

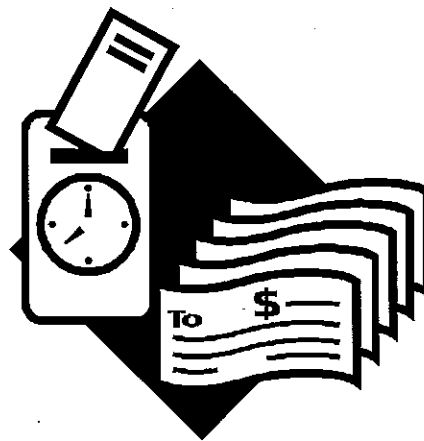
Feature Story: Saving Paystubs Saves the Day

When Mark Royce* was laid off by a construction contractor earlier this year, he did what any worker in his situation would do: he filed for unemployment. But when Royce called the Division of Employment and Training to sign up, he got some bad news. Because his employer had never turned in unemployment benefits, the contractor had no ID number with the state. "You're out of luck," is what the DET told Royce.

The story might have ended there were not for the FFCM's Art Butler. After years of working for the Attorney General's office, Butler knows a thing or two about employment law. And unemployment insurance fraud is a topic that he knows especially well. "It used to be that if the employer cheated and didn't pay into the system, it was the worker who paid the price. So we got a law passed that changed that."

More than 25 years ago, Butler and other legal advocates helped pass a law that makes employees with "proof of work" eligible to collect unemployment benefits from the state. THAT MEANS THAT EVEN IF YOUR EMPLOYER FAILS TO PAY UNEMPLOYMENT INSURANCE CONTRIBUTIONS, YOU CAN COLLECT AS LONG AS YOU HAVE PAYSTUBS, COPIES OF CHECKS OR OTHER PROOF OF EMPLOYMENT. "It's so important to hold onto your pay stubs," says Butler. "Too many people throw the stub away after they get paid, but in unemployment cases, stubs are the proof that makes all the difference."

Fortunately, Mark Royce was a good record keeper. He returned to the DET office armed with copies of his paycheck and information about the state law guaranteeing his eligibility. Soon after, he was receiving benefits to tide him over until he found another job.



In the meantime, his employer is under investigation. State law says that employers who fail to pay into the unemployment system will face heavy fines and possible imprisonment. So could Royce's boss end up in jail? "It could happen," says Butler. "The fraud unit of the AG's office gets involved and before you know it, when that contractor tries to come back to Massachusetts, there's a bench warrant waiting."

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Up Close and Personal: Interview with Field Monitor Joe Meagher

Coming to a work site near you: the FFCM's new monitor, Joe Meagher. Before joining the Foundation, Meagher worked as an organizer for the United Food and Commercial Workers. Welcome aboard Joe!

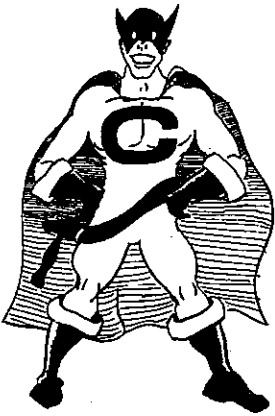
FFCM: How did you get interested in wage enforcement work?

Meagher: My interest in labor rights really comes from my life experience. I've worked a lot of really low-paying jobs: cashier, dishwasher, janitor, road crew. I learned all about the rights that we have as workers and the power that employers have. It got me interested in learning more and trying to change things.

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Dear Compliance Man:

Where does the "prevailing wage" come from and how do I know if it applies to me?
- Paulo, Fall River, MA

Dear Paulo:

There is a long answer to your question and I won't bore you with details here.
(Give me a call if you want

the full run-down). The prevailing wage rate is set in advance by the state for each individual project, even before the ground is broken. (If you're working on a federal job, then it's the US Department of Labor that sets the rate). As you probably know, the rate is set differently for different trades: crane operators, electricians, laborers, painters, etc., and is set to increase in increments, often over the life of the project. Contractors are required by law to post the rates on the job site. The rates can also be found in

the "specs" or contract that the Clerk of the Works has.

