



# The Workers' Edge

Voice of the Tompkins County Workers' Center

## Troublemakers Take Over Tompkins

By Samantha Mason and Matt Stupak

**O**n Saturday, March 23rd, the Tompkins County Workers' Center (TCWC) and the national organization, Labor Notes, hosted the first Troublemakers' School in Tompkins County. Labor Notes holds these one-day meetings throughout the country, bringing together workers of all sectors interested in improving their workplaces, and this time worked together collaboratively to make the School be the success it was with over 200 people in attendance! Teachers, trades-folk, nurses, service workers, and more packed the Plumbers and Steamfitters Hall on West MLK Street.

Our event filled the auditorium to standing room only, with organizers hailing from across the state and beyond. It began with keynote speeches from the Tompkins County Workers' Center, the Gimme Coffee Baristas' Union, the People's Organizing



Collective, UE Local 506, which this year organized a nine-day strike in early March 2019 of 1,700 workers at Erie Locomotive against a two-tiered wage system. Attendees chowed on union-made donuts and coffee and cheered at every anecdote of worker solidarity.

The core offering was a series of workshops. These focused on

topics like mapping power in the workplace, organizing in high-turnover contexts, fighting wage theft, and how we win Living Wages. Some workshops echoed the Community Union Organizer (CUO) model developed by the TCWC in 2008 and taken to a new level by Ellen David Friedman of Labor Notes and the TCWC. In CUO spaces workers present problems at

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## What is Wage Theft, and what can we do about it?

**W**hat is "Wage Theft?" It's when employers don't pay workers for their labor. For some people, it seems less real than other kinds of theft – street theft ("mugging"), burglary, shoplifting, bank robberies, and so on – even though it keeps millions of working people from a decent standard of living. Like other theft, it comes in many forms: straight up not paying someone for their time, paying less than the minimum wage, not paying overtime, taking people's tips, and others.

Wage Theft is also the biggest theft crime in our society. All other forms of reported theft combined cost somewhere around \$300-400 million a year in the U.S. Meanwhile, businesses steal estimated billions (yes,

billions) from employees. They frequently commit companion crimes, too: unemployment fraud, workers' compensation fraud, tax fraud, etc.

While the criminal justice system destroys everyday people's lives for even petty crimes, it doesn't give the same weight to Wage Theft. Employers intimidate workers into keeping it secret, try to weaken workers' protections, and too often they get away with it. Governments spend unholy sums on other forms of law enforcement, up to arming paramilitary police, but give the hard-working people who enforce workers' rights not nearly enough resources for the scope of the problem.

Continued, next page

# Living Wage Working Group Research Update By Ian Greer

Over the past 16 months, I have been working with Professor Shaianne Osterreich, Chair of the Economics Department at Ithaca College, and five Cornell undergraduate students to supply research and data to the Tompkins County Living Wage Working Group. Together with the Workers' Center, elected officials, and employers, we have studied workers' and employers' views about a countywide minimum wage increase and begun to find out how realistic and widespread these views are.

Below I will update the reader on our accomplishments and provide a preview of what we are planning. For further information, including indications of data and sources, please see our factsheet at ([bit.ly/lwfactsheet](http://bit.ly/lwfactsheet))

We have estimated the extent of low-wage work and its distribution by age, race, gender, ethnicity, and industry in Tompkins County. For purposes of discussion, we use the Alternatives Federal Credit Union's 2017 Living Wage Study (to be updated on May 3<sup>rd</sup>, 2019), which defines the living wage as \$15.11 for workers lacking employer-provided health insurance. Using public-use microdata files from the American Community Survey for the five most recent years, we estimate that 39% of workers have an hourly wage below \$15.11, or 35% if we exclude workers 22 years old and younger.

Low-wage work is distributed unequally. We found that Hispanics, blacks, and workers of two or more races are more likely to have low-wage jobs than whites and Asians, and that women are overrepresented compared to men. The largest numbers of low-wage workers are employed in education services (at least 3000), retail trade (2000), food service and hospitality (1800), and health care (1100). (The real numbers are higher due to data limitations.) Furthermore, the share of low-wage workers is above 65% in agriculture, forestry and fisheries and arts, entertainment, and recreation.

## Wage Theft, cont.

Take one of the Tompkins County Workers' Center's landmark cases as one example. Following reports from TCWC, the NYS Department of Labor investigated the Green Cafe with locations in Ithaca, NY and New York City, finding that the business owed workers around \$1,000,000. The owner used a legal loophole, and the stolen wages were unrecoverable. Think what would have happened if an employee had embezzled \$1,000,000 from the business.

