

Speaking up for exploited workers



Robert Lachman / Los Angeles Times

ON THE WATCH: Lilia Garcia, 34, is executive director of the Maintenance Cooperation Trust Fund, which goes after outlaw cleaning companies that take advantage of their employees.

Lilia Garcia and her squad of investigators make sure janitorial services operating outside the law pay.

By Molly Selvin, Los Angeles Times Staff Writer
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Don't be fooled by the colorfully framed family photos on Lilia Garcia's bookshelves, or the volume of Maya Angelou's poetry, or the collection of coffee mugs with cheery sayings.

Garcia is no mushy, stuffed-animal-loving softie.

Her tiny, windowless office is the command center for a long-running battle against outlaw cleaning companies that prey on low-wage janitors.

A butcher-paper matrix that covers an entire wall diagrams the web of contractors and subcontractors whose janitors mop the aisles and clean bathrooms for major retailers such as IKEA and Food 4 Less.

In this battle, Garcia is the jeans-attired general. The 34-year-old is executive director of the Maintenance Cooperation Trust Fund, a watchdog agency modeled after labor compliance programs in the construction industry. Her investigators -- often former janitors -- visit the mostly immigrant cleaners in their homes, or secretly in the stores and restaurants where they work nights, to document abuses by their bosses.

Many of the fly-by-night firms that operate up and down the state pay workers \$3 or less an hour, often in cash, skirting tax laws, workers' compensation insurance rules and other required benefits. Janitors who complain frequently get fired.

Trust fund staffers find those workers brave enough to come forward, collecting evidence used to wring back pay from illegal contractors and often working with state and local officials to bring complaints against offenders for labor code violations that carry fines of up to \$10,000 per employee.

State Labor Commissioner Angela Bradstreet hails Garcia as a "passionate, delightful and effective advocate in fighting the underground economy."

In the last three years, the fund has helped win more than \$26 million in back pay for workers from janitorial companies. And in November, as a result of the fund's work, the state labor commissioner held Safeway Inc. liable for wage and hour violations committed by one of the firms cleaning its stores and ordered the grocery company to pay \$6,794.40 to one of that contractor's janitors.

That victory was particularly significant, Garcia says, because "the real decision maker is the one picking the irresponsible contractor . . . and they are no longer protected by the argument that 'these people aren't my employees.' "

Some 6,000 janitorial firms are registered as California businesses, according to state data, and Garcia guesses that at least three times that number are operating illegally.

"This is all a business plan," she says. Retailers that have turned a blind eye to their cleaning contractors' treatment of workers have profited, she adds, while "we've had more injured janitors."

Like the cleaner at a San Diego restaurant who injured her back and wrist earlier this year when she slipped on the dining room's marble floor. The woman reported her injury to her supervisor at Excell Cleaning & Building Services, but he said he couldn't help her with her medical care and that Excell didn't carry workers' compensation insurance, according to a lawsuit. When she complained, the suit says, he fired her.

Garcia's troops helped the woman get treatment at a free clinic, notified the company that its failure to carry insurance was a felony and informed Bradstreet's office of the violation. Late last year, Bradstreet and state Atty. Gen. Jerry Brown filed suit against Excell for alleged wage and paycheck violations. The suit is pending.

Last year, Excell was the subject of a U.S. Department of Labor investigation that resulted in it agreeing to pay \$278,483 in back wages for overtime worked by 116 employees. The Houston-based company could not be reached for comment on any of the cases; its website was dormant and its telephones were disconnected.

Success stories encourage fearful workers to come forward. "We're their magic," Garcia says. "They feel they are made whole."

Major janitorial firms such as DMS Facility Services, Able Building Services and ABM fund the Maintenance Cooperation Trust Fund, contributing between 2 cents and 5 cents per employee for each hour worked.

The 40 member companies have signed contracts with the Service Employees International Union governing wages and working conditions for their janitorial employees. Although the trust fund and the union are separate organizations, the fund's office occupies one corner in the union's headquarters near downtown Los Angeles, and Garcia sees extending union protections to more janitors as the best way to prevent more abuses.

Dick Dotts, president of DMS Facility Services in Monrovia and a fund trustee, says the watchdog group gives legitimate contractors "an opportunity to level the playing field."

"If a company doesn't have to pay the same payroll taxes that I have to pay, they have a big advantage over me," he says, adding that because most janitorial work occurs at night the abuses "are not real visible."

Dotts, whose firm employs 3,500 janitors, helped hire Garcia in 2000, a year after the trust fund was organized, and calls her work "outstanding."

Like her, he sees no sign that the underground janitorial contracting industry is shrinking, in part because the capital investment needed to start a cleaning company -- like mops and buckets -- is relatively low.

And Garcia believes the group's victories have prompted some contractors to become more sophisticated about evading the law. She says her staff is tracking a San Diego cleaning firm that insists employees provide a different false name for each paycheck. On payday, the company schedules a check-cashing company to drive a truck to each job site, cashing employee checks on the spot so that workers have no paper evidence of fraud to turn over to investigators.

"The underground economy is just this dark hole, and it's endless," Garcia says.

A graduate of UC Riverside, the East Los Angeles native took the job at the trust fund after four years as a guidance counselor with a nonprofit organization that helped Manual Arts High School students prepare for college. She lives in El Sereno and in her off hours dotes on her two young nephews -- whose photos grace her office -- and two chow dogs.

Garcia also sits on the state Department of Insurance Fraud Assessment Commission and won a recent nomination to a city planning commission.

She hears echoes of her own family's struggles in the janitors' hard work and determination. Her mother worked in the garment industry for bosses who sometimes failed to pay their employees, she recalled. And her father held three jobs to put her brother and her and her three sisters through college. One sister, Monica Garcia, is president of the Los Angeles Unified School District Board.

"I'm not an immigrant," Garcia says, "but I understand the immigrant struggle and see it every day."