How to tell if your job is a "rate job" ("prevailing wage project")? Ask yourself, is this a "public project"? Is it owned by, say, a city or town, or maybe the highway department? Or is it a privately-owned or commercial enterprise? Remember: the general contractor may be a private company, but as long as they are working to build something for the public, with few exceptions, the rate applies. It all comes down to ownership. Acme Inc. may build it, but they won't run it after they hand it over to say, New Bedford or Holyoke or the state. Still not sure? Just call us and we'll help you know for sure. We can probably tell you what the rate is, as well.

For free, confidential information about your rights as a construction worker, call the Foundation for Fair Contracting today.

1-800-224-FAIR

Saving Paystubs Saves the Day!

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Whether you're filing for unemployment or are owed money by an employer, good record keeping is the key to making sure you get what's coming to you.

✓ **Keep pay stubs**

The documents that come with your pay check every week can make all the difference when it comes to supplying proof of work.

✓ **Make copies of paychecks**

By making copies of your checks, you'll have proof that you've been on the job.

✓ **Keep a log**

Keep track of when and where you've been working as well as what you've been doing. Like pay stubs, this job log constitutes important evidence. One way to make the task easier: order a free FFCM log book by calling 1-800-224-FAIR.



Not So 'Sharpe' Contractor Sidelined til '06

A Brighton painting company and its owner have been debarred from public works projects after receiving 3 civil citations for violating the state's prevailing wage law. Attorney General Tom Reilly recently announced that Sharpe Painting Contractors, Inc., and its president, Maureen McKenna would be barred from bidding on public construction projects until February of 2006.

Sharpe was cited this spring for intentionally submitting false certified payroll records for employees who worked as painters between September 2001 and February 2002 on the Tantasqua Regional High School Project in Sturbridge and the Memorial Middle School Project in Hull.

This isn't the first time that Sharpe has run afoul of the law. The company was cited four times in 2000 for intentionally violating the state's prevailing wage law.



The Wage Watch is published quarterly by the non-profit Foundation for Fair Contracting of Massachusetts. The FFCM mailing address is Box 256, State House Station, Boston, MA 02133. *The Wage Watch* accepts letters to the editor. For information, call 1-800-224-FAIR or write www.ffcm.org.

FFCM Lawbreaker List

Electrical Contractor Charged by US Department of Labor

In a case initiated by the Foundation for Fair Contracting, a US Department of Labor (DOL) investigation has found that a Southeastern Mass electrical contractor failed to pay the prevailing wage to three workers on a federally-funded project. Responding to a complaint by the Foundation, the DOL determined that Jose Medeiros Electric (of New Bedford, MA), had paid three electricians less than the prevailing wage. Two of the workers were paid as apprentices, although the company has no apprenticeship program registered with the state. In meetings with the DOL, Medeiros testified that he was not aware of the prevailing wage requirement. He has since paid the three workers the back wages they were owed.

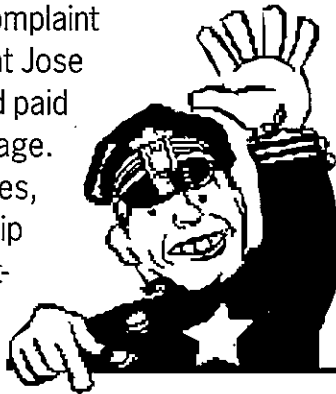
The following contractors were recently cited by the Massachusetts Attorney General's Office for violating the state's wage and hour laws.

Antonio Alves and his company, **Cornerstone Masonry, Inc.** of North Dartmouth, MA, must pay an employee \$2,499.45 after failing to pay the prevailing wage on the West Taunton School public works project. The employee originally contacted the **Foundation for Fair Contracting** in 2001 after seeing an FFCM commercial. After complaining to the employer about receiving the wrong wage, the employee was told that he wasn't receiving the prevailing wage because Cornerstone was a "new" company. Cornerstone was also fined \$100 for failing to furnish true and accurate certified payroll records in 1999 on the same school project in Taunton. Inspector Mario Paiva investigated the case for the AG's office.

