



Agenda

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Immigration Committee

May 3, 2011 – 5:45 p.m.

Somos Un Pueblo Unido

1804 Espinacitas St.

- I. Roll Call
- II. Approval of Agenda
- III. Approval of Minutes
 - a. April 5, 2011
- IV. Announcements
- V. Community Comments
- VI. Old Business
 - a. Resolution creating this committee
 - b. Rev. Topple's recommendations to the Southside planning focus group
 - c. Cop logic/bilingual aspect
 - d. Planning Department survey
- VII. New Business
 - a. Soccer league for immigrant children
 - b. Wage theft campaign/ Somos Worker's Committee
- VIII. Communications from Staff
- IX. Communications from Committee
- X. Adjourn

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**INDEX SUMMARY OF MINUTES
IMMIGRATION COMMITTEE
May 3, 2011**

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Call to Order	Call to Order by Chair, Maria Cristina Lopez at 5:55 pm at Somos Un Pueblo Unido office, Santa Fe, NM	1
Roll Call	A quorum was declared by verbal roll call, 3 excused absences.	1
Review and Approval of Agenda	<i>Ms. Shinas moved to approve the agenda as amended, second by Mr. Acosta, motion carried by unanimous voice vote.</i>	1
Approval of Minutes, April 5, 2011 Corrections: Amparo Guerrero was absent from this meeting.	<i>Mr. Acosta moved to approve the minutes as corrected, second by Ms. Shins, motion carried by unanimous voice vote.</i>	2
Announcements	<i>Informational</i>	2
New Business A. Soccer League for Immigrant Children B. Wage Theft Campaign, Somos Worker's Committee	<i>Informational Presentations by the Public</i>	2-7
Old Business A. Resolution Creating the Immigration Committee B. Rev. Topple's Recommendations to the Southside Planning focus group. C. Cop Logic/Bilingual Aspect D. Planning Department Survey	<i>Informational Cop Logic/Bilingual Aspect and Resolution Creating the Immigration Committee to be placed on next agenda</i>	7
Communications from Staff	<i>Nothing to Report</i>	7
Communications from Committee	<i>Informational</i>	6
Adjournment	There being no further business to come before the Immigration Committee, the meeting adjourned at 7:45 pm	7
Note that posters and brochures were distributed to the Immigration Committee from Somos Un Pueblo Unido regarding the Wage Theft Campaign		
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**IMMIGRATION COMMITTEE
MINUTES**

Wednesday, May 3, 2011

5:45 pm – 7:45 pm

I. Roll Call

The meeting was called to order by Chair Maria Cristina at 5:55 pm at the Somos Un Pueblo Unido office at 1804 Espinacitas St., Santa Fe, New Mexico.

The Chair announced to the public in the audience and to the committee members that this meeting today, of the City Immigration Committee are meetings planned by each committee member and that Marcela Diaz was hosting the meeting tonight at Somos Un Pueblo Unido. The Chair said there would be time later in the meeting for them to participate and expressed her thanks for everyone attending.

Roll Call constituted a quorum.

Present:

Maria Cristina Lopez
Marcela Diaz
Betty Shinas
Elizabeth Hemmer
Miguel Angel Acosta
Amparo Guerrero

Excused:

Jewel Cabeza de Vaca
Rev. Chester Topple
Erwin Rivera

Others Present:

Carla Lopez, Staff Liaison
Sevastian Gurule, Director of Constituent Services/Director of Parking Division
Fran Lucero, Stenographer

II. Agenda

The Chair requested to amend the Agenda and move New Business to the beginning of business when Sevastian Gurule from the City of Santa Fe arrives. Both VII-A & B will be discussed.

IX. Communications from Committee was moved to IV. under Announcements.

Ms. Shinas moved to approve the agenda as amended, second by Mr. Miguel Angel Acosta, motion carried by unanimous voice vote.

III. Approval of Minutes

April 5, 2011

Corrections: Let the minutes reflect that Amparo Guerrero was absent from the April 5, 2011 meeting.

Mr. Acosta moved to approve the minutes as corrected, second by Ms. Shinas, motion carried by unanimous voice vote.

