

**POLICY
+
ACTION**



ABOUT NELP

For 45 years, the National Employment Law Project has sought to ensure that work is an anchor of economic security and a ladder of opportunity for all working families. In partnership with national, state, and local allies, NELP promotes policies and programs that create good jobs, strengthen upward mobility, enforce hard-won workplace rights, and help unemployed workers regain their economic footing. To learn more about NELP, visit www.nelp.org.

Photo credits:

Front cover (clockwise from top left): Annette Bernhardt, House Democratic Caucus, Official White House Photo by Lawrence Jackson, IndyCAN; Page 1: House Democratic Caucus; Pages 3 and 4: Annette Bernhardt; Page 6: Official White House Photo by Lawrence Jackson; Page 7: National Domestic Workers Alliance; Page 9: IndyCAN; Page 10: Citizens of Louisville Organized and United Together; Page 12: House Democratic Caucus; Inside back cover: National Employment Law Project.

Friends,

Policy and action—a think *and* do operation: that’s NELP. And, though not without disappointments and setbacks, 2013 was about policy and action, too—about thinking, and doing—in ways that made positive differences for millions of America’s workers.

NELP was front and center in many of these achievements. Combining research and reports, communications and public education, policy design, legal assistance and technical support for partners in the field, and legislative and administrative advocacy at the federal, state, and local levels, NELP’s work made major strides in 2013, including our efforts to:

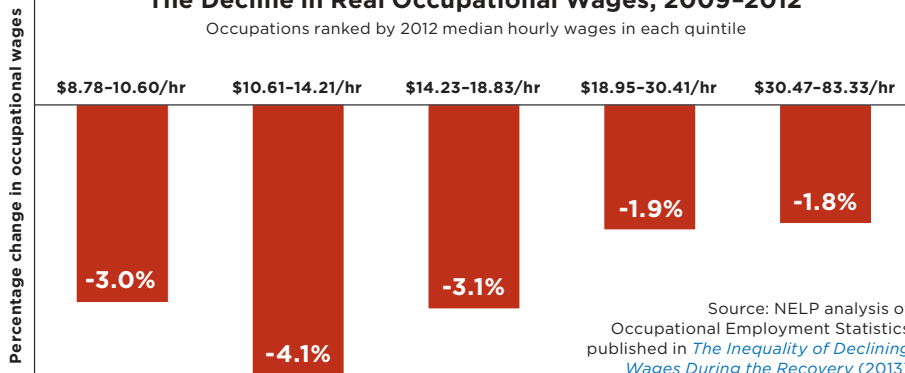
Open the doors of opportunity through work: With allies, NELP fueled the spread of the “ban the box” movement, with 10 cities and five states newly adopting measures to erase the job-application box prematurely requiring candidates to disclose whether they have records, eliminating many qualified and deserving individuals from further consideration. Efforts to end hiring discrimination against the unemployed also got a boost, with two cities—Madison, Wisconsin and New York (over Mayor Michael Bloomberg’s veto)—adopting bans on the practice.



Christine Owens articulates the crisis of long-term unemployment, calling for renewal of federal jobless aid.

The Decline in Real Occupational Wages, 2009–2012

Occupations ranked by 2012 median hourly wages in each quintile



Elevate the crisis of low wages and win higher pay for low-wage workers: As fast-food strikes and workplace actions by warehouse, retail, and federally-contracted employees exposed the reality of low-wage work and low-wage workers, NELP fleshed out the story with reports documenting the decline in real wages since the start of the recovery, especially among low-paid workers, and highlighting the personal and public costs of poverty wages and the limited advancement opportunities for fast-food workers. Through op-eds and media appearances, we argued in the court of public opinion for raising pay in low-wage sectors. NELP’s research, education, and outreach helped lay the foundation for introducing and

NELP combines deep policy chops with tangible action to build an economy that delivers opportunity and security through work for all workers.

—Christine Owens

boosting support for a \$10.10 federal minimum wage, and our assistance to state and local allies made a difference in winning minimum wage increases in places like California, New York, and the District of Columbia, while setting the stage for a new wave of action in 2014 in states such as Connecticut, Maryland, Massachusetts, and Hawaii, and a number of cities.

