

NELP

**National Employment
Law Project**

Supporting Good Jobs for Low-Wage Workers: A Proposal to XXX

September 3, 2013

Proposed Grant Amount: \$XX,000

Proposed Grant Period: December 1, 2013-November 30, 2014

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Introduction

NELP seeks to translate the promise of economic opportunity and security through work into reality for all of America's workers. Founded 44 years ago, NELP partners with national, state, and local community groups, worker centers, unions, and other allies, including those in the District of Columbia, Maryland and Virginia, to promote policies to create and maintain good jobs with family-supporting wages, enhance access to employment, and sustain an economic security safety net that supports families during job loss and promotes reemployment. We are grateful for the support of the XXX Fund in the past, and request a renewal of our one-year general support grant of \$XX,000 for December 1, 2013 to November 30, 2014.

NELP's efforts have elevated awareness of the ongoing economic crisis for millions. Our focus on the low wage recovery has underscored the importance of a strong minimum wage, and our technical assistance has boosted the capacity of local and national coalitions to promote minimum wage reforms at the federal and state levels. NELP has shone a spotlight on wage theft, arming partners with tools to combat the practice locally and joining allies and the U.S. Labor Department to strengthen federal enforcement and policy development. And our groundbreaking research and outreach to workers have exposed how employer manipulation of immigration status can undermine labor rights. With your support, we hope to build on this momentum and achieve even more in the next year.

Enforcing Labor Standards

Workers' Rights in Immigration Reform

Immigrant workers are vulnerable to immigration enforcement and employer abuses absent comprehensive immigration reform that will allow workers to come out of the shadows and be able to invest in training and other economic opportunities. As part of the movement to fight for common sense reform to our immigration system, NELP will continue to work with our worker center partners and other allies to ensure that the immigration reform include strong worker protections and broad path to citizenship that do not exclude low-wage and women workers.

Federal Administrative Agenda & Advocacy

A major element of NELP's program will continue to be our ongoing leadership and coordination of the *Just Pay Working Group*, a nationwide virtual table of wage advocates we convened to promote a [comprehensive set of reforms](#) to strengthen the US Department of Labor (USDOL) Wage and Hour Division's enforcement of workers' wage protections. Our efforts during the first term of the Obama administration helped lead the USDOL to take up over half of the Working Group's proposals. After convening a gathering of Just Pay members late last year, we have culled and re-prioritized the remaining policy reforms and will focus concerted efforts on those remaining top priorities in the next term. These include promoting a transparent and robust complaint communications system so that DOL claimants understand their rights and the progress of their wage theft claims; promoting an anti-retaliation strike force to protect workers facing barriers to enforcement of their basic rights; issuing regulations for home care workers (discussed in more detail below); providing guidance on subcontracting and independent contractor abuses in low-wage jobs, and promoting transparency and paycheck disclosures for low-wage workers in jobs without records and information about their hours and wages.

As part of this work, NELP will continue to support and grow the private enforcement community and collaborations with the USDOL through its National Wage and Hour Clearinghouse, www.just-pay.org, a membership-based online resource center for private and legal services lawyers, community groups, and unions working on wage justice issues. The listserv has over 700 members, sharing information,

campaign, litigation, and policy strategies. As part of this support, NELP has authored or participated in at least five *amicus* briefs a year on strategic issues in the wage justice field, and has directly litigated several more wage and hour cases brought by low-wage workers per year.

State & Local Labor Standards

NELP will continue to provide support to and collaborate with our worker center allies to strengthen their wage justice or other job quality related campaigns at the state and federal and their capacities to work with state and federal DOL offices. We have and will continue to collaborate with partners like Public Justice Center in Maryland, the Virginia Justice Center, the DC Employment Justice Center, National Domestic Workers Alliance and the Caring Across Generations campaign, National People's Action, Restaurant Opportunities Center United, and Interfaith Worker Justice and these networks' member groups. Our work includes research, policy development and implementation models, and strategic message points to improve enforcement of baseline labor standards like the minimum wage and overtime protections and the ways in which employers seek to evade those baseline rights.