IV. Announcements

Mention of Cinco de Mayo.

Chair announced that we are having meetings in different locations where members are organizing the meetings away from City Hall. They are being done in order of the alphabet, last name of the committee member. We have been concentrating on many important topics, law enforcement, things that are happening in jails, we haven't talked about worker's rights; which we are discussing today. Jewel Cabeza de Vaca has selected to speak about health issues and this will be done at the Women's Health Services office. She will invite other providers from our city that can provide more information on health issues. The Chair said, "as committee members, your topic should be something that interests you and interests our community. It is important to invite our city councilors in addition to Carla Lopez as our Staff Liaison." A hard copy schedule was provided to the committee members so they could select the month and topic and report back to the Chair.

V. Community Comments

None

VII. New Business – Sevastian Gurule

a. Soccer League for Immigrant Children

The forum started first with a presentation from the audience. Note that all presentations were in Spanish and the Stenographer has translated transcription.

Luis Morataya

I would like to first excuse myself for my dress as I came straight from work to this meeting. We are working with our children to get them in to sports; we are Immigrants and we have more work when summer starts and the majority of our children get bulletins to participate in programs and mostly all programs require payment. We work very hard to pay our living expenses so it is difficult to pay for the children's fees to participate in activities and sports. We came to Somos to see if Marcela Diaz could help us. We would like to have the use of the Camino Carlos Rey Park on Sundays so we can

spend time with our children. We have seen that many times the local families use the park but we also want to make sure that we have the right to use the park. Our request through this committee is to help us get permission from the city to use the park without a fee. We will take the responsibility to assure that the park is clean. We can't do this without your help and this is why we ask that people like this committee and Mr. Gurule help us. (Mr. Morataya was going to bring a list of the sports activities and the work they have done for identification.)

Mr. Gurule said that a letter is needed from Mr. Morataya explaining this matter and bringing it to the city to let them know how the park will be used. The letter goes to Barbara Lopez at the City and she makes sure that scheduling is fair for the use of the park.

Ms. Diaz said that the city is asking them for insurance coverage which they cannot afford and asked if the city would waive that requirement. Mr. Morataya said that they can't afford to pay the insurance premium for use of the park. Is there any way that the city can help out and work with these families on waiving the insurance fee? These families are volunteers and are working with the kids so they can enjoy sports.

Ms. Guerrero said that we should all have access to the parks, whether Immigrants or not.

Ms. Diaz said that for \$1 million dollar coverage, it would cost about \$400 as a binder every time they would use the park. Mr. Morataya and the volunteers are not a 501C3 and they need help from the city to create a league and support these children.

Mr. Gurule said that he would check in to this matter tomorrow. Mr. Gurule said that they can write a letter for a special waiver and permission so they can use the park.

The Chair asked if there is another league or someone else that could help them.

Mr. Acosta said that he would know of a contact in Albuquerque and would check to see if they could assist with league creation and use of their parks here in Santa Fe. Mr. Morataya said they have 9 groups of boys and 1 group of girls.

Mr. Gurule will also see if there is a policy that would allow them use for an extended period at one rate.

Ms. Guerrero will contact Luis Carlos to see what other assistance is available for these children and types of activities.

Mr. Morataya expressed his thanks to the Committee and to Mr. Gurule. The Chair expressed her thanks to Mr. Morataya for taking interest in these children. The team is called; Liga de Soccer de la Calle.

b. Wage Theft Campaign/Somos Worker's Committee – Marcela Diaz

Today there are participants from Somos Un Pueblo Unido that will talk about the Worker's Committee and their concerns and work to stop wage theft. Thank you to the Worker's Committee representatives that are here at the meeting today for all of their hard work and their coordination.

