

## **Immigrant Workers Sue Md. Employer; Civil Claim Alleges Pay Exploitation**

The Washington Post

May 17, 2008 Saturday, Regional Edition

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**Distribution:** Maryland

**Section:** METRO; Pg. B03

**Length:** 740 words

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### **Body**

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For about six months last year, Pedro Clavjio and other painters and carpenters on his work crew toiled full days and sometimes nights at a Department of Justice building downtown.

But as they spruced up the building, a civil lawsuit alleges, Clavjio and his co-workers were being unlawfully exploited by their employer, Hann & Hann Inc. construction services, a Rockville-based contractor.

For work there and elsewhere, Clavjio and the other laborers, mostly immigrants earning \$10 to \$20 an hour, weren't paid overtime they were entitled to and in some cases weren't paid for regular work hours, according to the lawsuit, filed last week in U.S. District Court in Greenbelt. Hann & Hann also made unauthorized deductions from workers' pay, charging them for tools such as paintbrushes and uniforms that bore the company's name, the lawsuit alleges.

"We all have dignity," Clavjio, 42, a Silver Spring resident, said in an interview conducted in Spanish. "What happened to me and the other workers isn't right. We're looking for justice."

Clavjio, a legal immigrant from Peru, said he often worked 56 hours a week but was paid for 40.

Hann & Hann is owned and run by company President Terry R. Hann, of Potomac, and his brother Gary F. Hann, of Gaithersburg. The Hanns did not respond to phone calls and e-mails requesting comment.

Robert J. Smith, an attorney for the company, said Hann & Hann "strives to abide by all of the applicable laws relating to its employees.

"We're going to look into the allegations" in the lawsuit "and if there's a problem, address it," he said.

The lawsuit was filed by the Washington Lawyers' Committee for Civil Rights and Urban Affairs and lawyers at Arnold & Porter LLC, who are providing legal services pro bono. The lawsuit alleges Hann & Hann violated the federal Fair Labor Standards Act and the Maryland state labor law.

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Hann & Hann reportedly had total sales of approximately \$19 million in 2007, according to the lawsuit. A "significant percentage" of the company's business came from federal government contracts, according to the lawsuit.

The lawsuit names Clavjio and three other workers as plaintiffs. They worked for Hann & Hann for periods ranging from 11 months to, in Clavjio's case, nearly eight years. Laura E. Varela, of the Lawyers' Committee, said the company's alleged exploitative practices affected many more workers, as many as 200 in all.

The workers' attorneys will try to have a federal judge certify the lawsuit as a class action, on behalf of all affected employees, Varela said.

She and other attorneys will seek the company's employment records to try to determine how many laborers were not paid the time-and-a-half they were entitled to for working overtime, and how many were not paid for work they did, Varela said.

The four named plaintiffs and almost all of the other workers who were allegedly exploited by the company are Latino immigrants, Varela said.

Each of the four named plaintiffs is a legal resident of the United States, Varela said. She said she did not know the immigration status of the other workers. Under federal labor law, she said, immigration status is not relevant to whether a worker's rights have been violated.

In an opinion published this January, Susan K. Gauvey, a U.S. magistrate judge in Maryland, cited a previous opinion that said allowing employers to exploit undocumented workers would create an economic incentive for employers to hire such workers and underpay them.

Exploitation of immigrant workers is common, workers and their advocates said. In recent years, some Washington area workers have started fighting back through the courts.

Last August, 46 Latino laborers in suburban Maryland received checks totaling \$100,000 in a partial settlement of a federal class-action lawsuit against a contractor and subcontractor that had hired them to do arduous cleanup work in Louisiana and Mississippi.

The workers said they were promised good living conditions, several months work and \$10 an hour in wages. Instead, several said, they were crammed into tiny apartments, received only a few weeks work and were not paid for some or all of their labor.

In February 2007, the Lawyers' Committee filed a federal lawsuit in Greenbelt alleging that a Frederick County company that paints luxury condominiums in the District defrauded Latino immigrant workers who routinely worked 60 or more hours a week by failing to pay them overtime. That lawsuit is pending.

## Graphic

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IMAGE; By Sarah L. Voisin -- The Washington Post; Hector Granados, Pedro Clavjio and Miguel Moya, from left, worked at a Department of Justice building for Hann & Hann, which they sued.

## Classification

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Language: ENGLISH

Publication-Type: Newspaper

Immigrant Workers Sue Md. Employer; Civil Claim Alleges Pay Exploitation

**Subject:** SUITS & **CLAIMS** (92%); WAGES & SALARIES (90%); LITIGATION (90%); OVERTIME (89%); LABOR & EMPLOYMENT LAW (89%); US FEDERAL GOVERNMENT (89%); LAWYERS (89%); CRAFT & TRADE **WORKERS** (78%); **CIVIL** RIGHTS (77%); PRO BONO LAW (77%); CLASS ACTIONS (77%); HUMAN RIGHTS ORGANIZATIONS (77%); JUDGES (77%); PUBLIC CONTRACTING (76%); IMMIGRATION LAW (76%); CONTRACTS & BIDS (76%); WAGE & HOUR LAWS (75%); LAW ENFORCEMENT (73%); JUSTICE DEPARTMENTS (73%); LAW COURTS & TRIBUNALS (72%); LEGAL SERVICES (71%); INTERVIEWS (67%)

**Company:** ARNOLD & PORTER LLP (55%)

**Industry:** LAWYERS (89%); PRO BONO LAW (77%); CONSTRUCTION (72%); LEGAL SERVICES (71%)

**Geographic:** **MARYLAND**, USA (79%); UNITED STATES (92%)

**Load-Date:** May 17, 2008