



Wage Theft: Victims' stories

Twitter

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Tagged: fair wages (/tags/fair_wages),

Losing money that is rightfully yours is a heartbreaking and debilitating experience that affects not only the victim of wage theft, but the victim's family and loved ones as well. Here are some of their stories.

Juana's Story from National Council of La Raza

Juana is a single mother who supported her family by working 11-hour days as a cook in a restaurant where she earned \$7.50 an hour, received no benefits or paid leave, and was never paid on time. Shortly before telling this story, Juana quit her job because her employer owed her nearly \$3,000 in compensation for more than six weeks of work. Juana's situation is common in the low-wage labor market, where informal work arrangements often include long and irregular hours, no overtime pay, no breaks, no paid vacation or sick time, and inconsistent payment, often in cash.

I was the only woman there and it was up to me to do everything in the kitchen of a restaurant that sold rotisserie chicken. I made all kinds of food: tamales, pupusas, and all the traditional dishes. I had some problems with my boss because he was not one to pay on time. Right now he owes us three paychecks, and he is even behind on our pay from last year. This pay period I left because I couldn't take it anymore. He owes me one check of \$1,000 and two more of \$900.

In the two years that Juana worked at the rotisserie chicken restaurant, she never knew when she could expect to be paid. Juana's employer told her and her coworkers that he couldn't pay them regularly because he had to cover the restaurant's operating expenses, including the rent and supplies.

I know the pressures he faces, but I get mad. Thankfully, with God's help, I was saving some of the little that I earned. When he would say that he couldn't pay us, I would leave him alone until he could. There are three of us who work there. The other women are still there waiting. They say that they are going to wait because our boss just has to pay us. They have hope. We were always there waiting because we needed the work. Sometimes you think that you can't go anywhere else and you stay.

Juana's missing pay has affected her health and her family's well-being. While she waits for her employer to pay her, she has had to move her family and rely on the part-time wages of her two teenage sons.

You have to think about supporting your children and your stress goes up. Recently I moved because I don't have enough to pay my rent. I'm just going to go back to talk to [my former boss], and I hope he can pay me even if it's only for one pay period, or maybe he'll pay me later. That is what I'm going to go see, and if he doesn't pay me, well then I will have to get help. I can't lose. That was my work that cost so much sacrifice.

Thank goodness my sons are studying and working now. My youngest son goes to school and works at night. He doesn't make much, only \$450 every two weeks. My other son also makes very little because he works a part-time job. They say to me, "Mama, don't work! You shouldn't work if they don't pay you. What are you doing?"

Juana decided she would rather have no job and look for something new than continue to work and not be paid. As she searches for a new job, Juana has taken on temporary work cleaning and cooking to support her family. She has not given up on the back pay she is owed, but she hopes that she can find something better.

Source – Story from the National Council of La Raza, We Need the Work; Latino Workers Voices in the New Economy (http://www.nclr.org/index.php/publications/we_needed_the_work_latino_worker_voices_in_the_new_economy/), 7/5/11

Unpaid Overtime

A sandwich shop hired an "Assistant Manager" to help in the day-to-day operation of the business. She worked for over 10 years for the restaurant and had seniority over many of her coworkers. As such, she often would open and close the shop, and would train new hires. Other than that, her job duties were exactly the same or similar to those of her coworkers. She made sandwiches, worked the register, and cleaned the restaurant. Because she regularly opened and closed the restaurant, she routinely worked 12 to 16 hours a day. Unlike her coworkers, her employer did not pay her overtime for any hours that she worked in excess of 8 hours per day or 40 hours per week, claiming she was a salaried employee and therefore exempt from payment of overtime.

In actuality, this "Assistant Manager" was not an exempt employee, but was entitled to payment of overtime wages for any hours worked over 8 hours per day or 40 hours per week. She was misclassified by her employer as exempt from overtime, even though her job duties were virtually the same as those of her coworkers.

Unless an employee's job duties are deemed Executive, Administrative, or Professional, he or she is generally entitled to overtime compensation, even if paid a salary.

The case was successfully litigated against the sandwich shop on behalf of the client, and the judge ruled that the employee was entitled to over \$40,000 in back wages.

Source - Story from Jones, Clifford, Johnson & Johnson (<http://jonesclifford.com/success-stories/story-unpaid-overtime>), 6/16/11

Employee Misclassification

A case settled a while back by the Wisconsin Department of Workforce Development. Alvaro was a dishwasher at a family-style restaurant in Madison, Wisconsin. He was being paid less than minimum wage and did not receive overtime. When Alvaro met with the employer to discuss the issue, the employer initially said he would pay all of the overtime wages Alvaro earned. A few days later, Alvaro was visited by the employer's attorney who said that the employer would only pay a fraction of what Alvaro was owed and if he made trouble they would make trouble for him. When Alvaro filed a wage complaint with his state's Department of Workforce Development, the employer's attorney claimed that the company did not owe him the minimum wage or overtime pay because Alvaro was an independent contractor. Remember, Alvaro's job was washing dishes for the restaurant in the restaurant's kitchen.

