

Substandard Wages and Benefits

Cleanpower's recent open positions for janitorial employees generally have a wage rate of between \$8 - \$8.50 per hour¹, noting that "most of our cleaning staff works part-time in late afternoon, evening or night shifts"², meaning that Cleanpower janitors earn less than \$9,000 annually, well under the federal poverty line.³ In addition to low wages, Cleanpower doesn't typically provide health insurance, retirement benefits or vacation for its part-time janitorial workforce.⁴ Responsible janitorial contractors like ABM, Performance Clean and Modern Maintenance provide their unionized janitors paid vacation, sick days, health insurance for themselves and their families and a living wage (\$11.10 per hour).

When companies like Cleanpower pay poverty wages and benefits, they force their employees to rely on taxpayer funded benefits programs to meet their basic needs. With an annual income of less than \$9,000, Cleanpower's janitors are eligible for Wisconsin's food assistance programs⁵, public health benefits (Badgercare and Wisconsin Medicaid),⁶ and housing assistance (such as Section 8).⁷ Companies like Cleanpower are inevitably putting additional strain on already challenged public programs when they pay their employees so little they must rely on public benefits to meet their basic needs. In fact, according to the state of Wisconsin, more than 300 of Cleanpower's Wisconsin employees and more than 500 of their children already rely on public benefits to obtain healthcare, ranking Cleanpower 35th out of the top 100 employers in the state whose employees use the program.⁸ **None** of the janitorial contractors with a unionized workforce appear in the top 100.

Companies who pay poverty wages and benefits can also erode the earnings of Wisconsin's working families and elected officials from around the state have expressed concern about companies like Cleanpower winning public work. For instance, when the Stevens Point City Council considered replacing school crossing guards with Cleanpower employees, the guards were forced to accept a pay cut of almost \$3 per hour (an annual pay but of more than \$6,000 for a full time guard) in order to save their jobs from being outsourced to Cleanpower, which was offering wages of only \$11/hour to guards tasked with keeping school children safe.⁹ The Stevens Point Police Chief spoke out to oppose the proposed outsourcing to Cleanpower, citing concerns about reduction in pay and lack of experience.¹⁰

Questionable Track Record

Treatment of Employees

In addition to providing low wages and benefits, Cleanpower has a questionable track record on treatment of its employees.

Labor Law Violations

¹ <http://www.cleanpower1.com/employment/positions/>

² <http://www.cleanpower1.com/employment/rewards/fulltime/>

³ <http://aspe.hhs.gov/poverty/12poverty.shtml>

⁴ <http://www.cleanpower1.com/employment/rewards/parttime/>. The full time benefits noted on the company's website include paid vacation, dental and health insurance while the part time benefits listed do not include those items

⁵ <http://www.dhs.wisconsin.gov/foodshare/fpl.htm>

⁶ <http://www.dhs.wisconsin.gov/badgercareplus/> and <http://www.dhs.wisconsin.gov/medicaid/>

⁷ <http://www.huduser.org/portal/datasets/il/il2012/2012summary.odn>

⁸ Employer Reports, DHS Wisconsin, Q1 2012 (January 1, 2012 - March 31, 2012),

<http://www.dhs.wisconsin.gov/badgercareplus/enrollmentdata/enrolldata.htm>

⁹ The Stevens Point Journal, December 20 2011, Stevens Point School Crossing Guards Accept Pay Cut to Avoid Outsourcing

¹⁰ The Stevens Point Journal, December 19 2011, Police Recommend Against Privatizing Crossing Guard Program

Cleanpower has been the subject of numerous charges filed with the National Labor Relations Board¹¹ alleging intimidation and retaliation of its' Wisconsin employees, even forcing the board to order Cleanpower to "cease and desist from threatening employees with discharge for bringing work-related complaints....[and] restraining or coercing employees in the exercise of the right guaranteed them."¹²

Wage and Hour Law Violations

Multiple complaints have been filed with The State of Wisconsin Department of Workforce Development (DWD) in recent years alleging that CleanPower (and its related companies) violated wage and hour laws. CleanPower has paid more than \$1,700 in back wages to its Wisconsin employees since 2007 as a result of complaints filed with the DWD alleging wage and hour law violations.¹³

