

The Workers' Edge

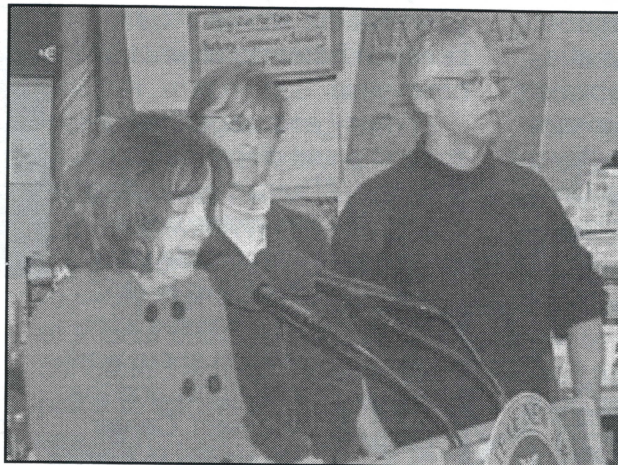
The Voice of the Tompkins County Workers' Center



Department of Labor Press Conference Reveals Ithaca Violations

On the Edge...

Winter 2010



NYS DOL Commissioner Patricia Smith with Ithaca Mayor Carolyn Peterson and Pete Meyers

On December 10, 2009, the New York State Department of Labor's (DOL) Commissioner Patricia Smith announced in a joint Press Conference with the Tompkins County Workers' Center and City of Ithaca Mayor Carolyn Peterson, the findings of a targeted DOL investigation of 22 Tompkins County restaurants. In May 2009, investigators from the DOL's Division of Labor Standards and Unemployment Insurance found that eight of the restaurants were in full compliance with labor laws.

However, the other 14 restaurants were found to have violated New York State Labor Laws. Specifically, the DOL found that \$87,925 is owed to 93 employees at 6 restaurants for violations such as failure to pay minimum wage and illegal deductions from workers' paychecks.

Commissioner Smith said, "I'm encouraged by the fact that almost one-quarter of the restaurants we checked were in full compliance with labor laws.

To them I say thank you - thank you for treating your workers fairly and thank you for playing by the rules. Ultimately, a level playing field helps all New Yorkers, workers and businesses alike. But several of them resulted in workers being cheated out of wages earned [*complete list of restaurants examined at end of this article*], and the State not receiving monies needed to pay Unemployment Insurance benefits to unemployed workers."

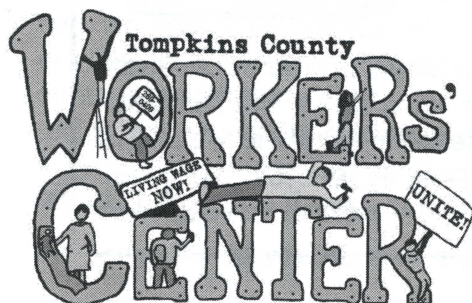
The Workers' Center was involved in referring some of the complaints to the DOL and is incredibly thankful that we have a governmental agency that is willing and able to act effectively on behalf of worker justice. The DOL is also to be praised for its proactive approach to enforcement which focuses not only on complaints, but also focuses on entire in-

dustries for enforcement 'sweeps', especially those industries such as the restaurant industry that are rife with wage and hour violations.

Unfortunately we know that the issue of Wage Theft extends well beyond what the diligent DOL enforcement efforts have uncovered here in Tompkins County. In this community, in this state, and in this nation, there are far, far too many cases of workers being cheated out of the fruits of their hard labor. In September 2009, a strong collaborating partner to the Workers Center, the National Employment Law Project (NELP), released a comprehensive study that NELP did around the country: "Broken Laws, Unprotected Workers."

This study reveals that approximately 2/3 of low-wage workers are denied full pay, each losing, on average, over

Member Nikki Sayward	2
From the Desk of the Coordinator	3
40 Hour Fast / Living Wage Employers	5
Know Your Rights	6
Become a Member!	7
Kick Off the 40 Hour Fast at Our Quarterly Member Potluck!	8



Workers' Center Member Spotlight: Nikki Sayward

By Mary Loehr

Nikki Sayward has been actively involved with the Workers' Center for four years. She first learned of us six years ago when she was a waitress at a local restaurant, and the owners were illegally taking tips meant for wait staff. Several employees approached the Workers' Center, and thousands of dollars were gotten back for the employees.

Nikki has held low-wage jobs around town, so she joined the Workers' Center low-wage workers committee. She also serves on the media committee and is co-chair of the Leadership Team.