Strengthen labor standards and their enforcement: Achieving victory in a campaign initially launched in the 1990s, NELP and its partners celebrated the Labor Department's issuance of a rule finally extending federal minimum wage and overtime protections to millions of the nation's home care workers—righting a historic injustice and ensuring that many workers in this large and fast-growing field will enjoy the same basic wage protections extended to most other workers. NELP's research and policy support helped win passage of Domestic Workers' Bill of Rights legislation in several states, and in California, we were in the vanguard of a successful effort to impose stiffer penalties on employers that exploit their workers' immigration status to retaliate against them or deter them from exercising their rights.

Maintain income support for long-term unemployed workers: NELP rang in 2013 celebrating Congress's belated renewal of the federal emergency unemployment program, preserving benefits for eligible long-term unemployed workers. We ended the year on a frustrating note, as Congress inexplicably and inexcusably allowed this vital federal program to expire—denying millions the help they desperately need. NELP is keeping up the fight to renew this vital program, and in the meantime, we are building on the groundwork laid in our 2013 research and technical assistance to grow the number of states reforming their unemployment insurance programs to recognize work-sharing as an alternative to layoffs.

The pages that follow amplify these highlights and other examples of how NELP is combining deep policy chops with tangible action in every public forum and at every policy-making level to build an economy that delivers on the promise of opportunity and security through work for all of America's workers. We thank you for your support of NELP, and we look forward to continuing to think and act with you on behalf of America's workers in the year ahead.

Warmly,



Christine L. Owens
Executive Director

“Fast-food workers, like many low-wage workers, have had far too much of far too little, for far too long. So they’ve gone out into the streets to say, we need a living wage and we need the right to organize without retaliation.”

—Christine Owens, on
C-SPAN's [Washington Journal](#),
September 4, 2013



4 Million+

Number of workers getting raises from minimum wage increases passed in 2013

NELP was at the forefront of the effort to raise pay for America’s lowest-wage workers.

In 2013, NELP was at the heart of the effort to tackle income inequality, fighting to lift the wages of tens of millions of workers at the bottom of the labor market who are struggling to get by. To this end, NELP spearheaded the national campaign to raise the federal minimum wage and provided crucial support to campaigns at the state and local levels.

NELP’s vital support of state and local campaigns helped produce a powerful wave of victories in 2013. After we helped New York and Connecticut secure minimum wage increases early in the year, NELP worked with allies in California to win a boost to \$10 an hour—the first state to reach this crucial benchmark, paving the way for others to do the same in 2014. And NELP supported the growing wave of city-level action on the minimum wage—from the ballot-initiatives wins in San Jose and Albuquerque, to the first-ever coordinated package of regional minimum wage increases at the \$11.50 level in the District of Columbia and the Maryland suburbs of Montgomery and Prince George’s Counties, to the \$15 wage initiative approved by voters in SeaTac, Washington late in the year.

In all, NELP provided policy, research, legal, and communications expertise to campaigns in more than a dozen states and cities; convened advocates from around the country for a national conference to share winning strategies; and leveraged the news media to great effect, publishing dozens of op-eds and generating thousands of press hits in support of the campaigns.



On the federal front, NELP continued to lead a diverse national coalition fighting to raise the federal wage floor, which has been stuck at \$7.25 since 2009. The federal campaign made big gains in 2013, with President Obama lending his support to a significant increase, and members of Congress introducing long-awaited legislation to lift the federal floor to \$10.10 and raise the tipped-worker rate to 70 percent of the full rate.

This year, with campaigns underway in more than 15 states and cities and in Congress, we expect to make even greater gains in lifting low-wage earners’ incomes in our ongoing fight to ensure that work provides real economic opportunity and security for all of America’s workers.

“We need an economy where consumers can afford to spend.”

—Paul Sonn, NELP general counsel, on the *CBS Evening News*, February 13, 2013

CNN

Op-Ed: How McDonald’s Sends Taxpayers the Bill

October 29, 2013

“Rather than sitting down with their employees to address the reality that the company’s pay scales are just too low ... McDonald’s has decided to coach its workers on how to enroll in public safety-net programs to supplement their poverty-level wages.

