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## Among Janitors, Labor Violations Go With the Job

By [STEVEN GREENHOUSE](#)

LOS ANGELES - From the age of 14, Isaias Garcia cleaned office buildings, waxing floors and scrubbing bathrooms, as long as 16 hours a day.

For the first 40 hours a week, he says, he was paid under the name Ramon Caballero, and for the next 40 hours as Iziqueil Gonzalez. The cleaning company's managers used these names of former employees, he says, to avoid paying him time-and-a-half.

"They never paid overtime," said Mr. Garcia, a 24-year-old immigrant from Mexico, who is seeking back pay from the cleaning company with the help of California's labor department. "When I complained about the two names, they said if I kept bothering them about it, they'd fire me."

Mr. Garcia is part of a large and largely unnoticed group of workers - the nation's 2.3 million janitors - employed in an industry in which violations of wage laws and other laws are all too common, say workers, immigrants' advocates and even cleaning company executives.

Janitors are denied overtime pay, classified improperly as independent contractors, locked in the stores overnight and forced to work their first two weeks unpaid, based on dozens of interviews and numerous lawsuits and government enforcement actions. In some cities, immigrant workers are induced to buy franchises for \$10,000 with promises of striking it rich, though earnings often fall short of the promises and franchises are sometimes simply stripped away.

"Illegal working conditions are pervasive in the nonunion part of the janitorial industry," said Gary Blasi, director of the Industrial, Labor and Employment Institute at the University of California, Los Angeles.

The industry has undergone a metamorphosis in the past two decades, creating a marriage of convenience in which building owners have increasingly hired outside contractors to cut their labor costs. The cleaning contractors frequently hire immigrants, often without proper papers and at low wages, trying to squeeze out profits as they submit rock-bottom bids to win business. The immigrant workers dare not complain about safety or minimum-wage violations for fear of being fired - and possibly deported.

In this netherworld, cleaning contractors sometimes hire illegal immigrants for \$3.50 an hour, considerably less than the \$5.15-an-hour federal minimum wage; janitors frequently work off the books, not paying taxes, and building owners do not look too closely at how the work gets done.

### Undocumented Workers

Although many janitors in New York, Los Angeles and other cities earn \$10, \$12, even \$16 an hour in unionized jobs in big office towers, hundreds of thousands of janitors work in restaurants, supermarkets and shopping malls for a fraction of that pay. Some of the nation's biggest companies have agreed to multimillion-dollar settlements in recent months after complaints about janitorial practices.

"Cleaning contractors deliberately seek out an undocumented work force because they want workers they can intimidate and exploit," said Lilia Garcia, executive director of the Maintenance Cooperation Trust Fund, a Los Angeles group run by business and labor representatives, which investigates janitorial companies to uncover illicit practices. "Workers who are here legally would not work for the wages that they pay."

The metamorphosis of janitorial work is nowhere more apparent than in Los Angeles. In the early 1980's, janitorial jobs were coveted here, but building owners soured on the \$12-an-hour prevailing wage, nearly four times the federal minimum then and the equivalent of \$24 an hour today.

Some building owners turned - often under union pressure - to big, respectable contractors, like ABM Industries, with 73,000 employees. But many other owners turned to fly-by-night companies that relied heavily on illegal immigrants and often flouted wage and hour laws.

"Our industry lends itself to these sorts of improper practices because there are no barriers to entry," said David Haas, president of Merchants Building Maintenance, one of the West's largest cleaning companies. "In the Southwest, the immigrant work force is easily exploited. They're not very sophisticated, and there's an abundance of them."

A quarter century ago, one-fourth of this city's janitors were Hispanic immigrants. Now more than 90 percent are, and perhaps half are illegal immigrants, industry experts say.

Whatever the status of workers, companies are required by law to pay the minimum wage and overtime, withhold taxes and pay Social Security and other employment taxes.

Mr. Garcia, who lives with his wife, 5-year-old son and 4-year-old daughter in a one-bedroom apartment in Anaheim, said he received \$500 for 80-hour workweeks cleaning buildings in Anaheim, Irvine and Santa Ana.

"If they paid me right, it would have made a big difference," he said. "Maybe I wouldn't be living in such a small apartment."

Mr. Garcia said his supervisors at Pacific Building Care often did not pay him under his own name because it was cumbersome to update the payroll. He declined to discuss his immigration status, but he said he paid his taxes.

Mr. Garcia and 30 other janitors who worked for Pacific Building Care have complained to the California labor department, demanding unpaid overtime. He says he is owed \$22,000.

Jennifer Corbett-Shramo, chief executive of Pacific Building Care, denied that her company had failed to pay overtime or had paid people under improper names.

Ms. Corbett-Shramo entered the business in 1985 by answering a Penny Saver advertisement and built the company into a \$20-million-a-year operation.

"We are not advocates of using second names," she said. "We do not allow it. We do not preach it. It is not something we do here. To the best of my knowledge, it didn't happen."

