



Members of the Oregon Senate Workforce Committee, chaired by Sen. Michael Dembrow, convened May 24 in Salem to hear testimony about forestry workers' working conditions.

PHOTO BY JOE GLODE

Migrant forest workers cheated on pay, labor investigation finds

Laborers shorted \$103,000 for work on public lands in Oregon, Idaho and Arizona

BY EMILY GREEN
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The U.S. Department of Labor announced in June that its investigators found two reforestation companies owed more than \$103,500 in back wages and damages to their employees for work performed under government contracts in national forests.

As a result, contractor Alpha Services LLC was fined \$59,500 in civil penalties, and its subcontractor, Tualatin-based Eco Group LLC, was fined \$10,600.

In addition, Alpha Services paid \$66,295 owed to 57 employees who investigators determined were paid wages that fell below the required minimum wages for reforestation work, and Eco Group paid \$37,339 owed to 48 employees.

Reforestation work includes labor-intensive forestry-support activities such as tree planting and thinning, pruning and herbicide and pesticide application.

According to the labor department, Alpha Services failed to keep an accurate record of hours worked by employees and provided investigators with records "that showed a reduced number of hours, creating the false appearance that the piece-rate earnings covered the rates required."

The violations occurred during 2014 on public lands in Oregon, Idaho and Arizona including the Malheur National Forest under U.S. Forest Service contract and areas around Springfield, Ore., under Bureau of Land Management contract, said Tom Silva, Department of Labor Wage and Hour Division district director in Portland.

It's the third time Alpha Services, based in Coeur d'Alene, Idaho, has been cited for violating the Migrant and Seasonal Agricultural Worker Protection Act, and the second time it's been sited for violating the Service Contract Act, according to the Department of Labor's database.

Between 2007 and 2010, Alpha Services

was cited for owing more than \$5,000 in back wages owed to 27 of its employees.

Alpha Services, like many other reforestation contractors, frequently employs Latin American guest workers who are in the U.S. legally under temporary-worker visas, known as H2-B.

"Reforestation workers regularly face language barriers, often fear stepping forward when wage or safety violations occur, and have limited access to public services since they work and live in isolated areas," Silva said in a statement. "When companies fail to pay these vulnerable workers their hard-earned wages, the Wage and Hour Division will continue to use every tool available to protect their rights. We encourage workers in similar circumstances to contact us."

A 2012 survey conducted by the Northwest Forest Worker Center of 150 reforestation workers employed by 42 contractors in Southern Oregon showed 48

percent of workers reported that they don't get paid time and a half when they work more than 40 hours in a week, and 45 percent said they've been shorted on pay during the year leading up to the survey. One in eight said it happened more than six times.

Between 2000 and 2014 Alpha Services has been awarded government contracts worth \$13.8 million, with contracts in Oregon accounting for nearly \$640,000 of that figure, according to InsideGov.

Labor fines that Alpha Services was penalized with in the past never rose above a couple hundred dollars.

Silva said investigators take several factors into account that could have played a role in the high civil penalties charged to the companies at the conclusion of this investigation, including violation history, the severity of the violation and the number of employees affected.

On June 21, the same day the Department of Labor publicly announced the fines and monies owed to their employees, the Spokesman Review reported the two companies contested the findings of the investigation to a federal administrative law judge. But they both paid their employees the money investigators said they owed.

Alpha Services co-owner Robert Zahaire told the Spokane, Wash., newspaper there was a dispute over how travel times and breaks were calculated, and that "It felt like the investigator was overzealous in defense of workers."

He also claimed his company was under extra scrutiny because he often hires H2-B workers, and that work on federal lands only accounts for about 5 percent of his contracts.

Despite repeatedly being cited for failing to follow labor laws, Alpha Services continued to win government contracts from the U.S. Forest Service and Bureau of Land Management for reforestation work in state and federal forests.

Street Roots asked both the U.S. Forest Service and the Bureau of Land Management if the agencies will continue to contract with Alpha Services, now that it's been found in violation of labor laws for a third time.

While neither agency responded to this inquiry by press time, in relation to Street Roots previous coverage of worker exploitation and abuse in the reforestation industry (see "Timber's Fallen," Feb., 2016, at news.streetroots.org), Bureau of Land Management spokesperson Maria Thi Mai said when contractors are found to be in violation of the law, it is noted and taken into consideration on future deals.

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