

# Long Island Chapter

Labor and Employment Relations Association

Newsletter

## SHAPING THE WORKPLACE OF THE FUTURE



April 2011

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### **PRESIDENT'S PERSPECTIVE: Beverly E. Harrison, J.D., Past-President**

My term as president concluded a few months ago, but the newsletter was not published in the interim and new President Mattace was kind enough to allow me to use this space again. It is a time of transition for me. I leave this office and I will be opening my labor and employment arbitration



and mediation practice. I enjoyed my tenure and I look forward to working with the chapter as president emeritus. My involvement with LERA will continue as a member of the National Chapter Advisory Committee. This committee serves as a liaison with the individual chapters and insures the continuity of communication between chapters and the national organization. I intend to report on issues presented by the national organization in future newsletters.

National LERA offers a wealth of information to its members, including up to-date information on current labor relation issues and the opportunity to publish and present your projects to a national and international audience. I encourage you to join. Please visit the national website [www.lera.uiuc.edu/](http://www.lera.uiuc.edu/).

During my term, the membership increased significantly, (23 new members in 2010), as did the attendance at the Spring Conferences and the quarterly meetings. The establishment of the public relations committee and our presence on Facebook elevated the chapter's presence on Long Island. The chapter also increased student participation. We offer CLE credits and we received a Star Award from national LERA during past president Tom Lilly, Jr.'s tenure and chapter awards for 2009 during my first year in office.

### **Upcoming Chapter Meetings**

**Fri., May 6, 2011,  
Annual Spring Conference  
New York Institute of Technology**

**Wed., June 8, 2011  
Nassau County Bar Assoc., Mineola  
Lawrence Levy, Hofstra U., Speaker**

**Wed., Sept. 14, 2011  
Black Forest Brew Haus  
Farmingdale**

**Wed., Dec. 7, 2011  
Nassau County Bar Assoc.  
Mineola**

Do you have your copy of *The Fundamentals of Labor Arbitration* by Jay E. Grenig and Rocco M. Scanza? It is the first book published by the Scheinman Institute and AAA and can be ordered through the Institute website.

Do you have any pictures of past meetings or officers? Please forward them to Dr. Grayson. We intend to include the 30<sup>th</sup> anniversary pictures and any historical photos in the next Long Island chapter membership directory.

In closing this column I wish to thank the Executive Board and the committees that supported me. Special mention is extended to Jerry Grayson, the newsletter editor and Eugene Ginsberg, treasurer and the backbone of this chapter.

**Ernesto Mattace, Jr., President**

### **New Officers Elected at LI LERA December 2010 Meeting**

Ernesto Mattace, Jr. headed the list of new officers elected at the LI LERA chapter meeting held in December, 2010 at the Nassau County Bar Association. Also elected was Amanda Barker, UPSEU, as President Elect, Thomas Wassel of Cullen & Dykman as First Vice President, Elizabeth M. Pearsall of the Suffolk County Department of Labor as Second Vice President, Paula Clarity of Archer, Byington, Glennon & Levine as Secretary and Eugene S. Ginsberg as Treasurer.

Our new chapter president has a lengthy resume that covers a range of activities over the past 30 or so years including his involvement with labor organizations (V.P. of Local 338, RWDSU/UFCW), volunteer affiliations (advisory boards of Cornell, Dowling, LI Housing Partnership), community activities (West Islip Chamber of Commerce – Resident Member, West Islip PTA’s, West Islip Bicentennial Committee, West Islip Beautification Society), and educational activities (founder of SCCC Alumni Association, founding Board member of SCCC Foundation, College Trustee and Chairman of Board since July 2009). This list does not include his church and political activities. Ernie retired from Local 338 in Dec. 2009 and is now President and owner of E.M. Solutions since Jan. 2010. He is looking forward to his duties as the new president of our chapter and he will outline his goals for the chapter in his first president’s column in the next newsletter.