In February, 2019, the Workers' Center and the Worker Institute at the Cornell School of Industrial and Labor Relations (ILR) co-sponsored a forum to explore these issues. With representatives from ILR, TCWC, the National Labor Relations Board, NYS Department of Labor, and District Attorneys offices, panelists discussed "traditional" Wage Theft, emerging new forms coming out of 21<sup>st</sup> century business practices, additional protections for workers, and emerging efforts to bring criminal charges against egre-

We have also examined worker and employer views about a countywide minimum wage increase. We posed five open-ended questions to 187 people, including 132 workers and 55 employers. Some came to our information-gathering sessions; others we targeted through door-to-door canvassing.

What did we learn? Employers were more likely to discuss concerns: mainly wage compression, layoffs, the reduction of programs and services, and higher fees, prices, rates or costs. Workers were more likely to discuss advantages: mainly improving their performance in the workplace, bringing stability to their lives, affording necessities, and improving their mental health. Benefits cliffs and the increasing cost of living were concerns among both groups.

Our plan is to assess as many of these concerns as possible through original research, including:

- the likely impact on employers. We will do case studies of employers of large numbers of low-wage workers, including cost structures, responses to past minimum wage increases, and planning for a living wage.
- 'benefits cliffs'. Working with the National Center on Childhood Poverty at Columbia University, we will develop a calculator that will show how a living wage might lead to lower net incomes by making workers ineligible for means-tested benefits such as Medicaid and food stamps.
- public opinion. Using surveys of employers and workers, will ask how widespread the hopes and concerns are.

*Ian Greer is a Senior Research Associate in Cornell's School of Industrial and Labor Relations.*

gious wage thieves. An attorney for the New York County DA described some of their current Wage Theft prosecutions and while no criminal Wage Theft cases have come to the courts in Upstate NY, Tompkins County DA Matthew Van Houten took a stand that it is criminal and serious.

While we champion a Living Wage for all workers, and other workers' power, we must all stand up to drag wage theft into the light and make cheating bosses pay (literally!).

# New York State Minimum Wage and Salary Exempt Pay Went Up in Early January!

**T**he United States Fair Labor Standards Act (FLSA) and New York Minimum Wage Act require that most workers must be paid the minimum wage (\$11.10 for most workers in Upstate New York as of 12/31/2018, and \$12.75/hour for fast food workers), and that **an employee who works more than 40 hours in a work week must receive overtime pay of 1.5 times their hourly wage for all time over the 40 hour threshold.**

**Specific jobs may be exempt from the Overtime Rule.** These

jobs are often called “FLSA exempt” or “salaried-exempt” jobs. To be a legitimate FLSA exempt job, the job duties of the position must meet certain minimum requirements including executive, or administrative duties. In addition to meeting the “duties test,” for employees in these jobs to be exempt from overtime **they must also be paid a minimum salary per week.**

Along with increases to the minimum wage in New York State, the minimum salary for FLSA exempt

employees also increased on 12/31/18. **The minimum salary in Upstate New York is now \$832 per week.**

If you have questions about the minimum wage or salary exempt pay or if you or someone you know isn't being paid correctly feel free to reach out through the Tompkins County Workers' Center's Hotline at 607-269-0409 or email

TCWRH@tcworkerscenter.org



## ARE YOU A VICTIM OF WAGE THEFT?

Tompkins County Workers' Center takes wage theft seriously.