For example, in Washington, NELP provided assistance to the DC Employment Justice Center and its allies in their successful campaign to have the D.C. City Council enact a package of anti-wage theft reforms. In the year ahead, we will now be advising them on implementing the new law and on their follow-up campaign to supplement it with additional model reforms to combat wage theft. By providing model language, reading drafts, and sharing background on what other states have done, we will help them develop and fight for precedent-setting reforms to help D.C.'s low-wage workers receive every hard-earned dollar they deserve.

Supporting Low-Wage Sector Organizing

Federally Contracted Low-Wage Workers

This past year, a national campaign called [Good Jobs Nation](#) launched to shine a light on the role of federal government contracting in creating low-wage jobs – tens of thousands of them in D.C., Maryland, and Virginia where federal contracting is concentrated. The campaign is pushing for action by the Obama administration to mandate living wages for this hardworking workforce to raise standards and fight poverty.

With the release of our major report, [Taking the Low Road: How the Federal Government Promotes Poverty-Wage Jobs Through its Contracting Practices](#), NELP documented the scale of this problem and cataloged proven best practices from the states for upgrading contracted jobs. In the year ahead we will continue to work with the campaign to push for federal action to end the government's role in fueling the growth of poverty-wage employment. With a heavy concentration of federal contractors in the Washington metropolitan area, action on this front would improve wages and working conditions for an enormous number of low income workers in the region.

Fast Food Workers

Fast food jobs are among the fastest growing in today's economy, with nearly 4 million workers in the industry. They are also among the lowest-paid. Like low-wage workers across the country, fast food workers are seeing the real value of their paychecks decline every year, as the cost of living rises while their wages remain stagnant – the median wage for a front-line fast food worker is just \$8.94 per hour. On the other hand, the fast food industry is booming, and many of the corporations that employ these workers are enjoying healthy profits, including McDonald's and Yum Brands!, which operates Taco Bell, KFC, and Pizza Hut.

An exciting organizing drive has taken off in this industry over the past year. Snowballing quickly, it now encompasses workers in 60 cities across the U.S. who went on strike last week, protesting their poverty wages. This wave of fast-food strikes – which the *New York Times* said “[seems to be catching fire](#)” and that MSNBC called “[the largest industrial action in the industry’s history](#)” – highlight the limits of the nation’s recovery and demonstrate workers’ mounting impatience with an economy that is increasingly defined by low-wage jobs. The D.C. area is a key focus of the campaign, with fast food and concession workers at federally-linked facilities like Union Station joining in the strikes.

NELP is supporting the campaign with a combination of research, policy, and communications work. From our [Taking the Low Road](#) report mentioned above to [Going Nowhere Fast](#), our piece detailing the lack of mobility opportunities in the industry, NELP research is playing a key role in making the case for upgrading these jobs. And NELP staff have been serving as experts, making the case to the media that it is economically realistic to transition the industry to a living wage model. Recent NELP media performances in this area include:

- [NELP’s Tsedeye Gebreselassie on MSNBC](#) (Apr. 5, 2013)
- [NELP’s Tsedeye Gebreselassie on MSNBC](#) (July 22, 2013)
- [NELP’s Tsedeye Gebreselassie on MSNBC](#) (July 29, 2013)
- [NELP’s Jack Temple on Al Jazeera](#) (Apr. 5, 2013)
- [NELP’s Paul Sonn on MSNBC](#) (Sept. 2, 2013)
- [NELP’s Paul Sonn on the Wall St. Journal](#) (Aug. 29, 2013)

During the year ahead NELP staff will support this campaign in the DC area and nationally as it fights for living wages in this high growth segment of our economy.

Caregivers

In broad collaboration with community groups and unions, NELP continues to seek issuance of a final regulation by the Obama Administration to extend long-overdue federal minimum wage and overtime protections to home care workers. The USDOL companionships regulations were enacted in the 1970s and are desperately in need of reform in recognition of the changing nature of this sector. Home care is among the fastest growing industries in our economy, and the aging of the population and extend life expectancy will continue to propel this trend. NELP and other advocates have been urging these reforms for several years and we expect final action by the USDOL in 2013.

