

**NOMINATION OF KEITH SONDERLING TO
SERVE AS DEPUTY SECRETARY OF LABOR**

HEARING
OF THE
**COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS**
UNITED STATES SENATE
ONE HUNDRED NINETEENTH CONGRESS
FIRST SESSION
ON
EXAMINING THE NOMINATION OF KEITH SONDERLING, OF FLORIDA,
TO BE DEPUTY SECRETARY OF LABOR

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FEBRUARY 27, 2025
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NOMINATION OF KEITH SONDERLING TO SERVE AS DEPUTY SECRETARY OF LABOR

Thursday, February 27, 2025

U.S. SENATE,
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC.

The Committee met, pursuant to notice, at 9:51 a.m., in room SD-562, Dirksen Senate Office Building, Hon. Bill Cassidy, presiding.

Present: Senators Cassidy [presiding], Murkowski, Marshall, Hawley, Banks, Husted, Moody, Murray, Baldwin, Murphy, Kaine, Hassan, Hickenlooper, Markey, Kim, Blunt Rochester, and Alsobrooks.

Also present: Senators Scott and LeMieux.

OPENING STATEMENT OF SENATOR CASSIDY

The CHAIRMAN. The Senate Committee on Health, Education, Labor, and Pensions will please come to order. Mr. Sonderling, thank you for appearing before the Committee and for your willingness to again serve the American people, this time as Deputy Secretary of Labor.

The Deputy Secretary of Labor is not only the second in command of the Department of Labor, but serves as the Chief Operating Officer managing 17,000 employees and a \$14 billion budget. The Deputy Secretary leads sub-agencies within DOL, guiding policy-making, regulation and enforcement of the Nation's labor laws.

If confirmed, Mr. Sonderling will play a crucial role in enacting President Trump's pro worker agenda. Based on his extensive experience in labor and employment policy, both as a public servant and as a law professor, it is clear Mr. Sonderling is qualified. Mr. Sonderling previously led DOL's Wage and Hour Division, and served as Commissioner to the Equal Employment Opportunity Commission, in the first Trump administration.

When President Trump nominated Mr. Sonderling as the EEOC Commissioner in 2020, the Senate confirmed him with bipartisan support. As Commissioner, Mr. Sonderling worked in a nonpartisan manner to address illegal workplace discrimination and enforce laws as Congress intended. When Democrat EEOC members attempted to disregard Congressional authority and inject progressive ideology into regulations, Mr. Sonderling opposed these efforts. I'm confident that he will bring this sense of duty and commitment to the rule of law if confirmed as Deputy Secretary.

While, at the Wage and Hour Division, Mr. Sonderling was instrumental in developing President Trump's independent contractor policy, empowering millions of workers to earn a living in the manner in which they choose. He also clarified the joint employer standard, protecting the American franchise model employing over 9 million Americans.

The Biden administration overturned these common-sense policies, enacting a labor agenda hurting workers and the Nation's economy. With President Trump back in office and new DOL leadership, I look forward to the return of pro-worker regulations at the department.

Thank you for appearing before the Committee. I look forward to hearing more about how you will implement President Trump's pro-American agenda to empower all workers and to create economic growth nationwide.

I understand that, obviously, Senator Sanders is not here. So, before we turn to the nominee for his opening statement, Mr. Sonderling will be introduced by Senator Rick Scott and former U.S. Senator, George LeMieux. Of course, Senator, we would pronounce that differently in Louisiana, but I'll give you the Englishisation so, Senator Scott, you are recognized for introductory remarks.

OPENING STATEMENT OF SENATOR SCOTT

Senator SCOTT. Thank you, Chairman Cassidy, Members of Committee. It's an honor to sit for you today to introduce a fellow Floridian, good friend, Keith Sonderling, to this Committee. I'd also like to recognize the many other Floridians here today, including Keith's parents, Barbara and Howard from Boca Raton, his wife, Fara from Aventura, also my good friend, George LeMieux.

In nominating yet another Floridian to his Administration, President Trump made an excellent choice in Keith to serve as Deputy Secretary of Labor. Throughout his career, Keith has proven time and again, his deep respect for the rule of law and his abiding interest in the well-being of American workers and business owners. I know firsthand that Keith will succeed as the Deputy Secretary of Labor.

While I was Governor of Florida, I had the pleasure of appointing him to serve on the Florida Judicial Nominating Commission, for appellate courts in South Florida when he was just 29 years old. At the time, he was one of the youngest in the state's history to serve.

He was tasked with recommending to me who should receive an appellate court judgeship. Historically serving on this commission, reserved for the most senior attorneys in the state, but we saw this as an opportunity to give young leaders with great potential a chance to gain experience and prove themselves without waiting decades to serve. Keith has done just that, and I've been incredibly proud to see his success. His effectiveness and good judgment were shown throughout his term.

He was quickly selected as chair and served with distinction. Played a significant role in reforming the nominating selection

process. At the same time, Keith excelled at the private sector by quickly becoming one of the youngest partners in one of Florida's oldest and most prestigious law firms. He has had a considerable impact throughout the state, serving leadership positions in numerous non-profit organizations.

After serving the people of Florida, Keith left us to serve all Americans and the Federal Government. During President Trump's first term, Keith served at the U.S. Department of Labor, overseeing a record number of enforcement recoveries, and writing regulations that helped workers and assisted businesses in complying with the law.

Just as I did, President Trump quickly realized Keith's potential and then nominated him as Commissioner of the Equal Employment Opportunity Commission. Like many Committee Members here today, I proudly voted for his confirmation in 2020. Throughout his career, he has gone above and beyond to reach out to American workers and businesses to provide guidance and resources to help them comply with and navigate our Country's labor laws.

I can say with full confidence that Keith has served the people of Florida and the United States with distinction, and he is supremely qualified to serve as Deputy Secretary of Labor. On behalf of the 23 million residents of Florida, thanks for making us proud and best of luck today. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Scott.

Senator LeMieux.

OPENING STATEMENT OF SENATOR LEMIEUX

Senator LEMIEUX. Thank you, Mr. Chairman. You've already heard a lot about Mr. Sonderling's impressive public service. Let me tell you a little bit about Mr. Sonderling from a perspective of a fellow Floridian and someone who worked shoulder to shoulder with him at the Gunster Law Firm.

I've known Mr. Sonderling since he started his career in law. He is an expert in labor and employment issues. He not only counseled clients on those issues, but litigated them. He's hardworking, he's fair, he's honest, he's practical, and he's a problem solver, and he will do a great job as the Deputy Secretary of Labor.

While in Florida, not only was he chairing the Judicial Nominating Commission that Senator Scott spoke about, but he was very involved in his community with the Chamber, with Leadership Florida, with Morse life. And he's a father of two young sons and a husband to his wife. They have a great family and he is a great person.

I can speak with personal experience as to his integrity and his ability to do a good job at public service. And I think that he will be unquantifiably a great Deputy Secretary of Labor. Thank you.

The CHAIRMAN. Thank you, sir.

Mr. Sonderling, do you have an opening statement, introduce your family?

STATEMENT OF HON. KEITH SONDERLING, BOCA RATON, FL

Mr. SONDERLING. Thank you, first, Senator Scott, and Senator LeMieux. Thank you so much for that kind introduction. I'm so grateful to both of your mentorships. Chairman Cassidy, Ranking Member Sanders, and other Members of the Committee. First of all, it's really an honor to appear before all of you, again, this time as President Trump's nominee to be the Deputy Secretary of Labor. I'm beyond grateful to the President for the opportunity to continue to serve our Nation.

In 2020, I had the honor of being unanimously approved by this Committee as President Trump's nominee to be a commissioner on the Equal Employment Opportunity Commission. I was subsequently confirmed by a bipartisan vote of the Senate. For the last 8 years, I have worked directly with Members of this Committee on both sides of the aisle, on issues that impact hundreds of millions of American workers and employers.

Over the past few weeks, it has been a pleasure to meet with many of you and learn more about your state's workforce challenges and opportunities. During our meetings, I promised that if confirmed, I'll continue my longstanding commitment to work together to shape the future of the American workforce through President Trump's America First agenda.

I want to take a brief moment to honor the people who have supported me throughout my life. My parents who are here today, provided a firm foundation on which I'm able to build a life of public service. My wife, Fara, my No. 1 supporter, recognizes my deep commitment to serving our Country, and of course, our two little boys, a 3-year-old and a 2-month-old, who are definitely not watching C-Span like everyone else right now.

I also want to thank my colleagues at the Department of Labor and the EEOC for the chance to work with such dedicated professionals and for everyone's encouragement for my next opportunity to serve.

On a personal note, I think it is important to share what I consider to be a fundamental characteristic of who I am. I'm the grandchild of Holocaust survivors. My interest in protecting all Americans' rights in the workplace is undoubtedly shaped by my grandparents, who despite suffering unspeakable tragedies, were able to achieve the American dream.

My grandmother, as a young girl, survived a concentration camp, only by fleeing into the woods during a death march. My grandfather escaped the horrors of the Warsaw Ghetto, and then joined the Allied Forces. My grandparents lost generations of family members during the war. Fortunately, they were able to immigrate to the United States.

However, once settled, they encountered more subtle forms of religious discrimination than those that they faced at the hands of the Nazis. Although more than willing to work, my grandparents lost employment opportunities based solely on their religious beliefs and life circumstances. It was only through their relentless hard work that they overcame the barriers put before them, ultimately paving the path for me to appear here before you today.

Yet, generations later, we are once again seeing a rise in religious discrimination. I'm proud that President Trump issued executive orders tackling the generational resurgence of antisemitism and other forms of religious discrimination, including anti-Christian bias. My grandparents' bravery and dedication to hard work serves as my family's legacy.

With this background throughout my career in public service, my philosophy on the government's role in assisting workers and employers has been steadfast. Education and outreach to workers and employers go hand in hand with strong law enforcement. When I served at the Wage and Hour Division during President Trump's first term, we achieved back-to-back record-breaking enforcement recoveries for workers, and more outreach than ever before, all with fewer resources.

My record of balancing law enforcement, providing compliance assistance, modernizing outdated regulations, and proactively addressing workplace issues, demonstrates my shared belief that under President Trump's leadership, we will be prepared for the opportunities and challenges facing the workforce over the next 4 years.

As President Trump said throughout his campaign and when he nominated Secretary Chavez-DeRemer and myself to lead the Department of Labor, we must put American Workers first and give everyone a fair shot at the American Dream. The President's vision embodies my grandparents and countless other American's legacy.

If I have the privilege of being confirmed as Deputy Secretary of Labor, I look forward to continuing to make this a reality for all Americans. Thank you for having me, and I look forward to our discussion.

[The prepared statement of Mr. Sonderling follows.]

PREPARED STATEMENT OF KEITH SONDERLING

Chairman Cassidy, Ranking Member Sanders, and Members of the Committee, it is an honor to once again appear before you, this time as President Trump's nominee to be the Deputy Secretary of Labor. I am deeply grateful to President Trump for the opportunity to continue to serve our Nation.

In 2020, I had the honor of being unanimously approved by this Committee as President Trump's nominee for Commissioner on the Equal Employment Opportunity Commission. I was subsequently confirmed by a bi-partisan vote of the U.S. Senate. For the last 8 years, I have worked directly with Members of this Committee, on both sides of the aisle, on issues that impact hundreds of millions of American workers and employers.

Over the past few weeks, it has been a pleasure to meet with many of you again and learn more about your states' workforce challenges and opportunities. During our meetings, I promised that, if confirmed, I will continue my longstanding commitment to the Members of this Committee in continuing to work together to shape the future of the American workforce through President Trump's America First agenda.

I want to take a brief moment to honor the people who have supported me throughout my life. My parents, who are here today, provided a firm foundation on which I am able to build a life of public service. My wife, Fara, my No. 1 supporter, recognizes my deep commitment to serve our Country and continues to encourage and support me. Our two boys, who are napping at home and unlike the rest of my family, not tuned into C-Span. Also, I want to thank all my current and former colleagues at DOL and the EEOC for the chance to work with such dedicated professionals and for your encouragement for my next opportunity to serve.

On a personal note, I think it is important to share what I consider to be a fundamental characteristic of who I am as an individual and as a member of society. I am the grandchild of Holocaust survivors. My interest in protecting all Americans'

rights in the workplace is undoubtedly shaped by my grandparents, who, despite suffering unspeakable tragedies, were able to achieve the American Dream.

My grandmother, as a young teenager, was forcibly taken from her family by the Nazis. She survived a concentration camp only by fleeing into the woods during a death march. My grandfather escaped the horrors of the Warsaw Ghetto and then joined the Allied forces. My grandparents both lost innumerable family members during the war. Fortunately, my grandparents were able to immigrate to the United States. They were overwhelmed with gratitude at the prospect of living and working in what they considered “the land of golden opportunities.”

Unfortunately, once settled in the United States, my grandparents encountered forms of religious discrimination more subtle than those they faced at the hands of the Nazis. Although more than willing to work, my grandparents lost employment opportunities based solely on their religious beliefs and life circumstances. It was only through their tenacity and relentless hard work that they overcame the barriers put before them, ultimately paving the path for me to appear here, before you, today.

Yet, generations later, we are once again seeing a rise in religious discrimination. I am proud that President Trump issued executive orders tackling the generational resurgence of antisemitism and other forms of religious discrimination, including anti-Christian bias.

With this background, for the past 8 years, both at the Department of Labor and the EEOC, my philosophy on the government’s role in assisting workers and employers has been steadfast—that education and outreach to workers and employers go hand in hand with strong law enforcement. One that goes hand-and-hand with President Trump’s vision of making the American Worker great again.

In President Trump’s first term, the Wage and Hour Division, where I served, achieved back-to-back record-breaking enforcement recoveries for workers and more outreach than ever before, with fewer resources. My record of balancing law enforcement, providing compliance assistance, modernizing outdated regulations, and proactively addressing workplace issues demonstrates my shared belief that, under President Trump’s leadership, we will be prepared for the opportunities and challenges facing the workforce over the next 4 years.

As President Trump said throughout his campaign and when he nominated Secretary Chavez-DeRemer and myself to lead the Department of Labor, we must put American Workers First and give everyone a fair shot at the American Dream.

The President’s vision for his Administration and the Department of Labor embodies my grandparents’ and countless other Americans’ legacy. If I have the privilege of being confirmed as Deputy Secretary of Labor, I look forward to continuing to make this a reality for all Americans.

The CHAIRMAN. Thank you. I’ll begin the questioning. Mr. Sonderling, during the first Trump administration, DOL understood that more than 27 million gig workers rely on the flexibility of independent work to make a living while balancing personal responsibilities. The Biden administration sought to strip these workers of this flexibility by implementing what has failed in California, but a California style legal framework.

As Deputy Secretary, do you commit to re-implementing the independent contractor standard used in the first Trump administration, so workers are free to earn a living in a way that works best for them?

Mr. SONDERLING. First of all, thank you Chairman Cassidy, for not only having me today at this hearing, but the time we were able to spend together, not just for this nomination, but all of our working together the last four or 5 years.

As far as referencing the independent contractor role at the Department of Labor, that rule is currently under litigation. So, if confirmed, I will certainly work with the solicitors and the department to ensure the best path forward with the current role we

have to deal with from the Biden administration that is in litigation.

However, I do have a very strong record on this, and what we did in the first Trump administration, I of course, standby because based on longstanding legal principles. We did not make up a new standard, we used standards that the Supreme Court had blessed before, and made it easier for workers to understand what the rules of the road were determining for them, if they are going to be an employee or an independent contractor for the organization they work for as well as employers, that everyone just wanted clarity.

You have my absolute commitment, not just with this rule, but every rule we do at the Department of Labor will be clear and understandable, and all comments from all sides will be reviewed.