Some of these violations of wage and hour laws have even involved employees working for CleanPower's public accounts with the State of Wisconsin. For example, in April 2010, an CleanPower employee working at the University of Wisconsin filed a prevailing wage complaint with the DWD alleging that CleanPower failed to pay him prevailing wages for performing specialty services such as polishing floors and construction clean-up.¹⁴ The DWD's investigation found that "a violation did occur, specifically the failure to pay the required straight time and overtime prevailing wages", determining that Clean Power owed they employee \$788.40 in wages. The department further ordered Clean Power to perform an audit of all its' public works projects "to ensure that all employees are properly compensated....as this violation may affect other employees that your firm employed."¹⁵ After the investigation was concluded, the DWD notified Clean Power that because the violation involved a public contract, they "may be debarred from performing work, either as a prime contractor or subcontractor, for any state agency or government unit in the State of Wisconsin for up to three year". However, the DWD did not issue a debarment for the violation, but warned that "future violations by your company may result in debarment."¹⁶ Despite this warning, in May 2012, after an employee working for

¹¹ NLRB Case No 30-CA-018739, NLRB Case No 30-CA-018278, NLRB Case No 30-CA-017110, NLRB Case No 30-CA-016996, NLRB Case No 30-CA-018279

¹² NLRB Case No 30-CA-12220

¹³

State of Wisconsin DWD Complaints Resulting in Payments from CleanPower since 2007			
Date Filed	Case #	Amount Paid	Complaint Basis
June 23 2009	LS 2009 01912	\$41.14	Incorrect Pay Rate
April 23 2010	LS 2010 01069	\$788.40	Prevailing Wage Violation
February 21 2008	LS 2008 00686	\$115.36	Unpaid Wages
April 20 2012	LS 2012 00889	\$55.70	Unpaid Wages
September 4 2008	LS 2008 029890	\$231.58	Unpaid Wages
January 29 2010	LS 2010 00318	\$79.94	Unpaid Wages
August 17 2007	LS 2007 02897	\$40.53	Unpaid Wages
March 01 2007	LS 2007 00554	\$421.73	Unpaid Wages
Total Paid		\$1,774.38	
Source: State of Wisconsin Department of Workforce Development, Public Records			

¹⁴ State of Wisconsin Department of Workforce Development, Clean Power LLC, Case # LS201001069, filed April 26 2010.

¹⁵ Ibid, Payment Confirmation and Self-Audit Notice, July 7 2010

¹⁶ Ibid, De Minimus Debarment Notice, March 6 2012

CleanPower at the State of Wisconsin’s Wilson Street Human Services Building in Madison (under a contract with the State of Wisconsin Division of State Facilities) filed a complaint alleging the company owed her unpaid wages. After an investigation by DWD, the company paid more than \$55 in back wages to the employee.¹⁷

Employment Discrimination

A whopping 31 complaints have been filed with the Wisconsin Department of Workforce Development Equal Rights Division since 2004 against CleanPower (and its related companies) alleging the discrimination on the basis of employees race, sex, disability and other reasons.¹⁸ For example:

¹⁷ State of Wisconsin Department of Workforce Development, Clean Power LLC, Case # LS 2012 00889, filed April 20 2012,
¹⁸

Complaints filed against Cleanpower and Marsden, DWD, ERD since 2004			
Last	Date Filed	Violation County	Discrimination Alleged (first reason only)
Pollack	5/6/2004	Racine	Sex
Lee	10/21/2005	Milwaukee	Conviction
Galdamez	11/25/2005	Brown	Race
Coleman	12/23/2005	Brown	Race
Coleman	7/31/2006	Brown	Previous Discrimination Complaint
Tuyls	8/29/2006	Outagamie	Disability
Wilson	4/16/2007	Wauwatosa	Race
Coleman	6/5/2007	Brown	Previous Discrimination Complaint
Rabideaux	4/2/2008	Milwaukee	race
Monte	7/9/2008	Kenosha	Race
Kycle	7/9/2008	Kenosha	Race
Willis	7/23/2008	Dane	disability
Barker	3/6/2009	Dane	Opposed Discrimination in the workplace
cifuentes	5/20/2009	Dane	Race
Rabideaux	7/11/2009	Wauwatosa	Race
Adelfea	7/13/2009	Sheboygan	Disability
Kruger	8/27/2009	Dane	Conviction
bailey	9/23/2009	Milwaukee	Sex
Walters	10/22/2009	Marathon	Conviction
Fraham	5/27/2010	Milwaukee	Opposed Discrimination in the workplace
Vaughn	7/27/2010	Milwaukee	Race
Bird	2/2/2011	Fond du Lac	Age
Brown	3/11/2011	Milwaukee	Race
Bayona	7/22/2011	Dane	Conviction
Padilla	7/31/2011	Milwaukee	Race
Dawson	10/20/2011	Milwaukee	Pregnancy or Maternity
Lorel	11/1/2011	Outagamie	Conviction
Matthews	2/24/2012	Milwaukee	Conviction
McDowell	3/5/2012	Dane	Race