NELP has begun to lay the foundation for an implementation campaign at the federal and state levels once the regulations are issued in final form. Due to pressures on state Medicaid programs and budgets, as well as entrenched industry practices, there are likely to be challenges to these long overdue basic worker protections. NELP will try mitigate these responses (or at least be well-prepared for them) by bringing together members of the eldercare and disability advocacy community, unions, and state Medicaid and Labor officials.

NELP is also analyzing how the rules reform will interact with state law requirements. When this analysis is completed, we will share with advocates, workers’ rights advocates, and state officials to ease the implementation of this essential reform.

Raising the Minimum Wage

Federal

As low-wage jobs continue to define the core of America's economy in the post-recession recovery, a new wave of campaigns has launched pushing to substantially raise the minimum wage – and adjust it for inflation as ten states already do so that it will not erode again. This past year NELP and its partners made exciting progress in elevating the minimum wage on the national economic agenda. At the federal level, the next campaign to raise the federal minimum launched in earnest with Congress introducing the [Fair Minimum Wage Act of 2013](#), on the heels of President Obama call for the same in his State of the Union address. The FMWA would raise the federal minimum wage to \$10.10 per hour, boost the tipped minimum wage from its current rate of \$2.13 per hour to 70 percent of the full minimum wage, and index both wages to rise automatically with the cost of living each year.

NELP is playing a leading role in coordinating the campaign and planning strategy and media. NELP is convening the broad national minimum wage coalition of more than 40 groups including national grassroots partners such as AFL-CIO, SEIU, Jobs with Justice, Restaurant Opportunities Centers United, Let Justice Roll, and Interfaith Worker Justice, and policy experts and academics such as EPI, CEPR, CAP, PERI, and UC-Berkeley Institute for Research on Labor and Employment.

NELP Also worked with SEIU and other coalition partners to organize the most extensive grassroots push around the minimum wage in memory – the highly visible July 24 national day of action to raise the minimum wage, which involved rallies in more than 30 cities and impressive social media pick up. For the national day of action, NELP coordinated four working groups made up of national organizations to effectively channel our communications and organizing efforts for that action. We expect action in Washington around the minimum wage to heat up even more in 2014, with hearings and a push for a vote on this measure that our [July Hart Research poll](#) shows 80% of voters, including 60% of Republican voters, support. NELP will continue to play a leading role in coordinating field activity, media outreach, and online organizing to generate popular momentum to pass the Fair Minimum Wage Act.

State & Local

In the absence of action on the federal level over the past four years, a record numbers of states have introduced legislation and launched campaigns to raise the minimum wage. NELP provides technical assistance, including research, legal, and media support, to state minimum wage campaigns across the country. Over the next year, victories on the state level will not only provide immediate benefits to millions of low-wage workers and their families, but will also generate critical momentum for winning an increase in the minimum wage on the federal level.

Following successful campaigns to raise the minimum wage in New York and Connecticut earlier this year, NELP plans to partner with local labor, faith, community, and business allies to win minimum wage increases over the next year in New Jersey, California, Massachusetts, Maryland, South Dakota, Alaska, Hawaii, and Minnesota. A key campaign NELP will be supporting during 2014 in the foundation's priority region is the effort to raise Maryland's minimum wage to \$10.10 per hour and adjust it for inflation each year. With strong support from Gov. Martin O'Malley, this campaign is teed up to succeed next year. We are also working with allies to explore the feasibility of a 2013-2014 campaign to raise the District of Columbia minimum wage to approximately \$10.50 per hour – perhaps through a voter ballot initiative.

Organizational Capacity

In order to ensure that NELP can continue support our projects above, we must also ensure our organizational capacity and sustainability. We recently went through a reorganization process and our

new structure was formally adopted in August 2013. This new configuration clarifies decision-making roles and allows staff to understand how they can grow within the organization.

In the past several years, we have also increased the capacity of the organization by hiring dedicated Communications and Development staff as well as, most recently, a Controller and Risk Management Director. Although we continue to be dedicated to manage a lean organization, this additional influx of expertise has been invaluable as we plan for NELP's future.