Juan Lopez – I am a member of the Worker's Committee and we have been working since 7/19/2009 and our employer had not paid us even the minimum salary. In the committee we have made many strides, we have recovered about ½ million dollars of the salary that they have taken away from the workers. There are companies that are abusing the rights of the workers. Personally, I have lived through three difficult problems. About 6 years ago they wanted to fire me, second was at Buffalo Thunder I was discriminated against and it went to Federal Court and myself and another employee were involved and in both cases they ruled in our favor. We are now in a legal battle with the Santa Fe Public Schools. We would like to know how this committee can help us so that companies are fair and compensate us correctly. They abuse our rights. We know of companies that are saying that they are closing their businesses. We want to know, "how will these companies follow the law?" The law is very clear that it will punish these companies three times. Yet, the companies are fast to say why we should provide any help to these people who are Immigrants. I am asking you as a Committee, how you can help us, Immigrants, female, male and our younger people who are working, we do not want to be discriminated upon.

Edgar – We are employees at China Star. We were treated badly by the owner, we would work for 12 hours and they would only pay us for 6 hours. Many of the employees got together to lodge a complaint and what followed is they fired 3 of the 5 in our committee and they pulled us back to 6 hours. We are waiting for a call from the department of Labor on this hearing. There have been employees that have been there for 6 years and their wages have been stolen. The salary says \$9.85/hr. but truly they were only getting ½ of that as they doubled the hours of work. Alma explained that Workforce Solutions cannot enforce the \$9.85/hr only the city of Santa Fe can hear their complaint. Mr. Gurule said that the City needs a written complaint from the individual and he then works with the City Attorney, Mr. Walker to find out what the facts are in these cases. We need a complaint letter in order to start working on this matter. Edgar said that for many years they did not have a time clock, in the last 4 months they now punch a clock but they still are not compensated for all of the hours they work plus they use them in multiple

positions. Alma said that she met with Ernesto Padilla who is a representative in Labor Law with Work Force Solutions. Alma explained that Mr. Padilla had told them they should stay with the \$7.50/hr and they would not be able to recover the trouble damages.

Ms. Diaz told Mr. Gurule that it is hard to believe that the city is going to take this to court. Mr. Gurule said that he hasn't received any letters of complaints. Ms. Diaz said that she turned in many letters of complaints in the past. Ms. Diaz said that trouble damages are 3 x's the rate of pay that they have lost. Ms. Diaz said that they are recommending that the workers go to the State Workforce Solutions Office but she would like to see what Mr. Walker from the city would do in cases of this kind.

Ms. Diaz said that Somos Un Pueblo Unido supports the Comité de Trabajadores and wants to help the workers get justice.

Follow-up is to file a complaint and they can get the form from the City Constituent Services Department and Mr. Gurule said that as much information available is needed to work on these cases.

Ms. Diaz said that there is very little support for any one individual who goes to complain individually but as a group they get more support from the Federal Government to investigate the cases on wage theft. NLRB (National Labor Relations Board) is also a source and where many of their complaints are right now. Somos Un Pueblo Unido has been receiving complaints for years and most recently this group created a committee to bring their concerns and ask for help.

Testimony read on behalf of another concerned worker: "I worked with the Maya Restaurant where the owner refused to pay me. He said he would pay me when the business would be better. He wanted me to get tired of asking. I went to the Department of Labor to file a complaint and 7 months later he was paid. Alma said that there are more worker's affected at this same restaurant and the Owner told them the same thing. At the meeting with the Department of Labor it was found that the Maya restaurant has 2 other restaurants and yet he says that those restaurants are his wife's."

Testimony read on behalf of another concerned worker: "I worked over 2 years at Rainbow Vision and they tried to find ways to fire me. They accused me of stealing so they wouldn't have to pay me for vacation or my salary. I went to the corporate office and they said that they would give me a good reference but they did not pay me for my vacation.

Alma: Plaza Real Hotel – There was a discrimination case and an OSHA case because of the chemicals that were being used. When the worker's asked that they please not use these chemicals they refused to make any changes. The

employee was calling other members of the committee and so the hotel management told the employee that they would fire her because she used her personal cell phone and that was not allowed. The employee's conversation was taped when they called the police for help. It was very awkward for the police officer to be giving contrary comments when he wasn't aware of the facts. The officer's name is on file and the person who is involved in this case will come at another time to file a complaint. It was hoped that the Police representative to the Immigration Committee had been present.

