

Temp Agency Targeted in Raid
Faces Wage and Hour Class Action
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CHICAGO--A temporary employment firm raided by federal agents last year for harboring illegal aliens and permitting them to work in secure areas of Chicago's O'Hare International Airport is now the target of a state court wage and hour case brought in Illinois court on behalf of potentially hundreds of former employees (Andrade v. Ideal Staffing Solutions Inc., Ill. Cir. Ct., No. 08 CH 25610, 7/17/08). The Working Hands Legal Clinic filed a class action suit in Cook County Circuit Court July 17 against Bensenville, Ill.-based Ideal Staffing Solutions Inc. and eight corporate clients of the staffing agency. Ideal provides short-term labor to Chicago area industrial and service companies. The firm frequently provides labor to major commercial airlines and air cargo companies operating at O'Hare.

The suit was filed on behalf of potentially hundreds of primarily Hispanic employees of the temporary staffing company. The 11-count suit seeks repayment of unpaid minimum and overtime wages, and penalties. The suit was filed under the Illinois Minimum Wage Law (IMWL), the Illinois Wage Payment and Collection Act (IWPCA), and the Illinois Day and Temporary Labor Services Act (IDTLA).

In addition to Ideal, defendants in the action include: UAL Inc., the corporate parent of United Airlines; Alitalia Airlines; Singapore Airlines; Gate Gourmet Inc.; Air Menzies International Inc.; Swissport Cargo Services Inc.; Apex Plastic Finishing Co.; JD Norman Industries Inc.; and, Diego Deastis, individually.

Jed Untereker, a staff attorney for Working Hands Legal Clinic, said immigrant workers and illegal aliens are particularly vulnerable to illegal wage payment schemes engineered by temporary staffing agencies and their clients.

"Unfortunately this sort of behavior seems to be par for the course for these staffing agencies in our experience," Untereker told BNA. "When you look at how these workers were treated, it's clear that human beings are a commodity to these organizations as they seek profits. When you look at the structure of these firms and the desire by their corporate clients to cut their labor costs, you see that this is a recipe for exploitation and violations of law."

Representatives of Ideal could not be reached for comment and it was unclear whether the company remains operational. Calls to the firm's headquarters revealed that all phone services had been disconnected.

Raid Resulted in Complaints by Workers

Last November federal agents raided Ideal's facilities and the Department of Justice brought criminal charges against two of its managers (U.S. v. Burin, N.D. Ill., No. 1:07-cr-732 and U.S. v. Benitez, N.D. Ill., No. 1:07-cr-731, complaints filed 11/6/07). The government accused the defendants of fraudulently obtaining airport security badges and providing them to workers performing duties in secure areas of the airport. The two managers were charged with

harboring illegal aliens for financial gain and misuse of Social Security numbers. Customs enforcement agents also rounded up 23 Mexican illegal aliens working through Ideal and charged them with possessing fraudulent airport identification badges.

Following the raid by federal agents, Untereker said several of the arrested workers sought assistance from the Mexican consulate. That intervention, he said, revealed various illegal employment practices designed to deny fair compensation to members of the alleged classes.

The suit specifically points to examples in which Ideal simply declined to pay workers for the total number of hours worked in a week, issuing checks for an amount representing their hourly rate multiplied by 40 hours. This scheme resulted in Ideal workers being paid wages beneath state and federal minimum wage requirements.

In other situations the firm allegedly paid workers for duties performed beyond 40 hours in two separate checks. One check reflected their wages for 40 hours and the other reflected hours worked beyond 40 hours. Such second checks, however, did not include the time and one half premium for the extra hours worked.

With respect to Illinois' day labor statute, the suit alleges that Ideal frequently failed to provide an "employment notice" at the time of dispatch to third-party clients. Under the day labor law, temporary service firms must provide workers with statements summarizing various issues related to the duty including: the name and address of the work site; the name and nature of the work; the wages offered; the terms of transportation; and, information describing whether meals and equipment would be provided or required for the job.

Suit Identifies Three Potential Classes

The suit seeks to represent three classes of plaintiffs. The overtime and minimum wage plaintiffs would include all persons employed by Ideal as day or temporary laborers since July 17, 2005. The IWPCA class would comprise all persons employed by Ideal as day or temporary laborers since July 17, 2003. Finally, the suit seeks to represent an IDTLA class composed of workers employed through Ideal since Jan. 1, 2006. While the so-called third-party defendants did not directly employ members of the proposed class, Untereker said they should be seen as complicit with Ideal's schemes to exploit its workers.

But United Airlines spokeswoman Robin Urbanski rejected the notion that the carrier should be held responsible for Ideal's potentially illegal labor practices. She said the workers involved were not United employees and Ideal was never even a contractor to United.

"We were never involved in the hiring of those workers and we were never even involved in the hiring of Ideal Staffing," Urbanski told BNA. "Ideal was actually hired by one of our contractors, Swissport."

By Michael Bologna