

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

JULIE A. SU,	)	
ACTING SECRETARY OF LABOR,	)	
U.S. DEPARTMENT OF LABOR,	)	
	)	
Plaintiff,	)	CIVIL ACTION FILE
	)	NO. 5:24-cv-4012
v.	)	
	)	
FAYETTE JANITORIAL SERVICE, LLC,	)	
d/b/a FAYETTE INDUSTRIAL	)	
	)	
	)	
Defendant.	)	

**COMPLAINT**

1. Plaintiff, Julie A. Su, Acting Secretary of Labor, United States Department of Labor (“Acting Secretary”) brings this action pursuant to sections 212(b) and 217 of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“Act” or “FLSA”) to restrain Defendant and its agents, from continuing to engage in oppressive child labor in violation of sections 12(c) and 15(a)(4) of the FLSA, 29 U.S.C. §§ 212(c), 215(a)(4).

2. Fayette Janitorial Service, LLC, d/b/a Fayette Industrial (“Fayette”), is a cleaning and sanitation company that provides contract work at slaughtering and meatpacking establishments in Iowa and throughout the United States of America.

3. In Sioux City, Iowa, Fayette employees work at a slaughtering and meatpacking establishment owned and/or operated by Seaboard Triumph Foods, LLC (“STF”), located at 5555 Seaboard Triumph Parkway, Sioux City Iowa 51111 (hereinafter “STF Plant”). Fayette employs minor children at the STF Plant to work overnight cleaning shifts.

## **JURISDICTION AND VENUE**

4. Jurisdiction over this action is conferred upon this Court by Section 17 of the FLSA, 29 U.S.C. § 217, and 28 U.S.C. §§ 1331 and 1345.

5. Venue is proper in the United States District Court for the Northern District of Iowa because Fayette has a place of business in Sioux City, Iowa, and Fayette is subject to personal jurisdiction in Iowa by, among other things, transacting business in Iowa. 28 U.S.C. § 1391(b)(1).

## **RELEVANT STATUTORY AND REGULATORY PROVISIONS**

6. Section 12(c) of the FLSA prohibits employers from using any oppressive child labor in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce. 29 U.S.C. § 212(c). Section 15(a)(4) of the FLSA provides, in relevant part, that it shall be unlawful for any person to violate section 12(c) of the Act. 29 U.S.C. § 215(a)(4).

7. Children 14 and 15 years of age may be employed outside school hours, but only in specified non-manufacturing and non-hazardous jobs for limited periods of time and under specified conditions. *See* 29 U.S.C. § 203(l). Any work that is not expressly permitted for 14- and 15-year-olds engaged in nonagricultural employment is prohibited. *See, e.g.,* 29 C.F.R. § 570.32. Children under 14 years of age may not be employed in non-agricultural occupations covered by the FLSA unless that work is specifically exempted by the statute or not covered by the Act. *See generally* 29 U.S.C. § 203(l); 29 C.F.R. § 570.119. The Department of Labor's Child Labor Regulations permit minors 14 and 15 years of age to work in certain occupations in nonagricultural employment only outside of school hours, specifically between the hours of 7:00 a.m. and 7:00 p.m. from Labor Day through June 1, and the regulations also restrict the number of hours these children can work in a day and in a week. 29 C.F.R. § 570.35. The regulations prohibit minors 14 and 15 years of age from working in any nonagricultural occupation declared to be hazardous for minors

between 16 and 18 years of age and, among other things, any occupation that involves cleaning power-driven machinery, including food slicers, food grinders, food choppers, food processors, food cutters, and food mixers. 29 C.F.R. § 570.33(b), (e).

8. The FLSA sets certain conditions for the lawful employment of minors working in nonagricultural employment. Sixteen- and 17-year-olds may be employed in any occupation other than those declared hazardous by the Secretary of Labor. *See* 29 U.S.C. 203(l). The Department of Labor's Child Labor Regulations have designated many occupations in or about slaughtering and meatpacking establishments as particularly hazardous for minors under 18 years of age working in nonagricultural employment. 29 C.F.R. § 570.61. Hazardous occupations include all occupations on the killing floor, unless employed as a messenger or in a similar occupation that requires the youth to only enter the area infrequently and only for short periods of time, and all occupations involving cleaning any of the following power-driven machines, or any parts thereof: "meat patty forming machines, meat and bone cutting saws, poultry scissors or shears; meat slicers, knives (except bacon-slicing machines), headsplitters, and guillotine cutters; snoutpullers and jawpullers; skinning machines; horizontal rotary washing machines; casing-cleaning machines such as crushing, stripping, and finishing machines; grinding, mixing, chopping, and hashing machines; and presses (except belly-rolling machines)." 29 C.F.R. §§ 570.61(a)(1) and (a)(4).

9. Section 12(b) of the FLSA provides that the Secretary shall conduct investigations and inspections with respect to the employment of minors pursuant to section 11(a), 29 U.S.C. § 211(a), and shall bring all actions to enjoin or restrain an employer's oppressive child labor under section 17, 29 U.S.C. § 217, which grants district courts the authority to restrain child labor violations.

## **FACTUAL ALLEGATIONS**

### **The Parties**

10. Plaintiff, Julie A. Su, Acting Secretary of Labor, United States Department of Labor, is vested with authority to sue to restrain violations of the FLSA.

11. Defendant Fayette is a limited liability company organized under the laws of the State of Tennessee, with its principal office located in Somerville, Tennessee.

12. Fayette has employees working at the STF Plant in Sioux City, Iowa.

13. In addition to the STF Plant where Fayette employees work, Fayette has employees working in slaughtering and meatpacking establishments throughout the United States of America, including in Accomac, Virginia, at a Perdue Farms, LLC poultry processing facility.

14. Defendant Fayette has acted directly and indirectly in the company's interest in relation to the employees, and thus is an "employer" of Fayette employees within the meaning of section 3(d) of the FLSA and is a "person" within the meaning of section 3(a) of the FLSA.

15. The business activities of Defendant, as described herein, are related and performed through unified operation and common control for a common business purpose and constitute an enterprise within the meaning of section 3(r) of the Act.

16. Upon information and belief, Fayette had an annual gross volume of sales made or business done in an amount not less than \$500,000 at all relevant times.

17. Defendant Fayette provides cleaning services in several states, including Iowa and Virginia, with a corporate office in Tennessee. Fayette employees handle and work with goods or materials, such as cleaning supplies, that have been moved in or produced for commerce.

18. Therefore, Fayette employees are employed in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of section 3(s)(1)(A) of the Act.

### **Defendant's Oppressive Child Labor**

19. The Wage and Hour Division (“Wage and Hour”) of the U.S. Department of Labor initiated an investigation of Defendant’s employment of minors pursuant to sections 11(a) and 12(b) of the Act in Sioux City, Iowa at the STF Plant.

20. Wage and Hour’s investigation revealed that Fayette employs minors at the STF Plant slaughtering and meatpacking establishment in Sioux City, Iowa.

21. Wage and Hour’s investigation found that Fayette employs minors under the age of 16 at the STF Plant during overnight shifts to work more than three hours in a day and more than eighteen hours in a week while school is in session. Wage and Hour found that Fayette employs minors under the age of 18 whose job is to clean the killing floor. Wage and Hour also found that Fayette employs minors at the STF Plant slaughtering and meatpacking establishment in Sioux City, Iowa under the age of 18 who clean power-driven machines, including meat and bone cutting saws, headsplitters, jawpullers, and skinners.

22. Wage and Hour’s investigation into Fayette’s employment of minors has also revealed that Fayette employed minors to provide cleaning services at a slaughtering and meatpacking establishment in Accomac, Virginia during overnight shifts.

23. Fayette employees work at a Perdue Farms, LLC poultry processing facility (“Perdue Facility”) in Accomac, Virginia. Investigation revealed that Fayette employed minors under the age of 14 at the Perdue Facility, employed minors under the age of 16 who worked for hours and times in violation of 29 C.F.R. § 570.35(a), and Fayette employed minors under the age of 18 at this establishment to work on the killing floor and to clean power-driven meat processing machines.

**CAUSE OF ACTION**  
**(Employment of Oppressive Child Labor in Violation of the FLSA)**

24. The Acting Secretary incorporates by reference and re-alleges all foregoing allegations of the Complaint.

25. Defendant has violated and is violating sections 12(c) and 15(a)(4) of the FLSA, 29 U.S.C. §§ 212(c) and 215(a)(4), by employing oppressive child labor in an enterprise engaged in commerce or in the production of goods for commerce, including by employing minors under the age of 14 (*see* 29 C.F.R. § 570.119); by employing minors under the age of 16 to work more than eighteen hours in any one week when school is in session in violation of 29 C.F.R. § 570.35(a)(3); by employing minors under the age of 16 to work more than three hours in any one day when school is in session in violation of 29 C.F.R. § 570.35(a)(5); by employing minors under the age of 16 to work after 7:00 p.m. in violation of 29 C.F.R. § 570.35(a)(6); by employing minors under the age of 16 in an occupation that involves cleaning power-driven machinery in violation of 29 C.F.R. § 570.33(e); by employing minors under the age of 18 in occupations on the killing floor of a slaughtering and meatpacking establishment in violation of 29 C.F.R. § 570.33(b) and 29 C.F.R. § 570.61(a)(1); and by employing minors under the age of 18 in occupations involved in cleaning power-driven machines at a slaughtering and meat packing establishment, such as meat and bone cutting saws, in violation of 29 C.F.R. § 570.33(b) and 29 C.F.R. § 570.61(a)(4).

**WHEREFORE**, cause having been shown, Plaintiff respectfully requests this Court enter judgment against Defendant providing the following relief:

1. An injunction issued pursuant to section 17 of the Act permanently restraining Defendant and its agents from using oppressive child labor and from violating the provisions of sections 12(c) and 15(a)(4) of the Act, at each of its workplaces throughout the United States of America;

2. An order requiring Defendant to reimburse the Secretary for the costs of this action; and
3. An order granting such other relief as the Court may deem necessary or appropriate.

**SEEMA NANDA**  
Solicitor of Labor

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Regional Solicitor

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JULIE A. SU, )  
ACTING SECRETARY OF LABOR, )  
U.S. DEPARTMENT OF LABOR, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FAYETTE JANITORIAL SERVICE, LLC, )  
d/b/a FAYETTE INDUSTRIAL )  
 )  
 )  
Defendant. )

CIVIL ACTION FILE  
NO. 5:24-cv-4012

**ACTING SECRETARY OF LABOR’S BRIEF IN SUPPORT OF  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

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Solicitor of Labor

CHRISTINE Z. HERI  
Regional Solicitor

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Plaintiff Julie A. Su, Acting Secretary of Labor, U.S. Department of Labor (“Acting Secretary”), respectfully submits this memorandum of law in support of her motion for a temporary restraining order and order to show cause for a preliminary injunction enjoining Fayette Janitorial Service, LLC, doing business as Fayette Industrial (“Fayette”), from its unlawful use of oppressive child labor, in violation of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 *et seq.* (“Act” or “FLSA”).

### **INTRODUCTION**

Defendant violated the FLSA’s oppressive child labor provisions by illegally employing at least twenty-four (24) children, ages 13 to 17, overnight to clean dangerous power-driven equipment at multiple slaughtering and meatpacking facilities in clear violation of the FLSA’s prohibition on oppressive child labor. See 29 U.S.C. §§ 212(c), 215(a)(4); 29 C.F.R. § 570.35, § 570.61 (DOL’s child labor regulations on employing 14- and 15-year-old children, and employing 16- and 17-year-old children in occupations that are “particularly hazardous” and/or “detrimental to their health or well-being”); § 570.119 (children under 14 years of age may not be employed in non-agricultural occupations covered by the FLSA unless specifically exempted).

Defendant’s unlawful conduct directly harms the very minors the child labor provisions of the FLSA are meant to protect. See Gemsco, Inc. v. Walling, 324 U.S. 244, 261-62 (1945) (recognizing “the child labor provisions are themselves independent prohibitions, not limited to operation in situations where child labor has harmful effects on maintaining the minimum wage rate but working entirely independently of such consequences”). Congress enacted the FLSA to protect workers by establishing prohibitions on child labor, as well as by setting federal minimum wage and overtime guarantees. See id.; Brooklyn Sav. Bank v. O’Neil, 324 U.S. 697, 706-07 n.18 (1945); 29 U.S.C. §§ 206-207. The FLSA also protects law-abiding employers from unfair competition from employers who fail to comply with the Act’s requirements. 29 U.S.C. § 202(a). Illegally employing minors perpetuates oppressive child labor and undermines the public’s interest in effective

enforcement of the Act. As such, the Acting Secretary’s current and future enforcement efforts are threatened with irreparable harm absent immediate action to enjoin Defendant’s unlawful conduct.

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, the Acting Secretary moves the Court for: (1) a temporary restraining order, to be in effect until a hearing is held concerning a preliminary injunction; and (2) a preliminary injunction. This requested relief is sought to enjoin Defendant and its agents from continuing to violate sections 12(c) and 15(a)(4) of the FLSA.

### **FACTS**

Defendant Fayette employs or has employed at least twenty-four (24) minor children, as young as thirteen, to clean dangerous power-driven equipment with corrosive cleaners during overnight shifts at two separate slaughtering and meatpacking facilities in Iowa and Virginia, and may employ minor children under similar conditions at its other operations across the country.

#### **I. Background**

##### **A. Fayette Janitorial Service, LLC**

Fayette Janitorial Service, LLC, is a cleaning and sanitation company supplying workers to clean industrial spaces across the country, including meat processing facilities. (Declaration of Christopher Huber (“Huber Dec.”) at ¶ 4, Ex. 1). Per its website, Fayette employs over six hundred employees in thirty states.<sup>1</sup> Fayette touts its experience in “work[ing] with some of the biggest brands in the food production industry” as well as the experience of its employees, who “receive[ing] rigorous initial training” in addition to “ongoing training in order to stay on top of the latest advancements in sanitation procedures and products, as well as ever-changing local, state, and federal laws and regulations.”<sup>2</sup> Amongst its contracts, Fayette performed cleaning services for Perdue Farms, LLC (“Perdue”) at its chicken processing plant in Accomac, Virginia, and for Seaboard Triumph

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<sup>1</sup><https://www.fayetteindustrial.com/about-us/meet-the-owners> (last visited Feb. 9, 2024).

<sup>2</sup><https://www.fayetteindustrial.com/our-services/production-line-clean/facility-cleaning-meat-poultry-plants> (last visited Feb. 9, 2024).

Foods, LLC (“STF”) at its pork production plant in Sioux City, Iowa. (Declaration of Jefferson Caparas (“Caparas Dec.”) at ¶ 4, Ex. 2; Huber Dec. at ¶ 4, Ex. 1).

Fayette acknowledges the inherent hazards of the work performed by its employees. The “FAQ” section of its website includes the following:

*Our Safety Manager is very uncomfortable about using contractors to clean equipment and processes which have **dangerous rotating components**. How do you assure keeping your employees safe?*

*FI associates are trained in the use of lockout/tag out procedures. FI has a safety and standard operating procedures manual which we vigorously enforce with our associates. Our intent is to comply with all OSHA Standards and any customer regulations and our safety record reflects this commitment.*<sup>3</sup>

Employees had to get close to these dangerous machines to clean them, because “[e]ven if you remove loose debris and residues with water, the job isn’t complete. Fats and proteins leave sticky layers of residue on your machinery that must be removed to ensure complete sanitation.”<sup>4</sup>

## **B. Egregious Injury of Fourteen-Year-Old Fayette Employee**

The Perdue chicken processing plant in Accomac, Virginia (“Perdue Facility”), processes 1.5 million chickens per week. (Articles<sup>5</sup> from The New York Times (“NY Times”), p. 1, Ex. 3). Processing includes removing the chickens’ feet, heads, and innards, before repackaging the parts. Id. A Fayette cleaning crew sanitizes the Perdue Facility overnight. (Caparas Dec. at ¶ 8, Ex. 2). This work requires Fayette employees to remove residual chicken parts and use a highly pressurized hose to spray the machines with 125-degree water before scrubbing away remaining blood and fat with caustic chemicals. (Caparas Dec. at ¶ 10, Ex. 2).

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<sup>3</sup><https://www.fayetteindustrial.com/get-started> (emphasis added) (last visited Feb. 9, 2024).

<sup>4</sup><https://www.fayetteindustrial.com/our-services/production-line-clean/facility-cleaning-meat-poultry-plants> (last visited Feb. 9, 2024).

<sup>5</sup>Dreier, Hannah, “The Kids on the Night Shift”, The New York Times, Sept. 18, 2023, and Dreier, Hannah, “Tyson and Perdue Are Facing Child Labor Investigations,” The New York Times, Sept. 23, 2023.

On January 10, 2022, Fayette hired Minor Child J<sup>6</sup> to work the overnight sanitation shift at the Perdue Facility, when he was 13 years old.<sup>7</sup> (Caparas Dec. at ¶¶ 8, 15, 17, Ex. 2). On Thursday, February 4, 2022, Minor Child J clocked in for his overnight shift at the Perdue Facility where they were tasked with cleaning and sanitizing power-driven meat processing machines, including equipment on the kill floor. (Caparas Dec. at ¶¶ 12, 18, 19, Ex. 2). Around 2:30 a.m., Minor Child J reached into a machine to remove a piece of debris while another employee engaged the assembly line. (Caparas Dec. at ¶¶ 19, 20, Ex. 2). The machinery tore Minor Child J's forearm, causing significant blood loss and severe lacerations. (Caparas Dec. at ¶ 19, Ex. 2).

Someone at the Perdue Facility's sanitation office called 911 to report Minor Child J's injury. The dispatcher asked how old Minor Child J was. The caller responded "um", and the line went dead. (Caparas Dec. at ¶ 20, Ex. 2). When the call reconnected thirty seconds later, the dispatcher again asked the age of the injured employee and was told Minor Child J was 19 years old. (Caparas Dec. at ¶ 20, Ex. 2). Minor Child J was hospitalized for twelve days. (Caparas Dec. at ¶ 21, Ex. 2). According to media reports, he missed a month of school following the accident and needed three surgeries, including substantial skin grafts from his thighs to his arms, and six months of physical therapy before he could move his arm. (Caparas Dec. at ¶ 19, Ex. 2; NY Times at p. 6, Ex. 3).

On September 18, 2023, The New York Times published a story detailing Minor Child J's injury, treatment, and employment by Fayette.<sup>8</sup>

## **II. Wage and Hour Investigations**

### **A. Investigation of Fayette Operations at Perdue Facility (Accomac, Virginia)**

The Northeast Region of the Wage and Hour Division of the Department of Labor ("WHD")

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<sup>6</sup>The following facts are based in part on the two New York Times articles attached as Exhibit 3. While the Times appears to have worked closely with the minor child and used the minor child's name in the story, the Department will refer to the child in our briefing as "Minor Child J".

<sup>7</sup>Minor Child J was 13 years, 11 months old at the time of his hiring, and 14 years old when injured.

<sup>8</sup>After the initial New York Times article was published, Perdue conducted its own age verification audit. (Caparas Dec. at ¶ 13, Ex. 2). Minor Child N (age 14) and Minor Child X (age 17) were flagged in Perdue's audit, and both were terminated shortly thereafter. (Caparas Dec. at ¶¶ 52-53, 122-123, Ex. 2). However, Fayette continued to employ children at the STF Plant in Sioux City, Iowa, months after the article's publication.

opened an FLSA investigation into Fayette. WHD subpoenaed documents from Fayette and Perdue along with school records from local school districts. While these investigations are still ongoing, WHD has compared subpoenaed school records against Perdue's records and Fayette's employment records. (Capras Dec. at ¶¶ 5-13, Ex. 2). As a result, WHD determined that from January 2021 through October 2023, Fayette employed at least fifteen minor children to clean hazardous equipment during overnight shifts at the Perdue Facility in violation of the FLSA: three 13-year-olds (Minor Children J, K, and L), three 14-year-olds (Minor Children M, N, and O), two 15-year-olds (Minor Children P and Q), two 16-year-olds (Minor Child R and S), and five 17-year-olds (Minor Children T, U, V, W, and X). (Capras Dec. at ¶¶ 10, 14-123, Ex. 2). Each of these minors signed a Job Description Form, which details the nature of the work they were performing. The form states, for example, that the employee will "use a variety of chemicals and sanitation equipment to clean and sanitize food processing equipment." (Capras Dec. at ¶ 12, Ex. 2). It confirms the essential functions of the job required workers to clean the processing room and remove debris from machinery. (Capras Dec. at ¶ 12, Ex. 2).

**B. Investigation of Fayette Operations at STF Plant (Sioux City, Iowa)**

**1. Pre-Investigatory Steps and Warrant Execution**

On September 29, 2023, WHD received an anonymous complaint about children cleaning at STF's pork processing plant in Sioux City, Iowa ("STF Plant"). (Declaration of Amanda Christopoulos ("Christopoulos Dec.") at ¶ 6, Ex. 4). On October 18, 2023, WHD conducted overnight surveillance at the STF Plant. (Declaration of Courtney Light ("Light Dec.") at ¶ 5, Ex. 5). During this surveillance, WHD witnessed employees entering the STF Plant who appeared to be minors based on their stature and appearance. *Id.* Some of the potential minors carried "pink and purple sparkly backpacks". All of the younger looking employees "noticeably hid their faces," while older employees entering the facility did not. *Id.* On October 26, 2023, WHD reached out to schools in the area, speaking with staff regarding minors potentially working the overnight shift at the STF Plant.



Confidential sources voiced concerns about minors' employment at local establishments, including the STF Plant. (Christopoulos Dec. at ¶ 7, Ex. 4). As a result, the WHD's Midwest Region opened a FLSA child labor investigation into the overnight cleaning operations at the STF Plant. (Christopoulos Dec. at ¶ 5, Ex. 4).

On November 16, 2023, WHD executed a warrant at the STF Plant. (Huber Dec. at ¶ 6, Ex. 1). Pursuant to the warrant, WHD toured parts of the STF Plant during the Fayette overnight sanitation shift, documented working conditions with photographs and video, obtained documents, and interviewed Fayette employees, including minor children. (Christopoulos Dec. at ¶ 9, Ex. 4).

## **2. Background Information Learned during Warrant Execution**

WHD learned Fayette started providing sanitation services at the STF Plant on September 15, 2023,<sup>9</sup> replacing another sanitation company, Qvest LLC, and hiring fifty to sixty former Qvest employees. (Huber Dec. at ¶¶ 8 & 12, Ex. 1; Christopoulos Dec. at ¶ 10, Ex. 4). One STF Manager confided: "I didn't say this, but I think what happened with PSSI made the company [STF] nervous."<sup>10</sup> (Declaration of Stephen Banig ("Banig Dec.") at ¶ 9, Ex. 6).