- An African American employee working for Clean Power in Brown County filed a complaint alleging that Clean Power discriminated against him due to his race in December 2005. The employee filed the complaint after he was told that a higher paid position within the company that he had applied for was not available due to being eliminated by the company. Two weeks later, the complaint alleged, Clean Power hired another employee (who was white) for the position they denied the African American employee, telling him it has been eliminated. Then, the same employee filed a *second* complaint against Clean Power alleging that the company had fired his wife, who also worked for Clean Power, in retaliation for bringing his original complaint to the equal rights division. The parties reached a private settlement in to resolve both cases in September 2006.¹⁹ However, in June 2007, the same employee filed a *third* complaint with the Equal Rights Division alleging that Clean Power violated the settlement agreement the parties had reached after it provided negative references to the employee’s potential employers in Chicago (where he had moved). Clean Power was again forced to enter into a private settlement to resolve the case in April 2008.²⁰
- An Cleanpower employee, who was assigned to clean the Milwaukee County Juvenile Detention Center, filed a complaint in May 2010 alleging Cleanpower retaliated against him for reporting sexual harassment to the company. The employee’s complaint alleged that after he experienced repeated unwanted sexual advances from a co-worker including receiving a sexually explicit letter that made him so uncomfortable that he reported the harassment to the on-site detention center manager on duty since no Clean Power managers were working at the time, and then to Clean Power’s human resources director the following day. A few days later the complainant was fired by Cleanpower while the employee who sent the explicit letter was given a written warning by the company. According to the ERD investigator’s report, CleanPower claimed that it fired the complainant for “discussing the incident with a detention center staff member. The Investigator determined that “it is not believable that the Respondent [Clean Power] terminated the complainant for discussing his situation with the detention center’s leadership while it only disciplined [the harassing employee] for harassment....harassment and his opposition to discrimination may have been factors in his discharge.” The parties then reached a private settlement to resolve the complaint in November 2011.²¹

Safety Record

Cleanpower’s safety record also raises concerns. Janitorial work requires individuals to lift and maneuvering large loads, including heavy bags and cleaning equipment, engage in cleaning work that is highly physical and repetitive, and use many cleaning chemicals that are highly toxic. For these reasons, the Bureau of Labor Statistics found that janitorial work is one of America’s most dangerous lines of work, with very high levels of nonfatal occupational injuries.²²

- Cleanpower has been the subject of the second most complaints statewide to the national Occupation Safety and Health Administration of any company in its industry, and was recently

Navarez	7/19/2012	Sheboygan	Race
Evans	7/26/2012	Milwaukee	Disability

¹⁹ Coleman, ERD Case # 200504630 and#200602563 , State of Wisconsin, DWD Equal Rights Division, Civil Rights Bureau

²⁰ Coleman, ERD Case #200702110 State of Wisconsin, DWD Equal Rights Division, Civil Rights Bureau

²¹ Frahm, ERD Case#CR20100213, State of Wisconsin, DWD Equal Rights Division, Civil Rights Bureau

²² <http://www.bls.gov/news.release/osh2.nr0.htm>

forced to pay thousands of dollars in fines after inspectors found multiple serious violations of health and safety regulations.²³