“The good news is that over the past year, thousands of workers in the fast-food industry have begun organizing and staging strikes in dozens of cities across the country, calling for a living wage and the right to form a union. Their demands should be taken seriously.” —Jack Temple, NELP policy analyst

MORE HIGHLIGHTS

Feeding the Fast-Food Worker Protests

NELP published two widely-cited research reports in support of 2013's historic and inspiring fast-food workers' campaign for fair pay and the right to organize. *Going Nowhere Fast: Limited Occupational Mobility in the Fast-Food Industry* debunked the myth that front-line fast-food workers have real opportunities to move up the ladder, showing that only 2.2 percent of fast-food jobs are managerial, professional, or technical occupations. *Super-Sizing Public Costs: How Low Wages at Top Fast-Food Chains Leave Taxpayers Footing the Bill* showed that the low-wage, no-benefits business model of the 10 largest fast-food chains forces employees to rely on public assistance, shifting \$3.8 billion in costs per year to taxpayers. NELP provided expert commentary supporting the campaign on the national cable news networks, including regular appearances on MSNBC.

Estimated Annual Cost of Public Assistance to Employees at the 5 Largest Fast-Food Companies

Company	Estimated Cost
McDonald's	\$1.2 billion
Yum! Brands (Pizza Hut, Taco Bell, KFC)	\$648 million
Subway	\$436 million
Burger King	\$356 million
Wendy's	\$278 million

Fighting for Fair Pay for Federal Contract Workers

After years of work by NELP and allies around the country, President Obama issued an executive order this year raising the minimum wage for federal contract workers to \$10.10 per hour. Our 2013 report, *Taking the Low Road: How the Federal Government Promotes Poverty-Wage Jobs Through Its Contracting Practices*, spotlighted the problem of federal contract workers

who are paid poverty wages, surveying 567 workers in federally-contracted service jobs and finding that nearly three in four earn less than \$10 an hour. Fully 56 percent reported having trouble paying their monthly bills. The report highlighted a number of policies in states and cities that can serve as a roadmap for the federal government to boost pay and improve working conditions for contract workers.



The New York Times

Obama Pushes for Increase in Federal Minimum Wage

February 13, 2013

"The president said he was putting jobs and the economy front and center tonight, and that's exactly what he did by calling for a minimum wage increase," Christine Owens, the executive director of the National Employment Law Project, said in a statement. "A higher minimum wage is key to getting the economy back on track for working people and the middle class. The president's remarks also cement the growing consensus on the left and right that one of the best ways to get the economy going again is to put money in the pockets of people who work."

"You can't build a robust recovery with poverty-wage jobs."

—Tsedeye Gebreselassie,
NELP staff attorney, on NPR's
Tell Me More, May 30, 2013

1 million+

Number of new
home care jobs
projected over the
coming decade



29

Number of states
where home care
workers will have
minimum wage &
overtime protections
for the 1st time

NELP was a leader in the fight to win fundamental labor protections for home care workers.

In 2013, NELP and its partners scored a historic victory in our campaign to end an injustice long endured by home care workers—the caregivers who provide crucial in-home care and support to the elderly and disabled but who have struggled to support their own families.

After decades of excluding these workers from fundamental workplace protections enjoyed by most of America’s workers, in September 2013, the U.S. Department of Labor issued long-awaited final rules extending federal minimum wage and overtime protections to more than two million home care workers. Broadening the coverage of these labor standards is a crucial step towards improving wages in one of our nation’s fastest-growing occupations.

NELP co-led the multi-year campaign for these reforms, coordinating weekly strategy calls with a broad coalition of allies, engaging directly with the Labor Department, and authoring a seminal report, *Fair Pay for Home Care Workers*, that laid out the historical and legal arguments for ending home care workers’ exclusion from core wage and hour protections. NELP testified in Congress in favor of the new rules, organized the submission of stakeholder comments on the proposed rules, published numerous op-eds urging reform, and garnered support from opinion leaders, including *The New York Times* editorial page.

In addition to helping win this crucial policy change, NELP defended the rights of home care workers by bringing two class-action lawsuits on behalf of home care workers in New York and New Jersey, challenging persistent wage and hour violations.