During the warrant execution, WHD obtained copies of Fayette's personnel records and photos (Huber Dec. at ¶ 14, Ex. 1). Around 3:30 a.m., employees passed by from their breaks to swap out dirty and worn gloves for new ones. (Huber Dec. at ¶ 14, Ex. 1). During that process, a worker peeked in and asked the Fayette human resources representative who was gathering documents for WHD something along the lines of: "¿Solo quiería saber qué está pasando y por qué hay gente allí haciendo preguntas?", which means "I just wanted to know what is happening and why are there people over there asking questions?" To this, the Fayette human resources representative replied in

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<sup>9</sup>Notably, Fayette started work at the STF Plant three days *before* September 18, 2023, when the Times article named "Fayette Industrial" as the employer of Minor Child J.

<sup>10</sup>On November 10, 2022, Judge John Gerrard issued a temporary restraining order against Packers Sanitation Services, Inc., ("PSSI"), forbidding the sanitation company from committing child labor violations. Walsh v. PSSI, 4:22-CV-3246, 2022 WL 16856947 (D. Neb.). On December 6, 2022, the Court entered a consent order and judgment in which PSSI agreed to comply with the FLSA's child labor provisions nationwide and take significant steps to ensure future compliance. PSSI also paid \$1.5 million dollars in civil money penalties. <https://www.dol.gov/newsroom/releases/whd/whd20230217-1>. The case made national news.

Spanish: “No les digas nada,” which means, “Do not tell them anything.”<sup>11</sup> (Declaration of Nikolai Bogomolov (“Bogomolov Dec.”) at ¶ 18, Ex. 7).<sup>12</sup>

The STF Plant is divided into two main departments: the “hot side”, also known as the kill floor or the harvest side,<sup>13</sup> and the “cold” or production/fabrication side. (Christopoulos Dec. at ¶ 14, Ex. 4; Banig Dec. at ¶¶ 5-6, Ex. 6). At the STF Plant, Fayette employs about 109 workers. (Bogomolov Dec. at ¶ 11, Ex. 7).<sup>14</sup> Sanitation workers clock-in at 11:00 p.m. using a facial recognition system before changing into protective gear and participating in team meetings before beginning their cleaning. (Huber Dec. at ¶ 11, Ex. 1).

Fayette supervisors work closely with the sanitation workers. Fayette employs nine supervisors, each with a designated area. (Huber Dec. at ¶ 11, Ex. 1). Supervisors spend fifteen to thirty-minutes prior to each shift talking about safety and equipment use with employees. (Declaration of LeeAnn Wolf (“Wolf Dec.”) at ¶ 14, Ex. 8). Supervisors also issue workers two different scrubbing pads, a scrub brush, bucket, and spray nozzle. (Huber Dec. at ¶ 15, Ex. 1).

All Fayette employees clean the cold fabrication/production side first, then the hot/kill side, after STF employees finish their work. (Christopoulos Dec. at ¶¶ 10, 15, Ex. 4).

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<sup>11</sup>The human resources representative likely did not realize the Wage and Hour Investigator spoke Spanish. (Bogomolov Dec. at ¶ 18, Ex. 7) (“I do not believe [the representative] realized that I understood what she said, as I had not made it obvious to her that I speak Spanish.”).

<sup>12</sup>It is also possible the human resources representative was aware of some issues with the employment of minor children or with Fayette’s documentation. When the photo of an employee came on the screen, whom WHD later identified as Minor Child F, she commented, “That is not [Minor Child F’s work name],” then stopped herself short, not finishing her sentence. The WHD Investigator asked her to zoom-in on the photo of the worker holding an ID, which looked like the person in the picture, and it listed Minor Child F’s work name. The WHD Investigator asked, “What do you mean it’s not [Minor Child’s F work name], it says right there?” The representative then replied, “Oh yes, this is [Minor Child F’s work name].” (Bogomolov Dec. at ¶ 15, Ex. 7).

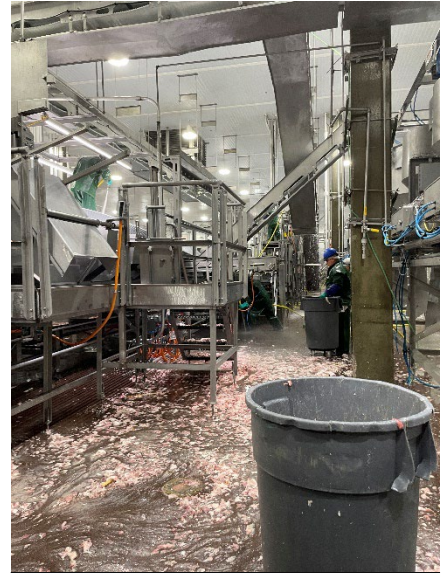
<sup>13</sup>The kill floor has two sections, wet and dry. In the wet kill section, where pigs first arrive after they’ve been killed, the carcasses are shackled to a conveyor system, drained of blood, and dehaired. In the dry kill section, the pigs are gutted, decapitated, and their bodies split in two prior to chilling. (Banig Dec. at ¶ 13, Ex. 6).

<sup>14</sup>While Fayette confirmed that 109 Fayette employees were onsite at the STF Plant on the night WHD executed its warrant (Bogomolov Dec. at ¶ 11, Ex. 7), the WHD only saw about sixty Fayette employees during the inspection. (Banig Dec. at ¶ 6, Ex. 6).

### 3. *Work Duties, Job Conditions, and Protective Equipment*

WHD Investigators interviewed employees about their job duties and toured the STF Plant.<sup>15</sup> During the sanitation process for both the hot and cold sides, Fayette employees hose equipment down, then wash the equipment by hand using chemicals and soap before rinsing. (Wolf Dec. at ¶ 12, Ex. 8). Employees worked under, around, in between, and on top of the running wet equipment while spraying or hand cleaning. (Banig Dec. at ¶ 14, Ex. 6). Workers power wash equipment and the floor to remove animal fat and meat from under and around machinery. (Wolf Dec. at ¶ 12, Ex. 8).

Once collected, workers shovel the animal remnants into large plastic garbage cans and bring this material to a separate room.



*Photo showing animals fat on the floor of the Cold Side, taken by WHD Investigator Parodi*



*Photo showing animals fat on the floor of the Hot Side, taken by WHD Investigator Wolf*

(Wolf Dec. at ¶ 12, Ex. 8; Declaration of Paola Parodi (“Parodi Dec.”) at ¶ 7, Ex. 9; Declaration of Victor Morales (“Morales Dec.”) at ¶ 10, Ex. 10). WHD Investigators documented extremely loud conditions from the machinery and “constant noise of rushing water from all the power washers.” (Parodi Dec. at ¶ 7, Ex. 9). “[W]ater was flying in every direction”, while “fat, meat, and water” created slippery surfaces, and heavy mist limited visibility. (Wolf Dec. at ¶ 12, Ex. 8 (“Some rooms had so much mist that you could not see the entire room and had to move slowly to watch where you stepped and where you were heading.”); Parodi Dec. at ¶ 7, Ex. 9 (one area had so much steam it “was hard

<sup>15</sup>WHD was required to wear hardhats, hairnets, eye protection, and ear plugs. (Banig Dec. at ¶¶ 7, 14, Ex. 6). The photos in this brief were taken during the tour. WHD did not identify any of the individuals in these photos as minors.

to see all the machinery or employees working in that area.”); Morales Dec. at ¶ 10, Ex. 10 (“It was very slippery, so I had to be extremely careful not to fall.”)).

Additionally, WHD Investigators witnessed Fayette employees working from elevated surfaces, on skyjacks, electrical scissor lifts, and ladders, carrying white and red tags printed with the word “DANGER” worn around their waists, and placing their hands inside machinery to check for animal parts. (Wolf Dec. at ¶ 11, Ex. 8). Fayette provides employees safety glasses, hardhats, cotton gloves, rubber gloves, locks for lockout/tagout (“LOTO”), boots, rain pants, raincoats, sleeves, and ear plugs. (Huber Dec. at ¶ 15, Ex. 1). WHD Investigators saw Fayette employees wearing hardhats



*Photo showing use of scissor lift, taken by WHD Investigator Parodi.*

marked “Fayette”, plastic gloves, and green rain pants and coats. However, during power washing, some Fayette workers wore only t-shirts and many failed to use their protective goggles. (Wolf Dec. at ¶ 11, Ex. 8; Parodi Dec. at ¶ 7, Ex. 9).

#### **4. Dangerous Machinery at the STF Plant**

WHD obtained contracts between Fayette and STF identifying cleaning areas, maps of the facility, a listing of all machines and their locations, and STF’s LOTO procedures, which included a list of equipment requiring LOTO at the STF Plant. (Christopoulos Dec. at ¶ 13, Ex. 4). In reviewing these documents WHD identified specific types of machines Fayette employees cleaned at the STF Plant. Some of the machines<sup>16</sup> from the kill floor include Head Splitter (splits the hog’s head for removal of the brain and pituitary); Jaw Puller (unhinges the jawbone); and Belly Opener (cuts through the hog’s breast bones). Some of the machines from the cold side include various meat

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<sup>16</sup>During the STF Plant tours, WHD Investigators documented additional machinery on the kill floor, such as a “skinning machine” (Wolf Dec. at ¶ 9, Ex. 8), kill box, scald tub, toe notcher, neck clipper, tongue popper stand, and spike conveyor jaw puller. (Banig Dec. at ¶ 13, Ex. 6).



bandsaws (including several with 7.5 horsepower motors); various skinners (removes thick skin and membranes from the carcass); Blenders and Tumblers (mixes, blends, and grinds thousands of pounds of raw meat). (Christopoulos Dec. at ¶ 16, Ex. 4).

### **III. Identifying Minor Children**

To determine whether any minor children were working at the STF Plant, WHD first reviewed photos from the Fayette facial recognition system (used by employees to “clock-in”), flagging any individuals who appeared to be under 25 years of age to interview. (Huber Dec. at ¶ 16, Ex. 1). Additionally, during the tour of the STF Plant, WHD Investigators made notes of workers who appeared to be under 18 years of age, such as one worker wearing a “Class of 2025 South Sioux City High School” t-shirt. (Morales Dec. at ¶ 9, Ex. 10). WHD Investigators spent two hours interviewing Fayette workers who appeared to be under 25 years of age. (Morales Dec. at ¶ 11, Ex. 10).<sup>17</sup>

WHD then reviewed the personnel files, employment applications, and badge photos from Fayette, and compared these documents against subpoenaed school records from five neighboring school districts. (Christopoulos Dec. at ¶ 18, Ex. 4). WHD compared data points, as well as a comparison of the school photo against photos from the employee’s personnel file, including photos from the facial recognition clock-in system, photos taken at hiring by Fayette, and any photos taken by investigators during interviews. (Huber Dec. at ¶¶ 17-19, Ex. 1).<sup>18</sup>

WHD determined Fayette employed at least *nine* (9) minor children since taking over overnight sanitation duties at the STF Plant on September 15, 2023, including hiring two 14-year-olds (Minors A and I), one 15-year-old (Minor B), one 16-year-old (Minor C), and five 17-year-olds. Based on records provided by Fayette, four minor children *currently* work at the STF Plant as of December 12, 2023. (Huber Dec. at ¶¶ 20-36, Ex. 1).

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<sup>17</sup>For employees who spoke Spanish, Spanish-speaking investigators conducted the interviews in Spanish. (Christopoulos Dec. at ¶ 9, Ex. 4).

<sup>18</sup>Combing through and cross-referencing these thousands of documents took considerable manhours and significant effort from multiple WHD Investigators to complete. (Christopoulos Dec. at ¶ 19, Ex. 4).

**A. Minor Children Currently Employed by Fayette**

Minor Child A, who currently works at the STF Plant, was 14 years and 4 months old when hired by Fayette. (Huber Dec. at ¶ 20-22, Ex. 1). When interviewed by WHD, Minor Child A detailed working from 11:00 p.m. to 6:00 a.m., Monday to Friday; sanitizing the cold side and the kill floor, including cleaning a machine “that cuts the hogs’ ears.” Minor Child A claimed to be thirty-three (33) years old. (Parodi Dec. at ¶ 10, Ex. 9). WHD similarly determined Minor Child B was 15 years and 5 months old, Minor Child C was 16 years and 8 months old, and Minor Child D was 17 years and 3 months old when hired by Fayette. (Huber Dec. at ¶¶ 23-29, Ex. 1).

**B. Others Hired by Fayette as Minor Children**

WHD also identified Minor Children E, F, G, and H as having been 17 years old when hired by Fayette.<sup>19</sup> (Huber Dec. at ¶ 30-32, Ex. 1). Minor Child F told WHD they work five to six days a week, cleaning *running* machines that “cut out hams and take out bones[.]” (Banig Dec. at ¶ 17, Ex. 6). Minor Child F appeared “extremely nervous and uncomfortable” and admitted to attending an area high school through the tenth grade. (Banig Dec. at ¶ 17, Ex. 6). Minor Child G also worked five to six days a week, cleaning “skinners” and using bleach on conveyor belts. Minor Child G claimed to be 26 years old. (Wolf Dec. at ¶ 14, Ex. 8). Finally, Minor Child I was only 14 years and 5 months old when hired by Fayette.

**STANDARD OF REVIEW**

The standard for entry of a temporary restraining order in this Circuit is the same as for a preliminary injunction. See Walsh v. PSSI, 4:22-CV-3246, Doc. No. 13 at p. 1 (D. Neb. Nov. 17, 2022) (“The Court found that evidence sufficient to warrant a temporary restraining order [against child labor], and since the standard for a preliminary injunction is the same, the Secretary need not necessarily adduce additional evidence to meet his burden.”). “Whether a preliminary injunction should issue involves consideration of (1) the threat of irreparable harm to the movant; (2) the state

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<sup>19</sup>These individuals are no longer minors.

of the balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest.” Dataphase Systems, Inc. v. C L Systems, Inc., 640 F.2d 109, 113 (8th Cir. 1981). A temporary restraining order “is remedial in nature, i.e., intended to prevent future violations; it is not imposed as punishment for past violations.” Brennan v. Correa, 513 F.2d 161, 163 (8th Cir. 1975) (reversing district court’s denial of injunction for child labor violations).

### ARGUMENT

#### **I. The Court Must Enjoin Defendant from Employing Oppressive Child Labor.**

Defendant unlawfully employed minor children to clean dangerous industrial power-driven slaughtering and meat processing equipment in grueling overnight shifts in at least two different facilities in violation of federal child labor law. Some of these children were too young to be lawfully employed at all. Indeed, WHD’s investigation into child labor violations failed to deter Defendant, as records show Defendant still employed minor children nearly a month after WHD executed its warrant at the STF Plant. Oppressively employing minors threatens the health and welfare of vulnerable children. Accordingly, the Acting Secretary seeks a temporary restraining order to enjoin Defendant’s unlawful conduct.

As discussed below, the Acting Secretary plainly meets all the requirements for issuance of a temporary restraining order and preliminary injunction. First, Defendant’s continued use of oppressive child labor causes irreparable harm to minors. The FLSA aims to protect such vulnerable children, as well as the public in whose interest the Acting Secretary performs her lawful duties. Second, the balance of any possible hardships tips in the Acting Secretary’s favor, as she is asking only that Defendant follows the law. Third, the Acting Secretary is likely to succeed on the merits to show Defendant unlawfully employed and continues to employ numerous minor children. And fourth, the public’s interest in protecting children will be served by the Court’s entry of a temporary restraining order and preliminary injunction.

**A. Defendant’s Employees, the Department of Labor, and the Public Will Suffer Irreparable Harm Absent a Temporary Restraining Order.**

A temporary restraining order is crucial to prevent irreparable harm to Defendant’s employees – including minor children – the Acting Secretary, and the public. “Irreparable harm occurs when a party has no adequate remedy at law, typically because its injuries cannot be fully compensated through an award of damages.” Grasso Ents., LLC v. Express Scripts, Inc., 809 F.3d 1033, 1040 (8th Cir. 2016) (quoting Gen. Motors Corp. v. Harry Brown’s, LLC, 563 F.3d 312, 319 (8th Cir. 2009)). Here, a temporary restraining order is central to preventing irreparable harm.

Defendant’s unlawful employment of oppressive child labor, in and of itself, causes irreparable harm. “It is a well-established rule that where Congress expressly provides for injunctive relief to prevent violations of a statute, a plaintiff does not need to demonstrate irreparable harm to secure an injunction.” Burlington Northern R. Co. v. Bair, 957 F.2d 599, 601 (8th Cir. 1992). If Congress has already determined via statute that an injunction should issue to prevent an employer from engaging in activity prevented by the statute, “then it is not the role of the courts to balance the equities between the parties.” Chao v. Continental Express, Inc., No. 4:07CV00852, 2007 WL 3309266, at \*1 (E.D. Ark. Nov. 6, 2007).

Even without such a presumption, a temporary restraining order is necessary here to prevent irreparable harm to the twenty-four minor children. Indeed, the Supreme Court has long recognized the employment of oppressive child labor in violation of the FLSA results in “crippling effects” that interfere with the “well-rounded growth of young people into full maturity as citizens.” Prince v. Mass., 321 U.S. 158, 168 (1944). As the Eighth Circuit admonished in an early child labor case in which the DOL requested an injunction, the FLSA’s injunctive provisions should not be administered “grudgingly” by courts. Lenroot v. Interstate Bakeries Corp., 146 F.2d 325, 327 (8th Cir. 1945) (reversing district court’s denial of injunction for child labor violations); see also Correa, 513 F.2d at 163 (“An important tool available to the Secretary for compelling compliance with the Act is an action for injunctive relief under § 17.”). Allowing Defendant to employ minors in violation



of sections 12(c) and 15(a)(4), the very behavior that the FLSA’s child labor prohibitions were meant to correct will cause irreparable harm to the children. As such, this Court should grant a temporary restraining order enjoining Defendant from continuing to employ minor children in violation of the FLSA.

**B. The Balance of Hardships Strongly Favors a Temporary Restraining Order.**

Here, the balance of hardships tips decidedly in favor of the Acting Secretary and her request for relief. “To determine the harms that must be weighed, the Eighth Circuit has looked at the threat to each of the parties’ rights that would result from granting or denying the injunction.” Bryant v. Nationwide Anesthesia Servs., Inc., No. 8:21-CV-335, 2021 WL 3912264, at \*6 (D. Neb. Sept. 1, 2021) (citing Baker Elec. Co-op., Inc. v. Chaske, 28 F.3d 1466, 1472 (8th Cir. 1994)). Absent an injunction, the harm that would result to minors, the Department, and the public outweighs any harm that Defendant might suffer from an injunction.

Defendant has no right to employ minors in oppressive child labor. “An injunction under the Act merely orders the employer to do what the law requires him to do.” Marshall v. Lane Processing, Inc., 606 F.2d 518 (8th Cir. 1979) (reversing district court’s denial of injunction for child labor violations). Therefore, even if Defendant could somehow prove it did not engage in violative child labor, it will not be prejudiced by an injunction that merely obligates it to follow the FLSA. “This is not a case in which there exists a substantial question as to whether the conduct to be enjoined is wrongful. Here the conduct as to which plaintiff seeks an injunction is clearly wrongful, and the question is whether the conduct has occurred as alleged. In these circumstances, it appears that defendant suffers little harm from the issuance of the TRO if the allegations are false, because the TRO will then forbid only conduct in which defendant is not and has not been engaged.” Reich v. Bede Aircraft Corp., No. 4:96CV592, 1996 WL 276382, at \*3 (E.D. Mo. Mar. 26, 1996) (granting the Secretary’s request for an injunction under the FLSA). Simply put, Defendant will suffer no cognizable harm if the injunction is granted. See, e.g., Lane Processing, 606 F.2d at 520 (“[T]hat an

injunction will damage its public image and create financial hardship by making it difficult to obtain loans.... are not factors to be weighed in considering whether injunctive relief should issue.”).

In contrast, a temporary restraining order, as set forth in the proposed order, will ensure Defendant cannot continue to violate the Act’s prohibition of employing minors in oppressive child labor. Accordingly, the balance of hardships favors the Acting Secretary and strongly warrants the issuance of a temporary restraining order.

**C. The Acting Secretary is Likely to Succeed on the Merits.**

The Acting Secretary is likely to prevail in establishing that Defendant’s employment of minors violated the FLSA’s oppressive child labor provisions, sections 12(c) and 15(a)(4). See, e.g., PSSI, 2022 WL 16856947, at \*2 (“The Secretary’s evidence . . . suggests a strong likelihood of success on his claims that Packers Sanitation unlawfully employed child laborers. In particular, there is strong evidence that children under 16 were employed and that children of varying ages were employed for hours, and performed tasks, that are prohibited by federal law.”). These provisions, as the Supreme Court has long recognized, serve to protect minors from the evils of the “crippling effects of child employment.” Prince, 321 U.S. at 168. There is no question that “[a] democratic society rests, for its continuance, upon the healthy, well-rounded growth of young people into full maturity as citizens, with all that implies.” Id.

1. The FLSA prohibits oppressive child labor.

The FLSA defines “employee” as “any individual employed by an employer,” 29 U.S.C. § 203(e)(1), and an entity “employs” an individual if it “suffer[s] or permit[s]” that individual to work, 29 U.S.C. § 203(g). In particular, section 12(c) provides that no employer shall employ minors in work that constitute “oppressive child labor.” 29 U.S.C. § 212(c). Section 15(a)(4) of the Act, in turn, expressly makes it unlawful for any person to violate the provisions of section 12. “Oppressive child labor” is defined, in relevant part and as applied to nonagricultural work, as: “a condition of employment under which (1) any employee under the age of sixteen years is employed by an

employer (other than a parent . . .) in any occupation” or (2) “any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Secretary of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being.”

Children under 14 years of age may not be employed in non-agricultural occupations covered by the FLSA unless that work is specifically exempted by the statute or not covered by the Act. 29 U.S.C. § 203(l); 29 C.F.R. § 570.119. Employment of 14- and 15-year-old children is prohibited unless expressly permitted by regulation of the Secretary. 29 U.S.C. § 203(l); 29 C.F.R. § 570.32. Under the Department’s regulation, 14- or 15-year-olds in nonagricultural occupations are only allowed to work at certain times of the day based on the time of year.<sup>20</sup> 29 C.F.R. § 570.35(a). Additionally, 14- or 15-year-olds may only work eight hours per day when school is not in session and not more than three hours a day when school is in session. 29 C.F.R. § 570.35(a)(4) and (5). Furthermore, 14- or 15-year-olds may not work in any occupation constituting oppressive child labor, including (i) occupations declared by the Secretary “to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being” or (ii) any occupation that involves cleaning “power driven machinery”, which includes “food slicers, food grinders, food choppers, . . .[and] food cutters”.” 29 C.F.R. § 570.33(b) and (e).

