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BODY:

Enforcement of labor laws being stepped up in sewing shops

WASHINGTON (FNS) -- The Clinton Administration is stepping up its enforcement of labor laws in sewing shops.

Administration officials say the shops are often rife with workers toiling for subminimum wages, and they wantt apparel manufacturers to better police them.

"The industry has a very high rate of violations," said Maria Echaveste, administrator of the U.S. Department of Labor's Wage and Hour Division. Echaveste is the nation's top cop charged with making sure employees are paid the federal \$ 4.25-an-hour minimum plus overtime for working beyond a 40-hour week.

Although Echaveste said there isn't comprehensive data on the extent of garment industry wage compliance -- there are only 800 investigators nationwide to monitor all industries -- evidence of a problem is more than anecdotal.

"We know that every time we investigate contractors in California or New York, better than 50 percent of the time there are violations and usually it's better than 75 percent," she said.

As part of its garment industry campaign, Echaveste last month held a brainstorming session in Dallas with Wage and Hour regional administrators from New York, Los Angeles, San Francisco, Miami, Atlanta and Philadelphia in order to coordinate a national strategy.

Echaveste gave each of her lieutenants marching orders to use the federal "hot goods" provision to force manufacturers to monitor contractors for compliance with wage laws. Essentially, she wants each metropolitan area to follow the success of investigators in Los Angeles and San Francisco who have threatened manufacturers with seizing apparel, or hot goods, made by contracts in violation of federal wage and hour laws.

"What we're trying to do is identify larger manufacturers with sufficient reputation that they're going to be concerned about their contractors," said Echaveste, formerly a New York bankruptcy attorney who advised President

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Clinton on Latino affairs during the 1992 campaign.

Although two years ago the Labor Department under the Bush administration announced it would emphasize a hot-goods strategy, only the two California offices employed it with continued success. Last year, California's 15 federal garment investigators retrieved about \$ 1.6 million in back wages due garment workers by invoking the hot-goods provision.

One enforcement method used in Los Angeles is to get manufacturers to sign a so-called long form in which they set out a detailed plan to monitor contractors. Los Angeles manufacturers Guess and Z. Cavaricci are among those that have signed long forms after Labor investigator found their contractors weren't paying workers overtime. In San Francisco contractors working for Jessica McClintock and Esprit have been found in violation.

Echaveste has also ordered other step be taken. Much like the government does for other law enforcement, each region's garment task force will be linked by computer to share information. Federal attorneys have also been asked to respond faster to requests to file court injunctions blocking shipments of hot goods.

Twelve teams of investigators are currently fanning out across California to 125 sewing shops to check contractors' records and interview employees as part of a baseline study to measure the current rate of compliance. Labor officials are also looking at a San Francisco Junior College garment-worker education program as a model that could be employed in other regions.

In New York, the first of several Wage and Hour strike teams will fan out in late March or early April among contractors in northern New Jersey, the Bronx and downtown Manhattan. IN the meantime, apparel industry specialists are giving speeches and holding meetings with immigrant sewing machine operators to apprise them of their labor rights.

In addition, Echaveste is examining ways to de-emphasize the Labor Department's alliance with the Immigration and Naturalization Service. Labor investigators are charged by Congress to share information with the INS about employers who hire undocumented workers, which Echaveste estimate are widely employed by garment contractors.

"Unfortunately, the association with INS has made a lot of workers fear Wage and Hour investigators and has really hampered enforcement for the most exploited workers because they are afraid to rely on us. They don't know that their rights are. It's something we're trying to combat," she says.

Differences in the garment industry in each region further complicate enforcement efforts. In Miami and Dallas, for instance, there are a growing number of sewing shops operated out of homes -- a niche that is almost impenetrable for investigators. Then there are the various ethnic business and manufacturers say are and manufacturers says are often at the root of contractors not complying with wage laws. It's a problem cited by the San Francisco Fashion Industries Council, representing 150 apparel manufacturers.

"The contractors here have always been of a mind-set, like squirrels, that they take all the work they can regardless of whether workers can do it in an eight-hour day because they don't know when their next work will come," said

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council president Paul Gill, co-owner of children's wear maker Mouse-feathers, Inc., Berkeley.

