

*Via Facsimile*

April 13, 2018

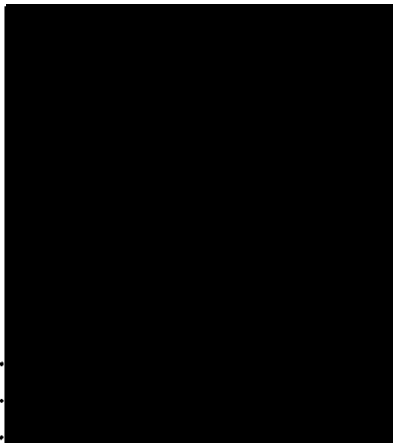
Nashville District Office  
US Dept. of Labor  
Wage & Hour Division  
1321 Murfreesboro Pike  
Suite 511  
Nashville, TN 37217-2626

**RE: Complaint by** [REDACTED]  
[REDACTED]  
[REDACTED] **against Southeastern Provision, LLC**  
**(1617 Hilton Rd., Bean Station, TN 37708)**

Dear District Director Lewis,

This office is assisting the following complainants (“Workers”) who were employed by Southeastern Provision, LLC:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.



The Workers file this complaint against their employer to vindicate their rights under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201, *et seq.*, and the U.S. Department of Labor

("DOL") regulations. Southeastern Provision, LLC violated the Workers' and other employees' rights by (1) failing to pay the required federal minimum wage for each hour worked, in violation of 29 U.S.C. § 206; (2) failing to pay overtime for each workweek worked over forty hours in violation of 29 U.S.C. § 207(a); and (3) failing to maintain proper records pursuant to 29 U.S.C. § 211(c) and 29 C.F.R. § 516.2.

Many of the Workers and other employees who suffered wage theft at the hands of Southeastern Provision, LLC were victims of Immigration and Customs Enforcement's raid at the worksite in Bean Station, TN on April 5, 2018. For that reason, we request expedited review of this Complaint so that these Workers and other affected employees may assist DOL's investigation of this matter to the fullest extent possible.

## **I. Background**

The Workers were employed by Southeastern Provision, LLC, a meatpacking plant in Bean Station, TN, for various periods of time, ranging from between two (2) and eighteen (18) years.

The Workers were employed in the processing part of the plant. The Workers typically worked Monday through Friday, starting at approximately 7:00 AM and finishing at approximately 5:30 PM. Some of the Workers routinely arrived at the plant before 7:00 AM in order to don protective gear necessary for their jobs, sometimes as early as 6:30 AM. Nevertheless, supervisors at the plant repeatedly told workers that they would not be compensated for any time worked before 7:00 AM. In recent years, Workers were required to clock in and out every day on a machine, though they never received any receipt or other document recording their total hours in any given period.<sup>1</sup> Workers had two breaks every day, one from 9:00 to 9:30 AM and one from 12:00 to 12:30 PM. Workers typically ate lunch during their second break. The time spent donning and doffing protective equipment before and after their lunch break was not counted as work hours for purposes of pay. Workers were paid in cash once per week.

## **II. Violations of the FLSA and Accompanying Regulations**

### **A. Southeastern Provision, LLC Failed to Pay the Workers Overtime.**

Southeastern Provision, LLC did not pay the Workers overtime for the many hours they worked in excess of 40 hours in a workweek, in violation of 29 U.S.C. § 207(a). Instead, Southeastern Provision, LLC paid the workers their regular rate of pay for all hours worked. Supervisors at Southeastern Provision, LLC repeatedly informed the workers that the company did not pay overtime. The failure to pay overtime has been corroborated by a confidential informant working for law enforcement as part of their investigation of Southeastern Provision that ultimately resulted in the raid at the worksite. See [http://media.wate.com/nxs-watetv-media-us-east-1/document\\_dev/2018/04/06/search\\_warrant\\_affidavit\\_southeastern\\_provisions\\_1523040876022\\_39246912\\_ver1.0.pdf](http://media.wate.com/nxs-watetv-media-us-east-1/document_dev/2018/04/06/search_warrant_affidavit_southeastern_provisions_1523040876022_39246912_ver1.0.pdf).

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<sup>1</sup> In prior years, Workers were required to sign-in and sign-out on an hours log that was kept on paper. The company switched from a paper log to the machine system about two years ago.

The Workers' hours were consistent from week to week, amounting to approximately 50 hours per workweek – or approximately 10 hours of overtime each workweek. The Workers are entitled to overtime pay for the approximately 10 hours per workweek that they worked in excess of forty hours.