With the regulatory reforms having crossed the finish line, NELP is now working to ensure that the new rules, slated to take effect on January 1, 2015, are properly implemented. Home care workers in the 29 states (and Puerto Rico) that do not offer minimum wage and overtime protections under state law will gain those rights for the first time.



“For home care workers, exclusion from federal wage and hour protections meant being devalued and disrespected.”

—Cathy Ruckelshaus, NELP general counsel, in *Huffington Post* op-ed, June 28, 2013

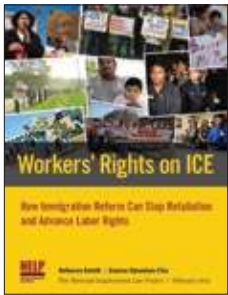
Bloomberg News

Obama Extends Minimum Wage to 2 Million Home Health Aides

September 18, 2013

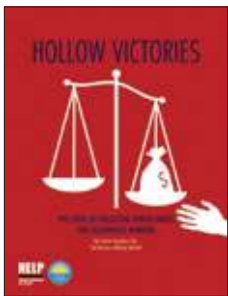
Overtuning a decades-old exemption, the U.S. Department of Labor has extended minimum wage and overtime benefits to the mostly female and minority workforce of nearly 2 million home health-care workers.... It was backed by a broad coalition of groups that advocate for low-wage workers, according to Sarah Leberstein, a staff attorney with NELP in New York.

MORE HIGHLIGHTS



Protecting Immigrant Whistleblowers from Retaliation

We won a huge victory in California with the enactment of groundbreaking legislation, co-sponsored by NELP and the California Labor Federation, that is designed to stop unscrupulous employers from retaliating against immigrant workers who stand up for their rights. A catalyst for these reforms was NELP's 2013 report, *Workers' Rights on ICE, How Immigration Reform Can Stop Retaliation and Advance Labor Rights*. The report documented nearly two dozen cases where employers used the threat of deportation to silence workers who suffered stolen wages, unsafe working conditions, and abuse on the job.



Tackling the Crisis in Collecting Unpaid Wages

A 2013 report by NELP and the UCLA Labor Center, *Hollow Victories: The Crisis in Collecting Unpaid Wages for California Workers*, exposed the challenges that workers in California face in collecting wages owed from their employers—even after state authorities rule in the workers' favor and order employers to pay. The study found that more than four in five workers are unable to recover their unpaid wages after receiving a legal judgment in their favor from the California Division of Labor Standards Enforcement. The report was covered in an exclusive story in the *Los Angeles Times*, and is an essential piece in current efforts to pass legislation to strengthen the enforceability of California's labor laws.

Securing Basic Rights for Domestic Workers

NELP continued to serve as a strategic legal partner to domestic worker advocates nationwide, working closely on domestic worker legislation in a number of states. In 2013, California and Hawaii joined New York on the list of states that have enacted a Domestic Workers' Bill of Rights, extending minimum wage and overtime protections to workers who had previously been excluded. Establishing basic labor standards ensures that domestic workers are treated fairly and with dignity in the workplace.

Los Angeles Times

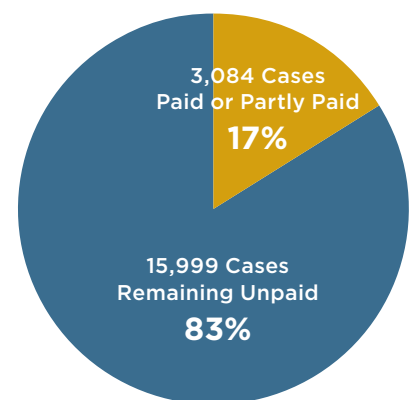
Many Low-Wage Workers Who Won Judgments Were Never Paid

June 27, 2013

Thousands of mainly immigrant workers in California who clean buildings, pick crops, wash cars, sew garments and perform other minimum- and low-wage jobs won monetary judgments against their employers but were never paid, according to a new study.