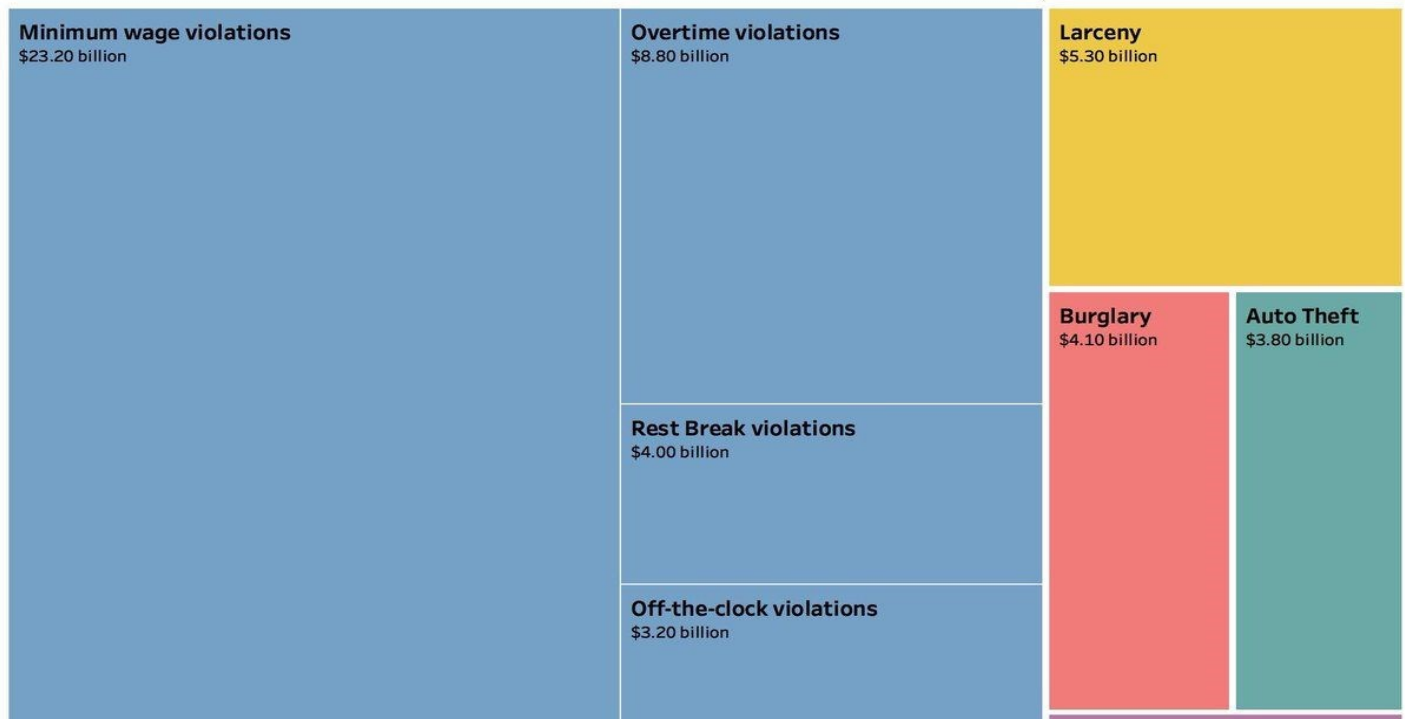
Call today to meet with us and find out your options for getting your wages back.

**607-269-0409**



### Wage Theft (when employers steal from employees)

### Other types of theft



\*all \$ amounts are per year  
\*all data is for the U.S.

Graphic from Economic Policy Institute

Robbery  
\$0.34 billion



## Trouble Makers Take Over, cont.



work, and fellow troublemakers share their experience and perspective to develop organizing-focused solutions.

At 'Dealing with Bullying Bosses,' workers shared stories of bosses using discriminatory promotion practices, emotional abuse, and retaliatory discipline. The room offered solidarity and concrete next steps. Workers learned ways to take advantage of protected rights like concerted action, build a team of coworkers, and shift power away from management. "It struck me that once



workers know their rights, that others will have their back, fear falls away and self-respect comes forward," said Matt Stupak, a barista unionist.

At 'Organizing in High Turnover, Low Wage Jobs', three local workers from Gimme Coffee, GreenStar Coop, and Collegetown Bagels shared their experiences with addressing apathy and fear. Workers in precarious employment positions can often feel powerless in their workplaces. Stress from abuse and overwork sap the energy that might otherwise go to union drives. Bosses rely on high turnover to keep organiz-

ing challenging. But while many organizing attempts fail, our victories prove the fight can, should, and must go on.

Many attendees lamented the event was only one day. Each available topic warranted a full day on its own. But the relationships and skills we came away with fueled us for all the good work yet to be done.

*Mason and Stupak are two of the lead organizers for the Gimme! Coffee Barista Union/Workers United Local 2833. Matt is also a Workers' Rights Hotline advocate for the Tompkins County Workers' Center.*



Upper left: Samantha Mason. Upper right: Over 200 people from all over upstate New York and Pennsylvania fitting snugly at the Plumbers and Steamfitters Union Hall in downtown Ithaca on March 23rd. Bottom: Scott Slawson, President of United Electrical workers Local 507 in Erie, PA gives an incredibly rousing speech.



