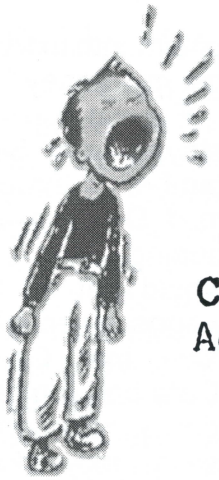

The Workers' Edge

The Voice of the Tompkins County Workers' Center

TCWorkersCenter.org
Phone 607-269-0409

Tompkins Workers' Center Labor Complaint Contributes to Federal Action Against Regis Corporation, Ithaca Cost Cutter's Parent Corporation

by Pete Meyers

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Fall 2010

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The National Labor Relations Board (NLRB) issued a complaint October 29th against the Minneapolis-based Regis Corporation which operates more than 10,000 hair salons nationally under 34 different brand-names, ordering Regis to cease and desist in its illegal actions. In the complaint, the NLRB investigated and then determined that the Regis Corporation had illegally solicited employees to promise in writing that they would not sign union authorization cards in the future. The investigation commenced as a result of an Unfair Labor Practice complaint filed by the Tompkins County Workers' Center (TCWC) on behalf of two workers in Ithaca, NY, as well as workers in Minneapolis and Indianapolis, with the NLRB.

The NLRB complaint says that in a DVD played to employees across the country, the company's Chief Executive Officer Paul Finkelstein warned that hair stylists would be blacklisted from the industry if they supported a union. In the recording, he exhorted employees to sign a "Protection of Secret Vote Agreement' which would prospectively revoke any union authorization cards in the future. Those employees viewing the DVD included two workers at the Ithaca, NY Cost Cutters, Amber Little and TJ Goehner, now members of the Tompkins County Workers' Center. Amber also experienced Regis Corporation blacklisting after she was terminated from her 4 year job at Cost Cutters.

The remedies being sought include:

• an order requiring the Regis Corporation to produce a new DVD in which CEO Finkelstein will read an NLRB notice about the illegal acts, to be played to all employees throughout the 10,000 stores;

• an order to post a standard Notice to Employees at all of its stores describing the remedy and how it broke the law by inhibiting the organizing of workers.

Lance Compa, labor law professor at Cornell University's School of Industrial and Labor Relations (ILR), said, "The evidence in this case is not a smoking gun. It is a smoking cannon. The NLRB has taken strong action by consolidating this case at a national level and seeking extraordinary remedies to address management's truly shocking behavior. What the company did here is a throwback to the 1920s era of "yellow dog contracts" [which required workers to sign promises never to join a union under threat of never being hired] which were made illegal by the Norris-LaGuardia Act of 1932, combined with modern union-busting tactics like captive-audience meetings and DVDs filled with threats. Similarly, ordering employees to report each other's union activities to management is a flat-out violation of the National Labor Relations Act and of workers' freedom of association."

Amber Little, a single working mother of two young children, had been fired from her position in January 2010 at Cost Cutters in Ithaca due to protesting a Regis policy that required hair stylists to sell hair care products equaling 15% of their hair cutting revenue. Meanwhile, Amber, like most other Cost Cutters workers, was paid $8.oo/hour.

As a result of Little's termination, and with her help, the TCWC got in touch with a number of other workers at the Ithaca Cost Cutters who took 'concerted action' by expressing to Cost Cutters what they believed to be an unfair policy. Concerted action is a protected activity defined by the National

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No Pay at Green Cafe

by Kiera Lewis

Kiera Lewis, a senior at Ithaca College, is a Workers' Center intern.

Life seemed to be opening new and exciting opportunities for twenty-eight year old Mexican Fernando Almaraz when he was invited by a friend to try out a promising job at the Green Café. Eventually, Fernando had fallen into a stressful pattern of driving thirty minutes to work at the Café every morning, from his employer-owned living accommodations he shared with other employees, hoping he might receive a paycheck that week.

Green Café, which opened in March, 2009, was one of three Green Cafe 24 hour coffee bars in New York State, recently declared bankruptcy. Earlier this year, we heard the story of how the people working in the back of the café, many of whom are from Mexico, were being treated unfairly and were not receiving their wages. In contrast, front counter workers of Caucasian ethnicity were respected and paid on time. Ana Ottoson, an Ithaca resident and cashier, decided that the inequity and illegality of the inner-workings of the Café must be exposed. So she brought the issue to the Workers' Center and asked for help. In the end, her action lead investigators to determine that the wage violation against Charles Park, owner of the Green Café, would amount to a sum of $623,000 for the Ithaca branch and another $377,000 in violations from the NYC Green Café.