If taken hypothetically, outside of the wage and hour context, Alvaro could have also found that his employer had treated him as an independent contractor under the workers' compensation laws. If so, Alvaro would have received no compensation if he were severely burned by scalding dish water in the workplace. He may have also found that his employer had failed to pay its share of payroll taxes for unemployment insurance (UI), Social Security, and Medicare. If so, Alvaro would have had to pay all of those taxes himself, and he would not have been entitled to UI benefits if he lost his job. There is every reason to believe that Alvaro's employer did not perform an appropriate analysis of his status under any law. It is difficult to imagine a dishwasher for a restaurant could ever be a legitimate independent contractor. Typically, these workers do not bring their own equipment, do not decide their own hours or method of work, and do not have a profit or loss motive. In this example, the employer's motive to evade the law seems clear and has devastating consequences: Alvaro did not receive wages he rightfully earned until he filed a complaint with the appropriate state agency and they settled the case.

Source - Deputy Secretary of Labor's, Seth D. Harris' testimony to U.S. Senate Committee on Health, Education, Labor and Pensions (http://www.dol.gov/_sec/media/congress/20100617_Harris.htm) on June 17, 2011

Illegal Paycheck Deductions

Several Polish cleaning women came to visit the Interfaith Worker Justice-affiliated Arise Chicago workers center. As a condition of their employment, they were required to live in a dormitory floor housing eight women. Two women shared a small room and bathroom down the hall. Each woman was charged \$300 per month.

Then there are the workers in Houston whose employer deducted \$1900 from four workers' paychecks, claiming he had paid a notary to petition for the workers' citizenship.

The now famous Saigon Grill delivery workers in New York City, whose employer paid them less than \$2 per hour, also deducted \$20 in fines for being slow on entering information into the computer or slamming the door too loudly

The Cincinnati Interfaith Workers Center assisted workers employed by Diverse Able. The first deduction from paychecks was \$400 for flights from Puerto Rico. Next was the advance on the first paycheck, plus interest, of course. The workers were initially charged up to \$135 per week for four or five of them to stay in a two-bedroom apartment until the workers center intervened and the rent dropped to \$65 per week (probably still higher than the true cost of the housing). Workers were charged \$7 per day for transportation even if they didn't work each day.

An employer in Chicago who handed out a list of fines for worker misdeeds that included:

- Being late for work - \$100
- Being absent without giving at least 48 hours notification - \$250 and up - Forgetting to lock the trucks - \$100 from all crew members
- Smoking on job site or in company vehicles - \$150 and up
- Possession of alcohol on site - first offense \$500, second \$1000, third \$1500
- Quitting without giving two weeks notice will forfeit the worker's previous weeks' work, unless the worker had been there more than 6 months, in which case the worker must give a month notice or lose paychecks.

This employer sums up the policy: "If you think that your presence (spirit) at the job site is enough to get paid you are wrong. Before you are paid you must reveal the quality and quantity of your work and your loyalty to the company. In the future this is what your pay will be based upon."

Source - Interfaith Worker Justice Executive Director Kim Bobo's, testimony to U.S. Senate Committee on Health, Education, Labor and Pensions (<http://help.senate.gov/imo/media/doc/bobo.pdf>) on March 9, 2009

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LATEST POSTS

THE STORIES OF WAGE THEFT

It's freaking outrageous. If an employee is accused of theft, they immediately get fired and the big fast food chains we work for don't hesitate to get the law involved. But when it's the corporations who are stealing from us workers, the chains want everyone to look the other way.

NO WAY. We're DONE being exploited. Don't let the fast food giants get away with it. Read these stories of being robbed at work and share the images on Facebook after you have.

ALVIN MAJOR SAYS KFC WITHHELD OVERTIME PAY



ALVIN MAJOR
KFC

"I am never paid overtime, even though I work 68 hours on average every week. I receive three separate paychecks from the same company, but they told me I cannot get overtime because I work at different stores, but that's not true. I should be paid \$100 per week more than I am. If I was paid fairly, I would be able to provide more for my family or spend more time with my kids. It is for them that I work so hard."