### **Guest Speaker, John Bednarik at March 2011 Meeting**

John M. Bednarik, OHST, is a Senior OSHA Compliance Officer. Mr. Bednarik, who was our guest speaker at our March, 2011 meeting, is based in the Long Island Area Office at 1400 Old Country Road in Westbury, N.Y. Mr. Bednarik is certified as an Occupational Safety & Health Technologist and is trained both in Safety & Industrial Hygiene. He investigates the more complex cases involving electrical and mechanical issues. Mr. Bednarik was detailed to the World Trade Center, Katrina, Manhattan crane collapses, and other disasters to help minimize hazards during cleanup.

The Occupational Safety and Health Administration was created in 1970 by the Occupational Safety and Health Act. It is intended to help employers and employees reduce job-related injuries, illnesses and deaths. Prior to 1970, without OSHA, there were more than 14,000 worker deaths annually; 2.5 million workers disabled by work-related injuries and an estimated 300,000 cases of work-related illness.

Since 1970, work-related fatalities have been cut by more than 60 percent and the overall injury and illness rate is down by 42 percent. This has been accomplished by encouraging the establishment of safety and health man-

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**John M. Bednarik**

**BookReview****Kim Bobo, *Wage Theft in America*  
by Michael McGrorty**

My colleague Kim Bobo has written a book about our common line of work. Entitled *Wage Theft in America*, the book reveals the scope and impact of illegal wage cheating that goes on all around us, most of it undetected and unaddressed. Ms. Bobo doesn't know that we share a trade, and I'm sure she wishes, as I do, that we could do something else for a living.

Yet here we are, having spent much of our lives trying to hold back a river of wage stealing with a bucket and sponge. Ms. Bobo runs an organization called Interfaith Worker Justice, which has been active in the field for years. I have worked for the U.S. Department of Labor, and for various unions or labor/management organizations in the construction trades since 1988. Over that span of time I have interviewed thousands of workers, filed just as many claims with state and federal agencies, and occasionally—when the stars aligned—brought a few workers the wages they were supposed to have been paid in the first place.

Bobo's book is hard reading even for somebody jaded by this work. Even so, *Wage Theft* is a strong reminder that there are good people out there who believe in the law and in the right of working people to their own money. It is beyond sad that such things go on year after year; worse yet that our government considers the situation to be relatively unimportant: we send people to prison for embezzling \$5,000 from a bank, but when an employer steals millions from workers by denying them overtime wages, we let him pay back a fraction of what's owed and continue business as before.

If you don't think wage theft is a serious problem, understand that I have been able to make a good living detecting it for years. Business is always good. Wage cheating is as rare as salt in the ocean.

Last week I filed a series of complaints against a construction contractor who seems to have some relationship problems with a couple dozen of his workers. He has systematically deprived them of overtime pay, forcing them to work Saturday without compensation as well as failing to pay for extra hours worked each day. This company gave its workers regular lectures about being "team players" and let them know the consequences of failing to make the team. While working on state and federally-funded projects, the company also misclassified skilled trades workers as laborers in order to pay them at lower rates.

Workers who complained about working for free were fired; others were promised their pay later (without overtime) or simply not paid at all. Workers who spoke

to a union organizer about the overtime problem were also terminated. The company has a little policy about traveling workers: when they go from job to job in the middle of the day, the company doesn't pay them for the hours. Neither is the firm real good about letting workers have a lunch or required bathroom breaks. It seems that they've also failed to pay taxes of any sort on the unreported hours. The firm's apprenticeship program is a fraud and a scam. Many a hopeful lad has entered only to find himself untrained and unemployable at the end, used only for fetch-and-carry work.