Ana Ottoson

Fernando explains that "in the beginning, it was alright," but after weeks working seven days in a row with an occasional day off, everything changed. Most days, Fernando recalls, he worked 7am to 7 or 8pm. Ana says that workers in back of house occupations were "treated like slaves basically, not getting time off, not getting any kind of freedoms at all." Sr. Almaraz explained that he didn't receive any compensation after the first week; finally, on the third week, he received one week's pay. Many workers quit because they were working seven days a week without getting paid. His wage for seven days work was $560.00 per week, but he was paid for only one week a month. The situation grew worse: "Three weeks before I left I asked the owner for money or I would call the police. When I told him I was leaving this week, he begged me not to leave because he didn't have the money. And so I stayed one month more to get my money."

Fernando stayed from September through mid-December, hoping that he would get all the wages owed him. Now that Green Cafe has tumbled down, Fernando says ex-workers are going to the café in New York City, trying to get their lost wages. By late August of 2010, Fernando was paid some but not all of his back pay. The total due to him is $19,144.80.

Fernando thanks Ana and the Workers Center for providing a safe place for workers to tell their story. His life has changed for the better now. He moved to Los Angeles, California, with his family. He says, "I'm living the right way now. I work five days a week, eight hours a day." He looks back on this experience with a wise understanding of the relationship many have with money as he says, "you kill yourself if you work too much to make money. We killed ourselves and didn't make any money." He learned from this experience that people will sometimes try to make workers wait to be paid and that next time he will do something about it earlier on. Fortunately, Ana had the courage

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TCWC, UAW Partnership

by Pete Meyers

It's 1 a.m. Saturday, October 2nd, and 140 people are boarding three buses, organized by the Tompkins County Workers' Center (TCWC) and the United Auto Workers (UAW) Local 2300, to travel down to Washington, DC for the One Nation Working Together rally. The One Nation Working Together movement includes human and civil rights organizations, unions and trade associations, non-profit organizations, youth and student groups, religious and other faith groups, who are committed to pulling our country back together now. (See onenationworkingtogether.org for details).

This bus trip, organized in two short weeks, is an example of how TCWC and UAW are beginning to collaborate in new and deep ways that bespeak an important development in local labor organizing. This partnership is a natural development from TCWC's growing connection with the Midstate Central Labor Council and its member unions. For ex-

Continued on Page 5

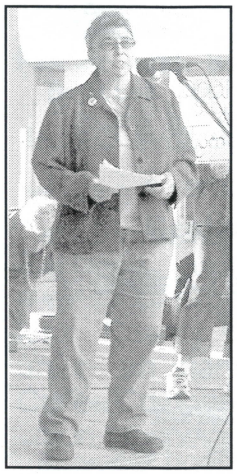
Get more involved! Call the Workers' Center at 269-0409!

Rally in Ithaca Declares a Jobs Emergency

by Mary Loehr

The Unemployed and Underemployed Support Group of the Tompkins County Workers' Center held an inspiring rally September 15 on the Commons that was attended by over 100 people. The core demand of the September 15th rally was full and fair employment: locally, regionally, and nationally.

"It's time for corporate apologists in the Senate, who are blocking a recovery for the rest of us, to recognize what workers already know: we are in a jobs emergency that requires a bold response," said Carlos Gutierrez , Community Union Organizer with the Workers' Center. "With record long-term unemployment and communities losing vital public services, it is time to put full and fair employment and a massive federal works program, core demands from the 1963 March for Jobs and Freedom that Glenn Beck wants us to forget, back on the national agenda."



County Legislator Kathy Luz Herrara

"If Congress focuses on reducing the federal budget deficit rather than fixing the jobs deficit, millions of workers and communities will suffer," said Bev Abplanalp, cofounder of the Unemployed and Underemployed Workers Support Group. "When Wall Street was in crisis, Congress found hundreds of billions of dollars to bail them out. We need to respond to the jobs crisis with the same urgency."

