

ORANGE COUNTY

Complaints Against Employers

State to Investigate Cheating of Aliens

By BARRY S. SURMAN, *Times Staff Writer*

The state Department of Industrial Relations will investigate complaints that some Orange County businesses are not paying undocumented workers for day work they perform, a spokesman for the agency said Tuesday.

The inquiry will focus on interviewing workers who may help investigators track down offending employers, according to John Carter, acting senior deputy of the department's Labor Standards Enforcement Division in Santa Ana.

"We don't care" if the laborers are undocumented, Carter said. "Anywhere between 20% and 30% of our claims are from undocumented. If they work and don't get paid, we are interested."

Undocumented workers' "illegal

'If they work and don't get paid, we are interested.'

—Labor Standards official

status makes them very susceptible to this kind of exploitation," said Robert Nava, a staff specialist for the Orange County Human Relations Commission. Nava has compiled such workers' complaints over the last three months.

The workers who have complained of not being paid, or receiving bad paychecks, are among those who gather each morning near the Yum Yum Donut Shop at Hewes Street and Chapman Avenue in Orange, waiting for employers to drive past and offer them work.

Their problem came to light while the Human Relations Commission was seeking a place for the 100 to 150 workers—most of them illegal aliens—to congregate each morning without disrupting traffic, interfering with local business or disturbing neighbors, Nava said.

"While the majority of the men are undocumented, there are also several U.S. citizens and legal residents who are out there searching for employment," Nava said.

The workers, who come mostly from Garden Grove, Santa Ana and Placentia, are looking for landscaping, construction, painting and yard work at wages averaging \$5 an hour. "The men have kind of an informal agreement among themselves not to work for less than \$5 per hour," Nava said.

While the commission was trying almost daily to relocate the workers this summer, Nava said, "several of the men came to me" with returned checks. Once the commission had helped those workers to recover about \$500 in wages, he said, others learned "by word of mouth that they could get assistance with these problems."

Since then, the commission has received about six such complaints a week, Nava said, including eight last Friday. Many of the complaints have been too old to pursue, but the commission has resolved about six cases and has pursued 30 others.

The commission on Monday turned six cases involving a single employer over to the Orange County district attorney's office. That landscaper, Nava said, wrote a total of nearly \$1,700 in bad checks to four employees and promissory notes to two others.

Deputy Dist. Atty. Diane Staven-

hagen-Kadletz said she will give the commission's information to the state Labor Standards Enforcement Division "to determine if the employer really owes the money." That agency can, if warranted, return the cases to the district attorney's office to file criminal charges, Stavenhagen-Kadletz said.

The non-paying employers are often difficult to find, Nava said, because they are generally small businesses, often run from a truck. "They're not established businesses," he said.

One such company owes an undocumented worker \$1,200 for six weeks' work at a Newport Beach construction site, Nava said. The worker "was strung along from week to week with promises" of payment and \$25 advances every two weeks. "He told them he couldn't pay his rent—he was being evicted—and they told him he could live in a tool shed."

Another company, contacted by the commission in August, promised to pay four undocumented workers a total of \$400 in back wages, Nava said, but has failed to do so. No representatives of the firms Nava discussed could be reached for comment Tuesday.

Victimized undocumented workers usually do not complain to government agencies because they are afraid they will be detected and deported, said Rusty Kennedy, executive director of the Human Relations Commission.

His group seeks to "help those workers out there that may have been ripped off. It's no comment on their status . . . If you work, you're supposed to get paid."

Many of the nonpayment cases can be resolved—by the district attorney, the state Department of Industrial Relations or the Human Relations Commission—without

resorting to litigation. "The employers, if we're ever able to find them, will pay up," Kennedy predicted.

"Some of these workers are here without papers and some are here with papers," he said. "That's not really our concern; that is a matter for the federal government. Our concern is protecting the rights of the local people."