Regarding the employment of 16- and 17-year-olds, section 570.61 of the Department’s child labor regulations (often referred to as “Hazardous Order 10” or “H.O. 10”) designates several occupations as “particularly hazardous” and therefore not allowed for anyone under 18 years of age, including most work being performed at slaughtering and meatpacking establishments. 29 C.F.R. § 570.61. Specifically, minors are prohibited from doing any work “on the killing floor”<sup>21</sup> or

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<sup>20</sup>When school is in session, they may work outside of school hours between 7:00 a.m. and 7:00 p.m., while they may work until 9:00 p.m. during the summer. The regulations define “summer” as June 1 through Labor Day. 29 C.F.R. § 570.35(a)(6).

<sup>21</sup>A “killing floor” is defined as a “workplace where such animals . . . are immobilized, shackled, or killed, and the carcasses are dressed prior to chilling.” 29 C.F.R. § 570.61(b). There is a narrow list of tasks a minor may perform on the killing floor, which require limited exposure and do not apply to work done by the minors at issue.

cleaning “power-driven machines” such as “meat and bone cutting saws, poultry scissors or shears; meat slicers, knives (except bacon-slicing machines), headsplitters, and guillotine cutters; snoutpullers and jawpullers; skinning machines; horizontal rotary washing machines; casing-cleaning machines such as crushing, stripping, and finishing machines; grinding, mixing, chopping, and hashing machines; ...” 29 C.F.R. § 570.61(a)(1) and (a)(4). H.O. 10 is due a “liberal construction”. Dole v. Stanek, Inc., No. 88-4118, 1990 WL 123994, at \*3 (N.D. Iowa July 6, 1990) (granting the Secretary’s request for injunction against restaurant under H.O. 10 where two minors were allowed to operate a meat slicer).

2. The Acting Secretary will be successful in showing Defendant engaged in oppressive child labor.

The Acting Secretary establishes a violation of the FLSA’s child labor prohibition by showing: (1) the minor employee’s age; (2) that the minor performed work for an employer, other than a parent; and (3) that the work constituted “oppressive child labor”. 29 U.S.C. §§ 203(l), 212(c). Children under the age of 14 are not permitted to be employed by Defendant for any reason under the FLSA. 29 U.S.C. § 203(l); 29 C.F.R. § 570.119. For children ages 14 or 15, being allowed to work after 7:00 p.m. constitutes “oppressive child labor”, 29 C.F.R. § 570.35, while for all children under 18, work in “particularly hazardous” industries that is “detrimental to their health or well-being” – such as work in slaughterhouses and meatpacking facilities where children are on the kill floor or work with power-driven machines – is considered “oppressive child labor”. 29 C.F.R. § 570.33(b) and (e); § 570.61(a)(1) and (a)(4).

Notably, the Eighth Circuit has long held “corporations must be held strictly accountable for [their] child labor violations”, and the Acting Secretary is not required to show an employer gained “special profit or advantage through its violation”. Interstate Bakeries, 146 F.3d at 328. Nor is it a defense that the number of violations in relation to the overall workforce is small. Id. (“Although a

plant like the Kansas City plant, employing some 450 persons, is large and important, its personnel is not to be thought of as a confused mass of people among whom a stray or two may be unnoted.”).

Here, the undisputed evidence will show Defendant employed oppressive child labor by suffering or permitting minors to work in the middle of the night, using hazardous chemicals to clean the power-driven slaughterhouse machines and otherwise working on the kill floor in violation of sections 212(c) and 215(a)(4) of the FLSA as well as the Department’s regulations. The Acting Secretary will be able to show children as young as 13-years-old – so young they are not lawfully permitted to work for this employer – worked on the kill floor. Additionally, numerous other children under the age of 16 worked the overnight shift; again, on its face, these are violations of the Department’s regulations. As for the children ages 16 and 17, the Acting Secretary has ample evidence to show they worked on the kill floor and/or around power-driven machines, as prohibited by H.O. 10. Yet, to prevail on our complaint, the Acting Secretary need only prove *one* instance of oppressive child labor to demonstrate a violation of section 12(c) and 15(a)(4). Thus, the aforementioned facts alone suffice to establish a violation of FLSA sections 12(c) and 15(a)(4).

In short, the evidence demonstrates Defendant employed oppressive child labor within the meaning of section 3(l) of the Act. Therefore, the Acting Secretary is likely to succeed on her claims that Defendant violated sections 12(c) and 15(a)(4) of the FLSA.

**D. The Public Interest Will be Served by Granting a TRO.**

The public has an undeniable and compelling interest in protecting children by ensuring they are not employed in oppressive child labor in violation of the FLSA. In passing the child labor provision of the FLSA, Congress determined oppressive child labor is detrimental to the public interest, as “[t]hat which the Act declares to be unlawful is against the public interest and is injurious to the public interest”, and Congress’ “determination is binding on the courts.” Interstate Bakeries, 146 F.3d at 327-28. In that vein, the public’s interest is best served by the Acting Secretary’s ability to fulfill her lawful duties to investigate potential child labor violations and enforce the FLSA’s

prohibition against oppressive child labor. Here, Fayette is directly imperiling the health and well-being of minors. Issuing a temporary restraining order here serves the public interest by protecting children, on whose well-rounded growth our society rests. See Prince, 321 U.S. at 168.

## **II. The Court Must Expand the Injunction against Child Labor to Defendant’s Operations Across the Country.**

Defendant operates in approximately thirty states across the country. Given that Wage and Hour’s investigations revealed at least twenty-four (24) minors in two facilities in two separate states, Defendant’s practice of employing child labor may be occurring throughout the country. Yet, the children working overnight on the kill floor of these slaughterhouses cannot wait. As such, the Acting Secretary asks that, should this Court grant her request for a temporary restraining order and preliminary injunction, it be applied on a nationwide basis to all facilities in which Defendant’s employees work.

The application of injunctive relief to all of Defendant’s operations is appropriate in cases such as this, as “[i]t would frustrate the broad purposes of the FLSA in suits involving large corporate defendants with extensive branch operations to require the Secretary to investigate and prove violations in all or substantially all of the defendant’s branches to justify the issuance of a chain-wide injunction.” Brennan v. J. M. Fields, Inc., 488 F.2d 443, 449-50 (5th Cir. 1974); see also Reich v. IBP, Inc., No. 88-2171-EEO, 1996 WL 445072, at \*1 (D. Kan. July 30, 1996) (“IBP continues by arguing that the Secretary should, nonetheless, be required to separately investigate and prove violations in each of defendant’s other plants. This approach is highly inefficient and antithetical to the spirit of the FLSA.”).

Given the seriousness of the violations – involving children as young as 13 cleaning a slaughterhouse kill floor – it is critical that the injunction be applied to all of Defendant’s operations and employees, regardless of where they are located. See Rodgers v. Bryant, 942 F.3d 451, 458 (8th Cir. 2019) (“But the Supreme Court also wrote . . . that one of the ‘principles of equity jurisprudence’

is that ‘the scope of injunctive relief is dictated by the extent of the violation established, not by the geographical extent of the plaintiff class.’”). “A company-wide injunction simply ensures compliance with the law by placing the burden of policing compliance on [Defendant], rather than the Secretary. . . . If [Defendant’s] . . . practices at its other plants are presently in compliance, then the injunction is of little practical consequence and [Defendant] is not prejudiced. If, on the other hand, [Defendant] is not in compliance, the Secretary should not be required to undertake separate actions with respect to each other plant to force [Defendant] to obey the law.” IBP, Inc., 1996 WL 445072, at \*1.

### CONCLUSION

The Acting Secretary respectfully asks the Court to enter the following temporary restraining order prohibiting Defendant from any further use of oppressive child labor. Specifically, the Acting Secretary requests that the Court immediately issue an order restraining Defendant and its agents, and all those in active concert and participation with them, at all facilities in which Defendant operates, as follows:

1. Defendant and its agents are enjoined from violating sections 12(c) and 15(a)(4) of the Fair Labor Standards Act by employing oppressive child labor as defined in section 3(l) of the FLSA at each of its workplaces throughout the United States of America;
2. Defendant and its agents are enjoined from refusing to provide information to the Department of Labor to aid in its investigations, which are ongoing;
3. Defendant and its agents are enjoined from instructing employees not to speak to the Department of Labor, or otherwise preventing, discouraging, surveilling, or threatening employees from cooperating with the Department of Labor, and from retaliating against any employees who participate in the investigations, which are ongoing;
4. Order all such other relief as may be appropriate, just, and proper.

DATED: February 21, 2024  
Sioux City, Iowa

**EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

JULIE A. SU,	)	
ACTING SECRETARY OF LABOR,	)	
U.S. DEPARTMENT OF LABOR,	)	
	)	
Plaintiff,	)	CIVIL ACTION FILE NO. 5:24-cv-4012
	)	
v.	)	
	)	
FAYETTE JANITORIAL SERVICE, LLC,	)	
d/b/a FAYETTE INDUSTRIAL	)	
	)	
	)	
Defendant.	)	

DECLARATION OF CHRISTOPHER HUBER

I, Christopher Huber declare under penalty of perjury, as prescribed in 28 U.S.C. § 1746, that the following is true and correct:

1. I am an investigator for the United States Department of Labor, Wage and Hour Division’s Indianapolis District Office. I was assigned to investigate Defendant’s compliance with the child labor provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*

2. I have been an investigator with Wage and Hour for over fourteen years. As an investigator, I am responsible for conducting investigations of employers under various laws that the Wage and Hour Division is charged with enforcing, including the FLSA. Over the past fourteen years, I have been the lead investigator on over 500 cases and have assisted on several others. Approximately 280 of the cases included a focus on child labor. The child labor cases have included minors being employed in violation of the Hours and Times Standards (29 C.F.R. § 570.35(a)) and the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

3. The statements made herein are based on my training and experience, personal knowledge, and observations made during the execution of the warrant involving Defendant (as



discussed below), as well as conversations with representatives and employees of Defendant in this matter.

### **The Defendant**

4. Fayette Janitorial Service, LLC, d/b/a Fayette Industrial (“Fayette”), is a cleaning and sanitation company that provides contract work at meat processing facilities, including the pork processing facility at 5555 Seaboard Triumph Parkway, Sioux City, Iowa 51111 (“STF Plant”). The meat processing facility is owned and/or operated by Seaboard Triumph Foods, LLC (“STF”).

5. The Wage and Hour Division initiated an investigation of Fayette’s operation in Sioux City, Iowa, at the STF Plant to determine whether its practices complied with the FLSA, including its child labor provisions. I was assigned to the case as the lead investigator.

### **Execution of the Warrants**

6. On November 16, 2023, Wage and Hour executed the warrants on the STF Plant during the workers’ overnight shift. I entered the facility with the initial team to serve the warrant. In addition to myself, the team included Regional Enforcement Coordinator (“REC”) Amanda Christopoulos, Assistant District Director (“ADD”) Nikolai Bogomolov, and Wage and Hour Investigators (“WHIs”) Cassandra Stoner and Matt Jones. We approached the guard station at about 12:15 a.m. At the time we approached, there was no one in the guard station due to an automobile accident on STF property. We got the attention of an STF employee who opened the door and allowed us to enter.

### **Observations at the STF Plant**

7. Upon entry to the STF Plant, we waited in the entry hallway until the on-duty managers from STF came down to meet us, at which time we presented our credentials to Doyce

Black and Philip Castillo. REC Christopoulos presented the warrant to Mr. Black. Shortly thereafter Mr. Castillo escorted us to the Fayette office, which is located on the second floor of the STF Plant. We then presented our credentials to Facility Manager Will Baslee and Eric Shauman, who is an area manager for Fayette. We were later joined by Monty McGuinness, who is the regional manager for Fayette.

8. Mr. Baslee explained the contract between Fayette and STF was very new, and Fayette had only been working at the facility since September 15, 2023. Prior to that time, a company named Qvest LLC had held the sanitation contract to clean the STF Plant.

9. My initial responsibility was to hold an opening conference with the Fayette managers. Mr. Baslee stated he was not authorized to talk with us or answer any questions until he was able to speak with counsel for the company, but he said we were free to review any documents in the office.

10. While Mr. Baslee attempted to reach counsel for Fayette, I began copying documents including training logs for all employees, daily sign-in sheets, incident reports, and lock-out/tag-out (“LOTO”) training records, all of which were maintained in the Fayette office.

11. After several unsuccessful attempts to reach counsel for the company, Mr. Baslee stated he would be willing to answer any questions that we had. I began by asking Mr. Baslee about the schedule and number of employees, as well as how the employees are organized. Mr. Baslee explained there are nine (9) Fayette supervisors who are each responsible for cleaning an area of the plant. Employees typically worked for the same team unless absences required switching employees to different team. Mr. Baslee stated all employees start work at the same time and clock-in using a facial recognition system. He was unsure where the photos for the system were stored. Mr. Baslee explained workers arrived at 11:00 p.m. and clocked-in, then changed

into their protective gear and had a team meeting before starting to clean. Mr. Baslee said each employee was issued protective gear and padlocks for LOTO.

12. I asked Mr. Baslee about Fayette's hiring process and what contact, if any, Fayette had with the prior company (Qvest). He was not sure what information Fayette received from Qvest, but he believed Fayette had hired fifty to sixty individuals who had worked for the prior company. Mr. Baslee said Fayette had held two job fairs staffed by the company's field HR team and advertised through flyers and the newspaper.

13. Mr. Baslee stated that, to be hired, individuals had to be at least 18 years old, be physically capable of doing the job, and have required documents. Fayette also did a visual inspection of identity documents to compare the individual holding the documents by taking photos of the individual holding the documents and sending those photos to the HR department at the main office in Tennessee.

14. While I was meeting with Mr. Baslee, ADD Bogomolov worked to obtain copies of personnel records and photos from the computer system by having the HR representative, Mary Tapia, bring-up the file of each employee then taking photos of the records. Around 3:30 a.m., employees began to arrive from their breaks and swap out dirty and worn gloves for new ones. One male employee leaned into the office and in Spanish asked what was going on and why they were being asked questions, to which Mrs. Tapia responded, "No les digas nada" meaning "Do not tell them anything".

15. Workers regularly entered the office while I was there. I observed that workers wore hardhats, rain ponchos, plastic sleeves, gloves, and goggles. While reviewing documents, I copied equipment logs that showed employees were provided safety glasses, hardhats, cotton gloves, green rubber gloves, locks for LOTO, boots, rain pants, raincoats, sleeves, and ear plugs.

Workers were also issued green scrubbing pads, white scrubbing pads, a scrub brush, bucket, and spray nozzle as required for the area they were responsible for cleaning.

### **Matching of Minor Children**

16. During the tour of the STF facility, investigators made notes of any individuals who appeared to be under 18 years of age. Additionally, photos from the Fayette facial recognition system (used by employees to “clock-in”) were reviewed, and any individuals who appeared to be under 25 years of age were flagged.

17. After potential minors were flagged, I reviewed the personnel files and applications received from Fayette and compared them against school records obtained from four Sioux City schools, the South Sioux City School District, and Seargent Bluff-Luton High School.

18. Data points in Fayette records were compared to school records. This includes comparing the photographs provided by Fayette to photographs in school records.

### **Minor Children Currently Employed by Fayette**

#### ***Minor Child A***

19. I reviewed local school records produced via subpoena that showed student information for Minor Child A. Data points from Fayette records and school records were used to confirm Minor Child A’s actual age. This includes comparing photographs that were part of Minor Child A’s student records and photos taken by Fayette at hiring, as well as photos from their identification documents, photo, photos taken by the company’s facial recognition system, and a photo taken during an interview of Minor Child A. Based on this information, I determined Minor Child A was 14 years and 4 months old when hired by Fayette.

20. Based on payrolls and time sheets, as well as a roster of active employees provided by Fayette, Minor Child A currently works at the STF Plant.

21. Minor Child A was also employed in violation of the hours standards for children under 16 years old. The gate entry records from the STF Plant, as well as time sheets from Fayette, demonstrate that Minor Child A routinely started work at 10:45 p.m. on nights when school was in session. Additionally, Minor Child A worked over three hours (typically seven to eight hours) and worked more than eighteen hours in a week (typically at least 32 and as many as 54 hours in a week) when school was in session.

***Minor Child B***

22. I reviewed local school records produced via subpoena that showed student information for Minor Child B. Data points from Fayette records and school records were used to confirm Minor Child B's actual age. This includes comparing photographs that were part of Minor Child B's student records and photos taken by Fayette at hiring, as well as photos from their identification documents and photos taken by the company's facial recognition system. Based on this information, I determined Minor Child B was 15 years and 5 months old when hired by Fayette.

23. Based on payrolls and time sheets, as well as a roster of active employees provided by Fayette, Minor Child B currently works at the STF Plant.

24. Minor Child B was also employed in violation of the hours standards for children under 16 years old. The gate entry records from the STF Plant, as well as time sheets from Fayette, demonstrate that Minor Child B routinely started work at 10:45 p.m. on nights when school was in session. Additionally, Minor Child B worked over three hours (typically seven to eight hours) and worked more than eighteen hours in a week (typically at least 32 and as many as 54 hours in a week) when school was in session.

***Minor Child C***

25. I reviewed local school records produced via subpoena that showed student information for Minor Child C. Data points from Fayette records and school records were used to confirm Minor Child C's actual age. During their interview, Minor Child C provided other names by which they were known, and this matched the name on the school records. Additionally, the photograph that was part of Minor Child C's school records matched photos taken by Fayette at hiring, as well as photos from their identification documents, photos taken by the company's facial recognition system, and a photo taken during an interview of Minor Child C. Based on this information, I determined Minor Child C was 16 years and 8 months old when hired by Fayette.

26. Based on payrolls and time sheets, as well as a roster of active employees provided by Fayette, Minor Child C currently works at the STF Plant.

***Minor Child D***

27. I reviewed local school records produced via subpoena that showed student information for Minor Child D. Data points from Fayette records and school records were used to confirm Minor Child D's actual age. I was able to find photograph matches by comparing the school profile picture of Minor Child D with photos taken by Fayette at hiring, as well as photos from the identification documents provided and the facial recognition system. Based on this information, I determined Minor Child D was 17 years and 3 months old when hired by Fayette.

28. Based on payrolls and time sheets, as well as a roster of active employees provided by Fayette, Minor Child D currently works at the STF Plant.

**Current Fayette Employees Hired as Minor Children**

***Minor Child E***

29. I reviewed local school records produced via subpoena that showed student

information for Minor Child E. Data points from Fayette records and school records were used to confirm Minor Child E's actual age. This includes comparing photographs that were part of Minor Child E's student records and photos taken by Fayette at hiring, as well as photos from their identification documents, photos taken by the company's facial recognition system, and a photo taken during an interview of Minor Child E. Based on this information, I determined Minor Child E was 17 years and 8 months old when hired by Fayette, although as of the time of this filing, they are no longer under 18.

***Minor Child F***

30. I reviewed local school records obtained via subpoena that showed student information for Minor Child F. Data points from Fayette records and school records were used to confirm Minor Child F's actual age. This includes comparing photographs that were part of Minor Child F's student records and photos taken by Fayette at hiring, as well as photos from their identification documents, photos taken by the company's facial recognition system, and a photo taken during an interview of Minor Child F. Based on this information, I determined Minor Child F was 17 years and 10 months old when hired by Fayette, although as of the time of this filing, they are no longer under 18.

***Minor Child G***

31. I reviewed local school records produced via subpoena showing student information for Minor Child G. Data points from Fayette records and school records were used to confirm Minor Child G's actual age. This includes comparing photographs that were part of Minor Child G's student records and photos taken by Fayette at hiring, as well as photos from their identification documents, photos taken by the company's facial recognition system, and a photo taken during an interview of Minor Child G. Based on this information, I determined Minor Child

G was 17 years and 11 months old when hired by Fayette, although as of the time of this filing, they are no longer under 18.

**Minor Children Formerly Employed by Fayette**

***Minor Child H***

32. I reviewed local school records obtained via subpoena that showed student information for Minor Child H. Data points from Fayette records and school records were used to confirm Minor Child H's actual age. This includes comparing photographs that were part of Minor Child H's student records and photos taken by Fayette at hiring, as well as photos from their identification documents and photos taken by the company's facial recognition system. Based on this information, I determined Minor Child H was 17 years and 10 months old when hired by Fayette, although as of the time of this filing, they are no longer employed by Fayette.

***Minor Child I***

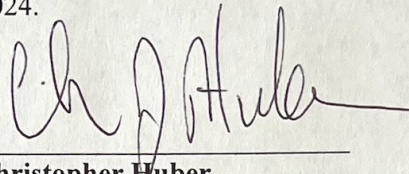
33. I reviewed local school records produced via subpoena, which included student information for Minor Child I. Data points from Fayette records and school records were used to confirm Minor Child I's actual age. This includes comparing photographs that were part of Minor Child I's student records and photos taken by Fayette at hiring, as well as photos from their identification documents and photos taken by the company's facial recognition system. Based on this information, I determined Minor Child I was 14 years and 5 months old when hired by Fayette.

34. Minor Child I was employed in violation of the hours standards for children under 16 years old, as gate entry records from STF and time sheets from Fayette demonstrate Minor Child I routinely started work at 10:45 p.m. on school nights, in addition to working seven to eight hours per night and at least 32 to as many as 54 hours per week when school was in session.

35. At the time of this filing, Minor Child I is no longer employed by Fayette.



Executed on this 12 day of February, 2024.

A handwritten signature in black ink, appearing to read "Ch. Huber", written over a horizontal line.

**Christopher Huber**  
**Wage & Hour Investigator**  
Wage and Hour Division  
U.S. Department of Labor

**EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA**

JULIE A. SU,	)	
ACTING SECRETARY OF LABOR,	)	
U.S. DEPARTMENT OF LABOR,	)	
	)	
Plaintiff,	)	CIVIL ACTION FILE
	)	NO.
v.	)	
	)	
FAYETTE JANITORIAL SERVICE, LLC	)	
d/b/a FAYETTE INDUSTRIAL	)	
	)	
	)	
Defendant.	)	

**DECLARATION OF JEFFERSON CAPARAS**

I, Jefferson Caparas, declare under penalty of perjury, as prescribed in 28 U.S.C. § 1746, that the following is true and correct:

1. I am an Assistant District Director for the United States Department of Labor, Wage and Hour Division’s Arlington, Virginia Area Office. I was assigned to assist on the investigation into the Defendant’s compliance with the child labor provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.* In particular, I worked on identifying children that worked for Fayette at the Perdue Farms, LLC (“Perdue”) facility in Accomac, Virginia. I identified children by matching the records of Fayette Janitorial Service, LLC, d/b/a Fayette Industrial (“Fayette” or “Defendant”) with middle and high school records. I also reviewed documents wherein Fayette admitted that it employed at least one child at Perdue’s Accomac’s facility.

2. I have worked for the Wage and Hour Division (“WHD”) since August 2009, when I joined as an investigator. I was promoted on October 10, 2021, to Assistant District Director, which is my current position. As an investigator, I was responsible for

conducting investigations of employers under various laws that the Wage and Hour Division is charged with enforcing, including the FLSA. Over the past fourteen plus years, I have been the lead investigator on over 261 cases and have assisted on several others. Approximately twelve of the cases included a focus on child labor. The child labor cases included minors being employed in violation of the Hours and Times standards (29 C.F.R. § 570.35(a)) and the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68). As an investigator, I was responsible for conducting investigations of employers under various laws that the Wage and Hour Division is charged with enforcing, including the FLSA.

