



## Change to Win Employment Standards Meeting December 4, 2008

Change to Win made the following administrative recommendation to improve the enforcement of workers rights:

1. Focus resources on Targeted Enforcement
2. Make full use of all available remedies
3. Use Cooperative Enforcement arrangements to leverage scarce resources
4. Establish Enforcement Priorities and Goals
5. Implement the GAO recommendations
6. Update and issue New Opinion Letters Reflecting WHD Enforcement Priorities
7. Improve Worker Access to WHD
8. Build a Centralized Enforcement Database
9. Publicize Enforcement Actions
10. Issue an opinion letter that clarifies that the term “principal activity” defined at 29 CFR part 790.8(b) covers all activities which are an integral part of a principal activity including activities which are indispensable to an integral activity.

Change to Win made the following recommendation as to legislative changes to FLSA:

1. Address the misclassification of workers
2. Overturn Long Island Care at Home v. Coke
3. Increase the tipped employees’ minimum wage
4. Make clear that the term clothing does not include protective gear
5. Permit traditional class actions and private actions for penalties and injunctive relief
6. Clarify that pre-dispute arbitration agreements are not enforceable
7. Require Employers to set forth terms and conditions of employment in writing
8. Change the statute of limitations from 3 to 5 years for willful violations
9. Increase liquidated damages to twice the wages due and make it in addition to interest
10. Fix the fluctuating work week computation
11. Provide overtime after 8 hours in a day and put a cap on mandatory overtime
12. Eliminate the \$500,000 threshold and replace it with a minimum employee threshold
13. Provide overtime coverage for agricultural workers
14. Eliminate the window of correction
15. Clarify that Commission requires involvement in sales and not piece rate work