This month, the council will launch a program with the Bay Area's 300-400 contractors in which participating manufacturers and sewing shops will negotiate contractors for all work. This will formalize the practice, used throughout the country, where deals between manufacturers and sewers are only verbal agreements. The contracts, based on a model form translated into Chinese for the contractors' sake, are designed to ensure sewing shops don't underbid and risk not paying their employees a legal wage, Gill said.

Echaveste is concerned about the contract, which was initially embraced by her boss, Labor Secretary Robert Reich, and which has since come under fire by the International Ladies Garment Workers Union.

Missing from the contract as originally proposed is a so-called time-study provision detailing the time it would take to complete a garment and rework it, if need be. The contract to be employed now emphasizes a flat-fee concept.

"I consider that very critical, because if you know you're paying 50 cents a seam and it takes you 20 minutes to do what you're suppose to do, you know you're not going to meet the minimum wage requirements," Echaveste said. "I think it probably shows that the contractors have less bargaining power than the manufacturer."

Gill said the contract, once understood by both sides, will rectify a lot of the wage and hour violations among legitimate sewing shops. He deflected criticism that both sides would try to use the contract to insulate themselves from labor law violations.

"I believe in enforcing the law," Gill said. "Are there more violations in our industry than other industries? Probably. Any industry where you're going to have low-wage workers, you're going to have violations. But we have no business in this country selling things that are made for wages that are below minimum wage."

Manufacturere involvement in monitoring contractors does work, says Joseph Rodriquez, executive director of the Lost Angeles Garment Contractors Association. The Los Angeles metropolitan area has an estimated 400 sewing shops, employing roughly 150,000 workers.

Rodriquez said the Guess agreement was at first viewed with suspicion by workers as a major manufacturer just going through the motions to keep from having its goods seized. "But the feedback I've been getting is that they really are doing a good job looking for legitimate contractors," he said.

Without manufacturers being held responsible for the wages of their contractors' employees, the age-old dance between low-bidage contractors and bottom-line manufacturers will continue, Rodriquez said. Contract monitoring, though, won't work unless top manufacturing executives get involved, he said.

"In some cases, I think the heads of the manufacturers don't know what's going on. The word just comes down from the top to the production staff to get the lowest possible price, who then go after the illegal contractors in order to chase the lowest possible dollar," Rodriquez said.

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Alan Rolnick, an attorney representing several major U.S. brand-name manufacturers, said manufacturers want to work with contractors who pay legal wages, although he acknowledges "even people who are following all the steps, it's possible to get caught. Most unethical contractors will sign anything."

"The major players do business in a highly ethical way, and they're not interested in violating the law. It's just good business."

Sewing shops are sharing Labor's enforcement spotlight with agriculture, another industry traditionally considered difficult for investigators to penetrate because of the large immigrant work forces and the transient nature of the business.

Echaveste, who brings to her job childhood experiences helping her migrant farm-worker parents in the fields of California, argues that conditions for many hourly workers at apparel contractors haven't changed in decades. She refers to a 1933 comment by then Secretary of Labor Francis Perkins, which was used in publicizing the recent New York garment conference

"The red silk bargain dress in the shop windows is a dangerous signal. It is the warning of the return of the sweatshop, a challenge to us all to reinforce the gains in our long and difficult progress toward a civilized industrial order," Perkins said in a speech commemorating the Triangle Shirtwaist Factory fire in New York, a seminal moment in the garment industry labor movement.

Says Echaveste: "The Francis Perkins quote is still applicable, and that's pretty amazing."

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ID for all appears likely in Calif.

SACRAMENTO, Calif. (AP) — All Californians may soon have to carry tamper-proof ID cards to prove they are U.S. citizens if the state's political leaders have their way.

Republican Gov. Pete Wilson, who has built his re-election campaign on a call for a crackdown on illegal immigration, raised the issue in an interview published yesterday. He said a tamper-proof identification card will be necessary if Proposition 187 is approved by California voters Nov. 8.

The ballot measure would deny schooling, welfare and all but emergency health care to undocumented immigrants.

The ID card requirement would be the same as "your picture is on your driver's license, and your thumbprint is on your driver's license," Mr. Wilson said. "If you are a legal resident you have absolutely nothing to fear."

