

6. During the period from October 1997 through February 17, 2001, in every week I worked I always worked about 100 hours per week. My standard work hours were as follows:

Sunday thru Friday: 1:00 a.m.–10:00 a.m.; 1:00 p.m.–3:00 p.m.; 4:30 p.m.–8:00 p.m. Thus, I worked approximately 14½ hours per day Sunday through Friday.

Saturday: 4:00 a.m.–8:00 a.m.; 11:00 a.m.–8:00 p.m. plus 2 additional hours during which I was required to work at the midnight buffet. Thus, on Saturday, I worked a 15 hour day.

7. I observed the hours worked by the other pastry chefs on the ship. They worked usually from 9:00 a.m.–3:00 p.m. and 5:00 p.m.–11:00 p.m. every day. Thus, they worked approximately a 12 hour work day.

8. In the course of a 10 month tour of duty, I would work with approximately 14–15 different workers. These would include the workers who were on the ship when I started my contract, and the individuals who replaced these workers as their contract periods finished.

9. During the twenty years that I worked for NCL, on the S/S *Norway*, I had daily opportunities to observe the hours of work of other people in the food preparation and handling departments, as well as the pantry and utility workers. There are close to 150 people who worked at any one time in the ship's galley. In the Pastry Department, I observed that the other workers all would work more than 70 hours per week. As I recall, the following is the number of Pastrymen I worked with: between 1998 and 2001, we had four (4) 2d Pastrymen, one (1) 1st Pastryman, and two (2) Assistant Pastrymen, except that there were some periods of time that we would carry only three (3) 2d Pastrymen. Based on my personal observation, these NCL employees, on the vessel on which I was employed, all worked 12 or more hours a day, at least six and sometimes seven days a week. All worked in excess of 70 hours a week. The workers, when we had some free time, would talk about our long hours.

10. I learned what my schedule was by what I was told by the Chef, by observing the other workers, and knowing all of the work I had to accomplish each day. The volume of the work I had to do required me to work the long hours I described. There was no written schedule of my hours. It did not matter who my supervisor was. My supervisors, the Executive Chefs on the ship, often changed. When a new Executive Chef came aboard the ship, my hours would remain the same, and so did the other Pastry Chef's hours remain the same.

11. During the entire time that I worked from October 1997 through February 17, 2001, I was never paid extra overtime pay for the hours that I worked in excess of 70 hours per week, as was called for by the contract between Norwegian Cruise Lines and the Norwegian Seaman's Union.

12. Sometime during my service with NCL I became aware that there was a union that had a contract which affected my employment with NCL. This union is known as the Norwegian Seafarer's Union. I learned about it by seeing a copy of the agreement between the company and the union which was in a little red booklet. In 1998, I was given a copy of the contract. In the booklet it states that the pay scale is attached as "Annex 1". However, the pay scale was not attached to the contract, and while I worked for the company, I never saw the pay scale which supposedly set my base pay and monthly total guaranteed wage, and overtime rates. Trial exhibit "8" is a copy of the little red book I was given on the ship.

13. I never saw any union employees or workers come aboard the *Norway* to discuss the contract it had with NCL. I never met a

union representative, and none ever came on the ship while I worked on it. I know of no officers or other employees of the union.

14. Workers on the ship are very much afraid of losing their jobs. Many of them, like me, come from poor families in poor countries. The union cannot prevent people from being fired for trivial things, and there is no guaranty that you will be rehired at the end of your contract. For these reasons, people on the ship do not complain about conditions or the lack of payment of overtime because they are afraid they will be called a troublemaker by supervisors and soon be fired. For people from poor countries, such as from where I came, working on a cruise ship is a good paying job even though the working conditions are terrible. I did not complain about not being paid overtime because I could not afford to lose my job. I had a family to support and they depended on the money I earned.