**B. Southeastern Provision, LLC Failed to Compensate the Workers for the Time They Spent Donning and Doffing Protective Equipment.**

Southeastern Provision, LLC failed to pay the Workers for time they spent donning and doffing protective equipment. *See IBP, Inc. v. Alvarez*, 546 U.S. 1 (2005). Workers used various kinds of protective equipment during the work day, including hard hats, aprons, covers for their arms and legs, boots, and gloves made of cotton, metal, and latex. Putting on or taking off this equipment required up to 10 minutes each time. Workers were required to be at their stations, wearing all required protective equipment, at 7:00 AM. Nevertheless, they were repeatedly told that they would not be paid for any time at work before 7:00 AM. When employees arrived at 7:00 AM without their equipment on, they were punished by supervisors. Southeastern Provision, LLC thus effectively required the Workers to arrive before 7:00 AM every day to don their protective gear without paying them for that time. In addition, the Workers were required to spend part of their 30-minute break donning and doffing protective equipment, work time for which they were not compensated. These unpaid hours are in addition to the 50 hours of work performed during the standard workweek for which an overtime premium was not paid, and resulted in Workers not being paid the regular rate of pay or their overtime premium for the time spent donning and doffing the required protective equipment.

**C. Southeastern Provision, LLC Failed to Keep Accurate Records of Hours and Pay.**

Southeastern Provision, LLC appears to have failed to maintain accurate records of the Workers' pay in violation of 29 U.S.C. § 211(c) and 29 C.F.R. § 516.2. Given that the Workers were paid exclusively in cash, there is reason to believe that Southeastern Provision, LLC does not have accurate records of the Workers' weekly pay. The Workers were never provided paystubs or any other documentation demonstrating their hours worked or their pay rate.

**D. Southeastern Provision, LLC Failed to Pay the Workers Any Wages for Their Final Eight Days of Work**

Southeastern Provision, LLC did not compensate the Workers for their final eight days of work, in violation of 29 U.S.C. §§ 206 and 207. On April 5, 2018, Immigration and Customs Enforcement (ICE) engaged in enforcement operations at the plant. ICE interrogated and arrested a number of employees, including the Workers. As a result of the ICE raid, the Workers have not received their wages for their final eight days of work. Due to ICE's enforcement operations, and absent DOL's immediate intervention, the Workers and many other employees will never receive the wages they are owed.

### III. Conclusion

On behalf of the Workers, we respectfully request that you consider this matter as soon as possible to ensure the Workers and other employees can fully participate in any investigation and receive the wages they are owed. Please contact me with any questions and to initiate interviews with the Workers. I can be reached (334) 425-2137 or [julia.solorzano@splcenter.org](mailto:julia.solorzano@splcenter.org). If I am not available, you can contact Carmen Martínez at (404) 521-6700 or [carmen.martinez@splcenter.org](mailto:carmen.martinez@splcenter.org).

Sincerely,



Julia Solórzano  
Staff Attorney

Carmen Martínez  
Outreach Paralegal

*Via Email*

April 23, 2018

District Director Nettie Lewis  
Nashville District Office  
U.S. Department of Labor  
Wage & Hour Division  
1321 Murfreesboro Pike  
Suite 511  
Nashville, TN 37217-2626

**RE: SUPPLEMENTAL COMPLAINT on behalf of** [REDACTED]

**against Southeastern Provision, LLC (1617 Hilton Rd., Bean Station, TN 37708)**

Dear District Director Lewis,

We file this supplement to the original Complaint that we filed on April 13, 2018 to reflect the inclusion of 19 additional complainants: [REDACTED]

[REDACTED]. The allegations in the original Complaint are applicable to the 19 additional workers included here.

Eight of these workers— [REDACTED]  
[REDACTED]—are currently in immigration detention in Louisiana, in the Pine Prairie and LaSalle detention centers.

As was previously urged in the original Complaint, we respectfully request that you act as soon as possible to ensure the Workers can fully participate in any investigation and receive the wages they are owed. Please contact me with any questions and to initiate interviews with the Workers.

I can be reached at (334) 425-2137 or [julia.solorzano@splcenter.org](mailto:julia.solorzano@splcenter.org). If I am not available, you can contact Carmen Martínez at (404) 521-6700 or [carmen.martinez@splcenter.org](mailto:carmen.martinez@splcenter.org).