The CHAIRMAN. The Biden-Harris administration made a number of attempts to benefit union constituencies, including by implementing rules that increase corporate control over small businesses. You signed the proposed joint employer rule during your time at Wage and Hour, and the Trump administration refocusing on who actually directs an employee's work day to day.

If confirmed, do you intend to re-implement a joint employer rule focusing on direct control instead of the Biden administration's broad unworkable standard?

Mr. SONDERLING. Well again if I'm lucky enough to be confirmed, I'm committed to looking at all the rules and regulations department. The one you referenced now, is not under litigation, but obviously that is something we're going to take a look at very closely. And it's the same analysis that I just discussed with the independent contractor role. It's how do we actually have factors that are easy to understand for both workers and employers? It's all about clarity, and it's also about not legislating from the executive branch and looking at standards that courts have approved that align with Congress's intent regarding the employment relationship.

You have my full commitment, that's exactly what I'll do as Deputy Secretary working on any rules and regulations, including the joint employer rule. But to the joint employer rule specifically. And I know that was withdrawn by the Biden administration. It was based on existing case law. It was based on four factors that had been established and that were easy to understand, to benefit both workers and employers.

The CHAIRMAN. To put a little flesh on that, I'm just going to ask you, I think you answered this, but let's just kind of drill down a little bit. Am I correct in assuming that you believe that a broad joint employer or standard hurts small businesses and employees as opposed to a more narrowly focused rule?

Mr. SONDERLING. That's correct. And that's what we documented during the first Trump administration. It wasn't ever about taking any rights away from workers. It was about what does the case law say, and how do these businesses operate in the model that they intend as business owners and how their employees also want to

be dealt with and treated. And that's always what we looked at, and that's what we'll continue to do again.

The CHAIRMAN. Sounds great. Next, the Biden-Harris administration routinely implemented a kind of one size fits all policy from its efforts to implement a California style ABC test for independent contractors to a nationwide heat standard rule, to efforts to punish rural communities by shutting down volunteer fire departments with top-down emergency response regulations.

Just as a philosophical thing, how valuable do you think it is for DOL to consider the effects on different communities before implementing a one size fits all new policy for the entire country?

Mr. SONDERLING. It's not only what we should be doing, it's what the law requires us to do under the administrative. Any rule-making we do, we need to hear from all constituents and review them and to make the best possible determination. But for your specific question, it's very important, of course, that we balance health and safety measures for workers ultimately, but also that in the case you're referencing, that fire departments are able to comply with these rules and not have to shut down and then not provide emergency services predominantly in rural areas.

The CHAIRMAN. Senator Murray.

Senator MURRAY. Thank you, Mr. Chairman. Good to see you, again.

Mr. SONDERLING. Thank you for meeting with me.

Senator MURRAY. In 2024, following an OFCCP evaluation, one of the largest global financial service companies agreed to allocate 4.2 million in payments to resolve alleged sex discrimination and undergo an outside pay equity analysis.

In his first week in office, President Trump rescinded the executive order from 1965 that authorized OFCCP to conduct that investigation. Commissioner Sonderling, do you believe that taxpayer dollars should go to companies that discriminate?

Mr. SONDERLING. Senator, first of all, thank you for the question and for meeting with me. You have been throughout my time in government, I've enjoyed working with you both in my prior nomination and this nomination. Regarding the Office of Federal Contract proceeds, compliance procedures at the Department of Labor, President Trump did rescind executive order 11246, which was the jurisdictional basis for that.

However, not a single U.S. worker has lost any civil protection rights because of that rescission.

Senator MURRAY. Well, my question wasn't that. I wanted to ask you; do you think that taxpayer dollars should go to companies that discriminate?

Mr. SONDERLING. Senator, that is not a determination that the Deputy Secretary of Labor or the Department of Labor—

Senator MURRAY. You don't want to answer the question?

Mr. SONDERLING. There's a jurisdictional issue at the now at the Department of Labor, where that executive order is no longer there. But as I committed to you before, the Department of Labor will still completely and fully enforce the laws.

Senator MURRAY. I don't think the taxpayer dollars should go to companies that discriminate. I can easily say that. Let me go on. In our meeting you suggested that Department of Labor is looking at eliminating OFCCP entirely, even though it has recovered now more than \$260 million for more than 250,000 employees and job applicants who were discriminated against by Federal contractors over the last decade. And OFCCP just today, announced plans to cut 90 percent of its staff and dozens of local offices.

Let me ask you this, do you think DOL has any role to play in addressing illegal discrimination?

Mr. SONDERLING. First of all, Senator, I'm not aware of that report, and we did discuss about how we can move forward with the rescission of the executive order and still enforce the Vietnam Era Readjustment Assistance Act, and also 503 of the Rehabilitation Act, which are still laws that the Department of Labor Civil Rights laws the department to enforce—

Senator MURRAY. I'm just asking you from your own philosophical personal position. Do you think that DOL, which you want to go to work for, has any role to play in addressing discrimination in this country? Do you think DOL should or should not?

Mr. SONDERLING. Of course, DOL is the most important agency in my humble opinion, related to all workplace rights. However, the specific question is related to discrimination, which now is the full jurisdiction of the Equal Employment Opportunity Commission under Title VII and all this—

Senator MURRAY. Well, it's interesting that you say that because, Trump fired two of the EEOC commissioners in an unprecedented move I would add, so it really has undermined our government's ability to go after an anti-discrimination. So I am, and everyone should be deeply concerned about that.

Let me go on, because I just have a minute left. And this is important. We are hearing a lot about DEI; it's thrown out there everywhere. So, I'm going to ask about some bipartisan laws passed by Congress, that were passed to make sure that underserved Americans can receive workforce training and find good employment opportunities.

I want to know if the policies in these laws that I'm going to present to you amount to DEI, the Office of Disability Employment Policy has been statutorily authorized with, I'm going to quote, "eliminating barriers to the training and employment of people with disabilities". Is that DEI yes, or no?

Mr. SONDERLING. Is important to protect all rights of disabled workers, and under my leadership, the Office of Disability Employment will continue to do that.

Senator MURRAY. That is not DEI?

Mr. SONDERLING. That is a civil rights statute that the department enforces to make sure disabled people can prosper into the workforce.

Senator MURRAY. But I'm asking if it's DEI because it's very confusing. How about the *Workforce Innovation and Opportunity Act*, WIOA? It specifically says, "Individuals with a barrier to employ-

ment and requires grantees to expand training to those individuals.” Is that DEI?

Mr. SONDERLING. WIOA is a very important law as everyone in this room has worked—

Senator MURRAY. Well, do you consider that to be DEI?

Mr. SONDERLING. I consider that to be a very important part of the department’s mission to make sure that American workers can get the training they need.

Senator MURRAY. You would say that’s not DEI? Is the *Vietnam Era Veterans Readjustment Assistance Act* of 1974, requires Federal contractors to take affirmative action to hire, retain, and promote veterans. Is that DEI?

Mr. SONDERLING. It is important to protect all of our veterans. It’s important to protect everybody in the workplace.

Senator MURRAY. Well, Mr. Chairman, I know you’re pounding your gavel, but I just think it’s pretty clear that there is no standard definition of DEI across our Federal Government. We should be very careful what we are saying and putting out there in the public.

The CHAIRMAN. Thank you, Senator.

Senator Marshall.

Senator MARSHALL. Thank you, Mr. Chairman. Mr. Sonderling, welcome. It’s good to see you again. We’ve had some great discussions about workforce development.

Look, we want everyone to have a job. And in Kansas, the biggest challenge we have is water, we’re not going to fix that today and a lack of people for the jobs that we have. That there are lots of jobs that are going unfulfilled, jobs that would pay a great salary, a starting salary, \$80,000 a year, but they’re not inside of an office. It’s using your hands, and it’s working outside in the Kansas weather as well. But what could you do at the Department of Labor to help empower the workforce to have the skillset for the jobs that we have available in the State of Kansas?

Mr. SONDERLING. Well, I really enjoyed our meeting very much, Senator, and to talk about the issues within Kansas, not just on the workforce development side but the various issues related to your workforce. And I really look forward to continuing moving on that.

As far as our discussion about workforce, I really enjoyed how we talked about there’s always going to be those vocational traits, whether it’s through apprentices or otherwise, and we need to keep encouraging individuals to go in that, who may not want that traditional 4-year degree. And that is exciting for those programs to be expanded and continue.

But as we talked about, how do we now make other types of apprenticeships cool? There’s a lot of people who don’t want to go to traditional 4-year degrees. You think about everything related to technology. You have 12-, 13-, 14-year-olds who can code and do AI better than some of the top scientists at Google. And they may not want to go to a 4-year program because they’re able to enter into

the tech workforce right now. So how do we expand apprenticeships or other opportunities?

Senator MARSHALL. Well, how do we do that? How do we do it?

Mr. SONDERLING. Through the Department of Labor. We're going to promote that and try to—in addition to the traditional vocational sides, we're going to try to get other companies to get involved in more tech type companies to get involved in this equation. So, and also work on the individual.

Senator MARSHALL. Often in DC, we work in these silos, and I think there's this opportunity that we need to work with the Department of Education. Right now, our Pell Grants are really geared up for the 4-year university graduate with a high volume of debt load and a job. That's a fraction of what you could, if you were willing to go work with your hands as well. So, what would you be advising or how could you work with the Department of Education?

Mr. SONDERLING. Well, we will work closely with our colleagues at the Department of Education to ensure that all this the Federal money, whether it's on the Pell Grants, on the WIOA, are actually going to those students who want to engage and learn different trades, learn different areas that they traditionally have not thought of using the government funds or that type of workforce training. And I think that's a messaging, and I think that's something we can all work on together on how we do that.

Senator MARSHALL. I think it's prioritizing the dollars. We have a finite amount of dollars. We have to prioritize those as well. The unions are doing just a great job with their apprenticeships, with the shorter 8-to 12-week courses as well. What can we do to amplify those—I understand there's an education part of it, but what can we do in the Federal Government level to make sure that any moneys we are given out are being able to be used for those?

Mr. SONDERLING. This is an important part of the Department of Labors employing training administration, to make sure all those Federal dollars are actually going into workforce training developments that's going to achieve results. And I think if confirmed as Deputy Secretary of Labor, I will work with that division and work with all the Senators in this room to make sure that those dollars going to your states are actually producing those results, both in what you think traditionally of the apprenticeship programs and also re-imagining different paths.

Senator MARSHALL. Yes. To me, again, I'm going back to this; prioritize. We're spending plenty of money, I just didn't know if it's going in the right places as well. What my last question looks like. How could you at the Department of Labor use resources more efficiently, ensure that these funds will be properly spent and accounted for?

Mr. SONDERLING. Well, you have my commitment, our team will look at all Federal dollars being spent from the workforce and make sure that they're getting results. These are still taxpayer funds, and we need to not only make sure that they're being used properly, but the education these students who are receiving these Federal funds are actually leading to very good jobs. And I think

that's going to be the first indication of that. And that's what President Trump's agenda is.

Senator MARSHALL. My last piece of advice is that we need to measure that success. And I hope when we get to visit here in 3 months, hope you're confirmed, is how do we measure success? And to me, it's some type of a very simple formula. We spent this much money on these different programs, and then did this person get a job when they finished? What was their debt when they started the job? What was their starting salary?

Maybe a point toward the future, what's a 10-year salary? But we have to start measuring success, and then we see how we're spending dollars on a certain program, and there's no return on that investment, then we need to eliminate those.

Mr. SONDERLING. I look forward to working with your office on that if confirmed.

Senator MARSHALL. Thank you so much, Mr. Chairman. I yield back.

The CHAIRMAN. Senator Kaine.

Senator Kaine. Mr. Sonderling, congratulations on your nomination, and welcome to your family.

Mr. SONDERLING. Thank you, Senator.

Senator Kaine. You are a senior advisor to the Acting Secretary. How many Departments of Labor employees have lost their jobs since the beginning of the Trump administration?

Mr. SONDERLING. I am a senior advisor right now at the U.S. Department of Labor. I don't have the authority over hiring and firing decisions.

Senator Kaine. Do you not know the answer to this?

Mr. SONDERLING. I do not know the answer.

Senator Kaine. Who would know the answer to the question?

Mr. SONDERLING. The acting secretary works with the career staff, both in the solicitor's office—

Senator Kaine. Do you think the Acting Secretary would know?

Mr. SONDERLING. The Assistant Secretary of Management, the professionals in the H.R. team at the U.S. Department of Labor?

Senator Kaine. Is the answer to my question one that you're interested in or disinterested in?

Mr. SONDERLING. If confirmed as Deputy Secretary of Labor Senator, that is going to be—

Senator Kaine. You work there now, you're there right now.

Mr. SONDERLING. I am a senior advisor; I don't have the authority over HR. But I will eventually.

Senator Kaine. In your testimony, you say, my interest in protecting all Americans rights in the workplace, you're including Federal employees, including the employees of your own agency, isn't that correct?

Mr. SONDERLING. I'm including every worker in the United States.

Senator Kaine. Good. I guess I know the answer to this next question, which is, do you know how many veterans have been

fired at the Department of Labor since you began working there on Inauguration Day?

Mr. SONDERLING. I do not.

Senator Kaine. Are you interested in that question or disinterested in that question?

Mr. SONDERLING. Of course, I'm interested in all the employees.

Senator Kaine. You're aware because you've worked with the Federal Government before that pretty high percentage of the Federal workforces are veterans, about 30 percent of the civilian workforce is veterans.

Mr. SONDERLING. It's a tremendous honor for the Federal Government.

Senator Kaine. Highly disproportionate number of disabled veterans. Probationary employees have been laid off in the Department of Labor as well as other agencies. Correct?

Mr. SONDERLING. That's pursuant to OPM guidance and executive order—

Senator Kaine. Just correct or incorrect.

Mr. SONDERLING. I read that as well.

Senator Kaine. Probationary employees. Just so folks know, they're not on probation because they did something wrong. What that means is they're new employees, and they tend to either be young employees or career switchers, like veterans.

Veterans serve in the military. I have a veteran who served for 25 years in the Marine Corps, lives in Dumfries, Virginia. Mr. Musel is his name, service-disabled vet, 5 years. Deployed in Iraq and Afghanistan multiple times. He left the military as a colonel in 2019 and got a job with a Federal agency for 4 years, and then he got recruited to join another Federal agency in March of last year. And he served, and now he's 30 years of service to the country, but he's a probationary employee and he just got fired.

The numbers are coming in. People like you generally can't answer questions like this in hearings, but the numbers coming in suggest that Donald Trump has fired more veterans than any President in the history of the United States in 6 weeks. Is that a good thing or a bad thing, or are you indifferent to it?

Mr. SONDERLING. If confirmed, I can promise you that I will follow all applicable law or make sure the H.R. department—

Senator Kaine. But that's not all applicable laws. The "if confirmed" line works for somebody who isn't in the building. People have been using that line if they're not in the building. I can't expect them to have answers to questions. You are a special advisor to the acting Secretary of Labor, and I've asked you a question. Is mass firing of veterans who are Federal employees a good thing, a bad thing, or are you indifferent to it?

Mr. SONDERLING. First of all I truly respect all veterans in the service of their country. I've hired veterans, veterans who've worked for me. I understand the sacrifice they've made. Personally—

Senator Kaine. Do you dispute what I am saying that veterans are disproportionately suffering by the Trump layoff policies?

Mr. SONDERLING. Senator, I haven't done the workforce analysis.

Senator KAINE. You can't dispute it, but you recognize what I've said. That 30 percent of the workforce is veterans, and veterans are disproportionately in probationary status because they've come from one Federal agency to become a civilian with the Federal Government.

Mr. SONDERLING. I can assure you that the professional career staff at HR, the Department of Labor, and the Solicitor's Office, who are complying with all executive orders and OPM directives are absolute professionals, and will follow the law, and have a duty to make sure that nobody is discriminated against.

