

# **EMPLEO**

## **Employment Education and Outreach**

*Providing Employers and Employees with Information on Federal and State Workplace Laws*



EMPLEO is an alliance of community and nongovernmental organizations along with state, local and federal agencies, and the Central American and Mexican consulates providing information and assistance on employment related issues. The program officially launched on June 30, 2004.

EMPLEO addresses the concerns of recent immigrants who are not familiar their workplace rights and responsibilities in the U.S. Many immigrants have concerns that reach across agency or organizational lines, or have multiple issues. By using this cooperative approach to resolve overlapping or multiple issues, EMPLEO can reduce instances of callers being passed along from one agency to another without receiving appropriate assistance.

A recurrent issue of concern is that of violations in overtime pay. This can result from an employer not recording the actual hours worked, or paying by piece rate without ensuring that the employees receive at least the federal minimum wage and overtime if they work more than 40 hours in a week.

The U.S. Department of Labor's Wage and Hour Division is charged with enforcing the Fair Labor Standards Act, the law that requires most employers to pay at least federal minimum wage and overtime for all hours over 40 per week. The law applies to all workers, regardless of their immigration status.

The FLSA does not distinguish between workers who are in status and those who are not. Enforcing the law regardless of immigration status ensures a level playing field for all employers. If an employer knows that the government won't enforce minimum wage and overtime, or other workplace laws, they may be tempted to pay their workers less. That could give that employer a competitive edge against other employers who pay their employees according to the law.

The intent of the law is to ensure that employers who pay workers less than the federal law requires are not rewarded for this practice. The employer should not receive an economic benefit from paying their workers less than the law requires, and they should not have a competitive advantage over other employers who do follow the laws.

Many vulnerable workers are also afraid that reporting workplace safety and health concerns to officials could result in losing their job. Working through EMPLEO, agencies are better able to investigate worker safety and health complaints to help protect workers on the job while protecting them from reprisals.

The EMPLEO program has Spanish-speaking volunteers trained by the partner organizations that can and do assist workers. These volunteers do not work for any governmental agency. They refer callers to the appropriate organization, consulate or state or federal agency for help. This arrangement can help ease various concerns of workers uncomfortable with contacting an agency directly. Callers can leave a message in Spanish that will be returned promptly if a volunteer is not immediately available to answer a call.

**The top seven caller issues are:**

- Overtime pay
- Receipt of last pay check
- Minimum wage
- Discrimination
- Meals/breaks
- Safety/hazardous materials & equipment
- Family medical leave

A key component of the EMPLEO alliance is a toll-free hotline. This number is:  
**1-877-55AYUDA (877-552-9832)**