Sincerely,

/s Julia Solórzano  
Julia Solórzano  
Staff Attorney

/s Carmen Martínez  
Carmen Martínez  
Outreach Paralegal



150 East Ponce de Leon Ave., Suite 340  
Decatur, GA 30030  
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www.splcenter.org

*Via Email*

May 7, 2018

District Director Nettie Lewis  
Nashville District Office  
U.S. Department of Labor  
Wage & Hour Division  
1321 Murfreesboro Pike  
Suite 511  
Nashville, TN 37217-2626

**RE: SECOND SUPPLEMENTAL COMPLAINT on behalf of [REDACTED]  
[REDACTED] against Southeastern Provision, LLC (1617 Hilton Rd.,  
Bean Station, TN 37708)**

Dear District Director Lewis,

We file this supplement to the original Complaint filed on April 13, 2018 and the First Supplement filed on April 23, 2018 to reflect the inclusion of eight additional complainants:

[REDACTED]. The allegations in the original Complaint are applicable to the additional workers included here.

Five of these workers [REDACTED]—are currently detained at the LaSalle ICE Processing Center, located 830 Pine Hill Road, Jena, LA, 71342. The three others—[REDACTED]—are currently detained in at the Pine Prairie ICE Processing Center located at 1133 Hampton Dupre Road, Pine Prairie, LA, 70576.

As was previously urged in the original Complaint and First Supplement, we respectfully request that you act as soon as possible to ensure the Workers can fully participate in any investigation and receive the wages they are owed. Please contact me with any questions and to initiate interviews with the Workers. I can be reached at (334) 425-2137 or [julia.solorzano@splcenter.org](mailto:julia.solorzano@splcenter.org). If I am not available, you can contact Carmen Martínez at (404) 521-6700 or [carmen.martinez@splcenter.org](mailto:carmen.martinez@splcenter.org).

Sincerely,

/s Julia Solórzano

Julia Solórzano  
Staff Attorney

/s Carmen Martínez

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Outreach Paralegal





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*Via Email*

May 31, 2018

District Director Nettie Lewis  
Nashville District Office  
U.S. Department of Labor  
Wage & Hour Division  
1321 Murfreesboro Pike  
Suite 511  
Nashville, TN 37217-2626

**RE: THIRD SUPPLEMENTAL COMPLAINT on behalf of [REDACTED]  
[REDACTED] against Southeastern Provision,  
LLC (1617 Hilton Rd., Bean Station, TN 37708)**

Dear District Director Lewis,

We file this supplement to the original Complaint filed on April 13, 2018; the First Supplement filed on April 23, 2018; and the Second Supplement filed on May 7, 2018 to reflect the inclusion of six additional complainants: [REDACTED]

[REDACTED] The allegations in the original Complaint are applicable to the additional workers included here.

Four of these workers [REDACTED]  
[REDACTED]—are currently detained at the LaSalle ICE Processing Center, located 830 Pine Hill Road, Jena, LA, 71342.

As was previously urged in the original Complaint and First and Second Supplements, we respectfully request that you act as soon as possible to ensure the Workers can fully participate in any investigation and receive the wages they are owed. Please contact me with any questions and to initiate interviews with the Workers. I can be reached at (334) 425-2137 or [julia.solorzano@splcenter.org](mailto:julia.solorzano@splcenter.org). If I am not available, you can contact Carmen Martínez at (404) 521-6700 or [carmen.martinez@splcenter.org](mailto:carmen.martinez@splcenter.org).

Sincerely,

/s Julia Solórzano

Julia Solórzano  
Staff Attorney

/s Carmen Martínez

Carmen Martínez  
Outreach Paralegal



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*Via Email*

August 14, 2018

District Director Nettie Lewis  
Nashville District Office  
U.S. Department of Labor  
Wage & Hour Division  
1321 Murfreesboro Pike  
Suite 511  
Nashville, TN 37217-2626

**RE: FOURTH SUPPLEMENTAL COMPLAINT on behalf of [REDACTED]  
against Southeastern Provision, LLC (1617 Hilton Rd., Bean Station, TN 37708)**

Dear District Director Lewis,

We file this supplement to the original Complaint filed on April 13, 2018; the First Supplement filed on April 23, 2018; the Second Supplement filed on May 7, 2018; and the Third Supplement filed on May 31, 2018 to reflect the inclusion of one additional complainant: [REDACTED]. The allegations in the original Complaint are applicable to this additional worker.

As was previously urged in the original Complaint, First, Second, and Third Supplements, we respectfully request that you act as soon as possible to ensure the workers can fully participate in any investigation and receive the wages they are owed. Please contact me with any questions and to initiate interviews with the workers. I can be reached at (334) 425-2137 or [julia.solorzano@splcenter.org](mailto:julia.solorzano@splcenter.org). If I am not available, you can contact Carmen Martínez at (404) 521-6700 or [carmen.martinez@splcenter.org](mailto:carmen.martinez@splcenter.org).

Sincerely,

/s Julia Solórzano  
Julia Solórzano  
Staff Attorney

/s Carmen Martínez  
Carmen Martínez  
Outreach Paralegal