Senator KAINE. When you are aware that the workplace is disproportionately veteran, and you engage in mass layoffs, you're disproportionately affecting veterans. The civilian workforce is less than 5 percent veteran. The Federal workforce is 30 percent veteran. You have said that you have an interest in protecting all Americans' rights in the workplace, but you can't even answer a question that I'm asking you about your own workforce.

Now, I know you've only been there for 6 weeks, but you are in a highly elevated position. You can't tell me how many folks have been fired, you can't tell me how many are veterans, you're not exactly sure who could give you the answer. You haven't apparently been interested enough to get the information to be able to answer my questions. I just want to hold you to your standard. If you want to protect all Americans rights in the workplace, that better include veterans. I yield back.

The CHAIRMAN. Senator Husted.

Senator HUSTED. Thank you, Chairman Cassidy. Mr. Sonderling, welcome, and congratulations on your nomination. On the first Friday of each month, at 8.30 in the morning, the Bureau of Labor Statistics announces a jobs report. In my previous work as lieutenant Governor of Ohio, I was in charge of economic development and workforce development, we used to watch that report very closely in instructing our work.

We would certainly though not watch it as closely as the Federal Reserve, who makes interest rate decisions based on that, and certainly not as closely as the stock market and the people who invest in this Nation, because those statistics are really important for a lot of people in making decisions about where the direction of the economy is going.

On that basis of how important that is, I was shocked in August 2024 to find out that the BLS over reported the number of jobs between March 2023 and March 2024 during the Biden administration by 818,000 jobs, 30 percent overestimate about the number of jobs that were created during that time period. That's stunning to think that could have happened by that large of a margin.

I'm interested in knowing, because this is a time when we have access to all kinds of data. We have more data and more ways to collect information than ever. I'm interested in, clearly this is a flawed system, is it subjected to manipulation? Is it incompetence or is it just an outdated way of trying to make these measure-

ments? And so, my question is, what can we do to improve that, do you have thoughts?

Mr. SONDERLING. Thank you, Senator, and for raising that issue. You and I have discussed this at length, and I think the first and foremost related to public trust in transparency in any of these positions is paramount to anything. And if the public cannot trust the Federal agencies to be doing the jobs that they're supposed to be doing, it's going to be very difficult for these agencies to continue their mission.

That's what I'm very excited about President Trump's leadership and this Administration, that's why he was voted into office to be able to bring back that public trust and transparency in these organizations. To your specific question, the Bureau of Labor Statistics that does the jobs reports where you reference on the job correction, which obviously made national news is an agency that's independent of the Department of Labor.

What I can promise you is that if confirmed, we will work with our partners at the bureau of Labor Statistics, to ensure that they have all the resources they need to be able to accurately and timely put out the job numbers without questions.

Senator HUSTED. That's great, because I think this is an incredibly important issue in terms of how decisions get made in this country. It is a matter of public trust and I would ask you to report back to us on what you learn as you take a look at this and how we can get better.

Senator Marshall talked to you a little bit about apprentices and how we can get better. Have you given any thought to the idea that a lot of jobs today we are saying you need a college degree for, but really you could just apprentice that job and credential that job, and it might not need a college degree to be able to, go to teach in high school for auto body repair or some of these many career tech kind of jobs that the workplace experience that you had out in the marketplace may be a better way for you to do this. And is there any way that we could improve upon that, do you believe?

Mr. SONDERLING. Absolutely. And this was part of President Trump's campaign to improve the life of American worker for them to have choices. And it shouldn't be workers, students should have options if they want to go to a 4-year college and pursue that. They should be able to, if they want to go into trades or vocational or any of these different apprenticeship programs, we should encourage and do both.

I think that the Department of Labor plays the strongest role ensuring for those who do not want to go to the traditional 4-year colleges to get into the many options we have on various workforce development training programs, whether it's apprenticeships or other kinds of participating bodies we have at the department in ETA related to ways to develop a workforce.

Senator HUSTED. Great. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Hassan.

Senator HASSAN. Well, thank you very much, Mr. Chairman, and good morning, Mr. Sonderling. Congratulations to you and your family on your nomination.

Mr. SONDERLING. Thank you, Senator.

Senator HASSAN. Just a couple of things. First of all, as I understand it, last week at your staff interview, you were asked some of the very questions about numbers of layoffs at the Department of Labor that Senator Kaine just asked you. And so, if you were, in fact, interested, given that you are in fact a senior advisor at the department, we would've expected you to have gone back and been prepared for those questions and had answers.

It is concerning, and it raises a little bit of skepticism on my mind about how interested you are really about who's being laid off at the Department of Labor and what kind of "process" a term I'm using loosely, because it doesn't seem there is any process with this Administration about how they're going about these layoffs was used.

But let me start with a question I've been asking all nominees. And it's a really simple question, and it is related to recent events. If directed by the President of the United States to take an action that would break the law, would you follow the law or follow the President's directive?

Mr. SONDERLING. President Trump would never ask me to do that.

Senator HASSAN. President Trump, let's just be really clear, is a convicted felon. He has violated the *Impoundment Control Act* that has been ruled constitutional by the U.S. Supreme Court. He has pardoned violent offenders, some of whom have now been re-arrested for new acts of violence, including rape, and he has just aligned the United States of America and a vote at the United Nations with two of the most brutal dictators in modern history, Russia, and North Korea. So, the notion that he wouldn't direct you to do something that breaks the law stretches—

Now, second question. I am really concerned about attempts by members of Elon Musk's DOGE effort to access sensitive data in DOL systems without proper oversight. And I have a series of questions to ask you on this topic.

First, the Department of Labor Systems include the medical information of people who file workers' compensation claims, as well as the identities and personal information of people who file other employment and whistleblower complaints against corporations. If confirmed, how will you protect sensitive personal information at DOL?

Mr. SONDERLING. Well, first of all, Senator, the U.S. Department of Labor is subject to a lawsuit by multiple unions regarding DOGE's access to the department.

Senator HASSAN. How are you going to go ahead, independent of that, what steps will you take to protect sensitive personal information at DOL?

Mr. SONDERLING. I just have to let you know that the Department of Justice is representing DOL in all DOGE matters and all questions related to DOGE are being dealt with in the court.

Senator HASSAN. It is really disappointing to me how eager you are to evade giving direct answers here. I'm also concerned that Elon Musk and any other member of DOGE could advance their

own private business interests by exploiting sensitive information or undermining investigations at DOL. These conflicts of interest are real.

If confirmed, how would you address these significant conflicts of interest? Conflicts that exist because DOGE has members who have had unfettered access to data that they can use for their personal and financial benefit?

Mr. SONDERLING. Well, broadly, in this Administration, the President's committed that there are no conflicts of interest in relating to the Department of Labor. I'm very confident in the career solicitors and the career ethics officers who will ensure that there are no conflicts within the department.

Senator HASSAN. Mr. Musk has extraordinary conflicts of interest. This is a guy who's gotten \$38 billion in subsidies from the Federal Government. This is a guy who has ongoing investigations by the Department of Labor because of complaints from his employees. This is a guy who we don't know how he plans to use the data, and whether he's planning to export it all to his own platforms to build his financial business.

You are a skilled lawyer the answers to these questions, and your unwillingness to either stand up to the President, acknowledge that this is a President who isn't interested in following the law, and refusal to tell me that you will stand up for the people who work for the Department of Labor, whose data is kept by the Department of Labor, for the workers who are supposed to count on the Department of Labor to have their back is really, really disappointing.

My last question for you is about child labor violations and what you will do to protect child labor. But seeing that I'm out of time, I'm going to yield back, and will submit that question for the record.

Mr. SONDERLING. Thank you, Senator.

Senator BANKS. Thank you, Mr. Chairman. Mr. Sonderling, I want to ask you the same question I asked Ms. Chavez-DeRemer, what does it mean to put American workers first in the 21st century economy?

Mr. SONDERLING. Well, thank you, Senator Banks. I really enjoyed our conversation and working with your team. And this is what President Trump was elected for. And this is why I'm excited to join this Administration. It's about putting the American worker first, period. And the duty of all his entire Administration, and also the Department of Labor, is to make sure that the American worker is protected in all the various areas.

Now, why I'm personally biased and excited about the Department of Labor is because it meets all the different areas that President Trump campaigned on for the workforce, whether it's protecting worker salaries, whether it's protecting retirees benefits and pension plans, whether it's helping America be healthy again through ensuring transparency in healthcare plans.

It's just the entire scope of the Department of Labor from A to Z will really help move forward the President's agenda, what he wants with the workforce, which I know I'm sounding repetitive be-

cause that's about putting the American worker first and nobody else.

Senator BANKS. Very good. Our artificial intelligence holds a lot of promise, increased productivity, innovation in the economy, but it also threatens to wipe out a lot of jobs. How do we balance those two concerns that we have? One, with growing our economy and the other with the jobs that could be lost through AI and other innovation.

Mr. SONDERLING. We have to look at this in various ways. The first and foremost position is that any use of artificial intelligence in the workforce, and something, obviously, I'm very passionate about, complies with longstanding laws or it's civil rights laws, whether it's health and safety laws, to ensure that it's being used properly on the American workforce to actually help make them more productive, help make their jobs better, safer, more secure. And there's a lot of promise with AI on that.

But on the flip side, if we don't have those American values built into it, if we don't have those civil rights protections built into artificial intelligence, not only are people potentially going to be discriminate, but the products are not going to be able to do what they are intended to do.

That's always been a passion of mine, but now in this role as the Department of Labor, it's much broader than that. Now, how do we make sure, No. 1, that the American workers are actually the ones being able to be trained on this, to be able to use it. How do we develop those programs in place, the Department of Labor, to train the next generation of workers to be confident about using AI, to not feel like it's going to make them lose their jobs, but it's going to make their jobs better.

I think that's a very important part of this Administration. And then of course we have to make sure that the products continue to be developed here and not overseas. And how do we do that, again, through that proper workforce training that we've been discussing.

Senator BANKS. It's illegal to hire illegal immigrants. But companies that hire illegal immigrants often commit other crimes, wage theft, or breaking child labor laws, for example. I assume you agree that putting American workers first means that we hold companies accountable that break the law and hire illegal immigrants.

My first question on that note is why did the Biden administration refuse to allow ICE to go into businesses to correct down on big businesses who hired illegals?

Mr. SONDERLING. Senator, I don't know what was going on during the Biden administration at ICE or the Department of Labor, but I can assure you in the Trump administration that you can enforce all laws, and you don't have to not enforce certain laws at the detriment to other laws. Whether it's immigration laws, whether it's employment laws, they can all be enforced together.

If confirmed as Deputy Secretary of Labor, you will have my full commitment that all of the laws that the Department of Labor enforces will be enforced, and all other agencies will also be able to enforce their laws equally as well.

Senator BANKS. I understand that Department of Labor shares some of these responsibilities with ICE, who is the enforcement arm. But correct me if I'm wrong, but is it true that the Biden Department of Labor blocked ICE from entering workplaces to enforce labor laws?

Mr. SONDERLING. If confirmed, I can certainly work with you on those issues to see what was going on.

Senator BANKS. But can you commit to us today that along with secretary to be, Chavez-DeRemer, that you will not block Federal law enforcement agencies from going into the workplace to enforce those laws, to put American Workers first?

Mr. SONDERLING. We will work with all of our Federal partners to make sure that all laws of the United States, and there's 180 of them at the Department of Labor, are fully enforced.

Senator BANKS. Yes, Mr. Chairman, it's crazy to me that the last Administration would block law enforcement from going into workplaces to enforce these important laws. So that's the most important commitment that I've heard today. I appreciate you being here. You have my full support. I yield back.

Mr. SONDERLING. Thank you, Senator.

The CHAIRMAN. Senator Blunt-Rochester.

Senator BLUNT ROCHESTER. Thank you, Mr. Chairman. And thank you, Mr. Sonderling, for the meeting that we had. I will tell you, I started my work here today with a list of questions. But as I've heard other Senators ask questions, I've gotten more and more concerned. I'm concerned when Senator Murray asked you if companies that discriminate should receive taxpayer dollars, you did not give a clear answer.

I'm concerned that when the question of supporting people with disabilities and protecting them with their rights came up, and the question of, well how does that relate to DEI and how does that relate to civil rights protections, you were not clear. I'm concerned that when we met, I asked you specifically about the employees at the department and how many of them were let go, or what should be the responsibility of this department for those workers, and numerous Senators asked the same question, and it still wasn't clear.

I, literally, while I was sitting here, did a Google search and found on Bloomberg Law, information about how many employees from the Department of Labor were let go. And so, I understand the saying that we or you, and this Administration support American workers, but to the people who are dealing with avian flu, to the veterans who make up almost a third of the workforce, and half of those are disabled veterans, to the individuals who were nuclear scientists that protected our safety, to all of these workers, I don't think they feel very much seen or protected and that has impact on all of us, all of our safety, all of our health.

I only really have one question. My question is, are these employees also the American workforce that you would put first?

Mr. SONDERLING. Of course.

Senator BLUNT ROCHESTER. I don't feel it, they don't feel it. We're not seeing it. And we're all starting to feel the impacts of

this arbitrary in some ways, using a chainsaw to get rid of employees that really do make a difference in our lives.

I shared with you; I was the former Secretary of Labor from the State of Delaware. What we are seeing is not workforce planning. What we are seeing is not smart when we have a national workforce shortage, and we are just firing people that we need. So that was my only question. Again, very disappointed, and again I would love not to see this same pattern of nominees coming in and saying, I'm sorry, I'm not in there yet, I can't answer that question, especially when you actually are in the department. I yield back.

Mr. SONDERLING. Thank you, Senator.

Senator MURKOWSKI. Thank you, Mr. Chairman. And Mr. Chairman, I was not here when we took the vote before the Committee to confirm or to advance Lori Chavez-DeRemer to be the Secretary of Labor. I intended to support her nomination moving out of Committee. If it's appropriate, I would ask unanimous consent to be recorded as yes, by proxy.

The CHAIRMAN. Without objection.

Senator MURKOWSKI. Thank you, Mr. Chairman. Mr. Sonderling, thank you for the opportunity for discussion last week. As I shared with you, probably at greater length than you wanted.

Mr. SONDERLING. I enjoyed it very much.

Senator MURKOWSKI. Well, you learned a lot about fish and that's Okay.

Mr. SONDERLING. Yes. Slime. We're going to do it together.

Senator MURKOWSKI. Yes, we're going to take you out there, you're going to see for yourself. But I shared with you the disappointment that I've had over the years, that the department can be an obstacle to us in obtaining H-2B workers by not processing timely these labor certifications. I shared that I think that the system is broken.

We need these workers. We would love to do nothing more than to have a hundred percent American workers. But our reality is despite every effort that we have made, we have been not successful with that. And if we don't have the workers, the fish can't be processed and we have an industry that falls to its knees. So, I really appreciate your commitment to working with me to help meet Alaska's seafood workforce needs. So, I look forward to it.

Mr. SONDERLING. You have my full commitment. We had a long, very technical discussion about the H-2B program, but I really think that's a very good example of why there's a need for that program. And as you know, the Department of Labor's jurisdiction related to this, it's not only to test the labor market, whether it be salaries or actually workforce, but this is an example where there, is no local workforce. And we need this program to be able to succeed in both Alaska, Maryland, Virginia, closer by, with the seasons and the technicalities of this.

I am fully committed to working on that with you together to make sure that the seafood seasons, which don't align necessarily with other temporary working seasons, that we are able to process those too. You have my full commitment on that.

Senator MURKOWSKI. Good. I look forward to working on that. Let me shift to our veterans. The Veterans Employment and Training Services overseas program designed to help our vets transitioning service members and our military spouses. This as important as they're seeking to gain meaningful employment. An assistant secretary for this program for vets hasn't been nominated yet.