- In October 2012, the Occupational Safety & Health Administration issued a penalty of \$6,885 to CleanPower after the Appleton area OSHA office found two serious violations of health and safety regulations at the worksite. The violations were issued for failing to communicate hazards to employees to which they are exposed and informing them of precautionary measures they need to take for their protection and for failing to provide enough space around electrical equipment to safely operate and maintain it.²⁴
- Al's Window Cleaning, a subsidiary of CleanPower LLC, was issued multiple OSHA violations between Oct. 2010 to Jan. 2011 at the Time Warner Cable customer service center in Appleton, WI. These citations involved improper "fall protection" for workers exposed to a 15-foot fall as they traversed a narrow portion of the building, walking back and forth from their ladder (OSHA citation #312558570). OSHA inspectors noted that there was no supervision and "no lift" for these workers as they were exposed to the fall. Noting that the violation was a repeat offense, OSHA issued to CleanPower/Al's a \$27,500 fine in January 2011. (In 2005, before Clean Power acquired Al's, the company had been issued a serious OSHA violation – a "death risk hazard" incident that occurred at a downtown Milwaukee office building in October of 2005, resulting in a \$16,400 fine).²⁵

Performance Record

At least two public agencies that contracted with CleanPower to provide janitorial services have terminated the contract with the company due to failure to meet performance standards.

- Iowa County Wisconsin terminated services with CleanPower in September 2011, "pusingant to the contracts 'for cause' non-performance clause".²⁶
- The School District of Oostburg, WI raised CleanPower's performance under their contract with the district in January 2013, noting that "we do not feel they are giving our account the level of attention necessary....the level of clean in certain areas are not meeting the expectations we have for them....we are giving serious thought to whether our contract with them should continue."²⁷ In February 2013, Clean Power's performance was again raised, the district noting that "cleaning issues continue to be an ongoing area of concern with the elementary building. We have been working with Clean Power staff to rectify the problems and put corrective action plan in place to resolve the problems."²⁸ However, by April 2013, the District notified Clean Power that they were cancelling their contract.²⁹

²³ OSHA complaints, NAICS 561720, Inspection #305278046, and 308385046. Fined \$4819.50 for 2 violations in #421724.015, opened 05/11/2012.

²⁴ US Department of Labor, OSHA, Inspection# 421724.015 - Clean Power Llc, Violation Standard 1910.303(h)(3) and 1910.1200(e)(2)(ii), 10/15/2012

²⁵ OSHA citation #307064766

²⁶ Minutes Iowa County Economic Development Extension and Property Committee, September 8th 2011.

²⁷ Board Update, Oostburg School District, January 31 2013

²⁸ Board Update, Oostburg School District, Feb 15 2013

²⁹ Board Update, Oostburg School District May 9 2013

My name is Tom, and I would like to speak on behalf of all the Mid American workers who work at all of the County Accounts. We have all worked very hard at our jobs for the past 4 years in order to provide the best service that we can for the people who work in all of the buildings that have been contracted to us. We would all very much like to keep our jobs and not have to end up on Unemployment, Food Stamps, and local Charity Organizations. That would be devastating to all of us to say the least. We therefore sincerely hope that the County Board members decision here today will enable us to keep our jobs and continue to provide all of you with the best service that we can provide. Thank you for your valuable time.

Keaira Fry cleaned the BMO Harris Bank building in downtown Milwaukee for \$8.25 per hour. Despite working hard, cleaning eight floors a shift with her fellow janitors, Keaira still had to supplement her income with the state food assistance program.

When she first spoke with an SEIU Local 1 union organizer, Keaira was very interested in uniting with her coworkers for better wages and benefits. Unfortunately, Keaira's employer, CleanPower, has a history of bad business practices including discrimination and intimidation of employees who engage in protected union activities.

Despite feeling intimidated by CleanPower for having conversations with the union, Keaira stayed involved in the janitors' effort to unionize. "We deserve better benefits and better pay because we work so hard," says Keaira. "If something happened, if I got sick, I don't have any insurance. There's nothing I can do." Keaira looked forward to the day when she would have more security and a voice on the job.



But one Friday, less than an hour after attending a union meeting, CleanPower fired Keaira.

"The supervisor called me into the office and said I was being terminated because I did not put a discarded cake box in the trash." Despite her pleas that she just didn't see the cake box, CleanPower supervisors took Keaira's apron and badge and escorted her out of the building. "They didn't even give me a warning. I feel so disrespected," says Keaira, who had been a janitor at BMO for more than a year.

