

U.S. DEPT. OF LABOR ENFORCEMENT ACCOMPLISHMENTS (2010-2016)

Occupational Safety and Health Regulation

Secretary v Ashley Furniture Industries

The nation's largest retailer of home furnishings paid \$1.75 million in penalties to resolve safety violations and agreed to take proactive steps to prevent employee injuries at all of its nationwide plants. The successful resolution requires the company to take steps to change its culture, protect its employees from further harm and work with OSHA to make significant changes to safeguard the health and safety of its employees. The firm will conduct periodic audits of its facilities to identify hazards; perform annual reviews of its safety programs; and develop internal corporate-wide monitoring of its numerous manufacturing facilities.

<https://blog.dol.gov/2016/06/08/changing-safety-culture-at-americas-leading-furniture-manufacturer/>
https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=32583

Secretary v. Republic Steel

A major steel manufacturer paid \$2.4 million in penalties and agreed to abate all safety and health violations at each of its facilities. In addition to correcting all violations found during a corporate-wide inspection, the company will take multiple measures to improve compliance to protect its employees. The company agreed to hire additional safety and health staff; conduct internal safety and health inspections with United Steelworker representatives; hire third-party auditors to assure hazards are identified and improvements are made; and meet quarterly with OSHA staff to implement the agreement's terms.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=25908
https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=28140

Secretary v. Black Mag LLC/ State of New Hampshire v. Craig Michael Sanborn

OSHA's investigation of the May 2010 fatal explosion at the Black Mag gunpowder plant in Colebrook, New Hampshire resulted in issuance of 16 willful and over 30 serious safety violation citations, along with a \$1.2 million penalty to Black Mag. The citations and penalties were affirmed in an agreement that compelled Black Mag's owner, Craig Sanborn, to surrender his ATF explosives manufacturing license and barred him from ever again employing workers in any explosives-related business enterprise. OSHA then assisted a county attorney in convicting Sanborn of manslaughter in connection with an explosion at the plant that killed two employees. Sanborn, who was also the company's president and managing member was sentenced to five to 10 years on two counts of manslaughter, to be served consecutively, for a total of 10 to 20 years, and assessed fines of \$10,000

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https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=25179

Secretary v. Behr Iron & Steel, Inc./United States v. Behr Iron & Steel, Inc.

In a cooperative investigation between the Department of Labor and the Department of Justice, a high volume ferrous and nonferrous scrap processor was sentenced to five years' probation and paid \$350,000 in restitution to its deceased employee's estate. The company admitted in its guilty plea in federal court that it failed to provide lockout/tagout protection and confined space protection required by OSHA regulations to its employees who were cleaning a shredder discharge pit. The employer admitted those violations caused the death of its employee who was caught in a moving, unguarded conveyor belt. In addition to the criminal conviction, the company paid OSHA a penalty of \$520,000 in a related civil administrative enforcement case.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=27600

Secretary v. BP Products North America, Inc.

BP Products North America, Inc. agreed to pay the largest OSHA penalty ever, \$50.61 million, for failing to correct safety issues identified by OSHA after an explosion at BP's Texas City Refinery in 2005 which killed 15 workers and injured 170 more. As part of the settlement BP agreed to implement a comprehensive program to bring workplace safety and health protections up to date, setting aside an additional \$500 million for the program with a promise to provide additional funding if needed.

<https://www.osha.gov/dep/bp/bp.html>

Secretary v. Dollar Tree Stores, Inc.

Dollar Tree Entered into a corporate-wide settlement agreement with after OSHA found that many of its stores routinely stacked boxes and other items in a way that blocked employees' access to emergency exits and electrical equipment. The company agreed to implement a number of safeguards to protect its workers at 2,400 stores around the country.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=29244

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=CWSA&p_id=2389

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Secretary v. Sea World of Florida LLC

The Department obtained favorable decisions in a novel OSHA matter involving the death of a SeaWorld trainer at Seaworld's Orlando park. The trainer died as a result of close interaction with SeaWorld's infamous killer whale, Tilikum. After a two week bench trial in Sanford, Florida, oral arguments, and post hearing briefs, an Administrative Law Judge determined, among other things, that SeaWorld violated the OSH Act by allowing close interaction with its killer whales. Seaworld's petition for review of review of the ALJ's decision was denied in a published decision of the D.C. Circuit.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=18207
[https://www.cadc.uscourts.gov/internet/opinions.nsf/5AF8A4C12F19AE2185257CB700516292/\\$file/12-1375-1487925.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/5AF8A4C12F19AE2185257CB700516292/$file/12-1375-1487925.pdf)

Secretary v. Corizon Health, Inc. et al.