# The Workers' Center Takes on Sexual Harassment

**I**n October of 2018, New York State implemented new rules that every employer in NY with one employee or more must have a written Sexual Harassment policy and provide employees with sexual harassment training that meets minimum state standards. (<https://www.ny.gov/combating-sexual-harassment-workplace/employers>)

Sexual harassment is an age-old form of discrimination that enforces sex/gender inequality, and social norms still make too many excuses for it. Civil rights movements have made progress toward exposing and fighting it, but we still have a long way to go. The Tompkins County Workers' Center (TCWC) applauds New York's new rules – which are a good starting point for a new era to eliminate it.

When people think about workplace sexual harassment, they usually think about *quid pro quo* harassment, where someone with power in the workplace forces sexual acts on another worker with promises of special favors or threats of retaliation. It extends beyond this though, from other unwanted behaviors of a sexual nature or sexual tone, to other forms of creating a severe and pervasive hostile environment for someone because of their sex, gender identity, or sexual orientation. Sexual harassment is not just socially abhorrent and indecent, it is unlawful discrimination. It is also workplace violence, with severe effects for people targeted by it.

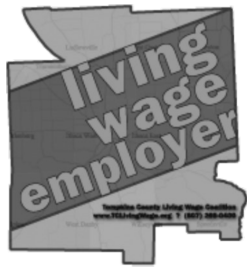
With support from the Community Foundation of Tompkins County Women's Fund, the TCWC has created workplace sexual harassment training that incor-

porates New York State requirements and further best practices in Occupational Safety, workplace communication, and the importance of bystander intervention as a part of workplace organizing for better working conditions for all. TCWC has also developed training in how to conduct fair workplace investigations about harassment, which too few managers ever get training in, and every worker has a right to understand. We'd be happy to provide training for your workplace and for community workers at large – contact us to learn more. TCWC is also looking for working folks who'd like to receive trainer training and join us in providing this important resource.

If you've been the target of sexual harassment at work, contact the Workers' Rights Hotline at 607-269-0409 to learn more about your rights and your options. In cases of sexual assault, call the police. The Advocacy Center of Tompkins County is also an important resource for survivors, friends and families affected by domestic violence and sexual assault. Their hotline is 607-277-5000 or visit [actompkins.org](http://actompkins.org).



**Left: Living Wage Workshop, Helen English, Education Support Professional in ICSD on left; Pete Meyers; Milton Webb, and Mike Blodgett Right: Crispin Hernandez and Dan DiMaggio, national Labor Notes organizer, support Green Light New York.**



# Support our 119 Certified Living Wage Businesses with over 3,094 workers!

Since our last newsletter in Summer 2018, we have certified Areti Construction, Better Housing for Tompkins County, Finger Lakes Running Company, Ithaca Montessori School and LaMorte Electric

