONETARY RELIEF AND CORPORATE-WIDE EVALUATION AND REVISION OF HIRING PRACTICES FOR THE AFFECTED POSITIONS**

An ALJ approved the entry of a consent decree consolidating and resolving two systemic hiring discrimination cases against JBS USA, a nationwide processor of beef and pork. Denver and Dallas RSOL attorneys filed a complaint alleging that JBS USA's Hyrum, Utah beef processing plant discriminated against female, white, Black, and Native American applicants in favor of Asian and Hispanic applicants for production jobs. Two years later, Dallas attorneys filed a complaint alleging JBS USA's Cactus, Texas beef processing plant discriminated against Native American, Black, Hispanic, and white applicants in favor of Asian applicants for production jobs. When resolved, Denver and Dallas attorneys had completed six weeks of an anticipated 8-week trial in the Hyrum case and Dallas attorneys were taking discovery depositions in the Cactus case. The consent decree required JBS USA to pay \$4 million in back pay to 12,625 affected applicants and to hire 1,664 affected applicants into production jobs. The consent decree further provided corporate-wide relief with an enhanced compliance agreement. JBS USA agreed to join its subsidiary, Pilgrim's Pride Corporation, and to hire a human resources consultant to evaluate policies and procedures related to the production hiring process, implement recommendations at all 56 of their beef, pork, and chicken processing plants in the United States, and work with the Department to monitor implementation progress for five years.



## OPPORTUNITIES @ LABOR

The Office of the Solicitor seeks to hire attorneys and other professionals with a commitment to SOL's mission. SOL welcomes applications for open positions from a diverse range of candidates. To learn more about a specific SOL office, candidates are encouraged to contact an SOL ambassador, who can be found at <https://www.dol.gov/agencies/sol/careers/ambassadors>. SOL welcomes and encourages applications from persons with physical and mental disabilities (including disabled veterans—see "Opportunities for Veterans" on next page) and will reasonably accommodate the needs of individuals with disabilities upon request. It is the policy of the government not to deny employment simply because an individual has been unemployed or has had financial difficulties that have arisen through no fault of the individual. Information about an individual's employment experience will be used only to determine the person's qualifications and to assess their relative level of knowledge, skills, and abilities.



### **OPPORTUNITIES FOR EXPERIENCED ATTORNEYS**

SOL regularly seeks experienced attorneys to work in our National Office and Regional Offices. To learn about openings in the SOL National Office, please visit <https://www.usajobs.gov/> and conduct an agency search for "Department of Labor - Office of the Solicitor."

### **OPPORTUNITIES FOR THIRD-YEAR LAW STUDENTS AND GRADUATE CLERKS**

The SOL Honors Program gives recent law school graduates or individuals completing post-graduate clerkships or fellowships a unique opportunity. Honors Program attorneys in the National Office spend their first two years in SOL handling a variety of assignments from the National Office Divisions, including performing details in selected Divisions. Honors attorneys in the Regional Offices focus on developing trial litigation skills. After two years, Honors attorneys are permanently placed in a National Office Division or a Regional Office. Applications are available online at <https://www.dol.gov/sol/honorsprogram/>. The application period generally opens in the summer and closes in the fall.



## **OPPORTUNITIES FOR INTERNSHIPS AND EXTERNSHIPS**

SOL's National Office Divisions as well as Regional and Branch Offices regularly accept students for internships and externships. SOL provides internship/externship opportunities for those participating in designated hiring authorities, such as the Pathways Program, as well as those receiving stipends or academic credit. Opportunities under the Pathways Program or other hiring authorities are posted at <https://www.usajobs.gov/>. Opportunities may be available for law students, other graduate students, and undergraduate students. Opportunities may also be available for individuals seeking paralegal internships.

As a legal intern, you will have a variety of legal assistance responsibilities including significant legal research and writing related to advice, litigation and/or rulemaking projects for client agencies, as well as analyzing the legal impact of legislative developments, administrative rulings, and court decisions on Departmental programs. Interns may also attend meetings with client agencies, other SOL Divisions, and other executive agencies, as appropriate. Interested applicants should reach out to individual SOL National Office Divisions or Regional Offices to find out more information about available opportunities. You can find contact information for the Divisions and Regional Offices at <https://www.dol.gov/agencies/sol/careers/internships>.

## **OPPORTUNITIES FOR OTHER PROFESSIONALS**

SOL regularly seeks paralegals and other administrative specialists for our National Office and Regional Offices across the country. To learn about openings in the SOL National Office, please visit <https://www.usajobs.gov/> and conduct an agency search for "Department of Labor - Office of the Solicitor."

## **OPPORTUNITIES FOR VETERANS**

Attorney appointments within the Department are positions in the excepted service, not the competitive service. There is no formal rating system for applying veterans' preference in attorney appointments; however, the Department considers veterans' preference eligibility as a positive factor in attorney hiring. To receive positive consideration, you must indicate your eligibility in response to the appropriate item on the vacancy questionnaire. Additionally, you must submit a copy of your Certificate of Release or Discharge from Active Duty, DD214, showing the type of discharge and dates of active duty and, if applicable, a VA letter certifying the present existence of the service-connected disability, which indicates the percentage of your disability. Without this documentation, you will not receive veteran's consideration.

## **OPPORTUNITIES FOR MILITARY SPOUSES**

If you are a military spouse, you may be eligible to apply using a non-competitive process designed to help you get a job in the federal government. Federal agencies can use the military spouse non-competitive hiring process to fill positions on either a temporary or permanent basis. Your eligibility does not entitle you to a job within the Federal Government. You must still apply and meet qualification standards and additional requirements, such as a background investigation. You are eligible if you are:

- A spouse of an active duty member of the armed forces.
- A spouse of a service member who is 100% disabled due to a service-connected injury.
- A spouse of a service member killed while on active duty. You are no longer eligible if you remarry.





**OFFICE OF THE SOLICITOR**  
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