The Wall Street Journal reported that the bailed out Wall Street banks are making "bumper earnings" while non-financial US corporations are sitting on more than $8 trillion in cash reserves. A mere 20% of those holdings could pay 5 million Americans $70,000/year for five years.

Here are some of the faces and voices of members of our community who have been hit by unemployment (and who were speakers at the rally):

Emily Sosna: I had such a hard time getting a job here that I moved to Seattle. I was laid off there after six months because the veterinarian went bankrupt. Then I discovered I needed heart surgery. After my surgery, I decided to move back to Ithaca and have been looking for a job for over a year. In my field, employers want experience, but how do you get experience when no one will hire you? I worked hard to get my degree in veterinary technology. But, that's not enough. I'm lucky, though: I am single, live with my parents and the only bill I have to pay is student loans, which is in forbearance. The worker's center has been really great in knowing that I'm not alone in this & they have lots of different ideas to try to get employment.

Kirtrina Baxter, Reverend Sonya Hicks and Jemila Sequeira speak at the Rally

Cheri Magin worked for 27 years at Kodak, then her job was outsourced. Kodak went from 30,000 employees to 3,000 over a period of 10 years. She then worked for a local company for 10 months but resigned due to abusive treatment by the CEO. "I'm about to start my second temp job at Cornell, but I need a permanent job with good pay and benefits!"

Mike Roenke: a cofounder of the Unemployed/Underemployed Workers Group

Mike lost his job in the fall of 2008, shortly after the financial bail-out of the large banks. He has not found another full-time job and is having great difficulty paying his mortgage, car payments and other bills. This is taking an emotional toll on his entire family, which includes three teenagers, and puts him in a bad mood. (Just ask his wife, he says!) He reports that when he applies for a job, there are 40 or 50 other applicants, and he rarely hears back. When he does get a job offer, the rate of pay is ridiculously low, less than what unemployment is paying him. He has credit card debt to the Bank of America, the bank that received millions of bailout dollars during the "financial crisis." He asked if he could pay half of his regular payments, and was told that "No." He has now been forwarded to a collection agency, and can't pay his property tax.

"This is being played out all across the United States," he says. "There are 27 million others in the United States who are in a similar situation. This is not a recession; this is a depression. We're going backwards; I was better off five years ago than I am today. We are desperate. We need to get back to work. Eleven million jobs in this country are just gone; and there are 27 million people who are either unemployed or underemployed. The welfare of each of us is dependent on the welfare of all of us."

Local UAW 2300 Union Icon, Harry Evans, Passes Away

by Paul Sawyer, Professor, Cornell University

I met Harry Evans in 1997, during contract negotiations with Cornell. Local 2300 had made a living wage the goal of this particular bargaining session, and I was one of several faculty members who found this an exciting prospect. We formed a group to support the union and to publicize the living wage as a moral principle. Attending the bargaining sessions as an observer, I quickly realized I was going to learn far more than anything I could

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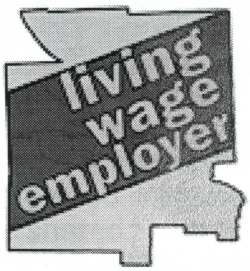
Support our 72 Certified Living Wage Businesses!



Advocacy Center

Alternatives Federal Credit Union

Ancient Wisdom Productions

ASI Renovations

Autumn Leaves Used Books

Black Box Computer Consulting

Blue Spruce Painting and Decorating

Boyce Thompson Institute

Buffalo Street Books

Catholic Charities of Tompkins/Tioga

CFCU Community Credit Union

Colonial Veterinary Hospital

Community Dispute Resolution Center

Community Foundation of Tompkins County

Contemporary Trends, Inc.

Cornell Child Care Center

Custum Construction

Day Care & Child Development Council of Tompkins County

Downtown Ithaca Alliance

Finger Lakes ReUse

First Baptist Church of Ithaca

First Congregational Church of Ithaca, United Church of Christ

First Presbyterian Church of Ithaca

First Unitarian Society of Ithaca

Green Clean

GreenStar Cooperative Market

Home Green Home

Hospicare and Palliative Care

Human Services Coalition of Tompkins County

Ithaca Carshare

Ithaca Health Alliance

Ithaca Neighborhood Housing Services

Ithaca Urban Renewal Agency

IthacaMed

Jeffrey Feirman Building and Renovation

Jewel Box

Jillian's Drawers

Loaves and Fishes

Money with a Mission

Morris' Men's Wear & Morris Too

Multicultural Resource Center

New Roots Charter School

Northeast Pediatrics and Adolescent Medicine

OAR - Opportunities, Alternatives and Resources

Ongweoweh Corporation

PPM Homes, LLC

Renovus Energy, Inc.