"Businesses are dissolved, licenses canceled, and it's very hard for workers to get their money," said Eunice Cho, a staff attorney in NELP's Oakland office and coauthor of the report. Advocates for low-income workers are hoping to get a new tool to collect judgments more speedily, before potential scofflaw employers can switch their identities to avoid payment.

Few Workers Recovered Unpaid Wages After Winning Judgment from California DLSE



Source: Division of Labor Standards Enforcement Judgment Collections Data, 2008-2011, all offices.

Opportunity for ALL



33

Percentage of U.S. population living in a state, county or city with a fair-chance policy in effect

NELP was instrumental in fair-hiring policy victories in California and around the nation.

A mistake from the past should not condemn a person to a life sentence of joblessness. In 2013, NELP was at the forefront of the nationwide movement to expand employment opportunities for people with criminal records.

NELP spearheaded a campaign to “ban the box” in California, winning legislation to expand this fair-hiring policy to cover not only state employment but all city and county employment as well.

“Ban the box” refers to removing from job applications the check-box that asks about an applicant’s criminal record. The policy does not ban background checks but postpones them until later in the hiring process, so that all applicants can be judged on their qualifications first, not just their record.

Around the nation, NELP lent its formidable policy, legal, and communications expertise to campaigns at the state and local levels, contributing to ban-the-box victories in five states—California, Maryland, Minnesota, Rhode Island, and Illinois—and 10 cities, including Atlanta, Tampa, Kansas City, Buffalo, and Norfolk, in 2013.

With so much momentum behind the issue, even major corporations were compelled to act: in late 2013, the Target Corporation announced that it would ban the box from its job applications nationwide. Ban-the-box has been enthusiastically endorsed by several leading newspapers, including *The New York Times* and the *Los Angeles Times*.



Ban-the-box offers hope to people who have made amends and want to work for a better life. Today, we are working to extend ban-the-box to more jurisdictions and into the private sector, and supporting advocates who want to launch their own campaigns with a comprehensive resource toolkit. As states and the nation look to mitigate the damage done by the overreach of the War on Drugs, ensuring opportunity to work is essential to reintegrating people and rebuilding strong communities.

“The expectations around rehabilitation are that you need to get a job, support your family—of course people want to do that, but if they are not even given a chance to interview, how do you get there?”

—Michelle Natividad Rodriguez,
NELP staff attorney, in the
San Francisco Chronicle,
December 10, 2013

The New York Times

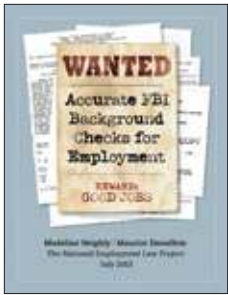
Editorial: A Flawed Background-Check System

August 18, 2013

According to a report by the National Employment Law Project, the F.B.I. performed nearly 17 million work-related background checks last year, about six times the number a decade ago.

F.B.I. background checks are widely viewed as the gold standard but are in fact woefully flawed, often based on fallible and incomplete data submitted to the bureau by state and local law enforcement.

MORE HIGHLIGHTS



Exposing Widespread Flaws in FBI Background Checks

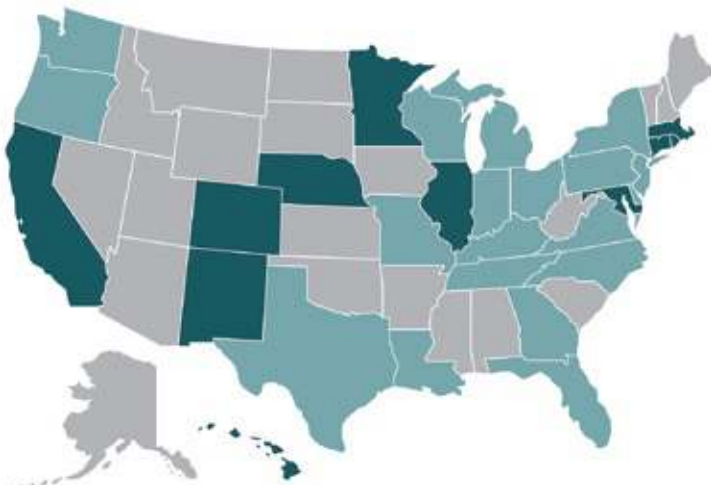
NELP's 2013 report, *Wanted: Accurate FBI Background Checks for Employment*, revealed that 50 percent of the FBI's criminal records fail to include information about the final outcome of cases, prejudicing the job prospects of roughly 600,000 workers a year. If charges were dropped, for example, employers might not know

it from the FBI report. NELP estimated that 1.8 million workers every year are subjected to faulty FBI background checks, with African Americans disproportionately affected. The report was the subject of a *Washington Post* front-page story and a *New York Times* editorial, and prompted the introduction of federal legislation to clean up the FBI's records.

