

The New York Times

U.S. Wins Back Pay For Janitors

August 26, 2004

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The United States Department of Labor announced yesterday that it had reached a \$1.9 million settlement with a contractor for the Target Corporation after finding that the contractor had not paid overtime to hundreds of immigrant janitors who often worked seven nights a week cleaning Target stores.

Several janitors said in interviews that the Target contractor was doing much the same as contractors for Wal-Mart had done before an immigration raid at Wal-Mart stores last October -- making late-night janitors work nearly 365 days a year, without paying overtime or Social Security and other taxes.

The Labor Department announced its back-pay settlement with **Global Building Services** of Newhall, Calif., after a two-year investigation found that Global had not paid overtime to 775 immigrant janitors who cleaned Target stores in California, Arizona, Nevada, New Mexico and Texas.

The Labor Department was tipped off to the violations by a Los Angeles group, the Maintenance Cooperation Trust Fund, that monitors whether employers are breaking the law when they use janitors.

"We investigated 50 Target stores, and we saw that janitors were being paid in cash, a flat rate with no overtime, no payroll taxes, no workers comp," said Lilia Garcia, the trust fund's executive director. "It's a cancer in the industry; too many of these big retailers are using problematic contractors."

Ms. Garcia said her group found that a half dozen of the late-night cleaners were only 15 or 16 years old. She said **Global Building Services** fired them soon after the federal inquiry started largely because state law bars teenagers so young from working so late at night and so many hours a day or a week. California officials participated in the inquiry.

Last October, federal agents raided 60 Wal-Mart stores in 21 states to arrest 250 cleaners who they said were illegal immigrants. The immigrants were employed by various Wal-Mart contractors, and as at the Target stores, they usually worked seven nights a week and were paid in cash without receiving overtime.

Labor Department officials declined to say whether they were investigating Wal-Mart or its contractors, although Wal-Mart has acknowledged that a federal grand jury in Pennsylvania is investigating whether it illegally cooperated with its contractors to use illegal immigrants as cleaners. Lawyers in New York have filed a class-action lawsuit against Wal-Mart charging various labor violations on behalf of what they estimate are thousands of illegal immigrant janitors.

Felipe Aguilar, who said he cleaned at five Target stores in Southern California, said in a telephone interview: "In my three years there, they gave me very few days off. And when I came back after being out injured for two weeks, the company said, 'We can't take you back. Someone else is working in your place.'"

Mr. Aguilar said that he worked about 80 hours a week, from 10 p.m. to 8 a.m. daily, and was paid \$525 or \$625 every 15 days. That came to less than \$4 an hour, well below the federal minimum wage of \$5.15.

His wife, Claudia, who also worked at Target, said, "We felt bad about the pay; sometimes we felt rage, but we were scared to complain because we needed the job."

In a statement, **Global Building Services** said that after these problems were brought to its attention in November 2002, it cooperated fully with the investigation and changed its pay practices.

"We are pleased that we were able to reach an agreement with the Department of Labor to compensate our employees," Global said. "The company is fully compliant, and we look forward to serving the needs of our retail customers. We feel this is all behind us now."

Target said in a statement last night that it "does not tolerate unethical business practices in any form, including on the part of our vendors." Target said it had a tightly controlled process to manage its dealings with cleaning contractors.

Target added that it required all contractors, including **Global Building Services**, to comply with federal and local laws and to investigate and respond appropriately to charges that laws were being violated.

"As a result of **Global Building Services'** recent agreement, we are in the process of collecting more information and will be taking appropriate action," the company said..

Labor Secretary Elaine L. Chao said the settlement showed "our commitment to protecting the overtime rights of workers."

Ms. Garcia of the Maintenance Cooperation Trust Fund said she was pleased that the settlement called for her group to monitor **Global Building Services** to help ensure compliance.