Shade Tree Auto, Inc.

Significant Elements, A Program of Historic Ithaca, Inc.

Singlebrook Technology, Inc.

Snug Planet LLC

Sparks Electric

Sprague & Janowsky Accountancy

St. Catherine of Siena Church

St. John's Church

St. Luke Lutheran Church

Stone Quarry House Bed and Breakfast

Sunny Brook Builders

Sustainable Tompkins

Taitem Engineering

Taughannock Aviation Corporation

Temple Beth El

The Frame Shop

The Strebel Planning Group

Tompkins Community Action

Tompkins County

Tompkins County Public Library

Town of Ithaca

TRC Energy Services (Ithaca)

United Auto Workers Local 2300

Upscale Remodeling Corporation

Ward & Murphy (Law Firm)

The Tompkins County Workers' Center is a Project Partner with the Center for Transformative Action

27th Labor Day Picnic Honors Workers Standing Up for Themselves & Each Other

by James Douglas

Those of you who made it to Stewart Park for this year's Workers' Center/Midstate Central Labor Council's 27th Annual Labor Day picnic, will remember that it was a beautiful day with sunshine, good food, over 500 good people, and good music. For those who couldn't attend, take my word for it. There are several functions of the Labor Day picnic. One, as a gathering for people to get together and reflect on what it means to be a worker in modern America. Secondly, to recognize people in our community who have made a difference over the past year.

Jami Breedlove was recognized for standing up for Cost Cutters stylists. One of the those stylists, **Amber Little**, was also given an award for standing up against Cost Cutters, which had instated a policy of making the stylists generate 15% of their revenue from the sales of additional hair care products, instead of just doing haircuts. Amber's situation led to the Workers' Center filing a complaint against the Regis Corporation for forcing all their workers to sign a pledge that they would never attempt to organize a union. (See front page article for more.)

Gabriella Seidman-Zager was given an award for standing up with her co-workers against the owner of a Collegetown restaurant that was paying below the minimum wage and stealing tips. Gabriella also played a leading role in negotiating a settlement with the restaurant.

Ana Ottoson was recognized by the Workers Center for helping bring about a case against the Green Café which has lead to nearly $1,000,000 in fines against the business. (See story on page 2.)

Pastor Rich Rose of the First Baptist Church of Ithaca. Photo by Darcey Laine.

Josh Geldzahler and Nate Bartman were both given awards for organizing the Tompkins County Coffee Workers union, an started at the Ithaca Coffee Company. Facing serious union-crushing efforts from their employer, Josh and Nate, along with the other members of the union were close to official recognition by the National Labor Relations Board. Due to tampering by the **Ithaca Coffee Company** (who received the Goat of Labor Award at the Picnic), the union withdrew their claim for official recognition. Nevertheless, Nate and Josh put forth an extraordinary effort in attempting to organize low-wage workers in the coffee business, which given the current anti-union climate in the US, is a victory.

Carlos Gutierrez was given an award for his ongoing work with both the Workers' Center and the Tompkins County Immigrant Rights Coalition. Carlos was a main organizer of the May Day rally for immigration reform, as well as helping to lead the highly successful Ithaca contingent to Washington, DC for the One Nation Working Together rally on October 2nd. Carlos is a cofounder and member of the Unemployed and Underemployed Workers Support Group at the Workers' Center, and has recently been hired by the Workers Center to provide occupational health and safety education to immigrant and other vulnerable populations.

Last but not least, this year's **Friend of Labor Award** went to a Assemblyperson, **Barbara Lifton**, who represents all of Tompkins County and parts of Cortland County. Barbara has been a steadfast advocate for economic justice, in general, and worker's rights, specifically. We are very appreciative of Barbara's work in the political arena as part of this larger movement for economic justice!

UAW, TCWC Work Together

Continued from Page 2

ample, every year we jointly work on the Labor Day Picnic (this year with over 500 people, the largest number ever), and worked on the Employee Free Choice Act.