Can you commit to prioritizing appointing a veteran who has firsthand experience with the challenges of transitioning to civilian development? Can you give me that kind of an assurance? I think it's important.

Mr. SONDERLING. Absolutely. Let me say a few things on this. It is very important in my opinion, that a veteran lead that department and one that understands the complexities of leaving service and coming into the private sector workforce, somebody could actually help them with the military codes, change it to their resume and see that the types of jobs that are best to their skills.

That's a huge part of the vet's remit to ensure that not only there's funding and training for that, but you actually can do that. I think you have my full commitment, and I'm going to speak on behalf of hopefully soon to be Labor Secretary, that we will ensure that role gets filled.

Senator MURKOWSKI. Great, thank you. I appreciate that. It is key, it's significant. And that kind of experience, you just can't replicate without having had that veteran background. I was here when Senator Hassan was talking about the sensitivity of information at Department of Labor, and know that this Senator shares the concern about the confidentiality of that.

We can talk pros and cons about how DOGE is moving through, but as I'm talking to Alaskans, one of the concerns that I'm hearing is we don't know why there are those who are gaining access. It may be fine, it may be not, but I'm nervous about it. I think that we can alleviate anxiety and nervousness by just saying your sensitive data is going to remain confidential. So, I just wanted to put that out there on the record for that.

I want to talk to you about apprenticeships and we've shared the concerns that we have in rural areas. It's just hard. You've got folks who want to be part of the skilled workforce, but I think we need to find some more creative ways to support workforce development in rural areas. Not just Alaska, other parts of the country where communities aren't kind of disconnected from the traditional workforce.

I don't know if you have any specifics that you can give me in 20 seconds, or just a commitment, but we need to focus on this rural workforce.

Mr. SONDERLING. You have my full commitment, and as we discussed through my last time at Wage and Hour, I studied the Alaska workforce, both from a DOL perspective and the needs that the Department of Labor needs to give there. And you have my full commitment that we will work together again in this Administration to make sure that all aspects of the Department of Labor Programs are available in Alaska.

Senator MURKOWSKI. Good. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Alsobrooks.

Senator ALSOBROOKS. Thank you so much, Mr. Chair. And good morning to you, Mr. Sonderling, and thank you for being here. Now, you've talked a lot in various points today included about your deep respect for civil servants and for those who are career service at the Department of Labor and the important work that they do there every single day. Yet unfortunately, this Administration continues to attack these workers.

The Department of Labor civil servants received the same e-mail, as others across government over the weekend, telling them to submit five bullet points describing the work that they had done over the last week, with Elon Musk saying to them that a failure to respond would be considered a resignation.

Now, this directive, and I believe this was the point of it, caused chaos, confusion, and fear for department employees. And the Department of Labor staff apparently received because of the sheer incompetence of this Administration, mixed messages from their supervisors on how to respond. Now, some managers told staff that the choice to respond was at their discretion. And so, I would like to know who was involved in making decisions at the department regarding the guidance that was given to department employees.

Mr. SONDERLING. Well, thank you, Senator, for that question. The directives that come from OPM, whether it's the guidance related to responding to e-mails or not, goes to the Office of Assistant Secretary for Management at Department of Labor, which is the H.R. department at DOL. So, any kind of response or not response, how to deal with it, I would have to defer to the professional staff at the H.R. department in DOL.

Senator ALSOBROOKS. Were you involved in that decision-making?

Mr. SONDERLING. I was not, and I did receive that e-mail myself.

Senator ALSOBROOKS. Well, you are a senior leader in the Administration on the landing team, is that correct?

Mr. SONDERLING. I've been in the Administration since the first day as an advisor, correct.

Senator ALSOBROOKS. Okay. And so how is it possible that you weren't involved in such a high-level decision as a person who's a senior part of the transition team? You've been there in the building, you have been a part of the landing team, how is it possible that you weren't involved?

Mr. SONDERLING. It is a large agency, and there's professional career staff that handle various aspects of the department. The specific questions you're asking about go to the professional staff in the human resources divisions, which I don't manage and I don't have authority over. And I trust them fully.

Senator ALSOBROOKS. But you were aware of these discussions?

Mr. SONDERLING. I was not involved in these discussions.

Senator ALSOBROOKS. But you were aware of the discussions and aware of the decision that was made to send this out?

Mr. SONDERLING. No. From OPM?

Senator ALSOBROOKS. From Elon Musk.

Mr. SONDERLING. I was not involved in any of that. I received the e-mail and same time everyone did on Saturday after I read about it on Twitter.

Senator ALSOBROOKS. Which I think, again, points to the sheer incompetence. To even send the e-mail to you, says something horrible about the people in the building. But given the issues with conflicting guidance, which we now acknowledge, you acknowledge that there were issues with this conflicting guidance, since you yourself received one of the ridiculous e-mails, I'd like to know, can you commit that no one will lose their job due to the perceived non-compliance with Elon Musk's order?

Mr. SONDERLING. If confirmed, and I have oversight of the H.R. department. I will commit to you that our H.R. professional career staff will follow all directives and all laws.

Senator ALSOBROOKS. Okay. That doesn't necessarily answer the question because there are people who were on maternity leave who received these messages and others. Will you commit to protect those individuals who had no opportunity to apply or respond?

Mr. SONDERLING. I will make sure that the professional career staff in the H.R. department follows all regulations and all laws, and I trust them to do that.

Senator ALSOBROOKS. Well, do those laws include collective bargaining agreements?

Mr. SONDERLING. The department, obviously, has collective bargaining agreements with various Federal Government unions. There are divisions within the Department of Labor in that same H.R. group that handles all of those. They are the professionals in managing collective bargaining agreements and the unions, and I trust them fully to do their jobs.

Senator ALSOBROOKS. Well, the reason I ask is because Ms. Chavez-DeRemer, who's here I know today, was unable to affirmatively commit to abiding to all terms and conditions of collective bargaining agreements between the Department of Agency staff saying instead, I will work with the experts to understand the collective bargaining process at the department. So, can you commit to abide by all terms and conditions of the department's collective bargaining agreement? And do you understand the collective bargaining process?

Mr. SONDERLING. I am not a traditional labor lawyer. But I know we have a lot of experts at the Department of Labor career staff in the solicitor's office that are experts in dealing with Federal Government unions and collective bargaining and I trust them.

Senator ALSOBROOKS. You're a labor and employment attorney, and you were a leader at the department for years. Correct?

Mr. SONDERLING. That's correct.

Senator ALSOBROOKS. You don't know about collective bargaining agreements?

Mr. SONDERLING. I know about them, but I would trust the experts who have done this in their entire career to help guide us.

Senator ALSOBROOKS. Thank you.

Mr. SONDERLING. Thank you.

The CHAIRMAN. Senator Hawley.

Senator HAWLEY. Thank you, Mr. Chairman. Mr. Sonderling, nice to see you again. I enjoyed our conversation the other day. I've been talking about a pro worker framework for policy and legislation that I hope to advance in this Congress doing common sense things like delivering transparency in the workforce, holding abusive employers accountable, making union elections fair and timely, getting fair and timely initial contracts when employees vote for union and boosting penalties for unfair treatment.

You and I have talked about this. You kindly offered in my office to work with me, and provide technical feedback on the legislation and other forms of support. Are you willing to reaffirm that today and to help us as we try to advance in this Congress legislation that will protect workers along the lines that President Trump has talked about and also strengthen our economy?

Mr. SONDERLING. Senator, I enjoyed our conversation. I enjoy not only your passion for the workforce, but also President Trump's vision on bringing everyone together in his Administration. And as we discussed for you or any other Senator, you have the full resources of the Department of Labor for any technical assistance on any part of the bills that this Congress decides that they would like to move forward or any of the Senators want to sponsor.

We will be there to assist, you providing technical guidance through both our political and career staff to make sure that you all can pass legislation.

Senator HAWLEY. Very good. Thank you for that. Let me ask you a little bit about artificial intelligence, which is something else that you and I discussed, and I enjoyed our conversation. You talked about your tenure at the EEOC and your role that you played, helping to determine the appropriate uses for AI in hiring. What role do you think AI should play when it comes to Federal hiring?

Mr. SONDERLING. I think that we have to look at this, whether it's the Federal Government or the private sector, the same way. The tools that are being developed out of Silicon Valley are being used in the hiring process, not just here in the U.S. but across the world. And I think the U.S. needs to obviously lead in that innovation, and we need to keep that innovation here, but how do we do that?

That's what we discussed, making sure that all these tools are designed in accordance with our longstanding loss, no matter what the use is. We talked about employment, but there's obviously a lot of different kinds of uses of artificial intelligence. And we are not going to be able to succeed as a global leader in AI without making sure that the products are developed, designed, and deployed in accordance with the laws that Congress have passed. Not new laws yet, not new government bodies but with what we have in the executive branch.

There's a lot of old laws that we can apply to this. They're not outdated. That's our job to apply.

Senator HAWLEY. Let me just zoom out on this a little bit and ask you more broadly. Many American workers are very concerned

about losing their jobs to AI, concerns that I think are very well-founded. What is your message to American workers who feel at risk from this so-called AI revolution and think, gee, pretty soon, I'm not going to have a job at all?

Mr. SONDERLING. Well, this is a very, very important conversation and another conversation on how we win making sure that all workplace workers who are going to be either using these tools, subject to these tools are not fearful that they're going to be replaced by them.

That's really working with the entire AI community, whether it's the venture capitalists, the vendors, to ensure that these products are developed, designed, and deployed with that in mind, that this is going to essentially make your job easier, better, and you could be more enjoyable and thrive more in the workplace and not having that fear of displacement.

If these tools are used to displace workers, that's a whole different conversation that we need to have before that occurs, to make sure that all protections in the workforce are built into these systems. Because if they're not, then that's a part we could use law enforcement if jobs are improperly being displaced by our artificial intelligence the same way we would do if it was by humans.

Senator HAWLEY. Yes. I'm glad to hear that answer. And I just want to register concern here that I've registered in other context, which is we hear a lot about the AI revolution and how wonderful it's going to be for workers. And I hope that's true, and I think it should be the business of this Congress to make sure it is true.

Because what I am not willing to see are large amounts of jobs, really any number of good paying jobs, ruined, destroyed, taken by AI. We have too few good paying blue-collar jobs in this country. I don't want an AI revolution that takes away even more of those jobs.

I remember when the CEO of Microsoft not so long ago, was sitting where you're sitting and testifying before a different committee of which I was a member, and he said, oh, we should love AI. It's wonderful. Soon we will automate and take away all kinds of non-creative jobs that we really don't need in this country anymore. Like everyone who might work at a service restaurant, for example, we just won't need any of those people.

I said to him that's not a utopia. That sounds to me like a dystopia. That sounds to me like you're eliminating hundreds of thousands, millions of jobs, that are often the way that workers get their foot in the door, they get into the labor force. So, I'm glad to hear your answers. I'm glad for your work, and we've got to make sure that our workers are benefiting from this technology not being ravaged and preyed upon by this technology.

Mr. SONDERLING. Thank you, Senator.

The CHAIRMAN. Senator Kim.

Senator KIM. Thank you, Chair. I actually just want to pick up exactly where they left off. I was just trying to get a little bit more clarity on your position regarding AI. I saw a quote that you had given previously where you said, "less enforcement we have", and you were talking about Federal regulation, "less enforcement we

have on AI is a good thing because employees aren't having their rights violated and employers aren't violating these laws".

I guess I just wanted to ask you more specifically, what role do you think the Federal Government can and should play when it comes to AI regulation as we're worried in a bipartisan way about job loss and replacement, not augmentation of work, but replacement.

Mr. SONDERLING. I'm not sure I said it exactly like that, but what I meant to say, if AI can actually be designed in accordance with, not only our Nation's laws and our Nation's values, we can hopefully, with a lot of qualifiers, get to a place where AI discriminates less than humans in the employment application process throughout the employee life cycle.

As a former Commissioner at the EEOC, we see that bias and employment decision-making occurs and there's a lot of statistics related to that. What I was saying, if AI is designed, developed, and deployed in a transparent matter where we can understand what the factors are that go into that, it can discriminate less, and if there's less discrimination, there's less enforcement. That was the context of that.

Senator KIM. Okay. On the employment side of things?

Mr. SONDERLING. Well, it was very much on the employment side in a very specific context. And what I was arguing there is, if we have it right, we can actually have a contemporaneous record of how an employment decision was being made.

If you think right now, how an employment decision is being made, if there's bias, we don't know what was in that hiring manager's brain. We can't crack that. And when you ask somebody if they discriminated, very rarely does ever anyone actually ever admit that. So, what I was saying is that if we get the AI transparent, we can actually see those employment decisions, see if it was fair or see if it was bias. And that's very hard to do right now without technology.

Senator KIM. That's a helpful clarification. I guess I'd like to expand it and get your sense then, kind of along the lines of what my colleague was just asking. Are there any particular industries and sectors where you think that AI and next generation technologies can get to a place where they are replacing and displacing workers? Not augmenting. I'm just wondering, are there certain areas, certain sectors, certain types of jobs you are worried about and you would want to keep an eye on as the deputy?

Mr. SONDERLING. Yes, that's a great question. And there's been a lot of very fancy studies done on this. And I'm putting my former EEOC commissioner hat on. What I was concerned with from that job is who would disproportionately impact from a discrimination standpoint?

Senator KIM. Sorry, I'm not asking about the employment side. I'm asking about actually, like are you worried about, for instance, the trucking industry? Are you worried about?

Mr. SONDERLING. Yes.

Senator KIM. I'm trying to help people in New Jersey, across this country understand what are the vulnerabilities when it comes to

our workforce, when it comes to AI, and get your perspective as someone who may very well play a critical role in this.

Mr. SONDERLING. This is where we have to use the other side of the Department of Labor to make sure that if there are people being displaced by AI jobs, which I was getting to, is inevitable, that we have the tools to be able to re-skill, upskill whatever the fancy buzz word—

Senator KIM. My question is, what jobs are you worried about? What industries are you worried about? And then we can hone in and figure out how to try to address that, how to be able to provide people in those industries, certain types of training and whatnot.

Mr. SONDERLING. Well, I mean, if you look at the jobs being displaced by generative AI, a lot of those are knowledge worker jobs. A lot of those are jobs that have been historically done within an office. And now that's an area that we need to re-skill and make sure that there are remaining parts of their job. And if not, where else in the workforce do they fit with those skills that they previously had?

Senator KIM. I just want to switch here and just switch gears. I just want to ask you; do you support the work that OSHA does regarding safe workplaces and environments?

Mr. SONDERLING. Of course, it is one of the most important missions that the Department of Labor to ensure that all workers have a healthy and safe workplace.

Senator KIM. Do you think OSHA has been sufficiently funded over the years?

Mr. SONDERLING. I am committed to doing a full workplace analysis, not just on OSHA, but every other enforcement agency within the Department of Labor to make sure that each agency has the investigative and law enforcement and safety resources that they need.

Senator KIM. There have been some efforts in the past to try to cut OSHA. When I was over in the house, we saw \$95 million proposals by the House of Republicans to cut OSHA. Does that concern you at all?

Mr. SONDERLING. If confirmed, I will look at all the, not only the workplace makeup, but also the budgetary needs for the department and work with the White House and this Congress to make sure that the agencies are able to function with the proper budget.

Senator KIM. But you recognize the importance of this, and if you're confirmed, you'll work with this Committee to make sure that it's being protected to the level that we need to ensure safe work environments.

Mr. SONDERLING. I will confirm and ensure you that for all the agencies within the Department of Labor are all very important. And as Deputy Secretary, we will make sure that everyone has the resources they need.

Senator KIM. Thank you, I yield back.

The CHAIRMAN. Senator Moody.

Senator MOODY. Thank you, Chairman. Mr. Soderling. No. 1, go Gators.

Mr. SONDERLING. Go Gators.

