



June 6, 2012

Frank McGriggs
District Director
US Dept. of Labor
Wage & Hour Division
F. Edward Hebert Building
600 South Maestri Place
Room 615
New Orleans, LA 70130

Re: COMPLAINT TO THE WAGE AND HOUR DIVISION: VIOLATIONS OF THE FAIR LABOR STANDARDS ACT AND H-2B REGULATIONS BY CJL ENTERPRISES, INC. DBA CJ'S SEAFOOD AND MICHAEL LEBLANC

Dear Wage and Hour Division,

The below H-2B workers and members of the National Guestworker Alliance (“NGA”) hereby file this complaint with the USDOL seeking immediate investigation and compensation for illegal nonpayment of federal overtime wages under the Fair Labor Standards Act and retaliation for previous attempts to obtain this lawful federal wage. Workers also seek investigation of violations of the regulations governing the employers of H-2B guestworkers.

The NGA is a national membership based organization working across sector to protect the rights of all workers- both guestworkers and U.S. workers- employed in industries using the H-2 program and to promote just and dignified migration and work. The NGA is anchored by the New Orleans Workers Center for Racial Justice. Guestworker complainants are members of the NGA.

Background on Employer

CJ’s Seafood is located at 1185 Breaux Bridge Senior High Road, Breaux Bridge, LA 70517.

Background on Workplace Violations

CJ’s Seafood employs about 40 H-2B guestworkers from Mexico. CJ’s Seafood fails to pay overtime or keep the records required by the FLSA. CJ’s Seafood’s employment practices also violate the rules governing employers of H-2B guestworkers.

In addition to violations regarding pay and record keeping and regulatory violations, CJ's Seafood has engaged in extremely coercive employment related actions, including forcing guestworkers to work up to 24-hour shifts with no overtime pay, locking guestworkers in the plant to force them to continue to work, threatening the guestworkers with beatings to make them work faster, and threatening violence against the guestworkers' families in Mexico after workers contacted law enforcement for assistance.

These workers are currently engaged in a work stoppage since June 4, 2012, after CJ's Seafood refused to bring its employment practices into compliance with federal law and after CJ's made and refused to disavow retaliatory threats against the guestworkers' families. The National Guestworker Alliance is assisting the workers with safety planning to protect them and their families.

The following workers join in this complaint to the U.S. Department of Labor about violations of federal law:

<u>Name</u>	<u>Primary Language</u>
1. Ana Rosa Diaz Flores	Spanish
2. Fernando Navarro Ortiz	Spanish
3. Isai Castillo Alfaro	Spanish
4. Martha Uvalle Guel	Spanish
5. Rosendo Castillo Sandoval	Spanish
6. Silvia Alfaro Walle	Spanish
7. Victor Manuel Ramos Cruz	Spanish
8. Nancy Lorena Lopez Vega	Spanish

The guestworkers request that DOL investigate compliance with all applicable federal wage payment laws and H-2B program for all H-2B workers currently and formerly employed by CJ's Seafood. The investigation should include an audit of records for the workers and should include witness interviews, and other investigative work to test the accuracy of payroll and other records. The DOL should seek the maximum damages available under the law for all violations, including unpaid wages and liquidated damages for the maximum period allowed.

Guestworker complainants can be contacted through the NGA's Legal Director, Jennifer Rosenbaum, (504) 376-6238 / jjrosenbaum@nowcrj.org and designate the address below as their official address for all USDOL correspondence related to this complaint, including receipt of any settlement proceeds. Complainants are available for investigative interviews at USDOL's convenience. USDOL's investigation should include interviews with these workers as well as other appropriate investigative activities designated by the agency.

National Guestworker Alliance
217 N. Prieur Street
New Orleans, LA 70112

Given the employer's past retaliation and concerns for worker safety, please contact me immediately to discuss the best way to proceed with this complaint, including the potential

involvement of other agencies with overlapping jurisdiction and appropriate worker protections. I am also available to coordinate interviews with workers as soon as possible.

Sincerely,

/s/ Jennifer J. Rosenbaum
Jennifer J. Rosenbaum
National Guestworker Alliance
Counsel to Guestworkers