3. The statements made herein are based on my training and experience, personal knowledge, and observations made during the subpoena process involving Defendant (as discussed below), as well as conversations with representatives and employees of Defendant in this matter.

### **The Defendant**

4. Fayette is a cleaning and sanitation company that provides contract work at the poultry processing facilities, including the Perdue facility located at 22520 Lankford Hwy, Accomac, Virginia, 23301 (“Perdue Facility”).

### **The Investigative Findings**

5. WHD’s investigation of Fayette was focused on finding anyone that it employed from October 1, 2020, to present that was under the age of 18 during that time frame.

6. Relevant to this instant declaration, WHD issued an administrative subpoena to Perdue and an administrative subpoena to Fayette.

7. Based on review of still images of Perdue's security video footage and a map of the camera locations, I could see that Perdue Facility has a killing floor and several power-driven machines or attachments.

8. Perdue produced its contract with Fayette for the Perdue Facility. Based on my review of the document, it is my understanding that Fayette cleans the Perdue Facility during the overnight shift, including cleaning the killing floor and power-driven machinery. Fayette is a sanitation company that specializes in cleaning/sanitizing meat and poultry processing establishments, such as the Perdue Facility, and this work would include cleaning machinery and equipment on the killing floor, as well as cleaning power-driven machines and attachments. The contract between Perdue and Fayette explicitly required Fayette to provide reliable workers to clean the evisceration, cut up, and deboning machinery.

9. I also gathered information about the work done at the Perdue Facility through research, including reviewing Perdue's website and Fayette's websites, contracts between Perdue and Fayette, email communications between Perdue and Fayette pertaining to an age verification audit conducted by Perdue in approximately September and/or October 2023, as well as other documents between Fayette and its employees, which confirms that the Perdue Facility has a killing floor and power-driven machinery.

10. I also reviewed the cleaning schedule and contracts signed between Perdue and Fayette, which stated what time the various machinery was to be cleaned, including but not limited to machines for dressing, evisceration, paws, chillers, cutting up, WB injection, cutting of wings, and breast deboning. In the Contract executed between Perdue and Fayette on November 4, 2020 ("Contract"), it is set forth that Perdue will provide,



“labor and materials to maintain hot water and sufficient water pressure. This shall be defined as Perdue Foods will maintain adequate water pressure in sufficient quantity for the entire length of the clean-up shift. Sufficient quantity shall be defined as 400gpm at a pressure of 300 psi. Perdue Foods shall maintain 125 degrees F. of water pressure.” Fayette agreed “to provide all resources necessary to sanitize the Plant, including, among other things, personal protective equipment (PPE), sanitation chemicals, hand tools such as scrub brushes, squeegees, etc. Sanitation chemicals shall include, but are not limited to” “ChemStation 4707”, “ChemStation 45642”, “ChemStation 9635”, “ChemStation ChemSan Quat”, “ChemStation Perasan AA”, and “ChemStation Chlorine.” The Contract also listed the equipment to be cleaned in each of the respective rooms, including but not limited to the “Receiving” room, the “Dressing” room, the “Evisceration” room, the “Paws” room, the “Chillers” room, the “Grading” room, the “Deboning” room, and the “Cut Up” room.

11. I reviewed training logs that were provided by Fayette. The training logs are signed by employees when they complete training. The training logs show when the employee completed training, including but not limited to, training on bacterial control, chemical handling, chemical titration, foreign material, chemical description, food security, “7 Steps of Sanitation,” “HAZCOM – Chemical Safety,” and “Ammonia Awareness.” Each of the Training Logs was signed by the employee when completed.

12. I also reviewed documents entitled Job Description Forms (that resemble a contract), which each employee signed when hired. I reviewed said forms signed by minor children that were hired and worked for Fayette at the Perdue Facility. The form for the position description for the “Sanitation Worker” job (“Sanitation Worker Job Description

Form”) included summary of the job which said that the position required him to “use a variety of chemicals and sanitation equipment to clean and sanitize food processing equipment.” The essential functions of the job required workers to clean the processing room and remove debris from machinery. The worker had to also make sure that all the electrical equipment was “bagged” prior to liquid use. It sets forth that “[t]he physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job... Must be able to operate and use all necessary equipment.”

13. I also reviewed correspondence between Perdue and Fayette pertaining to an age verification audit that Perdue had conducted in approximately September and/or October 2023. In those emails, Fayette admitted to having previously conducted age verification audits because the company had serious concerns that it had minors working for them at the Perdue Facility.

**Minor Children Formerly Employed by Fayette**

***Minor Child J***

14. I reviewed local school records that showed student information for Minor Child J including date of birth. I was able to compare the picture of Minor Child J in their high school records with the ID photo provided when Minor Child J applied for the job with Fayette, both of which match.

15. From those documents, I determined Minor Child J was 13 years and 11 months old when hired by Fayette on January 10, 2022.

16. A day after his hire date, on January 11, 2022, Minor Child J signed Fayette’s Sanitation Worker Job Description Form.

17. Based on the time record information provided and received, Minor Child J was working for Fayette at the Perdue Facility during hours prohibited to be worked under the Hours and Times standards (29 C.F.R. § 570.35(a))

18. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child J to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

19. Based on an incident investigation report produced by Perdue, on February 4, 2022, two Fayette employee were cleaning the drumstick packing line belt. Minor Child J walked down to the opposite end of the line and pulled down the conveyer belt to clean the debris from it—an essential function in his job description. While Minor Child J was cleaning the belt, the other Fayette employee turned on the machine. A portion of the belt caught Minor Child J’s hand/arm, which was in between the belt. The conveyor belt wrapped Minor Child J’s hand/arm and caused a “severe laceration” on the top part of his forearm near just below the joint. As a result of his injuries, Minor Child J missed a significant amount of school. The school records support that Minor Child J was in the hospital. During a witness interview, a witness stated that around February 2022 she remembered Minor Child J disappeared from school for a few months and when he returned to school he had a blue sling on his arm that he wore for a few months after that.

20. As part of the investigation, I reviewed 911 calls from the Perdue Facility. On February 4, 2022, at 2:53 a.m., the sanitation office in the Perdue Facility called 911 to

request assistance. In the call, the caller relayed that Minor Child J was awake, short of breath, and had an open wound with dark red blood. When emergency medical services asked the caller the age of Minor Child J, the caller responded “um” and then the line disconnected. When EMS reconnected with the caller, it again asked how old Minor Child J was and the caller responded that he was 19 years old.

21. In an email between Fayette and Perdue, dated September 13, 2023, Fayette informed Perdue that the employee was in the hospital until February 16, 2022, twelve days of hospitalization.

22. Fayette admitted in the email dated September 13, 2023, that it was notified that Minor Child J was a child in May 2022. Despite knowing this, Fayette continued to employ Minor Child J past May 2022 and other minor children at the Perdue Facility.

23. Based on the information provided and received, Fayette employed Minor Child J in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

24. Based on employment records obtained from Fayette, including the Fayette employee roster, Minor Child J’s employment with Fayette was terminated on June 12, 2022.

***Minor Child K***

25. I reviewed local school records obtained via subpoena which showed student information for Minor Child K, including date of birth. I was able to compare the high school records picture of Minor Child K in their high school records with the ID photo provided when Minor Child K applied for the job with Fayette, and the two photos matched.



26. From those documents, I determined that Minor Child K was 13 years 2 months when Fayette hired them.

27. Based on Minor Child K's employee timesheet, which Fayette provided, Fayette hired Minor Child K as a sanitation worker.

28. Based on the time record information provided and received, Minor Child K was working for Fayette at the Perdue Facility during hours prohibited to be worked under the Hours and Times standards (29 C.F.R. § 570.35(a))

29. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child K to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

30. Based on the information provided and received, Fayette employed Minor Child K in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

31. Based on employment records obtained from Fayette, and the roster provided by Fayette, Minor Child K is no longer employed by Fayette.

***Minor Child L***

32. I reviewed local school records via subpoena, which showed student information for Minor Child L, including date of birth. I was able to compare the high school records picture of Minor Child L with the ID photo provided when Minor Child L applied for the job with Fayette, both of which match.

33. From those documents, I determined Minor Child L was 13 years and 7 months old when hired by Fayette.

34. Based on the time record information provided and received, Minor Child L was working for Fayette at the Perdue Facility during hours prohibited to be worked under the Hours and Times standards (29 C.F.R. § 570.35(a))

35. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child L to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

36. Minor Child L signed Fayette's Sanitation Worker Job Description Form.

37. Based on the information provided and received, Fayette employed Minor Child L in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

38. Based on employment records obtained from Fayette, and the roster provided by Fayette, Minor Child L is no longer employed by Fayette.

***Minor Child M***

39. I reviewed local school records via subpoena, which showed student information for Minor Child M, including date of birth. I was able to compare the high school records picture of Minor Child M with the ID photo provided when Minor Child M applied for the job with Fayette, both of which match.

40. From those documents, I determined Minor Child M was 14 years and 8

months old when hired by Fayette.

41. Based on the time record information provided and received, Minor Child M was working for Fayette at the Perdue Facility during hours prohibited worked under the Hours and Times standards (29 C.F.R. § 570.35(a)).

42. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child M to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

43. Minor Child M signed Fayette's Sanitation Worker Job Description Form.

44. Based on the information provided and received, Fayette employed Minor Child M in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

45. Based on employment records obtained from Fayette, including the Fayette employee roster, Minor Child M is no longer employed by Fayette.

***Minor Child N***

46. I reviewed local school records via subpoena, which showed student information for Minor Child N. I was able to compare the picture of Minor Child N in their middle school records with the ID photo provided when Minor Child N applied for the job with Fayette, both of which match.

47. From those documents, I determined Minor Child N was 14 years and 6 months old when hired by Fayette.

48. Based on the time record information provided and received, Minor Child N was working for Fayette at the Perdue Facility during hours prohibited to be worked under the Hours and Times standards (29 C.F.R. § 570.35(a)).

49. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child N to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

50. Minor Child N signed Fayette's Sanitation Worker Job Description Form.

51. Based on the information provided and received, Fayette employed Minor Child N in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

52. In an email dated October 24, 2023, between Perdue and Fayette, it was stated that Minor Child N had been flagged in Perdue's age verification audit.

53. Based on employment records obtained from Fayette, the October 24 email between Perdue and Fayette, as well as at the roster provided by Fayette in which Fayette acknowledged that Minor Child N's employment with Fayette ended shortly after Perdue's audit was conducted, Minor Child N is no longer employed by Fayette.

***Minor Child O***

54. I reviewed local school records via subpoena, which showed student information for Minor Child O, including date of birth. I was able to compare the high school records picture of Minor Child O with the ID photo provided when Minor Child O

applied for the job with Fayette, both of which match.

55. From those documents, I determined Minor Child O was 14 years and 6 months old when hired by Fayette.

56. Based on the time record information provided and received, Minor Child O was working for Fayette at the Perdue Facility during hours prohibited to be worked under the Hours and Times standards (29 C.F.R. § 570.35(a)).

57. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child O to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

58. Minor Child O signed Fayette's Sanitation Worker Job Description Form.

59. Based on the information provided and received, Fayette employed Minor Child O in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

60. Based on employment records obtained from Fayette, including the Fayette employee roster, Minor Child O is no longer employed by Fayette.

***Minor Child P***

61. I reviewed local school records via subpoena, which showed student information for Minor Child P, including date of birth. I was able to compare the high school records picture of Minor Child P with the ID photo provided when Minor Child P applied for the job with Fayette, both of which match. Minor Child P's Fayette application

also contained the same address as their student profile.

62. From those documents, I determined Minor Child P was 15 years and 10 months old when hired by Fayette.

63. Based on the time record information provided and received, Minor Child P was working for Fayette at the Perdue Facility during hours prohibited to be worked under the Hours and Times standards (29 C.F.R. § 570.35(a)).

64. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child P to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

65. Minor Child P signed Fayette's Sanitation Worker Job Description Form.

66. Based on the information provided and received, Fayette employed Minor Child P in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

67. Based on employment records obtained from Fayette, including the Fayette employee roster, Minor Child P is no longer employed by Fayette.

***Minor Child Q***

68. I reviewed local school records via subpoena, which showed student information for Minor Child Q, including date of birth. I was able to compare the high school records picture of Minor Child Q with the ID photo provided when Minor Child Q applied for the job with Fayette, both of which match.

69. From those documents, I determined Minor Child Q was 15 years and 9 months old when hired by Fayette.

70. Based on the time record information provided and received, Minor Child Q was working for Fayette at the Perdue Facility during hours prohibited to be worked under the Hours and Times standards (29 C.F.R. § 570.35(a)).

71. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child Q to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

72. Minor Child Q signed Fayette's Sanitation Worker Job Description Form.

73. Based on the information provided and received, Fayette employed Minor Child Q in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

74. Based on employment records obtained from Fayette, including the Fayette employee roster, Minor Child Q is no longer employed by Fayette.

***Minor Child R***

75. I reviewed local school records via subpoena, which showed student information for Minor Child R, including date of birth. I was able to compare the high school records picture of Minor Child R with the ID photo provided when Minor Child R applied for the job with Fayette, both of which match.

76. From those documents, I determined Minor Child R was 16 years and 8

months old when hired by Fayette.

77. Based on the time record information provided and received, any minor under 16 years old working for Fayette at the Perdue Facility during these hours would be prohibited from working under the Hours and Times standards (29 C.F.R. § 570.35(a)).

78. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child R to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

79. Minor Child R signed Fayette's Sanitation Worker Job Description Form.

80. Based on the information provided and received, Fayette employed Minor Child R in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

81. Based on employment records obtained from Fayette, including the Fayette employee roster, Minor Child R is no longer employed by Fayette.

***Minor Child S***

82. I reviewed local school records via subpoena, which showed student information for Minor Child S, including date of birth. I was able to compare the high school records picture of Minor Child S with the ID photo provided when Minor Child S applied for the job with Fayette, both of which match. Minor Child S's Fayette application also contained the same address as their student profile.

83. From those documents, I determined Minor Child S was 16 years and 9



months old when hired by Fayette.

84. Based on the time record information provided and received, any minor under 16 years old working for Fayette at the Perdue Facility during these hours would be prohibited from working under the Hours and Times standards (29 C.F.R. § 570.35(a)).

85. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child S to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

86. Minor Child S signed Fayette's Sanitation Worker Job Description Form.

87. Based on the information provided and received, Fayette employed Minor Child S in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

88. Based on employment records obtained from Fayette, including the Fayette employee roster, Minor Child S is no longer employed by Fayette.

***Minor Child T***

89. I reviewed local school records via subpoena, which showed student information for Minor Child T, including date of birth. I was able to compare the high school records picture of Minor Child T with the ID photo provided when Minor Child T applied for the job with Fayette, both of which match.

90. From those documents, I determined Minor Child T was 17 years and 2 months old when hired by Fayette.

91. Based on the time record information provided and received, any minor under 16 years old working for Fayette at the Perdue Facility during these hours would be prohibited from working under the Hours and Times standards (29 C.F.R. § 570.35(a)).

92. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child T to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

93. Minor Child T signed Fayette's Sanitation Worker Job Description Form.

94. Based on the information provided and received, Fayette employed Minor Child T in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

95. Based on employment records obtained from Fayette, including the Fayette employee roster, Minor Child T is no longer employed by Fayette.

***Minor Child U***

96. I reviewed local school records via subpoena, which showed student information for Minor Child U, including date of birth. I was able to compare the picture of Minor Child U with the ID photo provided when Minor Child U applied for the job with Fayette, both of which match.

97. From those documents, I determined Minor Child U was 17 years and 5 months old when hired by Fayette.

98. Based on the time record information provided and received, any minor under 16 years old working for Fayette at the Perdue Facility during these hours would be prohibited from working under the Hours and Times standards (29 C.F.R. § 570.35(a)).

99. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child U to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

100. Minor Child U signed Fayette's Sanitation Worker Job Description Form. Based on the information provided and received, Fayette employed Minor Child U in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

101. Based on employment records obtained from Fayette, including the Fayette employee roster, Minor Child U is no longer employed by Fayette.

***Minor Child V***

102. I reviewed local school records via subpoena, which showed student information for Minor Child V including date of birth. I was able to compare the picture of Minor Child V in their high school records with the ID photo provided when Minor Child U applied for the job with Fayette, both of which match. Minor Child V's Fayette application also contained the same phone number as their student profile.

103. From those documents, I determined Minor Child V was 17 years and 4 months old when hired by Fayette.

104. Based on the time record information provided and received, any minor

under 16 years old working for Fayette at the Perdue Facility during these hours would be prohibited from working under the Hours and Times standards (29 C.F.R. § 570.35(a)).

105. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child V to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

106. Minor Child V signed Fayette's Sanitation Worker Job Description Form.

107. Based on the information provided and received, Fayette employed Minor Child V in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

108. Based on employment records obtained from Fayette, including the Fayette employee roster, Minor Child V is no longer employed by Fayette.

***Minor Child W***

109. I reviewed local school records via subpoena, which showed student information for Minor Child W, including date of birth. I was able to compare the high school records picture of Minor Child W with the ID photo provided when Minor Child W applied for the job with Fayette, both of which match.

110. From those documents, I determined Minor Child W was 17 years and 5 months old when hired by Fayette.

111. Based on the time record information provided and received, any minor under 16 years old working for Fayette at the Perdue Facility during these hours would be

prohibited from working under the Hours and Times standards (29 C.F.R. § 570.35(a)).

112. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child W to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

113. Minor Child W signed Fayette's Sanitation Worker Job Description Form.

114. Based on the information provided and received, Fayette employed Minor Child W in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

115. Based on employment records obtained from Fayette, including the Fayette employee roster, Minor Child W is no longer employed by Fayette.

***Minor Child X***

116. I reviewed local school records via subpoena, which showed student information for Minor Child X, including date of birth. I was able to compare the high school records picture of Minor Child with the ID photo provided when Minor Child X applied for the job with Fayette, both of which match.

117. From those documents, I determined Minor Child X was 17 years and 6 months old when hired by Fayette.

118. Based on the time record information provided and received, any minor under 16 years old working for Fayette at the Perdue Facility during these hours would be prohibited from working under the Hours and Times standards (29 C.F.R. § 570.35(a)).

119. Based on the schedule with job assignments, the training logs in conjunction with the job description and the contract between Perdue and Fayette (which defines the scope of work to be performed), and the totality of documentation provided and reviewed, Fayette employed Minor Child X to handle chemicals and to operate and clean power-driven meat processing machines in the Perdue Facility, including equipment on kill floor room, and other rooms used during the poultry processing process.

120. Minor Child X signed Fayette's Sanitation Worker Job Description Form.

121. Based on the information provided and received, Fayette employed Minor Child X in violation of the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

122. In an email dated September 23, 2023, between Perdue and Fayette, it was stated that Minor Child X had been flagged in Perdue's age verification audit.

123. Based on employment records obtained from Fayette, the October 24 email between Perdue and Fayette, as well as at the roster provided by Fayette in which Fayette acknowledged that Minor Child X's employment with Fayette ended shortly after Perdue's audit was conducted, Minor Child X is no longer employed by Fayette.

Executed on this 20 day of February, 2024.

JEFFERSON  
CAPARAS



Digitally signed by  
JEFFERSON CAPARAS  
Date: 2024.02.20 17:44:20  
-05'00'

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**Jefferson Caparas**  
**Assistant District Director**  
Wage and Hour Division  
U.S. Department of Labor

**EXHIBIT 3****document 1 of 1****Full Text** | Blog, Podcast, or Website

## The Kids on the Night Shift

[Dreier, Hannah](#); [Kohut, Meridith](#). *New York Times (Online)*New York Times Company. Sep 18, 2023.

# The New York Times

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## Abstract

None available.

## Full Text

For Marcos Cux — and thousands of other migrant children — working dangerous jobs that violate child-labor laws is the only American dream there is.

Late on a Thursday in February 2022, Marcos Cux, who had just turned 14, bundled up in green rubberized overalls and a matching jacket that was too big for his slight shoulders. He packed a pair of steel-toed rubber boots and two layers of gloves, because even a small tear could lead to a chemical burn. As others in the house slept, a cousin drove him to his cleaning shift at the chicken slaughterhouse, a half-mile-long industrial complex on a stretch of bare highway in rural Virginia, set behind hedges and a tall metal fence.

The plant, which is run by Perdue Farms, processes 1.5 million chickens a week. Before dawn each morning, trucks haul in birds stuffed so tightly in layers of steel cages that they cannot move. Seagulls wheel around above, drawn by scraps in dumpsters. Workers inside hang the birds upside down in a darkened kill room. Bursts of electricity stun them, and the conveyor line runs their necks past sharp blades. They pass through the defeathering room, where the line plunges into foamy hot water, and then on to other machines that remove feet, heads and guts. Finally, rows of workers slice what remains into packageable parts.

When Marcos and the rest of the cleaning crew got there after midnight, the plant had a putrid smell workers sometimes felt they could taste. They sloshed through water, grease and blood, which drained into a channel that snakes around the plant under grates. Marcos gathered up chicken pieces left by the day shifts, working quickly because the whole facility had to be sanitized by 5 a.m. He took the covers off the channel and began using a pressurized hose to spray the machines down with 130-degree water.

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He came from a village in Guatemala to this small town on the Eastern Shore of Virginia several months earlier. Before he left, his family was struggling to pay for electricity and skipping meals in the aftermath of the pandemic. They couldn't afford formula for his infant sister. His parents were growing desperate and knew that while adults who arrive at the U.S. border are generally turned back, minors traveling by themselves are allowed in.

The policy dates back to a 2008 law intended to protect children who might otherwise come to harm on their own in Mexican border towns. In the 15 years since, the carveout has become widely known in Central America, where it shapes the calculations of destitute families. Marcos's parents decided he would go north and find a way to earn money. They borrowed against their land to pay a coyote — technically a human smuggler, but in this case, more like a travel agent — to help him reach the United States without being kidnapped or hurt. He made his way to an adult cousin in Parksley, a town of 800 people bookended by the Perdue plant and another sprawling chicken operation run by Tyson Foods.

His cousin, Antonia de Calmo, was living in an already-cramped home with her husband and four children in a trailer park called Dreamland, but she agreed to take in Marcos after his mother called in tears and said that they had no other options. Federal law bans minors from cleaning slaughterhouses because of the risk of injury. But with the help of a middle-school classmate who already worked at the plant, Marcos bought fake documents that said he was a man with a different name in his 20s. When he was hired, children made up as much as a third of the overnight cleaning crew at the Perdue plant, workers told me. The work was harder than Marcos expected, but it also paid better than he could have imagined — around \$100 for each six-hour shift, more than he could make in a month back home.

