



Workers Defense Project

Proyecto Defensa Laboral

November 15, 2022

Nicole Sellers
U.S. Department of Labor
Wage & Hour Division
Thornberry Federal Building
903 San Jacinto Blvd., Suite 1600
Austin, TX 78701

Dear District Director Sellers:

Workers Defense Project is a nonprofit organization that supports low-wage workers in employment disputes. We have been in communication with several interior systems workers at the Travis County Tesla Gigafactory who report numerous violations of the Fair Labor Standards Act (29 U.S.C. §§ 201 et seq.), specifically violations of the FLSA's minimum wage and overtime requirements. The workers have asked Workers Defense Project to assist them in referring their potential cases to the U.S. Department of Labor Wage & Hour Division for investigation. They hope to recover their own owed wages and also hope Wage & Hour Division can recover owed wages for other workers.

These allegations include:

1. A couple of workers did not receive any pay for work performed;
2. Some workers did not receive their overtime pay for hours worked in excess of 40 hours in a work week and instead received their regular pay rate for those hours;
3. Other workers reported not receiving time-and-a-half pay, the proper overtime rate, for hours worked in excess of 40 hours in a work week and instead were paid only a dollar or two more than their regular rate for those overtime hours; and
4. Workers reported being promised a non-discretionary double pay bonus if they worked Thursday-Sunday of Thanksgiving weekend 2021 but did not receive this rate after sacrificing time with their families to build the Tesla Gigafactory.

These workers were jointly employed by XXXXXXXXX and its subcontractors: XXXXXXXXX, XXXXXXXXX, and XXXXXXXXX. The subcontractors are labor brokers, which furnished labor to XXXXXXXXX. The labor brokers paid the workers, but XXXXXXXXX exercised significant control over the workers. For example, XXXXXXXXX provided supervision, directed their work, maintained some records about the workers, set schedules, and disciplined workers.

Employer information:

Employer Name

[Contact information]

5604 Manor Road, Austin, TX 78723 T: (512) 391-2305
11001 Midway Road, Dallas, TX 75229 T: (469) 657-3928
4800 W. 34th Street Ste. C-13, Houston, TX 77092 T: (832) 998-0564
info@workersdefense.org www.workersdefense.org Fax: (512) 391-2306



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Subcontractor Name

[Contact information]

Subcontractor Name

[Contact information]

Subcontractor Name

[Contact information]

Please contact me to arrange interviews with the workers. Many thanks for your assistance.

Sincerely,

Hannah Alexander
Staff Attorney