Senator MOODY. Important. We must get that out of the way.

Mr. SONDERLING. You missed a photo with two Florida Senator, former Senator George was here a while ago.

The CHAIRMAN. Go Gators is ruled out of order.

[Laughter.]

Mr. SONDERLING. Oh, I just lost my confirmation. Go Tigers.

[Laughter.]

Senator MOODY. I did not see the former LeMieux who I have the honor of now serving in his Senatorial line. So, it's such a privilege.

Mr. SONDERLING. You missed the forward picture.

Senator MOODY. We'll have to make up for that. The first time we met was in the office when I got to interview for this important nomination. I was so impressed with you, not just because of your incredible educational pedigree, but your grasp of what this department does, what it is meant to do, what it is not meant to do, and the way that you have volunteered so selflessly when you could be doing so much in the private world, probably to your pecuniary benefit, but using your talents and your gifts of God to benefit this Nation and this country that you love. It was very inspiring to me, and I just want you to know that.

Mr. SONDERLING. Thank you.

Senator MOODY. American labor plays a vital role in creating our wealth in this Nation. It's with the department's founding that the Federal Government sought to balance the rights of the American laborer with the innovation and growth of American industry. And this was a noble goal that was set forth in our earliest days.

Although we were not always perfect, it was through our efforts of a self-governing people, and through our innovation that we came to create the freest and most dynamic economy in the world. Yet under the previous Administration, I was surprised and disappointed when I saw the department veer from this crucial mission, and instead, take many times a hostile stand against the independence of the American worker and the productivity of American business.

Rather than facilitate the collaboration and cooperation between Americans in all sectors, the Administration seemed to divide American from American. In pursuit of political and ideological ends, Biden appointed officials over zealously interpreted the law to the detriment of Americans and attack states that deviated from their ideological line. We talked a lot about this during your interview.

In Florida, we had Federal funding threatened because our legislature, as representatives of the people of Florida, dared to pass a law that limited automatic dues withdrawals from paychecks and other common-sense reforms. And in response, I filed suit on behalf of Florida. And I believe the department can play a vital role in growing our economy, and at the same time, protecting the American worker while respecting the rights of the states to pass common sense laws.

I think it is very, very important right now at this moment in our Country's history, that the American worker and the American business and the American economy comes first. And we can do that at the same time, and I believe you and your team will make that a reality.

But the Department of Labor must return to its core mission, and that is to help make this country productive again. And I just want to get from you, Mr. Sonderling, I know we talked about several things in our meeting, but when the Biden administration threatened to withhold Federal funding after Florida enacted landmark legislation that enabled public workers to make their own decisions on whether to join a union and prohibited unions from withdrawing union dues directly from employees paychecks without their consent, we had to bring litigation over that because \$800 million was on the line to our state. I would like to know how you will prevent that from happening in the future, and do you respect the rights of states to enact common sense right-to-work laws?

Mr. SONDERLING. Thank you, Senator. And No. 1, as you know, this issue is in litigation, and the Department of Justice represents the Department of Labor. However I can assure you as Deputy Secretary of Labor, all the laws that the U.S. Department of Labor enforces will be done so fairly and without any political bias or prejudice, period.

I think to just speaking broadly about the Department of Labor under the *Federal Transit Act* related to certifying the funds going to certain states, and its very technical issue with that 13C requirement with six various elements. What I can assure you is that all elements like that, that the Department of Labor has to make a judgment call on will be done so in accordance with the law and nothing else, and no political bias will be injected into that.

You have my absolute assurance, whether it's on that issue or any issue across the board. To your second question of courts, I respect states being able to pass bills. The bill referenced Florida Senate Bill 256, Florida is completely within its jurisdiction to do that, and other states are similar as well. And I will continue to respect that as Deputy Secretary of Labor.

Senator MOODY. I want to just tell the Committee as I wrap this up, I had a whole other line of questioning regarding the lost children and the Department of Labor's involvement in that. But your preparation and ability to handle not only my interviews from some very tough questions, you were on the spot, you knew everything and had a great response to every question. I know you will serve incredibly well in this role. I have great confidence in you.

Mr. SONDERLING. No Florida bias there.

Senator MOODY. None at all.

Mr. SONDERLING. Thank You, Senator.

Senator MOODY. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Baldwin.

Senator BALDWIN. Thank you, Mr. Chairman. Mr. Sonderling, the President has indicated that he wants to bring back Presidential Impoundment authority. The *Congressional Impoundment Act* of 1974 puts limits on the President's authority to impound

funds. I serve on the Subcommittee of Appropriations that funds the Department of Labor. And I would like to hear whether you will ensure that funding decisions that are made and passed by this Congress are implemented as intended.

Mr. SONDERLING. First of all as Deputy Secretary it will be my first time really diving into the Federal budget process. And I look forward very much to working with you and ensuring that at all times, any decisions related to funding or the department's use and spending of that funding is absolutely coordinated with our Career Solicitor's office who understands those laws.

Senator BALDWIN. When Congress passes appropriation bills funding the Department of Labor and its various subdivisions, will you implement as Congress intends?

Mr. SONDERLING. I will always follow the law.

Senator BALDWIN. Okay. In the past month, you have been the senior advisor to the Acting Secretary of Labor. In that time, the Department of Government deficiency, DOGE, has received access to large data sets within the Department of Labor, which include an incredible amount of very sensitive data, including medical and financial records of Americans. Mr. Sonderling, in your role as senior advisor, how are you interacting with and working with DOGE?

Mr. SONDERLING. Well, I can assure you that everything related to DOGE at the Department of Labor is being handled right now by the Department of Justice. There was a lawsuit filed by unions against the Department of Labor related to DOGE's access to the department, the Department of Justice—

Senator BALDWIN. What is the question that is before the court with regard to DOGE's access?

Mr. SONDERLING. Whether or not they're allowed to have access to any systems of the Department of Labor.

Senator BALDWIN. You can answer then a question of have they been given access previously?

Mr. SONDERLING. I would have to refer you to the court documents that lays out all of the access.

Senator BALDWIN. Is that the question before the court?

Mr. SONDERLING. Yes. Among other things related to DOGE, but any access to any system—

Senator BALDWIN. The question is, have they even had access to the data?

Mr. SONDERLING. That was all being dealt with through the Department of Justice?

Senator BALDWIN. Can't even ask the question of whether you've interacted with anybody from DOGE in your capacity as the senior advisor to the Acting Secretary of Labor?

Mr. SONDERLING. Everything related to DOGE is tied up in the Department of Justice's defense of the lawsuit related to their access or—

Senator BALDWIN. Who could I ask this question to?

Mr. SONDERLING. The Department of Justice represents the Department of Labor in this matter and can help.

Senator BALDWIN. The Department of Justice would tell me who at Labor has had access? We need to be able to ask questions about what has happened to the sensitive data of Americans, including medical records and financial records. And you're saying you can't answer that question, even though you've been there as this access has taken place?

Mr. SONDERLING. Everything related to the DOGE's access or requested access to the Department of Labor is in litigation right now here in DC, and the Department of Justice represents the Department of Labor on all of those matters.

Senator BALDWIN. One of the sets of records that they may have access to is with regard to OSHA. OSHA collects a lot of information with regard to their enforcement of rules about workplace safety. Does DOGE have access to OSHA records at this point in time?

Mr. SONDERLING. Everything related to DOGE's, access to the Department of Labor is being dealt with is court in DC and the Department of Justice represents—

Senator BALDWIN. The access frozen during the court's contemplation of these issues?

Mr. SONDERLING. According to my knowledge of the lawsuit, which is all based on public information, there has been zero access given.

Senator BALDWIN. Can you make any comment about last week's report that OSHA closed a case regarding a worker's death at a Tesla plant in Austin, Texas?

Mr. SONDERLING. I'm not aware of that.

Senator BALDWIN. You're not aware of that?

Mr. SONDERLING. No. I would defer you to the leadership in OSHA.

Senator BALDWIN. One of the issues that I have been involved with is frankly how dangerous it is to be a healthcare worker and a social worker at this point in time in terms of workplace violence. Do you support OSHA's role in creating rules to address workplace violence faced by our healthcare personnel and social workers?

Mr. SONDERLING. If confirmed, I will assure you that I will look into this issue and work specifically with your office on this issue, because it's important to you and everyone else.

Senator BALDWIN. Mr. Chair, I've run out of time.

The CHAIRMAN. Now, I'll go to Senator Hickenlooper.

Senator HICKENLOOPER. Thank you, Mr. Chair. Thank you, Mr. Sonderling. Good to see you.

Mr. SONDERLING. Nice seeing you, too.

Senator HICKENLOOPER. Appreciate your time and access. Back on January 25th, President Trump fired the 17 Inspectors General across 18 agencies including the IG at Department of Labor. We didn't get any notice or any rationale. The Administration set goals to reduce fraud and waste but the firing of inspectors from their post stalling many of the audits on Federal resources is definitely reducing transparency with the public.

We get hundreds of calls about what's going on. Most of the questioning today has been around this stuff. But you are part of the

transition. Did you hear any rationale for getting rid of those Inspector Generals on mass, all of them at once?

Mr. SONDERLING. That was a decision that only President Trump can make as the leader of the Executive Branch. And it is within his full authority to make all personnel decisions related to the Executive Branch.

Senator HICKENLOOPER. But, did you really hear what the rationale was? I don't argue he is got the authority, I'm just curious whether he gave a rationale to you folks doing the work.

Mr. SONDERLING. I'm not aware.

Senator HICKENLOOPER. You have an acting Inspector General now, I understand.

Mr. SONDERLING. Yes.

Senator HICKENLOOPER. Is that Inspector General overseeing some of this effort to reduce fraud and waste?

Mr. SONDERLING. We do have an acting Inspector General with the full powers of an Inspector General, and that they are separate from the Department of Labor. We don't have direct oversight of them. If I'm Deputy Secretary, they're independent. So, I believe they are functioning in full capacity.

Senator HICKENLOOPER. What kind of a vetting process did this Inspector General go through?

Mr. SONDERLING. The acting general now?

Senator HICKENLOOPER. Yes, the acting, the person in place now.

Mr. SONDERLING. I'm not sure. He was here before I started, and I think he's a career employee now in the acting position.

Senator HICKENLOOPER. You have confidence in the work he's doing?

Mr. SONDERLING. I have a hundred percent confidence in the Department of Labor, in all divisions and the staff there.

Senator HICKENLOOPER. Great. And you have a broad experience in government, some of the broadest actually of people we've talked to in any of these confirmation hearings. You, obviously, understand the importance of whistle blowers, of making sure that we can get relevant information at the relevant time, and make sure that the public feels like there's no coverup, that there's no secret deals going on.

We can find ways to understand what the workers are going through and find ways to improve it to productivity, get rid of fraud and waste. What assurances are we able to give those workers that they can blow the whistle, as it were, report issues that they think are of, of real importance and yet be protected from repercussions?

Mr. SONDERLING. Well Senator, this is a very important issue for the Department of Labor. As you know, OSHA enforces over 25 whistleblower laws that Congress has determined that should be at the Department of Labor, even for areas outside of our jurisdiction. So, it is a very important part of the Department of Labor to deal with whistleblower cases across many Federal statutes.

To your specific question, there are whistleblower laws. As a former EEOC commissioner, there is also retaliation protection re-

lated to some of those laws as well. And I can assure you that all laws that the Department of Labor enforces we will continue to do that.

Senator HICKENLOOPER. Great. I appreciate that. Last, and you'll remember when we talked to—a mayor for a while, Governor for 8 years, mayor for 8 years, and we did work to make Government smaller. And one of the things you and I discussed this a little bit, but when you're having layoffs and we've seen layoffs now in six of the departments in labor, the morale is so important.

What steps do you anticipate taking when confirmed, if confirmed? How do you go about addressing the issues about morale? Because we are hearing from a number of employees, not even people that have been laid off, but employees that are there, they feel disheartened, disenchanting that their morale is very low.

Mr. SONDERLING. Yes. I think two things. One, if confirmed, I'll make sure that all applicable laws and regulations are applied in any kind of workforce development changes. No. 2, I think it's very important, and I think the Department of Labor employees and all employees throughout the Federal Government truly believe in their mission. And I think a lot of it is going to be refocusing on the purpose of these agencies and at the DOL to protect the American workforce.

Senator HICKENLOOPER. Right. Well, there are no laws about morale. So, I guess I'll end it there. Thank you.

Mr. SONDERLING. Thank you, Senator.

The CHAIRMAN. Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman. Very much. Mr. Sonderling, I believe that workers should be able to clock into work knowing that they'll return home safe. When my father was a young man working in a factory, his finger got chopped off. And the boss said to him, you should probably go to a doctor John, and see you at work on Monday.

My father used to use another finger on the same hand to describe his attitude toward the boss. And that was before OSHA was put on the books as a law. And he would make fun of that situation with us, but we know that he missed his finger.

Now, at the time, Republicans said, well, if you put something like OSHA on the books, it's Marxist. You can't have that kind of Marxism going into the private sector. It's just a private bargain between an individual and the worker and the company. But of course, my father didn't view it that way. He supported OSHA being put on the books.

200 workers lose a finger or an arm or a leg at work every single month in America today. 200 Americans, an arm, a leg, or a finger at work every single month. And there are also 5,000 workplace fatalities every single year in the United States of America, which translates into about 15 workers dying every single day across our Country. So even with OSHA on the books, and it was much worse, no question, it was much worse in the forties, in the fifties, Okay. But it still is a lot of people every single day.

Yet, according to the Department of Labor's own data, there's only one health and safety inspector per 4,300 workplaces and

70,000 workers in the country, even today. It's all of us, one per 4,300 workplaces.

When the Department of Labor can't enforce worker safety laws, it's a handout, obviously, to greedy companies that abused their workers for profit. In 2023, for example, Amazon brought in \$30 billion in profit. And that same year, one in 15 Amazon warehouse workers were injured on the job, breaking their own backs, toiling under oppressive surveillance, punitive speed quotas to make a buck for their boss.

Yet since President Trump was inaugurated, he and Elon Musk have fired Department of Labor employees. They have deleted worker safety information; they've deleted the worker safety information from their Web sites. And yesterday they demanded the department create a plan for mass staff layoffs.

Mr. Sonderling, do you commit today to protecting workers from employers like Amazon, so that every worker can go to work knowing that they will come home safe at the end of the day to their families?

Mr. SONDERLING. Senator Markey, thank you for that story about your father, is one I may use moving forward, if that's Okay. As far as you have my full commitment, and I wouldn't be here today if it wasn't for protecting the American worker for worker safety.

You have my full commitment if confirmed as Deputy Secretary of Labor, I will go through each law enforcement agency and make sure that there's adequate resources, including in determining that the investigators are in the places they need to be with the highest violations.

Senator MARKEY. You'll oppose any action that would make workers less safe. You would oppose any action?

Mr. SONDERLING. That the law is to make the workers safe. And I'll uphold the law.

Senator MARKEY. You would oppose any action that would reduce safety?

Mr. SONDERLING. What I read—

Senator MARKEY. Is that yes? You will oppose anything that would reduce safety.

Mr. SONDERLING. I have confidence that you—even in the OPM directive, in the executive order, it says the health and safety inspectors are exempt—

Senator MARKEY. Would you oppose taking a chainsaw to the resources at the agencies that would enable the Department of Labor to enforce those worker safety laws; would you oppose that?

Mr. SONDERLING. I would give you my assurances that I will work with all the law enforcement agencies to have the resources they need.

Senator MARKEY. Yes. I'm not hearing a yes. Would you oppose anything that would actually result in an increase in the number of fingers, arms, other body parts that are cut up? Would you oppose anything that would manifestly result in an increase in the danger to work is in the workplace over in the year 2025 or 2026?

Mr. SONDERLING. If confirmed, you have my assurances from both the secretary and I that we will do everything to protect worker safety.

