



WILLARD WIRTZ LEGACY AWARD

In recognition of exceptional performance and accomplishments in public service that exemplifies accountability, responsibility, and emerging leadership skills that display the promise of future leadership in the spirit of former Secretary of Labor Willard Wirtz.

OFFICE OF THE SOLICITOR (SOL)

Jana J. Edmondson-Cooper
Atlanta, Georgia



Jana J. Edmondson-Cooper joined the Atlanta Regional Solicitor's Office as an H Program attorney (a term position) in 2017. Within one year of joining the office, Ms. Edmondson-Cooper accepted a permanent position. As a result of her commitment to the Department's mission, performance, substantial accomplishments, exemplary demonstrations of accountability, responsibility, and emerging leadership skills that display the promise of future leadership, she is the recipient of the Willard Wirtz Legacy Award.

Currently, Ms. Edmondson-Cooper is a Senior Trial Attorney. She is a leader and team member within SOL, enriching SOL's organizational culture, our ability to serve SOL's client agencies and fulfill the Department's mission, while effecting positive change with our regional offices and beyond.

Some specific examples of her outstanding competence as a litigator and advocate include the following:

In a significant H-2B case, *Deggeller Attractions*, Ms. Edmondson-Cooper litigated the matter and took it to trial. As a direct result of her efforts, 81 workers were awarded \$81,960.00 in back wages for an illegal housing deduction committed by the respondent-employer. Ms. Edmondson-Cooper handled all of the cross-examination during trial, which included a novel type of witness: opposing counsel. She effectively discredited opposing counsel's testimony by getting him to admit his conduct (serving as a witness) was a violation of applicable ethical rules — simultaneously serving as an advocate and a necessary witness. She received an Exceptional Achievement Award for "providing outstanding work in coordination of litigation in several Regional Solicitor's Offices and obtaining after trial a significant decision which established meaningful precedent for future enforcement of H-2B matters."

Ms. Edmondson-Cooper successfully litigated an MSHA fatality case (*Lhoist*), involving the death of a kiln technician. MSHA issued two significant and substantial (S&S) citations to Lhoist: 1) citation for a violation of 20 CFR § 56.15 (Protective Equipment and Clothing for Hazards and Irritants) with an assessed penalty of \$10,499.00 and 2) a citation was for a violation of 30 CFR § 46.7(a) (New Task Training) with a specially assessed a penalty of \$70,800.00. After extensive negotiation with the operator, she successfully obtained agreement from Lhoist to accept the citations as issued and pay a total penalty of \$65,039.20 (a substantial portion of the originally assessed penalty).

With similar skill and effectiveness, Ms. Edmondson-Cooper litigated an H-2A/MSPA case against *Emilia Alvarez Harvesting*. After extensive discovery and prolonged discussions with the employer, she obtained an outstanding settlement on the first day of trial. As part of the settlement, the respondent-employer agreed to pay all H-2A back wages (\$148,041.72), H-2A civil money penalties (\$112,600.00), and the full amount of the assessed civil money penalties for the MSPA violations (\$6,900), and also agreed to being debarred from the H-2A program for three years.

Ms. Edmondson-Cooper has also represented the Secretary and client agencies in defensive litigation, specifically in employment defense matters. She demonstrated highly effective litigation, advocacy, and client counseling skills in litigating two specific matters before the Merit Systems Protection Board. She skillfully responded to court orders, filed multiple pleadings, and drafted persuasive jurisdictional memos. Her work product has become a template for other cases involving jurisdictional issues.

Also, in the Wage Hour area, she litigated two cases (consolidated) arising under the Davis-Bacon Act involving disputes regarding Respondent's misclassification of employees, failure to pay the proper prevailing wage rate, failure to pay fringe benefits, failure to pay overtime, falsification of certified payroll records, and debarment. Ultimately, after extensive negotiation with the settlement judge, the respondent-employer agreed to debarment and to pay \$195,000 in back wages owed to 23 employees. The debarment was a particularly significant win for Wage and Hour

Division (or “WHD”) because 80% of the employer’s work relied on government contracts. WHD was so pleased with the results that the District Director asked that Ms. Edmondson-Cooper to present the matter at a future WHD government contracts training for investigators.

Ms. Edmondson-Cooper serves as the point person for the Southeast Wage and Hour Division’s H-2A Initiative, and continues to be a point person within Region IV on H-2A matters, both for SOL and WHD staff. She counsels regional WHD leadership on best practices regarding enforcement of H-2A matters. In providing pre-referral advice on several H-2A matters, she noticed that determination letters (a formal notice document) WHD sent to employers in H-2A (and MSPA) matters routinely failed to include all of the violations WHD listed in the investigation report. Demonstrating characteristic initiative, she raised this issue with regional leadership, citing due process concerns and litigation risks. As a result, regional leadership adopted a policy change regarding the content of determination letters. She drafted the language regional leadership shared with all district directors and assistant district directors within Southeast WHD. This policy change improved the content of determination letters, which has had a direct impact on our ability to build cases against repeat offenders.

Moreover, since 2018, very soon after Ms. Edmondson-Cooper joined DOL, she has served as an officer for the Black Attorneys Advisory Council (BLAC), a DOL-recognized, highly influential affinity group. Currently, she is in her *third* term as president, which began in January 2019. In this role, she is called upon to represent the diverse interests of the group’s members, who are Agency-wide, a task that has become all the more critical and challenging over the past years given current events involving the pervasive discrimination and mistreatment of people of African descent. As president, she frequently communicates and meets with SOL Front Office leadership to have challenging, but necessary conversations.