Nikki learned from her parents the value of being a volunteer and giving back to the community. "I've gotta do something

with my time other than sleep and eat," she jokes. No, seriously, she enjoys being involved at the Workers' Center because it stands for what she believes in.

"When I see wage theft, it's so jarring and disconcerting," she says. "There's something wrong with this picture. How

can people even think this is ok?" She passes information about workers' rights and the Workers' Center informally to friends and acquaintances, and is in this way a budding community union organizer.

Nikki is a student at TC3, majoring in environmental studies. As such, she loves to be outside, going for walks or hanging out in the gorges. She learned beekeeping and gar-



Nikki Sayward

dening last summer and is excited to continue next summer.

She brings a light-heartedness to our meetings, and once was brave enough to be a stand-up comic at an open-mike night, where she says she was well-received. A new niche? Political pundit jokes about economic justice?

Thanks, Nikki, for bringing your talents and sense of fun to the Workers' Center!

We need your input

Maybe you've noticed the outreach the Workers' Center has been doing lately. We have colorful placards on TCAT busses. We've sent our new 'Problems at Work?' bumper stickers to our membership. And we've started, slowly but surely, to hang posters for the Workers' Center and our partner the Occupational Health Clinical Center around the county.

But we still wonder 'how can we reach everyone in the county?'

So here is our question to our membership: If you live in a rural community, where do you and your neighbors gather? How do you meet and get to know your neighbors? Are there community groups or activities in your town?

If you can help us out with this, please give us a call at 607-269-0409 or email LindaWorkersCenter@gmail.com. We want very much to reach out to each and every worker in our county!

Volunteer Opportunity for the Fun-loving!

The Workers' Center is in need of a Volunteer Party Planning Team. We'd like to have help planning our quarterly mem-

bership potlucks and dream up and throw other fun activities for our members.

If your expertise lies in being the life of the party, Call the office at 269-0409 to find out more or to volunteer!



From the Desk of the Coordinator

By Pete Meyers

This has been a very busy last couple of months! After working for the past year and a half to help grease the wheels to get the New York State Department of Labor (DOL) to focus more of its energies upstate, we were successful in working collaboratively, on December 10th, 2009, to present the results of a restaurant 'sweep' that the DOL had conducted in the spring of 2009. (More details of this on the front page of this edition of The Workers' Edge.)

DOL Commissioner Patricia Smith was at the Press Conference, which was very exciting for me as Smith has quite a strong reputation on behalf of workers' rights. In fact, she instituted the Wage and Hour Watch program in early 2009 in New York City, generating much controversy. Over the summer, Smith was named by Barack Obama to be Solicitor General of the United States. Her nomination is presently being blocked due to the obstinacy of some Republican Senators who don't like Smith's work on the Wage and Hour Watch program.

The amount of traffic to our Workers Rights Hotline has increased quite incredibly in recent months: this is probably related to various factors. One, we now have placards on TCAT busses advertising our services; two, we now have bumper stickers saying "Problems at work? contact the Workers' Center" (please consider putting one on *your* car); three, the media attention from the Press Confer-

ence mentioned above often tends to bring upticks in cases.

We are beginning to see more situations where advising workers to take "concerted action" makes sense. Concerted action, a right protected by federal law, means that two or more people work together to stand up for themselves in the workplace. In many cases, concerted action can lead to creating a union in the workplace. We recently met with 7 employees of a local business who took concerted action in their workplace to successfully stop the sexual harassment that these workers had been facing!

At the end of October, Lakeside Nursing Home was sold to the Peregrine Health Management Company. The Service Employees International Union (SEIU) 1199 asked us if we would get involved in helping to stymie the new management's directive to lay off all the nursing home's employees and cut back wages and benefits. Within 24 hours of a very successful joint Press Conference with SEIU in late October, the new management immediately backed down and signed a contract that the

workers found favorable.

One of the newest projects of the Workers' Center is our Listening Project. We had our first training with 15 people in early December. The Listening Project has three primary objectives: to learn more about the work-related issues and socioeconomic injustices faced by workers in Tompkins County; increase member involvement in the internal affairs of the Workers' Center, thereby learning how to more powerfully stand up and take action together; and to more effectively create and develop relationships among different communities within the Workers' Center, as well as the wider community.

Our Religious Task Force for a Living Wage, a joint project with Catholic Charities and religious denominations throughout the area, has been working the past several months to publicize a campaign to pressure Barnes and Noble and Borders Bookstores to pay their employees a Living Wage. The question that our Living Wage Employer Certification Program asks is relevant here: *If Autumn Leaves Used Books and Buffalo St. Books, two locally-owned bookstores, can pay a Living Wage, why can't Barnes and Noble and Borders do so?*

Please contact the Workers' Center to get your postcards saying how much money you spent at Barnes and Noble and Borders, which we are gathering at the Center. We'll visit the management of these two stores in the near future.

