

LOCAL, STATE & REGION

WASHINGTON STATE

Do immigrant detainees deserve minimum wage? Issue goes to trial

BY GENE JOHNSON

Associated Press

SEATTLE — After nearly four years of litigation and pandemic-related delays, a trial is underway to determine whether the GEO Group must pay minimum wage to detainees who perform cooking, cleaning and other tasks at its immigration detention center in Washington state.

Detainees are typically paid \$1 per day when they work shifts in the Voluntary Work Program at the for-profit Northwest detention center in Tacoma. The state's minimum wage is now \$13.69 per hour.

Attorney General Bob Ferguson and some detainees filed separate lawsuits against GEO in 2017, arguing that the company's contract with the federal government requires it to follow state and local laws — including Washington's Minimum Wage Act — and that GEO, one of the nation's largest private detention companies, unjustly profited by paying so little.

Tacoma-based U.S. District Judge Robert Bryan, who has rejected several attempts by GEO to dismiss the lawsuits, consolidated the cases for trial, which he is conducting via Zoom because of the pandemic. Jury selection happened Tuesday.

"These cases are not about whether the government's contracting with private entities to operate detention facilities is a good or bad policy," Bryan told potential jurors Tuesday morning. "These cases are also not about United States' immigration



Ted S. Warren/AP file

Workers in the kitchen of the U.S. Immigration and Customs Enforcement detention facility in Tacoma, Washington, during a media tour in 2019. GEO Group runs the for-profit detention center.

"By relying on detainee labor, GEO avoided the cost of hiring non-detainee workers and unjustly pocketed the savings and resulting profits."

— The Washington state attorney general's statement

policy or border issues."

In 2014, amid a hunger strike by detainees, immigrant rights activists tried to convince the governor's office and the state Department of Labor and Industries that detainees should be paid minimum wage for work performed there.

After reviewing the matter, Labor and Industry officials determined that Washington didn't have jurisdiction over

the federal government's detainees for purposes of wage issues, according to public records obtained by GEO and filed in the case.

In 2017, amid a flurry of lawsuits over the new Trump administration's immigration policies, Ferguson reached a different conclusion, saying GEO was exploiting Washington residents.

Trump's Justice Department sought — and failed — to have Washington's lawsuit against GEO lawsuit dismissed, calling it "an aggressive and legally unjustified effort by the state of Washington to interfere with federal immigration enforcement."

GEO opened the detention center in 2005 and has expanded it twice. It houses people accused of civil immigration violations pending the resolution of their cases, including potential deporta-

tion. It can now hold 1,575 detainees, though because of pandemic-related concerns the population recently was about 250.

In a separate effort, the state is trying to close it entirely.

GEO insists it is immune from the minimum wage lawsuits by virtue of its relationship with the federal government. At any rate, the detainees are not "employees" entitled to minimum wage, it argues.

U.S. Immigration and Customs Enforcement requires private detention facilities to operate work programs for detainees as a way to reduce their boredom and improve their morale, GEO argues. The company doesn't have a choice but to offer the program even if the tasks assigned are redundant or if the detainee lacks skill — "inefficiencies that would never be tolerated in an employee-employer relationship," GEO argued in a trial brief.

Washington state, however, argues that the federal government requires detainees to be paid "at least" \$1 per day; nothing prevents the company from paying more.

"By relying on detainee labor, GEO avoided the cost of hiring non-detainee workers and unjustly pocketed the savings and resulting profits," the attorney general's office wrote in its trial brief.

Further, GEO deprived local residents of jobs they might otherwise have worked, the state says.

The trial could last several weeks.

LOCAL & REGIONAL BRIEFING

COCC to offer geospatial science degree program

Central Oregon Community College will offer a new associate degree program in geospatial science starting this fall.

Students will learn how to analyze and collect real-time spatial data — information about specific points on Earth — and how to incorporate that in maps, as well as environmental and social justice work, according to a COCC press release.

Employment opportunities in cartography are expected to grow by 4% between 2019 and 2029, according to the U.S. Bureau of Labor Statistics.

Students who earn their associate degree in geospatial science from COCC will be able to easily transfer to the similar bachelor's degree program at Oregon State University, the release stated.

Teen accused in hoax explosive plot in Portland

A 19-year-old who was arrested and accused of dismantling a card reader and intercom in the driveway of a federal building in Portland late last year had a suspicious bottle inside her backpack that drew a response from the city's bomb squad, federal authorities say.

The bottle's label warned: "DO NOT OPEN CONTAINS: U-DIMETHYLHYDRAZINE TRIETHYLALUMINIUM WILL IGNITE IF EXPOSED TO AIR," next to a hand-drawn colored hazmat placard, according to a federal complaint.

Federal Protective Service agent Micah Coring consulted with a forensic chemist with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, who concluded the name and labeling on the bottle indicated a "self-igniting Molotov Cocktail," the complaint says.

The discovery led the Portland Police Bureau's bomb squad to respond to the U.S. Immigration and Customs Enforcement facility in south Portland on Dec. 19.

It wasn't until days later that authorities learned the purported explosive was a hoax.

Rowan L. McManigal, who federal agents say was carrying the bottle in a backpack that night, was interviewed days later and admitted the bottle only contained water and was "meant to waste people's time," Federal Protective Services agent Micah Coring wrote in the complaint.

McManigal was one of three people who appeared Tuesday in U.S. District Court in Portland, accused of vandalizing the ICE field office or another federal building in Portland.

U.S. Magistrate Judge Jolie A. Russo released McManigal from custody pending trial with the conditions that she not return after business hours to the ICE building or other federal buildings in Portland. She's due back in court July 1.

Feds: Seattle man arrested trying to join ISIS

The Justice Department says a 20-year-old Seattle man has been arrested after trying to join the Islamic State terror group.

A criminal complaint unsealed Tuesday in U.S. District Court in Seattle said Elvin Hunter Bgorn Williams was arrested Friday as he checked in for a flight to Cairo.

The complaint described him as self-radicalized and said he came to the agency's attention when members of a Seattle-area mosque reported concerns.

The FBI said Williams posted a video of himself online pledging loyalty to the terror group, also known as ISIS.

— Bulletin staff and wire reports

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