

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

RALPH MAGERS, PAMELA
STEWART, AND MARK FELTON,
Petitioners,

v.

SENECA RE-AD INDUSTRIES, INC.,
Respondent.

No.

PETITION FOR REVIEW OF WAGES

Pursuant to 29 U.S.C. § 214(c)(5), Ralph (Joe) Magers, Pamela Stewart, and Mark Felton, hereby petition for a review of our wages from Seneca Re-Ad Industries, Inc, a sheltered workshop located at 23 Corporate Place in Fostoria, Ohio, 44830, where we work for less than minimum wage under special minimum wage certificate number 05-04797-S-042.

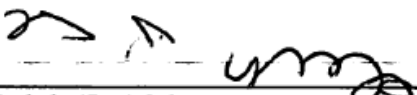
At the Seneca Re-Ad workshop, we are responsible for producing flooring samples for flooring companies, including Roppe Industries. At the workshop we cut the floor tiles into smaller pieces, print labels and punch holes through each tile piece, chain the tile pieces together, and package the tile samples for shipping. We are each paid less than minimum wage for this work.

We believe that we are not being paid appropriate wages in accordance with 29 C.F.R. § 525, and that our employer should pay us minimum wage for the work we have performed and are still performing:

1. Our disabilities, which include visual impairments (Joe Magers and Pamela Stewart) and autism (Mark Felton), do not affect our productivity for the work we perform in the workshop, as required by 29 C.F.R. § 525.12(b).
2. We have not been paid wages commensurate with experienced nondisabled workers performing similar work in our community. We believe that the prevailing wage has not been objectively determined because it is not based on wages paid to experienced workers at comparable firms or work utilizing similar methods or equipment as required by 29 C.F.R. § 525.10. Additionally, we believe that the piece rates we are paid have not been appropriately calculated, and that the time studies for our hourly work have not been fairly measured, as required by 29 C.F.R. § 525.12(h)-(j).
3. We have not been not paid for all of the hours we work, as required by 29 C.F.R. § 525.6. We are not paid for time attending mandatory staff meetings and safety activities, and for times we are required to wait for machines to be reset or for materials to be gathered. We are also required to spend at least an hour each day in unpaid activity time, even when no accessible activities or programs are available for us.

We request that this petition be assigned to an administrative law judge to review our wages within ten days of receipt, and that a hearing be conducted within thirty days of the assignment of the petition to an administrative law judge, as required by 29 U.S.C. § 214(c) and 29 C.F.R. § 525.22(b). Because we each work for the same employer, at the same workshop, and are engaged in many of the same work tasks, we request that our wages be reviewed together in one hearing. We expect to need at least one week to present our evidence at a hearing. We also request that the hearing be held in Seneca County, Ohio, where we live, because we do not have the resources to travel for a hearing, and the relevant evidence and witnesses are located in Seneca County.

Respectfully submitted,



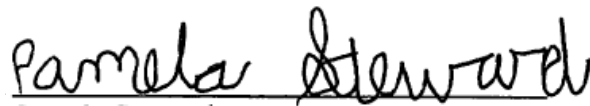
Ralph (Joe) Magers

8/3-2015
Date



Mark Felton

8/3/15
Date



Pamela Steward

8-3-15
Date

Prepared by:

Emily White
Attorney at Law
Ohio Bar # 0085662

CLEVELAND OH 44115

04 AUG 2015 PM 5 L

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 5154 COLUMBUS, OH

POSTAGE WILL BE PAID BY ADDRESSEE

DISABILITY RIGHTS OHIO
50 W BROAD ST STE 1400
COLUMBUS OH 43215-9777

c/o Emily White

