

June 16, 2025

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The Honorable Bill Cassidy, Chairman
The Honorable Bernie Sanders, Ranking Member
Committee on Health, Education, Labor and Pensions
United States Senate
Washington, D.C. 20510

Dear Chairman Cassidy and Ranking Member Sanders:

On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing with respect to the June 18, 2025, confirmation hearing for nominees to serve in the roles of Solicitor of Labor, Assistant Secretary of Occupational Safety and Health, Administrator of the Wage and Hour Division, and Chair of the Equal Employment Opportunity Commission (EEOC). These positions are of critical importance to America's workers and AFSCME members and I would like to share our views on each of the nominees and the importance of the agencies they have been nominated to serve. I request that this letter be included in the hearing record.

Jonathan Berry, Nominee for Solicitor of Labor

AFSCME strongly opposes the nomination of Jonathan Berry to serve as Solicitor of Labor. The position of Solicitor of Labor has a critical mission – to ensure that the nation's labor laws are forcefully and fairly applied to protect the nation's workers. The Department of Labor is the second largest law enforcement agency in the federal government. Our country and its workers need a Solicitor who will fight for their rights in court and ensure that the legal advice given throughout the Department of Labor will keep workers' rights at the center of their values. As the author of the "Department of Labor and Related Agencies" chapter of Project 2025, Jonathan Berry has clearly demonstrated that he lacks both the values central to workers' rights and the legal judgement to serve as Solicitor of Labor. The proposals that he advanced in Project 2025 would cost workers their lives, wages, benefits and basic freedoms. Some of the most egregious labor policy proposals in Project 2025 include:

- Allowing children to work in hazardous occupations.
- Repealing the Davis-Bacon Act that promotes fair prevailing wages for federally funded construction projects.
- Prohibiting ERISA preemption of state attempts at restricting an employer from offering health insurance coverage for abortion outside of their state.
- Prioritizing the rights of non-secular religious employers in regulation and Executive Orders over others.
- Eliminating Biden administration regulations on misclassification, independent contractors and overtime.

- Prioritizing assistance for voluntary compliance efforts over targeted enforcement of workplace safety rules.
- Watering down the quality of apprenticeships with “Industry-Recognized Apprenticeship Programs” that abandon the joint labor-management model that has succeeded in apprenticeship for decades.
- Promoting “work councils” over labor unions.

Other harmful policies espoused in Project 2025 have already come to fruition, including the rescission of Executive Order 11246 and the decimation of the Office of Federal Contract Compliance Programs (OFCCP). Project 2025’s radical anti-worker proposals, authored by the nominee, go far beyond the labor priorities of past presidential administrations of both parties. We urge the members of the committee to reject the dangerous proposals of Project 2025 and vote no on the nomination of Jonathan Berry to serve as Solicitor of Labor.

Andrew Rogers, Nominee for Administrator of the Wage and Hour Administration

The Wage and Hour Division of the Department of Labor is at the forefront of worker protection policy in our country. Wage and Hour enforces our nation’s minimum wage, overtime, child labor and Family and Medical Leave Act (FMLA) laws, among others. The Administrator of the Wage and Hour Division must be both a policy expert and a manager of an agency with nearly 100 field offices and hundreds of investigators. We urge the committee to thoroughly consider all of the administration’s regulatory priorities under the Wage and Hour Administration. The last administration made enormous progress on increasing worker overtime pay protections in the “Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees” final rule, also known as the overtime rule. We would strongly oppose any nominee to serve as Wage and Hour Administrator who would reverse the overtime rule.

AFSCME represents many professionals who would see a much needed pay increase from the overtime rule currently under review in the courts. Social workers, a broad occupational description that includes child welfare and human services workers, mental health and substance abuse counselors and others, are often misclassified as ‘exempt’ from the Fair Labor Standards Act (FLSA) overtime threshold for salaried workers. If the overtime rule is reversed or delayed it will take money directly out of the pockets of front-line public service workers who protect our children, families and communities. We strongly urge the committee to closely examine Mr. Rogers’s record on overtime as well as any other vital Wage and Hour Division regulations or guidance. The earnings and security of America’s workforce are at stake.

Andrea Lucas, Nominee to be Chair of the Equal Employment Opportunity Commission

AFSCME has serious concerns about the nomination of Andrea Lucas to become the Chair of the Equal Employment Opportunity Commission (“EEOC”). The EEOC was established to protect workers’ rights by enforcing laws that prohibit the discrimination of protected classes such as race, age, disability and gender identity and was created to be a free, fair and independent agency. Commissioner Lucas’s actions as Acting Chair since

January 2025 have raised doubts about her dedication to the agency's mission to protect working people. When she sent letters to 20 law firms inquiring about their diversity, equity and inclusion ("DEI") policies she exceeded the agency's authority and created confusion for political purposes. Moreover, Lucas was confirmed to the commission initially without a Senate hearing and rigorous examination of her record and qualifications. Americans deserve a hearing to hear her views and what they can expect if confirmed. The EEOC serves a critical role in protecting workers' rights. Its role should not be politicized, and its independence should not be compromised. Working people in the U.S. deserve a transparent confirmation process to thoroughly vet leaders and ensure they can be held accountable.

We are incredibly concerned about the actions this administration has taken in its first 100 days to undermine the Department of Labor and EEOC. We urge the committee to hold these departments and its leadership accountable and to thoroughly assess these nominees. The lives and livelihoods of America's workforce are at stake. We appreciate the committee taking our views into consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Edwin S. Jayne". The signature is fluid and cursive, with the first name "Edwin" being more prominent.

Edwin S. Jayne
Director of Federal Government Affairs

ESJ/LMM/CF:lm

cc: Members of the Senate Health, Education, Labor and Pensions Committee