

February 7, 2018

The Honorable R. Alexander Acosta  
Secretary of Labor  
United States Department of Labor  
200 Constitution Ave, NW  
Washington, DC 20210

Dear Secretary Acosta,

Bloomberg/BNA has reported that the Department of Labor “scrubbed an unfavorable internal analysis from a new tip pooling proposal, shielding the public from estimates that potentially billions of dollars in gratuities could be transferred from workers to their employer.”<sup>1</sup>

As organizations committed to worker rights and government accountability, we are writing to urge that you immediately release the economic transfer data that provided the basis for that analysis, as well as the analysis itself.

The Bloomberg/BNA report disturbingly states that senior Department officials sought and received authorization from the White House to exclude the economic transfer data altogether in order to conceal the expected impact of the rule.

If accurately reported, such actions are profoundly troubling. The report indicates that a predetermined outcome was sought, rather than an evidence-based analysis – and that when the data got in the way, it was suppressed.

At this point, it is imperative that the underlying data be made public, along with the analyses that the Department conducted. We call on the Department of Labor to do so immediately and to withdraw the related Notice of Proposed Rulemaking.<sup>2</sup> We await your reply and remedial action.

Sincerely,

American Association of University Women (AAUW)  
American Federation of Teachers, AFL-CIO  
Center for Law and Social Policy (CLASP)  
Center for Progressive Reform  
Colorado Fiscal Institute  
Demand Progress Action  
Demos  
Economic Policy Institute  
Equal Pay Today  
Fair World Project

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<sup>1</sup> Ben Penn, Labor Dept. Ditches Data on Worker Tips Retained by Business, Bloomberg (Feb. 1, 2018) <http://bit.ly/2rWnnSd>.

<sup>2</sup> Federal Register, Tip Regulations Under the Fair Labor Standards Act (FLSA) (visited on Jan. 2, 2018), <http://bit.ly/2jlbXki>.

Food & Water Watch  
Freedom Network USA  
Futures Without Violence  
Government Accountability Project  
Greater Syracuse Council on Occupational Safety and Health  
Hawaii Appleseed Center for Law and Economic Justice  
HEAL Trafficking  
Indiana Institute for Working Families  
Institute for Policy Studies, Global Economy Project  
Interfaith Worker Justice  
Jobs with Justice of East Tennessee  
Labor Project for Working Families/Family Values @ Work  
Legal Aid at Work  
Maine AFL-CIO  
Maine Labor Group on Health  
Mississippi Workers' Center for Human Rights  
NAACP  
National Association of Consumer Advocates  
National Center for Law and Economic Justice  
National Center for Lesbian Rights  
National Council of Jewish Women  
National Employment Law Project  
National Employment Lawyers Association  
National Immigration Law Center  
National LGBTQ Task Force  
National Partnership for Women & Families  
National Women's Law Center  
Oxfam  
Policy Matters Ohio  
Protect All Children's Environment  
Public Citizen  
Restaurant Opportunities Centers United  
SafeWork Washington  
Sargent Shriver National Center on Poverty Law  
Sciencecorps  
SEIU 32BJ  
Student Organization for Democratic Alternatives  
Sunlight Foundation  
The Leadership Conference on Civil and Human Rights  
Union of Concerned Scientists  
United Steelworkers  
Voices for Progress  
Washington Lawyers' Committee for Civil Rights and Urban Affairs  
Women Employed  
WV Center on Budget and Policy

Cc: The Honorable Scott Dahl, Inspector General, U.S. Department of Labor Office of Inspector General