After he finished hosing down the machines, he started scrubbing blood and fat off the steel parts with chemicals that, if they hit skin, created welts that could take months to heal. Shortly after 2:30 a.m., he thought he saw a bit of torn rubber glove within the conveyor belt of the deboning area and reached in to grab it. Suddenly, the machine came to life. Across the factory, another worker had failed to see Marcos crouched with his left arm deep inside the assembly line and turned it on.

The belt caught the sleeve of Marcos's baggy jacket and pulled him across the floor. Hard plastic teeth ripped through his muscles, tearing open his forearm down to the bone. By the time someone heard his screams and shut off the power, his arm was limp, a deep triangular gash running down the length of it. A rope of white tendons hung from his elbow to his wrist, horrifying the workers who gathered around him. He understood from their faces that something was badly wrong but didn't feel any pain as the wound began gushing blood and he started to lose consciousness.



A supervisor called 911 to report the injury. "We don't know what to do," she said, her voice rising. "It's bleeding out." The dispatcher ran through a list of questions about his condition. "And how old is that person?" the dispatcher asked.

The supervisor did not respond.

"Even if you had to guess?" he asked.

Still no response.

"Like, 20s? 30s?" he asked.

"Um," the supervisor said, her voice shaking.

Another moment passed, and the line went dead.

When the paramedics arrived, a dispatcher reported "massive amounts of bleeding," and Marcos was flown to a trauma unit in Baltimore for emergency surgery. He lay in the hospital for two weeks as medical staff wondered why the paperwork for this boy with long eyelashes and a round baby face said he was an adult man named Francisco.

***The morning after*** Marcos's injury, workers in Dreamland began talking about a child whose arm had been nearly torn off at the plant. Word soon spread through town. There were reasons that supervisors, teachers, federal inspectors and even police officers had said nothing for years about children working at the slaughterhouses. Everyone understood that the children were under extraordinary pressure to earn money to pay off their travel debts and help their families back home. They were living on a remote stretch of peninsula with few job options — if the plants shut down because of a labor scandal, the local economy could collapse. Now, with an eighth grader in the hospital, many wondered if they had been wrong to keep quiet.

For most of the last century, Parksley was an almost entirely white agricultural community, with a migrant labor force that cycled in and out with the rhythms of the tomato and corn crops. That started to shift when the two plants opened in the 1970s, just as American consumers were developing an appetite for boneless, skinless, nugget-size chicken. More processing steps required more workers, and the companies, which now produce one in three pounds of poultry consumed in the United States, became the area's biggest employers.

It was dangerous, grueling work, and half the plant employees quit each year. The managers found a solution to chronic turnover by looking to migrant seasonal workers, who now settled in Parksley and other nearby towns in Accomack County and worked year-round at the plants.

In recent years, poverty worsened in Central America, and the work force changed once again. More than 300,000 migrant children have entered the United States on their own since 2021, by far the largest such influx in memory. Most have ended up working full time, fueling a resurgence in child labor not seen in a century, with children living far from their parents and working illegally in all 50 states. At slaughterhouses, it is no longer only Spanish-speaking adults seeking jobs but also children, most of them from Guatemala, which is one of the most impoverished countries in the region.

The pandemic was especially crushing to the agricultural highlands where Marcos's family raised animals on a small plot of land. The odd jobs that kept them afloat disappeared during the shutdowns, food prices soared and then his father fell ill. When his parents told him he would be going to the United States to work, he was initially excited — he pictured a land of skyscrapers and shopping malls.

After crossing the border, Marcos spent a few weeks in a shelter run by the Department of Health and Human Services. The agency is responsible for releasing migrant children to adults who will protect them from exploitation while their cases move through the immigration system, a process that takes years. So many children were crossing in the early days of the Biden administration that the shelters filled up, and children were sometimes held at jail-like facilities run by Customs and Border Protection. H.H.S. urged shelter workers to send children to their sponsors more quickly.

Children usually arrive in the United States with some idea of who might take them in: either a parent or sibling or, about half the time, a more distant relative or family friend. While parents and siblings often support the children who come to live with them, other adults are more likely to take children in only on the condition that they work and pay rent. Of the dozens of children who have been released to sponsors in and around Parksley during the past three years, more than 90 percent have gone to adults who are not their parents.

Marcos gave the shelter staff Antonia's phone number, and the agency contacted her and sent a list of requirements for sponsors. The first was to provide Marcos with food and shelter. Another was to send him to school. Nearly last on the list was a pledge that he wouldn't work. Antonia agreed to them all, but she had no intention of keeping Marcos from working. She knew that was why he had come. She, her husband, her oldest daughter and most people she knew worked for the chicken plants, and it seemed likely that he would find a job there, too.

Marcos and Antonia said H.H.S. officials never came to check up on him after he arrived in Virginia. But they decided to enroll him in school anyway, just in case. "I had to go to school, but I only came to help my family," he told me in one of many conversations in Spanish during the past year.

Marcos began attending eighth grade in the Accomack school district, where more than 1,000 of the county's roughly 4,700 students were learning to speak English. Marcos borrowed \$800 from Antonia to buy fake papers from a man in a nearby trailer, and at 13 he was hired onto the overnight sanitation shift. Each morning, Antonia picked him up from the plant at 6:30, and 20 minutes later, he was waiting in front of Dreamland for the school bus.

While teenagers work legally all over America, Marcos's job was strictly off limits. Federal law prohibits 14- and 15-year-olds from working at night or for more than three hours on school days. Older teenagers are allowed to put in longer hours, but all minors are barred from the most dangerous occupations, including digging trenches, repairing roofs and cleaning slaughterhouses.

But as more children come to the United States to help their families, more are ending up in these plants. Throughout the company towns that stud the "broiler belt," which stretches from Delaware to East Texas, many have suffered brutal consequences. A Guatemalan eighth grader was killed on the cleaning shift at a Mar-Jac plant in Mississippi in July; a federal investigation had found migrant children working illegally at the company a few years earlier. A 14-year-old was hospitalized in Alabama after being overworked at a chicken operation there. A 17-year-old in Ohio had his leg torn off at the knee while cleaning a Case Farms plant. Another child lost a hand in a meat grinder at a Michigan operation.

In Accomack, cleaning staffs once worked directly for the slaughterhouses. But years ago, the plants started delegating this work to outside sanitation companies, which pay less and allow brands to avoid accountability for problems. The largest such U.S. contractor, Packers Sanitation Services Inc., says on its website that it can "take the liability and risk off your facility's record." The Biden administration has pledged to start fining brands for violating child-labor laws, but so far it has imposed penalties only on subcontractors.

A 2022 study led by a researcher at Washington State University found that many adult workers would be willing to take meatpacking jobs if they paid slightly better, around \$2.85 more an hour. But in Parksley, the only people eager to join the poorly paid night shift were immigrant women who wanted to be available to their kids when they got home from school. When children like Marcos began to arrive, far from their parents and under pressure to make money, there seemed to be a perfect match between the needs of the plants and the needs of the newcomers.

"They have to work," says Miguel Cobo, assistant manager of the sanitation shift at Perdue. And the plants need people to clean. "If companies like this looked too closely at who was working, no company would be able to keep going." Cobo and the other supervisors had agreed to let the children leave early so they could get to homeroom. "It's a circle — they help us, and we help them."

**Marcos woke up** alone in a hospital room in a tangle of intravenous tubing and beeping machines. He knew that children were not supposed to work at the plant, and now he understood why. But he worried about what his parents would do if he didn't recover — they still owed more than \$6,000 for his journey north. He believed he had to get better and persuade the bosses to hire him back.

Doctors were able to save Marcos's arm, and with two more surgeries and six months of physical therapy, he started to be able to move it again. But skin grafts from his thigh gave his forearm an uneven, quilted appearance, and his fingers were still frozen in a claw. Fayette Industrial, the Tennessee-based cleaning company that had been hired by Perdue, covered his medical bills.

One afternoon last September, a few weeks after his third surgery, he stood on his porch with Antonia and looked out over Dreamland, wondering how things had gone so wrong. "It's really not how I thought it would be," he said.

Built in the 1970s, the trailer park is now entirely Spanish-speaking and has effectively become company housing for slaughterhouse workers. Green jackets used by the cleaning crews hang from porches and clotheslines, and residents leave hard hats with sanitation-company logos outside their doors. The plants in Accomack County are not just the area's primary employers; they are major supporters of the community. Children go to school with backpacks donated by Perdue and study in math-and-science centers funded by the company. Tyson gives thousands of pounds of chicken and dry goods to first responders and food banks that families rely on as nearly one in three children in the community live in poverty. Perdue buys trucks for the volunteer Fire Department and donates hundreds of whole chickens to its cookout fund-raisers. When Parksley got its first library this summer, the Perdue Children's Room was its centerpiece.

Almost all the Dreamland families are originally from Mexico or Central America, but the park offers two kinds of childhoods. Some children hurry home from school, eat a rushed dinner and then go to sleep as early as possible so they can get up for work. Others, mostly children living with their parents, spend the hours after school hanging around outside their trailers, playing on rope swings or splayed on couches they drag onto lawns. Several have part-time jobs cutting grass or babysitting. But if they work, it's not to pay debts or help with rent. Their parents take care of that and admonish them to finish their homework so they will not end up at Tyson or Perdue.

Seven months after his accident, Marcos had become a rarity in the community: a 14-year-old living far from his parents but not working. "They won't take me back because of the accident," he said of the sanitation company. He still couldn't lift his arm well, and often it hung limp at his side. It was approaching 90 degrees, but he wore long sleeves to hide his scars.

After his injury, Marcos missed a month of eighth grade. Students who had been on the shift told their teachers what happened, but when a school counselor called Antonia, she said Marcos had fallen at home. "I was nervous to say anything more because of his age," she said. She refused to show school administrators Marcos's medical records. They were under his false name, which Dreamland residents who use fake papers because they are underage or undocumented tend to call their "stage name."

Marcos thought about returning home. "I came only because things were so desperate," he said. But if he went back, there would be no way to pay off his family's debt, and they would lose their land. So he returned to school instead. He started paying closer attention in class and studying English at night. Many Dreamland children drop out between middle school and high school, but to his own surprise, Marcos was now in his first weeks of ninth grade.

He felt guilty, but Antonia understood the bind he was in. "He wanted to help his mom and dad, but he can't do anything now," she said. "And once you come, you can't go back because of the debt."

As Marcos and Antonia talked, they looked over at the neatly painted trailer where Cobo, the assistant manager at Perdue, lived. Two nights earlier, he was on duty when a young woman got her leg jammed in a pallet jack and had to be taken out in an ambulance. He was also working the night Marcos was injured and had taken a photo of the boy's mangled arm to show the other shifts as a warning. He felt pity when he saw Marcos now. He had sponsored a young relative who worked nights at the plant while attending school, and he understood the strain the children were under. He had not said anything about Marcos's age to the bosses because he didn't want to cause problems for the other young workers.

After Marcos's injury, the priest at the Catholic church near Dreamland announced a collection for him during Mass. He knew that many children in the congregation worked overnight but didn't see his role as extending beyond bearing witness. A police officer who coached softball at the high school discussed the accident with a teacher but didn't get involved; it didn't seem like a law-enforcement matter.

Short of someone calling in a tip, the Department of Labor, which is in charge of enforcing federal child-labor laws, was unlikely to find out what had happened. The department has 750 investigators overseeing fair labor standards at 11 million workplaces, including 3,000 slaughterhouses. Even when inspectors do catch child-labor violations, the maximum penalty per child is \$15,000, and they usually fine only the subcontracted companies, not the brands themselves. Lawmakers have been pushing to increase the maximum fine, but Congress is gridlocked, with each party drafting its own bills and refusing to vote for legislation introduced by the other side. (Perdue and Tyson said in statements that they have no tolerance for child labor and were taking steps to eliminate violations at plants

nationwide. A spokesman for Fayette said the company was unaware of any minors on staff and learned of Marcos's true age only after he was injured. The company said it is taking steps to protect against child-labor violations.)

Because Marcos had been hospitalized, Fayette, Perdue's sanitation provider, was required to notify the Occupational Safety and Health Administration about the accident. Federal officials passed the information to Virginia's state office to investigate. It was assigned to a compliance officer who advertised on his LinkedIn profile that he started working at 14, first as a dishwasher at a bar and then in construction. The officer opted to let the company do a self-inspection. A few days later, Fayette's safety director sent back most of the information the officer had asked for. One detail was left out: the injured worker's age. The director indicated that the accident had been caused by "poor training." Less than two weeks after Marcos's injury, the compliance officer closed the case with no citations and without coming near Dreamland or the plant.

**At Perdue**, night-shift workers worried that the bosses would start firing children and others who used false names after Marcos got hurt. But the plant kept running more or less as it had been, though supervisors stopped letting students leave early to catch the school bus, because it seemed like a tacit admission that the shift was filled with minors.

The cleaning company was always hiring, and new workers went through several nights of instruction. As part of the plant's safety protocol, each new hire was given a padlock for the machine he or she was cleaning to ensure it couldn't be turned on. After Marcos's accident, trainers started bringing in a worker to explain the importance of this step. The man warned new hires that he had noticed a child who sometimes neglected to use the lock, and one night that child nearly lost his arm. He told the group that he regretted staying silent — not about Marcos's young age, but about the fact that he had apparently misunderstood the padlock system.

Emilio Ortiz, 14, went through this orientation and wondered what happened to the boy who got hurt. Emilio had recently come to Virginia from Chiapas, Mexico, to join his two older brothers, who already had a year of experience on the night shift. The brothers were released to an aunt by the Health and Human Services shelter system in 2021, when they were 15 and 16. Within a few months, they had earned enough money to buy their own trailer. Now, with Emilio working, too, they were sending money back to their parents.

Emilio didn't go to school. He worked until 5 p.m. each day in agriculture, then grabbed an employee badge stamped with the Perdue logo and car-pooled with his brothers to the slaughterhouse. He stopped going to school in Mexico several years earlier, and the idea of enrolling in eighth grade seemed like a waste of time given how much money he could make.

One night this spring, Emilio crossed the parking lot just before the shift started, clutching his bulky green uniform under his arm and half running to keep up with his older brother. Some underage workers were assigned to tackle the kill room, while others would spend



the shift on ladders cleaning tall pieces of machinery. Emilio was assigned to one of the assembly lines, as Marcos had been.

The routine was the same every night. He and his brothers used pressure hoses that kicked back against their shoulders and chests to wash away the blood and meat scraps. Most workers wore earplugs to drown out the hoses and roaring machines. The scalding water created billows of steam, and within an hour, the brothers would be drenched in runoff and chicken grime. Working with a partner, Emilio would turn on the conveyor belt and coat it in a thick chemical foam that made his lungs ache. Then he stopped the line and scrubbed it inch by inch, using a flashlight to check corners and undersides.

Chemical burns could be hard to avoid. One teenager with a welt on his nose explained that he was burned the night before seemingly out of nowhere; maybe the chemical had dripped down from the ceiling. The worst part of the job was the finishing acid used on Fridays. Another boy who cut the three brothers' hair in a shed behind his Dreamland trailer warned them about this part. He, too, had started working at the plant when he was 14, when his sponsor moved out of state and he had to find a way to pay rent by himself. "It makes you cough all weekend, but then by Monday you're OK again," he said.

After the machines are clean, a U.S. Department of Agriculture inspector looks them over. About a dozen of these inspectors work at each plant. During the day, they watch carcasses whiz by on production lines, and as the overnight shift finishes, they ensure that everything is properly sanitized. The three brothers tended to leave the area or look at the ground when the inspectors came around; they seemed connected with law enforcement.

A U.S.D.A. inspector named Maria Escalante worked the Perdue cleaning shift as an adult in the 1990s when she settled in Virginia. She came from Guatemala and obtained legal status under an amnesty program. Back then, cleaners were hired directly by the company and earned more than \$25 an hour in today's dollars. She saw the inspectors walking around in their clean white coats emblazoned with the U.S.D.A. logo and admired their air of authority. The job did not require a college degree, so she studied English and passed a written test after several attempts. She is now in her 18th year as an inspector, earning \$28 an hour. She notices children like Emilio but has decided not to report them because her job is to ensure that the country's food-safety laws are followed, not its labor laws.

"It's not my place to say anything, and anyway, they have no one here," she says. "They have to work to at least pay rent." She adds, "I see these kids, and they're only 13, 14 years old. I do feel bad for them."

Escalante noticed that the child workers often seem to fumble the safety protocols. When she heard about Marcos's injury, she assumed this was what happened. "These kids are always making mistakes and hurting themselves," she says.

After work, she looks for the injured children and tries to help them. She spent a few weeks this year trying to track down a teenager who she heard had fallen from a ladder at Tyson and broken his leg. "But it's hard because they're working under other names," she says.

As the number of migrant children working in American slaughterhouses has grown, adults have occasionally intervened. Last year, a Guatemalan girl working for Packers Sanitation showed up to middle school in Nebraska with acid burns on her hands and knees, and administrators called the police. The Department of Labor began a monthslong investigation into the company and found more than 100 children, some as young as 13, working in eight states, including at plants run by Tyson. The government fined the cleaning company \$1.5 million, but the brands that benefited from the children's labor faced no consequences.

At Perdue, some women noticed Emilio and his siblings sitting quietly next to one another on breaks and started calling them "the sad brothers." Angelica Gonzalez, who was on the night shift and had children of her own, often chatted with them. She sometimes bought the working children clothes from Walmart or offered them her husband's castoffs. "I don't know how they can stand to be so far from their parents and working so hard," she says. "I ask how they do it, and they just say, 'We have to.'"

Other workers judged the children's parents for sending them out alone to earn money. Arelis Perez, who lives in Dreamland with her two young daughters, recently noticed that a ninth grader who lived near the park entrance had joined the cleaning crew. She was disturbed by how distressed the child looked during her first weeks on the shift. "I would never want my girls to do that," she says.

**One morning in** May, Marcos was the first in his seat in the newcomers section of Arcadia High School. His class was in a back hallway decorated with international flags as part of a program the district set up several years ago for migrant children. Now nearing the end of ninth grade, he was trying to make peace with his role as a full-time student. He had drawn a smiling picture of himself on the white board in the front of the room and had written, in English, "The best student is Marcos." His English language teacher, Sandra Ellenberger, decided to leave it there for the week.

The school had divided the migrant ninth graders into two cohorts. Ellenberger's class was full of students who teachers thought might make it to graduation. Few of these children worked, and most were living with their parents. The other class was larger, and 90 percent of the students eventually stopped coming to school. Marcos had been placed in the smaller class.

"Happy Cinco de Mayo," Ellenberger said as students filed in. She was playing mariachi music for the occasion. Like most teachers in the program, she didn't speak much Spanish, but she looked for ways to show the children that she respected their cultures. She had decorated her classroom with local newspaper clippings about the school's varsity



soccer team, which is composed of so many newcomers that announcements at the games are in Spanish. She put a beanbag chair in a converted closet so students who worked overnight shifts could rest before the bell rang.

Ellenberger passed out a quiz, and Marcos began to fly through the questions, nodding his head to the music. When a boy sitting next to him got stuck on the conjugation of a verb, he explained the rule, murmuring, "Don't worry, it's really tricky."

Ellenberger spent the past year wondering if she should be doing more to protect her working students. She is from a college town where the hardest job a child might find is busing tables. When she told her parents about Marcos's injury, they couldn't understand how children were allowed in slaughterhouses. "They were horrified, but I explained that's normal here," she says. Teachers are mandated by law to report injuries resulting from abuse or neglect but not accidents connected to child-labor violations. In Accomack, teachers hesitated to make reports that might further jeopardize children they knew needed to work.

Occasionally, students showed teachers acid burns or confided that they were allergic to the cleaning solutions. Some of the ninth graders had what sounded like smokers' coughs; one had been coughing so much that teachers spoke with her guardian, who said her lungs had been burned by bleach.

Recently, Ellenberger told a school counselor that one of her ninth graders seemed to be struggling with the pressure of the overnight shift. Two migrant students had just died by suicide. She hoped someone might persuade the boy's guardian to let him stop working. Instead, the counselor helped him find a car-pool from Perdue to the high school, so he would be on time. Ellenberger now felt she had been naïve to expect more.

In the larger English-learners class next door, students trickled in slowly all morning. Their teacher, Claire Applegate, often walked into a mostly empty classroom. She estimated that 16 of her 19 students were working, some of them taking home nearly as much money as she did. Each fall, she made lists of their work schedules to keep at her desk — a yellow sticky note labeled "Perdue" and a blue one labeled "Tyson."

Two girls who lived at Dreamland walked in 45 minutes late, eyes red from cleaning chemicals. Applegate welcomed them and kept teaching as they fell asleep at their desks.

Teachers were used to seeing middle schoolers sleeping outside the building first thing in the morning in cars they drove without licenses after coming directly from the overnight shift. But no one could remember a student getting as badly hurt as Marcos, and they worried about who might be next. Applegate sometimes listened to a police scanner at night and wondered if the emergencies involved her students. Once, firefighters responded to a call in which a Perdue sanitation worker was hoisted 20 feet in the air by a conveyor belt. They had to take him out of the factory with a piece of machinery still attached to his body.

Many of Applegate's students had only a few years of education. Some didn't know that a globe represented the shape of the world. Others had never learned how to hold a pencil, or interpret a clock, or read. Lately, though, she wasn't sure if going to school made sense for the working children who were unlikely to graduate. If they weren't coming to class, they could at least switch to the day shift and get a good night's sleep.

"It's a moral dilemma because it's not the best thing for them," she said. "They're not going to cut their hours, and sleep deprivation is one of the worst things you can do to your body. I question whether they should be here because they don't really need to know geography or trigonometry."

The native-born teenagers tended to avoid socializing with recent arrivals, but Marcos was proud that he could now often keep up in mainstream classes. Even as he succeeded in school, though, his family was sliding further toward disaster. His mother had been sick and needed surgery, but she couldn't find a hospital that would perform the operation without being paid beforehand. The \$6,000 debt was weighing on his parents, with interest mounting. Marcos's mother told him they were eating their chickens and turkeys and sometimes selling the larger animals to turn the lights back on. "They're doing everything they can think of, but it's impossible because they can't work," he said.

After school, he returned to the trailer, which was now home to nine people. An aunt had come from Guatemala a month earlier with her 15-year-old daughter, Antonieta. His aunt had planned to work while Antonieta went to school, but they suffered a series of setbacks on their journey. Kidnappers held them hostage in Mexico and forced them to borrow from relatives to buy their freedom. They were turned back at the border and decided to cross through the desert, but his aunt fell from the border wall, shattering her leg and running up \$107,000 in debt to an El Paso hospital. Now she was sleeping in the kitchen and using a walker, and instead of enrolling in ninth grade, Antonieta was looking for a job.