Loretta Piquette and **Re-Comm Electric Inc.**, of South Yarmouth, MA, owe a total of \$2,059.76 after failing to pay prevailing wages to a worker employed on a Cape Cod filtration plant public works project. The employee, who worked on the Brewster Well #4 Filtration Plant project in 2001, is owed \$1,819.76. The FFCM had earlier warned the town of Brewster to be on the look out for wage fraud during the project,

as the company's bid for the work seemed suspiciously low. The FFCM later sent a complaint to the Attorney General's office.

Kathleen Zilioli and her company, **Framingham Excavating Co.**, Inc. of Ashland, MA, must pay more than \$45,000 after underpaying three workers employed on three public works projects. The workers, who were employed on the Diamond and Clarke Middle Schools projects in Lexington, and the Framingham State College public works project, are owed \$40,363.49. In addition to the payment for back wages owed, Zilioli and Framingham Excavating Co. have also been charged with a civil penalty of \$5,000. The case was investigated by Patricia Bopp of the AG's office.



Paul Zilioli and **Framingham Heavy Equipment Co.**, Inc. of Ashland, MA, have

been ordered to pay two workers a total of \$3,642.30. The workers were employed from 6/08/01 to 10/05/01 on the Mountainview Cemetery public works project. Zilioli and his company must also pay up \$1,500 for a civil penalty and \$200 for failing to furnish true and accurate payroll records on the cemetery project.

Richard Gardner and his company, **Architectural Concepts** of Norwell, MA, must pay a total of \$11,915.92 after failing to pay prevailing wages on the Abington High School public works project. Three employees are owed nearly \$6,000 for work they did from 12/20/99 to 8/10/00. In addition to re-paying the workers, Gardner must also fork over a \$6,000 civil fine. The case was investigated by Inspector Patricia Bopp of the AG's office.

Savvas Xenidis and **Classic Siding and Window Corporation** must pay a total of \$16,313.85 after failing to pay two workers the prevailing wage on a Massport project. The workers, who were employed on the Massport project between 9/3/01 and 11/9/01, are owed a total of \$10,013.85. Xenidis and his company must also pay a civil penalty totaling \$6,300.00. They company was fined an additional \$2,000 for failing to submit true and accurate certified payroll records. Inspector Robert Lamarre of the AG's office investigated the case.

Interview with monitor Joe Meagher

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FFCM: You've spent time in other states. How does Massachusetts stack up when it comes to the rights of its workers?

Meagher: Relative to other parts of the country, workers in Massachusetts have more rights. But if the rights aren't enforced, then they don't mean anything. You also see employers trying to take advantage of certain groups of workers. Here in Massachusetts, we're seeing a rising number of immigrant workers. We have to make sure that their rights are protected.

FFCM: As a new monitor, you'll be spending a lot of time dealing with construction contractors who break the law. Anything you'd like to say to them?

Meagher: It's wrong that some employers profit by not respecting the work done by their employees. So I guess I'd say respect the law and the work.

FFCM: What do you do when you're not on the job?

Meagher: I'm finishing up a masters degree in regional economics at UMass Lowell. I also have a six year old daughter, and I like to spend a lot of time with her.

Where to Find Help

FFCM Hotline - 1-800-224-FAIR

**Division of Apprentice Training
1-617-727-3486**

**IRS - For tax-related questions
1-800-829-3676**

**National Labor Relations Board
1-617-565-6700**

**Occupational Health & Safety Administration
1-617-565-8110**

**Massachusetts Department of Labor
1-617-727-3492**

**The Massachusetts Attorney General's Fair
Labor and Business Practices Division at one
of the following locations near you.**

**200 Portland St.
Boston, MA 02114
617-727-3465**

**165 Liberty St.
Springfield, MA 01103
413-784-1128**


**One Exchange Place
Worcester, MA 01608
508-792-7600**

**184 North St.
Pittsfield, MA 01201
413-447-7324 x218**

**105 William St.
New Bedford, MA 02740
508-990-9700**

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