

**W**  
WORKERS'

**R**  
RIGHTS

**L**  
LAW

**C**  
CENTER  
of NY Inc.

STORIES FROM THE  
WRLC ...

Rosa<sup>1</sup> is an 18 year old immigrant from El Salvador. Until recently, she worked at a small corner store in Rockland County for almost 70 hours per week. Like many WRLC clients, however, Rosa was never paid overtime. With the help of the WRLC, Rosa is recovering almost \$7,000 in wages and penalties owed to her because of her employer's legal violations. The money is especially important to Rosa right now because she and her husband just had their first child, a girl, in January.

Alice is a resident of Orange County, New York. She works at a laundry company, hanging up freshly-cleaned clothing for \$7.00 per hour. Alice and her female co-workers have been subjected to sexual harassment in the workplace for years. The WRLC helped Alice file a charge of discrimination with the U.S. Equal Opportunity Commission.

Antonio, Javier, Francisco and Alejandro – all immigrants from Ecuador – worked for a Dutchess County construction company, putting up siding and laying foundations. At first, their employer paid them as promised. A few months into the job, however, the employer began missing pay days or paying with checks that bounced. The workers ultimately went without any pay for almost two months. They also were never paid overtime. With the help of the WRLC, they have sued their employer to recover the monies owed to them and to other workers.

Más stories on page 3.

1. Identifying details have been changed.

**SUMMER 2005 UPDATE**

NEWS FROM THE WORKERS'  
RIGHTS LAW CENTER:

It has been an exciting eight months for the WRLC since our last newsletter, which came out just as we were opening our doors. Since opening full-time in September of 2004, we have expanded our staff and provided legal advice to hundreds of people who have contacted our office. Our class action litigation will affect an additional 500 workers in the Hudson Valley. We have reached out to community groups and held "know your rights" workshops in locations as diverse as church basements, community centers, domestic violence shelters, and even – once – on a street corner. We have met with workers from Yonkers to Columbia County. In February 2005 we trained the first group of volunteers for our Small Claims Court project, and we continue to work with the Advanced Public Interest Law class at Fordham Law School to develop the curriculum for our community legal education project.

In January, Geovanny Triviño joined the WRLC staff as our Outreach Coordinator. Geovanny came to the WRLC from the Farmworker Law Project of the Legal Aid Society of Mid-New York, Inc., where he had worked for four years advocating for migrant farmworkers around New York State. Geovanny has already contributed greatly to the WRLC, meeting with workers and community leaders all over the region to see how the WRLC can best serve workers' needs in the Hudson Valley. We're thrilled that he has joined us!

Continued on page 2.

**We've moved!**

We appreciate the donation of office space from UNITE-HERE, but we have outgrown that space and now have our own office. Our new address is:

**101 Hurley Avenue, Suite # 5  
Kingston, NY 12401**

Our phone and fax numbers remain the same:  
(845) 331-6615 (phone)  
(845) 331-6617 (fax)



## THE WRLC BOARD OF DIRECTORS

The WRLC has been fortunate to have a supportive Board of Directors which has been meeting since January of 2004 – well before the WRLC opened its doors. Our Board members bring a wealth of experience to the WRLC; we are grateful for their commitment. The current members of the WRLC Board of Directors are listed below.

**Joe Belluck** of New York City and Woodstock, an attorney and partner in Belluck & Fox;

**Robert Cisneros**, an attorney and the Director of the Hudson Valley Poverty Law Center in White Plains;

**Martha Davis** of Boston, a law professor at Northeastern Law School;

**Jen Fuentes** of Kingston, the field coordinator of the Hudson Valley Area Labor Federation;

**Michele Kalstein** of Brooklyn, New York, an attorney with the Federal Reserve Bank of New York;

**Minerva Moya** of Queens, New York, a former Hudson Valley resident and current policy analyst with the New York Immigration Coalition;

**Mike Schlanger**, an attorney in White Plains;

**Andrew Tully**, an attorney with Tully & Burns, White Plains; and

**Mike Wishnie** of New York City, a law professor and co-director of the Immigrant Rights Clinic at NYU Law School. (affiliations are for information purposes only)

## NEWS FROM THE WRLC

Continued, from page 1.