Other employees from China Star were present and they confirmed that they would work 12 hours and they were only paid for 6 hours. They were verbally abused but the Chinese staff were not verbally abused or treated wrongly. One other employee went through the same situation of working 12 hours and only getting paid for 6 hours, and the owner told her that this was because the federal government mandated.

Now that this committee is together the owners are paying them the correct rate of pay, but they have cut their hours.

A member of the Community said she wanted everyone to know that they should all be ready for the challenge. What this committee has done is created a need for justice for the Immigrants.

[Introduction of the Committee Members and a brief synopsis of their outside employment and services.] Each member spoke of the assistance they would like to provide and they encouraged the Comité to continue their hard work.

It was reiterated that there are now about 90 members of the Comité de Trabajadores.

Ms. Diaz said that many of these workers are very vulnerable and in creating a committee for the workers to voice their concerns was very important.

[Alma showed the slide presentation on companies that have abused the Immigrants in their working environments.]

Los Maya Restaurant
Body Café
Home Planet Café
Dominic's Café
Tumbleweeds Landscaping (ABQ)

Listed are those that have existing complaints.

The website also shows how to make a wage claim and supporting documents that help the individual do a complaint on loss of wages, discrimination or

abuse. Alma stated that they are still working with the District Attorney to determine the correct legal ramifications.

Ms. Diaz asked that the word get sent out to as many as possible to advise those who have been hurt by loss of wages and not to patronize the business who have broken the law. Ms. Diaz showed the posters which are done both in English and Spanish and would like them posted throughout the city. Also, if anyone knows of those who are suffering from wage loss, please refer them to SOMOS so they can be helped or create a comité.

Maria Cristina Lopez said that this affects many workers, not only the Immigrants. The Chair asked if others could come to express their cases. Alma answered, yes, Somos would continue to help as much as possible.

Ms. Diaz said that next week, outside of the restaurants listed above, SOMOS will leave a leaflet so the clientele will know what the owners are doing unlawfully to the Immigrants.

Mr. Acosta said it would be good to put on the website the amount of money that has been stolen and what the business gained by not compensating the workers appropriately.

Mr. Acosta said that leaflets should be distributed in front of the Tourism office; that would get their attention.

VI. Old Business

a. Resolution creating this committee

The Chair asked if all committee members received the resolution. She asked if there were any questions. Mr. Acosta asked what the membership status is. The answer is that there are no openings at this time. Mr. Acosta suggested that each member be offered to recommit and if they can't spend the time on the committee to make space for someone else. The Chair said that there are terms of office and each member has to reapply.

The Chair is making a very positive effort to get all Committee Members involved through a hand- on basis. Ms. Diaz said that some people are here for every meeting and some do not participate. We have a very lenient excused absence, which are 3 excused absences. The committee is very pleased with the Chairs active role in getting all the committee members involved.

Ms. Shinas asked if they could revisit this topic as some members were absent this evening. The Chair said that she would bring the rules and the terms of each member to discuss their willingness to serve. *This item to be placed on the next agenda.*

- b. **Rev. Topple's recommendations to the Southside planning focus group –**
Rev. Topple was in attendance of the focus group meeting on this date, report to follow.
- c. **Cop logic/bilingual aspect – Aric Wheeler (place on next agenda)**
- d. **Planning Department Survey**
The Chair asked if anyone completed this survey. Mr. Acosta said that they were meeting in the south side this same evening. Mr. Acosta offered to do a workshop on what is planned and they are in discussion regarding this important matter. The Chair said that Councilor Carmichael wanted to create a focus group and this is the forum that is taking place this evening.

VIII. Communications from Staff
Nothing to report

IX. Communications from Committee
August: Elizabeth Hemmer topic for the August meeting will be Discrimination.

The Chair reminded all committee members to contact her when their topic and location for their monthly meeting presentation was identified.

Thank you to Marcela Diaz and her staff for all the work done tonight and for bringing the Comité members to the meeting.

X. Adjourn

Ms. Hemmer moved to adjourn at 7:45 pm, second by Mr. Acosta, motion carried by unanimous voice vote.

Signature:

Maria Cristina



Fran Lucero, Stenographer