Instead of walking away, Keaira decided to stand up for her rights. She filed a charge with the National Labor and Relations Board and now the federal government is investigating CleanPower for terminating Keaira for participating in protected union activities.

Keaira is not the only CleanPower employee who has been treated this way. CleanPower has been the subject of numerous charges filed with the National Labor Relations Board that allege intimidation and retaliation of its Wisconsin employees. The company is the subject of the second most complaints statewide to the national Occupational Safety and Health Administration of any in its industry. More than 30 complaints have been filed against CleanPower since 2004 alleging discrimination on the basis of race, sex, and disability.

"Right now I'm just struggling," says Keaira, who lives with her mom and helps take care of her younger siblings. "I've filed for unemployment and I'm trying to work hard to find work and move on. But it's hard—I've had to borrow money from family and friends just to take the bus to look for jobs."

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Jarvis Ashley

Five years ago, Jarvis Ashley started working as a janitor for CleanPower, a company with a track record of bad business practices and employee discrimination. He was making a little more than \$8,000 year and was not offered health care or full time hours. Both Jarvis and his wife work, but Jarvis has to work two part time jobs. He now works cleaning the Brookfield Lake Corporate Center near Milwaukee Monday through Friday, and a second job Monday through Thursday. Working two jobs leaves him with little time for his family, Saturday being the only day that he can spend with his wife and daughters.

Management mentioned to Jarvis that if he wanted to move to a better position or receive a raise, he would have to first take a weeklong course and wait for an opening. Despite taking the course, Jarvis was continually passed up.

Jarvis's family continued to struggle to make ends meet. Working for close to minimum wage without the prospect of a raise or fulltime work is disheartening and Jarvis is left to choose between what essentials get paid, juggling utilities, transportation, housing and food. Recently, payments on his property taxes have been mounting and he is now at risk of losing his home. "I don't know what I have to do to keep my head above water. I would have to get a third job, I don't want to lose my home," says Jarvis.

Jarvis continues to work hard to provide a better life for his family and he hopes that both of his daughters can graduate from college with his help. Looking towards a positive future, Jarvis says, "I shouldn't have to worry about being able to put food on the table and having a place to live. That is why I am fighting for a union, so that I can have a living wage, benefits and voice on the job."

Connie Sullivan

Connie Sullivan has been working for CleanPower since November as an “area cleaner,” meaning that she does not have a fixed schedule and is on call to work throughout the Milwaukee area. On average, Connie works less than 9 hours a week for \$8 per hour. She has to rely on Badger Care and food aid to make ends meet. Every hour that Connie works makes a big difference and having a short check can be devastating.

“I feel so discouraged when my checks are missing hours that I have worked. After working hard and having to drive to different parts of the city, it feels horrible not to be paid for the work that you have done. Sometimes it takes them months to pay me the right amount.”

Connie is currently looking for work, but would much rather stay in her position if it offered a fair wage and full time hours. Low wage, no-benefit jobs contribute to making the poverty rate in Milwaukee the fourth highest in America. These poverty wage jobs force workers onto already overstressed publicly funded social safety net programs. According to the state of Wisconsin, more than 300 of CleanPower’s Wisconsin employees and their children already rely on public benefits to obtain healthcare.

Despite always being on time and doing a good job whenever she is needed, Connie often feels overlooked. After not receiving hours for days, Connie called CleanPower’s management, who told her that “they must have forgotten about her,” a phrase that Connie claims characterizes how CleanPower treats their employees.

According to Connie, the only training that CleanPower janitors receive is an hour and a half spent looking over paper work. Connie felt unprepared when she got to work and did not know how to properly clean. “I’ve cleaned my house before, but I have never had to clean anything like an office building. Sometimes we would not have enough cleaning materials so I would just do my best to make sure it was clean,” says Connie.

A lack of training has resulted in serious safety concerns. Connie has felt light headedness, nausea and headaches as a result of cleaning with strong chemicals that she hasn’t been trained to use. It is no surprise that CleanPower has the second highest number of complaints statewide to the National Occupation Safety and Health Administration out of any company in its industry, and was recently forced to pay thousands of dollars in fines after inspectors found multiple serious violations of health and safety regulations.