Educating Employers on Fair-Hiring Standards

In 2013, NELP made great strides in spreading the word about civil rights standards governing the use of criminal background checks for employment. With the help of the U.S. Equal Employment Opportunity Commission, the Council of State Governments Justice Center, and our national network of state and local partner organizations, we educated hundreds of advocates, workforce development agency staff, and human resource professionals through webinars, trainings, and conference presentations.

11 States and More Than 60 Cities and Counties Have Adopted Ban-the-Box Hiring Laws



■ States that have banned the box
■ States where at least one city or county has banned the box

The Nation

Boxed In: How a Criminal Record Keeps You Unemployed for Life

November 5, 2013

The shrinking space for ex-offenders in the labor market has coincided with a rapid growth in the criminal background check industry. In the decade between 1996 and 2006, according to NELP's Maurice Emsellem, background checks conducted both by private agencies and through requests to the FBI exploded.

The Washington Post

Growing Use of FBI Screens Raises Concerns About Accuracy, Racial Bias

July 29, 2013

Employers are increasingly turning to the FBI's criminal databases to screen job applicants, sparking concerns about the accuracy of the agency's information and the potential for racial discrimination.

The FBI's background checks "might be considered the gold standard, but these records are a mess," said Madeline Neighly, staff lawyer at NELP.

THESE
CHECKS
FEED MY
FAMILY

WE
NEED
Jobs
Jobs
Jobs

2 million+

Number of
unemployed workers
hurt by expiration of
federal jobless aid

250,000+

Number of
Twitter posts per
month using our
campaign hashtag
#RenewUI



NELP led the battle to preserve the unemployment safety net for the nation's jobless workers.

In 2013, NELP fought to defend and strengthen the unemployment safety net for jobless workers and their families, at a time when these programs have come under heavy fire from conservative legislators.

NELP provided legal and policy expertise to partners in more than 30 states, helping to defeat some of the harshest proposals, strengthen financing of unemployment trust funds, expand benefits where possible, and spread the adoption of work-sharing laws that can help reduce unemployment in the future.

Our strategy to mitigate state attacks included actively seeking stronger oversight and enforcement from the U.S. Labor Department, which reviews state unemployment insurance laws for compliance with federal mandates. This enforcement strategy helped to restore benefits last year to contracted school bus drivers in Georgia and to hold the line on other state-level attacks on unemployed workers.

Our partnership with Florida Legal Services to blow the whistle on the state's deeply flawed online-only application system got a boost when the Labor Department issued a finding of rampant civil rights violations based on FLS's complaint. A ruling on a companion complaint jointly filed by NELP and FLS is pending.

At the federal level, NELP's analyses focused public attention on the devastating impact of the "sequester" on unemployed workers. And toward year's end, with Emergency Unemployment Compensation nearing expiration once again, NELP headed a campaign to compel Congress to renew this crucial lifeline for the long-term unemployed.

Our Renew EUC campaign produced a series of issue briefs, commissioned a poll showing strong voter support for reauthorization, secured editorial-page endorsements around the country, and placed worker and expert spokespersons in *The New York Times*, *Washington Post*, NPR's *Morning Edition*, CNN, NBC's *Today Show*, and dozens more media outlets.

Despite our efforts, Congress allowed the EUC program to lapse at the end of 2013. Currently, around 2.3 million unemployed Americans have lost this crucial aid. NELP continues to fight for a retroactive renewal of the program through 2014.