Roughly 90% of our nation's population is not organized into a labor union; that percentage is similar locally. These are the people we organize through our strategies of Support, Advocacy, Empowerment, and Movement-Building. The UAW, a strong and locally-based union which represents all the service and building maintenance workers at Cornell, as well as TCAT bus drivers and other employees, Tompkins County Public Library librarians and support staff, Ithaca Housing Authority maintenance staff, and Finger Lakes Library staff, is an important boon for local labor.

Cost Cutters

Continued from Page 1

Labor Relations Act as two or more workers jointly addressing their employer about improving their working conditions and pay; concerted action is a natural precursor to unionizing. Because it is a protected activity, concerted action protects the workers' jobs.

"Had I known that I could have helped to organize a union to protest what I thought were unfair working conditions at Cost Cutters," said Little, "I would have done that in a heartbeat! This whole thing–being forced to sign this anti-union agreement–has helped to educate me a great deal about what it means to be in and actually organize a union." (Little now has her own stylist chair in A Personal Touch Hair Salon at Bishop's Small Mall, behind Triphammer Mall in Ithaca.)

Another worker, TJ Goehner, worked with Little at Cost Cutters and resigned in protest over Little's unfair termination. TJ says, "People have to join together to get stuff moving to challenge the corporations. If it's just one person, it's never going to happen. You get a whole group of people saying something is unfair, you'll get a lot more action than by just sitting there and taking it. No one should be threatened to lose their job in a down economy."

Perhaps the deepest irony about the egregious actions of the Regis Corporation is the fact that Amber Little had very little knowledge of what it meant to organize with other workers. As a result of the Regis Corporation's 'yellow dog contract,' Little and many other workers for Regis Corporation will now know that organizing with other workers is a legitimate way to change their working conditions for the better.

Labor Standards Elevated at Ithaca College: Living Wage for All Workers!

by Kiera Lewis

This semester the student-led group the Labor Initiative in Promoting Solidarity (LIPS), at Ithaca College is beginning a fierce living wage campaign to raise the labor standards for all contracts the College makes with outside companies. The group is affiliated with the Tompkins County Workers' Center and is designed to mirror similar campaigns and initiatives. Its purpose is to help monitor the labor standards of Ithaca College while the Workers' Center monitors for the Ithaca community.

It began just a few weeks ago, with Nate Bartman, Anne Carlin, Topher Hendricks, Kiera Lewis and Samantha Wolfe putting together the Labor Initiative in Promoting Solidarity, a group that educates and raises awareness in the community about labor issues nationally, regionally, and locally.

LIPS has now taken the "All Campus Living Wage" campaign as its kick-off point for the organization. Future campaigns for this group are already in the works, including a Sweat Free Campaign for Athletics at IC, and Farmworkers Campaign for full compensation. For now the group is trying to encourage strong community support for a living wage for all campus employees.

The basis for the campaign comes from the fact that all direct-hire Ithaca College employees are paid at a minimum $12.10 hr. The dining service workers are employed by Sodexo, a subcontractor. (IC hires Sodexo to run its food service because it is more economical.) Currently, there are 117dining services workers who are paid a starting wage of $8.19hr, well below the Tompkins County Living Wage determined by Alternatives Federal Credit Union. Students want Ithaca College to raise the standards in its contracts with companies so that subcontracting companies must start at the Tompkins County living wage of $11.11 hr with health care and $12.11 without. The current subcontracted company, Sodexo, has recently been involved in international class action suits as well as a law suit with New York State for overcharging local schools and SUNY campuses for their services. Sodexo is the target for many national living wage campaigns, but Lewis explains that they are just one example, "The goal of the Living Wage Campaign is not to just remove Sodexo from Ithaca College, the goal is to change the language in the contracts Ithaca College makes with these companies so that they have to reach living wage standards for Tompkins County. Just getting rid of the company will not solve the real problem."

LIPS has started promoting the "All Campus Living Wage" campaign off-campus and says the real pressure to change the current conditions will come from the community. The community will be here after the students graduate and after many workers leave, they are the ones that the College should be accountable to. The result of the campaign should be a code of conduct and community responsibility agreement that outlines all the standards that a company must meet before Ithaca College can hire them to do dining services in particular and all other services in general.