Connie is a dedicated worker who takes pride in doing a good job. She volunteers as a mentor to other American Indian youths in Milwaukee. She has been living in Milwaukee all of her life and hopes to be able to make her job family sustaining by forming a union with her coworkers because she believes that restoring good jobs will help rebuild her city.

Rosetta Harris

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24 years old, mother of two who began work at CleanPower on Oct. 25, 2012. Last day of work was Jan. 24th. Prior to being hired by CleanPower, Rosetta was a participant in the state of Wisconsin's Aid to Families with Dependent Children program, Wisconsin Works – or “W-2” as it's commonly referred to.

Her first building assignment w/ CleanPower was in the West Allis-West Milwaukee Public Schools. She cleaned Frank Lloyd Wright Middle School and West Milwaukee Intermediate. However, CleanPower lost the West Allis-West Milwaukee schools contract in November of 2011¹, and Rosetta was assigned to the BMO Harris bank building, 770 N. Water Street.

Rosetta said she was scheduled to work 60 hours every two weeks, paid \$8.25 per hour and was not offered health insurance. As a mother of two who had been on Wisconsin Works, Rosetta and her children were covered under the state's Medicaid program, BadgerCare.

At BMO, Rosetta had no difficulties or problems with supervisors on the job until she learned in December that she was pregnant. (Her due date is in June). Because she has stomach sickness during pregnancy and this time “was vomiting a lot,” she let her supervisor, Jeff Kosiorek know that she was pregnant and also informed him that she would still be able to do her job. On “a couple” of occasions, Kosiorek sent Rosetta home because she was vomiting while at work, but she said that most days she felt fine and was able to work.

Meanwhile, union organizers from Local 1 had begun talking to CleanPower workers outside the BMO building, at bus stops and other areas off the BMO property before and after the janitors work shifts. A CleanPower “safety meeting” was held for BMO Harris workers at the BMO building (Wednesday, Jan. 2) and the topic of the union was raised by supervisors (Kosiorek and area manager Mike Stollenwerk, Kosiorek's boss).

Stollenwerk said they had received complaints from some BMO cleaners that janitors were “being stalked” and “bothered” by union organizers after work. Rosetta, who had talked with union organizers, spoke up. “I told him, ‘they don't bother you. If you're not interested, just say so and they'll leave you alone.’ It's not the first time any of us have been at a bus stop downtown, you know.”

¹ According to West Allis-West Milwaukee Schools supervisor of building maintenance operations Mike Gagliano, the relationship with CleanPower “was not working out well” and the company was made aware of its “various shortcomings” in delivering the school building services contract. Gagliano told SEIU Local researcher that he severed the contract in November and replaced CleanPower with the No. 2 bidder for the work, MidAmerican Building Service.

Still, according to both Rosetta and other workers at the meeting, Stollenwerk then advised that workers could call BMO Harris building security if they felt they were being harassed or bothered. Rosetta let it be known that she was interested in talking to Local 1 organizers, and about earning a better wage. "I let him know that it was something I was interested in and that I didn't need security to walk me to the bus stop."

"Look, you're not going to get anywhere if you don't speak up," Rosetta said. "If you're at \$8.25, that's where you're going to stay unless you're willing to stand up and do something about it."

After that meeting, things went from decent to worse in the building, she said. The vomiting continued. She called in sick two days. When she returned to work Jan. 25th, she said Kosiorek told her that he was going to assign her to "another location," where she would have to take a pay cut and work fewer hours. Her job at BMO would go to someone else, she recalls.

Since then, CleanPower has not assigned her to a new location. Rosetta says she calls every week, sometimes twice a week, to see if the company has work for her, but they have nothing for her. She has contacted her former supervisor, Kosiorek, and he told her it was out of his hands.

She has not been offered health insurance or the option of a pregnancy leave under the Family Medical Leave Act. She is simply not working.

Her former coworkers report that Kosiorek spread word in the building that Rosetta was fired for stealing 75 cents. According to Rosetta, she still has a job at CleanPower and continues to call the office for work.

On February 21, Rosetta filed both Unfair Labor Practice and Equal Employment complaints against the company.