As Marcos walked into the kitchen, his aunt was lost in worry. "I don't know how we're going to get through this," she said. Marcos nodded to her, then hurried to his bedroom and closed the door. He opened a flashcard app on his phone and started matching vocabulary words to images. The sooner he learned English, the sooner he might be useful again. He might be able to get a job at a fast-food restaurant off the highway. Until then, there was not much he could do to help anyone.

**On Saturdays**, much of the town went to a small shop packed with specialty groceries, medicine with Spanish labels and piñatas to withdraw their salaries and send home remittances.

The store is more than just a place to wire money. Mary Enamorado, the woman at the cash register, acts as an informal social worker and immigration advocate. This part of the Eastern Shore has no pro bono immigration lawyers, few nonprofits and no Spanish-speaking community organizations beyond churches. Enamorado helps adults navigate the paperwork to sponsor minors, welcomes children once they arrive and dispenses advice.

"So, are you working already?" she asked one of her first customers of the day, a student from Applegate's class.

Enamorado had helped the ninth grader's brother apply to be her sponsor. Now she noticed that the girl had the white payroll debit card used by the sanitation companies. The companies deposited a week's pay each Friday, and workers usually withdrew it all in cash the following day. The girl told Enamorado with pride that she had gotten a job.

Enamorado sympathized with children who worked nights but thought their sponsors were akin to traffickers. She had joined the cleaning shift herself when she first arrived in Virginia from Honduras in her early 20s and knew how dangerous it could be. She had been especially disgusted by what she heard of Marcos's case. "Making a 13-year-old go to work like that?" she said. "Awful."

Enamorado's son played on the varsity soccer team with many of the working children. The captain who led the team to state quarterfinals this year came to the United States on his own as a 12-year-old and started working immediately to pay his sponsor rent. He juggled the soccer team with shifts at Perdue, getting home at 10 p.m. after away games, sleeping a couple of hours and then heading to the plant. Now he was weeks away from graduating, one of a few students from his English-language-learners cohort who had made it through high school. "We can all be proud of him," Enamorado said. She encouraged the migrant children who had dropped out of school to take G.E.D. classes at the local community college. Most dreamed instead of joining the military.

Another girl came in with a white payroll card. She finished the Tyson cleaning shift a few hours earlier and still had a headache from the night's chemicals. Enamorado counted out \$500 for her and gave her a discount on a bag of ice pops. "Take care of yourself," she said.

When the girl walked out, Enamorado shook her head. She had tried to encourage the girl's sponsor to enroll her in school. "But they have \$14,000 in debt to pay off," she said.

Technically, minors are not supposed to send wire transfers, and Enamorado was supposed to check their IDs. But when she tried to enforce the rule, customers complained. "They just have fake papers anyway," she said.

The store got more crowded in the afternoon. A boy with the beginnings of a mustache withdrew his \$500 and bought a bottle of nonalcoholic wine. A teenager who had recently dropped out of 10th grade so he could switch to the day shift sent \$150 to his mother. Another child came in, a slight 15-year-old who had played on the soccer team with Enamorado's son but dropped out after spring break to work at Perdue during the day. He was too short to rest his elbows on the counter. "Is your uncle not letting you go to school?" she asked as he ran his payroll card.

"They don't let me," he said.

"Who exactly?" Enamorado asked.

The boy didn't answer. Sometimes, she wanted to interrogate the children who came in with payroll cards, but she also knew that would be bad for business. There was another store with a card reader a few miles up the highway. She handed the boy \$500 and then helped him send money to his mother. "They miss you on the soccer team," she said.

A week later, Enamorado was in place behind the counter again for the Saturday rush. Applegate's student came back with her brother. As the girl used the payroll-card reader, she and her brother explained that it would be her last payday for a while. The cleaning-shift supervisor had called her into his office, she said, and told her that she had done a good job, but minors were no longer allowed at the plant.

Enamorado counted out \$500 and told the girl that with any luck she would find a new job before too long. But she knew there were few jobs to be had in Accomack beyond the poultry industry.

***I began visiting*** Parksley in the summer of 2022 as part of reporting I've been doing on migrant child labor over the past year and a half. When the first of these articles ran, the Biden administration responded by stepping up child-labor enforcement. Each time I went back to Parksley after that, I wondered whether I would find that children had been fired from the Perdue and Tyson plants. I thought labor inspectors might audit the plants. But the peninsula continued to keep its secret.

That changed in May, after Perdue got word that I was reporting on the plant during one of my Parksley trips. The company sent out a warning that I was looking into its operations. Soon slaughterhouses around the country began passing out fliers with my photograph.

In Accomack, the assistant night manager, Cobo, gathered 150 sanitation workers for a midnight meeting at Perdue. They sat sweating in their rubberized uniforms as he told them that minors were no longer welcome. Some children got mad and said they needed the jobs to survive. Others took the news quietly but then made private appeals to the supervisors. "They were looking at me with tears in their eyes," Cobo remembers. Afterward, Fayette, the sanitation company, sent an inspector to look over the remaining workers and ensure none were minors.

Supervisors who oversaw the cleaning shift at the Tyson plant warned their corporate office that a reporter was spending a lot of time in town. By June, all the children I had been speaking to were out of jobs. Emilio was fired along with his two brothers, and his agricultural job became the family's only source of income. His older brothers spent their days stewing over what happened at the plant. "They made plenty of money from our labor and then tossed us out like trash," one says.

After the firings, Arcadia High teachers noticed that some ninth graders were suddenly coming to class on time. Their eyes were less red, and they seemed more animated, laughing with friends and shouting out answers.

At the end of the school year, Marcos was the only ninth grader in the newcomers program to earn a passing score on a statewide standardized test on his first try. But Ellenberger, his teacher, saw that he was troubled. He continued to fill his English workbooks with references to home. One exercise asked about his dream job. "To help my family," he wrote. Another asked what made him happy. "My parents."

He was starting to accept that he would probably never wear short sleeves again. At his most recent checkup, the doctor explained that his arm had healed badly and he would need at least three more surgeries. Marcos found himself crying in the examination room for the first time. "I thought they were going to tell me I was finally done," he said. "It made me realize I might never get better." Fayette is still covering his medical care, but he needed to go to Baltimore for the surgeries and hadn't found anyone to drive him there.

Workers said the cleaning crew at Perdue struggled through the summer. Supervisors told the remaining staff that everyone would have to clean more areas until they could find more workers. Eventually, adults started to see young faces again. A few of Marcos's classmates were hired back. One teenager who could no longer work at Tyson was able to switch to the Perdue cleaning shift with a set of fake papers.

Toward the end of the summer, Marcos, now 15, was able to find something, too. It was a job that even the most desperate migrants shunned: sifting through industrial chicken warehouses and pulling out dead birds. Each day, he passed through entrances marked "Perdue family farmer," put on two masks to guard against the overpowering smell of ammonia and waded in among thousands of chickens packed together in windowless coops. His task was to search the ground carefully for carcasses amid layers of excrement as the birds pecked frantically at his hands and feet. He started at 5 a.m. and removed between 100 and 150 dead birds during each 12-hour shift. "There are some dead chickens that are good and rotten — they explode," he said.

The chicken houses paid less than the sanitation crew, but he was still able to send \$100 home to his parents after a few weeks.

When school started again, his 15-year-old cousin Antonieta didn't consider enrolling, but Marcos cut his shift back to just four hours in the evening and returned for 10th grade. If he learned English, he might get a higher-paying job outside the poultry industry. His teachers were happy to see him and fussed over how tall he had grown. But as school got underway, Marcos felt torn. The reduced hours meant that most days he was earning just \$20, and he no longer had time to study when he got home. "Maybe the classes won't assign so much homework this year," he said. "Or maybe I'll be able to do it all on the bus." If he dropped out and worked full time, he might be able to pay off his family's debt within a year.

One afternoon in September, he hurried off the school bus and back to his trailer to get ready for his shift. He threw his backpack in a corner; he wouldn't start on his outstanding assignments until the next morning.

Antonia was at Perdue, so Marcos car-pooled with another chicken-house worker. The man honked when he arrived, and they drove out of Dreamland, going slowly to avoid the potholes. They passed the green jackets on clotheslines. They passed a girl with a puppy who had dropped out after eighth grade to work at Tyson. They passed the assistant manager's home, with its new wood porch, and then the shed where migrant children were lining up to get their hair cut.

Marcos wouldn't be back until after dark. He usually got home around 8 p.m., but he would stay at the chicken houses longer if there were more dead birds to find. It had been a sweltering day, which would mean additional carcasses and, he hoped, more work.

Research was contributed by Seamus Hughes, Eli Murray and Julie Tate.

Meridith Kohut is a photojournalist who earned a Courage in Journalism award for her decade of work documenting international humanitarian crises for The Times. She was a finalist for the 2018 Pulitzer Prize for feature photography.

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## Subject

Workers;  
 Conveyor lines;  
 Employment;  
 Pandemics;  
 Families & family life;  
 Shutdowns;  
 Children & youth;  
 Supervisors;  
 Adults;  
 Towns

## Business indexing term Subject:

Workers;  
 Employment;  
 Shutdowns;  
 Supervisors

## Location

United States--US; Guatemala; Virginia; Central America

## Identifier / keyword

Perdue Farms Inc; internal-sub-only; Child Labor;  
 Workplace Hazards and Violations; Illegal Immigration;



document 1 of 1

Full Text | Blog, Podcast, or Website

## Tyson and Perdue Are Facing Child Labor Investigations

Dreier, Hannah. *New York Times (Online)*New York Times Company. Sep 23, 2023.

**The New York Times**

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### Abstract

None available.

### Full Text

The Labor Department has opened inquiries into whether migrant children were working inside slaughterhouses owned by the poultry-processing giants.

Tyson Foods and Perdue Farms, which together produce a third of the poultry sold in the United States, are under federal investigation into whether they relied on migrant children to clean slaughterhouses, some of the most dangerous work in the country.

The Labor Department opened the inquiries after an article in The New York Times Magazine, published this past week, found migrant children working overnight shifts for contractors in the companies' plants on the Eastern Shore of Virginia. Children as young as 13 were using acid and pressure hoses to scour blood, grease and feathers from industrial machines.

Meat processing is among the nation's most hazardous industries, and federal law bans minors from working in slaughterhouses because of the high risk of injury. The Times article focused on one child, Marcos Cux, whose arm was mangled in a conveyor belt last year as he sanitized a deboning area in the Perdue plant. He was in the eighth grade.

The investigations are a rare instance of two major consumer brands facing federal scrutiny over child labor. Many meat-processing companies outsource cleaning to sanitation firms, which technically employ the workers. After another Labor Department investigation recently found more than 100 children cleaning plants around the country, one firm, Packers Sanitation Services Inc., paid a \$1.5 million fine. But the national corporations that benefited from the children's work, including Tyson, did not come under investigation.



Seema Nanda, the Labor Department's chief legal officer, said in an interview that the Biden administration is now examining whether large corporations can be considered employers even when children enter their factories through contractors.

"We are long past the day when brands can say that they don't know that they have child labor in their supply chain," Ms. Nanda said. "The intention is to make sure that those higher up in the supply chain are holding their subcontractors and staffing agencies accountable."

Representatives for Perdue and Tyson said the companies were not trying to avoid accountability and would cooperate with any investigations. The companies, which have policies prohibiting underage labor, said they had not known children were working in their Virginia plants.

Tyson said it was now directly employing cleaners at 40 percent of its slaughterhouses and aimed to bring more of this work in house. Perdue said it had hired an outside auditor to suggest new policies. "We recognize the systemic nature of this issue and embrace any role we can play in a solution," a Perdue spokeswoman, Andrea Staub, said in a statement.

The Labor Department has also opened investigations into the companies that have been running the cleaning shifts for Perdue and Tyson in Virginia: Fayette Industrial, which works with Perdue, and QSI, which works with Tyson and is part of a conglomerate, the Vincit Group.

Fayette hired Marcos at age 13 after he arrived in Virginia from his village in Guatemala. In February last year, he was cleaning deep inside a conveyor belt at the Perdue plant when it suddenly came to life and pulled him across the floor, tearing open his arm. He underwent three surgeries, but his arm remained limp at his side, his hand frozen in a claw.

He is one of thousands of Mexican and Central American children who have come to the United States alone since 2021 and ended up in dangerous, grueling jobs, The Times has reported in a series of articles this year.

On Wednesday, the Labor Department took the additional step of sending out an alert to hundreds of investigators nationwide about a child labor "enforcement action" against QSI. The alert outlined a clearinghouse system for tips about the company that will be run through the department's Tennessee office, where the sanitation company is based.

Fayette and QSI said they had policies against child labor and were not aware of the federal investigations. Tyson said it planned to end its relationship with QSI at several plants, while Perdue has told Fayette that it may end its contract.



While the Labor Department has fewer than 750 investigators for more than 11 million workplaces, another federal agency — the Agriculture Department — sends inspectors into the nation’s slaughterhouses every day. The Times reported this past week that food safety inspectors regularly encountered minors working in the Virginia plants but did not believe it was their role to report child labor violations. The inspectors said they knew the children had to work to pay rent and send money back to desperate families.

A spokesman for the Agriculture Department said the agency was retraining the nation’s nearly 8,000 food inspectors to quickly report child workers to the Labor Department.

“The use of illegal child labor — particularly requiring that children undertake dangerous tasks — is inexcusable,” said the spokesman, Allan Rodriguez.

Lawmakers called on companies and the Biden administration to do more to get children out of slaughterhouses. Senator Josh Hawley, Republican of Missouri, sent a letter to the chief executive of Tyson Foods, Donnie King, asking the company to commit to an independent child labor audit.

Several Democrats, including Senator Tim Kaine of Virginia, Senator Cory Booker of New Jersey and Representative Hillary Scholten of Michigan, said they would push for legislation and increased funding to hold companies accountable.

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## Subject

Supply chains;  
Children & youth;  
Investigations;  
Sanitation;  
Child labor;  
Meat processing

## Business indexing term

### Subject:

Supply chains;  
Child labor

## Location

United States--US; Virginia

## Company / organization

### Name:

Tyson Foods Inc

### NAICS:

311612, 311615

## Identifier / keyword

Child Labor; Workplace Hazards and Violations;  
Meatpacking Plants and Slaughterhouses; Poultry;  
Factory Farming; Immigration and Emigration;  
United States Politics and Government;

**EXHIBIT 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

JULIE A. SU, )  
ACTING SECRETARY OF LABOR, )  
U.S. DEPARTMENT OF LABOR, )  
 )  
Plaintiff, ) CIVIL ACTION FILE NO. 5:24-cv-4012  
 )  
v. )  
 )  
FAYETTE JANITORIAL SERVICE, LLC, )  
d/b/a FAYETTE INDUSTRIAL )  
 )  
Defendant. )

DECLARATION OF AMANDA CHRISTOPOULOS

I, Amanda Christopoulos, declare under penalty of perjury, as prescribed in 28 U.S.C. § 1746, that the following is true and correct:

1. I am a Regional Enforcement Coordinator and Acting Deputy Director of Enforcement for the United States Department of Labor, Wage and Hour Division’s Midwest Regional Office. I was assigned to assist on the investigation into Defendant’s compliance with the child labor provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*

2. I began as a Wage and Hour Investigator in May 2009. As an investigator, I was responsible for conducting investigations of employers under various laws that the Wage and Hour Division is charged with enforcing, including the FLSA. In August of 2019, I became Regional Enforcement Coordinator for the Midwest Regional Office, a position I held until December of 2023, when I was promoted to my current role of Acting Deputy Director of Enforcement. I have been involved in hundreds of cases over the last fourteen years, both as a lead investigator and enforcement coordinator, which had child labor components to them. These include cases in which minors were employed in violation of the Hours and Times standards (29 C.F.R. § 570.35(a)) and

the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68). I now regularly train investigators and managers on child labor standards as part of the Regional Office enforcement team.

3. The statements made herein are based on my training and experience, personal knowledge, and observations made during the execution of the warrant involving Defendant (as discussed below), as well as conversations with representatives and employees of Defendant in this matter.

### **The Defendant**

4. Fayette Janitorial Service, LLC, d/b/a Fayette Industrial (“Fayette”), is a cleaning and sanitation company that provides contract work at meat processing facilities, including the pork processing facility at 5555 Seaboard Triumph Parkway, Sioux City, Iowa 51111 (“STF Plant”). The meat processing facility is owned and/or operated by Seaboard Triumph Foods, LLC (“STF”).

### **The Investigative Findings**

5. The Wage and Hour Division initiated an investigation of Fayette’s operation in Sioux City, Iowa, to determine whether its practices complied with the FLSA, including its child labor provisions. Wage and Hour conducted surveillance, subpoenaed school records, and interviewed confidential sources about minors working overnight shifts to clean the meat processing facility.

6. Prior to opening its investigation, Wage and Hour received an anonymous complaint about possible child labor violations at the STF Plant on September 29, 2013. After initiating its investigation, Wage and Hour received a second complaint about possible child labor violations at the facility from a different anonymous caller.

7. On October 26, 2023, I reached out to the Sioux City School District, specifically at West Sioux City High School and later North Sioux City High School. I visited the schools in person along with Wage and Hour Investigator (“WHI”) Andrew Shrader. We spoke with staff regarding minors potentially employed at the STF Plant working the overnight shift. We prepared and served administrative subpoenas for certain student information as part of our investigation into potential child labor violations. We were able to interview confidential sources at both schools. All voiced concerns about minors within the district working overnight shifts at the local establishments, including the STF Plant.

### **Execution of the Warrants**

8. On November 16, 2023, Wage and Hour executed the warrants on the STF Plant during the workers’ overnight shift. At approximately 12:15 a.m. Assistant District Director (“ADD”) Nikolai Bogomolov and WHIs Chris Huber, Matt Jones, Cassandra Stoner, and Josh Crawford accompanied me for the inspection, as discussed below. At the time we approached the STF Plant, the guard station was empty because there was an automobile accident on the property. I got the attention of a nearby STF employee and advised that we were onsite to serve a warrant but could not reach anyone at the entrance to let us in. The employee walked over to the security office and opened the door for us to enter.

9. Pursuant to the warrant, Wage and Hour investigators toured parts of the STF Plant during the Fayette overnight sanitation shift, documented working conditions with photographs and video, obtained documents, and interviewed Fayette employees, including minor children employees. For employees who spoke Spanish, including minor children employees, Spanish-speaking investigators conducted the interviews in Spanish.

### **Observations at the STF Plant**

10. Upon entry to the STF Plant, we could not locate a plant manager, and therefore we began walking down the main hallway. Soon, we were approached by Doyce Black, STF Operations Manager, on whom I served the warrant. Mr. Black took me and WHIs Stoner and Crawford to a room next to the security entrance. He advised that Deanna Weidner, Vice President for Human Resources for STF, was on her way to meet with us. While we waited, Mr. Black explained Fayette is the current sanitation company working at the STF Plant, and the old sanitation company prior to Fayette was “Q something.” He stated STF switched to Fayette a few months ago because of quality issues they were having with the old company. He explained the badge system for Fayette employees, so STF knows when Fayette employees badge in and out of the facility and when a Fayette employee is active or terminated. Mr. Black described how the STF Plant consisted of two sides, the “cold” fabrication/production side and the “hot” harvest side, or kill floor. He further explained that Fayette is responsible for cleaning both sides. The cold fabrication/production side is cleaned first, then the hot kill side is cleaned after work is complete by STF employees, usually between 3:00 a.m. and 3:30 a.m.

11. At this time, Deanna Weidner arrived at the STF Plant. I also served the warrant on Ms. Weidner. Ms. Weidner then escorted WHIs Stoner and Crawford and me up the second level above the security office to STF’s main office. At the STF main office we were introduced to Blythe Allen, Director of Human Resources. Ms. Wiedner explained that Fayette has held the overnight cleaning contract at the STF Plant since September 15, 2023. STF management Phillip Castro and Kurt Kline act as a conduit between STF and Fayette. She said Fayette has around 120 employees who only work third shift from 12:30 a.m. to 6:30 a.m. All Fayette employees start cleaning on the fabrication/production cold side and transition over to cleaning the hot side/kill

floor when STF is done with production on the kill floor. Fayette staff are issued a STF badge to enter the facility. Ms. Wiedner stated Fayette management will send her an email with a photo and name of its new hires so a badge can be made. Fayette has its own separate clock-in and out system. According to Ms. Wiedner, Qvest was the old sanitation company, and STF terminated its contract with the company due to quality control issues, with Qvest's last day being September 14, 2023.

12. STF Vice President and General Manager Frank Koekoek and Sarah Kleber, counsel for STF, arrived shortly into our meeting with Deanna Wiedner. They introduced themselves and moved to a separate room throughout the warrant execution. Ms. Weidner provided me with copies of Fayette badge information, which included a badge photo and entry swipe times for the last sixty days. Ms. Wiedner also provided me with copies of STF's contract with Fayette.

### **Machines at the STF Plant**

13. As part of its investigation, Wage and Hour obtained contracts between Fayette and STF that showed cleaning areas, maps of the facility for the hot/kill side and the cold/production side, as well as a listing of all machines at the facility and their locations. Wage and Hour also obtained STF's lock-out/tag-out ("LOTO") procedures that included a list of equipment requiring LOTO at the STF Plant.

14. The STF Plant is divided into two main departments: the "hot side", which is known as the kill floor or the harvest side, and the "cold side", which is known as the production or fabrication side, and each department has specific areas throughout.

15. I personally reviewed employee interviews that indicated minor children clean the cold/production side of the plant first. STF employees work on the hot side until at least 3:30 a.m., up to as late as 5:00 a.m., so all workers for Fayette start cleaning the cold/production side first

and move to the hot side. Employee interviews also indicate the same workers who clean on the cold/production side also clean on the hot/kill side of the plant.

16. In reviewing photographs and information gathered from Fayette and STF during the investigation, I was able to determine the specific type of machines Fayette employees would be cleaning. Some of the machines include:

***On the Kill Floor***

- a. Head Splitter – This hydraulic machine is designed for cutting the hog’s heads for removal of the brain and pituitary.
- b. Jaw Puller – This machine is designed to unhinge the jaw bone.
- c. Dehairing Machines – Pig carcasses are placed into these machines, which mechanically remove the hair.
- d. Singer Burner and Polishers – After the dehairing process, this machine cleans and sanitizes hog carcasses.
- e. Brisket Saw – These saws are engineered to cut through cartilage and hard bone without the use of a knife.
- f. Belly Opener – This machine is designed to cut through the hog’s breast bones.

***On the Cold Side***

- g. Various meat bandsaws, including several with 7.5 horsepower motors.
- h. Various meat circular saws, such as a front and hind foot circular saw, designed to cut quickly.
- i. Various skinners use sharp blades to remove thick skin and membranes from the pork.

- j. Blenders and Tumblers – These machines are designed for mixing, blending, and grinding thousands of pounds of raw meat.
- k. Belly Roller – This machine is designed to flatten and tenderize pork.