Continued on Page 8

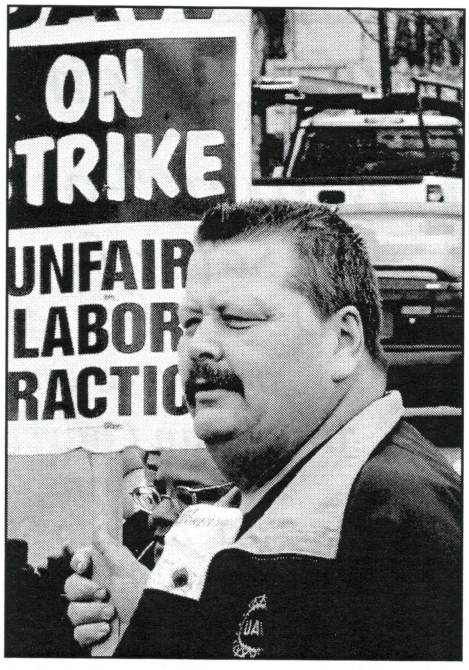
Harry Evans

Continued from Page 4

contribute. In my years as a professor, I had never had the chance to watch working people stand up for their rights, fight for them, articulate them.

Harry exemplified this passion to the fullest. A rank-and-file union member who had just succeeded Al Davidoff as president, he was suddenly faced with the responsibility of heading up the living wage campaign. With both eyes open, he put everything he had into the bargaining. Courage was the first of the three qualities he exemplified; tireless commitment and depth of feeling were the other two. Here was a big, burly, forceful man who was unafraid to weep in public. He always spared time, in the thick of tense negotiations, to attend to problems faced by individual members. In reading his tributes in Bear Facts, I was moved that as Peer Counselor for Local 2300, Harry had beyond doubt saved many lives. This was probably his greatest contribution to the union, but the living wage is part of his legacy as well. It didn't become a reality in 1997, but those negotiations lay behind Cornell's decision to adopt that goal for the next contract.

Progressive unionism is America's greatest hope for the future. Harry embodied progressive unionism at its best, not because he'd learned about it in college or read about it in the papers, but because he grew up hard and knew what that felt like. He was my hero. The thing he embodied most deeply was both simple and profound: the power of love. Love that was unsentimental, determined, in your face, that never gave up. Love that understood people's needs, limitations, and true potential, as a force strong enough to change the world.



Evans on strike

Without that kind of love, we don't stand a chance as a nation. That's why, though Harry's gone, he'll always stay with me, as a continuing inspiration.

I Want to Get Involved in the Fight for Workers' Rights!

$____ individual Annual Membership Due=One Hour's wage or $7.25 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 with Rapid Response Alerts.

_____

signature

Your name (please print)

Home street address

city

state zip

phone(s)

email

Send to: TCWorkers' Center, 115 The Commons, Ithaca NY 14850

You'll receive a laminated card in the mail or at a meeting. Great to have you with us!

_____

is a member of the **Tompkins County Workers' Center (TCWC)**

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

TC Workers' Center, 115 The Commons Ithaca 607-269-0409 www.TCWorkersCenter.org

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 our communities

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

Please Join Us

Winter Potluck

Saturday
December 4th

5:30 - 7:30 pm

Unitarian Church of Ithaca Annex
208 East Buffalo Street
2nd floor

Bring a Dish to Share, and don't forget your friends and family!

IC Students Demand Living Wage

Continued from Page 6

This season LIPS is striving to make the issue known and garner community support for their first initiative. The group meets weekly at Ithaca College. For more information on the Labor Initiative in Promoting Solidarity or the All Campus Living Wage campaign email laborinitiativeic@gmail.com.

No Pay at Green Cafe

Continued from Page 2

and dignity to bring this issue to the Tompkins County Workers' Center when she saw injustice. We could all learn a lot from just using our lips to improve the lives of others.

As this newsletter goes to press, the TCWC is working with the New York State Attorney General to find a way to collect the money owed to the Green Café workers, in addition to money owed to the State for penalties and fines. The NYS Department of Labor has no way to actually enforce the fines it levies on businesses. Charles Park, the owner of Green Café who has filed for bankruptcy, also owns The Evergreen Gourmet Deli in New York City.

Need Help? Try the Workers' Rights Hotline! 607 269-0409

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