As for other cleaning companies, Ms. Corbett-Shramo acknowledged, "Our industry can be very, very corrupt."

The industry's practices have ensnared some of the nation's biggest companies.

In March, Wal-Mart Stores reached an \$11 million settlement with the Justice Department after federal agents arrested 350 illegal immigrants who worked as janitors at its stores in 21 states. A dozen of Wal-Mart's janitorial contractors pleaded guilty to employing illegal immigrants.

Wal-Mart and its contractors are accused in another lawsuit of employing thousands of janitors from Brazil, Mexico, Russia and other countries seven nights a week without proper payments. The company says it left the matter to its contractors and was unaware of any illegal activities.

### **A Settlement Is Reached**

A contractor for Target, Wal-Mart's arch-rival, agreed last August to a \$1.9 million settlement after the United States Labor Department asserted that the contractor had not paid overtime to 775 immigrant janitors in five states.

California's three largest supermarket chains - Safeway, Albertson's and Ralphs - agreed in January to pay \$22.4 million to settle an overtime lawsuit brought on behalf of 2,000 janitors, many of them illegal immigrants. Those janitors asserted that they worked seven nights a week and received just \$3.50 an hour from the supermarkets' cleaning contractors.

The Service Employees International Union helped to bring that lawsuit, as part of a strategy to pressure contractors to improve wages, to publicize bad working conditions and to advance its efforts to unionize tens of thousands of janitors. That union asserts that more government enforcement is needed, but enforcement is problematic. Janitors often work late at night, with a few workers here and there, and government officials are sometimes reluctant to pursue wage violations involving illegal immigrants. Immigration officials and labor officials at the federal and state levels say they are seeking to crack down on violations, but there are fewer wage-and-hour investigators than there were five years ago.

Paco Navarro, a 25-year-old immigrant from Puebla, Mexico, said he worked for seven years cleaning several Von's stores, a division of Safeway, at first receiving \$225 a week for 56 hours - eight hours a night, seven days a week. That came to \$4 an hour.

Building One, the cleaning contractor, eventually raised his pay to \$320 a week, slightly more than the minimum wage, but with no premium for overtime.

"They didn't pay us right," said Mr. Navarro, who lives with his wife and 1-year-old son in a cramped two-bedroom apartment in South Los Angeles that they share with another Mexican family.

### **Threats of Firing**

He said he worked years in a row without any vacation, often working 364 days a year - with only Christmas off. "And if I took off sick, they'd threaten to fire me," he said. After Safeway joined the \$22.4 million settlement, conditions improved. Until recently, Mr. Navarro cleaned another Safeway store for a different contractor after Building One went bankrupt. There he made \$350 for seven nights a week, but his hourly pay remained less than California's \$6.75-an-hour minimum wage.

"Where else can I work?" he asked. "I applied to Coke for a job selling soda, but they asked where are your papers, and we don't have them."

When Gloria Vega applied for a job cleaning a United Parcel Service sorting center outside Chicago, the cleaning company there, Contract Cleaning Maintenance, told her she would work as an independent contractor, rather than as its employee.

At first, Ms. Vega did not appreciate the distinction, but she soon learned. Independent contractors need not be paid time-and-a-half when they work more than 40 hours, as is generally required for nonsupervisory employees.

Ms. Vega said she earned \$300 for 56 hours a week, working 6 a.m. to 2:30 p.m. weekdays cleaning the offices, the cafeteria and restrooms and then 5:30 a.m. to 1:30 p.m. on Saturday and Sunday, cleaning the U.P.S. sorting machines.

"When we protested about overtime, our supervisor said, 'The doors are open for whoever wants to leave,' " she said.

Helped by the Service Employees International Union, Ms. Vega and several co-workers have filed a lawsuit, asserting that Contract Cleaning Maintenance wrongly classified more than 2,500 janitors as contractors to avoid paying overtime and taxes.

Jose Canales, who managed Contract Cleaning Maintenance's Texas affiliate for nearly 10 years, said the company improperly labeled the 80 janitors who worked under him as independent contractors.

"These workers did what they were told," Mr. Canales said. "The company was just trying to get away from paying added wages, meaning overtime."

The courts have generally found that workers are contractors if they manage themselves, stand to make profits from their work, supply their own equipment and can come and go when they want.

Anthony DiVincenzo, a lawyer for Contract Cleaning Maintenance's owners and its Texas affiliate, said the Internal Revenue Service once ruled that the company's janitors were independent contractors for tax purposes.

"It shows that these companies have been run in compliance at least with some administrative authorities," Mr. DiVincenzo said.

He said that the Illinois and Texas operations recently began treating their janitors as employees.

U.P.S. denied any knowledge of improper activities.

Ms. Vega said that after she and several other workers began complaining and threatening a lawsuit, managers asked to re-examine their immigration papers and fired many of them, saying their papers were inadequate.

"Since then," Ms. Vega said, I haven't been able to find a steady job."