Dorothy Ehrlich, executive director of the American Civil Liberties Union of Northern California, countered that an identification card is "a very simple quick fix that poses serious threats to civil liberties."

"You can't have an ID card without linking it to some kind of national government database," she said. "And it seems irresistible that you would link that with other databases, increasing the likelihood that people's intimate details could be very easily accessed without a person's knowledge."

But even opponents of Proposition 187 see a need for ID cards. They say stiff penalties against employers who hire illegal aliens are a better way to stop the flood of illegals into California — and that tamper-proof ID is the key to enforcing those penalties.

The Immigration and Naturalization Service estimates that 1.7 million of California's 33 million residents are in the state illegally, and Mr. Wilson contends the state spends \$3 billion annually on health, education and social services for them.

He said he doesn't view ID cards as infringing on the rights of citizens.

"I'm talking about something that would be a single-card substitute" for the documents employers already demand of their employees under federal law to verify their citizenship, Mr. Wilson said in an interview in the San Francisco Chronicle.

"It has nothing whatsoever to do with eye or skin color. You are reasonably suspect if you cannot provide documentation that you are in the country legally."

Mr. Wilson said the ID cards would also be used to verify eligibility for health and social benefits or to enroll children in school.

Mr. Wilson's Democratic opponent for governor, state Treasurer Kathleen Brown, opposes Proposition 187 and accuses Mr. Wilson of "using the immigration issue, playing on our fears and dividing us." But she also supports creation of a counterfeit-proof identification card for all California workers.

"We must make it impossible for illegal immigrants to get jobs in this country," she said, noting that current employer penalties for hiring illegals are as low as \$250. Mrs. Brown has proposed penalties from \$1,000 to \$10,000.

"It is unreasonable to impose additional fines on businesses unless we make it possible for them to identify accurately who is legally eligible to work and who is not," she said.

California Governor Seeking Identification Cards for All

By B. DRUMMOND AYRES JR.

Special to The New York Times

LOS ANGELES, Oct. 26 — Injecting a new element into the already raging debate over controlling immigration in California, Gov. Pete Wilson suggested today that every Californian be required to obtain an official identity card to present when seeking a job, entering school or applying for non-emergency health care.

The Governor, who has made immigration control a theme of in his re-election battle this fall with State Treasurer Kathleen Brown, argued in interviews, news conferences and statements that such a card would force undocumented immigrants to leave and would not impinge on individual freedom.

"If you are a legal resident, you have nothing to fear," he said in one interview.

But Ms. Brown quickly attacked the Governor's proposal. "I have proposed a tamperproof Social Security card to be used only when people are looking for work," she said in a press conference in Los Angeles.

"But the notion of requiring children to carry ID cards is wrong and not what we stand for in democracy. It's Big Brother, big government and another example of what Pete Wilson will say just to get elected."

Even some of the Governor's political allies privately expressed dismay at his suggestion and worried that he might have politically hurt himself, though not seriously enough to lose his comfortable lead over Ms. Brown.

Mr. Wilson's suggestion apparently grew out of his support for Proposition 187, a measure on the state's

fall ballot that would deny most social services, including schooling and non-emergency health care, to illegal immigrants.

Proposition 187 would also require that teachers and health authorities report to immigration agents anyone they knew or suspected was illegally in this country.

Illegal immigration, and Proposition 187 in particular, have become the centerpiece issues in this state's elections, with most major candidates supporting some kind of residence verification system to keep illegal aliens from obtaining jobs. But only Mr. Wilson has raised the possibility of requiring students and the sick, as well as job hunters, to have a card verifying legal residence.

In a statement issued by his office, the Governor said that he had long believed in the need for such a counterfeit-proof card and he noted that the possibility also was being debated in Washington.

Then he called on Washington to set up a national system for verification of eligibility for government services. But under no circumstances, he added, did he envision Californians being required to have an identity card with them at all times, not just when applying for some government service.

"The Governor believes the Federal Government, which has the sole responsibility for enforcing the country's immigration laws, has the responsibility to establish a system to facilitate verification and improve enforcement by making our eligibility system tamperproof," the statement said. "The Governor believes this is best accomplished with a single card."