One of the largest private providers of correctional healthcare in the United States, Corizon Health, Inc. agreed to an enterprise-wide workplace violence settlement. Corizon was cited by OSHA for failing to protect its employees at Rikers Island from workplace violence. The comprehensive agreement includes a timeline of specific actions, reports, and monitoring designed to ensure that Corizon changes its practices, both at the corporate level and at hundreds of correctional facilities nationwide. This unprecedented corporate-wide settlement aims to shift how workplace violence is addressed across the correctional healthcare industry.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=28215
https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=CWSA&p_id=2329

Secretary v. Tower Maintenance Corp.

It was proved at trial that Tower Maintenance Corporation willfully violated the OSH Act by requiring employees to perform work on electric towers over one hundred feet above the ground without the use of fall protection. OSHA issued the violations after an employee fell from a tower and sustained fatal injuries. This was the second fatal fall accident for the company in the previous two years. The Judge's decision found that Tower Maintenance had heightened awareness of OSHA's fall protection requirements and was "plainly indifferent to the safety of its painters." The Judge assessed the maximum statutory penalty of \$70,000 for the willful violation, and also affirmed violations related to inadequate safety training and exposure to electrical hazards for a total penalty of \$91,000.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=32394

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Secretary v. Dover Greens LLC, f/k/a Olivet Management LLC

Dover Greens (formerly Olivet Management) settled a \$2.3 million civil penalty case against it for willfully exposing employees to lead and asbestos. The settlement imposes abatement obligations that should span the next decade. Dover Greens purchased the Harlem Valley Psychiatric Center, a decommissioned New York State mental hospital campus, to convert it into a college. As general contractor, Dover Greens directed thirteen contractors with more than 200 employees to sweep the peeling lead paint off the surfaces of walls, to remove and stack asbestos floor tile, and to dry-sweep floors that were contaminated with lead and asbestos debris, without telling them the truth about these hazards or following OSHA health requirements. The settlement affirms twenty willful citations of the lead and asbestos standards and the full assessed penalty. Dover Greens will pay \$700,000, plus another \$1.6 million if they fail to comply with the settlement's terms, which include retaining competent, properly trained contractors and a safety monitor, and notifying employees in three languages about their workers' compensation rights.

<https://blog.dol.gov/2016/03/28/former-psychiatric-hospital-became-worksite-of-horrors/>
<https://www.dol.gov/sites/default/files/OSHA20160302.pdf>

Secretary v. Monro Muffler Brake, Inc.

Monro Muffler Brake Inc., which operates a chain of more than 800 stores that provide automotive repair and tire services throughout the eastern United States, reached an enterprise-wide settlement agreement under which it will institute procedures to protect its workers against being crushed or struck by automotive hydraulic lifts.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=22884
https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=CWSA&p_id=2194

Secretary v. Nations Roof LLC

A national roofing business reached an enterprise-wide settlement agreement that resolves litigation stemming from citations and penalties issued by OSHA for hazards at a Hudson, New Hampshire, work site. Lithia Springs, Georgia-based Nations Roof LLC and its 14 affiliated companies have agreed to completely reinvent a uniform safety and health program, which will include significant improvements to employee training, safety and health planning, work site inspections, and management structure and accountability.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=20610

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Secretary v. DeMoulas Super Markets Inc., d/b/a Market Basket

A Massachusetts-based grocery chain agreed an enterprise-wide settlement under which it must correct all hazards and take substantive steps to enhance safety and health measures for employees at all of the chain's more than 60 stores in Massachusetts and New Hampshire. The settlement resolves litigation that followed citations carrying \$589,200 in fines issued by OSHA in October 2011 after OSHA inspections identified widespread fall and laceration hazards at the stores.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=22350

Secretary v. Marathon Staffing Services Inc.