### **Matching of Minor Children**

17. During the tour of the STF Plant, investigators made notes and took photos of any individuals who appeared to be under 18 years of age. Additionally, Wage and Hour obtained photos from Fayette's facial recognition system, onboarding photos, and badge photos and reviewed these for any individuals who appeared to be under 25 years old.

18. Wage and Hour received personnel files, applications, and badge photos from Fayette through December 12, 2023, which were also reviewed for any potential minors.

19. After potential minors were flagged, the personnel files, photos, and applications received from Fayette were compared against the information on thousands of student profile records for five neighboring high schools: North, East, and West High School, South Sioux City High School, and Sergeant Bluff Luton High School. Student records contained photos, contact information, emergency contact information, and dates of birth. This painstaking work took countless hours to complete.

20. School records were used to match information to Fayette records. For example, school photos were compared to Fayette's facial recognition photos, badge photos, and photos taken at time of hire, and photos taken on site.

### ***Minor Children Currently Employed by Fayette***

21. I also reviewed the photo matches, employment records, and school records reviewed by WHI Chris Huber and separately confirmed that Minor Children A through G were minors at the time of their hire by Fayette.



22. Based on time sheets and an active employee employment roster obtained from Fayette's subpoena response, Minor Children A, B, C, and D are currently under the age of 18 and are believed to be currently working at the STF Plant.

***Minor Children Formerly Employed by Fayette***

23. I also reviewed the photo matches, employment records, and school records reviewed by WHI Huber and separately confirmed that Minor Children E through I were hired and employed by Fayette at the STF Facility while under the age of 18 years old.

24. Minor Children E, F, and G are no longer under the age of 18 years old but are believed to be still employed by Fayette.

25. Based on employment records obtained from Fayette, Minor Children H and I no longer work for Fayette.

Executed on this 12th day of February 2024.



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**Amanda Christopoulos**  
**Regional Enforcement Coordinator/**  
**Acting Deputy Director of Enforcement**  
Wage and Hour Division  
U.S. Department of Labor

**EXHIBIT 5**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

JULIE A. SU, )  
ACTING SECRETARY OF LABOR, )  
U.S. DEPARTMENT OF LABOR, )  
 )  
Plaintiff, ) CIVIL ACTION FILE NO. 5:24-cv-4012  
 )  
v. )  
 )  
FAYETTE JANITORIAL SERVICE, LLC, )  
d/b/a FAYETTE INDUSTRIAL )  
 )  
 )  
Defendant. )

DECLARATION OF COURTNEY LIGHT

I, Courtney Light, declare under penalty of perjury, as prescribed in 28 U.S.C. § 1746, that the following is true and correct:

1. I am an investigator for the United States Department of Labor, Wage and Hour Division’s Omaha Area Office/Des Moines District Office. I was assigned to investigate Defendant’s compliance with the child labor provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S. C. § 201 *et seq.*

2. I have been an investigator with Wage and Hour for over nine years. As an investigator, I am responsible for conducting investigations of employers under various laws that the Wage and Hour Division is charged with enforcing, including the FLSA. Over the past nine years, I have been the lead investigator on over 270 cases and have assisted on many others. Approximately 26 of the cases included a focus on child labor. The child labor cases have included minors being employed in violation of the Hours and Times Standards (29 C.F.R. § 570.35(a)) and the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

3. The statements made herein are based on my training and experience, my personal knowledge, and observations made during the research and surveillance involving Defendant (as discussed below).

### **The Defendant**

4. Fayette Janitorial Service, LLC, d/b/a Fayette Industrial (“Fayette”), is a cleaning and sanitation company that provides contract work at meat processing facilities, including the pork processing facility at 5555 Seaboard Triumph Parkway, Sioux City, Iowa 51111 (“STF Plant”). The meat processing facility is owned and/or operated by Seaboard Triumph Foods, LLC (“STF”).

### **The Investigative Findings**

5. On October 18-19, 2023, I conducted surveillance at the STF Plant. Between the hours of 10:30 p.m. and 11:00 p.m. on October 18, 2023, I observed approximately 65 workers enter the facility. This appeared to be the time the overnight cleaning shift began. Based on their size and appearance, approximately ten of the workers appeared to be young and were estimated to be under the age of 18 years. A couple of those ten individuals, based on their size and stature, could have been under 14-years-old. I saw a few pink and purple sparkly backpacks, and some of the people carrying those bags looked like they could have been under 18. The individuals who appeared to be under the age of 18 noticeably hid their faces as they were walking across the parking lot, although it was not a particularly cold or windy night, while the individuals who looked like adults did not do this. The parking lot I surveilled from was lit well enough to approximate individuals’ ages, but not well enough to obtain quality photos. I also observed several individuals carpooling. Based on the information I gathered during this investigation and the pre-investigation

process, I believed there may be child labor violations of the FLSA occurring at the STF Plant during overnight shifts.

6. Based on my training and knowledge of meat packing establishments, I believed the STF Plant has a killing floor and several power-driven machines or attachments. STF's website touts that it processes 21,000 hogs daily at the STF Plant.<sup>1</sup> It is my understanding that Fayette cleans the STF Plant during the overnight shift, including cleaning the killing floor and power-driven machinery. Fayette is a sanitation company that specializes in cleaning/sanitizing meat packing establishments, such as the STF Plant, and this work would include cleaning machinery and equipment on the killing floor, as well as cleaning power-driven machines and attachments, such as meat slicers. I also gathered information about the work done at the STF Plant through research, including reviewing STF's website and Fayette's websites and videos posted on STF's YouTube Channel, which confirms that the STF Plant has a killing floor and power-driven machinery.<sup>2</sup>

### **Execution of the Warrants**

7. Wage and Hour obtained a warrant from U.S. Magistrate Judge Kelly K.E. Mahoney in the Northern District of Iowa, authorizing Wage and Hour to inspect the STF Plant and "to make an inspection and investigation into violations of the [Fair Labor Standards] Act, including child labor violations[]" including, but not limited to, "pay and time records of Sanitation Employers' workers and/or employees; identification documents and records reflecting the age of workers and employees of Sanitation Employers; tax and employment verification records;

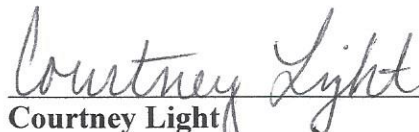
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<sup>1</sup>See "Who We Are", <https://seaboardtriumphfoods.com/who-we-are> (last visited Feb 2, 2024).

<sup>2</sup>See *Duane Phillips-Cayou Employee Testimonial*, <https://www.youtube.com/watch?v=z8wZNTN6gHc> (last visited Feb 2, 2024) (This video shows a Seaboard employee discussing a "harvest floor," which I know from prior investigations to be a killing floor.); see also *Contracted Sanitation Cleaning*, <https://www.fayetteindustrial.com/our-services/contract/contracted-sanitation-cleaning> (last visited Feb 2, 2024) (Fayette's website states "Fayette has the skills and training to best utilize how labor, chemicals, and supplies are used. Food plant sanitation is our full-time focus").

inventory, shipping, storage, sales and production records; facility maps and diagrams; Sanitation Employers' safety and health records; information about the equipment at the facility and the sanitation processes at the facility; Sanitation Employers' corporate records; surveillance videos; and other records or documents as the investigators may deem necessary or appropriate to determine whether any person has violated any provision of the FLSA." The warrant also allowed for "questioning privately any employee or agent" and "the taking of photographs and videos."

Executed on this 12 day of February, 2024.



**Courtney Light**  
**Wage and Hour Investigator**  
Wage and Hour Division  
U.S. Department of Labor

**EXHIBIT 6**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

JULIE A. SU,	)	
ACTING SECRETARY OF LABOR,	)	
U.S. DEPARTMENT OF LABOR,	)	
	)	
Plaintiff,	)	CIVIL ACTION FILE NO. 5:24-cv-4012
	)	
v.	)	
	)	
FAYETTE JANITORIAL SERVICE, LLC,	)	
d/b/a FAYETTE INDUSTRIAL	)	
	)	
	)	
Defendant.	)	

DECLARATION OF STEPHEN BANIG

I, Stephen R. Banig, declare under penalty of perjury, as prescribed in 28 U.S.C.

§ 1746, that the following is true and correct:

1. I am an investigator for the United States Department of Labor, Wage and Hour Division’s Columbus District Office. I was assigned to investigate Defendant’s compliance with the child labor provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*

2. I have been an investigator with Wage and Hour for over sixteen years. As an investigator, I am responsible for conducting investigations of employers under various laws that the Wage and Hour Division is charged with enforcing, including the FLSA. Over the past sixteen years, I have been the lead investigator on over 400 cases and have assisted on hundreds of others. I am a senior investigator, and my regular duties include training and mentoring other investigators on all statutes enforced by Wage and Hour, including the FLSA’s child labor provision. The child labor cases that I have investigated have included minors being employed in violation of the Hours and Times Standards (29 C.F.R. § 570.35(a)) and the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

3. The statements made herein are based on my training and experience, personal knowledge, and observations made during the execution of the warrant involving Defendant (as discussed below), as well as conversations with representatives and employees of Defendant in this matter.

### **The Defendant**

4. Fayette Janitorial Service, LLC, d/b/a Fayette Industrial (“Fayette”), is a cleaning and sanitation company that provides contract work at meat processing facilities, including the pork processing facility at 5555 Seaboard Triumph Parkway, Sioux City, Iowa 51111 (“STF Plant”). The meat processing facility is owned and/or operated by Seaboard Triumph Foods, LLC (“STF”).

### **Execution of the Warrant**

5. On November 16, 2023, Wage and Hour executed the warrants on the STF Plant during the workers’ overnight shift. I arrived at the STF Plant approximately at 12:00 a.m. on November 16, 2023. After Wage and Hour Investigator (“WHI”) Christopher Huber, WHI Cassandra Stoner, WHI Matt Jones, Regional Enforcement Coordinator (“REC”) Amanda Christopoulos, and Assistant District Director (“ADD”) Nikolia Bogomolov served the warrant, I entered the facility at approximately 12:30 a.m. with WHI Paola Parodi, WHI Jennifer Hernandez, and WHI LeeAnn Wolf, and proceeded to the Fayette Office located within the STF Plant. I advised the Fayette personnel present that I would need to tour both the kill floor (harvest/hot side) and fabrication (cold side) areas of the facility.

6. STF Safety Manager Kurt Klein then accompanied WHIs Parodi, Hernandez, Wolf, and me on a tour through the fabrication side of the facility starting at approximately 1:00 a.m. With Mr. Klein’s input, I counted approximately 58 Fayette workers during my time at the STF

Plant. After completing the tour of the fabrication side of the facility, I conducted employee interviews from approximately 2:00 a.m. to 3:45 a.m. in the STF Plant's cafeteria. At approximately 4:00 a.m., WHIs Lucia Mejia, Wolf, and I toured the harvest or kill floor section of the facility. At approximately 5:15 a.m., I left the facility.

### **Observations at the STF Facility**

7. While touring the fabrication or "cold" side of the STF Plant with Mr. Klein, I observed how loud it was, and walking surfaces were slippery and littered with pieces of pig flesh. Mist from high pressure hoses being used to clean machinery created poor visibility in many sections. Machinery used to process, cut, and transport meat was in operation as workers sprayed the machinery with high pressure hoses. To enter the area, we were required by Mr. Klein to wear hardhats, hairnets, eye protection, and ear plugs. While touring the facility, WHIs Parodi, Hernandez, Wolf, and I made notes of the names of young-looking workers.

8. While touring this area, I spoke with Mr. Klein about the name of each section. On the fabrication side, the names of areas toured were Main Break, Ham Chop, Shoulder Chop, A.M.R. (named for the advanced meat recovery machine), Ham Classifier, Ham Line, Packaging, Butt/Picnic Line, Loin Line, Belly Line, Cryovac, and Trim Blend.

9. Mr. Klein also told me his job was to make sure everything was being done thoroughly, correctly, and safely. I asked Mr. Klein if, as a manager with STF, he will reprimand, discipline, or fire Fayette sanitation workers. He indicated that, if he sees a problem that is an immediate issue, he will say something directly to the Fayette employee, but normally he will have a discussion with their manager. He stated STF has had to insist to Fayette that a worker be terminated because of safety concerns. Mr. Klein indicated that Fayette had been brought on to the facility around three months ago because STF had concerns related to the previous sanitation



company, Qvest. Prior to initiating employee interviews, WHI Mejia and I approached Mr. Klein in the cafeteria to follow-up on this issue. I asked Mr. Klein why STF no longer contracted with Qvest. Mr. Klein stated STF was concerned about the former company's human resource hiring process and performance. He then stated: "I didn't say this, but I think what happened with PSSI made the company nervous."

10. I observed, and Mr. Klein confirmed, that Fayette employees wore grey colored hard hats, and their team leads wore red hard hats, both of which had the name "Fayette" written across the front. I observed workers had white tags with the "Master Lock" logo and the worker's name on them. Fayette workers were observed wearing goggles, hardhats, hairnets, green waterproof pants/jackets, and plastic gloves.

11. Fayette employees worked under, around, and on top of the wet equipment while it was running, spraying pieces of blood and meat off the machines and onto the floor. I observed workers on wheeled scissor lifts driving through the area while other employees worked to access elevated equipment that needed to be sprayed/cleaned. I observed workers hand-cleaning bins, equipment, and hand shoveling bits of dismembered pig flesh that had been sprayed onto the floor into plastic bins.

12. After completing the tour of the cold side, we were advised that a tour of the harvest side could not be initiated at that time because pigs were still being butchered and processed, so sanitation employees would not yet be working in that area. WHIs Wolf, Parodi, Meghan Kennedy, Hernandez, Victor Morales, Mejia, and I moved to the cafeteria. We had created a list while touring of roughly thirty workers we identified who looked young, provided it to the Fayette managers present, and then interviewed employees from approximately 2:00 a.m. to 3:45 a.m. STF manager, Philip Castillo, had offered to bring workers to a conference room to be interviewed. I

rejected that offer because there were seven WHIs interviewing, and a conference room would not allow enough space for interviews to be conducted with confidentiality. During the interviews, Fayette managers and at times a STF manager (Kurt Klein) stood at the far end of the cafeteria.

13. At approximately 4:00 a.m., WHIs Mejia, Wolf, and I toured the harvest side or kill floor of the facility. WHIs Mejia and Wolf filmed and photographed the area. While they did so, STF staff walked behind them and took pictures of anything they photographed. While touring the kill floor, I walked with STF Manager Phillip Castillo and had him point out the different types of machinery and the names of the different sections of the kill floor area. Mr. Castillo indicated the two main sections of the kill floor were the wet kill section and dry kill section. Mr. Castillo explained the wet kill section is where pigs first come into the area after they've been killed. Here, the carcasses are shackled to a conveyor system, drained of blood, and dehaired. In the dry kill section, the pigs are gutted, decapitated, and their bodies are split in two prior to chilling. The names of the equipment and machinery pointed out to me in the wet kill area were kill box, shackle, scald tub, de-hair, and gam table, in addition to various machines used for singeing and polishing the carcass. In the dry kill area, I observed the following machines as pointed out to me by Mr. Castillo: toe notcher, neck clipper, automatic belly opener, gutter stand, viscera inspection, "doc rack" (where USDA veterinarian stands), final rack/rail, stomach stands, casing lines, stomach washer, box up, leaf's large stand, hot scale, tongue popper stand, spike conveyor jaw puller, and head splitter.

14. Just as on the cold side of the facility, I observed Fayette workers wearing goggles, hardhats, green waterproof pants and jackets, and plastic gloves. Employees worked under, around, in between, and on top of the running wet equipment while spraying or hand cleaning. The area was loud from the noise of equipment running and the spraying of hoses. At times, visibility was

limited because of vapor and condensation in the air. Walking surfaces were wet and slippery. Just as on the production side, we were required to wear hardhats, hairnets, eye protection, and ear plugs.

15. At approximately 5:15 a.m., I left the facility.

### **Interviews with Minor Children**

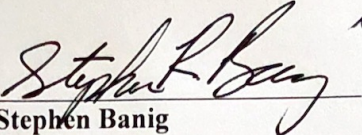
16. At the STF Plant, I interviewed four Fayette employees. Of the four employees interviewed, one was later confirmed to have been hired and employed by Fayette while age 17. I speak and write Spanish fluently and the interview was conducted in Spanish.

#### ***Minor Child F***

17. I conducted this interview in the facility's cafeteria on November 16, 2023. Minor Child F had been working the night shift for Fayette. The interview of Minor Child F lasted approximately thirty minutes. Minor Child F appeared extremely nervous and uncomfortable. Minor Child F indicated that they worked five to six days a week from 11:00 p.m. to 6:00 a.m. Minor Child F said that they worked cleaning on the ham line, and the machines they cleaned "cut out hams and take out bones"; the machines run while they clean them. Minor Child F stated they had attended an area high school through the tenth grade, and Minor Child F provided their mother's maiden name. I photographed Minor Child F at the beginning of the interview. The day after the interview, I reviewed Fayette records that included Minor Child F's photos and address.

18. Later, I matched this information with school records that included the same address and mother's maiden name as provided in Minor Child F's statement. Additionally, the photograph in their student records is of Minor Child F. Fayette records indicate Minor Child F was hired and worked for Fayette while they were 17 years old. I confirmed this information by reviewing their date of birth and dates of employment.

Executed on this 12 day of February, 2024.

A handwritten signature in black ink, appearing to read "Stephen Banig", written over a horizontal line.

**Stephen Banig**  
**Wage and Hour Investigator**  
Wage and Hour Division  
U.S. Department of Labor

**EXHIBIT 7**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

JULIE A. SU, )  
ACTING SECRETARY OF LABOR, )  
U.S. DEPARTMENT OF LABOR, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FAYETTE JANITORIAL SERVICE, LLC )  
d/b/a FAYETTE INDUSTRIAL )  
 )  
 )  
Defendant. )

CIVIL ACTION FILE NO. 5:24-cv-4012

DECLARATION OF NIKOLAI BOGOMOLOV

I, Nikolai Bogomolov, declare under penalty of perjury, as prescribed in 28 U.S.C. § 1746, that the following is true and correct:

1. I am an Assistant District Director for the United States Department of Labor, Wage and Hour Division’s Columbus, Ohio District Office. I was assigned to assist on the investigation into the Defendant’s compliance with the child labor provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*

2. Since October 2021, I have been an Assistant District Director with Wage and Hour in the Cincinnati, Ohio Area Office. Prior to that, I was an investigator in the same office, starting in August of 2010. As an investigator, I was responsible for conducting investigations of employers under various laws that the Wage and Hour Division is charged with enforcing, including the FLSA. Over the past fourteen years, I have been involved in hundreds of cases, both as a lead investigator and supervisor, many of which had child labor components to them. The child labor cases included minors being employed in violation of the Hours and Times standards (29 C.F.R. § 570.35(a)), Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68),



and serious injury cases subject to the Child Labor Enhanced Penalty program. Additionally, as an Assistant District Director, I have reviewed investigative files and, where appropriate, issued child labor civil money penalty letters to employers, pursuant to section 16(e) of FLSA, 29 U.S.C. § 579, on fourteen cases in the last three years.

3. The statements made herein are based on my training and experience, my personal knowledge, and observations made during the execution of the warrant involving Defendant (as discussed below), as well as conversations with representatives and employees of Defendant in this matter.

### **The Defendant**

4. Fayette Janitorial Service, LLC, d/b/a Fayette Industrial (“Fayette”), is a cleaning and sanitation company that provides contract work at meat processing facilities, including the pork processing facility at 5555 Seaboard Triumph Parkway, Sioux City, Iowa 51111 (“STF Plant”). The meat processing facility is owned and/or operated by Seaboard Triumph Foods, LLC (“STF”).

### **Execution of the Warrants**

5. The Wage and Hour Division initiated an investigation of Fayette’s operation in Sioux City, Iowa, to determine whether its practices complied with the FLSA, including its child labor provisions.

6. During the overnight shift of Thursday, November 16, 2023, Wage and Hour Division executed the warrant on the STF Plant. The execution started at approximately 12:30 a.m., and I left the facility at 8:30 a.m. I, along with Regional Enforcement Coordinator (“REC”) Amanda Christopoulos and Wage and Hour Investigators (“WHIs”) Joshua Crawford and Chris Huber, approached the STF facility. REC Christopoulos and I attempted to enter the STF Plant through the main front entrance, while the rest of the warrant team waited for a signal to come

inside. We found the main door locked; however, an employee on the inside saw us pulling on the closed doors as we were trying to gain access, and he opened the door for us from within. The employee did not identify himself but asked if he could help, to which REC Christopoulos stated that we were with the United States Department of Labor to execute a search warrant and showed him the warrant. He then opened the second security door and allowed us inside. While doing that, the worker made a walkie-talkie transmission stating facility management needed to come up front immediately as there were visitors with a search warrant.

### **Observations at the STF Plant**

7. Upon entry to the STF Plant, REC Christopoulos and I proceeded to go down the hallway with the objective of finding STF's office. About twenty seconds later we were confronted by STF employees who were later identified as Doyce Black and Philip Castillo. At that time, I asked Philip Castillo to take me to Fayette's office. By then, WHIs Chris Huber and Matt Jones caught up to me in the hallway, and the three of us followed Mr. Castillo to Fayette's office on the second floor of the facility.

8. Inside Fayette's office, we found three individuals who identified themselves as Will Baslee, Eric Shauman, and Mary Tapia. Mr. Baslee stated that he was the Complex Manager for Fayette, Eric Shauman said he is an Area Manager, and Ms. Tapia declared her title as SSOP Clerk<sup>1</sup>. We identified ourselves, showed our DOL credentials (badges), and explained the reason for the visit; then WHI Huber showed the warrant to Mr. Baslee. At first Mr. Baslee attempted to object to DOL's efforts to gather information from Fayette, but then, after he dialed two numbers from his cell phone and no one picked up, he stated that he would cooperate, saying something along the lines of "The warrant is pretty self-explanatory. It says you have the right to review everything here."

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<sup>1</sup>I believe SSOP stands for "Sanitation Standard Operation Procedure."

9. I asked to have the company identify the person who possesses documents such as work assignment sheets, employee profiles, emergency contact information, etc. Ms. Tapia said that she was the one responsible for those items, with a caveat that she had only been in this capacity for one week. She added later that her predecessor in the SSOP Clerk role was Rosa Matos, who is still with Fayette but is now a member of the Corporate HR and therefore no longer worked at the facility. Moreover, she said, and Mr. Baslee confirmed, that Fayette had only been at this facility for three months. According to them, prior to September 2023, the third-party sanitation company was Qvest, LLC (“Qvest”), a company based out of Oklahoma. Mr. Baslee said they hired fifty to sixty sanitation workers from Qvest, but aside from having hired those employees, he represented they did not have any of Qvest’s employee files, payroll, or time records.

