

**Written testimony submitted to:**

**New York State Senate Finance Chair and Assembly Ways and Means Chair**

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**Honorable Chairs of the Senate Finance Committee and the Assembly Ways and Means Committee:**

**I am submitting this written testimony in my capacity as an Organizer for Waste Material, Recycling and General Laborers' Local 108, a local of over 2,000 active members who work throughout the five boroughs of New York City. Local 108 is part of the New York Coalition to End Wage Theft, a broad-based coalition of community based organizations, labor unions, and religious and civic groups.**

**Although I work as an organizer for a union now, for a number of years I worked for a South Bronx garbage company where employees were represented by a corrupt independent union and wage theft was the way of doing business. I began working as a helper on a truck in 2009. The first year I worked "off the books" and received \$80 cash a night, regardless of how many hours I worked. Some nights I would work up to 15 hours, but the pay was always \$80 a night. By the end of the week, I never was paid for all the hours I had worked, and definitely did not get overtime when I often worked over 40.**

**When I eventually became an "on the books" employee, how I got paid changed, but the wage theft went on. Like the other "on the books" workers at the company, I worked six days a week and was paid an hourly wage of \$14.50 for ten hours a night, even though the shifts could still last 15 hours. Employees would get off their routes at all different times, but everyone got treated like they had all magically parked the trucks after exactly 10 hours. That meant there were frequently 10 or 20 hours a week for which we should have gotten paid overtime, but for which we got nothing. With close to 50 employees getting treated this way, the employer was taking tens of thousands of dollars out of employees' pockets each year.**

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Why didn't workers complain? The fact is everyone knew that the enforcement of wage-theft laws was a joke. The company knew it too and that is why it was so open about cheating, as are so many other private sanitation employers with no unions or bad independent ones. There is no doubt the lack of more legitimate employers in the South Bronx contributed to workers' decisions to put up with this. But my employer would also have been right to believe that workers would not get much attention if they filed a complaint with the New York State Department of Labor. So it was just plain good business to steal workers' money. When you live pay check to pay check, you'd rather get a short paycheck than none.

I left my employer in February of 2012. In the spring of 2013, I was lucky to have the backing of a labor union to help me file a wage theft complaint with the Federal Department of Labor and to have someone advocate for me to move my case along. In late summer of 2013, the company installed time clocks. At the same time, the Federal Department of Labor investigator got in touch with other employees at the same company who were victims of wage theft, and a number of them filed complaints. As of now, our cases are still being investigated.

So, I want to add my voice to that of the many other speakers today who are asking Albany to provide more money so that the New York State Department of Labor can investigate and resolve cases like mine in a reasonable time. Without a quick, effective response to the workers who decide to come forward, we are just basically giving the green light to cheating employers to keep on cheating.

Respectfully submitted on February 11, 2014

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