Overview of Achievements

The communities we serve continued to face disproportionate hardships in a year when our society has begun to “return to normal.” Farmworkers and other low-wage workers have always been essential and continue to labor under conditions that do not always ensure implementation of the type of health and safety protections that most workers are provided. It remains crucial for our staff to educate and represent workers on the full range of their labor rights—far beyond wage and hour rights—and ensure that we are meeting the holistic needs of our clients by addressing housing, income maintenance, immigration, and workplace health and safety needs presented by those we serve. This year we provided 29,774 unique community legal education services, conducted 877 intakes, closed 750 cases, and won $3,269,950 in direct dollar benefits for clients.

Our target population is low-wage workers, with an emphasis on farmworkers, across New York State. The overwhelming majority of our clients are foreign-born; some are immigrants who live in the U.S. year-round, while others are guestworkers who come and go based on the seasonality of the industries they work in. Spanish is the primary language for most of our clients. Low-wage workers are often vulnerable to abuse and exploitation because of power imbalances and the view that low-wage labor is less skilled and replaceable. Our immigrant clients are vulnerable to threats and intimidation from employers to force tolerance of substandard wages and working conditions, which has been especially concerning since the onset of the pandemic. Besides facing work-related retaliation or termination for inquiring about improvements to wages and working conditions, many fear immigration consequences—from loss of work authorization to immigration detention, deportation, and/or family separation—for speaking up against workplace injustice.

Population Served: Agricultural and Other Low Wage Workers

Area Served: Statewide

Total IOLA Grant: $490,000

Staffing Full Time Equivalents:
- Total Staff: 21
- Lawyers: 6
- Paralegals: 2
- Other: 13
Direct Legal Services: Cases

Employment and Housing:
Our attorneys, together with the Farmworker Law Project of New York, filed litigation on behalf of two farmworkers who were constructively evicted from employer-provided housing on Gurda Gardens in Goshen, New York, with conditions that included no heat in freezing temperatures and a non-functioning sewage system. The two workers, seeking damages, were also targeted with reduced work hours. Currently, we have responded to the defendants' requests for written discovery and have engaged in multiple conferences with the Court due to defendants' failure to provide documents responsive to our requests.

Immigration:
Our attorneys assisted an individual who had been brought to the U.S. to work in the music industry, yet was never paid for his labor and was threatened by the employer with significant fictitious "debt" to coerce continued work, to file a petition for, and ultimately secure, a T visa. This individual had previously received assistance from our office in filing a complaint for unpaid wages with the Department of Labor resulting from the labor trafficking experienced by the client.
Other Services: Overview

Amid the pandemic, our Outreach & Education programming evolved to operate in a fully remote and virtual landscape. Since resuming in-person community engagement, we continue to offer a host of remote services that allow us to serve farmworkers and other low-wage workers across the state. We partnered with other farmworker-serving organizations to help disseminate information and ensure workers knew where to turn for legal assistance when problems arose.

2022 Outreach & Education Services:

- 4,576 people reached through in-person outreach, remote and in-person workshops and presentations, and outreach-related coalition meetings
- 434 people reached through phone outreach
- 2,226 textable worker contacts, 20 text blasts sent with know-your-rights information
- Printed materials distributed: 1,042 worker rights booklets; 3,006 materials related to COVID prevention, including vaccine info and workers’ rights; 2,549 Excluded Workers Fund informational packets distributed; 1,123 other know-your-rights materials distributed
- Online outreach: 2,689 individuals accessed digital know-your-rights toolkits

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Number of People who Benefitted from Services Other Than Direct Legal Representation

<table>
<thead>
<tr>
<th>Service</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Legal Education</td>
<td>29,774</td>
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<tr>
<td>Pro Se Assistance</td>
<td>93</td>
</tr>
<tr>
<td>Online Assistance</td>
<td>2,689</td>
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32,556 People Benefitted by Services Other Than Direct Legal Representation
Other Services: Technology and Other Innovations

Virtual meetings continue to be offered to clients via the use of Zoom. Further, we continue to offer video conference capabilities to account for synchronous training sessions and interpretation in multiple languages. Additionally, after expanding our use of What’s App (Business) in 2020–21, we continue to find this to be an incredibly useful means to communicate with the population we serve. This year, we also made improvements to our case management database, Legal Server, in our efforts to always improve upon our organization’s data capture.

Other Services: Trainings

Our organization sends all new staff to the National Farmworker Law Conference, which has been held virtually for the past two years, permitting nine staff members to attend in fall 2021. We maintain a “privileged” membership with the Practising Law Institute (PLI), which provides free unlimited continuing legal education opportunities.

We also provide regularly scheduled 1.5-hour monthly staff trainings on topics of need identified by staff and management. Areas for professional development are identified for staff in annual performance reviews and relevant training opportunities are regularly identified by management for staff to attend. Trainings are identified and encouraged for all staff, attorneys, paralegals, worker rights advocates, case managers, advocates and management.
Impact Cases

We have reported a total of 10 impact cases this year, one of which has closed, benefitting 80 class members. The other 9 remain open in various stages of pre-litigation, active litigation or settlement/judgement enforcement, as noted above.