Senator MARKEY. I appreciate what you're saying, you'll oppose anything that will increase the number of people losing their fingers?

Mr. SONDERLING. We will faithfully Enforce the law with all the department's resources.

Senator MARKEY. I'm not hearing a yes. Again, my father would want a yes. Okay. I'm listening to you, Papa. I can't get the answer from him. And I know that he sounds a lot like the boss that you were not happy with. I just need guarantees here, and I'm not hearing the guarantees to make sure the corporations can't increase profits at the expense of the public health of workers. Thank you.

Mr. SONDERLING. Thank you, Senator.

The CHAIRMAN. This concludes our hearing. Thank you for being here, Mr. Sonderling.

Mr. SONDERLING. Thank you, Senator.

The CHAIRMAN. For any Senators who wish to add additional questions, questions for the record will be due by tomorrow at 5 p.m. And again, we gavel out.

QUESTIONS FOR THE RECORD

RESPONSES BY KEITH SONDERLING TO QUESTIONS OF SENATOR MURRAY, SENATOR KAINE, SENATOR HASSAN, SENATOR HICKENLOOPER, SENATOR MARKEY, SENATOR BLUNT ROCHESTER AND, SENATOR ALSOBROOKS.

SENATOR MURRAY

Question 1. In your current role on the transition team at the Department of Labor, what are your job duties?

Answer 1. My role as a volunteer on the Trump-Vance transition team ended when President Trump was inaugurated on January 20, 2025. Since then, I have been a full-time employee at the U.S. Department of Labor as a Senior Advisor.

Question 2. In response to questions at your hearing, you noted that you received an e-mail from the Office of Personnel Management (OPM) on Saturday, February 22, 2025 with the subject line "What did you do last week" asking you to reply with five things you did last week. Did you reply?

- (a). If you did reply, what were the five items you listed?
- (b). If you did not reply, why not?
- (c). Do you believe it is appropriate for OPM to circumvent leadership at a Federal agency and provide direction directly to an agency's employees?

Answer 2(a)—(c). Yes, I did reply. I listed five asks related to my confirmation hearing and my job as an advisor to the Department. I understand and respect that the Office of Personnel Management is responsible for providing direction to executive branch employees, including those at the Department of Labor.

Question 3. In your current role on the transition team at the Equal Employment Opportunity Commission, what are your job duties?

- (a). Were you involved in the decision or implementation of the decision to stop processing charges related to gender identity?
- (b). Were you involved in the decision or implementation of the decision to dismiss Commissioners Charlotte Burrows or Jocelyn Samuels?

Answer 3(a)—(b). My role as a volunteer on the Trump-Vance transition team ended when President Trump was inaugurated on January 20, 2025. Since then, I have been a full-time employee at the U.S. Department of Labor as a Senior Advi-

sor. The decisions you reference occurred after my tenure at the Equal Employment Opportunity Commission, in which I had no involvement.

Question 4. At your hearing, you promised a review of each civil law enforcement division of the Department of Labor to ensure that they have the resources necessary. What criteria will you use to determine if they have the necessary resources?

Answer 4. If confirmed, I will work with the Secretary of Labor and leadership at all of the Department's civil law enforcement agencies to discuss their needs and ensure they have the resources necessary to fulfill their individual missions to protect workers. This includes learning more about where law enforcement and compliance are needed. Evaluating metrics will provide a better understanding of where certain resources should be shifted and applied, to better serve the American worker.

Question 5. What does the Federal trust responsibility to Tribes mean to you?

(a). What role do you believe the Department of Labor plays in fulfilling the Federal trust responsibility?

(b). How will you ensure that the Department of Labor's budget requests, funding allocations, staffing levels, and implementation of policies will uphold and advance the Federal trust responsibility to Tribes?

(c). What steps will you take to ensure that government-to-government consultation between the Department of Labor and Tribes is a meaningful and enforceable process, rather than a box checking formality?

Answer 5(a)–(c). I am aware that the Federal trust responsibility requires the Federal Government to respect tribal rights, which may include treaties between the Federal Government and various tribal nations. If confirmed, I will work with the experts at the Department to identify how the Department is meeting its Federal trust obligations. As I work with the Secretary and agency leadership on the Department's budget request, I will keep this responsibility in mind. At the Equal Employment Opportunity Commission, I spent considerable time with various tribal communities, including those in Washington State, providing resources and compliance assistance on employment laws.

Question 6. In our conversation, you indicated that one of the core functions of the Department of Labor is as a law enforcement agency. At hearing, you also indicated that the Occupational Safety and Health Administration (OSHA) has an important public safety function and would be exempt from the February 26, 2025 Office of Management and Budget Memorandum regarding "Guidance on Agency RIF and Reorganization Plans Requested by Implementing the President's 'Department of Government Efficiency' Workforce Optimization Initiative." By its own terms, the memorandum excludes "[p]ositions that are necessary to meet law enforcement, border security, national security, immigration enforcement, or public safety responsibilities." Do you believe OSHA should be exempt from the requirements of this memo? If not, why?

(a). Do you believe that the Wage and Hour Division should be exempt from this memorandum? If not, why?

(b). Do you believe that the Mine Safety and Health Administration should be exempt from this memorandum? If not, why?

(c). Do you believe that the Office of Federal Contract Compliance Programs should be exempt from this memorandum? If not, why?

(d). Do you believe that the Office of the Solicitor should be exempt from this memorandum? If not, why?

Answer 6(a)–(d). I am committed to the Department's important mission of ensuring that employees work in safe and healthful environments. The OPM Directive and Executive Order 14210 you reference contains exemptions for law enforcement and public safety roles. If confirmed, I commit to working with the experts at the Department including the Office of the Solicitor, as well as those in the Administration, to determine the appropriate exemptions and ensure the protection of American workers.

SENATOR KAINE

Question 1. How many Department of Labor employees have been fired, furloughed, or placed on administrative leave since January 20, 2025? How many of those were veterans of the United States military?

Answer 1. The Department of Labor's Office of the Assistant Secretary for Management is responsible for all human resource decisions at the Department. I have

full faith and confidence that the staff in this office is complying with all applicable laws while reviewing Executive Orders and the Office of Personnel Management guidance.

Question 2. In 2021, Long COVID was included as a disability under the *Americans with Disabilities Act* (ADA). This allows individuals to seek appropriate accommodations at work or school. However, as of February 11, Long COVID is no longer listed on AskJAN's directory. The Web site provides key resources and suggestions for accommodations. Why was this removed? If confirmed, will you ensure that you and other officials at the Department of Labor will continue to prioritize Long COVID to support the millions of individuals who are living with the disease?

Answer 2. If confirmed, I look forward to being briefed on the resources offered by the Office on Disability Employment Policy, including the Job Accommodation Network. I will work with the experts at the Department, including the Office of the Solicitor, to ensure that any and all resources be made available to stakeholders provided those resources are offered in accordance with the applicable law and the Administration's priorities.

Question 3. Our Nation's coal miners have worked for decades to keep the country's lights on and manufacturing plants running, which has resulted in a Black Lung epidemic in our Country. A study was conducted between 2013 and 2017 in Southwest Virginia, where over 400 miners were identified to have progressive massive fibrosis—which is a very complicated form of Black Lung. Many coalfields in Virginia have been coaled out, leaving miners to cut through stone and rock, resulting in silica dust inhaling. Researchers have found that exposure to silica dust, in particular, is causing severe and complicated forms of Black Lung disease that affect folks at a younger age. At my urging, the Mine Safety and Health Administration finalized a rule to reduce miner exposure to silica dust. Coal mines will have to come into compliance with the rule's requirements by April. I'm hopeful this will help reduce the risk of this debilitating disease. As Secretary, will you agree to implement and enforce the new silica dust standard? Will you work with Congress to ensure MSHA has the resources to properly and effectively implement the new silica dust standard?

Answer 3. Protecting workers against safety and health hazards is one of the Department's essential core responsibilities. The Mine Safety and Health Administration's rule lowering its crystalline silica permissible exposure limit is the subject of ongoing litigation. If confirmed, I will work with Congress to ensure that all Department agencies, including Mine Safety and Health Administration, have the resources needed to fulfill their respective missions.

Question 4. Analysis from Appalachian Voices and Appalachian Citizens Law Center finds that the cost of living in many coal communities is significantly higher than Black Lung benefits payments. The report—*Benefits for Coal Miners with Black Lung Falling Behind*—finds that in some places, the average monthly cost of living for a miner and a dependent is \$3,000 more than benefit payments. Benefit levels are currently tied to the Federal pay scale rather than the cost of living, which disconnects benefit levels from inflation. In 2023, inflation rates were 8 percent, but benefit levels increased by just 4 percent. We must ensure those who sacrificed their health in the mines do not have to choose between groceries and rent by aligning the payments to miners with the actual cost of living. As Secretary, how will you close the growing gap between the cost of living and the stipends paid to miners with Black Lung and their families?

Answer 4. I understand and appreciate the critical role of our Nation's coal miners, and I fully support the Department's mission of protecting workers against workplace hazards, including in mining. No worker should ever have to worry that once they leave their home, they could be injured on the job. If confirmed, I will work with the experts at the Department to ensure the health and safety of our coal miners and retired miners living with Black Lung disease.

SENATOR HASSAN

Question 1. In 2023, the Department of Labor launched an interagency task force with the Department of Justice, the Department of Homeland Security, and other Federal agencies to enhance investigations into child labor and hold violators accountable.

If confirmed, will you commit to continuing this interagency partnership and vigorously enforcing child labor laws against violators?

Answer 1. If confirmed, our child labor laws will be vigorously enforced, and violators will be held accountable. I look forward to working in cooperation with other

Federal agencies to that end. Upon taking office, I will commit to carefully reviewing the current interagency relationships alongside the Secretary of Labor to ensure that all the resources of the Federal Government are used efficiently and effectively to protect children and the American worker.

SENATOR HICKENLOOPER

Re. Advisory Committee on Apprenticeship

Question 1. On Thursday, February 26, 2025, President Trump announced that he was closing the Department of Labor's Advisory Committee on Apprenticeships. This is concerning as the advisory committee convened a wide array of our Nation's experts on apprenticeship, including policy researchers and apprenticeship sponsors, to help share best practices and improve stakeholder engagement with our national apprenticeship system.

Closing this committee runs counter to this Administration's commitment to support efforts to strengthen and expand apprenticeship programs.

- (a). What was the rationale for closing the Advisory Committee?
- (b). How do you plan to convene and receive feedback from apprenticeship experts, who have been essential to informing policies?

Answer 1(a)—(b). The President's Executive Order entitled *Commencing the Reduction of the Federal Bureaucracy* sets forth the Administration's policy for reducing the size of the Federal Government to minimize waste, fraud, abuse, and inflation and to promote American freedom and innovation. The Department determined that a number of advisory committees, including the Advisory Committee on Apprenticeship, fulfilled the purposes for which they were established. We will continue to engage with a broad range of stakeholders in this effort and look forward to working with your office. Expanding high-quality apprenticeships and engaging more Americans in this proven pathway to career success is a priority for the Department of Labor as it delivers on President Trump's America First agenda.

Question 2. In 2020, DOL issued guidance that enabled retirement plans to expand the default use of e-delivery for plan documents. Are there benefits to expanding this flexibility to health and welfare plans?

- (1). What guardrails would you recommend policy makers put in place to make sure that as we modernize document delivery, account updates remain timely and accessible, particularly for customers who face challenges to access or navigate technology?

Answer 2—(1). The Department of Labor administers many legal provisions that ensure workers and retirees understand their employee benefits. As you noted, in 2020, the Trump administration finalized a regulation that made it easier for retirement plans to utilize default electronic delivery of these mandatory disclosures. I am also aware of bipartisan interest in modernizing these rules for health and welfare plans to reduce administrative costs and improve the usefulness of the disclosures for workers. If confirmed, I look forward to being briefed on the potential benefits and challenges of modernizing these regulations and consulting with all stakeholders in a transparent manner.

SENATOR MARKEY

Question 1. If confirmed, do you commit to ensuring the Department of Labor (DOL) abides by all terms and conditions of collective bargaining agreements between the Department of Labor and agency staff?

Answer 1. If confirmed, I will follow the law and work with the experts at the Department, including the Office of the Solicitor, to understand the collective bargaining process at the Department and the terms and conditions of the collective bargaining agreements in place. I commit to working with the Solicitor's Office and the Department's human resources experts, along with any directives from the White House, when making employment-related decisions.

Question 2. If confirmed, do you commit to advising the Secretary of Labor and any other administration official that the Department of Labor (DOL) must abide by all terms and conditions of collective bargaining agreements between the Department of Labor and agency staff?

Answer 2. If confirmed, I will follow the law and work with the experts at the Department, including the Office of the Solicitor, to understand the collective bargaining process at the Department and the terms and conditions of the collective bargaining agreements in place. I commit to working with the Solicitor's Office and

the Department's human resources experts, along with other Executive Branch agencies, when making employment-related decisions.

Question 3. If confirmed, do you commit to working to reinstate any Department of Labor employees fired in violation of law or in violation of collective bargaining agreements?

Answer 3. If confirmed, I will work with the Secretary of Labor and the experts at the Department, including the Solicitor's Office and human resources professionals, to ensure all personnel actions at the Department of Labor are taken in accordance with the law. I respect the authority of the President to make personnel decisions across the Executive Branch, including at the Department of Labor.

Question 4. If confirmed, what steps will you take to ensure that career personnel within the Department of Labor are protected from politically motivated dismissals and reassignments?

Answer 4. If confirmed, I will work with the Secretary of Labor and the experts at the Department, including the Solicitor's Office and human resources professionals, to ensure all personnel actions at the Department of Labor are taken in accordance with the law. I respect the authority of the President to make personnel decisions across the executive branch, including at the Department of Labor.

Question 5. President Trump's actions related to the disbursement of Federal funding, funding freezes, and funding cuts have created widespread confusion and halted critical government programs. What will you do to ensure DOL funding—which was appropriated by Congress—is disbursed to DOL grantees on time and in full?

Answer 5. If confirmed, I will follow all applicable laws.

Department of Government Efficiency (DOGE)

Question 6. In the past several weeks, documents that include the words “diverse” and “gender” have been removed from the Department of Labor Web site, including ergonomic guidelines for employers on workers' risk of musculoskeletal injury, guidance for emergency medical services responders on treating toxic exposure victims, and best practices from health care facilities addressing workplace violence.

(a). If confirmed, do you commit to ensuring that these documents are made available again?

Answer 6—(a). The Department of Labor provides the public with documents on important occupational health and safety topics to help workers understand best safety practices at work. I have been made aware that certain guidance has been temporarily taken down for editing to ensure it is compliant with President Trump's Executive Order 14151. If confirmed, I look forward to working with the Department and the Secretary of Labor to ensure compliance with all of the President's Executive Orders and to ensure employers have the information they need to maintain a safe working place.

Question 7. The DOL's “*worker.gov*” Web site has been disabled. If confirmed, do you commit to ensuring this Web page is made available again?

Answer 7. I am proud of the role I played in the creation of *Worker.Gov* during President Trump's first administration. I have been made aware that certain guidance has been temporarily taken down for editing to ensure it is compliant with President Trump's Executive Order 14151. If confirmed, I look forward to working with the Department and the Secretary of Labor to ensure compliance with all of the President's Executive Orders and to ensure employers have the information they need to maintain a safe working place.

Question 8. The DOL's “*employer.gov*” Web site has been disabled. If confirmed, do you commit to ensuring this Web page is made available again?

Answer 8. I am proud of the role I played in the creation of *Employer.Gov* during President Trump's first administration. I have been made aware that certain guidance has been temporarily taken down for editing to ensure it is compliant with President Trump's Executive Order 14151. If confirmed, I look forward to working with the Department and the Secretary of Labor to ensure compliance with all of the President's Executive Orders and to ensure employers have the information they need to maintain a safe working place.

