

WORKERS' RIGHTS

Union volunteers help enforce laws against construction wage theft on Multnomah County projects

By Don McIntosh

In the fight against wage theft, the volunteer cavalry has begun to arrive. On Jan. 21, the Multnomah County Commission heard a first report back about a pilot program in which union and community volunteers help County officials police construction work sites to make sure public works contractors are obeying labor laws, such as paying prevailing wage and overtime, not exceeding the mandated apprentice-to-journeyman ratio, and not misclassifying construction workers into lower-

paid job classifications.

There are 13 volunteers so far, mostly business representatives from local building trades unions. They get County training, and access to a new software program known as LCP-tracker, which contractors on County projects use to submit certified payroll records. The program automatically flags problem data, which greatly speeds enforcement of prevailing wage and other wage and hour laws. Volunteers also get ID badges authorizing them to visit construction work sites,

where they speak with workers about conditions—to make sure they match up with what their employers are reporting. Any violations are reported to the Oregon Bureau of Labor and Industries for enforcement.

“Access to the workers is the biggest thing,” said Sheet Metal Workers Local 16 organizer Brian Noble. “They usually don’t know that the company could be stealing money from them. By talking to them, we can find out.”

The first batch of volunteers was trained last August. So far

the program includes volunteers from the Sheet Metal, Painters, Carpenters, Operators, Ironworkers, Glaziers, and Bricklayers unions. The software launched Oct. 1. Site visits began later that month. The program is modeled on a similar program used by the Los Angeles Unified School District.

“We’ve had a great start,” Noble said. “The program is working.”

County commissioners last May approved temporary funding for the pilot program. After hearing the Jan. 21 progress re-

port, commissioners voiced support for making the program ongoing when County Chair Deb Kafoury submits her next proposed budget in April.

“Our goal is to make sure that all workers get the wages that they’ve earned and that they deserve,” Kafoury told union volunteers and county staff.

Commissioner Lori Stegman said she’d like to see the program go statewide.

“The term ‘wage theft’ doesn’t really cover it. This is exploitation,” added Commissioner Susheela Jayapal.

Some of the ways unscrupulous employers cheat workers out of wages

Don’t pay them. Some contractors hire a day laborer for a day’s work, then stiff them when the work is done.

Don’t pay for breaks. Workers will be told the company is in too big a hurry for them to take meal and rest breaks.

Don’t pay them overtime. Workers are entitled to time-and-a-half when they work more than 40 hours in a week, but they don’t always get it.

Tell them they’re independent contractors. A common fraud victimizes workers because employers don’t pay employer Social Security tax,

unemployment insurance, workers’ comp, and sometimes even minimum wage.

Don’t pay them for time in transit. Some employers will tell workers to pick up the company truck and equipment and drive 50 miles to the work site, but pay them only for the hours they work on site.

Call them apprentices. On prevailing wage jobs, nonunion employers sometimes pay journeymen the apprentice wage, and get away with it if workers don’t know what they’re entitled to.

Work them off-the-clock. Employers may ask workers to do a little prep work before they clock in, or a little cleanup after they clock out. It’s illegal.

Ask for kickbacks. On prevailing wage projects, some nonunion employers have been known to direct workers to pay a portion of their premium wages back to the company, the foreman, or labor broker.

Pay piece rate. If it ends up less than minimum wage, it’s illegal.

Deduct things from their wages. Some employers deduct fees for the tools or supplies workers need to do the job. It’s illegal.

Misclassify them. On a prevailing wage job, employers might pay workers at the lower laborer rate while they do carpenter or painter work, for example.

Leave off benefits. Prevailing wage requirements mandate money for benefits. Some unscrupulous employers leave that off.

Lie about the number of hours worked. Some employers will report that they paid the prevailing wage, but underreport hours worked so that the paychecks match the reported wage.

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UNION ORGANIZING

Workers at Growing Seeds daycare chain announce union campaign

Workers at a Portland childcare chain announced a union campaign Feb. 17 that would include about 75 workers at all three day care centers operated by Growing Seeds Learning Community. If they officially win a union through voluntary recognition or a government-administered union election, they would become members of International Longshore and Warehouse Union (ILWU) Local 5, which represents workers at Powell’s Books, the Oregon Historical Society, and two local veterinary hospitals.

Growing Seeds, founded in 2004, has grown to three locations in Portland: 6505 NE Martin Luther King Jr.

Bld., 2808 NE Martin Luther King Jr. Blvd., and 2808 SE Steele St. The centers provide care and instruction for children aged six weeks to six years.

A press statement announcing the union cited “unfair compensation, unsanitary working conditions, and lack of support for teachers,” as reasons for the decision to unionize, along with a desire to have a stronger voice in anti-bias training.

“Any positive changes to our working conditions will result in positive changes in the experiences of the children we work with,” said Growing Seeds preschool teacher Olivia Pace in the statement.