**Catsmo, LLC:**
Our clients testified at a hearing before an ALJ of the NLRB. The ALJ later issued a decision, finding that the employer had violated their rights under the NLRA and ordering that the employer pay them backpay, reinstate them at their former positions, and post a notice of the proceedings and employee rights at the workplace. The employer has appealed the decision, so our work on the case continues.

**Yeend et al. v. Akima Global Services, Inc.:**
We continue with our litigation against Akima Global Services, Inc. (AGS), the private, for-profit prison company that manages the Batavia Detention Facility, for failing to pay immigrants held in civil detention at least the New York State minimum wage. AGS pays detainees $1 per day or less for hours of their physical labor cooking and cleaning the facility. This lawsuit alleges violations of New York Labor Law and the New York State Constitution. We have exchanged multiple rounds of written discovery, and continue to engage in document discovery. The parties are in the process of scheduling depositions.

**Pascual et al. v. Three Diamond Diner Corp. et al.:**
Brought on behalf of nine former employees of the Mount Kisco Diner and filed in SDNY, this case involves a host of wage and hour violations, as well as racial discrimination and wrongful termination. Among other things, the plaintiffs alleged that they were paid subminimum wages by the upscale restaurant, not paid for all of their work time, and not paid a premium for days in which they worked multiple shifts. They also alleged that Hispanic employees were treated markedly worse than non-Hispanic employees, for example, by not being permitted to take meal breaks and by the defendants’ routine use of racial slurs.
Pro Bono Volunteer Involvement

We are a member of the New York State Unified Court System Attorney Emeritus Program and are currently supported by four pro-bono attorneys from this program who provide immigration legal representation to human trafficking survivors and on matters of workers’ compensation. We also work with two additional pro bono volunteer attorneys in our Human Trafficking and Survivor Services departments: one, a retired public defender, provides ongoing consultation on individual human trafficking cases, public policy, and technical assistance for U visa cases; the other works with law enforcement, district attorneys, and family law judges to train professionals on the availability and requirements of U and T visas and VAWA petitions for immigration relief, and represents one of our U visa clients and children while also providing consultation and support on other client cases. The human trafficking program also receives advice from the Human Trafficking Legal Center in Washington D.C., particularly from its Founder and President, Martina Vandenberg, who advises our attorneys on how to tackle very difficult and complex cases, such as one current case involving a foreign Diplomat. For this particular case, the Human Trafficking program has been working in tandem with the U.S. Department of State, particularly with its Diplomatic Security Services department. Our legal staff also regularly receive advice and consultation from a Hudson Valley–based private law firm, Getman, Sweeney & Dunn, specializing in class and collective actions for wage theft. Former Legal Director Robert McCreanor has continued to counsel several WJCNY immigration and employment cases on a pro bono basis.

We periodically host interns, with an organizational commitment to ensuring participants receive payment and/or course credits. During the grant period, we hosted one intern through the CUNY Food Justice Leadership Fellowship program at the CUNY Urban Food Policy Institute.

14 Attorneys volunteered 480 hours
**Significant Collaborations**

We participate in numerous regional and statewide multi-agency coalitions, which helps us build relationships, facilitate interagency referrals, and ensure access to a broad array of legal and human services for the communities we serve. We make a special effort to coordinate outreach and community legal education work alongside other farmworker-serving agencies. Some key partners include:

- **Cornell Farmworker Program:** In addition to being one of our partners in the Family Preparedness Clinic project (see above), CFP is instrumental in organizing mobile consulate events for Mexican and Guatemalan communities in Upstate NY. Although consular services were suspended for much of the pandemic, these events resumed in the fall of 2021 and were a major outreach venue for our team.

- **Workers’ Center of Central NY:** This organization is dedicated to organizing farmworkers and other low-wage immigrant workers across Central NY and the North Country. We conduct joint outreach to farmworkers and provide know-your-rights workshops for their members.

- **NYS Migrant Education Program:** We collaborate through regular meetings with their statewide support team to ensure we are able to provide up-to-date information and legal resources to the migrant families they serve, such as through distribution of printed know-your-rights booklets and promotion of our legal rights workshops.

- **Westchester Labor Alliance:** This coalition of five Westchester-based worker centers work primarily with immigrant communities to combat labor violations in low-wage industries. Our collaboration with this group includes providing legal rights training for their staff, conducting regular intake clinics with workers at their worker center locations, and providing legal representation to their members who experience exploitation and abuse on the job. Our legal team sent a demand letter on behalf of three day laborers who were introduced to WJCNY through the legal clinics, and who were not paid at all for several days of labor renovating apartments. During the reporting period, we have been negotiating with counsel for their former employer and expect to have a favorable resolution to their wage claims in the coming weeks.
Sources of Funding

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<td>Foundations</td>
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