

EMPLOYEE RIGHTS CENTER
A Program in San Diego of
Labor's Training & Community Development Alliance

Report To Our Friends - Fall 2008

Great News! - Center Earns Three Year Sustaining Grant.

The California Wellness Foundation has awarded our Center \$275,000 in basic staff operating support for each of the next three years. With this grant the Center will be able to continue providing education and advocacy to low-income workers regarding all of their workplace issues. This grant will also allow us to focus on the health, safety, and improvement of status for our large immigrant workforce. Our work corresponds to their focus on work and health issues statewide. This grant includes funds for strategic planning which we will begin in 2009.

YOU Kept Us Alive at a Vital Time

While waiting for the Wellness Grant it was **your** support that kept us going this year. The Center has now successfully transitioned to a local non-profit, 501c3 organization, Labor's Training and Community Development Alliance ("Labor's Alliance"). The transition was made possible with strong financial support from the San Diego-Imperial Counties Labor Council, AFL-CIO, our local labor unions, ACLU San Diego, supportive attorneys and law firms, and friends in the human rights community. On behalf of all the workers we serve and the law student volunteers who learn so much by helping them, the Center says "**THANK YOU! – THANK YOU! – THANK YOU!**"

Casework Update

The bulk of our work is the unpaid wage claims of low-income, non-union workers (mostly immigrants from the Americas and Africa) when unethical employers take advantage of them. We also regularly help those who have been denied unemployment insurance. The Center's law student volunteers act as their advocates in the appeal of those claims to an administrative law judge. Finally, we never know what other work problems our clients will bring to the Center, but we always listen and at least refer them to the S.D. County Bar Association Referral Service.

1. The Stranded Pastor: A local church brought a minister from Uruguay to do “the work of God” for 5 years and did not pay him. Nevertheless, he continued to work because he thought he was required to do so under the conditions of his immigration entry and the employment contract. He also did odd construction jobs so he could send \$1,000 a month to his wife who was caring 24/7 for their 9 year old, Downs Syndrome son. His 5-year obligation is over this fall and he was faced with leaving the USA. He had to leave this September to avoid becoming ineligible to return to the USA for many years. This pastor’s story is rather typical of the plight of so many hard-working immigrants to the United States.

The pastor hopes to eventually become a legal resident here. ERC negotiated with the church to get some of the wages paid now so the stranded pastor could fly home. It also accepted donations of cash and a vehicle and provided the pastor with the necessary funds to return home to his family in Uruguay. The pastor telephoned from Uruguay to say that he arrived safely. We wish him the best.

2. Drywall Settlement: In one of our largest settlements this year, 5 drywall workers were owed overtime and wages by their employer who was doing business with the federal government. After about 50 hours of investigation, calculations, gathering documents and researching the issues, 4 of our students negotiated a \$29,681 settlement. While we like to talk about our larger recoveries like this one, it is many smaller ones that comprise the great bulk of our work and help keep the families of our clients from financial disasters.

3. Labor Commissioner Hearings: After one of our many hearings, ERC obtained a \$27,000 default judgment for 3 years of unpaid overtime for a cashier who had been fired from her job when she asked to be paid properly. That was one of our larger judgments for a single worker and ERC is now working with the cashier to collect it.

4. Immigration Education: People needing immigration assistance often pay thousands of dollars to scam artists who disappear. In conjunction with Immigrant Rights Consortium, ERC staff and 5 law students recently presented the citizenship process and required documentation to 55 new applicants at the Annual Citizenship Fair in Escondido. They then went through the 10 page N100 form, question by question explaining each to the immigrants. By the end of the evening, many had their entire citizenship packet filled out, ready to mail and everyone who attended knew what was required to become an American citizen. Immigrant status services are a key service of the ERC.

5. Union Worker Assisted: At a recent Labor Commission hearing, the Center won the case of a union healthcare employee who was wrongly paid as a “professional” without overtime. We proved she was a non-professional whose collective bargaining agreement did not adequately define her job and recovered her lost pay. With its “Labor” background the ERC can address these intersections of employment and labor law.

Staff and Structural Changes

Our Founding Director Peter Zschesche has turned over daily operations to Program Coordinator Alor Calderon and attorney Justin Prato. Alor has been with ERC seven years and Justin has joined us after two years of volunteer work while in law school and 18 months of private practice. Peter remains active in overseeing our program development, connecting with Organized Labor and expanding our community outreach. Sonia Negrón has joined us through a part-time job-training program to help manage the office. With this small staff, we have recruited and trained over 20 local law students this semester to provide their volunteer services to our many low-income clients.

Wine Steals Event in November

Before the holiday rush, we will hold our 2nd annual “Meet & Greet” event at the **Wine Steals in Point Loma on November 19**. You will be invited to come meet our staff, students and each other and enjoy an after work glass of wine and a bite of pizza. It’s our way of saying thank you for your continuing support and for being part of our legal advocacy community. Watch for our “save the date” notice coming soon. If you are willing to help “sponsor” this event, please contact Maria Torres at (858) 456-7805 or by email at maria5755@yahoo.com.

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