WHAT WE CAN'T
DO ALONE
WE CAN DO
TOGETHER



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

DOL Sweeps

Continued from Page 1

\$2,600/year. The study, which the Workers' Center can validate as constituting very real problems, also found in its interviews with close to 5,000 workers that in regards to:

- **Minimum wage:** 1 in 4 workers (26%) are paid below the minimum wage (\$7.25/hour) in a given work week;
- **Overtime pay:** 76% of those who worked overtime were not paid the required time and a half;
- **Meal breaks:** More than two-thirds (69%) did not get the meal breaks they were entitled to;
- **Off-the-clock work:** 70% did not get any pay at all for work performed outside their regular shift;
- **Tipped pay:** Nearly 1/3 (30%) of tipped workers were not paid the tipped worker minimum wage (presently \$4.65/hour in NYS)
- **Pay documentation:** 57% of workers did not receive mandatory pay;
- **Employer retaliation:** 43% of workers experienced illegal retaliation following complaints;
- **Workers' compensation:** Only 6% of injured workers received coverage for medical expenses;
- **Exempt workers:** 89% of 'in-home' child care workers earned less than the minimum wage.

The Mission of the Tompkins County Workers' Center, simply put, is to stand up with all people treated unfairly at work or faced with critical poverty, racial, housing, health care, or other social and economic issues. We support, advocate for, and seek to empower each other to create a more just community and world. We believe in a Living Wage, and in fair treatment in the workplace, and will continue to work resolutely to hold to account any employers who treat their workers unfairly or violate the statutory protections we all should enjoy.

22 Targeted Restaurants Involved in Depart-

ment of Labor 'Sweep' in Tompkins County:

- 1) Simeons Restaurant - Underpayment assessed for uniform purchase and uniform maintenance for 31 employees in amount of \$5,767.60. Employer did not launder or pay uniform maintenance allowance for required uniforms; also employer made illegal deductions (required employees to buy uniforms pre-employment).
- 2) Madeleine's Restaurant - Violation – child labor law for not having working papers for one 17 year old minor. \$100.00 penalty.
- 3) The Rose Restaurant – One employee was not paid overtime as required by law; instead he was paid a weekly salary which included no overtime premium. Employer was assessed \$20,000.00 and agreed to pay in 7 installments. Violations found: No working certificate on premises, failure to have minors properly identified on schedule, not paying overtime, not providing a day of rest.
- 4) Capital Corner Restaurant. Minimum wage violation. One employee who worked in the kitchen is owed \$13,564. Employer is currently on a payment plan. Has made 4 payments and has paid \$3,995.40.
- 5) That Burrito Place. Nonpayment of uniform maintenance allowance for \$9,398.40 for 24 employees. We are negotiating at the present time.
- 6) Asia Cuisine. Minimum wage violations. Employer paid tipped food service workers \$10 per shift, for shifts lasting 4 – 5 hours; accordingly, workers were paid \$2.00 - \$2.50 per hour. This rate is well below the minimum wage in effect for tipped food service workers at the time, which was \$4.60 per hour. Also, violations of requirement to maintain payroll records. Underpayments estimated at approximately \$37,933.57 for 19 employees.
- 7) New Delhi Diamonds. Employer failed to pay split shift supplement. Underpayment of \$1,261.20 collected and released to 6 individuals.
- 8) Sushi O' Sake. No minimum wage problems. Violation found: failure to have proper records. Employer educated.
- 9) Samuri Japanese Restaurant. No minimum

Workers' Center Member Potluck to Kick Off the Fifteenth Annual 40-Hour Fast: From False Idols to Moral Vision

On Saturday, March 6th, from 5:30 to 7:30 p.m., at the Unitarian Church of Ithaca (corner of Buffalo and Aurora Sts), the Tompkins County Workers' Center and its Membership joins with the Religious Task Force for a Living Wage to kick off a 40 Hour Fast for worker justice, which will start at 8 p.m. that night following the dinner and short program.

The theme of this year's Fast, sponsored also by the Labor-Religion Coalition of New York State is *From False Idols to Moral Vision*. We ask you to bring food for yourself and family when coming to our event. For those who

would like to conclude the 40 Hour Fast in community, please join us at Loaves and Fishes (210 N. Cayuga St., Ithaca) on Monday, March 8th at noon.