Similarly, Ms. Edmondson-Cooper has been a highly engaged, leading member of our region’s U/T Visa Team, joining soon after she began with the Department in 2017. She has served in a leadership capacity since 2018. She volunteered to lead the coordination of the office's participation in Region IV's U-Visa/T-Visa Certification program with WHD in April 2018 while a colleague, who normally led the coordination, was on extended leave from April 2018 to October 2018. under her leadership during those six months, Region IV's U/T Visa Team cleared its backlog of certifications. The Agency has remained current and has not developed a backlog since that time.

To provide history about the team, in 2000, special visa programs (U and T Visa) were created to augment the ability of law enforcement agencies (including DOL) to investigate and prosecute serious crimes and trafficking while protecting nonimmigrant victims of such crimes from immediate removal from the United States. Nonimmigrant workers who participate in WHD investigations, the majority of whom are vulnerable workers who are brought to the U.S. by employers via guest worker visa programs governed by the H-2A and H-2B provisions of the Immigration and Nationality Act, can be eligible for these special visa programs, thereby encouraging such victims of trafficking and other qualifying criminal activities to cooperate with WHD and other law enforcement agencies without fear of retaliation. In support of WHD's priorities for the past several fiscal years and to assist WHD with implementing the President's Management Agenda, the U/T Visa Team has provided training about these special visa programs to investigators and criminal coordinators, prepared comprehensive legal analyses to determine the eligibility of prospective candidates for U and T Visa programs, and ensured that the visa applications complied with required legal standards. As a result of the team's efforts, WHD investigators and criminal coordinators have a better understanding of the U and T Visa programs and the eligibility requirements for such programs.

As only one of two attorneys in the Atlanta SOL office who is fluent in Spanish, Ms. Edmondson-Cooper has displayed leadership and the ability to improve client interactions by volunteering to work with OSHA to develop a Spanish version of OSHA's standard witness interview form. The Spanish version was implemented by OSHA in October 2017. This practice has helped streamline OSHA's interviews with witnesses with limited English proficiency, which in turn helps SOL prepare for litigation more effectively in cases with Spanish speaking litigants and witnesses.

Ms. Edmondson-Cooper has served as a dedicated member of Region IV's Language Access Initiative (LAI) Committee and assumed the role of the Region's LAI Coordinator on October 1, 2020, per the Region's Language Access Plan. She also serves as one of two attorneys representing SOL on the Department's Language Access Working Group. In addition to Ms. Edmondson-Cooper's substantial leadership within the Department and SOL, she has served in various leadership positions at the state level including recently completing a two-year term as Chair of the State Bar of Georgia Committee to Promote Inclusion in the Profession. Currently, she serves on the State Bar of Georgia's Access to Justice Committee, the Judicial Council of Georgia Access to Justice Committee (where she is developing updated policies regarding access to Georgia courts for the Deaf/Hard of Hearing) and the Supreme Court of Georgia's Commission on Interpreters, where she led the development of the state's first [Model Administrative Protocol \(MAP\)](#). The MAP, which is the first of its kind in Georgia and widely considered the first of its kind in any non-unified court system in the nation, assists Georgia courts with providing quality language assistance services to Limited English Proficient and

Deaf/Hard of Hearing litigants and witnesses. In recognition of these broader contributions, in 2020, Ms. Edmondson-Cooper received the Exceptional Volunteer Service Award for “outstanding service of a sustained and consequential nature, which reflects positively on the Department.”

Having developed and implemented language access plans (LAPs) for judicial and other entities early in her career before joining the Department, Ms. Edmondson-Cooper shared her expertise in helping develop Region IV’s first LAP. A multi-year effort, the LAP was finalized and released in April 2020 and serves as a comprehensive resource tool that promotes due process and facilitates Region IV’s continued commitment to complying with Executive Order 13166, the Americans with Disabilities Act, and Section 501 of the Rehabilitation Act that requires Region IV to provide meaningful access to persons with Limited English Proficiency (LEP) and who are Deaf/Hard of Hearing (DHH). Specifically, the LAP assists Region IV with providing meaningful access to the public as it continues its engagement in impact litigation that fosters, promotes, and develops the welfare of wage earners, job seekers, and retirees of the United States; improves working conditions; advances opportunities for profitable employment; and assures work-related benefits and rights. The first of its kind within SOL, Region IV’s LAP is now being considered as a guide for updating the Department-wide LAP. Based on her leadership and contributions to Region IV in the area of language access, Ms. Edmondson-Cooper was invited by National Office leadership to join the Department’s Language Access Working Group (LAWG). The LAWG is an interagency collaboration led by CRC, OCI, and SOL. She serves as one of two attorneys agency-wide on the LAWG representing SOL. Currently, she leads the LAWG sub-committee on Language Access Outreach and Education, which requires her to collaborate with national leadership within CRC, OCI, ASP, OSHA, WHD, among others. This is the sub-committee that will be updating the Department’s LAP.

Ms. Edmondson-Cooper is a high caliber public servant and leader-servant who is tirelessly committed to our mission and to excellence. Her commitment drives her to serve as a lawyer in her role, but also to serve in expansive ways beyond the strict contours of her job. The Willard Wirtz Legacy Award is therefore befitting for such a committed leader, lawyer and officer.