15. I heard from about 2 people I knew on the ship that said that they complained to an Executive Chef or one of the Sous Chefs about not being paid for overtime hours worked and they were told that the company did not have the money to pay overtime, that is why we were not paid overtime.

16. I worked 7 days a week for as many as 10 months consecutively during my contract periods. I would not see my family for long periods of time which was very sad, however, I had to work, otherwise, my family would have suffered.

17. As a Pastryman, I was given \$15 per week for my special skills in preparing items for what is known as the Chocaholic buffet, which was a midnight buffet with many deserts and pastries. The money I was paid was not for overtime, even though at times on my monthly pay check the weekly \$15 payment was listed in a category called "Overtime". This was paid to me and the other Pastrymen as bonus pay for doing the work for the special function, a side job, and it was not for the time we spent preparing it. In late 1997 and early 1998, I was being paid around \$180 per month in bonus money for preparing the Chocaholic Buffet. In mid-1998, this bonus was reduced to around \$60 per month.

18. I was very diligent about how I did my job, and I tried to make sure that everything I and my co-workers made was of good quality. In January 2001, I was reprimanded for throwing out a sponge cake that did not come out well. It was baked with frozen eggs because the galley had run out of fresh eggs. The frozen eggs did not work well in the batter, so the cake did not rise well. I knew that this cake could not be served to the passengers. I was reprimanded for throwing it out. Then, in February 2001, I was again reprimanded for having taken some tin bake pans that had been washed to my station. I did not know it, but some of the pans were not washed well and were still somewhat dirty. During an inspection, the pans were seen by a supervisor and he blamed me for having dirty pans in my station. I had not used the pans yet, and did not know that they were not perfectly clean. I would not have used them when it came time to bake with them. Still, I was blamed and was told to sign the warning they tried to give me or be fired. As I felt I was not at fault, I told them I would not sign the warning, so I was fired.

19. I never was told that a supervisor had to give me a special order or I had to ask for approval to work the hours necessary to get the work done. There were no time clocks or time sheets or other methods, of which I am aware, by which NCL recorded the working hours of the crew members in my department. However, my supervisors knew the long hours I was working, and those of the

other workers in my department, because it was the supervisors who directed me to get the work done. They would come and observe the work, and required it to be completed to their satisfaction.

20. On my pay envelope and the payroll register there never was a listing of the number of hours I worked multiplied by an hourly rate showing extra overtime pay.

21. After I was fired by NCL, I took a job in a "Publix" supermarket, bagging groceries.

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RECOGNIZING AUSTIN MICHAEL MARTENS FOR ACHIEVING THE RANK OF EAGLE SCOUT

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 29, 2006*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Austin Michael Martens, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 9, and in earning the most prestigious award of Eagle Scout.

Austin has been very active with his troop, participating in many Scout activities. Over the many years Austin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Austin Michael Martens for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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TRIBUTE TO LISA NOWAK

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 29, 2006*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commend one of my constituents, Lisa Nowak, a member of the National Aeronautics and Space Administration's (NASA) space shuttle Discovery crew set to perform the STS-121 mission to the International Space Station on July 1, 2006. Ms. Nowak was selected as one of seven members of the Discovery crew, where she will serve as a mission specialist.

With her experience in the U.S. Navy and at NASA, Ms. Nowak's participation in the STS-121 mission represents the culmination of a career filled with numerous accomplishments. Ms. Nowak graduated from C.W. Woodward High School in Rockville, Maryland and went on to obtain a Bachelor of Science degree in Aerospace Engineering from the U.S. Naval Academy in 1985 and Masters of Science degree in Aeronautical Engineering from the U.S. Naval Postgraduate School. After receiving her commission from the U.S. Naval Academy in 1985, Ms. Nowak became a Naval Flight Officer in 1987. While serving as a Naval test pilot, Ms. Nowak received several prestigious awards, including the Navy Commendation Medal and Navy Achievement Medal. In 1996, Ms. Nowak was selected by NASA, becoming