In connection with an enforcement action brought as part of OSHA's initiative to improve workplace safety and health for temporary workers, a company that supplies temporary employees to the construction industry agreed to a settlement under which it must provide enhanced workplace safety and health protections for workers it places. OSHA cited Marathon Staffing Services Inc. for a serious violation in December 2014 for not providing hearing tests for its employees exposed to high noise levels while working on assignment at Concrete Systems Inc. in Hudson, New Hampshire.

Under the terms of the agreement, Marathon will have a qualified safety and health professional review and update a checklist to address foreseeable safety and health concerns at client workplaces. The list will be used to conduct initial and periodic safety and health inspections or audits at client work sites to ensure working conditions meet OSHA standards. Marathon will also provide comprehensive safety and health training for its account executives and sales representatives. The company will develop, with each of its clients, written contracts specifying their respective responsibilities to develop safety and health programs applicable to each workplace where Marathon supplies temporary employees.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=28155

Secretary v. North Suffolk Mental Health Association

A mental health services provider entered into an entity-wide settlement agreement under which it must implement comprehensive procedures and policies to safeguard its workers better against the hazards of workplace violence. The settlement resolves citations issued by OSHA to North Suffolk Mental Health Association in June 2011 after a schizophrenic resident of the company's group home in Revere, Massachusetts murdered an employee, while the two of them were alone at the home. The settlement applies to all North Suffolk programs, activities and workplaces. The terms of the settlement include a requirement that North Suffolk implement a stand-alone written violence prevention program for all client-related service programs at all its locations. The program's elements will include workplace controls and prevention strategies; hazard/threat/security assessments; a workplace violence policy statement outlining and emphasizing a zero-tolerance policy for workplace violence; incident reporting

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and investigation; and periodic review of the prevention program. North Suffolk also agreed that its management will solicit staff input and ensure staff involvement in the workplace violence prevention program, including offering full membership on the company's safety committee.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=24531

Wage and Hour Regulation

J&J Snack Foods

A leading North American manufacturer and distributor of popular food and beverages – including baked goods under the Country Home Bakers, Mary B's and SuperPretzel brand names, and frozen food products under the ICEE, Luigi's, Slush Puppie, Minute Maid Juice Bars and WholeFruit labels – was assessed a \$20,000 civil penalty and agreed to pay over \$2 million in back wages for failure to pay temporary workers supplied by staffing firms the federal minimum wage and overtime.

J&J Snack Foods Corp. — a repeat FLSA violator — was found to have paid 465 workers at its Swedesboro, New Jersey facility straight time for overtime hours worked beyond 40 hours in a workweek, in violation of federal law. The workers were provided by staffing firm Sebastian and Sebastian LLC. In addition, the Wage and Hour Division found that J&J and Pennpak, a staffing firm that provided workers at the J&J facility in Chambersburg, Pennsylvania, failed to pay their workers at least the federal minimum wage and overtime. In its investigations, the Wage and Hour Division determined that J&J jointly employed the temporary workers provided by both Sebastian and Pennpak. The FLSA states joint employment exists where workers have an employment relationship with one employer such as a staffing agency, and the economic realities show that they are economically dependent on — and thus employed by — another entity involved in the work.

<https://www.dol.gov/opa/media/press/whd/WHD20151976.htm>

Secretary v. Contingent Care LLC, et al.

The Eighth Circuit Appeals Court affirmed the right of employees licensed as day care workers in the State of Missouri to be paid minimum wages and overtime compensation under the FLSA. The employer maintained it was a licensed day care center, rather than a pre-school, and therefore didn't need to comply with the pay and recordkeeping requirement of the FLSA. The appellate court upheld the lower court's conclusions that the center's use of curricula and educational services meant it was a pre-school, as defined under federal law, and was required to pay its employees in compliance. This decision requires workers in this low wage industry to be paid minimum wage and overtime compensation when the services they provide are educational in nature.

<http://media.ca8.uscourts.gov/opndir/16/04/151074P.pdf>

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Secretary v. i2A et al.

