

washingtonpost.com

Pay Fight in Tech's Trenches

Day Laborers for a Verizon Subcontractor Say They Were Cheated

By Elissa Silverman
Washington Post Staff Writer
Thursday, February 16, 2006; D01

Nerbin Rodriguez spent weeks digging ditches near Chantilly last summer for the benefit of Verizon Communications Inc., part of the estimated \$20 billion fiber-optic cable system the company is building to bring its next-generation phone, television and Internet service to American homes.

All that shoveling by hand cost him \$2,000 in unpaid wages, Rodriguez now alleges. Yet he and 22 other ditch-digging colleagues who sometimes seek work at a Fairfax County day-laborer site can't look to the telecommunications giant for their money. They must try to get it from a subcontractor three layers removed that hired Rodriguez for \$100 a day with no contract or paperwork.

The situation casts light on the low-tech backbone of a high-tech project -- the casual laborers who are rounded up by subcontractors, sometimes bused across state borders to job sites and set to work digging ditches. Predominantly Hispanic, they work with few guarantees and often no benefits, and they typically are hesitant to come forward with problems, according to lawyers and advocacy groups.

In the case of Rodriguez and his colleagues, they were recruited by Hagerstown contractor Anthony Maxwell, who in turn had been hired by Fairfax County-based KCS Communications Inc. KCS had been hired by S&N Communications Inc. of Kernersville, N.C., which had been hired by Verizon to oversee the installation of fiber-optic cable in parts of Northern Virginia.

The group is now suing Maxwell in federal court for more than \$25,000.

"We had worked so hard, and we have so little to show for it," Rodriguez said recently, speaking in Spanish through a translator.

Theirs is the second such case to be brought in the past year involving Northern Virginia day laborers doing cable-installation work. Last May, a Prince William County court ordered a Virginia Beach subcontractor to pay Leoncio Vite \$1,138 for 110 hours of unpaid work involving fiber-optic cable installation.

Laura Stack, the lawyer representing Rodriguez and the others, said her Virginia-based legal aid organization is looking into two other sets of allegations involving two different cable subcontractors.

Maxwell, in an interview at his Hagerstown home, said the workers have received much of their money. At most they were owed about \$3,000 total, he said, because KCS Communications was behind on payments to him. KCS officials did not respond to calls for comment after confirming that Maxwell had worked with their company until last summer.

"I certainly feel badly" if workers weren't paid, said Verizon senior vice president for network services Chris Creager, but "the responsibility lies directly with the person they are working for."

Advertisement

HP STORAGEWORKS TAPE
AUTOMATION PRODUCTS.



Roll over products to explore further.

» BACK IT UP NOW

S&N Communications president and chief executive Allen Powell agreed, saying he might be "willing to help" once he had all the details.

"That's absolutely not supposed to happen," said Powell, who noted that he began as a ditch digger for cable in Mississippi and Louisiana. "Going and picking up people and not making them an employee is a definite no-no."

On a recent afternoon, in 48-degree weather, Verizon local manager Scott Tolliver oversaw the work of a ditch-digging crew in Chantilly, one of 300 locations that Verizon and cable competitor Cox Communications reported as potentially active construction sites that day in Fairfax County. The county and several other Northern Virginia communities have been among the first in the nation to authorize Verizon to sell cable television service, and the area has been a hot spot of construction as the company pursues its effort to bring fiber-optic line to the home of every customer.

While fiber-optic cable is futuristic in its engineering, its installation is still a labor-intensive undertaking. Laborers dig six-foot-long, 30-inch-deep ditches about 20 feet apart, bore through the ground between them with a machine, then lay pipe through the hole.

Tolliver roamed the site as the crew of ditch diggers worked in fluorescent green safety vests, distinct from the orange vests worn by the supervisors. The green-vested workers speak little or no English: To aid communication, they are typically provided with business cards from the main contracting company to present if a homeowner or someone else asks what they are doing, Tolliver explained.

