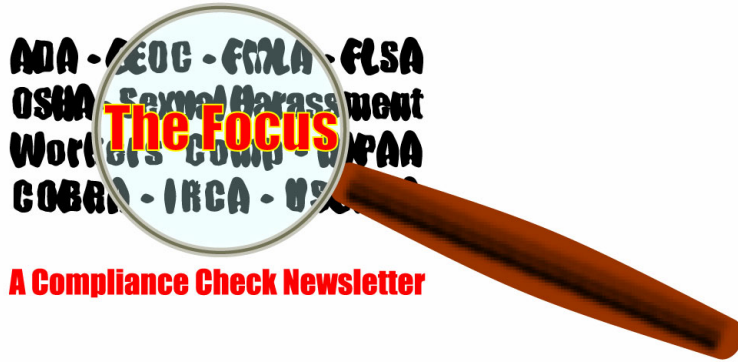




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**A Compliance Check Newsletter**

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## **Cingular Agrees to Pay \$5.1 Million in Back Wages and Implements Policies to Promote Labor Law Compliance**

The U.S. Department of Labor recently announced that it has reached an agreement with Cingular Wireless to pay 25,351 workers employed as customer service representatives \$5.1 million in back wages as a result of alleged violations of the overtime provisions of the Fair Labor Standards Act (FLSA).

“Cingular has agreed to pay back wages and to take positive steps to come into compliance with the Fair Labor Standards Act,” said Secretary of Labor Elaine L. Chao. “Their workers will receive more than \$5 million in back wages and overtime pay and can now be assured that they will be paid for all hours worked.”

An investigation by the department’s Wage and Hour Division at the Springfield, Ill. call center found that customer service representatives would begin work prior to the start of their scheduled shift and, on occasion, continued to work after their shift ended. Since the time worked off-the-clock was not recorded, the employees did not receive compensation for it. After Cingular was made aware of the alleged violations, it worked cooperatively with the department to come into compliance and compute the back wages at all of its call centers. Cingular has made no admission of liability in this case. The company also designed and implemented a comprehensive initiative involving employee training, time reporting and compliance review procedures throughout its call center operations to ensure continued compliance with the FLSA.

The FLSA requires employers to pay for all hours of work and to pay overtime at a rate of one and one-half times the employees’ regular rate of pay for hours worked after 40 in a workweek. The law also requires employers to maintain accurate payroll records.

## **U.S. Labor Department Publishes Youth Employment Rules**

On December 17, 2004, the Labor Department published in the Federal Register final regulations implementing changes to employment rules for youth. The new rules expand protections for youth working in restaurant cooking, roofing, and driving, among other changes.

The rules incorporate into the regulations the provisions of two statutory amendments to the Fair Labor Standards Act that deal with driving and the operation of compactors and balers by teenage employees. The first statutory change established criteria permitting 16 and 17-year-olds to load, but not operate or unload, certain waste-material baling and compacting equipment. The second statutory change delineated what limited on-the-job driving may be performed by qualified 17-year-olds.

Provisions are also included to modernize the youth employment provisions regarding what types of cooking 14- and 15-year olds are permitted to perform. The new rules now permit those minors to clean and maintain cooking devices in some situations.

The rules published recently also expand the current prohibition against youth under age 18 working in roofing occupations to encompass all work *on or about a roof*, including work performed upon or in close proximity to a roof. Under the new provisions, youth may only perform such work if in an apprenticeship or student-learner program.

## *The Focus*

The department published the rules following the review of comments received in response to a Notice of Proposed Rulemaking. The final rules address some of the recommendations made by NIOSH in a report to the department in May 2002. The complete text of the rule is now available in the Federal Register, online at [www.gpoaccess.gov/fr/index.html](http://www.gpoaccess.gov/fr/index.html) and the department's website at [www.dol.gov](http://www.dol.gov).

The department has also revised existing compliance assistance materials to comport with these new rules. These materials may be found at [www.youthrules.dol.gov](http://www.youthrules.dol.gov) and [www.wagehour.dol.gov](http://www.wagehour.dol.gov). Information may also be obtained by calling the department's toll-free help line at 1-866-4USWAGE (1-866-487-9243).

### **EEOC Launches Spanish-Language Web Site to Enhance Customer Service**

The U.S. Equal Employment Opportunity Commission (EEOC) recently unveiled a Spanish-language version of its public web site to enhance its services to the Hispanic community, the nation's largest and fastest growing racial or ethnic group. The new web site, [www.eeoc.gov/es/](http://www.eeoc.gov/es/), is part of the EEOC's broader efforts to more effectively reach out to key stakeholder communities to proactively prevent workplace discrimination and promote voluntary compliance.

"This new web site will make key information about employment rights and responsibilities more easily accessible to Spanish speakers and people with limited English proficiency," said Commission Chair Cari M. Dominguez. "Having quick and easy online access to EEOC resources in Spanish will better serve the public as our nation's workplaces become increasingly more diverse."

The Spanish-language web site, which has been in development for the past year, is designed to mirror the EEOC's public web site ([www.eeoc.gov](http://www.eeoc.gov)) and includes many of the agency's most vital and sought after information materials. The new site will include a steady, ongoing flow of new information, updates and changes that are made on the corresponding public web site including such items as policy changes, training and seminar schedules, and any information related to new agency initiatives and programs.

The new site also fulfills requirements of Executive Order 13166 entitled Improving Access to Services for Persons with Limited English Proficiency. The Executive Order requires, among other things, that federal departments and agencies examine delivery of services to people with limited or no English proficiency and determine how to ensure meaningful access to these services. Under the Executive Order, the EEOC previously posted information on its public web site in seven different languages, including Spanish.