Advocacy Center	The History Center of Tompkins County	Sciencenter Discovery Museum
Alcohol & Drug Council of Tompkins County	Holmberg Galbraith, LLP	Segal and Sorensen
Alternatives Federal Credit Union	Home Green Home	Shade Tree Auto, Inc.
Autumn Leaves Used Books	Hospicare and Palliative Care	Shaw & Murphy Law Firm
Ancient Wisdom Productions	Human Services Coalition of Tompkins County	Silk Oak/Ithacemade
Areti Construction	International Brotherhood of Electrical Workers Local #241	Singlebrook Technology, Inc.
Avital's Apiaries	International Food Network, Inc.	Snug Planet LLC
Better Housing for Tompkins County	Ironwood Builders of Ithaca	Sparks Electric
Blue Spruce Painting and Decorating	Ithaca Carshare	St. Catherine of Sienna Church
Boyce Thompson Institute	Ithaca Cayuga Optical Service	St. John's Episcopal Church
Bridges Cornell Heights	Ithaca Health Alliance	St. Luke Lutheran Church
Brightworks Computer Consulting	Ithaca Neighborhood Housing Services	St. Paul's United Methodist Church and Nursery School
Buffalo Street Books	Ithaca Oral Surgery and Implants	Stone Quarry House
Brotherton Construction	Ithaca Urban Renewal Agency	Strawbridge and Jahn Builders
Cancer Resource Center of Finger Lakes	IthacaMed	Sunbeam Candles
Catholic Charities of Tompkins/Tioga	Ithaca Montessori School	Sunny Brook Builders
Center for Transformative Action	Ithaca Teachers Association	Sunny Days of Ithaca
Child Development Council	Jewel Box	Sustainable Tompkins
Cinemapolis	Jillian's Drawers	Sweet Land Farm CSA
City of Ithaca	Julia e Dean Inc/The Clay School	Taitem Engineering
Colonial Veterinary Hospital	LaMorte Electric	Temple Beth El
Community Dispute Resolution Center	Loaves and Fishes	The Frame Shop
Community Foundation of Tompkins County	McBooks Press	The Strebel Planning Group
Community Nursery School	Miller Mayer Law Firm	Tiny Timber LLC
Community Science Institute	Multicultural Resource Center	Tompkins County
Cornell Child Care Center	New Roots Charter School	Tompkins County Public Library
Court St. Chiropractic of Ithaca	Northeast Pediatrics and Adolescent Medicine	Tompkins County Recycling, LLC
Downtown Ithaca Alliance	Nutritional Wellness Center	Town of Caroline
Family and Children's Service of Ithaca	OAR – Opportunities, Alternatives and Resources	Town of Danby
Feirman Builders, Inc.	One World Market	Town of Enfield
Finger Lakes Naturals	Ongweoweh Corporation	Town of Ithaca
Finger Lakes ReUse	Park Foundation	TRC Energy Services (Ithaca)
Finger Lakes Running Company	Planned Parenthood of the Southern Finger Lakes	Trumansburg Community Nursery School
First Baptist Church of Ithaca	Q2 Solutions	United Auto Workers Local 2300
First Congregational Church of Ithaca, United Church of Christ	Reach Medical, PLLC	Upscale Remodeling Corporation
First Unitarian Society of Ithaca	Red Feet Wine Market and Spirit Provisions	Village of Cayuga Heights
Friendship Donations Network, Inc.	Renovus Energy, Inc.	Viridius Property
Foodnet Meals on Wheels	Schlather, Stumbar, Parks and Salk	The Watershed
Grayhaven Motel		Weaver Wind Energy
Greensprings Natural Cemetery		Women's Opportunity Center

# Are You a Member of the Tompkins County Workers' Center?

## I want to Get Involved in the Fight for Workers Rights!

\$ \_\_\_\_\_ Individual Annual Membership  
Due= One Hour's Wage or \$11.10 if not working

During the next year, I'LL BE THERE at least five times for someone else's fight, as well as my own. Contact me for Rapid Response Alerts.

Signature

Name (Please Print):  
Home Address  
City/State/ZIP  
Phone  
Email

Mail to: **TC Workers Center**  
**115 The Commons/ E MLK St. Ithaca, NY 14850**  
You'll receive a laminated card in the mail. Great to have you with us!

## Is a member of the Tompkins County Workers' Center

During the year, I'LL BE THERE at least five times for someone else's struggle as well as my own. If enough of us are there, we'll start winning.

### I'LL BE THERE...

...standing up for our rights as working people to a decent standard of living

...organizing working families to take strong action to secure better economic future for all of us

...fighting for secure family-wage jobs in the face of corporate attacks on working people and communities

...supporting the right of all workers to organize and bargain collectively in the workplace



The Ithaca Community Gardens have plots available this year. The cost is \$50 for a full plot and \$35 for a half plot. Financial aid is available when needed to lower the cost to \$15. You can put your name on the list for new gardeners now. To reserve a plot either go to **IthacaCommunityGardens.org** or write to Project Growing Hope PO Box 606 Ithaca NY 14851. Be sure to include your name, postal mailing address and phone number. We are located off route 13 near the farmers market. We provide water, tools, and compost.

Contact Judith Barker at [judith.barker2@gmail.com](mailto:judith.barker2@gmail.com)





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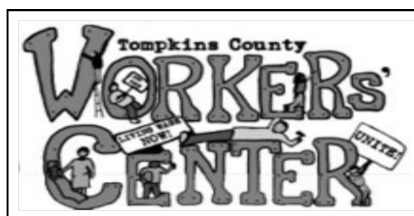
ALTERNATIVES FEDERAL CREDIT UNION AND  
TOMPKINS COUNTY WORKERS' CENTER PRESENT

Biennial Living Wage Study  
Friday, May 3, 2019 at  
The Space at GreenStar,  
700 W. Buffalo St., Ithaca, NY.

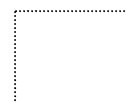
Join us from 10:00am -12:00pm

## 25 YEARS OF LIVING WAGE STUDY

Please join us! Press conference and community panel.



TC Workers' Center  
115 The Commons  
Ithaca, NY 14850  
TCWorkersCenter.org



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