Question 9. If confirmed, what will you do to ensure Elon Musk and DOGE personnel do not interfere with workplace safety enforcement and wage compliance efforts?

Answer 9. As you are aware, these issues are in litigation. The Department of Justice is representing the Department of Labor in that matter. I therefore refer all questions related to these issues to the Department of Justice. If confirmed, I will always follow the law as I have throughout my career in public service.

Question 10. If confirmed, what will you do to ensure that DOGE personnel do not compromise the integrity and confidentiality of data in DOL systems and data bases? What will you do to ensure that DOGE personnel do not harvest or modify data in DOL systems and databases?

Answer 10. As you are aware, these issues are in litigation. The Department of Justice is representing the Department of Labor in that matter. I therefore refer all questions related to these issues to the Department of Justice. If confirmed, I will always follow the law as I have throughout my career in public service.

Question 11. What will you do to protect employer and worker data and other confidential information or materials from DOGE personnel?

Answer 11. As you are aware, these issues are in litigation. The Department of Justice is representing the Department of Labor in that matter. I therefore refer all questions related to these issues to the Department of Justice. If confirmed, I will always follow the law as I have throughout my career in public service.

Worker Safety

Question 12. Does the Department of Labor have sufficient resources to enforce worker health and safety laws?

- (a). What additional resources does OSHA need to effectively enforce health and safety laws at workplaces within its jurisdiction?
- (b). What additional resources does the Wage and Hour Division (WHD) need to effectively enforce health and safety laws at workplaces within its jurisdiction?
- (c). If President Trump and Elon Musk achieve their goal of cutting 10 percent of the Federal workforce, how could the Department of Labor adequately enforce the laws it is tasked to enforce?

Answer 12(a)—(c). I am committed to the Department of Labor's mission to enforce health and safety laws. If confirmed, I look forward to working with the experts at the Department to assess available resources and identify any additional needs. While the President proposes the budget, it is ultimately up to Congress to determine funding. I am committed to supporting the President in developing budget proposals that prioritize the protection of American workers, and I will ensure that any resources allocated are used efficiently and responsibly.

Question 13. Amazon is the second largest private sector employer in the country, with over one million workers. Amazon uses a punishing quota system powered by invasive surveillance technology to enforce speed standards. In 2023, one in 15 Amazon workers were injured on the job. What should the Department of Labor be doing to promote warehouse worker safety?

Answer 13. I am committed to the Department of Labor's mission to enforce health and safety laws. If confirmed, I look forward to hearing from you and other stakeholders about this important issue. I will commit to engaging with the public in a transparent manner to evaluate regulatory needs. The Department will uphold the highest standards of occupational safety, ensuring that rules prioritize the well-being of workers while being clear, practical, and achievable for employers.

Question 14. While you served as Acting Administrator of the Wage and Hour Division, the Department of Labor launched the Payroll Audit Independent Determination (PAID) Program, which prohibited workers from taking private action regarding Federal minimum wage and overtime violations if their employers self-reported those violations. If confirmed, do you commit to protecting workers' rights to take private action if they are the victims of wage and overtime violations, regardless of how those violations are discovered?

Answer 14. If confirmed, I commit to working with the staff at the Wage and Hour Division to ensure workers' rights are protected and employers receive clear and transparent guidance from the Department about their obligations.

Question 15. While Acting Administrator of the Wage and Hour Division, you wrote a memo to an undisclosed company asserting that their workers were contractors and exempt from Federal labor law despite receiving work assignments, pay, and supervision from an app-based platform. Do you believe a company providing

work assignments, pay, and supervision to workers should be exempt from Federal labor law?

Answer 15. I believe it is vital that both employers and workers have clarity and guidance on employee or independent contractor classification under the *Fair Labor Standards Act*. The memorandum that you reference was an opinion letter which addressed the issue of employee or independent contractor classification under the *Fair Labor Standards Act*. Since that opinion letter was drafted, the Department implemented a rule under the previous administration dealing directly with this issue. I understand that this rule is still in litigation. If confirmed, I will commit to carefully reviewing all regulations under the Department's jurisdiction and working with my colleagues in the Solicitor's Office and at the Department of Justice as appropriate on regulatory litigation.

Question 16. While you served at the Department of Labor, the Department rescinded a rule requiring businesses employing more than 250 people to document and keep records of workplace injuries and illnesses for 5 years. Do you maintain support for employers not keeping records of workplace injuries and illnesses?

Answer 16. I am committed to the Department of Labor's mission of enforcing workplace health and safety laws. If confirmed, I will consult with the experts at the Occupational Safety and Health Administration and the Office of the Solicitor to review all regulations to ensure that they are adequate to ensuring safety in the workplace, including current OSHA rules on record keeping.

Question 17. While you served at the Department of Labor, the Department rescinded a rule requiring Federal contractors to disclose *Fair Labor Standards Act* violations and encouraging contractors to follow labor law. Do you maintain support for Federal contractors not having to disclose these violations?

Answer 17. The rule you mentioned was subject to a joint resolution of disapproval under *Congressional Review Act*, which was passed by both chambers and signed into law by the President. The Department fulfilled its obligations under the *Congressional Review Act* and rescinded the rule, in compliance with that intent of Congress. As I have throughout my career, I will always obey the lawful decisions made by Congress.

National Labor Relations Board (NLRB) and Equal Employment Opportunity Commission (EEOC)

Question 18. President Trump recently illegally fired NLRB Board Member Gwynne Wilcox in violation of the *National Labor Relations Act*. Do you believe that this firing was illegal?

Answer 18. I respect the authority of the President to oversee the Executive Branch and make decisions related to personnel.

Question 19. Do you believe the NLRB should exist as an independent agency?

Answer 19. The National Labor Relations Board plays a critical role in the protection of employment rights. I respect the authority of the President to oversee the Executive Branch. If confirmed, I will ensure the Department of Labor fulfills its mission to the American worker.

Question 20. President Trump recently fired EEOC Commissioners Charlotte Burrows and Jocelyn Samuels. Do you believe that this firing was illegal or unconstitutional?

Answer 20. I respect the authority of the President to oversee the Executive Branch and make decisions related to personnel.

Question 21. Do you believe the EEOC should exist as an independent agency?

Answer 21. The Equal Employment Opportunity Commission plays a critical role in the protection of employment rights. I respect the authority of the President to oversee the Executive Branch. If confirmed, I will ensure the Department of Labor fulfills its mission to the American worker.

DOL Good Jobs Initiative

Question 22. The Good Jobs Initiative facilitated partnerships between DOL and other Federal agencies to ensure Federal infrastructure investments created good jobs. Do you support the Good Jobs Initiative?

Answer 22. If confirmed, I will commit to working with the experts at the Department to learn about all the workforce programs at the Department and ensure those programs are in line with the America First policy agenda.

Question 23. If confirmed, what will you do to ensure DOL is working with other Federal agencies to ensure they prioritize the creation of safe, high-quality jobs in grant making and procurement processes?

Answer 23. If confirmed, I will ensure the Department works collaboratively with other agencies to provide guidance and technical assistance on the creation of safe, high-quality jobs so all Americans have a pathway to achieve the American dream.

Question 24. DOL has served as an advisor to the Department of Commerce, Department of Energy, Department of Transportation, EPA and other Federal agencies to ensure projects funded through the *CHIPS and Science Act*, *Inflation Reduction Act*, and *Bipartisan Infrastructure Law* uphold strong labor standards and create good-paying jobs. However, some projects funding has been halted. If confirmed, what will you do to ensure already funded projects continue?

Answer 24. If confirmed, I look forward to working with the experts at the Department to review all projects and ensure those projects align with the America First policy agenda.

Artificial Intelligence

Question 25. Do you believe that bias and discriminatory artificial intelligence is a problem?

Answer 25. I recognize that despite the promise artificial intelligence offers to improve the lives of workers and employers, it can lead to unlawful discrimination if used improperly in the hiring process. When I served on the Equal Employment Opportunity Commission, I worked to educate employers about these risks, in order to help them comply with civil rights laws and prevent discrimination. I hope the Equal Employment Opportunity Commission continues to give employers guidance on the proper use of artificial intelligence in hiring and other human resource processes. If confirmed, I will be the Deputy Secretary of Labor, so it will not be my duty to enforce laws solely under the Equal Employment Opportunity Commission's remit.

Question 26. Employers are increasingly relying on artificial intelligence (AI) in the selection and management of employees. However, AI systems have been proven to unlawfully discriminate against employees and prospective employees, including on the basis of race, gender, age, and disability status. Do you support ensuring that artificial intelligence products utilized by employers are not discriminatory or biased?

Answer 26. I recognize that despite the promise artificial intelligence offers to improve the lives of workers and employers, it can lead to unlawful discrimination if used improperly in the hiring process. When I served on the Equal Employment Opportunity Commission, I worked to educate employers about these risks, in order to help them comply with civil rights laws and prevent discrimination. I hope the Equal Employment Opportunity Commission continues to give employers guidance on the proper use of artificial intelligence in hiring and other human resource processes. If confirmed, I will be the Deputy Secretary of Labor, so it will not be my duty to enforce laws solely under the Equal Employment Opportunity Commission's remit.

Question 27. What steps would you take to protect workers from the discriminatory impacts of AI related to the hiring and management of workers?

Answer 27. I certainly recognize the concerns surrounding the need to protect workers from the potentially discriminatory impact of artificial intelligence related to the hiring and management of workers. I previously wrote three law review articles on this topic, which contain hundreds of pages of guidance employers can use to protect applicant and employees from unlawful discrimination by artificial intelligence. If confirmed, I would serve as the Deputy Secretary of Labor, so it will not be my duty to enforce laws solely under the Equal Employment Opportunity Commission's remit.

Question 28. If confirmed, how do you plan to address the increase of AI-enabled worker surveillance?

Answer 28. I certainly recognize the concerns surrounding the need to protect workers from the potentially discriminatory impact of artificial intelligence related to the hiring and management of workers. I previously wrote three law review articles on this topic, which contain hundreds of pages of guidance employers can use to protect applicant and employees from unlawful discrimination by artificial intelligence. If confirmed, I would serve as the Deputy Secretary of Labor, so it will not be my duty to enforce laws solely under the Equal Employment Opportunity Commission's remit.

Question 29. Should employers be required to notify employees, or potential employees, about the use of AI in the workplace related to the management and evaluation of workers?

Answer 29. During my tenure at the Equal Employment Opportunity Commission, I emphasized the challenges that artificial intelligence may present to the enforcement of civil rights laws related to the hiring process. If confirmed, I would serve as the Deputy Secretary of Labor, so it will not be my duty to enforce laws solely under the Equal Employment Opportunity Commission's remit.

Question 30. Do you believe that companies have an obligation to test, address, or measure algorithms before deployment in order to determine whether it discriminates or is biased against protected characteristics?

Answer 30. During my tenure at the Equal Employment Opportunity Commission, I emphasized the challenges that artificial intelligence may present to the enforcement of civil rights laws related to the hiring process. If confirmed, I would serve as the Deputy Secretary of Labor, so it will not be my duty to enforce laws solely under the Equal Employment Opportunity Commission's remit.

Question 31. Do you believe that companies have an obligation to monitor algorithms after deployment in order to determine whether it discriminates or is biased against protected characteristics?

Answer 31. During my tenure at the Equal Employment Opportunity Commission, I emphasized the challenges that artificial intelligence may present to the enforcement of civil rights laws related to the hiring process. If confirmed, I would serve as the Deputy Secretary of Labor, so it will not be my duty to enforce laws solely under the Equal Employment Opportunity Commission's remit.

Question 32. What guardrails should there be for the Federal Government's use of AI tools and other technologies, especially in the hiring, management, and firing of Federal workers? What is DOL's role in the development of such guardrails?

Answer 32. During my tenure at the Equal Employment Opportunity Commission, I emphasized the challenges that artificial intelligence may present to the enforcement of civil rights laws related to the hiring process. If confirmed, I would serve as the Deputy Secretary of Labor, so I would not have direct control over executive branch human resource policy.

Question 33. There are reports that artificial intelligence and other technologies are being developed in order to determine which Federal workers should be laid off. In your confirmation hearing you discussed the importance of increasing transparency of AI usage in order to ensure the tools are not discriminatory. Do you support the Federal Government increasing transparency around the use and development of these technologies, especially to ensure these technologies are not discriminatory or biased?

Answer 33. During my tenure at the Equal Employment Opportunity Commission, I emphasized the challenges that artificial intelligence may present to the enforcement of civil rights laws related to the hiring process. If confirmed, I will work with the appropriate agencies and staff at the Department to provide technical assistance to Congress as it considers measures related to transparency in the development of human resources-related artificial intelligence systems.

DOL Rulemaking

Question 34. In 2024, the Department of Labor finalized the Employee or Independent Contractor Classification Under the *Fair Labor Standards Act* regulation which revised the Department's criteria for classifying workers as independent contractors.

- (a). If confirmed, do you commit to enforcing the regulation as written?
- (b). If confirmed, will you seek to change this regulation?

Answer 34(a)—(b). I believe that it is important in our modern economy to allow workers to have the flexibility to be in business for themselves—including through the independent contractor model. I understand that the rule you reference is in litigation. If confirmed, I will commit to carefully reviewing all regulations under the Department's jurisdiction and working with my colleagues in the Solicitor's Office and at the Department of Justice as appropriate on regulatory litigation. Apart from this litigation, if confirmed, I will consult with the experts at the Department as well as the Administrator of the Wage and Hour Division to determine the Department's course of action with respect to this regulation.

Question 35. In 2021, the Department of Labor finalized the Rescission of Joint Employer Status Under the *Fair Labor Standards Act* rule to rescind the regulations established in the 2020 Joint Employer Rule.

- (a). If confirmed, do you commit to enforcing the regulation as written?
- (b). If confirmed, will you seek to change this regulation?

Answer 35(a)–(b). The Department of Labor has an important role in ensuring that employers receive clear guidance on their obligations and potential liability. If confirmed, I look forward to being briefed on this matter by the experts at the Department. I fully support policies that help create and protect small businesses.

Question 36. In 2024, the Department of Labor finalized the Retirement Security Rule and Amendments to Class Prohibited Transaction Exemptions for Investment Advice Fiduciaries regulation to define investment advice fiduciaries under the *Employment Retirement Income Security Act* (ERISA).

- (a). If confirmed, do you commit to enforcing the regulation as written?
- (b). If confirmed, will you seek to change this regulation?

Answer 36(a)–(b). I understand that this rule is currently the subject of ongoing litigation. If confirmed, I look forward to being briefed on this matter and will commit to work closely with my colleagues at the Department of Labor and at the Department of Justice. More generally, the Department of Labor plays a critical role in protecting the retirement benefits that Americans have earned. Workers should have access to sound financial advice, and the law requires retirement plan fiduciaries to act in the best interest of plan participants and beneficiaries. The retirement system needs to work for workers, retirees, retirement plan sponsors, plan fiduciaries, and service-providers. If confirmed, I look forward to consulting with all stakeholders in a transparent manner and receiving feedback in determining whether and how the system can be improved.

Question 37. In 2024, the Department of Labor announced a proposed rule to protect indoor and outdoor workers from extreme heat.

- (a). If confirmed, do you commit to enforcing the regulation as written?

Answer 37—(a). I am committed to the Occupational Safety and Health Administration's mission of ensuring that employees have safe and healthful work environments. I also recognize the importance of ensuring workers are safe in high-heat environments. As with many other pending regulations, this is subject to President Trump's regulatory freeze Executive Order. If confirmed, I will work with the experts at the Department, stakeholders, and the public when reviewing any worker safety regulations. My goal will be to uphold the highest standards of occupational safety, ensuring that rules prioritize the well-being of workers while being clear, practical, and achievable for employers. This approach will also align with the President's America First Agenda, supporting both worker protection and a strong, resilient American workforce.