10. Once I identified to Ms. Tapia the items I needed to gather from Fayette, she said that, because she had only been in the SSOP Clerk capacity for one week, she was not sure how to pull all the data, as she was not yet well versed in the HR computer system, but said she would try. She stated the company uses Kronos as their payroll and time keeping provider, and employee profiles are also in Kronos.

11. I took pictures with my government-furnished iPhone of all the work assignment sheets for the night, which had been printed out in hard copy. There were nine sheets, showing the name of the crew leader and workers under that leader; there were additional numbers on the assignment sheets that Messrs. Shauman and Baslee identified as the lockout tags issued to each individual worker. According to Ms. Tapia, there were 109 Fayette employees onsite that night.

12. Once I had photographed the work assignment sheets, I asked Ms. Tapia to log-in to the computer and start pulling-up employee profiles. I sat next to Ms. Tapia on her right-hand side, ensuring I could see the screen that she was looking at. Using the night’s nine pages of work



assignment sheets, I asked Ms. Tapia to pull-up information on each employee on those nine pages, going down one name at a time, showing each person's picture (face), emergency contact, addresses, phone number, and emails. Ms. Tapia stated she did not believe there was a master report that she could generate. Also, she did not know how to prepare a report that would save for DOL, adding there was a lot of information in each employee's file irrelevant to our investigation, i.e., information related to workers' pay cards, etc.

13. As Ms. Tapia pulled up each employee file, the page with the worker's name, address, phone number, space for an email address, and emergency contact information was only one of forty or so pages of the file. Therefore, I found it to be most efficient to take a picture of only certain pages as I saw them on the computer screen, instead of asking for the file to be copied or emailed. Again, I used my government-furnished cell phone for that purpose.

14. At first, Ms. Tapia was unable to find employee photos or images of the workers' IDs. But, about forty names into the process, Ms. Tapia realized she could expand the file to show the employee ID (typically, a driver's license), as well as a picture of the worker holding their own ID in the picture. Ms. Tapia explained this was the company's way to verify the person in the picture is the same as the one you see on the ID. Once Ms. Tapia discovered the picture option in the system, I asked her to go back through the employee profiles so I could review the pictures and IDs. She complied.

15. When the photo of a certain individual, whom we later identified as Minor Child F, came-up on the screen, Ms. Tapia commented, "That is not [Minor Child F's work name]". Then Ms. Tapia stopped herself short, not finishing her sentence. I asked her to zoom-in on the photo of the worker holding an ID, which looked like the person in the picture, and it listed Minor Child F's work name. I asked Ms. Tapia, "What do you mean it's not [Minor Child's F work name], it says right there?" Ms. Tapia then replied, "Oh yes, this is [Minor Child F's work name]."

16. I asked Ms. Tapia who adds up the hours employees work and submits payroll to the corporate office, and she said she does. She also confirmed she does employee onboarding and takes pictures of new hires with her phone; however, she claimed photos of new hires currently on her phone had been taken in the last week, so none are in the system yet. She said she sends the paperwork via email to Fayette's Human Resources points of contact, Gabriel Perez and Wendy Raines. Ms. Tapia then asserted the photos on her phone are mostly of people applying for employment, not employees, so those names are not in Kronos yet. In other words, she claimed all employees working that night at the facility were in the Kronos system, and their photos had been made available to DOL.

17. Throughout the night, Ms. Tapia was texting someone on and off, but I am not sure whom. Mr. Baslee left a couple of times and was gone for ten to twenty minutes each time. I was not sure where he went. Ms. Tapia did not leave the room the entire time.

18. In the course of the night, there were sanitation workers coming in to get new sets of gloves from Ms. Tapia. They were wearing rubber suits made out of water repellent material, hard hats, and goggles, which made it difficult to see their faces. Around 4:30 a.m., a worker peeked in and asked Ms. Tapia something along the lines of: "¿Solo quería saber qué está pasando y por qué hay gente allí haciendo preguntas?", which means "I just wanted to know what is happening and why are there people over there asking questions?" To this, Ms. Tapia replied in Spanish: "No les digas nada," which means, "Do not tell them anything." The worker then walked away. I do not believe Ms. Tapia realized that I understood what she said, as I had not made it obvious to her that I speak Spanish.

19. At some point in the middle of the night, WHI Crawford came and joined us in the Fayette office. He helped copy some logs and files. I also asked Ms. Tapia to send WHI Crawford all employment-related emails between her and HR, which she claimed to have done.

20. Monty McGuinness also joined us in the Fayette office at some point. He identified himself as the Division Manager. WHIs Huber and Jones primarily interacted with Messrs. McGuinness, Baslee, and Shauman, while I was busy with Ms. Tapia. Nonetheless, based on what I heard Mr. Baslee, McGuinness and Shauman tell WHIs Huber and Jones, these are additional notes and observations I reduced to writing: (a) there are 247 people on the kill floor; (b) 22,000 hogs are processed (killed) per day, six days a week; and (c) Fayette provides sanitation only during the third shift, i.e., from 11:00 p.m. until 7:00 or 7:30 a.m.

21. Once at Fayette's office on the second floor, I stayed there the entire night and did not leave the area, except to step outside into the hallway for a few quick phone calls with my colleague REC Christopoulos, who was in a different part of the building. She joined me upstairs around 7:40 a.m. By 8:25 a.m., we had finished copying records and proceeded towards the exit from the facility. On the way out I looked down through a glass window and observed a conveyor belt carrying dozens of intact dead hogs. I also saw workers on the floor in protective gear and a lot of water vapor. That was my only observation of the actual operations side of the business.

22. I walked out of the building at 8:30 a.m. on November 16, 2023, together with REC Christopoulos, WHI Crawford, WHI Cassie Stoner, and WHI Stephen Banig. My understanding is that there were still some investigators on-site in the STF office, but at that point I was done with my assignment. We got inside our vehicles and left the area.

Executed on this \_\_\_ day of February, 2024.

**NIKOLAI  
BOGOMOLOV**  Digitally signed by  
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**Nikolai Bogomolov**  
**Assistant District Director**  
Wage and Hour Division  
U.S. Department of Labor

**EXHIBIT 8**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

JULIE A. SU, )  
ACTING SECRETARY OF LABOR, )  
U.S. DEPARTMENT OF LABOR, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FAYETTE JANITORIAL SERVICE, LLC, )  
d/b/a FAYETTE INDUSTRIAL )  
 )  
 )  
Defendant. )

CIVIL ACTION FILE NO. 5:24-cv-4012

DECLARATION OF LEEANN WOLF

I, LeeAnn Wolf, declare under penalty of perjury, as prescribed in 28 U.S.C. § 1746, that the following is true and correct:

1. I am a Wage and Hour Investigator for the United States Department of Labor, Wage and Hour Division’s Minneapolis District Office. I was assigned to assist on the investigation into Defendant’s compliance with the child labor provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*

2. I have been an Investigator with Wage and Hour since 2013. As an investigator, I am responsible for conducting investigations of employers under various laws that the Wage and Hour Division is charged with enforcing, including the FLSA. Over the past eleven years, I have been the lead investigator on over 250 cases and have assisted on several others. The majority of the cases included a determination of child labor compliance. The child labor cases included minors being employed in violation of the Hours and Times standards (29 C.F.R. § 570.35(a)) and the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

3. The statements made herein are based on my training and experience, my personal knowledge, and observations made during the execution of the warrant involving Defendant (as discussed below), as well as conversations with representatives and employees of Defendant in this matter.

### **The Defendant**

4. Fayette Janitorial Service, LLC, d/b/a Fayette Industrial (“Fayette”), is a cleaning and sanitation company that provides contract work at meat processing facilities, including the pork processing facility at 5555 Seaboard Triumph Parkway, Sioux City, Iowa 51111 (“STF Plant”). The meat processing facility is owned and/or operated by Seaboard Triumph Foods, LLC (“STF”).

### **Execution of the Warrants**

5. On November 16, 2023, Wage and Hour executed a warrant on the STF Plant during the workers’ overnight shift.

6. We arrived at the establishment a little after midnight. I was part of the second team that entered the facility. We entered at the front gate where employees entered. I showed my credentials to a STF guard. He then opened the locked second door letting me into the facility. We went to the Fayette office on the second floor.

7. We requested a tour of each side of the facility and inquired about appropriate protective gear. STF Sanitation Manager Philip Castillo and STF Safety Manager Kurt Klein each led a group of investigators on a tour of the Cold Side of the facility. The Cold Side was loud. WHIs Banig and Mejia spoke with the tour leaders while the rest of us took photos of equipment and workers who appeared to be minors. We approached some workers to obtain names and/or

photos of tags clipped onto their person with their name. We made a list of employees we wanted to interview.

8. After this tour we interviewed selected workers in the cafeteria. Fayette representatives wanted us to conduct interviews in a conference room on the second floor, which would have been away from employees. There was always at least one and up to four managers of either STF or Fayette at the entrance of the cafeteria while we spoke to workers.

9. After conducting interviews, I went with two other investigators for a tour of the Hot Side of the plant, also known as the Kill Floor, at approximately 4:45 a.m. We were accompanied by five individuals who appeared to be STF staff based on items they wore with STF logos (shirt, hardhat, lanyard). Equipment on this side occupied space from the floor to the ceiling in many cases. I observed equipment bearing the brand name MPS – Meat Processing Systems, a company that provides automated slaughtering systems for red meat slaughtering (primarily pig). Some equipment I photographed included a “skinning machine SK15”, “Hog Head Splitter”, and machines with slicers. I was the second to last person on the tour with a STF representative ahead and behind me, both tall males. The person behind me said that he would be taking photos of everything I took photos of. The kill floor was not actively processing pigs during the tour, as sanitation workers were cleaning.

10. After this tour, we went to the Fayette office on the second floor to meet other team members before leaving the facility. We were escorted out by a representative who had been part of the Hot Side tour; while discussing the vehicular accident that occurred in front of the establishment prior to our entry, he stated the guard should not have let us enter the facility, but they were distracted by the accident and emergency vehicles.

11. During the sanitation process for both the Hot Side and Cold Side, equipment gets hosed down, then workers will wash equipment by hand using chemicals and soap before rinsing. Workers use hoses to power wash equipment to remove fat and meat. They also power wash the floor to remove animal fat and meat from under and around machinery. Once collected, they shovel the animal remnants into a large plastic garbage can on wheels and bring this material to a separate room. I saw a worker who placed their hand inside a machine to check for product prior to hosing the inside. Photos were taken of workers kneeling on the floor to reach the underside of equipment with their hose. Some used Skyjacks, an electrical scissor lift, to elevate themselves so they could hose down equipment from above. Some workers used ladders. I observed sanitation workers wearing hard hats, plastic gloves, and green rain pants and coats. Some wore protective sleeves over their coat and plastic gloves. More than one worker wore a t-shirt with no raincoat while power washing on the Hot Side. I saw most workers wearing goggles on top of their hardhats, while only some workers wore them over their eyes. Workers had locks with white and red tags printed with the word "DANGER" and with their name written with a black marker. These were seen around workers' waists, on machines, and connected to what appeared to be a toolbox.

12. The environment was wet and loud. Water was flying in every direction. During the initial rinse, there is fat, meat, and water on the floor causing slippery conditions. Some rooms had so much mist that you could not see the entire room and had to move slowly to watch where you stepped and where you were heading.

### **Interviews with Minor Children**

13. On November 16, 2023, I conducted interviews with various Fayette employees in Spanish in the cafeteria of the STF Plant.

***Minor Child G***

14. I interviewed an individual who was later confirmed to be a minor child working the overnight sanitation shift (“Minor Child G”). Minor Child G stated they had worked for Fayette for three months and had gone to the Fayette office in the STF facility to apply. Minor Child G claimed they were 26 years old. Minor Child G worked from 11:00 p.m. to 6:15 a.m. and clocked-in and out at the Fayette office using facial recognition. Minor Child worked six, sometimes five days a week. Minor Child G worked in the “Picnic” area, cleaning “skinners” and conveyer belts. Minor Child G believed the “skinners” ground meat. They also cleaned three of the long conveyer belts. Minor Child G put locks on the conveyer belts (not the “skinners”). They stated the “red hats” are in charge of putting the lock on all the machines. Minor Child G used bleach on the conveyer belts. Minor Child G stated the protective equipment they wear includes a raincoat, goggles, hardhats, gloves, sleeves over the raincoat, and plastic gloves. There is a fifteen to thirty-minute meeting each day prior to starting the shift when the “green hats” talk to employees about safety, how to use equipment, and how to use the bleach, chemicals, and goggles. Minor Child G indicated that the “green hats” were Fayette employees. I photographed Minor Child G at the end of the interview.

Executed on this 12 day of February, 2024.

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**LeeAnn Wolf**  
**Wage and Hour Investigator**  
Wage and Hour Division  
U.S. Department of Labor



**EXHIBIT 9**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

JULIE A. SU, )  
ACTING SECRETARY OF LABOR, )  
U.S. DEPARTMENT OF LABOR, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FAYETTE JANITORIAL SERVICE, LLC, )  
d/b/a FAYETTE INDUSTRIAL )  
 )  
 )  
Defendant. )

CIVIL ACTION FILE NO. 5:24-cv-4012

DECLARATION OF PAOLA PARODI

I, Paola Parodi, declare under penalty of perjury, as prescribed in 28 U.S.C. § 1746, that the following is true and correct:

1. I am an investigator for the United States Department of Labor, Wage and Hour Division’s Minneapolis District Office. I was assigned to investigate the Defendant’s compliance with the child labor provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*

2. I have been an investigator with Wage and Hour for over one year. As an investigator, I am responsible for conducting investigations of employers under various laws that the Wage and Hour Division is charged with enforcing, including the FLSA. Over the past year, I have been the lead investigator on over ten cases and have assisted on several others. Approximately three of the cases I have assisted on included a focus on child labor. The child labor cases have included minors being employed in violation of the Hours and Times Standards (29 C.F.R. § 570.35(a)) and the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68). Before my position with the Wage and Hour Division, I worked for the State of Wisconsin Equal Rights Division for sixteen years as an Equal Rights Officer, and I was responsible for

conducting investigations of employers under the State of Wisconsin's labor standards laws, which included the state's child labor laws that mirror the standards set out in the FLSA.

3. The statements made herein are based on my training and experience, my personal knowledge, and observations made during the execution of the warrant involving Defendant (as discussed below), as well as conversations with representatives and employees of the Defendant in this matter.

### **The Defendant**

4. Fayette Janitorial Service, LLC, d/b/a Fayette Industrial ("Fayette"), is a cleaning and sanitation company that provides contract work at meat processing facilities, including the pork processing facility at 5555 Seaboard Triumph Parkway, Sioux City, Iowa 51111 ("STF Plant"). The meat processing facility is owned and/or operated by Seaboard Triumph Foods, LLC ("STF").

5. On November 16, 2023, Wage and Hour executed the warrants on the STF Plant during the workers' overnight shift. Wage and Hour Investigators ("WHIs") Steve Banig, Jennifer Hernandez, Meghan Kennedy, Victor Morales, LeeAnn Wolf, and I entered the facility together.

### **Observations at the STF Facility**

6. Upon entry to the STF Plant, I went with WHIs Banig, Hernandez, and Wolf to the Fayette offices, where I observed a clock-in and out machine right outside of their office.

7. After a few minutes waiting outside the Fayette office, WHIs Banig, Hernandez, Wolf, and I were led by a manager into the Fabrication/Cold Side of the facility for a tour. Another group consisting of WHIs Mejia, Kennedy, and Morales were led by different manager to start their own tour of the Fabrication/Cold Side. I observed animal products like scrap meats and fat on the floor and on the machines. I saw employees wearing green raincoats and waterproof pants,

boots, gloves, ear plugs, hairnets, and gray hardhats with the name “Fayette” imprinted on them. I observed the employees using pressure washers to push the animal products off the machinery and onto the floor, and other employees scooped the scraps from the floor with shovels and into large buckets. Some employees were up on ladders or lifts to clean the taller machinery, and others hunched down to clean the bottom parts of the machinery. While walking through the area, there was a constant noise of rushing water from all the power washers along with water dripping down from the machinery. The scrap meats and fat and the puddles of water on the floor made some sections of the floor slippery. One section within the Production area was a Cryovac section, which was colder than the rest of the area. I observed another room where there was so much steam that it was hard to see all the machinery or employees working in that area.

8. While WHI Banig conversed with the manager leading us in the tour, WHIs Hernandez, Wolf, and I were tasked with taking photos and videos and identifying potential minors. As we moved through the Fabrication area, we approached employees who appeared to be minors to ask for their names and took pictures of their lockout tags so that we could compile a list of employees to interview. A few times, I observed the manager giving us a tour taking note of the employees who we approached to ask for names.

### **Interviews with Minor Children**

9. At the STF Plant on November 16, 2023, I conducted interviews of various Fayette employees in Spanish in the cafeteria of the STF Plant. On one side of the cafeteria, the seating area is divided from the hallway by a half-wall. During the interviews, there was always at least one manager standing on the outside of the half-wall looking towards the seating area.

*Minor Child A*

10. I interviewed an individual later confirmed to be a minor child working the overnight sanitation shift (“Minor Child A”). During the interview, Minor Child A disclosed their work name and date of birth. They claimed to be 33 years old. Minor Child A stated they could not remember their street or email address or phone number, but they did provide the phone number for their brother. I gave Minor Child A one of my business cards with my work cell phone number so that Minor Child A could send me a text message with their email address, but I never received it. Minor Child A stated that they work from 11:00 p.m. to 6:00 a.m., Monday to Friday; every day, they clean the Fabrication/Cold Side first, and after about four hours, they move to clean the Harvest/Hot Side. In the Cold Side, Minor Child A cleans the same area every day with a water hose but does not use chemicals. Minor Child A explained workers with red helmets are the ones who use chemicals. Minor Child A also cleans the same area in the Harvest/Hot Side every day. In the Harvest/Hot Side, Minor Child A cleans with a water hose the machine that cuts the hogs’ ears.

11. Information and data points from school records and Fayette records were used to confirm Minor Child A’s age. From those records, it was later determined that Minor Child A was 14 years and 4 months old when hired by Fayette.

Executed on this 12<sup>th</sup> day of February, 2024.



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**Paola Parodi**  
**Wage and Hour Investigator**  
Wage and Hour Division  
U.S. Department of Labor

**EXHIBIT 10**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

JULIE A. SU,	)	
ACTING SECRETARY OF LABOR,	)	
U.S. DEPARTMENT OF LABOR,	)	
	)	
Plaintiff,	)	CIVIL ACTION FILE NO. 5:24-cv-4012
	)	
v.	)	
	)	
FAYETTE JANITORIAL SERVICE, LLC,	)	
d/b/a FAYETTE INDUSTRIAL	)	
	)	
	)	
Defendant.	)	

DECLARATION OF VICTOR MORALES

I, Victor Morales, declare under penalty of perjury, as prescribed in 28 U.S.C. § 1746, that the following is true and correct:

1. I am an investigator for the United States Department of Labor, Wage and Hour Division’s Chicago District Office. I was assigned to investigate the Defendant’s compliance with the child labor provisions of the Fair Labor Standards Act (“FLSA”), 29 U.S. C. § 201 *et seq.*

2. I have been an investigator with Wage and Hour for over three years. As an investigator, I am responsible for conducting investigations of employers under various laws that the Wage and Hour Division is charged with enforcing, including the FLSA.

3. As part of my training as a Wage and Hour investigator, I attended Wage and Hour’s Pre-Basic I, Basic I, Pre-Basic II, and Basic II Investigator trainings, which include training on the fundamentals of the FLSA and its child labor provisions.

4. Over the past three years, I have been the lead investigator on over sixty cases and have assisted on several others. Approximately seven of the cases included a focus on child labor. The child labor cases have included minors being employed in violation of the Hours and Times

Standards (29 C.F.R. § 570.35(a)) and the Hazardous Occupation Standards (29 C.F.R. §§ 570.33, 570.51-570.68).

5. The statements made herein are based on my training and experience, personal knowledge, and observations made during the execution of the warrant involving Defendant (as discussed below), as well as conversations with representatives and employees of Defendant in this matter.

### **The Defendant**

6. Fayette Janitorial Service, LLC, d/b/a Fayette Industrial (“Fayette”), is a cleaning and sanitation company that provides contract work at meat processing facilities, including the pork processing facility at 5555 Seaboard Triumph Parkway, Sioux City, Iowa 51111 (“STF Plant”). The meat processing facility is owned and/or operated by Seaboard Triumph Foods, LLC (“STF”).

7. On November 16, 2023, Wage and Hour executed the warrants on the STF Plant during the workers’ overnight shift.

### **Observations at the STF Plant**

8. We split up into two groups to tour the facility. My group was escorted by a male employee whom I believe was a Fayette manager. As we entered the cold side of the facility, I noticed that it was very misty and humid. There was water all over the floor and meat that looked and smelled like bacon was scattered all over the floor. I saw multiple employees spraying water on all kinds of machinery. As we were walking around, I noticed several employees who appeared to be young, possibly minors. All the workers were wearing the same type of equipment: a hardhat, goggles, white plastic or rubber jackets and pants, rubber gloves, and rubber boots.

9. I approached young-looking employees and asked them their names and if they could show me their badges with their names. I wrote down their names and took pictures of their badges. In total, I wrote down ten names. One of the workers was wearing a t-shirt with “Class of 2025 South Sioux City High School” on it.

10. The workers were hosing down all the machinery with hot water and using brooms and squeegees to sweep up the meat that was on the floor. It was very slippery, so I had to be extremely careful not to fall. I also took multiple pictures of some of the machinery during our tour of the cold side of the facility. We spent about an hour touring the area.

### **Interviews with Minor Children**

11. We waited about 15 minutes before the Fayette managers brought out the first round of employees to be interviewed. As we were conducting the interviews, the Fayette managers were standing along a wall and overlooking the cafeteria as the interviews were underway. We conducted interviews over approximately a two-hour time frame.

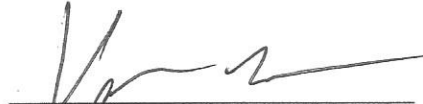
#### ***Minor Child C***

12. I interviewed an employee who was later identified as Minor Child C. Minor Child C stated they originally worked for Qvest; they heard Qvest needed people, so they applied at an office in Sioux City and were hired a week later. Fayette asked Minor Child C if they wanted to stay and work for Fayette. Minor Child C stated they have been working for Fayette for about two months. Minor Child C also provided other names by which they were known. Minor Child C claimed not to know of any minor children working at the facility. I took a photo of Minor Child C at the end of the interview.

13. The lead investigator matched the photograph that I took to photographs obtained from Minor Child C’s employer ID, Fayette Facial recognition photo, Fayette Badge photo, and

school photograph. Information from Fayette records and school records were used to confirm Minor Child C's age. Additionally, the alternate name Minor Child C gave during their interview also matched the name on the school records.

Executed on this 12 day of February, 2024.



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**Victor Morales**  
**Wage & Hour Investigator**  
Wage and Hour Division  
U.S. Department of Labor