The following questions and moral principles are designed for reflection and prayer, courtesy of the Labor-Religion Coalition, during the 40 Hour Fast.

Q: How will my economic decisions to buy, sell, invest, divest, hire or fire, serve human dignity and the common good?

Q: How do my economic choices con-

FROM FALSE IDOLS



TO MORAL VISION

tribute to the strength of my family and community, to the values of my children, to sensitivity for those in need?

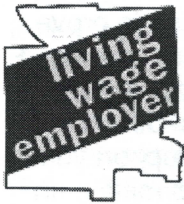
Q: In this consumer society, how can I develop a healthy detachment from things and avoid the temptation to assess who I am by what I have?

Q: How do I strike a balance between labor and leisure that enlarges my capacity for friendships, for family, for community?

Q: What government policies should I

Continued on Page 7

Support these Certified Living Wage Businesses



- Advocacy Center
- Alternatives Federal Credit Union
- Ancient Wisdom

Productions

- ASI Renovation
- 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 Federal Credit Union
- Colonial Veterinary Hospital
- Community Foundation of Tompkins County
- Contemporary Trends, Inc.
- Custum Construction
- Day Care & Child Development Council
- Downtown Ithaca Alliance
- Finger Lakes ReUse
- First Baptist Church of Ithaca
- 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
- IthacaMed
- Ithaca Neighborhood Housing Services
- Ithaca Urban Renewal Agency
- Jeffrey Feirman Building & Renovation
- Jewel Box
- Jillian's Drawers
- Loaves and Fishes
- Money with a Mission
- Morris' Men's Wear and Morris Too
- Multicultural Resource Center
- Northeast Pediatrics and Adolescent Medicine
- Opportunities, Alternatives and Resources (OAR)
- Ongweoweh Corporation
- PPM Homes, LLC
- Renovus Energy

- Shade Tree Auto
- Significant Elements, A Program of Historic Ithaca
- Singlebrook Technology
- Snug Planet LLC
- Sparks Electric
- Sprague and Janowsky
- St. Catherines of Siena Church
- St. John's Church
- St. Luke Lutheran Church
- Stone Quarry House, B & B
- Sunny Brook Builders
- 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 and Murphy

Know Your Rights: "Concerted Activities"

Ron Powell

Beginning with this issue of The Worker's Edge, the Workers' Center will highlight a particular worker's rights issue that we think is important for people to know about. In this issue we focus on "concerted activities." Since so few people have a labor union to help protect them at work, the Workers' Center believes that understanding (and practicing) concerted activities could help change the balance of power at work.

What are protected concerted activities?

The National Labor Relations Act (NLRA) protects employees' rights to engage in protected concerted activities without the protection of an organized union. Concerted activities would be 2 or more

employees attempting to improve working conditions, such as wages and benefits. Some examples include:

- a) Two or more employees addressing their employer about improving their working conditions and pay. Examples might include two workers speaking to the boss about higher wages, OR one worker speaking on behalf of him or herself and others about more vacation time.
- b) One employee speaking to the



employer on behalf of him or herself AND speaking to one or more co-workers about improving workplace conditions;

c) Two or more employees discussing pay or other work-related issues with each other.

You can file an unfair labor practice complaint with the National Labor Relations Board (NLRB) if an employer violates your right to concerted activity, or you can contact the Workers' Center for support in your work situation. While such activity is technically protected, without a formally recognized union and collective bargaining agreement, you are still considered an at-will employee, subject to your employer's whims and on your own if you need to prove to the NLRB that your concerted activity rights have been violated. (The Workers' Center would be happy to support you in this, if you'd like.) Forming a union can give you and your fellow workers the full measure of legal protection.

DOL Sweeps

Continued from Page 4

wage problems. Violations found: employer not paying manual workers weekly. Failure to have proper records. Employer educated.

10) Lost Dog Café. No minimum wage problems. Violations found: meal period violation and employer not paying manual workers weekly. Employer educated

11) Pizza Aroma. No minimum wage problems and no violations served.

12) Jimmy Johns. Tip appropriation violation: management had access to jar on counter for tips. Violation 196D served and employer educated.

13) Bella Pizza. No minimum wage problems and no violations served.

14) Ithaca Diner - No minimum wage problems and no violations served.

15) Ragmann's - No minimum wage problems. Violation: employee not furnished with proper paystub

information. Employer educated.

16) Sammy's Pizzeria and Restaurant - No minimum wage problems. Violations: No day of rest, failure to have proper records, illegal deductions.