The Secretary secured an injunction against a Silicon Valley semiconductor manufacturer, barring the shipment of goods in interstate commerce due to repeated underpayment and nonpayment of the federal minimum wage. After refusing to comply with several court orders, the owner of the employer was held in contempt.

<http://dolcontentdev.opadev.dol.gov/sol/regions/SF/40.pdf>

<http://www.sanjoseinside.com/2016/03/09/recent-cases-highlight-silicon-valleys-wage-theft-epidemic/>

Secretary v. American Future Systems, Inc., d/b/a Progressive Business Publications et al.

The Secretary obtained a judgment awarding a minimum of \$1.7 million in back pay for 6,000 telemarketing workers who were denied break time at their workplaces in Pennsylvania, New Jersey, and Ohio. American Future Systems, doing business as Progressive Business Publications improperly refused to pay for time its employees spent on bathroom and water breaks. The decision reaffirms that short rehabilitative breaks are compensable under the FLSA.

<https://www.dol.gov/opa/media/press/whd/WHD20152486.htm>

<https://www.dol.gov/opa/media/press/whd/WHD20152486fs.pdf>

Secretary v. Cascom Inc.

The U.S. District Court for the Southern District of Ohio found a contractor for a major cable company liable for back wages and liquidated damages totaling \$1,474,266 owed to approximately 250 cable installers. Cascom Inc, based in Fairfield, Ohio, misclassified the installers as independent contractors in violation of the FLSA. Under the FLSA, an employment relationship must be distinguished from a strictly contractual one. An employee — as distinguished from a person who is engaged in a business of his or her own — is one who, as a matter of economic reality, follows the usual path of an employee and is dependent on the business that he or she serves.

<https://www.dol.gov/newsroom/releases/whd/whd20131807>

Secretary v. Paul Johnson Drywall, Inc./ Secretary v. Arizona Tract LLC et al.

An Arizona-based drywall company consented to judgment against it in a lawsuit brought by the Department, under which it must sever its relationship with Arizona Tract LLC., a construction labor contractor. Beginning April 2013, Paul Johnson Drywall entered into a contract with Arizona Tract for the provision of drywall labor. Arizona Tract classified former Paul Johnson Drywall workers as

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"member/owners" of independent LLCs instead of employees, which stripped them of basic worker protections afforded to employees. The company must also pay \$556,000 in overtime, back wages, and liquidated damages to at least 445 current and former employees, and \$44,000 in civil monetary penalties.

The principals behind Arizona Tract, and a variety of other corporate incarnations, were held to account in separate lawsuit. The defendants required the drywall workers they supplied to become members of LLCs. These construction workers were building houses in Utah and Arizona as employees one day and then the next day were performing the same work on the same job sites for the same companies but without the protection of federal and state wage and safety laws. The companies, in turn, avoided paying hundreds of thousands of dollars in payroll taxes. In consenting to judgment, the labor contractors must pay \$600,000 in back wages and liquidated damages to employees in Utah and Arizona and an additional \$100,000 in civil penalties; stop using limited liability companies to avoid FLSA compliance; treat themselves as "employers" and their current and future workers as "employees" under the FLSA; comply with the FLSA's minimum wage, overtime, recordkeeping, and anti-retaliation provisions; pay all applicable federal, state and local taxes; and work with the department to identify those workers harmed by their misclassification scheme and determine proper individual payment of back wages.

<https://www.dol.gov/newsroom/releases/whd/whd20140827>

<https://www.dol.gov/newsroom/releases/whd/whd20150518>

Secretary v. Intelliconnect

The U.S. District Court in Nevada ordered a Las Vegas-based telemarketing company to pay \$280,000 in minimum wage and overtime back wages and an equal amount in liquidated damages to 398 employees for violations of the FLSA. The consent judgment resolves a lawsuit filed by the Department against Intelliconnect Communications LLC, owners Brenda Portela and Stephanie Meehan, and S&M Management Services Inc., a successor employer. The Wage and Hour Division investigation found that from January 2010 through December 2012, Intelliconnect misclassified its telemarketers as independent contractors, which denied them minimum wage and overtime wages. Investigators found the employer paid the telemarketers based on a percentage of individual sales, resulting in many of them working for days and weeks for little or no pay.