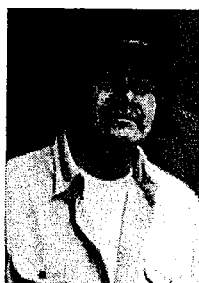
ISALIA NAVARRETE SAYS BURGER KING FORCED HER TO WORK OFF-THE-CLOCK



ISALIA NAVARRETE
BURGER KING

"I'm required to show up to the Burger King I work at each morning at 5:30 a.m., but my manager does not clock us in till 10 to 25 minutes later. That may not sound like a lot, but it adds up to a couple hours each paycheck that I work without payment. That money means food for my family or school supplies or new clothes for my kids. I feel disrespected and unappreciated for the hard work I put in at my job."

VICENTE DE JESUS GARCIA SAYS PAPA JOHN'S PAID LESS THAN MINIMUM WAGE



VICENTE DE JESUS GARCIA
PAPA JOHN'S

"It's crazy that Papa John's pays us less than minimum wage. If my employer paid me properly I would be able to buy better clothes, pay for school for my kids, take better care of my household and still be able to pay my rent. But no, I definitely do not make enough for all of those things."

JESSICA COGLE SAYS MCDONALD'S DELAYED PAYCHECKS



JESSICA COGLE
MCDONALD'S

"Several times, my paycheck was not at the store when I went to get it. Once, I spent my last bit of money getting to the store to get paid. The manager told me, 'That's not my problem.' I had to ask my mom and my friend for money just so I could get home that night, and then back to the store the next day to get paid." She finally got paid a day or two later. "Eventually, I was kicked out of my apartment because I couldn't pay my rent on time. It's really hard to pay the rent on time when I never know when my check is going to show up. Now, I'm living in a shelter, and I have to start all over. I'm really worried about my living situation because I have a baby on the way."

AMANDA WENINGHOFF SAYS MCDONALD'S WITHHELD OVERTIME PAY

"I was living in my car in a McDonald's parking lot - the McDonald's where I work. My two children were staying with my parents, but I could barely afford to keep them fed. And the whole time, I believe my



boss was robbing me. I got paid for overtime only about half the time. I worked about 8 hours of unpaid overtime each month - that's \$100 which could mean groceries to feed my two children or gas to put in my car. That's not right. I deserve to be paid for the work I do."

**AMANDA
WENINGHOFF
MCDONALD'S**

SHARE YOUR STORY

Getting ripped off by greedy corporate policies?

Let us know the details and we'll use your story to change the fast food industry. The more people find out about who we are and how we're treated, the more they support us. Share your story.

Your story	First name		Last name	
	Address			
	City		State ▼	
	Zip			
	Email			

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"Six months after starting work as a janitor cleaning Boston city-owned buildings for M&M Contract Cleaning, I learned I was not being paid the prevailing wage as required by my employer's contract with the city. Instead of making \$16.75 per hour I was only making \$10.00 per hour—and I noticed that taxes were never taken out of my checks.

My employer had misclassified me as an independent contractor in order to pay a lower wage and avoid paying unemployment insurance and workers compensation.

Sometimes I had to travel all the way to Brockton to pick up my paychecks, and on two separate occasions when I tried to deposit my paycheck it bounced and I was charged fines.

I still have not been paid back the \$5,462.52 that I am owed."

Benilton de Pina Correia

M&M Contract Cleaning, Janitor

"As a janitor for US Kleanway cleaning theaters, the workload was so heavy I often had to ask my wife to help me finish. My wife was never paid for her time, and I was underpaid, receiving only \$100 a day. I didn't get overtime, I didn't get meal breaks, and I wasn't given any health or safety equipment.

When I got together with a group of five other coworkers to demand fair pay and fair treatment, US Kleanways fired all of us on the spot.

It took a year with the help of Chelsea Collaborative and a coalition of community and labor organizations protesting at AMC Loews Theater to pressure US Kleanways into paying tens of thousands of dollars in the wages and overtime owed to my coworkers and me."

Mario Alvarado

US Kleanway, Janitor



A sea of workplace citations "issued" by worker centers and community leaders in March 2015.

ADD YOUR STORY TODAY

“When I went to the McDonald’s where I worked to pick up my two paychecks they were not there. I was told they were stolen, and later the owner accused me of cashing the checks and then lying about it.

Of course, that was impossible—at the time the paychecks were stolen, I was in the hospital after giving birth to my child.

Not only did the owner deny responsibility for the disappearance of the paychecks, he refused to pay me and actually fired me for trying to claim my own wages. It took two years, with the help of the Worker Center for Economic Justice in filing a claim with the Office of the Attorney General, for me to receive the pay I earned.”

Ms. Coronado

McDonald’s