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Fair Wage Advocates Hope Spitzer Will Be More Aggressive With DOL

DIALING BROAD UP IN BAYS

Advocates for minimum wage workers in the city say there needs to be better enforcement of the states labor laws, after a report released Wednesday shows thousands in the city are underpaid, and they are hoping Eliot Spitzer will change the way things are being done. NY1's Ruschell Boone filed the following report.

María Pineda says she made \$275 a week working 16 hours a day at a grocery store in Long Island. But, through a translator, she says she was forced to quit after her employer failed to pay her for two months straight.

"He kept telling me that he was going to pay my wages so I would remain at work," said Pineda through translator Oman Henriquez at The Workers Project. "So some weeks he would pay me and some weeks he wouldn't pay me. So when he accumulated that many weeks, I quit."

And according to a new report by the Brennan Center for Justice at New York University School of Law, Pineda is just one of thousands of people in the city who are being underpaid. Rajani Adhikary is a member of the Restaurant Opportunity Center of New York, an advocacy group for restaurant workers. Adhikary says a lot of workers are afraid to file a complaint because they are in the country illegally.

"We get workers through our doors all the time who are complaining about not making overtime," said Adhikary. "[We get complaints of being verbally abused, being discriminated against, not making minimum wage, and of people not even paying them.]"

The report says the State Department of Labor is not doing enough to police unscrupulous employers, and advocacy groups are calling on Governor-elect Eliot Spitzer to push the DOL to be more aggressive.

Advocates want the labor department to speed up its investigation of violators and not settle with employers who break the law.

"There is a huge backlog of cases at the Department of Labor so workers who go there to file a complaint have to wait years to recover the wages that are due," explained Amy Carroll, an attorney at MFY Legal Services.

"In too many cases we've seen workers who have gone to the DOL and they have come out with only a fraction of the money they are owed when under state law the worker is eligible to get not only the back wages they are owed, but also an additional amount in damages," added Raj Nayak of NYU's Brennan Center for Justice.

Spitzer would not comment, saying the DOL is still under the Pataki administration. But the agency insists it investigates the tips it gets. DOL also says it collected about \$10.5 million in back wages in 2005, a 36 percent increase from the year before.

Even so, some advocacy groups say more needs to be done and they are hoping the Spitzer Administration will make a change.

Ruschell Boone

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