<https://www.dol.gov/opa/media/press/whd/WHD20142310.htm>

Perez v. Shippers Transport Express, Inc.

A West-Coast transport company consented to judgment under which it must reclassify all of its port drivers in California as employees and pay back wages and liquidated damages for the wage theft after it

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misclassified the drivers as independent contractors. The consent judgment represents the first finding that finding that port drivers are employees under the Fair Labor Standards Act.

<http://dolcontentdev.opadev.dol.gov/sol/regions/SF/Shippers.pdf>

Secretary v. BMY Foods Inc. et al./People v. BMY Foods Inc., et al.

The owner of several Papa John's franchised restaurants consented to judgment, under which he must \$460,000 in back wages and liquidated damages failure to pay overtime and the federal minimum wage to employees of his restaurants. The owner, Abul J. Khokhar also admitted that he forced employees to use fictitious name in the restaurants' payroll system as part of an effort to conceal the scheme, and, in addition to the damages, he was assessed a \$50,000 civil money penalty. In a separate proceeding, Khokhar pled guilty to failing to pay New York's minimum wage and falsifying records and was sentenced to 60 days in prison.

<https://blog.dol.gov/2015/07/25/papa-johns/>

<https://ecf.nysd.uscourts.gov/doc1/127116423797>

<http://www.ag.ny.gov/press-release/ag-schneiderman-and-us-department-labor-announce-jail-time-bronx-papa-john%E2%80%99s>

Secretary v. A+ Nursetemps, Inc. et al.

Following a bench trial, a Florida-based healthcare staffing company and its owner were found to have violated the FLSA by failing to pay overtime to workers that they misclassified as independent contractors. The defendants, A+ Nursetemps and Michael Arthur, were ordered to pay nearly \$300,000 in back wages and liquidated damages to 148 employees and permanently enjoined from, among other things, continuing to classify its staff as independent contractors.

<https://ecf.flmd.uscourts.gov/doc1/047112066663>

Retaliation

Secretary v. U.S. Steel Corporation, Inc.

The Department has recently sued a national steel manufacturer under Section 11(c) of the OSH Act to reverse the disciplinary action taken against employees who reported injuries several days after the occurrence of accidents and amend the company's immediate reporting policy. At the time of the accidents, the employees were unaware they had suffered injuries, as symptoms did not develop until

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later. When the workers realized and reported their injuries, U.S. Steel Corporation suspended both workers without pay for violating the company's immediate reporting policy. The case remains pending.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=29730

Secretary v. Boston Hides & Furs Ltd. et al.

A Massachusetts-based wholesale animal hide business and its owner consented to judgment under which it must pay a total of \$100,000 in compensatory and punitive damages to 10 workers who were unlawfully fired for cooperating with the investigation by the Wage and Hour Division. Boston Hides & Furs Ltd., and its owner, Anthony Andreottola, were also ordered to pay a total of \$825,000 in back wages and liquidated damages to 14 underpaid employees of the Chelsea, Mass.

<https://www.dol.gov/whd/media/press/whdpressVB3.asp?pressdoc=Northeast/20130930.xml>

Secretary v. Lear Corporation EEDS et al.

An Alabama car-seat manufacturer settled a lawsuit brought by the Department under Section 11(c) of the OSH Act. Among other things, the manufacturer, Lear Corporation, doing business as Renosol Seating, agreed to reinstate a fired employee who complained about exposure to hazardous chemicals. Renosol also agreed to make whole other employees for time lost due to suspensions related to workplace safety complaints, purge such discipline from the employees' records, and drop lawsuits the company had filed against the complaining employees.

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=30042
<https://ecf.alsd.uscourts.gov/doc1/02112302287>
<https://ecf.alsd.uscourts.gov/doc1/02112398979>

Secretary v. Clearwater Paper Corp.

After a full trial, the district court in Ohio fully vindicated the Department's claims of retaliation by Clearwater Paper Corporation against a worker for being perceived as reporting health and safety concerns to OSHA. Calling the employer's defense of its retaliatory act "preposterous," the court granted full relief sought by the Department, including ordering the payment of damages exceeding \$230,000 to the terminated whistleblower.