Miami Herald

Feds Blast Florida's Unemployment Compensation System for Denying Civil Rights

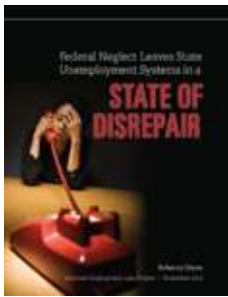
April 25, 2013

Florida recently ranked lowest in the nation for the "reciprocity rate" of jobless benefits (i.e., the number of eligible people receiving aid). Only about 17 percent of Floridians eligible for unemployment actually received them and the number of applications rejected for paperwork reasons has quadrupled since 2010, said George Wentworth, an attorney with NELP.

"The reality facing the long-term unemployed in today's job market is scary, and we have an obligation to provide them with an adequate safety net while they continue to look for jobs."

—Judy Conti, NELP federal advocacy coordinator, in *The Hill*, November 15, 2013

MORE HIGHLIGHTS



State Unemployment Systems Stuck in the 1970s

NELP's report, *Federal Neglect Leaves State Unemployment Systems in a State of Disrepair*, exposed the severe challenges facing the administration of state unemployment insurance programs and the need for a strong federal response. Thanks to decades of federal underfunding, most state unemployment offices

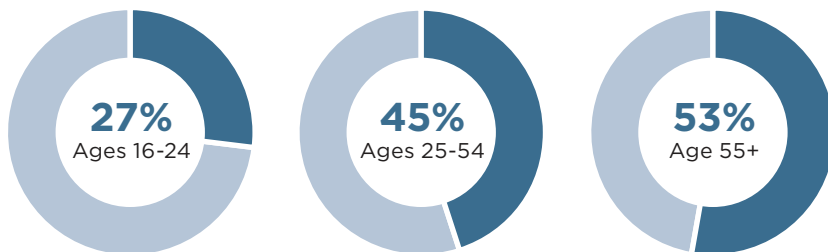
still rely on mainframes and other 1970s and 1980s technologies to process jobless claims. Jammed phone lines, unreliable online claims systems, unnecessary payment delays, and other application headaches reveal failure-prone systems in dire need of staffing and information technology upgrades.

Portrait of the Long-Term Unemployed

Our report, *Scarring Effects: Demographics of the Long-Term Unemployed and the Danger of Ignoring the Jobs Deficit*, showed that minorities, younger workers, and those without a high-school education continued to face double-digit unemployment rates, and even those with a college degree were not spared from increased joblessness. Older unemployed workers suffered the highest rate of long-term unemployment of all age groups, with more than half of unemployed workers aged 45 and older out of work for more than 27 weeks.

Long-Term Unemployment as a Percentage of Total Unemployment

By Age Group (2012 Data)



Cities Outlaw “Unemployed Need Not Apply”

In 2013, with the active support of NELP, New York City passed the strongest measure in the nation banning discrimination in hiring against the unemployed, followed by Madison, Wisconsin. NELP has been a national leader in highlighting the disturbing practice of requiring applicants to have a job in order to get a job.

NPR

Strapped States Cutting Unemployment Benefits

May 3, 2013

“Rather than making serious fixes to their financing, states are targeting benefits and trying to shore up funds that way,” says Claire McKenna, a policy analyst with NELP.

Prior to the recession, most states lowered taxes on employers. Between 1995 and 2005, 31 states reduced unemployment insurance taxes by at least 20 percent.... That brought contributions down to...a record low, according to NELP.

Portland Press Herald

Thousands of Mainers Face Loss of Jobless Aid

December 18, 2013

NELP's Mitchell Hirsch, an advocate for unemployed workers, said that it's “unconscionable” to let the [federal unemployment] program lapse.

“To have this just shut off is going to have devastating consequences... not just on Mainers, but hundreds of thousands of people and the millions of people in their families across the country.”

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 The California Wellness Foundation
 The Annie E. Casey Foundation
 Robert Sterling Clark Foundation
 Nathan Cummings Foundation
 Discount Foundation
 East Bay Community Foundation
 Ford Foundation
 General Service Foundation
 The Joyce Foundation
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¹ *Until 7/31/2013*

² *From 1/29/2014*

³ *Until 3/31/2013*

⁴ *Until 8/15/2013*

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