A few days later, another subcontractor at a nearby Verizon site was overseeing a crew of a dozen Spanish-speaking workers he said he had brought with him from Georgia and was housing in a local motel.

"They do the stuff that no one else wants to do," said the subcontractor, who spoke on condition of anonymity because of the sensitivity of the issue.

One worker, who spoke in Spanish during his lunch break at the Chantilly site to a Washington Post reporter, said he and his colleagues have always been paid on time.

The use of outside construction firms is common among companies like Verizon and Cox, a way to control costs as they try to bolster their voice, video and Internet services while competing for price-sensitive consumers. In Northern Virginia they often draw on the same pool of contractors. KCS, for example, has worked for both firms.

Verizon executives say that while 85 percent of the overall work on their new Fios fiber-optic system is done by Verizon employees, virtually all of the cable construction is farmed out.

"We are not a construction company," Creager said.

But the company said it vets and polices contractors carefully. According to company spokesman Harry J. Mitchell, 23 out of 95 subcontractors were dismissed in Virginia last year for breaking rules, such as not reporting if they had cut other utility lines or violated other safe-digging laws. In an e-mail this week, he said the company also met recently with its prime contractors to "reinforce the expectation" that subcontractors would pay employees on time, not pay them in cash and deduct appropriate taxes.

Lawyers and advocates for day laborers say the dispute with Maxwell strikes some commonly heard themes, from confusion over how the workers were to be paid and accusations of shoddy work to a sudden demand for immigration papers.

While knowingly hiring undocumented workers is against the law, those who do so are still obligated to pay them for work performed. The rules, however, are loosely policed -- a fact that has created a rallying point for groups decrying the impact of illegal immigration. In Herndon, for example, members of the Minutemen group have photographed contractors hiring workers at a day-laborer gathering site in the western Fairfax County community.

Rodriguez, under the advisement of the attorney representing him and the other workers in the lawsuit, declined to answer questions regarding immigration status.

As the work began, Maxwell's grandfather, who lives in Rockville, would pick up the workers each morning in the Culmore area of Fairfax County, take them to job sites around South Riding and Chantilly, and bring them back at night. Maxwell said he had asked the workers up front whether they were experienced in cable installation, which they all affirmed. Some did a better job than others, he said.

There were problems from the start, according to the workers.

Maxwell often wanted to give them personal checks, which the workers contend would not be accepted at their local check-cashing service. Few have bank accounts.

Sometimes there was no pay at all, the workers allege. When Maxwell promised the money would flow more freely if they joined him at a new job working for another Verizon contractor near Pittsburgh, many of the workers agreed, hoping to recoup what they were owed.

Little work or money materialized. After arriving there, the workers said, Maxwell for the first time asked to see legal identification, such as a Social Security card, and said they could not do the work without proper documentation.

At that point, "we decided to leave," said Elder Mejia, one of the workers named in the complaint, speaking in Spanish to a reporter.

Mejia said the group took Maxwell's van and returned to Virginia. Angry over the situation, they debated keeping the vehicle to offset the wages they were due, though they eventually decided to return it.

Maxwell contends that the problems stem largely from the fact that the workers "lied to me" about their documentation and could not produce it when asked. Maxwell said the job was a financial loss for him, given the expense of housing the workers while they were in Pennsylvania.

Despite the troubles getting paid, Rodriguez said he is still willing to take work digging ditches for cable installation.

"We work out of need," Rodriguez said through a translator. "We need to send money home to our families, and we need to pay bills."

Staff writer Krissah Williams and staff researcher Richard Drezen contributed to this report.

© 2006 The Washington Post Company

Ads by Google

Verizon FiOS Internet

The Only All Digital, 100% Fiber Optic Network - FiOS Official Site
www.Verizon.com/fios

Verizon Wireless

Free LG Chocolate Cell w/ 2yr Plan. Offer Extended Through 6/23.
www.VerizonWireless.com

Verizon Fios

Verizon Fios High Speed Internet and TV. Blazing Speeds
www.ifibercompany.com