17) Jade Garden - No minimum wage problems or violations served.

18) Sangam Indian Curry. No minimum wage problems or violations served.

19) Paul's Café and Grill. No minimum wage problems or violations served.

20) Viva Tarqeria. No minimum wage problems. Violation: meal period violation. Employer educated.

21) Hal's Deli. No minimum wage problems or violations served.

22) D.P. Dough. No minimum wage problems. Violations served: child labor, no working papers for one 17 year old minor, failure to have minors properly identified on the schedule, employer not paying manual workers weekly. \$750.00 civil penalty assessed.

40 Hour Fast

Continued from Page 5

support to increase the well-being of all, especially the poor and vulnerable?

Moral Principles For Economic Life

1. The economy exists for the person, not the person for the economy.

2. All economic life should be shaped by moral principles. Economic choices and institutions must be judged by how they protect or undermine the life and dignity of the human person, support the family, and serve the common good.

3. A fundamental moral measure of any economy is how the poor and vulnerable are faring.

4. All people have the right to life and to secure the basic necessities of life (e.g., food, clothing, shelter, education, health care, safe environment, economic security.)

5. All people have the right to economic initiative, to productive work, to just wages and benefits, to decent working conditions, as well as to organize and join unions or other associations.

6. All people, to the extent they are able, have a corresponding duty to work, a responsibility to provide for the needs of their families, and an obligation to contribute to the broader society.

The Practice of Fasting, as related to the 40 Hour Fast: From False Idols to Moral Vision:

"Is this not the fast that I choose...to share your bread with the hungry, and bring the homeless poor into your house?" - Isaiah

58:6-7

"Fasting has always been in the Christian, Jewish and Muslim tradition, and as people of faith seek increasingly to struggle for justice...it's a natural outgrowth that fasting would be something they do."

Kim Bobo, Interfaith Worker Justice

Why Fast For 40 Hours?

The number 40 has special significance in both religious and labor tradition. In religious history, the 40 days of Lent, the 40 days of rain in the Great Flood, and the Israelites' 40 years wandering in the wilderness are examples of this deeply symbolic number. The 40-hour work week, giving workers the weekend for family and rest, was won only after years of struggle and sacrifice by men and women in the labor movement.

How Do You Fast?

We invite you to not eat solid food for as much of the 40 hours as you can. It may mean fasting from one meal or two, or fasting from snacks between meals, or from desserts. While fasting from solid food, it is important to drink plenty of fluids. In your hunger, you are asked to take action, "to hunger for justice" so that on-going and persistent injustice in New York State may be alleviated.

If you plan to participate in the 40 Hour Fast, please let us know by either sending an email to TCWRC@yahoo.com or calling or contacting Laurie Konwinski, Justice and Peace Ministry at Catholic Charities, 607-272-5062 (x-12)

What is the Tompkins County Workers' Center?

The Tompkins County Workers' Center is composed of a group of residents of Tompkins County committed to worker justice.

Our Mission is to stand up with all workers treated unfairly at work or faced with critical poverty, racial, housing, health care or other social and economic issues.

We will support, advocate for, and seek to empower each other to create a more just commu-

What does being a member of the Workers' Center mean?

A member is someone who believes:

1. In helping each other to make our community a better place to live.
2. We all deserve to have good jobs with good wages so we can live decently.
3. We all deserve rights and fair treatment.
4. Healthcare is a right—everybody should have affordable access to it.
5. We all deserve a livable neighborhood and affordable housing.



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.

Please contact me with Rapid Response Alerts.

Signature

Your Name (please print)

Home Street Address

City

State

Zip

Phone (s)

Email

Send to: TC Workers' 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!

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 a better economic future for us all

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

WORKERS' CENTER MEMBER POTLUCK

**TO KICK OFF THE FIFTEENTH ANNUAL
40-HOUR FAST FOR WORKER JUSTICE**

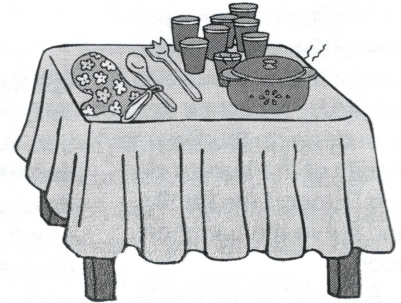
Saturday, March 6th from 5:30 to 7:30 pm

Unitarian Church of Ithaca

Corner of Buffalo and Aurora Streets

Ithaca

**We ask you to bring food for yourself
and family when coming to our event.**



Tompkins County Workers' Center 607 269-0409
www.tcworkerscenter.org

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