

Gallup

Local workers file claims against former employers

Second in a two-part series

By Kyle Chancellor

12/27/17

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GALLUP — After years of alleged wage theft and discrimination at their previous jobs, three Gallup health care workers are filing complaints against their former employer, with hopes that a recent lawsuit settlement will help them get the justice they believe they deserve.

Madeline Cadman, Francine Boyd and Janice Peterson, all members of the Navajo Nation, filed complaints against their former employer, Amazing Grace, a health care service provider for people with disabilities, after they claim the company failed to pay them years of overtime.

They were among the first in the state to file claims with the Department of Workforce Solutions after a recent lawsuit settlement between the department and several workers' rights groups that ensures the agency will carry out its duty to enforce New Mexico's anti-wage theft laws.

Cadman, Boyd and Peterson all worked as Personal Care Assistants with Amazing Grace. Each of the women would have an area of coverage of anywhere between 60 and 125 members for which they would visit and offer care. This meant long hours in the car driving between members.

The women claim they were forced to oftentimes eat their lunches while driving from member to member, with little to no time off. Then, they were required to carry work phones and were often called to work far past normal work hours without proper compensation. The women are seeking thousands of dollars each in unpaid wages. All three were fired after raising the issue with their superiors.

No breaks, no overtime

"I am a single mother with three kids that I'm raising. When you stand up for something it seems they don't like you. They kept me out of the loop, I was totally in the dark," Cadman said, "They just think, 'Oh, they're Native, they're dumb, stupid, they won't know this is wrong.'" Cadman, who had been with Amazing Grace for

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WHAT IS WAGE THEFT?

- When workers are paid less than the minimum wage.
- Are not paid time and a half for overtime hours.
- Are misclassified as exempt employees or independent contractors.
- Are required to work off the clock.
- Or are denied their last paycheck.

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Madeline Cadman, left, Francine Boyd and Janice Peterson listen as Jose Olivas, right, answers questions during an interview at the Department of Workforce Solutions in Gallup Thursday.

Cable Hoover/Independent

Workforce Solutions

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12 years, said she was forced to work more than 40 hours as well as being forced to eat lunch while driving long distances between members' homes. She said she was fired after standing up for a co-worker who was facing similar conditions.

Boyd, whom had worked for the company for 10 years and was terminated Oct. 2, echoed the claims from Cadman, no breaks, long hours and lack of pay for overtime. Boyd, 61 years old, also claimed that she was discriminated against based on her age. She has since also filed a complaint with the Equal Employment Opportunities Commission for the discrimination claim. "I was forced to work through my lunch break without pay. Workers need every single dollar to support their families, and in places like McKinley County, we can't afford to lose one cent," Boyd said. "I like my job, but they never paid for overtime, they took my personal time, and people need to know. It's not right. Just because we're Native, we won't stop," Peterson said. Peterson, who had been with the company for four and a half years, also echoed the claims of Boyd and Cadman. Peterson claimed that when she was not physically driving or working with members, she was on call "all the time" but received no additional pay for responding to calls after hours. All three workers had previously attempted to file claims through the Department of Workforce Solutions, and all three were turned away based on arbitrary enforcement of unofficial rules; they were seeking more than \$10,000 which prior to the recent settlement meant immediate refusal, and they were seeking damages more than one year in the past. They hope that with the acceptance of the settlement, their cases will be investigated properly.

Settlement and wage theft

The recent settlement with Department of Work Force Solutions and workers rights groups EL CENTRO de Igualdad y Derechos, New Mexico Comunidades en Accion y de FÃ©, Organizers in the Land of Enchantment and Somos Un Pueblo Unido will ensure that the state agency will enforce the laws they are tasked to enforce.

Among changes like the acceptance of claims seeking more than \$10,000 in wages and cases older than one year old, the settlement also sought to make Department of Workforce Connections centers, like the one located at [2918 East Historic Highway 66](#) in Gallup, are true resource centers for workers. Places that offer resources like education on worker's rights, as well as computers and employees that can help with the filing process.

Wage theft is a serious issue in New Mexico, especially in Gallup and McKinley County, according to the workers rights group. It occurs when employers pay workers less than minimum wage, refuse to pay overtime, misclassify workers as exempt or independent contractors, require workers to work off the clock or deny workers paychecks.

According to a study conducted by Somos Gallup, an affiliate of Somos Un Pueblo Unido, the McKinley Collaborative for Health Equity and McKinley Community Health Alliance, wage theft is pervasive in Latino and Native American communities in McKinley County. 70 percent of participants in the study reported experience at least one form of wage theft. 48 percent of respondents also reported experiencing workplace discrimination.

Boyd, Peterson and Cadman all said they hope their act of standing up for their rights as workers, and taking the initiative to file claims against their employers, will empower other workers in the region to do the same.