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OSHA News Release – Region 2

U.S. Department of Labor

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U.S. Labor Department Orders Hertz Corporation to Rehire Whistleblower and Pay \$154,364 in Back Wages and Legal Fees

NEW YORK -- The U.S. Labor Department's Occupational Safety and Health Administration (OSHA) has ordered Hertz Corporation to rehire an employee and pay her more than \$154,000 in legal fees, back pay and interest, after she was fired as the result of "whistle blowing" activities protected under the Sarbanes-Oxley Act of 2002.

Linda Kimble, a lead auto rental representative at Hertz's Westchester, N.Y., airport location, was fired Aug. 30, 2003, after she had complained to her supervisors about illegal billing practices, including selling insurance to clients who had purchased long-term monthly rentals even though the insurance was already included in the rental contracts.

"The law protects employees who report corporate misconduct and are punished by their employers for doing the right thing," said Patricia K. Clark, OSHA's regional administrator in New York. "This case illustrates the importance of that protection and our determination to fully and fairly enforce this law."

An investigation by Clark's office determined that Kimble had been discharged in violation of Sarbanes-Oxley, a law that protects from retaliation workers who report corporate fraud. As a result, OSHA ordered Park Ridge, N.J.-based Hertz Corp. to reinstate Kimble to her former position; remove any disciplinary letters from her personnel file; and reimburse her a total of \$154,364.31 in back pay with interest, attorney's fees and compensatory damages.

Under Sarbanes-Oxley (the Corporate and Criminal Fraud Accountability Act), an employee may file a complaint with OSHA if the employee has been retaliated against by his or her employer for reporting suspected corporate fraud or other activities related to fraud against shareholders. If OSHA determines after an investigation that an employee's complaint has merit, it can order remedies such as reinstatement and back pay.

Companies are covered under Sarbanes-Oxley if they have a class of securities registered under section 12 of the

Securities Exchange Act of 1934 or if they are required to file reports under section 15(d) of the Securities Exchange Act.

Both the company and Kimble have 30 days to file objections and request a hearing on the matter with the Labor Department's Office of Administrative Law Judges.

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