Question 38. In 2024, the Department of Labor finalized the Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees regulation to raise the salary eligible for overtime benefits of employees in certain sectors.

- (a). If confirmed, do you commit to continuing to pursue the appeal of the November 15, 2024 Eastern District of Texas?
- (b). If confirmed, will you seek to change this regulation?

Answer 38(a)–(b). I understand that this rule is in litigation. If confirmed, I will commit to carefully reviewing all regulations under the Department's jurisdiction and working with my colleagues in the Solicitor's Office and at the Department of Justice as appropriate on regulatory litigation.

Tribal, Indian, and Native Issues

Question 39. Do you believe Tribal, Indian, and Native career training and workforce placement is DEI?

Answer 39. Discrimination against any person is wrong. If confirmed, I look forward to working with the Employment and Training Administration staff to discuss career training and workforce placement efforts at the Department and how we can best expand workforce opportunities for all American workers.

Question 40. Do you believe that the Department of Labor shares in the Federal trust responsibility?

Answer 40. The Federal trust responsibility requires the Federal Government to respect tribal rights, which may include treaties between the Federal Government and various tribal nations. If confirmed, I will work with experts at the Department to identify how the Department is meeting its Federal trust obligations.

SENATOR BLUNT ROCHESTER

Question 1. As I am sure you are aware, tens of thousands of Federal workers have been fired by this Administration over the past couple of weeks. Among these workers are thousands of civil servants at the Department of Veterans Affairs who help make sure our veterans are taken care of, thousands of civil servants who protect public health at HHS, thousands of employees at the Department of Agriculture, including some who were helping respond to the ongoing bird flu outbreak, and more. If confirmed, you will be helping run the Department that is responsible for ensuring protections for workers and overseeing unemployment assistance.

- (a). Do you think Federal workers have been treated fairly over the last few weeks?
- (b). How will you advise the Secretary and the Department best support hundreds of thousands of newly unemployed Americans?
- (c). In the week since your hearing, have you, in your position as an advisor at the Department of Labor, learned how many workers have been fired from DOL?

Answer 1(a)—(c). If confirmed, I am committed to working with the Secretary of Labor and Departmental officials to analyze all staffing and workforce decisions at the Department of Labor to ensure all American workers are protected in the workforce. The Department of Labor's Office of the Assistant Secretary for Management is responsible for all human resource decisions at the Department. I have full faith and confidence that the staff in this office is complying with all applicable laws while reviewing Executive Orders and the Office of Personnel Management guidance.

Question 2. I have seen recent reports of workers at the Department of Education who were fired. These workers shared that their paperwork was dated incorrectly, which prevented them from applying for unemployment.

- (a). Do you think every Federal worker who has been fired in the past few weeks due to probationary status should be able to get unemployment assistance?

Answer 2—(a). If confirmed, I am committed to working with the Secretary of Labor and Departmental officials to analyze all staffing and workforce decisions at the Department of Labor to ensure all American workers are protected in the workforce. The Department of Labor's Office of the Assistant Secretary for Management is responsible for all human resource decisions at the Department. I have full faith and confidence that the staff in this office is complying with all applicable laws while reviewing Executive Orders and the Office of Personnel Management guidance.

Question 3. The Occupational Safety and Health Administration enforces all 25 whistleblower statutes, not just for worker safety, but for food safety, transportation safety, tax fraud, and more.

- (a). Do you commit to supporting OSHA's protection of whistle blowers?
- (b). Will you defend against major cuts to the OSHA budget?

Answer 3(a)—(b). The Occupational Safety and Health Administration plays a critical role in ensuring that America's workers have safe and healthful working conditions and are free from unlawful retaliation. The whistleblower laws enforced by OSHA protect employees who report violations of laws in the workplace and make the public safer. If confirmed, I will support and enforce all laws, including the whistleblower laws that protect American workers.

The Department will leverage its resources to effectively fulfill its mission. While the President proposes the budget, it is ultimately up to Congress to determine funding. I am committed to supporting the President in developing budget proposals that prioritize the protection of American workers, and I will ensure that any resources allocated are used efficiently and responsibly.

Question 4. As part of DOL's work enforcing whistleblower protections, OSHA receives confidential and sensitive information from workers speaking out.

- 1. Do you think DOGE should be able to access this information?

2. Do you think this information should be able to leave DOL?
3. What will you do to make sure this information is secure, not used incorrectly, or used to retaliate against workers?

Answer 4(1)—(3). I understand the Department is currently in litigation related to this issue and is being represented by the Department of Justice.

Generally speaking, I am committed to upholding laws regarding the rights of workers to have a workplace free of retaliation under the whistleblower provisions of the laws established by Congress and enforced by the Department.

Question 5. While you were at EEOC, you focused a lot of your attention on AI. This is a topic I have been very interested in. In the House, I led a bipartisan Future of Work Caucus and the impact of technology on workers and hiring practices came up often.

1. What role do you see for the Department of Labor regarding AI?
2. Do you think the Department has adequate data on the impact of technologies, like AI, on the workforce?

Answer 5(1)—(2). If confirmed, I look forward to having the opportunity to further explore how various Departmental program offices can help provide guidance to employees and employers on the impact of artificial intelligence in the workplace.

Question 6. According to Census data, women account for 50.5 percent of the population and 47 percent of the workforce?

1. Do you consider research and efforts to understand and reduce barriers for women in the workplace to be “DEI?”
2. If confirmed, would you advocate to continue the Department’s efforts to better understand and tackle challenges facing women in the workforce?

Answer 6(1)—(2). Discrimination against any person, including women, in the workforce is unlawful. If confirmed, I will commit to working with the staff at the Department to better understand and tackle challenges facing all American workers in the workforce, including women.

Question 7. The Department of Labor is tasked with ensuring we have a skilled workforce that is prepared for existing and future industries. Through programs like the Strengthening Community College Training Grants (SCCTG), the Federal Government has supported 207 colleges across 35 states.

1. As Deputy Secretary will you support programs like SCCTG?
2. What role do you see for the Department in creating more opportunities for upskilling and workforce preparedness?

Answer 7(1)—(2). Enhancing workforce training and upskilling programs, including through community colleges, is a critical part of President Trump’s agenda in putting the American worker first. If confirmed, I commit to working with Congress and external stakeholders to identify the various ways in which the Department can best support the needs of local employers.

Question 8. NLRB Board Member Gwynne Wilcox was recently fired by President Trump illegally.

1. Do you support the reinstatement of NLRB Board Member Gwynne Wilcox?
2. You are the former Commissioner of an independent agency, the EEOC. Do you believe in the value of the independence of agencies like EEOC and NLRB?
3. Are you concerned by recent efforts by this Administration to rollback the independence of agencies, including the NLRB?

Answer 8(1)—(3). I respect the authority of the President to oversee the Executive Branch and make decisions related to personnel.

The National Labor Relations Board and the Equal Employment Opportunity Commission play critical roles in the protection of employment rights. I respect the authority of the President to oversee the executive branch. If confirmed, I will ensure the Department of Labor fulfills its mission to the American worker.

SENATOR ALSOBROOKS

Workers' Rights and Collective Bargaining

President Trump has undermined workers' rights and collective bargaining since taking office in 2025. One of his first executive orders nullified collective bargaining agreements finalized in the last month of the Biden administration, throwing Federal labor contracts into chaos. His administration has also pushed mass terminations of Federal employees, targeting those with less than 2 years of service.

Question 1. Do you believe that Federal employees, including those at the Department of Labor (DOL), have the right to organize and collectively bargain without fear of retaliation?

Answer 1. If confirmed, I will follow the law and work with the experts at the Department, including the Office of the Solicitor, to understand the collective bargaining process at the Department and the terms and conditions of the collective bargaining agreements in place. I commit to working with the Solicitor's Office and the Department's human resources experts, along with any directives from the White House, when making employment-related decisions.

Question 2. Will you commit to ensuring that no Federal worker loses their union membership or dues deductions due to administrative actions under your leadership?

Answer 2. If confirmed, I will follow the law and work with the experts at the Department, including the Office of the Solicitor, to understand the collective bargaining process at the Department and the terms and conditions of the collective bargaining agreements in place. I commit to working with the Solicitor's Office and the Department's human resources experts, along with any directives from the White House, when making employment-related decisions.

Question 3. Will you commit to honoring all legally binding collective bargaining agreements (CBAs) signed by Federal agencies and labor unions?

Answer 3. If confirmed, I will follow the law and work with the experts at the Department, including the Office of the Solicitor, to understand the collective bargaining process at the Department and the terms and conditions of the collective bargaining agreements in place.

I commit to working with the Solicitor's Office and the Department's human resources experts, along with any directives from the White House, when making employment-related decisions.

Question 4. Will you commit to following the collective bargaining agreement with employees at DOL?

Answer 4. If confirmed, I will follow the law and work with the experts at the Department, including the Office of the Solicitor, to understand the collective bargaining process at the Department and the terms and conditions of the collective bargaining agreements in place. I commit to working with the Solicitor's Office and the Department's human resources experts, along with any directives from the White House, when making employment-related decisions.

Question 5. Several states have passed laws restricting public-sector unions' ability to bargain collectively. Do you support the Federal Government's role in protecting public employees' right to organize?

Answer 5. If confirmed, I will follow the law and work with the experts at the Department, including the Office of the Solicitor, to understand the collective bargaining process at the Department and the terms and conditions of the collective bargaining agreements in place. I commit to working with the Solicitor's Office and the Department's human resources experts, along with any directives from the White House, when making employment-related decisions.

Question 6. Many workers rely on pension plans negotiated through collective bargaining. Will you commit to protecting pension benefits and opposing any attempts to cut Federal support for multiemployer pension plans?

Answer 6. If confirmed, I will follow the law and work with the experts at the Department, including the Office of the Solicitor, to understand the collective bargaining process at the Department and the terms and conditions of the collective bargaining agreements in place. I commit to working with the Solicitor's Office and the Department's human resources experts, along with any directives from the White House, when making employment-related decisions.

Question 7. How will you work to collaborate in good faith with the unions at DOL?

Answer 7. Throughout my career, I have consistently worked in good faith with all stakeholders to identify and bridge gaps in the employment space. If confirmed, I will continue to do so. I will follow the law and work with the experts at the Department, including the Office of the Solicitor, to understand the collective bargaining process at the Department and the terms and conditions of the collective bargaining agreements in place. I commit to working with the Solicitor's Office and the Department's human resources experts, along with any directives from the White House, when making employment-related decisions.

Question 8. Will you ensure merit-based hiring and promotions?

Answer 8. I am committed to following the law, including President Trump's Executive Orders. If confirmed, I will work to ensure that the Department promotes individual initiative, excellence, and hard work and terminates all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, and requirements.

Question 9. Do you agree to continue a robust Labor Management Forum?

Answer 9. If confirmed, I commit to working with the Department's experts, including the Office of the Solicitor, with respect to any management decisions concerning the Department's workforce.

Wrongful Terminations

Question 10. Thousands of Federal employees have been fired across the government over the past few weeks—supposedly because of their probationary status. Yet many were wrongfully cited for poor performance as part of their termination notices, despite documented records of strong performance—raising questions about what benefits they will be eligible to receive.

- (a). Recent Federal labor actions have resulted in mass layoffs of workers, often with little notice. Will you commit to ensuring that all layoffs follow proper legal procedures and that affected employees receive due process?
- (b). Will you commit to rescinding the terminations of veterans that were fired at the Department?

Answer 10(a)—(b). If confirmed, I am committed to working with the Secretary of Labor and Departmental officials to analyze all staffing and workforce decisions at the Department of Labor to ensure all American workers are protected in the workforce. The Department of Labor's Office of the Assistant Secretary for Management is responsible for all human resource decisions at the Department. I have full faith and confidence that the staff in this office is complying with all applicable laws while reviewing Executive Orders and the Office of Personnel Management guidance.

Weekly Accomplishments

Question 11. Department of Labor civil servants received the same e-mail as others across government over the weekend, telling them to submit five bullet points on the work they submitted the last week, with Elon Musk claiming that a failure to respond would be considered a resignation. This directive caused chaos, confusion and fear for Department employees. DOL staff apparently received mixed messages from their supervisors on how to respond. Some managers told staff that the choice to respond was at their discretion.

- (a). Who was involved in the decisions at the Department regarding the guidance given to Department employees? Were you involved?
- (b). Given the issues with conflicting guidance, can you commit that no one at the Department will lose their job due to perceived non-compliance with Musk's order?
- (c). Will you commit to protecting staff who are on leave and were unable to respond to this Elon Musk order from termination?

Answer 11(a)—(c). I understand and respect that the Office of Personnel Management is responsible for providing direction to Executive Branch employees, including those at the Department of Labor.

Terminations

Question 12. You said in an interview with Committee staff that you were "committed to defending existing staff levels."

- (a). What have you specifically done to make a case for the probationary staffers that have been terminated at the Department?
- (b). The Office of Disability Employment Policy helps increase workplace opportunities for people with disabilities. Workers here were fired as well. How do you think these firings better help workers with disabilities?
- (c). Employees at the Women's Bureau, the Mine Safety and Health Administration, and Bureau of International Labor Affairs—all saw purges. Will these mass firings help increase worker safety in mines? Or prevent pregnancy discrimination in the workplace?
- (d). Will you object to additional mass firings at the Department of Labor?
- (e). How will you ensure that the Department has sufficient staff to meet its mandates, as well as enforce rules and regulations about retirement plans?

Answer 12(a)—(e). If confirmed, I am committed to working with the Secretary of Labor and Departmental officials to analyze all staffing and workforce decisions at the Department of Labor to ensure all American workers are protected in the workforce. The Department of Labor's Office of the Assistant Secretary for Management is responsible for all human resource decisions at the Department. I have full faith and confidence that the staff in this office is complying with all applicable laws while reviewing Executive Orders and the Office of Personnel Management guidance.

Misclassified Termination Notices

Question 13. The first wave of mass firings didn't just impact probationary employees. In fact, many employees claim that they received termination notices even though they do not have probationary status. Others were fired due to "poor performance," even though they have documented records of strong performance.

- (a). How many staff at DOL were given incorrect "poor performance" citations on their termination notices?
- (b). How many staffers at DOL were incorrectly classified as probationary employees are part of DOL's first wave of terminations?
- (c). Will you commit to reinstating employees that were wrongfully terminated, or were not in the probationary period?

Answer 13(a)—(c). If confirmed, I am committed to working with the Secretary of Labor and Departmental officials to analyze all staffing and workforce decisions at the Department of Labor to ensure all American workers are protected in the workforce. The Department of Labor's Office of the Assistant Secretary for Management is responsible for all human resource decisions at the Department. I have full faith and confidence that the staff in this office is complying with all applicable laws while reviewing Executive Orders and the Office of Personnel Management guidance.

Reorganization Plans

Question 14. This week, OMB and OPM asked agencies to submit "reorganization plans" in 2 weeks to prepare for mass firings. Yesterday, OMB and OPM asked agencies to submit "reorganization plans" in 2 weeks to prepare for mass firings.

- (a). Who will be on the leadership team putting together the "mass firing" and reorganization plan for the Department of Labor?
- (b). How many more employees and services will be cut at the Department because of this haphazard "reorganization?"

Answer 14(a)—(b). If confirmed, I am committed to working with the Secretary of Labor and Departmental officials to analyze all staffing and workforce decisions at the Department of Labor to ensure all American workers are protected in the workforce. The Department of Labor's Office of the Assistant Secretary for Management is responsible for all human resource decisions at the Department. I have full faith and confidence that the staff in this office is complying with all applicable laws while reviewing Executive Orders and the Office of Personnel Management guidance.

[Whereupon, at 11:26 a.m., the hearing was adjourned.]

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