



LABORPRESS

□ Home » Law and Politics » Why Andrew Puzder's Appointment Would Violate Labor Law



Law and Politics



Why Andrew Puzder's Appointment Would Violate Labor Law

January 10, 2017

By Alexander Schmidt

Wolf Haldenstein Adler Freeman & Herz LLP

New York, NY – The law creating the Department of Labor and the Secretary of Labor position was signed by President Taft in 1913. The law resulted from a five-decade organized labor effort to create a cabinet-level voice for workers within the government who had an unequivocal mandated duty to advance the interests of working people.

Under the law, the Labor Department's express purpose is to "foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment."

The Secretary of Labor's job is to implement the law's purpose. To be a legally valid appointee, the Labor Secretary must in every Administration be a person who is dedicated to improving the lives, working conditions and earning capacities of American workers.



Andrew Puzder

Since 1913, even every Republican President (except George W. Bush) honored both the letter and spirit of the law by nominating Labor Secretaries who were unionists or at least trained in labor relations and potentially capable of honoring the Department's pro-labor mission:

Trump's statement that Puzder has an "extensive record fighting for workers" that "makes him the ideal candidate" for Labor Secretary is just another whopper with zero factual basis.

The Senate should reject Puzder on the ground that his appointment would be unlawful. If he is confirmed, labor unions should consider suing to remove him.

- Warren Harding appointed James Davis, a former steel worker and union member, who also served both Calvin Coolidge and Herbert Hoover.
- Hoover later appointed William Doak, once a vice-president of the Brotherhood of Railway Trainmen.
- Dwight Eisenhower initially appointed Martin Durkin, former president of the plumbers and steamfitters union, and later appointed James Mitchell, who headed labor relations for the Army and War Department and, as Secretary, was a strong advocate for labor.
- Richard Nixon's appointees were George Shultz, an MIT and University of Chicago labor economist; James Hodgson, head of industrial relations for Lockheed; and Peter Brennan, a former president of two New York City building and construction trade unions and former vice-president of the New York State AFL-CIO.
- Gerald Ford first named John Dunlop, a highly regarded Harvard labor economist who resigned when Ford vetoed a union-supported bill; Ford then appointed Willie Usery, a lifelong labor activist and president of a machinists local.
- Ronald Reagan's appointees were Raymond Donovan, once a union laborer and head of labor relations for a major construction company; William Brock, a former Congressman and Senator who as Secretary increased awareness of workplace health and safety hazards; and Ann Dore McLaughlin, who focused on emerging issues like child and dependent care and the aging work-force.
- George H.W. Bush named Elizabeth Dole, a Johnson administration veteran who championed OSHA reforms to reduce work-place injuries and illness, and Lynn Martin, who promoted skills training and gender equality in management.

Andrew Puzder has no labor background or academic training, and his positions are strongly anti-labor. He is the exact opposite of what the law requires in a Labor Secretary.

As LaborPress has documented, Puzder opposes increasing workers' minimum wages, improving sick leave programs, expanding overtime pay eligibility, and even profit sharing. He also advocates automation that will kill jobs.

<http://www.laborpress.org/sectors/political-action/9082-trump-taps-minimum-wage-foe-for-secretary-of-labor>.

January 10, 2017