<http://dolcontentdev.opadev.dol.gov/sol/regions/SF/Tenny.pdf>

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Secretary v. Fatima/Zahra Inc., d/b/a Lake Alhambra Assisted Living Center, et al.

The owners a California nursing home were held in contempt for violating the terms of a preliminary injunction by continuing to retaliate against employees who cooperated with the Wage and Hour Division's investigation into wage theft. In addition, the nursing home, Lake Alhambra Assisted Living Center, was required to pay workers for time on "unpaid vacations" they were forced to take as punishment for speaking with investigators. Mahrangiz and Abolfazl Sarkeshik, the owners of Alhambra, were also enjoined from selling the nursing home subject to the posting of bond to secure their potential liability for damages under the FLSA. The defendants ultimately consented to judgment, under which they were required to pay over \$150,000 in back wages.

<http://dolcontentdev.opadev.dol.gov/sol/regions/SF/LakeAlhambra-48.pdf>
<https://ecf.cand.uscourts.gov/doc1/035112287972>

Secretary v. Foreclosure Connection, Inc. et al.

After attempting to obstruct a wage-and-hour-division investigation into their pay practices, a Utah-based house-flipping business and its owner were enjoined from retaliating against its construction workers for speaking with investigators and enjoined from falsifying or destroying documents. To help enforce the anti-retaliation provisions of the injunction, the company and its owner, Foreclosure Connection, Inc and Jason Williams, were also required to conspicuously post at all job sites notice of their employees' rights under the FLSA to speak with federal investigators and to provide 10 days' notice to the Department of any proposed termination of employees. The lawsuit, seeking additional relief, such as the reinstatement of a fired worker, remains pending.

<https://www.dol.gov/opa/media/press/whd/WHD20151910.htm>
<https://ecf.utd.uscourts.gov/doc1/18313441805>

Secretary v. El Tequila LLC et al.

Following a jury trial, a the U.S. District Court for the Northern District of Oklahoma granted the Department's motion for judgment as a matter of law against a Tulsa restaurant chain and its owner for willful violations of the FLSA's minimum wage and overtime provisions. The restaurant, El Tequila LLC, and its owner, Carlos Aguirre, were ordered to pay over \$2 million in back wages, and their request to stay the judgment pending appeal was denied absent their posting the full amount of damages as bond.

<https://www.dol.gov/newsroom/releases/whd/whd20160114-1>
<https://casetext.com/case/perez-v-el-tequila-llc-5>

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Secretary v. BabyVision Inc. et al.

A Poughkeepsie-based maker and distributor of baby apparel consented to judgement under which it must pay over \$120,000 in back wages and nearly \$14,000 in civil money penalties for willfully violating the overtime provisions of the FLSA and attempting to obstruct the Wage and Hour Division's related investigation. A yearlong federal probe found that BabyVision Inc. and the company's owners, Shreenivas Shah and Malti Shah, paid employees — including some not on the company payroll — straight time in cash and denied them the required overtime rate of one and one-half times their regular hourly wage when they worked more than 40 hours in a workweek. The owners also improperly classified some employees as exempt from overtime. Additionally, the Shahs failed to maintain proper payroll records. Early in the investigation, the Shahs told employees they were to hide from investigators or provide false information. Workers were threatened with termination if they cooperated with investigators. The department responded by obtaining a temporary restraining order to protect the workers and their rights, allowing the review of the company's employment practices to continue.

<https://www.dol.gov/opa/media/press/whd/WH20150612.htm>

Secretary v. National Consolidated Couriers Inc. et al.

A major courier service consented to judgment under which it must pay over \$5 million in back wages and liquidated damages to employee couriers across the country whom it misclassified as independent contractors. During the Wage and Hour Division's investigation of its practices, National Consolidated Couriers, Inc., attempted to destroy incriminating documents, but the Department obtained an early injunction to prevent further obstruction and retaliation against cooperating employees.

<http://dolcontentdev.opadev.dol.gov/sol/regions/SF/NCCI.pdf>

<https://blog.dol.gov/2016/02/18/back-wages-for-courier-driven-to-the-brink/>