This fall, Kati Griffith will join the WRLC as a Skadden Fellow. Through the Skadden Fellowship program, Kati will work for the WRLC for two years with all of her employment costs covered by the Skadden Foundation. Kati is currently a law clerk in the U.S. Court of Appeals for the Second Circuit and was an intern with Tricia and Dan at Farmworker Legal Services of New York. We look forward to Kati's arrival at the WRLC, and we particularly thank WRLC Board member Mike Wishnie for his help with Kati's fellowship application.

With this growth, we have outgrown our donated office space at the UNITE-HERE office in Kingston. We moved into our new home in early April. Our new building at 101 Hurley Avenue in Kingston also houses Legal Services of the Hudson Valley. It is accessible to people with disabilities.

"It makes me sick to my stomach that you people are representing these illegal Mexicans." This quote from a WRLC defendant begins a profile of the WRLC in the Hudson Valley magazine Chronogram. The article is found at <http://www.chronogram.com/issue/2005/01/communitynotebook/law.php> and gives a good overview of the WRLC's work.

In an effort to improve the working and living conditions in the Hudson Valley, we have been conducting workshops throughout the region. Invite us to your organization! We can meet with advocates and workers interested in learning more about their labor rights. So far we have met with community leaders, faith based organizations, advocates and workers. Help us serve the community by keeping us in mind as a resource.

Our Summer Intern, Gavan Meehan, is currently a student at the University of Connecticut School of Law. Gavan first became involved in workers' rights while a student at Yale Divinity School, where he participated in the Seminary Summer program of the National Interfaith Coalition for Worker Justice. Gavan hopes to bring the skills gained this summer back to the Connecticut River Valley, where few legal resources are available for workers.

## SPECIAL THANKS:

We are grateful for the many kinds of support we have received from so many people this past year. In particular, we thank: The Echoing Green Foundation, The Dyson Foundation, The 21<sup>st</sup> Century ILGWU Heritage Fund, The New York Bar Foundation; UNITE-HERE Local 189, Grinnell College Wall Sesquicentennial Service Award Fund, TMR Foundation, Joe Belluck & Laura Aswad, Ira Mark Bloom & Margaret Roberts, Melissa Breger, Fredell & Irving Cohen, Sunu Chandy, Mickie & Al DeBenedictis, Elizabeth Anne DiPippo, S.U., Judith Enck, Jodi Epstein & Adam Hirsh, Ken & Leigh Frazer, Jen Fuentes, Marcia Gauger, Stephen & Jeanette Gottlieb, Maggie Gray & Andrew Ross, Maureen & Timothy Harrington, Rev. Ninon Hutchinson, Barbara Kakalec, Bob & Amy Kakalec, Chris & Nancy Kakalec, Michele Kalstein, Margaret & Bill Karras, Bar-

bara Lucas, Mary Lynch & Rudy Stegemoeller, Timothy Lytton & Rachel Anisfeld, Mary McGreal, Gavan Meehan, Katherine Moore, James O'Barr, Hope Ollson, Sandy Oxford, Mark & Sarah Parker, Lew Papenfuse, Guillermo Perez, Takema Robinson, Florence Wagman Roisman, Chris Ronk & Rachel Talbot, Nan Schivone, Laurie Shanks, Peter Simcic, David Tavarez, Julie Thornbury, Friends of Dennis Tracey, Bill Weisenbach, Barry & Linette Werner, Stuart Werner, Rise Wilson, Mike Wishnie, St. John's Episcopal church in Monticello, the Sisters of St. Ursula, Valley Central Teachers Association, Red Hook Faculty Association, Laborers International Union, Local 17, International Union of Operating Engineers, Locals 137, 137-A, A37-B, 137-C, 137-R, and all of the individuals who made contributions to the WRLC in memory of Anna Pedicini.

## WORKERS SUE CHEESE MAKER OVER WAGES

The Workers' Rights Law Center represents four workers who have filed a class action lawsuit against Formaggio Italian Cheese Specialties claiming that the company broke federal and state overtime laws, as well as other labor law protections. Formaggio Cheese products are sold in grocery stores throughout the United States.

