



# AFL-CIO

AMERICA'S UNIONS

**American Federation  
of Labor and  
Congress of Industrial  
Organizations**

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August 29, 2018

Mr. Joseph J. Simons, Chairman  
FTC Headquarters  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

***Re: File Number 171-0134 – In the Matter of Your Therapy Source, LLC;  
Neeraj Jindal; and Sheri Yarbray***

Dear Chairman Simons:

Thank you for the opportunity to submit comments on the proposed consent agreement entered into by the Federal Trade Commission with Your Therapy Source, LLC; Neeraj Jindal; and Sheri Yarbray (YTP). On behalf of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), I am writing to commend the FTC for filing charges against YTP and express concern that the terms of the proposed consent agreement are inadequate to deter future illegal behavior and compensate victims for the losses sustained as a result of YTP's illegal wage suppression.

The AFL-CIO is a democratic, voluntary federation of 55 national and international labor unions that represent 12.5 million working men and women. We strive to ensure all working people are treated fairly, with the freedom to organize and bargain for decent paychecks and benefits, safe jobs, dignity, and equal opportunities.

The FTC Complaint alleges that YTP engaged in multiple violations of Section 5 of the Federal Trade Commission Act including entering an agreement "to coordinate on pay rates in an attempt to prevent therapists from switching to competing therapist staffing companies paying higher rates." This type of wage suppression is not unique to the parties involved in this action. The FTC, therefore, has an opportunity through this consent agreement to send a strong message to employers about how it will approach future actions to address collusion to suppress wages.

Unfortunately, the terms of the proposed consent agreement simply require YTC not to engage in future illegal wage suppression – behavior which has been illegal for decades but YTC engaged in nonetheless. In order to deter future collusion to suppress wages and compensate the aggrieved workers for lost wages, we urge the Commission to revise the proposed consent agreement

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to (1) require YTC to notify the home healthcare workers they employed that their  
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wages were suppressed; (2) impose monetary penalties; and (3) mandate the payment of restitution to aggrieved workers.

Bruce Hoffman, Director of the Bureau of Competition, stated in the release announcing the FTC's proposed settlement, "Just as it is illegal for competitors to agree to fix prices on the products they sell in order to drive prices up, it is illegal for competitors to agree to fix wages or fees paid to workers in order to drive wages down. All workers are entitled to competitive wages." The AFL-CIO fully endorses this statement and we urge the Commission to strengthen the terms of the consent agreement to send a strong message that the FTC will impose stiff penalties on employers that deprive workers of their right to competitive wages.

Thank you for the opportunity to submit comments. If you have any questions or would like to discuss the matter further, please contact Heather Slavkin Corzo at (202) 637-5097.

Sincerely,



Damon A. Silvers  
Director of Policy and Special Counsel  
Policy Department

cc: Maureen K. Ohlhausen, Commissioner  
Noah Joshua Phillips, Commissioner  
Rohit Chopra, Commissioner  
Rebecca Kelly Slaughter, Commissioner

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Opeiu #2, afl-cio