A quick tally of the included offenses against state and federal laws turns up half a dozen distinct violations of the law. Some of these I've referred directly to enforcement agencies, others will be dealt with through my firm's attorneys. If we are lucky—if the winds of enforcement blow our way and we manage to get a good accounting from all the agencies—some of the workers of this firm will get a portion of the wages they worked for. Undoubtedly many will not. Perhaps there will be some compensation for those unjustly terminated. That is the way of the law and of the current state of enforcement. If things go as they often do, cases will be fumbled or dropped outright, perhaps some statements confused—maybe the company will hire a high-priced attorney who will stonewall the government side—and I will have to hold one of those delightful meetings wherein I inform a crowd of unemployed workers that they aren't going to get their wages. If you have never done that and want to see what it's like I can take you to the next one. There will be a next one; if not with this case then with others.

If you want to know how corporate America treats its workers, you can go to the appendix of Bobo's book and see how many billion-dollar firms cheated their people out of the minimum wage and 40-hour overtime. [After a scan of the columns the millions begin to dull the mind.] The firms in the listing (and these are only the ones made public) are companies we all deal with every day of our lives. If we found that State Farm Insurance or our local grocery store ripped us off for a hundred dollars, we'd be furious. State Farm was made to pay \$135 million in back wages; Safeway, Albertsons and Ralph's supermarkets paid their janitors over \$22 million in back wages and it doesn't raise an eyebrow. We

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*Wage Theft, continued from Page 3*

have somehow come to think that wage cheating is just a clever business practice, something like the careful scheming that puts an asset in a more favorable tax category. If you lose the game you just write a check for the difference and move on. Nobody goes to prison—when was the last time you read of some corporate chieftain doing jail time for wage theft?

Kim Bobo's prescription for change includes substantial alteration in the structure of government agencies and in the treatment of cases under the law. She is on the right track there, but the road to that utopia will be long and rough. I think the main benefit of this book comes in the form of a shift in terminology. Bobo refuses to speak the technical lingo of the law in describing the failure to pay wages. She calls it theft, robbery, stealing. Which it undoubtedly is to the millions of affected workers. The adoption of those designations will be a substantial move away from the current complacency and toward the better world that Bobo wants all of us to live in.

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## **2011 MEMBERSHIP DUES ARE DUE NOW**

**Checks for individual membership at \$40.00 should be made payable to LI LERA and mailed to:**

**Thomas B. Wassel, Esq.  
Membership Chair, LI LERA  
Cullen and Dykman, LLP  
100 Quentin Roosevelt Blvd.  
Garden City, NY 11530-4850**

*Bednarik, continued from Page 2*

agement programs to reduce workplace hazards; and developing mandatory job safety and health inspections without advance notice. They focus on high injury rate workplaces and recalcitrant employers. The inspections are done by highly trained compliance officers like John Bednarik.

The Long Island Office covers Nassau and Suffolk counties and does over 300 inspections per year. Inspections are conducted without advance notice. They focus on high injury rate workplaces and recalcitrant employers.

Prior to OSHA, Mr. Bednarik's occupational experience includes extensive experience in the private sector manufacturing and machining in the plastics industry as a master tool & mold builder, designer and engineer. He held past memberships in the Society of Plastic Engineers, Society of Plastics Industry and the National Tool & Die Precision Machining Association.

He is a registered NY State Master Tool Maker, Engineer and holds a degree in Business Management and Marketing. Mr. Bednarik owned and managed JB Precision Machining, Inc. for 16 years.

Mr. Bednarik will be glad to answer any questions or concerns that you may have and can be reached at [bednarik.john@dol.gov](mailto:bednarik.john@dol.gov).

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## **ANNOUNCEMENTS, NOTICES**

If you have an announcement or job posting that you would like to have published, send it for consideration to our editor at:  
< [jerryarb@optonline.net](mailto:jerryarb@optonline.net) >.

**The Long Island LERA Newsletter** is a quarterly publication of the Long Island Chapter of the Labor and Employment Relations Association.

President	Ernesto Mattace, Jr.
President Elect	Amanda Barker
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