One of WRLC's clients was employed in the construction of Formaggio's Sullivan County plant. He and other construction workers were never paid overtime, though they worked on average 65 hours per week. Formaggio hired the other three WRLC clients (and many more

workers) to work inside the plant once it was operating. Formaggio only started to paying overtime to the production workers eight months after the Sullivan County plant started operating. Aside from the overtime violations, some of the workers did even not earn the minimum wage of \$5.15 per hour. Finally, the Defendants deducted a "uniform cleaning charge" every week from the workers' wages.

The case arose after the Formaggio decided to move its cheese production plant from Staten Island to Sullivan County, New York. The new plant, which started producing cheese in August 2003, is located in a New

York State Empire Zone, which assures significant tax benefits for the company. The Empire Zone program claims to be designed to create jobs in communities with limited economic opportunities.

Over the past weeks, the WRLC has been negotiating a settlement with Formaggio's lawyers. Because the WRLC filed this case as a representative action and a class action, all of the construction and production workers who worked for Formaggio will be able to receive damages payments as part of the settlement. If the parties finalize the settlement, it is expected that over \$250,000 will be distributed to the workers.

### MÁS STORIES FROM THE WRLC...

Jose worked for a multinational landscaping company in Orange County. He was working with an H-2B guestworker visa. He is 59 years old. One day, a supervisor told him he was fired because he was "too old." As a result, he was stranded in upstate New York with no money and no way to return to his home in Mexico. The WRLC worked with the Mexican Consulate to arrange for Jose's return to Mexico and filed a charge of discrimination with the Equal Employment Opportunity Commission. The employer settled this case for significant back wages and other damages (the settlement is confidential).

Fernando worked for an Columbia County-based company that builds and installs brick and stone ovens in homes and restaurants throughout the United States. He was

never paid overtime, although he frequently worked as much as 18 hours per in a single day and sometimes didn't earn the minimum wage. The WRLC is currently representing Fernando in a lawsuit filed in federal court claiming unpaid overtime minimum wage and other damages. The case is filed as a representative action, so other workers will have the opportunity to join the case.

Antonio worked for a landscaping company in Rockland County. He worked on average over 61 hours per week and sometimes worked over 70 hours. He was never paid overtime. Antonio filed a lawsuit in federal court, represented by the WRLC. Soon after the case was filed, the WRLC negotiated a settlement with the employer. The employer agreed to pay \$8,500 in back wages and other penalties.

### MARK YOUR CALENDARS:

**July 23, 2005:** Some friends of the WRLC are holding a house party for the WRLC in Poughkeepsie. Let us know if you want to be added to the invitation list.

**September 2005:** The WRLC's one year anniversary party will be held at El Ranchito/Pupuseria restaurant in Kingston, where we held our opening party last September. Those of you who attended last year will remember that the food was delicious and a good time was had by all. This year the party will include a silent auction, so if you can donate silent auction items (such as tickets, art items, books, or gift certificates for restaurants, stores, or services) please let us know.

WORLDWIDE WORKERS RIGHTS LAW CENTER

CONTRIBUTE TO THE WRLC

Contributions from individuals are essential to the WRLC. To make a donation to the WRLC, please fill out this form and return it with your contribution to: Workers' Rights Law Center of New York, Inc., 101 Hurley Ave., Suite 5, Kingston, NY 12401

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Amount enclosed: \_\_\_\_\_

Please make checks payable to the Workers' Rights Law Center of New York, Inc.

The Workers' Rights Law Center of New York, Inc. – a not-for-profit, 501(c)(3) tax-exempt organization – is registered as a charitable organization with the New York Attorney General's Charities Bureau. WRLC will file its first annual report with the Bureau on or before August 15, 2005. A copy of the annual report may be requested in writing from the Charities Bureau, Attn: FOIA Officer, 120 Broadway, New York, New York 10271.

Do you know how to do web design or graphic art? Do you have a few hours a week you can volunteer to help with office work? Can you translate written English to written Spanish (or vice versa)? Are you interested in fundraising? Would you be willing to hold a house party to raise money for the WRLC?

The WRLC can always use volunteers in these areas. We also have a need for donated office supplies and even a donated car (which would help us keep our travel expenses down). If you can contribute in any of these ways, please let us know.



**Workers' Rights Law Center of New York, Inc.**  
**Centro De Derechos Laborales**  
101 Hurley Avenue, Suite 5  
Kingston, NY 12401