Vibiana Andrade, the national director of the immigrants' rights program for the Mexican American Legal Defense Fund in Los Angeles, described the Wilson proposal as a form of "fascism."

"A card like he proposes would be very controlling — and very scary," she said.

Governor Wilson strongly favors passage of Proposition 187 and argued today that those describe it as as unconstitutional and invasive, among them Ms. Brown, are guilty of "scare tactics."

Pollsters say the proposition has strong support because there is so much frustration within the state over the steady influx of illegal aliens and the steady rise in the cost of giving them state services.

But in recent days the initiative

'If you are a legal resident, you have nothing to fear,' Wilson says.

appears to have lost some support, particularly since national political figures, including President Clinton and former Housing Secretary Jack Kemp, who share little ideological common ground, have criticized it.

One leading California Republican who is a strong supporter and close friend of Mr. Wilson said today that the identity card suggestion was "a bad political move" on the Governor's part.

"Pete knows better than to go out that far, even if he believes it," said the Republican, who spoke on condition of anonymity. "But he's feeling some heat on this issue now that some top Republican and Democratic leaders are beginning to criticize

Prop. 187 — and they're right to knock it. But old marine that he is, he pushes back when the going gets tough."

According to the Wilson campaign press spokesman, Dan Schnur, the Governor first proposed a eligibility card more than a year ago while touring the porous border near San Diego and thus "did not break new ground" with today's comments.

"He said back then," Mr. Schnur recalled, "that 'There needs to be some means for assuring that services are rendered only to those who are eligible as legal residents,' and then called for 'a legal resident eligibility card.'"

But Mr. Wilson appeared to go further on the card issue today; he had not previously mentioned students and the sick when discussing cards.

The issue of students and the sick was initially raised in an interview with editors and reporters of The San Francisco Chronicle. This question was then posed to Mr. Wilson:

"You're governor, you're re-elected, 187 passes — will there be a card that people have to carry in California to prove that they are legal residents?"

Mr. Wilson replied, "Yes."

Later in the interview, he made clear that he wanted the Federal Government to come up with the card system.

Mr. Schnur said this morning after reading the Chronicle account of the interview that the word "carry" did not imply that all Californians would have to have a card on them at all times.

"The Governor," Mr. Schnur added, "was saying only that people will need a card to get jobs and government services, but not that they will have to carry the card at all times, even when they've got a job and aren't enrolling in school or seeking health aid or whatever."

Prohibition Against Data Sharing

1. Immigration Reform and Control Act of 1986
 - o Section 121 prohibits using INS benefit verification system (SAVE) for enforcement purposes.
 - o Impact: USDA for example gives food stamps to some PRUCOL aliens pursuant to 7 U.S.C. Section 2015 that INS may consider deportable.
 - o Impact: AFDC and Medicaid may aid some PRUCOL aliens and illegal aliens (if the State chooses) and provide data to SAVE which INS may not use for enforcement purposes.
2. Census - 13 U.S.C. Section 9
 - o Census is prohibited from sharing any specific information furnished for census reports.
3. IRS - 42 U.S.C. Section 602(a)(9)
 - o IRS may not share information in Federal income tax returns, except where specifically allowed.
4. AFDC - 42 U.S.C. Section 602(a)(9)
 - o Restricts disclosure of information about AFDC applicants.
5. Privacy Act - 5 U.S.C. Section 552 a(b)(3)
 - o Has been used as argument to prohibit data sharing but exemption for "routine use and law enforcement" could be interpreted to allow for data sharing. Does not apply to illegal aliens.
6. Family Educational and Privacy Rights Act - 20 U.S.C. 1232 (g) et. seq.
 - o Prohibits disclosure of data in a student's record.

Data Sharing Practices

1. HHS/SSA notifies INS when it receives information about an illegal alien, pursuant to Section 209(c) of the Immigration and Nationality Act. However, HHS does not share with INS information it receives from the IRS, pursuant to 42 U.S.C. Section 1306.
2. FEMA administers disaster benefits to illegal aliens, and pursuant to practice (no statutory requirement or prohibition) does not report to INS.
3. "Program Instructions" issued March 8, 1976 for Vocational Rehabilitation services encourage data sharing with INS if "...consistent with their own mission and that of INS...".